



**IMPORTANT MESSAGE**

FOR	<u>THU, 19499</u>	DATE	<u>5-7</u>	TIME	<u>340</u>	<input checked="" type="radio"/> A.M. <input type="radio"/> P.M.
M.	<u>RICHARD MITTRY</u>					
OF						<input checked="" type="checkbox"/> PHONED
PHONE	<input type="checkbox"/> FAX <input type="checkbox"/> MOBILE	<u>559-591-7606</u>				RETURNED YOUR CALL
MESSAGE	AREA CODE	NUMBER	EXTENSION	<input checked="" type="checkbox"/> PLEASE CALL		
		<u>559</u>	<u>591</u>	<u>7606</u>	WILL CALL AGAIN	
			<u>EXTEN</u>	CAME TO SEE YOU		
	<u>209-591-7606</u>					WANTS TO SEE YOU
	<u>INFO</u>	<u>DRILLING</u>				
SIGNED						<b>Tops</b> FORM 4006

**IMPORTANT MESSAGE**

FOR	<u>Wed, 19499</u>	DATE	<u>9-8</u>	TIME	<u>1010</u>	<input checked="" type="radio"/> A.M. <input type="radio"/> P.M.
M.	<u>RICHARD MITTRY</u>					
OF	<u>G 14711 &amp; G-13492</u>					<input checked="" type="checkbox"/> PHONED
PHONE	<input type="checkbox"/> FAX <input type="checkbox"/> MOBILE	<u>559-591-7606</u>				RETURNED YOUR CALL
MESSAGE	AREA CODE	NUMBER	EXTENSION	<input checked="" type="checkbox"/> PLEASE CALL		
		<u>559</u>	<u>591</u>	<u>7606</u>	WILL CALL AGAIN	
	<u>HAS A</u>	<u>#2</u>				CAME TO SEE YOU
	<u>PERMIT</u>	<u>WELL</u>				WANTS TO SEE YOU
SIGNED						<b>Tops</b> FORM 4006

G-14711

RECEIVED  
OCT 22 2021

October 19, 2021

ATTN: Sarah Henderson  
Transfer and Conservation Section  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

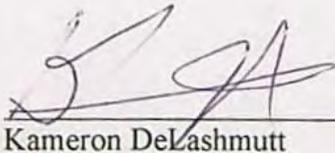
OWRD

Re: Voluntary Cancellation Submittal

Sarah Henderson:

Please accept the enclosed package containing documents relating to the Voluntary Cancellation of a Water Right Certificate. The documents are being submitted on behalf of Pinnacle Utilities, LLC, holder of Permit G-17036. The intent of the Voluntary Cancellation is to apply the credit towards mitigation obligation offset for Permit G-17036. Also enclosed is a map showing the lands to be cancelled, totaling 16.5 acres out of 18.5 acres certificated. The 2.0 acres shown on Tax Lot 1901 are excluded from the Voluntary Cancellation. Please direct feedback or questions to Water Right Services, LLC via email to John Short johnshort@usa.com or 541-389-2837.

Sincerely,



Kameron DeLashmutt  
Pinnacle Utilities, LLC  
2447 NW Canyon Dr  
Redmond, OR 97756  
541-350-8479

10/21/21

Ann Took  
Ann, - Home 11/22/24  
89259  
here is another  
Voluntary cancellation  
For mitigation,  
I will send you  
email also.  
Sarah



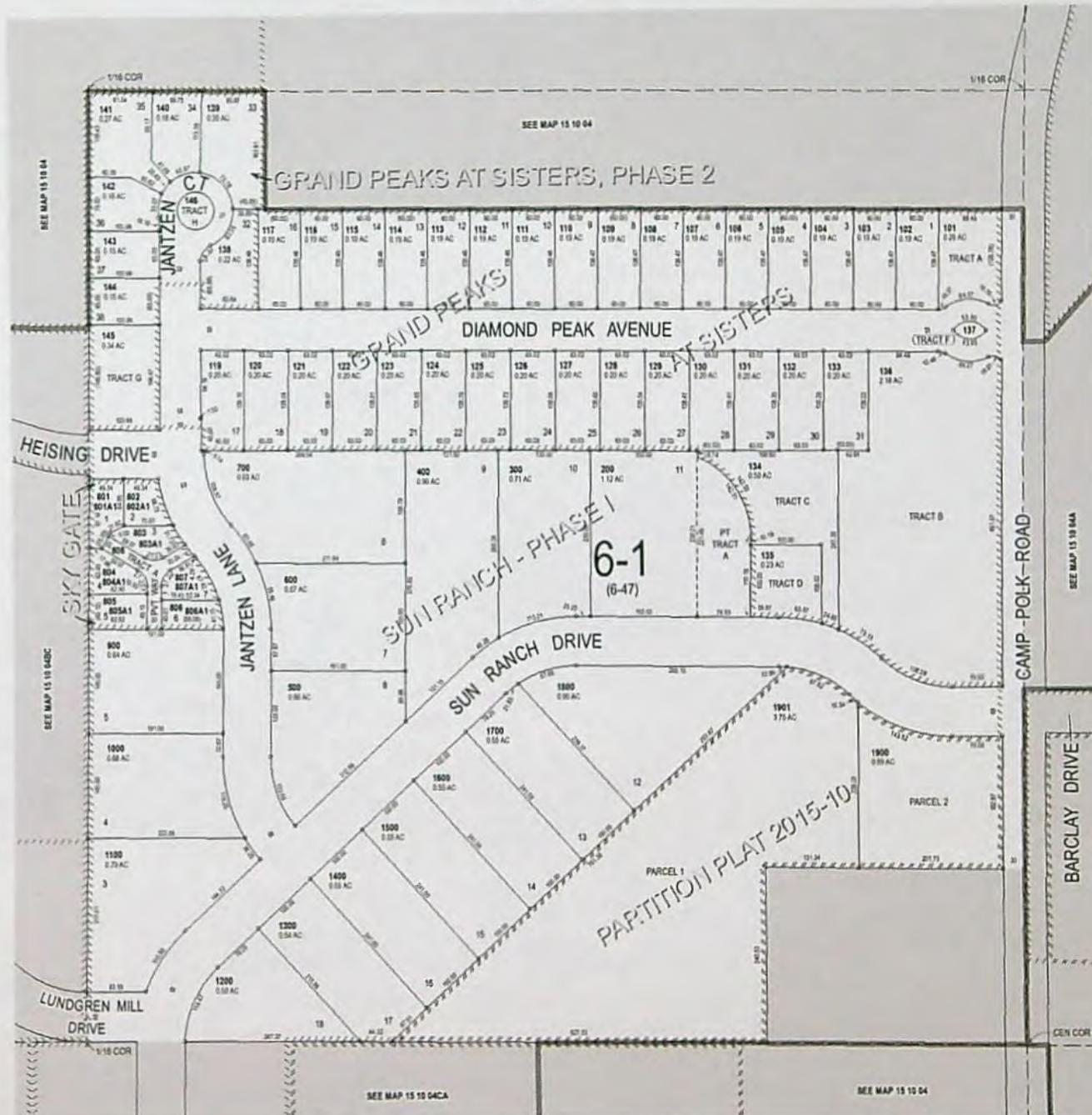
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

11/7/2018

S.E. 1/4 N.W. 1/4 SEC. 4 T.15S. R.10E. W.M.  
DESCHUTES COUNTY  
1" = 100'

15 10 04BD

Cancelled Nite  
100  
115  
500



PARTITION PLAT 2015-10

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15 10 04BD

**AFFIDAVIT FOR THE VOLUNTARY CANCELLATION  
OF AN ENTIRE WATER RIGHT CERTIFICATE (ORS 540.621) CONTINGENT  
UPON OWRD's ACCEPTANCE AS MITIGATION OBLIGATION OFFSET FOR PERMIT G-17036**

State of Oregon )  
County of Deschutes ) ss

X I/We, Todd Weitzman, Manager (title) of DIPROP, LLC residing at

13915 Sundeleaf Dr., Lake Oswego, OR 97034 being first duly sworn depose and say:

1. I/We are the legal and deeded owner of the property described as tax lot number 300 within the BD  $\frac{1}{4}$ , Section 04, Township 15 (S), Range 10 (E), of the Willamette Meridian, in Sisters, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. I/We wish to cancel the following water right certificate number 89259 issued to Dutch Pacific Properties, Inc. with a date of priority of March 18, 1998 appurtenant to my/our property.

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) IR

*FOR IRRIGATION OR NURSERY USE:*

- o Total number of acres to be cancelled 18.5 acres from all owners.
- o Location of acres to be cancelled must be clearly identified on a copy of the final proof map.
- In the amount of 0.23 cubic foot per second
- From the water source (s) a Well in the Whychus Creek Basin;

3. The appurtenant water right is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: N/A;

4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

N/A

\_\_\_\_\_  
Signature of district manager

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (Signature of district manager on the line below documents consent of the district.)

N/A

\_\_\_\_\_  
Signature of district manager

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

6. I/We have abandoned any and all interest in this water right described in Item 2 above and request said right be cancelled ONLY UPON OWRD's ACCEPTANCE AS 33.3 AF MITIGATION OBLIGATION OFFSET FOR APPLICATION G-16385 / PERMIT G-17036.

X Todd Whit  
\_\_\_\_\_  
Signature of legal owner as listed on deed, or authorized agent

X 10/1/18  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of legal co-owner as listed on deed  
(If applicable)

\_\_\_\_\_  
Date

Subscribed and Sworn to Before Me this 1<sup>ST</sup> day of October, 2018.



Tyrone Macgregor Hildreth  
\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires 4-16-2021

**PLEASE ATTACH A LEGIBLE COPY OF:**

- 1) A deed which lists landowners and includes a legal description of affected lands, and
- 2) A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned right clearly drawn and identified.
- 3) IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).

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EOB

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.

36

Bird Gard, LLC  
 P.O. Box 1690  
 Sisters, OR 97759  
Grantor's Name and Address

Diprop, LLC  
 P.O. Box 1690  
 Sisters, OR 97759  
Grantee's Name and Address

After recording, return to (Name, Address, Zip):  
 Todd Weitzman  
 P.O. Box 1690  
 Sisters, OR 97759

Until requested otherwise, send all tax statements to (Name, Address, Zip):  
 Diprop, LLC  
 P.O. Box 1690  
 Sisters, OR 97759

DESCHUTES COUNTY OFFICIAL RECORDS  
 NANCY BLANKENSHIP, COUNTY CLERK 2009-25662

\$31.00

00674990200900256620010013

06/17/2009 02:33:21 PM

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

SPACED FOR RECORDER'S USE

No. \_\_\_\_\_, Records of this County.

Witness my hand and seal of County affixed.

NAME TITLE

By \_\_\_\_\_, Deputy.

WARRANTY DEED - STATUTORY FORM

Bird Gard, LLC, Grantor,  
 conveys and warrants to Diprop, LLC, Grantee,  
 the following described real property free of encumbrances, except as specifically set forth herein, situated in Deschutes County, Oregon, to-wit:

Lot 10 of Sun Ranch - Phase 1, City of Sisters, Deschutes County, Oregon

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The property is free from encumbrances, except (if none, so state): None

The true consideration for this conveyance is \$ 0 (Here, comply with the requirements of ORS 93.030.)

RECEIVED  
 OCT 22 2009  
 OWRD

DATED June 16, 2009; if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

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. 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.

Bird Gard, LLC  
 Todd Weitzman  
 President, Managing Member

STATE OF OREGON, County of Deschutes ss.

This instrument was acknowledged before me on \_\_\_\_\_  
 by \_\_\_\_\_  
 This instrument was acknowledged before me on June 16, 2009  
 by Todd Weitzman  
 as President and managing member  
 of Bird Gard, LLC

Recorded by AmeriTitle as an accommodation only. No liability is accepted for the condition of title or for the validity, sufficiency, or effect of this document.



Tham J. Van Landuyt  
 Notary Public for Oregon  
 My commission expires 5-21-2010

After recording, return to AmeriTitle

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OCT 22 2021

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DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2006-11516



\$36.00

02/17/2006 04:03:00 PM

D-D Cnt=1 Str=2 LADENEL  
\$10.00 \$11.00 \$10.00 \$5.00

3/0  
After recording return to:  
BIRD GARD LLC  
PO Box 1690  
Sisters, OR 97759

Until a change is requested all tax statements  
shall be sent to the following address:  
BIRD GARD LLC  
PO Box 1690  
Sisters, OR 97759

File No.: 7063-635332 (CC)  
Date: February 14, 2006

### STATUTORY WARRANTY DEED

2  
Dutch Pacific Properties Limited Partnership, who acquired title as Dutch Pacific Properties LP, an Oregon Limited Partnership, Grantor, conveys and warrants to BIRD GARD LLC, an Oregon Limited Liability Company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

Lot 10 of SUN RANCH - PHASE I, City of Sisters, Deschutes County, Oregon.

Excepting therefrom, any and all water rights appurtenant to the real property described in this deed including without limitation the water rights set forth in Certificate of Water Right #80808 ("Water Right") issued by the State of Oregon all of which Water Rights are expressly reserved to Grantor. If necessary in the future, Grantee, its successors and assigns will execute and deliver a Quitclaim Deed releasing and transferring any and all right, title or interest in the Water Right.

This property is free from liens and encumbrances, EXCEPT:

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

The true consideration for this conveyance is \$248,000.00. (Here comply with requirements of ORS 93.030)

APN:

Statutory Warranty Deed  
- continued

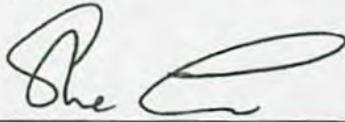
7063-635332  
File No.: ~~current (CC)~~  
Date: 01/27/2006

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

Dated this 17<sup>th</sup> day of February, 2006.

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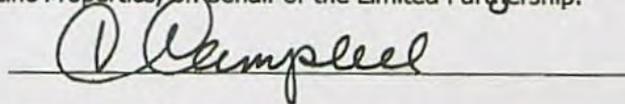
Dutch Pacific Properties, an Oregon Limited Partnership



By: Shane Lundgren, Member

STATE OF Oregon )  
County of Deschutes )ss.  
)

This instrument was acknowledged before me on this 17<sup>TH</sup> day of February, 2006 by Shane Lundgren as Member of Dutch Pacific Properties, on behalf of the Limited Partnership.



Notary Public for Oregon  
My commission expires: 7-19-2008



OCT 22 2021

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**AFFIDAVIT FOR THE VOLUNTARY CANCELLATION  
OF AN ENTIRE WATER RIGHT CERTIFICATE (ORS 540.621) CONTINGENT  
UPON OWRD's ACCEPTANCE AS MITIGATION OBLIGATION OFFSET FOR PERMIT G-17036**

State of Oregon )  
 ) ss  
County of Deschutes )

I/We, NANCY J KAPPYKO (title) of **KAPPYKO, LLC** residing at

1291 GRAND ISLE CT, NAPLES FL, 34109 being first duly sworn depose and say:

1. I/We are the legal and deeded owner(s) of the property described as tax lot number 200, within the BD ¼¼, Section 04, Township 15 (S), Range 10 (E), of the Willamette Meridian, in Sisters, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. I/We wish to cancel the following water right certificate number 89259 issued to Dutch Pacific Properties, Inc. with a date of priority of March 18, 1998 appurtenant to my/our property.

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) IR

*FOR IRRIGATION OR NURSERY USE:*

- Total number of acres to be cancelled 18.5 acres from all owners.
- Location of acres to be cancelled must be clearly identified on a copy of the final proof map.
- In the amount of 0.23 cubic foot per second
- From the water source (s) a Well in the Whychus Creek Basin;

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3. The appurtenant water right is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: N/A ;

4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

N/A

Signature of district manager

Printed Name

Date

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (Signature of district manager on the line below documents consent of the district.)

N/A

Signature of district manager

Printed Name

Date

6. I/We have abandoned any and all interest in this water right described in Item 2 above and request said right be cancelled ONLY UPON OWRD's ACCEPTANCE AS 33.3 AF MITIGATION OBLIGATION OFFSET FOR APPLICATION G-16385 / PERMIT G-17036.

Signature of legal owner as listed on deed, or authorized agent

Date

Signature of legal co-owner as listed on deed  
(If applicable)

Date

Subscribed and Sworn to Before Me this 19<sup>TH</sup> day of JULY, 2018.



Signature of Notary Public

My Commission Expires 11-30-18

PLEASE ATTACH A LEGIBLE COPY OF:

- 1) A deed which lists landowners and includes a legal description of affected lands, and
- 2) A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned right clearly drawn and identified.
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**AFFIDAVIT FOR THE VOLUNTARY CANCELLATION  
OF AN ENTIRE WATER RIGHT CERTIFICATE (ORS 540.621) CONTINGENT  
UPON OWRD'S ACCEPTANCE AS MITIGATION OBLIGATION OFFSET FOR PERMIT G-17036**

State of Oregon

)

) ss

County of Deschutes

)

I/We, Nancy Skapp, Agre Mbr (title) of Grand Peaks at Sisters, LLC  
residing at

2001 Welwedill, Chgo, I, being first duly sworn depose and say:

1. I/We are the legal and deeded owner(s) of the property described as tax lot numbers 101 through 133 inclusive & 136, 137, 138, within the BD 1/4, Section 04, Township 15 (S), Range 10 (E), of the Willamette Meridian, in Sisters, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. I/We wish to cancel the following water right certificate number 89259 issued to Dutch Pacific Properties, Inc. with a date of priority of March 18, 1998 appurtenant to my/our property.

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) IR

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4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

N/A

Signature of district manager

Printed Name

Date

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (Signature of district manager on the line below documents consent of the district.)

N/A

Signature of district manager

Printed Name

Date

6. I/We have abandoned any and all interest in this water right described in Item 2 above and request said right be cancelled ONLY UPON OWRD's ACCEPTANCE AS 33.3 AF MITIGATION OBLIGATION OFFSET FOR APPLICATION G-16385 / PERMIT G-17036.

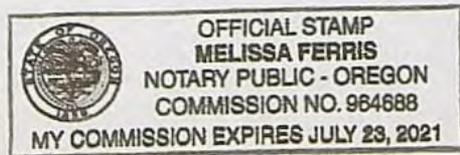
*[Handwritten Signature]*  
Signature of legal owner as listed on deed, or authorized agent

7/14/18  
Date

Signature of legal co-owner as listed on deed  
(If applicable)

Date

Subscribed and Sworn to Before Me this 16<sup>th</sup> day of July, 2018.



*[Handwritten Signature]*  
Notary Public for Oregon

My Commission Expires July 23, 2021

PLEASE ATTACH A LEGIBLE COPY OF:

- 1) A deed which lists landowners and includes a legal description of affected lands, and
- 2) A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned right clearly drawn and identified.
- 3) IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).

I-518

SHEET 1 OF 3  
DECLARATION

# GRAND PEAKS AT SISTERS

Deschutes County Official Records  
Nancy Blankenship, County Clerk 2018-05999

011833720180000000010042 \$108.00  
02/14/2018 02:20:28 PM  
D-PLAT One 1 Str 1 EN  
\$00.00 \$11.00 \$21.00 \$10.00 \$0.00

KNOW ALL PEOPLE BY THESE PRESENTS: THAT GRAND PEAKS AT SISTERS, LLC, OWNER OF THE LANDS DESCRIBED ON THE ANNEXED MAP AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, AND PLATTED INTO LOTS AND TRACTS AS SHOWN ON THIS PLAT, AND TO BE KNOWN AS GRAND PEAKS AT SISTERS AND HEREBY DEDICATE TO THE PUBLIC THE RIGHT-OF-WAY OF JANTZEN LANE AND DIAMOND PEAK AVENUE, A PUBLIC UTILITY EASEMENT ALONG JANTZEN LANE, DIAMOND PEAK AVENUE, SUN RANCH DRIVE, CAMP POLK ROAD, LOT 17, TRACT E, A PUBLIC ACCESS AND UTILITY EASEMENT ON TRACT B, A PUBLIC UTILITY EASEMENT OVER THE ENTIRETY OF TRACT F AND A PRIVATE RECIPROCAL ACCESS EASEMENT ON LOTS 27 AND 28, TRACT A, TRACTS C, TRACTS D, TRACTS G AND GRANT A PRIVATE ACCESS AND DRAINAGE EASEMENT ON TRACT A, LOTS 1-16, AND TRACT E AND ANY EASEMENTS GRANTED IN SUN RANCH - PHASE I, ARE HEREBY ACCEPTED EXCEPTING THOSE EXTINGUISHED PER PLAT NOTE #7.

A REPLAT OF A PORTION OF TRACT A OF SUN RANCH - PHASE 1 LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, CITY OF SISTERS, DESCHUTES COUNTY, OREGON  
CITY FILE SUB 15-03  
DATE: JANUARY, 2018

A PUBLIC ACCESS  
EASEMENT ON

## SURVEYOR'S CERTIFICATE

I HAYES A. MCCOY, REGISTERED PROFESSIONAL LAND SURVEYOR 056668LS, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LANDS SHOWN ON THE ACCOMPANYING MAP, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACT A OF SUN RANCH - PHASE 1, LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, CITY OF SISTERS, DESCHUTES COUNTY, OREGON.

BEGINNING AT THE INITIAL POINT, BEING THE SOUTHWEST CORNER OF LOT 5, BLOCK 2 OF TRAPPER POINT FIRST ADDITION, BEING A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "SCE & S"; THENCE S89°59'57"E 251.46 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "SCE & S"; THENCE S01°11'17"E 103.91 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "PROPERTY CORNER"; THENCE N89°50'09"E 1038.49 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "PROPERTY CORNER"; THENCE S09°02'07"E 658.80 FEET TO A 5/8" IRON ROD; THENCE S89°54'42"W 70.00 FEET TO A 5/8" IRON ROD WITH A DAMAGED AND UNREADABLE ORANGE PLASTIC CAP; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 148.00 FEET, A LENGTH OF 108.30 FEET, A CENTRAL ANGLE OF 42°31'50", AND A CHORD THAT BEARS N68°49'19"W 105.91 FEET TO A 5/8" IRON ROD WITH AN ORANGE PLASTIC CAP MARKED "S 00000"; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 214.00 FEET, A LENGTH OF 159.88 FEET, A CENTRAL ANGLE OF 42°31'50", AND A CHORD THAT BEARS N68°49'19"W 155.24 FEET TO A 5/8" IRON ROD WITH AN ORANGE PLASTIC CAP MARKED "S 00000"; THENCE S89°54'42"W 39.97 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "PARAMETRIX"; THENCE N07°05'40"W 110.18 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "PARAMETRIX"; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 120.00 FEET, A LENGTH OF 142.50 FEET, A CENTRAL ANGLE OF 62°02'25", AND A CHORD THAT BEARS N34°08'50"W 134.28 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "PARAMETRIX"; THENCE N07°04'48"W 8.74 FEET TO A 5/8" IRON ROD WITH AN ORANGE PLASTIC CAP MARKED "S 00000"; THENCE S89°54'42"W 701.83 FEET TO A 5/8" IRON ROD WITH AN ORANGE PLASTIC CAP MARKED "S 00000"; THENCE N07°05'05"W 28.80 FEET TO A 5/8" IRON ROD WITH AN ORANGE PLASTIC CAP MARKED "S 00000"; THENCE S89°54'50"W 159.99 FEET TO A 5/8" IRON ROD WITH AN ORANGE PLASTIC CAP MARKED "S 00000"; THENCE N07°04'55"W 471.04 FEET TO THE INITIAL POINT.

THE ABOVE DESCRIBED PROPERTY CONTAINS 13.10 ACRES, MORE OR LESS.

## APPROVALS

Mike Borum 2-9-2018  
DESCHUTES COUNTY SURVEYOR  
Patricia T. Dams 2-14-18  
CITY OF SISTERS COMMUNITY DEVELOPMENT DIRECTOR  
Patricia T. Dams 2-14-18  
CITY OF SISTERS PUBLIC WORKS DIRECTOR  
Hayes A. McCoy 2-14-18  
DESCHUTES COUNTY COMMISSIONER

NOTE: SIGNATURE BY THE CITY OF SISTERS CONSTITUTES ACCEPTANCE BY THE CITY OF ANY DEDICATION MADE HEREIN TO THE PUBLIC.

I HEREBY CERTIFY TAXES ARE PAID AS OF THIS DATE

Wendy Lamm by Elizabeth White 2-9-18  
DESCHUTES COUNTY TREASURER & TAX COLLECTOR

I HEREBY CERTIFY THAT ALL AD VALOREM TAXES, SPECIAL ASSESSMENTS, FEES AND OTHER CHARGES REQUIRED BY LAW TO BE PLACED ON THE 2017-2018 TAX ROLL WHICH BECAME A LIEN ON THIS REPLAT DURING THIS TAX YEAR BUT NOT YET CERTIFIED TO THE TAX COLLECTOR FOR COLLECTION HAVE BEEN PAID.

Geoff Lantz by Greg Dr. 2-9-18  
DESCHUTES COUNTY ASSESSOR

## SHEET INDEX

1. NARRATIVE, SURVEYOR'S CERTIFICATE, WATER RIGHTS STATEMENT, APPROVALS, DECLARATION, ACKNOWLEDGEMENT, PUBLIC UTILITY EASEMENT NOTE, PLAT NOTES, SHEET INDEX, POST MONUMENT NOTE, CONSENT AFFIDAVIT.
2. GRAND PEAKS, LEGEND, CURVE TABLE, CURVE REFERENCE TABLE.
3. LEGEND, CURVE TABLE, DETAILS A, B, C, D AND E.

## NARRATIVE

THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE THE PROPERTY DESCRIBED AS A PORTION OF TRACT A OF SUN RANCH - PHASE 1, SAID TRACT A BEING RECORDED AS DOCUMENT 2016-015677, DESCHUTES COUNTY OFFICIAL RECORDS, ACCORDING TO MY CLIENT'S INSTRUCTIONS AND ACCORDING TO CITY OF SISTERS FILE SUB 15-03.

THE SUBJECT PROPERTY IS LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, CITY OF SISTERS, DESCHUTES COUNTY, OREGON.

MONUMENTS FOUND ALONG THE EXTERIOR OF SAID TRACT A AND ADJACENT TO LOTS AND RIGHT-OF-WAYS PLATTED OF SUN RANCH - PHASE I WERE HELD TO ESTABLISH THE BOUNDARY OF TRACT A TO BE PLATTED.

MONUMENTS FROM COUNTY SURVEY NUMBER C31007 WERE USED TO COMPUTE THE BOUNDARY FROM THE PROPERTY LINE ADJUSTMENT FROM RELATED SURVEY. THE SURVEY BOUNDARY WAS ROTATED TO THE SOUTHERLY BOUNDARY LINE OF TRACT A OF SUN RANCH - PHASE I.

THE BASIS OF BEARINGS IS N89°50'09" E ALONG THE NORTH LINE OF TRACT A, SUN RANCH - PHASE 1.

