

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

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OCT 2 2000

W & H PACIFIC, INC.

In the Matter of Water Right)
Application G 14857 in the Name)
of William D. Lyche, for Eagle Crest)
Inc.,)
Applicant)

ORDER ON RECONSIDERATION

Appeal Rights

This is a final order in other than contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-001-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, 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 day time period specified by ORS 183.484(2).

Background

On May 26, 2000, the Oregon Water Resources Department ("Department") through its Director, Martha Pagel, issued its Final Order Approving Application and Denying Protest for Application G 14857.

On September 19, 2000, the Department on its own motion issued an Order Allowing Reconsideration of its May 26, 2000 order.

Findings of Fact and Conclusions of Law

Under ORS 390.835 the "highest and best uses of the waters within scenic waterways are recreation, fish and wildlife uses," and the "free-flowing character of these waters shall be maintained in quantities necessary for recreation, fish and wildlife uses." Accordingly, no new water diversion may be constructed or used unless permitted by the Water Resources Commission upon a finding that such diversion is necessary to uses designated in ORS 536.310(12) and in a manner consistent with the policies set to preserve the free-flowing character of scenic waterways in quantities necessary for recreation, fish and wildlife uses. ORS 390.805 to 390.925.

Each water right permit and certificate for appropriation of ground water issued after July 19, 1995, for which a source of appropriation is within or above a scenic waterway must be conditioned to allow the regulation of the use if analysis of data available after the permit or

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SALEM, OREGON

certificate is issued discloses that "the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced." ORS 390.835(9)(g).

The priority date for this permit is November 2, 1998, thus the permit for this use must contain the following condition:

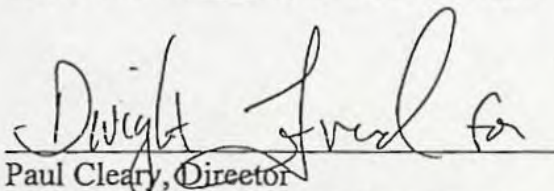
Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation,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

The use as conditioned under the amended permit for this application is consistent with the policies set forth under ORS 390.805 to 390.925 to preserve the free-flowing character of scenic waterways in quantities necessary for recreation, fish and wildlife uses.

Order

The Final Order Approving Application and Denying Protest is amended by this order. Permit G 13819 is superceded by Permit G13856 issued herein.

DATED this 17 day of October, 2000

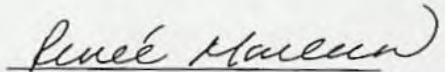

Paul Cleary, Director
Oregon Water Resources Department

Service List

I certify that on October 19, 2000, a copy of this notice was served by first class mail, postage prepaid upon the persons listed below, by depositing same in the United States Post Office at Salem, Oregon.

W&H Pacific
920 S.W. Emkay Dr., Suite C-100
Bend, OR 97702

William D. Lyche
Eagle Crest Inc.
P.O. Box 1215
Redmond, OR 97756


Renee Moulun

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SALEM, OREGON

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EAGLE CREST INC.
WILLIAM D. LYCHE
PO BOX 1215
REDMOND, OREGON 97756

The limits and conditions of the use are listed below.

SPECIFIC LIMITS AND CONDITIONS

APPLICATION FILE NUMBER: G-14857

SOURCE OF WATER: A WELL IN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 3.34 CUBIC FEET PER SECOND, further limited to a maximum diversion of 252 acre-feet each year and shall result in consumption of no more than 115 acre-feet each year, once sewage contribution is subtracted from the amount diverted, unless the mitigation plan is modified and approved by the Department as described below.

If the reporting, as required below, demonstrates the mitigation plan is not sufficient to mitigate for the amount of water actually consumed, the use will be further restricted to limit the total consumed water to 115 acre-feet, or the Department may approve an additional and equivalent water right to be leased to instream use, to maintain an acre-foot balance between the amount of water consumed to the amount of water provided to instream use. An equivalent water right must, at a minimum, be from a water right with a diversion point at or near the diversion authorized by the lease of certificate 74145.

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 2, 1998

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 16, T15S, R12E, W.M.; 150 FEET SOUTH AND 150 FEET WEST FORM THE NE CORNER, SECTION 16, T15S, R12E, W.M.

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THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE QUARTER ALL
NW QUARTER ALL
SW QUARTER ALL
SECTION 16
TOWNSHIP 15 SOUTH, RANGE 12 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, at both the diversion from the well and at a point where sewage, that is actually discharged to the ground, may be measured. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- 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.

This permit will expire in 2 years from permit issuance unless the 2 year lease of the water right authorized under certificate 74145 to instream purposes is replaced by a permanent transfer of water right certificate 74145, filed as transfer application T 8519, or an equivalent water right as determined by the Department, to instream use.

Within one year of permit issuance, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this timeline to complete the required Water Management Conservation Plan.

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

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PAGE 3

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.

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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.

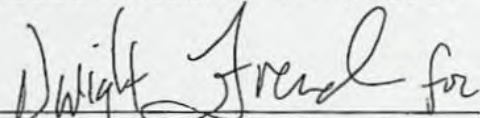
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The use of water shall be limited when it interferes with any prior surface or ground water rights.

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 May , 2001. Complete application of the water to the use shall be made on or before October 1, 2005. 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 October 17, 2000


Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

FAXED
12-14-99

July 2, 1999
Revised December 13, 1999

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DEC 16 1999
WATER RESOURCES DEPT.
SALEM, OREGON

Mr. Dwight French
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310

**RE: Eagle Crest III
OWRD File No. G-14857
Deschutes Basin Groundwater Withdrawal
Mitigation Plan
WHP File No. 526-0107**

Dear Dwight:

Thank you for your continuing assistance on the pending groundwater appropriation application for Eagle Crest, Inc. in the Deschutes River Basin. We received an initial review which described the potential for a groundwater connection to Deschutes River surface water flows. I have compiled the following mitigation plan, intended to offset any impacts to surface water from our proposed groundwater withdrawal. Your review and approval are respectfully requested.

Eagle Crest III Introduction

Eagle Crest III is a proposed expansion of the existing Eagle Crest Resort, located approximately four miles west of Redmond, Oregon. Eagle Crest III will encompass approximately 480 acres, approximately 900 resort dwelling units, and appropriate recreational amenities. No golf course, nor significant irrigation requirements are expected. Eagle Crest III will be operated and managed as an integral part of the existing resort.

The domestic water supply requirements for Eagle Crest III will be provided by a new groundwater well and a connection to the existing domestic water distribution system. The connection to the existing system will provide a redundant backup supply for the entire resort, sharing reservoirs and distribution piping, and improving the overall efficiency of the water supply system.

Water Right Summary

Eagle Crest, Inc. has filed an application for a quasimunicipal groundwater appropriation to serve the Eagle Crest expansion. The pending water right application seeks a maximum diversion of 3.34 cfs.

Water consumption at a destination resort is very different from the domestic consumption at a municipality. The occupancy at a destination resort will typically be high during the summer season, relatively high during the winter weekends or holidays, and very low the rest of the time. Water use varies significantly between weekends and weekdays, between the seasons of the year, and even during the hours of the day.



Groundwater wells at Eagle Crest will pump directly into the water distribution system whenever the project reservoirs are drawn down. The well pump will operate for a very short duration during the slack season of the resort, and will operate many more hours per day during the busy season. **The maximum diversion requested in the water right application will only be required a few days of the year and only after full buildout of the resort.**

Consumptive Use of Water at Eagle Crest

We can estimate the water consumption for the proposed expansion of Eagle Crest by utilizing historical consumption from the existing resort development. We utilized water meter records from the existing resort wells to determine the average total water consumption for each dwelling unit, on an annual basis. We used this actual average water consumption and applied it to the proposed 900 units at Eagle Crest III, to determine the total volume of water required on an annual basis, at Eagle Crest III.

Sewage at Eagle Crest is collected in a community sewer system, treated, and discharged in a subsurface drainfield. The sewage drainfield represents a recharge to the groundwater system. In the Deschutes Basin Groundwater Study, the recharge from sewage drainfields was considered to offset the consumptive use of groundwater. We have again utilized the existing resort units to estimate the average annual volume of sewage.

Our historical records at Eagle Crest demonstrate that a typical residential unit at Eagle Crest will require 0.28 acre feet of water from the domestic water supply system each year. This consumption is offset by a sewage contribution of 0.15 cubic feet. The net consumptive use is 0.13 acre feet per year.

At Eagle Crest III, the 900 proposed residential units are expected to result in a total consumptive use, at full buildout, of 115 acre feet. This net consumptive use of the groundwater withdrawal should be mitigated, proportionally to buildout of the resort expansion, to prevent impacts on surface water flows in the Deschutes basin.

We recognize that water consumption will vary from year to year and from neighborhood to neighborhood. Our calculations provide an estimate only. Actual consumption at Eagle Crest III can be measured accurately and adjustments made as the resort develops.

Groundwater Mitigation Concept

The Oregon Water Resources Department has determined from an extended groundwater study in the Deschutes basin that significant groundwater is available. Groundwater in the Deschutes basin typically discharges to the Deschutes River in the general vicinity of Lake Billy Chinook. Because of this connection between the groundwater and the surface water, and because all surface water rights are not met in the lower Deschutes River, groundwater withdrawals require some mitigation.

The Oregon Water Resources Department established a Deschutes Basin Task Force to evaluate water supplies, establish a reliable source of water for users in the basin, and to develop a mitigation plan to accommodate groundwater withdrawals in the Deschutes Basin. A task force has been formed and is currently operating effectively. While the Deschutes Basin Task Force develops its findings and recommendations on a long-term water supply for the basin, water right permit applications have been placed on administrative hold. Once the work of the Task Force is completed, then regional-wide mitigation should be made available to users throughout the Deschutes Basin, and pending or new appropriation applications can be processed.

Eagle Crest proposes mitigation for the total consumptive use of groundwater at the proposed resort expansion project. Eagle Crest proposes a mitigation package that includes the regional mitigation from the Deschutes Basin Task Force, but also offers dedication of irrigation rights to an instream use for a portion of the total mitigation. This combination assures an immediate and effective mitigation to cover the immediate water needs of Eagle Crest. Regional mitigation, to be identified by the Deschutes River Task Force, can then be utilized for the remainder of the Eagle Crest appropriation.

The middle reach of the Deschutes River immediately below Bend, may very well have the greatest need for surface water mitigation. Eagle Crest proposes to dedicate surface water to an instream use, below the City of Bend, as mitigation for a groundwater withdrawal. This proposed mitigation should have the greatest beneficial effect on the Deschutes River because it adds water in the lowest flow section of the river and adds water that can subsequently be stored at Lake Billy Chinook.

Eagle Crest will not consume any appreciable volume of water over the next few years, because of the land use approval schedule and initial construction. Water consumption of Eagle Crest will grow slowly as residences are built and homes occupied. Based upon our experiences at the existing resort, we would expect 10 to 20 years to approach full buildout of the resort. For the purposes of this mitigation, we have assumed residential building construction would start in the year 2000 and we have assumed the expansion project would approach full buildout 10 years later. We propose that the dedication of surface water to an instream use be implemented within one year after OWRD issuance of the groundwater permit, to assure gallon for gallon mitigation for the near-term development of the resort. Likely, the mitigation will exceed the actual consumption based upon this schedule. The Eagle Crest groundwater appropriation will be limited to the amount mitigated. As the Deschutes Basin Task Force completes their work, Eagle Crest will have the right to choose the regional task force mitigation or to dedicate additional instream rights.

Water Right Transfer To An Instream Lease

Eagle Crest, Inc. owns a Swalley Irrigation District water right under Certificates No. 29054 and 29056. The water right is currently utilized to irrigate a golf course and grounds on a portion of the existing resort. Eagle Crest proposes to transfer the appropriate acreage of the existing Swalley Irrigation water right to offset a portion of the consumptive use of water on the expansion project, on a gallon for gallon basis.

The following diversion rates and schedules are specified in the referenced Swalley Irrigation District permit:

➤ April 1 to April 30 and October 1 to November 1:	.012 CFS/ACRE
➤ May 1 to May 14 and September 15 to September 30:	.016 CFS/ACRE
➤ May 15 to September 14:	.030 CFS/ACRE
➤ TOTAL:	.058 CFS/ACRE

These diversion rates include a 43% canal transmission loss. Excluding the canal transmission loss, results in a diversion rate of 0.406 cfs/acre. The OWRD special order for the Swalley Irrigation District rights further describes a maximum diversion of 9.56 acre-feet for each acre irrigated, again including the canal conveyance loss. The total diversion is equivalent to 6.685 acre-feet for each acre irrigated, excluding the canal conveyance loss.

Eagle Crest, Inc. proposes to dedicate 8.6 acres of the Swalley Irrigation District right to an instream use to mitigate approximately one-half of the estimated total consumptive use of water at Eagle Crest III. Eagle Crest is proposing to dry 8.6 acres of grounds that are currently irrigated, and transfer those water rights to an instream use for mitigation.

The regional mitigation strategy for the Deschutes Basin, currently being developed by the Deschutes Basin Task Force, will likely be accepted by Eagle Crest to mitigate any remaining consumptive use. However, Eagle Crest reserves the right to either participate in the regional mitigation or deliver additional acres of the Swalley Irrigation District right, to provide the needed mitigation.

Summary

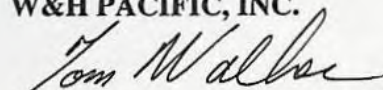
In summary, Eagle Crest is proposing a 480 acre destination resort development. A new groundwater well is required to serve that proposed development. Because groundwater and surface water are connected in the Deschutes basin and surface water rights are not met, then mitigation is required to offset potential surface water impacts. Eagle Crest has calculated the estimated total consumptive use of groundwater at the proposed development project and is prepared to mitigate the withdrawal by dedicating surface water irrigation rights to an instream use and/or participating in the regional mitigation solution being developed by the Deschutes Basin Task Force.

The Swalley Irrigation water rights will remain in the Deschutes River, rather than being withdrawn at the City of Bend. This mitigation will provide a significant benefit to the middle reach of the Deschutes River, which has historically experienced low summer time flows. Mitigation in the middle reach of the Deschutes River has been identified by the Deschutes Basin Taskforce as a very desirable outcome of the mitigation program.

Your review and approval of this mitigation plan are respectfully requested. Upon approval, we would expect that the pending Eagle Crest permit processing would proceed. Subject to the outcome of that standard water right application process, a water right permit will be issued.

Please consider my comments and recommendations and never hesitate to contact me if you have questions or need additional information.

Very Truly Yours,
W&H PACIFIC, INC.



Thomas A. Walker, P.E, C.W.R.E.
Vice President

Cc: Alan VanVliet

SUPERSEDED

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EAGLE CREST INC.
WILLIAM D. LYCHE
PO BOX 1215
REDMOND, OREGON 97756

The limits and conditions of the use are listed below.

SPECIFIC LIMITS AND CONDITIONS

APPLICATION FILE NUMBER: G-14857

SOURCE OF WATER: A WELL IN DESCHUTES RIVER BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 3.34 CUBIC FOOT PER SECOND, further limited to a maximum diversion of 252 acre-feet each year and shall result in consumption of no more than 115 acre-feet each year, once sewage contribution is subtracted from the amount diverted, unless the mitigation plan is modified and approved by the department as described below.

If the reporting, as required below, demonstrates the mitigation plan is not sufficient to mitigate for the amount of water actually consumed, the use will be further restricted to limit the total consumed water to 115 acre-feet, or the department may approve an additional and equivalent water right to be leased to instream use, to maintain an acre-foot for acre-foot balance between the amount of water consumed to the amount of water provided to instream use. An equivalent water right must, at a minimum, be from a water right with a diversion point at or near the diversion authorized by the lease of certificate 74145.

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 2, 1998

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 16, T15S, R12E, W.M.; 150 FEET SOUTH AND 150 FEET WEST FROM THE NE CORNER SECTION 16
THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4
NW 1/4
SW 1/4

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 May , 2001. Complete application of the water to the use shall be made on or before October 1, 2004. 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 October , 2000

Paul Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application G-14857
Basin 5

Water Resources Department
Volume 1 DESCHUTES R MISC
MGMT. CODE 7BG 7BR 7JG 7JR

PERMIT G-13819
District 11

Application G-14857

Water Resources Department

PERMIT G-13819

SECTION 16
TOWNSHIP 15 SOUTH, RANGE 12 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install meters, or other suitable measuring devices as approved by the Director, *at both the diversion from the well and at a point where sewage, that is actually discharged to the ground, may be measured*. The permittee shall maintain the meters or measuring devices in good working order, shall keep a complete record of the amount of water used and discharged each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

This permit will expire in 2 years from permit issuance unless the 2 year lease of the water right authorized under certificate 74145 to instream purposes is replaced by a permanent transfer of water right certificate 74145, filed as transfer application T 8519, or an equivalent water right as determined by the Department, to instream use.

Within 1 year of permit issuance, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this timeline to complete the required Water Management Conservation Plan.

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.

Petition to Reconsider

Assign to Clune Bottle Utility Company

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EAGLE CREST INC.
WILLIAM D. LYCHE
PO BOX 1215
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*Order to reconsider
& then to reissue
a separate
previous
permit*

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Order

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NE QUARTER ALL
NW QUARTER ALL
SW QUARTER ALL
SECTION 16
TOWNSHIP 15 SOUTH, RANGE 12 EAST, W.M.

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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 May , 2001. Complete application of the water to the use shall be made on or before October 1, 2005. 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 October , 2000

Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **25851**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: William D. Lyche
BY: _____

APPLICATION	G 14859
PERMIT	
TRANSFER	

CASH: CHECK: # 96-455 OTHER: (IDENTIFY)

TOTAL REC'D \$ 25.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS
PUBLICATIONS / MAPS
OTHER: (IDENTIFY)
OTHER: (IDENTIFY)

**RECEIVED
OVER THE COUNTER**

\$
\$
\$
\$

REDUCTION OF EXPENSE

CASH ACCT. _____

PCA AND OBJECT CLASS _____

VOUCHER # _____

\$ _____

0427 WRD OPERATING ACCT

MISCELLANEOUS
0407 COPY & TAPE FEES
0410 RESEARCH FEES
0408 MISC REVENUE: (IDENTIFY)
(New) TC165 DEPOSIT LIAB. (IDENTIFY)

PCA # 66111

\$
\$
\$
\$

WATER RIGHTS:

0201 SURFACE WATER
0203 GROUND WATER
0205 TRANSFER

EXAM FEE
\$ 25.00
EXAM FEE
\$

0202
0204
0206
0219
0220

RECORD FEE
\$
\$
\$
LICENSE FEE
\$
\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR
LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE
0210 MONITORING WELLS

\$
\$

CARD #
CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$ _____

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)
0231 HYDRO LICENSE FEE (FW/WRD)

\$
\$

HRDRO APPLICATION _____

\$ _____

RECEIPT # **25851**

DATED: 11-2-98 BY: M. M.../KID

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **25850**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: WEH Pacific INC

APPLICATION	614857
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK: # 24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 450.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS
PUBLICATIONS / MAPS
____ OTHER: (IDENTIFY)
____ OTHER: (IDENTIFY)

\$
\$
\$
\$

**RECEIVED
OVER THE COUNTER**

REDUCTION OF EXPENSE

CASH ACCT. _____

\$

PCA AND OBJECT CLASS _____

VOUCHER # _____

0427 WRD OPERATING ACCT

MISCELLANEOUS
0407 COPY & TAPE FEES
0410 RESEARCH FEES
0408 MISC REVENUE: (IDENTIFY)
(New) TC165 DEPOSIT LIAB. (IDENTIFY)

*PCA #
66111*

\$
\$
\$
\$

(Existing) TC168

WATER RIGHTS:
0201 SURFACE WATER
0203 GROUND WATER
0205 TRANSFER
WELL CONSTRUCTION
0218 WELL DRILL CONSTRUCTOR
LANDOWNER'S PERMIT

EXAM FEE	
\$	0202
\$ <u>450.00</u>	0204
\$	0206
EXAM FEE	
\$	0219
	0220

RECORD FEE	
\$	
\$	
\$	
LICENSE FEE	
\$	
\$	

____ OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE
0210 MONITORING WELLS

\$
\$

CARD #	
CARD #	

____ OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

0233 POWER LICENSE FEE (FW/WRD)
0231 HYDRO LICENSE FEE (FW/WRD)

LIC NUMBER

\$
\$

____ HRDRO APPLICATION _____

\$

RECEIPT # **25850**

DATED: 11-2-98 BY: M. M... KD

Mailing List for Permit Copies

Application# G-14857

Mailing List Print Date May 26, 2000

Original mailed to(when permit issued, include copy of permit map):

Applicant: EAGLE CREST INC., WILLIAM LYCHE, PO BOX 1215 REDMOND, OREGON 97756

For Permit only - Permit Copies sent to (Remember to reduce copy margins):

1. WRD - File # G-14857
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - NWR
5. WRD - Watermaster District #:11 Kyle Gorman (w/copy of permit map)
6. WRD - FS (Gloria) (For permits with Water Management Plan only)

Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)
--

COPIES TO Other Interested Persons

7. _____
8. _____
9. _____

Caseworker: AMH

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8054 submitted by

DESCHUTES COUNTY JUSTICE CENTER
c/o SWALLEY IRRIGATION DISTRICT
PO BOX 5126
BEND OR 97708-5126

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County as evidenced by a PORTION of Certificate 74145. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 282 AND Volume 16, at Pages 148 and 396. The date of priority is SEPTEMBER 1, 1899.

The right allows the use of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for IRRIGATION of 3.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the quantity determined by decree of the Circuit Court for Deschutes county, dated march 24, 1933, being:

APRIL 1 TO MAY 1 AND OCT. 1 TO NOV. 1	1 CFS TO 83.00 ACRES
MAY 1 TO MAY 15 AND SEPT. 15 TO OCT. 1	1 CFS TO 62.00 ACRES
MAY 15 TO SEPT. 15	1 CFS TO 33.45 ACRES

for each acre irrigated from the Swalley Canal during the irrigation season of each year, not to exceed 9.58 acre feet for each acre irrigated during the irrigation season, if available at the original point of diversion: SWALLEY MAIN CANAL - SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29, T 17 S, R 12 E, W.M.; 985 FEET NORTH AND 617 FEET WEST FROM THE EAST $\frac{1}{4}$ CORNER OF SECTION 29; or its equivalent in case of rotation, measured at the point of diversion from the source:

The authorized points of diversion are located as follows:

SWALLEY MAIN CANAL - SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29, T 17 S, R 12 E, W.M.; 985 FEET NORTH AND 617 FEET WEST FROM THE EAST $\frac{1}{4}$ CORNER OF SECTION 29; and

ADDITIONAL DISTRICT DIVERSION - NW¼ SE¼, SECTION 14, T 15 S, R 12 E, WM; 2170 FEET NORTH AND 1350 FEET WEST FROM THE SE CORNER OF SECTION 14.

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal.

The amount of water diverted directly from the Deschutes River and not through the main Swalley Irrigation District canal shall be limited to the above diversion rates without the 43% transmission loss allowed by the March 24, 1933 decree, and shall not exceed 5.46 acre feet for each acre irrigated during the irrigation season.

The authorized place of use is located as follows:

NE¼ SE¼	TL 599	3.0 ACRES
SE¼ SE¼	TL 609	0.1 ACRE

SECTION 17

TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County as evidenced by a PORTION of an order of the Water Resources Director, entered at Special Order Volume 50, Page 183, approving Transfer 7463. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 282 AND Volume 16, at Pages 148 and 396. The date of priority is SEPTEMBER 1, 1899.

The right allows the use of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for IRRIGATION of 4.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the quantity determined by decree of the Circuit Court for Deschutes county, dated march 24, 1933, being:

APRIL 1 TO MAY 1 AND OCT. 1 TO NOV. 1	1 CFS TO 83.00 ACRES
MAY 1 TO MAY 15 AND SEPT. 15 TO OCT. 1	1 CFS TO 62.00 ACRES
MAY 15 TO SEPT. 15	1 CFS TO 33.45 ACRES

for each acre irrigated from the Swalley Canal during the irrigation season of each year, not to exceed 9.58 acre feet for each acre irrigated during the irrigation season, if available at the original point of diversion: SWALLEY MAIN CANAL - SE¼ NE¼, SECTION 29, T 17 S, R 12 E, W.M.; 985 FEET NORTH AND 617 FEET WEST FROM THE EAST ¼ CORNER OF SECTION 29; or its equivalent in case of rotation, measured at the point of diversion from the source:

The authorized points of diversion are located as follows:

SWALLEY MAIN CANAL - SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29, T 17 S, R 12 E, W.M.; 985 FEET NORTH AND 617 FEET WEST FROM THE EAST $\frac{1}{4}$ CORNER OF SECTION 29; and

ADDITIONAL DISTRICT DIVERSION - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 14, T 15 S, R 12 E, WM; 2170 FEET NORTH AND 1350 FEET WEST FROM THE SE CORNER OF SECTION 14.

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal.

