

ASSIGNED FILE#: G 13965
 WILLIAM E MILLER
 CENTRAL OREGON PUMICE CO.
 1 NW GREENWOOD AVE
 BEND, OR 97701

Application No. G13965
 Permit No. ~~612565~~ G13017
 Certificate No. 94958

Stream Index, Page No. 5

FEEES PAID

Date	Amount	Receipt No.
1-30-95	300.00	121423
EXT. 3-11-99	100.00	28112
8/29/03	75.00	62475
2-19-09	350.00	95658
4-12-17	85.00 Cert. Fee	123148

FEEES REFUNDED

Date	Amount	Check No.
10/7/03	45.00	117992714

Date filed
 Priority
 Action suspended until 10-29-17
 Return to applicant
 Date of approval 12/11/96

ASSIGNMENTS

Date	ASSIGNED To Whom	Address	Volume	Page
8/29/03	<u>Miller Tree Farm LLC</u>	110 NE Greenwood Ave, Bend, OR 97701		
5/1/2017	The Tree Farm, LLC 409 Franklin Ave. Bend, OR 97703			

REMARKS

CONSTRUCTION

Date for beginning 10/29/97
 Date for completion 10/1/98
 Extended to 10-1-09, 10-1-2029
 Date for application of water 10/1/99
 Extended to 10-1-09, 10-1-2029

PROSECUTION OF WORK

Form "A" filed
 Form "B" filed
 Form "C" filed

FINAL PROOF

Blank mailed
 Proof received
 Date certificate issued 3/6/2020

PUMP TEST
10/2/2019
APPROVED

13017
612565



Oregon

Kate Brown, Governor

G13965

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

December 7, 2021

KAMERON DELASHMUTT
2447 NW CANYON DR
REDMOND, OR 97756

REFERENCE: District Temporary Transfer Application T-13703

Enclosed is a copy of the final order approving your TEMPORARY water right transfer application.

The temporary change shall be effective at the **beginning of the 2021 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2025 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Corey Courchane by telephone at (503) 979-3917 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

Julie C. Baustian
Water Rights Services Support
Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11 (via email)
Tumalo Irrigation District
Deschutes County Planning Department
John A. Short, Agent

Enclosure

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)	FINAL ORDER APPROVING TEMPORARY
T-13703, Deschutes County)	CHANGES IN PLACE OF USE, POINT OF
)	APPROPRIATION, AND ADDITIONAL
)	POINTS OF APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

KAMERON DELASHMUTT
PINNACLE UTILITIES, LLC
2477 NW CANYON DRIVE
REDMOND, OR 97756

Findings of Fact

1. On May 10, 2021, KAMERON DELASHMUTT, PINNACLE UTILITIES, LLC filed an application to temporarily change the place of use, change the point of appropriation, and add additional points of appropriation to serve the proposed place of use under Certificate 94958 for a period of 5 years. The Department assigned the application number T-13703.
2. Notice of the application for transfer was published on May 25, 2021, pursuant to OAR 690-380-4000. One comment was filed in response to the notice.
3. On June 8, 2021, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application. The Supplemental Form D for Tumalo and Central Oregon Irrigation Districts were not signed by the applicant. The Department requested that the deficiency be resolved by July 8, 2021.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. On June 9, 2021, the applicant's agent submitted a revised Table 2 and map, proposing to add another point of appropriation, being Well #8.
5. On June 17, 2021, the Department received two Supplemental Forms D signed by the applicant, resolving the deficiency.
6. On July 26, 2021, the Department received an affidavit from Kirk Schueler, President, on behalf of The Tree Farm, LLC., 409 NW Franklin Avenue, Bend, Oregon, 97703, stating The Tree Farm, LLC., is the legal holder of the water right evidenced by Certificate 94958, State Record of Water Right Certificates. The affidavit requests a portion of the rate authorized on the certificate be cancelled.
7. On October 6, 2021, the Department issued a Final Order, recorded at Special Order Volume 121, Pages 752-754, cancelling a 0.0659 cubic foot per second (cfs) portion of Certificate 94958. The Department subsequently issued remaining right Certificate 95926 for 0.714 cfs.
8. On October 25, 2021, the Department issued a correcting superseding Final Order, recorded at Special Order Volume 121, Pages 867-869. The Department determined the rate on the remaining right should be 0.7141 cfs, not 0.714 cfs [0.78 – 0.0659 = 0.7141]. The Department subsequently issued superseding remaining right Certificate 96029 for 0.7141 cfs.
9. The portion of the right to be transferred is as follows:

Certificate: 96029 in the name of THE TREE FARM LLC (perfected under Permit G-13017)
Use: QUASI-MUNICIPAL
Priority Date: JANUARY 30, 1995
Rate: 0.453 CUBIC FOOT PER SECOND
Period of Use: YEAR ROUND
Source: A WELL within the DESCHUTES BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	11 E	WM	35	NW SE	TREE FARM WELL - 1560 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER OF SECTION 35

Authorized Place of Use:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SW NE
17 S	11 E	WM	35	SE NE
17 S	11 E	WM	35	SE NW
17 S	11 E	WM	35	NE SW
17 S	11 E	WM	35	NW SW
17 S	11 E	WM	35	SW SW

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SE SW
17 S	11 E	WM	35	NE SE
17 S	11 E	WM	35	NW SE
17 S	11 E	WM	35	SW SE
17 S	11 E	WM	36	SW NW

10. Temporary Transfer Application T-13703 proposes to temporarily change the place of use of the right to:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
15 S	12 E	WM	17	NW NE
15 S	12 E	WM	17	SW NE
15 S	12 E	WM	17	NE NW
15 S	12 E	WM	17	SE NW
15 S	12 E	WM	17	SW SW
15 S	12 E	WM	17	SE SW
15 S	12 E	WM	17	NW SE
15 S	12 E	WM	17	SW SE
15 S	12 E	WM	20	NW NE
15 S	12 E	WM	20	SW NE
15 S	12 E	WM	20	NE NW
15 S	12 E	WM	20	NW NW
15 S	12 E	WM	20	SW NW
15 S	12 E	WM	20	SE NW
15 S	12 E	WM	20	NE SW
15 S	12 E	WM	20	NW SW
15 S	12 E	WM	20	SW SW
15 S	12 E	WM	20	NE SE
15 S	12 E	WM	20	SW SE
15 S	12 E	WM	20	SE SE
15 S	12 E	WM	21	SW SW
15 S	12 E	WM	28	NE NE
15 S	12 E	WM	28	NW NE
15 S	12 E	WM	28	SW NE
15 S	12 E	WM	28	SE NE
15 S	12 E	WM	28	NE NW
15 S	12 E	WM	28	NW NW
15 S	12 E	WM	28	SW NW
15 S	12 E	WM	28	SE NW
15 S	12 E	WM	28	NE SW
15 S	12 E	WM	28	NW SW
15 S	12 E	WM	28	NE SE
15 S	12 E	WM	28	NW SE
15 S	12 E	WM	29	NE NE
15 S	12 E	WM	29	NW NE
15 S	12 E	WM	29	SW NE
15 S	12 E	WM	29	SE NE

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
15 S	12 E	WM	29	SW NW
15 S	12 E	WM	29	SE NW
15 S	12 E	WM	29	NE SW
15 S	12 E	WM	29	NW SW
15 S	12 E	WM	29	NE SE
15 S	12 E	WM	29	NW SE
15 S	12 E	WM	29	SE SE
15 S	12 E	WM	30	NW NE
15 S	12 E	WM	30	SW NE
15 S	12 E	WM	30	SE NE
15 S	12 E	WM	30	NE NW
15 S	12 E	WM	30	SE NW
15 S	12 E	WM	30	NE SE

11. A change in point of appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13703 proposes to move the authorized point of appropriation approximately 13.4 miles northeast to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	12 E	WM	29	NE NE	WELL #8 - 900 FEET SOUTH AND 850 FEET WEST FROM THE NE CORNER OF SECTION 29

12. Additional points of appropriation are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13703 proposes additional points of appropriation to Well #8 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximated distance from Well #8 in miles (mi.)
15 S	12 E	WM	17	SE NW	WELL #7 - 2446 FEET SOUTH AND 1180 FEET WEST FROM THE N1/4 CORNER OF SECTION 17	1.8 mi.
15 S	12 E	WM	20	SW NE	WELL #6 - 244 FEET NORTH AND 1667 FEET WEST FROM THE E1/4 CORNER OF SECTION 20	0.7 mi.
15 S	12 E	WM	20	NE SE	WELL #5 - 205 FEET SOUTH AND 434 FEET WEST FROM THE E1/4 CORNER OF SECTION 20	0.6 mi.
15 S	12 E	WM	28	SE NE	WELL #1 - 2519 FEET SOUTH AND 578 FEET WEST FROM THE NE CORNER OF SECTION 28	1.1 mi.
15 S	12 E	WM	28	SE NW	WELL #3 - 1632 FEET SOUTH AND 3425 FEET WEST FROM THE NE CORNER OF SECTION 28	0.6 mi.
15 S	12 E	WM	28	NW SE	WELL #2 - 2958 FEET SOUTH AND 2316 FEET WEST FROM THE NE CORNER OF SECTION 28	0.8 mi.
15 S	12 E	WM	29	NW SE	WELL #4 - 1677 FEET NORTH AND 1466 FEET WEST FROM THE SE CORNER OF SECTION 29	0.6 mi.

13. Temporary Transfer Application T-13703 proposes to temporarily transfer a water right within the boundaries of Tumalo and Central Oregon Irrigation Districts. The districts were notified of the proposed temporary transfer and did not provide any comments.

Temporary Transfer Review Criteria

14. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
15. A pump, storage tank, and distribution system sufficient to use the full amount of water allowed under the existing right are present.
16. The proposed changes, as conditioned, would not result in enlargement of the right.
17. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

DEC 11 2025

Conclusions of Law

The temporary changes in place of use, point of appropriation, and additional points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-13703 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

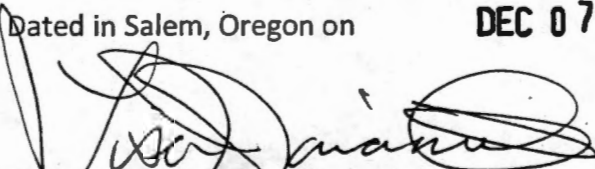
Now, therefore, it is ORDERED:

1. The temporary changes in place of use and point of appropriation and additional points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-13703 are approved.
2. The use shall revert to the authorized place of use on December 31, 2025. The authorization to use the temporary points of appropriation shall be terminated concurrently.
3. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
4. A subsequent application for permanent transfer of Certificate 94958 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
5. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 94958.
6. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

7. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. The use of water under this temporary transfer shall be limited to a total quantity of water diverted of 327.4 Acre-Feet per year.

Dated in Salem, Oregon on

DEC 07 2021



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date:

DEC 08 2021



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

October 26, 2021

THE TREE FARM LLC
ATTN KIRK SCHUELER
409 FRANKLIN AVE
BEND, OREGON 97703

Reference: T- Superseding Correcting Final Order and Superseding Certificate

Enclosed is a correcting final order recorded in Special Order Vol. 121, Page 867, issued to correct a scrivener's error in the order recorded in Special Order Vol. 121, Page 752. A correcting certificate is also enclosed.

If you have any questions please contact your caseworker, Ann Reece, by telephone at (503) 979-3214 or by e-mail at Ann.L.Reece@oregon.gov.

Sincerely,

Julie C. Baustian
Water Right Support
Transfers and Conservation Section

cc: Watermaster Dist. #11 , *(via email)*
Adam Sussman, Agent
Bull Springs Ranch, LLC
Sarah Henderson, Water Resources Department *(via email)*
Corey Courchane, Water Resources Department *(via email)*
Patricia McCarty, Water Resources Department *(via email)*

Enclosures

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Cancellation of a Portion of a)
Perfected and Developed Water Right Certificate)
94958, in the name of The Tree Farm, LLC, and)
Offset of Impact for Permit G-17587, Deschutes)
County)
CORRECTING SUPERSEDING
FINAL ORDER

ORS 540.621 directs the Commission to enter an order canceling a water right whenever the owner of a perfected and developed water right certifies under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right.

OAR 690-505-0610 (8) allows for the impact of use under a ground water permit application to be completely offset by a proposed voluntary cancellation of an existing ground water use subject to transfer, such that impact on surface waters from the new ground water use is the same as, or less than, impact on surface waters from the existing ground water use subject to transfer. The ground water permit application may be approved without additional mitigation once the proposed voluntary cancellation is complete.

Findings of Fact

1. On July 26, 2021, the Department received an affidavit from Kirk Schueler, president, on behalf of The Tree Farm, LLC., 409 NW Franklin Avenue, Bend, Oregon, 97703, stating The Tree Farm, LLC., is the legal holder of the water right evidenced by Certificate 94958, State Record of Water Right Certificates. The affidavit requests a portion of the rate authorized on the certificate be cancelled.
2. Certificate 94958 allows for the use of 0.78 cubic feet per second (cfs) of groundwater, from a well within the Deschutes Basin, for quasi-municipal use. The date of priority is January 30, 1995.
3. The portion of Certificate 94958 The Tree Farm, LLC., requests be canceled is for the use of 0.0659 cfs of groundwater from a well for quasi-municipal use with no reduction or change in the place of use authorized by the water right.
4. On October 6, 2021, the Department signed a Final Order that was mailed on October 7, 2021 and recorded at Special Order Volume 121, Pages 752-754, which in part, directed

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

the cancellation of a 0.0659 Cubic Foot per Section (CFS) portion of Certificate 94958 and the issuance of remaining right Certificate 95926 for 0.714 CFS.

5. This Correcting Superseding Final Order is being issued to correct the Final Order Special Order Volume 121, Pages 752-754. The rate on the remaining right should be 0.7141 CFS, not 0.714 [$0.78 - 0.0659 = 0.7141$]. This order also corrects a scrivener's error in Finding of Fact #7 of the original order. The mitigation obligation on Permit G-17587 is 35.1 Acre-Feet (AF) not 31.5 AF.

Evaluation of Offset of Impact for Groundwater Permit G-17587

6. A request has been submitted to use the voluntary cancellation of a portion of Certificate 94958 to offset a portion of the impact to surface water of Groundwater Permit G-17587, held by Bull Springs Ranch LLC, pursuant to OAR 690-505-0610 (8) under the Deschutes Ground Water Mitigation Rules.
7. The voluntary cancellation of an existing ground water right subject to transfer may be used to offset the impact on surface water of a ground water permit issued under the Deschutes Basin Ground Water Mitigation Rules.
8. The impact to surface water of the existing ground water right to be cancelled must be the same or greater than the impact to surface water flows of the permit. The amount of impact of a groundwater permit issued under the Deschutes Ground Water Mitigation Rules to surface water flows is the consumptive portion (mitigation obligation) of the groundwater use. Offset of the impact must occur in the same zone of impact identified by the Department in the permit.
9. Permit G-17587 allows the appropriation of 0.24 Cubic Feet per Second (CFS) for irrigation. This permit also has a mitigation obligation of 35.1 AF in the General Zone of Impact.
10. Certificate 94958 allows the diversion of up to 0.78 CFS from a well for quasi-municipal use. This right does not have an annual volume limit.
11. On behalf of The Tree Farm, LLC, Kirk Schueler, president, requested to voluntarily cancel a 0.0659 portion of Certificate 94958 in exchange for Bull Springs Ranch, LLC receiving 19.08 AF of offset for its use of groundwater for irrigation under Permit G-17587.
12. The Department has determined that the wells authorized under Certificate 94958 and Permit G-17587 impact surface water flows in the same zone of impact, being the General Zone of Impact.
13. The voluntary cancellation of 0.0659 CFS is equivalent to a maximum of 47.71 AF annually. The amount of offset generated by the voluntary cancellation of an existing

groundwater right is the consumptive portion of the existing use. The consumptive portion of 47.71 AF is 19.08 AF (40% of the maximum volume of use).

14. Based upon evaluation of the request to use the voluntary cancellation of a portion of Certificate 94958 to offset a portion of the impact to surface water of Permit G-17587, the Department has determined that Certificate 94958 impacts surface water in the same zone of impact as Permit G-17587 and would offset 19.08 AF of the impact of Permit G-17587.

Conclusions of Law

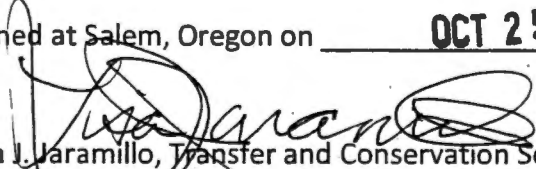
The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 94958 shall be cancelled in accordance with the provisions of ORS 540.621.

The cancellation of a portion of Certificate 94958 results in the offset of a portion of the impact (mitigation obligation) of Permit G-17587 pursuant to OAR 690-505-0610 (8).

Now, therefore, it is ORDERED:

1. The order entered at Special Order Volume 121, Pages 752 to 754 is withdrawn and of no further force and effect and is superseded by this order.
2. Certificate 94958 is cancelled.
3. Certificate 95926 is cancelled and superseded. The Department shall issue Certificate 96026, to describe the remaining 0.7141 CFS portion of the perfected and developed water right NOT canceled by the provisions of this order.
4. The cancellation of a 0.0659 CFS portion of Certificate 94958, as described herein, offsets 19.08 AF of the impact (mitigation obligation) of Permit G-17587 in the General Zone of Impact.

Signed at Salem, Oregon on OCT 25 2021


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: OCT 26 2021

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THE TREE FARM LLC
409 FRANKLIN AVE
BEND OR 97703

confirms the right to the use of water perfected under the terms of Permit G-13017. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-13965

SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.7141 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 30, 1995

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	11 E	WM	35	NW SE	1560 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER, SECTION 35

THE PLACE OF USE IS LOCATED WITHIN:

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SW NE

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SE NE
17 S	11 E	WM	35	SE NW
17 S	11 E	WM	35	NE SW
17 S	11 E	WM	35	NW SW
17 S	11 E	WM	35	SW SW
17 S	11 E	WM	35	SE SW
17 S	11 E	WM	35	NE SE
17 S	11 E	WM	35	NW SE
17 S	11 E	WM	35	SW SE
17 S	11 E	WM	36	SW NW

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this certificate may be regulated if analysis of data available after the certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

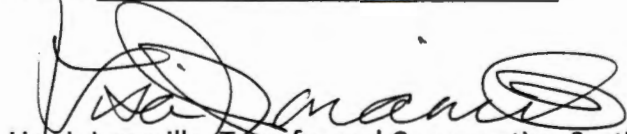
Certificate 95926 was issued to describe the right NOT modified by provisions of an order of the Water Resources Director, entered October 6, 2021, and recorded in Special Order Volume 121, Pages 752-754, approving a partial cancellation of the right evidenced by Certificate 94958. This correcting certificate is issued to describe the remaining right as corrected by a superseding order of the Water Resources Director, entered OCT 25 2021, and recorded in Special Order Volume 121, Pages 807-69. This correcting certificate correctly describes the maximum rate allowed and supersedes Certificate 95926.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

OCT 25 2021

Issued _____



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: OCT 26 2021



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

October 6, 2021

THE TREE FARM LLC
409 FRANKLIN AVE
BEND, OR 97703

REFERENCE: Certificate 94958

Pursuant to your request, Certificate 94958 has been partially canceled by order of the Director of the Water Resources Department. This cancellation is recorded in Special Order Volume 121, Page 752.

A maximum of 19.08 acre-feet of consumptive use is being used to offset a portion of the mitigation obligation for ground water permit Application G-17093 (Permit G-17587).

Your certificate 94958 has been canceled and a new certificate of water right 95926 describes that portion of the water right not canceled.

If you have any questions, please contact the department at 503-986-0900.

Sincerely,

Julie Baustian
Water Rights and Transfers Support
Oregon Water Resources Department

cc: Watermaster #11
Water Availability
Patricia McCarty, Oregon Water Resources
Bull Springs Ranch, LLC
Adam Sussman, Agent
Corey Courchane, Oregon Water Resources Department
File

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Cancellation of a Portion of a)
Perfected and Developed Water Right Certificate)
94958, in the name of The Tree Farm, LLC, and) FINAL ORDER
Offset of Impact for Permit G-17587, Deschutes)
County)

ORS 540.621 directs the Commission to enter an order canceling a water right whenever the owner of a perfected and developed water right certifies under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right.

OAR 690-505-0610 (8) allows for the impact of use under a ground water permit application to be completely offset by a proposed voluntary cancellation of an existing ground water use subject to transfer, such that impact on surface waters from the new ground water use is the same as, or less than, impact on surface waters from the existing ground water use subject to transfer. The ground water permit application may be approved without additional mitigation once the proposed voluntary cancellation is complete.

Findings of Fact

1. On July 26, 2021, the Department received an affidavit from Kirk Schueler, president, on behalf of The Tree Farm, LLC., 409 NW Franklin Avenue, Bend, Oregon, 97703, stating The Tree Farm, LLC., is the legal holder of the water right evidenced by Certificate 94958, State Record of Water Right Certificates. The affidavit requests a portion of the rate authorized on the certificate be cancelled.
2. Certificate 94958 allows for the use of 0.78 cubic feet per second (cfs) of groundwater, from a well within the Deschutes Basin, for quasi-municipal use. The date of priority is January 30, 1995.
3. The portion of Certificate 94958 The Tree Farm, LLC., requests be canceled is for the use of 0.0659 cfs of groundwater from a well for quasi-municipal use with no reduction or change in the place of use authorized by the water right.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Evaluation of Offset of Impact for Groundwater Permit G-17587

4. A request has been submitted to use the voluntary cancellation of a portion of Certificate 94958 to offset a portion of the impact to surface water of Groundwater Permit G-17587, held by Bull Springs Ranch LLC, pursuant to OAR 690-505-0610 (8) under the Deschutes Ground Water Mitigation Rules.
5. The voluntary cancellation of an existing ground water right subject to transfer may be used to offset the impact on surface water of a ground water permit issued under the Deschutes Basin Ground Water Mitigation Rules.
6. The impact to surface water of the existing ground water right to be cancelled must be the same or greater than the impact to surface water flows of the permit. The amount of impact of a groundwater permit issued under the Deschutes Ground Water Mitigation Rules to surface water flows is the consumptive portion (mitigation obligation) of the groundwater use. Offset of the impact must occur in the same zone of impact identified by the Department in the permit.
7. Permit G-17587 allows the appropriation of 0.24 Cubic Feet per Second (CFS) for irrigation. This permit also has a mitigation obligation of 31.5 AF in the General Zone of Impact.
8. Certificate 94958 allows the diversion of up to 0.78 CFS from a well for quasi-municipal use. This right does not have an annual volume limit.
9. On behalf of The Tree Farm, LLC, Kirk Schueler, president, requested to voluntarily cancel a 0.0659 portion of Certificate 94958 in exchange for Bull Springs Ranch, LLC receiving 19.08 AF of offset for its use of groundwater for irrigation under Permit G-17587.
10. The Department has determined that the wells authorized under Certificate 94958 and Permit G-17587 impact surface water flows in the same zone of impact, being the General Zone of Impact.
11. The voluntary cancellation of 0.0659 CFS is equivalent to a maximum of 47.71 AF annually. The amount of offset generated by the voluntary cancellation of an existing groundwater right is the consumptive portion of the existing use. The consumptive portion of 47.71 AF is 19.08 AF (40% of the maximum volume of use).
12. Based upon evaluation of the request to use the voluntary cancellation of a portion of Certificate 94958 to offset a portion of the impact to surface water of Permit G-17587, the Department has determined that Certificate 94958 impacts surface water in the same zone of impact as Permit G-17587 and would offset 19.08 AF of the impact of Permit G-17587.

STATE OF OREGON

COUNTY OF DESCHUTES

DRAFT CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THE TREE FARM LLC
409 FRANKLIN AVE
BEND OR 97703

confirms the right to the use of water perfected under the terms of Permit G-13017. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-13965

SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.714 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 30, 1995

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	11 E	WM	35	NW SE	1560 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER, SECTION 35

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

THE PLACE OF USE IS LOCATED WITHIN:

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SW NE
17 S	11 E	WM	35	SE NE
17 S	11 E	WM	35	SE NW
17 S	11 E	WM	35	NE SW
17 S	11 E	WM	35	NW SW
17 S	11 E	WM	35	SW SW
17 S	11 E	WM	35	SE SW
17 S	11 E	WM	35	NE SE
17 S	11 E	WM	35	NW SE
17 S	11 E	WM	35	SW SE
17 S	11 E	WM	36	SW NW

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this certificate may be regulated if analysis of data available after the certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

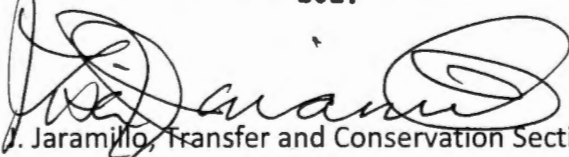
The use of water shall be limited when it interferes with any prior surface or ground water rights.

This certificate is issued to describe the right NOT modified by provisions of an order of the Water Resources Director, entered OCT 06 2021, and recorded in Special Order Volume 121, Pages 152-54 approving a partial cancellation the right evidenced by Certificate 94958. This certificate supersedes Certificate 94958.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

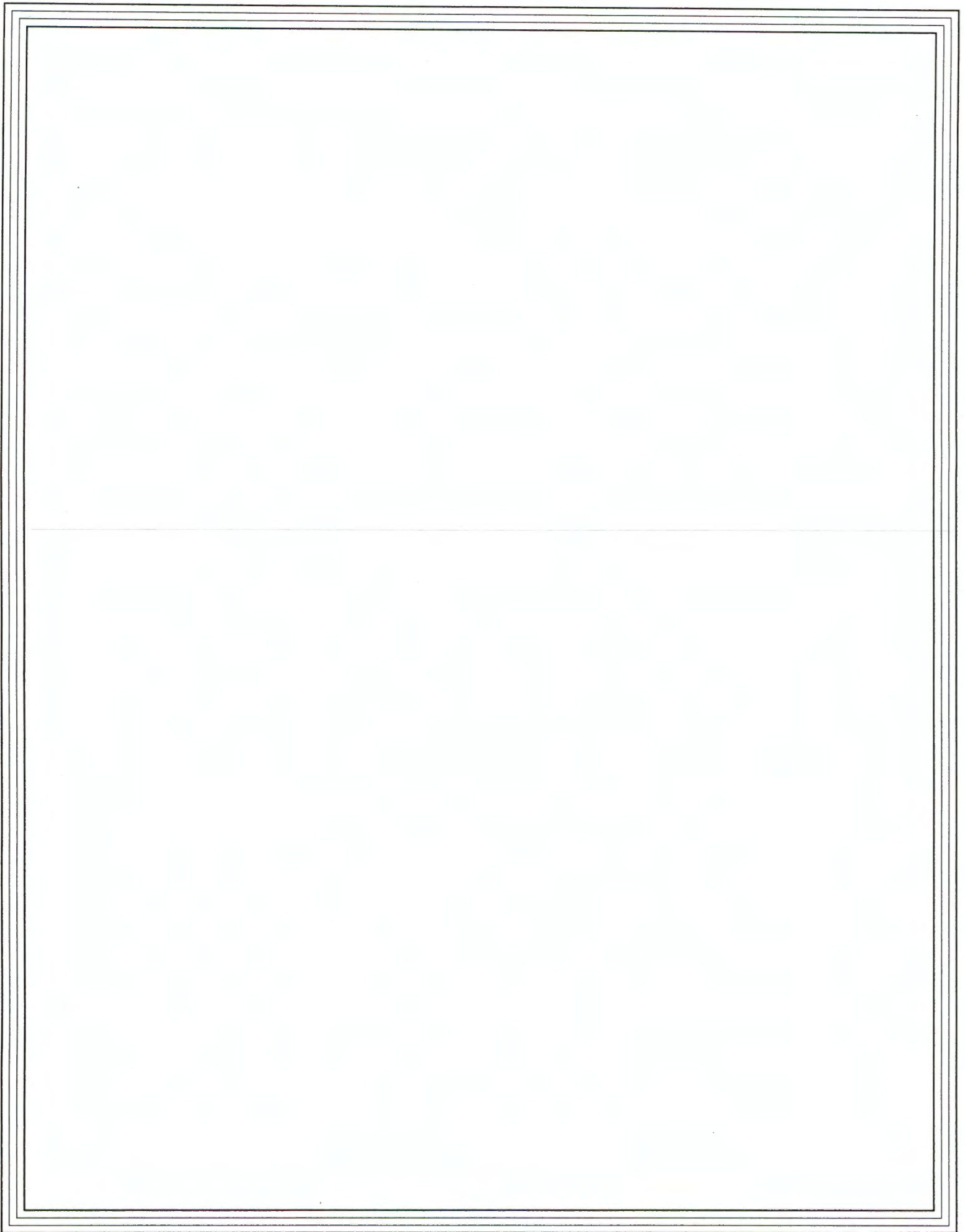
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

Issued OCT 06 2021.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: OCT 07 2021

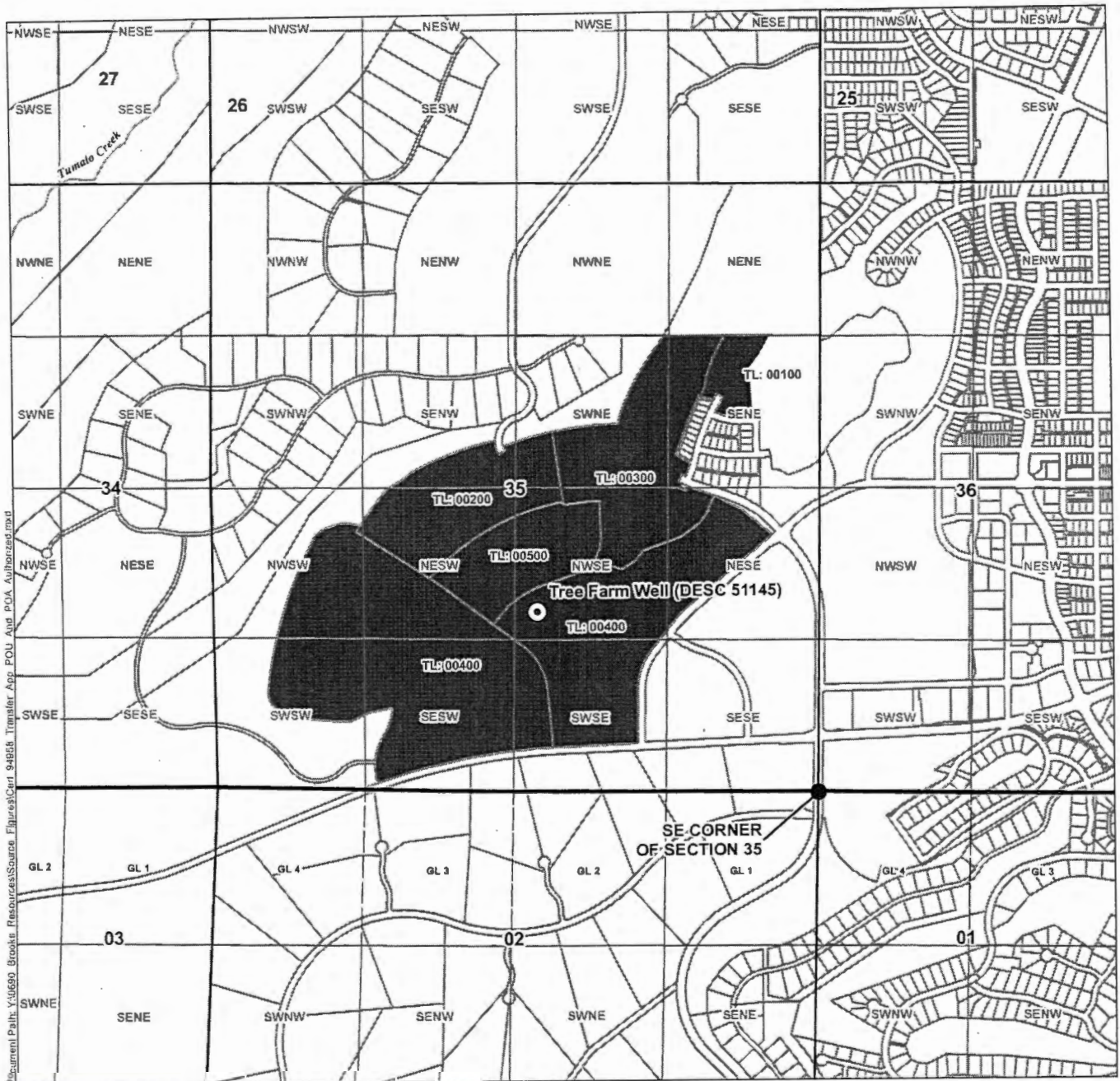


Authorized Point of Appropriation and Service Area Map

Certificate 94958

Deschutes County, Oregon

Township 17 South, Range 11 East (W.M.)

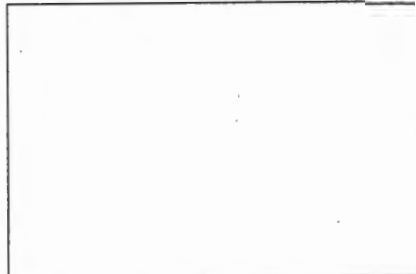


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LEGEND

- Authorized Point of Appropriation (POA)
- Service Area
- Government Lot (GL)
- Tax Lot
- Watercourse

Certified Water Rights Examiner Stamp



DISCLAIMER

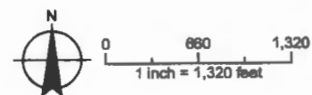
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: September 22, 2021
Data Sources: USGS, BLM, ESRI

POA LOCATION DESCRIPTION

Tree Farm Well (DESC 51145)
Located 1560 feet North and 2465 feet West from the SE corner of Section 35, Township 17 South, Range 11 East (W.M.).

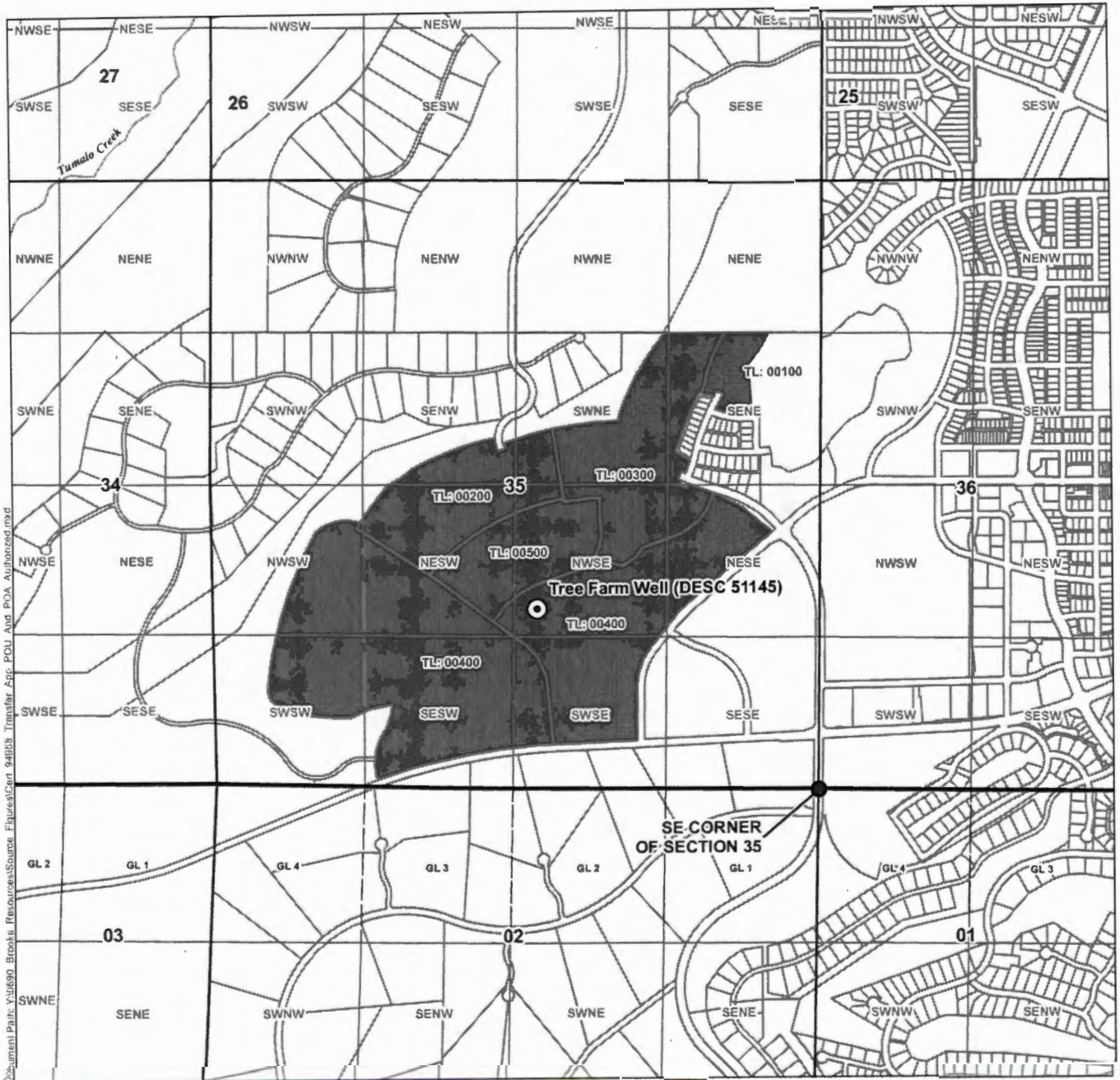


Authorized Point of Appropriation and Service Area Map

Certificate 94958

Deschutes County, Oregon

Township 17 South, Range 11 East (W.M.)



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LEGEND

- Authorized Point of Appropriation (POA)
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- Tax Lot
- Watercourse

Certified Water Rights Examiner Stamp



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MAP NOTES

Travis Corporation LLC, 2012
Data Sources: USGS, BLM, ESRI

POA LOCATION DESCRIPTION

Tree Farm Well (DESC 51145)
Located 1580 feet North and 2465 feet West from the SE corner of Section 35, Township 17 South, Range 11 East (W.M.).



RECEIVED
JULY 26, 2021
OWRD



TRANSMITTAL

To: Sarah Henderson, Oregon Water Resources Department
Address: 725 Summer Street NE, Suite A.
From: Adam Sussman, GSI Water Solutions, Inc.
CC: Todd Taylor, Bull Springs Ranch, LLC
Attachments: Request for Offset for Permit G-17587
Date: July 26, 2021

Enclosed is a request for offset from Bull Springs Ranch, LLC for its Permit G-17587. The request proposes to cancel a 0.0659 cfs portion of Certificate 94958 to offset the use of water under Permit G-17587. Certificate 94958 is held by The Tree Farm LLC and authorizes the use of groundwater for quasi-municipal use. Bull Springs Ranch has an agreement with The Tree Farm to cancel a portion of the certificate, which would affect the certificate's entire service area. The service area for Certificate 94958 is owned by NWX2 LLC. Miller Tree Farm, LLC and NWX2 LLC have the same parent company, as described in the attached ownership report.

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JULY 26, 2021
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BULL SPRINGS RANCH, LLC

July 26, 2021

Sarah Henderson
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RE: Offset for Permit G-17587 in the name of Bull Springs Ranch, LLC

Dear Sarah:

Bull Springs Ranch, LLC (Bull Springs Ranch) holds Permit G-17587, which is subject to the Deschutes Basin Mitigation Program (Mitigation Program). Permit G-17587 authorizes the irrigation of up to 19.51 acres from two wells in the Deschutes Basin regional aquifer. OWRD has determined that Permit G-17587 has a mitigation obligation of 35.1 acre-feet (mitigation credits). OWRD also determined that the permit's authorized points of appropriation (Wells 1 and 2) are within the General Zone of Impact.

Bull Springs Ranch requests "offset" for the use of groundwater under Permit G-17587. Concurrent with obtaining approval of this offset request, The Tree Farm LLC will voluntarily cancel a 0.0659 cfs portion of Certificate 94958, which is a water right subject to transfer that appropriates groundwater from the Deschutes Basin regional aquifer, in the General Zone of Impact. I have attached an affidavit from The Tree Farm LLC authorizing the partial cancellation of Certificate 94958 concurrent with Bull Springs Ranch receiving 19.08 acre-feet in offset. The result of this transaction will offset the use of groundwater for irrigation of 10.6 acres under Permit G-17587. (Bull Springs Ranch has an agreement with The Tree Farm LLC under which a portion of Certificate 94958 can be cancelled to provide offset for Bull Springs Ranch.)

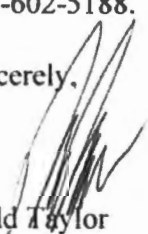
I am enclosing the well logs for DESC 51145, which is the authorized point of appropriation for Certificate 94958, and for DESC 54048 and DESC 54049, which are the authorized points of appropriation for Permit G-17587. Finally, copies of Certificate 94958 and Permit G-17587 are also enclosed.

18525 Bull Springs Rd, Bend, OR 97703

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JULY 26, 2021
OWRD

I look forward to your approval of this request for offset. If you have any questions about this request, please contact Adam Sussman at GSI Water Solutions, Inc. His telephone number is 541-602-5188.

Sincerely,



Todd Taylor
President

Cc: Adam Sussman, GSI Water Solutions, Inc.

enclosures

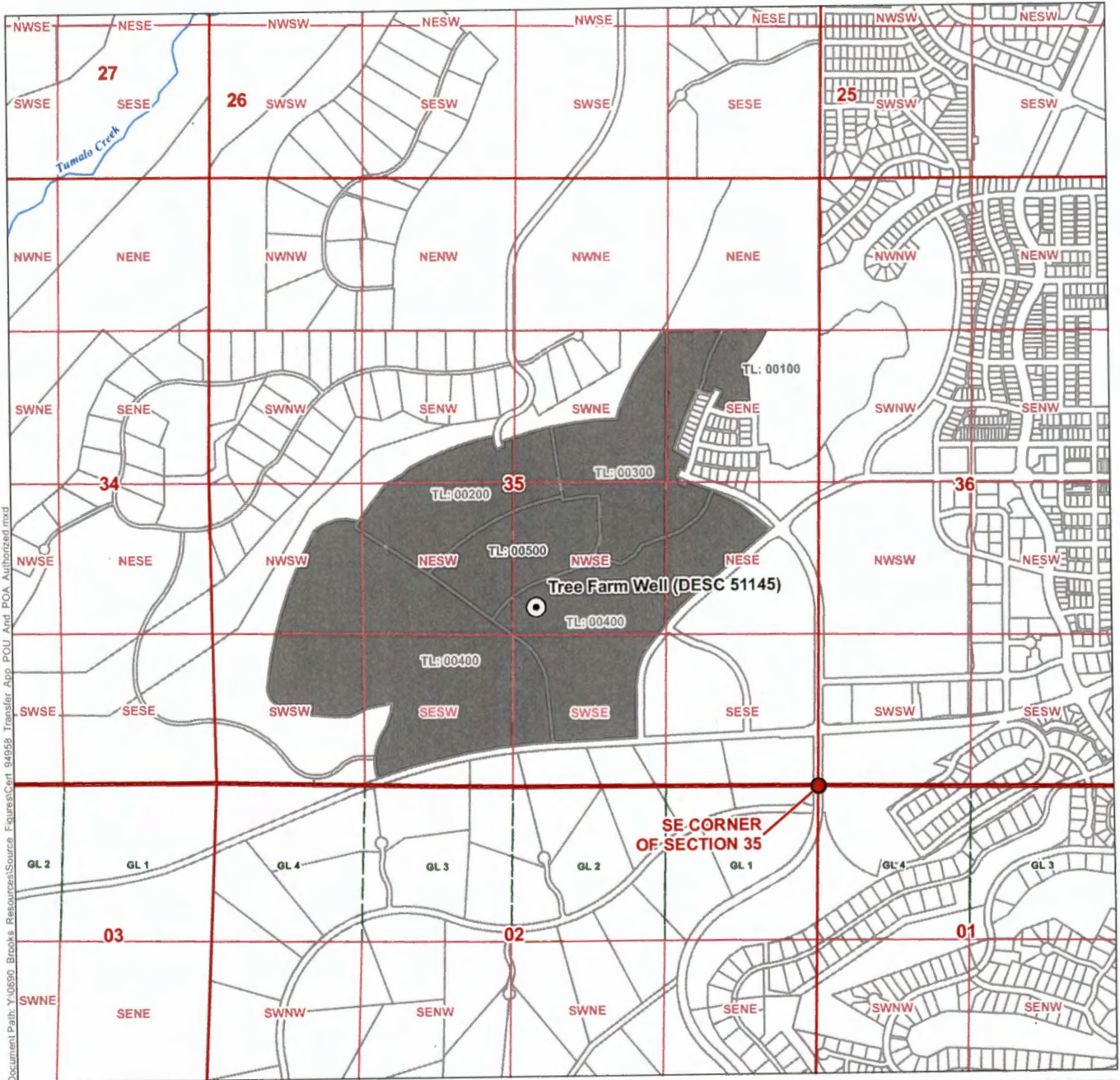
RECEIVED
JULY 26, 2021
OWRD

Affidavit for Partial Cancellation of Certificate 94958,
Map, Deed and Ownership Explanation
Request for Offset for Permit G-17587 – Bull Springs Ranch

Authorized Point of Appropriation and Service Area Map

Certificate 94958
Deschutes County, Oregon
Township 17 South, Range 11 East (W.M.)

RECEIVED
AUGUST 23, 2021
OWRD

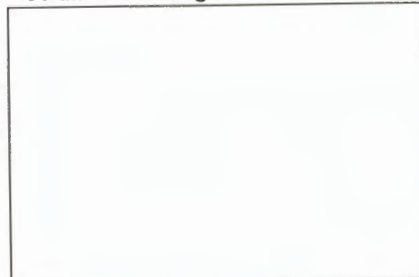


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LEGEND

- Authorized Point of Appropriation (POA)
- Service Area
- Government Lot (GL)
- Tax Lot
- Watercourse

Certified Water Rights Examiner Stamp



POA LOCATION DESCRIPTION

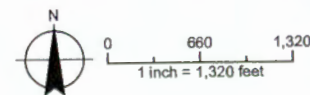
Tree Farm Well (DESC 51145)
Located 1560 feet North and 2465 feet West from the SE corner of Section 35, Township 17 South, Range 11 East (W.M.).

DISCLAIMER

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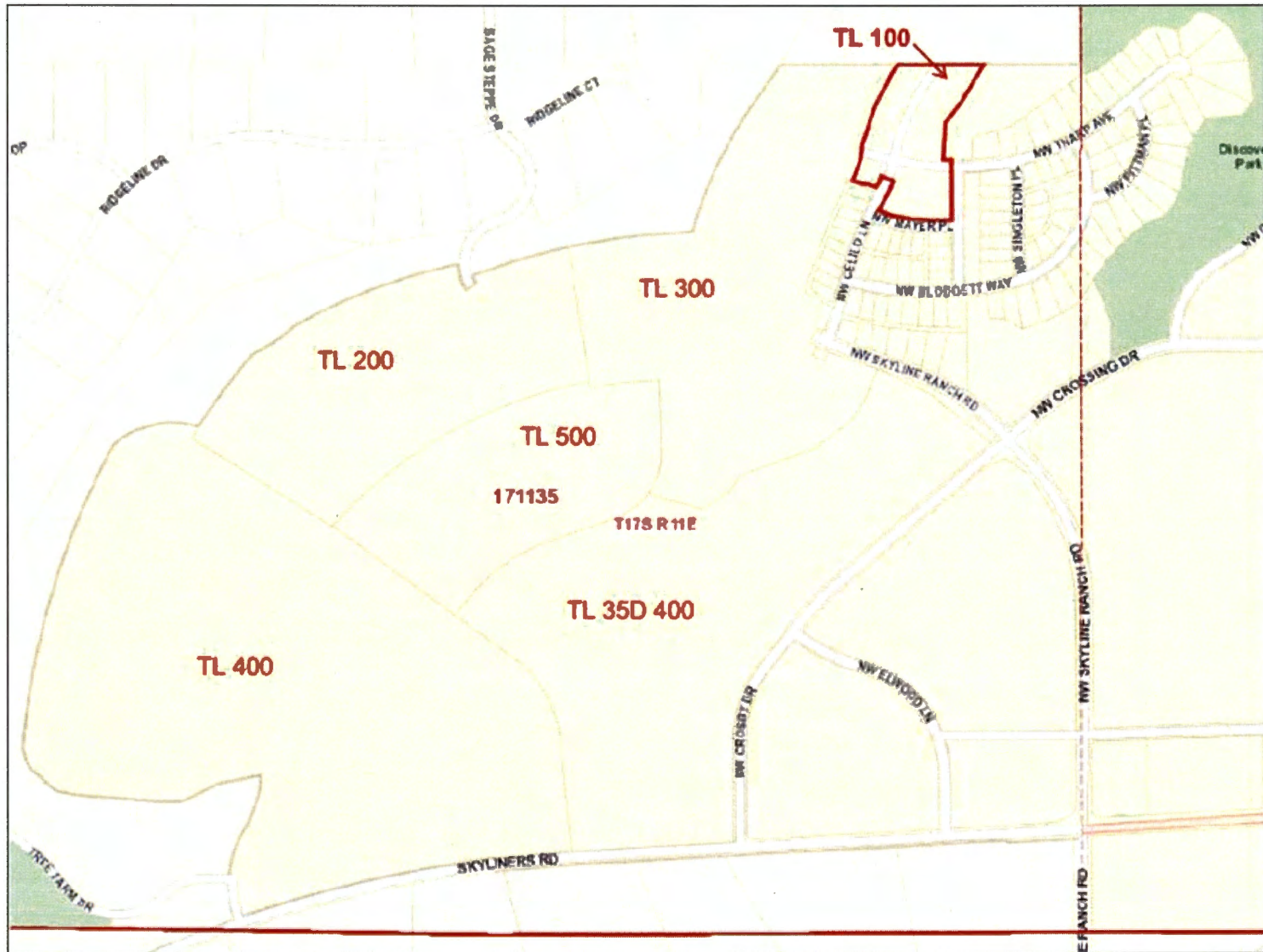
MAP NOTES

Date: September 22, 2021
Data Sources: USGS, BLM, ESRI



NWX2 LLC Land Holdings & Discovery West Phases 1, 2A, and 2B

RECEIVED
AUGUST 23, 2021
OWRD

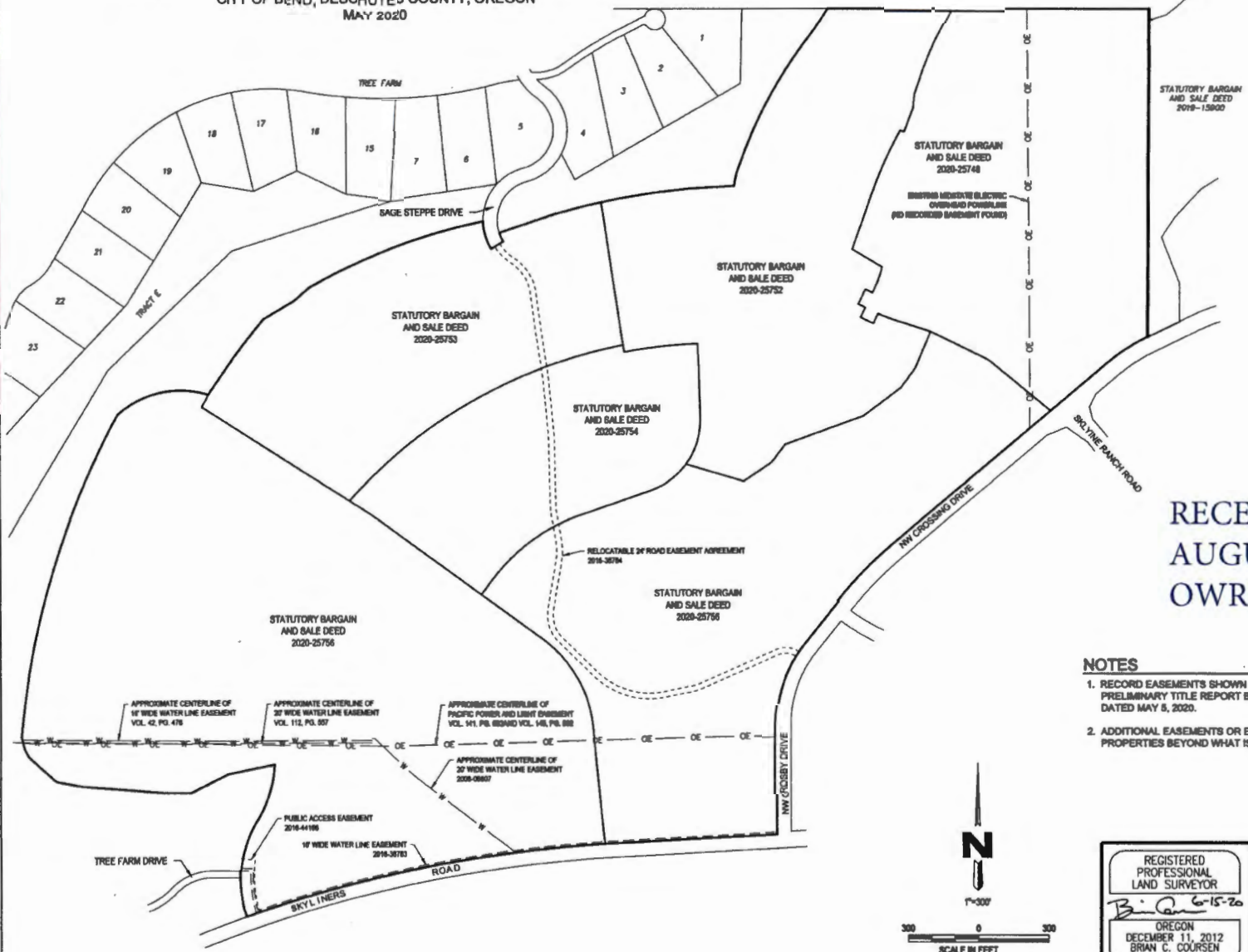


RECORD OF SURVEY

CITY OF BEND LOT LINE ADJUSTMENTS PZ-20-0323, PZ-20-0324, PZ-20-0325,
 PZ-20-0326, PZ-20-0327, PZ-20-0328, PZ-20-0329,
 LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) AND THE SOUTHWEST
 ONE-QUARTER (SW1/4) AND THE SOUTH ONE-HALF OF THE NORTH ONE-HALF
 (S1/2 N1/2) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.
 CITY OF BEND, DESCHUTES COUNTY, OREGON
 MAY 2020

DESCHUTES COUNTY SURVEYOR
 FILED 6/17/2020 BY: Dunkelberg

20240



RECEIVED
 AUGUST 23, 2021
 OWRD

NOTES

1. RECORD EASEMENTS SHOWN HEREON WERE PLOTTED AS DISCLOSED IN PRELIMINARY TITLE REPORT BY AMERTITLE, FILE NUMBER: 261506AM, DATED MAY 8, 2020.
2. ADDITIONAL EASEMENTS OR ENCUMBRANCES MAY AFFECT THESE PROPERTIES BEYOND WHAT IS SHOWN HEREIN.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Brian C. Courseen 6-15-20
 OREGON
 DECEMBER 11, 2012
 BRIAN C. COURSEEN
 86998
 RENEWS: 12/31/2021

DOWL

WWW.DOWL.COM
 983 SW Simpson, #200
 Bend, Oregon 97702
 541-385-4772

DISCOVERY WEST, PHASE 1

BEING A REPLAT OF A PORTION OF PARCEL 1 OF PARTITION PLAT 2007-83 AND SUBDIVISION OTHER LANDS, LOCATED IN THE NORTHEAST ONE-QUARTER (NE 1/4) AND THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 35, AND THE NORTHWEST ONE-QUARTER (NW 1/4) AND THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 36 TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON
MAY 2020

LEGEND

- FOUND QUARTER SECTION MONUMENT (AS NOTED)
- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "PARAMETRIC"; HELD PER REFERENCE 4.
- FOUND MONUMENT AS NOTED
- SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "DOWL."
- SET 5/8" IRON ROD WITH 1/2" ALUMINUM CAP MARKED "DOWL."
- SET 30MM COPPER DISC IN TOP OF CONCRETE CURB MARKED "DOWL."
- PUBLIC UTILITY EASEMENT
- WYPC WITH YELLOW PLASTIC CAP
- FILL HAS BEEN PLACED ON A PORTION OF THIS LOT
- CENTERLINE OF EXISTING MIDSTATE ELECTRIC COOPERATIVE OVERHEAD POWER LINE

STATUTORY BARGAIN AND SALE DEED 2020-25752

NORTH 1/4 CORNER TO SECTION 35 & 36 1" IRON PIPE PER (R1); HELD

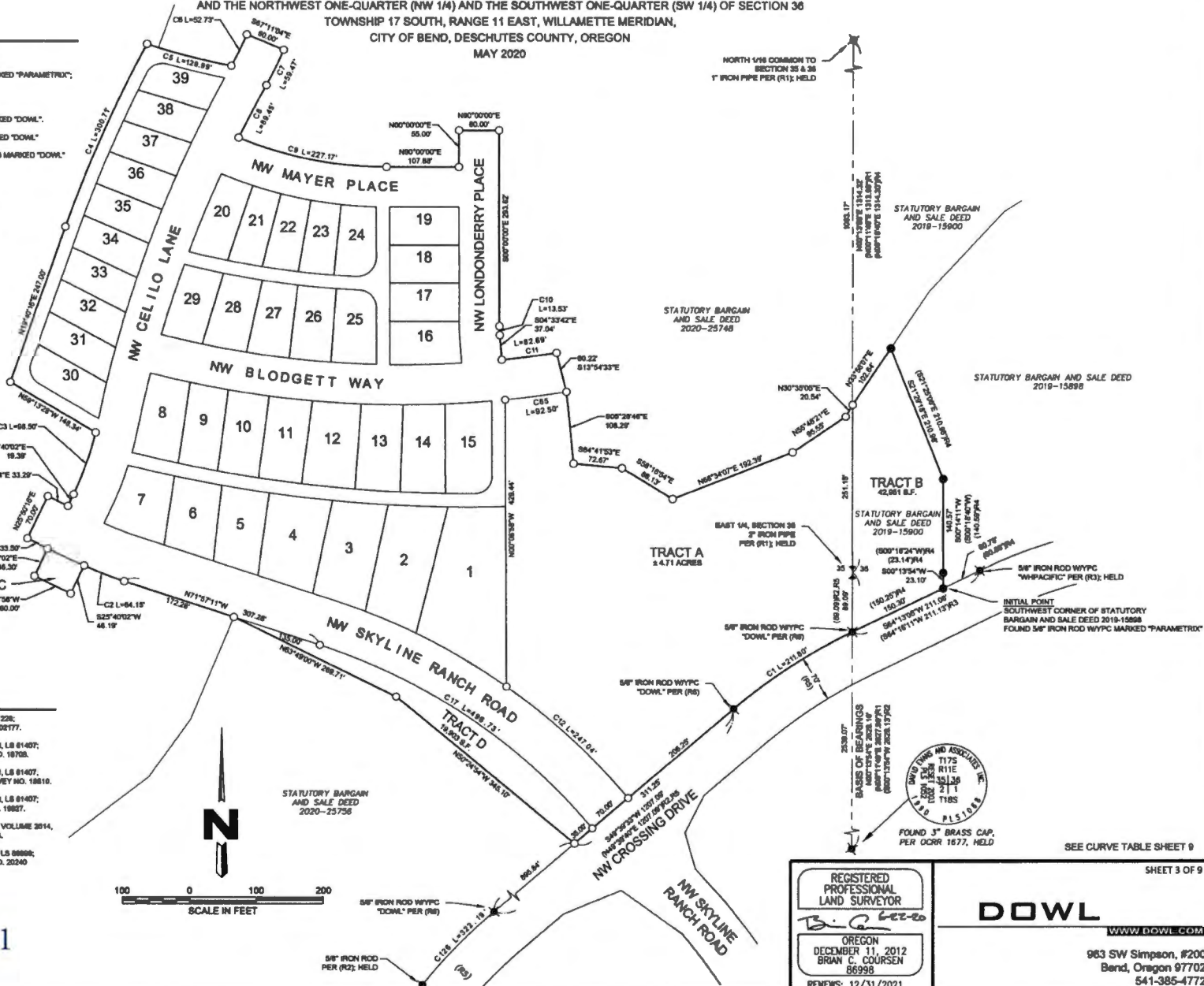
STATUTORY BARGAIN AND SALE DEED 2020-25748

STATUTORY BARGAIN AND SALE DEED 2019-15900

STATUTORY BARGAIN AND SALE DEED 2019-15898

REFERENCES

- (R1) SURVEY FOR WILLIAM MILLER BY JOHN M. JOYCE, LS 1228; FILED JULY 1, 1960, DESCHUTES COUNTY SURVEY NO. 02777.
- (R2) PROPERTY LINE ADJUSTMENT BY ANDREW H. HUSTON, LS 61407; FILED JUNE 10, 2014, DESCHUTES COUNTY SURVEY NO. 18708.
- (R3) PROPERTY LINE ADJUSTMENT BY ANDREW H. HUSTON, LS 61407; FILED DECEMBER 18, 2014, DESCHUTES COUNTY SURVEY NO. 18810.
- (R4) PROPERTY LINE ADJUSTMENT BY ANDREW H. HUSTON, LS 61407; FILED MAY 30, 2016, DESCHUTES COUNTY SURVEY NO. 18827.
- (R5) DEDICATION DEED RECORDED SEPTEMBER 8, 2014, IN VOLUME 2814, PAGE 2883; DESCHUTES COUNTY OFFICIAL RECORDS.
- (R6) PROPERTY LINE ADJUSTMENT BY BRIAN C. COURSEN, LS 86998; FILED JUNE 17, 2020, DESCHUTES COUNTY SURVEY NO. 20240.



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AUGUST 23, 2021
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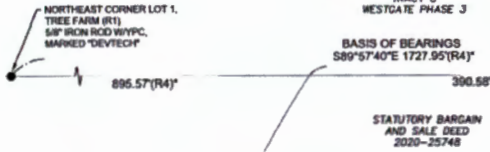
FOUND 3" BRASS CAP, PER DCCR 1677, HELD

SEE CURVE TABLE SHEET 9

REGISTERED PROFESSIONAL LAND SURVEYOR OREGON DECEMBER 11, 2012 BRIAN C. COURSEN 86998 RENEWS: 12/31/2021	DOWL WWW.DOWL.COM 963 SW Simpson, #200 Bend, Oregon 97702 541-385-4772
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DISCOVERY WEST, PHASE 2A AND 2B

A SUBDIVISION LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (SE 1/4 NE 1/4) OF SECTION 35 AND THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER (W 1/2 NW 1/4) OF SECTION 36, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON
 SEPTEMBER 2020
 PZ19-0370 & PZ 20-0802



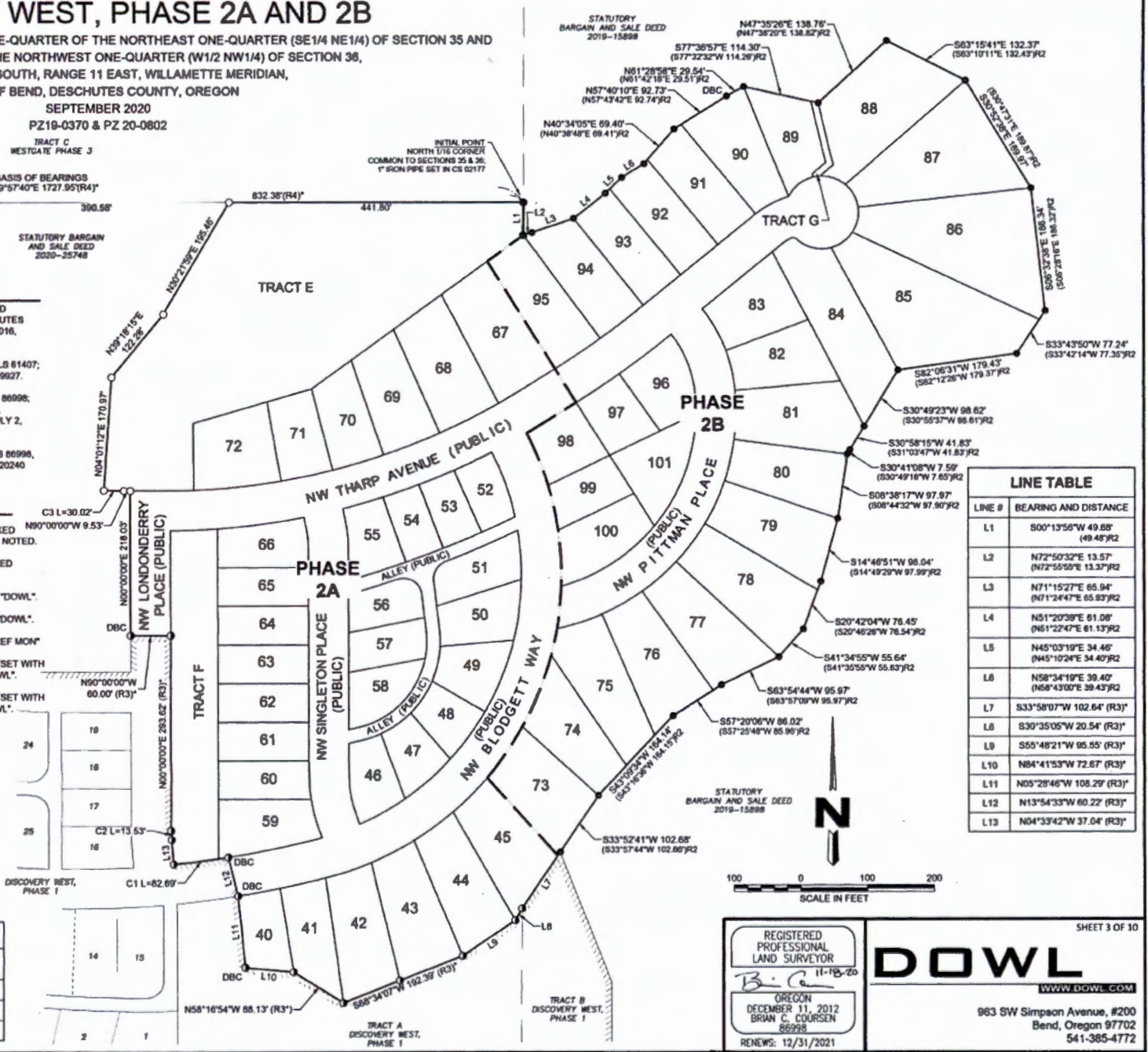
REFERENCES

- (JR1) "TREE FARM" BY SCOTT C. BOLDUC, LS 79288; RECORDED OCTOBER 27, 2016 IN VOLUME 2016, PAGE 44585, DESCHUTES COUNTY OFFICIAL RECORDS, AND FILED OCTOBER 28, 2016, DESCHUTES COUNTY SURVEY NO. 19223.
- (JR2) PROPERTY LINE ADJUSTMENT BY ANDREW N. HUSTON, LS 61407; FILED MAY 30, 2019, DESCHUTES COUNTY SURVEY NO. 19927.
- (JR3) "DISCOVERY WEST, PHASE 1" BY BRIAN C. COURSEN, LS 86998; RECORDED JUNE 30 2020, IN VOLUME 2020, PAGE 31149, DESCHUTES COUNTY OFFICIAL RECORDS, AND FILED JULY 2, 2020, DESCHUTES COUNTY SURVEY NO. 20255.
- (JR4) PROPERTY LINE ADJUSTMENT BY BRIAN C. COURSEN, LS 86998, FILED JUNE 17, 2020, DESCHUTES COUNTY SURVEY NO. 20240

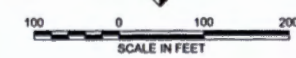
LEGEND

- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "PARAMTRX"; PER REFERENCE 2, UNLESS OTHERWISE NOTED.
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "DOWL"; PER REFERENCE 3.
- SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "DOWL".
- SET 5/8" IRON ROD WITH 1 1/2" ALUMINUM CAP MARKED "DOWL".
- SET 30MM COPPER DISC IN SIDEWALK MARKED "DOWL REF MON"
- DBC FOUND MONUMENT DESTROYED BY CONSTRUCTION, RESET WITH 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "DOWL".
- DBC1 FOUND MONUMENT DESTROYED BY CONSTRUCTION, RESET WITH 5/8" IRON ROD WITH 1 1/2" ALUMINUM CAP MARKED "DOWL".
- (RW) RECORD DATA SAME AS MEASURED
- PUE PUBLIC UTILITY EASEMENT
- WYPC WITH YELLOW PLASTIC CAP
- CS COUNTY SURVEY
- N.D.E. NON-DEVELOPMENT EASEMENT
- PHASE LINE BETWEEN DISCOVERY WEST, PHASE 2A AND PHASE 2B
- CENTERLINE OF EXISTING MIDSTATE ELECTRIC COOPERATIVE OVERHEAD POWER LINE
- DISCOVERY WEST, PHASE 1 PLAT BOUNDARY

CURVE TABLE				
CURVE #	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD
C1 (R3)	1470.00'	3°13'23"	82.89'	S82°39'27"W 82.68'
C2 (R3)	170.00'	4°33'42"	13.53'	N02°18'51"W 13.53'
C3	870.00'	1°58'38"	30.02'	N89°00'42"W 30.01'



LINE TABLE	
LINE #	BEARING AND DISTANCE
L1	S00°13'56"W 49.68' (49.48')R2
L2	N72°50'32"E 13.57' (N72°55'55"E 13.37')R2
L3	N71°15'27"E 65.94' (N71°24'47"E 65.93')R2
L4	N51°20'39"E 61.08' (N61°22'47"E 61.13')R2
L5	N45°03'19"E 34.46' (N45°10'24"E 34.40')R2
L6	N58°34'19"E 38.40' (N68°43'00"E 39.43')R2
L7	S33°58'07"W 102.64' (R3)'
L8	S30°35'05"W 20.54' (R3)'
L9	S55°48'21"W 95.55' (R3)'
L10	N84°41'53"W 72.67' (R3)'
L11	N05°28'46"W 108.29' (R3)'
L12	N13°54'33"W 60.22' (R3)'
L13	N04°33'42"W 37.04' (R3)'



REGISTERED PROFESSIONAL LAND SURVEYOR
B.C.
 11-18-20
 OREGON
 DECEMBER 11, 2012
 BRIAN C. COURSEN
 86998
 RENEWS: 12/31/2021

DOWL

WWW.DOWL.COM

863 SW Simpson Avenue, #200
 Bend, Oregon 97702
 541-385-4772

SHEET 3 OF 10

DESCHUTES COUNTY SURVEYOR
 FILED 12/14/2020 BY: Dunkelberg



01293743202000257480110110

06/04/2020 12:13 PM

D-D Cnt=1 Str=2 AS
\$55.00 \$11.00 \$61.00 \$10.00 \$6.00

\$143.00

**After Recording Return To,
and Send Tax Statements To:**

NWX2 LLC
409 NW Franklin Ave.
Bend, Oregon 97703

STATUTORY BARGAIN AND SALE DEED
(LLA: PZ-20-323 Transfer from 1 to 2)

NWX2 LLC, an Oregon limited liability company ("Grantor"), conveys to NWX2 LLC, an Oregon limited liability company ("Grantee"), the real property located in the City of Bend, Deschutes County, Oregon, legally described on **Exhibit A** attached hereto.