## PLAT NOTES

1. PROPERTY SUBJECT TO THE TERMS AND CONDITIONS IN CITY OF SISTERS CITY FILE SUB 15-03.
2. PROPERTY SUBJECT TO AN AIRPORT RUNWAY CLEAR ZONE RECORDED 6/29/1987 IN BOOK 154, PAGE 14 DESCHUTES COUNTY DEED RECORDS. (SEE MAP); AIRPORT PRIMARY SURFACE AREA AND RUNWAY PROTECTION ZONE AFFECTS TRACTS B AND D. ALL LOTS AND TRACTS SHOWN HEREON ARE SUBJECT TO BUILDING HEIGHT RESTRICTIONS AS SPECIFIED BY WARRANTY DEED RECORDED 6/29/1987 IN VOLUME 154, PAGE 14, DESCHUTES COUNTY DEED RECORDS.
3. PROPERTY SUBJECT TO AN EASEMENT FOR WATER DELIVERY RECORDED 11/18/1987 IN BOOK 154, 2051 DESCHUTES COUNTY DEED RECORDS. (NO SPECIFIC LOCATION IN EASEMENT, NOT MAPPED).
4. PROPERTY SUBJECT TO AN EASEMENT FOR DELIVERY OF WATER RECORDED 11/25/1987 IN BOOK 155, PAGE 711 DESCHUTES COUNTY DEED RECORDS. (NO SPECIFIC LOCATION IN EASEMENT, NOT MAPPED).
5. PROPERTY SUBJECT TO AN AGREEMENT FOR ROAD AND UTILITY DEVELOPMENT RECORDED 1/5/1998 IN BOOK 475, PAGE 1731 DESCHUTES COUNTY OFFICIAL RECORDS.
6. PROPERTY SUBJECT TO A DEVELOPMENT AGREEMENT RECORDED 8/4/2001 IN DOCUMENT 2001-21130, DESCHUTES COUNTY OFFICIAL RECORDS.
7. THE EASEMENT FOR PEDESTRIAN ACCESS AS NOTED ON THE PLAT OF SUN RANCH-PHASE I WAS VACATED IN DOCUMENTS 2016-14519 AND 2016-14520, DESCHUTES COUNTY OFFICIAL RECORDS.
8. PROPERTY SUBJECT TO AN EASEMENT AGREEMENT IN PER DOCUMENT 2007-28544, DESCHUTES COUNTY OFFICIAL RECORDS. (SEE MAP, SHEET 2)
8. PROPERTY SUBJECT TO THE COVENANTS, EASEMENTS, AND RESTRICTIONS PER DOCUMENT 2009-05106 AND AMENDED IN DOCUMENT 2015-22508, DESCHUTES COUNTY OFFICIAL RECORDS.
10. PROPERTY SUBJECT TO THE BYLAWS OF SUN RANCH BUSINESS PARK PER DOCUMENT 2015-22507, DESCHUTES COUNTY OFFICIAL RECORDS.
11. PROPERTY SUBJECT TO A SHARED WELL AGREEMENT AND ACCESS EASEMENT PER DOCUMENT 2015-26812, DESCHUTES COUNTY OFFICIAL RECORDS, RE-RECORDED PER DOCUMENT 2015-44507, DESCHUTES COUNTY OFFICIAL RECORDS.

## CONSENT AFFIDAVIT

AN AFFIDAVIT OF CONSENT BY: DUTCH PACIFIC PROPERTIES LP, BENEFICIARY UNDER DEED OF TRUST RECORDED AS DOCUMENT 2017-047735, DESCHUTES COUNTY OFFICIAL RECORDS, RECORDED AS DOCUMENT 2018-6000, DESCHUTES COUNTY OFFICIAL RECORDS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
Hayes A. McCoy  
OREGON  
JULY 11, 2008  
HAYES A. MCCOY  
056668LS  
EXPIRES 12/31/18

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GRAND PEAKS AT SISTERS, LLC  
BY: HUNTER RENAISSANCE DEVELOPMENT, LLC, ITS MANAGER  
BY: KAPPYKO LLC, ITS MANAGER  
BY: HJK VENTURE, LLC, ITS MANAGER

Nancy J. Kapp Feb 9, 2018  
NANCY J. KAPP, MANAGER OF HJK  
VENTURE, LLC DATE

BY: Neil A. Addison Feb 9, 2018  
NEIL A. ADDISON, ATTORNEY-IN-FACT DATE  
PER DOCUMENT 2016-02450, DESCHUTES COUNTY OFFICIAL RECORDS

## ACKNOWLEDGMENT

STATE OF Oregon SS  
COUNTY OF Deschutes

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 9th  
DAY OF February, 2018 TO BE A FREE AND VOLUNTARY ACT AND DEED  
BY NEIL A. ADDISON, ATTORNEY-IN-FACT FOR NANCY J. KAPP, MANAGER  
OF HJK VENTURE LLC, MANAGER OF KAPPYKO LLC, MANAGER OF HUNTER  
RENAISSANCE LLC, MANAGER OF GRAND PEAKS AT SISTERS, LLC.

Lisa Steenberg  
NOTARY SIGNATURE

Lisa Steenberg  
NOTARY PUBLIC - Oregon

COMMISSION NO. 949122

MY COMMISSION EXPIRES March 06, 2020

## PUBLIC EASEMENT NOTE

THE PUBLIC UTILITY EASEMENTS ARE AS DETAILED ON THIS PLAT. UTILITIES SHALL HAVE THE RIGHT TO INSTALL, CONSTRUCT, RENEWAL, MAINTAIN AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENT (P.U.E.) IDENTIFIED ON THIS PLAT AS MAY BE NECESSARY OR DESIRABLE IN SERVING THE LOTS IDENTIFIED HEREON, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE THE REMOVAL OF ANY OBSTRUCTIONS INCLUDING TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE P.U.E. AT THE LOT OWNERS EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE P.U.E. OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE P.U.E. WITHOUT WRITTEN APPROVAL OF THE UTILITY COMPANIES IN THE P.U.E.

## WATER RIGHTS

THERE ARE 12.6 ACRES OF WATER RIGHTS APPURTENANT TO THESE LANDS PER STATE OF OREGON CERTIFICATE OF WATER RIGHT NUMBER B9259.

## POST MONUMENT NOTE

I HAYES A. MCCOY CERTIFY THAT POST MONUMENTATION WILL BE COMPLETED WITHIN 8 WEEKS OF THE COMPLETION OF STREET AND UTILITY IMPROVEMENTS.

Hayes A. McCoy  
HAYES A. MCCOY P.L.S. 056668

INTERIOR MONUMENTS SET PER AFFIDAVIT OF MONUMENTATION RECORDED IN

VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_ DATE \_\_\_\_\_

DESCHUTES COUNTY SURVEYOR DATE \_\_\_\_\_

H.A. MCCOY  
ENGINEERING & SURVEYING LLC

1180 SW LAKE ROAD SUITE 201  
REDMOND, OREGON 97756  
(541) 923-7554

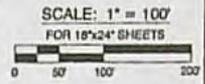
PREPARED FOR: HUNTER RENAISSANCE  
2001 W CHURCHILL STREET  
CHICAGO, IL 60647

# GRAND PEAKS AT SISTERS

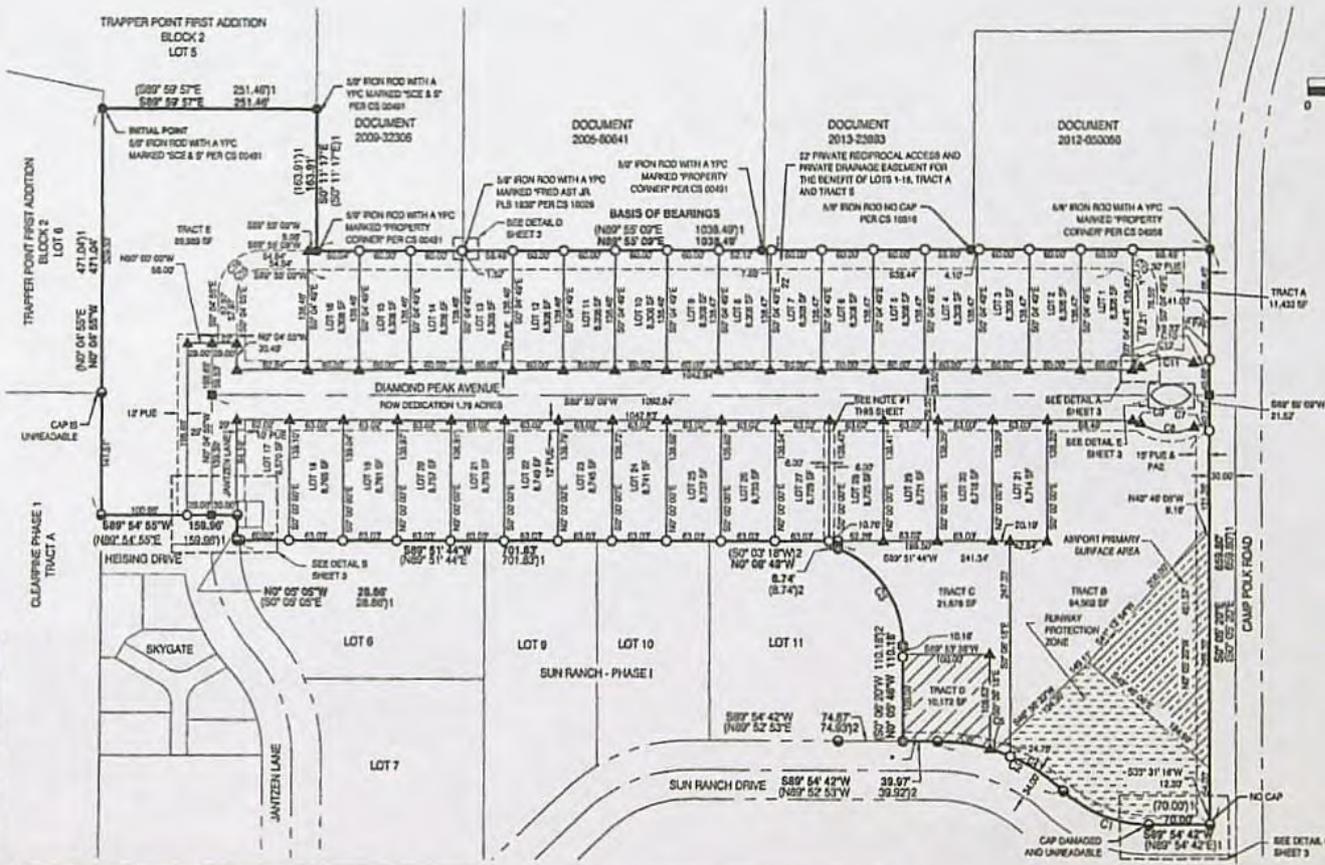
A REPLAT OF A PORTION OF TRACT A OF SUN RANCH - PHASE 1 LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, CITY OF SISTERS, DESCHUTES COUNTY, OREGON  
 CITY FILE SUB 15-03  
 DATE: JANUARY, 2018

**NOTE**  
 1. PRIVATE RECIPROCAL ACCESS EASEMENT FOR THE BENEFIT OF LOTS 1-31, AND TRACT E.

- LEGEND**
- FOUND MONUMENT AS NOTED, HELD UNLESS OTHERWISE NOTED.
  - FOUND 5/8" IRON ROD WITH AN ORANGE PLASTIC CAP MARKED "15 40689" UNLESS OTHERWISE NOTED, PER CS 16752, HELD UNLESS OTHERWISE NOTED.
  - FOUND 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "PARAMETRIC" UNLESS OTHERWISE NOTED PER CS19087, HELD.
  - SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "H.A. MCCOY ENR"
  - ▲ SET 5/8" X 24" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "H.A. MCCOY 02669LS" PER POST MONUMENT NOTE. (SEE SHEET 1).
  - SET 5/8" X 24" IRON ROD WITH AN ALUMINUM CAP MARKED "H.A. MCCOY 02669LS" PER POST MONUMENT NOTE. (SEE SHEET 1).
  - CS COUNTY SURVEY NUMBER, DESCHUTES COUNTY SURVEY RECORDS.
  - PAE PUBLIC ACCESS EASEMENT
  - PUE PUBLIC UTILITY EASEMENT
  - ROW RIGHT-OF-WAY
  - SF SQUARE FEET
  - YPC YELLOW PLASTIC CAP
  - (1) RECORD INFORMATION PER CS 16752, SUN RANCH - PHASE I, FILED 12/20/01, SWS.
  - (12) RECORD INFORMATION PER CS 19087, PROPERTY LINE ADJUSTMENT, FILED 4/28/16, HUSTON.
  - TRACT D IS SUBJECT TO A WELL EASEMENT PER DOCUMENT 2007-28544, DESCHUTES COUNTY OFFICIAL RECORDS, AS SHOWN ON MAP.



REGISTERED PROFESSIONAL LAND SURVEYOR  
  
 OREGON  
 JULY 11, 2008  
 HAYES A. MCCOY  
 28486  
 EXPIRES 12/31/18



**CURVE TABLE**

CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C1	148.00	108.38	42°31'58"	105.91	N69°47'19"W
C2	214.00	158.88	42°31'58"	155.24	N69°47'19"W
C3	120.00	142.50	68°02'25"	134.28	N34°08'58"W
C4	214.00	73.19	19°30'01"	72.79	N57°20'51"W
C5	214.00	24.85	6°39'12"	24.84	N70°27'57"W
C6	214.00	60.87	16°17'44"	60.60	N81°59'29"W

**CURVE REFERENCE TABLE PER CS 16752, CS 19087**

CURVE	CURVE REFERENCE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C1	C19	148.00	108.38	42°31'57"	105.91	S69°49'19"E
C2	C18	214.00	158.88	42°31'57"	155.24	S69°49'19"E
C3	(CS 19087) C2	120.00	142.51	68°02'29"	134.28	N33°54'54"W

**CURVE TABLE**

CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C13	50.00	78.54	90°00'00"	70.71	S45°04'50"E
C14	28.00	43.88	90°00'00"	39.60	S45°04'50"E
C15	28.00	43.88	90°00'04"	39.60	N44°55'07"E
C16	50.00	78.54	90°00'04"	70.71	N44°55'07"E
C17	28.00	53.90	110°18'01"	45.99	S89°55'09"W
C18	28.00	53.90	110°18'01"	45.99	N89°55'09"E

**H.A. MCCOY**  
 ENGINEERING & SURVEYING LLC  
 1180 SW LAKE ROAD SUITE 304  
 REDMOND, OR 97756  
 (541) 923-7854  
 HUNTER RENAISSANCE  
 2001 W CHURCHILL STREET  
 CHICAGO, IL 60647  
**PREPARED FOR:**

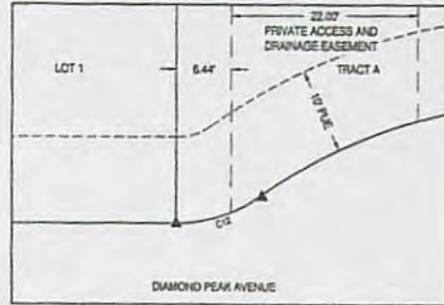
RECEIVED  
 OCT 22 2021  
 OWRD

# GRAND PEAKS AT SISTERS

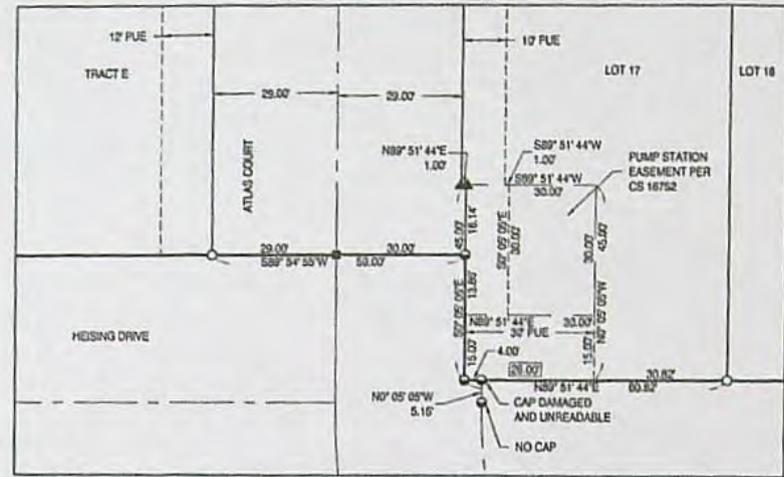
A REPLAT OF A PORTION OF TRACT A OF SUN RANCH - PHASE 1 LOCATED IN THE  
SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 4,  
TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN,  
CITY OF SISTERS, DESCHUTES COUNTY, OREGON  
CITY FILE SUB 15-03  
DATE: JANUARY, 2018

**LEGEND**

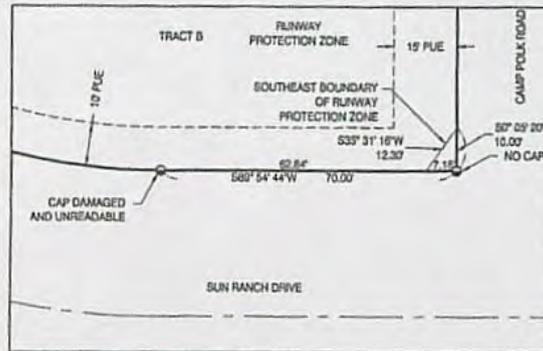
- FOUND MONUMENT AS NOTED, HELD UNLESS OTHERWISE NOTED.
- FOUND 5/8" IRON ROD WITH AN ORANGE PLASTIC CAP MARKED "LS 00062" UNLESS OTHERWISE NOTED, PER CS 16752, HELD UNLESS OTHERWISE NOTED.
- FOUND 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "PARAMETRIK" UNLESS OTHERWISE NOTED PER CS19057, HELD.
- SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "H.A. MCCOY ENGR"
- ▲ SET 5/8" X 24" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "H.A. MCCOY 05666LS" PER POST MONUMENT NOTE. (SEE SHEET 1).
- SET 5/8" X 24" IRON ROD WITH AN ALUMINUM CAP MARKED "H.A. MCCOY 05666LS" PER POST MONUMENT NOTE. (SEE SHEET 1).
- CS COUNTY SURVEY NUMBER, DESCHUTES COUNTY SURVEY RECORDS.
- PAE PUBLIC ACCESS EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- ROW RIGHT-OF-WAY
- SF SQUARE FEET
- YPC YELLOW PLASTIC CAP
- 0000 SIGNIFES DISTANCE FROM LOT CORNER TO PUE ALONG LOT LINE. SEE DETAIL B.
- (1) RECORD INFORMATION PER CS 16752, SUN RANCH - PHASE I, FILED 1/24/08, SMS.
- (2) RECORD INFORMATION PER CS 19057, PROPERTY LINE ADJUSTMENT, FILED 4/28/16, HUSTON.



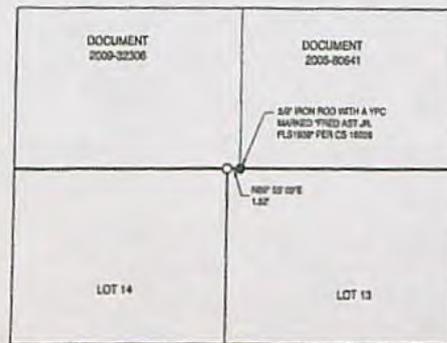
DETAIL A  
1" = 10'



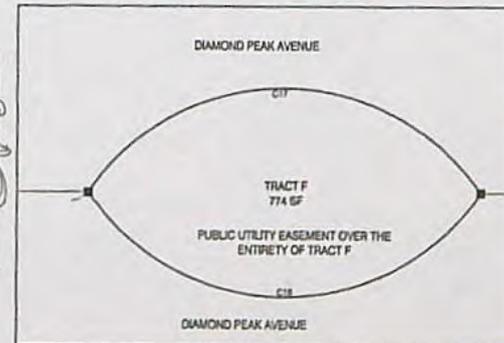
DETAIL B  
1" = 20'



DETAIL C  
1" = 20'



DETAIL D  
1" = 10'



DETAIL E  
1" = 10'

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CURVE TABLE				
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING
C7	14.00	19.81	81°03'46"	16.20 N76°37'28"W
C8	59.00	64.27	62°24'39"	61.14 S85°57'04"E
C9	17.00	10.46	30°19'13"	10.30 N72°22'23"W
C10	14.00	19.79	80°38'16"	18.12 N76°40'31"E
C11	59.00	64.27	62°24'39"	61.14 S85°47'22"W
C12	17.00	10.51	30°24'50"	10.34 N72°17'32"E
C17	28.00	53.99	110°18'01"	45.90 S89°59'59"W
C18	28.00	53.99	110°18'01"	45.90 N89°59'59"E

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*H.A. McCoy*  
OREGON  
JULY 11, 2008  
HAYES A. MCCOY  
83485  
EXPIRES 12/31/18

H.A. MCCOY  
ENGINEERING & SURVEYING LLC

180 SW LAKE ROAD SUITE 201  
REDMOND, OR, 97756  
(543) 923-7554

PREPARED FOR:

HUNTER RENAISSANCE  
2001 W CHURCHILL STREET  
CHICAGO, IL 60647

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AFFIDAVIT FOR THE VOLUNTARY CANCELLATION  
OF AN ENTIRE WATER RIGHT CERTIFICATE (ORS 540.621) CONTINGENT  
UPON OWRD's ACCEPTANCE AS MITIGATION OBLIGATION OFFSET FOR PERMIT G-17036

State of Oregon )  
 ) ss  
County of Deschutes )

I, Shane Lundgren, Manager / GP of Dutch Pacific Properties, LP. residing at 221 S. Ash Street, Sisters, OR 97759, being first duly sworn depose and say:

1. I/We are the legal and deeded owner(s) of the property described as tax lot number 1901, within the BD 1/4, Section 04, Township 15 (S), Range 10 (E), of the Willamette Meridian, in Sisters, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. I/We wish to cancel the following water right certificate number 89259 issued to Dutch Pacific Properties, Inc. with a date of priority of March 18, 1998 appurtenant to my/our property.

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) IR

*FOR IRRIGATION OR NURSERY USE:*

- Total number of acres to be cancelled 18.5 acres from all owners.
- Location of acres to be cancelled must be clearly identified on a copy of the final proof map.
- In the amount of 0.23 cubic foot per second
- From the water source (s) a Well in the Whvchus Creek Basin;

3. The appurtenant water right is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: N/A ;

4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

N/A

Signature of district manager

Printed Name

Date

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (Signature of district manager on the line below documents consent of the district.)

N/A

Signature of district manager

Printed Name

Date

6. I/We have abandoned any and all interest in this water right described in Item 2 above and request said right be cancelled ONLY UPON OWRD's ACCEPTANCE AS 33.3 AF MITIGATION OBLIGATION OFFSET FOR APPLICATION G-16385 / PERMIT G-17036.

*[Handwritten signature]*

7/17/18

Signature of legal owner as listed on deed, or authorized agent

Date

Signature of legal co-owner as listed on deed  
(If applicable)

Date

Subscribed and Sworn to Before Me this 17 day of July, 2018



*[Handwritten signature]*  
Notary Public for Oregon

My Commission Expires 1-15-19

PLEASE ATTACH A LEGIBLE COPY OF:

- 1) A deed which lists landowners and includes a legal description of affected lands, and
- 2) A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned right clearly drawn and identified.
- 3) IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).

4-276

# PARTITION PLAT NO. 2015-10

A PARTITION OF TRACT B, SUN RANCH - PHASE I  
 LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (SE1/4 NW1/4) OF  
 SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN,  
 CITY OF SISTERS, DESCHUTES COUNTY, OREGON  
 APRIL 2015  
 MNR-15-01

DESCHUTES COUNTY OFFICIAL RECORDS  
 NANCY BLANKENSHIP, COUNTY CLERK 2015-24415  
 \$73.00  
 0100428428160024415001001  
 06/22/2015 11:28:38 AM  
 D-PP Chnl Sln#2 TH  
 \$29.00 \$11.00 \$21.00 \$10.00 \$8.00

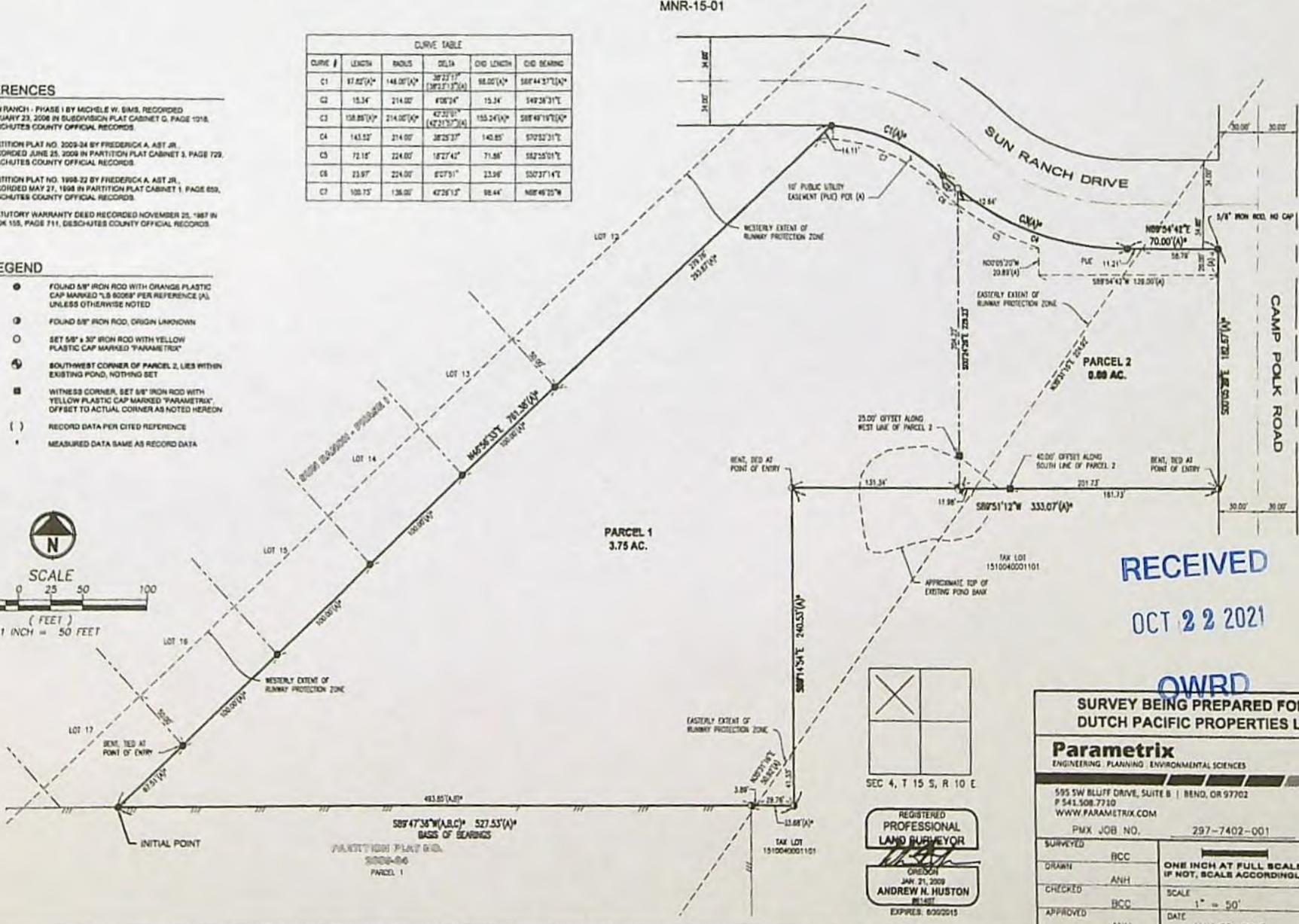
CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHD LENGTH	CHD BEARING
C1	87.82(A)	148.00(A)	39.27(A) (38.27(A))	88.00(A)	S89°44'37"E(A)
C2	15.34	214.00	4°08'24"	15.34	S49°28'31"E
C3	158.85(A)	214.00(A)	42°20'0" (42.21°)	155.24(A)	S88°49'19"E(A)
C4	143.52	214.00	38°25'37"	140.85	S70°52'31"E
C5	72.16	224.00	18°27'42"	71.86	S82°25'01"E
C6	23.97	224.00	6°07'51"	23.96	S02°27'14"E
C7	100.72	136.00	47°26'12"	98.44	N86°49'25"W

### REFERENCES

- (A) SUN RANCH - PHASE I BY MICHELE W. BMS, RECORDED JANUARY 23, 2008 IN SUBDIVISION PLAT CABINET C, PAGE 1218, DESCHUTES COUNTY OFFICIAL RECORDS
- (B) PARTITION PLAT NO. 2009-34 BY FREDERICK A. AUST JR., RECORDED JUNE 25, 2009 IN PARTITION PLAT CABINET 3, PAGE 729, DESCHUTES COUNTY OFFICIAL RECORDS
- (C) PARTITION PLAT NO. 1998-22 BY FREDERICK A. AUST JR., RECORDED MAY 27, 1998 IN PARTITION PLAT CABINET 1, PAGE 659, DESCHUTES COUNTY OFFICIAL RECORDS
- (D) STATUTORY WARRANTY DEED RECORDED NOVEMBER 25, 1987 IN BOOK 155, PAGE 711, DESCHUTES COUNTY OFFICIAL RECORDS

### LEGEND

- FOUND 5/8" IRON ROD WITH ORANGE PLASTIC CAP MARKED "L.S. 80089" PER REFERENCE (A), UNLESS OTHERWISE NOTED
- FOUND 5/8" IRON ROD, ORIGIN UNKNOWN
- SET 5/8" x 3/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "PARAMETRIX"
- ⊕ SOUTHWEST CORNER OF PARCEL 2, LIES WITHIN EXISTING POND, NOTHING SET
- WITNESS CORNER, SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "PARAMETRIX", OFFSET TO ACTUAL CORNER AS NOTED HEREON
- ( ) RECORD DATA PER CITED REFERENCE
- MEASURED DATA SAME AS RECORD DATA



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**SURVEY BEING PREPARED FOR:**  
 DUTCH PACIFIC PROPERTIES LP

**Parametrix**  
 ENGINEERING PLANNING ENVIRONMENTAL SCIENCES

595 SW BLUFF DRIVE, SUITE B | BEND, OR 97702  
 P 541.508.7710  
 WWW.PARAMETRIX.COM

PMX JOB NO. 297-7402-001

SURVEYED	RCC	ONE INCH AT FULL SCALE, IF NOT, SCALE ACCORDINGLY
DRAWN	ANH	
CHECKED	RCC	
APPROVED	ANH	
DATE	MAY 20, 2015	

SHEET NO. 1 OF 2

SEC 4, T 15 S, R 10 E

REGISTERED PROFESSIONAL LAND SURVEYOR  
 ANDREW N. HUSTON  
 01487  
 EXPIRES: 6/30/2015

4-277

# PARTITION PLAT NO. 2015-10

A PARTITION OF TRACT B, SUN RANCH - PHASE I  
LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (SE 1/4 NW 1/4) OF  
SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN,  
CITY OF SISTERS, DESCHUTES COUNTY, OREGON  
APRIL 2015  
MNR-15-01

### DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS THAT DUTCH PACIFIC PROPERTIES LP, AN OREGON LIMITED PARTNERSHIP, THE OWNER IN FEE SIMPLE OF THE LAND SHOWN ON THIS PLAT, HAS CAUSED SAID LAND TO BE SURVEYED AND PARTITIONED INTO PARCEL 1 AND PARCEL 2 AS SHOWN ON THIS PLAT.