The amount of water diverted directly from the Deschutes River and not through the main Swalley Irrigation District canal shall be limited to the above diversion rates without the 43% transmission loss allowed by the March 24, 1933 decree, and shall not exceed 5.46 acre feet for each acre irrigated during the irrigation season.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ TL 100 4.4 ACRES
SECTION 17
TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to change the places of use to:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ TL 100 5.3 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ TL 599 2.2 ACRES
SECTION 17
TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.

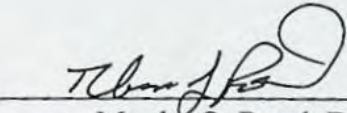
Proof to the satisfaction of the Water Resources Director of the completion of Transfer 7463 has been received.

THESE CHANGES TO EXISTING WATERS RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2000.
2. The former places of use shall no longer be irrigated as a part of these water rights.

Certificate 74145 is canceled. New certificates will be issued to confirm those portions of these rights NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director, affixed OCT 01 1998.



FO Martha O. Pagel, Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

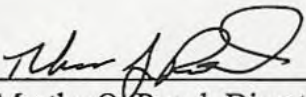
EXTENSION OF TIME

The changes approved under District Transfer 7895, in the name of Swalley Irrigation District, were to have been completed by October 1, 1999. Swalley Irrigation District has requested additional time to complete the changes.

Swalley Irrigation District provided evidence of reasonable diligence in completing the project. The request for extension of time should be approved.

The time for completion of the changes approved by District Transfer 7895, in the name of Swalley Irrigation District, shall be extended to October 1, 2000.

Witness the signature of the Water Resources Director, affixed OCT 04 1999.



for Martha O. Pagel, Director

NOTICE: Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN PLACE OF USE
IN AN IRRIGATION DISTRICT

Pursuant to ORS 540.580 (District transfer of place of use of water within district), after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7895 submitted by

SWALLEY IRRIGATION DISTRICT
PO BOX 5126
BEND, OR 97708-5126

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County as evidenced by portions of Certificate 74145. The decree is recorded in the Order Record of the Water Resources Director in Volume 12 at Page 282 and Volume 16 at Pages 148 and 196. The date of priority is September 1, 1899.

The right allows the use of the Deschutes River, a tributary of the Columbia River, for irrigating 9.4 acres.

The District requests to move the rights listed in Table A to locations listed in Table B.

TABLE A - DESCHUTES RIVER.

TWN	RNG	SEC	QTR	QTR	T L	AC	OWNER
16S	12E	15	NE¼	NE¼	200	0.8	MARK GRAHAM
16S	12E	15	SE¼	NE¼	200	0.4	MARK GRAHAM
17S	12E	28	NE¼	NW¼	300	2.3	HIGH DESERT PARK
17S	12E	28	NE¼	NW¼	301	0.1	HIGH DESERT PARK
17S	12E	28	NW¼	NE¼	300	2.8	HIGH DESERT PARK
17S	12E	17	NW¼	SE¼	500	3.0	DAN KIESOW
						Total	9.4

TABLE B - DESCHUTES RIVER.

TWN	RNG	SEC	QTR	QTR	T L	AC	OWNER
16S	12E	15	NE¼	NE¼	100	0.7	MARK GRAHAM
16S	12E	15	SE¼	NE¼	100	0.5	MARK GRAHAM
17S	12E	08	NE¼	SE¼	200	5.2	STEVEN WHITNEY
17S	12E	05	SW¼	NE¼	2402	3.0	JOHN MILTON
						Total	9.4

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the certificates. Therefore, These changes to an existing district water right may be made subject to the following conditions:

1. The proposed change shall be completed on or before October 1, 1999.
2. The former place of use shall no longer be irrigated as a part of this water right.
3. Proof, to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by SWALLEY IRRIGATION DISTRICT, on or before October 1, 2000.

Furthermore,

4. Except as modified herein, all other conditions and restrictions of Certificate 74145 remain in effect.
5. When the Director determines that it is necessary, or to facilitate records keeping, a new certificate will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm that portion of the right not modified by this or any other order.

WITNESS the signature of the Water Resources Director, affixed 12/17/98.



Martha O. Pagel, Director

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.580, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8154 submitted by

SWALLEY IRRIGATION DISTRICT
P.O. BOX 5126
BEND, OREGON 97708-5126.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County as evidenced by PORTIONS of Certificate 74145. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 282. The date of priority is SEPTEMBER 1, 1899.

The right allows the use of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for IRRIGATING 29.4 ACRES AND 3.0 ACRES -EQUIVALENT FOR POND MAINTENANCE.

The authorized place of use is located as follows:

TWP	RNG	SEC	QTR/QTR	TAXLOT	USE	ACRES
16S	12E	10	SW¼ NE¼	100	IRR	0.80
16S	12E	10	SE¼ NE¼	100	IRR	0.80
16S	12E	10	SE¼ NE¼	100	POND	2.40

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final order in other than a contested case. Under the provisions of OAR 137-004-0080, a person entitled to judicial review of this order may petition for reconsideration of the order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date of the order.

Pursuant to ORS 536.075(1), this order is subject to judicial review under ORS 183.484. Any party affected by this order may appeal the order to the Circuit Court of Marion County or to the circuit court of the county in which all or part of the property affected by the order is situated. Review shall be as provided in ORS 536.075. A petition for judicial review shall be filed within 60 days from the date the order is served, or if a petition for reconsideration has been filed, then within 60 days following the date the order denying such petition is served. The petition shall state the facts showing how the petitioner is adversely affected by the order and the ground or grounds upon which the petitioner contends the order should be reversed or remanded.

Superceded
vol 53 pg 1173
1445

Authorized place of use continued:

TWP	RNG	SEC	QTR/QTR	TAXLOT	USE	ACRES
16S	12E	10	NE¼ SE¼	101	IRR	0.70
16S	12E	10	NW¼ SE¼	102	IRR	1.60
17S	12E	21	NW¼ NE¼	200	IRR	8.50
17S	12E	21	SW¼ NE¼	1400	IRR	7.30
17S	12E	21	SW¼ NE¼	1400	POND	0.60
17S	12E	21	SW¼ NE¼	1403	IRR	3.40
17S	12E	21	NW¼ SE¼	100	IRR	3.30
17S	12E	22	NE¼ SE¼	1500	IRR	1.00
17S	12E	22	NW¼ SE¼	1500	IRR	2.00

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

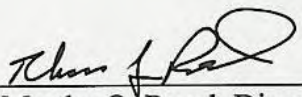
The applicant proposes to change the place of use to:

TWP	RNG	SEC	QTR/QTR	TAXLOT	USE	ACRES
16S	12E	10	SW¼ NE¼	400	IRR	1.60
16S	12E	10	SW¼ NE¼	400	POND	2.40
16S	12E	10	NE¼ SW¼	800	IRR	1.60
16S	12E	10	NW¼ SE¼	102	IRR	0.70
16S	12E	32	SW¼ SW¼	709	IRR	1.50
16S	12E	32	SW¼ SW¼	714	IRR	1.50
16S	12E	33	SW¼ NE¼	104	IRR	0.48
16S	12E	33	NW¼ SE¼	104	IRR	3.52
17S	12E	04	NW¼ NE¼	217	IRR	1.30
17S	12E	04	SW¼ NE¼	210	POND	0.25
17S	12E	04	SW¼ NE¼	218	IRR	6.70
17S	12E	04	SW¼ NE¼	218	POND	0.35
17S	12E	08	NW¼ SW¼	1000	IRR	2.00
17S	12E	21	NE¼ NW¼	900	IRR	4.89
17S	12E	21	NW¼ NW¼	900	IRR	1.19
17S	12E	21	SW¼ NW¼	900	IRR	0.20
17S	12E	21	SE¼ NW¼	900	IRR	0.22
17S	12E	21	NW¼ SW¼	900	IRR	2.00

THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2000.
2. The former places of use shall no longer be irrigated as a part of this water right.
3. Proof, to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by SWALLEY IRRIGATION DISTRICT, on or before October 1, 2001.
4. Except as modified herein, all other conditions and restrictions of on Certificate 74145 remain in effect.
5. When the Director determines that it is necessary, or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm that portion of the right not modified by this or any other order.

WITNESS the signature of the Water Resources Director affixed AUG 30 1999 .


For Martha O. Pagel, Director

STATE OF OREGON
COUNTY OF DESCHUTES

SUPERSEDING ORDER APPROVING A CHANGE IN PLACE OF USE

A scrivener's error was discovered in Special Order Volume 53, Page 1173. The authorized place of use and proposed place of use tabulations omitted certain water rights. Special Order Volume 53, Page 1173 is superseded by the following:

Pursuant to ORS 540.580, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8154 submitted by

SWALLEY IRRIGATION DISTRICT
P.O. BOX 5126
BEND, OREGON 97708-5126.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County as evidenced by PORTIONS of Certificate 74145. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 282. The date of priority is SEPTEMBER 1, 1899.

The right allows the use of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for IRRIGATING 39.9 ACRES AND 3.0 ACRES - EQUIVALENT FOR POND MAINTENANCE.

The authorized place of use is located as follows:

TWP	RNG	SEC	QTR/QTR	TAXLOT	USE	ACRES
16S	12E	10	SW¼ NE¼	100	IRR	0.80
16S	12E	10	SE¼ NE¼	100	IRR	0.80
16S	12E	10	SE¼ NE¼	100	POND	2.40
16S	12E	10	NE¼ SE¼	101	IRR	0.70
16S	12E	10	NW¼ SE¼	102	IRR	1.60

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final order in other than contested case. Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the time specified by ORS 183.484(2).

Authorized place of use continued:

TWP	RNG	SEC	QTR/QTR	TAXLOT	USE	ACRES
16S	12E	32	SW $\frac{1}{4}$ SW $\frac{1}{4}$	709	IRR	6.00
16S	12E	32	SW $\frac{1}{4}$ SW $\frac{1}{4}$	714	IRR	4.50
17S	12E	21	NW $\frac{1}{4}$ NE $\frac{1}{4}$	200	IRR	8.50
17S	12E	21	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1400	IRR	7.30
17S	12E	21	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1400	POND	0.60
17S	12E	21	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1403	IRR	3.40
17S	12E	21	NW $\frac{1}{4}$ SE $\frac{1}{4}$	100	IRR	3.30
17S	12E	22	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1600	IRR	1.00
17S	12E	22	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1600	IRR	2.00

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

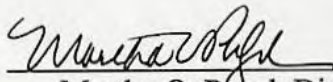
The applicant proposes to change the place of use to:

TWP	RNG	SEC	QTR/QTR	TAXLOT	USE	ACRES
16S	12E	10	SW $\frac{1}{4}$ NE $\frac{1}{4}$	400	IRR	1.60
16S	12E	10	SW $\frac{1}{4}$ NE $\frac{1}{4}$	400	POND	2.40
16S	12E	10	NE $\frac{1}{4}$ SW $\frac{1}{4}$	800	IRR	1.60
16S	12E	10	NW $\frac{1}{4}$ SE $\frac{1}{4}$	102	IRR	0.70
16S	12E	32	SW $\frac{1}{4}$ SW $\frac{1}{4}$	709	IRR	7.50
16S	12E	32	SW $\frac{1}{4}$ SW $\frac{1}{4}$	714	IRR	6.00
16S	12E	33	SW $\frac{1}{4}$ NE $\frac{1}{4}$	104	IRR	0.48
16S	12E	33	NW $\frac{1}{4}$ SE $\frac{1}{4}$	104	IRR	3.52
17S	12E	04	NW $\frac{1}{4}$ NE $\frac{1}{4}$	217	IRR	1.30
17S	12E	04	SW $\frac{1}{4}$ NE $\frac{1}{4}$	210	POND	0.25
17S	12E	04	SW $\frac{1}{4}$ NE $\frac{1}{4}$	218	IRR	6.70
17S	12E	04	SW $\frac{1}{4}$ NE $\frac{1}{4}$	218	POND	0.35
17S	12E	08	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1000	IRR	2.00
17S	12E	21	NE $\frac{1}{4}$ NW $\frac{1}{4}$	900	IRR	4.89
17S	12E	21	NW $\frac{1}{4}$ NW $\frac{1}{4}$	900	IRR	1.19
17S	12E	21	SW $\frac{1}{4}$ NW $\frac{1}{4}$	900	IRR	0.20
17S	12E	21	SE $\frac{1}{4}$ NW $\frac{1}{4}$	900	IRR	0.22
17S	12E	21	NW $\frac{1}{4}$ SW $\frac{1}{4}$	900	IRR	2.00

THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

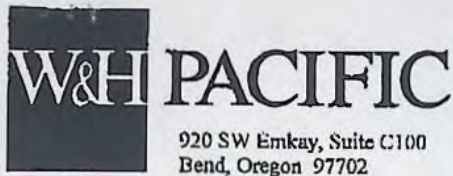
1. The proposed changes shall be completed on or before October 1, 2000.
2. The former places of use shall no longer be irrigated as a part of this water right.
3. Proof, to the satisfaction of the Director, that the changes approved by this order have been completed must be submitted by SWALLEY IRRIGATION DISTRICT, on or before October 1, 2001.
4. Except as modified herein, all other conditions and restrictions of on Certificate 74145 remain in effect.
5. When the Director determines that it is necessary, or to facilitate records keeping, new certificates will be issued to confirm all completed changes for which satisfactory proof has been made and to confirm that portion of the right not modified by this or any other order.

WITNESS the signature of the Water Resources Director affixed 11/23/99.



Martha O. Pagel, Director

Creative Solutions ... Superior Service



FAX

To: Mr. Dwight French
 Company: Oregon Water Resources Department
 Address
 City/State
 Phone:
 Fax:

Date: July 30, 1999
 Project Number: 526-01-07
 Project Name: Eagle Crest
 Re: Groundwater Withdrawal Mitigation Plan

From: Thomas A. Walker, P.E., C.W.R.E.
 Phone: (541) 388-4255
 Fax: (541) 388-4229

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We are sending:

- Attached
- Facsimile
- 4 # Of Pages Including Cover

These Are Transmitted:

- For Your Info/File
- As Requested
- For Review & Comment

Copied To:

Copies	Description
1	Swalley Irrigation District Order

Dwight,
 Thank you for your call earlier today. After we talked, I did check the Swalley final order. The Swalley duty is 9.56 acre-feet per acre year, including the carry loss. Regardless, I will rework the mitigation plan to clarify our intended bucket for bucket mitigation. I will also work with Bob Main on the carry loss issue. Your help has been greatly appreciated. I will resubmit our mitigation plan at the earliest opportunity.

Civil and Structural Engineering ♦ Landscape Architecture
 Planning ♦ Surveying and Mapping

Washington ♦ Oregon ♦ Idaho

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 6989 submitted by

SWALLEY IRRIGATION DISTRICT
PO BOX 5126
BEND, OR 97708-5126

The rights to be modified were confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County as evidenced by Certificates 29054 and 29056. The decree is recorded in the Order Record of the Water Resources Director in Volume 16, at Pages 158 and 395. The date of priority is SEPTEMBER 1, 1899.

The rights allow the use of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for IRRIGATION, MUNICIPAL, DOMESTIC AND INDUSTRIAL USE for 4601.69 ACRES (or equivalent). The amount of water to which these rights are entitled is limited to an amount actually beneficially used and shall not exceed 1.0 cubic foot per second per 83 acres from April 1 to April 30, 1.0 cfs per 62 acres from May 1 to May 14, 1.0 cfs per 33.45 acres from May 15 to Sept 14, 1.0 cfs per 62 acres from September 15 to September 30 and 1.0 cfs per 83 acres from October 1 to November 1, if available at the original point of diversion: (SWALLEY CANAL) SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29, T. 17 S., R. 12 E., W.M., 985 FEET NORTH AND 617 FEET WEST FROM THE EAST $\frac{1}{4}$ CORNER OF SECTION 29, or its equivalent in case of rotation, measured at the point of diversion from the source. Forty three percent (43%) of this diversion allowance is for canal transmission loss.

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to a diversion of not to exceed 9.56 acre-feet for each acre irrigated during the irrigation season of each year as measured at the canal diversion from the river. This amount includes a 43% canal transmission loss.

The authorized place of use is located as follows:

AS RECORDED IN CERTIFICATES 29054 and 29056 AS MODIFIED BY SUBSEQUENT TRANSFERS.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to add an additional point of diversion at: NW¼ SE¼, SECTION 14, T. 15 S., R. 12 E., W.M.; 2170 FEET NORTH AND 1350 FEET WEST FROM THE SE CORNER OF SECTION 14.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

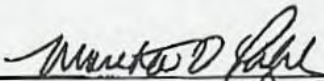
1. The proposed change shall be completed on or before October 1, 1997.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. Prior to diverting water at the new point of diversion, the irrigation district shall install a totalizing flow meter at the diversion works.
4. The irrigation district shall operate and maintain the totalizing flow meter. The irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may monitor accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original point of diversion.
6. Prior to delivery of water each year, the irrigation district shall file a report with the local watermaster stating which lands will be irrigated from each diversion point.
7. The diversion shall be equipped with a fish screening device satisfactory to the Oregon Department of Fish and Wildlife.

The amount of water appropriated at the new point of diversion shall not exceed the following rates: 1.0 cubic foot per second per 145.61 acres from April 1 to April 30, 1.0 cfs per 108.77 acres from May 1 to May 14, 1.0 cfs per 58.68 acres from May 15 to September 14, 1.0 cfs per 108.77 acres from September 15 to September 30 and 1.0 cfs per 145.61 acres from October 1 to November 1, as measured at the new point of diversion and if available at the original point of diversion.

The amount of water appropriated at the new point of diversion shall be limited to a diversion of not to exceed 5.46 acre-feet for each acre or its equivalent during the irrigation season of each year. This amount does not include a 43% canal transmission loss.

Certificates 29054 and 29056 are cancelled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,
affixed June 11, 1996.



Martha O. Pagel, Director

July 2, 1999

Mr. Dwight French
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310

RE: Eagle Crest III
OWRD File No. G-14857
Deschutes Basin Groundwater Withdrawal
Mitigation Plan
WHP File No. 526-0107

Dear Dwight:

Thank you for your continuing assistance on the pending groundwater appropriation application for Eagle Crest, Inc. in the Deschutes River Basin. We received an initial review which described the potential for a groundwater connection to Deschutes River surface water flows. I have compiled the following mitigation plan, intended to offset any impacts to surface water, from our proposed groundwater withdrawal. Your review and approval are respectfully requested.

Eagle Crest III Introduction

Eagle Crest III is a proposed expansion of the existing Eagle Crest Resort, located approximately four miles west of Redmond, Oregon. Eagle Crest III will encompass approximately 480 acres, approximately 900 resort dwelling units, and appropriate recreational amenities. No golf course, nor significant irrigation requirements are expected. Eagle Crest III will be operated and managed as an integral part of the existing resort.

The domestic water supply requirements for Eagle Crest III will be provided by a new groundwater well and a connection to the existing domestic water distribution system. The connection to the existing system will provide a redundant backup supply for the entire resort, allow the sharing of reservoirs and distribution piping, and improve the overall efficiency of the water supply system.

Water Right Summary

Eagle Crest, Inc. has filed an application for a quasimunicipal groundwater appropriation to serve the Eagle Crest expansion. The pending water right application seeks a maximum diversion of 3.34 cfs.

Water consumption at a destination resort is very different from the domestic consumption at a municipality. The occupancy at a destination resort will typically be high during the summer season, relatively high during the winter weekends or holidays, and very low the rest of the time. Water use varies significantly between weekends and weekdays, between the seasons of the year, and even during the hours of the day.



Groundwater wells at Eagle Crest will pump directly into the water distribution system whenever the project reservoirs are drawn down. The well pump will operate for a very short duration during the slack season of the resort, and will operate many more hours per day during the busy season. **The maximum diversion requested in the water right application will only be required a few days of the year and only after full buildout of the resort.**

Consumptive Use of Water at Eagle Crest

We can estimate the water consumption for the proposed expansion of Eagle Crest by utilizing historical consumption from the existing resort development. We utilized water meter records from the existing resort wells to determine the average total water consumption for each dwelling unit, on an annual basis. We use this actual average water consumption and apply it to the proposed 900 units at Eagle Crest III, to determine the total volume of water required, on an annual basis, at Eagle Crest III.

Sewage at Eagle Crest is collected in a community sewer system, treated, and discharged in a subsurface drainfield. The sewage drainfield represents a recharge to the groundwater system. In the Deschutes Basin Groundwater Study, the recharge from sewage drainfields was considered to offset the consumptive use of groundwater. We have again utilized the existing resort units to estimate the average annual volume of sewage.

Our historical records at Eagle Crest demonstrate that a typical residential unit at Eagle Crest will require 0.28 acre feet of water from the domestic water supply system each year. This consumption is offset by a sewage contribution of 0.15 cubic feet. The net consumptive use is 0.13 acre feet per year.

At Eagle Crest III, the 900 proposed residential units are expected to result in a total consumptive use, at full buildout, of 115 acre feet. This net consumptive use of the groundwater withdrawal should be mitigated, proportionally to buildout of the resort expansion, to prevent impacts on surface water flows in the Deschutes basin.

We recognize that water consumption will vary from year to year and from neighborhood to neighborhood. Our calculations provide an estimate only. Actual consumption at Eagle Crest III can be measured accurately and adjustments made as the resort develops.

Groundwater Mitigation Concept

The Oregon Water Resources Department has determined from an extended groundwater study in the Deschutes basin that significant groundwater is available. Groundwater in the Deschutes basin typically discharges to the Deschutes River in the general vicinity of Lake Billy Chinook. Because of this connection between the groundwater and the surface water, and because all surface water rights are not met in the lower Deschutes River, then groundwater withdrawals require some mitigation.

Eagle Crest proposes a gallon for gallon mitigation for the total consumptive use of groundwater at the proposed resort expansion project.

The middle reach of the Deschutes River, immediately below Bend, may very well have the greatest need for surface water mitigation. Eagle Crest proposes to dedicate surface water to an instream use, below the City of Bend, as mitigation for a groundwater withdrawal. This proposed mitigation should have the greatest beneficial effect on the Deschutes River because it adds water in the lowest flow section of the river and adds water that can subsequently be stored at Lake Billy Chinook.

Eagle Crest will not consume any appreciable volume of water over the next few years, because of the land use approval schedule and initial construction. Water consumption of Eagle Crest will grow slowly as residences are built and homes occupied. Based upon our experiences at the existing resort, we would expect 10 to 20 years to approach full buildout of the resort. For the purposes of this mitigation, we have assumed residential building construction would start in the year 2000 and we have assumed the expansion project would approach full buildout 10 years later. We propose that the full mitigation be implemented by the year 2005, to assure gallon for gallon mitigation over the term of the development of the resort. Likely, the mitigation will exceed the actual consumption based upon this schedule.

Water Right Transfer To An Instream Lease

Eagle Crest, Inc. owns a Swalley Irrigation District water right under Certificate No. 29054 and 29056. The water right is currently utilized to irrigate a golf course and grounds on a portion of the existing resort. Eagle Crest proposes to transfer the appropriate acreage of the existing Swalley Irrigation water right to offsite the consumptive use of water on the expansion project, on a gallon for gallon basis.

The following diversion rates and schedules are specified in the referenced Swalley Irrigation District permit:

➤ April 1 to April 30 and October 1 to November 1:	.012 CFS/ACRE
➤ May 1 to May 14 and September 15 to September 30:	.016 CFS/ACRE
➤ May 15 to September 14:	.030 CFS/ACRE
➤ TOTAL:	.058 CFS/ACRE

Twelve acres of the Swalley Irrigation water right are equivalent to the estimated total consumptive use of water at the Eagle Crest expansion project. Eagle Crest is proposing to dry 12 acres of grounds that are currently irrigated, and transfer those water rights to an instream use for mitigation.

The transfer to an in-stream right may occur through an annual lease until the volume of water is verified. In addition, local and State officials are developing a regional mitigation strategy for the Deschutes Basin. Eagle Crest reserves the right to participate in a regional mitigation if appropriate.

Summary

In summary, Eagle Crest is proposing a 480 acre destination resort development. A new groundwater well is required to serve that proposed development. Because groundwater and surface water are connected in the Deschutes basin and surface water rights are not met, then mitigation is required to offset potential surface water impacts. Eagle Crest has calculated the estimated total consumptive use of groundwater at the proposed development project and is prepared to mitigate the withdrawal on a gallon for gallon basis by dedicating surface water irrigation rights to an instream use. The Swalley Irrigation water rights will remain in the Deschutes River, rather than being withdrawn at the City of Bend. This mitigation will provide a significant benefit to the middle reach of the Deschutes River, which has historically experienced low summer time flows. Mitigation in the middle reach of the Deschutes River has been identified by the Deschutes Basin Taskforce as a very desirable outcome of the mitigation program.

Your review and approval of this mitigation plan are respectfully requested. Upon approval, we would expect that the pending Eagle Crest permit processing would proceed. Subject to the outcome of that standard water right application process, a water right permit will be issued.