Accordingly, after such transfer, Grantor's property will be as legally described on the attached **Exhibit B**, and Grantee's property will be as legally described on the attached **Exhibit C**.

The true and actual consideration paid for this conveyance consists of or includes other property or other value given or promised, specifically, completion of a lot line adjustment, City of Bend Planning Project No. PZ-20-0323.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, Grantor and Grantee have executed this deed as of this 3rd day of June 2020.

GRANTOR:

NWX2 LLC,
an Oregon limited liability company

By Brooks Resources Corporation,
Its managing member

By: Jade Mayer
Its VP/CFO

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<Signatures and notary blocks continue on next page>

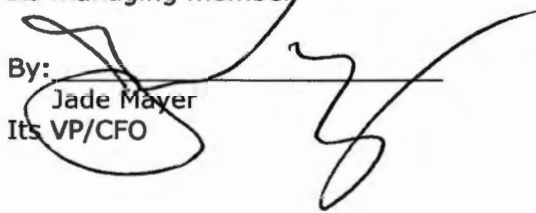
GRANTEE:

NWX2 LLC,
an Oregon limited liability company

By Brooks Resources Corporation,
Its managing member

By:

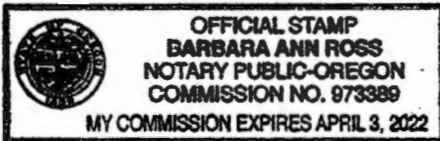
Jade Mayer
Its VP/CFO



STATE OF OREGON)

) ss
COUNTY OF Deschutes

The foregoing instrument was acknowledged before me on June 3, 2020, by Jade Mayer, the VP/CFO of Brooks Resources Corporation, the managing member of NWX2 LLC, on behalf of NWX2 LLC.

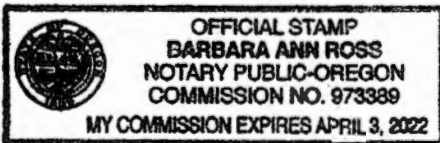


Barbara Ann Ross
NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: April 3, 2022

STATE OF OREGON)

) ss
COUNTY OF Deschutes

The foregoing instrument was acknowledged before me on June 3, 2020, by Jade Mayer, the VP/CFO of Brooks Resources Corporation, the managing member of NWX2 LLC, on behalf of NWX2 LLC.



Barbara Ann Ross
NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: April 3, 2022

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EXHIBIT A

**LEGAL DESCRIPTION FOR TRANSFER PROPERTY
TAX LOT 17113500 00100 (PROPERTY #1) TO TAX LOT 17113500 00400 (PROPERTY #2)
CITY OF BEND PROPERTY LINE ADJUSTMENT PZ 20-0323**

A TRACT OF LAND LOCATED IN THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER (S1/2 NE1/4) AND THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTH ONE-HALF (S1/2 N1/2) OF SAID SECTION 35, MARKED BY A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "DOWL"; THENCE ALONG SAID NORTH LINE SOUTH 89° 57' 40" EAST, 531.13 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE LEAVING SAID NORTH LINE, ALONG THE ARC OF A 1256.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14° 20' 02", AN ARC LENGTH OF 314.22 FEET (THE CHORD OF WHICH BEARS SOUTH 25° 37' 56" WEST A DISTANCE OF 313.40 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 18° 27' 55" WEST, 87.98 FEET;

THENCE SOUTH 05° 27' 04" WEST, 61.11 FEET;

THENCE SOUTH 20° 22' 12" WEST, 108.00 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 945.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 01° 04' 33", AN ARC LENGTH OF 17.74 FEET (THE CHORD OF WHICH BEARS NORTH 72° 01' 44" WEST A DISTANCE OF 17.74 FEET) TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 2029.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08° 29' 30", AN ARC LENGTH OF 300.71 FEET (THE CHORD OF WHICH BEARS SOUTH 23° 55' 01" WEST A DISTANCE OF 300.43 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 19° 40' 16" WEST, 247.00 FEET;

THENCE SOUTH 59° 13' 28" EAST, 148.34 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 470.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 12° 00' 29", AN ARC LENGTH OF 98.50 FEET (THE CHORD OF WHICH BEARS SOUTH 19° 39' 48" WEST A DISTANCE OF 98.32 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 25° 40' 02" WEST, 19.39 FEET;

THENCE NORTH 64° 09' 44" WEST, 33.29 FEET;

THENCE SOUTH 25° 50' 16" WEST, 70.00 FEET;

THENCE SOUTH 64° 09' 44" EAST, 33.50 FEET;

THENCE SOUTH 25° 40' 02" WEST, 46.30 FEET;

THENCE SOUTH 64° 19' 58" EAST, 60.00 FEET;

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THENCE NORTH 25° 40' 02" EAST, 46.19 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 535.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 06° 52' 12", AN ARC LENGTH OF 64.15 FEET (THE CHORD OF WHICH BEARS SOUTH 68° 31' 04" EAST A DISTANCE OF 64.11 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 71° 57' 11" EAST, 172.28 FEET;

THENCE SOUTH 63° 49' 00" EAST, 269.71 FEET;

THENCE SOUTH 50° 24' 54" EAST, 345.10 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF NW CROSSING DRIVE (35.00 FEET FROM CENTERLINE) AS DESCRIBED IN DEDICATION DEED, RECORDED SEPTEMBER 8, 2014 IN VOLUME 2014, PAGE 29653, DESCHUTES COUNTY OFFICIAL RECORDS;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY SOUTH 49° 39' 33" WEST, 397.23 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT PROPERTY DESCRIBED AS "CORRECTED PARCEL 1" IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS;

THENCE ALONG THE SOUTHERLY LINE OF SAID "CORRECTED PARCEL 1" THE FOLLOWING (6) COURSES:

NORTH 40° 20' 20" WEST, 522.48 FEET;

THENCE SOUTH 44° 22' 08" WEST, 81.09 FEET;

THENCE SOUTH 55° 25' 49" WEST, 239.11 FEET;

THENCE NORTH 88° 13' 45" WEST, 97.41 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 105.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 50° 20' 12", AN ARC LENGTH OF 92.25 FEET (THE CHORD OF WHICH BEARS SOUTH 57° 31' 18" WEST A DISTANCE OF 89.31 FEET) TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A 1616.41 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 09° 54' 51", AN ARC LENGTH OF 279.69 FEET (THE CHORD OF WHICH BEARS SOUTH 77° 43' 59" WEST A DISTANCE OF 279.34 FEET) TO A POINT OF NON-TANGENCY, SAID POINT ALSO BEING ON THE WESTERLY LINE OF SAID "CORRECTED PARCEL 1";

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING (2) COURSES:

NORTH 18° 16' 21" WEST, 290.04 FEET;

THENCE NORTH 18° 16' 21" WEST, 854.56 FEET TO A POINT ON THE SOUTHERLY LINE OF ADJUSTED "TRACT D" AS DESCRIBED IN STATUTORY BARGAIN AND SALE DEED TO TREE FARM LLC, RECORDED DECEMBER 13, 2019 IN VOLUME 2019, PAGE 48818, DESCHUTES COUNTY OFFICIAL RECORDS;

THENCE LEAVING SAID WESTERLY LINE, ALONG SAID SOUTHERLY LINE THE FOLLOWING (7) COURSES:

NORTH 80° 40' 32" EAST, 13.21 FEET;

THENCE NORTH 83° 24' 36" EAST, 146.23 FEET;

THENCE NORTH 86° 32' 47" EAST, 199.14 FEET TO A POINT OF NON-TANGENT CURVATURE;

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THENCE ALONG THE ARC OF A 285.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 14° 45' 53", AN ARC LENGTH OF 73.44 FEET (THE CHORD OF WHICH BEARS NORTH 12° 41' 04" EAST A DISTANCE OF 73.24 FEET) TO A POINT OF TANGENCY;

THENCE NORTH 20° 04' 00" EAST, 71.45 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 1885.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 17° 20' 04", AN ARC LENGTH OF 570.29 FEET (THE CHORD OF WHICH BEARS NORTH 28° 44' 02" EAST A DISTANCE OF 568.12 FEET) TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A 1465.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 05° 51' 27", AN ARC LENGTH OF 149.77 FEET (THE CHORD OF WHICH BEARS NORTH 34° 28' 21" EAST A DISTANCE OF 149.71 FEET) TO THE **POINT OF BEGINNING**.

THIS TRACT OF LAND CONTAINS 34.09 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS ARE BASED ON RECORD OF SURVEY, FILED DECEMBER 17, 2019 AS CS20078 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE.



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EXHIBIT B

LEGAL DESCRIPTION FOR ADJUSTED PROPERTY #1 CITY OF BEND PROPERTY LINE ADJUSTMENT PZ 20-0323

THAT PROPERTY DESCRIBED IN STATUTORY BARGAIN AND SALE DEED TO NWX2 LLC, RECORDED DECEMBER 13, 2019 IN VOLUME 2019, PAGE 48817, DESCHUTES COUNTY OFFICIAL RECORDS; LOCATED IN THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER (S1/2, NE1/4) AND THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON.

EXCEPTING THEREFROM A TRACT OF LAND LOCATED IN THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER (S1/2 NE1/4) AND THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTH ONE-HALF (S1/2 N1/2) OF SAID SECTION 35, MARKED BY A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "DOWL"; THENCE ALONG SAID NORTH LINE SOUTH 89° 57' 40" EAST, 531.13 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE LEAVING SAID NORTH LINE, ALONG THE ARC OF A 1256.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14° 20' 02", AN ARC LENGTH OF 314.22 FEET (THE CHORD OF WHICH BEARS SOUTH 25° 37' 56" WEST A DISTANCE OF 313.40 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 18° 27' 55" WEST, 87.98 FEET;

THENCE SOUTH 05° 27' 04" WEST, 61.11 FEET;

THENCE SOUTH 20° 22' 12" WEST, 108.00 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 945.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 01° 04' 33", AN ARC LENGTH OF 17.74 FEET (THE CHORD OF WHICH BEARS NORTH 72° 01' 44" WEST A DISTANCE OF 17.74 FEET) TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 2029.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08° 29' 30", AN ARC LENGTH OF 300.71 FEET (THE CHORD OF WHICH BEARS SOUTH 23° 55' 01" WEST A DISTANCE OF 300.43 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 19° 40' 16" WEST, 247.00 FEET;

THENCE SOUTH 59° 13' 28" EAST, 148.34 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 470.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 12° 00' 29", AN ARC LENGTH OF 98.50 FEET (THE CHORD OF WHICH BEARS SOUTH 19° 39' 48" WEST A DISTANCE OF 98.32 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 25° 40' 02" WEST, 19.39 FEET;

THENCE NORTH 64° 09' 44" WEST, 33.29 FEET;

THENCE SOUTH 25° 50' 16" WEST, 70.00 FEET;

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THENCE SOUTH 64° 09' 44" EAST, 33.50 FEET;

THENCE SOUTH 25° 40' 02" WEST, 46.30 FEET;

THENCE SOUTH 64° 19' 58" EAST, 60.00 FEET;

THENCE NORTH 25° 40' 02" EAST, 46.19 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 535.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 06° 52' 12", AN ARC LENGTH OF 64.15 FEET (THE CHORD OF WHICH BEARS SOUTH 68° 31' 04" EAST A DISTANCE OF 64.11 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 71° 57' 11" EAST, 172.28 FEET;

THENCE SOUTH 63° 49' 00" EAST, 269.71 FEET;

THENCE SOUTH 50° 24' 54" EAST, 345.10 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF NW CROSSING DRIVE (35.00 FEET FROM CENTERLINE) AS DESCRIBED IN DEDICATION DEED, RECORDED SEPTEMBER 8, 2014 IN VOLUME 2014, PAGE 29653, DESCHUTES COUNTY OFFICIAL RECORDS;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY SOUTH 49° 39' 33" WEST, 397.23 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT PROPERTY DESCRIBED AS "CORRECTED PARCEL 1" IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS;

THENCE ALONG THE SOUTHERLY LINE OF SAID "CORRECTED PARCEL 1" THE FOLLOWING (6) COURSES:

NORTH 40° 20' 20" WEST, 522.48 FEET;

THENCE SOUTH 44° 22' 08" WEST, 81.09 FEET;

THENCE SOUTH 55° 25' 49" WEST, 239.11 FEET;

THENCE NORTH 88° 13' 45" WEST, 97.41 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 105.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 50° 20' 12", AN ARC LENGTH OF 92.25 FEET (THE CHORD OF WHICH BEARS SOUTH 57° 31' 18" WEST A DISTANCE OF 89.31 FEET) TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A 1616.41 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 09° 54' 51", AN ARC LENGTH OF 279.69 FEET (THE CHORD OF WHICH BEARS SOUTH 77° 43' 59" WEST A DISTANCE OF 279.34 FEET) TO A POINT OF NON-TANGENCY, SAID POINT ALSO BEING ON THE WESTERLY LINE OF SAID "CORRECTED PARCEL 1";

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING (2) COURSES:

NORTH 18° 16' 21" WEST, 290.04 FEET;

THENCE NORTH 18° 16' 21" WEST, 854.56 FEET TO A POINT ON THE SOUTHERLY LINE OF ADJUSTED "TRACT D" AS DESCRIBED IN STATUTORY BARGAIN AND SALE DEED TO TREE FARM LLC, RECORDED DECEMBER 13, 2019 IN VOLUME 2019, PAGE 48818, DESCHUTES COUNTY OFFICIAL RECORDS;

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THENCE NORTH 86° 32' 47" EAST, 199.14 FEET TO A POINT OF NON-TANGENT CURVATURE;
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CENTRAL ANGLE OF 14° 45' 53", AN ARC LENGTH OF 73.44 FEET (THE CHORD OF WHICH BEARS
NORTH 12° 41' 04" EAST A DISTANCE OF 73.24 FEET) TO A POINT OF TANGENCY;
THENCE NORTH 20° 04' 00" EAST, 71.45 FEET TO A POINT OF CURVATURE;
THENCE ALONG THE ARC OF A 1885.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A
CENTRAL ANGLE OF 17° 20' 04", AN ARC LENGTH OF 570.29 FEET (THE CHORD OF WHICH BEARS
NORTH 28° 44' 02" EAST A DISTANCE OF 568.12 FEET) TO A POINT OF REVERSE CURVATURE;
THENCE ALONG THE ARC OF A 1465.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A
CENTRAL ANGLE OF 05° 51' 27", AN ARC LENGTH OF 149.77 FEET (THE CHORD OF WHICH BEARS
NORTH 34° 28' 21" EAST A DISTANCE OF 149.71 FEET) TO THE POINT OF BEGINNING.

HEREIN DESCRIBED LAND CONTAINS 37.60 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AND THOSE COMMON AND
APPARENT ON THE LAND.

BEARINGS ARE BASED ON RECORD OF SURVEY, FILED DECEMBER 17, 2019 AS CS20078 IN THE
DESCHUTES COUNTY SURVEYOR'S OFFICE.



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EXHIBIT C

LEGAL DESCRIPTION FOR ADJUSTED PROPERTY #2 CITY OF BEND PROPERTY LINE ADJUSTMENT PZ 20-0323

THAT PROPERTY DESCRIBED AS CORRECTED PARCEL 6 IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS; LOCATED IN THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER (S1/2, NE1/4) AND THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON.

TOGETHER WITH A TRACT OF LAND LOCATED IN THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER (S1/2 NE1/4) AND THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTH ONE-HALF (S1/2 N1/2) OF SAID SECTION 35, MARKED BY A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "DOWL"; THENCE ALONG SAID NORTH LINE SOUTH 89° 57' 40" EAST, 531.13 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE LEAVING SAID NORTH LINE, ALONG THE ARC OF A 1256.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14° 20' 02", AN ARC LENGTH OF 314.22 FEET (THE CHORD OF WHICH BEARS SOUTH 25° 37' 56" WEST A DISTANCE OF 313.40 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 18° 27' 55" WEST, 87.98 FEET;

THENCE SOUTH 05° 27' 04" WEST, 61.11 FEET;

THENCE SOUTH 20° 22' 12" WEST, 108.00 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 945.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 01° 04' 33", AN ARC LENGTH OF 17.74 FEET (THE CHORD OF WHICH BEARS NORTH 72° 01' 44" WEST A DISTANCE OF 17.74 FEET) TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 2029.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08° 29' 30", AN ARC LENGTH OF 300.71 FEET (THE CHORD OF WHICH BEARS SOUTH 23° 55' 01" WEST A DISTANCE OF 300.43 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 19° 40' 16" WEST, 247.00 FEET;

THENCE SOUTH 59° 13' 28" EAST, 148.34 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 470.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 12° 00' 29", AN ARC LENGTH OF 98.50 FEET (THE CHORD OF WHICH BEARS SOUTH 19° 39' 48" WEST A DISTANCE OF 98.32 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 25° 40' 02" WEST, 19.39 FEET;

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THENCE SOUTH 64° 09' 44" EAST, 33.50 FEET;

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THENCE ALONG THE ARC OF A 535.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 06° 52' 12", AN ARC LENGTH OF 64.15 FEET (THE CHORD OF WHICH BEARS SOUTH 68° 31' 04" EAST A DISTANCE OF 64.11 FEET) TO A POINT OF TANGENCY;

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THENCE SOUTH 63° 49' 00" EAST, 269.71 FEET;

THENCE SOUTH 50° 24' 54" EAST, 345.10 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF NW CROSSING DRIVE (35.00 FEET FROM CENTERLINE) AS DESCRIBED IN DEDICATION DEED, RECORDED SEPTEMBER 8, 2014 IN VOLUME 2014, PAGE 29653, DESCHUTES COUNTY OFFICIAL RECORDS;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY SOUTH 49° 39' 33" WEST, 397.23 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT PROPERTY DESCRIBED AS "CORRECTED PARCEL 1" IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS;

THENCE ALONG THE SOUTHERLY LINE OF SAID "CORRECTED PARCEL 1" THE FOLLOWING (6) COURSES:

NORTH 40° 20' 20" WEST, 522.48 FEET;

THENCE SOUTH 44° 22' 08" WEST, 81.09 FEET;

THENCE SOUTH 55° 25' 49" WEST, 239.11 FEET;

THENCE NORTH 88° 13' 45" WEST, 97.41 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 105.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 50° 20' 12", AN ARC LENGTH OF 92.25 FEET (THE CHORD OF WHICH BEARS SOUTH 57° 31' 18" WEST A DISTANCE OF 89.31 FEET) TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A 1616.41 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 09° 54' 51", AN ARC LENGTH OF 279.69 FEET (THE CHORD OF WHICH BEARS SOUTH 77° 43' 59" WEST A DISTANCE OF 279.34 FEET) TO A POINT OF NON-TANGENCY, SAID POINT ALSO BEING ON THE WESTERLY LINE OF SAID "CORRECTED PARCEL 1";

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING (2) COURSES:

NORTH 18° 16' 21" WEST, 290.04 FEET;

THENCE NORTH 18° 16' 21" WEST, 854.56 FEET TO A POINT ON THE SOUTHERLY LINE OF ADJUSTED "TRACT D" AS DESCRIBED IN STATUTORY BARGAIN AND SALE DEED TO TREE FARM LLC, RECORDED DECEMBER 13, 2019 IN VOLUME 2019, PAGE 48818, DESCHUTES COUNTY OFFICIAL RECORDS;

THENCE LEAVING SAID WESTERLY LINE, ALONG SAID SOUTHERLY LINE THE FOLLOWING (7) COURSES:

NORTH 80° 40' 32" EAST, 13.21 FEET;

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THENCE NORTH 83° 24' 36" EAST, 146.23 FEET;
THENCE NORTH 86° 32' 47" EAST, 199.14 FEET TO A POINT OF NON-TANGENT CURVATURE;
THENCE ALONG THE ARC OF A 285.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 14° 45' 53", AN ARC LENGTH OF 73.44 FEET (THE CHORD OF WHICH BEARS NORTH 12° 41' 04" EAST A DISTANCE OF 73.24 FEET) TO A POINT OF TANGENCY;
THENCE NORTH 20° 04' 00" EAST, 71.45 FEET TO A POINT OF CURVATURE;
THENCE ALONG THE ARC OF A 1885.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 17° 20' 04", AN ARC LENGTH OF 570.29 FEET (THE CHORD OF WHICH BEARS NORTH 28° 44' 02" EAST A DISTANCE OF 568.12 FEET) TO A POINT OF REVERSE CURVATURE;
THENCE ALONG THE ARC OF A 1465.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 05° 51' 27", AN ARC LENGTH OF 149.77 FEET (THE CHORD OF WHICH BEARS NORTH 34° 28' 21" EAST A DISTANCE OF 149.71 FEET) TO THE POINT OF BEGINNING.

HEREIN DESCRIBED LAND CONTAINS 77.91 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS ARE BASED ON RECORD OF SURVEY, FILED DECEMBER 17, 2019 AS CS20078 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Coursen 6-1-2020

OREGON
DECEMBER 11, 2012
BRIAN C. COURSEN
86998

Renews: 12-31-2021

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D-D Cnt=1 Str=2 AS
\$40.00 \$11.00 \$61.00 \$10.00 \$6.00

\$128.00

After Recording Return To,
and Send Tax Statements To:

NWX2 LLC
409 NW Franklin Ave.
Bend, Oregon 97703

STATUTORY BARGAIN AND SALE DEED
(LLA: PZ-20-326 Transfer from 1 to 2)

NWX2 LLC, an Oregon limited liability company ("Grantor"), conveys to NWX2 LLC, an Oregon limited liability company ("Grantee"), the real property located in the City of Bend, Deschutes County, Oregon, legally described on **Exhibit A** attached hereto.

Accordingly, after such transfer, Grantor's property will be as legally described on the attached **Exhibit B**, and Grantee's property will be as legally described on the attached **Exhibit C**.

The true and actual consideration paid for this conveyance consists of or includes other property or other value given or promised, specifically, completion of a lot line adjustment, City of Bend Planning Project No. PZ-20-0326.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, Grantor and Grantee have executed this deed as of this 3rd day of June 2020.

GRANTOR: NWX2 LLC,
an Oregon limited liability company
By Brooks Resources Corporation,
Its managing member

By:
Jade Mayer
Its VP/CFO

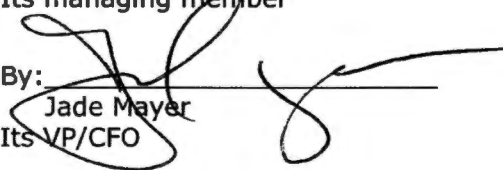
<Signatures and notary blocks continue on next page>

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GRANTEE:

NWX2 LLC,
an Oregon limited liability company

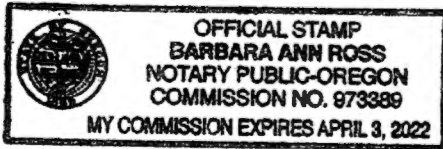
By Brooks Resources Corporation,
Its managing member

By: 
Jade Mayer
Its VP/CFO

STATE OF OREGON)

) SS
COUNTY OF Deschutes

The foregoing instrument was acknowledged before me on June 3, 2020, by Jade Mayer, the VP/CFO of Brooks Resources Corporation, the managing member of NWX2 LLC, on behalf of NWX2 LLC.

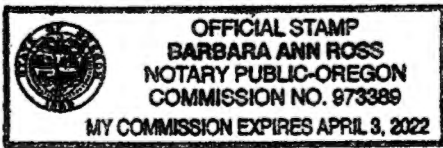


Barbara Ann Ross
NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: April 3, 2022

STATE OF OREGON)

) SS
COUNTY OF Deschutes

The foregoing instrument was acknowledged before me on June 3, 2020, by Jade Mayer, the VP/CFO of Brooks Resources Corporation, the managing member of NWX2 LLC, on behalf of NWX2 LLC.



Barbara Ann Ross
NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: April 3, 2022



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EXHIBIT A

**LEGAL DESCRIPTION FOR TRANSFER PROPERTY
TAX LOT 17113500 00300 (PROPERTY #1) TO TAX LOT 17113500 00200 (PROPERTY #2)
CITY OF BEND PROPERTY LINE ADJUSTMENT PZ-20-0326**

A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) AND THE WEST ONE-HALF (W1/2) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF ADJUSTED TRACT C OF "TREE FARM" DESCRIBED IN THAT STATUTORY BARGAIN AND SALE DEED TO THE TREE FARM LLC, RECORDED DECEMBER 13, 2019 IN VOLUME 2019, PAGE 48810, SAID POINT MARKED BY A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "DEVTECH", THENCE ALONG SAID SOUTHEASTERLY LINE THE FOLLOWING (6) COURSES:

THENCE ALONG THE ARC OF A 3256.41 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 07° 03' 47", AN ARC LENGTH OF 401.44 FEET (THE CHORD OF WHICH BEARS NORTH 36° 36' 15" EAST A DISTANCE OF 401.18 FEET) TO A POINT OF NON-TANGENCY;

THENCE NORTH 59° 27' 16" EAST, 152.85 FEET;

THENCE NORTH 48° 58' 19" EAST, 84.75 FEET;

SOUTH 45° 14' 31" EAST, 74.58 FEET;

THENCE NORTH 44° 47' 44" EAST, 60.06 FEET;

THENCE SOUTH 45° 12' 50" EAST, 159.99 FEET TO A POINT ON THE EASTERLY LINE OF THAT PROPERTY DESCRIBED AS "CORRECTED PARCEL 2" IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS;

THENCE LEAVING THE SOUTHEASTERLY LINE OF SAID ADJUSTED TRACT C ALONG THE EASTERLY LINE OF SAID "CORRECTED PARCEL 2" THE FOLLOWING (4) COURSES:

SOUTH 45° 14' 31" EAST, 480.00 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 2486.41 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 08° 14' 33", AN ARC LENGTH OF 357.69 FEET (THE CHORD OF WHICH BEARS NORTH 49° 34' 33" EAST A DISTANCE OF 357.38 FEET) TO A POINT OF NON-TANGENCY;

THENCE SOUTH 35° 36' 42" EAST, 580.06 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 1906.41 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 17° 07' 49", AN ARC LENGTH OF 569.98 FEET (THE CHORD OF WHICH BEARS NORTH 62° 03' 07" EAST A DISTANCE OF 567.86 FEET) TO A POINT OF NON-TANGENCY;

THENCE LEAVING SAID EASTERLY LINE OF SAID "CORRECTED PARCEL 2" SOUTH 01° 41' 04" EAST, 127.09 FEET TO A POINT OF CURVATURE;

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THENCE ALONG THE ARC OF A 320.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 72° 32' 28", AN ARC LENGTH OF 405.15 FEET (THE CHORD OF WHICH BEARS SOUTH 34° 35' 10" WEST A DISTANCE OF 378.62 FEET) TO A POINT A POINT OF TANGENCY;

THENCE SOUTH 70° 51' 25" WEST, 316.93 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 790.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 34° 45' 21", AN ARC LENGTH OF 479.22 FEET (THE CHORD OF WHICH BEARS SOUTH 53° 28' 44" WEST A DISTANCE OF 471.90 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 36° 06' 04" WEST, 32.62 FEET TO A POINT ON THE WESTERLY LINE OF SAID "CORRECTED PARCEL 2";

THENCE ALONG THE WESTERLY LINE OF SAID "CORRECTED PARCEL 2" NORTH 57° 26' 58" WEST, 1441.33 FEET;

THENCE NORTH 27° 47' 13" EAST, 60.21 FEET TO THE POINT OF BEGINNING.

THIS TRACT OF LAND CONTAINS 28.45 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS ARE BASED ON RECORD OF SURVEY, FILED DECEMBER 17, 2019 AS CS20078 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE.



Renews: 12-31-2021



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EXHIBIT B

LEGAL DESCRIPTION FOR ADJUSTED PROPERTY #1 CITY OF BEND PROPERTY LINE ADJUSTMENT PZ-20-0326

THAT PROPERTY DESCRIBED AS ADJUSTED PROPERTY #1 IN STATUTORY BARGAIN AND SALE DEED TO NWX2 LLC, RECORDED JUNE 4, 2020 IN VOLUME 2020, PAGE 25751, DESCHUTES COUNTY OFFICIAL RECORDS LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) AND THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON.

EXCEPTING THEREFROM A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) AND THE WEST ONE-HALF (W1/2) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF ADJUSTED TRACT C OF "TREE FARM" DESCRIBED IN THAT STATUTORY BARGAIN AND SALE DEED TO THE TREE FARM LLC, RECORDED DECEMBER 13, 2019 IN VOLUME 2019, PAGE 48810, SAID POINT MARKED BY A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "DEVTECH", THENCE ALONG SAID SOUTHEASTERLY LINE THE FOLLOWING (6) COURSES:

THENCE ALONG THE ARC OF A 3256.41 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 07° 03' 47", AN ARC LENGTH OF 401.44 FEET (THE CHORD OF WHICH BEARS NORTH 36° 36' 15" EAST A DISTANCE OF 401.18 FEET) TO A POINT OF NON-TANGENCY;

THENCE NORTH 59° 27' 16" EAST, 152.85 FEET;

THENCE NORTH 48° 58' 19" EAST, 84.75 FEET;

SOUTH 45° 14' 31" EAST, 74.58 FEET;

THENCE NORTH 44° 47' 44" EAST, 60.06 FEET;

THENCE SOUTH 45° 12' 50" EAST, 159.99 FEET TO A POINT ON THE EASTERLY LINE OF THAT PROPERTY DESCRIBED AS "CORRECTED PARCEL 2" IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS;

THENCE LEAVING THE SOUTHEASTERLY LINE OF SAID ADJUSTED TRACT C ALONG THE EASTERLY LINE OF SAID "CORRECTED PARCEL 2" THE FOLLOWING (4) COURSES:

SOUTH 45° 14' 31" EAST, 480.00 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 2486.41 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 08° 14' 33", AN ARC LENGTH OF 357.69 FEET (THE CHORD OF WHICH BEARS NORTH 49° 34' 33" EAST A DISTANCE OF 357.38 FEET) TO A POINT OF NON-TANGENCY;

THENCE SOUTH 35° 36' 42" EAST, 580.06 FEET TO A POINT OF NON-TANGENT CURVATURE;

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THENCE ALONG THE ARC OF A 1906.41 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 17° 07' 49", AN ARC LENGTH OF 569.98 FEET (THE CHORD OF WHICH BEARS NORTH 62° 03' 07" EAST A DISTANCE OF 567.86 FEET) TO A POINT OF NON-TANGENCY;

THENCE LEAVING SAID EASTERLY LINE OF SAID "CORRECTED PARCEL 2" SOUTH 01° 41' 04" EAST, 127.09 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 320.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 72° 32' 28", AN ARC LENGTH OF 405.15 FEET (THE CHORD OF WHICH BEARS SOUTH 34° 35' 10" WEST A DISTANCE OF 378.62 FEET) TO A POINT A POINT OF TANGENCY;

THENCE SOUTH 70° 51' 25" WEST, 316.93 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 790.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 34° 45' 21", AN ARC LENGTH OF 479.22 FEET (THE CHORD OF WHICH BEARS SOUTH 53° 28' 44" WEST A DISTANCE OF 471.90 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 36° 06' 04" WEST, 32.62 FEET TO A POINT ON THE WESTERLY LINE OF SAID "CORRECTED PARCEL 2";

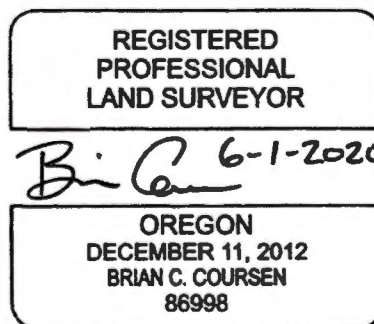
THENCE ALONG THE WESTERLY LINE OF SAID "CORRECTED PARCEL 2" NORTH 57° 26' 58" WEST, 1441.33 FEET;

THENCE NORTH 27° 47' 13" EAST, 60.21 FEET TO THE POINT OF BEGINNING.

THIS TRACT OF LAND CONTAINS 36.12 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS ARE BASED ON RECORD OF SURVEY, FILED DECEMBER 17, 2019 AS CS20078 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE.



Renews: 12-31-2021



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EXHIBIT C

LEGAL DESCRIPTION FOR ADJUSTED PROPERTY #2 CITY OF BEND PROPERTY LINE ADJUSTMENT PZ 20-0326

THAT PROPERTY DESCRIBED AS ADJUSTED PROPERTY #1 IN STATUTORY BARGAIN AND SALE DEED TO NWX2 LLC, RECORDED JUNE 4, 2020 IN VOLUME 2020, PAGE 25749, DESCHUTES COUNTY OFFICIAL RECORDS LOCATED IN THE SOUTH ONE-HALF OF THE NORTH ONE-HALF (S1/2 N1/2) AND THE NORTH ONE-HALF OF THE SOUTH ONE-HALF (N1/2 S1/2) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON.

TOGETHER WITH: A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) AND THE WEST ONE-HALF (W1/2) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF ADJUSTED TRACT C OF "TREE FARM" DESCRIBED IN THAT STATUTORY BARGAIN AND SALE DEED TO THE TREE FARM LLC, RECORDED DECEMBER 13, 2019 IN VOLUME 2019, PAGE 48810, SAID POINT MARKED BY A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "DEVTECH", THENCE ALONG SAID SOUTHEASTERLY LINE THE FOLLOWING (6) COURSES:

THENCE ALONG THE ARC OF A 3256.41 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 07° 03' 47", AN ARC LENGTH OF 401.44 FEET (THE CHORD OF WHICH BEARS NORTH 36° 36' 15" EAST A DISTANCE OF 401.18 FEET) TO A POINT OF NON-TANGENCY;

THENCE NORTH 59° 27' 16" EAST, 152.85 FEET;

THENCE NORTH 48° 58' 19" EAST, 84.75 FEET;

SOUTH 45° 14' 31" EAST, 74.58 FEET;

THENCE NORTH 44° 47' 44" EAST, 60.06 FEET;

THENCE SOUTH 45° 12' 50" EAST, 159.99 FEET TO A POINT ON THE EASTERLY LINE OF THAT PROPERTY DESCRIBED AS "CORRECTED PARCEL 2" IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS;

THENCE LEAVING THE SOUTHEASTERLY LINE OF SAID ADJUSTED TRACT C ALONG THE EASTERLY LINE OF SAID "CORRECTED PARCEL 2" THE FOLLOWING (4) COURSES:

SOUTH 45° 14' 31" EAST, 480.00 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 2486.41 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 08° 14' 33", AN ARC LENGTH OF 357.69 FEET (THE CHORD OF WHICH BEARS NORTH 49° 34' 33" EAST A DISTANCE OF 357.38 FEET) TO A POINT OF NON-TANGENCY;

THENCE SOUTH 35° 36' 42" EAST, 580.06 FEET TO A POINT OF NON-TANGENT CURVATURE;

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THENCE ALONG THE ARC OF A 1906.41 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 17° 07' 49", AN ARC LENGTH OF 569.98 FEET (THE CHORD OF WHICH BEARS NORTH 62° 03' 07" EAST A DISTANCE OF 567.86 FEET) TO A POINT OF NON-TANGENCY;

THENCE LEAVING SAID EASTERLY LINE OF SAID "CORRECTED PARCEL 2" SOUTH 01° 41' 04" EAST, 127.09 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 320.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 72° 32' 28", AN ARC LENGTH OF 405.15 FEET (THE CHORD OF WHICH BEARS SOUTH 34° 35' 10" WEST A DISTANCE OF 378.62 FEET) TO A POINT A POINT OF TANGENCY;

THENCE SOUTH 70° 51' 25" WEST, 316.93 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 790.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 34° 45' 21", AN ARC LENGTH OF 479.22 FEET (THE CHORD OF WHICH BEARS SOUTH 53° 28' 44" WEST A DISTANCE OF 471.90 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 36° 06' 04" WEST, 32.62 FEET TO A POINT ON THE WESTERLY LINE OF SAID "CORRECTED PARCEL 2";

THENCE ALONG THE WESTERLY LINE OF SAID "CORRECTED PARCEL 2" NORTH 57° 26' 58" WEST, 1441.33 FEET;

THENCE NORTH 27° 47' 13" EAST, 60.21 FEET TO THE POINT OF BEGINNING.

THIS TRACT OF LAND CONTAINS 47.31 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS ARE BASED ON RECORD OF SURVEY, FILED DECEMBER 17, 2019 AS CS20078 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian C. Coursen 6-1-2020

OREGON
DECEMBER 11, 2012
BRIAN C. COURSEN
86998

Renews: 12-31-2021

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AUGUST 23, 2021
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Deschutes County Official Records 2020-25753
Nancy Blankenship, County Clerk



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\$40.00 \$11.00 \$61.00 \$10.00 \$6.00

\$128.00

8
**After Recording Return To,
and Send Tax Statements To:**

NWX2 LLC
409 NW Franklin Ave.
Bend, Oregon 97703

STATUTORY BARGAIN AND SALE DEED
(LLA: PZ-20-327 Transfer from 2 to 1)

NWX2 LLC, an Oregon limited liability company ("Grantor"), conveys to NWX2 LLC, an Oregon limited liability company ("Grantee"), the real property located in the City of Bend, Deschutes County, Oregon, legally described on **Exhibit A** attached hereto.

Accordingly, after such transfer, Grantor's property will be as legally described on the attached **Exhibit B**, and Grantee's property will be as legally described on the attached **Exhibit C**.

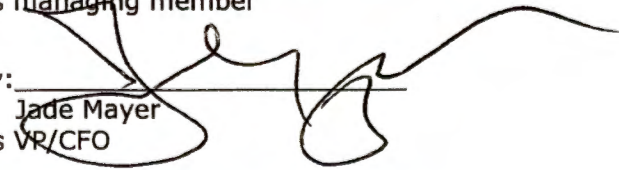
The true and actual consideration paid for this conveyance consists of or includes other property or other value given or promised, specifically, completion of a lot line adjustment, City of Bend Planning Project No. PZ-20-0327.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, Grantor and Grantee have executed this deed as of this 3rd day of June 2020.

GRANTOR:

NWX2 LLC,
an Oregon limited liability company
By Brooks Resources Corporation,
Its managing member

By: 
Jade Mayer
Its VR/CFO

<Signatures and notary blocks continue on next page>

GRANTEE:

NWX2 LLC,
an Oregon limited liability company

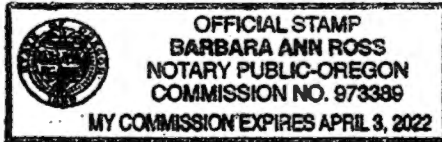
By Brooks Resources Corporation,
Its managing member

By: 
Jade Mayer
Its VP/CFO

STATE OF OREGON)

) SS
COUNTY OF Deschutes

The foregoing instrument was acknowledged before me on June 3, 2020, by Jade Mayer, the VP/CFO of Brooks Resources Corporation, the managing member of NWX2 LLC, on behalf of NWX2 LLC.

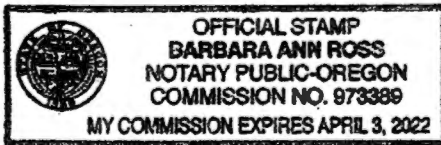


Barbara Ann Ross
NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: April 3, 2022

STATE OF OREGON)

) SS
COUNTY OF Deschutes

The foregoing instrument was acknowledged before me on June 3, 2020, by Jade Mayer, the VP/CFO of Brooks Resources Corporation, the managing member of NWX2 LLC, on behalf of NWX2 LLC.



Barbara Ann Ross
NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: April 3, 2022

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EXHIBIT A

LEGAL DESCRIPTION FOR TRANSFER PROPERTY TAX LOT 17113500 00200 (PROPERTY #2) TO TAX LOT 17113500 00500 (PROPERTY #1) CITY OF BEND PROPERTY LINE ADJUSTMENT PZ-20-0327

A TRACT OF LAND LOCATED IN THE NORTH ONE-HALF OF THE SOUTH ONE-HALF (N1/2 S1/2) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHEASTERLY LINE OF ADJUSTED TRACT C OF "TREE FARM" DESCRIBED IN THAT STATUTORY BARGAIN AND SALE DEED TO THE TREE FARM LLC, RECORDED DECEMBER 13, 2019 IN VOLUME 2019, PAGE 48810, SAID POINT MARKED BY A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "DEVTECH", THENCE LEAVING SAID SOUTHEASTERLY LINE, ALONG THE NORTHERLY AND SOUTHWESTERLY LINES OF THAT PROPERTY DESCRIBED AS CORRECTED PARCEL 2 IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS; THE FOLLOWING (2) COURSES:

THENCE SOUTH 27° 47' 13" WEST A DISTANCE OF 60.21 FEET;

THENCE SOUTH 57° 26' 58" EAST, 751.17 FEET TO A POINT OF NON-TANGENT CURVATURE AND THE TRUE POINT OF THE BEGINNING;

THENCE LEAVING THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2, ALONG THE ARC OF A 2070.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 37° 52' 00", AN ARC LENGTH OF 1368.06 FEET (THE CHORD OF WHICH BEARS NORTH 60° 21' 33" EAST A DISTANCE OF 1343.30 FEET) TO A POINT OF NON-TANGENCY;

THENCE SOUTH 08° 37' 05" EAST, 30.02 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 2040.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 08° 51' 30", AN ARC LENGTH OF 315.40 FEET (THE CHORD OF WHICH BEARS NORTH 83° 41' 27" EAST A DISTANCE OF 315.09 FEET) TO A POINT OF NON-TANGENCY;

THENCE SOUTH 01° 41' 04" EAST, 317.92 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 320.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 72° 32' 28", AN ARC LENGTH OF 405.15 FEET (THE CHORD OF WHICH BEARS SOUTH 34° 35' 10" WEST A DISTANCE OF 378.62 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 70° 51' 25" WEST, 316.93 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 790.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 34° 45' 21", AN ARC LENGTH OF 479.22 FEET (THE CHORD OF WHICH BEARS SOUTH 53° 28' 44" WEST A DISTANCE OF 471.90 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 36° 06' 04" WEST, 32.62 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2;

THENCE ALONG SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2 NORTH 57° 26' 58" WEST, 690.16 FEET TO THE TRUE POINT OF BEGINNING.

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THIS TRACT OF LAND CONTAINS 19.76 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS ARE BASED ON RECORD OF SURVEY, FILED DECEMBER 17, 2019 AS CS20078 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Coursen 6-1-2020

OREGON
DECEMBER 11, 2012
BRIAN C. COURSEN
86998

Renews: 12-31-2021



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EXHIBIT B

LEGAL DESCRIPTION FOR ADJUSTED PROPERTY #2 CITY OF BEND PROPERTY LINE ADJUSTMENT PZ-20-0327

THAT PROPERTY DESCRIBED AS ADJUSTED PROPERTY #2 IN STATUTORY BARGAIN AND SALE DEED TO NWX2 LLC, RECORDED JUNE 4, 2020 IN VOLUME 2020, PAGE 25752, DESCHUTES COUNTY OFFICIAL RECORDS, LOCATED IN THE WEST ONE-HALF OF THE EAST ONE-HALF (W1/2, E1/2) AND THE WEST ONE-HALF (W1/2) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON;

EXCEPTING THEREFROM: A TRACT OF LAND LOCATED IN THE NORTH ONE-HALF OF THE SOUTH ONE-HALF (N1/2 S1/2) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHEASTERLY LINE OF ADJUSTED TRACT C OF "TREE FARM" DESCRIBED IN THAT STATUTORY BARGAIN AND SALE DEED TO THE TREE FARM LLC, RECORDED DECEMBER 13, 2019 IN VOLUME 2019, PAGE 48810, SAID POINT MARKED BY A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "DEVTECH", THENCE LEAVING SAID SOUTHEASTERLY LINE, ALONG THE NORTHERLY AND SOUTHWESTERLY LINES OF THAT PROPERTY DESCRIBED AS CORRECTED PARCEL 2 IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS; THE FOLLOWING (2) COURSES:

THENCE SOUTH 27° 47' 13" WEST A DISTANCE OF 60.21 FEET;

THENCE SOUTH 57° 26' 58" EAST, 751.17 FEET TO A POINT OF NON-TANGENT CURVATURE AND THE TRUE POINT OF THE BEGINNING;

THENCE LEAVING THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2, ALONG THE ARC OF A 2070.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 37° 52' 00", AN ARC LENGTH OF 1368.06 FEET (THE CHORD OF WHICH BEARS NORTH 60° 21' 33" EAST A DISTANCE OF 1343.30 FEET) TO A POINT OF NON-TANGENCY;

THENCE SOUTH 08° 37' 05" EAST, 30.02 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 2040.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 08° 51' 30", AN ARC LENGTH OF 315.40 FEET (THE CHORD OF WHICH BEARS NORTH 83° 41' 27" EAST A DISTANCE OF 315.09 FEET) TO A POINT OF NON-TANGENCY;

THENCE SOUTH 01° 41' 04" EAST, 317.92 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 320.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 72° 32' 28", AN ARC LENGTH OF 405.15 FEET (THE CHORD OF WHICH BEARS SOUTH 34° 35' 10" WEST A DISTANCE OF 378.62 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 70° 51' 25" WEST, 316.93 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 790.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 34° 45' 21", AN ARC LENGTH OF 479.22 FEET (THE CHORD OF WHICH BEARS SOUTH 53° 28' 44" WEST A DISTANCE OF 471.90 FEET) TO A POINT OF TANGENCY;

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THENCE SOUTH 36° 06' 04" WEST, 32.62 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2;

THENCE ALONG SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2 NORTH 57° 26' 58" WEST, 690.16 FEET TO THE **TRUE POINT OF BEGINNING**.

THIS TRACT OF LAND CONTAINS 27.55 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS ARE BASED ON RECORD OF SURVEY, FILED DECEMBER 17, 2019 AS CS20078 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian C. Coursen 6-1-2020

OREGON
DECEMBER 11, 2012
BRIAN C. COURSEN
86998

Renews: 12-31-2021



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EXHIBIT C

LEGAL DESCRIPTION FOR ADJUSTED PROPERTY #1 CITY OF BEND PROPERTY LINE ADJUSTMENT PZ-20-0327

THAT PROPERTY DESCRIBED AS ADJUSTED PROPERTY #1 IN CORRECTED STATUTORY BARGAIN AND SALE DEED TO NWX2 LLC, RECORDED APRIL 16, 2020 IN VOLUME 2020, PAGE 17091, DESCHUTES COUNTY OFFICIAL RECORDS, LOCATED IN THE WEST ONE-HALF OF THE EAST ONE-HALF (W1/2, E1/2) AND THE WEST ONE-HALF (W1/2) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON;

TOGETHER WITH: A TRACT OF LAND LOCATED IN THE NORTH ONE-HALF OF THE SOUTH ONE-HALF (N1/2 S1/2) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHEASTERLY LINE OF ADJUSTED TRACT C OF "TREE FARM" DESCRIBED IN THAT STATUTORY BARGAIN AND SALE DEED TO THE TREE FARM LLC, RECORDED DECEMBER 13, 2019 IN VOLUME 2019, PAGE 48810, SAID POINT MARKED BY A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "DEVTECH", THENCE LEAVING SAID SOUTHEASTERLY LINE, ALONG THE NORTHERLY AND SOUTHWESTERLY LINES OF THAT PROPERTY DESCRIBED AS CORRECTED PARCEL 2 IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS; THE FOLLOWING (2) COURSES:

THENCE SOUTH 27° 47' 13" WEST A DISTANCE OF 60.21 FEET;

THENCE SOUTH 57° 26' 58" EAST, 751.17 FEET TO A POINT OF NON-TANGENT CURVATURE AND THE TRUE POINT OF THE BEGINNING;

THENCE LEAVING THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2, ALONG THE ARC OF A 2070.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 37° 52' 00", AN ARC LENGTH OF 1368.06 FEET (THE CHORD OF WHICH BEARS NORTH 60° 21' 33" EAST A DISTANCE OF 1343.30 FEET) TO A POINT OF NON-TANGENCY;

THENCE SOUTH 08° 37' 05" EAST, 30.02 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 2040.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 08° 51' 30", AN ARC LENGTH OF 315.40 FEET (THE CHORD OF WHICH BEARS NORTH 83° 41' 27" EAST A DISTANCE OF 315.09 FEET) TO A POINT OF NON-TANGENCY;

THENCE SOUTH 01° 41' 04" EAST, 317.92 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 320.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 72° 32' 28", AN ARC LENGTH OF 405.15 FEET (THE CHORD OF WHICH BEARS SOUTH 34° 35' 10" WEST A DISTANCE OF 378.62 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 70° 51' 25" WEST, 316.93 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 790.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 34° 45' 21", AN ARC LENGTH OF 479.22 FEET (THE CHORD OF WHICH BEARS SOUTH 53° 28' 44" WEST A DISTANCE OF 471.90 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 36° 06' 04" WEST, 32.62 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2;

THENCE ALONG SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2 NORTH 57° 26' 58" WEST, 690.16 FEET TO THE **TRUE POINT OF BEGINNING**.

HEREIN DESCRIBED LAND CONTAINS 54.87 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS ARE BASED ON RECORD OF SURVEY, FILED DECEMBER 17, 2019 AS CS20078 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE.

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Deschutes County Official Records 2020-25754
Nancy Blankenship, County Clerk



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06/04/2020 12:13 PM

D-D Cnt=1 Str=2 AS
\$40.00 \$11.00 \$61.00 \$10.00 \$6.00

\$128.00

§
After Recording Return To,
and Send Tax Statements To:

NWX2 LLC
409 NW Franklin Ave.
Bend, Oregon 97703

STATUTORY BARGAIN AND SALE DEED

(LLA: PZ-20-328 Transfer from 2 to 1)

NWX2 LLC, an Oregon limited liability company ("Grantor"), conveys to NWX2 LLC, an Oregon limited liability company ("Grantee"), the real property located in the City of Bend, Deschutes County, Oregon, legally described on **Exhibit A** attached hereto.

Accordingly, after such transfer, Grantor's property will be as legally described on the attached **Exhibit B**, and Grantee's property will be as legally described on the attached **Exhibit C**.

The true and actual consideration paid for this conveyance consists of or includes other property or other value given or promised, specifically, completion of a lot line adjustment, City of Bend Planning Project No. PZ-20-0328.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, Grantor and Grantee have executed this deed as of this 3rd day of June 2020.

GRANTOR:

NWX2 LLC,
an Oregon limited liability company
By Brooks Resources Corporation,
Its managing member

By:
Jade Mayer
Its VP/CFO

<Signatures and notary blocks continue on next page>

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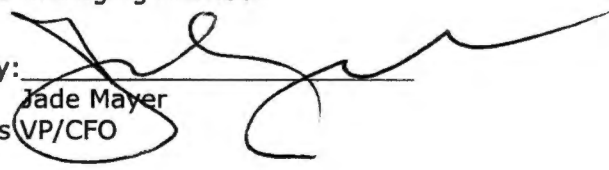
GRANTEE:

NWX2 LLC,
an Oregon limited liability company

By Brooks Resources Corporation,
Its managing member

By: _____

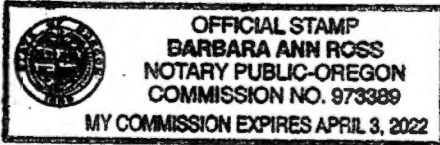
Jade Mayer
Its VP/CFO



STATE OF OREGON)

COUNTY OF Deschutes)^{ss}

The foregoing instrument was acknowledged before me on June 3, 2020, by Jade Mayer, the VP/CFO of Brooks Resources Corporation, the managing member of NWX2 LLC, on behalf of NWX2 LLC.

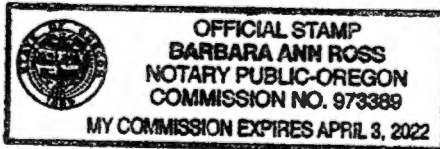


Barbara Ann Ross
NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: April 3, 2022

STATE OF OREGON)

COUNTY OF Deschutes)^{ss}

The foregoing instrument was acknowledged before me on June 3, 2020, by Jade Mayer, the VP/CFO of Brooks Resources Corporation, the managing member of NWX2 LLC, on behalf of NWX2 LLC.



Barbara Ann Ross
NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: April 3, 2022



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EXHIBIT A

LEGAL DESCRIPTION FOR TRANSFER PROPERTY TAX LOT 17113500 00500 (PROPERTY #2) TO TAX LOT 17113500 00400 (PROPERTY #1) CITY OF BEND PROPERTY LINE ADJUSTMENT PZ-20-0328

A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY OF SKYLINERS ROAD (30 FEET FROM CENTERLINE) AND THE WESTERLY LINE OF PARCEL 1 OF PARTITION PLAT 2007-83, RECORDED DECEMBER 27, 2007 IN VOLUME 2007, PAGE 65925, DESCHUTES COUNTY OFFICIAL RECORDS, MARKED BY A 5/8 INCH IRON ROD, THENCE ALONG SAID NORTHERLY RIGHT OF WAY ALONG THE ARC OF A 5673.80 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 12° 13' 58", AN ARC LENGTH OF 1211.37 FEET (THE CHORD OF WHICH BEARS SOUTH 76° 50' 09" WEST A DISTANCE OF 1209.07 FEET) TO A POINT ON THE EASTERLY LINE OF ADJUSTED TRACT A OF "TREE FARM" AS DESCRIBED IN STATUTORY BARGAIN AND SALE DEED TO THE TREE FARM LLC, RECORDED APRIL 16, 2020 IN VOLUME 2020, PAGE 17092, DESCHUTES COUNTY OFFICIAL RECORDS, AND A POINT OF NON-TANGENCY;

THENCE LEAVING SAID NORTHERLY RIGHT OF WAY ALONG THE EASTERLY LINE OF SAID ADJUSTED TRACT A THE FOLLOWING (2) COURSES;

NORTH 18° 58' 33" WEST, 21.17 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 211.53 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 05° 29' 17", AN ARC LENGTH OF 20.26 FEET (THE CHORD OF WHICH BEARS NORTH 16° 13' 55" WEST A DISTANCE OF 20.25 FEET) TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 619.98 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 14° 34' 34", AN ARC LENGTH OF 157.72 FEET (THE CHORD OF WHICH BEARS NORTH 05° 46' 29" WEST A DISTANCE OF 157.30 FEET) TO A POINT ON THE EASTERLY LINE OF ADJUSTED TRACT C OF "TREE FARM" AS DESCRIBED IN STATUTORY BARGAIN AND SALE DEED TO THE TREE FARM LLC, RECORDED DECEMBER 13, 2019 IN VOLUME 2019, PAGE 48810, DESCHUTES COUNTY OFFICIAL RECORDS, AND A POINT OF NON-TANGENCY;

THENCE ALONG EASTERLY LINE OF SAID ADJUSTED TRACT C THE FOLLOWING (4) COURSES;

SOUTH 89° 07' 25" EAST, 4.26 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 482.17 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 28° 03' 57", AN ARC LENGTH OF 236.19 FEET (THE CHORD OF WHICH BEARS NORTH 18° 44' 34" EAST A DISTANCE OF 233.84 FEET) TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 524.82 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 26° 54' 28", AN ARC LENGTH OF 246.47 FEET (THE CHORD OF WHICH BEARS NORTH 16° 54' 10" EAST A DISTANCE OF 244.21 FEET) TO A POINT OF NON-TANGENCY;

THENCE SOUTH 78° 32' 51" WEST, 13.94 FEET TO A POINT ON THE EASTERLY LINE OF CORRECTED PARCEL 5 AS DESCRIBED IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS, AND A POINT OF NON-TANGENT CURVATURE;

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THENCE ALONG SAID EASTERLY LINE THE FOLLOWING (2) COURSES;

THE ARC OF A 332.86 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 41° 20' 05", AN ARC LENGTH OF 240.14 FEET (THE CHORD OF WHICH BEARS NORTH 12° 23' 20" WEST A DISTANCE OF 234.96 FEET) TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 2546.41 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 22° 20' 20", AN ARC LENGTH OF 992.81 FEET (THE CHORD OF WHICH BEARS NORTH 20° 42' 53" EAST A DISTANCE OF 986.54 FEET) TO A POINT ON THE SOUTHWESTERLY LINE OF CORRECTED PARCEL 2 AS DESCRIBED IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS, AND A POINT OF NON-TANGENCY;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2, SOUTH 57° 26' 58" EAST, 140.67 FEET;

THENCE LEAVING THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2, SOUTH 53° 53' 56" EAST, 594.48 FEET;

THENCE NORTH 36° 06' 04" EAST, 36.89 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2 THE FOLLOWING (2) COURSES;

SOUTH 57° 26' 58" EAST, 90.17 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 105.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 46° 01' 50", AN ARC LENGTH OF 84.36 FEET (THE CHORD OF WHICH BEARS SOUTH 80° 27' 53" EAST A DISTANCE OF 82.11 FEET) TO A POINT ON THE WESTERLY LINE OF PARCEL 1 OF SAID PARTITION PLAT 2007-83 AND A POINT OF NON-TANGENCY;

THENCE LEAVING SOUTHERLY LINE OF SAID CORRECTED PARCEL 2 ALONG WESTERLY LINE OF SAID PARCEL 1, SOUTH 00° 23' 18" WEST, 1066.88 FEET TO THE **POINT OF BEGINNING**.

THIS TRACT OF LAND CONTAINS 34.86 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS ARE BASED ON RECORD OF SURVEY, FILED DECEMBER 17, 2019 AS CS20078 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE.



Renews: 12-31-2021



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EXHIBIT B
LEGAL DESCRIPTION FOR ADJUSTED PROPERTY #2
CITY OF BEND PROPERTY LINE ADJUSTMENT PZ-20-0328

THAT PROPERTY DESCRIBED AS ADJUSTED PROPERTY #1 IN STATUTORY BARGAIN AND SALE DEED TO NWX2 LLC, RECORDED JUNE 4, 2020 IN VOLUME 2020, PAGE 25753, DESCHUTES COUNTY OFFICIAL RECORDS, LOCATED IN THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON;

EXCEPTING THEREFROM A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY OF SKYLINERS ROAD (30 FEET FROM CENTERLINE) AND THE WESTERLY LINE OF PARCEL 1 OF PARTITION PLAT 2007-83, RECORDED DECEMBER 27, 2007 IN VOLUME 2007, PAGE 65925, DESCHUTES COUNTY OFFICIAL RECORDS, MARKED BY A 5/8 INCH IRON ROD, THENCE ALONG SAID NORTHERLY RIGHT OF WAY ALONG THE ARC OF A 5673.80 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 12° 13' 58", AN ARC LENGTH OF 1211.37 FEET (THE CHORD OF WHICH BEARS SOUTH 76° 50' 09" WEST A DISTANCE OF 1209.07 FEET) TO A POINT ON THE EASTERLY LINE OF ADJUSTED TRACT A OF "TREE FARM" AS DESCRIBED IN STATUTORY BARGAIN AND SALE DEED TO THE TREE FARM LLC, RECORDED APRIL 16, 2020 IN VOLUME 2020, PAGE 17092, DESCHUTES COUNTY OFFICIAL RECORDS, AND A POINT OF NON-TANGENCY;

THENCE LEAVING SAID NORTHERLY RIGHT OF WAY ALONG THE EASTERLY LINE OF SAID ADJUSTED TRACT A THE FOLLOWING (2) COURSES;

NORTH 18° 58' 33" WEST, 21.17 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 211.53 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 05° 29' 17", AN ARC LENGTH OF 20.26 FEET (THE CHORD OF WHICH BEARS NORTH 16° 13' 55" WEST A DISTANCE OF 20.25 FEET) TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 619.98 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 14° 34' 34", AN ARC LENGTH OF 157.72 FEET (THE CHORD OF WHICH BEARS NORTH 05° 46' 29" WEST A DISTANCE OF 157.30 FEET) TO A POINT ON THE EASTERLY LINE OF ADJUSTED TRACT C OF "TREE FARM" AS DESCRIBED IN STATUTORY BARGAIN AND SALE DEED TO THE TREE FARM LLC, RECORDED DECEMBER 13, 2019 IN VOLUME 2019, PAGE 48810, DESCHUTES COUNTY OFFICIAL RECORDS, AND A POINT OF NON-TANGENCY;

THENCE ALONG EASTERLY LINE OF SAID ADJUSTED TRACT C THE FOLLOWING (4) COURSES;

SOUTH 89° 07' 25" EAST, 4.26 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 482.17 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 28° 03' 57", AN ARC LENGTH OF 236.19 FEET (THE CHORD OF WHICH BEARS NORTH 18° 44' 34" EAST A DISTANCE OF 233.84 FEET) TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 524.82 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 26° 54' 28", AN ARC LENGTH OF 246.47 FEET (THE CHORD OF WHICH BEARS NORTH 16° 54' 10" EAST A DISTANCE OF 244.21 FEET) TO A POINT OF NON-TANGENCY;

THENCE SOUTH 78° 32' 51" WEST, 13.94 FEET TO A POINT ON THE EASTERLY LINE OF CORRECTED PARCEL 5 AS DESCRIBED IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS, AND A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG SAID EASTERLY LINE THE FOLLOWING (2) COURSES;

THE ARC OF A 332.86 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 41° 20' 05", AN ARC LENGTH OF 240.14 FEET (THE CHORD OF WHICH BEARS NORTH 12° 23' 20" WEST A DISTANCE OF 234.96 FEET) TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 2546.41 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 22° 20' 20", AN ARC LENGTH OF 992.81 FEET (THE CHORD OF WHICH BEARS NORTH 20° 42' 53" EAST A DISTANCE OF 986.54 FEET) TO A POINT ON THE SOUTHWESTERLY LINE OF CORRECTED PARCEL 2 AS DESCRIBED IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS, AND A POINT OF NON-TANGENCY;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2, SOUTH 57° 26' 58" EAST, 140.67 FEET;

THENCE LEAVING THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2, SOUTH 53° 53' 56" EAST, 594.48 FEET;

THENCE NORTH 36° 06' 04" EAST, 36.89 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2 THE FOLLOWING (2) COURSES;

SOUTH 57° 26' 58" EAST, 90.17 FEET TO A POINT OF CURVATURE;

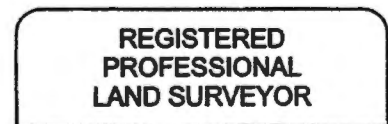
THENCE ALONG THE ARC OF A 105.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 46° 01' 50", AN ARC LENGTH OF 84.36 FEET (THE CHORD OF WHICH BEARS SOUTH 80° 27' 53" EAST A DISTANCE OF 82.11 FEET) TO A POINT ON THE WESTERLY LINE OF PARCEL 1 OF SAID PARTITION PLAT 2007-83 AND A POINT OF NON-TANGENCY;

THENCE LEAVING SOUTHERLY LINE OF SAID CORRECTED PARCEL 2 ALONG WESTERLY LINE OF SAID PARCEL 1, SOUTH 00° 23' 18" WEST, 1066.88 FEET TO THE POINT OF BEGINNING.

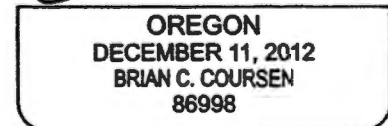
HEREIN DESCRIBED LAND CONTAINS 20.01 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS ARE BASED ON RECORD OF SURVEY, FILED DECEMBER 17, 2019 AS CS20078 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE.



Brian C. Coursen 6-1-2020



Renews: 12-31-2021



RECEIVED
AUGUST 23, 2021
OWRD

EXHIBIT C
LEGAL DESCRIPTION FOR ADJUSTED PROPERTY #1
CITY OF BEND PROPERTY LINE ADJUSTMENT PZ-20-0328

THAT PROPERTY DESCRIBED AS ADJUSTED PROPERTY #1 IN STATUTORY BARGAIN AND SALE DEED TO NWX2 LLC, RECORDED DECEMBER 13, 2019 IN VOLUME 2019, PAGE 48799, DESCHUTES COUNTY OFFICIAL RECORDS, LOCATED IN THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON;

TOGETHER WITH: A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY OF SKYLINERS ROAD (30 FEET FROM CENTERLINE) AND THE WESTERLY LINE OF PARCEL 1 OF PARTITION PLAT 2007-83, RECORDED DECEMBER 27, 2007 IN VOLUME 2007, PAGE 65925, DESCHUTES COUNTY OFFICIAL RECORDS, MARKED BY A 5/8 INCH IRON ROD, THENCE ALONG SAID NORTHERLY RIGHT OF WAY ALONG THE ARC OF A 5673.80 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 12° 13' 58", AN ARC LENGTH OF 1211.37 FEET (THE CHORD OF WHICH BEARS SOUTH 76° 50' 09" WEST A DISTANCE OF 1209.07 FEET) TO A POINT ON THE EASTERLY LINE OF ADJUSTED TRACT A OF "TREE FARM" AS DESCRIBED IN STATUTORY BARGAIN AND SALE DEED TO THE TREE FARM LLC, RECORDED APRIL 16, 2020 IN VOLUME 2020, PAGE 17092, DESCHUTES COUNTY OFFICIAL RECORDS, AND A POINT OF NON-TANGENCY;

THENCE LEAVING SAID NORTHERLY RIGHT OF WAY ALONG THE EASTERLY LINE OF SAID ADJUSTED TRACT A THE FOLLOWING (2) COURSES;

NORTH 18° 58' 33" WEST, 21.17 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 211.53 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 05° 29' 17", AN ARC LENGTH OF 20.26 FEET (THE CHORD OF WHICH BEARS NORTH 16° 13' 55" WEST A DISTANCE OF 20.25 FEET) TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 619.98 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 14° 34' 34", AN ARC LENGTH OF 157.72 FEET (THE CHORD OF WHICH BEARS NORTH 05° 46' 29" WEST A DISTANCE OF 157.30 FEET) TO A POINT ON THE EASTERLY LINE OF ADJUSTED TRACT C OF "TREE FARM" AS DESCRIBED IN STATUTORY BARGAIN AND SALE DEED TO THE TREE FARM LLC, RECORDED DECEMBER 13, 2019 IN VOLUME 2019, PAGE 48810, DESCHUTES COUNTY OFFICIAL RECORDS, AND A POINT OF NON-TANGENCY;

THENCE ALONG EASTERLY LINE OF SAID ADJUSTED TRACT C THE FOLLOWING (4) COURSES;

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THENCE ALONG THE ARC OF A 524.82 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 26° 54' 28", AN ARC LENGTH OF 246.47 FEET (THE CHORD OF WHICH BEARS NORTH 16° 54' 10" EAST A DISTANCE OF 244.21 FEET) TO A POINT OF NON-TANGENCY;

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THENCE SOUTH 78° 32' 51" WEST, 13.94 FEET TO A POINT ON THE EASTERLY LINE OF CORRECTED PARCEL 5 AS DESCRIBED IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS, AND A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG SAID EASTERLY LINE THE FOLLOWING (2) COURSES;

THE ARC OF A 332.86 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 41° 20' 05", AN ARC LENGTH OF 240.14 FEET (THE CHORD OF WHICH BEARS NORTH 12° 23' 20" WEST A DISTANCE OF 234.96 FEET) TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 2546.41 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 22° 20' 20", AN ARC LENGTH OF 992.81 FEET (THE CHORD OF WHICH BEARS NORTH 20° 42' 53" EAST A DISTANCE OF 986.54 FEET) TO A POINT ON THE SOUTHWESTERLY LINE OF CORRECTED PARCEL 2 AS DESCRIBED IN STATUTORY WARRANTY DEED TO NWX2 LLC, RECORDED NOVEMBER 12, 2019 IN VOLUME 2019, PAGE 43966, DESCHUTES COUNTY OFFICIAL RECORDS, AND A POINT OF NON-TANGENCY;

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THENCE LEAVING THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2, SOUTH 53° 53' 56" EAST, 594.48 FEET;

THENCE NORTH 36° 06' 04" EAST, 36.89 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID CORRECTED PARCEL 2 THE FOLLOWING (2) COURSES;

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THENCE ALONG THE ARC OF A 105.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 46° 01' 50", AN ARC LENGTH OF 84.36 FEET (THE CHORD OF WHICH BEARS SOUTH 80° 27' 53" EAST A DISTANCE OF 82.11 FEET) TO A POINT ON THE WESTERLY LINE OF PARCEL 1 OF SAID PARTITION PLAT 2007-83 AND A POINT OF NON-TANGENCY;

THENCE LEAVING SOUTHERLY LINE OF SAID CORRECTED PARCEL 2 ALONG WESTERLY LINE OF SAID PARCEL 1, SOUTH 00° 23' 18" WEST, 1066.88 FEET TO THE POINT OF BEGINNING.