AND DOES HEREBY SUBMIT FOR APPROVAL AND RECORD THIS PARTITION PLAT.

6/16/2015  
DATE

SHANE LUNDGREN, MEMBER OF DUTCH PACIFIC PROPERTIES LP

### ACKNOWLEDGMENT



STATE OF OREGON )  
COUNTY OF DESCHUTES )

ON THIS 16 DAY OF June, 2015, BEFORE ME PERSONALLY APPEARED SHANE LUNDGREN, MEMBER OF DUTCH PACIFIC PROPERTIES LP, AN OREGON LIMITED PARTNERSHIP, AND ACKNOWLEDGED SAID INSTRUMENT TO BE A VOLUNTARY ACT AND DEED OF DUTCH PACIFIC PROPERTIES LP.

Sabrina Loren Robinson  
NOTARY PUBLIC

PRINTED NAME Sabrina Loren Robinson  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 933891

MY COMMISSION EXPIRES November 06, 2018

### SURVEYORS CERTIFICATE

I, ANDREW N. HUSTON, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LAND SHOWN ON THIS PLAT, TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN OREGON, SAID LAND BEING TRACT B, SUN RANCH - PHASE I LYING WITHIN THE NW 1/4 OF SECTION 4, ALL IN TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, CITY OF SISTERS, DESCHUTES COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, BEING A 5/8 INCH IRON ROD WITH ORANGE PLASTIC CAP MARKED "LS 60288", SAID POINT MARKING THE WESTERLY MOST CORNER OF TRACT B, SUN RANCH - PHASE I, RECORDED JANUARY 23, 2006 IN SUBDIVISION PLAT CABINET G, PAGE 1018 OF DESCHUTES COUNTY SUBDIVISION RECORDS; THENCE ALONG THE BOUNDARY OF SAID TRACT B, NORTH 48°36'33" EAST, 781.38 FEET TO A POINT OF NON-TANGENT CURVATURE LYING ON THE SOUTHERLY RIGHT-OF-WAY OF SUN RANCH DRIVE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, ALONG THE ARC OF A 148.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH AN ARC DISTANCE OF 97.82, THROUGH A CENTRAL ANGLE OF 33°23'37" (THE CHORD OF WHICH BEARS SOUTH 66°44'57" EAST, 96.00 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 214.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 158.80 FEET, THROUGH A CENTRAL ANGLE OF 42°32'51" (THE CHORD OF WHICH BEARS SOUTH 88°49'39" EAST, 158.24 FEET) TO A POINT OF TANGENCY; THENCE NORTH 89°34'42" EAST, 70.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF CAMP POLK ROAD; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY, ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 00°25'20" EAST, 182.67 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY, SOUTH 89°51'12" WEST, 333.07 FEET; THENCE SOUTH 00°14'54" EAST, 140.53 FEET; THENCE SOUTH 89°47'36" WEST, 527.53 FEET TO THE POINT OF BEGINNING.

SAID PLAT CONTAINS 4.84 ACRES, MORE OR LESS.

### APPROVALS

HEREIN PARTITION PLAT HAS BEEN APPROVED BY:

- WATER MASTER DISTRICT 11 W. L. ... 6-16-2015
- A PORTION OF AN 18.9 ACRE WATER RIGHT (CERTIFICATE NO. 89258) IS APPURTENANT TO THIS PARCEL.
- DESCHUTES COUNTY COMMISSIONER Alan Ungar 6-22-2015
- DESCHUTES COUNTY SURVEYOR Ken Grantham, Deputy 6-17-2015
- MAYOR - CITY OF SISTERS Phil Payne 6-19-2015
- CITY OF SISTERS PLANNING DIRECTOR Patricia J. Davenport 6-19-2015
- CITY OF SISTERS PUBLIC WORKS DIRECTOR Paul J. ... 6-18-2015
- CITY OF SISTERS ADMINISTRATOR John ... 6-19-2015

SIGNATURE BY THE CITY OF SISTERS CONSTITUTES ACCEPTANCE BY THE CITY OF ANY DEDICATION MADE HEREIN TO THE PUBLIC.

### ASSESSORS CERTIFICATE

I HEREBY CERTIFY THAT ALL AD VALOREM TAXES, SPECIAL ASSESSMENTS, FEES AND OTHER CHARGES, AS REQUIRED BY ORS 82.268 TO BE PLACED ON THE 2014-2015 TAX ROLLS, WHICH HAVE BECOME A LIEN OR WILL BECOME A LIEN DURING THIS TAX YEAR, HAVE BEEN PAID TO ME.

DESCHUTES COUNTY ASSESSOR Scott ... 6-16-2015

I HEREBY CERTIFY THAT ALL TAXES HAVE BEEN PAID AS OF THIS DATE.

DESCHUTES COUNTY TAX COLLECTOR Connie ... 6-19-2015

### INDEX

- SHEET 1 PARCEL 1 AND PARCEL 2, REFERENCES, EXISTING EASEMENTS, CURVE TABLE
- SHEET 2 SIGNATURE SHEET, DECLARATION, SURVEYORS CERTIFICATE, NARRATIVE

### NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PARTITION TRACT B, SUN RANCH - PHASE I, RECORDED JANUARY 23, 2006 IN SUBDIVISION PLAT CABINET G, PAGE 1018, DESCHUTES COUNTY SUBDIVISION RECORDS, INTO PARCEL 1 AND PARCEL 2 PER CITY OF SISTERS APPROVAL MNR-15-01.

ALL BOUNDARY MONUMENTS FOR SAID TRACT B WERE RECOVERED AS SHOWN HEREIN, RECORD SHAPE FOR SAID TRACT B, PER REFERENCE (A) WAS CALCULATED AND BEST FIT ON FOUND MONUMENTS. SAID RECORD SHAPE FIT VERY WELL. THUS, RECORD INFORMATION WAS HELD AS SHOWN HEREIN.

THE BASIS OF BEARING IS THE SOUTH LINE OF SAID TRACT B, PER REFERENCE (A), BEING SOUTH 89°47'36" WEST.

### NOTES

- THIS PROPERTY IS SUBJECT TO AIR SPACE EASEMENTS, AS DISCLOSED IN WARRANTY DEED.  
DATED: MAY 13, 1987  
RECORDED: JUNE 29, 1987  
DOCUMENT NO: 154-14, DESCHUTES COUNTY RECORDS  
PARCEL 1 AND PARCEL 2 SHOWN HEREON ARE SUBJECT TO BUILDING HEIGHT RESTRICTIONS (SHOWN HEREON)
- THIS PROPERTY IS SUBJECT TO AN EASEMENT FOR DELIVERY OF WATER, AS DISCLOSED IN STATUTORY WARRANTY DEED.  
RECORDED: NOVEMBER 19, 1947  
DOCUMENT NO: 154-2881, DESCHUTES COUNTY RECORDS  
(CANNOT BE MAPPED BY DESCRIPTION)
- THIS PROPERTY IS SUBJECT TO AN EASEMENT FOR DELIVERY OF IRRIGATION WATER, AS DISCLOSED IN STATUTORY WARRANTY DEED.  
RECORDED: NOVEMBER 28, 1987  
DOCUMENT NO: 155-711, DESCHUTES COUNTY RECORDS  
(CANNOT BE MAPPED BY DESCRIPTION)
- THIS PROPERTY IS SUBJECT TO A DEVELOPMENT AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF.  
DATED: APRIL 20, 2001  
RECORDED: MAY 4, 2001  
DOCUMENT NO: 2001-21130, DESCHUTES COUNTY RECORDS  
CITY OF SISTERS  
AND: BANGLAY MEADOWS BUSINESS PARK, LLC
- THIS PROPERTY IS SUBJECT TO COVENANTS, EASEMENTS AND RESTRICTIONS, BUT OMITTING RESTRICTIONS IF ANY, BASED ON RACE, COLOR, RELIGION, NATIONAL ORIGIN, OR PHYSICAL OR MENTAL HANDICAP, IMPOSED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF.  
RECORDED: JANUARY 24, 2006  
DOCUMENT NO: 2006-05168, DESCHUTES COUNTY RECORDS  
ASSESSMENTS OF SUN RANCH BUSINESS PARK ASSOCIATION AS PROVIDED FOR IN THE DECLARATION OF RESTRICTIONS
- SITE ACCESS TO PARCEL 1 SHALL BE OFF OF SUN RANCH DRIVE.

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**SURVEY BEING PREPARED FOR:**  
DUTCH PACIFIC PROPERTIES LP

**Parametrix**  
ENGINEERING, PLANNING, ENVIRONMENTAL SCIENCES

195 SW BLUFF DRIVE, SUITE B | BEND, OR 97702  
P 541.506.7710  
WWW.PARAMETRIX.COM

PMX JOB NO. 297-7402-001

SURVEYED	BCC	ONE INCH AT FULL SCALE, IF NOT, SCALE ACCORDINGLY
DRAWN	ANH	
CHECKED	BCC	SCALE N/A
APPROVED	ANH	DATE MAY 20 2015

SHEET NO. 2 OF 2

After Recording Return To:  
Thomas Bahrman  
Bahrman Law LLC  
985 SW Disk Drive, Suite 120  
Bend, Oregon 97702

98403

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Deschutes County Official Records 2015-026612  
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Stn=3 JS  
\$20.00 \$11.00 \$10.00 \$6.00 \$21.00 \$68.00

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

RETURN TO WESTERN  
TITLE & ESCROW

SHARED WELL USE AGREEMENT  
AND ACCESS EASEMENT

Recorded by Western Title as an  
accommodation only. No liability  
accepted for condition of title or  
validity, sufficiency or affect of  
document.

This Shared Well Use Agreement ("Agreement") is entered into this 1<sup>ST</sup> day of July, 2015 ("Effective Date"), between Swordfish Consulting LLC, an Oregon limited liability company ("Swordfish") and Dutch Pacific Properties LP, an Oregon limited partnership ("Dutch Pacific").

RECITALS

A. Deschutes County Water Rights Certificate G-13492 (hereinafter referred to as the "Certificate") authorizes withdrawal of groundwater from the Well at a maximum instantaneous withdrawal rate of .23 cubic foot per second with a maximum annual volume of 3.0 acre feet for each acre irrigated during the irrigation season of each year, within 18.5-acres place of use of Section 4 of Township 15 South, Range 10 East, W.M. The Certificate is held by Dutch Pacific.

B. Swordfish owns Parcel A, as more particularly described on Exhibit A, in Deschutes County, Oregon. Parcel A is located within the place of use authorized under the Water Rights Certificate. The Well is located on Parcel A.

C. Dutch Pacific owns Parcel B, Parcel C and Tract A, as more particularly described on Exhibit B, in Deschutes County, Oregon. Parcel B, Parcel C and Tract A are located within the place of use authorized under the Certificate.

D. The parties to this Agreement are entitled to use irrigation water from the Well in accordance with the provisions of the Certificate.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises contained herein and intending to be legally bound thereby, the parties agree as follows:

1. **Shared Facilities.** The Agreement applies to the Well at SE ¼ of the NW ¼ of Section 4, Township 10E North, Range 104 East, W.M., at 326 Feet North and 180 Feet West from the C ¼ Corner of Section 4 ("Well"), and associated pump and water distribution system.

2. **Water Allocation.** Parcel A, Parcel B, Parcel C and Tract A will share in use of the Well, and associated pump and water distribution system. Parcel A will be entitled to 0.89 acres of water rights from the Well; Parcel B, Parcel C and Tract A will be entitled to a combined 18.5 acres of water rights from the Well. The parties agree to work together, at the sole expense of Swordfish, to allow for industrial and commercial use of the water from the Well; this may include, but is not limited to, amendment to the Certificate. In the event that additional commercial or industrial use

PAGE 1

SHARED WELL USE AGREEMENT AND ACCESS EASEMENT

is allowed, Dutch Pacific agrees to sell additional water rights to Swordfish at then-current fair market value, subject to any restrictions imposed by law and provided Dutch Pacific has not otherwise transferred those rights to another party. So long as the parties are working together to allow for industrial and commercial use of the water from the Well, and have not received a denial of any such change in use, Dutch Pacific agrees not to sell its water rights under Certificate G-13492 to any third party, other than Swordfish, for a period of one year after the Effective Date.

3. **Maintenance and Repair.** Parcel A agrees to maintain and repair the Well and associated pump. Each property owner is responsible for the maintenance and repair of any portion of the water distribution system located on their property, except that Parcel B, Parcel C and Tract A will be responsible for repairs to those portions of the water distribution system located on Parcel A that exclusively service their respective parcels. All pipes and water mains must be maintained so there is no leakage or seepage or other defects that cause waste or contamination of water, or injury or damage to persons or property.

4. **Cost Allocation.** Each party is responsible for installing a water meter, at its own expense, to measure water usage from the Well on the owner's property. The parties agree to apportion all costs of operation, including electrical service to the pump and fees paid to any governmental agency related to the Well, and maintenance and repair of the Well and associated pump, and any shared water distribution system, in direct proportion to each parties' metered use of water from the Well on their property during the calendar year in which the expenses are incurred. Each party will invoice the other parties for expenses under this Agreement, and the other parties agreed to reimburse such expenses within 15 business days. The consent of all parties to pay a proportionate share of costs shall be obtained prior to the expenditure of funds for system maintenance, replacement and improvements, except in emergency situations. Each property owner will be individually responsible for costs related to the repair and maintenance of those portions of the water distribution system that exclusively service their individual parcel, including those located on Parcel A.

5. **Pond.** There is an irrigation pond located primarily on Parcel C ("Pond"), currently used to irrigate both Parcel B and Parcel C. A small portion of the Pond is located on the corner of Parcel A. Parcel A has the right to use that portion of the Pond located on Parcel A, and agrees to maintain the portion of the pond located on Parcel A so long as the Pond exists. Swordfish has the right, at its sole expense, to remove the Pond from Parcel A by physically filling that portion of the Pond located on Parcel A. Furthermore, Swordfish has the right, at its sole expense, to expand the Pond further onto Parcel A by enlarging the size of the Pond. However, in no event does Swordfish, or any successor or assignee of Parcel A, have any rights to use or enjoyment of the Pond located on Parcel C. Dutch Pacific, and its successors and assignees to Parcel C, may remove the Pond from Parcel C at any time, at their sole expense.

6. **Access.** Swordfish, the owner of Parcel A, its successors and assigns, grants to Dutch Pacific, the owner of Parcel B, Parcel C and Tract A, its successors and assigns, a nonexclusive easement to maintain and repair the existing water distribution system on Parcel A. This easement is appurtenant to, and for the benefit of Parcel B, Parcel C and Tract A. The easement constitutes a burden on Parcel A. The easement expires on the date of the expiration of this Agreement.

7. **Restrictions on Use.** The Well may only be used to benefit Parcel A, Parcel B, Parcel C and Tract A. Neither party will permit other persons to take, draw, use or receive water allocated under this Agreement without prior written consent of both parties.

8. **Interference.** The parties will not unreasonably interfere with each other's use of water and any party causing damage to the water distribution system will promptly repair the damage. The owner of Parcel A may relocate any portion of the water distribution system located on Parcel A at its sole expense.

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9. **Heirs, Successors, and Assigns.** The benefits and burdens of this Agreement shall constitute a covenant running with the land and shall inure to the benefit of, and be binding upon, the heirs, successors in title and assigns of the parties to this Agreement.

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10. **Breach of Obligations.** In the event either party fails to perform its obligations under this Agreement, the other party shall be entitled to require such performance by suit for specific performance or, where appropriate, through injunctive relief. Such remedies shall be in addition to any other remedies afforded under Oregon law.

11. **Attorney Fees.** In the event of any litigation arising under or in connection with this Agreement, the prevailing party shall recover from the losing party the prevailing party's reasonable attorney fees at trial and on appeal as adjudged by the trial and appellate court.

12. **Governing Law.** This Agreement shall be construed and enforced in accordance with the laws of the state of Oregon.

13. **Duration.** This Agreement will remain in effect for a period of ten years after the Effective Date, on which date it will expire and Parcel B, Parcel C and Tract A will have no further rights under this Agreement.

14. **Amendment.** This Agreement can be modified only by a writing signed by the owners of Parcel A, Parcel B, Parcel C and Tract A.

[SIGNATURE PAGES FOLLOWS]

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly signed as of the day and year first above written.

Dutch Pacific Properties LP

By: Jefferson Peak LLC, its general partner

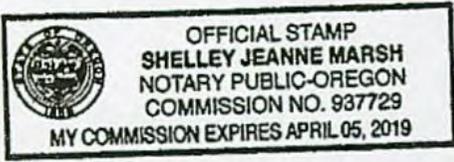
By: [Signature]  
Shane Lundgren, its manager

Swordfish Consulting LLC

By: [Signature]  
Mark Beasley, Managing Member

STATE OF OREGON )  
 ) ss.  
County of Deschutes )

This instrument was acknowledged before me on the 1<sup>st</sup> day of July, 2015, by Shane Lundgren, manager of Jefferson Peak LLC, general partner of Dutch Pacific Properties LP.



[Signature]  
Notary Public for Oregon  
My commission expires: 04-05-19

STATE OF OREGON )  
 ) ss.  
County of Deschutes )

This instrument was acknowledged before me on the 1<sup>st</sup> day of July, 2015, by Mark Beasley, managing member of Swordfish Consulting LLC.



[Signature]  
Notary Public for Oregon  
My commission expires: 04-05-19

AFFIDAVIT FOR THE VOLUNTARY CANCELLATION OF AN ENTIRE WATER RIGHT CERTIFICATE (ORS 540.621) CONTINGENT UPON OWRD's ACCEPTANCE AS MITIGATION OBLIGATION OFFSET FOR PERMIT G-17036

OWRD

State of Oregon )

) ss

County of Deschutes )

I/We, CHARLES RYAN, Mayor (title) of the City of Sisters residing at

520 E. CASCADE Ave Sisters, being first duly sworn depose and say:

1. City of Sisters is the legal owner of the property described as tax lot numbers 134 (Tract C), 135 (Tract D) & Diamond Peak Ave right-of-way as dedicated on the plat of Grand Peaks at Sisters, City of Sisters, Deschutes County, within the SE¼NW¼, Section 04, Township 15 (S), Range 10 (E), of the Willamette Meridian, in Sisters, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;

2. City of Sisters wishes to cancel the following water right certificate number 89259 issued to Dutch Pacific Properties, Inc. with a date of priority of March 18, 1998 appurtenant to City's property.

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) IR

*FOR IRRIGATION OR NURSERY USE:*

- o Total number of acres to be cancelled 18.5 acres from all owners.
- o Location of acres to be cancelled must be clearly identified on a copy of the final proof map.

- In the amount of 0.23 cubic foot per second

- From the water source (s) a Well in the Whychus Creek Basin;

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3. The appurtenant water right is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: N/A;

4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

N/A  
\_\_\_\_\_  
Signature of district manager                      Printed Name                      Date

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (Signature of district manager on the line below documents consent of the district.)

N/A  
\_\_\_\_\_  
Signature of district manager                      Printed Name                      Date

6. City of Sisters has abandoned any and all interest in this water right described in Item 2 above and requests said right be cancelled ~~ONLY UPON~~ OWRD's ACCEPTANCE AS 33.3 AF MITIGATION OBLIGATION OFFSET FOR APPLICATION G-16385 / PERMIT G-17036.

[Signature]  
\_\_\_\_\_  
Signature of legal owner as listed on deed, or authorized agent                      Date 8/31/2018

\_\_\_\_\_  
Signature of legal co-owner as listed on deed (If applicable)                      Date

Subscribed and Sworn to Before Me this 31<sup>st</sup> day of August, 2018.



Kimberly J. Keeton  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires 10-16-2020

**PLEASE ATTACH A LEGIBLE COPY OF:**

- 1) A deed which lists landowners and includes a legal description of affected lands, and
- 2) A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned right clearly drawn and identified.
- 3) IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).



\$63.00

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\$15.00 \$11.00 \$21.00 \$10.00 \$6.00

After Recording, Return To:  
Brant Kucera, City Manager  
City of Sisters, Oregon  
PO Box 39  
Sisters, OR 97759

After recording, forward all tax statements to:  
Same as above

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**STATUTORY WARRANTY DEED**

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Grand Peaks at Sisters, LLC, an Oregon limited liability company, "Grantor", hereby conveys and warrants to the CITY OF SISTERS, an Oregon municipal corporation, "Grantee" the following described real property, free and clear of all encumbrances except as specifically set forth herein:

**Tract C, GRAND PEAKS AT SISTERS, City of Sisters, Deschutes County, Oregon**

**Recorded as Instrument Number 2018- 5450, Deschutes County Official Records.**

This property is conveyed free and clear of all financial encumbrances, liens, security interests, judgements, rights of first refusals, options to purchase, reversionary interests, land sale contracts, leases, licenses, and other tenancies, but subject to all other items of record, if any, as of the date of this deed.

**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.**

The true consideration for this conveyance is the satisfaction condition of approval #1(b), from City of Sisters file: Sub 15-03.

**SIGNATURES ON FOLLOWING PAGE**



ACCEPTANCE

City of Sisters, acting by and through its City Manager, does hereby approve and accept the conveyance of the real property subject to the foregoing Warranty Deed pursuant to ORS 93.808.



Brant Kucera, City Manager

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STATE OF OREGON )  
 ) ss.  
County of Deschutes )

This instrument was acknowledged before me on this 01 day of MARCH by Brant Kucera as City Manager of the City of Sisters.

Dated this 01 day of ~~February~~ <sup>MARCH</sup>, 2018

  
Notary Public – State of Oregon

My Commission Expires: 12-26-20

Deschutes County Official Records  
Nancy Blankenship, County Clerk

2018-08682



\$63.00

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03/05/2018 01:38:09 PM

After Recording, Return To:  
Brant Kucera, City Manager  
City of Sisters, Oregon  
PO Box 39  
Sisters, OR 97759

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\$15.00 \$11.00 \$21.00 \$10.00 \$6.00

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OCT 22 2021

After recording, forward all tax statements to:  
Same as above

OWRD

### STATUTORY WARRANTY DEED

Grand Peaks at Sisters, LLC, an Oregon limited liability company, "**Grantor**", hereby conveys and warrants to the CITY OF SISTERS, an Oregon municipal corporation, "**Grantee**" the following described real property, free and clear of all encumbrances except as specifically set forth herein:

**Tract D, GRAND PEAKS AT SISTERS, City of Sisters, Deschutes County, Oregon**

**Recorded as Instrument Number 2018- 5450, Deschutes County Official Records.**

This property is conveyed free and clear of all financial encumbrances, liens, security interests, judgements, rights of first refusals, options to purchase, reversionary interests, land sale contracts, leases, licenses, and other tenancies, but subject to all other items of record, if any, as of the date of this deed.

**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.**

The true consideration for this conveyance is the satisfaction condition of approval #1(b), from City of Sisters file: Sub 15-03.

**SIGNATURES ON FOLLOWING PAGE**

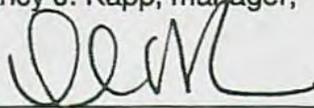
Dated this 14<sup>th</sup> day of February, 2018

Grand Peaks at Sisters LLC  
By: Hunter Renaissance Development, LLC,  
its manager  
By: KappyKo LLC, its manager  
By: NJK Venture LLC, its manager  
By: Nancy J. Kapp, manager,

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By: 

Neil A. Amondson,  
Attorney- in-Fact  
Per Document 2018-05450  
Deschutes County Official Records

STATE OF OREGON )  
COUNTY OF Deschutes ) ss.

Before me, a Notary Public, personally appeared Neil A. Amondson, as Attorney-in-Fact for Nancy J. Kapp, Manager of NJK Venture LLC, and acknowledged the foregoing instrument on behalf of Grand Peaks at Sisters LLC, by Hunter Renaissance Development, LLC its manager, by Kappyko LLC its manager, by NJK Venture, LLC its manager.

Dated this 14 day of February, 2018

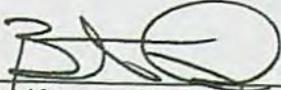
  
Notary Public - State of Oregon

My Commission Expires: 08/06/2019



ACCEPTANCE

City of Sisters, acting by and through its City Manager, does hereby approve and accept the conveyance of the real property subject to the foregoing Warranty Deed pursuant to ORS 93.808.

  
\_\_\_\_\_  
Brant Kucera, City Manager

RECEIVED

OCT 22 2021

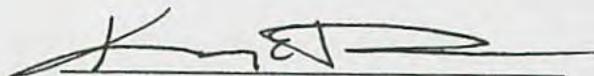
OWRD

STATE OF OREGON                    )  
  ) ss.  
County of Deschutes                )

This instrument was acknowledged before me on this 01 day of MARCH by Brant Kucera as City Manager of the City of Sisters.

Dated this 01 day of <sup>MARCH</sup> ~~February~~, 2018



  
\_\_\_\_\_  
Notary Public – State of Oregon

My Commission Expires: 12.26.20

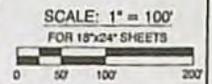


# GRAND PEAKS AT SISTERS

A REPLAT OF A PORTION OF TRACT A OF SUN RANCH - PHASE 1 LOCATED IN THE  
SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 4,  
TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN,  
CITY OF SISTERS, DESCHUTES COUNTY, OREGON  
CITY FILE SUB 15-03  
DATE: JANUARY, 2018

- LEGEND**
- FOUND MONUMENT AS NOTED, HELD UNLESS OTHERWISE NOTED.
  - FOUND 5/8" IRON ROD WITH AN ORANGE PLASTIC CAP MARKED "S 60662" UNLESS OTHERWISE NOTED, PER CS 16752, HELD UNLESS OTHERWISE NOTED.
  - FOUND 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "PAPAMETRIX" UNLESS OTHERWISE NOTED PER CS 19087, HELD.
  - SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "H.A. MCCOY ENGR"
  - ▲ SET 5/8" X 24" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "H.A. MCCOY 65666LS" PER POST MONUMENT NOTE. (SEE SHEET 1).
  - SET 5/8" X 24" IRON ROD WITH AN ALUMINUM CAP MARKED "H.A. MCCOY 65666LS" PER POST MONUMENT NOTE. (SEE SHEET 1).
  - CS COUNTY SURVEY NUMBER, DESCHUTES COUNTY SURVEY RECORDS.
  - PAE PUBLIC ACCESS EASEMENT
  - PUE PUBLIC UTILITY EASEMENT
  - ROW RIGHT-OF-WAY
  - SF SQUARE FEET
  - YPC YELLOW PLASTIC CAP
  - (1) RECORD INFORMATION PER CS 16752, SUN RANCH - PHASE 1, FILED 1/4/06, GMS.
  - (2) RECORD INFORMATION PER CS 19087, PROPERTY LINE ADJUSTMENT, FILED 4/29/16, HUSTON.
  - TRACT D IS SUBJECT TO A WELL EASEMENT PER DOCUMENT 2007-28544, DESCHUTES COUNTY OFFICIAL RECORDS, AS SHOWN ON MAP.