Please consider my comments and recommendations and never hesitate to contact me if you have questions or need additional information.

Very Truly Yours,
W&H PACIFIC, INC.

Thomas A. Walker, P.E, C.W.R.E.
Vice President

Cc: Alan VanVliet

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STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SWALLEY IRRIGATION DISTRICT
PO BOX 5126
BEND OR 97708-5126

confirms the right to use the waters of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for IRRIGATING 4351.22 ACRES, 3.50 ACRES-EQUIVALENT FOR DUST ABATEMENT, 24.285 ACRES-EQUIVALENT FOR INDUSTRIAL USE, 2.80 ACRES-EQUIVALENT FOR PARK MAINTENANCE, 157.00 ACRES-EQUIVALENT FOR NURSERY USE, 22.30 ACRES-EQUIVALENT FOR POND MAINTENANCE, DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 12, at Page 282 and Volume 16, at Pages 148 and 396. The date of priority is SEPTEMBER 1, 1899.

The use is limited to 125.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the points of diversion from the source.

The points of diversion are located as follows:

- 1 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, T. 17 S., R. 12 E., W.M.; 100 feet South and 50 feet East from the most Northerly corner of tax lot 4100.
- 2 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, T. 17 S., R. 12 E., W.M.; 540 feet West from the SE corner of Section 29.
- 3 - Swalley main canal: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, T. 17 S., R. 12 E., W.M.; 985 feet North and 617 feet West from the East $\frac{1}{4}$ Corner of Section 29.
- 4 - NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, T. 17 S., R. 20 E., W.M.; 1980 feet North and 1980 feet West from the SE Corner of Section 20.
- 5 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, T. 17 S., R. 12 E., W.M.; N. 60° W., 117 feet from the center of Section 20.
- 6 - NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, T. 17 S., R. 12 E., W.M.; 998.86 feet West and 156.37 feet North from the SE Corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20.
- 7 - NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, T. 17 S., R. 12 E., W.M.; 590 feet South and 1920 feet East from the NW Corner of Section 20.
- 8 - SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, T. 17 S., R. 12 E., W.M.; 375 feet North and 302 feet West from the S $\frac{1}{4}$ Corner of Section 17.
- 9 - NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, T. 17 S., R. 12 E., W.M.; N. 27° 1' E., 678 feet from the SW Corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6.
- 10 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, T. 16 S., R. 12 E., W.M.; 192 feet North and 1069 feet West from the SE Corner of Section 30.

SEE NEXT PAGE

T-8385T-8154T-8044T 8018

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- 11 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, T. 16 S., R. 12 E., W.M.; 1248.59 feet North and 38 feet West from the SE corner of Section 30.
- 12 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, T. 16 S., R. 12 E., W.M.; 130 feet North and 340 feet West from the SE Corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20.
- 13 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, T. 16 S., R. 12 E., W.M.; 880 feet South and 1010 feet East from the NW Corner of Section 20.
- 14 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, T. 16 S., R. 12 E., W.M.; 390 feet North and 475 feet West from the Center of Section 16.
- 15 - Additional district diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, T. 15 S., R. 12 E., W.M.; 2170 feet North and 1350 feet West from the SE Corner of Section 14.

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 not to exceed the quantity determined by decree of the Circuit Court for Deschutes County, dated March 24, 1933, being:

April 1 to May 1 & Oct. 1 to Nov. 1	1 cfs to 83.0 acres
May 1 to May 15 & Sept. 15 to Oct. 1	1 cfs to 62.0 acres
May 15 to Sept. 15	1 cfs to 33.45 acres

for each acre irrigated from the Swalley Canal during the irrigation season of each year, not to exceed 9.58 acre feet for each acre irrigated during the irrigation season as measured at the diversion from the source.

The above rates include a 43% transmission loss allowed by the Court to compensate for seepage from the canal.

The amount of water diverted directly from the Deschutes River and not through the main Swalley Irrigation District canal shall be limited to the above diversion rates without the 43% transmission loss allowed by the March 24, 1933 decree, and shall not exceed 5.46 acre feet for each acre irrigated during the irrigation season.

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

<u>Lot</u>	<u>qtr/Qtr</u>	<u>Tax lot</u>	<u>Use</u>	<u>Acres</u>	<u>Div. Pt.</u>	<u>Ownership</u>
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1000	IRR	0.300	3 & 15	Eagle Crest Partners Ltd.
			Section 13			
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1000	IRR	6.600	3 & 15	Eagle Crest Partners Ltd.
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	800	IRR	6.500	3 & 15	Eagle Crest Partners Ltd.
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1000	IRR	2.000	3 & 15	Eagle Crest Partners Ltd.
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1100	IRR	6.300	3 & 15	Eagle Crest Partners Ltd.
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1200	IRR	3.100	3 & 15	Eagle Crest Partners Ltd.
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1200	PND	7.700	3 & 15	Eagle Crest Partners Ltd.
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IRR	1.100	3 & 15	Eagle Crest Partners Ltd.
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1400	IRR	1.700	3 & 15	Eagle Crest Partners Ltd.
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1500	IRR	3.000	3 & 15	Eagle Crest Partners Ltd.
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	134	IRR	0.900	3 & 15	Eagle Crest Partners Ltd.
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1000	IRR	9.100	3 & 15	Eagle Crest Partners Ltd.
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1300	IRR	23.300	3 & 15	Eagle Crest Partners Ltd.
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1400	IRR	3.600	3 & 15	Eagle Crest Partners Ltd.
			Section 14			

SEE NEXT PAGE

NE¼ NE¼	133	IRR	0.700	3 & 15	Eagle Crest Partners Ltd.
NE¼ NE¼	134	IRR	20.900	3 & 15	Eagle Crest Partners Ltd.
NE¼ NE¼	134	PND	0.800	3 & 15	Eagle Crest Partners Ltd.
NE¼ NE¼	1000	IRR	1.400	3 & 15	Eagle Crest Partners Ltd.
NE¼ NE¼	1300	IRR	0.900	3 & 15	Eagle Crest Partners Ltd.
NE¼ NE¼	1400	IRR	4.100	3 & 15	Eagle Crest Partners Ltd.
NW¼ NE¼	100	IRR	0.300	3 & 15	Eagle Crest Partners Ltd.
NW¼ NE¼	134	IRR	0.900	3 & 15	Eagle Crest Partners Ltd.
NW¼ NE¼	1200	IRR	1.200	3 & 15	Eagle Crest Partners Ltd.
NW¼ NE¼	1400	IRR	16.300	3 & 15	Eagle Crest Partners Ltd.
NW¼ NE¼	1400	PND	0.400	3 & 15	Eagle Crest Partners Ltd.
NW¼ NE¼	1500	IRR	3.600	3 & 15	Eagle Crest Partners Ltd.
NW¼ NE¼	6200	IRR	0.400	3 & 15	Eagle Crest Partners Ltd.
NW¼ NE¼	6300	IRR	5.800	3 & 15	Eagle Crest Partners Ltd.
NW¼ NE¼	6300	PND	0.500	3 & 15	Eagle Crest Partners Ltd.
SW¼ NE¼	1400	IRR	8.300	3 & 15	Eagle Crest Partners Ltd.
SE¼ NE¼	134	IRR	4.500	3 & 15	Eagle Crest Partners Ltd.
SE¼ NE¼	300	IRR	0.900	3 & 15	Eagle Crest Partners Ltd.
SE¼ NE¼	1400	IRR	7.800	3 & 15	Eagle Crest Partners Ltd.
NE¼ NW¼	100	IRR	1.100	3 & 15	Eagle Crest Partners Ltd.
NE¼ NW¼	300	IRR	10.800	3 & 15	Eagle Crest Partners Ltd.
NE¼ NW¼	500	IRR	1.200	3 & 15	Eagle Crest Partners Ltd.
NE¼ NW¼	1200	IRR	2.800	3 & 15	Eagle Crest Partners Ltd.
NE¼ NW¼	1400	IRR	3.200	3 & 15	Eagle Crest Partners Ltd.
NE¼ NW¼	6200	IRR	0.600	3 & 15	Eagle Crest Partners Ltd.
NE¼ NW¼	6300	IRR	0.900	3 & 15	Eagle Crest Partners Ltd.
NW¼ NW¼	1501	IRR	3.200	3 & 15	Eagle Crest Partners Ltd.
NE¼ SE¼	1400	IRR	4.600	3 & 15	Eagle Crest Partners Ltd.

Section 23

NW¼ NW¼	134	IRR	0.200	3 & 15	Eagle Crest Partners Ltd.
NW¼ NW¼	1800	IRR	0.900	3 & 15	Eagle Crest Partners Ltd.
NW¼ NW¼	1900	IRR	0.800	3 & 15	Eagle Crest Partners Ltd.
SW¼ NW¼	134	IRR	4.000	3 & 15	Eagle Crest Partners Ltd.
SW¼ NW¼	300	IRR	1.200	3 & 15	Eagle Crest Partners Ltd.

Section 24

SE¼ SE¼	100	IRR	9.000	3 & 15	Wright, E.D. & Nancy
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Section 35

NE¼ NE¼	100	IRR	1.500	3 & 15	Jardine, Michael Jon
NE¼ NE¼	200	IRR	5.000	3 & 15	Damm, Fred J.
NE¼ NE¼	201	IRR	4.000	3 & 15	Rossi, Robert & Rebecca
NW¼ NE¼	300	IRR	8.000	3 & 15	Dornbusch, Steven P.
SW¼ NE¼	1600	IRR	1.500	3 & 15	Michaels, Lois L.
SW¼ NE¼	1800	IRR	1.100	3 & 15	Denton, William K.
SW¼ NE¼	1900	IRR	0.500	3 & 15	Eide, Lori L.
SE¼ NE¼	401	IRR	4.000	3 & 15	Wooderson, David R.
SE¼ NE¼	402	IRR	3.000	3 & 15	Humble, Fred N. & Cynthia
SE¼ NE¼	403	IRR	2.000	3 & 15	Monical, Olive
SE¼ NE¼	405	IRR	2.500	3 & 15	Bishop, Donita L.
SE¼ NE¼	407	IRR	2.000	3 & 15	Randolph, Percy & Stella
NE¼ SW¼	100	IRR	1.000	3 & 15	Davis, Richard W. & Sharon M.
NE¼ SW¼	200	IRR	2.000	3 & 15	Tureck, Dan S. & Jocelyn
NE¼ SW¼	300	IRR	0.500	3 & 15	Woolley, Trampas R.
NE¼ SW¼	1501	IRR	1.500	3 & 15	Judge, David V. & Lita P.
NE¼ SW¼	1507	IRR	1.500	3 & 15	Cowger, Jerry & Dinah
NE¼ SW¼	1511	IRR	3.000	3 & 15	Harris, Aloha M.
NE¼ SW¼	1512	IRR	1.000	3 & 15	Wood, Glen & Laura

SEE NEXT PAGE

NE¼ SW¼	1513	IRR	1.500	3 & 15	Buell, Steven & Charlotte
NE¼ SW¼	1518	IRR	1.500	3 & 15	Williams, Archie
NE¼ SW¼	1523	IRR	1.000	3 & 15	Adams, Ted & Heidi
SW¼ SW¼	100	IRR	1.000	3 & 15	Wright, E.D. & Nancy
SW¼ SW¼	1505	IRR	1.900	3 & 15	Salonius, Michael & Ellen
SW¼ SW¼	1506	IRR	5.000	3 & 15	LaCroix, Albert S. & Evangeline
SW¼ SW¼	1521	IRR	1.600	3 & 15	Runk, Larry & Janice
SE¼ SW¼	1502	IRR	4.000	3 & 15	Stahl, Ronald & Nannette
SE¼ SW¼	1503	IRR	6.000	3 & 15	Tennies, Sarah M.
SE¼ SW¼	1504	IRR	5.000	3 & 15	Blasdell, Walter
SE¼ SW¼	1505	IRR	0.600	3 & 15	Salonius, Michael & Ellen
SE¼ SW¼	1508	IRR	2.000	3 & 15	Carey, Larry L. & Kathryn C.
SE¼ SW¼	1509	IRR	2.500	3 & 15	Butterfield, Joseph & Merriam
SE¼ SW¼	1510	IRR	1.500	3 & 15	Zitek, Roy R. & Sandra L.
SE¼ SW¼	1519	IRR	1.500	3 & 15	Poe, Cecil W. & Diana D.
SE¼ SW¼	1521	IRR	0.900	3 & 15	Runk, Larry & Janice
SE¼ SW¼	1522	IRR	1.500	3 & 15	Borden, Frank & Pat
NE¼ SE¼	400	IRR	1.000	3 & 15	Hughes, Jim L.
NE¼ SE¼	1700	IRR	0.250	3 & 15	Curry, Jeffrey & Kimberly
NW¼ SE¼	1700	IRR	0.750	3 & 15	Curry, Jeffrey & Kimberly
NW¼ SE¼	1800	IRR	0.400	3 & 15	Denton, William K.
NW¼ SE¼	1900	IRR	0.500	3 & 15	Eide, Lori L.
NW¼ SE¼	4700	IRR	2.000	3 & 15	Neth, Greg N.
NW¼ SE¼	4800	IRR	1.000	3 & 15	Biggs, David
NW¼ SE¼	4900	IRR	1.000	3 & 15	Bemrose, Kenton & Rosetta
NW¼ SE¼	5100	IRR	2.000	3 & 15	Baron, Richard
NW¼ SE¼	5200	IRR	1.000	3 & 15	Urell, Dennis C. & Sharon L.
NW¼ SE¼	5300	IRR	1.000	3 & 15	Smith, Joel & Sandra
SW¼ SE¼	1600	IRR	2.000	3 & 15	Smith, George A.
SW¼ SE¼	5500	IRR	2.000	3 & 15	Avant, Pete
SW¼ SE¼	5600	IRR	2.000	3 & 15	Avant, Pete
SW¼ SE¼	5700	IRR	1.500	3 & 15	Rinehart, James R. & Vicki J.
SW¼ SE¼	5800	IRR	1.000	3 & 15	Ashley, Thelma

Section 36

Township 15 South, Range 12 East, W.M.

SW¼ NE¼	100	IRR	2.500	3 & 15	Hasse, Fred & Delores
SW¼ NE¼	107	IRR	1.100	3 & 15	Rogers, D. Ross & Debbie A.
SE¼ NE¼	200	IRR	2.000	3 & 15	Wallace, William & Margaret
NE¼ SE¼	100	IRR	0.200	3 & 15	Hasse, Fred & Delores
NE¼ SE¼	102	IRR	17.300	3 & 15	Hagen, Jerry C. & Elaine B
NE¼ SE¼	201	IRR	4.700	3 & 15	Wallace, Mary Sue
NE¼ SE¼	202	IRR	4.000	3 & 15	Sodeman, Chris B.
NW¼ SE¼	100	IRR	3.300	3 & 15	Hasse, Fred & Delores
NW¼ SE¼	102	IRR	0.800	3 & 15	Hagen, Jerry C. & Elaine B
NW¼ SE¼	102	PND	0.500	3 & 15	Hagen, Jerry C. & Elaine B
NW¼ SE¼	105	IRR	5.000	3 & 15	Whitman, Willard W.
NW¼ SE¼	106	IRR	3.000	3 & 15	Rogers, D. Ross & Debbie A.
NW¼ SE¼	107	IRR	3.900	3 & 15	Rogers, D. Ross & Debbie A.
SW¼ SE¼	103	IRR	0.200	3 & 15	Rank, Jeffery & Carol
SW¼ SE¼	104	IRR	1.000	3 & 15	Suing, William & Dena
SW¼ SE¼	300	IRR	14.000	3 & 15	Graham, Roger & Alice
SW¼ SE¼	400	IRR	9.400	3 & 15	Hodson, Glen Richard & Donna
SW¼ SE¼	500	IRR	3.000	3 & 15	Egan, Virginia
SW¼ SE¼	601	IRR	2.000	3 & 15	Clayton, Craig W. & Michelle D.
SW¼ SE¼	602	IRR	0.800	3 & 15	King, Leonard D. & Patricia E.
SE¼ SE¼	103	IRR	9.800	3 & 15	Rank, Jeffery & Carol
SE¼ SE¼	104	IRR	6.000	3 & 15	Suing, William & Dena
SE¼ SE¼	600	IRR	8.300	3 & 15	Morris, Raymond & Phyllis

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SE $\frac{1}{4}$ SE $\frac{1}{4}$	602	IRR	1.200	3 & 15	King, Leonard D. & Patricia E.
SE $\frac{1}{4}$ SE $\frac{1}{4}$	603	IRR	3.000	3 & 15	Gibson, Donna
SE $\frac{1}{4}$ SE $\frac{1}{4}$	700	IRR	7.250	3 & 15	Strauser, Jeff & Sandra
SE $\frac{1}{4}$ SE $\frac{1}{4}$	701	IRR	0.750	3 & 15	Strauser, Jeff & Sandra
Section 1					
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1100	IRR	3.000	3 & 15	Hart, Donald & Beverly
Section 2					
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1200	IRR	21.200	3 & 15	Hanson, David & Diane
Section 9					
SW $\frac{1}{4}$ NE $\frac{1}{4}$	100	IRR	6.100	3 & 15	Arras, Bill & Pat
SE $\frac{1}{4}$ NE $\frac{1}{4}$	100	IRR	17.400	3 & 15	Arras, Bill & Pat
SE $\frac{1}{4}$ NE $\frac{1}{4}$	100	PND	3.070	3 & 15	Arras, Bill & Pat
NW $\frac{1}{4}$ SW $\frac{1}{4}$	700	IRR	8.500	3 & 15	Conklin, Frank S.
NE $\frac{1}{4}$ SE $\frac{1}{4}$	100	IRR	18.500	3 & 15	Ullman, Kenneth A.
NE $\frac{1}{4}$ SE $\frac{1}{4}$	100	PND	2.330	3 & 15	Arras, Bill & Pat
NE $\frac{1}{4}$ SE $\frac{1}{4}$	101	IRR	9.900	3 & 15	Ullman, Kenneth A.
NE $\frac{1}{4}$ SE $\frac{1}{4}$	102	IRR	3.400	3 & 15	Ullman, Kenneth A.
NW $\frac{1}{4}$ SE $\frac{1}{4}$	101	IRR	0.100	3 & 15	Ullman, Kenneth A.
NW $\frac{1}{4}$ SE $\frac{1}{4}$	102	IRR	20.100	3 & 15	Ullman, Kenneth A.
Section 10					
SW $\frac{1}{4}$ NE $\frac{1}{4}$	101	IRR	4.000	3 & 15	Atchison, Joe
SE $\frac{1}{4}$ NE $\frac{1}{4}$	100	IRR	4.000	3 & 15	Bass, William & Cynthia
SW $\frac{1}{4}$ SW $\frac{1}{4}$	600	IRR	22.000	3 & 15	Gillette, John Pierre
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1000	IRR	8.000	3 & 15	Prusak, Andy
Section 11					
NE $\frac{1}{4}$ NW $\frac{1}{4}$	300	IRR	3.000	3 & 15	Newman, Mary, John D. & James P.
Section 12					
NW $\frac{1}{4}$ NE $\frac{1}{4}$	600	IRR	5.000	3 & 15	Wirt, Robert L.
SW $\frac{1}{4}$ NE $\frac{1}{4}$	601	IRR	9.000	3 & 15	Strassman, John & Debbie
NE $\frac{1}{4}$ NW $\frac{1}{4}$	700	IRR	16.500	3 & 15	Graves, Glen & Marilyn
NE $\frac{1}{4}$ NW $\frac{1}{4}$	703	IRR	16.500	3 & 15	Graves, Glen & Marilyn
NW $\frac{1}{4}$ NW $\frac{1}{4}$	800	IRR	15.200	3 & 15	Gunnels, Margaret M.
NW $\frac{1}{4}$ NW $\frac{1}{4}$	803	IRR	13.200	3 & 15	Gunnels, Margaret M.
SW $\frac{1}{4}$ NW $\frac{1}{4}$	801	IRR	10.000	3 & 15	Moore, Gary & Cathy
SW $\frac{1}{4}$ NW $\frac{1}{4}$	802	IRR	17.000	3 & 15	Smith, David L. & Carol A.
SE $\frac{1}{4}$ NW $\frac{1}{4}$	701	IRR	9.000	3 & 15	Petty, Karl & Sandra
SE $\frac{1}{4}$ NW $\frac{1}{4}$	702	IRR	24.000	3 & 15	Decorte, Ernest M. & Marilyn
Section 14					
NE $\frac{1}{4}$ NE $\frac{1}{4}$	100	IRR	3.700	3 & 15	Graham, Markle & Linda
NE $\frac{1}{4}$ NE $\frac{1}{4}$	102	IRR	16.000	3 & 15	Hanes, Jeffery
NE $\frac{1}{4}$ NE $\frac{1}{4}$	200	IRR	4.500	3 & 15	Graham, Markle & Linda
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1600	IRR	1.200	3 & 15	Graham, Robert A. & Barbara J.
NW $\frac{1}{4}$ NE $\frac{1}{4}$	1600	IRR	0.200	3 & 15	Graham, Robert A. & Barbara J.
SW $\frac{1}{4}$ NE $\frac{1}{4}$	101	IRR	0.900	3 & 15	Hanson, Stephen & Linda
SW $\frac{1}{4}$ NE $\frac{1}{4}$	1400	IRR	5.500	3 & 15	McIntosh, John E. & Patricia L.
SW $\frac{1}{4}$ NE $\frac{1}{4}$	1500	IRR	5.000	3 & 15	Woody, Johnnie M.
SW $\frac{1}{4}$ NE $\frac{1}{4}$	1600	IRR	3.500	3 & 15	Graham, Robert A. & Barbara J.
SE $\frac{1}{4}$ NE $\frac{1}{4}$	100	IRR	3.000	3 & 15	Graham, Markle & Linda
SE $\frac{1}{4}$ NE $\frac{1}{4}$	200	IRR	5.700	3 & 15	Graham, Markle & Linda
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1600	IRR	5.300	3 & 15	Graham, Robert A. & Barbara J.
SW $\frac{1}{4}$ NW $\frac{1}{4}$	1000	IRR	16.300	3 & 15	Hanson, Oswald & Ann

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SW¼ NW¼	1000	PND	0.200	3 & 15	Hanson, Oswald & Ann
SE¼ NW¼	101	IRR	9.000	3 & 15	Hanson, Stephen & Linda
SE¼ NW¼	1300	IRR	3.400	3 & 15	McIntosh, John E. & Patricia L.
SE¼ NW¼	1400	IRR	4.500	3 & 15	McIntosh, John E. & Patricia L.