HEREIN DESCRIBED LAND CONTAINS 71.07 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS ARE BASED ON RECORD OF SURVEY, FILED DECEMBER 17, 2019 AS CS20078 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

B. C. 6-1-2020

OREGON
DECEMBER 11, 2012
BRIAN C. COURSEN
86998

Renews: 12-31-2021



01293751202000257560050052

D-D Cnt=1 Str=2 AS
\$25.00 \$11.00 \$61.00 \$10.00 \$6.00

06/04/2020 12:13 PM

RECEIVED \$113.00
AUGUST 23, 2021
OWRD

**After Recording Return To,
and Send Tax Statements To:**

NWX2 LLC
409 NW Franklin Ave.
Bend, Oregon 97703

STATUTORY BARGAIN AND SALE DEED
(LLA: PZ-20-329 Transfer from 2 to 1; Step 2)

NWX2 LLC, an Oregon limited liability company ("Grantor"), conveys to NWX2 LLC, an Oregon limited liability company ("Grantee"), the real property located in the City of Bend, Deschutes County, Oregon, legally described on **Exhibit A** attached hereto.

Accordingly, after such transfer, Grantor's property will be as legally described on the attached **Exhibit B**, and Grantee's property will be as legally described on the attached **Exhibit C**.

The true and actual consideration paid for this conveyance consists of or includes other property or other value given or promised, specifically, completion of a lot line adjustment, City of Bend Planning Project No. PZ-20-0329.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, Grantor and Grantee have executed this deed as of this ^{3rd} day of June 2020.

GRANTOR:

NWX2 LLC,
an Oregon limited liability company
By Brooks Resources Corporation,
Its managing member

By:
Jade Mayer
Its VP/CFO

<Signatures and notary blocks continue on next page>

RECEIVED
AUGUST 23, 2021
OWRD

GRANTEE:

NWX2 LLC,
an Oregon limited liability company

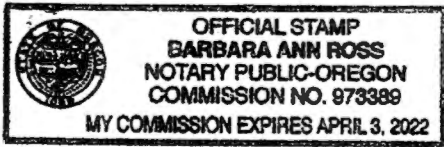
By Brooks Resources Corporation,
Its managing member

By: 
Jade Mayer
Its VP/CFO

STATE OF OREGON)

) SS
COUNTY OF *Deschutes*

The foregoing instrument was acknowledged before me on June 3, 2020, by Jade Mayer, the VP/CFO of Brooks Resources Corporation, the managing member of NWX2 LLC, on behalf of NWX2 LLC.

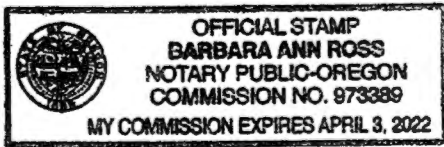


Barbara Ann Ross
NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: April 3, 2022

STATE OF OREGON)

) SS
COUNTY OF *Deschutes*

The foregoing instrument was acknowledged before me on June 3, 2020, by Jade Mayer, the VP/CFO of Brooks Resources Corporation, the managing member of NWX2 LLC, on behalf of NWX2 LLC.



Barbara Ann Ross
NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: April 3, 2022



RECEIVED
AUGUST 23, 2021
OWRD

EXHIBIT A

**LEGAL DESCRIPTION FOR TRANSFER PROPERTY
TAX LOT 171135D0 00400 (PROPERTY #2) TO TAX LOT 17113500 00400 (PROPERTY #1)
CITY OF BEND PROPERTY LINE ADJUSTMENT PZ-20-0329**

A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY OF SKYLINERS ROAD (30 FEET FROM CENTERLINE) AND THE WESTERLY BOUNDARY LINE OF PARCEL 1 OF PARTITION PLAT 2007-83, RECORDED DECEMBER 27, 2007 IN VOLUME 2007, PAGE 65925, DESCHUTES COUNTY OFFICIAL RECORDS, SAID POINT BEING MARKED BY A 5/8 INCH IRON ROD, THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 1, NORTH 00° 23' 18" EAST, 969.35 FEET;

THENCE LEAVING THE WESTERLY LINE OF SAID PARCEL 1, SOUTH 53° 53' 56" EAST, 98.10 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 530.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 48° 10' 20", AN ARC LENGTH OF 445.61 FEET (THE CHORD OF WHICH BEARS SOUTH 29° 48' 46" EAST A DISTANCE OF 432.60 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 05° 43' 36" EAST, 506.58 FEET TO SAID NORTHERLY RIGHT OF WAY OF SKYLINERS ROAD AND A POINT NON-TANGENT CURVATURE;

THENCE ALONG SAID NORTHERLY RIGHT OF WAY ALONG THE ARC OF A 5596.39 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 03° 36' 49", AN ARC LENGTH OF 352.97 FEET (THE CHORD OF WHICH BEARS SOUTH 84° 46' 34" WEST A DISTANCE OF 352.92 FEET) TO THE **POINT OF BEGINNING**.

THIS TRACT OF LAND CONTAINS 5.85 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS ARE BASED ON RECORD OF SURVEY, FILED DECEMBER 17, 2019 AS CS20078 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian C. Coursen 6-1-2020

OREGON
DECEMBER 11, 2012
BRIAN C. COURSEN
86998

Renews: 12-31-2021



RECEIVED
AUGUST 23, 2021
OWRD

EXHIBIT B

**LEGAL DESCRIPTION FOR ADJUSTED PROPERTY #2
CITY OF BEND PROPERTY LINE ADJUSTMENT PZ-20-0329**

THAT PROPERTY DESCRIBED AS ADJUSTED PROPERTY #2 IN STATUTORY BARGAIN AND SALE DEED TO NWX2 LLC, RECORDED JUNE 4, 2020 IN VOLUME 2020, PAGE 25755, DESCHUTES COUNTY OFFICIAL RECORDS, LOCATED IN SOUTHWEST ONE-QUARTER (SW1/4) AND THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON.

EXCEPTING THEREFROM A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE LEAVING THE WESTERLY LINE OF SAID PARCEL 1, SOUTH 53° 53' 56" EAST, 98.10 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 530.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 48° 10' 20", AN ARC LENGTH OF 445.61 FEET (THE CHORD OF WHICH BEARS SOUTH 29° 48' 46" EAST A DISTANCE OF 432.60 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 05° 43' 36" EAST, 506.58 FEET TO SAID NORTHERLY RIGHT OF WAY OF SKYLINERS ROAD AND A POINT NON-TANGENT CURVATURE;

THENCE ALONG SAID NORTHERLY RIGHT OF WAY ALONG THE ARC OF A 5596.39 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 03° 36' 49", AN ARC LENGTH OF 352.97 FEET (THE CHORD OF WHICH BEARS SOUTH 84° 46' 34" WEST A DISTANCE OF 352.92 FEET) TO THE POINT OF BEGINNING.

HEREIN DESCRIBED LAND CONTAINS 47.93 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS ARE BASED ON RECORD OF SURVEY, FILED DECEMBER 17, 2019 AS CS20078 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Courseen 6-1-2020

OREGON
DECEMBER 11, 2012
BRIAN C. COURSEEN
86998

Renews: 12-31-2021



RECEIVED
AUGUST 23, 2021
OWRD

EXHIBIT C

**LEGAL DESCRIPTION FOR ADJUSTED PROPERTY #1
CITY OF BEND PROPERTY LINE ADJUSTMENT PZ-20-0329**

THAT PROPERTY DESCRIBED AS ADJUSTED PROPERTY #1 IN STATUTORY BARGAIN AND SALE DEED TO NWX2 LLC, RECORDED JUNE 4, 2020 IN VOLUME 2020, PAGE 25755, DESCHUTES COUNTY OFFICIAL RECORDS, LOCATED IN SOUTHWEST ONE-QUARTER (SW1/4) AND THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON.

TOGETHER WITH A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE LEAVING THE WESTERLY LINE OF SAID PARCEL 1, SOUTH 53° 53' 56" EAST, 98.10 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 530.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 48° 10' 20", AN ARC LENGTH OF 445.61 FEET (THE CHORD OF WHICH BEARS SOUTH 29° 48' 46" EAST A DISTANCE OF 432.60 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 05° 43' 36" EAST, 506.58 FEET TO SAID NORTHERLY RIGHT OF WAY OF SKYLINERS ROAD AND A POINT NON-TANGENT CURVATURE;

THENCE ALONG SAID NORTHERLY RIGHT OF WAY ALONG THE ARC OF A 5596.39 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 03° 36' 49", AN ARC LENGTH OF 352.97 FEET (THE CHORD OF WHICH BEARS SOUTH 84° 46' 34" WEST A DISTANCE OF 352.92 FEET) TO THE POINT OF BEGINNING.

HEREIN DESCRIBED LAND CONTAINS 76.70 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS ARE BASED ON RECORD OF SURVEY, FILED DECEMBER 17, 2019 AS CS20078 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian C. Coursen 6-1-2020

OREGON
DECEMBER 11, 2012
BRIAN C. COURSEN
86998

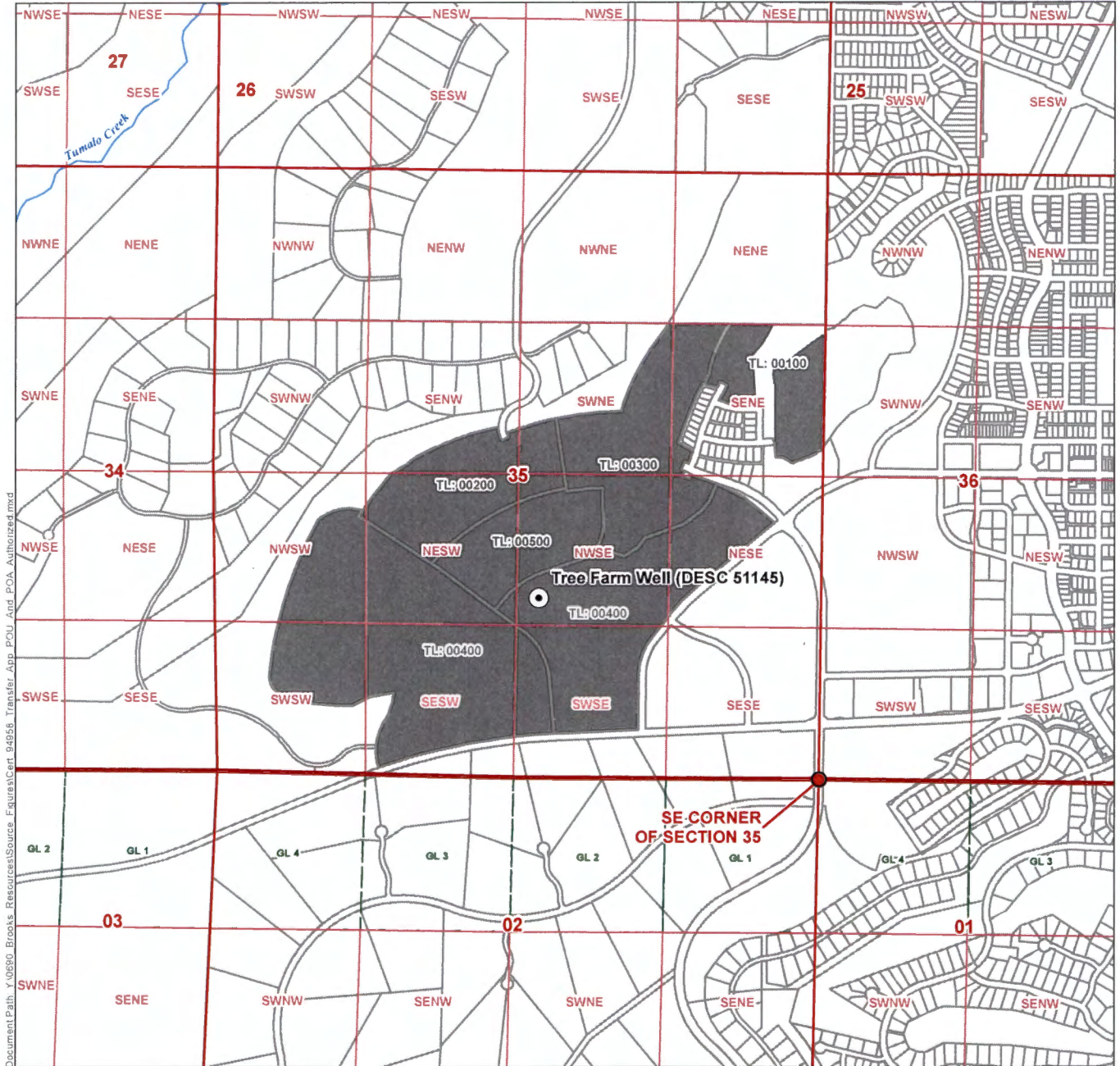
Renews: 12-31-2021

superseded
9/23/2021

Authorized Point of Appropriation and Service Area Map

Certificate 94958
Deschutes County, Oregon
Township 17 South, Range 11 East (W.M.)

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Document Path: Y:\0690_Brooks_Resources\Source_Figures\Cert_94958_Transfer_App_POU_And_POA_Authorized.mxd

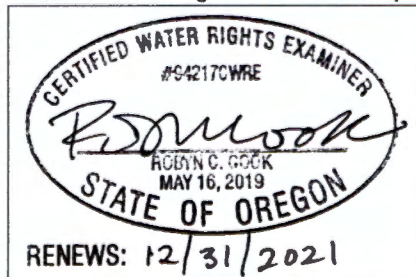
LEGEND

- Authorized Point of Appropriation (POA)
- Service Area
- Government Lot (GL)
- Tax Lot
- Watercourse

POA LOCATION DESCRIPTION

Tree Farm Well (DESC 51145)
Located 1560 feet North and 2465 feet West from the SE corner of Section 35, Township 17 South, Range 11 East (W.M.).

Certified Water Rights Examiner Stamp

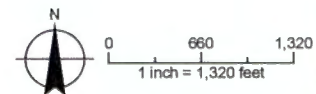


DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: December 8, 2020
Data Sources: USGS, BLM, ESRI



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After recording return to:
NWX2 LLC
409 NW Franklin Ave
Bend, OR 97701

Deschutes County Official Records **2017-005250**
D-D
Stn=0 BN 02/08/2017 03:02:00 PM
\$10.00 \$11.00 \$40.00 \$6.00 \$20.00 \$108.00
\$21.00
I, Nancy Blankenship, County Clerk for Deschutes County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.
Nancy Blankenship - County Clerk

Until a change is requested all tax statements
shall be sent to the following address:
NWX2 LLC
409 NW Franklin Ave
Bend, OR 97701
File No. 140227AM

STATUTORY WARRANTY DEED

Miller Tree Farm, LLC, an Oregon Limited Liability Company,
Grantor(s), hereby convey and warrant to

NWX2 LLC,

Grantee(s), the following described real property in the County of Deschutes and State of Oregon free of encumbrances
except as specifically set forth herein:

PARCEL 1:

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE
SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST OF THE
WILLAMETTE MERIDIAN, DESCHUTES COUNTY, STATE OF OREGON, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST
QUARTER OF SAID SECTION 35 AND RUNNING IN A COUNTER-CLOCKWISE DIRECTION;
THENCE NORTH 89°53'55" WEST, ALONG THE NORTH LINE OF SAID SOUTH HALF, A
DISTANCE OF 1250.57 FEET TO A POINT ON SAID LINE, DISTANT THEREON 4062.17 FEET, MORE
OR LESS, FROM THE NORTHWEST CORNER OF SAID SOUTH HALF; THENCE ALONG THE ARC
OF A 1940.92 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 467.04 FEET,
THROUGH A CENTRAL ANGLE OF 13°47'13", (THE CHORD OF WHICH BEARS SOUTH 11°49'41"
WEST, 465.91 FEET) TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF A
2966.41 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 852.16 FEET, THROUGH A
CENTRAL ANGLE OF 16°27'34", (THE CHORD OF WHICH BEARS SOUTH 80°31'18" WEST, 849.23
FEET) TO A POINT OF NON-TANGENCY; THENCE SOUTH 18°17'15" EAST A DISTANCE OF
1350.13 FEET TO THE NORTHERLY TERMINUS OF THAT CERTAIN COURSE IN THE BOUNDARY
LINE OF LOT 5 OF PROPERTY LINE ADJUSTMENT NO. LL-14-16, DESCRIBED IN SAID
PROPERTY LINE ADJUSTMENT AS HAVING A BEARING AND DISTANCE OF, SOUTH 15°18'41"
EAST, 116.58 FEET; THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING NINE COURSES:

ALONG THE ARC OF A 1616.41 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF
279.69 FEET, THROUGH A CENTRAL ANGLE OF 9°54'51", (THE CHORD OF WHICH BEARS
NORTH 77°43'59" EAST, 279.34 FEET) TO A POINT OF REVERSE CURVATURE;

ALONG THE ARC OF A 105.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 92.25
FEET, THROUGH A CENTRAL ANGLE OF 50°20'12", (THE CHORD OF WHICH BEARS NORTH
57°31'18" EAST, 89.31 FEET) TO A POINT OF NON-TANGENCY;

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superseded 9/23/2021

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THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

NWX2 LLC
409 NW Franklin Ave
Bend, OR 97701

Recorded Electronically
ID: 2021-005250
County: Deschutes
Date: 7/21/21 Time: 3:07
Simplifile.com 800.460.5657

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

NWX2 LLC
409 NW Franklin Ave
Bend, OR 97701
File No. 140227AM

STATUTORY WARRANTY DEED

Miller Tree Farm, LLC, an Oregon Limited Liability Company,

Grantor(s), hereby convey and warrant to

NWX2 LLC,

Grantee(s), the following described real property in the County of Deschutes and State of Oregon free of encumbrances except as specifically set forth herein:

PARCEL 1:

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 35 AND RUNNING IN A COUNTER-CLOCKWISE DIRECTION; THENCE NORTH 89°53'55" WEST, ALONG THE NORTH LINE OF SAID SOUTH HALF, A DISTANCE OF 1250.57 FEET TO A POINT ON SAID LINE, DISTANT THEREON 4062.17 FEET, MORE OR LESS, FROM THE NORTHWEST CORNER OF SAID SOUTH HALF; THENCE ALONG THE ARC OF A 1940.92 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 467.04 FEET, THROUGH A CENTRAL ANGLE OF 13°47'13", (THE CHORD OF WHICH BEARS SOUTH 11°49'41" WEST, 465.91 FEET) TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF A 2966.41 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 852.16 FEET, THROUGH A CENTRAL ANGLE OF 16°27'34", (THE CHORD OF WHICH BEARS SOUTH 80°31'18" WEST, 849.23 FEET) TO A POINT OF NON-TANGENCY; THENCE SOUTH 18°17'15" EAST A DISTANCE OF 1350.13 FEET TO THE NORTHERLY TERMINUS OF THAT CERTAIN COURSE IN THE BOUNDARY LINE OF LOT 5 OF PROPERTY LINE ADJUSTMENT NO. LL-14-16, DESCRIBED IN SAID PROPERTY LINE ADJUSTMENT AS HAVING A BEARING AND DISTANCE OF, SOUTH 15°18'41" EAST, 116.58 FEET; THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING NINE COURSES:

ALONG THE ARC OF A 1616.41 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 279.69 FEET, THROUGH A CENTRAL ANGLE OF 9°54'51", (THE CHORD OF WHICH BEARS NORTH 77°43'59" EAST, 279.34 FEET) TO A POINT OF REVERSE CURVATURE;

ALONG THE ARC OF A 105.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 92.25 FEET, THROUGH A CENTRAL ANGLE OF 50°20'12", (THE CHORD OF WHICH BEARS NORTH 57°31'18" EAST, 89.31 FEET) TO A POINT OF NON-TANGENCY;

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SOUTH 88°13'45" EAST A DISTANCE OF 97.41 FEET;

NORTH 55°25'49" EAST A DISTANCE OF 239.11 FEET;

NORTH 44°22'08" EAST A DISTANCE OF 81.09 FEET;

SOUTH 40°20'20" EAST A DISTANCE OF 520.50 FEET;

NORTH 49°39'40" EAST A DISTANCE OF 703.66 FEET TO A POINT OF CURVATURE;

ALONG THE ARC OF A 836.43 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 212.56 FEET, THROUGH A CENTRAL ANGLE OF 14°33'38", (THE CHORD OF WHICH BEARS NORTH 56°56'35" EAST, 211.99 FEET);

NORTH 00°00'28" WEST A DISTANCE OF 89.05 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 35;

NORTH 00°25'47" EAST A DISTANCE OF 1314.25 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER AND THE SOUTH HALF OF SECTION 35 OF TOWNSHIP 17 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 35; THENCE NORTH 89°58'56" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 1559.60 FEET, TO THE TRUE POINT OF BEGINNING AND A POINT OF NON-TANGENT CURVATURE; THENCE IN A COUNTER CLOCKWISE DIRECTION, ALONG THE BOUNDARY LINES OF LOT 4 OF PROPERTY LINE ADJUSTMENT NO. LL-14-18 AND PROPERTY LINE ADJUSTMENT NO. LL-14-16 THE FOLLOWING TEN COURSES:

ALONG THE ARC OF A 3256.41 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 420.46 FEET, THROUGH A CENTRAL ANGLE OF 07°23'53", THE CHORD OF WHICH BEARS SOUTH 36°46'39" WEST, 420.17 FEET, SAID CURVE BEING HEREINAFTER REFERRED TO AS "CURVE A";

SOUTH 27°47'13" WEST A DISTANCE OF 60.21 FEET;

SOUTH 57°26'58" EAST A DISTANCE OF 1531.50 FEET TO A POINT OF CURVATURE;

ALONG THE ARC OF A 105.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 160.36 FEET, THROUGH A CENTRAL ANGLE OF 87°30'10", (THE CHORD OF WHICH BEARS NORTH 78°47'57" EAST, 145.22 FEET) TO A POINT OF REVERSE CURVATURE;

ALONG THE ARC OF A 1616.41 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 244.09 FEET, THROUGH A CENTRAL ANGLE OF 8°39'07", (THE CHORD OF WHICH BEARS NORTH 39°22'26" EAST, 243.86 FEET) TO A POINT OF NON-TANGENCY;

SOUTH 48°12'46" EAST A DISTANCE OF 116.58 FEET TO A POINT OF CURVATURE;

Page 3 Statutory Warranty Deed
Escrow No. 140227AM

ALONG THE ARC OF A 230.69 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 202.46 FEET, THROUGH A CENTRAL ANGLE OF 50°17'04", (THE CHORD OF WHICH BEARS SOUTH 78°00'44" EAST, 196.02 FEET) TO A POINT OF COMPOUND CURVATURE;

ALONG THE ARC OF A 596.47 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 478.18 FEET, THROUGH A CENTRAL ANGLE OF 45°55'58", (THE CHORD OF WHICH BEARS NORTH 58°23'53" EAST, 465.48 FEET) TO A POINT OF COMPOUND CURVATURE;

ALONG THE ARC OF A 245.32 FEET RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 200.15 FEET, THROUGH A CENTRAL ANGLE OF 46°44'47", (THE CHORD OF WHICH BEARS NORTH 13°33'45" EAST, 194.64 FEET);

NORTH 15°18'41" WEST A DISTANCE OF 116.58 FEET;

THENCE NORTH 18°17'15" WEST, ALONG THE BOUNDARY LINE OF LOT 5 OF PROPERTY LINE ADJUSTMENT NO. LL-14-17, A DISTANCE OF 290.04 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF A 1906.41 FOOT CURVE TO THE LEFT, AN ARC DISTANCE OF 636.43 FEET, THROUGH A CENTRAL ANGLE OF 19°07'39", (THE CHORD OF WHICH BEARS SOUTH 63°03'02" WEST, 633.47 FEET) TO A POINT OF NON-TANGENCY; THENCE NORTH 35°36'42" WEST A DISTANCE OF 580.06 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF A 2486.41 FOOT CURVE TO THE LEFT, AN ARC DISTANCE OF 357.69 FEET, THROUGH A CENTRAL ANGLE OF 08°14'33", (THE CHORD OF WHICH BEARS SOUTH 49°34'33" WEST, 357.38 FEET) TO A POINT OF NON-TANGENCY; THENCE NORTH 45°14'12" WEST A DISTANCE OF 640.04 FEET; THENCE SOUTH 44°45'48" WEST A DISTANCE OF 60.00 FEET; THENCE NORTH 45°14'12" WEST A DISTANCE OF 130.01 FEET TO THE NORTHERLY CONTINUATION OF SAID "CURVE A"; THENCE ALONG SAID NORTHERLY CONTINUATION OF SAID CURVE, AN ARC DISTANCE OF 213.64 FEET, THROUGH A CENTRAL ANGLE OF 03°45'32", TO THE TRUE POINT OF BEGINNING.

PARCEL 3:

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTH HALF and the north half of the south half OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTH HALF OF SAID SECTION 35; THENCE SOUTH 89°53'55" EAST, ALONG THE NORTH LINE OF SAID SOUTH HALF, A DISTANCE OF 4062.17 FEET TO A POINT OF NON-TANGENT CURVATURE AND A POINT LYING ON THE BOUNDARY OF LOT 5 OF PROPERTY LINE ADJUSTMENT NO. LL-14-17; THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING THREE COURSES:

ALONG THE ARC OF A 1940.92 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 467.04 FEET, THROUGH A CENTRAL ANGLE OF 13°47'13", (THE CHORD OF WHICH BEARS SOUTH 11°49'41" WEST, 465.91 FEET) TO A POINT OF COMPOUND CURVATURE;

ALONG THE ARC OF A 2966.41 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 852.16 FEET, THROUGH A CENTRAL ANGLE OF 16°27'34", (THE CHORD OF WHICH BEARS SOUTH 80°31'18" WEST, 849.23 FEET) TO A POINT OF NON-TANGENCY;

SOUTH 18°17'15" EAST A DISTANCE OF 130.01 FEET TO A POINT ON SAID BOUNDARY LINE, DISTANT THEREON 1220.12 FEET FROM THE SOUTHERLY TERMINUS OF THAT CERTAIN COURSE DESCRIBED IN SAID PROPERTY LINE ADJUSTMENT AS HAVING A BEARING AND DISTANCE OF "SOUTH 18°17'15" EAST, 1350.13 FEET", SAID POINT BEING THE TRUE POINT OF BEGINNING;

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THENCE, CONTINUING ALONG SAID BOUNDARY LINE, SOUTH 18°17'15" EAST A DISTANCE OF 930.08 FEET TO A POINT OF NON-TANGENT CURVATURE LYING ON THE NORTHERLY BOUNDARY LINE OF LOT 4 OF PROPERTY LINE ADJUSTMENT NO. LL-14-18; THENCE ALONG SAID NORTHERLY BOUNDARY LINE THE FOLLOWING FOUR COURSES:

ALONG THE ARC OF A 1906.41 FOOT CURVE TO THE LEFT, AN ARC DISTANCE OF 636.43 FEET, THROUGH A CENTRAL ANGLE OF 19°07'39", (THE CHORD OF WHICH BEARS SOUTH 63°03'02" WEST, 633.47 FEET) TO A POINT OF NON-TANGENCY;

NORTH 35°36'42" WEST A DISTANCE OF 580.06 FEET TO A POINT OF NON-TANGENT CURVATURE;

ALONG THE ARC OF A 2486.41 FOOT CURVE TO THE LEFT, AN ARC DISTANCE OF 357.69 FEET, THROUGH A CENTRAL ANGLE OF 08°14'33", (THE CHORD OF WHICH BEARS SOUTH 49°34'33", 357.38 FEET) TO A POINT OF NON-TANGENCY;

NORTH 45°14'12" WEST A DISTANCE OF 480.03 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A 2966.41 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 637.63 FEET, THROUGH A CENTRAL ANGLE OF 12°18'56", (THE CHORD OF WHICH BEARS NORTH 51°30'02" EAST, 636.40 FEET) TO A POINT OF NON-TANGENCY; THENCE SOUTH 31°45'44" EAST A DISTANCE OF 130.01 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF A 2833.88 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 727.06 FEET, THROUGH A CENTRAL ANGLE OF 14°41'59", (THE CHORD OF WHICH BEARS NORTH 64°58'31" EAST, 725.07 FEET) TO THE TRUE POINT OF BEGINNING.

PARCEL 4:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35 OF TOWNSHIP 17 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE SOUTH 89°08'30" EAST, ALONG THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1274.88 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF SKYLINERS ROAD (60.00 FEET WIDE) TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF A 5867.46 FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE BEING THE NORTHERLY RIGHT OF WAY LINE OF SAID SKYLINERS ROAD, AN ARC DISTANCE OF 101.79 FEET, AND THROUGH A CENTRAL ANGLE OF 00°59'38" (THE CHORD OF WHICH BEARS NORTH 69°58'16" EAST, 101.79 FEET TO A POINT OF COMPOUND CURVATURE AND TO THE TRUE POINT OF BEGINNING; THENCE ALONG THE ARC OF A 71.00 FOOT CURVE TO THE RIGHT, AN ARC DISTANCE OF 56.43 FEET, THROUGH A CENTRAL ANGLE OF 45°32'28", THE CHORD OF WHICH BEARS NORTH 21°57'50" EAST, 54.96 FEET TO A POINT OF COMPIUND CURVATURE; THENCE ALONG THE ARC OF A 619.98 FOOT CURVE TO THE RIGHT, AN ARC DISTANCE OF 593.49 FEET, THROUGH A CENTRAL ANGLE OF 54°50'52" (THE CHORD OF WHICH BEARS NORTH 14°21'30" EAST, 571.09 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 01°50'48" EAST A DISTANCE OF 26.37 FEET TO A POINT OIF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF A 332.86 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 276.48 FEET, THROUGH A CENTRAL ANGLE OF 47°35'24" (THE CHORD OF WHICH BEARS NORTH 15°30'01" WEST, 268.60 FEET) TO A POINT OF COMPOUND CURVATURE THENCE ALONG THE ARC OF A 2546.41 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 992.57 FEET, THROUGH A CENTRAL ANGLE OF 22°20'01" (THE CHORD OF WHICH BEARS NORTH 20°42'32" EAST, 986.30 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 57°26'58" EAST A DISTANCE OF 826.46 FEET TO A POINT OF

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CURVATURE; THENCE ALONG THE ARC OF A 105.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 85.06 FEET, MORE OR LESS, THROUGH A CENTRAL ANGLE OF 46°24'55" TO A POINT OF NON-TANGENCY AND THE EAST LINE OF SAID SOUTHWEST QUARTER OF SAID SECTION 35 (THE CHORD OF WHICH BEARS SOUTH 80°39'25" EAST, 82.75 FEET); THENCE SOUTH 00°22'35" WEST, ALONG SAID EAST LINE, A DISTANCE OF 1064.44 FEET, MORE OR LESS, TO A POINT OF NON-TANGENT CURVATURE AND THE NORTHERLY LINE OF SAID SKYLINERS ROAD; THENCE ALONG AN ARC OF A 5867.46 FOOT RADIUS CURVE TO THE LEFT, SAID CURVE BEING THE NORTHERLY RIGHT OF WAY LINE OF SAID SKYLINERS ROAD, AN ARC DISTANCE OF 1247.77 FEET, THROUGH A CENTRAL ANGLE OF 12°11'04" (THE CHORD OF WHICH BEARS SOUTH 76°33'37" WEST, 1245.42 FEET) TO THE TRUE POINT OF BEGINNING.

PARCEL 5:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35 OF TOWNSHIP 17 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 4 OF PROPERTY LINE ADJUSTMENT NO. LL-14-19, SAID POINT BEING DISTANT NORTH 28°51'18" EAST, 2519.95 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE ALONG THE BOUNDARY LINE OF SAID PROPERTY LINE ADJUSTMENT, SOUTH 57°26'58" EAST A DISTANCE OF 704.04 FEET TO A POINT OF NON-TANGENT CURVATURE LYING ON THE WESTERLY LINE OF LOT 10 OF PROPERTY LINE ADJUSTMENT NO. LL-14-21; THENCE ALONG THE WESTERLY LINE OF SAID PROPERTY LINE ADJUSTMENT THE FOLLOWING 4 COURSES:

ALONG THE ARC OF A 2546.41 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 992.57 FEET, THROUGH A CENTRAL ANGLE OF 22°20'01", (THE CHORD OF WHICH BEARS SOUTH 20°42'32" WEST, 986.30 FEET) TO A POINT OF COMPOUND CURVATURE;

ALONG THE ARC OF A 332.86 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 276.48 FEET, THROUGH A CENTRAL ANGLE OF 47°35'24", (THE CHORD OF WHICH BEARS SOUTH 15°30'01" EAST, 268.60 FEET) TO A POINT OF NON-TANGENCY;

SOUTH 01°50'48" WEST A DISTANCE OF 26.37 FEET TO A POINT OF NON-TANGENT CURVATURE;

ALONG THE ARC OF A 619.98 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 97.68 FEET, THROUGH A CENTRAL ANGLE OF 09°01'37", (THE CHORD OF WHICH BEARS SOUTH 37°16'07" WEST, 97.58 FEET) TO A POINT OF NON-TANGENCY;

THENCE NORTH 57°09'31" WEST A DISTANCE OF 176.01 FEET; THENCE SOUTH 63°19'11" WEST A DISTANCE OF 175.65 FEET; THENCE SOUTH 63°19'11" WEST A DISTANCE OF 175.65 FEET; THENCE NORTH 89°47'06" WEST A DISTANCE OF 117.96 FEET; THENCE NORTH 85°21'59" WEST A DISTANCE OF 351.80 FEET; THENCE NORTH 79°44'20" WEST A DISTANCE OF 111.35 FEET; THENCE NORTH 48°08'56" WEST A DISTANCE OF 158.31 FEET; THENCE NORTH 29°30'12" WEST A DISTANCE OF 36.61 FEET; THENCE NORTH 14°48'33" WEST A DISTANCE OF 55.05 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF A 3556.55 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 1559.55 FEET, THROUGH A CENTRAL ANGLE OF 25°07'27", (THE CHORD OF WHICH BEARS NORTH 17°40'48" EAST, 1547.08 FEET) TO A POINT OF NON-TANGENCY; THENCE SOUTH 61°38'50" EAST A DISTANCE OF 130.58 FEET; THENCE NORTH 30°57'34" EAST A DISTANCE OF 160.06 FEET; THENCE SOUTH 57°26'58" EAST A DISTANCE OF 162.11 FEET; THENCE SOUTH 27°47'13" WEST A DISTANCE 60.21 FEET TO THE POINT OF BEGINNING.

PARCEL 6:

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A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, STATE OF OREGON, BEING A PORTION OF PARCEL 1 OF PARTITION PLAT NO. 2007-83, RECORDED IN CABINET 3, PAGE 545, DESCHUTES COUNTY PARTITION RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1 OF PROPERTY LINE ADJUSTMENT LL-13-50 AS SHOWN ON SURVEY RECORDED AS CS18708, DESCHUTES COUNTY RECORDS, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT OF LAND:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, STATE OF OREGON, BEING A PORTION OF PARCEL 1 OF PARTITION PLAT NO. 2007-83, RECORDED IN CABINET 3, PAGE 545, DESCHUTES COUNTY PARTITION RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 35, SAID POINT BEING THE NORTHEAST CORNER OF SAID PARCEL 1; THENCE ALONG THE EAST LINE OF SAID SECTION, SOUTH 00°00'28" EAST 89.05 FEET; THENCE ALONG THE SOUTHEASTERLY LINE OF PARCEL 1 OF PROPERTY LINE ADJUSTMENT NO. LL-13-50 AS SHOWN ON SURVEY RECORDED AS CS18708, DESCHUTES COUNTY RECORDS, THE FOLLOWING 2 COURSES:

ALONG THE ARC OF A 836.43 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 212.56 FEET, THROUGH A CENTRAL ANGLE OF 14°33'38", (THE CHORD OF WHICH BEARS SOUTH 56°56'35" WEST, 211.99 FEET) TO A POINT OF TANGENCY;

SOUTH 49°39'40" WEST A DISTANCE OF 703.66 FEET;

THENCE LEAVING SAID SOUTHEASTERLY LINE OF PARCEL 1, NORTH 40°20'20" WEST A DISTANCE OF 520.50 FEET; THENCE SOUTH 44°22'08" WEST A DISTANCE OF 81.09 FEET; THENCE SOUTH 55°25'49" WEST A DISTANCE OF 239.11 FEET; THENCE NORTH 88°13'45" WEST A DISTANCE OF 97.41 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 105.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 92.25 FEET, THROUGH A CENTRAL ANGLE OF 50°20'12", (THE CHORD OF WHICH BEARS SOUTH 57°31'18" WEST, 89.31 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 1616.41 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 279.69 FEET, THROUGH A CENTRAL ANGLE OF 9°54'51", (THE CHORD OF WHICH BEARS SOUTH 77°43'59" WEST, 279.34 FEET) TO A POINT OF NON-TANGENCY; THENCE SOUTH 15°18'41" EAST A DISTANCE OF 116.58 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 245.32 FEET RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 200.15 FEET, THROUGH A CENTRAL ANGLE OF 46°44'47", (THE CHORD OF WHICH BEARS SOUTH 13°33'45" WEST, 194.64 FEET) TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF A 596.47 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 478.18 FEET, THROUGH A CENTRAL ANGLE OF 45°55'58", (THE CHORD OF WHICH BEARS SOUTH 58°23'53" WEST, 465.48 FEET) TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF A 230.69 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 202.46 FEET, THROUGH A CENTRAL ANGLE OF 50°17'04", (THE CHORD OF WHICH BEARS NORTH 78°00'44" WEST, 196.02 FEET); THENCE NORTH 48°12'46" WEST A DISTANCE OF 116.58 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF A 1616.41 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 244.09 FEET, THROUGH A CENTRAL ANGLE OF 8°37'07", (THE CHORD OF WHICH BEARS SOUTH 39°22'26" WEST, 243.86 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 105.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 75.30 FEET, THROUGH A CENTRAL ANGLE OF 41°05'15", THE CHORD OF WHICH BEARS SOUTH 55°35'29" WEST, 73.69 FEET TO THE WEST LINE OF SAID PARCEL 1; THENCE ALONG SAID WEST LINE NORTH

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superseded 9/23/2021

Page 7 Statutory Warranty Deed
Escrow No. 140227AM

00°22'35" EAST A DISTANCE OF 1227.63 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE ALONG THE NORTH LINE OF SAID PARCEL 1 SOUTH 89°48'27" EAST A DISTANCE OF 2647.62 FEET TO THE POINT OF BEGINNING.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

17113500 00100
17113500 00300
17113500 00200
17113500 00500

The true and actual consideration for this conveyance is other consideration.
The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

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Page 8 Statutory Warranty Deed
Escrow No. 140227AM

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 7th day of FEBRUARY, 2017

Miller Tree Farm, LLC

by: [Signature]
Charley C. Miller, Co-Manager

[Signature]
Connie Marshall, Co-Manager

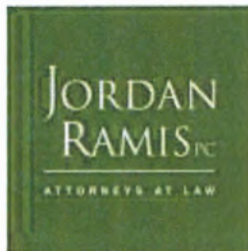
State of Oregon) ss
County of Deschutes)

On this 7th day of February, 2017, before me, a Notary Public In and for said state, personally appeared Charley C. Miller and Connie Marshall, Co-Managers, Miller Tree Farm, LLC, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public for the State of Oregon
Residing at: OR
Commission Expires: 8/6/18



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360 SW Bond St., Ste. 510
Bend, OR 97702

Tel. (541) 550-7900
Fax (503) 598-7373

www.jordanramis.com

Steven L. Shropshire
Admitted in Oregon and Washington
steve.shropshire@jordanramis.com
OR Direct Dial: (541) 647-2979

April 14, 2021

VIA EMAIL ONLY

Corey Courchane
Water Resources Department
725 Summer Street NE, Suite A
Salem OR, 97301
E-Mail: corey.a.courchane@oregon.gov

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Re: **T-13583 -- Ownership Report**
Our File No. 54994-78222

Dear Corey:

This report is being provided in support of application T-13583. The quasi-municipal water right that is the subject of the transfer application (Certificate 94958) is owned by the applicant, The Tree Farm LLC. The certificate was issued on March 6, 2020 on the basis of the claim of beneficial use, which itself was based, in part, on the Water Management and Conservation Plan for the water right. The WMCP describes a service area for the water right, and contains a map depicting the lands within that service area.

Since the time the WMCP service area map was prepared, a portion of the lands included in the designated service area have been platted for residential development. Each of those plats has expressly excluded water rights from the platted lots, and that exclusion has been acknowledged by the signature of the Watermaster on the plats.

The remaining lands within the service area (Tax Lot ID Nos. 1711350000100, 1711350000200, 1711350000300, 1711350000400, 171135D000400) are solely owned by NWX2 LLC. NWX2 LLC and The Tree Farm LLC are both Oregon limited liability companies. Brooks Resources Corporation is the parent company of both LLCs. The Board of Directors for Brooks Resources Corporation has consented to and directed the submission of T-13583 on behalf of The Tree Farm LLC and NWX2 LLC.

Please let me know if you have any questions about this report.

Sincerely,

JORDAN RAMIS PC

A handwritten signature in blue ink, appearing to read "S. Shropshire".

Steven L. Shropshire

54994-78222 4817-7950-4869.3

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Wells Logs
Request for Offset for Permit G-17587 – Bull Springs Ranch

desc
51145

OCT 10 1997 Page 1 of 2

AMENDED LOG

STATE OF OREGON
WATER SUPPLY AND WATER RESOURCES DEPT.
(as required by ORS 537.765)
SALEM, OREGON

L16358 (START CARD) # 104259 104263

Instructions for completing this report are on the last page of this form.

1) OWNER: Well Number
Name: Central Oregon Pumice Co.
Address: 1 NW Greenwood Ave
City: Pend State: OR Zip: 97170

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other Quasi Mun.

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 503 ft.
Explosives used Yes No Type _____ Amount _____

HOLE		SEAL					
Diameter	From To	Material	From To	Sacks or pounds			
	13 0	19 Cement	0 19	10 SACKS			
	10 19	503					

How was seal placed: Method A B C D E
 Other
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	+1	19	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 8	-1	503	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) _____

7) PERFORATIONS/SCREENS:

Perforations Method Factory
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
400	503	1/8 x 3/16	3200		8	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
200+			1 hr.

Temperature of water 54 Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Deschutes Latitude _____ Longitude _____
Township 17 S N or S Range 11 E E or W. WM
Section 35 NW 1/4 SE 14
Tax Lot 1201 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Skyliner Rd

(10) STATIC WATER LEVEL:
340 ft. below land surface. Date 10/1/97
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 448

From	To	Estimated Flow Rate	SWL
448	504	200+	340

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
Top Soil	0	15	
Basalt	15	25	
Pumice	25	90	
Basalt blk gray med hrd	90	180	
Lava blk red soft	180	220	
Basalt gray hrd	220	239	
Basalt dk gray med hrd	239	270	
Volc - Lost circ	270	275	
Basalt gray hrd	275	285	
Clusters lava red soft	285	315	
Lava blk med porous	315	335	
Clusters red soft	335	351	
Basalt pumice cong	351		
Wkly Lay Lin		368	
Basalt gray med hrd	368	375	
Pumice clay lvs red	375		
Lvs soft		435	
Lava blue gray red	435		
soft		444	

Date started _____ Completed _____

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed Greg C. [Signature] WWC Number 1701 Date 10/16/97

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed [Signature] WWC Number 1723 Date 10/16/97

desc
51145

STATE OF OREGON WATER RESOURCES DEPT. WATER SUPPLY WELL REPORT SALEM, OREGON (as required by ORS 537,765)

L16358 (START CARD) # 44259 104203

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number Name: Central Oregon Municode Co Address: 1 NW Greenwood Ave City: Bend State: OR Zip: 97701

(2) TYPE OF WORK: New Well [] Deepening [] Alteration (repair/recondition) [] Abandonment []

(3) DRILL METHOD: Rotary Air [] Rotary Mud [] Cable [] Auger [] Other []

(4) PROPOSED USE: Domestic [] Community [] Industrial [] Irrigation [] Thermal [] Injection [] Livestock [] Other []

(5) BORE HOLE CONSTRUCTION: Special Construction approval [] Yes [] No Depth of Completed Well: ft. Explosives used [] Yes [] No Type: Amount:

Table with columns: HOLE Diameter, From, To, SEAL Material, From, To, Sacks or pounds

How was seal placed: Method [] A [] B [] C [] D [] E [] Other [] Backfill placed from: ft. to: ft. Material: Gravel placed from: ft. to: ft. Size of gravel:

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded

PERFORATIONS/SCREENS: Table with columns: From, To, Slot size, Number, Diameter, Material, Tele/pipe size, Casing, Liner

(8) WELL TESTS: Minimum testing time is 1 hour. Pump [] Bailer [] Air [] Flowing [] Artesian []

Temperature of water: Depth Artesian Flow Found: Was a water analysis done? [] Yes By whom: Did any strata contain water not suitable for intended use? [] Too little

(9) LOCATION OF WELL by legal description: County: Deschutes Latitude: Longitude: Township: 17S N or S Range: 11E E or W. WM. Section: 35 NW 1/4 SE 1/4 Tax Lot: 6201 Lot: Block: Subdivision: Street Address of Well (or nearest address): Skyliner Rd

(10) STATIC WATER LEVEL: ft. below land surface. Date: Artesian pressure lb. per square inch. Date:

(11) WATER BEARING ZONES: Depth at which water was first found:

Table with columns: From, To, Estimated Flow Rate, SWL

(12) WELL LOG: Ground Elevation:

Table with columns: Material, From, To, SWL. Entries include Basalt+gray med, Lava clinkers gray, red brn sand, etc.

Date started: 9/23/97 Completed: 10/6/97

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards.

Signed: [Signature] WWC Number: 1701 Date: 10/6/97

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above.

Signed: [Signature] WWC Number: 123 Date: 10/6/97

(1) OWNER:

Well Number 1

Name HAP TAYLOR
 Address P O BOX 83
 City BEN State OR Zip 97708
 TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:

Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:

Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well 550 ft.
 Explosives used Yes No Type - Amount -

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
12	0	18	BENTONITE	0	18	14 sacks
8	18	550				

How was seal placed: Method A B C D E
 Other POURED DOWN DRY

Backfill placed from ft. to ft. Material
 Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 8	+1.5	18.5	25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner: 6	-10	550	188	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) NO SHOE USED

(7) PERFORATIONS/SCREENS:

Perforations Method MACHINE CUT
 Screens Type SLOT Material STEEL

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
370	390	1/8"x6	248	6	-	<input type="checkbox"/>	<input checked="" type="checkbox"/>
450	470	1/8"x6	248	6	-	<input type="checkbox"/>	<input checked="" type="checkbox"/>
530	550	1/8"x6	248	6	-	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
			1 hr.
<u>NO RETURN-UNABLE TO LIFT WATER</u>			

Temperature of water N/A Depth Artesian Flow Found
 Was a water analysis done? Yes By whom
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other
 Depth of strata:

(9) LOCATION OF WELL by legal description:

County DESCHUTES Latitude Longitude
 Township 17 N or S Range 11 E or W. WM.
 Section 22 NW 1/4 SW 1/4
 Tax Lot 2722 Lot Block Subdivision
 Street Address of Well (or nearest address) North Mall Office Building
BULL SPRINGS TREE FARM Hammer St NE, Ste A

(10) STATIC WATER LEVEL: Salem, OR 9/301
275 ft. below land surface. Phone: 503-986-2901
 Artesian pressure - lb. per square inch Fax: 503-986-0904

(11) WATER BEARING ZONES: www.Oregon.gov/OWRD

Depth at which water was first found 525

From	To	Estimated Flow Rate	SWL
525	550	75+ GPM	275

(12) WELL LOG:

Ground Elevation

Material	From	To	SWL
TOP SOIL	0	4	
TAN SS CONG	4	75	
BROWN FRACT. LAVA	75	100	
MED-NO RETURN	100	270	
HARD-NO RETURN	270	320	
MED-NO RETURN	320	525	
HARD FRACTURED-NO RETURN	525	550	275

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 WATER RESOURCES DEPT.
 SALEM, OREGON

Date started 7-19-01 Completed 7-28-01

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed Date WWC Number

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed David Smith WWC Number 1556 Date 8/10/01



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD



(1) OWNER: Well Number 2
 Name HAP TAYLOR
 Address P O BOX 83
 City BEND State OR Zip 97708

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:
 Special Construction approval Yes No Depth of Completed Well 535 ft.
 Explosives used Yes No Type - Amount -

HOLE				SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds	
12	0	18	BENTONITE	0	18	26 sacks	
8	18	550					

How was seal placed: Method A B C D E
 Other POURED DOWN DRY

Backfill placed from ft. to ft. Material
 Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	8	+2	-23	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:	6	-1	535	188	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) NO SHOE USED

(7) PERFORATIONS/SCREENS:

Perforations Method MACHINE CUT
 Screens Type SLOT Material STEEL

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
355	375	6	248	6	-	<input type="checkbox"/>	<input checked="" type="checkbox"/>
435	455	6	248	6	-	<input type="checkbox"/>	<input checked="" type="checkbox"/>
515	535	6	248	6	-	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
50	0	548	1 hr.
<u>Surging</u>			

Temperature of water 49° Depth Artesian Flow Found
 Was a water analysis done? Yes By whom
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other
 Depth of strata:

(9) LOCATION OF WELL by legal description:
 County DESCHUTES Latitude Longitude
 Township 17 N or S Range 11 E or W. WM.
 Section 21 SW 1/4 SW 1/4
 Tax Lot 4300 Lot Block Subdivision
 Street Address of Well (or nearest address) BULL SPRINGS TREE FARM

(10) STATIC WATER LEVEL:
351 ft. below land surface. Date 8/1/01
 Artesian pressure - lb. per square inch. Date -

(11) WATER BEARING ZONES:
 Depth at which water was first found 480

From	To	Estimated Flow Rate	SWL
480	550	75+ GPM	351

(12) WELL LOG:
 Ground Elevation

Material	From	To	SWL
SOIL & LAVA	0	8	
GREY LAVA	8	45	
TAN CONG	45	115	
TAN SS CONG	115	170	
RED SS CONG	170	220	
BROWN SS	220	295	
FRACTURED LAVA	295	315	
RED CONG	315	340	
TAN CONG	340	410	
VESICULAR GRAVELS	410	480	
FRACTURED BASALT	480	550	351

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 AUG 13 2001
 WATER RESOURCES DEPT.
 SALEM, OREGON

Date started 7/30/01 Completed 8/01/01

(unbonded) Water Well Constructor Certification:
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed WWC Number Date

(bonded) Water Well Constructor Certification:
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed [Signature] WWC Number 1556 Date 8/10/01

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Certificate 94958 and Permit G-17587
Request for Offset for Permit G-17587 – Bull Springs Ranch

STATE OF OREGON
 COUNTY OF DESCHUTES
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THE TREE FARM LLC
 409 FRANKLIN AVE
 BEND OR 97703

confirms the right to the use of water perfected under the terms of Permit G-13017. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-13965
 SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN
 PURPOSE OR USE: QUASI-MUNICIPAL
 MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND
 PERIOD OF USE: YEAR ROUND
 DATE OF PRIORITY: JANUARY 30, 1995

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	11 E	WM	35	NW SE	1560 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER, SECTION 35

THE PLACE OF USE IS LOCATED WITHIN:

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SW NE
17 S	11 E	WM	35	SE NE
17 S	11 E	WM	35	SE NW
17 S	11 E	WM	35	NE SW
17 S	11 E	WM	35	NW SW
17 S	11 E	WM	35	SW SW

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SE SW
17 S	11 E	WM	35	NE SE
17 S	11 E	WM	35	NW SE
17 S	11 E	WM	35	SW SE
17 S	11 E	WM	36	SW NW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this certificate may be regulated if analysis of data available after the certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

Issued MAR 06 2020



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BULLSPRINGS RANCH, LLC
18500 BULLSPRING RD
BEND, OR 97703

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-17093

SOURCE OF WATER: WELL 1 (DESC 54048) AND WELL 2 (DESC 54049) IN TUMALO CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 19.51 ACRES

MAXIMUM RATE: 0.24 CUBIC FOOT PER SECOND

PERIOD OF USE: APRIL 1 THROUGH NOVEMBER 1

DATE OF PRIORITY: AUGUST 14, 2008

WELL LOCATIONS:

WELL 1 (DESC 54048): NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 22, T17S, R11E, W.M.;
2465 FEET NORTH AND 1500 FEET EAST FROM SW CORNER, SECTION 22

WELL 2 (DESC 54049): SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 22, T17S, R11E, W.M.;
445 FEET NORTH AND 2240 FEET EAST FROM SW CORNER, SECTION 22

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.05 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 18.46 ACRES
SECTION 22
TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the meter in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted each month, and shall submit a report which includes the recorded report water-use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- C. The permittee shall allow the watermaster access to the meter; provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Ground Water Mitigation Conditions:

- A. Mitigation Obligation: 35.1 acre-feet of mitigation water in the General Zone of Impact.
- B. Mitigation Source: 31.5 mitigation credits from a chartered mitigation bank, or suitable replacement mitigation that meets the requirements of OAR 690-505-0610 within the General Zone of Impact.
- C. Mitigation water must be legally protected instream in the General Zone of Impact for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s) will occur if the required mitigation is not maintained.
- D. The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.
- E. If mitigation is from a secondary right for stored water from a storage project not owned or operated by the

permittee, the use of water under this right is subject to the maintenance and terms and conditions of a valid contract or satisfactory replacement, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department.

- F. Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, and proposing to cancel the ground water permit, or subsequent certificate(s).

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right, or as those quantities may be reduced subsequently. However, the use of ground water allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows, provided the required mitigation is maintained.

STANDARD CONDITIONS

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued *APRIL 15 2016*



for Thomas M. Byler, Director
Water Resources Department

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Tuesday, September 28, 2021 11:18 AM
To: tony.stephanie.arriola@gmail.com
Cc: BJORK Mary F * WRD
Subject: R-74011 & S-74012 Assignments
Attachments: Arriola assignments.pdf

Hi Tony,

Thanks for taking my call and offering to help with Kyle's signature on the attached forms. As mentioned, the assignment forms appear to only reflect Brian's signature, and as a permit holder of record, also need Kyle's.

If you could have Kyle sign next to Brian's signature on the attached forms, and email a scan of the signed forms back to me, that would be great.

Thanks again,

Mary

[Mary F. Bjork](#)

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

BJORK Mary F * WRD

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Thanks again,

Mary

[Mary F. Bjork](#)

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking



STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

DATE: August 26, 2021

TO: GW Application File G-17093 (Permit G-17587) in the name of Bull Springs Ranch, LLC

FROM: Sarah Henderson, Flow Restoration Program Coordinator

SUBJECT: Voluntary Cancellation to offset new ground water use

On July 26, 2021, Adam Sussman, GSI (agent for the applicant) identified that the applicant would like to use the voluntary cancellation of a portion of Certificate 94958 to offset a portion of the mitigation obligation for application G-17093 (Permit G-17587).

Pursuant to OAR 690-505-0610 (8), a ground water permit applicant may offset the impact of their ground water application by a proposed voluntary cancellation of an existing ground water use subject to transfer. The impact of the existing ground water use on surface water must be the same as or greater than the impact of the proposed ground water use. If the cancellation of the existing ground water use meets these criteria, then the ground water application may be approved without additional mitigation once the proposed cancellation is complete. Or the offset can be used as a portion of the mitigation of the already existing permit.

The ground water use proposed to the Department under Application G-17093 (Permit G-17587) is for the primary irrigation of 19.51 acres. The mitigation obligation for Application G-17093 (Permit G-17587) is 35.1 acre-feet in the General Zone of Impact.

From 2016 through 2020, the mitigation obligation of 35.1 acre-feet of credits have been obtained by the purchasing of temporary credits from the Deschutes River Conservancy Mitigation Bank.

The voluntary cancellation request is to cancel 0.0659 cfs under Certificate 94958 (Application G-17093). Certificate 94958 allows the use of ground water from one well for the purpose of quasi-municipal uses up to the amount of 0.78 cfs.

No other issues have been identified in association with the abandoned portion of Certificate 94958.

The consumptive use portion of 0.0659 of quasi-municipal use is 19.08 acre-feet.

The proposal to use the voluntary cancellation of the abandoned portion of Certificate 94958 to offset the impact of ground water permit Application G-17093 (Permit G-17587) has also been reviewed by the Department's Groundwater Section. According to Mike Thoma, Hydrogeologist for the Department, ground water use under Certificate 94958 would impact surface water flows in the same zone of impact as ground water permit Application G-17093 (Permit G-17587), being the General Zone of Impact.

Conclusion: Use of ground water under Certificate 94958 impacts surface water flows in the General Zone of Impact, the same zone of impact as ground water permit Application G-17093 (Permit G-17587). A maximum of 19.08 acre-feet of consumptive use is available to offset a portion of the mitigation obligation for ground water permit Application G-17093 (Permit G-17587).

A draft cancellation order for the abandoned portion of Certificate 94958 has been prepared by Ann Reece, Transfer Specialist, and a copy has been placed in the file (App. G-13965) for Certificate 94958. A copy of that draft order has also been attached to this memo. The cancellation of the abandoned portion of Certificate 94958 is contingent upon the approval of offset mitigation for ground water permit Application G-17093.

See next page for order insert:

Evaluation of Offset of Impact for Groundwater Permit G-17587

1. A request has been submitted to use the voluntary cancellation of a portion of Certificate 94958 to offset a portion of the impact to surface water of Groundwater Permit G-17587, held by Bull Springs Ranch LLC, pursuant to OAR 690-505-0610 (8) under the Deschutes Ground Water Mitigation Rules.
2. The voluntary cancellation of an existing ground water right subject to transfer may be used to offset the impact on surface water of a ground water permit issued under the Deschutes Basin Ground Water Mitigation Rules.
3. The impact to surface water of the existing ground water right to be cancelled must be the same or greater than the impact to surface water flows of the permit. The amount of impact of a groundwater permit issued under the Deschutes Ground Water Mitigation Rules to surface water flows is the consumptive portion (mitigation obligation) of the groundwater use. Offset of the impact must occur in the same zone of impact identified by the Department in the permit.
4. Permit G-17587 allows the appropriation of 0.24 Cubic Feet per Second (CFS) for irrigation. This permit also has a mitigation obligation of 31.5 AF in the General Zone of Impact.
5. Certificate 94958 allows the diversion of up to 0.78 CFS from a well for quasi-municipal use. This right does not have an annual volume limit.
6. On behalf of The Tree Farm, LLC, Kirk Schueler, president, requested to voluntarily cancel a 0.0659 portion of Certificate 94958 in exchange for Bull Springs Ranch, LLC receiving 19.08 AF of offset for its use of groundwater for irrigation under Permit G-17587.
7. The Department has determined that the wells authorized under Certificate 94958 and Permit G-17587 impact surface water flows in the same zone of impact, being the General Zone of Impact.
8. The voluntary cancellation of 0.0659 CFS is equivalent to a maximum of 47.71 AF annually. The amount of offset generated by the voluntary cancellation of an existing groundwater right is the consumptive portion of the existing use. The consumptive portion of 47.71 AF is 19.08 AF (40% of the maximum volume of use).
9. Based upon evaluation of the request to use the voluntary cancellation of a portion of Certificate 94958 to offset a portion of the impact to surface water of Permit G-17587, the Department has determined that Certificate 94958 impacts surface water in the same zone of impact as Permit G-17587 and would offset 19.08 AF of the impact of Permit G-17587.

Partial CN of Tax Lots 100, 200, 300, 400, 400D, & 500.

Off
 On

County:	Deschutes
Taxlot:	1711350000100
Owner1:	NWX2 LLC
Owner2:	
Owner Address:	409 NW FRANKLIN AVE, BEND, OR 97701
Site Address:	62200 FOREST SERVICE RD 4606, BEND, OR 97701
Acres:	0
TRSQQ:	WM17.00S11.00E35XXXX
Effective Date:	January 1, 2021

Note: Tax lot information provided here is for general query purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

Tax Lots

Identify Tax Lots

OR Map

Off
 On

County:	Deschutes
Taxlot:	1711350000200
Owner1:	NWX2 LLC
Owner2:	
Owner Address:	409 NW FRANKLIN AVE, BEND, OR 97701
Site Address:	.. OR
Acres:	0
TRSQQ:	WM17.00S11.00E35XXXX
Effective Date:	January 1, 2021

Note: Tax lot information provided here is for general query purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

It is recommended to zoom to a detailed extent before query.

- Off
 On

County:	Deschutes
Taxlot:	1711350000300
Owner1:	NWX2 LLC
Owner2:	
Owner Address:	409 NW FRANKLIN AVE, BEND, OR 97701
Site Address:	.. OR
Acres:	0
TRSQQ:	WM17.00S11.00E35XXXX
Effective Date:	January 1, 2021

Note: Tax lot information provided here is for general query purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

It is recommended to zoom to a detailed extent before query.

Identify Tax Lots [OR Map](#)

Off
 On

County:	Deschutes
Taxlot:	1711350000400
Owner1:	NWX2 LLC
Owner2:	
Owner Address:	409 NW FRANKLIN AVE, BEND, OR 97701
Site Address:	.. OR
Acres:	0
TRSQQ:	WM17.00S11.00E35XXXX
Effective Date:	January 1, 2021

Note: Tax lot information provided here is for general query purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

It is recommended to zoom to a detailed extent before query.

Tax Lots

Identify Tax Lots

[OR Map](#)

- Off
 On

County:	Deschutes
Taxdot:	171135D000400
Owner1:	NWX2 LLC
Owner2:	
Owner Address:	409 NW FRANKLIN AVE, BEND, OR 97703
Site Address:	19100 SKYLINERS RD, BEND, OR 97702
Acres:	0
TRSQQ:	WM17.00S11.00E35XXSE
Effective Date:	January 1, 2021

Note: Tax lot information provided here is for general query purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

It is recommended to zoom to a detailed extent before query.

Identify Tax Lots

[OR Map](#)

- Off
 On

County:	Deschutes
Taxdot:	1711350000500
Owner1:	NWX2 LLC
Owner2:	
Owner Address:	409 NW FRANKLIN AVE, BEND, OR 97701
Site Address:	18900 SKYLINERS RD, BEND, OR 97703
Acres:	0
TRSQQ:	WM17.00S11.00E35XXXX
Effective Date:	January 1, 2021

Note: Tax lot information provided here is for general query purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

It is recommended to zoom to a detailed extent before query.



Secretary of State
 Corporation Division
 255 Capitol Street NE, Suite 151
 Salem, OR 97310-1327

Phone: (503)986-2200
 Fax: (503)378-4381
<https://sos.oregon.gov/business/>

2021 ANNUAL REPORT
 Registry Number: 120832492
 Date of Organization: 04/11/2016
 Fee: \$180
 Due Date: 04/11/2021
 Type: DOMESTIC LIMITED LIABILITY COMPANY

NWX2 LLC
 408 NW FRANKLIN AVE
 BEND OR 97703

FILED
 APRIL 5 2021
 OREGON SECRETARY OF STATE

Name of Domestic Limited Liability Company

NWX2 LLC

Jurisdiction: OREGON

The following information is required by statute. Please complete the entire form. Failure to submit this Annual Report and fee by the due date may result in inactivation on our records.

Registered Agent
 BROOKS RESOURCES CORPORATION
 408 NW FRANKLIN AVE
 BEND OR 97703

If the Registered Agent has changed,
 the new agent has consented to the appointment. Oregon
 street address required.

3) Type of Business

2) Principal Place of Business (Address, city, state, zip)
 408 NW FRANKLIN AVE
 BEND OR 97703

3) Mailing Address (Address, city, state, zip)
 408 NW FRANKLIN AVE
 BEND OR 97703

4) Member or Manager (Name & Address)
 BROOKS RESOURCES CORPORATION
 408 NW FRANKLIN AVE
 BEND OR 97703

5) Member or Manager (Name & Address)
 JADE MAYER *Mayer*
 408 NW FRANKLIN AVE
 BEND OR 97703

Execution:

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any members, managers, employees or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

6) Signature

Jade Mayer

7) Printed Name

Jade Mayer

8) Date

3/1/21

9) Phone Number

571 382 1662

Make check payable to "Corporation Division" and mail to the address above.
 Note: Filing fees may be paid with a major credit card. Submit the card number and expiration date on a separate page for your protection.

ANRP1-02/09/21

Business Name Search

Next Search		Printer Friendly		Business Entity Data			08-26-2021 09:14
Registry Nbr	Entity Type	Entity Status	Incorporation	Registry Date	Next Renewal Date	Renewal Due?	
1206324-92	DLLC	ACT	OREGON	04-11-2016	04-11-2022		
Entity Name		NWX2 LLC					
Foreign Name							

Next Search		Printer Friendly		Associated Names		
Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	409 NW FRANKLIN AVE					
Addr 2						
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA	

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	04-11-2016	Resign Date
Of Record	026115-18	BROOKS RESOURCES CORPORATION			
Addr 1	409 NW FRANKLIN AVE				
Addr 2					
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA

Type	MAL	MAILING ADDRESS
Addr 1	409 NW FRANKLIN AVE	
Addr 2		
CSZ	BEND	OR 97703 UNITED STATES OF AMERICA

Type	MGR	MANAGER	Resign Date
Of Record	026115-18	BROOKS RESOURCES CORPORATION	
Addr 1	409 NW FRANKLIN AVE		
Addr 2			
CSZ	BEND	OR 97703	UNITED STATES OF AMERICA

Type	MGR	MANAGER	Resign Date
Name	JADE	MAYER	
Addr 1	409 NW FRANKLIN AVE		
Addr 2			
CSZ	BEND	OR 97703	UNITED STATES OF AMERICA

977396.93

3/90

\$100

**ARTICLES OF ORGANIZATION
OF
The Tree Farm LLC
an Oregon Limited Liability Company**

**FILED
NOV 14 2013
OREGON
SECRETARY OF STATE**

ARTICLE I

The name of the limited liability company (the "Company") is The Tree Farm LLC.

ARTICLE II

The Company shall have perpetual existence.

ARTICLE III

The name of the initial registered agent is Bell Jenik Service Company and the street address of the initial registered office of the Company is 15 SW Colorado Ave., Suite 3, Bend, Oregon 97702, Attention: Laura Craska Cooper.

ARTICLE IV

The mailing address for the Company for notices is 409 NW Franklin Ave., Bend, Oregon, 97701, Attention: Jade Mayer.

ARTICLE V

The Company shall be member managed.

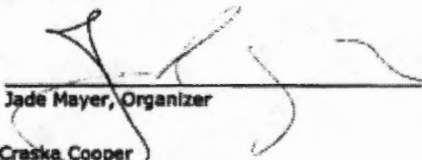
ARTICLE VI

The name and address of the organizer of the Company is Jade Mayer, 409 NW Franklin Ave., Bend, Oregon 97701.

ARTICLE VII

To the fullest extent the Oregon Limited Liability Company Act, as it exists on the date hereof or may hereafter be amended, permits the limitation or elimination of liability of managers or members, a manager or member shall not be liable to the Company or the other members for monetary damages for conduct as a manager or member. Any amendment to or repeal of this Article VII shall not adversely affect any right or protection of a manager or member for or with respect to any acts or omissions of such manager or member occurring prior to such amendment or repeal.

DATED: November 14, 2013



Jade Mayer, Organizer

Person to contact about this filing: Laura Craska Cooper
Daytime phone number: 503.325.0001

THE TREE FARM LLC



97739693-14748265

NEWORG

AMENDED ANNUAL REPORT



Corporation Division
www.filinginoregon.com

E-FILED
Oct 04, 2016
OREGON SECRETARY OF STATE

REGISTRY NUMBER

97738883

REGISTRATION DATE

11/14/2013

BUSINESS NAME

THE TREE FARM LLC

BUSINESS ACTIVITY

LAND DEVELOPMENT

MAILING ADDRESS

409 NW FRANKLIN AVE
BEND OR 97703 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

409 NW FRANKLIN AVE
BEND OR 97703 USA

JURISDICTION

OREGON

REGISTERED AGENT

09611518 - BROOKS RESOURCES CORPORATION

409 NW FRANKLIN AVE
BEND OR 97703 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MEMBER

97381793 - WEST BEND PROPERTY COMPANY II LLC

C/O BROOKS RESOURCES CORP
409 NW FRANKLIN AVE
BEND OR 97703 USA

Search		Printer Friendly		Business Entity Data			
Registry Nbr	977396-93	Entity Type	DLLC	Entity Status	ACT	Jurisdiction	OREGON
		Registry Date	11-14-2013	Next Re	11-		
Entity Name	THE TREE FARM LLC						
Foreign Name							

Search		Printer Friendly		Associated Names			
Type	PPB	PRINCIPAL PLACE OF BUSINESS					
Addr 1	409 NW FRANKLIN AVE						
Addr 2							
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA		

[see click here for general information about registered agents and service of process.](#)

Type	AOT	REGISTERED AGENT				Start Date	10-04-2016
Of Record	096115-18	BROOKS RESOURCES CORPORATION					
Addr 1	409 NW FRANKLIN AVE						
Addr 2							
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA		

Type	MAL	MAILING ADDRESS					
Addr 1	409 NW FRANKLIN AVE						
Addr 2							
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA		

Type	MEM	MEMBER					
Of Record	973817-93	WEST BEND PROPERTY COMPANY II LLC					
Addr 1	C/O BROOKS RESOURCES CORP						
Addr 2	409 NW FRANKLIN AVE						
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA		



Restated Articles of Incorporation - Business/Professional

Secretary of State - Corporation Division - 200 Capital St. NE, Suite 191 - Salem, OR 97331-1927 - www.oregon.gov/business - Phone: (503) 986-7200

FILED: AUG 16, 2021
OREGON SECRETARY OF STATE



9611318-22476026

BROOKS RESOURCES CORPORATION RSTART
for filing use only

REGISTRY NUMBER: 096115-18

In accordance with Oregon Revised Statute 182.410-182.490, the information on this application is for public use. We must release this information to all parties upon request and it will be posted on our website.