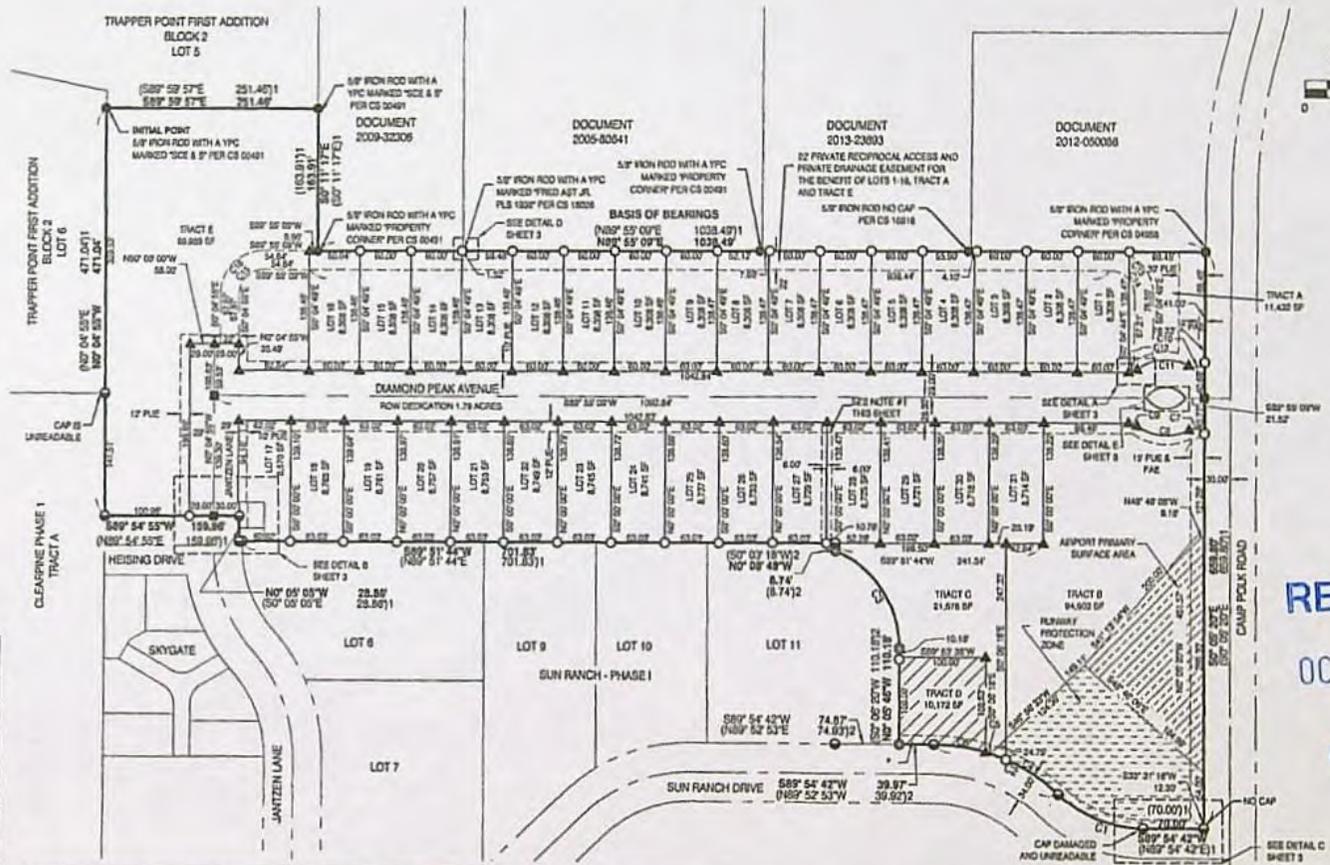
**NOTE**  
1. PRIVATE RECIPROCAL ACCESS EASEMENT FOR THE BENEFIT OF LOTS 1-31, AND TRACT E.



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*H.A. McCoy*

OREGON  
JULY 11, 2006  
HAYES A. MCCOY  
836683  
EXPIRES 12/31/18



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CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C1	146.00	108.38	42°31'58"	105.91	N89°49'19"W
C2	214.00	158.89	42°31'58"	155.24	N89°49'19"W
C3	120.00	142.50	68°02'25"	134.20	N34°09'58"W
C4	214.00	73.19	19°35'01"	72.79	N57°29'51"W
C5	214.00	24.85	6°39'12"	24.84	N70°27'57"W
C6	214.00	60.87	18°17'44"	60.86	N81°58'28"W

CURVE REFERENCE TABLE PER CS 16752, CS 19087						
CURVE	CURVE REFERENCE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C1	C10	146.00	108.38	42°31'57"	105.91	S68°49'19"E
C2	C16	214.00	158.89	42°31'57"	155.24	S68°49'19"E
C3	(CS 19087) C2	120.00	142.51	68°02'25"	134.20	N33°54'54"W

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C13	50.00	78.54	90°00'02"	70.71	S45°04'50"E
C14	28.00	43.98	90°00'02"	39.60	S45°04'50"E
C15	28.00	43.98	90°00'04"	39.60	N44°59'07"E
C16	50.00	78.54	90°00'04"	70.71	N44°59'07"E
C17	28.00	53.92	110°18'01"	45.98	S89°59'09"W
C18	28.00	53.92	110°18'01"	45.98	N89°59'09"E

**H.A. MCCOY**  
ENGINEERING & SURVEYING LLC

180 SW LAKE ROAD SUITE 201  
REDMOND, OR. 97756  
(541) 923-7554

HUNTER RENAISSANCE  
2001 W CHURCHILL STREET  
CHICAGO, IL 60647

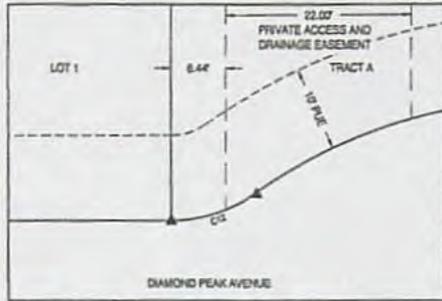
PREPARED FOR:

# GRAND PEAKS AT SISTERS

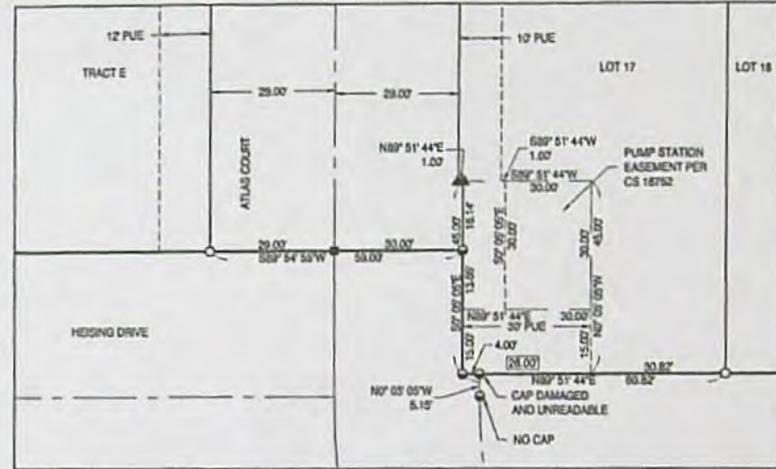
A REPLAT OF A PORTION OF TRACT A OF SUN RANCH - PHASE 1 LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, CITY OF SISTERS, DESCHUTES COUNTY, OREGON  
 CITY FILE SUB 15-03  
 DATE: JANUARY, 2018

**LEGEND**

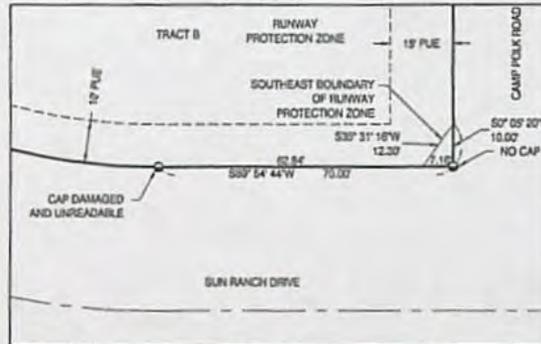
- FOUND MONUMENT AS NOTED, HELD UNLESS OTHERWISE NOTED.
- FOUND 5/8" IRON ROD WITH AN ORANGE PLASTIC CAP MARKED "J.S. MCCOY" UNLESS OTHERWISE NOTED, PER CS 16752, HELD UNLESS OTHERWISE NOTED.
- FOUND 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "PARAMETRIX" UNLESS OTHERWISE NOTED PER CS 19057, HELD.
- SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "H.A. MCCOY ENG'R"
- ▲ SET 5/8" X 24" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "H.A. MCCOY 65889.57" PER POST MONUMENT NOTE. (SEE SHEET 1).
- SET 5/8" X 24" IRON ROD WITH AN ALUMINUM CAP MARKED "H.A. MCCOY 65889.57" PER POST MONUMENT NOTE. (SEE SHEET 1).
- CS COUNTY SURVEY NUMBER, DESCHUTES COUNTY SURVEY RECORDS.
- PAE PUBLIC ACCESS EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- ROW RIGHT-OF-WAY
- SF SQUARE FEET
- YPC YELLOW PLASTIC CAP
- SIGNS DISTANCE FROM LOT CORNER TO PUE ALONG LOT LINE. SEE DETAIL B.
- (1) RECORD INFORMATION PER CS 16752, SUN RANCH - PHASE 1, FILED 1/24/06, SMS.
- (12) RECORD INFORMATION PER CS 19057, PROPERTY LINE ADJUSTMENT, FILED 4/25/16, HUSTON.



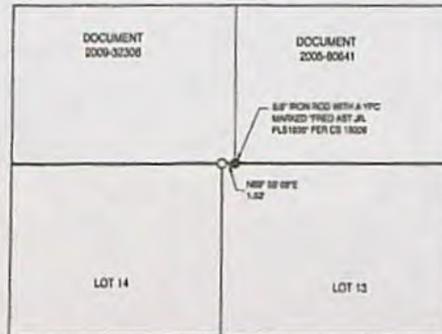
DETAIL A  
1" = 10'



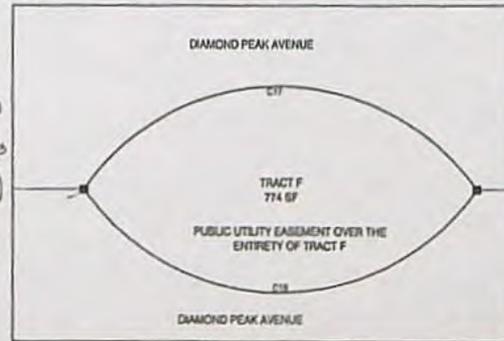
DETAIL B  
1" = 20'



DETAIL C  
1" = 20'



DETAIL D  
1" = 10'



DETAIL E  
1" = 10'

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OCT 22 2021

OWRD

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C7	14.00	19.81'	81°03'46"	19.20	N76°37'28"W
C8	59.00	64.27	62°24'35"	61.14	S85°57'04"E
C9	17.00	10.49	35°18'13"	10.30	N72°22'23"W
C10	14.00	19.70	80°38'16"	18.12	N76°40'31"E
C11	59.00	64.27	62°24'35"	61.14	S85°47'22"W
C12	17.00	10.51	35°24'58"	10.34	N72°17'32"E
C17	28.00	53.90	110°18'01"	45.98	S89°58'09"W
C18	28.00	53.90	110°18'01"	45.98	N89°58'09"E

REGISTERED PROFESSIONAL LAND SURVEYOR  
 H.A. MCCOY  
 OREGON  
 JULY 11, 2008  
 HAYES A. MCCOY  
 458643  
 EXPIRES 12/31/18

H.A. MCCOY  
 ENGINEERING & SURVEYING LLC

180 SW LAKE ROAD SUITE 201  
 REDMOND, OR. 97756  
 (503) 923-7554

PREPARED FOR:

HUNTER RENAISSANCE  
 2001 W CHURCHILL STREET  
 CHICAGO, IL 60647

STATE OF OREGON  
COUNTY OF DESCHUTES  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM SMITH PROPERTIES, INC.  
15 SW COLORADO AVE, SUITE 1  
BEND, OR 97701

confirms the right to use the waters of A WELL, in the WHYCHUS CREEK SUB-BASIN for IRRIGATION of 10 ACRES.

This right was perfected under permit G-13492. The date of priority is MARCH 18, 1998. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.12 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the points of appropriation.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	15	NE NW	81 FEET SOUTH AND 187 FEET WEST FROM NORTH 1/4 CORNER, SECTION 15

The amount of water used for irrigation, 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, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The period of use allowed under this right is limited to March 1 through October 31 of each year.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	15	NE NW	10.00

Measurement, recording and reporting conditions:

- A. The water user shall maintain the in-line flow meter or other suitable measuring device 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.

**NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.

- 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.

Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water available from the original point of appropriation.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	4	SE NW	326 FEET NORTH AND 180 FEET WEST FROM CENTER 1/4 CORNER, SECTION 4

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 interference.

Use of water under authority of this right may be regulated if analysis of data available after the right 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.

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.

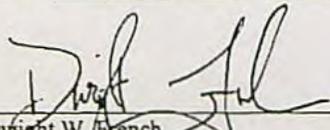
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

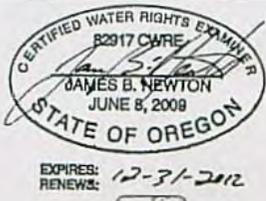
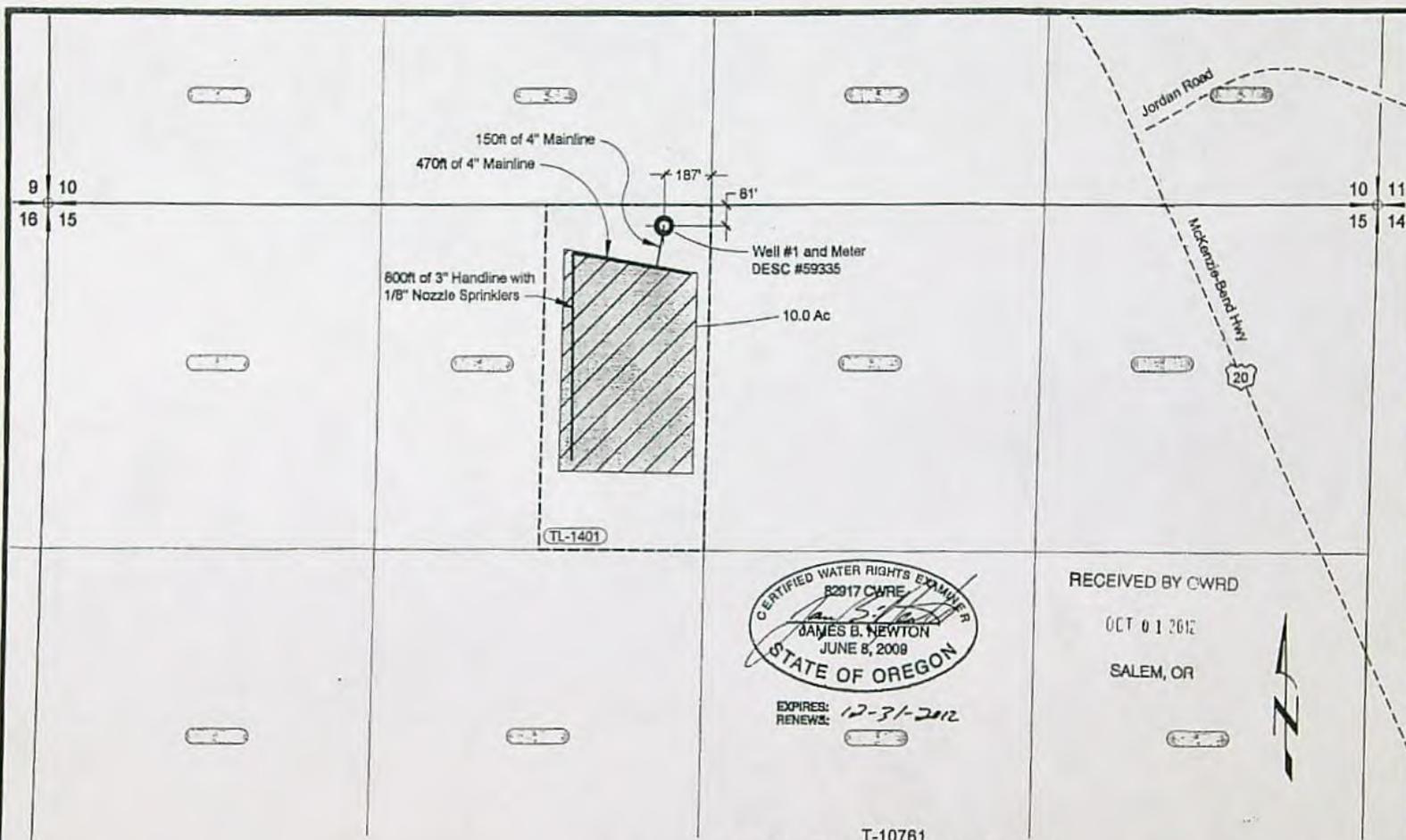
This certificate is issued to confirm a change in ADDITIONAL POINT OF APPROPRIATION AND CHANGE IN PLACE OF USE approved by an order of the Water Resources Director entered September 15, 2009, at Special Order Volume 78, Page 891, approving Transfer Application 10761, and together with Certificate 85693, supersedes Certificate 80808, State Record of Water Right Certificates.

The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

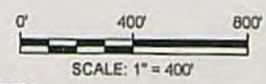
Issued MAR 12 2013

  
 Dwight W. French  
 Water Right Services Administrator, for  
 Phillip C. Ward, Director

718



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OCT 01 2012  
SALEM, OR



Summary Table - POU

Place of Use	Acres	Tax Lot	¼-¼
T.15S., R.10E., Sec 15	10.0	1401	NE-NW

T-10761  
**COBU - PLACE OF USE MAP**  
Located in NE¼ - NW¼ of Section 15, T15S, R10E, W.M.  
Tax Lot 1401, Deschutes County, Oregon

- EXPLANATION**
- POU - Irrigated Acres
  - Well #1, OWRD Well Log ID DESC\_59335



**NOTES**

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

COBU MAP # 718

T-10761 COBU - Place of Use Map  
William Smith Properties, Inc.  
Sisters, Deschutes County, Oregon

**NEWTON CONSULTANTS INC.**  
Earth, Water and Rock Specialists  
P.O. Box 1000  
Sisters, OR 97759

STATE OF OREGON  
COUNTY OF DESCHUTES  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DUTCH PACIFIC PROPERTIES, INC.  
P.O. BOX 3500, PMB 303  
SISTERS, OR 97759

confirms the right to use the waters of a WELL in the WHYCHUS (FORMERLY KNOWN AS SQUAW) CREEK BASIN for IRRIGATION of 18.5 ACRES.

This right was perfected under Permit G-13492. The date of priority is MARCH 18, 1998. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.23 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	4	SE NW	326 FEET NORTH AND 180 FEET WEST FROM THE C1/4 CORNER OF SECTION 4

The amount of water used for irrigation, 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 per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	4	SE NW	18.5

Measurement, recording and reporting conditions:

- A. The water user shall maintain and operate the existing measurement device and shall maintain the meter or measuring device 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 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 right may be regulated if analysis of data available 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 this right or as those quantities may be subsequently reduced.

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.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. 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 confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

This certificate describes that portion of the water right confirmed by Certificate 85693, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered May   1  , 2014, approving Transfer Application T-11519 and NOT modified by the provisions of an order of the Water Resources Director entered May   1  , 2014 approving Transfer Application T-11520 and updates the name of the source basin to reflect an official name change from Squaw Creek to Whychus Creek.

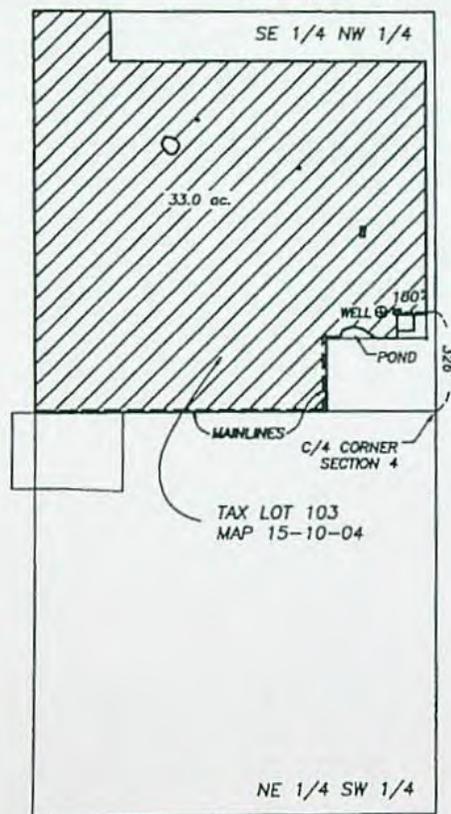
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed May 1, 2014.



\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

SECTION 4  
T15S, R10E, W.M.  
DESCHUTES CO., OR



# FINAL PROOF SURVEY

## CLAIM OF BENEFICIAL USE

APPLICATION NO. G-14711

PERMIT NO. G-13492

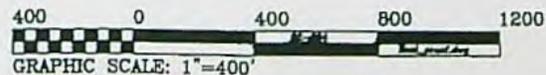
IN THE NAME OF MULTNOMAH PUBLISHERS INC.

TAX LOT 103, MAP 15-10-04

DESCHUTES COUNTY, OREGON



THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT.  
IT IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY  
OWNERSHIP LINES.



**RECEIVED**

FEB 24 2003

WATER RESOURCES DEPT.  
SALEM, OREGON

Fred A. Ast, Jr. and Associates

250 W. Cascade Avenue

P.O. Box 751

Sisters, Oregon 97759

541-549-7851

STATE OF OREGON  
COUNTY OF DESCHUTES  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM SMITH PROPERTIES INC.  
15 SW COLORADO AVE, SUITE 1  
BEND OR 97702

confirms the right to the use of water perfected under the terms of Permit G-13492. 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 well(s). The specific limits and conditions of the use are listed below.

SOURCE OF WATER: A WELL IN THE WHYCHUS (FORMERLY KNOWN AS SQUAW) CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 2.7 ACRES

MAXIMUM RATE: 0.034 CUBIC FOOT PER SECOND

DATE OF PRIORITY: MARCH 18, 1998

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	15	NE NW	WELL 2 - 80 FEET SOUTH AND 180 FEET WEST FROM N1/4 CORNER, SECTION 15

The amount of water used for irrigation, 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 per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	15	NE NW	2.7

**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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow 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 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 right may be regulated if analysis of data available after the right 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 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 confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The quantity of water diverted at the new point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation described as follows:

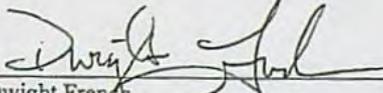
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	4	SE NW	WELL 1 - 326 FEET NORTH AND 180 FEET WEST FROM C1/4, SECTION 4

Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

This certificate is issued to confirm changes in POINT OF APPROPRIATION AND PLACE OF USE approved by an order of the Water Resources Director entered MAY 1, 2014, at Special Order Volume 92, Page 371, approving Transfer Application 11519, and together with Certificate 89259, supersedes Certificate 85693, State record of Water Right Certificates.

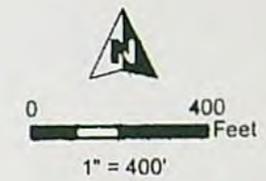
Issued MAR 27 2017



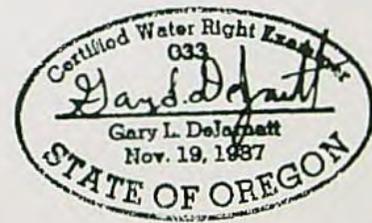
Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department



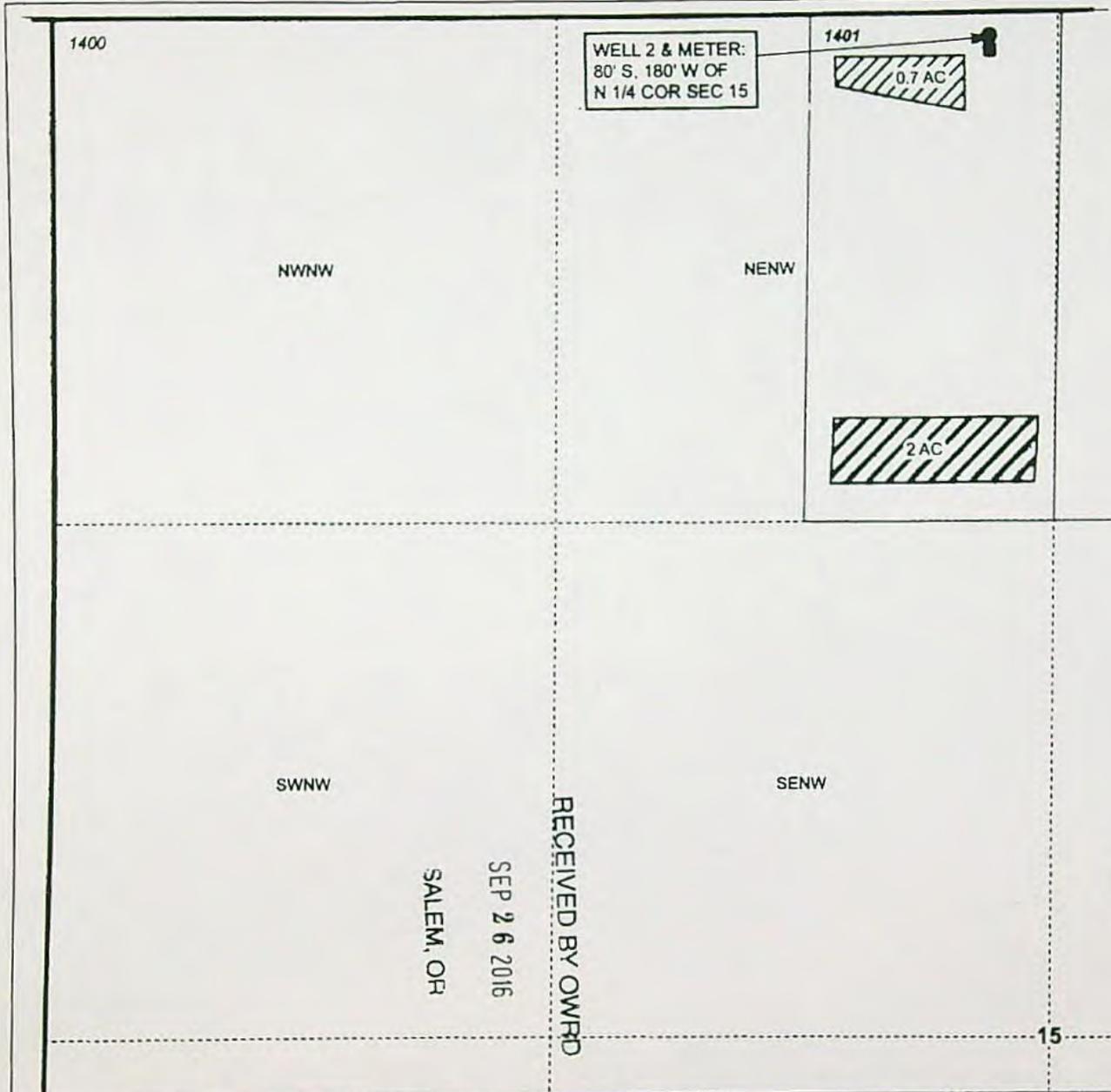
**T15S, R10E,  
SECTION 15, WM**  
DESCHUTES COUNTY, OREGON



-  POU Irrigation
-  Section
-  Quarter Quarter
-  Tax Lot
-  Well
-  Meter



RENEWAL DATE 12/31/2017



**CLAIM OF BENEFICIAL USE**  
William Smith Properties, Inc.

TRANSFER T-11519

NOTE: THIS MAP IS NOT INTENDED TO  
PROVIDE LEGAL DIMENSIONS OR LOCATIONS  
OF PROPERTY OWNERSHIP LINES.