Section 15

NE¼ NE¼	100	IRR	5.500	3 & 15	Brown, Harper & Frances
NE¼ NE¼	200	IRR	29.800	3 & 15	Hanson, Stephen & Linda
NW¼ NE¼	300	IRR	30.000	3 & 15	Hanson, David & Diane
SW¼ NE¼	300	IRR	29.200	3 & 15	Hanson, David & Diane
SE¼ NE¼	200	IRR	32.400	3 & 15	Hanson, Stephen & Linda
NE¼ NW¼	500	IRR	2.000	14	Westlund II, Bernard J.
SE¼ NW¼	500	IRR	8.500	14	Westlund II, Bernard J.
NE¼ SW¼	1200	IRR	1.100	3 & 15	G K L Ranch
SE¼ SW¼	1701	IRR	14.300	3 & 15	Heath, Jeffery M. & Susan C.
SE¼ SW¼	1702	IRR	18.900	3 & 15	Bemis, Thomas H.
NE¼ SE¼	200	IRR	22.500	3 & 15	Hanson, Stephen & Linda
NW¼ SE¼	1300	IRR	27.600	3 & 15	G K L Ranch
NW¼ SE¼	1400	IRR	0.600	3 & 15	G K L Ranch
NW¼ SE¼	1500	IRR	0.100	3 & 15	G K L Ranch
NW¼ SE¼	1600	IRR	0.400	3 & 15	G K L Ranch
SW¼ SE¼	1700	IRR	16.900	3 & 15	Bemis, Thomas H.
SW¼ SE¼	1701	IRR	5.700	3 & 15	Heath, Jeffery M. & Susan C.
SW¼ SE¼	1702	IRR	2.100	3 & 15	Bemis, Thomas H.
SE¼ SE¼	200	IRR	0.300	3 & 15	Hanson, Stephen & Linda
SE¼ SE¼	1700	IRR	4.100	3 & 15	Bemis, Thomas H.
SE¼ SE¼	1800	IRR	3.700	3 & 15	G K L Ranch

Section 16

NE¼ NE¼	100	IRR	17.900	3 & 15	Deschutes River Ranch
NE¼ NE¼	1001	IRR	0.300	3 & 15	Kelley, Betty
NE¼ NE¼	1002	IRR	0.300	3 & 15	Kelley, Betty
NE¼ NE¼	1003	IRR	1.100	3 & 15	Kelley, Betty
NW¼ NE¼	100	IRR	14.700	3 & 15	Deschutes River Ranch
SW¼ NE¼	400	IRR	4.000	3 & 15	Dahlen, R. Scott
SW¼ NE¼	500	IRR	3.800	3 & 15	Marchbanks, Randy & Vicki
SW¼ NE¼	600	IRR	5.000	3 & 15	Dearing, Curtis E. & Donna
SW¼ NE¼	601	IRR	4.000	3 & 15	Harris, David J. & Penny L.
SW¼ NE¼	700	IRR	4.000	3 & 15	Henry, Billy D. Jr. & Valerie
SW¼ NE¼	701	IRR	3.600	3 & 15	Johnston, Michael & Dauna
SW¼ NE¼	702	IRR	4.200	3 & 15	Trink, R. Dale & Pamela
SW¼ NE¼	703	IRR	3.800	3 & 15	Trink, R. Dale & Pamela
SW¼ NE¼	800	IRR	0.400	3 & 15	Johnston, Michael & Dauna
SE¼ NE¼	1001	IRR	14.900	3 & 15	Kelley, Betty
SE¼ NE¼	1002	IRR	13.200	3 & 15	Kelley, Betty
SE¼ NE¼	1003	IRR	10.200	3 & 15	Kelley, Betty
NE¼ NW¼	202	IRR	9.800	13	C.L.R. Inc.
NE¼ NW¼	204	IRR	0.400	3 & 15	Deschutes River Ranch
NW¼ NW¼	202	IRR	2.900	13	C.L.R. Inc.
SW¼ NW¼	200	IRR	6.900	13	C.L.R. Inc.
NW¼ SW¼	201	IRR	5.400	12	C.L.R. Inc.
NE¼ SE¼	1103	IRR	8.750	3 & 15	Lantz, Gerald & Christine
NE¼ SE¼	1103	PND	0.500	3 & 15	Lantz, Gerald & Christine
NE¼ SE¼	1104	IRR	9.000	3 & 15	Owen, Daniel
NE¼ SE¼	1107	IRR	9.750	3 & 15	Lantz, Gerald & Christine
NE¼ SE¼	1300	IRR	9.200	3 & 15	Carstens, John & Ruth
NW¼ SE¼	1100	IRR	8.500	3 & 15	LaDuke, James H.
NW¼ SE¼	1101	IRR	1.800	3 & 15	Dutton, Bill & Phyllis
NW¼ SE¼	1102	IRR	2.200	3 & 15	Dutton, Bill & Phyllis

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NW¼ SE¼	1105	IRR	3.000	3 & 15	Cookston, Timothy J.
NW¼ SE¼	1106	IRR	9.300	3 & 15	Carstens, John & Ruth
NW¼ SE¼	1200	IRR	8.000	3 & 15	Warner, James & Judith
SW¼ SE¼	1400	IRR	38.000	3 & 15	Low, Kenneth & Wilma
SE¼ SE¼	1400	IRR	35.000	3 & 15	Low, Kenneth & Wilma

Section 20

NE¼ NE¼	101	IRR	3.300	3 & 15	Pliska, Gary & Delores
NW¼ NE¼	101	IRR	15.650	3 & 15	Pliska, Gary & Delores
NW¼ NE¼	102	IRR	8.000	3 & 15	Johnston, David & Cheryl
NW¼ NE¼	200	IRR	0.700	3 & 15	Tillman, Andrew & Cheryl
SW¼ NE¼	100	IRR	0.900	3 & 15	LaFranchi, Milton
SW¼ NE¼	101	IRR	4.000	3 & 15	Pliska, Gary & Delores
SW¼ NE¼	103	IRR	1.000	3 & 15	LaFranchi, Milton
SW¼ NE¼	104	IRR	23.200	3 & 15	Ackler, Dale
SE¼ NE¼	101	IRR	1.600	3 & 15	Pliska, Gary & Delores
NE¼ NW¼	100	IRR	1.000	3 & 15	LaFranchi, Milton
NE¼ NW¼	101	IRR	2.200	3 & 15	Pliska, Gary & Delores
NE¼ NW¼	200	IRR	36.700	3 & 15	Tillman, Andrew & Cheryl
NW¼ NW¼	200	IRR	27.900	3 & 15	Tillman, Andrew & Cheryl
NW¼ NW¼	200	PND	0.200	3 & 15	Tillman, Andrew & Cheryl
NW¼ NW¼	300	IRR	0.700	3 & 15	Patrick, Kelly and Marilee
SW¼ NW¼	200	IRR	0.100	3 & 15	Tillman, Andrew & Cheryl
SW¼ NW¼	300	IRR	20.300	3 & 15	Patrick, Kelly and Marilee
SW¼ NW¼	400	IRR	12.000	3 & 15	Patrick, Kelley & Marilee
SE¼ NW¼	100	IRR	5.600	3 & 15	LaFranchi, Milton
SE¼ NW¼	103	IRR	17.500	3 & 15	LaFranchi, Milton
SE¼ NW¼	104	IRR	13.800	3 & 15	Ackler, Dale
SE¼ NW¼	200	IRR	1.400	3 & 15	Tillman, Andrew & Cheryl
NW¼ SW¼	500	IRR	9.500	3 & 15	McLagan, Robert R. & Harriett
NW¼ SW¼	900	IRR	4.000	3 & 15	Wilson, S. Shepard
SW¼ SW¼	900	IRR	2.000	3 & 15	Wilson, S. Shepard
SW¼ SW¼	1100	IRR	15.750	3 & 15	McGuire, Bartlett & Cynthia
SW¼ SW¼	1101	IRR	4.000	3 & 15	McGuire, Bartlett & Cynthia
SW¼ SW¼	1200	IRR	6.500	3 & 15	Thomas, Jennie C.

Section 21

NW¼ SW¼	201	IRR	22.200	3 & 15	Barrett, Gary & Bruce
SW¼ SW¼	200	IRR	3.200	3 & 15	Lawrence, Mary
SW¼ SW¼	200	PND	0.300	3 & 15	Lawrence, Mary

Section 26

SW¼ NE¼	2000	IRR	0.500	3 & 15	Prindle, James & Vicki
SW¼ NE¼	2100	IRR	0.500	3 & 15	Prindle, James & Vicki
SW¼ NE¼	2200	IRR	0.500	3 & 15	Hall, Robert & Geneva
SW¼ NE¼	2300	IRR	0.500	3 & 15	Kieffe, Marilyn Jo
SW¼ NE¼	2400	IRR	1.000	3 & 15	Fagen, Harry J. & Beverly Ann
SW¼ NE¼	2500	IRR	0.800	3 & 15	Fagen, Harry J. & Beverly Ann
SW¼ NE¼	2600	IRR	0.700	3 & 15	Fagen, Harry J. & Beverly Ann
SW¼ NE¼	2900	IRR	0.200	3 & 15	Shugart, Jack & Dorothy
SW¼ NE¼	3000	IRR	1.500	3 & 15	Fagen, Harry J. & Beverly Ann
SW¼ NE¼	3100	IRR	0.800	3 & 15	Fagen, Harry J. & Beverly Ann
SW¼ NE¼	3101	IRR	1.500	3 & 15	Delich et al, George P.
SW¼ NE¼	3200	IRR	1.500	3 & 15	Highbarger, David
SE¼ NE¼	1300	IRR	0.500	3 & 15	Prindle, James & Vicki
SE¼ NE¼	1500	IRR	0.250	3 & 15	Hanks, Donald & Bernice
SE¼ NE¼	1600	IRR	0.500	3 & 15	Williams, James L. & Wilma
SE¼ NE¼	1700	IRR	0.500	3 & 15	Due, Jorgen C.
SE¼ NE¼	1800	IRR	0.500	3 & 15	Due, Jorgen C.

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SE¼ NE¼	3500	IRR	0.700	3 & 15	Butler, Neal & Mary
SE¼ NE¼	3501	IRR	0.800	3 & 15	Butler, Neal & Mary
SE¼ NE¼	3502	IRR	1.000	3 & 15	Deardorff, Delvan
SE¼ NW¼	4300	IRR	2.100	3 & 15	Vranizan, Tom M. & Tracy Jean
SE¼ NW¼	10001	IRR	3.900	3 & 15	Vranizan, Tom M. & Tracy Jean
NW¼ SW¼	0	IRR	9.800	3 & 15	Starwood Homeowners Assoc.
SW¼ SW¼	0	IRR	2.000	3 & 15	Starwood Homeowners Assoc.
NE¼ SE¼	100	IRR	15.000	3 & 15	Three Sisters S.D.A. School
NE¼ SE¼	200	IRR	18.500	3 & 15	Twiggs, L.W.
NE¼ SE¼	200	PND	0.500	3 & 15	Twiggs, L.W.
NW¼ SE¼	300	IRR	8.500	3 & 15	Collier, Michael F.
NW¼ SE¼	303	IRR	6.500	3 & 15	Taber, Richard J.
NW¼ SE¼	400	IRR	16.000	3 & 15	Schehen, Jim & Judy
SW¼ SE¼	500	IRR	2.500	3 & 15	Thompson, Vernon & Willetta
SW¼ SE¼	501	IRR	0.500	3 & 15	Thompson, Vernon & Willetta
SW¼ SE¼	502	IRR	1.000	3 & 15	Moon, Richard
SW¼ SE¼	503	IRR	2.000	3 & 15	Glenn, Jim & Marsha
SW¼ SE¼	600	IRR	0.550	3 & 15	Glenn, Jim & Marsha
SW¼ SE¼	601	IRR	1.750	3 & 15	Knouse, Orville R. & Billie L.
SW¼ SE¼	602	IRR	1.250	3 & 15	Olarrea, Bernie & Michael
SW¼ SE¼	603	IRR	1.000	3 & 15	Moore, Alan W. & Sunya E.
SW¼ SE¼	700	IRR	0.700	3 & 15	Glenn, Jim & Marsha
SW¼ SE¼	800	IRR	0.250	3 & 15	Moore, Alan W. & Sunya E.
SW¼ SE¼	900	IRR	5.000	3 & 15	McLane, Donald & Margaret
SW¼ SE¼	1000	IRR	9.000	3 & 15	Malone, Bob
SE¼ SE¼	1100	IRR	28.700	3 & 15	Barrett, Gary & Bruce
SE¼ SE¼	1100	PND	0.500	3 & 15	Barrett, Gary & Bruce
SE¼ SE¼	1200	IRR	0.700	3 & 15	Lawrence, Mary
SE¼ SE¼	1300	IRR	8.500	3 & 15	Barrett, Gary & Bruce

Section 27

NW¼ NE¼	5300	IRR	2.000	3 & 15	Guidero, Michael F. & Elizabeth J.
NE¼ NW¼	100	IRR	7.000	3 & 15	Chess, Donna
NE¼ NW¼	101	IRR	5.300	3 & 15	Whitman, Charles Glen & Charlotte A
NE¼ NW¼	102	IRR	1.000	3 & 15	Graffenberger, Ivalee
NE¼ NW¼	302	IRR	0.100	3 & 15	McCowan, Donald & Margaret
NE¼ NW¼	801	IRR	4.500	3 & 15	Higgins, Robert & Carol
NE¼ NW¼	802	IRR	2.000	3 & 15	Higgins, Robert & Carol
NE¼ NW¼	803	IRR	3.500	3 & 15	Witzel, Richard
NW¼ NW¼	100	IRR	12.000	3 & 15	Chess, Donna
NW¼ NW¼	101	IRR	18.700	3 & 15	Whitman, Charles Glen & Charlotte A
NW¼ NW¼	302	IRR	6.600	3 & 15	McCowan, Donald & Margaret
SW¼ NW¼	301	IRR	2.200	3 & 15	Ott, Rodney & Ruth
SW¼ NW¼	302	IRR	0.800	3 & 15	McCowan, Donald & Margaret
SW¼ NW¼	309	IRR	0.900	3 & 15	Ott, Rodney & Ruth
SE¼ NW¼	200	IRR	1.500	3 & 15	Young, Ronald & Charlene
SE¼ NW¼	300	IRR	1.500	3 & 15	Percy, Harry L. & Louise M.
SE¼ NW¼	301	IRR	3.700	3 & 15	Ott, Rodney & Ruth
SE¼ NW¼	302	IRR	0.500	3 & 15	McCowan, Donald & Margaret
SE¼ NW¼	303	IRR	4.000	3 & 15	Ardueser, Lawrence J. & Mary E.
SE¼ NW¼	304	IRR	3.000	3 & 15	Penney, Rosalind J.W.
SE¼ NW¼	307	IRR	3.000	3 & 15	Clasen, Tim & Marie
SE¼ NW¼	308	IRR	3.000	3 & 15	Marshall, Kenneth & Emily
SE¼ NW¼	309	IRR	4.200	3 & 15	Ott, Rodney & Ruth
NE¼ SW¼	100	IRR	0.500	3 & 15	Newman, Ronald L. & Michael J.
NE¼ SW¼	200	IRR	2.500	3 & 15	Schliep, Lance & Sandra
NE¼ SW¼	300	IRR	1.500	3 & 15	Maul, Leon
NE¼ SW¼	400	IRR	2.000	3 & 15	Brown, Jeffery E. & Donna L.
NE¼ SW¼	500	IRR	0.500	3 & 15	Martin, Gardner R.

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NE¼ SW¼	700	IRR	0.500	3 & 15	Russell, Claudine
NE¼ SW¼	800	IRR	0.500	3 & 15	Ankrum, Stephen & Susie
NE¼ SW¼	900	IRR	1.000	3 & 15	Turner, Darrell G. & L.D.
NE¼ SW¼	1000	IRR	0.800	3 & 15	Gardner, Roy H.
NE¼ SW¼	1100	IRR	0.700	3 & 15	Gardner, Roy H.
NE¼ SW¼	1200	IRR	0.500	3 & 15	Lewis, John H. & Susan
NE¼ SW¼	3000	IRR	1.000	3 & 15	Booren, Floyd L. & Joyce F.
NE¼ SW¼	3200	IRR	0.600	3 & 15	Dugan, Elizabeth L.
NE¼ SW¼	3300	IRR	2.000	3 & 15	Mason, Wallace & Lillian
NE¼ SW¼	3400	IRR	2.000	3 & 15	Newell, George
NE¼ SW¼	3500	IRR	2.000	3 & 15	Marchildon, Ralph
NE¼ SW¼	3600	IRR	1.800	3 & 15	Kirchwehm, William & Patricia
NE¼ SW¼	3700	IRR	1.750	3 & 15	Borst, Roger L.
NE¼ SW¼	3800	IRR	0.400	3 & 15	Simonet, Claire
NE¼ SW¼	4900	IRR	1.700	3 & 15	Begas, William A.
NW¼ SW¼	500	IRR	1.500	3 & 15	Martin, Gardner R.
NW¼ SW¼	600	IRR	2.000	3 & 15	Eide, Timothy L.
NW¼ SW¼	3100	IRR	3.000	3 & 15	Delacour, Ralph
NW¼ SW¼	3200	IRR	0.900	3 & 15	Dugan, Elizabeth L.
NW¼ SW¼	3600	IRR	0.400	3 & 15	Kirchwehm, William & Patricia
NW¼ SW¼	4400	IRR	5.300	3 & 15	Louden, James & Ann
NW¼ SW¼	4500	IRR	5.700	3 & 15	Louden, James & Ann
NW¼ SW¼	4600	IRR	5.400	3 & 15	Louden, James & Ann
NW¼ SW¼	4700	IRR	5.300	3 & 15	Louden, James & Ann
NW¼ SW¼	4800	IRR	0.800	3 & 15	Grimes, Shelby
NW¼ SW¼	4900	IRR	3.250	3 & 15	Begas, William A.
SW¼ SW¼	1800	IRR	1.250	3 & 15	Rutherford, Daniel Joseph
SW¼ SW¼	1900	IRR	1.000	3 & 15	Wolff, Raymond & Judy
SW¼ SW¼	2000	IRR	1.000	3 & 15	Hall, Frank
SW¼ SW¼	2200	IRR	0.500	3 & 15	Mellin, Oscar M. & Dorothy
SW¼ SW¼	2300	IRR	0.200	3 & 15	Brown, Helen L.
SW¼ SW¼	4100	IRR	1.000	3 & 15	Stuber, Herbert & Joyce
SW¼ SW¼	4200	IRR	2.000	3 & 15	Dumilieu, Bobby L. & Merrie J.
SW¼ SW¼	4300	IRR	2.000	3 & 15	Scheiblehner, Leopold & Maureen
SW¼ SW¼	4800	IRR	0.200	3 & 15	Grimes, Shelby
SW¼ SW¼	4900	IRR	1.900	3 & 15	Begas, William A.
SW¼ SW¼	5100	IRR	4.200	3 & 15	Clock, Charles & Patricia
SW¼ SW¼	5101	IRR	0.800	3 & 15	Clock, Charles & Patricia
SW¼ SW¼	5200	IRR	7.000	3 & 15	Plagman, Gary & Cheryl
SW¼ SW¼	5300	IRR	1.000	3 & 15	Hayward, Dannie M.
SE¼ SW¼	1300	IRR	0.500	3 & 15	Seaman, Douglas
SE¼ SW¼	1400	IRR	2.000	3 & 15	Burk, Jack & Jeanne
SE¼ SW¼	1500	IRR	2.500	3 & 15	Schmahl, Mr. & Mrs James C.
SE¼ SW¼	1600	IRR	3.500	3 & 15	Ferns, Mike
SE¼ SW¼	1700	IRR	1.000	3 & 15	Tyler, Trent J. & Nancy
SE¼ SW¼	1800	IRR	0.750	3 & 15	Rutherford, Daniel Joseph
SE¼ SW¼	2100	IRR	1.000	3 & 15	Donohue, John J. & Eleanor J.S.
SE¼ SW¼	2200	IRR	0.500	3 & 15	Mellin, Oscar M. & Dorothy
SE¼ SW¼	2300	IRR	0.300	3 & 15	Brown, Helen L.
SE¼ SW¼	2400	IRR	1.000	3 & 15	Wagner, Dwayne L. & Jeaninne
SE¼ SW¼	2500	IRR	3.000	3 & 15	Newman, Robert G. & Donna L.
SE¼ SW¼	2600	IRR	1.500	3 & 15	Wiseman, Leroy
SE¼ SW¼	2700	IRR	0.500	3 & 15	Crosser, Frank & Suellen
SE¼ SW¼	2800	IRR	2.000	3 & 15	Morrison, Robert T. & Janice L.
SE¼ SW¼	3800	IRR	0.600	3 & 15	Simonet, Claire
SE¼ SW¼	3900	IRR	1.000	3 & 15	Dobbs, Dean & Margaret
SE¼ SW¼	4000	IRR	1.000	3 & 15	Pickett, Tom
SE¼ SW¼	4100	IRR	0.500	3 & 15	Stuber, Herbert & Joyce
SE¼ SW¼	4900	IRR	1.400	3 & 15	Begas, William A.

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NE¼ SE¼	0	IRR	16.500	3 & 15	Starwood Homeowners Assoc.
SW¼ SE¼	0	IRR	1.300	3 & 15	Starwood Homeowners Assoc.
SW¼ SE¼	100	IRR	15.200	3 & 15	Stevens, Mildred
SE¼ SE¼	0	IRR	4.300	3 & 15	Starwood Homeowners Assoc.
SE¼ SE¼	0	PND	0.700	3 & 15	Starwood Homeowners Assoc.
SE¼ SE¼	100	IRR	1.100	3 & 15	Stevens, Mildred
Section 28					
NE¼ NE¼	100	IRR	19.000	3 & 15	Gray, Jeffrey & Loretta
NE¼ NE¼	101	IRR	18.000	3 & 15	Elliott, Clifford H.
NW¼ NE¼	302	IRR	9.400	3 & 15	Williams, Edward J. & Elizabeth A.
NW¼ NE¼	304	IRR	8.000	3 & 15	Depatie, Steve
NW¼ NE¼	306	IRR	4.400	3 & 15	Williams, Edward J. & Elizabeth A.
NW¼ NE¼	307	IRR	4.500	3 & 15	Campbell, Gary & Sharon
NW¼ NE¼	308	IRR	4.500	3 & 15	Knight, David & Dalyce
NW¼ NE¼	309	IRR	4.500	3 & 15	Kingzett, Ed
SW¼ NE¼	300	IRR	9.000	3 & 15	Brothers, Bruce
SW¼ NE¼	301	IRR	19.800	3 & 15	Brothers, Bruce J. & Carol
SW¼ NE¼	303	IRR	9.000	3 & 15	Brothers, Bruce
SE¼ NE¼	200	IRR	20.000	3 & 15	Mills, Gary M. & Nancy J.
SE¼ NE¼	201	IRR	5.900	3 & 15	Mills, Gary M. & Nancy J.
SE¼ NE¼	202	IRR	3.800	3 & 15	Mills, Gary M. & Nancy J.
SE¼ NE¼	203	IRR	5.300	3 & 15	Mills, Gary M. & Nancy J.
NE¼ NW¼	100	IRR	1.400	3 & 15	Sage Cliff
NE¼ NW¼	200	IRR	1.100	3 & 15	Sage Cliff
NE¼ NW¼	300	IRR	3.000	3 & 15	Lee, Norman & Sylvester
NE¼ NW¼	400	IRR	3.200	3 & 15	Thompson, Douglas & Anne
NE¼ NW¼	401	IRR	0.750	3 & 15	Marik, Vaclav
NE¼ NW¼	402	IRR	5.300	3 & 15	Thompson, Douglas & Anne
NE¼ NW¼	600	IRR	1.000	3 & 15	Lonsdale, Constance
SW¼ NW¼	1100	IRR	0.600	3 & 15	Haley, Carol
SW¼ NW¼	1200	IRR	1.200	3 & 15	McCall, Ernest H.
SW¼ NW¼	1401	IRR	0.200	3 & 15	Devereaux, Leon & Marian
SW¼ NW¼	1600	IRR	1.500	3 & 15	Jolly, Donald & Mary
SW¼ NW¼	1601	IRR	1.000	3 & 15	Berger, Joseph & Jeanne
SW¼ NW¼	1800	IRR	2.000	3 & 15	Weygandt, Theodore O.
SW¼ NW¼	1900	IRR	2.000	3 & 15	A/1 Silk Screen Products
SW¼ NW¼	2000	IRR	1.000	3 & 15	Perkins, Ed
SW¼ NW¼	2100	IRR	0.200	3 & 15	Kunze, Jon G. & Maureen Quinn
SE¼ NW¼	602	IRR	0.800	3 & 15	Haley, Carol
SE¼ NW¼	1100	IRR	0.600	3 & 15	Haley, Carol
SE¼ NW¼	1200	IRR	3.800	3 & 15	McCall, Ernest H.
SE¼ NW¼	1201	IRR	4.400	3 & 15	Cosner, Robert & Elaine
SE¼ NW¼	1300	IRR	4.800	3 & 15	Brothers, Bruce J. & Carol L.
SE¼ NW¼	1301	IRR	3.600	3 & 15	Cosner, Robert & Elaine
SE¼ NW¼	1400	IRR	4.000	3 & 15	Hagan, Edward J. & Deborah
SE¼ NW¼	1401	IRR	1.900	3 & 15	Devereaux, Leon & Marian
SE¼ NW¼	1402	IRR	0.500	3 & 15	Mahoney, David & Sheila
SE¼ NW¼	1403	IRR	5.100	3 & 15	Brothers, Bruce J. & Carol L.
SE¼ NW¼	1404	IRR	0.900	3 & 15	Devereaux, Leon & Marian
SE¼ NW¼	1405	IRR	1.700	3 & 15	Gehring, Daniel & Diana
SE¼ NW¼	1500	IRR	0.500	3 & 15	DeSart, Gerald
SE¼ NW¼	2100	IRR	0.300	3 & 15	Kunze, Jon G. & Maureen Quinn
NE¼ SW¼	3500	IRR	1.000	3 & 15	Groneman, Diana R.
NE¼ SW¼	3602	IRR	4.000	3 & 15	Boyd, William C. & Bonnie
NE¼ SW¼	3603	IRR	0.500	3 & 15	Supanich, Michael J. & Julia
NE¼ SW¼	3700	IRR	9.700	3 & 15	Tillman, Andrew
NE¼ SW¼	3800	IRR	5.300	3 & 15	Tillman, Andrew
NE¼ SW¼	3801	IRR	0.900	3 & 15	Hennig, Donald D. & Margaret C.