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

1. NAME OF CORPORATION: Brooks Resources Corporation

2. NEW NAME OF CORPORATION: (if changed) _____

3. A COPY OF THE RESTATED ARTICLES IS ATTACHED. (Required)

4. CHECK THE APPROPRIATE STATEMENT:

The restated articles contain amendments which do not require shareholder approval. The date of adoption of the amendments and restated articles was _____. These amendments were duly adopted by the board of directors.

The restated articles contain amendments which require shareholder approval. The date of adoption of the amendments and restated articles was June 11, 2021.

The vote of the shareholders was as follows:

Class or series of shares	Number of shares outstanding	Number of votes entitled to be cast	Number of votes cast FOR	Number of votes cast AGAINST
Common	339410	339410	337201	0

The corporation has not issued any shares of stock. Shareholder action was not required to adopt the restated articles. The restated articles were adopted by the incorporators or by the board of directors.

5. PRINCIPAL PLACE OF BUSINESS (Physical Street Address)

409 NW Franklin Ave.
BEND, OR 97703

6. INDIVIDUAL WITH DIRECT KNOWLEDGE (Name and Address)

Kirk Schueler
409 NW Franklin Ave.
BEND, OR 97703

7. EXECUTION:

I declare as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, directors, employees or agents of the corporation. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

Signature: Printed Name: Kirk Schueler Title: President

CONTACT NAME (To resolve questions with this filing)

Kyle D. Wuepper
PHONE NUMBER: (include area code)

FEES
Required Processing Fee: \$100
<small>Remember that an acceptable filing date is the date the filing is received by the Secretary of State.</small>

New Search		Printer Friendly		Business Entity Data			88-26-2021 09:37	
Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?		
096115-18	DBC	ACT	OREGON	02-23-1972	02-23-2022			
Entity Name		BROOKS RESOURCES CORPORATION						
Foreign Name								

New Search		Printer Friendly		Associated Names				
Type	PPB	PRINCIPAL PLACE OF BUSINESS						
Addr 1	409 NW FRANKLIN AVE							
Addr 2								
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA			

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		Start Date	09-30-2016	Resign Date
Name	JADE	MAYER				
Addr 1	409 NW FRANKLIN AVE					
Addr 2						
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS				
Addr 1	409 NW FRANKLIN AVE					
Addr 2						
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA	

Type	PRE	PRESIDENT			Resign Date
Name	KIRK	SCHUELER			
Addr 1	409 NW FRANKLIN AVE				
Addr 2					
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA

Type	SEC	SECRETARY			Resign Date
Name	BARBARA	HESS			
Addr 1	409 NW FRANKLIN AVE				
Addr 2					
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA

E MILLER
OREGON PUMICE CO.
ENWOOD AVE
97701

Application No. G13965
Permit No. 612565 G13017
Certificate No. 94958

Stream Index, Page No. 5

FEES PAID		
Date	Amount	Receipt No.
1-30-45	300. ⁰⁰	121423
Feb. 3-4-99	100.00	28112
8/6/03	75.00	62475
2-19-09	350. ⁰⁰	95658
4-12-17	85.00 Cert. Fee	123148

FEES REFUNDED		
Date	Amount	Check No.
10/7/03	45.00	117992714

1

suspended until C. 29

o applicant

approval 12/11/96

CONSTRUCTION

beginning 10/29/97

completion 10/1/98

ded to 10-1-09, 10-1-2029

application of water 10/1/99

ded to 10-1-09, 10-1-2029

PROSECUTION OF WORK

" filed

" filed

" filed

FINAL PROOF

ailed

ceived

ertificate issued 3/6/2020

ASSIGNMENTS

Date	ASSIGNED To Whom	Address	Volume	Page
8/29/03	Mullen Tree Farm LLC	110 NE Greenwood Ave, Bend, OR 97701		97701
2/1/2017	The Tree Farm, LLC 409 Franklin Ave. Bend, OR 97703			

REMARKS

REMARKS section with multiple horizontal lines for text entry.

PUMP TEST
10/2/2019
APPROVED

RA Mailing List for Certificate

Scheduled Mailing Date:

Application: G-13965

Permit: G-13017

Certificate: 94958

Water Right Holders:

THE TREE FARM LLC
ATTENTION: KIRK SCHUELER
409 FRANKLIN AVE
BEND OR 97703

Copies of Final Certificate to be sent to:

1. Watermaster District 11 (include copy of map)
2. Water Availability
3. Vault
4. File

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **N/A**

Other persons to receive copies: (include map):

1. Bruce Brody-Heine, CWRE, GSI Water Solutions, Inc., 147 Shevlin Hixon Dr, Bend OR 97702

Copies Mailed	
by: <u>TM</u>	(STAFF)
on: <u>3/6/2020</u>	(DATE)



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

DATE MAILED: MAR 06 2020

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON
 COUNTY OF DESCHUTES
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THE TREE FARM LLC
 409 FRANKLIN AVE
 BEND OR 97703

confirms the right to the use of water perfected under the terms of Permit G-13017. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-13965
 SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN
 PURPOSE OR USE: QUASI-MUNICIPAL
 MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND
 PERIOD OF USE: YEAR ROUND
 DATE OF PRIORITY: JANUARY 30, 1995

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	11 E	WM	35	NW SE	1560 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER, SECTION 35

THE PLACE OF USE IS LOCATED WITHIN:

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SW NE
17 S	11 E	WM	35	SE NE
17 S	11 E	WM	35	SE NW
17 S	11 E	WM	35	NE SW
17 S	11 E	WM	35	NW SW
17 S	11 E	WM	35	SW SW

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SE SW
17 S	11 E	WM	35	NE SE
17 S	11 E	WM	35	NW SE
17 S	11 E	WM	35	SW SE
17 S	11 E	WM	36	SW NW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this certificate may be regulated if analysis of data available after the certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

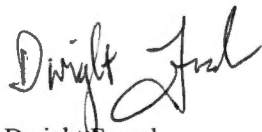
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

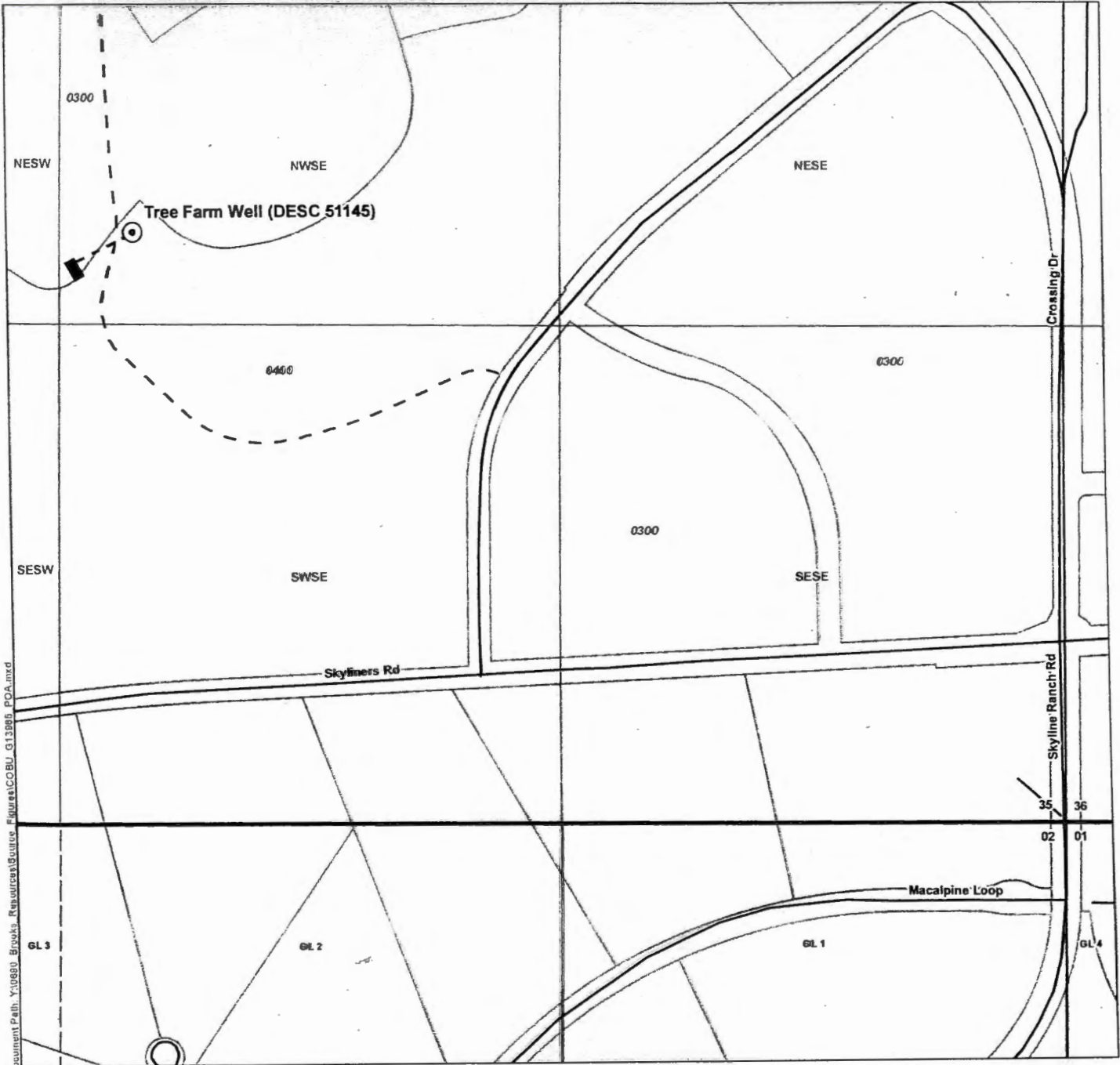
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

Issued MAR 06 2020



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

**Claim of Beneficial Use Map
Point of Appropriation Map**
Application G-13965, Permit G-13017
Deschutes County, Oregon
Township 17 South, Range 11 East, Section 35 (W.M.)



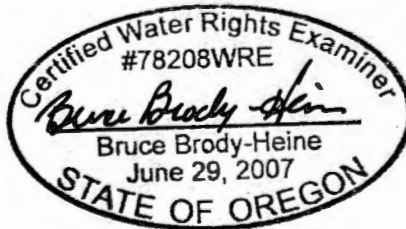
Document Path: Y:\0990_Brody_Resources\Output_Figures\COBU_G13965_PDA.mxd

LEGEND

- ⊙ Point of Appropriation (POA)
- - - Buried Water Line
- Elevated 12,000 Gallon Water Tank
- / - / Dirt Road
- Main Road
- Government Lot (GL)
- Tax Lot

POA LOCATION DESCRIPTION

Tree Farm Well (DESC 51145)
Located 1560 feet North and 2465 feet West from the SE corner of Section 35, Township 17 South, Range 11 East (W.M.).
Meter Location: Located 8 feet West of the well head on the discharge line.



EXPIRES: 12-31-19

DISCLAIMER
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES
Date: October 14, 2019
Data Sources: USGS, BLM, ESRI



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Claim of Beneficial Use Map Point of Appropriation and Place of Use

Application G-13965, Permit G-13017
Deschutes County, Oregon
Township 17 South, Range 11 East (W.M.)

R11E



DISCLAIMER

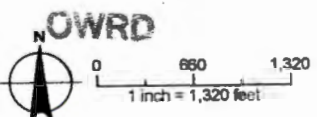
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: October 14, 2019

RECEIVED Data Sources: USGS, BLM, ESRI

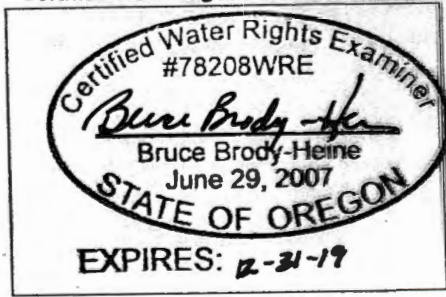
OCT 25 2019



LEGEND

- Point of Appropriation (POA)
- Place of Use (POU)
- Government Lot (GL)
- Tax Lot
- Watercourse

Certified Water Rights Examiner Stamp



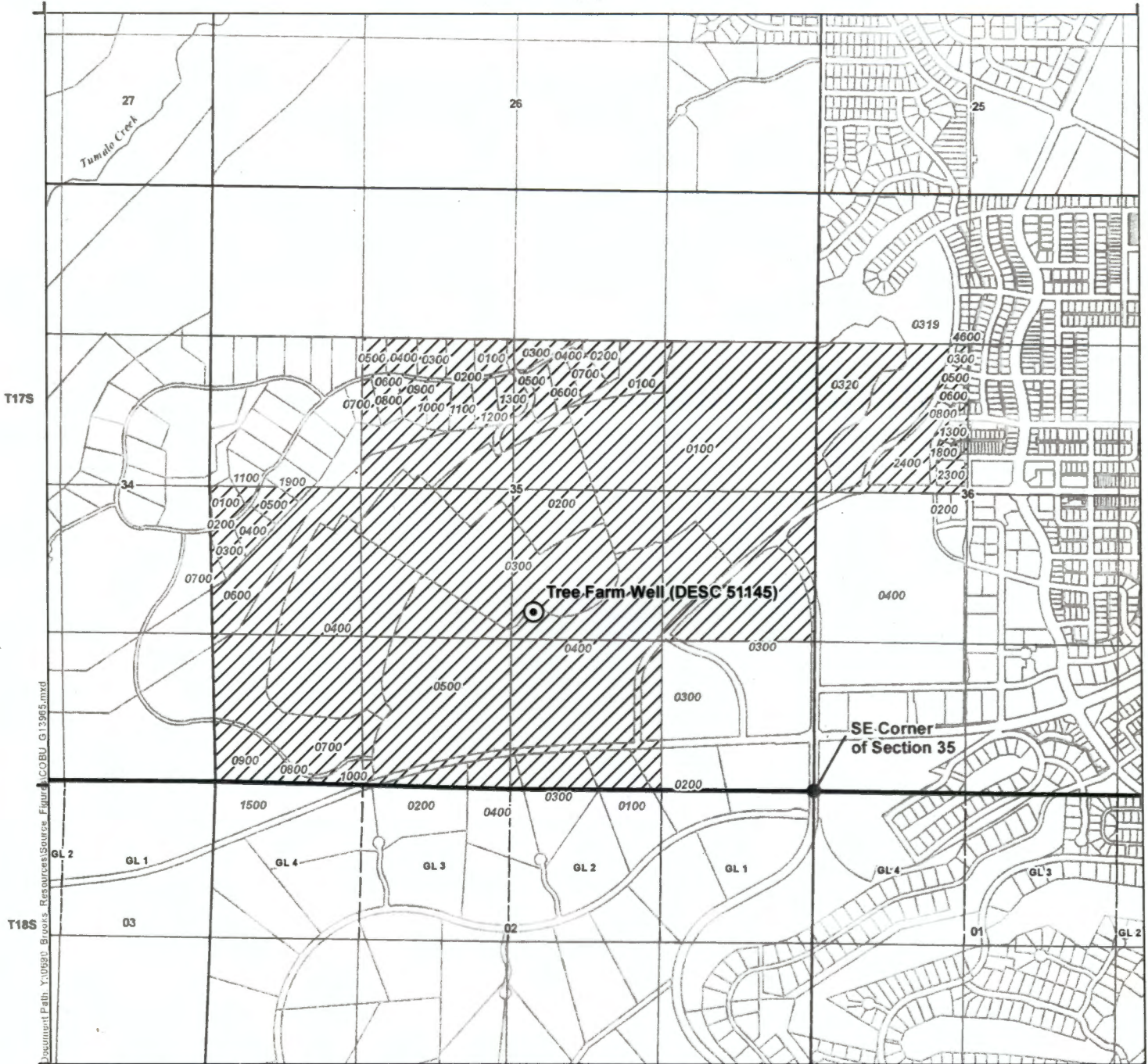
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Claim of Beneficial Use Map Point of Appropriation and Place of Use

Application G-13965, Permit G-13017
Deschutes County, Oregon
Township 17 South, Range 11 East (W.M.)

R11E



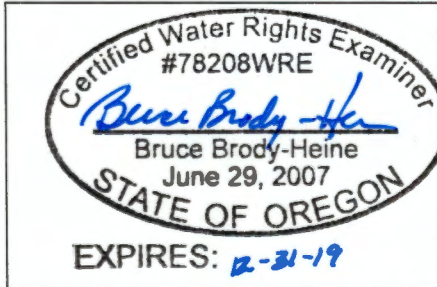
LEGEND

- Point of Appropriation (POA)
- Place of Use (POU)
- Government Lot (GL)
- Tax Lot
- Watercourse

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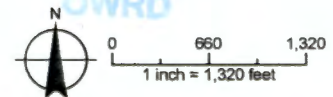
Certified Water Rights Examiner Stamp



DISCLAIMER
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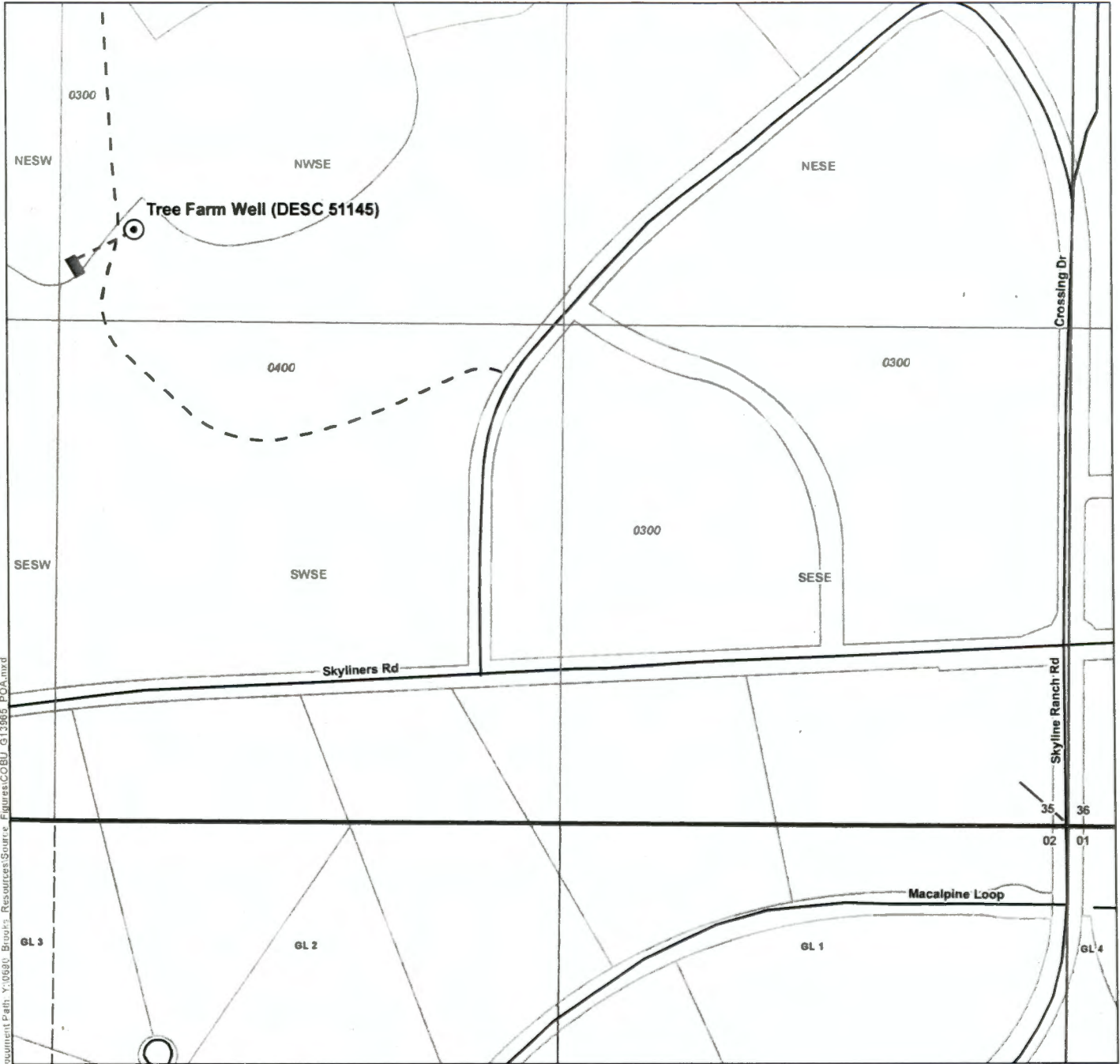
MAP NOTES
Date: October 14, 2019
Data Sources: USGS, BLM, ESRI

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DWRD



Claim of Beneficial Use Map Point of Appropriation Map

Application G-13965, Permit G-13017
Deschutes County, Oregon
Township 17 South, Range 11 East, Section 35 (W.M.)



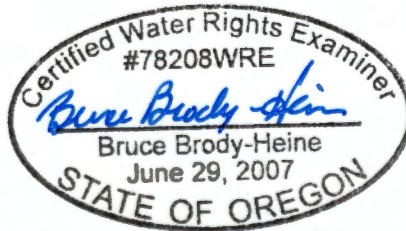
Document Path: Y:\0690 - Brody's Resources\Source Figures\COBU_G13965_POA.mxd

LEGEND

- Point of Appropriation (POA)
- Buried Water Line
- Elevated 12,000 Gallon Water Tank
- Dirt Road
- Main Road
- Government Lot (GL)
- Tax Lot

POA LOCATION DESCRIPTION

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EXPIRES: 12-31-19

DISCLAIMER
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MAP NOTES
Date: October 14, 2019
Data Sources: USGS, BLM, ESRI



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CWRO

KAVANAGH Kerry L * WRD

From: COPE Kerri H * WRD
Sent: Wednesday, February 19, 2020 2:48 PM
To: KAVANAGH Kerry L * WRD
Subject: RE: RA Project R12671-21 for The Tree Farm LLC involving Application G-13965, Permit G-13017 -- does The Tree Farm LLC have an approved WMCP, if applicable?

They have an approved WMCP.

Kerri H. Cope | Water Management and Conservation Analyst/Reuse Coordinator

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503 986-0919 | Fax: 503 986-0901

Email: Kerri.H.Cope@oregon.gov | Web: <http://www.oregon.gov>

From: KAVANAGH Kerry L * WRD <Kerry.L.Kavanagh@oregon.gov>
Sent: Wednesday, February 19, 2020 1:56 PM
To: COPE Kerri H * WRD <Kerri.H.Cope@oregon.gov>
Cc: KAVANAGH Kerry L * WRD <Kerry.L.Kavanagh@oregon.gov>
Subject: RA Project R12671-21 for The Tree Farm LLC involving Application G-13965, Permit G-13017 -- does The Tree Farm LLC have an approved WMCP, if applicable?

Hello Kerri,

I am preparing a certificate for The Tree Farm LLC. On May 1, 2017 the file was assigned from Miller Tree Farm LLC to The Tree Farm LLC. I wish to confirm that The Tree Farm LLC has an approved WMCP before I issue the certificate, if applicable under the condition included in the September 29, 2009 extension final order.

I will also put you on the cc list to receive a copy of the certificate.

A final order approving extension of time for Permit G-13017 issued September 29, 2009 extending the "C Date" to October 1, 2029, included the following condition:

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

I. Development Limitations

Diversion of any water beyond 0.00 cfs under Permit G-13017 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 should the property be developed under the City of Bend revised urban growth boundary. The required WMCP shall be submitted to the Department within 3 years of an approved extension application. Use of water under Permit G-13017 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The deadline established in this PFO for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders

Thanks in advance for your assistance,
Kerry

Kerry Kavanagh

Certificate Reimbursement Authority Program Coordinator
Certificate Section, Water Rights Services Division
725 Summer St NE Suite A | Salem OR 97301 | 503.986.0927
kerry.l.kavanagh@oregon.gov | <https://www.oregon.gov/OWRD>



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

CLAIM OF BENEFICIAL USE for Groundwater Permits claiming more than 0.1 cfs



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

**A fee of \$200 must accompany this form for permits
with priority dates of July 9, 1987, or later.**

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SECTION 1 GENERAL INFORMATION

1. File Information

APPLICATION # G-13965	PERMIT # (IF APPLICABLE) G-13017	PERMIT AMENDMENT # (IF APPLICABLE) - NA -
---------------------------------	--------------------------------------------	-----------------------------------------------------

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME The Tree Farm LLC Attn: Kirk Schueler		PHONE NO. 541-382-1662	ADDITIONAL CONTACT NO.
ADDRESS 409 Franklin Ave			
CITY Bend	STATE OR	ZIP 97703	E-MAIL kirk@brooksresources.com

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. ***Each** permit holder of record must sign this form.*

3. Permit holder of record (this may, or may not, be the current property owner)

PERMIT HOLDER OF RECORD The Tree Farm LLC Attn: Kirk Schueler			
ADDRESS 409 Franklin Ave			
CITY Bend	STATE OR	ZIP 97703	

ADDITIONAL PERMIT HOLDER OF RECORD - NA -			
ADDRESS			
CITY	STATE	ZIP	

4. Date of Site Inspection: **9-26-2019**

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
David Ford	9-26-19	The Tree Farm LLC project representative
Mel Baker	9-25-19	Water system contractor
Chris Bohokian	9-26-19	Taylor NW - construction site manager

6. County:

7. If any property described in the place of use of the permit is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

OWNER OF RECORD		
- NA -		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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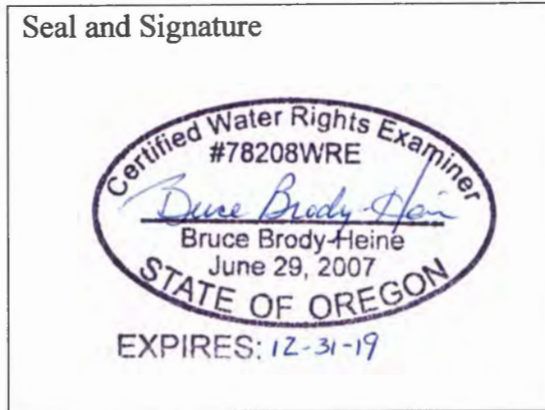
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SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



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CWRE NAME Bruce Brody-Heine	PHONE NO. 971.200.8915	ADDITIONAL CONTACT NO.
ADDRESS 147 Shevlin Hixon Drive, Suite 201		
CITY Bend	STATE OR	ZIP 97702
E-MAIL bbheine@gsiws.com		

Permit Holder of Record Signature or Acknowledgement

***Each** permit holder of record must sign this form in the space provided below.*

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Kirk Schueler	Managing Member The Tree Farm LLC	10-21-2019

SECTION 3
CLAIM DESCRIPTION

OWRD

1. Point of appropriation name or number:

POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
Tree Farm Well	DESC 51145	L16358

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

The wells are shown on the POA maps in Attachment 1 and the well logs are presented in Attachment 2.

2. Point of appropriation source, if indicated on permit:

POA NAME OR NUMBER	SOURCE BASIN LOCATED WITHIN	TRIBUTARY
Tree Farm Well	Groundwater - Deschutes Basin	- NA -

3. Developed use(s), period of use, and rate for each use:

POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
Tree Farm Well	QM		year-round	0.78 cfs
Total Quantity of Water Used				0.78 cfs

4. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of appropriation to the place of use:

Groundwater is appropriated from the Tree Farm Well using a 60 Hp submersible pump and pumped into the water distribution system where the water is conveyed to a 12,000 gallon storage tank. From the tank the water is loaded into trucks and beneficially used for quasi-municipal uses associated with construction and development of the NWX2 neighborhood.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

5. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below. **YES**

(e.g. "The permit allowed three points of appropriation. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

1. **Point of Appropriation.** The location of the point of appropriation has been re-described slightly to more accurately reflect the location of the well. The location, as presented in this COBU Report Attachment 1, is where the well has always been located.
2. **Place of Use.** The final place of use (POU) where water is beneficially used is smaller than the original permitted POU. The final POU is shown on the COBU Map in Attachment 1.

6. Claim Summary:

POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Tree Farm Well	0.78 cfs	0.98 cfs	0.80 cfs (359 gpm)	QM	- NA -	- NA -

Permit G- 13017 and Assignment documentation are presented in Attachment 3

**SECTION 4
SYSTEM DESCRIPTION**

Are there multiple POAs?

NO

If "YES" you will need to copy and complete Sections 4B through 4F for each POA.
POA Name or Number this section describes (only needed if there is more than one):

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Tree Farm Well

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
17S	11E	W.M.	35	SWNE			QM	- NA -	- NA -
17S	11E	W.M.	35	SENE			QM	- NA -	- NA -
17S	11E	W.M.	35	SENW			QM	- NA -	- NA -
17S	11E	W.M.	35	NESW			QM	- NA -	- NA -
17S	11E	W.M.	35	NWSW			QM	- NA -	- NA -
17S	11E	W.M.	35	SWSW			QM	- NA -	- NA -
17S	11E	W.M.	35	SESW			QM	- NA -	- NA -
17S	11E	W.M.	35	NESE			QM	- NA -	- NA -
17S	11E	W.M.	35	NWSE			QM	- NA -	- NA -
17S	11E	W.M.	35	SWSE			QM	- NA -	- NA -
17S	11E	W.M.	36	SWNW			QM	- NA -	- NA -
Total Acres Irrigated								- NA -	- NA -

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of appropriation to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Franklin	F6STS	0603756413	Submersible	4"	4"

3. Motor Information

MANUFACTURER	HORSEPOWER
Franklin	60 Hp

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level during pumping	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
60	20	380	- NA -	0.98 cfs

5. Provide pump calculations:

See the pumping rate calculation sheet in Attachment 4

6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
371,928 gal 655,544 gal	458,166 gal 655,544 gal	4 hours 2 minutes	0.80 cfs (359 gpm)* 0 cfs **

*Measured pump capacity was recorded by construction crew on August 29, 2019 during beneficial use documentation.

**During the site inspection the system was not running at the time the meter reading was collected.

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

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If "NO" items 8 through item 11 may be deleted.

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8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4-inch	175 feet	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
- NA -			

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
- NA -					

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
- NA -				

12. Additional notes or comments related to the system:

The permit holder's current quasi municipal water system supplies water for construction related activities associated with the multi-year phased buildout of the NWX2 development.

C. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)?

YES

If "NO", items 2 through 8 relating to this section may be deleted.

2. Describe the access port (type and location) or other means to measure the water level in the well:

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The water level access port includes two 1-inch PVC access tubes located on the south side of the wellhead

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3. If well logs are not available, provide as much of the following information as possible:

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY
-----------------	--------------	-------------	----------------------------------	---------------------------------	------------------------------	-----------------

See OWRD Well Log Report in Attachment 2.

4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

- NA -

5. Is the appropriation from a dug well (sump)?

NO

If "NO", items 6 through 8 relating to this section may be deleted. *Items 6 through 8 were deleted.*

D. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)

YES

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a: Storage Tank

YES

Bulge in System / Reservoir

NO

Complete appropriate table(s), unused table may be deleted.

2. Storage Tank:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED
Metal	12,000 gal	Above-Ground

E. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted. *Items 2 through 4 were deleted.*

F. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

If "NO", items 2 through 4 relating to this section may be deleted. *Items 2 through 4 were deleted.*

**SECTION 5
CONDITIONS**

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits and extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or permit extension order:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	12/11/1996		
BEGIN CONSTRUCTION (A)	10/29/97	10/6/1997	Construction of the Tree Farm well began in Fall 1997
COMPLETE CONSTRUCTION (B)	10/1/2029	8/29/19	The permit holder requested and received a permit extension in a timely fashion while planning for and completing construction of the water system for the development of NWX2. The permit holder has completed construction of the well, installation of the totalizing flow meter and the water system prior to the B-date of 8/29/2029.
COMPLETE APPLICATION OF WATER (C)	10/1/2029	8/29/19	The permit holder had its Water Management and Conservation Plan approved by the Department on 4/13/18 and was provided full access to the 0.78 cfs under the permit. The permit holder put the full permitted quantity of water, 0.78 cfs to beneficial use after approval of the WMCP and prior to the C-date of 8/29/2029.

* MUST BE WITHIN PERIOD BETWEEN PERMIT, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

YES

See Extension of Time final order in Attachment 5.

3. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement?

NO

If "NO", items 4b through 4d relating to this section may be deleted. Items 3b through 3d were deleted.

4. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements? **NO**

If "NO", items 5b through 5e relating to this section may be deleted. Items 4b through 4e were deleted.

5. Pump Test (Required for most ground water permits prior to issuance of a certificate)

a. Did the permit require the submittal of a pump test? **YES**

If "NO", items 6b through 6e relating to this section may be deleted.

b. Has the pump test been previously submitted to the Department? **YES**

Pump Test submitted to OWRD in a letter dated August 13, 2019.

c. Is the pump test attached to this claim? **NO**

d. Has the pump test been approved by the Department? **YES**

See Attachment 6.

e. Has a pump test exemption been approved by the Department? **NO**

**** Claims will not be reviewed until a pump test or exemption has been approved by the Department**

6. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device? **YES**

If "NO", items 7b through 7f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed? **YES**

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Tree Farm Well	Seametrics	012019001116	Working	655,996	9/26/19

If a meter has been installed, items 7d through 7f relating to this section may be deleted.

Items 6d through 6f were deleted.

7. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **NO**

If "NO", item 7b relating to this section may be deleted. Item 7b was deleted.

8. Other conditions required by permit, permit amendment final order, or extension final order:

a. Were there special well construction standards? **NO**

b. Was submittal of a ground water monitoring plan required? **NO**

c. Was submittal of a water management and conservation plan required? **YES**

d. Other conditions? **NO**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

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Permit Extension Final Order

Development Limitation (WMCP Requirement) – Diversion of water shall only be authorized upon issuance of a final order approving a WMCP.

The WMCP Final Order dated April 16, 2018 is presented in Attachment 7. The permit holder is in compliance with this condition.

**SECTION 6
ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Attachment 1	POA and POU Map
Attachment 2	OWRD Well Report
Attachment 3	Permit G-13017
Attachment 4	Theoretical Pumping Rate
Attachment 5	Extension of Time Final Order
Attachment 6	Pump Test Letter
Attachment 7	WMCP Final Order
Attachment 8	Documentation of Beneficial Use

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The Tree Farm LLC is the project's water system manager and operator and has a good understanding of their system components and component locations. During the site inspection the CWRE observed the well site, and POU and other visible system components, but did not independently survey these system components locations. The COBU POA and POU maps was created by GSI staff using Geographic Information System (GIS) software and spatial datasets. The georeferenced data sources used in creating the COBU map are described on the map. The System Description map was developed by GSI in collaboration with The Tree Farm staff. Additional data and information specific to the permittee's well, place of use, and the permittee's use of under the water right described in this Claim of Beneficial Use report were obtained from the permittee

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- NA** Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- NA** Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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ATTACHMENT 1
POA and POU Map

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Claim of Beneficial Use Map Point of Appropriation and Place of Use

Application G-13965, Permit G-13017
Deschutes County, Oregon
Township 17 South, Range 11 East (W.M.)

R11E



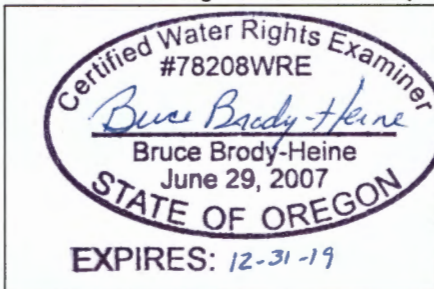
LEGEND

- Point of Appropriation (POA)
- Place of Use (POU)
- Government Lot (GL)
- Tax Lot
- Watercourse

POA LOCATION DESCRIPTION

Tree Farm Well (DESC 51145)
Located 1560 feet North and 2465 feet West from the SE corner of Section 35, Township 17 South, Range 11 East (W.M.).
Meter Location: Located 8 feet West of the well head on the discharge line.

Certified Water Rights Examiner Stamp



DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

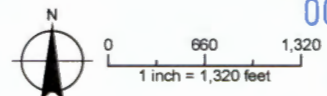
MAP NOTES

Date: October 14, 2019
Data Sources: USGS, BLM, ESRI

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Claim of Beneficial Use Map Point of Appropriation Map

Application G-13965, Permit G-13017
Deschutes County, Oregon
Township 17 South, Range 11 East, Section 35 (W.M.)



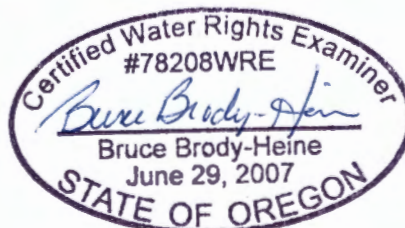
Document Path: Y:\0690_Brooks_Resources\Source_Figures\COBU_G13965_POA.mxd

LEGEND

- Point of Appropriation (POA)
- Buried Water Line
- Elevated 12,000 Gallon Water Tank
- Dirt Road
- Main Road
- Government Lot (GL)
- Tax Lot

POA LOCATION DESCRIPTION

Tree Farm Well (DESC 51145)
 Located 1560 feet North and 2465 feet West from the SE corner of Section 35, Township 17 South, Range 11 East (W.M.).
Meter Location: Located 8 feet West of the well head on the discharge line.



EXPIRES: 12-31-19

DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES
 Date: October 14, 2019
 Data Sources: USGS, BLM, ESRI



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ATTACHMENT 2

OWRD Well Log Report

desc
51145

STATE OF OREGON WATER RESOURCES DEPT. WATER SUPPLY WELL REPORT SALEM, OREGON

L16358 (START CARD) # 44259-104203

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number
Name Central Oregon Municode Co
Address 1 NW Greenwood Ave
City Bend State OR Zip 97701

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No. Depth of Completed Well _____ ft.
Explosives used Yes No Type _____ Amount _____

HOLE SEAL
Table with columns: Diameter, From, To, Material, From, To, Sacks or pounds

How was seal placed: Method A B C D E
 Other

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:
Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded

Final location of shoe(s)

PERFORATIONS/SCREENS:
Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min Drawdown Drill stem at Time 1 hr.

Temperature of water _____ Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Deschutes Latitude _____ Longitude _____
Township 17S N or S Range 11E E or W. WM.
Section 35 NW 1/4 SE 1/4
Tax Lot 6201 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Skyliner Rd

(10) STATIC WATER LEVEL:
_____ ft. below land surface. Date _____
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found _____

Table with columns: From, To, Estimated Flow Rate, SWL

(12) WELL LOG:
Ground Elevation _____

Table with columns: Material, From, To, SWL
Basalt + gray med 444 448
Lava chert's gray 448 471
red brn sand 471 479
Basalt + gray med-brd 479 498
Lava chert's med-brd 498 504
Basalt + gray med-brd 498 504

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Date started 9/23/97 Completed 10/16/97
(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed [Signature] WWC Number 1701 Date 10/16/97

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed [Signature] WWC Number 123 Date 10/16/97

desc
51145

OCT 10 1997 Page 1 of 2

AMENDED LOG

STATE OF OREGON
WATER SUPPLY WELL PERMITS
(as required by ORS 537.765)
WATER RESOURCES DEPT.
SALEM, OREGON

L16358 (START CARD) # 104259 104263

Instructions for completing this report are on the last page of this form.

1) OWNER: Well Number _____
Name: Central Oregon Pumice Co.
Address: 1 NW Greenwood Ave
City: Prineville State: OR Zip: 97170

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other Quasi Mun.

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 503 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
13	0	19	Cement	0	19	10 SACKS
10	19	503				

How was seal placed: Method A B C D E
 Other

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	+1	19	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 8	-1	503	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

Perforations Method Factory
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
400	503	1/8x3/16	3200		8	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian
Yield gal/min: 200+ Drawdown: _____ Drill stem at _____ Time: 1 hr.

Temperature of water 54 Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Deschutes Latitude _____ Longitude _____
Township 17S N or S Range 11E E or W. WM. _____
Section 35 NW 1/4 SE .14
Tax Lot 6201 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Skyliner Rd

(10) STATIC WATER LEVEL:
340 ft. below land surface. Date 10/1/97
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 448

From	To	Estimated Flow Rate	SWL
448	504	200+	340

(12) WELL LOG: **RECEIVED**
Ground Elevation _____

Material	From	To	SWL
Top Soil	0	15	
Basalt	15	25	
Pumice	25	90	
Basalt blk gray med hrd	90	180	
Lava blk red soft	180	220	
Basalt gray hrd	220	239	
Basalt gray tan fine hrd	239	270	
Verdy - lost conc	270	275	
Basalt gray hrd	275	285	
Interstr. lava red soft	285	315	
Lava blk med pumice	315	335	
Interstr. red soft	335	351	
Basalt pumice conc	351		
W/lay Lin			
Basalt gray med hrd	368	375	
Pumice clay cov red	375		
Lvl soft		435	
Lava lime gray red	435		
soft		444	

(CONTINUED)

Date started _____ Completed _____

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
Signed [Signature] WWC Number 11761 Date 10/1/97

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
Signed [Signature] WWC Number 1123 Date 10/1/97

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ATTACHMENT 3
Permit G-13017

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILLIAM E MILLER AND THE CENTRAL OREGON PUMICE COMPANY
1 NW GREENWOOD AVE
BEND, OREGON 97701

(541)382-2022

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13965

SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 30, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 35, T17S, R11E, W.M.; 1320 FEET NORTH AND 2640 FEET WEST FROM THE SE CORNER OF SECTION 35

THE PLACE OF USE IS LOCATED WITHIN:

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 34

SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4

Application G-13965 Water Resources Department

PERMIT G-13017

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NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 35
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SECTION 36

TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

Application G-13965 Water Resources Department

PERMIT G-13017

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Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

May 1, 2017

The Tree Farm, LLC
409 Franklin Ave.
Bend, Oregon 97703

Reference: Application G-13965, Permit G-13017

The assignment from Miller tree Farm, LLC to The Tree Farm, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show The Tree Farm, LLC as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 123148 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit requires complete application of water to the proposed use by October 1, 2029, and within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 123148

cc: Watermaster 11
Miller Tree Farm, LLC
Data Center, OWRD (cover letter & request)
File

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ATTACHMENT 4

Theoretical Pump Capacity Calculation

Tree Farm Well

Pump Capacity Calculation Sheet

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 60
Efficiency = 7.04
Lift = 380
PSI = 20

*pumping level measured during pumping test
per discussions with system operator*

Results Calculated

(hp)(efficiency) = 422.4
Head based on psi = 50.8 (2.31 ft/psi plus 10%)
Total dynamic head = 430.8
(head + lift)

**Pump Capacity = 0.980 feet per second
440 gpm**

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ATTACHMENT 5
OWRD Extension of Time Final Order

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-13965

Final Order
Extension of Time for Permit Number G-13017

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit G-13017 was issued by the Department on December 11, 1996. The permit called for completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. On February 19, 2009 Miller Tree Farm, LLC submitted an application to the Department for an extension of time for Permit G-13017. In accordance with OAR 690-315-0050(2), on July 28, 2009 the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2029 and to extend the time to fully apply water to beneficial use to October 1, 2029. The protest period closed September 11, 2009 in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

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CONDITIONS

1. Development Limitations

Diversion of any water beyond 0.00 cfs under Permit G-13017 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 should the property be developed under the City of Bend revised urban growth boundary. The required WMCP shall be submitted to the Department within 3 years of an approved extension application. Use of water under Permit G-13017 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

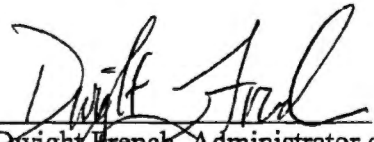
The deadline established in this PFO for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0080(3).

Order

The extension of time for Application G-13965, Permit G-13017, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2029. The deadline for applying water to full beneficial use is extended to October 1, 2029.

DATED: September 29, 2009


Dwight French, Administrator of
Water Rights and Adjudications
for

Phillip C. Ward, Director

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If you have any questions about statements contained in this document, please contact Scott Kudlemyer at (503) 986-0813.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.

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ATTACHMENT 6

Pump Test Results Letter



Oregon

Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

October 02, 2019

GW

The Tree Farm LLC
409 Franklin Ave
Bend, OR 97703

The Department has reviewed the status of your pump test and any requests for extension(s) or exemption(s) for the following permitted well(s). The results are summarized in the following table:

Application	Water Right	Permitted Well	Pumped Well	Test Date	Request Status	Exemption	Well Name
G 13965	Permit: G 13017 *	DESC0051145	DESC0051145	08/07/2019	APPROVED	None	

Please contact me if you have any questions.

Sincerely,

Aurora Bouchier
503-986-0841
Groundwater Section

cc: GW Pump Test File
cc: Certificates Section/Application File

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ATTACHMENT 7
WMCP Final Order

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

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In the Matter of the Proposed Water) FINAL ORDER APPROVING A
Management and Conservation Plan for) WATER MANAGEMENT AND
Tree Farm, LLC, Deschutes County) CONSERVATION PLAN

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department. An approved water management and conservation plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Findings of Fact

1. Tree Farm, LLC submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on November 1, 2017. The required statutory fee for review of the plan was received by the Department on November 6, 2017.
2. The Department published notice of receipt of the plan on November 14, 2017, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to Tree Farm, LLC on January 17, 2018 and March 7, 2018. In response, Tree Farm, LLC submitted revised plans on February 23, 2018 and April 2, 2018.
4. The Department reviewed the revised plan and finds that it contains all of the elements required under OAR 690-086-0125 and OAR 690-086-0130.
5. The projections of future water needs in the plan demonstrate a need for 0.78 cfs of water available under Permit G-13017 to help meet overall projected 20 year demands. These projections are reasonable and consistent with Tree Farm, LLC's land use plan.
6. Prior to diversion of any water under Permit G-13017, the distribution system will be fully metered and a rate structure that includes a volumetric charge will be developed.
7. The plan includes 5-year benchmarks for implementation of the following programs:

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

- a. Annual Water Audit
 - i. Within five (5) years of water use being initiated under Permit G-13017, Tree Farm, LLC will conduct a water audit that compares water production and consumption on an annual basis.
 - b. Full Metering of Systems
 - i. Within three (3) years and prior to initiation of water use under Permit G-13017, all water production and water service connections will be metered.
 - c. Meter Testing and Maintenance
 - i. Within three (3) years, and prior to initiation of water under Permit G-13017, Tree Farm, LLC will implement a system to test and maintain all meters.
 - d. Leak Detection
 - i. Within five (5) years, if the annual water audit demonstrates system leakage greater than 10%, a regularly scheduled and systematic program to detect leaks in the transmission and distribution system using methods and technology appropriate to the size and capabilities of the water supplier will be implemented.
 - e. Rate Structure Based on the Quantity of Water Metered
 - i. Within three (3) years, and prior to diversion of water under Permit G-13017, all Tree Farm, LLC customers will be billed, at least in part, on the quantity of water metered at the service connection.
 - f. Public Education
 - i. Within the next five (5) years, Tree Farm, LLC will distribute water conservation educational materials to water users.
8. The plan identifies the Deschutes Aquifer as the source of Tree Farm, LLC's water right and accurately and completely describes that it is not in an OWRD-designated Critical Groundwater Area or Groundwater Limited Area and has no listed water quality limits.
 9. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of three stages of alert with concurrent curtailment actions.
 10. The diversion of water under Permit G-13017 will be increased during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
 - a. As evidenced by the 5 and 3-year benchmarks described in Findings of Fact #7 (a-f), the final revised plan includes a schedule for development and implementation of conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources;

- b. Considering that water savings alone from identified conservation and curtailment measures cannot fully meet Tree Farm, LLC's projected water demands, access to diversion of water under Permit G-13017 is the most feasible and appropriate water supply alternative to the supplier; and,
- c. Tree Farm, LLC is not required at this time to provide mitigation related to Permit G-13017.

Conclusion of Law

The Water Management and Conservation Plan submitted by Tree Farm, LLC is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. Tree Farm, LLC's Water Management and Conservation Plan is approved and shall remain in effect until **April 11, 2028**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation:

2. The limitation of the diversion of water under Permit G-13017 established by the extension of time approved on September 29, 2009 is removed and, subject to other limitations or conditions of the permit, Tree Farm, LLC is authorized to divert up to 0.78 cfs under Permit G-13017.
3. Failure to implement the conservation benchmarks identified in Findings of Fact #7 (a-f) may result in the reduction of the quantity of water authorized for diversion under Permit G-13017 during the review of Tree Farm, LLC's next plan update.

Plan Update Schedule:

4. Tree Farm, LLC shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than **October 11, 2027**.

Progress Report Schedule:

5. Tree Farm, LLC shall submit a progress report containing the information required under OAR 690-086-0120(4) by **April 11, 2023**.

Other Requirements for Plan Submittal:

6. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve Tree Farm, LLC from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

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Dated at Salem, Oregon this 13 day of April, 2018.



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: APR 16 2018

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

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ATTACHMENT 8

QM Documentation of Beneficial Use



Branch #1614
3292 S. Highway 97
Redmond, OR 97756
Tel.: (541) 279 1746
Fax: (541) 548-2664
Email: mel.baker@ferguson.com

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08-29-19
12:57 PM

Taylor NW
18500 Bull Springs Road
Bend. Oregon 97702

RE: Discovery West Well Beneficial Use Production test

ATT: Chris Bohokian

Chris:

I completed the Beneficial Use test this morning. The following are the Results.

Test: 4 Hours continuous from 7:24 AM to 11:24 AM

Well Meter		Tank meter
07:24 AM		
Start test	371,928 Gallons Total	260,370 Gallons Total
GPM	370	357 GPM
08:24 AM		281,799 Gallons Total
		368 GPM
09:24 AM		302,600 Gallons Total
		361 GPM
10:24 AM		324,185 Gallons Total
		359 GPM
11:24 AM	458,166 Gallons Total	346,965 Gallons Total
GPM	365	371 GPM
End Test		

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Total Gallons 86,238 used

86,595 Used

The GPM was slightly less than the well test because of friction loss from the control valve in the elevated tank. The meter readings varied a small amount during flow.

The water was pumped to the elevated tank and discharged to water trucks. The water was used for Dust control and compaction on the construction site.

I have enclosed pictures of the meters at the start and completion along with the time of day. I accidentally deleted the final Tank meter reading but the well meter picture verifies the total.

Let me know if any other information is needed.

Thanks

Mel

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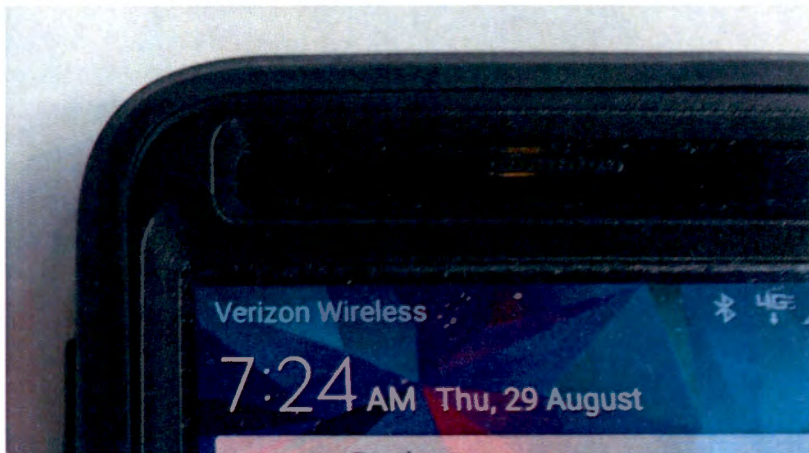
OCT 25 2019

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**Tree Farm Well Permit G-13017
Beneficial Use Documentation
4 Hours of Use within 8 Hour Period**

8-29-2019

Start of Use Demonstration



8-29-2019 7:24am

Well Meter Reading - Start



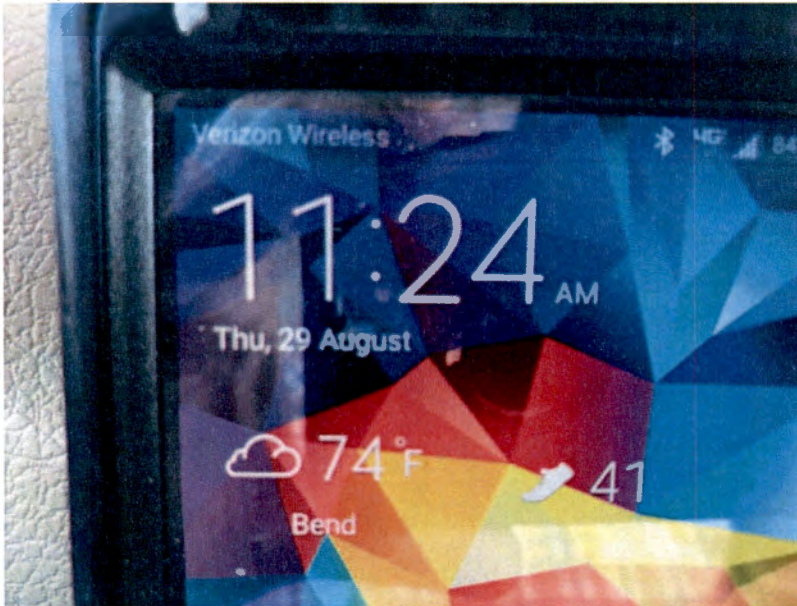
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8-29-2019

Completion of Use Demonstration



8-29-2019 11:24am

Well Meter Reading - Completion



Claim of Beneficial Use Map Point of Appropriation and Place of Use






Application G-13965, Permit G-13017
Deschutes County, Oregon
Township 17 South, Range 11 East (W.M.)

R11E



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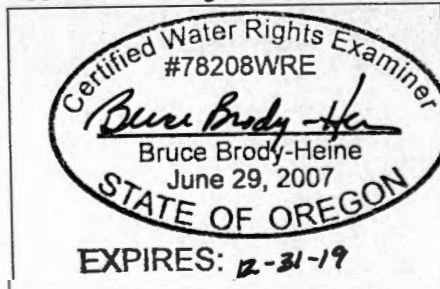
LEGEND

-  Point of Appropriation (POA)
-  Place of Use (POU)
-  Government Lot (GL)
-  Tax Lot
-  Watercourse

POA LOCATION DESCRIPTION

Tree Farm Well (DESC 51145)
Located 1560 feet North and 2465 feet West from the SE corner of Section 35, Township 17 South, Range 11 East (W.M.).
Meter Location: Located 11 feet West of the well head on the discharge line.

Certified Water Rights Examiner Stamp



DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

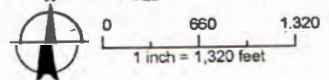
MAP NOTES

Date: October 14, 2019
Data Sources: USGS, BLM, ISRI

RECEIVED

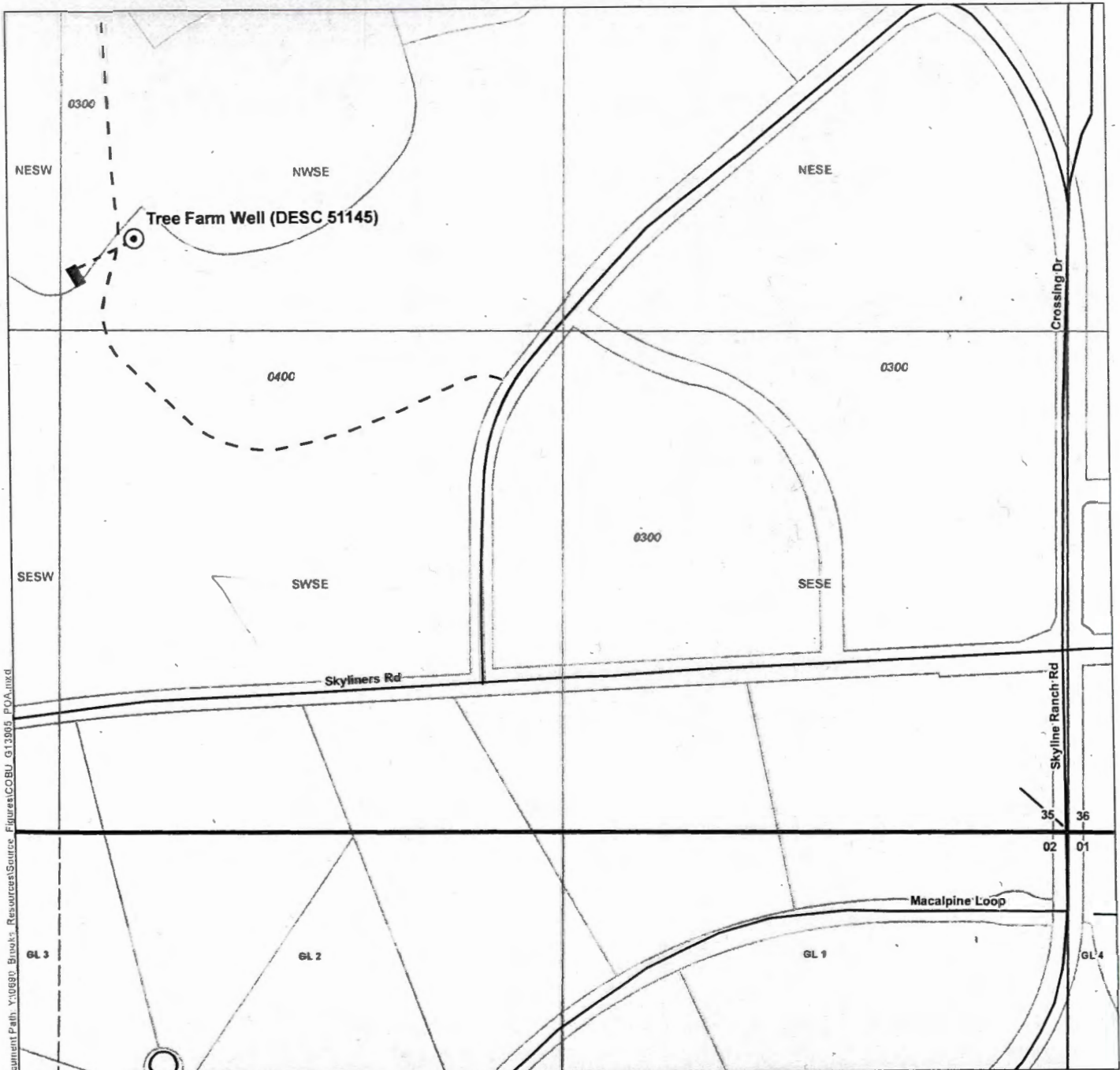
OCT 25 2019

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Claim of Beneficial Use Map Point of Appropriation Map

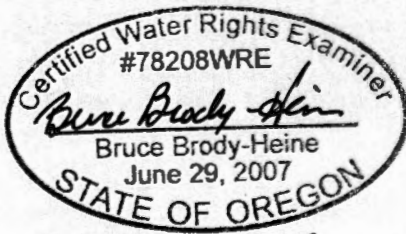
Application G-13965, Permit G-13017
Deschutes County, Oregon
Township 17 South, Range 11 East, Section 35 (W.M.)



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- LEGEND**
- ⊙ Point of Appropriation (POA)
 - - - Buried Water Line
 - Elevated 12,000 Gallon Water Tank
 - Dirt Road
 - Main Road
 - Government Lot (GL)
 - Tax Lot

POA LOCATION DESCRIPTION
Tree Farm Well (DESC 51145)
 Located 1560 feet North and 2466 feet West from the SE corner of Section 35, Township 17 South, Range 11 East (W.M.).
Meter Location: Located 8 feet West of the well head on the discharge line.



EXPIRES: 12-31-19

DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES
 Date: October 14, 2019
 Data Sources: USGS, BLM, ESRI



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**REIMBURSEMENT AUTHORITY PERMIT
APPLICATION G-13965 PERMIT G-13017**

CERTIFICATE 94948 issued 3-6-2020

STATE OF OREGON
 COUNTY OF DESCHUTES ✓

Jerry Clark
Field Review
2/26/2020
0.25 hr

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THE TREE FARM LLC
 409 FRANKLIN AVE ✓
 BEND OR 97703 ✓

confirms the right to the use of water perfected under the terms of Permit G-13017. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-13965 ✓
 SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN ✓
 PURPOSE OR USE: QUASI-MUNICIPAL ✓
 MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND ✓
 PERIOD OF USE: YEAR ROUND ✓
 DATE OF PRIORITY: JANUARY 30, 1995 ✓

nw se

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	11 E	WM	35	NE SW	1560 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER, SECTION 35

THE PLACE OF USE IS LOCATED WITHIN:

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SW NE
17 S	11 E	WM	35	SE NE
17 S	11 E	WM	35	SE NW
17 S	11 E	WM	35	NE SW
17 S	11 E	WM	35	NW SW
17 S	11 E	WM	35	SW SW

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SE SW
17 S	11 E	WM	35	NE SE
17 S	11 E	WM	35	NW SE
17 S	11 E	WM	35	SW SE
17 S	11 E	WM	36	SW NW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this certificate may be regulated if analysis of data available after the certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

Issued _____

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

RA Mailing List for Certificate

Scheduled Mailing Date:

Copies Mailed	
by: _____	(STAFF)
on: _____	(DATE)

Application: G-13965

Permit: G-13017

Certificate: PROPOSED

Water Right Holders:

THE TREE FARM LLC
409 FRANKLIN AVE
BEND OR 97703

ATTENTION: KIRK SCHUELER

Copies of Final Certificate to be sent to:

1. Watermaster District 11 (include copy of map)
2. Water Availability
3. Vault
4. File

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **N/A**

Other persons to receive copies: (include map):

1. Bruce Brody-Heine, CWRE, GSI Water Solutions, Inc., 147 Shevlin Hixon Dr, Bend OR 97702

Completion Checklist for Claims of Beneficial Use for
POST JULY 1, 2004 Claims

Application # <u>9-13965 / 9-13017</u>	WRD Reviewer <u>Kerry Kavanagh</u>
Transfer # <u> </u>	Claim Logged <u>YES</u>
Date Received <u>10-25-2019</u>	Oversized Map # <u>N/A</u>
CWRE Name <u>Bruce Brody-Heine, CWRE # 78208</u>	

2-8 1/2 x 11
miliar maps
for POA

Permit 9-13017 issued 12-11-1996

A Date = 10-29-1997
B Date = 10-1-1998 } extended
C Date = 10-1-1999 } until 10-1-2020

Map Review:

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #; or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4)) N/A for POA -> tax lots for POA
- Source illustrated if surface water (OAR 690-014-0170(3)) MA
- Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050) gw
- Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014-0170(4))
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Report Review:

COBU - Tree Farm well - 0.78 cfs for yr QM (DESC 51145)

- On form or format provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014) DESCHUTES
- Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- Source(s) of water (OAR 690-014-0100)
- Place of use location (OAR 690-014-0100)
- Type of use (OAR 690-014-0100)
- Extent of use (OAR 690-014-0100)
- Rate and Duty (OAR 690-014-0100)
- Diversion rate for each use (OAR 690-014-0100) one use QM
- Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- System capacity (OAR 690-014-0100)
 - Calculated capacity of system (required)
 - Measured amount of use (optional)
- Permit/Transfer Final Order Conditions (OAR 690-014-0100)
 - Time limits
 - Initial water level measurements
 - Annual static water level measurements
 - Measurement, recording, and reporting
 - Meter/measuring device install meter or OSMD
 - Water use reporting "may require"
 - Fish screening and/or by-pass
 - Pump test (ground water) Pump Test approved 10-2-2019 by Anurag Bouchier
 - Other 4 in 8 sec COBU - pg 6 of 11 d Attachment 8
 - YES WMCP approved? - check w/ Kerri Gope - see 2-19-2020 email from Kerri Gope

- Conditions from Extension Final Order and/or Water Management Conservation Plan
 - WMCP approved 4-13-2018 - Progress Report due 4-11-2023
 - Ext FO issued 9-29-2009 -> B&C Dates extended to 10-1-2029
vs diversion of water shall be authorized upon FO approving WMCP
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of permittee of transfer holder (OAR 690-014-0100)

Certificate Issuance Processing Checklist

MA Map and COBU reviewed
MA Conflict check Any Conflicts? MA
MA Check for ownership

Check Area of Interest YES NO
Identified Party _____

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

MA _____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: smaller footprint than authorized

_____ Proof to the Satisfaction has not been established for the following reasons: _____

Proposed Actions:
Send letter requesting the following items/information: _____
Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?
_____ Yes
If "Yes":
_____ Proposed
_____ Final Certificate # _____

Mailing list:
Proposed:

Final:

cc: Bruce Brody-Heine, CWRE, GSI Water Solutions Inc.
147 Sherlin Hixon Drive, Suite 201
Bend, OR 97702 bbheine@gsiws.com

- 5-1-2017 Assigned from Miller Tree Farm LLC to The Tree Farm LLC
- parcel is NOT within boundaries of critical Groundwater Area or Groundwater Limited Area.
- FO Approving WMCP for Tree Farm LLC issued 4-13-2018 - remain in effect until 4-11-2028 - confirmed by Kerri Cope - 2-19-2020 email

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THE TREE FARM LLC
WILLIAM E MILLER AND THE CENTRAL OREGON PUMICE COMPANY
1 NW GREENWOOD AVE
BEND, OREGON 97701

(541)382-2022

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13965

SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 30, 1995

WELL LOCATION
POINT OF *APPROPRIATION* DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 35, T17S, R11E, W.M.; 1320 FEET NORTH AND 2640 FEET WEST FROM THE SE CORNER OF SECTION 35
1560 2465

per 10-25-2019 COBU map

per 10-25-19 COBU Map

THE PLACE OF USE IS LOCATED WITHIN:

- ~~NE 1/4 NE 1/4~~
 - ~~NW 1/4 NE 1/4~~
 - ~~SW 1/4 NE 1/4~~
 - ~~SE 1/4 NE 1/4~~
 - ~~SW 1/4 NW 1/4~~
 - ~~SE 1/4 NW 1/4~~
 - ~~NE 1/4 SW 1/4~~
 - ~~NW 1/4 SW 1/4~~
 - ~~SW 1/4 SW 1/4~~
 - ~~SE 1/4 SW 1/4~~
 - ~~NE 1/4 SE 1/4~~
 - ~~NW 1/4 SE 1/4~~
 - ~~SW 1/4 SE 1/4~~
 - ~~SE 1/4 SE 1/4~~
- SECTION 34

- SW 1/4 NE 1/4 ✓
- SE 1/4 NE 1/4 ✓
- ~~SW 1/4 NW 1/4~~
- SE 1/4 NW 1/4 ✓
- NE 1/4 SW 1/4 ✓

SEC 35

Application G-13965

Water Resources Department

PERMIT G-13017

NW 1/4 SW 1/4 ✓
 SW 1/4 SW 1/4 ✓
 SE 1/4 SW 1/4 ✓
 NE 1/4 SE 1/4 ✓
 NW 1/4 SE 1/4 ✓
 SW 1/4 SE 1/4 ✓
~~SE 1/4 SE 1/4~~
 SECTION 35
~~NW 1/4 NW 1/4~~
 SW 1/4 NW 1/4 ✓
 SECTION 36

TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

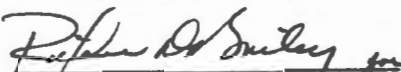
The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin on or before October 29, 1997, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

This permit is issued to correctly describe the authorized place of use. Permit G-12565, dated October 29, 1996 is superseded by this instrument and is of no further force or effect.

Issued this date, December 11, 1996


Martha O. Pagel, Director
Water Resources Department

BCD9

Application G-13965 Water Resources Department
Basin Deschutes Volume 1, DESCHUTES RIVER & MISC.
MGMT.CODES 7BG, 7BR, 7JG, 7JR

PERMIT G-13017
District 11

transfer app map - Per

GROUNDWATER APPROPRIATION APPLICATION MAP
FOR WILLIAM E. MILLER AND THE CENTRAL OREGON PUMICE COMPANY
SECTIONS 35, 36, AND 36, TOWNSHIP 17 SOUTH, RANGE 11 EAST

Application No. G-13965
Permit No.



AREA OF USE
TOTAL ACRES

excluded lands on cobble map

lands on cobble map - not within original Per (foot print)

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF LANDS TO BE EXCLUDED FROM THE LOCATION OF THE PERMIT TOWNSHIP

DESIGNED BY	MLM	CHECKED BY	MLM	DATE	1/9/74
DRAWN BY	MLM	SCALE	1"=400'		



WILLIAM E. MILLER / CENTRAL OREGON PUMICE COMPANY
APPLICATION MAP FOR
GROUNDWATER APPROPRIATION

PEARL RIVER, OREGON
JAN 30 1975
WATER RESOURCES DIV.
SALEM, OREGON

PROJECT NO. 649-0107
DRAWING FILE NAME: MLCWA.DWG

W&HPACIFIC

100 N.E. Street
Salem, OR 97301

Phone: (503) 581-4200 Fax: (503) 581-4222

Planning • Engineering • Surveying
Leaving Architecture & Environmental Services

excluded lands
from approp

lands not
included in original
footprint

Claim of Beneficial Use Map Point of Appropriation and Place of Use

Application G-13965, Permit G-13017

Deschutes County, Oregon

Township 17 South, Range 11 East (W.M.)