PROJECT #15100      SEPTEMBER 16, 2016

**WATER RIGHT SERVICES, LLC**  
PO BOX 1830, BEND, OR 97709  
CCB# 197121 [www.oregonwater.us](http://www.oregonwater.us)  
541-389-2837      [JOHNSHORT@USA.COM](mailto:JOHNSHORT@USA.COM)

STATE OF OREGON  
COUNTY OF DESCHUTES  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN ZICKER  
16025 FOOTHILL LANE  
SISTERS OR 97759

confirms the right to the use of water perfected under the terms of Permit G-13492. 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 well. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: A WELL IN THE WHYCHUS (FORMERLY KNOWN AS SQUAW) CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 1.8 ACRES

MAXIMUM RATE: 0.022 CUBIC FOOT PER SECOND

DATE OF PRIORITY: MARCH 18, 1998

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	10 E	WM	34	NW NW	WELL 2 (NEW) - 797 FEET SOUTH AND 282 FEET EAST FROM NW CORNER, SECTION 4

The amount of water used for irrigation, 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 per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	10 E	WM	34	NW NW	1.8

The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available from the original point of appropriation described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	10 E	WM	34	NW NW	WELL 1 (ORIGINAL) - 326 FEET NORTH AND 180 FEET WEST FROM C1/4 CORNER, SECTION 4

**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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter or measuring devices in good working order, as approved by the Director, at each new point of appropriation.
- B. The water user shall allow the watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

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 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 interference.

Use of water under authority of this right may be regulated if analysis of data available after the right 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 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.

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

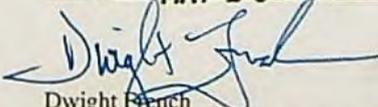
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

This certificate is issued to confirm a change in POINT OF APPROPRIATION and PLACE OF USE approved by an order of the Water Resources Director entered May 1, 2014 at Special Order Volume 92, Page 366, approving Transfer Application T-11520, and together with Certificate 89259, supercedes Certificate 85693, State record of Water Right Certificates.

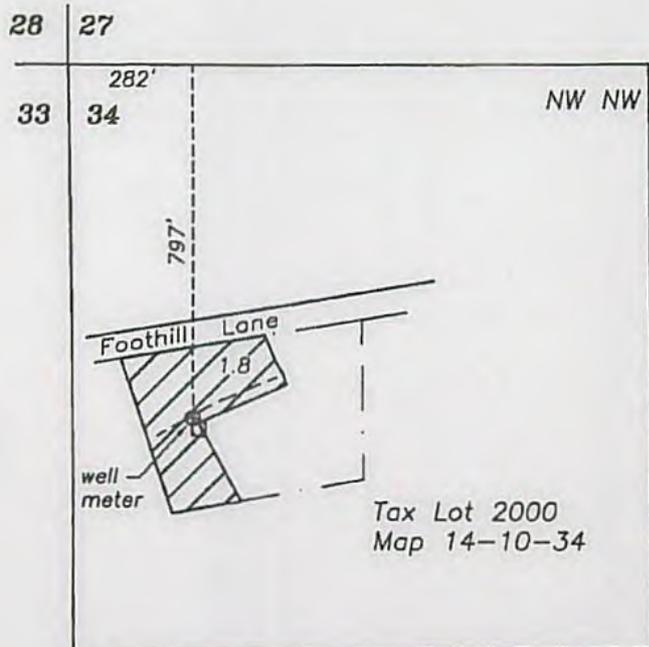
Issued     MAY 28 2021    



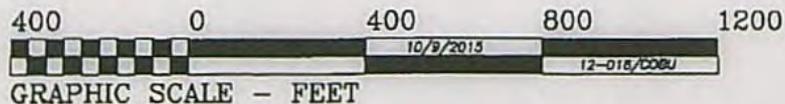
Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

# Claim of Beneficial Use

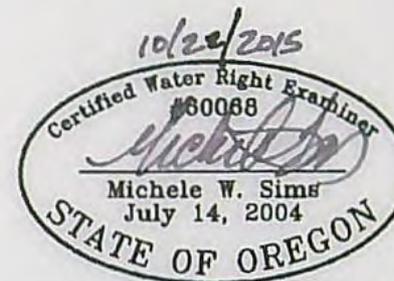
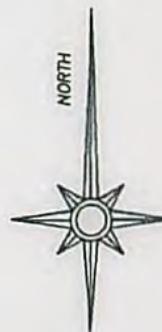
## T-11520



Sec. 34  
T14S, R10E, W.M.  
Deschutes County, OR



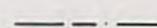
THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.



Renewal date: 6/30/2016



Land irrigated under T-11520  
(Priority date 3/18/1998)



Tax lot boundary



Well location



Meter



Mainline



1/16 Section lines SALEM, OR

RECEIVED BY OWRD

OCT 28 2015



# Oregon

John A. Kitzhaber, MD, Governor

G-14711

## 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](http://www.wrd.state.or.us)

May 7, 2014

DUTCH PACIFIC PROPERTIES INC.  
PO BOX 3500  
SISTERS, OR 97759

REFERENCE: Transfer Application T-11519

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

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Tracy Fox, by telephone at (503) 986-0890 or by e-mail at [Tracy.L.Fox@ wrd.state.or.us](mailto:Tracy.L.Fox@ wrd.state.or.us).

Sincerely,

Codi Holmes  
Water Right Services Support  
Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. #11 (via email)  
Michele Sims, Agent

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application            )    FINAL ORDER APPROVING A  
T-11519, Deschutes County                    )    CHANGE IN POINT OF  
  )    APPROPRIATION AND PLACE OF  
  )    USE

**Authority**

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

DUTCH PACIFIC PROPERTIES INC.  
PO BOX 3500  
SISTERS, OR 97759

**Receiving Landowner**

WILLIAM SMITH PROPERTIES  
15 SW COLORADO, SUITE 1  
BEND, OR 97702

**Findings of Fact**

1. On January 3, 2013, DUTCH PACIFIC PROPERTIES INC. filed an application to change the point of appropriation and to change the place of use under Certificate 85693. The Department assigned the application number T-11519.
2. William Smith Properties is the receiving landowner who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on January 15, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. Transfer Application T-11520 was filed January 3, 2013, by Dutch Pacific Properties Inc. This transfer modifies the same right proposed in T-11519. Certificate 85693 shall be canceled after both transfer applications are processed.
5. On December 11, 2013, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11519 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 15, 2014, for the applicant to respond. The applicant requested that the Department proceed with issuance of a

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

6. On March 14, 2014, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11519 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on March 18, 2014, and in The Bend Bulletin newspaper on March 21, and 28, 2014, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The portion of the right to be transferred is as follows:

**Certificate:** 85693 in the name of DUTCH PACIFIC PROPERTIES INC. (perfected under Permit G-13492)  
**Use:** IRRIGATION of 2.7 ACRES  
**Priority Date:** MARCH 18, 1998  
**Rate:** 0.034 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, 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 per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL within the WHYCHUS CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	4	SE NW	WELL 1- 326 FEET NORTH AND 180 FEET WEST FROM THE C1/4 CORNER OF SECTION 4

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	4	SE NW	2.7

8. Transfer Application T-11519 proposes to move the authorized point of appropriation approximately 1.85 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	15	NE NW	WELL 2 - 80 FEET SOUTH AND 180 FEET WEST FROM THE N1/4 CORNER OF SECTION 15

9. Transfer Application T-11519 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	15	NE NW	2.7

*Transfer Review Criteria (OAR 690-380-4010)*

10. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11519.
12. The proposed changes would not result in enlargement of the right.
13. The proposed changes would not result in injury to other water rights.
14. All other application requirements are met.

**Conclusions of Law**

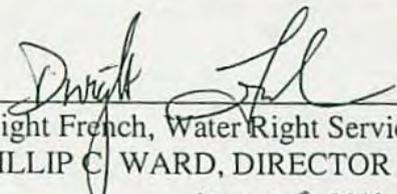
The change in point of appropriation and change in place of use proposed in Transfer Application T-11519 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The change in point of appropriation and change in place of use proposed in Transfer Application T-11519 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 85693 and any related decree.
3. Water right certificate 85693 is canceled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. 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 new point of appropriation.
  - b. The water user shall maintain the meter or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the receiving landowner to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 1 day of May, 2014.

  
\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
PHILLIP C WARD, DIRECTOR

MAY 08 2014

Mailing date: \_\_\_\_\_



# Oregon

John A. Kitzhaber, MD, 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](http://www.wrd.state.or.us)

May 7, 2014

DUTCH PACIFIC PROPERTIES INC  
PO BOX 3500  
SISTERS OR 97759

REFERENCE: Transfer Application T-11520

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

The time allowed to complete the transfer is specified in the final order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in character of use or change in place of use **NOT** carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Tracy Fox, by telephone at (503) 986-0890 or by e-mail at [Tracy.L.Fox@wrd.state.or.us](mailto:Tracy.L.Fox@wrd.state.or.us).

Sincerely,

Codi Holmes  
Water Right Services Support  
Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. #11 (via email)  
Michele Sims, Agent

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-11520, Deschutes County	)	CHANGE IN POINT OF
	)	APPROPRIATION AND PLACE OF
	)	USE AND CANCELLATION OF A
	)	WATER RIGHT

**Authority**

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

**Applicant**

DUTCH PACIFIC PROPERTIES INC.  
PO BOX 3500  
SISTERS, OR 97759

**Receiving Landowner**

JOHN ZICKER  
16025 FOOTHILL LANE  
SISTERS, OR 97759

**Findings of Fact**

1. On January 3, 2013, DUTCH PACIFIC PROPERTIES INC. filed an application to change the point of appropriation and to change the place of use under Certificate 85693. The Department assigned the application number T-11520.
2. John Zicker is the receiving landowner who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on January 15, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. Transfer Application T-11519 was filed January 3, 2013, by Dutch Pacific Properties Inc. This transfer modifies the same right proposed in T-11520. Certificate 85693 shall be canceled after both transfer applications are processed.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

5. On December 11, 2013, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11520 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 15, 2014, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. On March 17, 2014, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11520 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on March 18, 2014, and in The Bend Bulletin newspaper on March 21, and 28, 2014, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The portion of the right to be transferred is as follows:

**Certificate:** 85693 in the name of DUTCH PACIFIC PROPERTIES INC. (perfected under Permit G-13492)

**Use:** IRRIGATION of 1.8 ACRES

**Priority Date:** MARCH 18, 1998

**Rate:** 0.022 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, 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 per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL within the WHYCHUS CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	10 E	WM	34	NW NW	WELL 1: 326 FEET NORTH AND 180 FEET WEST FROM THE C 1/4 CORNER OF SECTION 4

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	10 E	WM	34	SE NW	1.8

8. Transfer Application T-11520 proposes to move the authorized point of appropriation approximately 1.3 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	10 E	WM	34	NW NW	WELL 2: 879 FEET SOUTH AND 403 FEET EAST FROM THE NW CORNER, SECTION 4

9. Transfer Application T-11520 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	10 E	WM	34	NW NW	1.8

**Transfer Review Criteria (OAR 690-380-4010)**

10. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11520.
12. The proposed changes would not result in enlargement of the right.
13. The proposed changes would not result in injury to other water rights.
14. All other application requirements are met.

**Cancellation of a Water Right**

On January 3, 2013, an affidavit certifying that an entire water right has been abandoned and requesting cancellation of the right was received from Shane Lundgren. The right to be cancelled is as follows:

**Certificate:** 50477 in the name of S. S. JOHNSON COMPANY (confirmed by Squaw Creek [Whychus Creek], 1914 decree)  
**Use:** IRRIGATION of 0.12 ACRE  
**Priority Date:** 1885  
**Rate:** 0.002 CUBIC FOOT PER SECOND  
**Source:** SQUAW CREEK, tributary to the DESCHUTES RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	9	NW SW	SMITH DITCH

**Authorized Place of Use to be Cancelled:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	4	SE NW	0.12

## Conclusions of Law

The change in point of appropriation and change in place of use proposed in Transfer Application T-11520 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled.

### Now, therefore, it is ORDERED:

1. The change in point of appropriation and change in place of use proposed in Transfer Application T-11520 are approved. Water right certificate 50477 is cancelled.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 85693 and any related decree.
3. Water right certificate 85693 is canceled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. 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 new point of appropriation.
  - b. The water user shall maintain the meter or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the receiving landowner to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 1 day of May, 2014.

  
\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

Mailing Date:           MAY 08 2014

STATE OF OREGON  
COUNTY OF DESCHUTES  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DUTCH PACIFIC PROPERTIES, INC.  
P.O. BOX 3500, PMB 303  
SISTERS, OR 97759

confirms the right to use the waters of a WELL in the WHYCHUS (FORMERLY KNOWN AS SQUAW) CREEK BASIN for IRRIGATION of 18.5 ACRES.

This right was perfected under Permit G-13492. The date of priority is MARCH 18, 1998. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.23 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	4	SE NW	326 FEET NORTH AND 180 FEET WEST FROM THE C1/4 CORNER OF SECTION 4

The amount of water used for irrigation, 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 per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	4	SE NW	18.5

Measurement, recording and reporting conditions:

- A. The water user shall maintain and operate the existing measurement device and shall maintain the meter or measuring device 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 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 right may be regulated if analysis of data available 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 this right or as those quantities may be subsequently reduced.

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.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. 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 confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

This certificate describes that portion of the water right confirmed by Certificate 85693, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered May   1  , 2014, approving Transfer Application T-11519 and NOT modified by the provisions of an order of the Water Resources Director entered May   1  , 2014 approving Transfer Application T-11520 and updates the name of the source basin to reflect an official name change from Squaw Creek to Whychus Creek.

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.

WITNESS the signature of the Water Resources Director, affixed May 1, 2014.



\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR



G 14 711

STATE OF OREGON  
COUNTY OF DESCHUTES  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM SMITH PROPERTIES INC.  
15 SW COLORADO AVE, SUITE 1  
BEND OR 97702

confirms the right to the use of water perfected under the terms of Permit G-13492. 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 well(s). The specific limits and conditions of the use are listed below.

SOURCE OF WATER: A WELL IN THE WHYCHUS (FORMERLY KNOWN AS SQUAW) CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 2.7 ACRES

MAXIMUM RATE: 0.034 CUBIC FOOT PER SECOND

DATE OF PRIORITY: MARCH 18, 1998

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	15	NE NW	WELL 2 - 80 FEET SOUTH AND 180 FEET WEST FROM N1/4 CORNER, SECTION 15

The amount of water used for irrigation, 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 per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	15	NE NW	2.7

**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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow 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 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 right may be regulated if analysis of data available after the right 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 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 confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The quantity of water diverted at the new point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation described as follows:

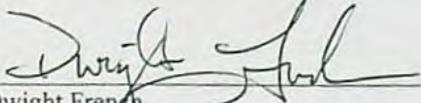
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	4	SE NW	WELL 1 - 326 FEET NORTH AND 180 FEET WEST FROM C1/4, SECTION 4

Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

This certificate is issued to confirm changes in POINT OF APPROPRIATION AND PLACE OF USE approved by an order of the Water Resources Director entered MAY 1, 2014, at Special Order Volume 92, Page 371, approving Transfer Application 11519, and together with Certificate 89259, supersedes Certificate 85693, State record of Water Right Certificates.

Issued MAR 27 2017



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



G14711

STATE OF OREGON  
COUNTY OF DESCHUTES  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM SMITH PROPERTIES, INC.  
15 SW COLORADO AVE, SUITE 1  
BEND, OR 97701

confirms the right to use the waters of A WELL, in the WHYCHUS CREEK SUB-BASIN for IRRIGATION of 10 ACRES.

This right was perfected under permit G-13492. The date of priority is MARCH 18, 1998. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.12 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the points of appropriation.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	15	NE NW	81 FEET SOUTH AND 187 FEET WEST FROM NORTH 1/4 CORNER, SECTION 15

The amount of water used for irrigation, 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, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The period of use allowed under this right is limited to March 1 through October 31 of each year.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	15	NE NW	10.00

Measurement, recording and reporting conditions:

- A. The water user shall maintain the in-line flow meter or other suitable measuring device 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.

**NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.

- 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.

Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water available from the original point of appropriation.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	4	SE NW	326 FEET NORTH AND 180 FEET WEST FROM CENTER 1/4 CORNER, SECTION 4

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 interference.

Use of water under authority of this right may be regulated if analysis of data available after the right 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.

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.

This certificate is issued to confirm a change in ADDITIONAL POINT OF APPROPRIATION AND CHANGE IN PLACE OF USE approved by an order of the Water Resources Director entered September 15, 2009, at Special Order Volume 78, Page 891, approving Transfer Application 10761, and together with Certificate 85693, supersedes Certificate 80808, State Record of Water Right Certificates.

The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued MAR 12 2013

  
 Dwight W. French  
 Water Right Services Administrator, for  
 Phillip C. Ward, Director

file G-14711

Reply-To: "Kyle Gorman" <Kyle.G.Gorman@wrд.state.or.us>  
From: "Kyle Gorman" <kyle.g.gorman@wrд.state.or.us>  
To: "Laura SNEDAKER" <Laura.K.SNEDAKER@wrд.state.or.us>  
Subject: thoughts  
Date: Thu, 22 Aug 2002 14:43:18 -0700  
Organization: Oregon Water Resources Department  
X-Security: MIME headers sanitized on funnel  
See <http://www.impsec.org/email-tools/sanitizer-intro.html>  
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08  
X-Mailer: Microsoft Outlook Express 6.00.2600.0000  
X-MailScanner: Found to be clean

Hi Laura,

In my travels, alone in the car, I think about life and other things. Mostly water rights of course. I was thinking about two water rights that were issued as a result of an instream transfer. These gw rights were issued only because of the transfer. I believe these two rights should not be subject to mitigation requirements even though they have the 7j condition on them.

The two rights are

App	permit
G14702	G13441
G14711	G13492

I think we should discuss these two at some point. Thanks for your input.

Kyle

Contact:  
Kyle Gorman - South Central Region Manager  
Kyle.G.Gorman@wrд.state.or.us  
(541) 388-6669

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application ) FINAL ORDER APPROVING AN  
T-10761, Deschutes County ) ADDITIONAL POINT OF  
) APPROPRIATION AND A CHANGE IN  
) PLACE OF USE

**Authority**

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

SHANE LUNDGREN  
1675 SW MARLOW SUITE 340  
PO BOX 3500, SISTERS OR 97759

**Findings of Fact**

*Background*

1. On December 23, 2008, SHANE LUNDGREN filed an application for an additional point of appropriation and a change in place of use for a portion of the right under Certificate 80808. The Department assigned the application number T-10761.
2. On March 25, 2009, an amended application and map were received, including updated information and removing one of the originally proposed wells.
3. The portion of the right to be transferred is as follows:

**Certificate:** 80808 in the name of DUTCH PACIFIC PROPERTIES (perfected under Permit G-13492)

**Use:** IRRIGATION of 10 ACRES

**Priority Date:** MARCH 18, 1998

**Rate:** 0.12 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL in the WHYCHUS CREEK SUB-BASIN (FORMERLY SQUAW CREEK SUB-BASIN)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	4	SE NW	326 FEET NORTH AND 180 FEET WEST FROM THE C1/4 CORNER OF SECTION 4

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	4	SE NW	10.0

- Transfer Application T-10761 proposes an additional point of appropriation approximately 1.89 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	15	NE NW	80 FEET SOUTH AND 180 FEET WEST FROM THE N1/4 CORNER OF SECTION 15

- Transfer Application T-10761 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	15	NE NW	10.0

- Notice of the application for transfer was published on JANUARY 13, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On May 5, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10761 to the applicant. The Preliminary Determination set forth a deadline of June 5, 2009, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- On July 21, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10761 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on July 28, 2009, and in The Bulletin newspaper on July 24 and 31 and August 7, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

*Transfer Review Criteria (OAR 690-380-4010)*

9. Water has been used within the last five years prior to the submittal of Transfer Application T-10761 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10761.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

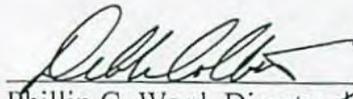
The additional point of appropriation and change in place of use proposed in Transfer Application T-10761 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The additional point of appropriation and change in place of use proposed in application T-10761 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 80808 and any related decree.
3. Water right certificate 80808 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.

7. The former place of use of the transferred right shall no longer receive water under the right.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 15<sup>th</sup> day of September 2009.

  
Phillip C. Ward, Director *PCW*

Mailing date: SEP 21 2009

STATE OF OREGON  
COUNTY OF DESCHUTES  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DUTCH PACIFIC PROPERTIES, INC.  
P.O. BOX 3500, PMB 303  
PO BOX 3500, SISTERS OR 97759

confirms the right to use the waters of a WELL in the WHYCHUS (FORMERLY KNOWN AS SQUAW) CREEK BASIN for IRRIGATION of 23 ACRES.

This right was perfected under Permit G-13492. The date of priority is MARCH 18, 1998. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.29 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	4	SE NW	326 FEET NORTH AND 180 FEET WEST FROM THE C1/4 CORNER OF SECTION 4

The amount of water used for irrigation, 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 per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	4	SE NW	23.0

Measurement, recording and reporting conditions:

- A. The water user shall maintain and operate the existing measurement device and shall maintain the meter or measuring device 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 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 right may be regulated if analysis of data available 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 this right or as those quantities may be subsequently reduced.

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.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. 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.

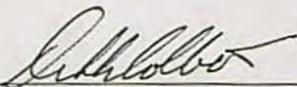
The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

This certificate describes that portion of the water right confirmed by Certificate 80808, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 15 2009, approving Transfer Application T-10761 and updates the name of the source basin to reflect an official name change from Squaw Creek to Whychus Creek.

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.

WITNESS the signature of the Water Resources Director, affixed SEP 15 2009.



Phillip C. Ward, Director *in*

## Herb Mosgar

---

**From:** Dorothy Pedersen  
**Sent:** Tuesday, July 28, 2009 3:35 PM  
**To:** Zach Tillman  
**Cc:** Herb Mosgar  
**Subject:** RE: T-10761

Zach,

I am not sure just which documentation you are requesting. T-10761 just had a Preliminary Determination issued. Since the Final Order has not yet been issued for this transfer, the claim of beneficial use is not yet due. If you want a copy of the Preliminary Determination, Sarah Henderson should be able to help you.

T-10761 proposes changes to Certificate 80808. If you want a copy of the claim of beneficial use that served as the basis for issuance of Certificate 80808, Herb Mosgar may be able to help you obtain that from the G-14711 file.

Dorothy

---

**From:** Zach Tillman [mailto:[zach@deschutesriver.org](mailto:zach@deschutesriver.org)]  
**Sent:** Tuesday, July 28, 2009 2:45 PM  
**To:** Laura Wilke; Dorothy Pedersen  
**Subject:** T-10761

Hi Dorothy & Laura,

Would you forward me a scanned copy of the claim of beneficial use for T-10761? It doesn't appear to be online. Thanks.

ZT

Zachary Tillman, DRC  
541-382-4077, x.21  
[zach@deschutesriver.org](mailto:zach@deschutesriver.org)

Claim of Beneficial Use

Permit G-13492, Application G-14711  
To Appropriate Public Waters

Multnomah Publishers Inc.  
P.O. Box 1692  
Sisters, OR 97759

TYPE OF USE: Irrigation of 33.0 acres of pasture.

PLACE OF USE: The Southeast Quarter of the Northwest Quarter of Section 4,  
Township 15 South, Range 10 East, Willamette Meridian, Deschutes County,  
Oregon.

EXTENT OF USE: 33.0 acres

LOCATION OF POINT OF DIVERSION: 326' north and 180' west of the Center  
Quarter Corner of Section 4.

PERIOD OF USE: March 1 through October 31

DATE OF PRIORITY: March 18, 1998

MAXIMUM RATE:: 0.41 cfs

SOURCE: 10" diameter well, 115' deep, in Squaw Creek Basin.

PUMP: The well is served by a 7.5 HP Berkeley model #6T225 submersible  
pump. Water is pumped from the well into a pond, and then into the distribution  
system by 15 HP Berkeley model #B2TRMS Frame-Mount Pump powered by a  
model #R433A motor.

METER: 4" flanged Micrometer flowmeter (SN 02-05998-4), GPM and totalizer,  
installed at well.

SYSTEM: Water is pumped from the well into a pond, then distributed from the  
pond into a system of 5" and 6" mainlines and 3" handlines. The Rainbird  
sprinkler heads produce 4.5 gpm at 50 psi; approximately 60 heads operate at a  
time. The system operates at a pressure of approximately 60 psi.

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WATER RESOURCES DEPT  
SALEM, OREGON

SYSTEM CAPACITY: The duty of water for the permit is 1/80 cfs per acre and 3 acre-feet for each acre irrigated during the irrigation season of each year. Since a total of 33.0 acres were found to have been beneficially irrigated under Permit No. G-13492, the maximum Q allowed is:

$$(33.0 \text{ acres} \times 1/80 \text{ cfs}) \times 7.48 \text{ gal.} \times 60 \text{ sec.} = 185 \text{ gpm}$$

The system is capable of delivering 330 gpm per attached pump test.

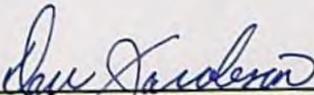
SITE CONDITIONS: The site, which is level to slightly rolling, has been cleared and planted with pasture grasses. As of 4 September 2002, water had been applied to the area shown on the attached map "Final Proof - Claim of Beneficial Use". Areas shown on the map as excluded from irrigation are occupied by the pond, a barn, a small shed, some small rocky areas, and a concrete pad for electrical power boxes.

The final proof survey of the use was found to be completed under the terms and conditions of Permit No. G-13492. This final proof survey was completed by me on 4 September 2002, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.

  
Fred Ast, CWRE

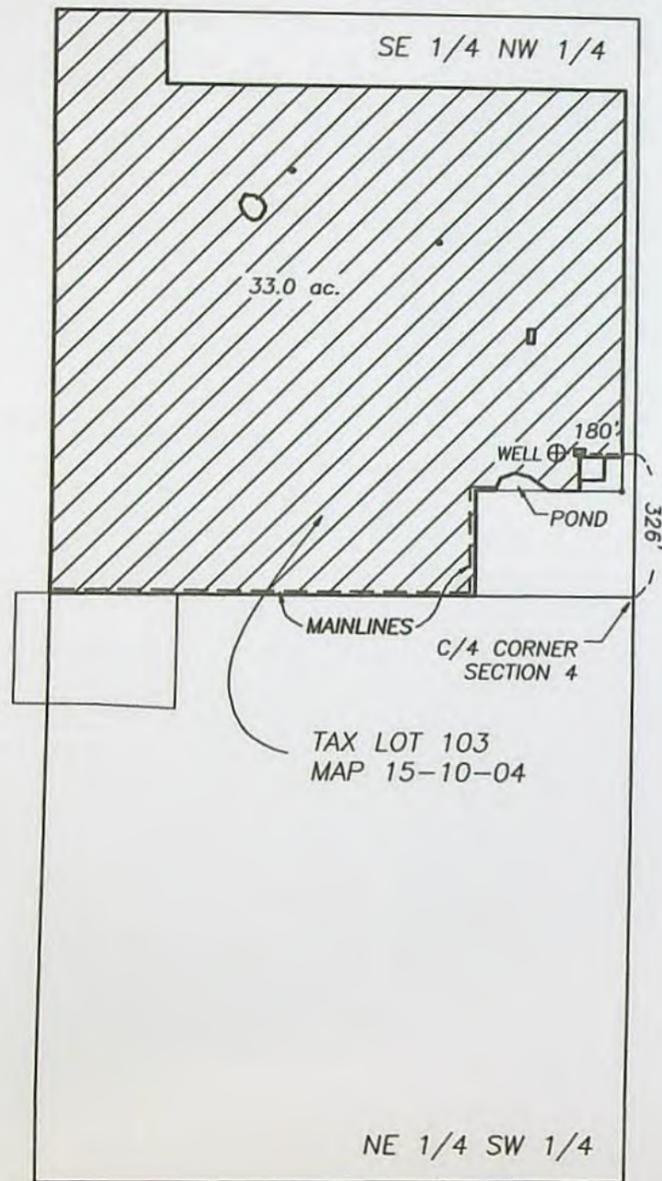


I, Don Jacobson, agree to the findings of the CWRE and do submit this site report and map as my claim of beneficial use of the water as provided under the terms and conditions of my Permit No. G-13492.