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NW¼ SW¼	3400	IRR	4.200	11	Babcock, Walter C. & Jackie
NW¼ SW¼	3600	IRR	2.000	3 & 15	Kneemeyer, John A.
NW¼ SW¼	3603	IRR	0.500	3 & 15	Supanich, Michael J. & Julia
SW¼ SW¼	3400	IRR	2.500	10	Babcock, Walter C. & Jackie
SW¼ SW¼	3400	IRR	21.000	11	Babcock, Walter C. & Jackie
SW¼ SW¼	4300	IRR	0.100	3 & 15	Winston Ranch Homeowners Assoc.
SE¼ SW¼	3601	IRR	2.500	3 & 15	Deaton, William & Patricia
SE¼ SW¼	3801	IRR	0.100	3 & 15	Hennig, Donald D. & Margaret C.
SE¼ SW¼	3900	IRR	4.750	3 & 15	Deaton, W. Earl & Patricia
SE¼ SW¼	3901	IRR	2.000	3 & 15	Grout M.D., J. Gordon
SE¼ SW¼	4000	IRR	2.300	3 & 15	Winston Ranch Homeowners Assoc.
SE¼ SW¼	4100	IRR	0.700	3 & 15	Winston Ranch Homeowners Assoc.
SE¼ SW¼	4200	IRR	0.700	3 & 15	Winston Ranch Homeowners Assoc.
SE¼ SW¼	4300	IRR	0.900	3 & 15	Winston Ranch Homeowners Assoc.
SE¼ SW¼	4400	IRR	2.200	3 & 15	Winston Ranch Homeowners Assoc.
NE¼ SE¼	1204	IRR	39.000	3 & 15	Louden, James & Ann
NW¼ SE¼	1100	IRR	17.000	3 & 15	Boyd, William C. & Bonnie
NW¼ SE¼	1101	IRR	18.000	3 & 15	Kline, Thomas J. & Barbara L.
SW¼ SE¼	1102	IRR	18.000	3 & 15	Robertson, James & Sharon
SW¼ SE¼	1103	IRR	16.000	3 & 15	Batha, Vincent
SE¼ SE¼	1200	IRR	19.000	3 & 15	Wall, George
SE¼ SE¼	1202	IRR	5.300	3 & 15	Francis, C.E. "Winn"
SE¼ SE¼	1203	IRR	0.500	3 & 15	Francis, C.E. "Winn"
SE¼ SE¼	1204	IRR	11.500	3 & 15	Louden, James & Ann
Section 29					
SE¼ SE¼	800	IRR	1.300	11	Babcock, Walter C. & Jackie
SE¼ SE¼	800	IRR	11.000	10	Babcock, Walter C. & Jackie
Section 30					
NE¼ NE¼	123	IRR	2.900	10	Babcock, Walter C. & Jackie
Section 31					
NE¼ NE¼	100	IRR	0.500	3 & 15	Street, Thomas
NE¼ NE¼	200	IRR	1.000	3 & 15	Chang, Alexander & Christy
NE¼ NE¼	201	IRR	1.000	3 & 15	Sale, Frank & Lynn Mary
NE¼ NE¼	302	IRR	7.000	3 & 15	Lynch, Terry
NE¼ NE¼	304	IRR	1.400	3 & 15	Barton, John W. & Judith
NE¼ NE¼	400	IRR	4.700	3 & 15	McBride, Eugene & Beverly
NW¼ NE¼	301	IRR	14.000	3 & 15	Bennett, Donna
NW¼ NE¼	314	IRR	12.100	3 & 15	Cooper, Paul & Loreen
NW¼ NE¼	400	IRR	1.000	3 & 15	McBride, Eugene & Beverly
SW¼ NE¼	309	IRR	2.800	3 & 15	Foster M.D., Tom and Sally
SW¼ NE¼	310	IRR	2.100	3 & 15	Foster M.D., Tom and Sally
SW¼ NE¼	313	IRR	0.100	3 & 15	Foster M.D., Tom and Sally
SW¼ NE¼	314	IRR	5.900	3 & 15	Cooper, Paul & Loreen
SW¼ NE¼	400	IRR	1.800	3 & 15	McBride, Eugene & Beverly
SE¼ NE¼	201	IRR	3.000	3 & 15	Sale, Frank & Lynn Mary
SE¼ NE¼	306	IRR	2.500	3 & 15	Olson, Stephen E.
SE¼ NE¼	307	IRR	0.400	3 & 15	Olson, Stephen E.
SE¼ NE¼	308	IRR	1.500	3 & 15	Macdonald, Joyce
SE¼ NE¼	400	IRR	1.500	3 & 15	McBride, Eugene & Beverly
NE¼ NW¼	500	IRR	4.000	3 & 15	Lee, David & Joyce Ann
NE¼ NW¼	506	IRR	7.500	3 & 15	Winston Ranch Homeowners Assoc.
NE¼ NW¼	507	IRR	5.000	3 & 15	Winston Ranch Homeowners Assoc.
NE¼ NW¼	508	IRR	3.600	3 & 15	Winston Ranch Homeowners Assoc.
NE¼ NW¼	509	IRR	4.500	3 & 15	Brown, Charles & Sally
NE¼ NW¼	509	PND	0.500	3 & 15	Brown, Charles & Sally
NE¼ NW¼	4300	IRR	0.100	3 & 15	Winston Ranch Homeowners Assoc.

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NE¼ NW¼	4400	IRR	1.800	3 & 15	Winston Ranch Homeowners Assoc.
NW¼ NW¼	502	IRR	2.300	3 & 15	Winston Ranch Homeowners Assoc.
NW¼ NW¼	503	IRR	2.800	3 & 15	Winston Ranch Homeowners Assoc.
NW¼ NW¼	504	IRR	2.000	3 & 15	Winston Ranch Homeowners Assoc.
NW¼ NW¼	505	IRR	6.600	3 & 15	Winston Ranch Homeowners Assoc.
NW¼ NW¼	506	IRR	1.100	3 & 15	Winston Ranch Homeowners Assoc.
NW¼ NW¼	507	IRR	1.600	3 & 15	Winston Ranch Homeowners Assoc.
NW¼ NW¼	3400	IRR	0.100	10	Babcock, Walter C. & Jackie
NW¼ NW¼	4300	IRR	0.700	3 & 15	Winston Ranch Homeowners Assoc.
SW¼ NW¼	312	IRR	0.800	3 & 15	Eastwood, Ivan & Leslie
SW¼ NW¼	316	IRR	8.000	3 & 15	Eastwood, Ivan & Leslie
SW¼ NW¼	317	IRR	7.500	3 & 15	Eastwood, Ivan & Leslie
SE¼ NW¼	305	IRR	3.100	3 & 15	Hillis, Harvey
SE¼ NW¼	311	IRR	2.200	3 & 15	Hillis, Harvey
SE¼ NW¼	316	IRR	9.200	3 & 15	Eastwood, Ivan & Leslie
SE¼ NW¼	317	IRR	0.500	3 & 15	Eastwood, Ivan & Leslie
SE¼ NW¼	318	IRR	0.100	3 & 15	Hillis, Harvey
NE¼ SW¼	600	IRR	3.600	3 & 15	Hillis, Harvey
NE¼ SW¼	602	IRR	1.800	3 & 15	Maudlin, Richard & Ann
NE¼ SW¼	604	IRR	3.100	3 & 15	Cox, Nick
NE¼ SW¼	608	IRR	5.200	3 & 15	Maudlin, Richard & Ann
NW¼ SW¼	601	IRR	1.500	3 & 15	Smith, Karen
NW¼ SW¼	606	IRR	20.700	3 & 15	Smith, Karen
NW¼ SW¼	607	IRR	3.800	3 & 15	Smith, Karen
SW¼ SW¼	708	IRR	4.100	3 & 15	Maas, Byron S. & Rebecca S.
SW¼ SW¼	709	IRR	6.000	3 & 15	Charon, Lyle & Sandra
SW¼ SW¼	714	IRR	4.500	3 & 15	Fancher, James & Dixie
SW¼ SW¼	715	IRR	4.500	3 & 15	Funchess, Mark L. & Tammy L.
SW¼ SW¼	716	IRR	3.800	3 & 15	DiFani, Timothy & Dayle
SE¼ SW¼	700	IRR	2.400	3 & 15	Cox, Nick
SE¼ SW¼	704	IRR	4.100	3 & 15	Blackford, Nancy Sue
SE¼ SW¼	706	IRR	7.100	3 & 15	Blackford, Nancy Sue
SE¼ SW¼	707	IRR	2.500	3 & 15	Maas, Byron S. & Rebecca S.
SE¼ SW¼	708	IRR	0.400	3 & 15	Maas, Byron S. & Rebecca S.
SE¼ SW¼	710	IRR	1.200	3 & 15	Cox, Nick
SE¼ SW¼	712	IRR	4.400	3 & 15	Blackford, Nancy Sue
SE¼ SW¼	713	IRR	1.200	3 & 15	Blackford, Nancy Sue
SE¼ SW¼	716	IRR	4.200	3 & 15	DiFani, Timothy & Dayle
SE¼ SW¼	717	IRR	0.200	3 & 15	Blackford, Nancy Sue
NW¼ SE¼	604	IRR	1.300	3 & 15	Cox, Nick
NW¼ SE¼	609	IRR	3.000	3 & 15	Brown, Teresa M
NW¼ SE¼	701	IRR	6.000	3 & 15	Hester, Bradley W. & Kelly J.
SW¼ SE¼	718	IRR	3.000	3 & 15	Keen, Levon A.
SW¼ SE¼	800	IRR	6.000	3 & 15	Carlile, Frieda

Section 32

NE¼ NE¼	0	IRR	0.400	3 & 15	Starwood Homeowners Assoc.
NE¼ NE¼	100	IRR	0.200	3 & 15	Stevens, Mildred
NE¼ NE¼	204	IRR	0.800	3 & 15	Faris, Gregory S.
NW¼ NE¼	100	IRR	0.500	3 & 15	Stevens, Mildred
NW¼ NE¼	204	IRR	19.600	3 & 15	Faris, Gregory S.
SW¼ NE¼	205	IRR	0.300	3 & 15	Atkinson, Jacqueline
SE¼ NE¼	600	IRR	38.500	3 & 15	Burke, Bernard
NE¼ NW¼	100	IRR	2.000	3 & 15	Farey, Frank E. & Joan M.
NE¼ NW¼	200	IRR	1.600	3 & 15	Kizer, Jessie
NE¼ NW¼	204	IRR	13.600	3 & 15	Faris, Gregory S.
NE¼ NW¼	205	IRR	0.800	3 & 15	Atkinson, Jacqueline
NE¼ NW¼	800	IRR	1.700	3 & 15	Hanson, Dennis G.
NE¼ NW¼	900	IRR	3.000	3 & 15	Johnson, James D.

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NE¼ NW¼	1000	IRR	2.000	3 & 15	Fletcher, Paul T.
NE¼ NW¼	1100	IRR	1.500	3 & 15	Hoover, Lorrain
NW¼ NW¼	304	IRR	2.600	3 & 15	Barton, John W. & Judith
NW¼ NW¼	600	IRR	2.000	3 & 15	Baker, Frank & Kathleen
NW¼ NW¼	700	IRR	2.000	3 & 15	Kirkelie, Mark & Charla
NW¼ NW¼	800	IRR	1.300	3 & 15	Hanson, Dennis G.
NW¼ NW¼	1100	IRR	0.500	3 & 15	Hoover, Lorrain
NW¼ NW¼	1200	IRR	4.000	3 & 15	Andrade, Thomas D.
NW¼ NW¼	1300	IRR	4.000	3 & 15	Andrade, Thomas D.
NW¼ NW¼	1400	IRR	2.000	3 & 15	Haas, William & Eileen
NW¼ NW¼	1500	IRR	2.000	3 & 15	Barnes, Robin R
SW¼ NW¼	1600	IRR	5.000	3 & 15	Waller, Suzannah G.
SW¼ NW¼	1700	IRR	3.000	3 & 15	Faris, Gregory S.
SW¼ NW¼	1800	IRR	3.000	3 & 15	Ford, Jack D.
SW¼ NW¼	2000	IRR	1.000	3 & 15	Navarra, Michael & Rhoda
SE¼ NW¼	200	IRR	2.400	3 & 15	Kizer, Jessie
SE¼ NW¼	205	IRR	10.100	3 & 15	Atkinson, Jacqueline
SE¼ NW¼	300	IRR	2.000	3 & 15	Wickham, Robert M. & Janice C.
SE¼ NW¼	400	IRR	3.500	3 & 15	Gant, Dennis R.
SE¼ NW¼	400	PND	0.250	3 & 15	Gant, Dennis R.
SE¼ NW¼	500	IRR	2.000	3 & 15	Robertson, Max O. & Juliet C.
NE¼ SE¼	600	IRR	37.500	3 & 15	Burke, Bernard

Section 33

NE¼ NW¼	300	IRR	23.400	3 & 15	Karras, Basil S. & Evi
NW¼ NW¼	300	IRR	23.000	3 & 15	Karras, Basil S. & Evi

Section 34

Township 16 South, Range 12 East, W.M.

NE¼ SW¼	300	IRR	4.600	3 & 15	Johnson Inc., Terry
3 NW¼ SW¼	300	IRR	1.900	3 & 15	Johnson Inc., Terry
3 NW¼ SW¼	302	IRR	0.700	3 & 15	Amen, Jack & Nancy
4 SW¼ SW¼	400	DUST	0.700	3 & 15	Resnick, Bruce & Tracy
4 SW¼ SW¼	400	IRR	19.300	3 & 15	Resnick, Bruce & Tracy

Section 6

Township 16 South, Range 13 East, W.M.

NE¼ SW¼	102	IRR	1.900	3 & 15	Elliott, James W. & Jacquelin J.
NE¼ SW¼	103	IRR	1.000	3 & 15	Schofield Family Limited Part.
NW¼ SW¼	101	IRR	3.400	3 & 15	Duffin, Terry J. & Ann P.
NW¼ SW¼	102	IRR	2.900	3 & 15	Elliott, James W. & Jacquelin J.
NW¼ SW¼	106	IRR	0.500	3 & 15	Fronabarger, Stephen & Kelli
NW¼ SW¼	107	IRR	0.500	3 & 15	Schofield, Duane C.
NW¼ SW¼	108	IRR	0.250	3 & 15	Bend Salvage Company
SW¼ SW¼	102	IRR	0.200	3 & 15	Elliott, James W. & Jacquelin J.
SW¼ SW¼	200	IRR	0.300	3 & 15	Elliott, James W. & Jacquelin J.
SW¼ SW¼	202	IRR	3.000	3 & 15	Maher Jr., Robert A.
SW¼ SW¼	400	IRR	1.850	3 & 15	Wulf, Bruce & Barbara
SW¼ SW¼	401	IRR	5.500	3 & 15	Mayea, Eugene J.
SW¼ SW¼	500	IRR	5.200	3 & 15	Spencer, George E. & Anna
SW¼ SW¼	700	IRR	1.000	3 & 15	Mobley, John E. & Nancy L.
SE¼ SW¼	105	IRR	0.900	3 & 15	Elliott, James W. & Jacquelin J.

Section 3

SW¼ NE¼	205	IRR	4.000	3 & 15	Thompson, Norman & Caroline
SW¼ NE¼	210	IRR	3.500	3 & 15	Knight, Gary & Kathy
NE¼ SE¼	600	IRR	2.600	3 & 15	Duffin, Terry J. & Ann P.
NW¼ SE¼	503	IRR	4.000	3 & 15	Johnson, George L. & Carol L.
NW¼ SE¼	511	IRR	2.200	3 & 15	Rosenberg, Paul & Patricia

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NW¼ SE¼	512	IRR	1.500	3 & 15	Eriksson, Nils & Dagmar
SW¼ SE¼	500	IRR	6.800	3 & 15	Levin, Bruce C. & Susan E.
SW¼ SE¼	501	IRR	5.650	3 & 15	Levin, Bruce C. & Susan E.
SW¼ SE¼	501	PND	0.200	3 & 15	Levin, Bruce C. & Susan E.
SW¼ SE¼	505	IRR	8.200	3 & 15	Levin, Bruce C. & Susan E.
SW¼ SE¼	514	IRR	4.500	3 & 15	Levin, Bruce C. & Susan E.
SW¼ SE¼	515	IRR	4.400	3 & 15	Levin, Bruce C. & Susan E.
SW¼ SE¼	1300	IRR	0.250	3 & 15	Levin, Bruce C. & Susan E.
SE¼ SE¼	400	IRR	0.150	3 & 15	Wulf, Bruce & Barbara
SE¼ SE¼	500	IRR	1.400	3 & 15	Spencer, George E. & Anna
SE¼ SE¼	700	IRR	5.000	3 & 15	Mobley, John E. & Nancy L.
SE¼ SE¼	800	IRR	6.000	3 & 15	Sellers, Dick & Helyn
SE¼ SE¼	900	IRR	3.200	3 & 15	Cramer, Richard & Sandra
SE¼ SE¼	901	IRR	4.200	3 & 15	Cramer, Richard & Sandra
SE¼ SE¼	902	IRR	4.600	3 & 15	Cramer, Richard & Sandra

Section 4

2	NW¼ NE¼	1600	IRR	2.000	3 & 15	Gutierrez, Francisco A.
2	NW¼ NE¼	1700	IRR	2.000	3 & 15	Hungerford, Dennis
2	NW¼ NE¼	1800	IRR	2.750	3 & 15	Imwalle, Paul & Catherine
2	NW¼ NE¼	1900	IRR	1.000	3 & 15	Karns, James and Donna
2	NW¼ NE¼	2000	IRR	1.000	3 & 15	Hurd, Ted
2	NW¼ NE¼	2100	IRR	2.400	3 & 15	Waldron, Elroy & Rena
2	NW¼ NE¼	2200	IRR	3.400	3 & 15	Waldron, Elroy & Rena
2	NW¼ NE¼	2300	IRR	1.000	3 & 15	Freauff, Donald & Elizabeth
	SW¼ NE¼	2400	IRR	14.000	3 & 15	Baltzor, Art & Vera
3	NE¼ NW¼	100	IRR	1.400	3 & 15	Volny, Norbert & Natalie
3	NE¼ NW¼	200	IRR	2.800	3 & 15	Volny, Norbert & Natalie
3	NE¼ NW¼	300	IRR	4.300	3 & 15	Volny, Norbert & Natalie
3	NE¼ NW¼	400	IRR	3.000	3 & 15	Langdon, Lawrence
3	NE¼ NW¼	600	IRR	2.000	3 & 15	Sherwood, Stanton
3	NE¼ NW¼	700	IRR	2.000	3 & 15	Groff, Wayne
3	NE¼ NW¼	800	IRR	4.000	3 & 15	Faulkner, Daniel M. & Lisa P.
4	NW¼ NW¼	2000	IRR	9.000	3 & 15	Diamond Development Inc.
	SW¼ NW¼	1800	IRR	2.000	3 & 15	Schibel, John M,
	SW¼ NW¼	1900	IRR	22.000	3 & 15	Schibel, John M,
	SE¼ NW¼	900	IRR	2.000	3 & 15	Kentner, Donald & Linda
	SE¼ NW¼	1000	IRR	2.000	3 & 15	Kentner, Donald & Linda
	SE¼ NW¼	1100	IRR	3.000	3 & 15	Henderson, Steven L. & Sharon E.
	SE¼ NW¼	1200	IRR	1.300	3 & 15	Schulz, Dollar & Lois
	SE¼ NW¼	1300	IRR	0.700	3 & 15	Schulz, Dollar & Lois
	SE¼ NW¼	1400	IRR	3.000	3 & 15	Norris, John Clifford
	SE¼ NW¼	1500	IRR	0.500	3 & 15	Kentner, Rodney
	SE¼ NW¼	1600	IRR	1.500	3 & 15	Kentner, Rodney
	SE¼ NW¼	1700	IRR	3.000	3 & 15	Kentner, Harold & Elvina
	SE¼ NW¼	2400	IRR	2.500	3 & 15	Baltzor, Art & Vera
	NE¼ SW¼	100	IRR	10.900	3 & 15	O'Leary, John
	NE¼ SW¼	200	IRR	4.000	3 & 15	Broome, Margaret
	NE¼ SW¼	1700	IRR	1.400	3 & 15	Owen, Kenneth & Janet
	NE¼ SW¼	1800	IRR	0.500	3 & 15	Temple, Thomas O.
	NW¼ SW¼	100	IRR	2.100	3 & 15	O'Leary, John
	NW¼ SW¼	1001	IRR	1.300	3 & 15	Katsuda, Kenneth K. & Peggy K.
	NW¼ SW¼	1201	IRR	4.500	3 & 15	Thompson, Wayne & Patricia
	NW¼ SW¼	1300	IRR	1.000	3 & 15	Hanson, Ron D. & Joni Kalina
	SW¼ SW¼	900	IRR	2.000	3 & 15	Hall, Wayne
	SW¼ SW¼	1000	IRR	5.000	3 & 15	Eldridge, Roy A. & Diane
	SW¼ SW¼	1300	IRR	3.000	3 & 15	Hanson, Ron D. & Joni Kalina
	SW¼ SW¼	1400	IRR	5.500	3 & 15	Ropp, Lew & Mary
	SW¼ SW¼	1500	IRR	1.000	3 & 15	Shrauger, Mary

SEE NEXT PAGE

SE¼ SW¼	400	IRR	0.500	3 & 15	Zeitler, Avis H.
SE¼ SW¼	500	IRR	2.000	3 & 15	McKay, Allen W. & Jennifer M.
SE¼ SW¼	600	IRR	3.800	3 & 15	Pederson, Steve & Judy
SE¼ SW¼	700	IRR	1.200	3 & 15	Wilson, Vera
SE¼ SW¼	800	IRR	2.000	3 & 15	Agenbroad, John and Diane
SE¼ SW¼	1900	IRR	2.500	3 & 15	Walker, Wallace
SE¼ SW¼	2300	IRR	3.800	3 & 15	McKinney, Michael & Donna
NW¼ SE¼	1600	IRR	3.500	3 & 15	Platt, David
NW¼ SE¼	1700	IRR	2.100	3 & 15	Owen, Kenneth & Janet
NW¼ SE¼	1800	IRR	3.500	3 & 15	Temple, Thomas O.
SW¼ SE¼	1900	IRR	13.000	3 & 15	Walker, Wallace
SW¼ SE¼	2000	IRR	11.300	3 & 15	Samuel, Ann
SW¼ SE¼	2100	IRR	0.300	3 & 15	Samuel, Ann
SW¼ SE¼	2200	IRR	1.000	3 & 15	Lecklider, Bradley
SW¼ SE¼	2300	IRR	2.200	3 & 15	McKinney, Michael & Donna
SE¼ SE¼	700	IRR	2.000	3 & 15	Sommerfeld, D.D. & Leila R.

Section 5

NE¼ SW¼	100	IRR	0.800	9	Tumalo State Park
SE¼ SW¼	100	IRR	0.700	9	Tumalo State Park
NE¼ SE¼	100	IRR	0.600	9	Tumalo State Park
NE¼ SE¼	1000	IRR	2.000	3 & 15	Parry, James R. & Mary L.
NE¼ SE¼	1001	IRR	3.000	3 & 15	Katsuda, Kenneth K. & Peggy K.
NE¼ SE¼	1002	IRR	2.000	3 & 15	Mobley, Peter E. & Shirley A.
NW¼ SE¼	100	IRR	6.300	9	Tumalo State Park
NW¼ SE¼	100	MNT	2.800	9	Tumalo State Park
SW¼ SE¼	100	IRR	0.200	9	Tumalo State Park
SE¼ SE¼	1102	IRR	2.000	3 & 15	Alexander, Richard and Sybil
SE¼ SE¼	1104	IRR	0.500	3 & 15	Billings, Chris

Section 6

NE¼ NE¼	100	IRR	18.500	3 & 15	DeBroekert, Jim
SE¼ NE¼	100	IRR	10.500	3 & 15	DeBroekert, Jim
NE¼ SW¼	503	IRR	0.500	3 & 15	Elkins, Doris E.
SE¼ SW¼	601	IRR	26.500	3 & 15	Elkins, Doris E.
NW¼ SE¼	500	IRR	3.300	3 & 15	Elkins, Doris E.
SW¼ SE¼	601	IRR	7.800	3 & 15	Elkins, Doris E.
SW¼ SE¼	602	IRR	11.100	3 & 15	Elkins, Doris E.
SE¼ SE¼	602	IRR	0.600	3 & 15	Elkins, Doris E.