R11E

WORK COPY



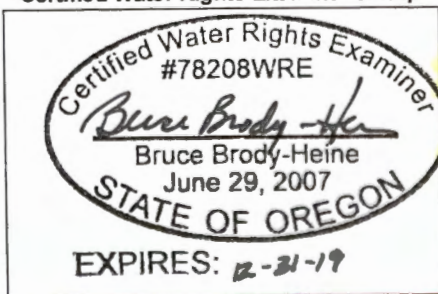
LEGEND

- Point of Appropriation (POA)
- Place of Use (POU)
- Government Lot (GL)
- Tax Lot
- Watercourse

POA LOCATION DESCRIPTION

Tree Farm Well (DESC 51145)
 Located 1560 feet North and 2465 feet West from the SE corner of Section 35, Township 17 South, Range 11 East (W.M.).
Meter Location: Located 8 feet West of the well-heads on the discharge line.

Certified Water Rights Examiner Stamp



DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: October 14, 2019
 Data Sources: USGS, BLM, ESRI

RECEIVED

OCT 25 2019

OWRD



0 660 1,320
 1 inch = 1,320 feet

Pump Capacity Calculation Sheet

using Department designed formula:

Application G-13965, Permit G 13017

one well - Tree Farm Well (DESCH 51145)

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 60
Efficiency = 7.04
Lift = 380
PSI = 20

Results Calculated

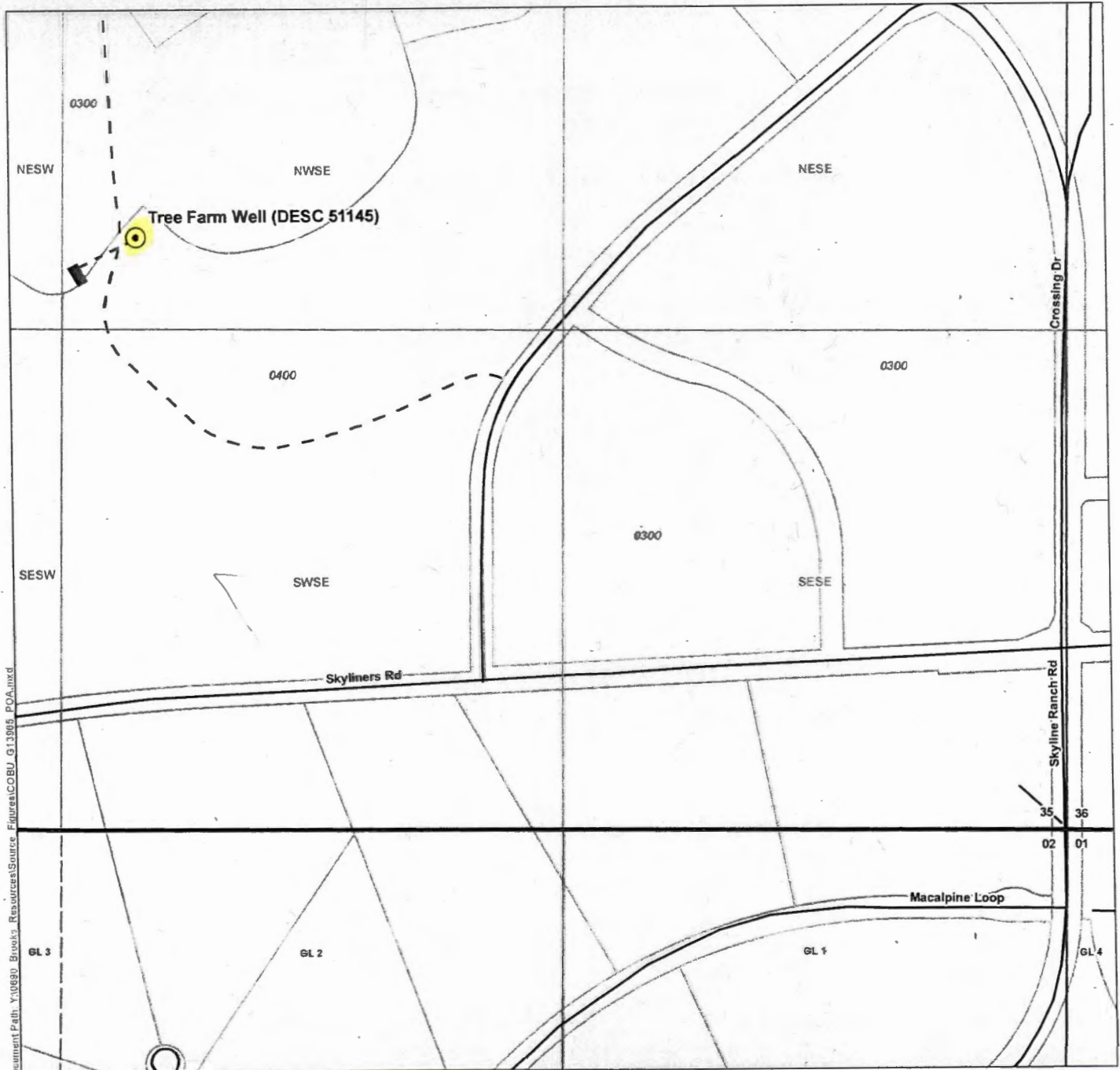
$(hp)(\text{efficiency}) = 422.4$
Head based on psi = 50.8
Total dynamic head = 430.8
(head + lift)

Pump Capacity = 0.98 feet per second

Claim of Beneficial Use Map Point of Appropriation Map

WORK COPY

Application G-13965, Permit G-13017
Deschutes County, Oregon
Township 17 South, Range 11 East, Section 35 (W.M.)



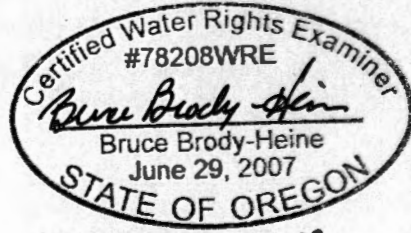
Document Path: Y:\0690_Brody_Resources\Source_Figures\COBU_G13965_POA.mxd

LEGEND

- Point of Appropriation (POA)
- Buried Water Line
- Elevated 12,000 Gallon Water Tank
- Dirt Road
- Main Road
- Government Lot (GL)
- Tax Lot

POA LOCATION DESCRIPTION

Tree Farm Well (DESC 51145)
 Located 1560 feet North and 2465 feet West from the SE corner of Section 35, Township 17 South, Range 11 East (W.M.).
Meter Location: Located 8 feet West of the well head on the discharge line



EXPIRES: 12-31-19

DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES
 Date: October 14, 2019
 Data Sources: USGS, BLM, ESRI



RECEIVED
OCT 25 2019
OWRD

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-13965

Final Order
Extension of Time for Permit Number G-13017

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit G-13017 was issued by the Department on December 11, 1996. The permit called for completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. On February 19, 2009 Miller Tree Farm, LLC submitted an application to the Department for an extension of time for Permit G-13017. In accordance with OAR 690-315-0050(2), on July 28, 2009 the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2029 and to extend the time to fully apply water to beneficial use to October 1, 2029. The protest period closed September 11, 2009 in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Development Limitations

Diversion of any water beyond 0.00 cfs under Permit G-13017 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 should the property be developed under the City of Bend revised urban growth boundary. The required WMCP shall be submitted to the Department within 3 years of an approved extension application. Use of water under Permit G-13017 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.


The deadline established in this PFO for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0080(3).

Order

The extension of time for Application G-13965, Permit G-13017, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2029. The deadline for applying water to full beneficial use is extended to October 1, 2029.

DATED: September 29, 2009


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact Scott Kudlemyer at (503) 986-0813.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.

Oregon Water Resources Department
Groundwater Information System

Groundwater Site: DESC 51145

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Site Identification [\(Click to Collapse...\)](#)

GW LogID: DESC 51145 [Well Log Database](#)
 GW Well Tag Number:
 Tag Verified on Well: No
 Site Type: WELL
 Primary Use:
 Unused Status:
 Site Source Organization:
 Site Source OWRD:
 Established By: WOZNIAKC
 Established Date: 09/10/2017
 Bonded Company: STACO WELL SERVICES
 Stage: COMPLETE

Location [\(Click to Collapse...\)](#)

Latitude/Longitude
 Latitude: 44.05590492 Horiz. Error: 500.00
 Longitude: -121.37289568 Datum: WGS1984
 Lat/Long Source: OTHER
 Location
 TRSQQ: WM 17.00S11.00E35NWSE
 Tax Map: 171135D000400
 Taxlot: 400
 24 Quad: BEND
 Basin: 5 - Deschutes
 County: Deschutes
 WM District: 11
 WM Region: SC
 LSD Elev: 3824.48 Accy: 1.00 Datum: NAVD1988
 Elev Source: LIDAR
[Groundwater Mapping Tool](#)



USDA FSA, DigitalGlobe, GeoEye | Oregon Water ... Powered by Esri

Water Rights [\(Click to Expand...\)](#)

Well Construction History [\(Click to Collapse...\)](#)

Well Construction History

Well Log Id	Well Log	Work Type	Startcard	Well Tag	Owner Name	First Water	Max Case. Diam.	Max Case. Depth.	Max Seal Depth.	Max Depth	Completed Depth	Complete Date
DESC 51145	Log	AMENDED	104263	16358	Central Oregon Pumice Co.	448.00	10		19.00	504.00	503.00	10/6/1997

Well Log	Aquifer	Aq at Max Depth	System Aquifer	Regional USGS Aquifer	Local USGS Aquifer
DESC 51145					

Well Test

No data matches search criteria.

Lithology [\(Click to Expand...\)](#)

Well Construction [\(Click to Expand...\)](#)

Measured Water Level [\(Click to Collapse...\)](#)

Records/Page: 20

Measured Water Level

Date	Time	Water Level (BLSD)	WL Elev (ft AMSL)	Organization	OWRD	Method	Status	MP Height
10/1/1997		340.00	3484.48	DRILLER	WELL LOG	REPORTED	UNKNOWN	



NCR

Search Criteria

Meridian: Willamette Township: 17 South Range: 11 East Section: 35 Records per Page: 100 Search Platcards Maps! Learn about View Map

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Co(49): Q(100)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ	
Select Permit: G 12384 CN Additional Info: HOWARD DAY App: G13317 Permit: G12384		3/8/1993	IRRIGATION	CN				-28				-40	-37												
Select Cert:76321 OR CN Additional Info: WILLIAM E MILLER App: S48390 Permit: S42781 Cert: 76321	IL481, IL94, T10582	2/12/1973	IRRIGATION	CN							-0.1														
Select Cert:76323 OR CN Additional Info: WILLIAM E MILLER App: S52423 Permit: S42782 Cert: 76323	IL481, IL94, T10582	9/19/1974	IRRIGATION	CN							-0.1														
Select Permit: G 12494 * Additional Info: ARROWOOD DEVELOPMENT LLC App: G12971 Permit: G12494		6/5/1992	IRRIGATION																2.74				3.75	8.51	
Select Cert:31411 CF * Additional Info: PATRICK GRIFFITHS Decree: DESCHUTES RIVER (F) Cert: 31411				MUNICIPAL USES																		*	*	*	*
Select Cert:31685 CF * Additional Info: PATRICK GRIFFITHS Decree: TUMALO CREEK Cert: 31685				MUNICIPAL USES																		*	*	*	*
Select Cert:85414 OR * Additional Info: ATTN: PATRICK GRIFFITHS App: G12226 Permit: G11380 Cert: 85414		9/7/1990		MUNICIPAL USES				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Select Cert:85559 OR * Additional Info: CITY OF BEND App: G11942 Permit: G11379 Cert: 85559		6/30/1989		MUNICIPAL USES																		*	*	*	*
Select Permit: G 11379 * Additional Info: PATRICK GRIFFITHS App: G11942 Permit: G11379		6/30/1989		MUNICIPAL USES				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Select Cert:87235 OR CN Additional Info: CITY OF BEND App: G4677 Permit: G4435 Cert: 87235		11/8/1968		MUNICIPAL CN USES																					
Select Permit: G 16177 CN Additional Info: CITY OF BEND App: G13097 Permit: G16177		8/27/1992		MUNICIPAL CN USES							-														
Select Permit: G 16178 CN Additional Info: CITY OF BEND App: G13098 Permit: G16178		8/27/1992		MUNICIPAL CN USES							-														
Select Cert:94100 (RR) * Additional Info: CITY OF BEND App: G4677 Permit: G4435 Cert: 94100		11/8/1968		MUNICIPAL USES																			*	*	
Select Permit: G 18123 * Additional Info: CITY OF BEND App: G13097		8/27/1992		MUNICIPAL USES																				*	



Search Criteria

Meridian: Willamette Township: 17 South Range: 11 East Section: 36 Records per Page: 100 Search

Platcards Maps!
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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov1 Lot	00(49): 00(100):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown
Select Permit: G 16625 * Additional Info: BEND PARK AND RECREATION DISTRICT App: G15074 Permit: G16625		12/23/1999	AGRICULTURE USES																					
Select Cert:85526 OR * Additional Info: CITY OF BEND; PUBLIC WORKS DEPARTMENT Decree: TUMALO CREEK, CITY OF BEND V DESCHUTES CO,1926,DES Cert: 85526			DOMESTIC					*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Select App: LL 1491 EX Additional Info: WEST BEND PROPERTY COMPANY LLC App: LL1491		9/14/2013	GENERAL CONSTRUCTION OR MAINTENANCE	EX																				*
Select Cert:76321 OR CN Additional Info: WILLIAM E MILLER App: S48390 Permit: S42781 Cert: 76321	IL481, IL94, T10582	2/12/1973	IRRIGATION	CN								-1.8	-15.1	-21.4	-3.6									
Select Cert:76323 OR CN Additional Info: WILLIAM E MILLER App: S52423 Permit: S42782 Cert: 76323	IL481, IL94, T10582	9/19/1974	IRRIGATION	CN								-1.8	-15.1	-21.4	-3.6									
Select Permit: G 16625 * Additional Info: BEND PARK AND RECREATION DISTRICT App: G15074 Permit: G16625		12/23/1999	IRRIGATION									1.8	5	2.4	0.8									
Select Cert:31411 CF * Additional Info: PATRICK GRIFFITHS Decree: DESCHUTES RIVER (F) Cert: 31411			MUNICIPAL USES																	*	*		*	*
Select Cert:31665 CF * Additional Info: PATRICK GRIFFITHS Decree: TUMALO CREEK Cert: 31665			MUNICIPAL USES																	*	*		*	*
Select Cert:68458 OR CN Additional Info: PATRICK GRIFFITHS App: G5644 Permit: G4946 Cert: 68458	T7009	10/13/1971	MUNICIPAL USES	CN				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Select Cert:68702 (T 7009 RR) CR * Additional Info: PATRICK GRIFFITHS App: G5644 Permit: G4946 Cert: 68702		10/13/1971	MUNICIPAL USES					*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Select Cert:79994 OR CN Additional Info: PATRICK GRIFFITHS App: G5644 Permit: G4946 Cert: 79994	T9408	10/13/1971	MUNICIPAL USES	CN				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Select Cert:85413 CF * Additional Info: CITY OF BEND, PUBLIC WORKS DEPARTMENT App: G5644 Permit: G4946 Cert: 85413		10/13/1971	MUNICIPAL USES					*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Select Cert:85412 CF * Additional Info: CITY OF BEND, PUBLIC WORKS DEPARTMENT App: G5644 Permit: G4946 Cert: 85412		10/13/1971	MUNICIPAL USES					*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Select Cert:85414 OR * Additional Info: ATTN: PATRICK GRIFFITHS App: G12226 Permit: G11380 Cert: 85414		9/7/1990	MUNICIPAL USES					*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Select Cert:85415 OR * Additional Info: CITY OF BEND, PUBLIC WORKS DEPARTMENT App: G5644 Permit: G4946 Cert: 85415		10/13/1971	MUNICIPAL USES					*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Select Cert:85526 OR * Additional Info: CITY OF BEND, PUBLIC WORKS DEPARTMENT Decree: TUMALO CREEK, CITY OF BEND V DESCHUTES CO,1926,DES Cert: 85526			MUNICIPAL USES					*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

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Business Name Search

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Business Entity Data

10-29-2019
07:59

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
977396-93	DLLC	ACT	OREGON	11-14-2013	11-14-2020	
Entity Name	THE TREE FARM LLC					
Foreign Name						

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Associated Names

Type						
PPB	PRINCIPAL PLACE OF BUSINESS					
Addr 1	409 NW FRANKLIN AVE					
Addr 2						
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA	

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	10-04-2016	Resign Date	
Of Record	096115-18	BROOKS RESOURCES CORPORATION				
Addr 1	409 NW FRANKLIN AVE					
Addr 2						
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS				
Addr 1	409 NW FRANKLIN AVE					
Addr 2						
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA	

Type	MEM	MEMBER				Resign Date	
Of Record	973817-93	WEST BEND PROPERTY COMPANY II LLC					
Addr 1	C/O BROOKS RESOURCES CORP						
Addr 2	409 NW FRANKLIN AVE						
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA		

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Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
THE TREE FARM LLC	EN	CUR	11-14-2013	

Please [read](#) before ordering [Copies](#).

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Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	ANNUAL REPORT PAYMENT	10-22-2019		SYS		
	ANNUAL REPORT PAYMENT	11-14-2018		SYS		
	ANNUAL REPORT PAYMENT	11-07-2017		SYS		
	AMENDED ANNUAL REPORT	10-04-2016		FI	Agent	
	ANNUAL REPORT PAYMENT	11-10-2015		SYS		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	09-24-2015		FI	Agent	
	AMENDED ANNUAL REPORT	11-21-2014		FI		
	ARTICLES OF ORGANIZATION	11-14-2013		FI	Agent	

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For comments or suggestions regarding the operation of this site, please contact : corporation.division@state.or.us

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Contact Information (Click to Collapse...)

Current contact information

OWNER:
THE TREE FARM LLC
409 FRANKLIN AVE
BEND, OR 97703

Prior contact information

OWNER:
CENTRAL OREGON PUMICE CO.
WILLIAM MILLER
1 NW GREENWOOD AVE
BEND, OR 97701

OWNER:
MILLER TREE FARM LLC
110 NE GREENWOOD AVE
BEND, OR 97701

Water Right Information (Click to Collapse...)

Status: Non-Cancelled
County: Deschutes
File Folder Location: Salem
Watermaster District: 11

Processing History (Click to Collapse...)

Application: G 13965

Permit: G 13017 document, paper map

Signature: 12/11/1996

Process Step	Date Completed	Result	Completed By
Final Proof	12/11/1996		
Extension Application Received	3/4/1999		ANN REECE
Extension PFO 315 Issued	5/18/1999		ANN REECE
Extension FO Issued	8/13/1999		
Extension Checkpoint 320 Received	10/1/2004		
Extension Application Received	2/19/2009		SCOTT KUDLEMYER
Extension Comment Period Ends	2/24/2009		SCOTT KUDLEMYER
Extension PFO 315 Issued	8/4/2009	Propose to Approve	SCOTT KUDLEMYER
Extension PFO Protest Period Ends	9/18/2009		SCOTT KUDLEMYER
Extension FO Issued	9/29/2009	Approved	SCOTT KUDLEMYER
Completion Date [C Date]	10/1/2009		
Extended Completion Date [Extension C Date]	10/1/2009		ANN REECE
Pump Test Received	8/13/2019		TONYA MILLER
Pump Test Reviewed	10/2/2019	Approved	AURORA BOUCHIER
CBU Received	10/25/2019		BRUCE BRODY-HEINE
Extended Completion Date [Extension C Date]	10/1/2029		SCOTT KUDLEMYER

Order(s)

Order Origin	Volume-Page	Signature	Description
Special	93-1073	1/16/2015	APPROVING WMCP FOR MILLER TREE FARM
Special	107-1086	4/13/2018	APPROVING WMCP FOR TREE FARM LLC, DEVELOPMENT LIMITATION OF 0.78 CFS IS LIFTED FOR PERMIT G-13017

- View right with Web Mapping
- View Places of Use from Water Rights in the Same Area

Scanned Documents (Click to Collapse...)

Records per page: 7

Document Type	Document Title	Date	Remarks
Permit	Permit G13017 Image	12/11/1996	
Permit	Permit G13017 Map Image	12/11/1996	
Order - Extension of Time	Extension of Time	9/29/2009	
Order	Order Image - Volume: 93 Page: 1073	1/16/2015	APPROVING WMCP FOR MILLER TREE FARM
Request for Assignment	Request for Assignment	4/12/2017	
Assignment Confirmation	Assignment Confirmation	5/1/2017	
Order	Order Image - Volume: 107 Page: 1086	4/13/2018	APPROVING WMCP FOR TREE FARM LLC, DEVELOPMENT LIMITATION OF 0.78 CFS IS LIFTED FOR PERMIT G-13017

Point(s) of Diversion (Click to Collapse...)

POD 1 - A WELL > DESCHUTES RIVER (View Groundwater Site DESC0051145)

Place(s) of Use (Click to Collapse...)

Add TRS grouping

Use - QUASI-MUNICIPAL USES (Primary); Priority Date: 1/30/1995

T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Linked PODs	Inchoate Info	Remarks
17.005-11.00E-34	NE NE					NC			
17.005-11.00E-34	NW NE					NC			
17.005-11.00E-34	SW NE					NC			
17.005-11.00E-34	SE NE					NC			
17.005-11.00E-34	SW NW					NC			
17.005-11.00E-34	SE NW					NC			
17.005-11.00E-34	NE SW					NC			
17.005-11.00E-34	NW SW					NC			
17.005-11.00E-34	SW SW					NC			
17.005-11.00E-34	SE SW					NC			
17.005-11.00E-34	NE SE					NC			
17.005-11.00E-34	NW SE					NC			
17.005-11.00E-34	SW SE					NC			

17.00S-11.00E-34	SE SE					NC			
17.00S-11.00E-35	SW NE					NC			
17.00S-11.00E-35	SE NE					NC			
17.00S-11.00E-35	SW NW					NC			
17.00S-11.00E-35	SE NW					NC			
17.00S-11.00E-35	NE SW					NC			
17.00S-11.00E-35	NW SW					NC			
17.00S-11.00E-35	SW SW					NC			
17.00S-11.00E-35	SE SW					NC			
17.00S-11.00E-35	NE SE					NC			
17.00S-11.00E-35	NW SE					NC			
17.00S-11.00E-35	SW SE					NC			
17.00S-11.00E-35	SE SE					NC			
17.00S-11.00E-36	NW NW					NC			
17.00S-11.00E-36	SW NW					NC			

Sum of Acres: 0.0

Water Right Genealogy (Click to Collapse...)

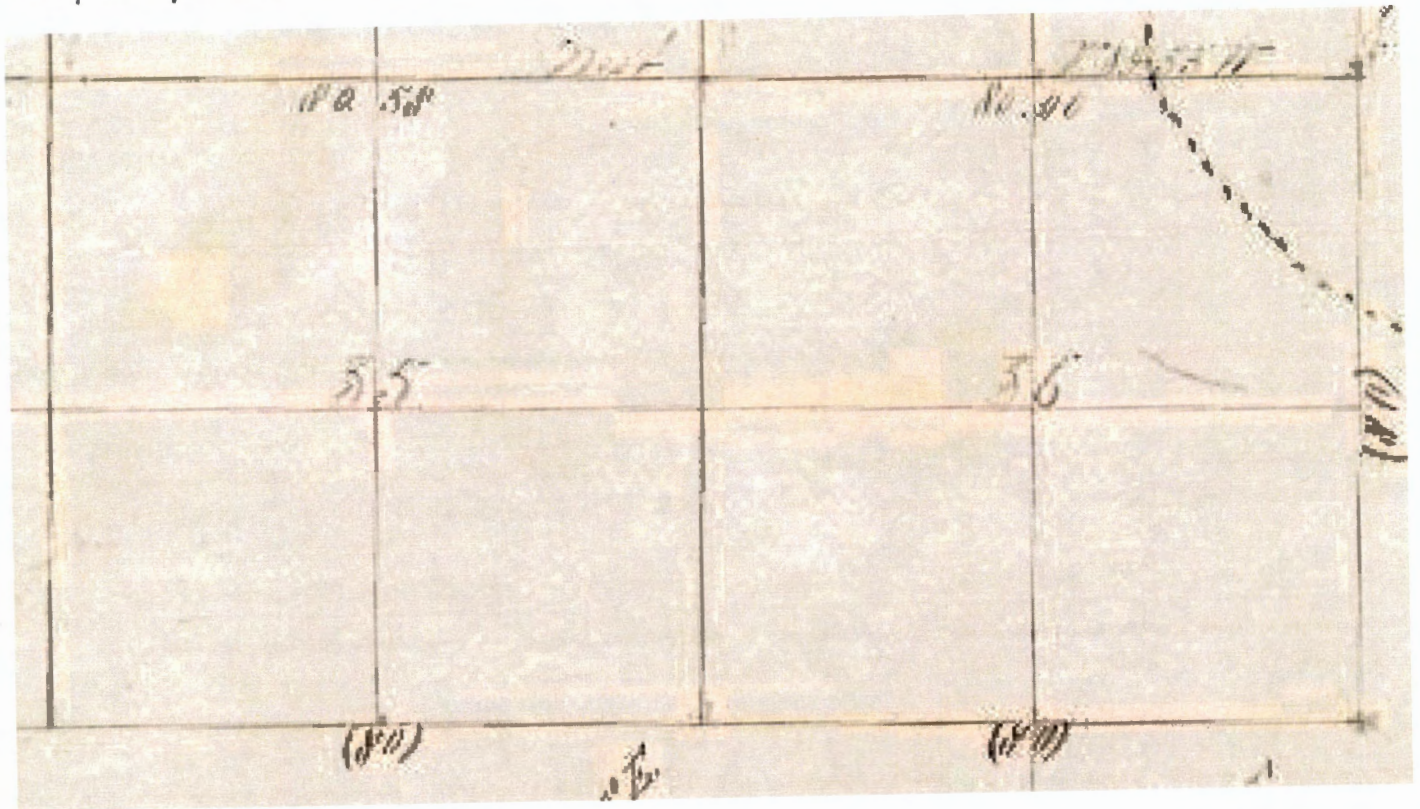
--No genealogy records available for this water right, try the family link below instead.

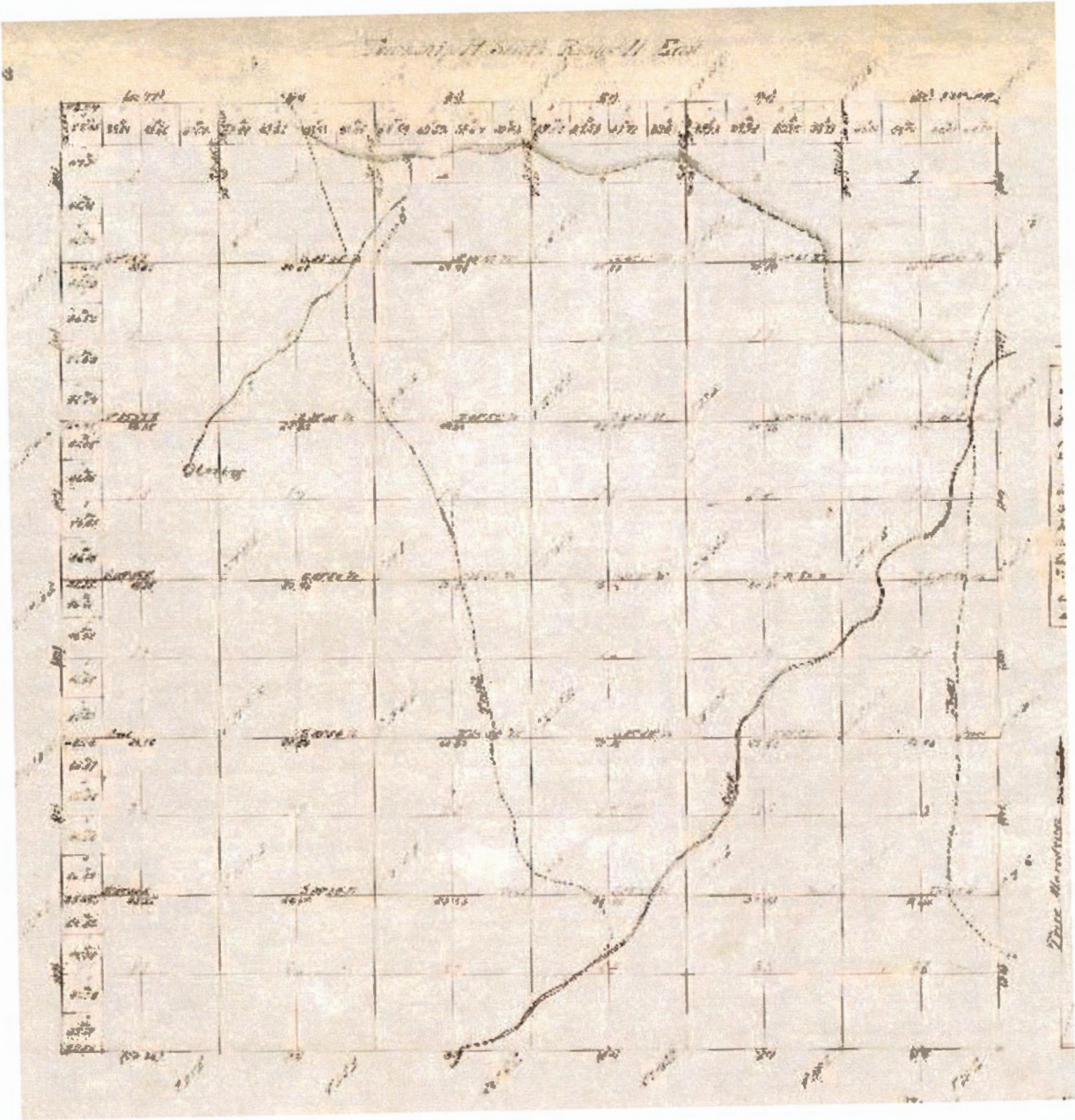


[View Water Rights in same Family](#)

[Report Errors with Water Right Data](#)

Portion Cadastral Survey T17S, R11E, W.M. - 1871-08-09:







Search

Search:

Application:

Permit:

Certificate:

Claim:

Transfer:

Snap ID:

POD Source:

Irr. District:

(Draw box on map.)

Points of Diversion: (Count: 7)

Places of Use: (Count: 26)



- Identify Non-Water Right Features
- Tax Lots
- Layers
- Tools

POD POU Irrigation Districts AOI WR By Time

Search...

#	ID (select)	Organization	Website	Data Source



Search

Search:

Application:

Permit:

Certificate:

Claim:

Transfer:

Snap ID:

POD Source:

Irr. District:

(Draw box on map.)

Points of Diversion: (Count: 1)

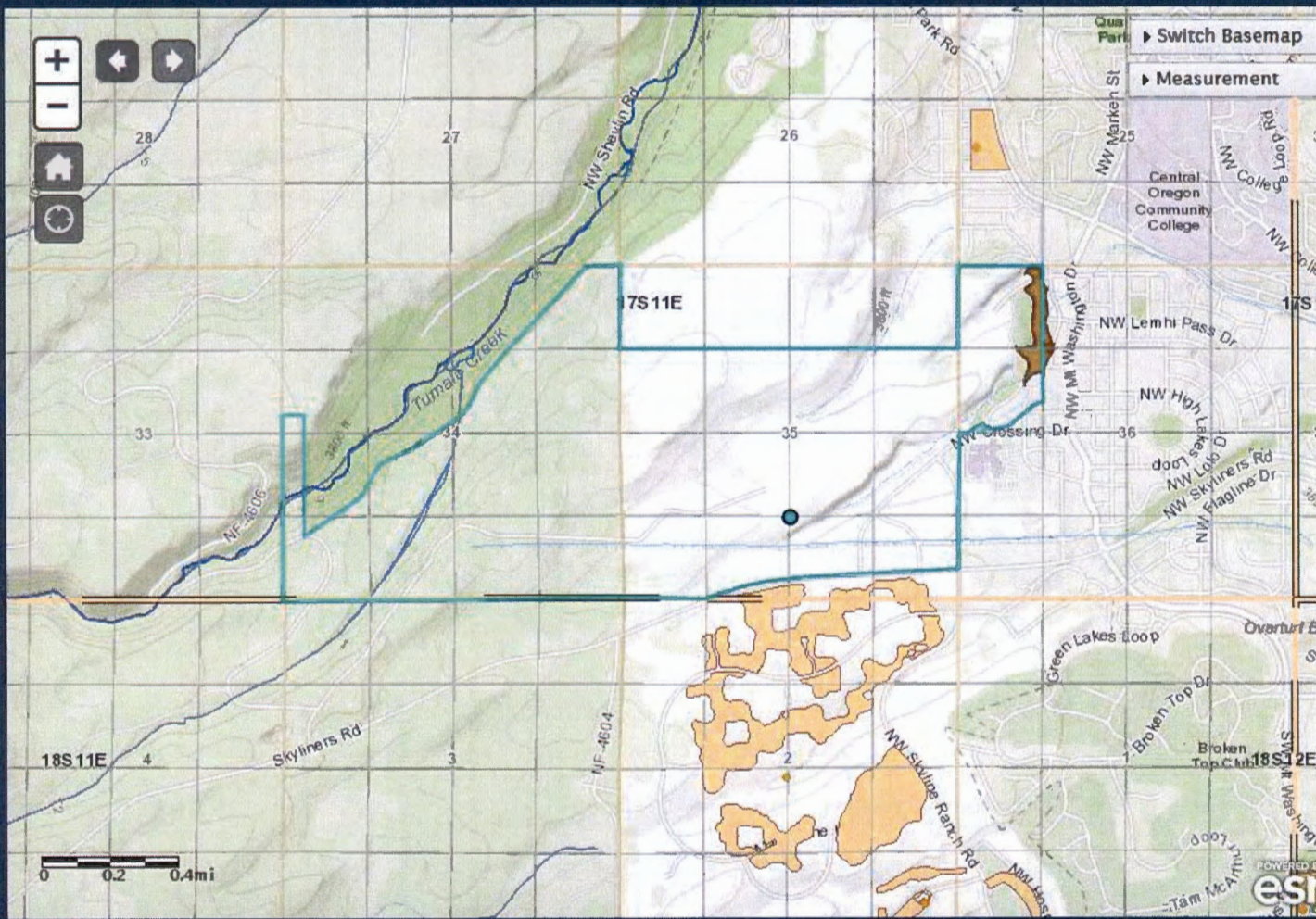
Places of Use: (Count: 1)

Identify Non-Water Right Features

Tax Lots

Layers

Tools



POD POU Irrigation Districts AOI WR By Time

Search...

#	ID (select)	WRIS	Zoom	Water Right	Water Type	First Name	Last Name	Company	Use Desc.	Priority Date	Supp. Duty	Rate cfs
1	4601	(Details)	Map WR	Permit: G 13017 * QM	GW			THE TREE FARM LLC	QUASI-MUNICIPAL USES	01/30/1995	-	0.78

**Reimbursement Authority Process
Itemized FINAL Sheet
for
Certificates**

	New Est. Time (hr)	Multiplier	Total Est Hours	Individual	New Hourly Rate	New Est. Cost	Date/Act. Time
1. Review Claim of Beneficial Use report & map	3.75	31%	4.91	Kerry	\$65.73	\$ 322.90	
2. Conflict Check	0.00	31%	0.00	Kerry	\$65.73	\$ -	
3. Prep of def. letter - contingency time	0.00	31%	0.00	Kerry	\$65.73	\$ -	
4. Enter pump test data	0.00	31%	0.00	Kerry	\$65.73	\$ -	
5. Prep of 1 cert - 1 well for QM	3.00	31%	3.93	Kerry	\$65.73	\$ 258.32	
6a. Peer review - consultation	0.75		0.75	Gerry	\$62.29	\$ 46.72	
6b. Peer review	0.60		0.60	Dwight	\$92.21	\$ 55.33	
6c. Peer review	0.50		0.50	Kerri Cope	\$59.66	\$ 29.83	
6d. Peer review	0.35	26%	0.44	Gerry	\$62.29	\$ 27.47	
7. Project Management	7.50	31%	9.83	Kerry	\$65.73	\$ 645.80	
8a. Water right data record update	1.00	31%	1.31	Support-Tonya	\$30.30	\$ 39.69	
8b. Water right data record update	1.25		1.25	Data Tech	\$42.11	\$ 52.64	
9. Pump Test/Mult well exemption request-N/A	0.00		0.00	n	\$53.56	\$ -	
Total	18.70		23.52		Sub Total	\$1,479	
					10% Overhead	\$147.87	
					TOTAL	\$1,627	

\$8 over (\$1627 less \$1619)

**Reimbursement Authority Process
Itemized Estimate Sheet**
for
Certificates

	New Est. Time (hr)	Multiplier	Total Est Hours	Individual	New Hourly Rate	New Est. Cost	Date/Act. Time
1. Review Claim of Beneficial Use report & map	2.25	31%	2.95	Kerry	\$63.81	\$ 188.08	<i>2-19 2-19 2-26 1.25 1.25 0.25</i>
2. Conflict Check	0.75	31%	0.98	Kerry	\$63.81	\$ 62.69	
3. Prep of def. letter - contingency time	0.75	31%	0.98	Kerry	\$63.81	\$ 62.69	
4. Enter pump test data	0.00	31%	0.00	Kerry	\$63.81	\$ -	
5. Prep of 1 cert - 1 well for QM	3.00	31%	3.93	Kerry	\$63.81	\$ 250.77	<i>2-19 2-20 3-4 2 0.5 0.5</i>
6a. Peer review - consultation	1.00		1.00	Gerry	\$60.64	\$ 60.64	<i>2-19 0.15</i>
6b. Peer review	0.40		0.40	Dwight	\$90.30	\$ 36.12	
6c. Peer review	0.50		0.50	Kerri Cope	\$58.07	\$ 29.04	
6d. Peer review	1.00	26%	1.26	Gerry	\$60.64	\$ 76.41	<i>2-26 0.75</i>
7. Project Management	6.25	31%	8.19	Kerry	\$63.81	\$ 522.44	<i>11-21 2-18 2-19 2-26 3-4 3-5 3-6 3-9 2-17 1 0.75 2.25 0.75 0.75 0.75 0.75 0.75 0.75</i>
8a. Water right data record update	1.00	31%	1.31	Support-Tonya	\$29.28	\$ 38.36	
8b. Water right data record update	3.50		3.50	Data Techn <i>Sheila</i>	\$41.25	\$ 144.38	<i>3-5 0.25</i>
9. Pump Test/Mult well exemption request-N/A	0.00		0.00	n	\$53.56	\$ -	
Total	20.40		25.00		Sub Total	\$1,472	
					10% Overhead	\$147.16	
					TOTAL	\$1,619	

Permit G-13017 issued 12-11-1996. A Date = 10-29-1997. B Date=10-1-1998. C Date = 10-1-1999. Extended until 10-1-2029.
0.78 cfs from one well for year round QM.

Permit conditions:

- install/maintain meter or OSMD.
- may require record/report

CWRE = Bruce Brody-Heine, GSI Water Solutions, Inc.

KAVANAGH Kerry L * WRD

From: KAVANAGH Kerry L * WRD
Sent: Wednesday, February 26, 2020 2:30 PM
To: 'kirk@brooksresources.com'; Bruce Brody-Heine (bbheine@gsiws.com)
Subject: Certificate RA Project R12671-21 for The Tree Farm LLC involving Application G-13965
-- please review draft certificate
Attachments: G-13965-or-prop_DRAFT-2020-02-26.pdf

Hello Kirk and Bruce,

Please find attached to this email the draft certificate for Application G-13965.

Please review and compare the draft certificate to Permit G-13017 for accuracy and completeness.

For your convenience, here is a link to information regarding Application G-13965 in the Department's Water Rights Information System (WRIS) database:

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=23652

Click on "document" to the right of "Permit G-13017" to view the permit.

Please provide me comments or edits by March 6, 2020, should you have any. If you agree with the draft certificate and let me know this, then I can proceed to issue the certificate without waiting the standard 60-day notice period. However, if I don't hear from you by March 6, 2020, I will issue a proposed certificate in the US Mail, then we will need to wait the 60-day notice period before issuing a final certificate.

Kerry

Kerry Kavanagh

Certificate Reimbursement Authority Program Coordinator

Certificate Section, Water Rights Services Division

725 Summer St NE Suite A | Salem OR 97301 | 503.986.0927

kerry.l.kavanagh@oregon.gov | <https://www.oregon.gov/OWRD>



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THE TREE FARM LLC
409 FRANKLIN AVE
BEND OR 97703

confirms the right to the use of water perfected under the terms of Permit G-13017. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-13965
SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN
PURPOSE OR USE: QUASI-MUNICIPAL
MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND
PERIOD OF USE: YEAR ROUND
DATE OF PRIORITY: JANUARY 30, 1995

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	11 E	WM	35	NW SE	1560 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER, SECTION 35

THE PLACE OF USE IS LOCATED WITHIN:

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SW NE
17 S	11 E	WM	35	SE NE
17 S	11 E	WM	35	SE NW
17 S	11 E	WM	35	NE SW
17 S	11 E	WM	35	NW SW
17 S	11 E	WM	35	SW SW

Twp	Rng	Mer	Sec	Q-Q
17 S	11 E	WM	35	SE SW
17 S	11 E	WM	35	NE SE
17 S	11 E	WM	35	NW SE
17 S	11 E	WM	35	SW SE
17 S	11 E	WM	36	SW NW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this certificate may be regulated if analysis of data available after the certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

Issued _____.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

KAVANAGH Kerry L * WRD

From: Kirk Schueler <kirk@brooksresources.com>
Sent: Friday, February 28, 2020 1:44 PM
To: KAVANAGH Kerry L * WRD
Cc: Bruce Brody-Heine (bbheine@gsiws.com)
Subject: RE: Certificate RA Project R12671-21 for The Tree Farm LLC involving Application G-13965 -- please review draft certificate

Hi Kerry

Thanks for your email. Bruce and I did not have any comments over the draft certificate. Please proceed to issue the certificate.

Let me know if you need anything else from me.



Brooks Resources Corporation

KIRK SCHUELER | President and CEO
409 NW Franklin Ave, Bend, OR 97703
direct 541.749.2936
[website](#) | [facebook](#)

From: KAVANAGH Kerry L * WRD <Kerry.L.Kavanagh@oregon.gov>
Sent: Wednesday, February 26, 2020 2:30 PM
To: Kirk Schueler <kirk@brooksresources.com>; Bruce Brody-Heine (bbheine@gsiws.com) <bbheine@gsiws.com>
Subject: Certificate RA Project R12671-21 for The Tree Farm LLC involving Application G-13965 -- please review draft certificate

Hello Kirk and Bruce,

Please find attached to this email the draft certificate for Application G-13965.

Please review and compare the draft certificate to Permit G-13017 for accuracy and completeness.

For your convenience, here is a link to information regarding Application G-13965 in the Department's Water Rights Information System (WRIS) database:

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=23652

Click on "document" to the right of "Permit G-13017" to view the permit.

Please provide me comments or edits by March 6, 2020, should you have any. If you agree with the draft certificate and let me know this, then I can proceed to issue the certificate without waiting the standard 60-day notice period. However, if I don't hear from you by March 6, 2020, I will issue a proposed certificate in the US Mail, then we will need to wait the 60-day notice period before issuing a final certificate.

Kerry

Kerry Kavanagh

Certificate Reimbursement Authority Program Coordinator

Certificate Section, Water Rights Services Division

725 Summer St NE Suite A | Salem OR 97301 | 503.986.0927

kerry.l.kavanagh@oregon.gov | <https://www.oregon.gov/OWRD>



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

KAVANAGH Kerry L * WRD

From: KAVANAGH Kerry L * WRD
Sent: Wednesday, November 20, 2019 8:35 AM
To: 'kirk@brooksresources.com'
Cc: Bruce Brody-Heine (bbheine@gsiws.com)
Subject: RA Certificate Agreement R12671-21 for The Tree Farm LLC involving Application G-13065
Attachments: RA contract executed_G-13965.pdf; RA contract receipt_G-13965.pdf

Hello Kirk,

Attached are copies of the fully executed Applicant's Agreement signed by the required parties and a receipt for the monies paid for these expedited services. The agreement details the terms and conditions that a work order was issued for the expedited services you requested.

If you have any questions, please call me.

Thanks,
Kerry

Kerry Kavanagh | Reimbursement Authority, Certificates, Water Right Services Division

Oregon Water Resources Department | 725 Summer St. NE, Suite A, Salem, Oregon 97301

Voice 503.986.0927 | Fax 503.986.0901

Email: Kerry.L.Kavanagh@oregon.gov Web: <http://oregon.gov/ORWD>



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R12671-21

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and The Tree Farm LLC, hereafter Applicant, hereafter known together as the parties.

OWRD Information

Project Contact: Kerry Kavanagh
Reimbursement Authority
Oregon Water Resources Department
725 Summer Street NE
Salem, OR 97301-1271
Phone: 503-986-0927
Email: Kerry.L.Kavanagh@oregon.gov

Applicant's Information

Name: Kirk Schueler
Title: Managing Member
Company: The Tree Farm LLC
Address: 409 Franklin Avenue
Bend, OR 97703
Phone: 541-382-1662
Email*: kirk@brooksresources.com

Applicant's Representative

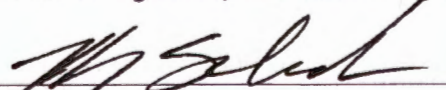
Name: Bruce Brody-Heine
Title: Representative
Company: GSI Water Solutions
Address: 147 SW Shevlin Hixon Dr
Bend, OR 97702
Phone: 971-200-8519
Email*: bbheine@gsiws.com


*By providing an Email address, consent is given to receive all correspondence electronically. (Paper copies of the certificate and final order documents will also be mailed.)

- 1. Purpose.** The purpose of this Agreement is to expedite the processing of the **Claim of Beneficial Use**. (Application Number: G-13965)
- 2. Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- 3. Restrictions.** The Tree Farm LLC and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- 4. Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
- 5. Consideration.** The Tree Farm LLC shall pay OWRD in advance for actual costs incurred by OWRD. The Tree Farm LLC agrees to pay the full amount of **\$1619** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- 6. Confidentiality.** The Tree Farm LLC agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- 7. Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

PCA 47126

8. **Termination.** Applicant may request to terminate this agreement only in writing at any time during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: 
 Name: Kirk Schueler
 Title: Managing Member
 Company: The Tree Farm LLC
 Date: 10/29/19

For OWRD: 
 Name: Kerry Kavanagh
 Water Right Services Division
 Date: 11-19-19

Mail signed Agreement to:

Kerry Kavanagh
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

PCA 47126

STATE REGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
 SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **131231**

INVOICE # _____

RECEIVED FROM: The Tree Farm LLC
 BY: _____

APPLICATION # <u>13065</u>
PERMIT
TRANSFER

CASH: CHECK # 0963 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1619.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 \$
0413 OTHER: (IDENTIFY) Cont Reimbursement Auth. R-12671-24 \$ 1619.00
 0243 I/S Lease _____ 0244 Muni Water Mgmt Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC182	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	0202 \$
0205	TRANSFER	\$	0204 \$
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0219 \$
	OTHER (IDENTIFY)		0220 \$

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
 0210 MONITORING WELLS \$ _____ CARD # _____
 OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) _____ \$
 0231 HYDRO LICENSE FEE (FWWRD) _____ \$
 HYDRO APPLICATION _____ \$

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **131231**

DATED: 11-7-19 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

RECEIVED

NOV 18 2019

OWRD

OREGON
WATER
RESOURCES
DEPARTMENT

OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: **R12671-21**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **The Tree Farm LLC**, hereafter Applicant, hereafter known together as the parties.

OWRD Information

Project Contact: Kerry Kavanagh
Reimbursement Authority
Oregon Water Resources Department
725 Summer Street NE
Salem, OR 97301-1271
Phone: 503-986-0927
Email: Kerry.L.Kavanagh@oregon.gov

Applicant's Information

Name: Kirk Schueler
Title: Managing Member
Company: The Tree Farm LLC
Address: 409 Franklin Avenue
Bend, OR 97703
Phone: 541-382-1662
Email*: kirk@brooksresources.com

Applicant's Representative

Name: Bruce Brody-Heine
Title: Representative
Company: GSI Water Solutions
Address: 147 SW Shevlin Hixon Dr
Bend, OR 97702
Phone: 971-200-8519
Email*: bbheine@gsiws.com

*By providing an Email address, consent is given to receive all correspondence electronically. (Paper copies of the certificate and final order documents will also be mailed.)

- 1. Purpose.** The purpose of this Agreement is to expedite the processing of the **Claim of Beneficial Use**. (**Application Number: G-13965**)
- 2. Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
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- 7. Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

PCA 47126



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R12671-21

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Oregon Water Resources Department
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Phone: 503-986-0927
Email: Kerry.L.Kavanagh@oregon.gov

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Title: Managing Member
Company: The Tree Farm LLC
Address: 409 Franklin Avenue
Bend, OR 97703
Phone: 541-382-1662
Email*: kirk@brooksresources.com

Applicant's Representative

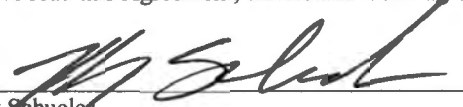
Name: Bruce Brody-Heine
Title: Representative
Company: GSI Water Solutions
Address: 147 SW Shevlin Hixon Dr
Bend, OR 97702
Phone: 971-200-8519
Email*: bbheine@gsiws.com


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PCA 47126

8. **Termination.** Applicant may request to terminate this agreement only in writing at any time during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: 
 Name: Kirk Schuele
 Title: Managing Member
 Company: The Tree Farm LLC
 Date: 10/29/19

For OWRD: 
 Name: Kerry Kavanagh
 Water Right Services Division
 Date: 11-19-19

Mail signed Agreement to:

Kerry Kavanagh
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

PCA 47126

KAVANAGH Kerry L * WRD

From: KAVANAGH Kerry L * WRD
Sent: Tuesday, October 29, 2019 1:43 PM
To: 'kirk@brooksresources.com'; Bruce Brody-Heine (bbheine@gsiws.com)
Subject: Certificate RA Estimate R12671-21 for The Tree Farm LLC involving Application G-13965
Attachments: RA contract_G-13965.pdf; RA estimate request_G-13965.pdf; RA estimate receipt_G-13965.pdf

Hello Kirk and Bruce,

Please find the attached estimate and agreement to review the claim of beneficial use. If the proposed agreement is acceptable to you, please return a signed copy to our office along with the payment of the estimated cost to review the claim of beneficial use.

If you have any questions, please call me.

Thanks,
Kerry

Kerry Kavanagh | Reimbursement Authority, Certificates, Water Right Services Division

Oregon Water Resources Department | 725 Summer St. NE, Suite A, Salem, Oregon 97301

Voice 503.986.0927 | Fax 503.986.0901

Email: Kerry.L.Kavanagh@oregon.gov Web: <http://oregon.gov/ORWD>



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: **R12671-21**

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Reimbursement Authority
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725 Summer Street NE
Salem, OR 97301-1271
Phone: 503-986-0927
Email: Kerry.L.Kavanagh@oregon.gov

Applicant's Information

Name: Kirk Schueler
Title: Managing Member
Company: The Tree Farm LLC
Address: 409 Franklin Avenue
Bend, OR 97703
Phone: 541-382-1662
Email*: kirk@brooksresources.com

Applicant's Representative

Name: Bruce Brody-Heine
Title: Representative
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Address: 147 SW Shevlin Hixon Dr
Bend, OR 97702
Phone: 971-200-8519
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PCA 47126

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Applicant: _____
 Name: Kirk Schueler
 Title: Managing Member
 Company: The Tree Farm LLC
 Date: _____

For OWRD: _____
 Name: Kerry Kavanagh
 Water Right Services Division
 Date: _____

Mail signed Agreement to:

Kerry Kavanagh
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

PCA 47126



**OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION**

ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. A separate estimate application is required for each application and/or transfer number. There is a non-refundable application fee of \$125.00 per request.

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Certificate Request	Application Number Permit Number Transfer Number/Permit Amendment (if applicable)
		G-13965 G-13017 - NA -

	<u>Applicant Information</u>	<u>Applicant's Representative/Contact</u>
Name:	<u>The Tree Farm LLC Attn: Kirk Schueler</u>	GSI Water Solutions, Inc. Bruce Brody-Heine
Address:	<u>409 Franklin Ave</u> <u>Bend, OR 97703</u>	<u>147 SW Shevlin Hixon Dr., Suite 201</u> <u>Bend, OR 97702</u>
Phone:	<u>541.382.1662</u>	<u>971.200.8519</u>
Fax:	_____	_____
E-Mail Address:	<u>Kirk@brooksresources.com</u>	<u>bbheine@gsiws.com</u>

I certify that I (check one):

- I have previously filed a Claim of Beneficial Use
 I am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

**Oregon Water Resources Department
Certificate Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271**

RECEIVED

OCT 25 2019

OWRD

RECEIVED

OCT 25 2019

OWRD

I certify that I am the (check one):

- Applicant Applicant's Representative Other (Please specify) _____

Name: Kirk Schueler, Managing Member of The Tree Farm LLC

Signature: _____

OWRD USE ONLY: Reimbursement Authority Number: R12/071-21

KAVANAGH Kerry L * WRD

From: HAGE Trisha * WRD
Sent: Monday, October 28, 2019 12:49 PM
To: ZIELINSKI Vicki J * WRD; SNYDER Lisa J * WRD
Cc: HALL Kimberly D * WRD; KAVANAGH Kerry L * WRD; SUMPTION Michelle K * WRD; PHILLIPS Samantha J * WRD
Subject: RE: Certificate Request

Hi Vicki,
Please use R12671-21 and PCA 47126.
Thanks,
Trisha

From: ZIELINSKI Vicki J * WRD <Vicki.J.Zielinski@oregon.gov>
Sent: Monday, October 28, 2019 12:46 PM
To: SNYDER Lisa J * WRD <Lisa.J.Snyder@oregon.gov>; HAGE Trisha * WRD <Trisha.Hage@oregon.gov>
Cc: HALL Kimberly D * WRD <Kimberly.D.Hall@oregon.gov>; KAVANAGH Kerry L * WRD <Kerry.L.Kavanagh@oregon.gov>; SUMPTION Michelle K * WRD <Michelle.K.Sumption@oregon.gov>; PHILLIPS Samantha J * WRD <Samantha.J.Phillips@oregon.gov>
Subject: Certificate Request

Hello,

Applicant: The Tree Farm LLC Attn: Kirk Schueler
Application: G-13965
Receipt: 131136

Thank you!

Vicki J. Zielinski
Receptionist, Administrative Services Division



Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301-1266
Desk: 503.986.0900

STA F OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **131136**

725 Summer St. N.E. Ste. A
 SALEM, OR 97301-4172
 (503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: The Tree Farm LLC APPLICATION _____
 BY: _____ PERMIT _____
 TRANSFER _____

CASH: CHECK: # 0962 OTHER: (IDENTIFY) _____
 TOTAL REC'D \$ 325.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 R 12671-21 \$ _____
 0413 OTHER: (IDENTIFY) Cert. Reimbursement Authority \$ 125.00
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS 46111

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
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0205	TRANSFER	\$		

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0200 OTHER (IDENTIFY) COBU \$ 200.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
 0210 MONITORING WELLS \$ _____ CARD # _____
 OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) _____ \$ _____
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 HYDRO APPLICATION _____ \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **131136**

DATED: 10-25-19 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION

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<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Certificate Request	Application Number G-13965 Permit Number G-13017 Transfer Number/Permit Amendment (if applicable) - NA -

	Applicant Information	Applicant's Representative/Contact
Name:	The Tree Farm LLC Attn: Kirk Schueler	GSI Water Solutions, Inc. Bruce Brody-Heine
Address:	409 Franklin Ave Bend, OR 97703	147 SW Shevlin Hixon Dr., Suite 201 Bend, OR 97702
Phone:	541.382.1662	971.200.8519
Fax:	_____	_____
E-Mail Address:	Kirk@brooksresources.com	bbheine@gsiws.com

I certify that I (check one):

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- Send completed Application and payment to:

Oregon Water Resources Department
Certificate Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271

RECEIVED
OCT 25 2019

RECEIVED
OCT 25 2019

OWRD

OWRD

I certify that I am the (check one):

- Applicant Applicant's Representative Other (Please specify) _____

Name: Kirk Schueler, Managing Member of The Tree Farm LLC

Signature:

OWRD USE ONLY: Reimbursement Authority Number: R12671-21



October 21, 2019

Mrs. Kerry Kavanagh
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Subject: Claim of Beneficial Use Report
Application G-13965, Permit G-13017

Dear Kerry,

GSI Water Solutions, Inc. (GSI) is submitting a Claim of Beneficial Use (COBU) on the behalf of The Tree Farm LLC (Tree Farm) for their Permit G-13017 for the Department's review, approval, and issuance of a water right certificate. The Tree Farm has made full beneficial use of the water allowed under the permit.

The Tree Farm requests that this COBU report be reviewed under the Reimbursement Authority program and have included a completed reimbursement application form with this COBU. A payment of the expedited review program's non-refundable application fee of \$125 and the Claim of Beneficial Use fee of \$200 (totaling \$325) is also enclosed.

I look forward to hearing from you following your review. Please contact me with any questions at (971) 200-8519.

Sincerely,

A handwritten signature in blue ink that reads "Bruce Brody-Heine".

Bruce Brody-Heine, RG, CWRE
Principal Hydrogeologist

Enclosures

RECEIVED

OCT 25 2019

OWRD

Claim of Beneficial Use Map Point of Appropriation and Place of Use






Application G-13965, Permit G-13017
Deschutes County, Oregon
Township 17 South, Range 11 East (W.M.)

R11E



Document Path: Y:\0990_Brooks_Resources\Source_Figures\COBU_G13965.mxd

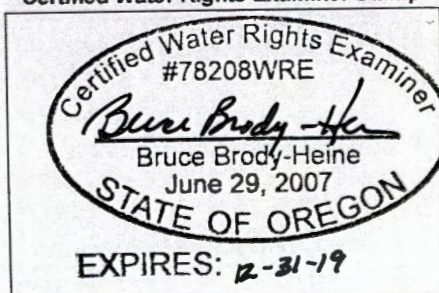
LEGEND

-  Point of Appropriation (POA)
-  Place of Use (POU)
-  Government Lot (GL)
-  Tax Lot
-  Watercourse

POA LOCATION DESCRIPTION

Tree Farm Well (DESC 51145)
Located 1560 feet North and 2465 feet West from the SE corner of Section 35, Township 17 South, Range 11 East (W.M.).
Meter Location: Located 8 feet West of the well head on the discharge line.

Certified Water Rights Examiner Stamp



DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

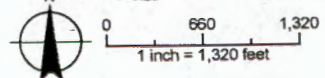
MAP NOTES

Date: October 14, 2019
Data Sources: USGS, BLM, ESRI

RECEIVED

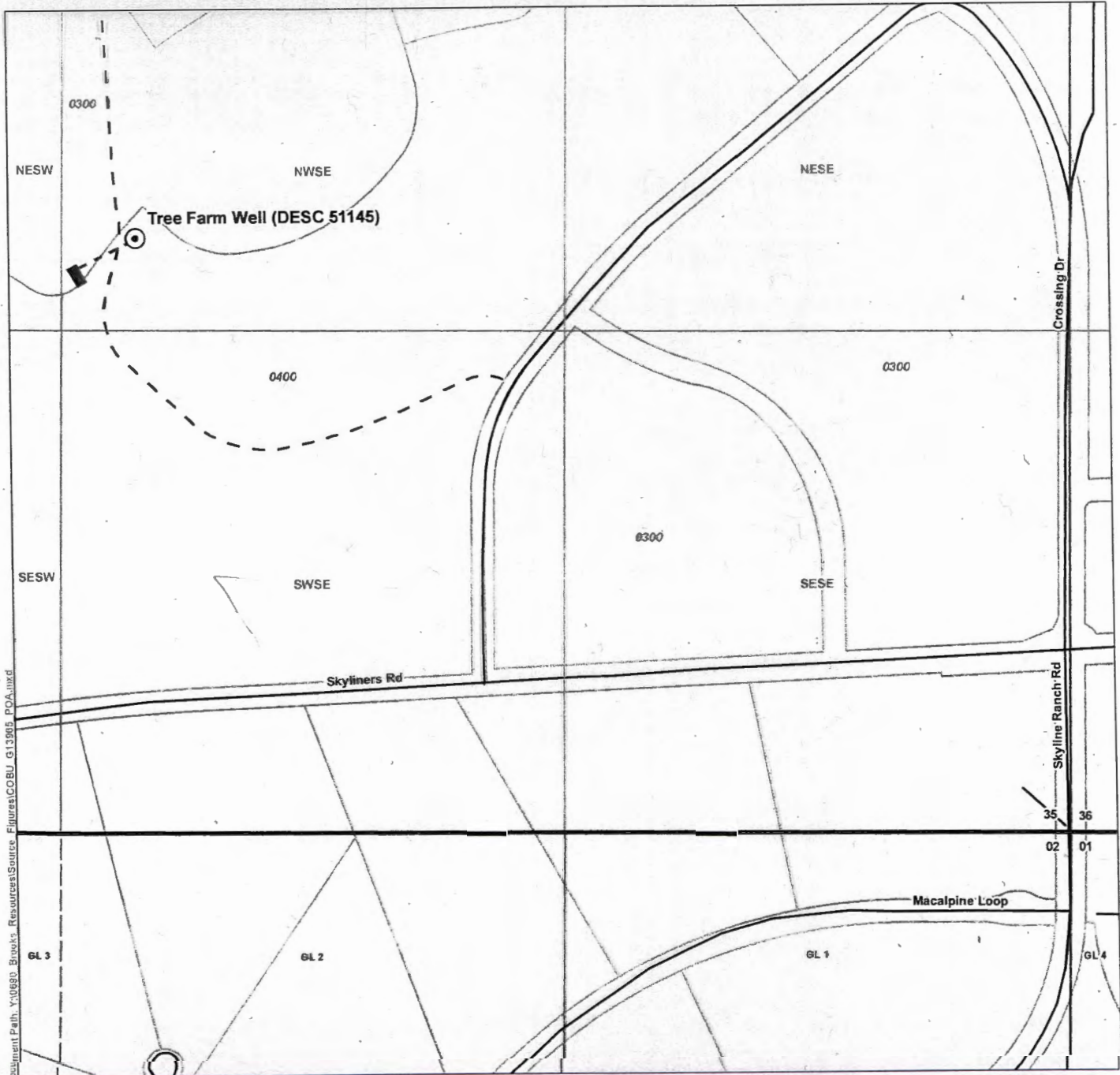
OCT 25 2019

OWRD



Claim of Beneficial Use Map Point of Appropriation Map

Application G-13965, Permit G-13017
Deschutes County, Oregon
Township 17 South, Range 11 East, Section 35 (W.M.)



Document Path: Y:\0680_Brody's_Resources\Source_Figures\COBU_G13965_POA.mxd

- LEGEND**
- Point of Appropriation (POA)
 - Buried Water Line
 - Elevated 12,000 Gallon Water Tank
 - Dirt Road
 - Main Road
 - Government Lot (GL)
 - Tax Lot

POA LOCATION DESCRIPTION
Tree Farm Well (DESC 51145)
 Located 1560 feet North and 2465 feet West from the SE corner of Section 35, Township 17 South, Range 11 East (W.M.).
Meter Location: Located 8 feet West of the well head or the discharge line.

EXPIRES: 12-31-19

DISCLAIMER
 This map was prepared for the purpose of identifying the location of water rights and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES
 Date: October 14, 2019
 Data Sources: USGS, BLM, ESRI



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OCT 25 2019
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Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

October 02, 2019

GW

The Tree Farm LLC
409 Franklin Ave
Bend, OR 97703

The Department has reviewed the status of your pump test and any requests for extension(s) or exemption(s) for the following permitted well(s). The results are summarized in the following table:

Application	Water Right	Permitted Well	Pumped Well	Test Date	Request Status	Exemption	Well Name
G 13965	Permit: G 13017 *	DESC0051145	DESC0051145	08/07/2019	APPROVED	None	

Please contact me if you have any questions.

Sincerely,

Aurora Bouchier
503-986-0841
Groundwater Section

cc: GW Pump Test File
cc: Certificates Section/Application File

MEMORANDUM

TO: JUSTIN IVERSON, GROUND WATER SECTION
FROM: CERTIFICATE SECTION – TONYA MILLER *
SUBJECT: PUMP TEST EXEMPTION FOR
APPLICATION G-13965, PERMIT G-13017
DATE: AUGUST 19TH, 2019

The attached pump test was recently received. We have retained the original for the application file.



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August 13, 2019

Ms. Aurora Bouchier
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Subject: Pump Test Results, DESC 51145
Application G-13965
Permit G-13017

Dear Aurora,

Tree Farm LLC's Permit G-13017 requires that a pump test meeting the Oregon Water Resources Departments standards be completed and submitted prior to receiving a certificate. Please find attached the pumping test results for the Tree Farm's well, DESC 51145.

If you have any questions or concerns about the results please contact me at (971) 200-8519.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Brody-Heine".

Bruce Brody-Heine, RG
GSI Water Solutions, Inc.

Enclosures
David Ford, Tree Farm LLC

Oregon Water Resources Department
PUMP TEST FORM COVER SHEET

Well Owner:

Name: The Tree Farm LLC
 Address: 409 Franklin Ave
 County: Deschutes
 City: Bend State: OR Zip: 97703
 Original owner (from well log): Central Oregon Pumice Co.

Well Location:

Township: 17 S Range: 11 E
 Section: 35 ¼: SE 1/16 NW 1/64: SW
 Well depth: 503.0 Date drilled: 10/06/1997
 Owners well no. (if any): _____
 POD ID: DESC 51145

Water Right Information:

Application: G 13965 Permit: G 13017 Certificate: _____
 Is this well listed on more than one water right? Yes If yes, list additional water rights below:
 Application: _____ Permit: _____ Certificate: _____
 Application: _____ Permit: _____ Certificate: _____

Pump Test:

Test Conducted by: Bruce Brody-Heine Well Owner? Yes
 Company: GSI Water Solutions, Inc
 Address: 147 Shevlin Hixon Dr. Ste 201 Date of Test: 08/07/2019
 City: Bend State: OR Zip: 97702
 Daytime phone: 971-200-8519

Method of discharge measurement (see our brochure for more information): Flow meter
 Method of water-level measurement (pick one or enter other method used): Electric tape
 Length of air line (if used): _____

Pump type (pick one or enter other method used): Submersible
 Was the pump test conducted during normal use of the well? Yes Note: _____

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? Yes Note: _____
 If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: _____

Is there a lake, stream or other surface water body within ¼ mile of the tested well? Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: _____ ft Approx. elevation difference: _____ ft

Well elevation is above surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) top of 1-inch access tube on the south side of the pump
 Measuring point distance above land surface 0.75 feet.

Static water level measurements: (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

Time	Depth to water below meas. point	Depth to water below land surface
<u>9:20 am</u>	<u>379.10</u>	<u>378.35</u>
<u>9:40 am</u>	<u>379.13</u>	<u>378.38</u>
<u>10:00 am</u>	<u>379.12</u>	<u>378.37</u>

Discharge measurements: (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
<u>10:32 am</u>	<u>380.00</u>	<u>gpm (gallons per minute)</u>
<u>11:28 am</u>	<u>380.00</u>	<u>gpm (gallons per minute)</u>
<u>12:28 pm</u>	<u>380.00</u>	<u>gpm (gallons per minute)</u>
<u>1:28 pm</u>	<u>380.00</u>	<u>gpm (gallons per minute)</u>
<u>2:28 pm</u>	<u>380.00</u>	<u>gpm (gallons per minute)</u>

Time pump turned on: Date 08/07/2019 Time 10:20 am
 Time pump turned off: Date 08/07/2019 Time 2:35 pm
 Total pumping time: 4 hours 15 minutes

Note: Well must be idle for at least 16 hours prior to the test.
 Additional forms can be obtained from our web site at: www.oregon.gov/owrd

Signature: Bruce Brody-Heine



Location Map DESC 51145

T17S, R11E, Section 35, NWSE

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Tree Farm Well DESC 51145

Google Earth

© 2018 Google

2000 ft



DESC 51145 - Pump Test Data Sheet

Test conducted on : DESC 51145 - August 7, 2019

Test conducted by: Tree Farm LLC; GSI Water Solutions, Inc.