  
Don Jacobson, President and Publisher  
Multnomah Publishers Inc.

**RECEIVED**  
FEB 24 2003  
WATER RESOURCES DEPT  
SALEM, OREGON

SECTION 4  
T15S, R10E, W.M.  
DESCHUTES CO., OR



IRRIGATED AREA

# FINAL PROOF SURVEY

## CLAIM OF BENEFICIAL USE

APPLICATION NO. G-14711

PERMIT NO. G-13492

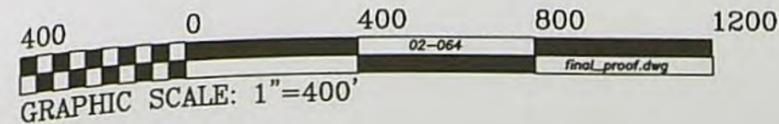
IN THE NAME OF MULTNOMAH PUBLISHERS INC.

TAX LOT 103, MAP 15-10-04

DESCHUTES COUNTY, OREGON



THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT.  
IT IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY  
OWNERSHIP LINES.



**RECEIVED**

FEB 24 2003

WATER RESOURCES DEPT  
SALEM, OREGON

Fred A. Ast, Jr. and Associates

250 W. Cascade Avenue

P.O. Box 751

Sisters, Oregon 97759

541-549-7851

# Mailing List for Certificate

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Mailing Date: 7/22/2004

Application     G-14711  
Permit           G-13492  
Certificate       80808

Permit/Certificate Holder: (include copy of map)

DUTCH PACIFIC PROPERTIES, INC.  
P.O. BOX 3500, PMB303  
SISTERS, OREGON 97759

<b>Copies Mailed</b>
By: <u>JCB</u> (STAFF)
on: <u>7/22/2004</u> (DATE)

**Copies of Final Certificate to be sent to:**

1. Watermaster #11: Jeremy Giffin (include copy of map)
2. Data Center (include copy of map)
3. Water Availability

**Other persons to receive copies: (Include map)**

Fred Ast, CWRE #6



# 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

**Date Mailed: July 22, 2004**

## NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirm a 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.

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 **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

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 Steve Brown at 503-986-0809.

STATE OF OREGON  
COUNTY OF DESCHUTES  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DUTCH PACIFIC PROPERTIES, INC.  
P.O. BOX 3500, PMB303  
SISTERS, OREGON 97759

confirms the right to use the waters of A WELL in the SQUAW CREEK  
BASIN for IRRIGATION OF 33.0 ACRES.

This right was perfected under Permit G-13492. The date of priority  
is MARCH 18, 1998. The amount of water to which this right is  
entitled is limited to an amount actually beneficially used and shall  
not exceed 0.41 CUBIC FOOT PER SECOND, or its equivalent in case of  
rotation, measured at the well. The period of use allowed under this  
right is limited to March 1 through October 31 of each year.

The well is located as follows:

SE 1/4 NW 1/4, SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.; 326  
FEET NORTH AND 180 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION 4.

The amount of water used for irrigation, together with the amount  
secured under any other right existing for the same lands, is limited  
to ONE-EIGHTIETH of one cubic foot per second per acre, or its  
equivalent for each acre irrigated and shall be further limited to a  
diversion of not to exceed 3.0 acre-feet per acre for each acre  
irrigated during the irrigation season of each year.

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

The well shall be maintained in accordance with the General Standards  
for the Construction and Maintenance of Water Wells in Oregon.

A description of the place of use to which this right is appurtenant  
is as follows:

SE 1/4 NW 1/4      33.0 ACRES  
SECTION 4  
TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

This is a final order in other than contested case. This order is  
subject to judicial review under ORS 183.484. Any petition for  
judicial review of the order must be filed within the 60 days of  
the date of service.

Measurement, recording and reporting conditions:

- A. The water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device 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 right may be regulated if analysis of data available 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 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.

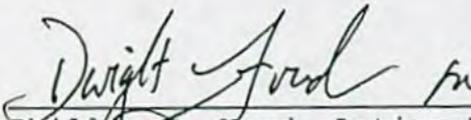
The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

Issued July 22, 2004.

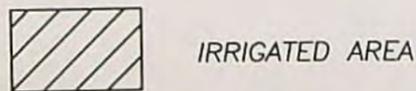
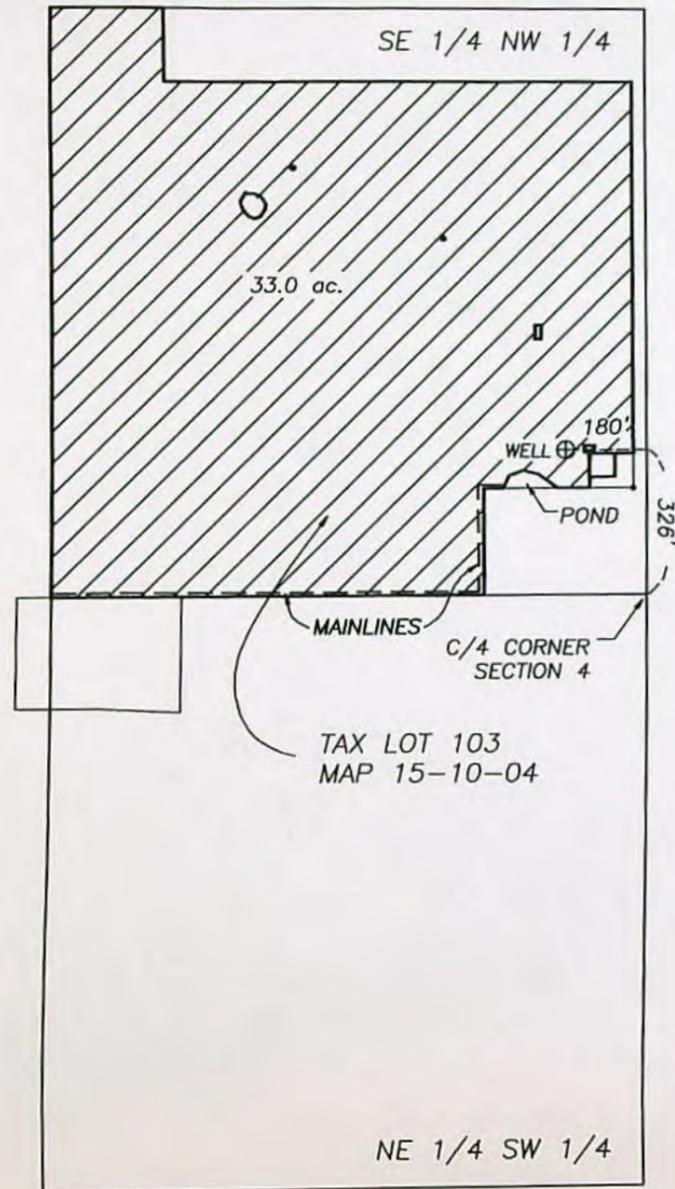
  
Phillip C. Ward, Acting Director  
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80808.

G-14711.SB

SECTION 4  
T15S, R10E, W.M.  
DESCHUTES CO., OR



# FINAL PROOF SURVEY

## CLAIM OF BENEFICIAL USE

APPLICATION NO. G-14711

PERMIT NO. G-13492

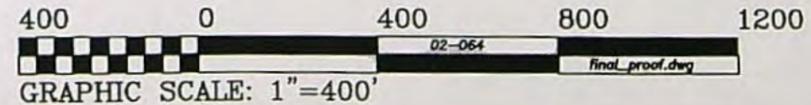
IN THE NAME OF MULTNOMAH PUBLISHERS INC.

TAX LOT 103, MAP 15-10-04

DESCHUTES COUNTY, OREGON



THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT.  
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OWNERSHIP LINES.



**RECEIVED**

FEB 24 2003

WATER RESOURCES DEPT  
SALEM, OREGON

Fred A. Ast, Jr. and Associates

250 W. Cascade Avenue

P.O. Box 751

Sisters, Oregon 97759

541-549-7851



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
www.wrd.state.or.us

January 16, 2003

Fred A. Ast, Jr, CWRE  
P.O. Box 751  
Sisters, OR 97759

Reference: Application No. G-14711, Permit G-13492 - Multnomah Publishers, Inc.

Dear Mr. Ast:

The Claim of Beneficial Use Site Report (Report) and supporting map describing the use of water for the above referenced permit was received in the office of the Department on December 18, 2002.

The Report lack sufficient information for the Department to determine the extent of use made within the terms of the permit. I refer to Administrative Rules 690-14-100. While your report does describe most of the requirements of OAR 690-14-100, Section 1, the report omits items required by Sections 2 through 9. Rather than spelling out all that is required, I ask you compare your report and the items required by our administrative rules and complete the items you have omitted.

In addition, the map contains an error in the description of the quarter-quarter section in which the water is purported to be used. The map describes the SE  $\frac{1}{2}$  NW  $\frac{1}{4}$ . The correct location is the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ .

I am returning the Report and Map for correction and completion. The corrected Report and Map should be corrected, completed and returned to this office within 60 days from the date of this letter.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

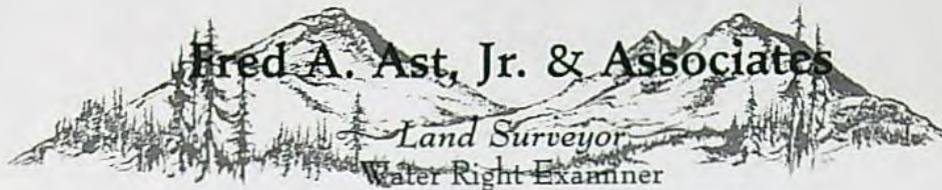
Sincerely,

Steve Brown  
Program Analyst  
Certificate Section

c: Multnomah Publishers, Inc.

enclosures





Claim of Beneficial Use

Permit G-13492, Application G-14711  
To Appropriate Public Waters

Multnomah Publishers Inc.  
P.O. Box 1692  
Sisters, OR 97759

TYPE OF USE: Irrigation of 33.0 acres.

PLACE OF USE: The Southeast Quarter of the Northwest Quarter of Section 4,  
Township 15 South, Range 10 East, Willamette Meridian, Deschutes County,  
Oregon.

PERIOD OF USE: March 1 through October 31

SOURCE: 10" diameter well, 115' deep, in Squaw Creek Basin. *DESC 52653*

PUMP: 7.5 HP Berkeley Model #6T225.

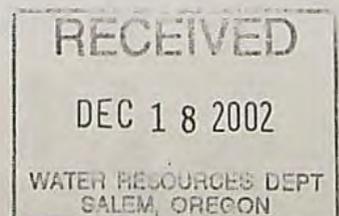
METER: 4" flanged Micrometer, GPM and totalizer, installed at well.

SYSTEM: Water is pumped from the well into a pond. Water is distributed from  
the pond into a system of 5" and 6" mainlines and 3" handlines. The Rainbird  
sprinkler heads produce 4.5 gpm at 50 psi; approximately 60 heads operate at a  
time. The system operates at a pressure of approximately 60 psi.

SYSTEM CAPACITY: The duty of water for the permit is 1/80 cfs per acre and 3  
acre-feet for each acre irrigated during the irrigation season of each year. Since  
a total of 33.0 acres were found to have been beneficially irrigated under Permit  
No. G-13492, the maximum Q allowed is:

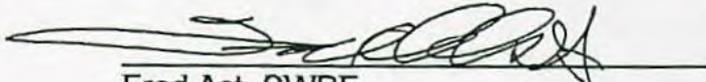
$$(33.0 \text{ acres} \times 1/80 \text{ cfs}) \times 7.48 \text{ gal.} \times 60 \text{ sec.} = 185 \text{ gpm}$$

The system is capable of delivering 330 gpm per attached pump test.



SITE CONDITIONS: As of 4 September 2002, water had been applied to the area shown on the attached map "Final Proof - Claim of Beneficial Use".

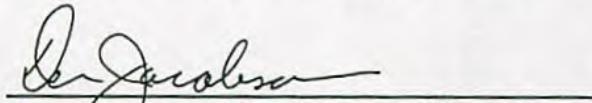
The final proof survey of the use was found to be completed under the terms and conditions of Permit No. G-13492. This final proof survey was completed by me on 4 September 2002, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.



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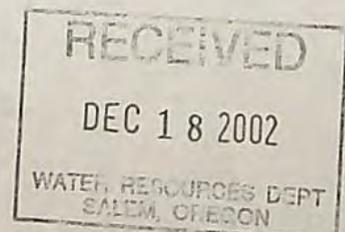
Fred Ast, CWRE

I, applicant, agree to the findings of the CWRE and do submit this site report and map as my claim of beneficial use of the water as provided under the terms and conditions of my Permit No. G-13492.

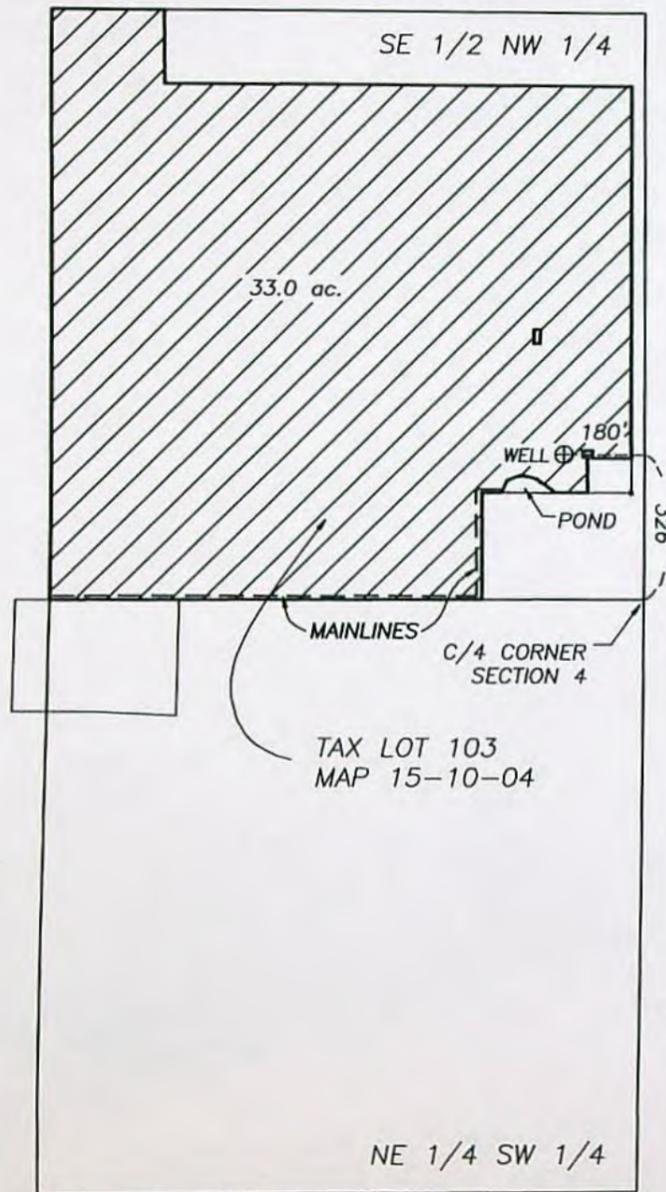


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Don Jacobson, President and Publisher  
Multnomah Publishers Inc.



SECTION 4  
T15S, R10E, W.M.  
DESCHUTES CO., OR



IRRIGATED AREA

# FINAL PROOF SURVEY

## CLAIM OF BENEFICIAL USE

APPLICATION NO. G-14711

PERMIT NO. G-13492

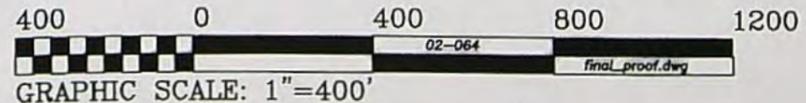
IN THE NAME OF MULTNOMAH PUBLISHERS INC.

TAX LOT 103, MAP 15-10-04

DESCHUTES COUNTY, OREGON



THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT.  
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OWNERSHIP LINES.



Fred A. Ast, Jr. and Associates

250 W. Cascade Avenue

P.O. Box 751

Sisters, Oregon 97759

541-549-7851

Oregon Water Resources Department  
**PUMP TEST FORM COVER SHEET**

DESL 52653

**Well Owner:**

Name: Multnomah Publishers Inc  
Address: 204 W Adams Ave/PO Box 1720  
County: Deschutes  
City: Sisters State: OR Zip: 97756-0000  
Original owner (from well log): \_\_\_\_\_

**Well Location:**

Township: 15 S Range: 10 E  
Section: 4  $\frac{1}{4}$  SE  $\frac{1}{16}$  NW  $\frac{1}{64}$  NW  
Well depth: 115.0 Date drilled: 09-13-98  
Owners well no. (if any): \_\_\_\_\_  
POD ID: \_\_\_\_\_

**Water Right Information:**

Application: \_\_\_\_\_ Permit: \_\_\_\_\_ 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: Cody Nelson Well Owner?  Yes  
Company: Cascade Pump & Irrigation Services, LLC  
Address: 82967 Layton Ave Date of Test: 07/26/2002  
City: Bend State: OR Zip: 97701-0000  
Daytime phone: 541-389-7857

Method of discharge measurement (see our brochure for more information): Other (approved)  
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  $\frac{1}{4}$  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) \_\_\_\_\_

Measuring point distance above land surface 1.50 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>11:00 am</u>	<u>67.00</u>	<u>65.50</u>
<u>11:20 am</u>	<u>67.00</u>	<u>65.50</u>
<u>11:40 am</u>	<u>67.00</u>	<u>65.50</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):

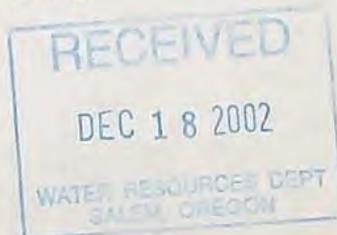
Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
<u>12:00 pm</u>	<u>76.00</u>	<u>gpm (gallons per minute)</u>
<u>1:00 pm</u>	<u>330.00</u>	<u>gpm (gallons per minute)</u>
<u>2:00 pm</u>	<u>330.00</u>	<u>gpm (gallons per minute)</u>
<u>3:00 pm</u>	<u>330.00</u>	<u>gpm (gallons per minute)</u>
<u>4:00 pm</u>	<u>330.00</u>	<u>gpm (gallons per minute)</u>

Time pump turned on: Date 07/26/2002 Time 12:00 pm  
Time pump turned off: Date 07/26/2002 Time 4:00 pm  
Total pumping time: 4 hours 0 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: <http://www.wrd.state.or.us>

OWRD 2/9/2000

Required Signature: [Signature]



Oregon Water Resources Department  
**PUMP TEST DATA SHEET**

Application: \_\_\_\_\_ Permit: G-13492 Certificate: \_\_\_\_\_ Pod\_Id: \_\_\_\_\_

All water-level measurements must either be in feet and inches, or feet and decimal fractions.

**Drawdown Data**

**Recovery Data**

Drawdown Data				Recovery Data							
Date	Time	Time Since Pump Started (minutes)	Depth to Water Below Measuring Pt	Depth to Water Below Land Surface	Comments	Date	Time	Time Since Pump Stopped (minutes)	Depth to Water Below Measuring Pt	Depth to Water Below Land Surface	Comments
7/26/02	12:00	0	67	65.5		7/26/02	4:00	0	80	78.5	
	12:02	2	68	66.5			4:02	2	80	78.5	
	12:04	4	69	67.5			4:04	4	79	77.5	
	12:06	6	70	68.5			4:06	6	78	76.5	
	12:08	8	71	69.5			4:08	8	76	74.5	
	12:10	10	71	69.5			4:10	10	74	72.5	
	12:15	15	72	70.5			4:15	15	67	65.5	
	12:20	20	74	72.5			4:30	30	67	65.5	
	12:25	25	76	74.5			4:45	45	67	65.5	
	12:30	30	78	76.5							
	12:45	45	78	76.5							
	1:00	60	79	77.5							
	1:15	75	79	77.5							
	1:30	90	79	77.5							
	1:45	105	80	78.5							
	2:00	120									
	2:15	135									
	2:30	150									
	2:45	165									
	3:00	180									
	3:15	195									
	3:30	210									
	3:45	225									
	4:00	240	80	78.5							

RECEIVED  
 DEC 18 2002

STATE OF OREGON  
**WATER SUPPLY WELL REPORT**  
 (as required by ORS 537.765)

DESC  
 52653

WELL ID # 31685

(START CARD) # 83394

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

(1) OWNER: Well Number: \_\_\_\_\_  
 Name Richard Mitty farm trust  
 Address Camp Polk Rd.  
 City Sisters State OR Zip \_\_\_\_\_

(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 115 ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Amount
Diameter	From	To	Material	From	To	sacks or pounds
10	0	115	cement	70	25	22 sacks
			Bentonite	25	0	15 sacks

How was seal placed: Method  A  B  C  D  E  
 Other poured  
 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:	6	+1	115	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) \_\_\_\_\_

(7) PERFORATIONS/SCREENS:

Perforations Method Machine  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
75	115	1/8x3	456			<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailor  Air  Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
150+		115	1 hr.

Temperature of Water 52 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 15S N or S. Range 10E E or W. of WM.  
 Section 4 S/E 1/4 NW 1/4  
 Tax lot 103 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) Camp Polk Rd. Sisters  
OR

(10) STATIC WATER LEVEL:  
61 ft. below land surface. Date 9/15/99  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found 61

From	To	Estimated Flow Rate	SWL
61	115		61

(12) WELL LOG:

Ground elevation \_\_\_\_\_

Material	From	To	SWL
Topsail	0	1	
Gravel	1	115	61

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 DEC 18 2002  
 WATER RESOURCES DEPT.

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OCT 06 1999

WATER RESOURCES DEPT.  
 SALEM, OREGON

Date started 9/13/99 Completed 9/15/99

(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 my best knowledge and belief.

WWC Number \_\_\_\_\_  
 Signed \_\_\_\_\_ 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.

WWC Number 1575  
 Signed Douglas R. Dunigan Date 10/3/99

RECEIVED

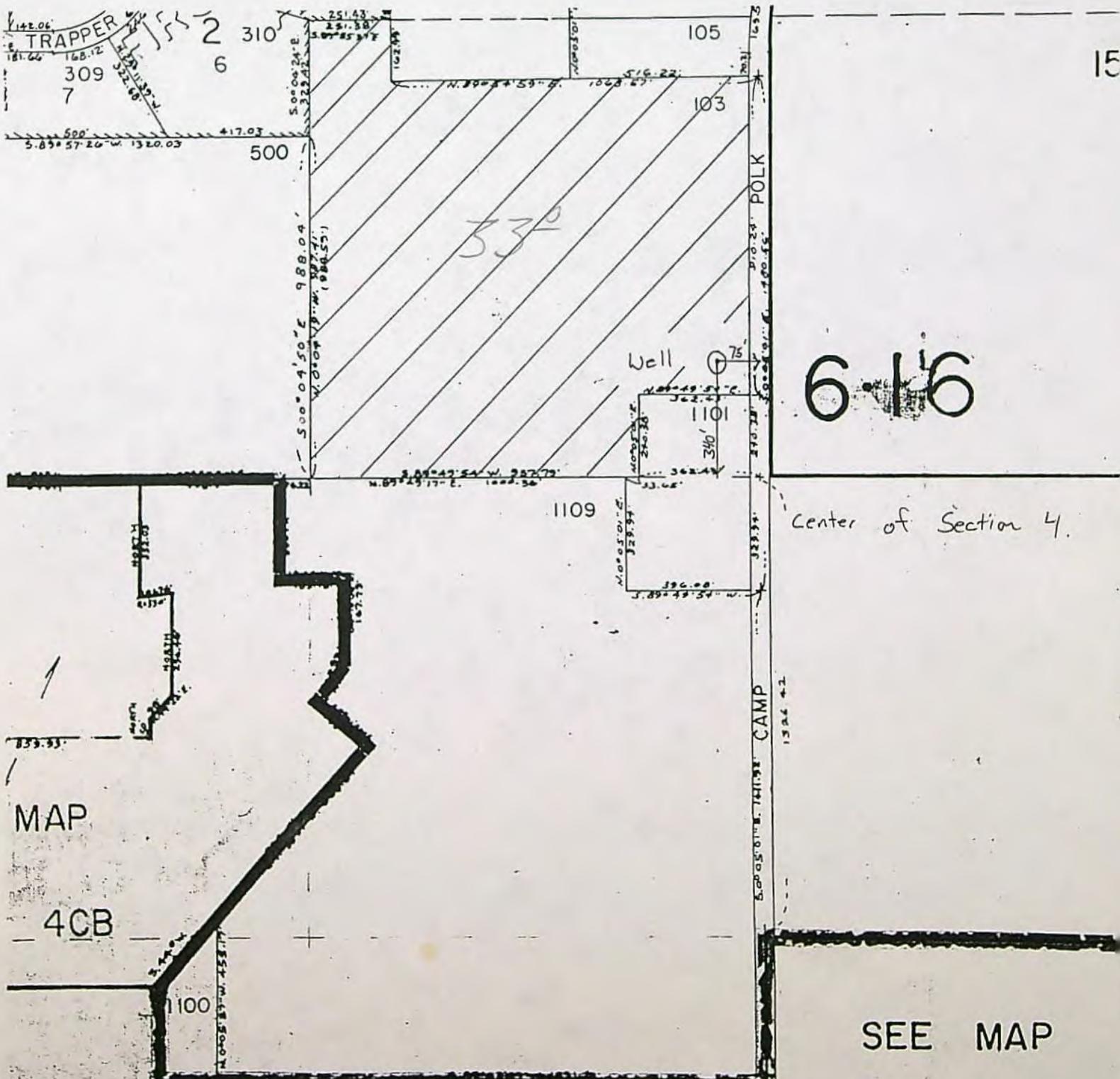
MAR 18 1993

Application Map for Richard Mittry T15S, R10E, Section 4  
Tax Lot 103 in the SE1/4 of the NW1/4. Well is 340' North and 75' West of the Center of Section 4, T15S, R10E.

WATER RESOURCES DEPT.  
CLATSOP COUNTY, OREGON

Scale 1" = 400'

Application No. G 14711  
Permit No.





Oregon Water Resources Department

RECEIVED

MAR 18 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instruction booklet when completing your application. Thank you.

1. Applicant Information

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: M. Hry Richard \_\_\_\_\_  
Last First MI

Mailing address: PO BOX 338 \_\_\_\_\_  
Sultana CA 93666 \_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

\*Fax: \_\_\_\_\_ \*E-Mail address: \_\_\_\_\_

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: \_\_\_\_\_

Name and title of person applying: \_\_\_\_\_

Mailing address of organization: \_\_\_\_\_  
 \_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Day Evening

\*Fax: \_\_\_\_\_ \*E-Mail address: \_\_\_\_\_

\*Optional information

For Department Use

App. No. 6-14711 Permit No. \_\_\_\_\_ Date 3/18/98

## 2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

### A. County

In what county is the use proposed? Deschutes

In what county is the appropriation point proposed? Deschutes

### B. River Basin

(See instruction booklet pg.3 for list):

Squaw Creek > Deschutes

### C. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

Yes (Skip to section 3 "Groundwater Development.")