Section 7

NE¼ NE¼	100	IRR	3.000	3 & 15	Walsh, James & Bobbie
NE¼ NE¼	200	IRR	3.900	3 & 15	Bratton, Dana & Nancy
NE¼ NE¼	300	IRR	2.500	3 & 15	Lower, John H. & Karen C.
NE¼ NE¼	400	IRR	4.000	3 & 15	Sturgess, Brian T. & Romana
NE¼ NE¼	1300	IRR	1.600	3 & 15	Aines, Philip & Ann
NE¼ NE¼	1300	PND	0.200	3 & 15	Aines, Philip & Ann
NE¼ NE¼	1400	IRR	3.000	3 & 15	Roderick, Stephen C. & Alexandra B.
NE¼ NE¼	1500	IRR	3.000	3 & 15	Rucker, Everett & Beverly
NE¼ NE¼	1600	IRR	2.200	3 & 15	Hunt, David & Ruth
NW¼ NE¼	1700	IRR	0.340	3 & 15	Pickett, Jan & Alice
NW¼ NE¼	1800	IRR	2.000	3 & 15	McCormick, Thomas L.
NW¼ NE¼	1900	IRR	1.000	3 & 15	Green, Platt & Judy
NW¼ NE¼	2000	IRR	3.000	3 & 15	Sonnenburg, Robert & Anna
NW¼ NE¼	2200	IRR	3.000	3 & 15	Wells, Steven H. & Sharon
NW¼ NE¼	4500	IRR	2.200	3 & 15	Murphy, Joseph & Debbie
NW¼ NE¼	4600	IRR	3.000	3 & 15	Young, Phil
NW¼ NE¼	4700	IRR	2.000	3 & 15	Slater, Ellsworth N. & Ester
NW¼ NE¼	4800	IRR	1.600	3 & 15	Robinson, Richard C. Jr. & Dorothy

SEE NEXT PAGE

NW¼ NE¼	4900	IRR	1.000	3 & 15	Carpenter, Robert & Christine
SW¼ NE¼	2200	IRR	1.000	3 & 15	Wells, Steven H. & Sharon
SW¼ NE¼	2300	IRR	4.500	3 & 15	Wells, Marilyn Stivers
SW¼ NE¼	2400	IRR	1.000	3 & 15	Marling, George & Adeana M.
SW¼ NE¼	2500	IRR	1.000	3 & 15	Newman, Richard & Karen
SW¼ NE¼	2600	IRR	1.000	3 & 15	Johnson, Dorothy
SW¼ NE¼	2700	IRR	1.000	3 & 15	Torbom, Oliver J.
SW¼ NE¼	2800	IRR	1.000	3 & 15	Tepper, Nick & Karen
SW¼ NE¼	2900	IRR	1.000	3 & 15	Schutz, Charles
SW¼ NE¼	3000	IRR	1.000	3 & 15	Milkowski, Donald L. & Bertha E.
SW¼ NE¼	3100	IRR	0.800	3 & 15	Wells, George & Roma
SW¼ NE¼	3400	IRR	0.500	3 & 15	Dowd, Tracy H.
SW¼ NE¼	3500	IRR	1.000	3 & 15	Tromblee, William F.
SW¼ NE¼	3600	IRR	1.000	3 & 15	Dempsey, C.J. & Edna
SW¼ NE¼	3700	IRR	1.000	3 & 15	Franks, Don & Beverly
SW¼ NE¼	3800	IRR	0.800	3 & 15	Young, Vern S.
SW¼ NE¼	3900	IRR	1.000	3 & 15	Trus, Donna C.
SW¼ NE¼	4000	IRR	1.000	3 & 15	Mattox, Charles & Elouise
SW¼ NE¼	4100	IRR	0.300	3 & 15	Mattox, Charles & Elouise
SW¼ NE¼	4200	IRR	1.000	3 & 15	Marsh, Gary & Sherrie
SW¼ NE¼	4300	IRR	1.000	3 & 15	Marsh, Gary & Sherrie
SW¼ NE¼	4400	IRR	1.200	3 & 15	Zelenka, W. James & Sue A
SW¼ NE¼	4500	IRR	0.800	3 & 15	Murphy, Joseph & Debbie
SE¼ NE¼	500	IRR	3.000	3 & 15	Deggendorfer, Frank & Kathleen H.
SE¼ NE¼	501	IRR	3.000	3 & 15	Burks, Floyd & Pamela
SE¼ NE¼	700	IRR	4.200	3 & 15	Ettinger, Richard & Margorie
SE¼ NE¼	800	IRR	3.000	3 & 15	Sommerfeldt, R.W.
SE¼ NE¼	900	IRR	4.000	3 & 15	Volny, Norbert J. & Joan M.
SE¼ NE¼	1000	IRR	5.000	3 & 15	Kennel, Brian & Sandra
SE¼ NE¼	1100	IRR	2.000	3 & 15	Young, Dan D.
SE¼ NE¼	1200	IRR	1.000	3 & 15	Paul, Ervil & Lillian
SE¼ NE¼	1300	IRR	0.200	3 & 15	Aimes, Philip & Ann
NE¼ NW¼	100	IRR	3.000	3 & 15	Moor, Daniel W. & Suzanna E.
NE¼ NW¼	200	IRR	3.000	3 & 15	Hopson, Mack B. & Diana L.
NE¼ NW¼	300	IRR	3.000	3 & 15	Easter, Marie
NE¼ NW¼	400	IRR	2.190	3 & 15	Jensen, James & Catherine
NE¼ NW¼	1000	IRR	4.000	3 & 15	Elkin, Harley K. & Ann Lynn
SW¼ NW¼	6200	IRR	1.000	3 & 15	DeBroekert, Jim
SW¼ NW¼	6400	IRR	1.000	3 & 15	Moore, Ronald & Patricia
SE¼ NW¼	500	IRR	2.130	3 & 15	Cundy, Dennis & Loretta
SE¼ NW¼	700	IRR	2.000	3 & 15	Suydam, Norman & Sylvia
SE¼ NW¼	800	IRR	3.000	3 & 15	Tumalo First Baptist Church
SE¼ NW¼	3100	IRR	0.200	3 & 15	Wells, George & Roma
SE¼ NW¼	3200	IRR	1.000	3 & 15	Hiler, Everett C. &
SE¼ NW¼	3300	IRR	1.000	3 & 15	Edwards, Helen
SE¼ NW¼	3400	IRR	0.500	3 & 15	Dowd, Tracy H.
SE¼ NW¼	4100	IRR	0.200	3 & 15	Mattox, Charles & Elouise
NE¼ SW¼	200	IRR	3.200	3 & 15	Keep, F.H. & Darwin
NE¼ SW¼	300	IRR	8.000	3 & 15	Hendrix, Louis & Betty Jean
NE¼ SW¼	400	IRR	2.000	3 & 15	McCoy, Clarence E. & Donna
NE¼ SW¼	500	IRR	6.800	3 & 15	Keep, F.H. & Darwin
NE¼ SW¼	1100	IRR	0.500	3 & 15	Hurst, George & Audrey J.
NE¼ SW¼	1200	IRR	0.200	3 & 15	Ruppel, Ray & Sharon
NW¼ SW¼	1100	IRR	0.500	3 & 15	Hurst, George & Audrey J.
NW¼ SW¼	1200	IRR	4.800	3 & 15	Ruppel, Ray & Sharon
NW¼ SW¼	1300	IRR	3.000	3 & 15	Klippenstein, Kent & Marcia G.
NW¼ SW¼	1400	IRR	6.000	3 & 15	Snipes, Thomas & Linda
SE¼ SW¼	600	IRR	12.000	3 & 15	Grogan, Ralph & Kay
SE¼ SW¼	700	IRR	8.500	3 & 15	Brittain, Gary

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NE¼ SE¼	101	IRR	1.400	3 & 15	Reorganized Latter Day Saints Ch.
NE¼ SE¼	102	IRR	0.500	3 & 15	Reorganized Latter Day Saints Ch.
NW¼ SE¼	300	IRR	1.500	3 & 15	Meyer, Robert
NW¼ SE¼	400	IRR	2.000	3 & 15	Shuey, Thressa P.
NW¼ SE¼	500	IRR	2.000	3 & 15	Ezell, Robert L.
NW¼ SE¼	1100	IRR	1.200	3 & 15	Swee, Raymond & Stephanie
NW¼ SE¼	1200	IRR	1.000	3 & 15	Kams, James W. & Donna L.
NW¼ SE¼	1300	IRR	1.000	3 & 15	Hoefling, Nancy
NW¼ SE¼	1400	IRR	0.500	3 & 15	Klodzinski, Stanley J. & Gail
NW¼ SE¼	1500	IRR	0.500	3 & 15	Ruck, Daryl
NW¼ SE¼	1600	IRR	1.000	3 & 15	Saul, Margaret
NW¼ SE¼	1700	IRR	1.000	3 & 15	Mack, Jerry
NW¼ SE¼	1800	IRR	1.000	3 & 15	Judd, Harold K. & Avis
NW¼ SE¼	1900	IRR	0.300	3 & 15	Reed, Lloyd & Wanda
NW¼ SE¼	2000	IRR	0.700	3 & 15	Reed, Lloyd & Wanda
NW¼ SE¼	2100	IRR	1.000	3 & 15	Brecount, Hubert & Audria
NW¼ SE¼	2200	IRR	0.100	3 & 15	Bettencourt, Douglas
SW¼ SE¼	900	IRR	4.000	3 & 15	Abbott, Averill J.
SW¼ SE¼	1000	IRR	3.400	3 & 15	Erdman, Henry
SW¼ SE¼	1100	IRR	0.800	3 & 15	Swee, Raymond & Stephanie
SW¼ SE¼	2200	IRR	1.900	3 & 15	Bettencourt, Douglas
SW¼ SE¼	2300	IRR	5.000	3 & 15	Wilson, Roger Alan
SE¼ SE¼	102	IRR	3.600	3 & 15	Reorganized Latter Day Saints Ch.
SE¼ SE¼	600	IRR	8.000	3 & 15	Samuel, Gary
SE¼ SE¼	700	IRR	8.900	3 & 15	Samuel, Gary

Section 8

NE¼ NE¼	600	IRR	0.300	3 & 15	Grisaffi, Ronald & Kathryn
NE¼ NE¼	700	IRR	2.900	3 & 15	Poor, Donald & Catherine
NE¼ NE¼	800	IRR	6.400	3 & 15	Spencer, George E. & Anna
NE¼ NE¼	900	IRR	3.800	3 & 15	Morris, Jerry & Lynn
NE¼ NE¼	900	PND	0.200	3 & 15	Morris, Jerry & Lynn
NE¼ NE¼	1000	IRR	0.600	3 & 15	O'Grady, James J.
NE¼ NE¼	2001	IRR	1.800	3 & 15	Spink, Jane
NE¼ NE¼	2200	IRR	1.000	3 & 15	Shores, Leslie J. & Deborah A.
NW¼ NE¼	501	IRR	4.000	3 & 15	Levin, Bruce C. & Susan E.
NW¼ NE¼	1200	IRR	0.250	3 & 15	Levin, Bruce C. & Susan E.
NW¼ NE¼	1300	IRR	2.100	3 & 15	Levin, Bruce C. & Susan E.
NW¼ NE¼	1300	PND	0.650	3 & 15	Levin, Bruce C. & Susan E.
NW¼ NE¼	1900	IRR	2.000	3 & 15	Crowe, Fred & Sally
NW¼ NE¼	2000	IRR	1.200	3 & 15	Spink, Jane
NW¼ NE¼	2100	IRR	0.500	3 & 15	DeJarnatt, Gary L.
NW¼ NE¼	2300	IRR	3.000	3 & 15	Layne, Richard & Mildred
SW¼ NE¼	200	IRR	0.200	3 & 15	Knight, Gary
SW¼ NE¼	300	IRR	0.300	3 & 15	Knight, Gary
SW¼ NE¼	2401	IRR	16.000	3 & 15	Deschutes Memorial Gardens
SE¼ NE¼	100	IRR	0.700	3 & 15	Brewer, Paul
SE¼ NE¼	300	IRR	0.500	3 & 15	Knight, Gary
SE¼ NE¼	400	IRR	1.500	3 & 15	Knight, Gary & Kathy
SE¼ NE¼	500	IRR	1.000	3 & 15	Weeks, Sheryl(Benson)
SE¼ NE¼	600	IRR	1.700	3 & 15	Grisaffi, Ronald & Kathryn
SE¼ NE¼	700	IRR	2.100	3 & 15	Poor, Donald & Catherine
NE¼ NW¼	100	IRR	3.000	3 & 15	Allen, Mary
NE¼ NW¼	200	IRR	3.000	3 & 15	Mackenzie, Barbara
NE¼ NW¼	300	IRR	3.000	3 & 15	Cooper, Richard M.T.
NE¼ NW¼	500	IRR	1.700	3 & 15	Bellot, John & Trudy
NE¼ NW¼	1100	IRR	0.500	3 & 15	Cheney Jr., Dale R. & Florence L.
NE¼ NW¼	1200	IRR	3.000	3 & 15	Hansen, Lt. Col. John & Carole
NE¼ NW¼	1300	IRR	3.000	3 & 15	Roth, Kreg T. & Judy Ann

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NW¼ NW¼	200	IRR	0.100	3 & 15	Bratton, Dana & Nancy
NW¼ NW¼	300	IRR	0.500	3 & 15	Lower, John H. & Karen C.
NW¼ NW¼	1400	IRR	3.600	3 & 15	McKim, Dr. Frank & Nancy
NW¼ NW¼	1500	IRR	4.200	3 & 15	McKim, Dr. Frank & Nancy
NW¼ NW¼	1700	IRR	2.200	3 & 15	McKim, Dr. Frank & Nancy
NW¼ NW¼	1800	IRR	2.000	3 & 15	Hoch Axel & Salli
NW¼ NW¼	1900	IRR	3.000	3 & 15	Hamilton, Philip S. & Holly G.
NW¼ NW¼	2600	IRR	2.000	3 & 15	Cottings, Mike
NW¼ NW¼	2700	IRR	3.000	3 & 15	Ross, B. Neil & Christine
SW¼ NW¼	700	IRR	1.000	3 & 15	Ettinger, Richard & Margorie
SW¼ NW¼	2000	IRR	3.000	3 & 15	Austin, Ned & Donna
SW¼ NW¼	2100	IRR	3.000	3 & 15	Straka, Edward & Carleen
SW¼ NW¼	2200	IRR	3.000	3 & 15	Yandle, Elaine L.
SW¼ NW¼	2300	IRR	2.200	3 & 15	Ettinger, Richard & Margorie
SW¼ NW¼	2400	IRR	3.600	3 & 15	Ettinger, Richard & Margorie
SW¼ NW¼	2500	IRR	4.000	3 & 15	Hanson, Kenneth & Lora
SW¼ NW¼	2600	IRR	2.000	3 & 15	Cottings, Mike
SE¼ NW¼	500	IRR	1.800	3 & 15	Bellot, John & Trudy
SE¼ NW¼	600	IRR	3.000	3 & 15	Jensen, Loel (Schouw)
SE¼ NW¼	700	IRR	3.000	3 & 15	Fowler, Joel H.
SE¼ NW¼	800	IRR	3.000	3 & 15	Hasart, Raymond & Anita
SE¼ NW¼	900	IRR	0.500	3 & 15	Vail, Barbara
SE¼ NW¼	1000	IRR	3.500	3 & 15	Francis, Paul R. & Tami F.
SE¼ NW¼	1100	IRR	2.000	3 & 15	Cheney Jr., Dale R. & Florence L.
NE¼ SW¼	100	IRR	14.100	3 & 15	Clausen, Earl H.
NE¼ SW¼	100	PND	0.400	3 & 15	Clausen, Earl H.
NW¼ SW¼	101	IRR	2.300	3 & 15	Reorganized Latter Day Saints Ch.
NW¼ SW¼	102	IRR	1.000	3 & 15	Reorganized Latter Day Saints Ch.
SW¼ SW¼	102	IRR	8.500	3 & 15	Reorganized Latter Day Saints Ch.
SW¼ SW¼	200	IRR	1.400	3 & 15	Shideler, Genevieve
SW¼ SW¼	300	IRR	5.300	3 & 15	Shideler, Genevieve
SE¼ SW¼	400	IRR	4.700	3 & 15	Wilson etal, Jimmy
SE¼ SW¼	400	PND	0.300	3 & 15	Wilson etal, Jimmy
SE¼ SW¼	500	IRR	5.000	3 & 15	Dickey, Robert
SE¼ SW¼	600	IRR	2.600	3 & 15	Pieratt, Dean
SE¼ SW¼	700	IRR	0.400	3 & 15	Pieratt, Dean
NE¼ SE¼	6700	IRR	3.500	3 & 15	Brewer Family Trust et al
NE¼ SE¼	6800	IRR	10.500	3 & 15	Brewer, Paul
NW¼ SE¼	100	IRR	3.000	3 & 15	Beard, Walter & Donna
NW¼ SE¼	201	IRR	1.900	3 & 15	Prior, Richard & Daphne
SW¼ SE¼	201	IRR	0.100	3 & 15	Prior, Richard & Daphne
SW¼ SE¼	2900	IRR	0.500	3 & 15	Bilyeu, Mike
SW¼ SE¼	3000	IRR	0.500	3 & 15	Charmon, Calvin & Wilma
SW¼ SE¼	3200	IRR	0.500	3 & 15	Goldsmith, Vern
SW¼ SE¼	3300	IRR	0.500	3 & 15	Stierwalt, James & B.J.
SW¼ SE¼	3700	IRR	0.500	3 & 15	Hinkle, Garland & Helen
SW¼ SE¼	3800	IRR	0.500	3 & 15	Shehan, Geter
SW¼ SE¼	3900	IRR	0.500	3 & 15	Hove, David George & Tammie Lynn
SW¼ SE¼	4100	IRR	0.100	3 & 15	Pulido, Jacinto C.
SW¼ SE¼	4200	IRR	0.100	3 & 15	Bush, Anna
SW¼ SE¼	4400	IRR	0.250	3 & 15	Lewis, Mark & Deborah
SW¼ SE¼	4600	IRR	0.250	3 & 15	Christen, Brian & Patricia
SE¼ SE¼	6700	IRR	2.100	3 & 15	Brewer Family Trust et al

Section 9

NW¼ SW¼	200	IRR	1.000	3 & 15	Raymond, Glen & LeeAnn
SW¼ SE¼	200	IRR	1.000	3 & 15	Kamperman, David & Judith
SW¼ SE¼	300	IRR	2.000	3 & 15	Leventhal, Steven H. & Gilead S.
SW¼ SE¼	500	IRR	1.000	3 & 15	Lauziere, Eugene & LaVaune

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SW $\frac{1}{4}$ SE $\frac{1}{4}$	600	IRR	0.500	3 & 15	Facey, Patricia
SW $\frac{1}{4}$ SE $\frac{1}{4}$	700	IRR	15.500	3 & 15	O'Keefe, Patrick
SW $\frac{1}{4}$ SE $\frac{1}{4}$	800	IRR	1.000	3 & 15	Griffin, Dean L.
SW $\frac{1}{4}$ SE $\frac{1}{4}$	900	IRR	0.250	3 & 15	Hall, Rodney W.
Section 15					
NE $\frac{1}{4}$ NE $\frac{1}{4}$	103	IRR	1.700	3 & 15	Kallel, Allen D.
NE $\frac{1}{4}$ NE $\frac{1}{4}$	2700	IRR	0.600	3 & 15	Brown, Stanley F. & Judith G.
NE $\frac{1}{4}$ NE $\frac{1}{4}$	2701	IRR	0.800	3 & 15	Carnes, Donald F. & Carol Sue
NE $\frac{1}{4}$ NE $\frac{1}{4}$	2800	IRR	1.100	3 & 15	Walden, James L.
NW $\frac{1}{4}$ NE $\frac{1}{4}$	300	IRR	0.600	3 & 15	Seiden, Donald & Rhea
NW $\frac{1}{4}$ NE $\frac{1}{4}$	400	IRR	1.000	3 & 15	Hargreaves, Doris
NW $\frac{1}{4}$ NE $\frac{1}{4}$	501	IRR	2.000	3 & 15	Bratton, Oscar
NW $\frac{1}{4}$ NE $\frac{1}{4}$	800	IRR	0.900	3 & 15	Riley, Isabella
NW $\frac{1}{4}$ NE $\frac{1}{4}$	900	IRR	1.000	3 & 15	Wild, Sharon
NW $\frac{1}{4}$ NE $\frac{1}{4}$	1000	IRR	1.500	3 & 15	Taylor, David
NW $\frac{1}{4}$ NE $\frac{1}{4}$	1100	IRR	0.300	3 & 15	Barclay, Lynn
NW $\frac{1}{4}$ NE $\frac{1}{4}$	2603	IRR	0.300	3 & 15	Krischik, Detlev & Gunda
NW $\frac{1}{4}$ NE $\frac{1}{4}$	2604	IRR	0.300	3 & 15	Krischik, Detlev & Gunda
NW $\frac{1}{4}$ NE $\frac{1}{4}$	2700	IRR	0.700	3 & 15	Brown, Stanley F. & Judith G.
NW $\frac{1}{4}$ NE $\frac{1}{4}$	2701	IRR	0.700	3 & 15	Carnes, Donald F. & Carol Sue
NW $\frac{1}{4}$ NE $\frac{1}{4}$	2800	IRR	0.900	3 & 15	Walden, James L.
NW $\frac{1}{4}$ NE $\frac{1}{4}$	5600	IRR	0.250	3 & 15	Larson, George & Thiel
NW $\frac{1}{4}$ NE $\frac{1}{4}$	6000	IRR	0.200	3 & 15	Nelson, Raymond
SW $\frac{1}{4}$ NE $\frac{1}{4}$	400	IRR	0.300	3 & 15	Ager, Donna S.
SW $\frac{1}{4}$ NE $\frac{1}{4}$	800	IRR	0.100	3 & 15	Riley, Isabella
SW $\frac{1}{4}$ NE $\frac{1}{4}$	1100	IRR	0.700	3 & 15	Barclay, Lynn
SW $\frac{1}{4}$ NE $\frac{1}{4}$	1200	IRR	1.000	3 & 15	Harder, Donald & Jean
SW $\frac{1}{4}$ NE $\frac{1}{4}$	1400	IRR	0.500	3 & 15	Baumeister, Donald & Geraldine
SW $\frac{1}{4}$ NE $\frac{1}{4}$	1600	IRR	0.250	3 & 15	Callahan, Paul L. & Patricia J.
SW $\frac{1}{4}$ NE $\frac{1}{4}$	1900	IRR	0.100	3 & 15	Brown, David M. & Naureen W.
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2000	IRR	0.300	3 & 15	Duhn, Frank A.
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2003	IRR	0.500	3 & 15	Adams, Jack C. & Jan
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2100	IRR	1.000	3 & 15	Adams, Brendan E.
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2101	IRR	0.250	3 & 15	Wrede, Neil
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2200	IRR	1.000	3 & 15	Rapp, Carl J.
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2300	IRR	0.500	3 & 15	Hartzell, Ray & Susan
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2301	IRR	0.250	3 & 15	Pierce, E. V.
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2400	IRR	1.700	3 & 15	Bailey, Denise
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2500	IRR	0.500	3 & 15	Monroe, John R. & B. Earline
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2501	IRR	0.500	3 & 15	Lay, JoAnn Watson
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2604	IRR	0.400	3 & 15	Krischik, Detlev & Gunda
SW $\frac{1}{4}$ NE $\frac{1}{4}$	3000	IRR	1.200	3 & 15	Geraghty, Edward P. & Barbara Jean
SW $\frac{1}{4}$ NE $\frac{1}{4}$	3300	IRR	1.000	3 & 15	Campbell, Marcella A.
SE $\frac{1}{4}$ NE $\frac{1}{4}$	102	IRR	6.500	3 & 15	Barton, John & Judith
SE $\frac{1}{4}$ NE $\frac{1}{4}$	103	IRR	0.300	3 & 15	Kallel, Allen D.
SE $\frac{1}{4}$ NE $\frac{1}{4}$	3000	IRR	0.800	3 & 15	Geraghty, Edward P. & Barbara Jean
NE $\frac{1}{4}$ NW $\frac{1}{4}$	203	IRR	0.500	3 & 15	Smith, Bobby E.
SW $\frac{1}{4}$ NW $\frac{1}{4}$	400	IRR	1.000	3 & 15	Schiewek, Robert & Alice
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1600	IRR	0.250	3 & 15	Callahan, Paul L. & Patricia J.
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1700	IRR	1.000	3 & 15	Gammon, Wayne B & Leona R
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1800	IRR	1.000	3 & 15	Sylvester, Leroy G.
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1900	IRR	0.900	3 & 15	Brown, David M. & Naureen W.
NE $\frac{1}{4}$ SW $\frac{1}{4}$	4400	IRR	0.500	3 & 15	Sack, Richard B. & Elizabeth D.
NW $\frac{1}{4}$ SW $\frac{1}{4}$	500	IRR	6.200	3 & 15	Marcoulier, Felix & Edla
SW $\frac{1}{4}$ SW $\frac{1}{4}$	500	IRR	4.700	3 & 15	Marcoulier, Felix & Edla
SE $\frac{1}{4}$ SW $\frac{1}{4}$	101	IRR	0.500	3 & 15	Haines, Paul & Norma
SE $\frac{1}{4}$ SW $\frac{1}{4}$	102	IRR	0.500	3 & 15	Kumpf, Harry
SE $\frac{1}{4}$ SW $\frac{1}{4}$	103	IRR	0.500	3 & 15	Mathena, Marie & Ralph