Application: G-13965

Permit: G-13017

Certificate: N/A

Pod_Id:

Drawdown Data						Recovery Data					
Date	Time	Time Since Pump Started (minutes)	Depth to Water Below Measuring Point (ft)	Depth to Water Below Land Surface (ft)	Drawdown (ft)	Date	Time	Time Since Pump Stopped (minutes; seconds)	Depth to Water Below Measuring Point (ft)	Depth to Water Below Land Surface (ft)	Residual Drawdown (ft)
8/7/2019	9:20	-60	379.1	378.35		8/7/2019	14:35	20 sec	379.14	378.39	-0.02
8/7/2019	9:40	-40	379.13	378.38		8/7/2019	14:35	45 sec	379.23	378.48	0.07
8/7/2019	10:00	-20	379.12	378.37		8/7/2019	14:36	1 min	379.12	378.37	-0.04
8/7/2019	10:20	before start	379.16	378.41	0.00	8/7/2019	14:36	1 min 15 sec	379.1	378.35	-0.06
8/7/2019	10:22	2	380.3	379.55	1.14	8/7/2019	14:36	2 min	379.08	378.33	-0.08
8/7/2019	10:24	4	380.24	379.49	1.08	8/7/2019	14:38	3 min	379.08	378.33	-0.08
8/7/2019	10:26	6	380.26	379.51	1.10	8/7/2019	14:49	4 min	379.07	378.32	-0.09
8/7/2019	10:28	8	380.28	379.53	1.12	8/7/2019	14:50	5 min	379.07	378.32	-0.09
8/7/2019	10:30	10	380.25	379.50	1.09						
8/7/2019	10:35	15	380.24	379.49	1.08						
8/7/2019	10:40	20	380.20	379.45	1.04						
8/7/2019	10:45	25	380.21	379.46	1.05						
8/7/2019	10:50	30	380.19	379.44	1.03						
8/7/2019	11:05	45	380.2	379.45	1.04						
8/7/2019	11:20	60	380.2	379.45	1.04						
8/7/2019	11:35	75	380.22	379.47	1.06						
8/7/2019	11:50	90	380.23	379.48	1.07						
8/7/2019	12:05	105	380.18	379.43	1.02						
8/7/2019	12:20	120	380.21	379.46	1.05						
8/7/2019	12:35	135	380.2	379.45	1.04						
8/7/2019	12:50	150	380.22	379.47	1.06						
8/7/2019	13:05	165	380.21	379.46	1.05						
8/7/2019	13:20	180	380.21	379.46	1.05						
8/7/2019	13:35	195	380.21	379.46	1.05						
8/7/2019	13:50	210	380.19	379.44	1.03						
8/7/2019	14:05	225	380.21	379.46	1.05						
8/7/2019	14:20	240	380.19	379.44	1.03						
8/7/2019	14:35	255	380.2	379.45	1.04						

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Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

May 1, 2017

The Tree Farm, LLC
409 Franklin Ave.
Bend, Oregon 97703

Reference: Application G-13965, Permit G-13017

The assignment from Miller tree Farm, LLC to The Tree Farm, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show The Tree Farm, LLC as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 123148 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit requires complete application of water to the proposed use by October 1, 2029, and within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 123148

cc: Watermaster 11
Miller Tree Farm, LLC
Data Center, OWRD (cover letter & request)
File





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

Request for Assignment

If for multiple rights, a separate form and fee for each right will be required.

I, Charley Miller and Connie Marshall, on behalf of Miller Tree Farm, LLC.
 (Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

110 NE Greenwood Ave Bend OR 97701 541-382-2022
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-13965; Permit # G-13017; Transfer # _____
 -OR-

License # _____; GR Statement # _____; GR Certificate of Registration # _____

As filed in the office of the Water Resources Director, to:

The Tree Farm, LLC.
 (Name of New Owner)

409 NW Franklin Ave Bend OR 97703 541-382-1662
 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 6th day of April, 2017.

Applicant/Permit Holder Charley Miller

Applicant/Permit Holder Connie Marshall

ASSIGN JUL 4/17/2017

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon. Fee receipt # 12345
 For Director by Jerry Sauer, Program Analyst in Water Rights Division [Signature]

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.

RECEIVED BY OWRD

APR 12 2017

SALEM, OR



April 7, 2017

Jerry Sauter
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Request for Assignment - Application G-13965, Permit G-13017

Dear Mr. Sauter,

The Miller Tree Farm LLC intends to assign the Permit G-13017 over to the Tree Farm LLC. Permit G-13017 allows the use of up to 0.78 cfs of water from a well for quasi-municipal use. The Tree Farm LLC operating agreement (Attachment B of Assignment Request) documents that one of its purposes of the LLC is to operate a water supply system.

Please find enclosed the signed Request for Assignment form and associated attachments and a check for the \$85 assignment fee.

I look forward to hearing from you following your review and do not hesitate to contact me with any questions at (541) 678-5117, extension 141.

Sincerely,

A handwritten signature in blue ink that reads "Bruce Brody-Heine".

Bruce Brody-Heine, RG, CWRE
GSI Water Solutions, Inc.

cc: Kirk Schueler, Tree Farm LLC

Enclosures: Completed Request for Assignment Form and Attachments
Assignment Fee

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APR 12 2017

SALEM, OR

**Attachment A
Permit G-13017**

Request for Assignment – Miller Tree Farm, LLC

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APR 12 2017

SALEM, OR



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

September 2, 2003

REC'D 10/9/03

Miller Tree Farm, LLC.
110 NE Greenwood Avenue
Bend, Oregon 97701

Reference: Application R-50044, Permit R-6892, Certificate 76320
Application R-52422, Permit R-6893, Certificate 76322
Application S-52423, Permit S-42782, Certificate 76323
Application G-13965, Permit G-13017

Regarding files R-50044, R-52422, and S-52423, certificates of water right have been issued as referenced above. Once a right is certificated, the right is appurtenant to the land for which it is issued regardless of ownership, and therefore an assignment is not needed. I am refunding the unearned fees of \$45.00 dollars.

Regarding file G-13965, the assignment by court document granting authority, from William E. Miller Central Oregon Pumice Co. to Miller Tree Farm LLC., has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 62475 covering the recording fee of \$30.00 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure : receipt 62475, refund check

cc: Watermaster 11
Data Center, OWRD
Mary Rohling
File

RECEIVED BY OWRD

APR 12 2017

SALEM, OR

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILLIAM E MILLER AND THE CENTRAL OREGON PUMICE COMPANY
1 NW GREENWOOD AVE
BEND, OREGON 97701

(541)382-2022

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13965

SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 30, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 35, T17S, R11E, W.M.; 1320 FEET NORTH AND 2640 FEET WEST FROM THE SE CORNER OF SECTION 35

THE PLACE OF USE IS LOCATED WITHIN:

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 34

SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4

Application G-13965

Water Resources Department

PERMIT G-13017

RECEIVED BY OWRD

APR 12 2017

SALEM, OR

NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 35
NW 1/4 NW 1/4
SW 1/4 NW 1/4
SECTION 36

TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

Application G-13965 Water Resources Department

PERMIT G-13017

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APR 12 2017

SALEM, OR

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin on or before October 29, 1997, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

This permit is issued to correctly describe the authorized place of use. Permit G-12565, dated October 29, 1996 is superseded by this instrument and is of no further force or effect.

Issued this date, December 11, 1996

BCD9

Martha O. Pagel
Martha O. Pagel, Director
Water Resources Department

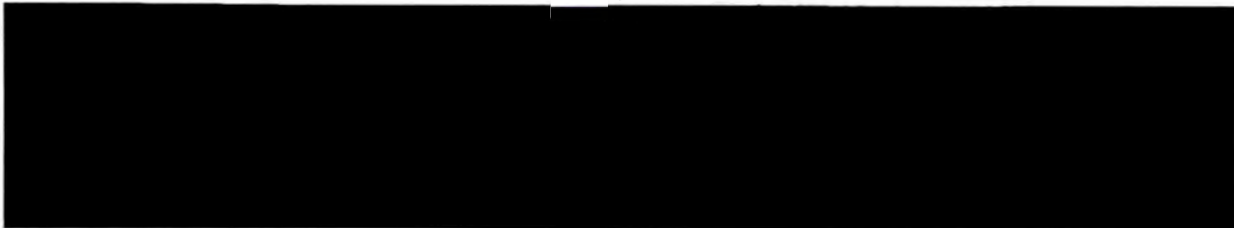
Application G-13965 Water Resources Department
Basin Deschutes Volume 1, DESCHUTES RIVER & MISC.
MGMT.CODES 7BG, 7BR, 7JG, 7JR

PERMIT G-13017
District 11

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APR 12 2017

SALEM, OR



Attachment B
Second Amendment to Operating Agreement
Request for Assignment –Miller Tree Farm, LLC

RECEIVED BY OWRD

APR 12 2017

SALEM, OR

SECOND AMENDMENT
TO THE TREE FARM LIMITED LIABILITY COMPANY
OPERATING AGREEMENT

THIS SECOND AMENDMENT TO THE TREE FARM LIMITED LIABILITY COMPANY OPERATING AGREEMENT (this "Amendment") is executed as of the 28th day of March 2017, by and between Miller Tree Farm, LLC, an Oregon limited liability company ("Miller"), and West Bend Property Company II, LLC, an Oregon limited liability company ("WBII").

RECITALS

A. Miller and WBII constitute all of the members of The Tree Farm LLC, an Oregon limited liability company (the "Company"), and are parties to that certain Operating Agreement dated as of November 20, 2013 (the "Original Agreement"), and as amended by the First Amendment dated as of November 14, 2014 (the "First Amendment"). The Original Agreement, as amended by the First Amendment, is sometimes hereinafter referred to as the "Agreement."

B. Miller and WBII desire to amend the Agreement, effective as of the date hereof, as set forth herein, to expand the business of the Company to include the operation of a water supply system for usual and ordinary municipal purposes.

NOW, THEREFORE, for and in consideration of the respective agreements set forth below and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Miller and WBII hereby agree as follows:

1. Amendment. Effective as of March 28, 2017, Section 1.2 of the Agreement is hereby amended to read as follows: "The purpose of the Company shall be to carry on any lawful business, directly or through one or more independent contractors, including without limitation, for the purpose of operating a water supply system for usual and ordinary municipal purposes and to construct infrastructure and vertical buildings if necessary and approved by all Members, and to engage in all activities incidental thereto and any other activities that may be carried on by a limited liability company under the Act."

2. Counterparts. This Amendment may be executed in separate counterparts, each of which shall be considered an original, but all of which together shall constitute one and the same instrument. Counterparts to this Amendment may be delivered by facsimile or other electronic means.

3. No Other Modification. Except as expressly provided herein, nothing in this Amendment shall alter or affect any provision, condition or covenant contained in the Agreement, or affect or impair any obligations, rights, powers or remedies of the parties, it being the intent of the parties hereto that the provisions of the Agreement shall continue in full force and effect except as expressly modified herein.

4. Miscellaneous. All of the recitals in this Amendment are hereby incorporated as agreements of the parties. In the event any inconsistencies exist between the terms of this Amendment and the Original Agreement, this Amendment shall control. This Amendment is governed by and construed in accordance with the laws of the State of Oregon.

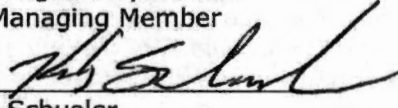
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APR 12 2017

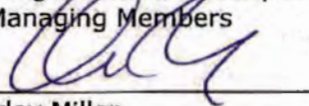
SALEM, OR

IN WITNESS WHEREOF, Miller and WBII have respectively executed this Agreement to be effective as of the date first written above.


West Bend Property Company II, LLC
By Brooks Resources Corporation
an Oregon corporation
its Managing Member

By: 
Kirk Schueler
President

Miller Tree Farm, LLC
By Charley Miller & Connie Marshall
an Oregon limited liability company
its Managing Members

By: 
Charley Miller
Co-manager

and

By: 
Connie Marshall
Co-manager



Oregon

John A. Kitzhaber, MD, Governor

G-13965

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

January 16, 2015

Miller Tree Farm, LLC
Attn: Charley Miller
110 NE Greenwood
Bend, OR 97701

Subject: Water Management and Conservation Plan

Dear Mr. Miller:

Enclosed, please find the final order approving Miller Tree Farm's Water Management and Conservation Plan and specifying that the diversion of water under Permit G-13017 remains limited to 0.0 cubic feet per second.

The attached final order specifies that Miller Tree Farm's plan shall remain in effect until January 16, 2025. Additionally, Miller Tree Farm is required to submit a progress report to the Department by January 16, 2020, detailing progress made toward the implementation of conservation benchmarks scheduled in the plan. Finally, Miller Tree Farm must submit an updated Water Management and Conservation Plan to the Department by July 16, 2024.

NOTE: The deadline established in the attached final order for submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve Miller Tree Farm from any existing or future requirement(s) for submittal of a water management and conservation plan at an earlier date as established through other final orders of the Department.

We appreciate your cooperation in this effort. Please do not hesitate to contact me at 503-986-0919 or Steve.W.Parrett@ wrd.state.or.us if you have any questions.

Sincerely,

Steven W. Parrett
Water Management and Conservation Specialist
Water Right Services Division

Enclosure

cc: Miller Tree Farm WMCP File
Application G-13965 (Permit G-13017)
Jeremy Giffin, District #11 Watermaster
WHPacific, Attn: Niall Boggs, 123 SW Columbia Street, Bend, OR 97702



**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Proposed Water) FINAL ORDER APPROVING A
Management and Conservation Plan for) WATER MANAGEMENT AND
Miller Tree Farm, LLC, Deschutes County) CONSERVATION PLAN

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department.

Findings of Fact

1. Miller Tree Farm, LLC submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on September 3, 2014, including the required statutory fee. The plan was required by a condition set forth in the final order approving an extension of time for Permit G-13017, issued on September 29, 2009.
2. The extension of time final order established a Development Limitation of 0.0 cubic feet per second for Permit G-13017, until such time that the Department approves a Water Management and Conservation Plan justifying and requesting access to water under the permit. The plan submitted by Miller Tree Farm does not request access to water under Permit G-13017, at this time.
3. The Department published notice of receipt of the plan on September 16, 2014, as required under OAR Chapter 690, Division 086. No comments were received.
4. The Department provided written comments on the plan to Miller Tree Farm on December 5, 2014. In response, Miller Tree Farm submitted a revised plan on January 15, 2015.
5. The Department reviewed the revised plan and finds that the revised plan is consistent with the relevant requirements under OAR Chapter 690, Division 086.

Conclusion of Law

The Water Management and Conservation Plan submitted by Miller Tree Farm is consistent with the criteria in OAR Chapter 690, Division 086.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The Miller Tree Farm Water Management and Conservation Plan is approved and shall remain in effect until January 16, 2025, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation(s):

2. The limitation of the diversion of water under Permit G-13017 established in the Final Order approving an Extension of Time for Permit G-13017 (*issued on September 29, 2009*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, Miller Tree Farm is not authorized to divert any water under Permit G-13017 at this time.

Plan Update Schedule:

3. Miller Tree Farm shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than July 16, 2024.

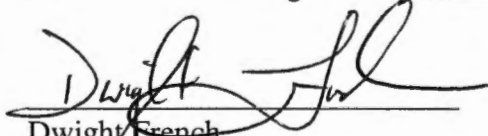
Progress Report Schedule:

4. Miller Tree Farm shall submit a progress report containing the information required under OAR 690-086-0120(4) by January 16, 2020. Specifically the progress report should describe any system development or improvements that have occurred since plan approval, and report progress on conservation benchmarks as established in the plan.

Other Requirements for Plan Submittal:

5. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve Miller Tree Farm from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this 16 day of January, 2015.



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: JAN 23 2015

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-13965

Final Order
Extension of Time for Permit Number G-13017

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit G-13017 was issued by the Department on December 11, 1996. The permit called for completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. On February 19, 2009 Miller Tree Farm, LLC submitted an application to the Department for an extension of time for Permit G-13017. In accordance with OAR 690-315-0050(2), on July 28, 2009 the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2029 and to extend the time to fully apply water to beneficial use to October 1, 2029. The protest period closed September 11, 2009 in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Development Limitations

Diversion of any water beyond 0.00 cfs under Permit G-13017 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 should the property be developed under the City of Bend revised urban growth boundary. The required WMCP shall be submitted to the Department within 3 years of an approved extension application. Use of water under Permit G-13017 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

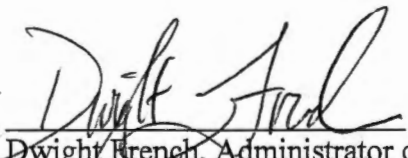
The deadline established in this PFO for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0080(3).

Order

The extension of time for Application G-13965, Permit G-13017, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2029. The deadline for applying water to full beneficial use is extended to October 1, 2029.

DATED: September 29, 2009


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact Scott Kudlemyer at (503) 986-0813.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.

Mailing List for Extension FO Copies

Note: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

FO Date: September 29, 2009

**Application G-13965
Permit G-13017**

<p>Copies Mailed</p> <p>By: <u>9-29-09</u> (SUPPORT STAFF)</p> <p>on: <u>9/29</u> (DATE)</p>

Original mailed to permit holder:

Miller Tree Farm, LLC
Attn: Charley Miller
110 NE Greenwood Ave
Bend, OR 97701

Copies sent to:

1. WRD - App. File G-13965/ Permit G-13017
2. WRD - Watermaster District 11, Jeremey Giffin
3. WRD – Sarah Henderson, Technical Services
4. WRD - Support Staff, Salem

Fee paid as specified under ORS 536.050 to receive copy:

5. None

Receiving via e-mail (10 AM day of signature date)

6. WRD – Bill Fujii – Notify of WMCP needed

Done by SM Date 9/29/09

CASEWORKER: SBK

**Oregon Water Resources Department
Water Rights Division**



Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-13017, Water Right Application G-13965,)
in the name of the Miller Tree Farm, LLC.)

PROPOSED FINAL ORDER

Permit Information

Application File G-13965 / Permit G-13017

Basin 5 – Deschutes / Watermaster District 11

Date of Priority: January 30, 1995

Authorized Use of Water

Source of Water:	One well within the Deschutes Basin
Purpose or Use:	Quasi-Municipal
Maximum Rate:	0.78 Cubic Feet per Second (cfs)

This Extension of Time request is being processed in accordance with Oregon Administrative Rule Chapter 690, Division 315.

Please read this Proposed Final Order in its entirety as it contains additional conditions not included in the original permit.

This Proposed Final Order applies only to Permit G-13017, water right Application G-13965. A copy of Permit G-13017 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 2009 to October 1, 2029.
- Grant an extension of time to apply water to full beneficial use from October 1, 2009 to October 1, 2029.
- Make the extension of time subject to certain conditions as set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order
WMCP – Water Management and Conservation Plan

Units of Measure

cfs – cubic feet per second
AF – Acre Feet

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(2) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, shall order and allow an extension of time, for the completion of the well or other means of developing and securing the ground water or for complete application of water to beneficial use. In determining the extension, the department shall give due weight to the considerations described under ORS 539.010 (5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0080 provides in pertinent part that the Department shall make findings to determine if an extension of time for municipal and/or quasi-municipal water use permit holders may be approved to complete construction and/or apply water to full beneficial use. Under specific circumstances, the Department may condition extensions of time for municipal water use permit holders to provide that use of the undeveloped portion of the permit maintains the persistence of listed fish species in the portions of the waterways affected by water use under the permit.

OAR 690-315-0090(3) authorizes the Department, under specific circumstances, to condition an extension of time for municipal and/or quasi-municipal water use permit holders to provide that diversion of water beyond the maximum rate diverted under the permit or previous extension(s) shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86.

FINDINGS OF FACT

Background

1. Permit G-13017 was granted by the Department on December 11, 1996. The permit authorizes the use of up to 0.78 cfs of water from one well within the Deschutes Basin for quasi-municipal use. It specified that construction of the water development project was to be completed by October 1, 1998, and that complete application of water was to be made on or before October 1, 1999.
2. One prior permit extension has been granted for Permit G-13017. The most recent extension request resulted in the completion dates for construction and full application of water being extended to October 1, 2009.
3. The permit holder, Miller Tree Farm, LLC submitted an "Application for Extension of Time" to the Department on February 19, 2009 requesting the time to complete construction of the water system and apply water to full beneficial use under the terms and conditions of Permit G-13017 be extended from October 1, 2009 to October 1, 2029.
4. Notification of the City's Application for Extension of Time for Permit G-13017 was published in the Department's Public Notice dated February 24, 2009. No public comments were received regarding the extension application.

Review Criteria for Municipal Quasi-Municipal Water Use Permits [OAR 690-315-0080(1)]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0080. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴

Complete Extension of Time Application [OAR 690-315-0080(1)(a)]

5. On February 19, 2009 the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0080(1)(b)]

6. Permit G-13017 was issued prior to June 29, 2005; therefore, the applicant is not required to provide evidence of actions taken to begin actual construction of the project.⁵

Duration of Extension [OAR 690-315-0080(1)(c) and (1)(d)]

Under OAR 690-315-0080(1)(c), (d), in order to approve an extension of time for municipal and quasi-municipal water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

7. The remaining work to be accomplished under Permit G-13017 consists of installing the well pump, valves, manifolds, water meter and well house. Construct 3-Phase power services. Construct

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.248 applies to reservoir permits only.

³ ORS 537.630 applies to ground water permits only.

⁴ ORS 537.010(5) applies to surface water and ground water permits.

⁵ Section 5, Chapter 410, Oregon Laws 2005 and OAR 690-315-0070(1)(d).

40,000 linear feet of underground piping, distribution valves, and completing construction of the water system and applying water to full beneficial use.

8. As of February 19, 2009 the permit holder has not appropriated any water authorized under Permit G-13017 for quasi-municipal purposes. There is an undeveloped portion of 0.78 cfs of water under Permit G-13017 as per OAR 690-315-0010(6)(g).
9. In addition to the 0.78 cfs of water authorized under Permit G-13017, Miller Tree Farm, LLC holds the following rights:
 - Certificate 76320 for storage of 31.0 AF of reclaim water from the City of Bend;
 - Certificate 76321 for use of 0.6 cfs of reclaim water from the City of Bend;
 - Certificate 76322 for storage of 2.7 AF of reclaim water from the City of Bend; and
 - Certificate 76323 for use of 2.7 cfs of reclaim water from the City of Bend.

These water rights and permits total 4.127 cfs of water, being 0.78 cfs of ground water, 3.3 cfs of reclaim water, and the storage and use of 33.7 AF of reclaim water. Miller Tree Farm, LLC has not yet made beneficial use of 0.78 cfs of water under Permit G-13017.

10. According to Miller Tree Farm, LLC, their peak water demand within its service area boundaries was 0.00 cfs in 2008.
11. According to Miller Tree Farm, LLC, in 2008 the population within its service boundary of w Based on figures provided by Miller Tree Farm, LLC the population is estimated to increase at a growth rate of 0.27 to 4.0 percent per year, reaching an estimated population between 200 and 3250 by the year 2039, depending on the outcome of the City of Bend, Deschutes County and State of Oregon land use planning descions.
12. Depending on the outcome of land use planning descions by the City of Bend, Deschutes County, and State of Oregon development of the Miller Tree Farm, LLC property could fall inside the City of Bend revised Urban Growth Boundary and be developed as Urban-Density property with an expected population of 3250 by 2029. If the property ends up outside of the City of Bend Urban Growth Boundary and is developed under Deschutes County standards then the property would be developed as Rural-Density with an expected population of 200 by 2029
13. According to Miller Tree Farm, LLC, their projected peak day demand of water is 0.78 cfs by the year 2029.
14. Full development of Permit G-13017 is needed to address the present and future water demand of Miller Tree Farm, LLC including system redundancy and emergency use.
15. Miller Tree Farm, LLC request for an extension of time until October 1, 2029 to complete construction of the water system and to apply water to full beneficial use under the terms and conditions of Permit G-13017 is both reasonable and necessary.

Good Cause [OAR 690-315-0080(1)(e) and (3)(a-g)and (4)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0080(3) and OAR 690-315-0080(4).

Reasonable Diligence and Good Faith of the Appropriator [OAR 690-315-0080(3)(a), (3)(c) and (4)]

Reasonable diligence and good faith of the appropriator must be demonstrated during the permit period or prior extension period as a part of evaluating good cause in determining whether or not to grant an extension. In determining the reasonable diligence and good faith of a municipal or quasi-municipal water use permit holder, the Department shall consider activities associated with the development of the right including, but not limited to, the items set forth under OAR 690-315-0080(4) and shall evaluate how well the applicant met the conditions of the permit or conditions of a prior extension period.

16. Prior to the issuance of Permit G-13017 on December 11, 1996 no work was completed.
17. Work was accomplished (specified in the Application for Extension of Time) during the original development time frame under Permit G-13017.
18. During the last extension period, being October 1, 1999 to October 1, 2009 Miller Tree Farm, LLC accomplished the following work:
 - Property improvements including road construction, fencing, debris and timber removal;
 - Water Rights work including groundwater management and application for storage pond.
19. According to Miller Tree Farm, LLC, as of February 19, 2009 they have invested approximately \$583,252 which is approximately 13 percent of the total projected cost for complete development of this project. Miller Tree Farm, LLC anticipates an additional \$4,070,000 investment is needed for completion of this project. The Department recognizes that while some of these investment costs are unique to construction and development solely under G-13017, other costs included in this accounting are not partitioned out for G-13017 because (1) they are incurred under the development of a water supply system jointly utilized under other rights held by the City, and/or (2) they are generated from individual activities counted towards reasonable diligence and good faith as listed in ORS 690-315-0080(4) which are not associated with just this permit, but with the development and exercise of all the City's water rights.
20. Since the issuance of Permit G-13017 on December 11, 1996, no water has been appropriated from the well for beneficial quasi-municipal purposes under the terms of this permit.
21. The Department has considered Miller Tree Farm, LLC compliance with conditions, and did not identify any concerns.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0080(3)(b)]

22. According to Miller Tree Farm, LLC, as of February 19, 2009 they have invested approximately \$583,252 which is 13 percent of the total projected cost for complete development of this project. The City anticipates an additional \$4,070,000 investment is needed for the completion of this project:

The Market and Present Demands for Water [OAR 690-315-0080(3)(d) and (5)(a-f)]

For municipal or quasi-municipal water use permits issued after November 2, 1998, in making a determination of good cause pursuant to 690-315-0080(3)(d), the Department shall also consider, but is not limited to, the factors in 690-315-0080(5)(a-f).

The Market and Present Demands for Water [OAR 690-315-0080(3)(d)]

23. As described in Findings 11 through 14 above, Miller Tree Farm, LLC has indicated, and the Department finds that Miller Tree Farm, LLC must rely almost exclusively on its water right permits from the Deschutes Basin.
24. Miller Tree Farm, LLC projects a population increase between 0.27 and 4.0 percent per year over a twenty year period, being the years 2009 to 2029.
25. Given the current water supply situation of Miller Tree Farm, including current and expected demands, the need for system redundancy, and emergency water supply, there is a market and present demand for the water to be supplied under G-13017.
26. OAR 690-315-0090(3) requires the Department to place a condition on this extension of time to provide that diversion of water beyond 0.78 cfs under Permit G-13017 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. A "Development Limitation" condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this requirement.

Fair Return Upon Investment [OAR 690-315-0080(3)(e)]

27. Use and income from the permitted water development project would result in reasonable returns upon the investment made in the project to date.

Other Governmental Requirements [OAR 690-315-0080(3)(f)]

28. Delays to completion of this project have been caused in part by pending land use decisions by the City of Bend, Deschutes County and the State of Oregon.

Events which Delayed Development under the Permit [OAR 690-315-0080(3)(g)]

29. Delay of development under Permit G-13017 was due, in part, to the size and scope of the quasi-municipal water system, which was designed to be phased in over a period of years and pending land use decisions by the City of Bend, Deschutes County and the State of Oregon..
30. On March 18, 1996 the Water Resources Department determined under OAR Chapter 690 Division 9, that use of water under this ground water Permit G-13017 does not have the potential for substantial interference with surface water.
31. Based upon the Department's determination described in Finding 31, the use of the undeveloped portion of Permit G-13017 does not have the potential for substantial interference with surface water, and therefore the persistence of listed fish species will be maintained.

CONCLUSIONS OF LAW

1. The City is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(2).
2. The City has submitted a complete extension application form and the fee specified under ORS

536.050(1)(k), as required by OAR 690-315-0080(1)(a).

3. Pursuant to Section 5, Chapter 410, Oregon Laws 2005, the permit holder is not required to demonstrate that actual construction of the project began within one year of the date of issuance of the permit, as otherwise required by OAR 690-315-0080(1)(b).
4. The time requested to complete construction and apply water to full beneficial use is reasonable, as required by OAR 690-315-0080(1)(c).
5. Completion of construction and full application of water to beneficial use can be completed by October 1, 2029⁶ pursuant to OAR 690-315-0080(1)(d).
6. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and the fair return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the water right permit holder had no control, and the Department has determined that the City has shown good cause for an extension of time to complete construction of the water system and to apply the water to full beneficial use pursuant to OAR 690-315-0080(1)(e).
7. As required by OAR 690-315-0090(3) and as described in Finding 26 above and specified under Item 1 of the "Conditions" section of this PFO, the diversion of water beyond 0.00 cfs under Permit G-13017 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86.
8. In accordance with OAR 690-315-0080(1)(f), and as described in Findings 30 and 31 above, the use of the undeveloped portion of the permit will maintain the persistence of listed fish species in the portions of waterways affected by water use under the permit.

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

- Extend the time to complete construction of the water system under Permit G-13017 from October 1, 2009 to October 1, 2029.
- Extend the time to apply the water to beneficial use under Permit G-13017 from October 1, 2009 to October 1, 2029.

Subject to the following conditions:

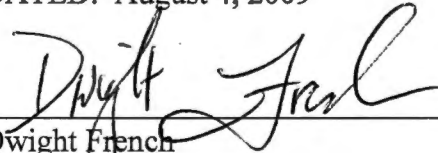
⁶ For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Department, for issuance of a water right certificate; or (2) continue to appropriate water under the water right permit until the Department conducts a survey and issues a water right certificate under ORS 537.625.

CONDITIONS

1. Development Limitations

Diversion of any water beyond 0.00 cfs under Permit G-13017 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86, should the property be developed under the City of Bend revised urban growth boundary. The required WMCP shall be submitted to the Department within 3 years of an approved extension of time application. Use of water under Permit G-13017 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 that is on file with the Department. The deadline established in this PFO for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders.

DATED: August 4, 2009



Dwight French
Administrator
Water Rights and Adjudications Division

If you have any questions, please check the information box on the last page for the appropriate names and phone numbers.

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **September 18, 2009**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

-
- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at 503-986-0813.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to: Water Rights and Adjudications Division
725 Summer St NE, Suite A
 - Fax: 503-986-0901 Salem, OR 97301-1266
-

Mailing List for Extension PFO Copies

PFO Date: August 4, 2009

**Application G-13965
Permit G-13017**

Original mailed to Applicant:

Miller Tree Farm, LLC
Attn: Charley Miller
110 NE Greenwood Ave
Bend, OR 97701

Copies Mailed
By: <u>AS</u> (SUPPORT STAFF)
on: <u>8/4/09</u> (DATE)

Copies sent to:

1. WRD - App. File G- 13965/ Permit G-13017
2. WRD - Watermaster District 11 – Jeremy Giffin

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)

4. None

CASEWORKER: SBK

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILLIAM E MILLER AND THE CENTRAL OREGON PUMICE COMPANY
1 NW GREENWOOD AVE
BEND, OREGON 97701

(541) 382-2022

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13965

SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 30, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 35, T17S, R11E, W.M.; 1320 FEET NORTH AND 2640 FEET WEST FROM THE SE CORNER OF SECTION 35

THE PLACE OF USE IS LOCATED WITHIN:

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 34

SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4

NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 35

NW 1/4 NW 1/4
SW 1/4 NW 1/4

SECTION 36

TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

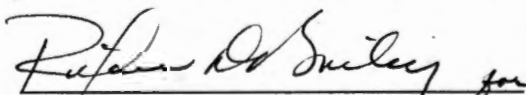
The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin on or before October 29, 1997, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

This permit is issued to correctly describe the authorized place of use. Permit G-12565, dated October 29, 1996 is superseded by this instrument and is of no further force or effect.

Issued this date, December " , 1996


Martha O. Pagel, Director
Water Resources Department

Application G-13965 Water Resources Department
Basin Deschutes Volume 1, DESCHUTES RIVER & MISC.
MGMT.CODES 7BG, 7BR, 7JG, 7JR

PERMIT G-13017
District 11

**APPLICATION FOR EXTENSION OF TIME
FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS
MILLER TREE FARM, LLC
APPLICATION G-13965
PERMIT NO.: G-13017
FEBRUARY 17, 2009**

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WATER RESOURCES DEPT
SALEM, OREGON

NARRATIVE:

The following information and justification for a time extension are provided in response to criteria item numbers provided by the Oregon Water Resources Department (OWRD). OWRD criteria or requests for information are provided in bold text, followed by the Applicant's response in standard text.

1. **Submit the appropriate extension of time fee (\$350), as specified under ORS 536.050.**

A check in the amount of \$350 is included with this application.

2. **For Quasi-municipal water use permit holders, provide evidence of the actions taken to begin actual construction on the project if required under the applicable statute.**

The original water right permit stipulated actual construction of the well began on or before October 29, 1997 and completed on or before October 1, 1998. Mr. William E. Miller submitted a standard Form A in September of 1997 documenting initiation of construction in conformance with the specified deadline. The attached well log confirms completion of well construction in compliance with the permit deadline.

3. **For Municipal water use permits issued on or after June 29, 2005, evidence of the actions taken to begin actual construction on the project.**

Item No. 3 is not applicable to this time extension application.

4. **Provide evidence of actions taken to develop the water right permit within the permitted time period and/or within the time period of the previous extension.**

INSERT DATES	All WORK AND ACTIONS ACCOMPLISHED BEFORE PERMIT WAS ISSUED	COST
	Not Applicable	0
INSERT DATES	All WORK AND ACTIONS ACCOMPLISHED DURING PERMITTED TIME PERIOD	COST
12/11/96	The permit was signed.	0

9/22/97	Staco Well Services, Inc. mobilized to the site, completed drilling and a surface seal to a depth of 20 feet, continued drilling to approximately 500 feet and initiated 8" casing installation.	(Included below)
10/6/97	Staco Well Services, Inc. completed construction of the well.	\$32,539
10/29/97	Permit G-13017 stipulated actual construction of the well shall commence.	0
1997 - 1999	Significant grading and reclamation work was accomplished in mining areas. Significant work was also accomplished to create fire breaks, block unauthorized access, and generally protect the reclamation and development areas.	+/- \$92,461
5/18/99	A time extension was granted by the Oregon Water Resources Department until October 1, 2009 to complete construction of the water system and apply water to full beneficial use under Permit G-13017.	0
	Estimated Subtotal:	\$125,000
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER PROJECT "C" DATE AND PRIOR TO ANY EXTENSION OF TIME REQUEST AND AT THE RIGHT COST	COST
	Not Applicable	0
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED DURING THE MOST RECENT EXTENSION OF TIME GRANTED	COST
10/1/99	The original permit G-13017 specified full beneficial use. A copy of the permit is attached.	0
5/18/99	The Oregon Water Resources Department granted a time extension to complete construction of the water system and application of water to full beneficial use until October 1, 2009.	0
1999-2004	Property Improvements: Significant property improvements have been completed in preparation for residential development, to enhance security, construct roads for timber management, and provide fire protection measures. Specific improvements included perimeter fencing, construction of a boulder fence for security, timber thinning, roadway construction, clean up of an old equipment yard, and removal of scrap metal and debris. Property improvements are required to support and prepare for the use of the groundwater well and extension of pipelines.	\$55,632
1999-2004	Water Right Processing: Miller Tree Farm, LLC incurred legal and engineering fees associated with water right management of the groundwater well, but also application for a storage pond that is intended to be supplemented with the subject right. In addition, Miller Tree Farm leased storage rights to an instream use to protect and preserve their ability to store water on the subject property in the future.	\$4,717

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WATER RESOURCES DEPT
SALEM, OREGON

1999-2004	Land Use Planning: Miller Tree Farm, LLC has incurred engineering, legal, and planning fees in the ongoing process to prepare a land use master plan, change the zoning for a small section of the served property, evaluate residential development alternatives, and participate in numerous work sessions and reviews on land use matters.	\$14,699
1999-2004	City of Bend and Bend Metro Park and Recreation District Easements: Miller Tree Farm, LLC has worked carefully with the City of Bend and the Park District to facilitate future residential development, including the coordination of utility easements and a future trail corridor. Miller Tree Farm incurred legal fees in the coordination effort.	\$1,067
1999-2004	Timber Production: Miller Tree Farm, LLC has prepared and received approval for a forestry plan, under the jurisdiction of the Oregon Department of Forestry. The applicant has incurred consultant fees and also committed to the purchase of approximately 3000 trees for restoration of old mining sites. The reclamation areas and young trees are expected to be irrigated.	\$4,106
1999 – 2009	Miller Tree Farm, LLC was engaged continuously in both Deschutes County and City of Bend land use processes, which directly affect zoning and development opportunities for their land and for the use of water under Permit G-13017.	\$94,452
2004 – 2009	Miller Tree Farm, LLC engaged WHPacific on multiple occasions to complete land surveying to identify property lines, establish power routes and easements, and generally to position the property for development.	\$32,476
2004 – 2009	Miller Tree Farm, LLC engaged multiple land use planning consultants to develop alternative land plans for both urban and rural development standards.	\$94,038
2004 - 2009	Miller Tree Farm, LLC retained WHPacific to complete water right work on Permit G-13017 and other water rights that are compatible with Permit G-13017 and are also applicable to future development.	\$8,325
2004-2009	Miller Tree Farm, LLC has implemented applicable elements of their State approved forestry plan, including the planting of over 6000 pine seedlings.	\$19,357
2004-2009	Miller Tree Farm, LLC has continued property improvements, including fencing, restoration and clean-up of mining operations, improved security, roadwork, brush eradication, establishment of fire breaks, etc.	\$129,383
	Estimated Subtotal:	\$458,252

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**WATER RESOURCES DEPT
SALEM, OREGON**

INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER THE MOST RECENT EXTENSION OF TIME GRANTED	COST
	Not applicable	
1997-2009	ESTIMATED TOTAL:	\$583,252

5. Provide evidence of compliance with conditions contained in the original permit, and any previous extension(s), or the reason the condition was not satisfied.

As noted, the original Permit G-13017 stipulated actual construction of the well shall begin on or before October 20, 1997, and shall be completed on or before October 1, 1998. A Standard Form "A" was submitted by Mr. William E. Miller to confirm compliance with the initiation of construction and the attached well log documents completion of well construction in conformance with the specified deadline.

A well test was conducted immediately following well construction. Water use was metered during that well test.

Miller Tree Farm, LLC obtained the water right time extension prior to the specified date for complete application of water to beneficial use. Similarly, this time extension application is being submitted prior to the new deadline for completion of construction and complete application of water to beneficial use.

A copy of the original permit and a copy of the Proposed Final Order providing a 10 year time extension are attached.

6. Provide evidence of the maximum rate, or duty if applicable, of water diverted for beneficial use under the permit and/or prior extensions of time, if any, made to date.

Permit G-13017 allows a maximum rate of 0.78 cubic feet per second or 350 gallons per minute. Other than during well construction, well development, and the subsequent pump test, no water has been diverted from the well. The pump test was conducted at a rate in excess of 350 gallons per minute, documenting adequate well yield to allow full perfection of the permit, subject to all other conditions of the permit.

7. Provide an estimate of the population served under this permit and a description of the methodologies used to make the estimate.

As noted, development of the Miller property could proceed at an urban density if the property is included in a pending City of Bend Urban Growth Boundary expansion. Under an urban development scenario, based upon conceptual land use plans completed by Miller Tree Farm,

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WATER RESOURCES DEPT
SALEM, OREGON

LLC, approximately 1,300 residential lots would be created. With an average population of 2.5 people per residential unit, a population of 3,250 people are anticipated.

If development of the property occurs under Deschutes County standards, then a rural-type density would be expected. Again, based upon conceptual land planning prepared by the Owner, approximately 80 lots would be established. Using the same population per lot, a population of 200 people would be expected.

The City of Bend Urban Growth Boundary expansion process is still underway and is subject to approval by the State of Oregon and resolution of anticipated appeals. Regardless, the City of Bend has spent nearly eight years on the UGB expansion process and has recently recommended approval of a plan that includes a portion of the Miller property. Deschutes County concurred with the City of Bend's recommendation. Based upon this most recent land use action by the City and County, the most probable population estimate is based upon an urban density development and a population of approximately 3,250 people.

8. Provide a description of the financial expenditures made toward completion of the water development under this permit. Answer in conjunction with Item 4.

DATE	WORK OR ACTIONS ACCOMPLISHED	COST
12/11/96	The permit was signed.	0
9/22/97	Staco Well Services, Inc. mobilized to the site, completed drilling and a surface seal to a depth of 20 feet, continued drilling to approximately 500 feet and initiated 8" casing installation.	(Included below)
10/6/97	Staco Well Services, Inc. completed construction of the well.	\$32,539
10/29/97	Permit G-13017 stipulated actual construction of the well shall commence.	0
1997 - 1999	Significant grading and reclamation work was accomplished in mining areas. Significant work was also accomplished to create fire breaks, block unauthorized access, and generally protect the reclamation and development areas.	+/- \$92,461
5/18/99	A time extension was granted by the Oregon Water Resources Department until October 1, 2009 to complete construction of the water system and apply water to full beneficial use under Permit G-13017.	0
10/1/99	The original permit G-13017 specified full beneficial use. A copy of the permit is attached.	0
5/18/99	The Oregon Water Resources Department granted a time extension for the complete construction of the water system and application of water to full beneficial use until October 1, 2009.	0
1999-2004	Property Improvements: Significant property improvements have been completed in preparation for residential development, to enhance security, construct roads for timber management, and	\$55,632

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WATER RESOURCES DEPT
SALEM, OREGON

	provide fire protection measures. Specific improvements included perimeter fencing, construction of a boulder fence for security, timber thinning, roadway construction, clean up of an old equipment yard, and removal of scrap metal and debris. Property improvements are required to support and prepare for the use of the groundwater well and extension of pipelines.	
1999-2004	Water Right Processing: Miller Tree Farm, LLC incurred legal and engineering fees associated with water right management of the groundwater well, but also application for a storage pond that is intended to be supplemented with the subject right. In addition, Miller Tree Farm leased storage rights to an instream use to protect and preserve their ability to store water on the subject property in the future.	\$4,717
1999-2004	Land Use Planning: Miller Tree Farm, LLC has incurred engineering, legal, and planning fees in the ongoing process to prepare a land use master plan, change the zoning for a small section of the served property, evaluate residential development alternatives, and participate in numerous work sessions and reviews on land use matters.	\$14,699
1999-2004	City of Bend and Bend Metro Park and Recreation District Easements: Miller Tree Farm, LLC has worked carefully with the City of Bend and the Park District to facilitate future residential development, including the coordination of utility easements and a future trail corridor. Miller Tree Farm incurred legal fees in the coordination effort.	\$1,067
1999-2004	Timber Production: Miller Tree Farm, LLC has prepared and received approval for a forestry plan, under the jurisdiction of the Oregon Department of Forestry. The applicant has incurred consultant fees and also committed to the purchase of approximately 3000 trees for restoration of old mining sites. The reclamation areas and young trees are expected to be irrigated.	\$4,106
1999 – 2009	Miller Tree Farm, LLC was engaged continuously in both Deschutes County and City of Bend land use processes, which directly affect zoning and development opportunities for their land and for the use of water under Permit G-13017.	\$94,452
1999 – 2008	Miller Tree Farm, LLC engaged WHPacific on multiple occasions to complete land surveying to identify property lines, establish power routes and easements, and generally to position the property for development.	\$32,476
1999 – 2009	Miller Tree Farm, LLC engaged multiple land use planning consultants to develop alternative land plans for both urban and rural development standards.	\$94,038
1999 – 2009	Miller Tree Farm, LLC retained WHPacific to complete water right work on Permit G-13017 and other water rights that are compatible	\$8,325

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SALEM OREGON

	with Permit G-13017 and are also applicable to future development.	
2004-2009	Miller Tree Farm, LLC has implemented applicable elements of their State approved forestry plan, including the planting of over 6000 pine seedlings.	\$19,357
2004-2009	Miller Tree Farm, LLC has continued property improvements, including fencing, restoration and clean-up of mining operations, improved security, roadwork, brush eradication, establishment of fire breaks, etc.	\$129,383
	Estimated Total Cost	\$583,252

9. Provide an estimate of the cost necessary to complete the water development.

APPROXIMATE DATE RANGE	WORK OR ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST
2009-2014	Oregon Land Conservation and Development Commission approval of Bend's UGB expansion	\$50,000
2009-2014	Local and State Agency resolution of anticipated UGB expansion appeals.	\$50,000
2014 - 2019	Furnish and install the well pump, meter, well valves and manifolds, well house, and associated appurtenances.	\$250,000
2014 - 2019	Construct 3-phase power service for the well pump.	\$20,000
2019 - 2029	Construct approximately 40,000 lineal feet of underground piping, install distribution valves, provide applicable appurtenances, and complete a water distribution system.	\$1,800,000
2009 - 2029	Gain appropriate land use entitlements, complete engineering and surveying, conclude land planning, and generally obtain needed government approvals for site specific development.	\$1,900,000
	Estimated Total Cost	\$4,070,000

10. Provide a summary of any events that delayed completion of the water development or application of water to full beneficial use, including other governmental requirements (if any), relating to the project that have significantly delayed completion of construction or perfection of the right.

Miller Tree Farm, LLC land holdings are located immediately adjacent to the City of Bend Urban Growth Boundary. For approximately 8 years the City of Bend has contemplated and studied an Urban Growth Boundary expansion. Because a significant portion of the Miller land was zoned Urban Area Reserve, it has been continually evaluated for inclusion in the City's expansion process. In the past few weeks, the Bend City Council recommended an Urban Growth Boundary adjustment, which included the Miller property. Recently Deschutes County also recommended approval of the City's plan. The UGB expansion however is not yet complete and still subject to review and approval by the Land Conservation and Development Commission, and resolution of anticipated appeals.

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If the Miller property is brought into the City of Bend Urban Growth Boundary, then urban development may be allowed. If the Miller property remains under Deschutes County jurisdiction, then a rural type of development may be required. The outcome of the Urban Growth Boundary expansion directly affects the type of development that is allowed on the Miller land holdings and therefore directly affects the use and perfection of water under Permit G-13017.

Please reference the cover letter for this time extension application for additional information and details on land use delays that have restricted the perfection of the permit.

11-A. Provide an estimated demand projection and a description of the methodologies used for the subject water right permit, considering the other water rights held by the municipal or quasi-municipal water use permit holder, and a date by which the water development is anticipated to be completed and water put to full beneficial use.

The following water rights are currently held by the permit holder for their lands at the west edge of Bend:

Certificate or Transfer Number	Use	Priority Date	Source
76320	Storage of 31.0 Ac-Ft for Irrigation	2-12-1973	City of Bend Wastewater
76321	Irrigation of 42.0 Acres	2-12-1973	City of Bend Wastewater
76322	Storage of 2.7 Ac-Ft for Irrigation	2-12-1973	City of Bend Wastewater
76323	Irrigation of 42.0 Acres	9-19-1974	City of Bend Wastewater
Application T-10582 and Special Order Volume 76, Page 562	Proposes to change the character of use for the above certificates to quasi-municipal and to change the place of use.		

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WATER RESOURCES DEPT
SALEM, OREGON

The Oregon Water Resources Department issued Special Order Volume 76, Page 562 approving Transfer Application T-10582. Miller Tree Farm, LLC is authorized to change the Character of Use and the Place of Use for their surface water certificated rights. The existing surface water rights are an "excess" right, with water available only during the winter months when the City of Bend discharges excess water. Excess water is stored in the wintertime and irrigated in the summertime. Historically the water was used for restoration of old mining sites. The proposed quasi-municipal use will provide greater flexibility and use of the surface water, primarily for reclamation, storage, irrigation, restoration, dust abatement, and other similar uses. Historically, the excess surface water rights were beneficial in restoring old pumice sites, when excess winter runoff was available. The rights have not necessarily been reliable on a year-to-year basis. Miller Tree Farm, LLC believes the surface water rights and Groundwater Permit G-13017 are fully compatible and complementary. The groundwater right is much more reliable and could even be utilized to supplement the surface water uses in drier years.

Miller Tree Farm, LLC has not contracted or agreed to be served by any other entities or water purveyors.

As noted in prior sections, the type and density of development on the Miller property is subject to pending land use action by the City of Bend, Deschutes County, and the State of Oregon. Development could include urban development with relatively high density, or it could include a rural form of development at a low density. Until pending land use actions are completed, it is difficult to predict the exact water needs of future development.

Regardless of the type of development or density of development, Miller Tree Farm, LLC anticipates water demand for some level of residential development, some degree of commercial development, irrigation, agricultural use, pond maintenance, fire protection, restoration, erosion control, dust abatement, and other uses similar and typical to those of a municipality. Miller Tree Farm, LLC believes their ultimate water demand, regardless of the type and scale of development will fully utilize the 0.78 cubic feet per second (350 gallons per minute) that is available under Permit G-13017. However until pending land use work is completed, it is impossible to identify or construct the needed distribution system and improvements to use the water and perfect the permit.

As noted under Item 7 above, the future population of the Miller land holdings is subject to wide variation depending upon pending land use actions. If future development occurs at an urban density, we would expect to utilize a City of Bend water supply to meet typical household water needs. Quasi-municipal Permit G-13017 could be utilized under an urban development scenario for continued restoration of mining sites, restoration following development construction, irrigation of parks, maintenance of water features, a supplement to the City of Bend system, development of private commercial enterprises, or many other uses typical and ordinary for a municipality.

If development occurs under a rural scenario under Deschutes County jurisdiction, then Quasi-municipal Permit G-13017 could be utilized for direct service to homes through a water

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WATER RESOURCES DEPT
SALEM, OREGON

distribution system. The permit could also be utilized for parks, irrigation, commercial facilities, recreational facilities, restoration, irrigation, water features, and all the other uses noted above and typical of a municipality. Regardless of the type of development that ultimately occurs, Water Right Permit G-13017 is expected to be fully utilized and perfected.

As noted under Item 9 above, perfection of Permit G-13017 is expected to be completed over the next 20 years. The Applicant believes 20 years is needed and appropriate to complete land use zoning, gain entitlements, complete the development, and construct phased improvements in conformance with market demand.

11-B. Application for Extension of Time requests for greater than 50 years must include documentation that the demand projection is consistent with the amount and types of lands and uses proposed to be served by the permit holder.

Item 11-B is not applicable.

12. Provide a summary of a future plan and schedule to complete construction and/or perfect the water right. Answer in conjunction with Item 9.

APPROXIMATE DATE RANGE	WORK OR ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST
2009-2014	Oregon Land Conservation and Development Commission approval of Bend's UGB expansion.	\$50,000
2009-2014	Local and State Agency resolution of anticipated UGB expansion appeals.	\$50,000
2009 - 2014	Install the well pump, meter, well valves and manifolds, well house, and associated appurtenances.	\$250,000
2009 - 2014	Construct 3-phase power service for the well pump.	\$20,000
2014 – 2019	Construct approximately 40,000 lineal feet of underground piping, install distribution valves, provide applicable appurtenances, and complete a water distribution system.	\$1,800,00
2009 – 2014	Gain appropriate land use entitlements, complete engineering and surveying, conclude land planning, and generally obtain needed government approvals for development.	\$1,900,000
	Estimated Total Cost	\$4,070,000

13. Justify the time requested to complete the project and/or apply the water to full beneficial use.

As noted, the City of Bend has been evaluating and processing an Urban Growth Boundary expansion for the past 8 years. The City's land use process is not yet complete. Miller Tree Farm, LLC has requested an additional 8 years to complete construction and to perfect the water

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**WATER RESOURCES DEPT
SALEM, OREGON**

use, believing 10 years is appropriate for the following required government actions, in addition to required water system construction.

- Complete the City of Bend Urban Growth Boundary expansion process.
- Revise the land use plan, compatible with the Urban Growth Boundary.
- File land use applications and gain entitlements for the proposed land use plan.
- Address any protests or appeals that may be filed.
- Complete detailed designs and gain local government approvals for development, prior to any construction.

Government entitlements for proposed development of the Miller Tree Farm, LLC land holdings are significant. The extensive time frame required by the City of Bend to evaluate its UGB expansion provides an example of how land use entitlements can be very time consuming. In addition to the entitlement actions noted above, significant construction is required to fully utilize and perfect the water right. The timing of construction is dependent upon the real estate market, which is currently depressed. The combination of the entitlement process, the necessary construction, and the need to schedule development with an improved real estate market, provide justification for the requested 20 year time frame.

14. Provide any other information you wish OWRD to consider while evaluating the Application for Extension of Time.

Miller Tree Farm, LLC has a long history of cooperation with the City of Bend, the Bend LaPine School District, Bend Park and Recreation Department, and other local agencies. For example portions of the Miller property have been utilized for the City's domestic water source and storage facilities, water line easements, power easements, and a new elementary school. Miller Tree Farm, LLC has repeatedly demonstrated their commitment and contributions to the Bend community. A time extension for the Miller's perfection of water rights will benefit the community through continued coordination with government entities and compliance with community land use plans.

For Municipal water use permits issued before November 2, 1998, for the first extension issued after June 29, 2005, provide a copy of any agreements regarding use of the undeveloped portion of the permit between the permit holder and a federal or state agency that include conditions or required actions that maintain the persistence of listed fish species in the portions of the waterways affected by water use under the permit.

Item No. 15 is not applicable.

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**WATER RESOURCES DEPT
SALEM, OREGON**



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

Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits

Make use of this form, *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, only if the permit uses the word "Municipal" or "Quasi-municipal" in the description of the purpose or use to which water is to be applied.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for each permit as per OAR 690-315-0070(2). This page, with an original signature by the permit holder of record, must accompany any application for extension of time.

This application and a summary of review criteria and procedures that are generally applicable to this application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

I, Miller Tree Farm, LLC	Charley Miller
NAME OF PERMIT HOLDER [OAR 690-315-0070(1) and (3)(a)]	NAME OF CONTACT
110 NE Greenwood Avenue	Bend Or 97701
ADDRESS	CITY STATE ZIP
541-382-2022	charley@mlumber.com
PHONE	E-MAIL ADDRESS

the permit holder of: Application Number G - 13965
 Permit Number G - 13017
[OAR 690-315-0070(3)(b)]

do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the
 equipment necessary to the use of water), which time now expires on October 1, 2009, be
 extended to October 1, 2029,

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now
 expires on October 1, , be extended to October 1, 2029.

I am the permittee, or have written authorization from the permittee, to apply for an extension of time under this permit. I certify that the information I have provided in this application is true and correct to the best of my knowledge.

CO. MAY 13 2009
2/19/09

Signature _____ Date _____

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Thomas Walked

STATE OF OREGON
COUNTY OF DESCHUTES

DEC 20 1996

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILLIAM E MILLER AND THE CENTRAL OREGON PUMICE COMPANY
1 NW GREENWOOD AVE
BEND, OREGON 97701

(541)382-2022

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13965

SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 30, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 35, T17S, R11E, W.M.; 1320 FEET NORTH AND 2640 FEET WEST FROM THE SE CORNER OF SECTION 35.

THE PLACE OF USE IS LOCATED WITHIN:

- NE 1/4 NE 1/4
 - NW 1/4 NE 1/4
 - SW 1/4 NE 1/4
 - SE 1/4 NE 1/4
 - SW 1/4 NW 1/4
 - SE 1/4 NW 1/4
 - NE 1/4 SW 1/4
 - NW 1/4 SW 1/4
 - SW 1/4 SW 1/4
 - SE 1/4 SW 1/4
 - NE 1/4 SE 1/4
 - NW 1/4 SE 1/4
 - SW 1/4 SE 1/4
 - SE 1/4 SE 1/4
- SECTION 34

- SW 1/4 NE 1/4
- SE 1/4 NE 1/4
- SW 1/4 NW 1/4
- SE 1/4 NW 1/4
- NE 1/4 SW 1/4

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NW 1/4 SW 1/4
 SW 1/4 SW 1/4
 SE 1/4 SW 1/4
 NE 1/4 SE 1/4
 NW 1/4 SE 1/4
 SW 1/4 SE 1/4
 SE 1/4 SE 1/4

SECTION 35

NW 1/4 NW 1/4
 SW 1/4 NW 1/4

SECTION 36

TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

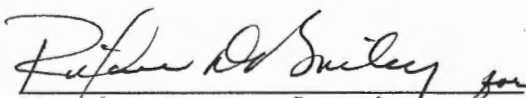
The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin on or before October 29, 1997, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

This permit is issued to correctly describe the authorized place of use. Permit G-12565, dated October 29, 1996 is superseded by this instrument and is of no further force or effect.

Issued this date, December " , 1996


Martha O. Pagel, Director
Water Resources Department

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Application G-13965 Water Resources Department
Basin Deschutes Volume 1, DESCHUTES RIVER & MISC.
MGMT.CODES 7BG, 7BR, 7JG, 7JR

PERMIT G-13017
District 11

Handwritten notes in the top right corner, including "Furnish" and "G-11" and a signature.

PLACED IN U.S. MAIL
MAY 18 1999

**Oregon Water Resources Department
Water Rights Division**

Water Right Permit Extension Application
for Permit Number G 13017

Water Right Application Number G 13965

Proposed Final Order

This Proposed Final Order applies only to permit number G 13017.

Summary of Recommendation

The Department proposes to:
grant the extension for complete construction of the water system from October 1, 1998 to October 1, 2009, and
grant the extension for complete application of water from October 1, 1999 to October 1, 2009.

Application History

Permit no. G 13017 was granted by the Water Resources Department on December 1, 1996. The permit authorizes use of 0.78 cfs of water from a well for Quasi-municipal in the Deschutes River basin. It specified that construction must be completed by October 1, 1998, and water applied to full beneficial use by October 1, 1999. A copy of permit no. G 13017 is attached.

On March 4, 1999, the Department received an application from William Miller and Central Oregon Pumice Co. for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2009 to complete construction of the water system and until October 1, 2009 to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following

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findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up by the time it takes to get resort project approval from, governmental agencies, and reclamation work. The applicant has a conditional land use approval for the project from Deschutes County, with approval for the resort being considered in phases. The applicant is doing reclamation work, grading, planting vegetation, because of the past mining impacts on some of the land in the development area.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes construction of the well, and 90% of the reclamation work.
 - b) The applicant has invested approximately \$ 125,000 of an estimated total water system project cost of \$ 675,000.
 - c) The work remaining to be completed consists of the remaining construction of the water delivery system and complete application of water. There is ongoing work to obtain the necessary land use permits.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence. Perfection of the permit has been delayed by the size and scope of the project.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction should be extended to October 1, 2009 and the length of time requested for completion of the application of water should be extended to October 1, 2009 as requested by the applicant.

Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use

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pursuant to ORS 537.230(2), and ORS 537.630 (1).

5. The permit extension should be approved until October 1, 2009 to complete construction and until October 1, 2009 to complete the application of water.

Conditions

The permittee must submit a written progress report to the Department by October 1, 2004. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence;
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there

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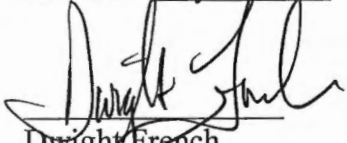
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are significant disputes related to the use of water, the Department will conduct a hearing.

Recommendation

The Department proposes to issue an order to:
extend the permit time to complete construction from October 1, 1998 to October 1, 2009
and
extend the permit time to complete application of water from October 1, 1999 to October 1, 2009.

DATED: May 18/1999



Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) A \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **July 2, 1999**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

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This document was prepared by Dallas Miller. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 272. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496

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Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

September 2, 2003

REC'D 10/9/03

Miller Tree Farm, LLC.
110 NE Greenwood Avenue
Bend, Oregon 97701

Reference: Application R-50044, Permit R-6892, Certificate 76320
Application R-52422, Permit R-6893, Certificate 76322
Application S-52423, Permit S-42782, Certificate 76323
Application G-13965, Permit G-13017

Regarding files R-50044, R-52422, and S-52423, certificates of water right have been issued as referenced above. Once a right is certificated, the right is appurtenant to the land for which it is issued irregardless of ownership, and therefore an assignment is not needed. I am refunding the unearned fees of \$45.00 dollars.

Regarding file G-13965, the assignment by court document granting authority, from William E. Miller Central Oregon Pumice Co. to Miller Tree Farm LLC., has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 62475 covering the recording fee of \$30.00 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure : receipt 62475, refund check

cc: Watermaster 11
Data Center, OWRD
Mary Rohling
File

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**MILLER TREE FARM, LLC
110 NE Greenwood Avenue
Bend, OR 97701
(541)382-2022**

September 23, 2004

Ms. Lisa J. Juul
Water Right Specialist
Water Section
Oregon Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271

**RE: Miller Tree Farm LLC
Application File No. G-13965 (Permit No. G-13017)
Extension of Time Progress Report**

Dear Ms. Juul:

The Oregon Water Resources Department (OWRD) issued a time extension for Permit G-13017 in August of 1999. The extension requires a written progress report on the work completed since the extension was granted. Miller Tree Farm LLC has diligently pursued perfection of the referenced permit, as outlined in the following paragraphs. Miller Tree Farm LLC believes the October 1, 2009 deadline for completion of water system construction is applicable and justified. We respectfully request your confirmation and approval of this required progress report.

Background and Property Description:

Permit G-13017 will ultimately serve approximately 826 acres in Deschutes County, westerly of Bend. Our property was historically utilized for surface mining, livestock production, and timber production. In addition, a residential development has been proposed. The quasi-municipal groundwater appropriation was intended to accommodate domestic use, irrigation, surface mine reclamation, lake maintenance and aesthetics, livestock watering, fire protection, industrial uses, and similar uses typical of a municipality.

The various uses on the subject property are subject to multiple agency approvals and restrictions. For example, timber production is subject to an Oregon Department of Forestry management plan. Residential development is subject to Deschutes County land use regulations. Surface mining and reclamation are subject to the Oregon Department of Geology and Mineral Industries. The various agency requirements, permits, and time schedules must be carefully orchestrated with the OWRD time frames and permit conditions to assure all aspects of the various land uses are perfected concurrently. Significant progress has been made, but additional time is required to complete construction of water works and accomplish beneficial use of the quasi-municipal permit.

Our father, William E. Miller, actively managed the land and water rights for 45 years until he became seriously ill in 2000. He passed away in 2001, requiring us to settle the estate and learn of the multiple obligations and

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commitments for water rights and other property issues. We are trying to fast-track multiple projects, but clearly lost some time with the loss of our father.

Amount of Construction Completed and Financial Investments:

STACO Well Services, Inc. was retained in the fall of 1997 to construct a groundwater well. A ten-inch diameter bore and eight inch casing were installed to 503 feet below the ground surface. Standard surface seals were completed. Between 1997 and 1999, significant grading and reclamation work on old mine sites was completed in preparation for revegetation of mining areas. We incurred expenses of approximately \$125,000 on water related expenses prior to the original extension application in 1999.

Between 1999 and 2004, the following construction work has been completed and financial investments made.

Description of Completed Construction Work	Costs Incurred or Committed
Property improvements: Significant property improvements have been completed in preparation for residential development, to enhance security, construct roads for timber management, and provide fire protection measures. Specific improvements included perimeter fencing, construction of a boulder fence for security, timber thinning, roadway construction, clean up of an old equipment yard, and removal of scrap metal and debris. Property improvements are required to support and prepare for the use of the groundwater well and extension of pipelines.	\$55,632
Water Right Processing: Miller Tree Farm, LLC incurred legal and engineering fees associated with water right management of the groundwater well, but also application for a storage pond that is intended to be supplemented with the subject right. In addition, Miller Tree Farm leased storage rights to an instream use to protect and preserve their ability to store water on the subject property in the future.	\$4,717
Land Use Planning: Miller Tree Farm, LLC has incurred engineering, legal, and planning fees in the ongoing process to prepare a land use master plan, change the zoning for a small section of the served property, evaluate residential development alternatives, and participate in numerous work sessions and reviews on land use matters.	\$14,699
City of Bend and Bend Metro Park and Recreation District Easements: Miller Tree Farm, LLC has worked carefully with the City of Bend and the Park District to facilitate future residential development, including the coordination of utility easements and a future trail corridor. Miller Tree Farm incurred legal fees in the coordination effort.	\$1,067
Timber Production: Miller Tree Farm, LLC has prepared and received approval for a forestry plan, under the jurisdiction of the Oregon Department of Forestry. The applicant has incurred consultant fees and also committed to the purchase of approximately 3000 trees for restoration of old mining sites. The reclamation areas and young trees are expected to be irrigated.	\$6,000 to \$10,000
Well Pump Power: Miller Tree Farm, LLC has worked with Pacific Power to design a power service for the groundwater well pump. The necessary surveying and preparation of power easements has been completed and Miller Tree Farm has committed to Pacific Power for the installation of a power line extension to serve the three phase well pump.	\$15,000 to \$20,000
ESTIMATED TOTAL	\$97,115 to 106,115

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Permittee's Compliance with Permit Terms:

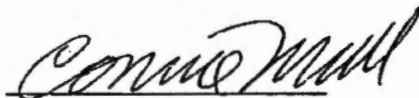
Permit G-13017 requires well construction in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. As noted, the Miller family retained STACO Well Services, Inc., a certified well contractor, and completed well construction in conformance with the required standards in 1997. We initiated construction of the required well before the required deadline of October 29, 1997 and completed the well shortly after. A standard Form "A" completion notice was submitted previously to the OWRD.

Permit conditions include a requirement for water use to conform with land use regulations. As noted, Miller Tree Farm, LLC has cooperated with the City of Bend, Deschutes County, and other jurisdictions and completed significant land use planning to assure conformance with land use regulations.

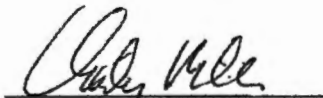
In summary, Miller Tree Farm LLC has worked diligently for a number of years to perfect water use under Permit G-13017. The time extension to complete construction of the water system until October 2009 is necessary and is justified by the progress made in recent years. On behalf of Miller Tree Farm LLC, your review and approval are respectfully requested. Please consider my comments and never hesitate to contact me if you have questions or require additional information. Thank you for your assistance.

Sincerely,

Miller Tree Farm, LLC



Connie Marshall
Co-Manager



Charley Miller
Co-Manager

Cc: Tom Walker

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541 3842401

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AMENDED LOG

L16358

(START CARD) # ~~104259~~ 104263

STATE OF OREGON WATER SUPPLY WELL REPORT

(as required by ORS 537.765)

Instructions for completing this report are on the last page of this form.

(1) OWNER:

Well Number _____

Name Central Oregon Pumice Co.
Address 110 NE Greenwood Ave
City Bend State OR Zip 97701

(2) TYPE OF WORK

New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:

Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:

Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other Quasi Min.

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well 503 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
13	0	19	Cement	0	19	10 SACKS
10	19	503				

How was seal placed: Method A B C D E
 Other

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Material			
					Steel	Plastic	Welded	Threaded
Casing:	10	+1	19	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:	8	-1	503	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

Perforations Method Factory
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
400	503	1/8x3	3200		8	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing
 Artesian
Yield gal/min 200+ Drawdown _____ Drill stem at _____ Time 1 hr.

Temperature of water 54 Depth Artesian Flow Found _____

Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Deschutes Latitude _____ Longitude _____
Township 17S N or S Range 11E E or W. WM.
Section 35 NW 1/4 SE 1/4
Tax Lot 6201 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address): Skyliner Rd

(10) STATIC WATER LEVEL:

340 ft. below land surface. Date 10/1/97
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 448

From	To	Estimated Flow Rate	SWL
448	504	200+	340

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(12) WELL LOG:

Ground Elevation _____ WATER RESOURCES DEPT
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Material	From	To	SWL
Top Soil	0	15	
Basalt	15	25	
Pumice	25	90	
Basalt + black med. hrd	90	180	
Lava blk red soft	180	220	
Basalt + gray hrd	220	239	
Basalt + gray tan + fine hrd	239	270	
Voidy - blk + cnc	270	275	
Basalt + gray hrd	275	285	
Cherters - lava red soft	285	315	
Lava blk med. hrd	315	335	
Cherters - blk soft	335	351	
Basalt + med. hrd	351		
Voidy blk			
Basalt + gray med. hrd	368	375	
Pumice blk + lava red	375		
Lava blk		435	
Lava blk + gray red	435		
Soft		444	

CONTINUED

Date started _____ Completed _____

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed [Signature] WWC Number 1761 Date 10/1/97

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed [Signature] WWC Number 1123 Date 10/1/97

Page 2 of 2

Amended Log

STATE OF OREGON WATER SUPPLY WELL REPORT

(as required by ORS 537.765)

Instructions for completing this report are on the last page of this form.

L16358

(START CARD) # H-4059-104203

OWNER: Well Number Name: Central Oregon Nurseries Co Address: 110 NE Greenwood Ave City: Bend State: OR Zip: 97701

(2) TYPE OF WORK: [] New Well [] Deepening [] Alteration (repair/recondition) [] Abandonment

(3) DRILL METHOD: [] Rotary Air [] Rotary Mud [] Cable [] Auger [] Other

(4) PROPOSED USE: [] Domestic [] Community [] Industrial [] Irrigation [] Thermal [] Injection [] Livestock [] Other

(5) BORE HOLE CONSTRUCTION: Special Construction approval [] Yes [] No Depth of Completed Well: ft. Explosives used [] Yes [] No Type: Amount:

Table with columns: HOLE Diameter, SEAL From, To, Material, From, To, Sacks or pounds

How was seal placed: Method [] A [] B [] C [] D [] E [] Other

Backfill placed from: ft. to: ft. Material: Gravel placed from: ft. to: ft. Size of gravel:

CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded

Final location of shoe(s):

(7) PERFORATIONS/SCREENS: Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner

(8) WELL TESTS: Minimum testing time is 1 hour

Table for well tests with columns: Pump, Bailer, Air, Flowing Artesian, Yield, Drawdown, Drill stem, Time

Temperature of water: Depth Artesian Flow Found: Was a water analysis done? [] Yes By whom: Did any strata contain water not suitable for intended use? [] Too little [] Salty [] Muddy [] Odor [] Colored [] Other: Depth of strata:

(9) LOCATION OF WELL by legal description: County: Deschutes Latitude: Longitude: Township: 17S N or S Range: 11E E or W. WM: Section: 35 NW 1/4 SE 1/4 Tax Lot: 1501 Lot: Block: Subdivision: Street Address of Well (or nearest address): Skyliner Rd

(10) STATIC WATER LEVEL: ft. below land surface. Date: Artesian pressure lb. per square inch. Date:

(11) WATER BEARING ZONES: Depth at which water was first found:

Table with columns: From, To, Estimated Flow Rate, SWL

(12) WELL LOG: Ground Elevation:

Table for well log with columns: Material, From, To, SWL

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WATER RESOURCES DEPT SALEM, OREGON

Date started 9/23/97 Completed 10/16/97

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed: Greg A. [Signature] WWC Number 1701 Date 10/16/97

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed: [Signature] WWC Number 123 Date 10/16/97

February 17, 2009

Mr. Scott Kudlemyer
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

**Re: Miller Tree Farm, LLC
Water Right Application No. G-13965
Water Right Permit No. G-13017
Application for Extension of Time
WHP File No.: 35666.1000**

RECEIVED

FEB 19 2009

WATER RESOURCES DEPT
SALEM, OREGON

Dear Scott:

I have enclosed an executed Application for an Extension of Time for Water Right Permit G-13017 for Miller Tree Farm, LLC. This water right is critically important to on-going operations and opportunities for the Applicant's land holdings on the west side of Bend. Your review and approval are respectfully requested.