No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.\*\*

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

\*\*If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

## 3. Groundwater Development

A. Number of wells: 1 B. Name of nearest surface water body Squaw Creek

C. Distance from well(s) to nearest stream or lake: 1) 4500'

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 10' above stream

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

**E. Well Characteristics**

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 constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

1. Wells will be constructed by: Licensed + Bonded Driller

Address: \_\_\_\_\_

Completion date: \_\_\_\_\_

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Estimated depth to water	Est. depth to water-bearing stratum	Type of access port or measuring device	Total well depth
1	8"	8" x 0.250"	100		100'	60	70'		250

**F. Artesian Flows**

If your water well is flowing artesian, describe your water control and conservation works:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**4. Water Use**

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

**A. Type(s) of Use(s)**

(see list of beneficial uses in the instruction booklet):

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: \_\_\_\_\_
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal**, attach Form M
- If your proposed use is **commercial/industrial** or **quasi-municipal**, attach Form Q

**B. Amount of Water**

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, and for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or Aquifer	Type of Use	Total Annual Amount	Production Rate of the Well in gpm
1	Deschutes Fm	Irrigation	3 AF/acc.	185

**C. Season of Use**

Indicate the time of year you propose to use the water (for seasonal uses like irrigation give dates when water use would begin and end):

March through October

**D. Acreage**

If you will be applying water to land, please give the total number of acres where water will be applied or used:

33 acres

## 5. Water Management

### A. Diversion

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type ) \_\_\_\_\_ /0 \_\_\_\_\_
- Other means (describe) \_\_\_\_\_

### B. Transport

How will you transport water to your place of use?

- Ditch, canal (give average width and depth):  
Width \_\_\_\_\_ Depth \_\_\_\_\_  
Is the ditch or canal to be lined?  Yes  No
- Pipe (give diameter and total length)  
Diameter(s) \_\_\_\_\_ 6" \_\_\_\_\_ Length \_\_\_\_\_ 1000' \_\_\_\_\_
- Other (describe) \_\_\_\_\_

### C. Application/Distribution Method

What equipment will you use to apply water to your place of use?

Irrigation or land application method (check all that apply):

- Flood  High-pressure sprinkler  Low pressure sprinkler  
 Drip  Water cannons  Center pivot system  
 Hand lines  Wheel lines  
 Siphon tubes or gated pipe with furrows  
 Other, describe \_\_\_\_\_

Distribution method

- In-line storage (tank or pond)  Direct pipe from source  Open canal

### D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Converting from flood to sprinkler

### 6. Project Schedule

Proposed date construction will begin 1999  
Proposed date construction will be completed 1999  
Proposed date beneficial water use will begin 2000

### 7. Remarks

*If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.*

*This ground water application is necessary to replace the existing 1885 Squaw Creek surface water rights that are proposed to be transferred instream, through working with the Oregon Water Trust.*

### Signature

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use is compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge:

*Richard J. Jett*  
Signature of Applicant

*3-10-98*  
Date

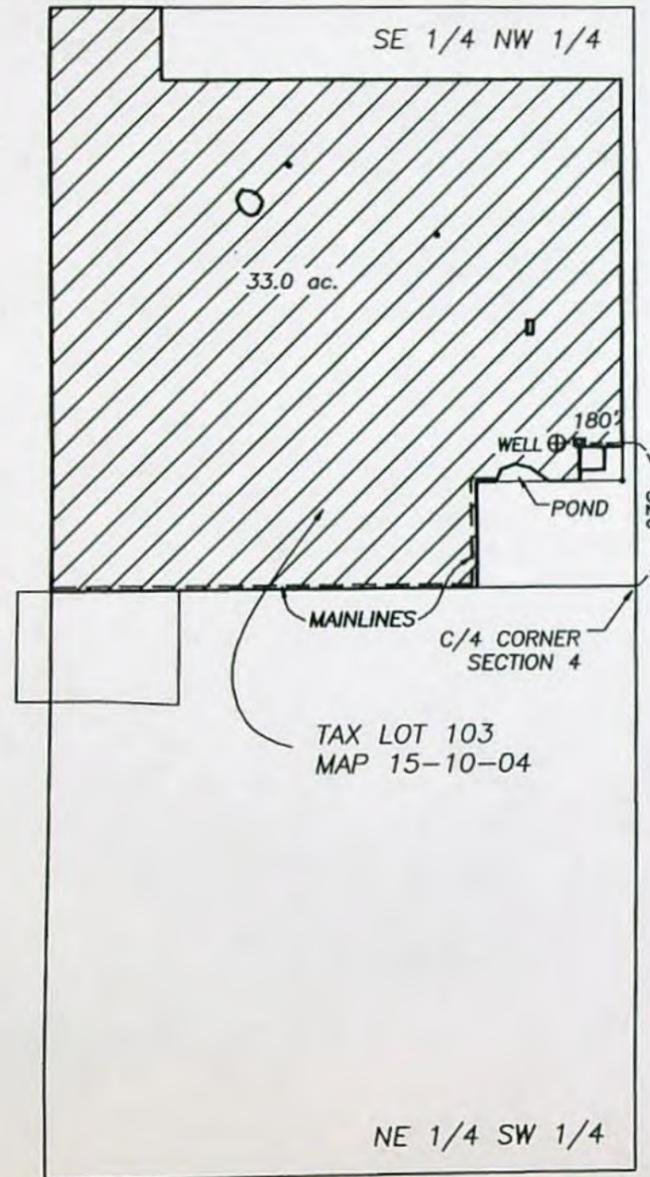
Signature of Co-applicant

Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?

SECTION 4  
T15S, R10E, W.M.  
DESCHUTES CO., OR



IRRIGATED AREA

# FINAL PROOF SURVEY

## CLAIM OF BENEFICIAL USE

APPLICATION NO. G-14711

PERMIT NO. G-13492

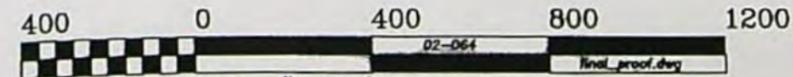
IN THE NAME OF MULTNOMAH PUBLISHERS INC.

TAX LOT 103, MAP 15-10-04

DESCHUTES COUNTY, OREGON



THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT.  
IT IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY  
OWNERSHIP LINES.



GRAPHIC SCALE: 1"=400'

**RECEIVED**

FEB 24 2003

WATER RESOURCES DEPT  
SALEM, OREGON

Fred A. Ast, Jr. and Associates

250 W. Cascade Avenue

P.O. Box 751

Sisters, Oregon 97759

541-549-7851

Jeremy Giffen

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-14711

**Final Order**

*Application History*

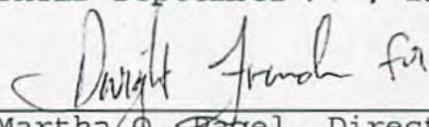
On March 18, 1998, RICHARD MITTRY submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on July 28, 1998. The protest period closed September 11, 1998, and no protest was filed.

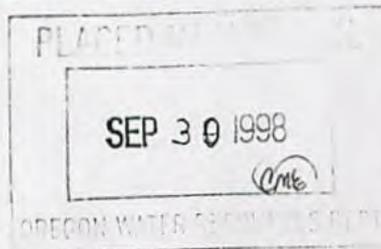
The proposed use would not impair or be detrimental to the public interest.

**Order**

Application G-14711 therefore is approved as proposed by the Proposed Final Order, and Permit G-13492 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED September 17, 1998

  
Martha O. Pagel, Director



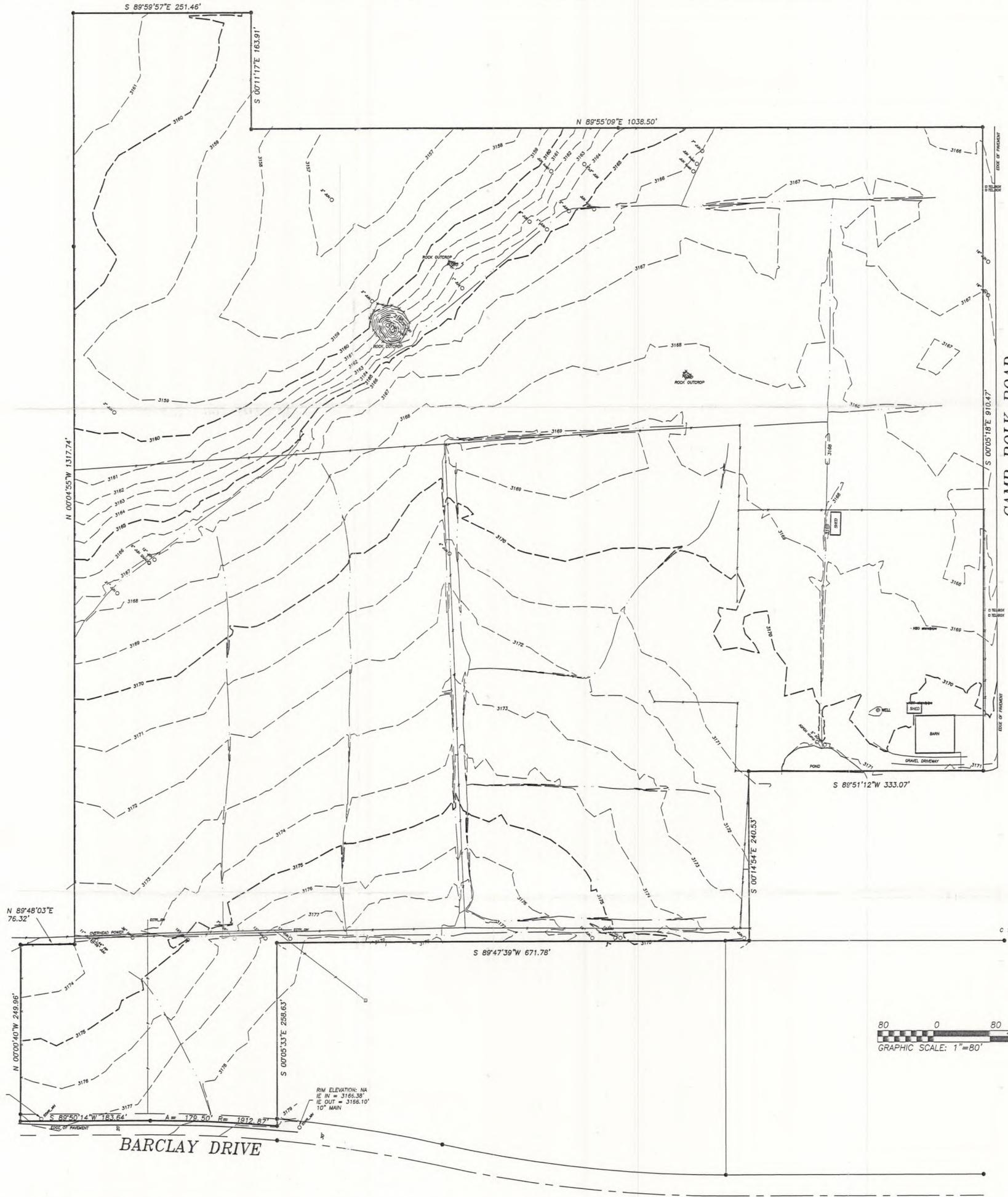
*Appeal Rights*

No changes have been made to the findings of the Proposed Final Order and no protests were filed during the protest period following the Proposed Final Order, therefore, there is no opportunity for appeal or judicial review of this final order (690-310-160(5)).

*This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document he is most likely the best person to answer your questions. You can reach him toll free within Oregon at 1-800-624-3199 extension 266. 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.*

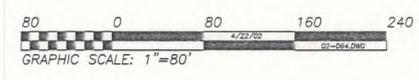
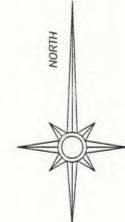
*If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.*



# TOPOGRAPHIC SURVEY

OF A PARCEL OF LAND SITUATED IN THE W 1/2 OF SECTION 4,  
T15S, R10E, W.M., CITY OF SISTERS, DESCHUTES COUNTY, OREGON

TAX LOT 103 MAP 15-10-4



RIM ELEVATION: NA  
 IE IN = 3167.74'  
 IE OUT = 3167.54'  
 10" MAN

RIM ELEVATION: NA  
 IE IN = 3166.38'  
 IE OUT = 3166.10'  
 10" MAN

RECEIVED  
 DEC 18 2002  
 WATER RESOURCES DEPT  
 SALEM, OREGON

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RICHARD MITTRY  
PO BOX 338  
SULTANA, CALIFORNIA 93666

(209)591-7606

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

APPLICATION FILE NUMBER: G-14711

SOURCE OF WATER: A WELL IN SQUAW CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 33.0 ACRES

MAXIMUM RATE: 0.41 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MARCH 18, 1998

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, SECTION 4, T15S, R10E, W.M.;  
340 FEET NORTH AND 75 FEET WEST FROM CENTER OF SECTION 4

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 (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4  
SECTION 4  
TOWNSHIP 15 SOUTH, RANGE 10 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.

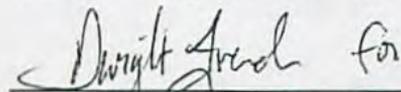
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 by September 17, 1999. Complete application of water to the use shall be made on or before October 1, 2002. 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).

Issued September 17, 1998



Martha O. Pagel, Director  
Water Resources Department



# 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

June 18, 2004

Dutch Pacific Properties  
P.O. Box 3500, PMB303  
Sisters, Oregon 97759

Reference: Application G-14711, Permit G-13492

The assignment from Multnomah Publishers, Inc., to Dutch Pacific Properties, Limited Partnership, 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 68037 covering the recording fee of \$25.00 is also enclosed.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosure: receipt 68037

cc: Watermaster 11  
Multnomah Publishers, Inc.  
Data Center, OWRD  
Mary Rohling  
File

# REQUEST FOR ASSIGNMENT

I, Multnomah Publishers, Inc.  
(Name of Applicant / Permit / Transfer Holder)

P.O. Box 1720                      Sisters                      OR                      97759                      541-549-1144  
(mailing address)                      (City)                      (State)                      (Zip)                      (Phone #)

### CHECK ONE

- ...hereby assign all my interest in and to application/permit/transfer;
- ...hereby assign all my interest in and to a portion of application/permit/transfer;  
(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/transfer;

Application # G-14711 , Permit # G-13492 , Transfer # \_\_\_\_\_

-OR-

GR Statement # \_\_\_\_\_ , GR Certificate of Registration # \_\_\_\_\_

as filed in the office of the Water Resources Director, to:

Dutch Pacific Properties, Limited Partnership  
(Name of New Owner)

P.O. Box 3500, PMB 303                      Sisters                      OR                      97759                      541-588-9226  
(mailing address)                      (City)                      (State)                      (Zip)                      (Phone #)

**NOTE:** If there are other owners of the property described in this Application, Permit, Transfer 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 11 day of June, 2004

Applicant/Permit holder

Applicant/Permit holder

*[Handwritten signature]*  
*Vice President of Administration*

*OK by [unclear] 6/17/2004*

### 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 # 68037  
- For Director by Jerry Sauter, Program Analyst in Water Rights Division *[Signature]*

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)]

**WATER RESOURCES DEPARTMENT**  
725 SUMMER STREET NE, SUITE A  
SALEM, OREGON 97301-1271

## RECEIVED

JUN 15 2004

WATER RESOURCES DEPT  
SALEM, OREGON

**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 # **68037**

INVOICE # \_\_\_\_\_

RECEIVED FROM: <u>D. P. Fisher Properties</u>	APPLICATION <u>614711</u>
BY: <u>Timothy P. Kuntz</u>	PERMIT _____
	TRANSFER _____

CASH:  CHECK: # 145 OTHER: (IDENTIFY)  \_\_\_\_\_

TOTAL REC'D \$ 25.00

**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) <u>Waiver</u>		\$ <u>25.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY) _____		\$ _____
0240 EXTENSION OF TIME		\$ _____
WATER RIGHTS:		RECORD FEE
0201 SURFACE WATER	EXAM FEE \$ _____	0202 \$ _____
0203 GROUND WATER	EXAM FEE \$ _____	0204 \$ _____
0205 TRANSFER	EXAM FEE \$ _____	
WELL CONSTRUCTION		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 \$ _____
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: **68037** DATED: 6/17/04 BY: [Signature]

# Dutch Pacific Properties

Water Resources Department  
North Mall Office Building  
725 Summer St., NE, Suite A  
Salem, OR 97301-1271

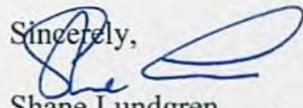
ATTN: Steve Brown

14 June 2004

Dear Steve,

Enclosed is the request for assignment. Thank you again for taking the time to walk through the online form with me.

Sincerely,

  
Shane Lundgren

*Part B of Steve Brown  
AFOR assigned.*

**RECEIVED**

JUN 15 2004

WATER RESOURCES DEPT  
SALEM, OREGON

1052 AM

2004

PHONE CALL

FOR MON. FGO DATE 2-23 TIME AM P.M.

M CLIF BOERSMEA

OF M. P. SISTERS X

PHONE  FAX  MOBILE (541)-549-1144  
AREA CODE NUMBER EXTENSION

MESSAGE EXT. 8106 X

DETCHUTES

G 147 11

((STATUS)) G 13492

SIGNED

HighMark



FORM C4-400

- PHONED
- RETURNED YOUR CALL
- PLEASE CALL
- WILL CALL AGAIN
- CAME TO SEE YOU
- WANTS TO SEE YOU

# Route Slip

G-14711



Date 1-16-03

TO:	Name	Division/Section	Initial	Date
1.	<i>Support</i>			
2.		<i>G-14711</i>		
3.				
4.	<i>CLIFF BOGERSMA</i>			
5.				

<input type="checkbox"/>	as requested	<input type="checkbox"/>	investigate	<input type="checkbox"/>	per conversation
<input type="checkbox"/>	approval	<input type="checkbox"/>	justify	<input type="checkbox"/>	prepare reply
<input type="checkbox"/>	comment	<input checked="" type="checkbox"/>	necessary action	<input type="checkbox"/>	return with more detail
<input type="checkbox"/>	confer	<input type="checkbox"/>	initial and return	<input type="checkbox"/>	review and circulate
<input type="checkbox"/>	for your information	<input type="checkbox"/>	note and file	<input type="checkbox"/>	signature

*please set up*

*3-25-03 scb*

FROM:	Phone No.
-------	-----------



# 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

**DATE MAILED: February 24, 2004**

## NOTICE

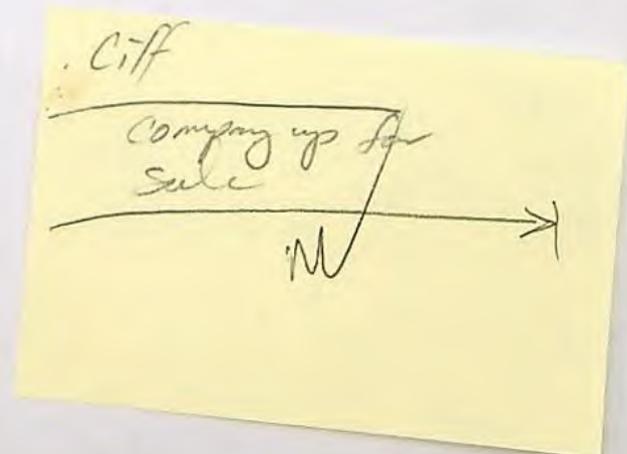
Enclosed is a proposed certificate of water right and a map which illustrates the location of the right. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a survey and inspection.

If you do not agree with the proposed certificate or the map, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, the recorded certificate of water right will be mailed to the permittee.

If you have any questions please contact Steve Brown at 503-986-0809.

M:\groups\wr\forms\proposed.cer-scb



STATE OF OREGON

COUNTY OF DESCHUTES

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MULTNOMAH PUBLISHERS, INC  
P. O. BOX 1720  
SISTERS, OREGON 97759

confirms the right to use the waters of A WELL in the SQUAW CREEK BASIN for IRRIGATION OF 33.0 ACRES.

This right was perfected under Permit G-13745. The date of priority is MARCH 18, 1998. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.41 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well. The period of use allowed under this right is limited to March 1 through October 31 of each year.

The well is located as follows:

SE 1/4 NW 1/4, SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.; 326 FEET NORTH AND 180 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION 4.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

A description of the place of use to which this right is appurtenant is as follows:

SE 1/4 NW 1/4 33.0 ACRES  
SECTION 4  
TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device 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 right may be regulated if analysis of data available 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 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.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. 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 confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

# Mailing List for Proposed Certificate

Mailing Date: 2/24/2004

Application      G-14711  
Permit            G-13492  
Certificate       -

Permit/Certificate Holder: (include copy of map)

MULTNOMAH PUBLISHERS, INC  
P. O. BOX 1720  
SISTERS, OR        97759

*A Her  
Mr. Cliff Boersma*

Copies Mailed

By: \_\_\_\_\_  
(STAFF)

on: 2/24/2004  
(DATE)

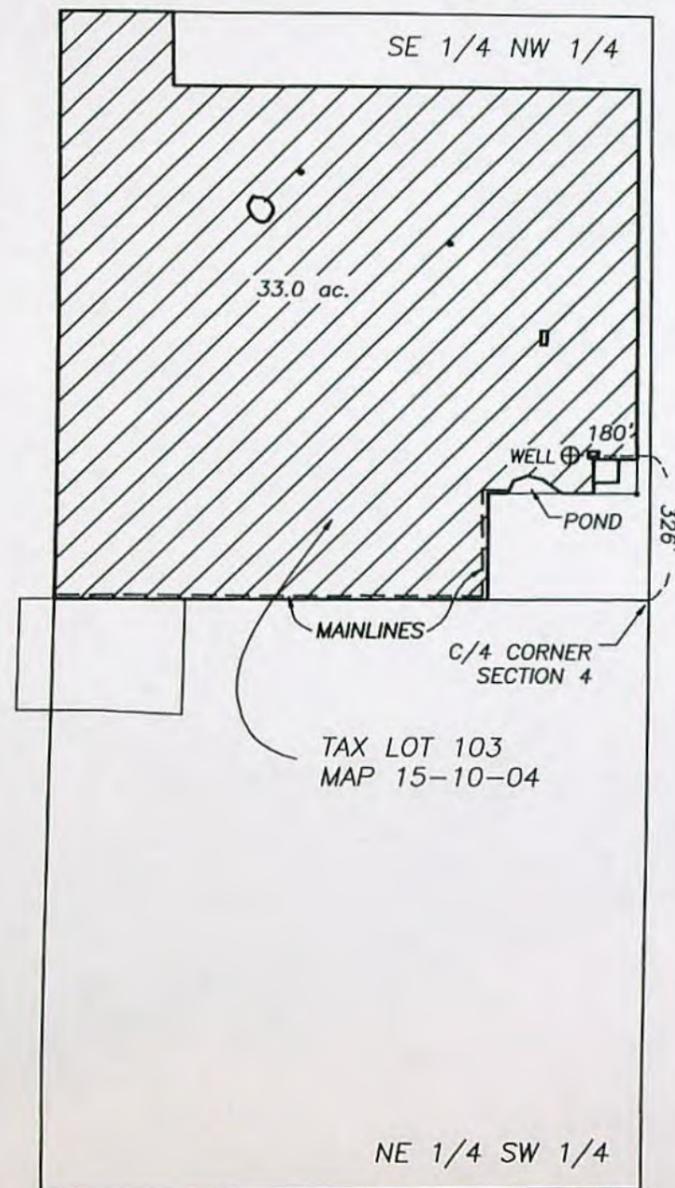
**Copies of Final Certificate to be sent to:**

1. Watermaster #11: Jeremy Giffen (include copy of map)
2. Data Center (include copy of map)
3. Water Availability

**Other persons to receive copies: (Include map)**

*final*  
Fred Ast, CWRE

SECTION 4  
T15S, R10E, W.M.  
DESCHUTES CO., OR



IRRIGATED AREA

# FINAL PROOF SURVEY

## CLAIM OF BENEFICIAL USE

APPLICATION NO. G-14711

PERMIT NO. G-13492

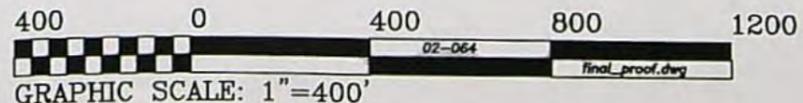
IN THE NAME OF MULTNOMAH PUBLISHERS INC.

TAX LOT 103, MAP 15-10-04

DESCHUTES COUNTY, OREGON



THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT.  
IT IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY  
OWNERSHIP LINES.



**RECEIVED**

FEB 24 2003

WATER RESOURCES DEPT  
SALEM, OREGON

Fred A. Ast, Jr. and Associates

250 W. Cascade Avenue

P.O. Box 751

Sisters, Oregon 97759

541-549-7851



# Oregon

Theodore R. Kulongoski, Governor

APP# G-14711

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
503-378-3739  
FAX 503-378-8130

February 7, 2003

G 13492  
MULTNOMAH PUBLISHERS INC  
PO BOX 1720  
SISTERS, OR 97759

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>

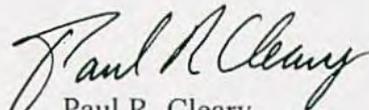
The primary purpose of the rules is to provide a mechanism for those with pending ground water use applications in the Study Area to mitigate for the impact of their proposed ground water use on surface water flows. The rules do not require those with existing conditioned ground water permits (or subsequent 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@wrд.state.or.us](mailto:Laura.K.Snedaker@wrд.state.or.us).

Sincerely,

  
Paul R. Cleary  
Director

c: Kyle Gorman, South Central Region Manager  
Jeremy Giffin, District 11 Watermaster  
Deschutes Steering Committee Members



**COBU CHECK LIST**  
(CWRE SURVEYS - POST 7/9/87)



APPLICATION NO.: G-14711  
PERMIT NO.: G-13492

FILES

- WRIS PRINTOUT
- CONFLICT CHECKED
- COMPARED TO EXISTING RIGHTS

CALCULATIONS

RATE/DUTY

PERMIT CONDITIONS

DRAFTING

- GLO'S (LAYOUT, LOTS, DLC'S)
- LEGAL DESCRIPTION *Map 1/4 error*
- SECTION BREAKDOWN
- DIVERSION POINT DIMENSIONS
- ACREAGE *OK*
- TOWNSHIP, RANGE, SECTION
- PHYSICAL FEATURES *OK*
- SURVEY ID INFO

ASSOCIATED RIGHTS

TOTAL QUANTITY FROM POD

PRIMARY SOURCE USED *None*

PROPOSED CERTIFICATE

PROOFED, CORRECTED, INITIALED & DATED  
DIRECTORY \_\_\_\_\_

OWNERSHIP

OTHER OWNERS (Has the permittee/department identified any property owner for lands not included in the final proof?)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FIELD FORM

- NAME, ADDRESS, COUNTY
- SOURCE
- TRIBUTARY
- PRIORITY DATE
- POINT OF DIVERSION
- TIME LIMITS, SURVEY REGARDLESS
- PLACE OF USE

REMARKS:  
\_\_\_\_\_  
\_\_\_\_\_

REVIEWER \_\_\_\_\_

DATE: \_\_\_\_\_

*A- 9-13-99 well log  
No B-C info.*

*T-7958 (cut 50477)*

*G-14702*

RECEIVED

AUG 15 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

# REQUEST FOR ASSIGNMENT

1. Richard Mitty farm trust

(Name of Applicant / Permit Holder)

12133 Ave 408  
(mailing address)

Wattler  
(City)

ORCA  
(State)

93615  
(Zip)

559-528-4699  
(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 # G14711, Permit # G13492;  
-OR-

GR Statement # \_\_\_\_\_, GR Certificate of Registration # \_\_\_\_\_

as filed in the office of the Water Resources Director, to:

Multnomah Publishers Inc  
(Name of New Owner)

PO Box 1720  
(mailing address)

Sisters  
(City)

OR  
(State)

97759  
(Zip)

541-549-1144  
(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 5 day of August, 2002.