SEE NEXT PAGE

SE¼ SW¼	107	IRR	0.700	3 & 15	Ereth, William L
SE¼ SW¼	108	IRR	0.500	3 & 15	Scott, Ronald W. & Donna B.
SE¼ SW¼	109	IRR	2.000	3 & 15	Schembari, Joseph
SE¼ SW¼	110	IRR	0.500	3 & 15	Olson, Reuben & Ruth
SE¼ SW¼	111	IRR	0.500	3 & 15	Heinz, Nicholas W.
SE¼ SW¼	112	IRR	3.000	3 & 15	Bichler, Anton & Viola
SE¼ SW¼	127	IRR	0.500	3 & 15	Shiple, Gregory & Doris
SE¼ SW¼	130	IRR	0.300	3 & 15	Ryan, Timothy Scott
SE¼ SW¼	132	IRR	0.330	3 & 15	Ferguson, Duane & Ruby
SE¼ SW¼	137	IRR	0.380	3 & 15	Munson, David A. & Sheila D.
SE¼ SW¼	4200	IRR	0.500	3 & 15	Grossman, Sonnie
NE¼ SE¼	102	IRR	2.000	3 & 15	Thorgeirsson, Ingimar & Judith
NE¼ SE¼	200	IRR	4.500	3 & 15	Lee, Pamela
NE¼ SE¼	400	IRR	0.800	3 & 15	Ager, Donna S.
NE¼ SE¼	2000	IRR	0.400	3 & 15	Cassin, James A & Gertrude
NE¼ SE¼	2100	IRR	3.100	3 & 15	ReMarkable Properties Inc.
NE¼ SE¼	2300	IRR	5.500	3 & 15	ReMarkable Properties Inc.
NW¼ SE¼	400	IRR	0.900	3 & 15	Ager, Donna S.
NW¼ SE¼	500	IRR	1.500	3 & 15	Dimeo, Bill & Vicki
NW¼ SE¼	600	IRR	1.000	3 & 15	Hamilton, Bruce B. & Nancy E.
NW¼ SE¼	700	IRR	2.000	3 & 15	Morris, Phillip
NW¼ SE¼	1900	IRR	0.250	3 & 15	Perlatti, Ronald
SW¼ SE¼	1101	IRR	0.500	3 & 15	Lynn, Hugh S. & Pauline
SW¼ SE¼	1102	IRR	0.250	3 & 15	Russell, Mark
SW¼ SE¼	1200	IRR	2.000	3 & 15	Grogan, Calvin & Jessie
SW¼ SE¼	1300	IRR	4.000	3 & 15	Mills, Kelly
SW¼ SE¼	1400	IRR	0.250	3 & 15	Duncan, Orville D. & Karen K.
SW¼ SE¼	1700	IRR	0.200	3 & 15	Hansen, David & Peggy
SW¼ SE¼	1801	IRR	0.900	3 & 15	Hansen, David & Peggy
SW¼ SE¼	1900	IRR	1.750	3 & 15	Perlatti, Ronald

Section 16

NE¼ NE¼	100	IRR	25.700	3 & 15	Gumpert, Lois
NE¼ NE¼	100	PND	0.600	3 & 15	Gumpert, Lois
NW¼ NE¼	100	IRR	1.900	3 & 15	Gumpert, Lois
NW¼ NE¼	300	IRR	2.000	3 & 15	Ross, Lois Patricia
NW¼ NE¼	500	IRR	1.500	3 & 15	Marshall, Ansel & Martina
SW¼ NE¼	400	IRR	6.600	3 & 15	Brownrigg, Richard A. & Vicki
SW¼ NE¼	500	IRR	2.500	3 & 15	Marshall, Ansel & Martina
SW¼ NE¼	600	IRR	8.800	3 & 15	Brownrigg, Richard A. & Vicki
SW¼ NE¼	700	IRR	2.000	3 & 15	Marshall, David & Diane
SW¼ NE¼	800	IRR	0.700	3 & 15	Kiesow, Joan
SW¼ NE¼	2400	IRR	0.300	3 & 15	Busche, William & Emily
NE¼ NW¼	300	IRR	3.700	3 & 15	Koth, Richard W. & Betty Ann
NE¼ NW¼	400	IRR	2.400	3 & 15	Dickson, David C. & Betty
NE¼ NW¼	401	IRR	0.400	3 & 15	Dickson, David C. & Betty
SW¼ NW¼	1500	IRR	3.000	3 & 15	Spencer, Raymond & Peggy
SE¼ NW¼	300	IRR	0.300	3 & 15	Koth, Richard W. & Betty Ann
SE¼ NW¼	1900	IRR	2.500	3 & 15	McCombs, Stephen & Judy
SE¼ NW¼	2000	IRR	1.600	3 & 15	Rodriguez, Armando & Robin
SE¼ NW¼	2100	IRR	1.000	3 & 15	Weaver, James & Judith
SE¼ NW¼	2201	IRR	2.100	3 & 15	Weaver, James & Judith
SE¼ NW¼	2300	IRR	1.800	3 & 15	Kiesow, Joan
SE¼ NW¼	2400	IRR	0.700	3 & 15	Busche, William & Emily
NE¼ SW¼	100	IRR	4.000	3 & 15	Klein, Greg & Patricia
NE¼ SW¼	101	IRR	1.000	3 & 15	Tillman, June
NE¼ SW¼	102	IRR	0.200	3 & 15	Collver, Richard & Letha
NE¼ SW¼	103	IRR	0.400	3 & 15	Collver, Richard & Letha
NE¼ SW¼	200	IRR	3.400	3 & 15	Collver, Richard & Letha

SEE NEXT PAGE

NE¼ SW¼	400	IRR	1.200	3 & 15	Kiesow, Daniel
NE¼ SW¼	1001	IRR	2.000	3 & 15	Buchman, William L. & Kitty
NE¼ SW¼	1002	IRR	2.250	3 & 15	Marsh, William R.
NE¼ SW¼	1100	IRR	1.000	3 & 15	Ledbetter, Carol Lynne
NE¼ SW¼	1101	IRR	1.700	3 & 15	Harris, Barbara A.
NE¼ SW¼	1102	IRR	2.000	3 & 15	McCormick, Benedict J. & Christie
NE¼ SW¼	1200	IRR	1.500	3 & 15	McMahon, Thomas & Margaret
NE¼ SW¼	1201	IRR	0.400	3 & 15	Smith, Elsie
NE¼ SW¼	1300	DUST	2.300	3 & 15	Rim Rock Riders
NE¼ SW¼	1300	IRR	1.900	3 & 15	Rim Rock Riders
NW¼ SW¼	300	IRR	3.600	3 & 15	Perrigan, Lemuel & Vonda
NW¼ SW¼	400	IRR	3.500	3 & 15	Conner, Nancy
NW¼ SW¼	500	IRR	2.000	3 & 15	Keown, Don & Judy
NW¼ SW¼	700	IRR	0.500	3 & 15	Cameron, Dean
NW¼ SW¼	701	IRR	1.000	3 & 15	Norgaard, Edward G.
NW¼ SW¼	702	IRR	2.000	3 & 15	Ford, Dean W. & Zona
NW¼ SW¼	703	IRR	3.000	3 & 15	Sherrill, Robert & Mary
NW¼ SW¼	704	IRR	1.750	3 & 15	Sporalsky, Dennis
NW¼ SW¼	705	IRR	0.750	3 & 15	Danison, L.W. & Arlene
NW¼ SW¼	706	IRR	2.000	3 & 15	Cross, Phillip W. & Susan J.
SW¼ SW¼	600	IRR	1.000	3 & 15	Cameron, Dean
SW¼ SW¼	601	IRR	1.000	3 & 15	Thomas, Robert & Bonnie
SW¼ SW¼	800	IRR	2.000	3 & 15	McCarthy, John M.
SW¼ SW¼	801	IRR	2.000	3 & 15	Baser, Joshua B. & Susan M.
SE¼ SW¼	1300	DUST	0.500	3 & 15	Rim Rock Riders
SE¼ SW¼	1300	IRR	0.300	3 & 15	Rim Rock Riders
SE¼ SW¼	2800	IRR	1.000	8	Holt, Dennis E. & Dona R.
NE¼ SE¼	101	IRR	4.000	3 & 15	Cook, James A. & Ruby
NE¼ SE¼	599	IRR	3.000	3 & 15	Cook, Ken & Linda
NW¼ SE¼	200	IRR	2.000	3 & 15	Miller, Lynn S. Marcum
NW¼ SE¼	201	IRR	2.000	3 & 15	Schulzke, Richard A. & Mary
NW¼ SE¼	300	IRR	1.000	3 & 15	Gertz, Robert E.
NW¼ SE¼	302	IRR	0.500	3 & 15	Josse, Mary Ann
NW¼ SE¼	400	IRR	1.300	3 & 15	Kiesow, Daniel
NW¼ SE¼	401	IRR	0.300	3 & 15	Kiesow, Daniel
NW¼ SE¼	500	IRR	6.100	3 & 15	Hanson, Don F. & Anne E.
NW¼ SE¼	501	IRR	1.500	3 & 15	Defoe, Margery M.
NW¼ SE¼	502	IRR	2.500	3 & 15	Pearson, Eldon & Donna
NW¼ SE¼	503	IRR	2.000	3 & 15	Bower, Jack A. & Coraliss
NW¼ SE¼	1201	IRR	2.600	3 & 15	Smith, Elsie
SW¼ SE¼	602	IRR	2.000	3 & 15	Gardner, Edgar & Jean
SW¼ SE¼	606	IRR	2.000	3 & 15	Norris, Walter
SW¼ SE¼	607	IRR	1.000	3 & 15	Jensen, Gregg & Catherine
SW¼ SE¼	609	IRR	1.500	3 & 15	Elliott, Pat
SW¼ SE¼	610	IRR	1.500	3 & 15	Berkson, Eve
SW¼ SE¼	612	IRR	1.000	3 & 15	Jensen, Gregg & Catherine
SW¼ SE¼	614	IRR	2.200	3 & 15	Elliott, Pat
SW¼ SE¼	616	IRR	3.300	3 & 15	Elliott, Pat
SE¼ SE¼	604	IRR	5.500	3 & 15	Hoey, John E. & Davis Ann
SE¼ SE¼	609	IRR	4.000	3 & 15	Elliott, Pat
SE¼ SE¼	615	IRR	2.000	3 & 15	Nettleton, Don
SE¼ SE¼	700	IRR	0.250	3 & 15	Jamison, James W. & Carol

Section 17

NW¼ NE¼	104	IRR	0.700	3 & 15	Elkins, Doris E.
NW¼ NE¼	105	IRR	3.200	3 & 15	Elkins, Doris E.
SW¼ NE¼	104	IRR	0.300	3 & 15	Elkins, Doris E.
SW¼ NE¼	105	IRR	21.000	3 & 15	Elkins, Doris E.
SE¼ NE¼	105	IRR	8.000	3 & 15	Elkins, Doris E.

SEE NEXT PAGE

NE¼ NW¼	104	IRR	2.500	3 & 15	Elkins, Doris E.
NE¼ NW¼	105	IRR	3.500	3 & 15	Elkins, Doris E.
SE¼ NW¼	104	IRR	0.900	3 & 15	Elkins, Doris E.
SE¼ NW¼	105	IRR	2.400	3 & 15	Elkins, Doris E.
NE¼ SW¼	105	IRR	1.200	3 & 15	Elkins, Doris E.
NE¼ SE¼	105	IRR	26.100	3 & 15	Elkins, Doris E.
NW¼ SE¼	105	IRR	27.500	3 & 15	Elkins, Doris E.
SW¼ SE¼	105	IRR	23.600	3 & 15	Elkins, Doris E.
SE¼ SE¼	105	IRR	11.200	3 & 15	Elkins, Doris E.
SE¼ SE¼	200	IRR	6.000	3 & 15	Jeffers, Harold & Joann
SE¼ SE¼	300	IRR	1.000	3 & 15	Watson, Douglas & Eva Mae

Section 18

NE¼ NE¼	400	IRR	4.500	3 & 15	Stewart, Renee M.
NE¼ NE¼	401	IRR	0.750	3 & 15	Bonnett, Charles
NW¼ NE¼	100	IRR	2.140	3 & 15	Jensen, David & Sue
NW¼ NE¼	102	IRR	3.000	3 & 15	Johnson, Louise
NW¼ NE¼	103	IRR	0.800	3 & 15	Boehm, Dr. Peter
NW¼ NE¼	104	IRR	1.000	3 & 15	Moss, Charles & Kathleen
NW¼ NE¼	106	IRR	1.200	3 & 15	Boehm, Dr. Peter
NW¼ NE¼	107	IRR	0.500	3 & 15	Hammerquist, Ardis
NW¼ NE¼	108	IRR	0.700	3 & 15	Johnson, Terry
NW¼ NE¼	109	IRR	1.000	3 & 15	Johnson, Terry
NW¼ NE¼	110	IRR	1.300	3 & 15	Johnson, Reece & Kimberly
NW¼ NE¼	200	IRR	10.000	3 & 15	Heden, Lola
NW¼ NE¼	300	IRR	7.000	3 & 15	Ertle, Richard & Anita
SW¼ NE¼	1801	IRR	3.000	5	Baker, Lawrence A.
SE¼ NE¼	800	IRR	1.300	3 & 15	Arnett, John
SE¼ NE¼	901	IRR	1.200	3 & 15	Arnett, John
SE¼ NE¼	1700	IND	10.660	3 & 15	Oregon State Highway Dept.
SE¼ NE¼	1701	IRR	1.100	3 & 15	Deschutes County c/o
NE¼ NW¼	100	IRR	1.400	7	Ashley, Michael F.
NE¼ NW¼	101	IRR	1.000	7	Ashley, Michael F.
NE¼ NW¼	102	IRR	1.600	7	Ashley, Michael F.
NE¼ NW¼	400	IRR	0.375	6	Carlton, James & Michelle
NE¼ NW¼	402	IRR	0.375	6	Paise, Chester M. & Darlene J.
NE¼ NW¼	600	IRR	1.500	7	Pedersen, Phillip & Christina
NE¼ NW¼	601	IRR	0.500	7	Pedersen, Phillip & Christina
NE¼ NW¼	603	IRR	1.400	7	Downing, Rex & Marjorie
NE¼ NW¼	702	IRR	0.660	7	Kail, James R
NE¼ NW¼	703	IRR	0.600	7	Jorgenson, Russell
SE¼ NW¼	603	IRR	0.600	7	Downing, Rex & Marjorie
SE¼ NW¼	703	IRR	0.400	7	Jorgenson, Russell
NE¼ SE¼	700	IRR	0.100	3 & 15	Harding, Norma
NE¼ SE¼	1100	IRR	0.100	3 & 15	Dixon, Lora
NE¼ SE¼	1200	IRR	0.250	3 & 15	Larson, Donald M.
NE¼ SE¼	1300	IRR	0.250	3 & 15	Higgins, Roger
NE¼ SE¼	2100	IRR	1.000	3 & 15	Tumalo State Park, Dist. Office
NE¼ SE¼	2200	IRR	2.000	3 & 15	Brown, Charles & Sally
NE¼ SE¼	2300	IRR	1.000	3 & 15	O'Day, Mel
NE¼ SE¼	2600	IRR	1.000	3 & 15	Loomis, Susan C.
NE¼ SE¼	2800	IRR	0.300	3 & 15	Hastings, Viola
NW¼ SE¼	2000	IRR	11.000	4	Bend Metro Park & Recreation

Section 20

NW¼ NE¼	200	IRR	12.000	3 & 15	OCAT Inc.
SW¼ NE¼	1400	IRR	9.800	3 & 15	Brinson, Edna
SW¼ NE¼	1400	PND	0.600	3 & 15	Brinson, Edna
SW¼ NE¼	1403	IRR	3.400	3 & 15	Brinson, Jack & Ilene

SEE NEXT PAGE

SE¼ NE¼	1400	IRR	8.600	3 & 15	Brinson, Edna
NE¼ NW¼	200	IRR	2.000	3 & 15	OCAT Inc.
NE¼ NW¼	400	IRR	2.600	3 & 15	Kennedy, Robert
NE¼ NW¼	800	IRR	1.500	3 & 15	Warren, Perry W. & Shelley L.
NE¼ NW¼	1000	IRR	2.000	3 & 15	Cleveland, Wallace T.
NE¼ NW¼	1100	IRR	3.000	3 & 15	Campbell, Michael L. & Sharon B.
SE¼ NW¼	400	IRR	0.400	3 & 15	Kennedy, Robert
SE¼ NW¼	800	IRR	0.500	3 & 15	Warren, Perry W. & Shelley L.
NW¼ SW¼	1300	IRR	0.500	3 & 15	Hauth, Arlene
NW¼ SE¼	100	IRR	3.300	3 & 15	Brinson, Edna
SW¼ SE¼	700	IRR	2.000	3 & 15	Beall Jr., Imrie Gustaf
SE¼ SE¼	200	IRR	3.000	3 & 15	Rungay, Richard & Roxylee
SE¼ SE¼	300	IRR	3.000	3 & 15	Rungay, Richard & Roxylee

Section 21

NE¼ NE¼	100	NUR	31.300	3 & 15	U.S. Forest Service
NW¼ NE¼	100	NUR	17.000	3 & 15	U.S. Forest Service
SW¼ NE¼	100	NUR	7.900	3 & 15	U.S. Forest Service
SE¼ NE¼	100	NUR	30.400	3 & 15	U.S. Forest Service
SE¼ NE¼	100	NUR	40.000	3 & 15	U.S. Forest Service
NW¼ SW¼	400	IRR	1.000	3 & 15	Verley, Rupert M.
NW¼ SW¼	401	IRR	1.000	3 & 15	Domath, Terry
NW¼ SW¼	403	IRR	2.000	3 & 15	Detroit, Kenneth & Jo Ann
SW¼ SW¼	601	IRR	1.000	3 & 15	Grandma's House
SW¼ SW¼	602	IRR	1.500	3 & 15	Rungay, Richard & Roxylee
SW¼ SW¼	700	IRR	3.000	3 & 15	MacFarlane, Lloyd & Lydia
SW¼ SW¼	4800	IRR	1.000	3 & 15	Deschutes County
NE¼ SE¼	102	IRR	4.000	3 & 15	Bend Metro Park & Recreation Dist.
NE¼ SE¼	200	IRR	2.100	3 & 15	Trinity Lutheran Church
NE¼ SE¼	300	IRR	2.200	3 & 15	Trinity Lutheran Church
NE¼ SE¼	1600	IRR	4.800	3 & 15	Babcock Bros. Inc.
NW¼ SE¼	1500	IRR	2.250	3 & 15	Putnam, Mary S.
NW¼ SE¼	1501	IRR	3.000	3 & 15	Al-Hajeri, Yousuf I. & May
NW¼ SE¼	1600	IRR	11.000	3 & 15	Babcock Bros. Inc.
NW¼ SE¼	1600	PND	0.200	3 & 15	Babcock Bros. Inc.
NW¼ SE¼	1603	IRR	3.000	3 & 15	Thompson, Doris

Section 22

NW¼ NW¼	1800	NUR	21.600	3 & 15	U.S. Forest Service
SW¼ NW¼	1800	NUR	8.800	3 & 15	U.S. Forest Service

Section 23

NW¼ NE¼	200	IRR	5.000	3 & 15	Rose, Patrick & Erin
NW¼ NE¼	300	IRR	2.800	3 & 15	Sampels, Dennis & Hazel
NW¼ NE¼	1600	IRR	2.000	3 & 15	Bestwick, Mary Jean
NW¼ NE¼	1700	IRR	2.000	3 & 15	Steffy, Steve & Mona
NE¼ NW¼	300	IRR	2.300	3 & 15	Sampels, Dennis & Hazel
NE¼ NW¼	301	IRR	0.100	3 & 15	Sampels, Dennis & Hazel
NE¼ NW¼	900	IRR	1.500	3 & 15	Bright, Lawrence
NW¼ NW¼	400	IRR	3.200	3 & 15	Oregon Dept. of Transportation
NW¼ NW¼	600	IRR	2.000	3 & 15	Oregon Dept. of Transportation
NW¼ NW¼	700	IRR	4.400	3 & 15	Moye, Esther

Section 28

SE¼ NE¼	0	IND*	13.625	3 & 15	Deschutes Reclamation & Irrigation
SW¼ SE¼	90000	IRR	2.000	2	Bend Riverside Motel

Section 29

SEE NEXT PAGE

SE¼ NW¼ 4100 IRR 1.000 1
Section 32

Bend Metro Park & Recreation Dist.

Township 17 South, Range 12 East, W.M.

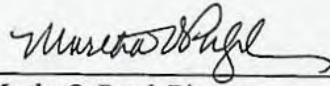
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

This certificate is issued to confirm changes in use and place of use approved by an order of the Water Resources Department Director entered JUN 19 1997, approving the Swalley Irrigation District petition for water rights mapping under ORS 541.325 to 541.331.

This certificate is also issued to confirm changes in points of diversion approved by orders of the Water Resources Director entered March 7, 1997 and prior, affirmed by the order approving the Swalley Irrigation District petition for water rights mapping.

This certificate supersedes certificates of water right numbered 29054 and 29056, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed JUN 19 1997


Martha O. Pagel, Director

KEY TO USES:

- IRR = irrigation
- PND = pond maintenance
- MNT = park maintenance
- NUR = nursery
- IND = industrial
- DUST = dust abatement

* This industrial use may be used anywhere within the district boundaries.

Cancelled Sp.Or.Vol. 53 P. 1173

Cancelled Sp.Or.Vol. _____ P. _____

Cancelled Sp.Or.Vol. 52 P. 874
4885

Recorded in State Record of Water Right Certificates numbered 74145.

HB-3111.BWB

modified by v52 p1106

T8018

WaterWatch

RIVERS NEED WATER

WaterWatch of Oregon
213 Southwest Ash, Suite 208
Portland, Oregon 97204



Dwight French
WRD
158 12th St NE
Salem OR 97310

97301/4172



Mailing List for PFO Copies

Application #G-14857

PFO Date February 15, 2000

Original mailed to:

Applicant: WILLIAM D. LYCHE, EAGLE CREST INC., PO BOX 1215, REDMOND, OREGON 97756

Copies sent to:

1. WRD - File # G-14857
2. WRD - Water Availability: Ken Stahr

PFO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 11

- DIV 33above
4. ODFW (Ted Wise), 6137 1/2 Parrell Rd., Bend, OR 97702
 5. Col Riv Intertribal Fish Comm
 6. USFW
 7. NW Powr Plan Council
 8. NMFS (Marc Liverman)
- DIV 33stwd
9. DEQ (Portland): Tom Rosetta
 10. DOA (Salem): Steve Applegate

Copies Mailed
By: <u>Cal</u>
(SUPPORT STAFF)
on: <u>2/15/00</u>
(DATE)

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

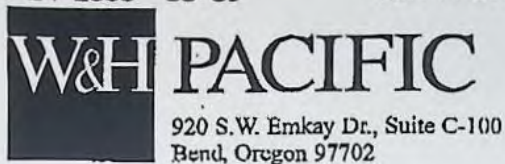
11. Tom Walker (CWRE)

12. Ramer Holton jr., 1201 Third Avenue, 40th Floor, Seattle, WA 98101-3099

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. Ronald Wortman, PO Box 550, Prineville, OR 97754

CASEWORKER : RWK- WEEK 238



February 24, 2000

Dwight French
Oregon Water Resources Department
158 12th Street NE
Salem, OR

**RE: Eagle Crest Water Right
OWRD File No. G-14857
WHP File No. 526-0107**

Dear Dwight:

Thank you very much for your assistance and significant efforts on the proposed final order for an Eagle Crest groundwater appropriation. The application was intended to benefit Eagle Crest as well as the Deschutes River. You have accomplished this important objective in your proposed final order. I have reviewed the proposed final order with Eagle Crest and I have only one typing correction.

In the draft permit (Page 2), the place of use is described in Section 15. The place of use is actually in Section 16 and not Section 15. Eagle Crest, Inc. has no other comments on the proposed final order.

Any timeframes allocated for the applicant's review are waived.

We believe the proposed final order describes a fair and equitable mitigation plan. Thanks to your help, this plan will help our environment by increasing the flows in the middle reach of the Deschutes River. Mitigation should exceed impacts for the benefit of Central Oregon. Thank you again for your significant contribution to this objective.

Please consider my comments and never hesitate to contact me if you have questions or need additional information.

Very Truly Yours,

W&H PACIFIC, INC.

A handwritten signature in cursive script that reads 'Tom Walker'.

Thomas A. Walker, P.E., C.W.R.E.
Vice President

Cc: Alan VanVliet

022200tw.doc



RECEIVED

FEB 25 2000

Via FAX and regular mail

February 23, 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Dwight French
Water Resources Department
Water Rights Section
158 12th Street NE
Salem, OR 97310

RE: Public Notice of Application G-14857, Eagle Crest

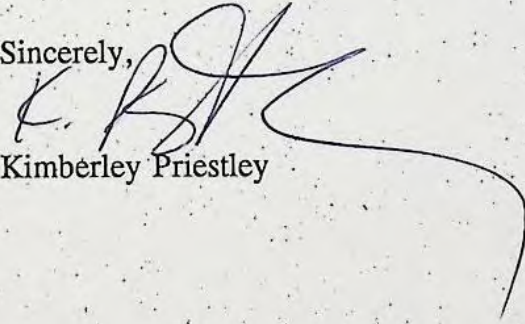
Dear Dwight

The Public Notice for application G-14857 (Eagle Crest) is defective. The public notice, which was sent out on February 15, 2000 states that the proposed amount of use is 1.74 cfs. The proposed amount listed in the PFO is 3.34 cfs.