The following documents are attached for your review and use:

- Executed Application for an Extension of Time for Municipal and Quasi-Municipal Water Use Permits.
- Check in the amount of \$350.00 for the Extension of Time Application Fee.
- Worksheet Attachment for Extension of Time Application.
- Permit G-13017.
- May 18, 1999 Proposed Final Order for the Initial Time Extension.
- September 2, 2003 Assignment Correspondence.
- September 23, 2004 Extension of Time Progress Report.
- Well Log.

Miller Tree Farm, LLC owns significant land on the west edge of Bend and obtained groundwater Permit G-13017 in 1996 to support development and enhance those land holdings. Well construction under the referenced water right permit was initiated in conformance with the permit deadline and the standard Form A submitted. Construction of the well was also completed in conformance with permit deadlines. However, additional time is required to perfect the water right. As noted in the attached worksheet for the time extension, significant progress has been made in perfecting the permit, including well construction, reclamation of pumice mines on the property, significant land planning, and land use work. Miller Tree Farm, LLC has incurred expenses to-date of approximately \$583,252 in perfection of the referenced permit.

The most significant impediment to perfection of the groundwater permit has been the land use process for land holdings. A significant portion of the Miller property is designated as Urban Area Reserve, which abuts



the City of Bend Urban Growth Boundary. The City of Bend initiated evaluations for its Urban Growth Boundary expansion approximately eight years ago, which directly affects development opportunities for Miller Tree Farm, LLC. The City of Bend initially anticipated completion of the UGB expansion in 2005.

The City of Bend has still not concluded its Urban Growth Boundary expansion proceedings. Within the past few weeks the Bend City Council approved a recommendation to include significant portions of the Applicant's land within its proposed Urban Growth Boundary (UGB) expansion. Recently Deschutes County also recommended approval of the City's UGB expansion plan. The expansion of the UGB however is still subject to review and approval by the Land Conservation and Development Commission, and resolution of anticipated appeals. In summary, the land use and the associated development opportunities for the Miller land holdings remain unknown, until this Urban Growth Boundary expansion process is completed.

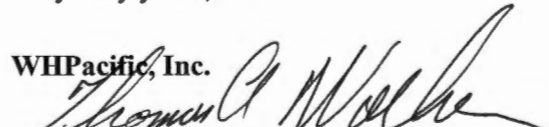
As you can imagine, development opportunities vary significantly depending upon the final outcome of the Urban Growth Boundary expansion for the City of Bend. If included within the UGB, the Miller's land could be developed to urban standards. However, if development occurs outside of the City's UGB under Deschutes County authority, then a significantly different rural standard would apply. Miller Tree Farm, LLC has been engaged in the City's UGB expansion process, and at the same time prepared land use plans for both urban and rural development alternatives. Regardless of the significant land planning efforts, completion of the City's UGB expansion process remains the critical element in determining what the future development will be, and therefore how the water right will be perfected.

The Oregon Water Resources Department Administrative Rule 690-315-0080 recognizes that Government requirements can significantly delay perfection of water rights. The referenced Administrative Rule states "In determining reasonable diligence and good faith of the holder of a municipal or quasi-municipal water use permit, the Department shall consider activities associated with the development of the right that may include, but are not limited to: water management planning; conservation planning; development of a water master plan for the Oregon Health Division; planning of a diversion system; demand forecasting; flow or water quality monitoring; source evaluation; entry into intergovernmental agreements for water delivery; property acquisition; engagement in government permitting or project financing; procurement of planning, design, or construction services; surveying; and any physical work performed toward completion of the system and development of the right." The Applicant requests your careful consideration and support of their significant work in land planning, design and government permitting, as justification for a time extension.

Your review and assistance are greatly appreciated. We look forward to your review and response.

Very truly yours,

WHPacific, Inc.


Thomas A. Walker, P.E., C.W.R.E.

RECEIVED

FEB 19 2009

WATER RESOURCES DEPT
SALEM, OREGON

Cc: Charley Miller, Connie Marshall, Jeremy Giffin

e

Municipal or Quasi-Municipal

Extension PFO Checklist for Water Use Permits

issued on or prior to November 2, 1998

(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 13965 Permit: G- 13017 Permit Amendment? No Yes T- pending approved

Permit Holder's Name: Miller Tree farm, LLC Attn: _____

Permit Holder's Mailing Address: 110 NE Greenwood Ave Bend, OR 97701 email charley @mlumber.com

Phone Number: 541-382-2022

POD Location: Township 17 S Range 11E Section 35 $\frac{1}{4}$ NESW

Drainage Basin: 5 County: Deschutes Watermaster District: 11 Watermaster: Jeremy Giffin

Date Permit was issued: 12/11/1996

Priority Date: 1/30/1995

Date of PN: 2/24/2009

Source: One well within Deschutes Basin

Use: Municipal Quasi Municipal _____

"Q": 0.78 cfs

Orig "A" Date: 10/29/1997

Orig "B" Date: 10/1/1998

Orig "C" Date: 10/1/1999

Extension request rec'd: 2/19/2009

Last Authorized "B" Date: 10/1/2009

Last Authorized "C" Date: 10/1/2009

Request Number (1, 2, 3...): 2

Proposed "B" Date: 10/1/2029

Proposed C Date: 10/1/2029

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Install Meter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wells constructed within General Standards
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 0.00 cfs gpm af Undeveloped portion 0.78 cfs gpm af
- Financial investments were made toward developing the beneficial water use.
 - Amount Invested to date: \$583,252 Estimated Remaining Cost: \$4,070

No CW review needed. Rightful

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes No

Population 1 (Year) 2008 Growth 4% Population 3,250 by (Year) 2029 calculated? Yes *inside UGB's*
 As of 4 Projected 200 2029 Peak Demand 0.78 cfs by (Year) 2029 calculated? Yes *inside UGB's*

Application: G- 13965 Permit: G- 13017 Township 17 S Range 11E Section 35

For MUNICIPAL permits ONLY.

- Yes No
- Is this a Municipal use Permit (If YES, proceed. If NO, skip to "Good Cause")
 - Has full "Q" been beneficially used? (If YES, skip to "Good Cause")
 - Is this the first extension issued since 6/29/05? (If NO, skip to "Good Cause")
 - If GW permit, does it have PSI? (If NO, skip to "Good Cause")
 - Does the permit holder have any existing fish protection agreements with a state or federal agency?

Date sent to ODFW for review n/a
Date returned from ODFW n/a *SK*

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

- Yes... "Good Cause" can be found. Approval of Extension Request
No ... "Good Cause" cannot be found. Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes No
(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

- Max "Q" Development Limitations and Div. 86 Water Management and Conservation Plan
- Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- COBU Requirement - Surface Water - post July 9, 1987**
"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
- COBU Requirement - Ground Water - post July 9, 1987**
"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:
WMCP possibly needed if land developed within the City of Bend UGB, projected population 3,250, 20 yr extension. sbk

Extension "PFO" Dates
Mailing / Issuance Date: _____ Protest Deadline Date: _____
Reviewer's Name: _____ Date: _____

Application # G-13965

Permit # G-13017

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**
Money Received on: 2/19/09

- ◆ **Extension Specialist...**
 - Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

- ◆ **Jonnine Skaug...**
 - Publish on Public Notice (initial 30-day comment): Date of notice 2/24/09
 - Update WRIS Database
 - In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.
 - In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No: Return file to Extension Specialist after PN



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

February 24, 2009

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE # G-13965 (PERMIT # G-13017)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Scott Kudlemyer at (503) 986-0813. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "www.wrd.state.or.us".

TO: Water Rights Section 2/18, 1996
FROM: Groundwater/Hydrology Section Gates
SUBJECT: Application G-13965 Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

- 1. PER THE Deschutes Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.

- 2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or _____ have the potential for substantial interference with the nearest
 - b. will not _____ surface water source, namely Deschutes River; or
 - c. ___ will if properly conditioned, adequately protect the surface water from interference:
 - i. ___ The permit should contain condition #(s) _____;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. ___ will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7J, 7B
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or

- 4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

13965

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ___ review of the well log;
 - b. ___ field inspection by _____;
 - c. ___ report of CWRE _____;
 - d. ___ other: (specify) _____

6. THE WELL construction deficiency:
- a. ___ constitutes a health threat under Division 200 rules;
 - b. ___ commingles water from more than one groundwater reservoir;
 - c. ___ permits the loss of artesian head;
 - d. ___ permits the de-watering of one or more groundwater reservoirs;
 - e. ___ other: (specify) _____

7. THE WELL construction deficiency is described as follows: _____
- _____
- _____

8. THE WELL
- a. ___ was, or constructed according to the standards in effect at the time of
 - b. ___ was not original construction or most recent modification.
 - c. ___ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. ___ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ___ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ___ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

_____, 199__.

(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 199__.

(Signature)

County: Deschutes

Quad name & #: Stevedin Part 214

Bend

REVIEW CHECKLIST

FOR G-13965

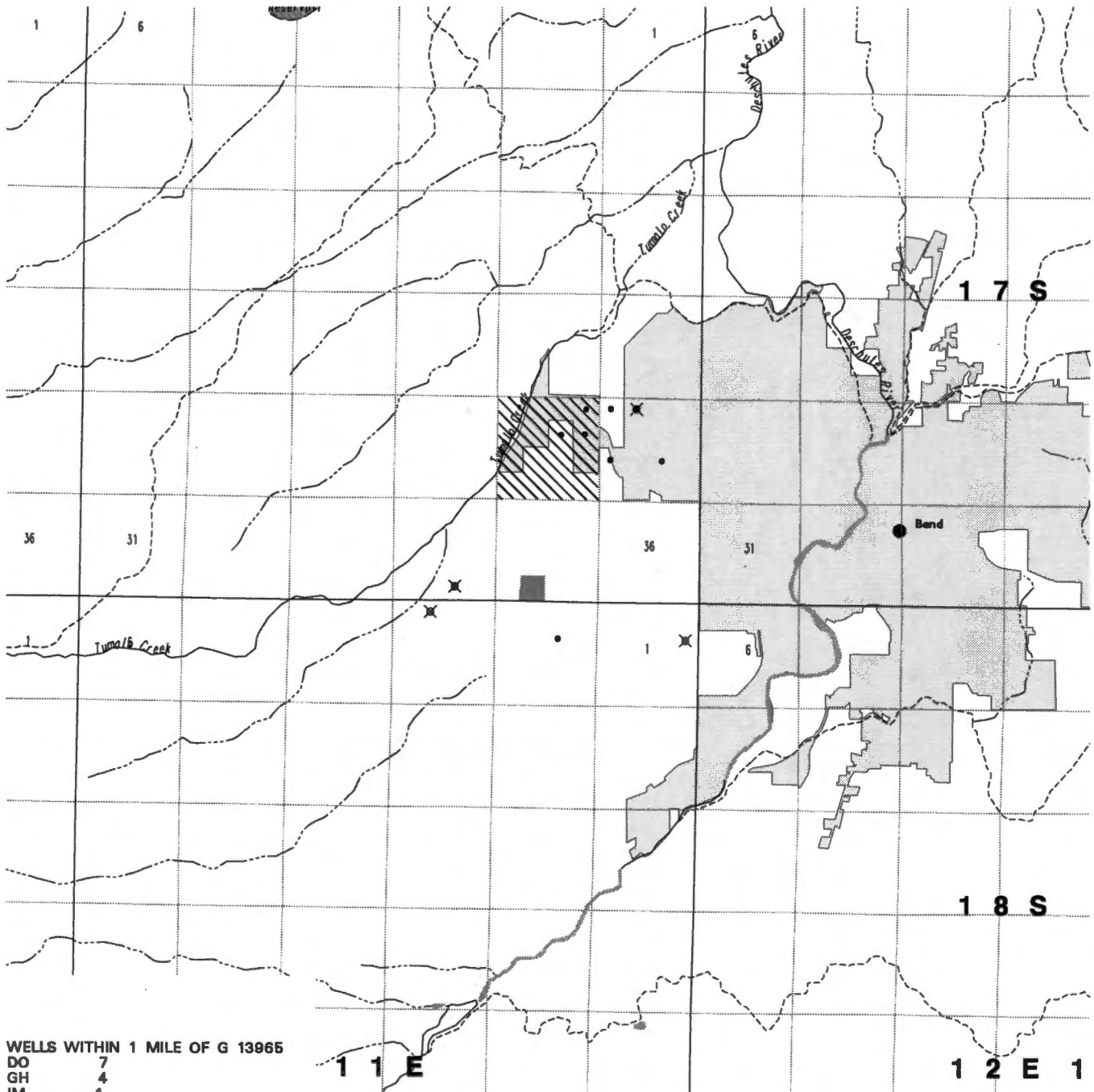
- Appropriate parts of the stream index
- Estimated number of wells within one-mile radius & identified types.
- Verify that the well log is in application. If not, provide one. not found
- State observation wells within five-mile radius.
- List groundwater permits within a five-mile radius with extraordinary conditions.

APPLICATIONS WITH PERMIT CONDITIONS: 17S, 11E, 3S

612226	4E-10cfs
13097	4I-4H
13098	4I-4H
12226	_____
11942	4E-8cfs
13072	7A, 7B, 7J
13072	

Wells in the vicinity of application G 13965

- Application well(s) in this 1/4-1/4 section
- ◻ Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ✕ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)



WELLS WITHIN 1 MILE OF G 13965

DO	7
GH	4
IM	1
IR	1
MU	1
UN	1

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 13965

PERMIT	T/R/S/QQ	USE	RATE	UNITS
G 11106	17.00S11.00E25NENW	IR	3.6400	C
G 11106	17.00S11.00E25NENW	RC	0.1500	C
G 11380	17.00S11.00E34SWSE	MU	10.0000	C
G 11380	18.00S11.00E 3NENW	MU	10.0000	C
G 11091	18.00S11.00E 1SENE	QM	2.7000	C

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: FILE G- 13965
FROM: SARAH M. GATES
SUBJECT: SURFACE/GROUND WATER CONSIDERATIONS

DATE: 3/18/96

The applicant seeks 350 gpm from a well for quasi-municipal

Township 17S Range 11E Section 34, 35, 36 County Deschutes

Per Division 9

5300

Tumalo Creek

The well is located 1.4 miles from Deschutes River

Elevation of well 3822 river 3600 difference 222'

TC → 3740

TC → 32'

LOG # Desc 51145

Depth of well 450 est.

Casing to 450 est.

Lined to _____

Sealed to _____

SWL _____ on _____

Depth water first found 375 est.

Applicant William Miller / Central Oregon Rmnce Co

1 NW Greenwood Ave

Bend, OR 97701

382-3032

Will not drilled yet

Perforations/screens _____ units
_____ units
_____ units
_____ units

Well Tests (P/A/B/FA) _____

Information sources Bend Quad, OR located wells, Shavlin Park Quad

Observation wells? 17004717

Conceptual model well will be developing water in the layered lava flows of the Deschutes Fm. But flow is towards the NE, several miles away (350'). Deschutes River is losing water at its reach closest to the well. There are some nearby big users which could overdrift the system.

Confined, semi-confined, or unconfined?

DIRECT hydraulic connection?

YES NO

Potential to cause substantial interference?

YES NO

Objections? No

CONDITIONS: Scenic Waterway Condition
Interference Condition, FB

17008509 - Broken Top Limited
17/11/34 Municipal
TD = 700'
SWL = 482
WFF @ 130

17004717 - Olmstead
TD = 380
SWL = 363
WFF @ 363

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## 6-13965

ROUTED TO: Marilyn

TOWNSHIP/

RANGE-SECTION: 17S/11E-34,35,36

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Gates

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G 13965

Final Order
Extension of Time for Permit Number G 13017

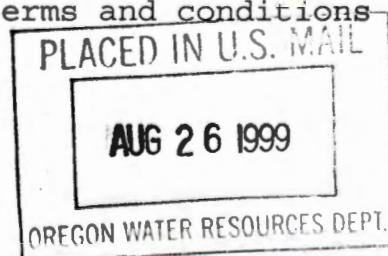
Application History

On March 4, 1999, William Miller and Central Oregon Pumice Co. submitted an application to the Department for an extension of time for permit number G 13017. The Department issued Permit number G 13017 on December 1, 1996. The permit called for completion of construction of the water development project by October 1, 1998 and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-320-0010(8), on May 18, 1999, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2009, and the time to fully apply water to beneficial use to October 1, 2009. The protest period closed July 2, 1999. No protest was filed.

The permittee must submit a written progress report to the Department by October 1, 2004. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.



db ✓
copies ✓

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence;
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

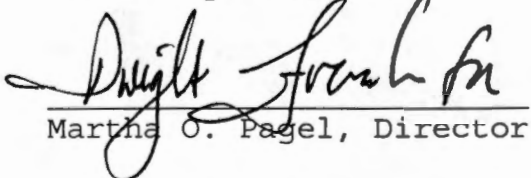
In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

Order

The extension of time for Application G 13965, Permit Number G 13017, therefore, is approved. The extension is issued as limited by the conditions set forth in the permit and the conditions incorporated herein. The deadline for completing construction is extended to October 1, 2009. The deadline for applying water to full beneficial use is extended to October 1, 2009.

DATED August 13, 1999


Martha O. Pagel, Director

Appeal Rights

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served. ORS 183.484.

PLACED IN U.S. FILE

MAY 18 1999

**Oregon Water Resources Department
Water Rights Division**

Water Right Permit Extension Application
for Permit Number G 13017

Water Right Application Number G 13965

Proposed Final Order

This Proposed Final Order applies only to permit number G 13017.

Summary of Recommendation

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 1998 to October 1, 2009, and

grant the extension for complete application of water from October 1, 1999 to October 1, 2009.

Application History

Permit no. G 13017 was granted by the Water Resources Department on December 1, 1996. The permit authorizes use of 0.78 cfs of water from a well for Quasi-municipal in the Deschutes River basin. It specified that construction must be completed by October 1, 1998, and water applied to full beneficial use by October 1, 1999. A copy of permit no. G 13017 is attached.

On March 4, 1999, the Department received an application from William Miller and Central Oregon Pumice Co. for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2009 to complete construction of the water system and until October 1, 2009 to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following

findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up by the time it takes to get resort project approval from, governmental agencies, and reclamation work. The applicant has a conditional land use approval for the project from Deschutes County, with approval for the resort being considered in phases. The applicant is doing reclamation work, grading, planting vegetation, because of the past mining impacts on some of the land in the development area.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes construction of the well, and 90% of the reclamation work.
 - b) The applicant has invested approximately \$ 125,000 of an estimated total water system project cost of \$ 675,000.
 - c) The work remaining to be completed consists of the remaining construction of the water delivery system and complete application of water. There is ongoing work to obtain the necessary land use permits.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence. Perfection of the permit has been delayed by the size and scope of the project.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction should be extended to October 1, 2009 and the length of time requested for completion of the application of water should be extended to October 1, 2009 as requested by the applicant.

Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use

pursuant to ORS 537.230(2), and ORS 537.630 (1).

5. The permit extension should be approved until October 1, 2009 to complete construction and until October 1, 2009 to complete the application of water.

Conditions

The permittee must submit a written progress report to the Department by October 1, 2004. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence;
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there

are significant disputes related to the use of water, the Department will conduct a hearing.

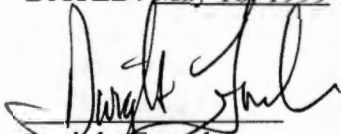
Recommendation

The Department proposes to issue an order to:

extend the permit time to complete construction from October 1, 1998 to October 1, 2009 and

extend the permit time to complete application of water from October 1, 1999 to October 1, 2009.

DATED: May 18/1999



Dwight French
Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) A \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than July 2, 1999.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

This document was prepared by Dallas Miller. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 272. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILLIAM E MILLER AND THE CENTRAL OREGON PUMICE COMPANY
1 NW GREENWOOD AVE
BEND, OREGON 97701

(541)382-2022

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13965

SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 30, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 35, T17S, R11E, W.M.; 1320 FEET NORTH AND 2640 FEET WEST FROM THE SE CORNER OF SECTION 35

THE PLACE OF USE IS LOCATED WITHIN:

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 34

SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4

NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 35

NW 1/4 NW 1/4
SW 1/4 NW 1/4

SECTION 36

TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

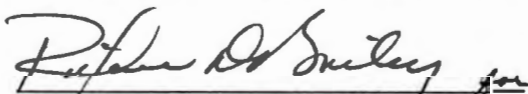
The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin on or before October 29, 1997, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

This permit is issued to correctly describe the authorized place of use. Permit G-12565, dated October 29, 1996 is superseded by this instrument and is of no further force or effect.

Issued this date, December // , 1996


Martha O. Pagel, Director
Water Resources Department

Application G-13965 Water Resources Department
Basin Deschutes Volume 1, DESCHUTES RIVER & MISC.
MGMT.CODES 7BG, 7BR, 7JG, 7JR

PERMIT G-13017
District 11

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, William E. Miller and The Central Oregon Pumice Company

110 NE Greenwood Ave. ^{NAME} Bend OR 97701 (541) 382-~~1500~~ (1581)
ADDRESS CITY STATE ZIP PHONE

record owner of application No. G-13965 permit No. G-13017, do hereby request that the time in which to:

complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19____, be extended to October 1, _____, and/or the time in which to

accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1999, be extended to October 1, 2009.

The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]? yes

2-Have you put any water to use under this permit [yes/no]? no
If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]? no If no, please explain.
Which terms and/or conditions have not been completely fulfilled at this time. Actual construction of the well has been completed. Approximately 95% of the required reclamation work has been completed in preparation for seeding and irrigation. However, no application of the water to the use has occurred.

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit.

(a) within past year significant grading and reclamation work has been accomplished in mining areas. In addition, significant work has been accomplished to create fire breaks, block unauthorized access and generally protect the reclamation and development areas.

(b) prior to this past year STACO Well Services, Inc. constructed a well bore to total depth of approximately 500 feet, completed the surface seal, and installed 8" casing for the full depth of the well.

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MAR 04 1999

WATER RESOURCES DEPT.
SALEM, OREGON

6 and have accomplished beneficial use of water to the extent of (amount of water used or acres irrigated) _____

The well was ^{partially} test pumped, but the application of water awaits additional _____
reclamation work.

4-Cost of project to date +/- \$125,000. Projected cost for completion of project +/- \$550,000.

5-Have there been any unforeseen events which delayed development of water system? Mr. Miller anticipated phased development and a relatively long timeframe for perfection of the permit. Also, Central Oregon Pumice shipped from stockpiles until April of 1997, which deferred reclamation work.

6-Have there been any significant government requirements that have delayed the completion of construction or application of water? [please explain] Deschutes County adopted Destination Resort mapping in 1996, but only adopted the implementing ordinance for destination resort development in the past month.

7-What reasons was the project not completed within permit time limits? Mining operations deferred the required reclamation until the Spring of 1997. The original permit time limits were not adequate to allow completion of the phased development for a project of this magnitude. Both mining and development must comply with market demand which are beyond the control of the applicant.

8-Has there been any change in the demand for water or power since permit was issued? (please explain) Mr. Miller does not believe the demand for water or power has changed significantly since 1996 when the permit was issued.

9-Has there been any change in the market for water or power since the permit was issued? (please explain) _____
Mr. Miller does not believe the market for water or power has changed significantly since 1996, when the permit was issued.

10-Will the income or use from this project provide reasonable returns against the investment in this project? (please explain)
Yes - Reclamation of old mining areas is required to maintain land values and facilitate development. The financial return from development is

projected to clearly warrant the perfection of this permit.

11-If the extension request is denied, is the current level of water use economically feasible? (please explain)

No - Continued reclamation and development, as contemplated, are necessary to recover capital already invested in the perfection of this permit.

12-Is there an alternative source of water available [yes/no please explain]? No - No surface water is available and no municipal supplies are available. Not currently, but possibly in future. Some City of Bend winter over flow could provide supplemental water for the long-term project.

13-Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area ? (please explain)

No - Annual groundwater level measurements demonstrate no decline and OWRD findings at the time this permit was issued indicate no measurable impact on surface waters.

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed.

I am the permittee or have authorization from the permittee to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

Signature William E. Tuttle as an individual & Pres. of Central Oregon Turf Company

MAIL COMPLETED APPLICATION TO:
WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

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MAR 04 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**



920 S.W. Emkay Dr., Suite C-100
Bend, Oregon 97702

February 16, 1999

Mr. Dallas Miller
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

**RE: William E. Miller
Central Oregon Pumice Company
Permit G-13017
OWRD Application No. G-13965
WHP File No. 649-0102**

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MAR 04 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

Dear Dallas:

We have prepared the attached extension application for your review and approval. The referenced quasimunicipal permit for Mr. Miller and the Central Oregon Pumice Company was issued on October 29, 1996. Construction was initiated in conformance with the permit deadline and the standard Form A was submitted. Construction of the well was also completed in conformance with the permit deadlines. However, additional time is required to fully put the water to beneficial use and fully perfect the permit right. A check in the amount of \$100.00 is enclosed for the extension application fee.

Mr. William E. Miller and the Central Oregon Pumice Company have made significant progress in perfecting the quasimunicipal permit. A 10" diameter well has been constructed to a total depth of 504 feet. In addition, significant grading and reclamation work has been accomplished in preparation for revegetation of mining areas. Residential development work has been deferred, partially because Deschutes County has only recently adopted the necessary destination resort ordinance for the lands appurtenant to this permit. Although Deschutes County adopted destination resort mapping several years ago, the implementing ordinance was just adopted this past month. Mr. Miller has incurred expenses to date of approximately \$125,000, in the perfection of the referenced permit.

Although significant progress has been made in perfecting the permit, additional time is required to complete the required reclamation of pumice mines on the property and complete a phased development. Reclamation of mined areas was deferred until previously stockpiled materials were shipped. Approximately 95% of the required reclamation has now been completed. In addition, the phased development requires extensive land use approvals and entitlements, and an extensive capital investment. The applicant respectfully requests a ten year extension to complete the required reclamation and development, and fully put the water to beneficial use.

The long-term schedule for phased development of the property is dependent upon market demand, which the applicant can not control. Our request for a ten year time extension is based upon our understanding of the maximum allowable extension. If additional time is possible, we would certainly appreciate your review and advice.



Please consider this request and attachments. Please never hesitate to contact me if you have questions or needs for additional information. The water right is critical to Mr. Miller and the Central Oregon Pumice Company, and we do not want to jeopardize this permit in any way. Thank you for your assistance.

Very Truly Yours,

W&H PACIFIC, INC.



Thomas A. Walker, P.E., C.W.R.E.
Vice President

Cc: William E. Miller

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MAR 04 1999
WATER RESOURCES DEPT.
SALEM, OREGON

**MILLER TREE FARM, LLC
110 NE Greenwood Avenue
Bend, OR 97701
(541)382-2022**

September 23, 2004

Ms. Lisa J. Juul
Water Right Specialist
Water Section
Oregon Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271

**RE: Miller Tree Farm LLC
Application File No. G-13965 (Permit No. G-13017)
Extension of Time Progress Report**

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SEP 27 2004

**WATER RESOURCES DEPT
SALEM, OREGON**

Dear Ms. Juul:

The Oregon Water Resources Department (OWRD) issued a time extension for Permit G-13017 in August of 1999. The extension requires a written progress report on the work completed since the extension was granted. Miller Tree Farm LLC has diligently pursued perfection of the referenced permit, as outlined in the following paragraphs. Miller Tree Farm LLC believes the October 1, 2009 deadline for completion of water system construction is applicable and justified. We respectfully request your confirmation and approval of this required progress report.

Background and Property Description:

Permit G-13017 will ultimately serve approximately 826 acres in Deschutes County, westerly of Bend. Our property was historically utilized for surface mining, livestock production, and timber production. In addition, a residential development has been proposed. The quasi-municipal groundwater appropriation was intended to accommodate domestic use, irrigation, surface mine reclamation, lake maintenance and aesthetics, livestock watering, fire protection, industrial uses, and similar uses typical of a municipality.

The various uses on the subject property are subject to multiple agency approvals and restrictions. For example, timber production is subject to an Oregon Department of Forestry management plan. Residential development is subject to Deschutes County land use regulations. Surface mining and reclamation are subject to the Oregon Department of Geology and Mineral Industries. The various agency requirements, permits, and time schedules must be carefully orchestrated with the OWRD time frames and permit conditions to assure all aspects of the various land uses are perfected concurrently. Significant progress has been made, but additional time is required to complete construction of water works and accomplish beneficial use of the quasi-municipal permit.

Our father, William E. Miller, actively managed the land and water rights for 45 years until he became seriously ill in 2000. He passed away in 2001, requiring us to settle the estate and learn of the multiple obligations and

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SEP 24 2004

WATER RESOURCES DEPT

commitments for water rights and other property issues. We are trying to fast-track multiple projects, but clearly lost some time with the loss of our father.

Amount of Construction Completed and Financial Investments:

STACO Well Services, Inc. was retained in the fall of 1997 to construct a groundwater well. A ten-inch diameter bore and eight inch casing were installed to 503 feet below the ground surface. Standard surface seals were completed. Between 1997 and 1999, significant grading and reclamation work on old mine sites was completed in preparation for revegetation of mining areas. We incurred expenses of approximately \$125,000 on water related expenses prior to the original extension application in 1999.

Between 1999 and 2004, the following construction work has been completed and financial investments made.

Description of Completed Construction Work	Costs Incurred or Committed
Property improvements: Significant property improvements have been completed in preparation for residential development, to enhance security, construct roads for timber management, and provide fire protection measures. Specific improvements included perimeter fencing, construction of a boulder fence for security, timber thinning, roadway construction, clean up of an old equipment yard, and removal of scrap metal and debris. Property improvements are required to support and prepare for the use of the groundwater well and extension of pipelines.	\$55,632
Water Right Processing: Miller Tree Farm, LLC incurred legal and engineering fees associated with water right management of the groundwater well, but also application for a storage pond that is intended to be supplemented with the subject right. In addition, Miller Tree Farm leased storage rights to an instream use to protect and preserve their ability to store water on the subject property in the future.	\$4,717
Land Use Planning: Miller Tree Farm, LLC has incurred engineering, legal, and planning fees in the ongoing process to prepare a land use master plan, change the zoning for a small section of the served property, evaluate residential development alternatives, and participate in numerous work sessions and reviews on land use matters.	\$14,699
City of Bend and Bend Metro Park and Recreation District Easements: Miller Tree Farm, LLC has worked carefully with the City of Bend and the Park District to facilitate future residential development, including the coordination of utility easements and a future trail corridor. Miller Tree Farm incurred legal fees in the coordination effort.	\$1,067
Timber Production: Miller Tree Farm, LLC has prepared and received approval for a forestry plan, under the jurisdiction of the Oregon Department of Forestry. The applicant has incurred consultant fees and also committed to the purchase of approximately 3000 trees for restoration of old mining sites. The reclamation areas and young trees are expected to be irrigated.	\$6,000 to \$10,000
Well Pump Power: Miller Tree Farm, LLC has worked with Pacific Power to design a power service for the groundwater well pump. The necessary surveying and preparation of power easements has been completed and Miller Tree Farm has committed to Pacific Power for the installation of a power line extension to serve the three phase well pump.	\$15,000 to \$20,000
ESTIMATED TOTAL	\$97,115 to 106,115

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SALEM OREGON

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SALEM OREGON

Permittee's Compliance with Permit Terms:

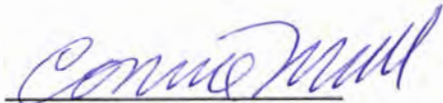
Permit G-13017 requires well construction in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. As noted, the Miller family retained STACO Well Services, Inc., a certified well contractor, and completed well construction in conformance with the required standards in 1997. We initiated construction of the required well before the required deadline of October 29, 1997 and completed the well shortly after. A standard Form "A" completion notice was submitted previously to the OWRD.

Permit conditions include a requirement for water use to conform with land use regulations. As noted, Miller Tree Farm, LLC has cooperated with the City of Bend, Deschutes County, and other jurisdictions and completed significant land use planning to assure conformance with land use regulations.

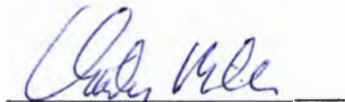
In summary, Miller Tree Farm LLC has worked diligently for a number of years to perfect water use under Permit G-13017. The time extension to complete construction of the water system until October 2009 is necessary and is justified by the progress made in recent years. On behalf of Miller Tree Farm LLC, your review and approval are respectfully requested. Please consider my comments and never hesitate to contact me if you have questions or require additional information. Thank you for your assistance.

Sincerely,

Miller Tree Farm, LLC



Connie Marshall
Co-Manager



Charley Miller
Co-Manager

Cc: Tom Walker

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WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

CERTIFIED LETTER
Return Receipt Requested

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

August 31, 2004

MILLER TREE FARM LLC
110 NE GREENWOOD AVE
BEND OR 97701

REFERENCE: Application File #G-13965 (Permit #G-13017)
Reminder of Progress Report Due

Dear Permit Holder:

On August 13, 1999, the Department issued a Final Order approving an Extension of Time for Permit #G-13017. The Final Order extended the time in which to complete construction of the water system from October 1, 1998, to October 1, 2009, and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-13017 from October 1, 1999, to October 1, 2009.

The Final Order approving the Extension of Time also included the following condition in accordance with OAR 690-315-0050(6)(a) that requires:

The permittee must submit a written progress report to the Department by October 1, 2004. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

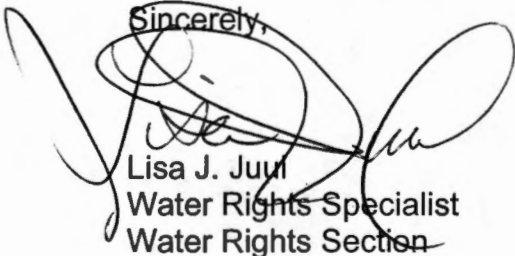
Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or ORS 537.410 to 537.450. Within one year after cancellation, the permittee must submit a Claim of Beneficial Use and Final Proof Survey, pursuant to ORS 537.230 and 537.250, for the portion of the permit developed as of October 1, 2004.

Page two of two
August 31, 2004

In order to maintain the ability to continue developing water under this permit, you must submit this progress report to the Department by the October 1, 2004, deadline. For your reference, I have enclosed a copy of the Extension of Time Final Order containing this condition.

If you have any questions concerning this matter, please feel free to contact me by telephone at (503) 986-0808.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa J. Juul', is written over the typed name and title. The signature is stylized and somewhat cursive.

Lisa J. Juul
Water Rights Specialist
Water Rights Section

Enclosure

cc: Application File #G-13965 (Permit #G-13017)
Watermaster District 11

Mailing List for PFO Extension Copies

Application #

G 13965

PFO Date 5/18/99

Original mailed to:

Applicant: William Miller, Central Oregon Turbine Co.

Mailed (support staff) on: <u>5/17/99</u> (date)

Copies sent

Regional Manager NA

Watermaster 11

ODFW Rover Smith, Klamath Falls

DEQ Tam Rosetta, Portland

fo: 8/25/99 jh
dbv ✓

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies



Oregon

Theodore R. Kulongoski, Governor

App# G-13965

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

February 7, 2003

G 13017
WILLIAM E. MILLER
CENTRAL OREGON PUMICE CO.
1 NW GREENWOOD AVE
BEND, OR 97701

RE: Deschutes Ground Water Mitigation Rules, Division 505
Deschutes Basin Mitigation Bank and Mitigation Credit Rules, Division 521

Dear Water Right Permit Holder:

Our records indicate that you are the holder of a ground water permit issued by the Department after July 17, 1995, in the Deschutes Basin Ground Water Study Area (Study Area). Your permit (or subsequent certificate) was issued with a condition allowing for regulation of use if it was later determined that the use would "measurably reduce" scenic waterway flows in the Deschutes River.

As you may be aware, the Department has been working over the last several years to develop administrative rules that address the impact of ground water use in the Study Area upon surface water flows—specifically those flows designated for the Deschutes Scenic Waterway and Instream Water Rights. Recently, the Department finalized the Deschutes Ground Water Mitigation Rules and Deschutes Basin Mitigation Bank and Mitigation Credit Rules. The rules were adopted by the Water Resources Commission (WRC) on September 13, 2002, and were effective on September 27, 2002. Copies of the rules can be obtained from the Department's web page at:

<http://www.wrd.state.or.us/law/oar1999.shtml>

The primary purpose of the rules is to provide a mechanism for those with pending ground water use applications in the Study Area to mitigate for the impact of their proposed ground water use on surface water flows. The rules do not require those with existing conditioned ground water permits (or subsequent certificates) in the Study Area to mitigate for their ground water uses.

While **only** those requesting new ground water uses from the Department are required to provide mitigation, the rules provide an opportunity for holders of existing conditioned permits to provide mitigation. Holders of existing conditioned permits that provide mitigation will no longer be subject to future regulation for scenic waterway flows.

Department staff are presently working internally to develop the processes and structure to implement the new rules. While you are not required to mitigate for your ground water use, we will be sending you a letter, sometime within the next several months, letting you know what you would need to do if you choose to mitigate for your ground water use. You may also receive additional information updates from the Department in our effort to keep you informed.

If you have any questions about the new administrative rules for the Deschutes Basin and the mitigation opportunity described in the rules; or would like to request a copy of the new rules, please contact Laura Snedaker at (503) 378-8455, extension 331, or by e-mail at Laura.K.Snedaker@wrdd.state.or.us.

Sincerely,



Paul R. Cleary
Director

c: Kyle Gorman, South Central Region Manager
Jeremy Giffin, District 11 Watermaster
Deschutes Steering Committee Members



Oregon

Theodore R. Kulongoski, Governor

App # G-13965

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

February 7, 2003

G 12565
WILLIAM E. MILLER
CENTRAL OREGON PUMICE
COMPANY
1 NW GREENWOOD AVE
BEND, OR 97701

RE: Deschutes Ground Water Mitigation Rules, Division 505
Deschutes Basin Mitigation Bank and Mitigation Credit Rules, Division 521

Dear Water Right Permit Holder:

Our records indicate that you are the holder of a ground water permit issued by the Department after July 17, 1995, in the Deschutes Basin Ground Water Study Area (Study Area). Your permit (or subsequent certificate) was issued with a condition allowing for regulation of use if it was later determined that the use would "measurably reduce" scenic waterway flows in the Deschutes River.

As you may be aware, the Department has been working over the last several years to develop administrative rules that address the impact of ground water use in the Study Area upon surface water flows—specifically those flows designated for the Deschutes Scenic Waterway and Instream Water Rights. Recently, the Department finalized the Deschutes Ground Water Mitigation Rules and Deschutes Basin Mitigation Bank and Mitigation Credit Rules. The rules were adopted by the Water Resources Commission (WRC) on September 13, 2002, and were effective on September 27, 2002. Copies of the rules can be obtained from the Department's web page at:

<http://www.wrd.state.or.us/law/oar1999.shtml>


The primary purpose of the rules is to provide a mechanism for those with pending ground water use applications in the Study Area to mitigate for the impact of their proposed ground water use on surface water flows. The rules do not require those with existing conditioned ground water permits (or subsequent certificates) in the Study Area to mitigate for their ground water uses.

While only those requesting new ground water uses from the Department are required to provide mitigation, the rules provide an opportunity for holders of existing conditioned permits to provide mitigation. Holders of existing conditioned permits that provide mitigation will no longer be subject to future regulation for scenic waterway flows.

Department staff are presently working internally to develop the processes and structure to implement the new rules. While you are not required to mitigate for your ground water use, we will be sending you a letter, sometime within the next several months, letting you know what you would need to do if you choose to mitigate for your ground water use. You may also receive additional information updates from the Department in our effort to keep you informed.

If you have any questions about the new administrative rules for the Deschutes Basin and the mitigation opportunity described in the rules; or would like to request a copy of the new rules, please contact Laura Snedaker at (503) 378-8455, extension 331, or by e-mail at Laura.K.Snedaker@wrd.state.or.us.

Sincerely,



Paul R. Cleary
Director

c: Kyle Gorman, South Central Region Manager
Jeremy Giffin, District 11 Watermaster
Deschutes Steering Committee Members



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

September 2, 2003

Miller Tree Farm, LLC.
110 NE Greenwood Avenue
Bend, Oregon 97701

Reference: Application R-50044, Permit R-6892, Certificate 76320
Application R-52422, Permit R-6893, Certificate 76322
Application S-52423, Permit S-42782, Certificate 76323
Application G-13965, Permit G-13017

Regarding files R-50044, R-52422, and S-52423, certificates of water right have been issued as referenced above. Once a right is certificated, the right is appurtenant to the land for which it is issued irregardless of ownership, and therefore an assignment is not needed. I am refunding the unearned fees of \$45.00 dollars.

Regarding file G-13965, the assignment by court document granting authority, from William E. Miller Central Oregon Pumice Co. to Miller Tree Farm LLC., has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 62475 covering the recording fee of \$30.00 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure : receipt 62475, refund check

cc: Watermaster 11
Data Center, OWRD
Mary Rohling
File

RECEIVED
AUG 29 2003
WATER RESOURCES DEPT
SALEM, OREGON

REQUEST FOR ASSIGNMENT

I, William E. Miller and Central Oregon Pumice Company
(Name of Applicant / Permit Holder)

#1 NW Greenwood Avenue Bend OR 97701 541-382-2022
(mailing address) (City) (State) (Zip) (Phone #)

CHECK ONE

- ✓ • ...hereby assign all my interest in and to application/permit;
- • ...hereby assign all my interest in and to a portion of application/permit;
(You must include a map showing the portion of the application/permit to be assigned.)
- •...hereby assign a portion of my interest in and to the entire application/permit;

Application # G-13965 , Permit # G-13017 ;

-OR-

GR Statement # _____ , GR Certificate of Registration # _____

as filed in the office of the Water Resources Director, to:

Miller Tree Farm LLC
(Name of New Owner)

110 NE Greenwood Avenue Bend OR 97701 541-382-2022
(mailing address) (City) (State) (Zip) (Phone #)

NOTE: *If there are other owners of the property described in this Application, Permit or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.*

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 19th day of AUGUST, 2003.

Applicant/Permit holder William E. Miller, Jr.

Applicant/Permit holder Corbett Marshall, Jr.
ESTATE OF WILLIAM E. MILLER

Corbett Marshall, Jr.
TREASURER, CENTRAL OREGON PUMICE CO.

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 62475
- For Director by Jerry Saffner, Program Analyst in Water Rights Division.

The completed "Request for Assignment" form *must be* submitted to the Department along with the appropriate recording fees:

- •\$25 for the first page, and
 - •\$5 for each additional page.
- [as required by ORS 536.050(1)(d)]

Corbett Marshall, Jr.
9/2/2003

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OREGON 97301-4172

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF DESCHUTES

PROBATE DEPARTMENT

RECEIVED
AUG 29 2003
WATER RESOURCES DEPT
SALEM, OREGON

IN THE MATTER OF THE ESTATE OF) LETTERS TESTAMENTARY
)
WILLIAM E MILLER,) Case No. 02PB0001MS
)
Deceased.)

THIS CERTIFIES that the will of WILLIAM E MILLER, deceased, has been proved and that CHARLES C MILLER & CONSTANCE M MARSHALL, have been and are at the date hereof the duly appointed, qualified and acting Personal Representatives of the will and estate of the decedent,

IN WITNESS WHEREOF, I, as Clerk of the Circuit Court of the State of Oregon for the County of Deschutes, in which proceedings for administration upon the said estate are pending, do hereby subscribe my name and affix the seal of said court this 24 day of January, 2002.



ERNEST J. MAZOROL III
TRIAL COURT ADMINISTRATOR

By Margie Lundgren
Probate Commissioner/Deputy Clerk

STATE OF OREGON,)
)
County of Deschutes)

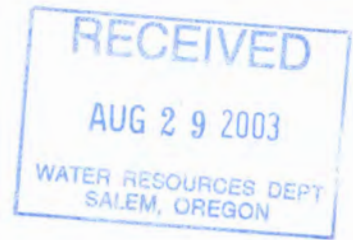
I, Mary C. Jagan Clerk of the Circuit Court of the State of Oregon for Deschutes County hereby do certify that the foregoing copy of Letters Testamentary has been by me compared with the original, that it is a correct transcript therefrom and of the whole of such original Letters Testamentary as the same appear on file and of record in my office and in my custody and that said letters are still in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court this 27th day of May, 2003.

ERNEST J. MAZOROL III
TRIAL COURT ADMINISTRATOR

By Mary C. Jagan
Probate Commissioner/Deputy Clerk

**Estate of William E. Miller
110 NE Greenwood Avenue
Bend, OR 97701
(541)382-2022**



August 27, 2003

Oregon Water Resources Department
158 12th Street NE
Salem, OR 97301-4172

RE: Permits #42782, G-13017, and R-6892 & R-6893

Enclosed are 3 Request for Assignment forms for transferring the above water rights to Miller Tree Farm LLC. The permits are currently held in the name of my father, William E. Miller, and his mining business, Central Oregon Pumice Company. My father passed away in 2001. Central Oregon Pumice Company has since been dissolved. Miller Tree Farm LLC is a new family business created from my father's and Central Oregon Pumice's land holdings.

Also enclosed are: 1) a check for \$75 for the three assignment fees, and 2) a Letters Testamentary showing that Charles C. Miller and I were appointed co-Personal Representatives for the Estate of William E. Miller, and thus are authorized to sign for him.

Please contact me at the above number if you need further information.

Sincerely,

A handwritten signature in cursive script that reads "Constance Miller Marshall".

Constance Miller Marshall, Co-Personal Representative
Estate of William E. Miller

Encl

CC: Tom Walker, W&H Pacific

STATE OF OREGON REMITTANCE ADVICE

WARRANT NO.
117992714

WATER RESOURCES DEPARTMENT

(503) 378-8455 EXT. 225

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
		62475-G13965 REVENUE REFUND	690	VP018868	45.00

VENDOR NAME:	MILLER TREE FARM LLC	ISSUE DATE:	10/03/03	WARRANT AMOUNT	45.00
--------------	----------------------	-------------	----------	----------------	-------

DO NOT ACCEPT THIS CHECK UNLESS YOU CAN SEE A TRUE WATERMARK OF CHAIN-LINKED SHAPES WHEN HELD TO THE LIGHT

STATE OF OREGON
 Dept of Administrative Services
 To the State Treasurer, Salem, OR 97301-3896
WATER RESOURCES DEPARTMENT
 (503) 378-8455 EXT. 225

96-10
1232
 CHECK DATE
 10/03/03



BANK WARRANT NO.
11 7992714
 PAY THIS AMOUNT
 \$45.00

DOCUMENT NO.
VP018868

*****FORTY FIVE AND 00/100 DOLLARS*****

PAY TO THE ORDER OF:

MILLER TREE FARM LLC
 110 NE GREENWOOD AVENUE
 BEND OR 97701

VOID AFTER 2 YEARS FROM DATE OF ISSUE

John J. Fozard
 AUTHORIZED SIGNATURE

THE FACE OF THIS CHECK HAS A COLORED BACKGROUND. EXPLANATION OF ADDITIONAL SECURITY FEATURES INDICATED ON REVERSE SIDE

MEMORANDUM

To: GINA BEAMAN, Fiscal
From: JERRY SAUTER, Water Rights Section
Subject: Request for Refund
Date: 9/04/2005



Please refund \$ 45⁰⁰ to _____ (unless otherwise noted below)
Application 6-13965 <-----> _____


These funds are refunded due to:

X Other.. EXCESS ASSIGNMENT FEES.
RECEIPT # 62475

0408

Name : MILLER TRISTE FARM LLC

Address: 110 NE GREENWOOD AVENUE
BEND, OREGON 97701

AUTHORIZED BY: 
Signature and title

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13965

Final Order

Application History

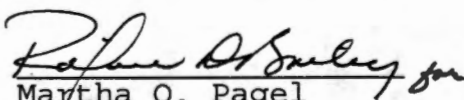
On January 30, 1995, WILLIAM E MILLER AND THE CENTRAL OREGON PUMICE COMPANY submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on August 6, 1996. The protest period closed September 20, 1996, and no protest was filed.

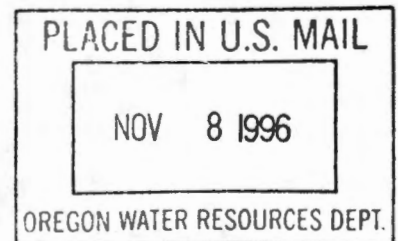
The proposed use would not impair or be detrimental to the public interest.

Order

Application G-13965 therefore is approved as proposed by the Proposed Final Order, and Permit G-12565 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED October 29, 1996


Martha O. Pagel
Director



Appeal Rights

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILLIAM E MILLER AND THE CENTRAL OREGON PUMICE COMPANY
1 NW GREENWOOD AVE
BEND, OREGON 97701

(541)382-2022

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13965

SOURCE OF WATER: A WELL WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.78 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 30, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 35, T17S, R11E, W.M.; 1320 FEET NORTH AND 2640 FEET WEST FROM THE SE CORNER OF SECTION 35

THE PLACE OF USE IS LOCATED WITHIN:

NE 1/4 NE 1/4
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 34

SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4

NW 1/4 SW 1/4
SW 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 35

NW 1/4 NW 1/4
SW 1/4 NW 1/4
SECTION 36

TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

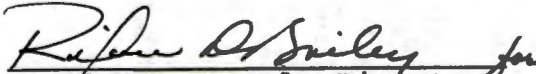
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued October 29, 1996


Marzha O. Pagel, Director
Water Resources Department

Application G-13965 Water Resources Department
Basin Deschutes Volume 1, DESCHUTES RIVER & MISC.
MGMT.CODES 7BG, 7BR, 7JG, 7JR

PERMIT G-12565
District 11



155 N.E. Revere
Bend, Oregon 97701

RECEIVED

NOV 14 1996

WATER RESOURCES DEPT.
SALEM, OREGON

November 11, 1996

Doug
Mr. Jerry Gaaney
Water Rights Specialist
Oregon Water Resources Department
158 12th Street N.E.
Salem, Oregon 97310-0210

**Re: William E. Miller/Central Oregon Pumice Company
OWRD File No. G-13965
Permit No. G-12565
W&H Pacific Project No. 649-0101**

Dear Jerry:

Thank you for your significant assistance throughout our groundwater appropriation application process for Mr. Miller. We received the final permit today and are especially grateful for your work.

I have reviewed the final order and permit, including comparisons to the original application and the proposed final order. The permit appears perfect, with only one minor exception. The area of use excludes the southeast quarter of the southwest quarter of Section 35, Township 17 South, Range 11 East. This quarter section was included in the original application and was included in the proposed final order. It appears a minor typographical error may have occurred. Is the listing of the southeast quarter of the southwest quarter of Section 35 critical to the permit, or could water use occur under the flexibility allowed in the permit? If water use can occur without a change to the permit, then no action is required. If however you believe water use in the deleted quarter section is in jeopardy, then I am requesting a correction to the permit.

Thank you for your review. Please never hesitate to call me if you have questions or needs for additional information. I look forward to your response.

Very truly yours,
W&H PACIFIC, INC.

Tom Walker

Thomas A. Walker, P.E., C.W.R.E.
Associate

TAW:lp

cc: William E. Miller

6490101UG111196.LTR



COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # G-13965 ✓

WATERMASTER # 11 ✓

REGIONAL MANAGER:

~~SCR~~

ODF&W - Deschutes County: ✓

CWRE (if agent):

THOMAS A WALKER (#137) ✓

DEQ ✓

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

Shrover drilling co.

CASEWORKER : RWK

5



Community Development Department

Administration Bldg./1130 N.W. Harriman/Bend, Oregon 97701
(503) 388-6575

Planning Division
Building Safety Division
Environmental Health Division

*Hand Delivered to Mr. Miller
8/9/91*

August 9, 1991

William E. Miller
1 N.W. Greenwood Avenue
Bend, Oregon 97701

Dear Mr. Miller:

Thank you for your letter of August 1st regarding the zoning on your property in section 34 of Township 17 S, Range 11 E.

I have reviewed the official County Comprehensive Plan map that exists in the County Clerk's Office, signed by the Board of County Commissioners on November 1, 1979. This map shows your property in Section 34 as being designated Rural Residential. Consequently, the zoning on your property is RR-10, Rural Residential, with a Wildlife Area (WA) combining zone. I am sending you a copy of that portion of the official comp plan map that shows your property in section 34.

You have mentioned a possible Planned Unit Development of 39 dwelling units on a 78-acre portion of the approximately 390 acre parcel. Only those portions of the subject property that are within one mile of an acknowledged urban growth boundary (UGB) are allowed to have the 5-acre equivalent density. The UAR-10 zoning immediately east of your property is not within the acknowledged UGB and consequently only a portion of your property would be allowed the 5-acre equivalent density. The remainder of the property would have to meet the 7.5-acre equivalent density. I am sending you a map that generally shows the area that is within one mile of the UGB, which is highlighted in yellow.

A Planned Unit Development is subject to Conditional Use and Subdivision review. Both the Planned Development and Cluster Development criteria of Title 18 must be addressed and met. I am sending you copies of these sections of the Ordinance, as well as the RR-10 and WA sections.

Post-it® Fax Note	7671	Date	7-17-96	# of pages	4
To	Bill Fujita	From	Tom Walker		
Co./Dept.	SUARD	Co.	W & H Pacific		
Phone #		Phone #	388-4255		
Fax #	378-6203	Fax #			

~~SIFUIN~~

Looks like
we are TALKING

78 Acres

3

William E. Miller
Page Two

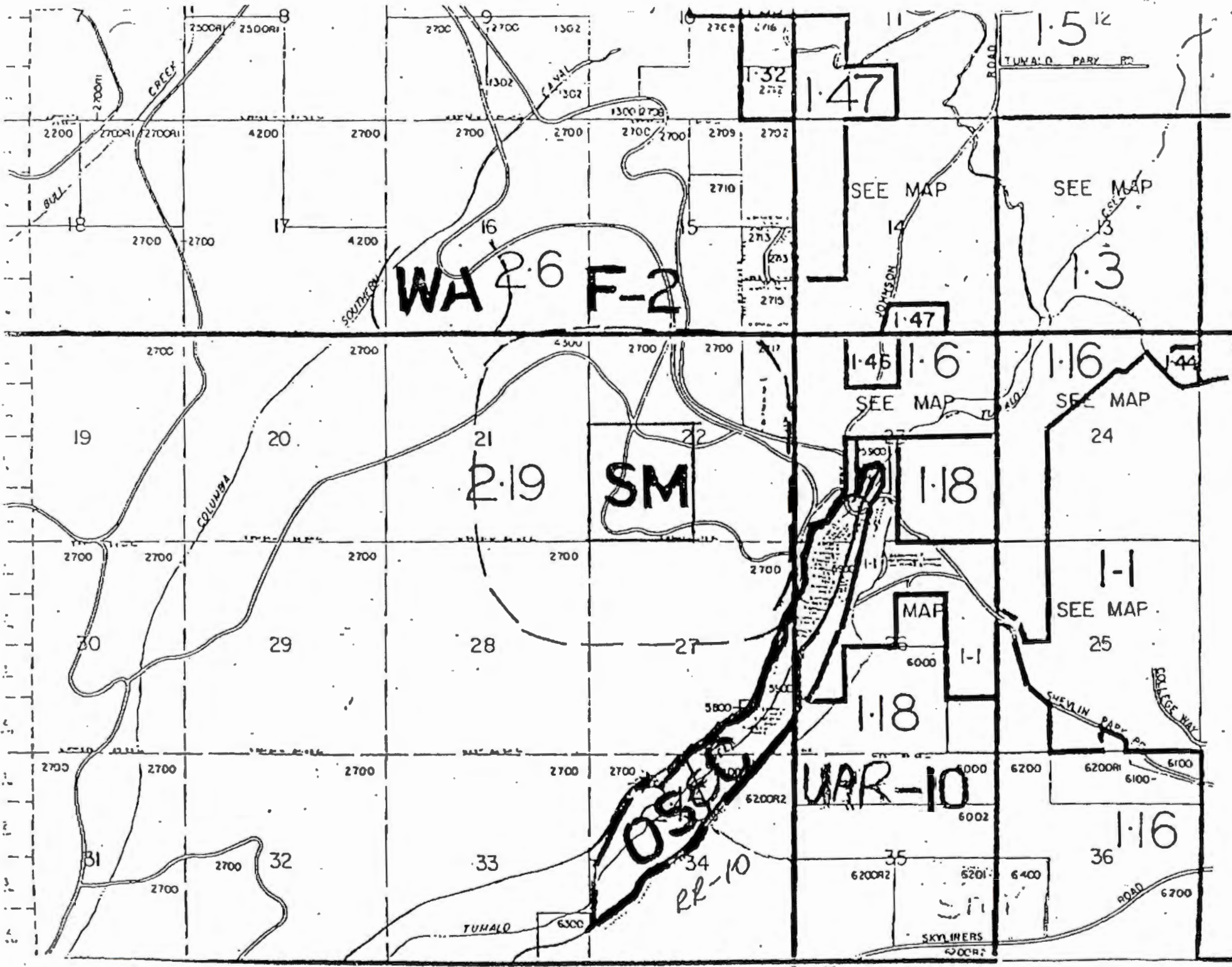
If you should have any further questions, feel free to contact this office.

Sincerely,

DESCHUTES COUNTY PLANNING DIVISION


George J. Read, Planning Director

GJR/peb



WILLIAM E. MILLER
1 N.W. GREENWOOD AVENUE
BEND, OREGON 97701

August 1, 1991

Mr. George Read,
Director of Planning
Deschutes County Administrative Building
1130 N. W. Harriman
Bend, Oregon 97701

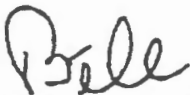
Dear George:

We have been working on a master plan for our property west of Bend which property includes our approximate 390 acres in Sec 34 17-11. We learned yesterday that there may be some misunderstanding regarding the density determination for our Sec 34 property. If there is some misunderstanding, it is essential this be clarified before we proceed any further with our plan.

Back in the late 1970's, I spent a great deal of time on this particular parcel and related zone. After meetings with representatives of the Department of Fish and Wildlife and County Planning, an agreement was reached resulting in an underlying RR-10 zone with 20% for dwellings, and 80% open space. In summary, we would be allowed 39 dwelling units on the approximate 78 acre dwelling area in a PUD cluster arrangement. I also attended the Deschutes County Commission meeting when this RR-10 underlying zone was unanimously approved for our property in Sec 34. Later, John Anderson of County Planning confirmed the physical zone change. The county zoning map I purchased since then along with other zoning maps I have observed also depict this RR-10 (WA) zone for our property located in Sec 34 17-11 joining Shevelin Park along its general south easterly border.

In order that we may proceed with our plan, I would greatly appreciate hearing from you at your earliest convenience.

Sincerely,



William E. Miller

CC: Karen Greene, Director of Community Development



October 14, 1996

Mr. Jerry Gainey
Water Rights Specialist
Oregon Water Resources Department
158 12th Street N.E.
Salem, Oregon 977

**Re: William E. Miller/Central Oregon Pumice Company
OWRD File No. G-13965
W&H Pacific Project No. 649-0101**

Dear Jerry:

Thank you for your assistance on the pending water right appropriation application for Central Oregon Pumice Company. Our application requests quasi-municipal use related to domestic consumption, restoration, tree farm operations, mining, livestock watering, construction, fire protection, and numerous other uses. In conformance with your request, I have compiled and attached additional information on land use and future development.

Our water right appropriation application includes lands in Section 34, 35 and 36. As noted on the attached Deschutes County General Plan, residential development is allowed in all three of the sections. Section 36 properties are zoned standard residential (RS), Section 35 is zoned urban area reserve (UAR 10) and Section 34 is zoned rural residential (RR 10). Each of these land use zones allows residential development.

In prior correspondence, there was discussion about a cluster development. A cluster development is only one option for residential development and the specific location of any development is subject to land use proceedings and development plans. The discussion on cluster development related only to Section 34 properties. Regardless of the type of development that occurs in Section 34, additional development would be allowed in Sections 35 and 36.

You requested the specific location of a proposed cluster development. Again, the cluster development is only one available option for residential development. If a cluster development was chosen as the desired alternative, it would likely occur on ridgetops in the flatter terrain areas. In reviewing topographic maps of the area, each of the quarter quarter sections in Section 34 would have some portion of the ridgetops or flatter areas.

Our application is for a relatively small quantity of water, in relation to the lands covered. A quasi-municipal use designation was selected to provide flexibility in domestic service, knowing any development is subject to land use approvals. The quasi-municipal use also supports the need for reclamation of surface mining areas. Reclamation typically includes irrigation to establish ground cover, with the area of use changing continuously. Tree farm operations are often similar with water used to establish new seedlings, but then moving to a new area. The combination of residential, industrial, agricultural, reclamation, construction, etc., also supports the quasi-municipal use designation.





Mr. Bill Miller
October 14, 1996
Page 2

In summary, development is allowed throughout the entire area of use. Even if residential development were restricted to clusters on flat ridgetops, nearly all of the quarter quarter sections would be included. In addition, quasi-municipal use is required throughout the area of use to accommodate tree farm, reclamation, industrial and other uses. Our requested diversion rate is small in comparison to the large area of use, however the uses should apply throughout the area.

Thank you for your significant assistance and review. This water right application is very important to the Central Oregon Pumice Company and we do not want to jeopardize the application in any way. Please consider my comments and never hesitate to call me if you have questions or needs for additional information.

Very truly yours,
W&H PACIFIC, INC.

A handwritten signature in cursive script that reads 'Tom Walker'.

Thomas A. Walker, P.E., C.W.R.E.
Associate

TAW:lp

cc: Bill Miller



FILE # 6-13965

FO CHECKLIST

REVIEW DATE: 09/26/96

WEEK # 54

PFO TO FO CONVERSION

INITIALS : JTG

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. If #1 = "Y", from whom were the comments received and when?
3. Verify names and addresses on the PFO CC list. ALL commentors (regardless of comment date), affected landowners (were they notified?), and those who paid the \$10 fee should be listed. 200
100
4. Verify payment of recording fees (circle the appropriate option)
 - (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO
 - (2) Issue FO w/o permit if fees are lacking
5. Y / N Is the file lacking a signed oath of accuracy for the application?
6. Y / N Has ODFW asked for self certification on screening condition?
7. Y / N Is water use prohibited for one or more months of the normal use period?
8. Y / N If # 7 = "Y", is short season letter on file? Note: If short season letter is lacking prepare FO with Draft permit giving applicant 60 days to submit letter.
9. Y / N Is further processing possible? If not state reason: See PFO map
10. Notify applicant of additional information or fees required prior to permit issuance (SEND CERTIFIED LETTER & use standard wording from M:\T\FO\TOOLS if possible)
11. Assign permit numbers to files with oath, fees, and no protests or other issues

DENIAL	FO w/o PERMIT	FO & PERMIT	COMMENTS
LARRY	JERRY	JEREMY	DOUG

Route to: (circle one) 75, 7B

Initials JTG

Modify FO as needed to:

12. Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
13. Include or exclude permit conditions and management codes
14. Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

15. Save WordPerfect document in M:\T\FO\WEEK 56 & delete duplicates
16. Print final draft of document and submit to team leader for review
17. Y / N Team leader review completed



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OCT 17 1996

**WATER RESOURCES DEPT.
SALEM, OREGON**

October 14, 1996

Mr. Jerry Gainey
Water Rights Specialist
Oregon Water Resources Department
158 12th Street N.E.
Salem, Oregon 977310-0210

**Re: William E. Miller/Central Oregon Pumice Company
OWRD File No. G-13965
W&H Pacific Project No. 649-0101**

Dear Jerry:

Thank you for your assistance on the pending water right appropriation application for Central Oregon Pumice Company. Our application requests quasi-municipal use related to domestic consumption, restoration, tree farm operations, mining, livestock watering, construction, fire protection, and numerous other uses. In conformance with your request, I have compiled and attached additional information on land use and future development.

Our water right appropriation application includes lands in Section 34, 35 and 36. As noted on the attached Deschutes County General Plan, residential development is allowed in all three of the sections. Section 36 properties are zoned standard residential (RS), Section 35 is zoned urban area reserve (UAR 10) and Section 34 is zoned rural residential (RR 10). Each of these land use zones allows residential development.

In prior correspondence, there was discussion about a cluster development. A cluster development is only one option for residential development and the specific location of any development is subject to land use proceedings and development plans. The discussion on cluster development related only to Section 34 properties. Regardless of the type of development that occurs in Section 34, additional development would be allowed in Sections 35 and 36.

You requested the specific location of a proposed cluster development. Again, the cluster development is only one available option for residential development. If a cluster development was chosen as the desired alternative, it would likely occur on ridgetops in the flatter terrain areas. In reviewing topographic maps of the area, each of the quarter quarter sections in Section 34 would have some portion of the ridgetops or flatter areas.

Our application is for a relatively small quantity of water, in relation to the lands covered. A quasi-municipal use designation was selected to provide flexibility in domestic service, knowing any development is subject to land use approvals. The quasi-municipal use also supports the need for reclamation of surface mining areas. Reclamation typically includes irrigation to establish ground cover, with the area of use changing continuously. Tree farm operations are often similar with water used to establish new seedlings, but then moving to a new area. The combination of residential, industrial, agricultural, reclamation, construction, etc., also supports the quasi-municipal use designation.





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WATER RESOURCES DEPT.
SALEM, OREGON

Mr. Bill Miller
October 14, 1996
Page 2

In summary, development is allowed throughout the entire area of use. Even if residential development were restricted to clusters on flat ridgetops, nearly all of the quarter quarter sections would be included. In addition, quasi-municipal use is required throughout the area of use to accommodate tree farm, reclamation, industrial and other uses. Our requested diversion rate is small in comparison to the large area of use, however the uses should apply throughout the area.

Thank you for your significant assistance and review. This water right application is very important to the Central Oregon Pumice Company and we do not want to jeopardize the application in any way. Please consider my comments and never hesitate to call me if you have questions or needs for additional information.

Very truly yours,
W&H PACIFIC, INC.

A handwritten signature in blue ink that reads 'Tom Walker'.