Applicant/Permit holder Richard Mitty

Applicant/Permit holder Mitty Farms Trust

### 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 # 54812  
- For Director by Jerry Sawyer, Program Analyst in Water Rights Division  
*Jerry Sawyer*

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)]*

WATER RESOURCES DEPARTMENT  
158 12<sup>TH</sup> STREET NE  
SALEM, OREGON 97301-4172

*ASST 16M  
8/19/02*



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
www.wrd.state.or.us

September 25, 2002

Application File Number G14711, Prmit Number G13492

Application file in name of:

RICHARD MITTRY  
12133 AVE 408  
CUTTLE CA 93615

FULL ASSIGNMENT TO:

MULTNOMAH PUBLISHERS INC  
PO BOX 1720  
SISTERS OR 97759

Original Request for Assignment returned to originator who paid fee MULTNOMAH PUBLISHERS INC with original receipt #54842

cc: Watermaster District #11, JEREMY GIFFIN  
WRD Data Center  
File #G14711

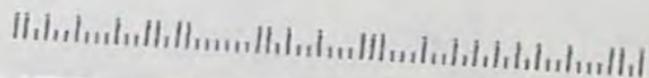
S:\exchange\devito-jan\G14711 assign.wpd

Multhoman Publishers  
PO Box 1720  
Sisters, OR 97759



Water Resources Dept  
158 12th St NE  
Salem, OR 97301-4172

97301+4172



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-14711

Proposed Final Order

*Summary of Recommendation:* The Department recommends that the attached draft permit be issued with conditions.

*Application History*

On March 18, 1998, RICHARD MITTRY submitted an application to the Department for the following water use permit:

- Amount of Water: 185.0 GALLONS PER MINUTE
- Use of Water: IRRIGATION OF 33.0 ACRES
- Source of Water: A WELL IN SQUAW CREEK BASIN
- Area of Proposed Use: DESCHUTES County within  
SE 1/4 NW 1/4  
SECTION 4  
TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

On 5/15/98, the Department mailed the applicant notice of its Initial Review, determining that THE USE OF 0.41 CUBIC FOOT PER SECOND (185 GALLONS PER MINUTE) FROM A WELL IN SQUAW CREEK BASIN FOR IRRIGATION OF 33.0 ACRES IS ALLOWABLE FROM MARCH 1 THROUGH OCTOBER 31 OF EACH YEAR. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 5/29/98, 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: IRRIGATION OF 33.0 ACRES

Senior water rights exist on A WELL IN SQUAW CREEK BASIN or on downstream waters.

A WELL IN SQUAW CREEK BASIN is above a State Scenic Waterway.

Based upon available data, the groundwater department determined that groundwater for the proposed use will be available and, if properly conditioned, avoid injury to existing rights to the groundwater resource.

The Department finds that no more than 0.41 CFS would be necessary for the proposed use. The amount of water requested, 185.0 GALLONS PER MINUTE, is allowable.

Described well is NOT within a designated critical ground water area.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

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 other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

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.

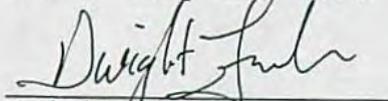
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

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 July 28, 1998



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 Standing*

Under the provisions of 537.621(7), you have the right to protest 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 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an

additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than September 11, 1998.

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

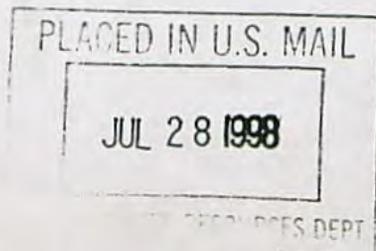
- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

*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.*

DM- WEEK 157



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

RICHARD MITTRY  
PO BOX 338  
SULTANA, CALIFORNIA 93666

( 209)591-7606

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

APPLICATION FILE NUMBER: G-14711

SOURCE OF WATER: A WELL IN SQUAW CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 33.0 ACRES

MAXIMUM RATE: 0.41 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: March 18, 1998

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, SECTION 4, T15S, R10E, W.M.;  
340 FEET NORTH AND 75 FEET WEST FROM CENTER OF SECTION 4

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 (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4  
SECTION 4  
TOWNSHIP 15 SOUTH, RANGE 10 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 issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2002. 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).

Issued \_\_\_\_\_, 199\_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department  
Director

# FO CHECKLIST

FILE # G 14711

REVIEW DATE: 9/15/98

PFO WEEK # 157

PFO TO FO CONVERSION

INITIALS: RWK

In preparing to create the FO, you should check the following:

1.  Y/N Were comments or protests received? If so, from whom and when?
2.  On the PFO CC list, verify names and addresses of ALL commentors (regardless of comment date), affected landowners, and those who paid the \$10 fee.
3.  Y/N/NA Have affected landowners been notified?
4.  Y/N Is the file lacking a signed oath of accuracy for the application?
5.  Y/N/NA Has ODFW asked for self certification of screening condition? If so, write "ODFW CERT" in the permit blank on the front of the file.
6.  Y/N Is water use prohibited for one or more months of the normal use period?
7.  Y/N If #6 = "Y", is short season letter on file? Note: If short season letter is lacking, see Item #10 below. Give applicant 60 days to submit required information.
8.  OWS 175 Verify payment of recording fees (circle the appropriate option)
 

250 BASE  
150 PLFS  
175 REC  
575  
PO 400  
175

OWS  
175

  - (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
9.  Y/N Is further processing possible? If not state reason: \_\_\_\_\_
10.  Notify applicant of additional information or fees required prior to permit issuance. (SEND CERTIFIED LETTER & use standard wording from M:\...\FO\TOOLS if possible)
11.  Assign permit numbers to files with oath, fees, and no protests or other issues G13492
12.  Y/N Do the PFO conclusions requires modification? Why? \_\_\_\_\_  
(If YES, circle FOMOD and one other type below) ANDREW PUCKY IS SERVING IT

FO Type: (circle types)	DENIAL	FO w/o PERMIT	FO & PERMIT	FOMOD
COMMENTS:			<input checked="" type="checkbox"/>	MGMT CODES: 70 7J

Once created, modify FO as needed to:

Initials \_\_\_\_\_

13.  Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
14.  Include or exclude permit conditions and management codes
15.  Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

16.  Save WordPerfect document in M:\GROUPS\WR\FO\WEEK 156 & delete duplicates
17.  Print final draft of document and submit to team leader for review
18.  Y/N Team leader review completed

# APPLICATION FACT SHEET

*Mail to: Applicant, Watermaster, District Biologist (ODFW)*  
*If necessary, also mail to : Regional Water quality manager (DEQ), and DOA*

Application File Number: G-14711

Applicant: RICHARD MITTRY

County: DESCHUTES

Watermaster: District 11

Priority Date: March 18, 1998

Source: A WELL IN SQUAW CREEK BASIN

Use: IRRIGATION OF 33.0 ACRES

Quantity: 185.0 GALLONS PER MINUTE

Basin Name & Number: Deschutes, #05

Stream Index Reference: Volume 1A SQUAW CR

Point of Diversion Location: SENW, SECTION 4, T15S, R10E, W.M.; 340 FEET NORTH AND  
75 FEET WEST FROM C1/4 CORNER, SECTION 4

Place of Use: SENW, SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, May 29, 1998

PUBLIC NOTICE DATE: Tuesday, June 2, 1998

30 DAY COMMENT DEADLINE DATE: Thursday, July 2, 1998



# Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

May 15, 1998

RICHARD MITTRY  
PO BOX 338  
SULTANA, CALIFORNIA 93666

Reference: File G-14711

Dear Applicant:

**THIS IS NOT A PERMIT AND IS  
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from A WELL IN SQUAW CREEK BASIN for IRRIGATION OF 33.0 ACRES is **allowable** under OAR 690-505-002(1)(a), the Deschutes Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
4. The Department has also determined, based upon available data, that the use of groundwater in the amount of 0.41 CUBIC FOOT PER SECOND (185.0 GALLONS PER MINUTE) for IRRIGATION OF 33.0 ACRES if properly conditioned, will not injure existing rights or the groundwater resource.
5. According to Department records there are existing water rights for irrigation on the lands requested under this application. Information supplied by the applicant indicates that the applicant intends to transfer the existing rights to instream use and that this application, G-14711 is intended to be for primary irrigation.

### Summary of Initial Determinations

The use of 0.41 CUBIC FOOT PER SECOND (185.0 GALLONS PER MINUTE) from A WELL IN SQUAW CREEK BASIN for IRRIGATION OF 33.0 ACRES is allowable from March 1 through October 31 of each year.

Because of these favorable determinations, 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 **Friday, May 29, 1998**. For your convenience you may use the enclosed "STOP PROCESSING" form.

#### If A Permit Is Issued It Will Likely Include The Following Conditions:

1. 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

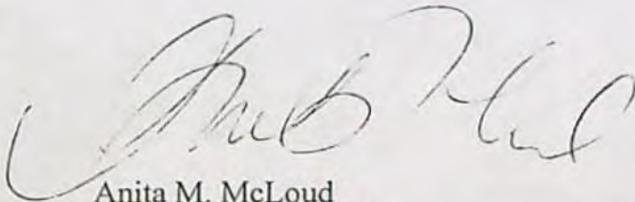
may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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.
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 March 18, 1998.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call.

Sincerely,



Anita M. McLoud  
Water Rights Specialist

cc: Regional Manager, Watermaster District 11, Water Availability Section  
enclosures: Flow Chart of Water Right Process  
Stop Processing Form

G-14711  
wab 05-  
pou 05-  
gw c



111 S.W. FRONT AVENUE, SUITE 404,  
PORTLAND, OREGON 97204

503 226.9055  
FAX 503 226.3480  
e-mail: owt@teleport.com

RECEIVED

MAR 18 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

March 18, 1998

Anita McLoud  
OWRD  
158 12th St. NE  
Salem, OR 97310

Dear Anita:

Enclosed is Richard Mittry's application for a permit to use ground water to irrigate approximately 33 acres near Sisters. If the Department decides to issue a permit for this irrigation use, Mittry will transfer the existing 1885 surface water right to a permanent instream water right on Squaw Creek.

Today, the Oregon Water Trust is also submitting an application to transfer both Frank Conklin and Mittry's surface water right to an instream water right. As we discussed last week, approval of the groundwater permits for Conklin and Mittry, and the instream transfer would need to occur simultaneously to protect them and avoid an enlargement of the water right. Dwight French has informed me that you and Larry Nunn have discussed this process and established an information loop.

Thank you for your prompt attention to this application. Please don't hesitate to contact me or Kyle Gorman if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Andrew Purkey".

Andrew Purkey  
Executive Director

cc: Kyle Gorman  
Larry Nunn



# Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building  
158 12th Street NE  
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(503) 378-3739  
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May 15, 1998

RICHARD MITTRY  
PO BOX 338  
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  - 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

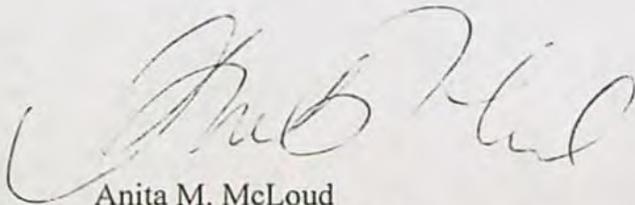
may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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.
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 March 18, 1998.

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Sincerely,



Anita M. McLoud  
Water Rights Specialist

cc: Regional Manager, Watermaster District 11, Water Availability Section  
enclosures: Flow Chart of Water Right Process  
Stop Processing Form

G-14711  
wab 05-  
pou 05-  
gw c

PFO CHECKLIST

Application #: 5 14711

Basin: 5- Deschutes

WAB: \_\_\_\_\_

County Deschutes

Township 15S

Range 10 E

Section 4

1/4 1/4

SE NW

- 1. Is the file complete by the Minimum Requirements Checklist? Y (N)
- 2. Shortcomings (items needed before a permit and/or FO can be issued) Y (N)  
Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other)
- 3. Groundwater Review A B (C) D River/Stream Name \_\_\_\_\_ Conditions ZB
  - a. Groundwater Availability A B (C)
  - b. Is second groundwater review necessary? (comments) Y (N)
  - c. Is HB 1033 review complete? Y (N)
  - d. Is the well located in a GWLA or CA? (If applicable, include map with POD) Y (N)
- 4. Is use from a B.O.R. or Douglas County project? Y (N) Contract in file? Y (N) Contract # \_\_\_\_\_
- 5. Is the use allowed by the Basin Program? Y (N) Limited? Y (N) \_\_\_\_\_
- 6. Water Availability Data OK / REDONE / NA (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- 7. Is the source withdrawn or limited by statute or Department withdrawal order? Y (N)
- 8. Is the Proposed Use located in or above a Scenic Waterway? Y (N)
- 9. Division 33: Above Bonn (after July 17, 1992) Y (N) / NA \_\_\_\_\_ No substantial hydraulic interference  
Below Bonn (after April 8, 1994; June 3, 1994) Y (N) / NA  
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y (N) / NA
- 10. Per the IR, is the Proposed Source on the DEQ 303d List? Y (N) If so, any comments received? Y (N)  
Is the Proposed Use in a Dept of Ag. Water Quality Management Plan Area? Y (N) Bear Creek or Tualatin River
- 11. Have conflicts been addressed? Y (N) NIC transferring existing right
- 12. Rate 1/80 Duty 3' Irrigation Season 3-1 to 10-31
- 13. Period of Allowed Use 3-1 to 10-31
- 14. Allowed Rate of Use 0.41 CFS, 185 GPM
- 15. Is the use **Small** ( $\leq 0.1$ cfs,  $\leq 9.2$ AF), Medium ( $> 0.1$  or  $< 1.5$ cfs,  $> 9.2$  or  $< 100$ AF) or **Large** ( $\geq 1.5$  cfs,  $\geq 100$  AF)?  
If the use is Municipal and  $\leq 0.1$  CFS, use **Large** condition.
- 16. Conditions ZB  
Is the proposed use within the New River Basin? Y (N) If yes, include New River Agreement Conditions.
- 17. IR Public Notice Date 3-29-98 Comments Received? Y (N)
- 18. Final Report Checklist
  - Documents used in determination are attached to this checklist and highlighted
  - Fill out PFO CC List (don't forget to check for other property owners)
    - a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y (N)
    - b. **Check Watermaster Dist. on the CC list and draft permit.**
  - Spell Check and Accuracy Check
  - Final PFO report hard copy check (format, margins, etc.)
  - Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #

Name: Dalles Miller

Date: 7 21 98

IR CHECKLIST

Application #: G 14711

Basin: Deschutes

WAB: \_\_\_\_\_ POU-WAB \_\_\_\_\_

County Desch. Township 15S Range 10E Section 4 1/4 1/4 \_\_\_\_\_

- 1. Complete by Minimum Requirements checklist  Y /  N Items still required: \_\_\_\_\_
- 2. Indicators that the process should not continue (ie - items missing, letter to file indicating hold, or other) Y /  N
- 3. Groundwater review A B  C D River/Stream Name \_\_\_\_\_ Conditions 7B  
Water Availability A B  C  
2. Is the well located in a groundwater limited area? Y /  N Name \_\_\_\_\_
- 4. Within or Above a Scenic Waterway  Y /  N conditions/restrictions  Y /  N 7J
- 5. Allowed under Basin Program  Y /  N Limitations? Y /  N 1090-505-002(1)(a)
- 6. Withdrawn? Y /  N season allowed \_\_\_\_\_
- 7. Basin Maps have been checked  Y /  N Squawak.
- 8. Water Availability (50% < July 17, 1992 \*\* 80% [50% storage] > July 17, 1992) NA \_\_\_\_\_
- 9. Use IRR Period of Allowed Use \_\_\_\_\_
- 10. For Irrigation: Rate 1/80 Duty 3 Season 3/1-10/31
- 11. Allowable Rate of Use: 33/80 = 0.4125 (1856PM)
- 12. Priority Date(s) 3/18/98
- 13. B.O.R. project Y /  N contract # \_\_\_\_\_
- 14. Subject to Division 33 (Above Bonn after July 17, 1992; Below Bonn after April 8, 1994 or June 3, 1994; or Statewide - in shaded reas on t-T, E, & S Map - After June 3, 1994) Y /  N /  NA
- 15. Conflicts Y /  N Will transfer existing right.
- 16. Conditions? (BOR, GW, other) Y /  N
- 17. Land use approval  OK'd needs approval county notified NA
- 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)
- 19. Letter will be Good Limited Bad Bad w/IRshort because \_\_\_\_\_

name: [Signature]

Date: 5-4-98

New App #	Acres	Use	Prim/Supp	Existing APP #	PERMIT	CERT #	Status	Use	Acres	Prim/Supp	
G 14711	0.00	IR	P								
15.00S10.00E 4	SENW	Conflicts:									
			G	12591	G	11418		V	MU	0.000	P
			S	44263	S	32954		V	MU	0.000	P
			T	1060	D	987		V	IR	0.120	P
					D	987		C	IR	0.120	P
			G	14702				V	IR	1.950	P
					D	987		C	IR	10.000	P
					D	271		C	ID	30.000	P
			T	848	D	987		V	ID	39.880	P

*None*

Water Right Conditions  
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-14711

ROUTED TO: water Rights

TOWNSHIP/

RANGE-SECTION: 15S/10E-4

CONDITIONS ATTACHED?  yes  no

REMARKS OR FURTHER INSTRUCTIONS:

Permit should include GW  
conditions 7B & 7J.

Reviewer: K. Lite



TO: Water Rights Section

April 8, 1998

FROM: Groundwater/Hydrology Section

K.L. Itz

Reviewer's Name

SUBJECT: Application G- 14711

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE        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                                   ; or
  - c.  will if properly conditioned, adequately protect the surface water from interference:
    - i.  The permit should contain condition #(s) 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
  - 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) 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)

(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:



Application No. G14711

Permit No.

### Oregon Water Resources Department Land Use Information Form

RECEIVED

MAR 18 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

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

#### To Be Completed By Applicant

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

##### A. Applicant

Name: Richard Hittay

Address: PO Box 338

City: Sultana State: CA Zip: 93666 Day Phone: (209) 591-7606

##### B. Land and Location

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

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>1510040000103</u>	<u>EFUSC</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Deschutes, Sisters

##### C. Description of Water Use

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

Beneficial Use(s): Irrigation

Briefly describe: Pasture/grass

##### D. Source

Indicate the source for the proposed water use:

Reservoir/Pond  Ground Water  Surface Water \_\_\_\_\_ (source)

##### E. Quantity

Indicate the estimated quantity of water the use will require:

185  CFS  GPM  Acre-Feet

**For Local Government Use Only**

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

**A. Allowed Use**

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 18.16.020(A). Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

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

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

**B. Approval**

Please provide printed name and written signature.

Name: KEVIN HARRISON Date: 3/2/98  
 Title: PRINCIPAL PLANNER Phone: (541) 385-4401  
 Signature: 

**C. Additional Comments**

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

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



Oregon Water Resources Department

RECEIVED

MAR 18 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

FORM I

FOR IRRIGATION WATER USE

M. Hry

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary  Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 33 Acres

Secondary: \_\_\_\_\_ Acres

List the permit or certificate number of the primary water right: no. \_\_\_\_\_

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. grass / pasture  Full season  Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 2. \_\_\_\_\_  Full season  Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 3. \_\_\_\_\_  Full season  Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 4. \_\_\_\_\_  Full season  Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

99 acre-feet

(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours  Daily during nighttime hours
- Two or three times weekly during daytime  Two or three times weekly during nighttime
- Weekly, during daytime hours  Weekly, during nighttime hours

Other, explain: as needed



111 S.W. FRONT AVENUE, SUITE 404,  
PORTLAND, OREGON 97204  
503 226.9055  
FAX 503 226.3480  
e-mail: owt@teleport.com

RECEIVED

MAR 18 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

March 18, 1998

Larry Nunn  
OWRD  
158 12th St. NE  
Salem, OR 97310

Dear Larry:

Enclosed is the application to transfer the Conklin, Ebner and Mittry surface water rights to an instream water right on Squaw Creek. As we've discussed, approval of the instream transfer and issuance of the groundwater permits for Conklin and Mittry would need to occur simultaneously to protect them and avoid an enlargement of the water right. Dwight French has informed me that you and Anita McLoud have discussed this process and established an information loop.

Thank you for your prompt attention to this transfer application. Please don't hesitate to contact me or Kyle Gorman if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Andrew Purkey".

Andrew Purkey  
Executive Director

cc: Kyle Gorman  
Anita McLoud

MITTRY, RICHARD TRUSTEE OF MITTRY FARMS TRUST AGREEMENT  
PO BOX 338  
SULTANA CA 93666

RECEIVED

MAR 18 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

Prop Cls:551 MA:6 VA:04 Vol-Page:4241547  
Asmt Zone:EFU CDD Zone:EFUSC (EXCLUSIVE FARM USE - SISTERS CLOVERDALE SUBZONE)  
" :AH (AIRPORT HEIGHT COMBINING)

\*\*\* Land Values \*\*\*

ASMT TYPE	ACRES	R.M.V	S.A.V.
HSD	1.00	6,325	6,325 DEFERRED
OSD		4,000	4,000 DEFERRED
FS	2.67	15,220	2,670 DEFERRED
EFU.W3	29.33	167,180	8,505 DEFERRED
*Total	33.00	192,725	21,500

\*\*\* Improvement Values \*\*\*

<Enter> to PgDn, Pg<U>p, <L>ast Page, <P>rint, <Q>uit:

Application No. G14711  
Permit No.

Application No. G 14711  
Permit No.

RECEIVED

MAR 18 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

MITTRY PARCEL

THAT CERTAIN PARCEL OF LAND DESCRIBED IN "STATUTORY WARRANTY DEED" RECORDED IN BOOK 424, PAGE 1547, DESCHUTES COUNTY OFFICIAL RECORDS, SITUATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON.

TOGETHER WITH THAT CERTAIN 2.09 ACRE PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 5/8" IRON ROD AT THE NORTHEAST CORNER OF LOT 6, BLOCK 3, SISTERS INDUSTRIAL PARK-FIRST ADDITION, A SUBDIVISION OF RECORD, ALSO BEING A POINT ON THE EAST-WEST CENTERLINE OF SAID SECTION 4 AND THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED IN THAT CERTAIN "STATUTORY WARRANTY DEED" RECORDED IN BOOK 424, PAGE 1547, DESCHUTES COUNTY OFFICIAL RECORDS; THENCE N89°47'36"E, ON SAID SOUTH LINE, 362.56 FEET TO A 5/8" IRON ROD; THENCE S00°05'23"E, LEAVING SAID SOUTH LINE, 258.60 FEET TO A 5/8" IRON ROD; THENCE ON THE ARC OF A 1912.87 FOOT RADIUS CURVE TO THE LEFT, (CHORD BEARS N87°28'29"W, 179.43 FEET), 179.49 FEET TO A 5/8" IRON ROD; THENCE S89°50'14"W, 183.64 FEET TO A 5/8" IRON ROD ON THE EASTERLY TERMINUS OF BARCLAY DRIVE ALSO BEING THE EAST LINE OF SAID "SISTERS INDUSTRIAL PARK-FIRST ADDITION"; THENCE ON SAID "EAST LINE", N00°01'00"W, 249.91 FEET TO THE POINT OF BEGINNING.

TM 151004 TL 103



96-36158

424 - 1547

RECEIVED

MAR 18 1993

STATUTORY WARRANTY DEED

THEODORE LOWELL EADY and KERI EADY, husband and wife

WATER RESOURCES DEPT.

conveys and warrants to RICHARD MITTRY, TRUSTEE OF THE MITTRY FARMS TRUST AGREEMENT, Dated January 22, 1993

SALEM, OREGON

Grantor, Grantee,

the following described real property free of liens and encumbrances, except as specifically set forth herein:

For legal description, see Exhibit "A" attached hereto and made a part hereof;

Tax Acct. No: 15 10 04 00 103

Couch No. 6,471  
Permit No.

This property is free of liens and encumbrances, EXCEPT: As noted on Exhibit "A" attached hereto and made a part hereof;

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

The true consideration for this conveyance is \$ 395,950.00

(Here comply with the requirements of ORS 93.030)

Dated this 24 day of Sept 19 96

*Theodore Lowell Eady*  
THEODORE LOWELL EADY

*Keri Eady*  
KERI EADY

STATE OF OREGON  
County of Deschutes } ss.

BE IT REMEMBERED, That on this 24 day of Sept 19 96, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Theodore Lowell Eady and Keri Eady

known to me to be the identical individual s 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.



*Melissa Skweema*  
Notary Public for Oregon.

My Commission expires

Title Order No. 140660 JM  
Escrow No. 9610900

After recording return to:  
RICHARD MITTRY, Trustee  
P.O. BOX 338  
SULTANA, CA 93666  
Name, Address, Zip

Until a change is requested all tax statement shall be sent to the following address.  
RICHARD MITTRY, Trustee  
P.O. BOX 338  
SULTANA, CA 93666  
Name, Address, Zip

STATE OF OREGON )  
COUNTY OF DESCHUTES ) SS.

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

96 SEP 30 PM 3:00

MARY SUE PENHOLLOW  
COUNTY CLERK

DEPUTY

*[Signature]*  
NO. 96-36158 FEE 40

DESCHUTES-COUNTY OFFICIAL RECORDS

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

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **24613**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: OREGON WATER TRUST  
BY: \_\_\_\_\_

APPLICATION	14711
PERMIT	
TRANSFER	

CASH:  CHECK: #  24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 175.00

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

CASH ACCT. \$

PCA AND OBJECT CLASS VOUCHER #

**0427 WRD OPERATING ACCT**

*PCA 606111*

0407 MISCELLANEOUS	\$
0410 COPY & TAPE FEES	\$
0408 RESEARCH FEES	\$
MISC REVENUE: (IDENTIFY)	\$
DEPOSIT LIAB. (IDENTIFY)	\$

New) TC165  
Existing) TC168

<b>WATER RIGHTS:</b>	<b>EXAM FEE</b>		<b>RECORD FEE</b>
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$ <u>175.00</u>
0205 TRANSFER	\$	0206	\$
<b>WELL CONSTRUCTION</b>	<b>EXAM FEE</b>		<b>LICENSE FEE</b>
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) \_\_\_\_\_

**0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) \_\_\_\_\_

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS	\$
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**0467 HYDRO ACTIVITY**

0233 POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HRDRO APPLICATION		\$

RECEIPT # **24613**

DATED: 9-16-93 BY: R. G. W. E.

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **19763**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: <u>Oregon Water Trust</u>	APPLICATION <u>514711</u>
BY: _____	PERMIT _____
	TRANSFER _____

CASH: <input type="checkbox"/>	CHECK: # <u>7-94-32</u>	OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D	\$ <u>480.<sup>00</sup></u>
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**0417 WRD MISC CASH ACCT**

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY) _____	\$
OTHER: (IDENTIFY) _____	\$

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
VOUCHER # _____	

**0427 WRD OPERATING ACCT**

PCA AND OBJECT CLASS		VOUCHER #	
<b>MISCELLANEOUS</b>			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY) _____		\$
(New) TC165	DEPOSIT LIAB. (IDENTIFY) _____		\$
(Existing) TC168			
<b>WATER RIGHTS:</b>		<b>EXAM FEE</b>	<b>RECORD FEE</b>
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$ <u>480.<sup>00</sup></u>	0204 \$
0205	TRANSFER	\$	0206 \$
<b>WELL CONSTRUCTION</b>		<b>EXAM FEE</b>	<b>LICENSE FEE</b>
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
OTHER (IDENTIFY) _____			

**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**

0233	POWER LICENSE FEE (FWWRD)	LIC NUMBER	\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
HRDRO APPLICATION			\$

RECEIPT # **19763** DATED: 3-18-99 BY: B. Buehnel

C-02

RICHARD MITTRY  
PO BOX 338  
SULTANA, CA

FILE#: G 14711  
Permit#: G13492  
93666

Begin Construction: 9/17/99

Complete application of water: 10/1/02