Thomas A. Walker, P.E., C.W.R.E.
Associate

TAW:lp

cc: Bill Miller



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OCT 17 1996

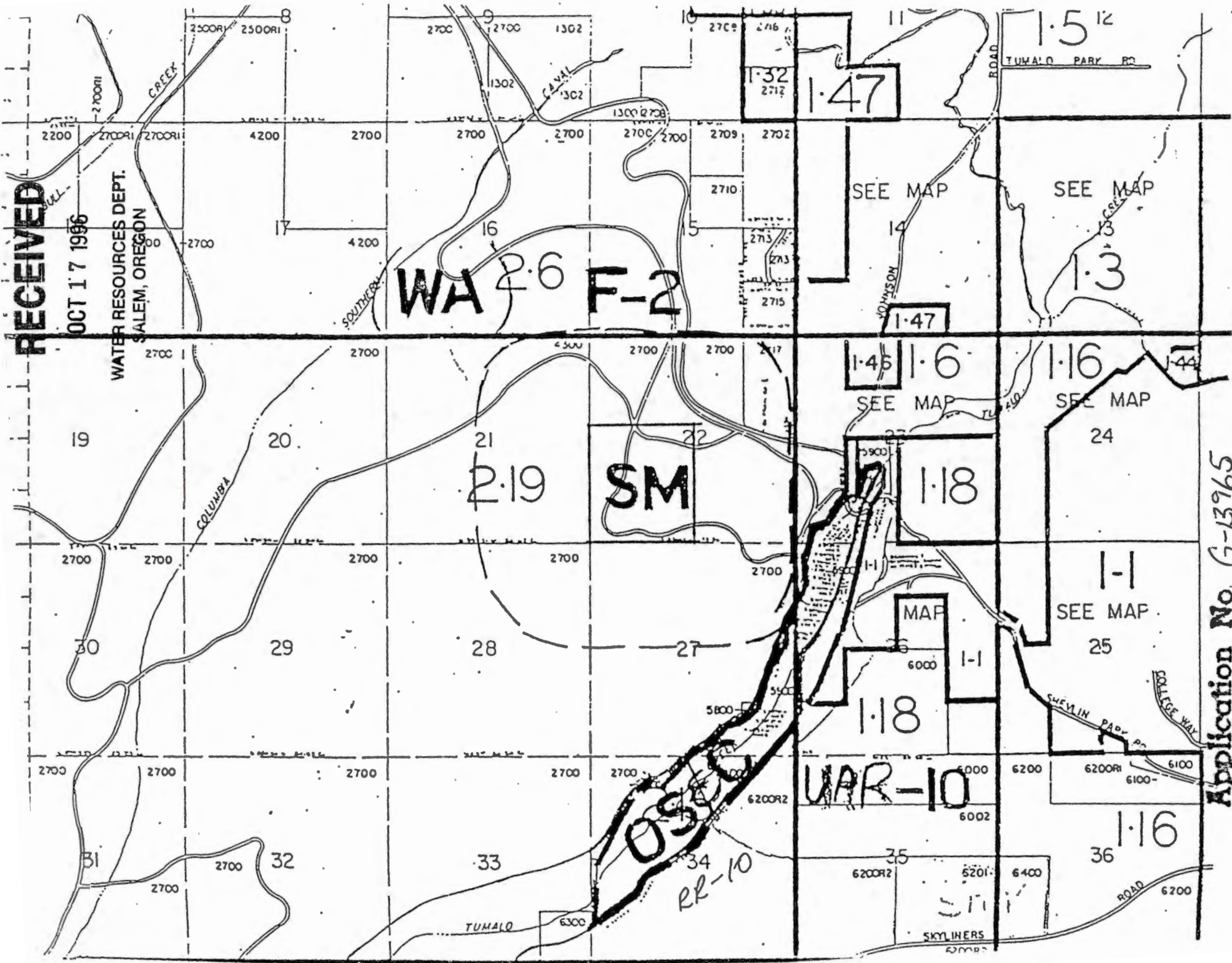
WATER RESOURCES DEPT.
SALEM, OREGON

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WAR-10

OSCC
RR-10

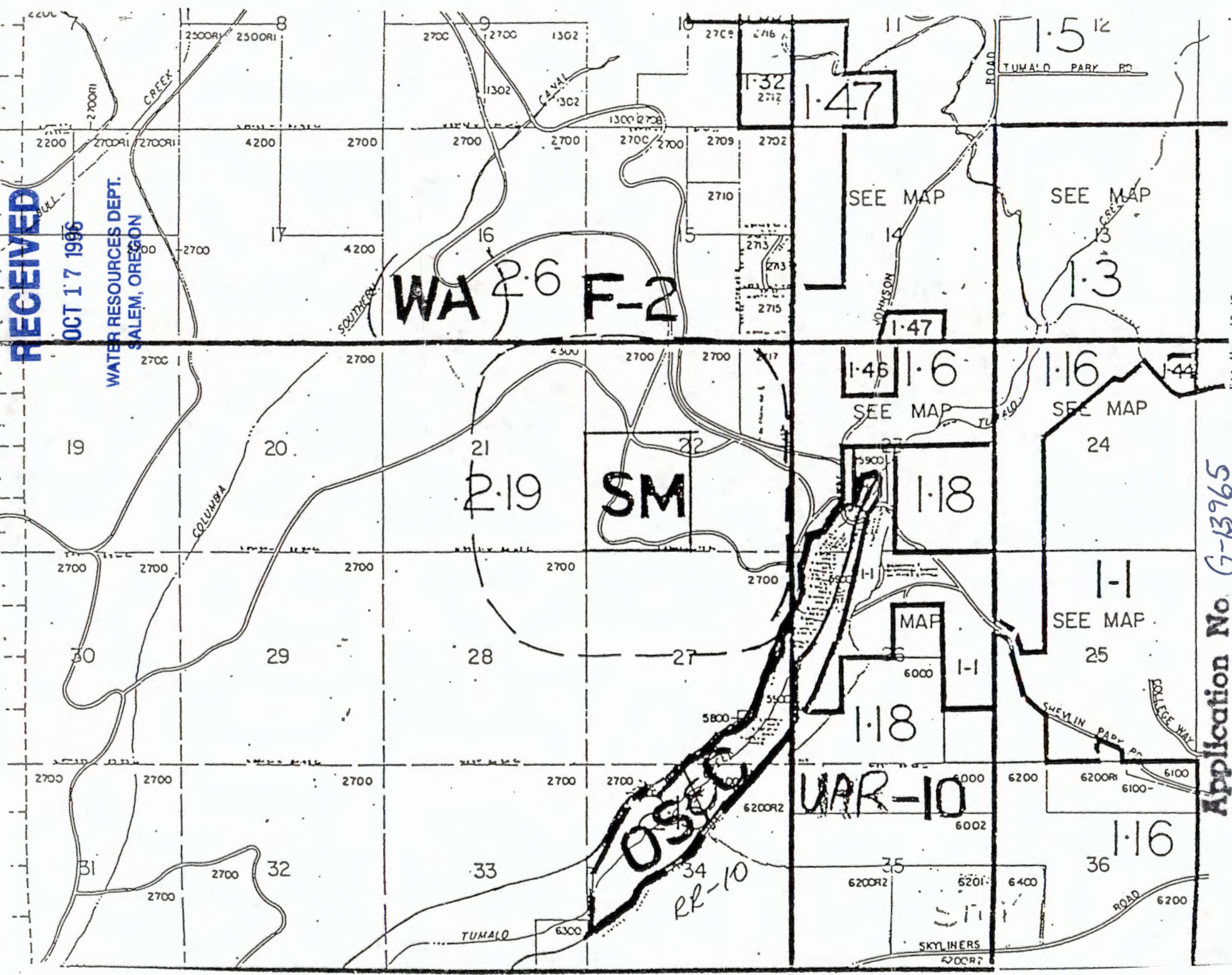


Application No. G-13965

Permit No. G-13017

See Map 17 12

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WATER RESOURCES DEPT.
SALEM, OREGON



Application No G-13965
Permit No G-13017

See Map 17 12

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13965

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Additional information required: Prior to the issuance of a permit the applicant must submit a map more accurately showing the location of the area of use Deschutes County will allow development of.

Application History

On January 30, 1995, WILLIAM E MILLER & THE CENTRAL OREGON PUMICE COMPANY submitted an application to the Department for the following water use permit:

- Amount of Water: 0.78 CUBIC FOOT PER SECOND
- Use of Water: QUASI-MUNICIPAL
- Source of Water: A WELL IN DESCHUTES RIVER BASIN
- Area of Proposed Use: Deschutes County within, SECTIONS 34,35, & 36, TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.

On APRIL 4, 1996, the Department mailed the applicant notice of its Initial Review, determining that the use of 0.78 CFS from a WELL for QUASI-MUNICIPAL USE is allowed YEAR ROUND. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On APRIL 23, 1996, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use

- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Deschutes Basin Program allows the following uses: QUASI-MUNICIPAL

A WELL IN DESCHUTES RIVER BASIN is above a State Scenic Waterway.

Water is available for further appropriation (at 80 percent exceedance probability) YEAR ROUND.

The Department finds that no more than 0.78 CFS would be necessary for the proposed use. The amount of water requested, 0.78 CFS, is allowable.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, namely Deschutes River.

The Groundwater Section finds that there is NOT a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Deschutes Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

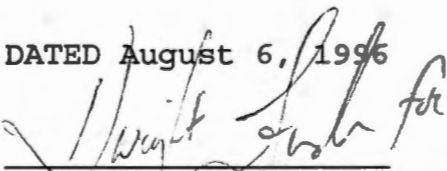
- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED August 6, 1996


Steven P. Applegate
Administrator
Water Rights and Adjudications Division

Protest Rights

Under the provisions of ORS 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than **September 20, 1996**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

RWK

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

WILLIAM E MILLER & THE CENTRAL OREGON PUMICE COMPANY
1 NW GREENWOOD AVE
BEND, OREGON 97701

(541) 382-2022

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13965

SOURCE OF WATER: A WELL within the Deschutes basin

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.78 CFS

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: January 30, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 35, T17S, R11E, W.M.; 1320 FEET NORTH AND 2640 FEET WEST FROM THE SE CORNER SECTION 35.

THE PLACE OF USE IS LOCATED WITHIN:

NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
SW 1/4
SE 1/4
SECTION 34

SW 1/4 NE 1/4
SE 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
SW 1/4
SE 1/4
SECTION 35

NW 1/4 NW 1/4
SW 1/4 NW 1/4
SECTION 36

TOWNSHIP 17 SOUTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Application G-13965

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

CERTIFIED MAIL
Return Receipt Requested

WATER
RESOURCES
DEPARTMENT

October 1, 1996

WILLIAM E MILLER
CENTRAL OREGON PUMICE CO.
1 NW GREENWOOD AVE
BEND OREGON 97701

RE: Application File # G-13965

Dear WILLIAM E MILLER,

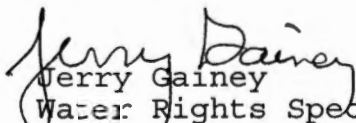
On **SEPTEMBER 20, 1996**, a Proposed Final Order was sent from the Department requesting additional information necessary to complete your application for water use. As of today, these items have not been received:

- ▶ A map showing the location of the area of use Deschutes County will allow development of.

Please submit these items by **OCTOBER 15, 1996**. If we do not receive the items requested above by this date, we will reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 458.

Sincerely,


Jerry Gainey
Water Rights Specialist
Final Order Team



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses In Addition to Classified Uses

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, and/or used only on federal lands.

Applicant's Name: WILLIAM E. MILLER AND THE CENTRAL OREGON PUMICE COMPANY
 Address: 1 N.W. GREENWOOD AVENUE
 City: BEND State: OR Zip: 97701 Day Phone: (503) 382-2022

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (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 or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
6200 17-11-35	RS		X	X
6002 17-11-35	UAR-10		X	X
6200 R2 17-11-35	UAR-10	X	X	X
6201 17-11-35	UAR-10	X	X	X

6200 R2 17-11-34 RR-10 X X
 Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. CITY OF BEND AND DESCHUTES COUNTY OREGON

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

For Local Government Use Only

Application No. 6-13965
Permit No.

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) 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) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily
<u>Conditional Use</u>	<u>Title 18 of the County Code</u>			
<u>Tentative Plat</u>	<u>Title 17 of " " "</u>			

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government can not provide the above requested land use information while the applicant waits.

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

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JAN 30 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Date: 1-24-95

Phone: 388-6575

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Paul Blikstad

Title: Associate Planner

Signature: Paul Blikstad

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. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

No land use applications have been submitted at this time. On land that is zoned UAR-10, community sewer will not be available. Water for a planned development would need to be a community system.

Lined area for additional comments.

Description of Water Use

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JAN 30 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: WILLIAM E. MILLER AND THE CENTRAL OREGON PUMICE COMPANY
 Address: 1 N.W. GREENWOOD AVENUE
BEND, OR 97701

Phone: (503) 382-2022

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): _____
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.) _____
- Fish and Wildlife (pond, hatchery, etc.) _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): QUASI-MUNICIPAL (+/- 40 UNIT DEVELOPMENT, FIRE PROTECTION, ETC.)

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____ _____	_____ Cubic feet per second. <u>350</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

IR MAILING LIST ADDITIONS

OWNERS OF PROPERTY (OTHER THAN APPLICANT) CROSSED BY THE DELIVERY SYSTEM OR OTHER WATER WORKS:

N/A

GOVERNMENTAL ENTITIES ON THE LAND USE FORM OTHER THAN COUNTIES:

N/A

OTHER:

N/A

PFO MUNI & Q-MUNI CHECKLIST

Application #: C 13965 Vol 1 Subbasin DESCHUTES RIVER & MISC

Basin: 5 WAB: _____

Township 17S Range 11E Section 34, 35, 36 1/4 1/4 _____
POD 35 NE SW

1. Completeness checklist verified? Y / N Current pop _____

a. Form M Y / N Proj peak flow _____ Existing permitted cfs _____ Project pop _____

b. \$ for public notice Y / N

2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, other) Y / N

3. Groundwater review A B C D DESCHUTES RIV

a. Is second groundwater review necessary? Y / N reason _____

b. Is the well located in a groundwater limited area? Y / N

4. SWW Y / N Triage Y / N conditions/restrictions Y / N 7J

5. Basin Program limitations? Y / N 690 505 002 (1)(9)

6. Withdrawn? Y / N season allowed _____

7. Basin Maps have been checked. Y / N The River Mile is _____

8. Water Availability (50% < July 17, 1992 OR 80% [50% storage] > July 17, 1992) NA

a. Notify Ken Stahr Y / N (Q, Duty, or Season) _____

9. Rate/Duty/Season .78

10. Use Q Muni Period of Allowed Use Yr Rnd

11. Priority Date(s) 1/30/95 TR / IR mail date 4/4/96 (4/23; 5/23)

12. B.O.R. project Y / N contract # _____

13. TMDL Basin? Y / N (Tualatin, Yamhill, Pudding) DIVISION 33 Y / N (Abv Bonn > July 17, 92 //// Blw Bonn > April 18, 94 or June 3, 94)

14. Objections? Y / N PFO different from IR/TR Y / N _____

15. Conditions (from IR/TR/ or Additional) Y / N (macro series 4 - 7) 7B, 7J

a. Conplan Y / N _____

16. Land use approval OK'd needs approval county notified NA

17. SIZE Small (<0.1cfs, <9.2AF), Medium (>0.1 and <1.5cfs, >9.2 and <100AF) Large (>1.5 cfs, >100 AF)?

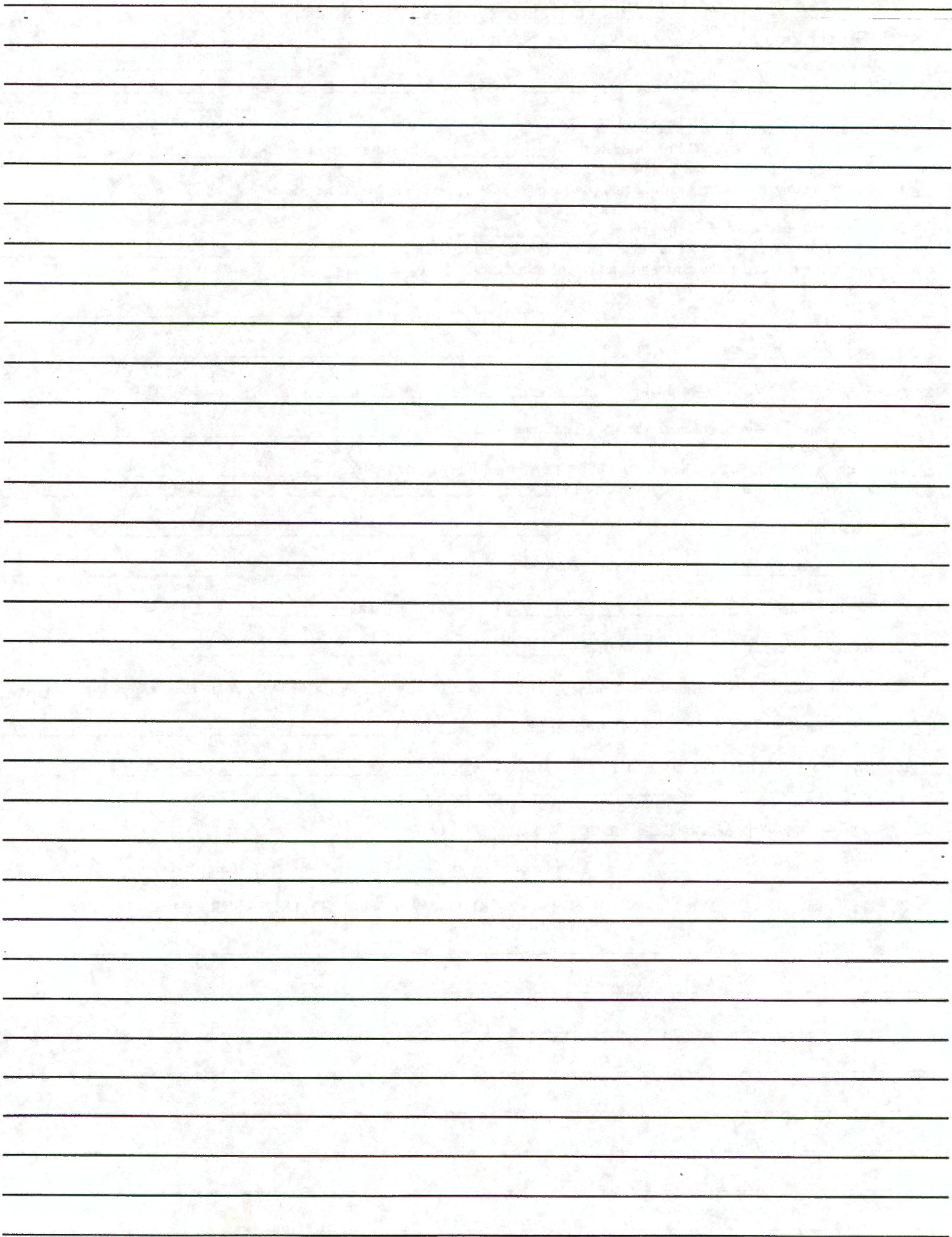
18. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11) 12 17 - SCR (14 15 19 - SWR)

limiting factors _____

THOMAS A WALKER (#137)

1320 FT N & 2640 W

FROM SE CORNER SECTION 35



Application No. 6-13965

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

RECEIVED
JAN 30 1995
WATER RESOURCES DEPT.
SALEM, OREGON

Applicant(s) William E. Miller and The Central Oregon Pumice Company
(Please print or type - use dark ink)

Mailing Address: 1 NW Greenwood Avenue
Bend OR 97701 382-2022
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.): One well
- _____
- _____

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: NA
Elevation difference between streambed and development: NA

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

Diameter of well: ± 8" nominal diameter Depth in feet: 450 ft estimated
Type and size of well casing: ± 6" nominal diameter No. of feet: 450 ft estimated
Estimated depth to water: 375 ft estimated
Type of access port or measuring device: 1"(min) pipe welded to upper casing and an air line
Wells to be drilled by: Not determined
Address: _____

If the water well is flowing artesian, describe your water control and conservation works: _____
Based upon a review of well logs in the immediate vicinity, no flowing
artesian conditions are expected.

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 0.78 cubic feet per second, OR 350 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: _____
- _____

3. **INTENDED USE(s) OF WATER:** Quasi-municipal

If for more than one use, give the quantity of water from each source for each use; _____

If for **DOMESTIC** use, state the number of households to be supplied; _____

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

The proposed water use will include a future ± 40 unit development in section 34, and numerous other uses throughout the area of use.

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation _____
Other (describe) _____

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

A ± 50 horsepower submersible well pump will deliver water to a piped system for domestic uses and also on existing open ditch for livestock and irrigation uses. Approximately 5000 lineal feet of 6" and 8" piping will be required, together with storage facilities and fire protection equipment. Approximately 9500 lineal feet of existing ditch and on existing ± 20 acre-foot pond will be utilized, together with a ± 50 horsepower centrifugal re-pump station and handlines or guns.

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin March 1995

Proposed date construction work will be completed October 1, 1997

Proposed date water use will be completed October 1, 1998

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant X CWRE Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 Applicant X CWRE Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? yes . If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

NOTE: Prior to receiving a certificate of water right, the permit holder must submit to the Water Resources Department the results of a pump test meeting the department's standards. The Director will require water level or pump test results every ten years thereafter.

REMARKS:

 A portion of the lands included in the area of use are owned personally and
 a portion are owned by my Central Oregon Pumice Company.

 I certify the information provided in this application is an accurate
 representation of the proposed water use and is true and correct to the best of my
 knowledge.

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

By:
 THE CENTRAL OREGON PUMICE COMPANY
 Signature of Applicant

 William E. Miller, President

 Signature of Co-Applicant, if any

 January 18, 1995
 Date

 January 18, 1995
 Date



FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 30 day of January, 1995, at 8:00 o'clock, A M.

APPLICATION NO: G-13 965

Faint stamp: RECEIVED... JAN 27 1995

file

APRIL 4, 1996

Oregon

WATER
RESOURCES
DEPARTMENT

WILLIAM E MILLER
THE CENTRAL OREGON PUMICE CO.
1 NW GREENWOOD AVE
BEND, OREGON 97701

Reference: File G-13965

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for QUASI-MUNICIPAL is allowed under OAR 505, the Deschutes Basin Program, [OAR 690-505-002(1)(a)].
4. Based on a groundwater review, the Department has determined this well **will not** have the potential for substantial interference with Deschutes River.
5. The use of 0.78 CUBIC FOOT PER SECOND from one well, within the Middle Deschutes basin, for QUASI-MUNICIPAL is likely available year round.

Summary of Initial Determinations

The use of 0.78 cubic foot per second of water from one well, within the Middle Deschutes basin, for Quasi-Municipal may be allowed year round.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

William E. Miller
The Central Oregon Pumice Co.
File #G-13965
Page 2

April 4, 1996

Because of these favorable determinations to your application the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period, will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **APRIL 18, 1996**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.
2. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

William E. Miller
The Central Oregon Pumice Co.
File #G-13965
Page 3

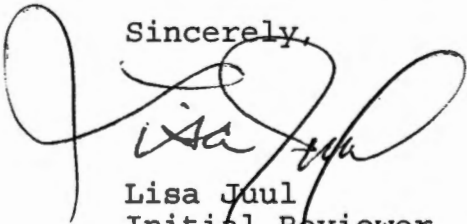
April 4, 1996

3. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
4. The priority date for this application is January 30, 1995.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 267 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Lisa Juul
Initial Reviewer
Water Rights Division

cc: Regional Manager, Watermaster, Water Availability
Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

IR CHECKLIST

Application #: 6-13965 Vol Subbasin Middle Deschutes
Basin: 5-Deschutes WAB: 0103462 POU-WAB 0103461
Township 17S Range 11E Section 35 1/4 1/4 POD & POW - 1/4 corner POU- 5 1/2 NE

0103461
between NW SE
SW SE
NE SW
& SESW

S. 34 - all NE 1/2 NW 1/2 NW, all SW & all SE
S. 36 - NW NW & SW NW

- 1. Items have been verified on Completeness Checklist.
- 2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary) 7B & 7J
 - NO a. Is the well located in a groundwater limited area?
 - b. A B C
- 4. Is the Proposed Use located in or above a Scenic Waterway? YES
- 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) NO
- 6. Is the use allowed or limited by the Basin Program? Middle Deschutes BAR(s) 690-505-002(1)(a)
- 7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- 8. Basin Maps (metal cabinet) have been checked and River Mile 16.6 of Deschutes R has been identified
- 9. Water Availability Data has been verified (50% < July 17, 1992/80% [50% storage] > July 17, 1992) Well NOT hydraulically connected to surface water
- 10. Rate 1/80 Duty 3 Season Year Round
- 11. Use Quasi-Muni Period of Allowed Use Year Round
- 12. Priority Date(s) January 30, 1995
- 13. Is use from a B.O.R. project and if so, is a signed contract in the file? NO
- 14. Division 33 (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994) Well NOT hydraulically connected
- 15. Plat cards have been checked and a copy of the map is attached showing the conflict with No Conflict
- 17. Land use approval OK'd needs approval county notified
- 19. conditions? (BOR, GW, etc.) 7B & 7J
- 20. Watermaster District #: 11 - Kyle Gorman
- 21. Regional Office (NWR, NCR, ER, SCR, or SWR)
- 22. IR has been saved to m:\t\ir\sent\app # from m:\t\ir\work\app #
Requested

0.78 cfs ± 40 unit development

Name: [Signature] Date: 4-2-96

(B) Water legally released from storage.

(b) Attainment of the specified flow levels during some portions of the year will require development of water storage or implementation of other measures to augment flows.

(3) Water Quality

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Middle Deschutes River Basin

690-505-002

(1) Classifications

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Middle Deschutes River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses and the waters of the Middle Deschutes River Basin are hereby so classified with the following exceptions:

(A) OAR 690-505-006, Lower Main Stem Deschutes River, adopted April 3, 1964, as modified by the Water Policy Review Board.

(B) The maximum economic development of this state, the attainment of the highest and best use of the waters of the main stem, Metolius River, above river mile 13.0, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or non-commercial garden not to exceed one-half acre in area, power development, recreation, wildlife and fish life uses and the waters of the main stem, Metolius River, above river mile 13.0, are hereby so classified.

(C) Further, no out-of-basin diversions of the waters of the mainstem Metolius River, above river mile 13.0, shall be permitted for any use.

(D) No further appropriations except for domestic or livestock uses shall be permitted for waters of the mainstem Deschutes River, from the head of Lake Billy Chinook near river mile 120 to the North Canal Dam near river mile 165.

(E) The maximum economic development of this state, the attainment of the highest and best use of the waters of the natural lakes of the Middle Deschutes River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7 1/2 theoretical horsepower, recreation, wildlife and fish life uses.

(b) Applications for the use of the waters of the Middle Deschutes River Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(c) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Minimum Perennial Streamflows

For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses shall be made or granted by any state agency or public corporation of the state for the waters of Lake Creek or its tributaries above the confluence of Lake Creek with the Metolius River for flows of Lake Creek below 20 cubic feet per second measured at the mouth of Lake Creek except that this limitation shall not apply to waters legally stored or legally released from storage (priority date - May 24, 1962).

(3) Water Quality

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Lower Deschutes River Basin

690-505-003

(1) Classifications

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Lower Deschutes River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses and the waters of the Lower Deschutes River Basin are hereby so classified with the following exceptions:

PRE-TR APPLICATION PROCESSING OUTLINE

G13965

Application File # _____

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE

INITIAL

1-30-95

hm

Name and mailing address of applicant

Source of water

Quantity of water

Map showing location of POD & POU

Use of water

Names and addresses of legal owners

Signature of applicant

Oath

Application date stamped per money receipt date

Land use approved pending

If reservoir < 5 AF \$____; if > 5 AF \$____

HB 2153/HB 2107 APPLICATION -- SEE REVERSE

Route to Data Center (Unless 2153/2107)

DATA CENTER

Stream Code _____

Entered into WRIS

SUPPORT SERVICES

4/2/95

PV

2/27/95

2

Stamp contents with application number

Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file

Place label on file and calender card

APPLICATION SECTION

Stream Indexed Basin # _____

Plat Carded and copy made YES NO

If dam is over 10 feet or storage exceeds 9.2

AC-FT, route file to Dam Safety Section

TR CASEWORKER

TR Checklist complete YES NO

Within Irrigation District _____

District Notified _____

District excerpt received _____

TR Mailed DATE _____

Public Interest Checklist complete _____

Management Codes _____

REMARKS: _____

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

Appropriate map (see item 1 on form).

Evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation).

Items 2, 3, 4, 5, and 6 are completed.

Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before routing to Data Center, change priority date to 1/1/1993. Also, confirm the following:

Receipt of evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation)

HB 2107 - wetland, stream restoration and storm water management

Complete Minimum Requirements to File on reverse EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the following:

Name/address of adjacent property owner within 1/4 mile

Map with scale not less than 2 in.=1 mi.

CWRE map if > 10 feet dam or > 9.2 AF

Description of proposed use

Condition addressed

Resulting benefits

Public notices (circle) #1 #2

TO: Water Rights Section

2/18, 1996

FROM: Groundwater/Hydrology Section Gates

Reviewer's Name

SUBJECT: Application G-13765

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE Deschutes Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or _____ have the potential for substantial interference with the nearest
 - b. will not _____ surface water source, namely Deschutes River; or
 - c. ___ will if properly conditioned, adequately protect the surface water from interference:
 - i. ___ The permit should contain condition #(s) _____;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. ___ will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7J, 1B
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than ___ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than ___ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ___ review of the well log;
 - b. ___ field inspection by _____;
 - c. ___ report of CWRE _____;
 - d. ___ other: (specify) _____
6. THE WELL construction deficiency:
- a. ___ constitutes a health threat under Division 200 rules;
 - b. ___ commingles water from more than one groundwater reservoir;
 - c. ___ permits the loss of artesian head;
 - d. ___ permits the de-watering of one or more groundwater reservoirs;
 - e. ___ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL a. ___ was, or constructed according to the standards in effect at the time of
b. ___ was not original construction or most recent modification.
c. ___ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. ___ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ___ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ___ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit
_____, 199__.
(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 199__.
(Signature)

NGWR

COMPLETED

MC 9-8-95

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
G - 13965	9/8/95	GERRY

200 EXAM

100 78 CF4 Quasi/mun

300 Total
300 Received

0 Needed

A checkmark (✓) indicates that the item is incomplete or defective.

- _____ 1. Examination fees. *Fees OK ✓*
- _____ 2. Name and address of the applicant, and title if applicable.
- _____ 3. Source of water.
- _____ 4. Use of water.
- _____ 5. Amount of water.
- _____ 6. Description of delivery system.
- _____ 7. A statement of whether the applicant has written authorization or easements permitting access to lands owned by others.
- _____ 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- _____ 9. Proposed dates of beginning and completion of construction, and complete application of water.
- _____ 10. If for municipal use, the present population to be served and expected future water requirements.
- _____ 11. If for mining use, the type of mines and methods of supplying & utilizing the water.
- _____ 12. If for a reservoir:
 - _____ a. The height of the dam.
 - _____ b. The storage capacity.
 - _____ c. The area submerged.
 - _____ d. The maximum depth.
 - _____ e. The construction method (earthfill, concrete, flashboard, etc.).
 - _____ f. A description of the outlet conduit.
 - _____ g. A description of the spillway.
- _____ 13. If for groundwater, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- _____ 14. If the application was made under HB 2107:
 - _____ a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - _____ b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - _____ c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- _____ 15. An oath that the application information is true and correct.
- _____ 16. The signature of the applicant(s).
- _____ 17. A satisfactory map of the proposed POD & POU.
- _____ 18. A Land Use Information Form or receipt.
- _____ 19. A legal description of the property where water will be used.

February 9, 1995

WILLIAM E MILLER
CENTRAL OREGON PUMICE CO.
1 NW GREENWOOD AVE
BEND, OR 97701

REFERENCE: File(s) G-13965

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used until a water right permit has been issued by the Department.

After an application has been accepted for filing, public notification of the application is made, followed by the mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. In general, applications are processed in the order in which they are received. However, Department staff work through Oregon's 18 river basins on a rotation basis often completing work on all applications within a single basin, then proceeding to the next basin.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo specialized analysis called a technical review and a public interest review. Until your application is reviewed, it is not possible to determine whether your particular proposed water use will be recommended for a permit.

The Water Resources Commission is considering the adoption of rules to protect stream flows for fish species. This action is being contemplated in response to current and future Endangered Species Act fish listings, including many runs of salmon, steelhead and resident fish throughout the state.



REFERENCE: File(s) - G-13965

The proposed rules, if adopted, could limit the issuance of new water right permits in certain areas of the state. If and when the Commission adopts these rules, new criteria or restrictions may be imposed on water use applications received after:

July 17, 1992, for use of water in the Upper Columbia/Snake Basin (above Bonneville Dam), including the mainstem Columbia and Snake Rivers and the Hood, Deschutes, John Day, Umatilla, Grande Ronde, Powder, Malheur and Owyhee Basins;

April 8, 1994, for use of water in the North Coast, Mid Coast, South Coast, Rogue and Umpqua Basins and the Clackamas Subbasin of the Willamette Basin; and

June 3, 1994, for use of water in all Oregon basins.

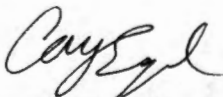
When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, the demands of prior right holders and other conditions to conform the water use to particular standards.

Please contact a Water Rights Research Assistant of the Water Resources Department if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,



Cory C. Engel
Water Rights Research Assistant
Water Rights/Adjudication Division

cc: CWRE

RECEIVED

MAR - 3 1995

WATER RESOURCES DEPT.
SALEM, OREGON

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

Application #s G13962, G13963, G13969, G13964, G13965, G13973, G13971, G13977
G13975, G13976, G13970, G13974, G13961, G13960, G13972, G13959

Send to: Schneider Drilling Co, Attn: Steve
21881 River Road NE
St. Paul, OR 97137

Please include specific comments or concerns. Use additional sheets if necessary.

Return to:
Oregon Water Resources Department
158 12th ST NE
Salem, Oregon 97310

This Comment corresponds to the
FEB/15/1995 Public Notice.



155 N.E. Revere
Bend, Oregon 97701

January 27, 1995

RECEIVED

JAN 30 1995

**WATER RESOURCES DEPT.
SALEM, OREGON**

Oregon Water Resources Department
Water Rights Division - Commerce Building
158 12th Street, N.E.
Salem, Oregon 97310-0210

Application No. 6-13965
Permit No.

**Re: William E. Miller
The Central Oregon Pumice Company
Groundwater Appropriation Application**

Gentlemen/Ladies:

I have enclosed a groundwater appropriation application, application map, executed land use compatibility statement, bargain and sale deeds providing legal descriptions for the property, and a check in the amount of \$300.00. The examination and recording fees were calculated as noted below:

Examination Fee	\$200.00
First Cubic Foot Per Second of Water	<u>\$100.00</u>
Total	\$300.00

The proposed place of use includes approximately 927 acres, in Deschutes County, westerly of Bend, Oregon. The property has been utilized in the past for surface mining and livestock production. All of these uses will continue in the future. In addition, a cluster development has been proposed. Proposed uses of water include domestic, irrigation, lake maintenance/aesthetics, livestock watering, construction water, fire protection, industrial, reclamation, and similar uses. These uses have been combined under a quasi-municipal designation.

Please consider the enclosures and never hesitate to contact me with any questions or needs for additional information. I appreciate your assistance.

Very truly yours,
W&H PACIFIC, INC.

Thomas A. Walker, P.E., C.W.R.E.
Associate

cc: William Miller
Bob Main

06490101\011895cw.ltr

RECEIVED

STATUTORY WARRANTY DEED

Return Dubich file

JAN 30 1995

DESCHUTES COUNTY, a political subdivision of the State of Oregon,

WATER RES. SALEM, OREGON

Grantor, conveys and warrants to WILLIAM E. MILLER and CONSTANCE MILLER,

husband and wife, Grantee, the following described real property situated

in Deschutes County, State of Oregon, free of encumbrances except as

specifically set forth herein:

The South one-half of the North one-half (S $\frac{1}{2}$ N $\frac{1}{2}$) of Section 35, Township 17 South, Range 11 East, Willamette Meridian;

SUBJECT TO:

Existing telephone, telegraph, power lines, roads, railroads, highways, ditches, canals and pipelines;

1978-79 Taxes, a lien as of July 1, 1978 but not yet payable.

The true and actual consideration for this conveyance is property other than money.

DATED: December 5, 1978.

Application No 6-13965
Permit No.

BOARD OF COUNTY COMMISSIONERS

Albert A Young
CHAIRMAN

Bob Montgomery
COMMISSIONER

Donald T. Grubb
COMMISSIONER

State of Oregon, County of Deschutes) ss.

On December 5, 1978, personally appeared before me the above named Albert A. Young, Donald T. Grubb, and Bob Montgomery, personally known to me to be the Board of Commissioners of Deschutes County, a political subdivision of the State of Oregon, and acknowledged the foregoing instrument to be their voluntary act and deed.

Louis B. Dvorak
LOUIS B. DVORAK
NOTARY PUBLIC - OREGON
My Commission Expires 20 Oct 81

Louis B. Dvorak
Notary Public for Oregon
My Commission expires: October 20, 1981

Mail Tax statements to grantees at
5111 Greenwood Bend OR 97701

KNOW ALL MEN BY THESE PRESENTS, That We, OLIVER R. JONES and JOAN E. JONES, husband and wife, Grantors, in consideration of Ten and No/100 - - - - -Dollars (\$10.00), and other good and valuable considerations, to us paid by WILLIAM E. MILLER, Grantee, do hereby grant, bargain, sell and convey unto the said Grantee, his heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Deschutes and State of Oregon, bounded and described as follows, to-wit:

RECEIVED
 JAN 30 1995
 WATER RESOURCES DEPT.
 BEND, OREGON

Application No 6-13905
 Permit No.

The Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-seven (27), Township Seventeen (17) South, Range Eleven (11) East, Willamette Meridian; excepting therefrom 31.76 acres, more or less, heretofore conveyed to the City of Bend, Deschutes County, Oregon, by Shevlin Hixon Company for park purposes by deed dated December 22, 1920 and also subject to an easement and right of way for water conduit given by Shevlin-Hixon Company to Bend Water, Light & Power Company dated October 31, 1919.

The Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-four (34), Township Seventeen (17) South, Range Eleven (11) East, Willamette Meridian; excepting therefrom 29.88 acres, more or less, heretofore conveyed by Shevlin-Hixon Company to the City of Bend for park purposes, by deed dated December 22, 1920 and also subject to an easement and right of way thereon for water conduit given by Bend Timber Company to Bend Water, Light & Power Company, dated October 22, 1919.

The Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34); the South Half (S $\frac{1}{2}$) of Section Thirty-five (35); and all of Section Thirty-six (36), all in Township Seventeen (17) South, Range Eleven (11) East, Willamette Meridian, except Brooks-Scanlon right of way, also 22.5 acres in the Northeast corner of said Section 36; subject to any easements granted or reserved for State and County roads, railroads, pipe lines, telephone and telegraph lines.

The Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-four (34), Township Seventeen (17) South, Range Eleven (11) East, Willamette Meridian; excepting therefrom 6.36 acres, more or less, heretofore conveyed to City of Bend By Shevlin-Hixon Company for park purposes, by deed dated December 22, 1920 and also subject to an easement and right of way thereon for water conduit given by Shevlin-Hixon Company to the Bend Water, Light & Power Company.

The Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-four (34), Township Seventeen (17) South, Range Eleven (11), East, Willamette Meridian; excepting therefrom 36.72 acres, more or less, heretofore conveyed to the City of Bend by the Shevlin-Hixon Company for park purposes by deed dated December 22, 1920, and also subject to an easement and right of way for water conduit given by Shevlin-Hixon Company to Bend Water, Light & Power Company.

The Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-four (34), Township Seventeen (17) South, Range Eleven (11), East, Willamette Meridian; excepting therefrom 10.24 acres, more or less, heretofore conveyed by Shevlin-Hixon Company to the City of Bend for park purposes by deed dated December 22, 1920, and also subject to an easement and right of way thereon for water conduit, given by Shevlin-Hixon Company to the Bend Water, Light & Power Company.

RECEIVED
JAN 30 1995
CLERK R.
SALEM, OREGON

The Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-four (34); and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 34, Township Seventeen (17) South, Range Eleven (11); East, Willamette Meridian, excepting therefrom 38.96 acres, more or less, heretofore conveyed by Shevlin-Hixon Company to the City of Bend, for park purposes by deed dated December 22, 1920, and also subject to an easement and right of way thereon for water conduit given by Shevlin-Hixon Company to the Bend Water, Light & Power Company.

The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-four (34), Township Seventeen (17) South, Range Eleven (11) East, Willamette Meridian; excepting therefrom 6.44 acres, more or less, heretofore conveyed by Shevlin-Hixon Company to the City of Bend for park purposes, by deed dated December 22, 1920 and also subject to an easement and right of way thereon for water conduit given by Bend Timber Company to Bend Water, Light & Power Company dated December 22, 1919.

The Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-four (34), Township Seventeen (17) South, Range Eleven (11) East, Willamette Meridian; excepting therefrom 1.72 acres, more or less, heretofore conveyed by Shevlin-Hixon Company to the City of Bend for park purposes, by deed dated December 22, 1920 and also subject to an easement and right of way thereon for water conduit given by Bend Timber Company to Bend Water, Light & Power Company, dated October 22, 1919, and also subject to an easement and right of way for water conduit given by Shevlin-Hixon Company to the City of Bend, dated May 16, 1927, and subject also to an easement and right of way thereon for a pole line and wires given by Bend Timber Company to the Bend Water, Light & Power Company, dated October 22, 1919.

The Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-four (34), Township Seventeen (17) South, Range Eleven (11) East, Willamette Meridian; subject to an easement and right of way thereon for water conduit given by Shevlin-Hixon Company to the City of Bend, dated May 17, 1927 and also subject to an easement and right of way thereon, for a pole line and wires given by Bend Timber Company to the Bend Water, Light & Power Company, dated October 22, 1919.

The Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-one (31), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian; less 6.5 acres in the Southeast corner of the above described 40 acres, which is recorded in Volume 60 of Deeds, page 372, and filed September 3, 1941, in all comprising approximately 1368.92 acres.

TO HAVE AND TO HOLD the above described and granted premises unto the said Grantee, his heirs and assigns forever.

And, we the grantors, do covenant that we are lawfully seized in fee simple of the above granted premises free from all encumbrances save and except Reservations in Patents and Easements of record, and subject to:

- (1) Reforestation yield permits and taxes under Reforestation Rules and Regulations of the State of Oregon, covering the

Southeast Quarter and the West Half of Section 36 Township 17 South, Range 11, EWM

and subject to:



- (2) Terms of Easement to City of Bend for laying and maintaining water transmission lines and rights of way for access road to water tanks on Overturf Butte, recorded February 14, 1952 in 100 Deed Records, Page 54.

RECEIVED
JAN 30 1995
WATER RESOURCES DEPT.
SALEM, OREGON

and that we will and our heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

WITNESS Our Hands and Seals this 15th day of March, 1955.



Oliver R. Jones (Seal)
Joan E. Jones (Seal)

STATE OF OREGON)
(ss.
County of Deschutes)

On this 15th day of March, 1955, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named OLIVER R. JONES and JOAN E. JONES, husband and wife, who are known to em to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

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

Paul Gardley
Notary Public for Oregon

My Commission Expires:



UPS Internet Shipping: View/Print Label

- 1. Print the label(s):** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
- 2. Fold the printed label at the dotted line.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

3. GETTING YOUR SHIPMENT TO UPS

Customers without a Daily Pickup

- Schedule a same day or future day Pickup to have a UPS driver pickup all of your Internet Shipping packages.
- Hand the package to any UPS driver in your area.
- Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return ServicesSM (including via Ground) are also accepted at Drop Boxes.
- To find the location nearest you, please visit the 'Find Locations' Quick link at ups.com.

Customers with a Daily Pickup

- Your driver will pickup your shipment(s) as usual.

FOLD HERE

<p>TOM WALKER 5413884255 WHPACIFIC, INC. 123 SW COLUMBIA STREET BEND OR 97702</p> <p>SHIP TO: MR. SCOTT KUDLEMYER 503-986-0808 OREGON WATER RESOURCES DEPT. SUITE A 725 SUMMER STREET NE SALEM OR 97301-1266</p>	<p style="text-align: right;">LTR</p> <p style="text-align: right;">1 OF 1</p> <p style="text-align: center; font-size: 2em;">OR 973 0-02</p>  <p style="text-align: center; font-size: 2em;">UPS NEXT DAY AIR</p> <p style="text-align: center; font-size: 3em;">1</p> <p>TRACKING #: 1Z 2W4 44A 01 9862 1511</p> 	<p style="text-align: right;">BILLING: P/P</p> <p style="text-align: right;">Reference #1: 209,035666.1000 Reference #2: Permit G-13017 Miller Tree Farm <small>UIS 11.0.17. WKXJE70 87.0A 01/2009</small></p> 
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

RECEIVED

FEB 19 2009

**WATER RESOURCES DEPT
SALEM, OREGON**

No Conflict

OREGON WATER RESOURCES PLAT CARD: Township 17.00 S Range 11.00 E SECTION 34

4/ 2/1996

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE	NW	NE SW	SE	NE	NW	NW SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 13965 0	0	V																(QM)
G 13965 0	0	V																(QM)
G 13965 0	0	V																(QM)
G 13965 0	0	V										(QM)						
G 13965 0	0	V									(QM)							
G 13965 0	0	V					(QM)											
G 13965 0	0	V	(QM)															
G 13965 0	0	V								(QM)								
G 13965 0	0	V																
G 13965 0	0	V												(QM)				
G 13965 0	0	V																
G 13965 0	0	V					(QM)											
G 13965 0	0	V																
G 13965 0	0	V																(QM)
G 13965 0	0	V												(QM)				

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **62475**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Miller Tree Farm
BY: LLC

APPLICATION	G13965
PERMIT	
TRANSFER	

CASH: CHECK:# 1003 OTHER: (IDENTIFY)

TOTAL REC'D \$ 75.00

0401 TREASURY 0417 WRD MISC CASH ACCT

0407	COPIES		\$
_____	OTHER: (IDENTIFY)	_____	\$
_____	OTHER: (IDENTIFY)	_____	\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	<u>ASSIGN</u>	\$ <u>75.00</u>
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME		\$

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE	\$	0202	RECORD FEE	\$
0203	GROUND WATER	EXAM FEE	\$	0204	RECORD FEE	\$
0205	TRANSFER	EXAM FEE	\$			

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE	\$	0219	LICENSE FEE	\$
	LANDOWNER'S PERMIT			0220	LICENSE FEE	\$
_____	OTHER (IDENTIFY)	_____				

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	
_____	OTHER (IDENTIFY)	_____		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)		\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
_____	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **62475** DATED: 8/29/03 BY: Connie Vance

WATER FURCUES DEPARTMENT

RECEIPT # 131136

Summer St. N.E. Ste. A

SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: The Tree Farm LLC

APPLICATION	
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK: # 0962 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 325.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
<u>0413</u>	OTHER:	<u>47126</u> (IDENTIFY) <u>Ret. Reimbursement Authority</u>	\$ <u>125.00</u>
0243	I/S Lease		
0244	Muni Water Mgmt. Plan		
0245	Cons. Water		

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE	\$	0202	RECORD FEE	\$
0203	GROUND WATER	EXAM FEE	\$	0204	RECORD FEE	\$
0205	TRANSFER	EXAM FEE	\$			

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE	\$	0219	LICENSE FEE	\$
	LANDOWNER'S PERMIT	EXAM FEE	\$	0220	LICENSE FEE	\$
<u>0200</u>	OTHER	(IDENTIFY) <u>COB4</u>				\$ <u>200.00</u>

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	
	OTHER	(IDENTIFY)		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)		\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: 131136

DATED: 10-25-19 BY: Bilendi

STATE OF OREGON

WATER SOURCES DEPARTMENT

RECEIPT # 131136

Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: The Tree Farm LLC

APPLICATION	
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK:# 0962 OTHER: (IDENTIFY)

TOTAL REC'D \$ 325.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 R 12671-21 \$
0413 OTHER: (IDENTIFY) Cert. Reimbursement Authority \$ 125.00
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS 46111

0407 COPY & TAPE FEES \$
 0410 RESEARCH FEES \$
 0408 MISC REVENUE: (IDENTIFY) \$
 TC162 DEPOSIT LIAB. (IDENTIFY) \$
 0240 EXTENSION OF TIME \$

WATER RIGHTS:

EXAM FEE		RECORD FEE
\$	0201 SURFACE WATER	\$
\$	0203 GROUND WATER	\$
\$	0205 TRANSFER	\$

WELL CONSTRUCTION

EXAM FEE		LICENSE FEE
\$	0218 WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$
	0220 OTHER (IDENTIFY) <u>COBU</u>	\$ <u>200.00</u>

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD # _____
 0210 MONITORING WELLS \$ CARD # _____
 OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$
 0231 HYDRO LICENSE FEE (FW/WRD) \$
 HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: 131136

DATED: 10-25-19 BY: Bilindi

STATE OF OREGON

WATER SOURCES DEPARTMENT

RECEIPT # 131231

Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

INVOICE #

RECEIVED FROM: The Tree Farm LLC

APPLICATION 5-13065

BY:

PERMIT

CASH: CHECK:# OTHER: (IDENTIFY)

TRANSFER

0963

TOTAL REC'D \$ 1619.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 \$
0413 OTHER: (IDENTIFY) Cont. Reimbursement Auth. R. 12671-24 \$1619.00

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) _____ \$
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ 0202 RECORD FEE \$
0203 GROUND WATER EXAM FEE \$ 0204 RECORD FEE \$
0205 TRANSFER EXAM FEE \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ 0219 LICENSE FEE \$
LANDOWNER'S PERMIT 0220 LICENSE FEE \$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD #
0210 MONITORING WELLS \$ CARD #
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$
0231 HYDRO LICENSE FEE (FW/WRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$

RECEIPT: 131231

DATED: 11-7-19 BY: [Signature]

STATE OF OREGON
WATER SOURCES DEPARTMENT

RECEIPT # **131231**

Summer St. N.E. Ste. A
 SALEM, OR 97301-4172
 (503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: The Tree Farm LLC
 BY: _____

APPLICATION	6-13065
PERMIT	
TRANSFER	

CASH: CHECK: # X 0963 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1619.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 OTHER: (IDENTIFY) Cont Reimbursement Auth. R-12671-21
0413 \$ 1619.00
 0243 I/S Lease _____ 0244 Muni Water Mgmt Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0220	\$
	OTHER (IDENTIFY)			

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #
0210	MONITORING WELLS	\$	CARD #
	OTHER (IDENTIFY)		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)	\$
0231	HYDRO LICENSE FEE (FWWRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **131231**

DATED: 11-7-19 BY: [Signature]

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **121423**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: William E. Miller
BY: _____

APPLICATION	<u>13965</u>
PERMIT	
TRANSFER	

CASH: CHECK: # 24-12 OTHER: (IDENTIFY)

TOTAL REC'D \$ 300.-

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

_____	CASH ACCT.	\$
_____	VOUCHER #	
_____	COST CENTER AND OBJECT CLASS	

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$ <u>200.-</u>	842.004	\$ <u>100.-</u>
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
_____	LANDOWNER'S PERMIT	\$	842.024	\$

OTHER (IDENTIFY) _____

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #	
_____	MONITORING WELLS	\$	CARD #	
_____	OTHER (IDENTIFY)			

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE (FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # **121423**

DATED: 1-30-95 BY: D. Bushnell

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **123148**

INVOICE # _____

RECEIVED FROM: The Tree Farm, LLC

APPLICATION 613965

BY: _____

PERMIT _____

TRANSFER _____

CASH: CHECK:# 841 OTHER: (IDENTIFY)

TOTAL REC'D \$ 85.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) Assignment \$ 85.00
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$ _____	0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION \$ _____

RECEIPT: **123148**

DATED: 4-12-17

BY: [Signature]

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **95658**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Miller Tree Farm LLC

APPLICATION	G 13965
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK:# 1284 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 350.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
_____	OTHER: (IDENTIFY)	_____	\$
0243 I/S Lease	_____	0244 Muni Water Mgmt. Plan	_____
		0245 Cons. Water	_____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	_____	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME		\$ <u>350.00</u>

WATER RIGHTS:

0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$
_____	OTHER (IDENTIFY)	_____		

46111

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	
_____	OTHER (IDENTIFY)	_____		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)		\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
_____	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND	_____	TITLE	_____
OBJ. CODE	_____	VENDOR #	_____
DESCRIPTION	_____		\$

RECEIPT: **95658**

DATED: 2-19-09 BY: LATG

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **28112**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: The Central Oregon Purchase Co.
BY: _____

APPLICATION	<u>6-13965</u>
PERMIT	
TRANSFER	

CASH: CHECK: # 2442 OTHER: (IDENTIFY)

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY) _____	\$
OTHER: (IDENTIFY) _____	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

PCA # 66111

MISCELLANEOUS			
0407 COPY & TAPE FEES	\$		
0410 RESEARCH FEES	\$		
0408 MISC REVENUE: (IDENTIFY) _____	\$		
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$		

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

0240 OTHER (IDENTIFY) EXT. OF TIME \$100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	
OTHER (IDENTIFY) _____			

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

	LIC NUMBER	
0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HRDRO APPLICATION		\$

RECEIPT # **28112**

DATED: 3-4-99 BY: Roger Wright

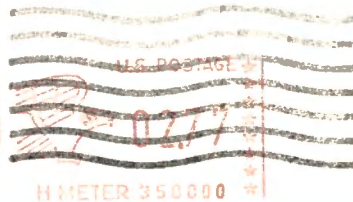
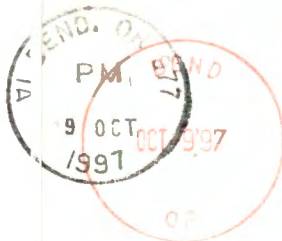
THE CENTRAL OREGON PUMICE COMPANY
110 N.E. Greenwood Avenue
Bend, Oregon 97701



CERTIFIED

P 131 614 217

MAIL



Water Resource Dept.
158 12th N.E.
Salem, Oregon 97310

10/14/97
3/17/98

97310-0700





Brooks Resources Corporation

409 NW Franklin Avenue
Bend, Oregon 97703-2805

ADDRESS SERVICE REQUESTED

EUGENE
OR 974
14 NOV '19
PM 3 1



US POSTAGE
\$00.50⁰
First-Class

Mailed From 97703
11/14/2019
032A 0061849756

Oregon Water Resources Dept.
725 Summer St. NE, Ste. A
Salem, OR 97301

97301-126673



Estate of William E. Miller
110 NE Greenwood Avenue
Bend, OR 97701

★ ★ ★ UNITZ. 
103 PB8677718
1306 \$ 00.60⁰ AUG 27 03
5595 MAILED FROM BEND OR 97701

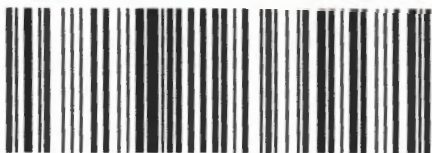
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97301-4172

97301X4172 C009



Miller Tree Farm, LLC
110 NE Greenwood Avenue
Bend, OR 97701

CERTIFIED MAIL™



7004 1160 0001 7239 4320

UNITED STATES POSTAGE
188
1348 \$ 04.42⁰ PB8677718
0464 MAILED FROM BEND OR SEP 23 04 97701

Ms. Lisa J. Juul
Oregon Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271

97301X1266



THE CENTRAL OREGON PUMICE COMPANY

CHECK **004093**

DATE	DESCRIPTION	AMOUNT	DEDUCTION	NET AMOUNT
3/2/99	Permit G-13017 OWRD Application NO. G-13965 WHP File No 649-0102			\$100.00
CHECK DATE	CONTROL NUMBER	TOTALS ▶ \$100.00		

THE TREE FARM LLC

Oregon Water Resources D

0963

DATE	INVOICE NO.	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
10-30-19	appl #G-13965	Contract #R12671-21	1619.00	<p>RECEIVED NOV 07 2019 OWRD</p>	
CHECK DATE	11-04-19	CHECK NUMBER	963		TOTALS

NOTICE OF BEGINNING OF CONSTRUCTION

OCT 14 1997

WATER RESOURCES DEPARTMENT SALEM, OREGON

I, William E. Miller and The Central Oregon Pumice Company, the holder of Permit No. G-13017

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 23rd day of September, 1997.

Remarks: STACO Well Services Inc. mobilized to the site, completed drilling

and a surface seal to a depth of 20 feet, continued drilling to approximately 500 feet and initiated 8" casing installation. The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of October, 1997. William E. Miller, Pres Central Oregon Pumice Company, 110 NE Greenwood Avenue Bend, Oregon 97701

(Signature of Applicant)

(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

OK DSM

NUMBER 00491

Check 300 NO _____ Cash _____

-
- Surface Application
 - Reservoir Application
 - Ground Water Application
 - Transfer Application
 - Power Claim
 - Hydroelectric Examination
 - Hydroelectric License
 - Copying
 - Assignment
 - Extension of Time
 - Other
 - P-6
 - Quadrangle
 - Basin
 - Protest
 - Constructors Examination
 - Constructors License
 - Adjudication

200
100
Data
Center

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

SEP 07 2004

WATER RESOURCES DEPT
SALEM, OREGON

WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE SUITE A
SALEM OR 97301-1271

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

G-13965 LJ
 MILLER TREE FARM LLC
 110 NE GREENWOOD AVE
 BEND OR 97701

2. Article Number

(Transfer from service label)

7004 0750 0001 4171 5668

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 X Carollina Jones Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

HC 09 Jerry G.

G13965

Application No.

Permit No.

G-12565

Name Wm. Miller

Address 1 NW Greenwood ave., Bend, OK

Assigned

Address

Beginning construction 10/29/97

Completion of construction 10/1/98

Extended to

Complete application of water 10/1/99

Extended to

IMPORTANT MESSAGE

FOR _____

DATE _____ TIME _____ A.M.
P.M.

M Tom Walker

OF _____

PHONE 541 388 4255
AREA CODE NUMBER EXTENSION

FAX

MOBILE _____
AREA CODE NUMBER TIME TO CALL

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE 13965

SIGNED



FORM 3002S
MADE IN U.S.A.

26562

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## 6-13965

ROUTED TO: Marilyn

TOWNSHIP/

RANGE-SECTION: 17S/11E-34,35,36

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Gates

IS YOUR RETURN ADDRESS COMPLETED ON THE REVERSE SIDE?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

William E. Miller
 Central Oregon Pumice Co.
 1 NW Greenwood Ave.
 Bend, OR 97701

G-13965

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

X *W E Miller*

4a. Article Number

P56544

4b. Service Type

- | | |
|---------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

10-3-94

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

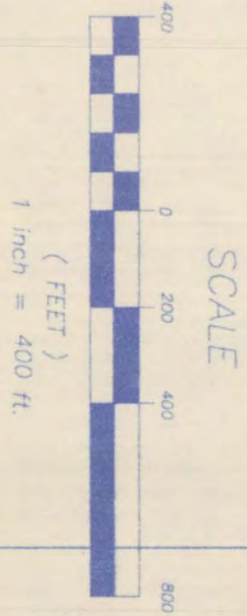
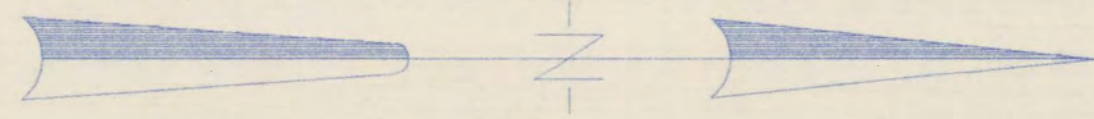


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

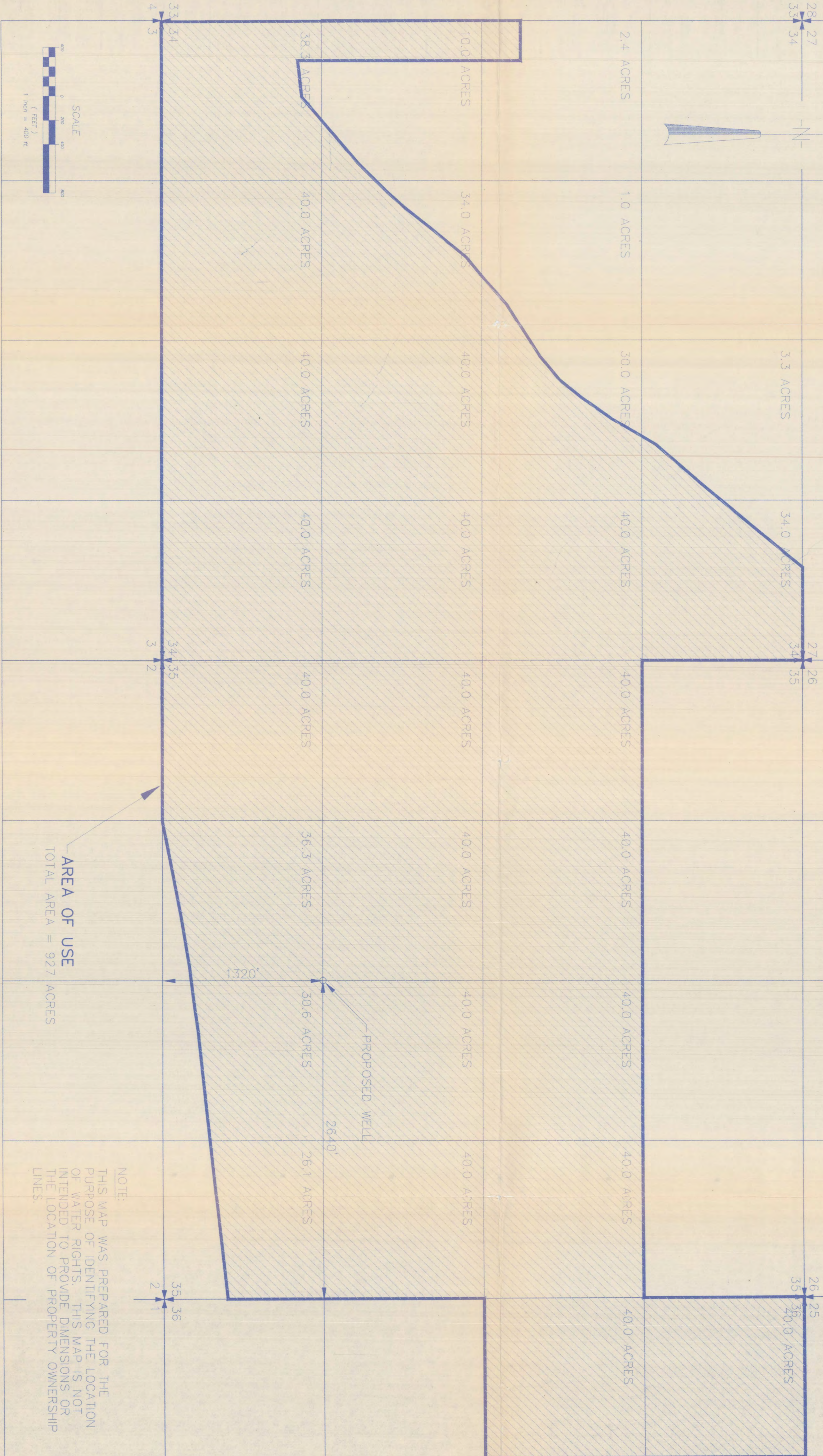
● Print your name, address, and ZIP Code in this box ●

WATER RESOURCES DEPARTMENT
158 12th ST NE
SALEM OR 97310





GROUNDWATER APPROPRIATION APPLICATION MAP
FOR WILLIAM E. MILLER AND THE CENTRAL OREGON PUMICE COMPANY
SECTIONS 34, 35, AND 36, TOWNSHIP 17 SOUTH, RANGE 11 EAST

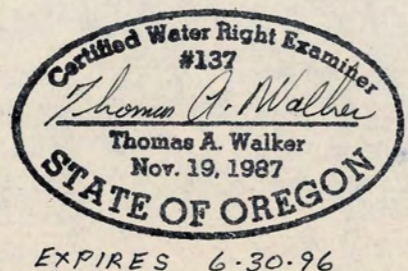


AREA OF USE
TOTAL AREA = 927 ACRES

NOTE:
THIS MAP WAS PREPARED FOR THE
PURPOSE OF IDENTIFYING THE LOCATION
OF WATER RIGHTS. THIS MAP IS NOT
INTENDED TO PROVIDE DIMENSIONS OR
THE LOCATION OF PROPERTY OWNERSHIP
LINES.

Application No. G-13965
Permit No.

DESIGNED BY: NLM	CHECKED BY:	1/9/94		
DRAWN BY: NLM	DATE:	1/9/94		
DATE	BY	REVISION	CK'D	APPR.



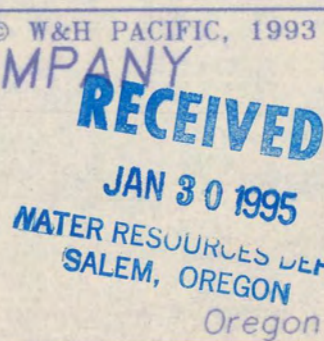
WILLIAM E. MILLER / CENTRAL OREGON PUMICE COMPANY
APPLICATION MAP FOR

GROUNDWATER APPROPRIATION

Deschutes County
SCALE:
1" = 400'

PROJECT NO.
649-0101

DRAWING FILE NAME:
MILLGWA.DWG

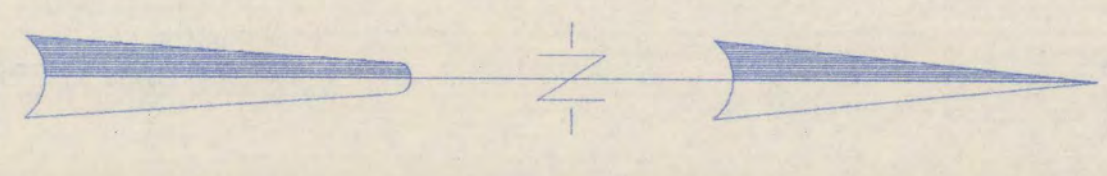


W&HPACIFIC
155 N.E. Revere
Bend, OR 97701
Phone: (503) 388-4255 Fax: (503) 388-4229
Planning • Engineering • Surveying
Landscape Architecture • Environmental Services

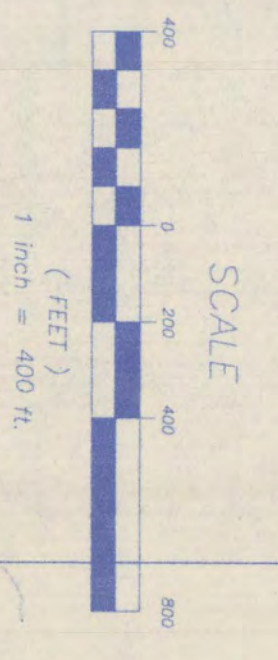
XREFS:

SECTION, TOWNSHIP, RANGE: 18/12/21

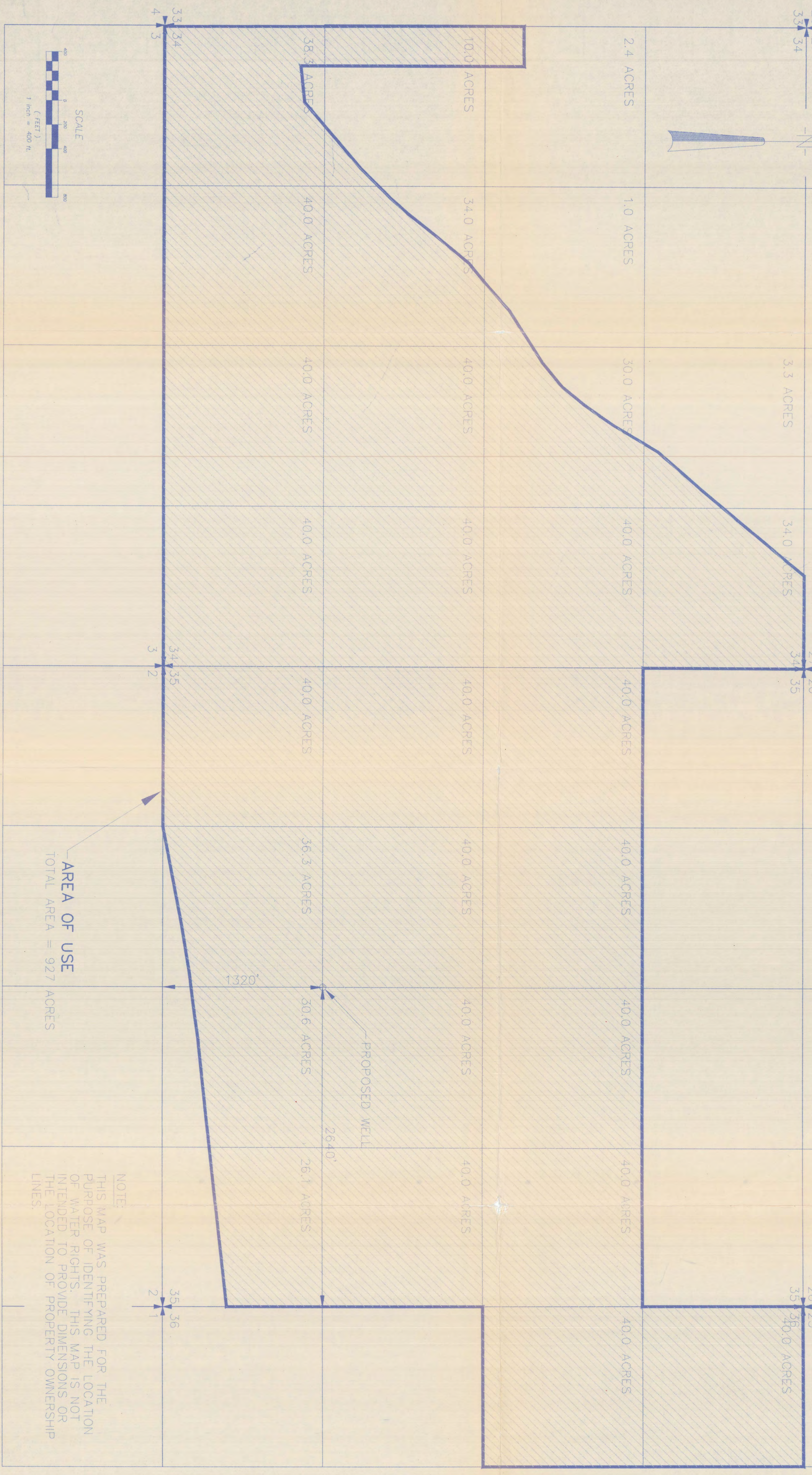
28 27
33 34



Application No. G-13965
Permit No.



GROUNDWATER APPROPRIATION APPLICATION MAP
FOR WILLIAM E. MILLER AND THE CENTRAL OREGON PUMICE COMPANY
SECTIONS 34, 35, AND 36, TOWNSHIP 17 SOUTH, RANGE 11 EAST



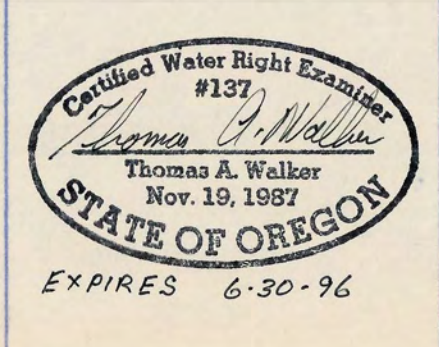
AREA OF USE
TOTAL AREA = 927 ACRES

PROPOSED WELL

NOTE:
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OF WATER RIGHTS. THIS MAP IS NOT
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THE LOCATION OF PROPERTY OWNERSHIP
LINES.

RECEIVED
JAN 30 1995
WATER RESOURCES DIVISION
SALEM, OREGON

DESIGNED BY: <u>NLM</u>	CHECKED BY:			
DRAWN BY: <u>NLM</u>	PLOT DATE: <u>1/9/94</u>			
DATE	BY	REVISION	CK'D	APPR.



WILLIAM E. MILLER / CENTRAL OREGON PUMICE COMPANY
APPLICATION MAP FOR
GROUNDWATER APPROPRIATION

Deschutes County Oregon

SCALE: 1" = 400'

PROJECT NO. 649-0101

DRAWING FILE NAME: MILLGWA.DWG

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Planning • Engineering • Surveying
Landscape Architecture • Environmental Services