Given that the PFO proposes to grant a water right permit that is twice as large as the application amount that was noticed in the public notice, it is imperative that the public have proper notice of the proposed final order. This is especially important given the fact that Deschutes groundwater applications are of high interest to many entities in the Deschutes Basin and throughout the state.

To rectify the defective notice of February 15, 2000 so that all interested persons have the proper information, the WRD should re-notice this application. Please notify us regarding the new notice date.

Sincerely,


Kimberley Priestley



920 S.W. Emkay Dr., Suite C-100
Bend, Oregon 97702

RECEIVED

FEB 28 2000

WATER RESOURCES DEPT.
SALEM, OREGON

FAXED
2-25-00

February 24, 2000

Dwight French
Oregon Water Resources Department
158 12th Street NE
Salem, OR

RE: Eagle Crest Water Right
OWRD File No. G-14857
WHP File No. 526-0107

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W&H PACIFIC, INC.

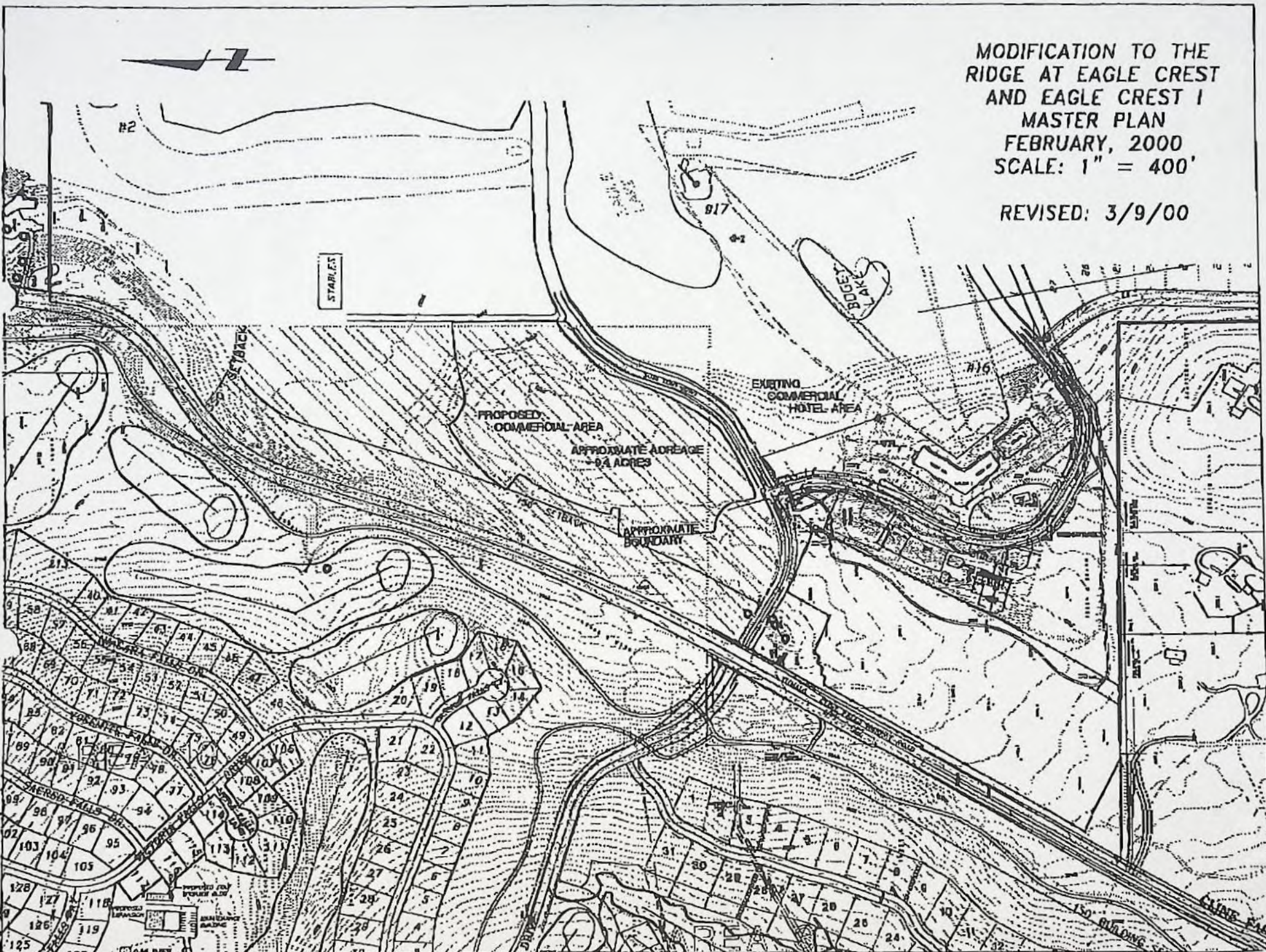
A handwritten signature in cursive script that reads 'Tom Walker'.

Thomas A. Walker, P.E., C.W.R.E.
Vice President

Cc: Alan VanVliet

022200tw.doc





MODIFICATION TO THE
RIDGE AT EAGLE CREST
AND EAGLE CREST I
MASTER PLAN
FEBRUARY, 2000
SCALE: 1" = 400'

REVISED: 3/9/00

Creative Solutions ... Superior Service



FAX

To: Mr. Dwight French
 Company: Oregon Water Resources Department
 Address
 City/State
 Phone:
 Fax: 503-378-6203

Date: February 9, 2000
 Project Number: 02-0526-01-07
 Project Name: Eagle Crest III
 Re: Water Right Mitigation
 Draft Instream Lease

From: Thomas A. Walker, P.E., C.W.R.E.
 Phone: (541) 388-4255
 Fax: (541) 388-4229

Confidentiality Notice: This facsimile is intended only for the use of the individual and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that the unauthorized dissemination, distribution or copying of this communication, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone (collect). Thank you.

We are sending:

- Attached
- Facsimile
- # Of Pages Including Cover

These Are Transmitted:

- For Your Info/File
- As Requested
- For Review & Comment

Copied To:

Alan VanVliet

Copies	Description
1	Draft Instream Lease Application and Attachments

Comments: As discussed, Eagle Crest is prepared to proceed with the attached lease and an equal permanent transfer to an instream use. However, in either case, the Swalley Irrigation District must approve. We have scheduled a presentation to the Swalley Irrigation District in the near future and will advise you of their position. Thank you for your assistance. We will appreciate your review and any comments.

Civil and Structural Engineering ♦ Landscape Architecture
 Planning ♦ Surveying and Mapping

Washington ♦ Oregon ♦ Idaho



State of Oregon
Water Resources Department
158 12th Street NE
Salem, OR 97310
(503)378-8455

Short Term Water Right Lease Agreement

For Leases of Existing Water Rights for Instream Use

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." If you need additional space to answer any of the questions, attach a separate sheet of writing paper and reference the section number and question.

1. APPLICANT INFORMATION

DRAFT

This Lease Agreement is between:

Lessor #1:

(Name, address and telephone number)

Eagle Crest Partners, Limited

P.O. Box 1215 Redmond, OR 97756

(541) 923-0807

Lessor #2,3, etc.:

(Name, address and telephone number)

Swalley Irrigation District

64697 Cook Ave. Tumalo, OR

(541) 388-0658

The water right to be leased is located in Deschutes (County)

Lessee:

(Name, address and telephone number)

Trustee:

Oregon Water Resources Department

158 12th Street. NE

Salem OR 97310

(503)378-8455

SECTION I

1.1 Lessor #1 is the owner, or authorized agent for owner (Exhibit A), of property highlighted in Exhibit B.

1.2 Lessor #2 is the (Check one) [If Agreement includes multiple lessors, complete same for each additional party.]:

Official representative of the Swalley Irrigation District, the irrigation district which conveys water to the subject water rights.

Owner, or authorized agent for owner, of the storage facility which is the source of the subject water rights.

Another party with an interest in the subject water rights representing

1.3 Exhibit C contains copies of all certificated, decreed or permitted rights attached to the property in Exhibit B. Those rights are listed below as follows [Use additional sheet, if necessary]:

Certificate No. 29054 Permit No. _____
 Certificate No. 29056 Permit No. _____
 Page No. 158 & 395 Decree Vol. 16 Order Record Water Resources Director
 Page No. _____ Decree _____

1.4 **Subject Water Rights.** Lessor proposes to lease all/a portion of the water rights listed in 1.3, above.

The right(s) to be leased are further described as follows:

Certificate / ~~Permit~~ No.: 29054 and 29056
 Priority date: 09-01-1899 Type of use: Irrigation, Municipal Domestic and Industrial
 Place of use: Reference the attached exhibit
 (If original use is irrigation, include map of irrigated lands in Exhibit D.)
 Number of acres, if for irrigation 21
 Acre feet of storage: N/A
 Rate: .012 to .030 ^{cfs} / _{Ac} Duty: 9.56 Ac-Ft/Ac-Year Including a 43% transmission loss.
 Season of Use: April 1 thru November 1
 Point(s) of Diversion (POD): SE1/4 NE1/4 Sec29 T17S R12E
 Conditions or other limitations, if any: Reference the attached order approving an additional point of diversion.

1.5 **Validity of Rights.** Lessor #1 attests that the subject water rights are legally valid by having been beneficially used according to the terms of the right or permit. If the right is for irrigation, beneficial must have occurred in the last five years on all lands indicated in Exhibit D.

1.6 **Lease.** All Lessors agree to lease the water rights listed in 1.4 for instream use for the term of this Agreement through Lessee to Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-77-0077.

1.7 **Suspension of original use.** During the period of the lease, the owner agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

1.8 **Water use reporting.** The Trustee agrees to fulfill legal obligations related to water use reporting.

SECTION II

2.1 **Public Use.** The public use served by the amount, timing and location of the instream use provided for under this lease is (Select one):

- Mitigation of a deficiency in the water supply for an existing instream water right or minimum streamflow located _____.

- Mitigation of a deficiency in water supply identified in an application for an instream water right or Diack flow located _____ .
- A specific use or need identified by DEQ, Parks or ODFW and further described in Exhibit E.
- Provided by evidence contained in Exhibit E, such as a signed statement by Lessee, or other party, explaining how the lease would benefit recreation, scenic attraction, aquatic and fish life, wildlife habitat and ecological values, pollution abatement, navigation or other public uses.

2.2 Instream use created by lease. The instream use to be created is described as follows:

Deschutes River/Creek
 Tributary to Columbia in the Deschutes Basin.
 Location Deschutes River - between the City of Bend and the mouth
 [Identify applicable points or reaches of instream use by river mile, description or map.]
 Priority date: September 1, 1899
 Use: Described in Section 2.1, above
 Total volume: +/-115 Ac-Ft
 Rate in cfs: .012 to .030 cfs/ac
 Period of use: April 1 thru November 1
 Conditions to prevent or mitigate injury, if any: _____

2.3 Term of lease. This Lease shall commence on _____ (not before execution by the parties) and continue through the following two years.

2.4 Compensation. The Lessor has agreed to lease subject water right for the sum of \$1.00, other valuable considerations and for the benefit of the state of Oregon.

2.5 Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). No party is required to continuously measure the flow of the waterway described in Section 2.2.

Optional Provisions

2.6 Additional monitoring. Lessor/Lessee intends to manage and participate in the protection of the instream use by: (Describe plans)

2.7 Modification or termination provisions. (Describe any such provisions)

SECTION III

3.0 Watermaster review. By signature below, the watermaster for the district where the subject water right is located verifies that:

3.1 Lessor #1 is currently entitled to appropriate water under the water rights described in Section 1.4.

3.2 A suitable control is/will be in place so that WRD staff may regulate use of water under the subject right to ensure water is not diverted or applied on lands to which subject right is attached.

3.3. Allocation of water to the new instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source.

3.4 Necessary conditions to the proposed instream use: (Describe. if any)

Watermaster: _____

District _____

(Address & telephone) _____

Date: _____

SECTION IV

The Undersigned Lessor/s, Lessee and Trustee declare that, to the best of their knowledge and belief, the information contained in this lease is true, correct and complete.

Lessor #1: _____ Date: _____

Lessor #2: _____ Date: _____

Lessee: _____ Date: _____

So ordered by Trustee: _____ Date: _____

Please include the following exhibits:

- A. Copy of Property Deed/Power of Attorney Documentation (if needed)
- B. Tax Lot Map of Lessor's property
- C. Copies of certificates, permits and decreed rights to be leased
- D. Detailed map illustrating lands under subject rights to be leased
- E. Identification of public use to be served by instream use

Etc: Information related to Optional Provisions, such as Additional Monitoring or Modifications or Termination of lease

Other Exhibits As Needed:

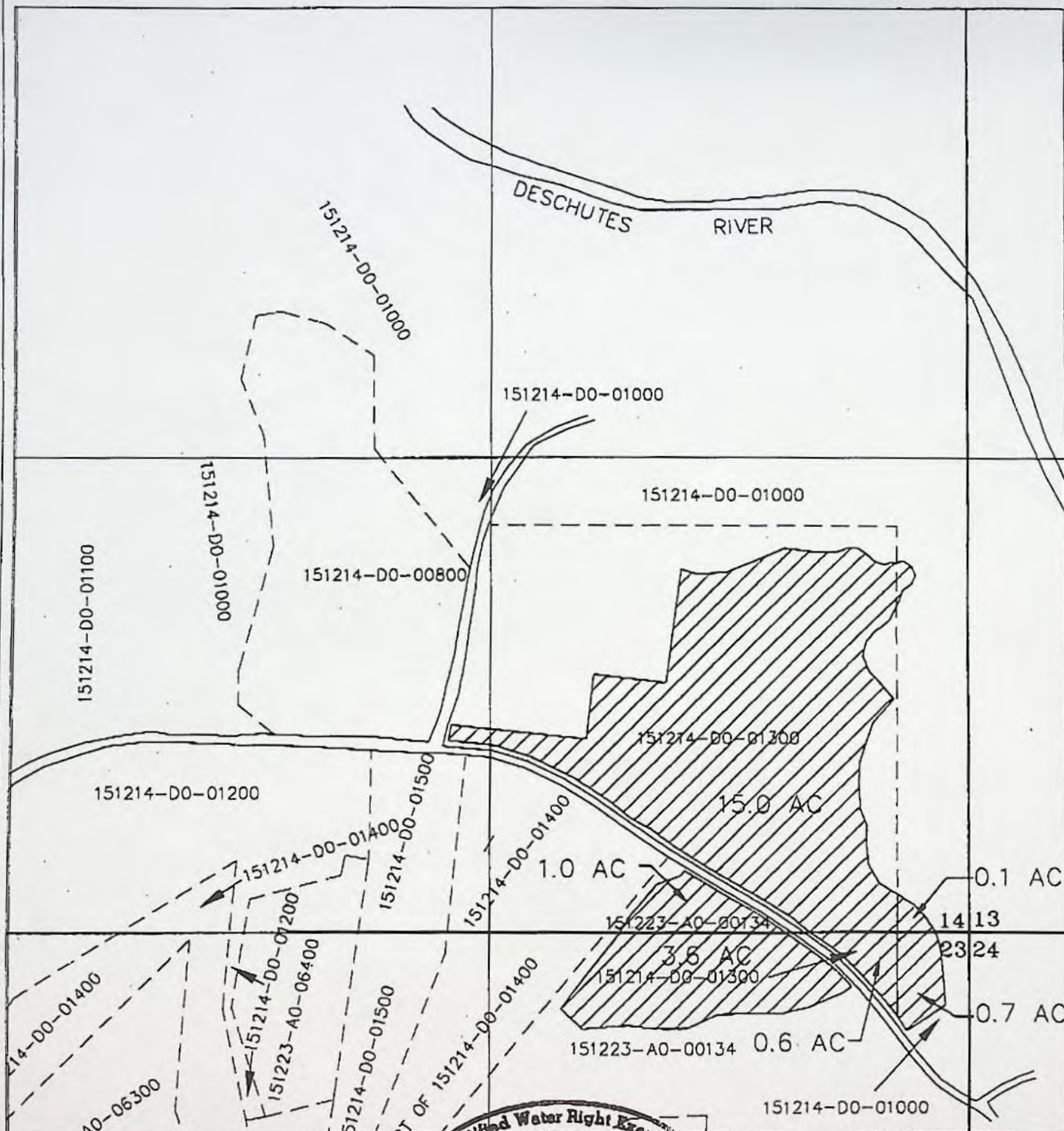
SWALLEY IRRIGATION DISTRICT

TRANSFER APPLICATION MAP

SEC. 14, T.15S R.12E W.M.

DESCHUTES COUNTY

SCALE 1" = 400'



Certified Water Right Examiner
 0137
Thomas A Walker
 Thomas A Walker
 Nov. 19, 1987
 STATE OF OREGON

LEGEND:
 LANDS TO BE DRIED
 TAX LOT LINE

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE THE LOCATION OF PROPERTY LINES OR LEGAL DIMENSIONS

EXPIRES 6.30.00

ATTACHMENT

STATE OF OREGON

COUNTY OF DESCHUTES

ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 6989 submitted by

SWALLEY IRRIGATION DISTRICT
PO BOX 5126
BEND, OR 97708-5126

The rights to be modified were confirmed by decree of the Circuit Court of the State of Oregon for DESCHUTES County as evidenced by Certificates 29054 and 29056. The decree is recorded in the Order Record of the Water Resources Director in Volume 16, at Pages 158 and 395. The date of priority is SEPTEMBER 1, 1899.

The rights allow the use of THE DESCHUTES RIVER, a tributary of THE COLUMBIA RIVER, for IRRIGATION, MUNICIPAL, DOMESTIC AND INDUSTRIAL USE for 4601.69 ACRES (or equivalent). The amount of water to which these rights are entitled is limited to an amount actually beneficially used and shall not exceed 1.0 cubic foot per second per 83 acres from April 1 to April 30, 1.0 cfs per 62 acres from May 1 to May 14, 1.0 cfs per 33.45 acres from May 15 to Sept 14, 1.0 cfs per 62 acres from September 15 to September 30 and 1.0 cfs per 83 acres from October 1 to November 1, if available at the original point of diversion: (SWALLEY CANAL) SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29, T. 17 S., R. 12 E., W.M., 985 FEET NORTH AND 617 FEET WEST FROM THE EAST $\frac{1}{4}$ CORNER OF SECTION 29, or its equivalent in case of rotation, measured at the point of diversion from the source. Forty three percent (43%) of this diversion allowance is for canal transmission loss.

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to a diversion of not to exceed 9.56 acre-feet for each acre irrigated during the irrigation season of each year as measured at the canal diversion from the river. This amount includes a 43% canal transmission loss.

The authorized place of use is located as follows:

AS RECORDED IN CERTIFICATES 29054 and 29056 AS MODIFIED BY SUBSEQUENT TRANSFERS.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to add an additional point of diversion at: NW¼ SE¼, SECTION 14, T. 15 S., R. 12 E., W.M.; 2170 FEET NORTH AND 1350 FEET WEST FROM THE SE CORNER OF SECTION 14.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

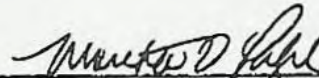
1. The proposed change shall be completed on or before October 1, 1997.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. Prior to diverting water at the new point of diversion, the irrigation district shall install a totalizing flow meter at the diversion works.
4. The irrigation district shall operate and maintain the totalizing flow meter. The irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may monitor accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original point of diversion.
6. Prior to delivery of water each year, the irrigation district shall file a report with the local watermaster stating which lands will be irrigated from each diversion point.
7. The diversion shall be equipped with a fish screening device satisfactory to the Oregon Department of Fish and Wildlife.

The amount of water appropriated at the new point of diversion shall not exceed the following rates: 1.0 cubic foot per second per 145.61 acres from April 1 to April 30, 1.0 cfs per 108.77 acres from May 1 to May 14, 1.0 cfs per 58.68 acres from May 15 to September 14, 1.0 cfs per 108.77 acres from September 15 to September 30 and 1.0 cfs per 145.61 acres from October 1 to November 1, as measured at the new point of diversion and if available at the original point of diversion.

The amount of water appropriated at the new point of diversion shall be limited to a diversion of not to exceed 5.46 acre-feet for each acre or its equivalent during the irrigation season of each year. This amount does not include a 43% canal transmission loss.

Certificates 29054 and 29056 are cancelled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,
affixed June 11, 1996



Martha O. Pagel, Director

assessment purpose only.

DESCHUTES COUNTY

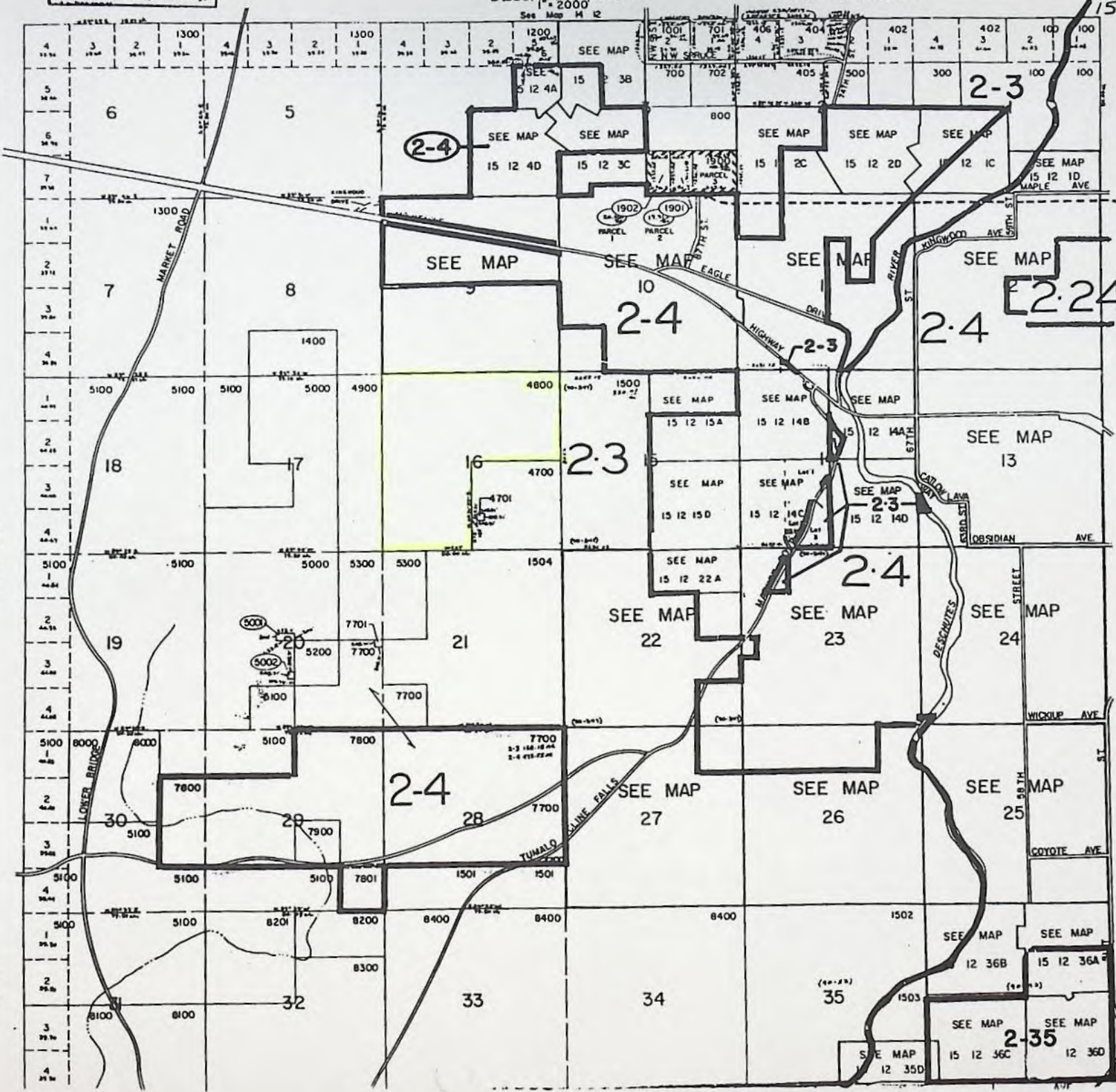
460, 4600, 1506, 1505, 1507,

DESCHUTES

SCALE 1:48000



RECEIVED MAY 11 1990 DEPT. OF REVENUE STATE OF OREGON



PARTITION PLAT NO. 1991-43

See Map 15 13

15 12

Oregon Water Resources Department
Water Rights Division

FAKED
2/10/00

Rmk
TO
T. WALKER

Water Rights Application
Number G-14857

Proposed Final Order

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

Application History

On November 2, 1998, WILLIAM D. LYCHE, for EAGLE CREST INC., submitted an application to the Department for the following water use permit:

- Amount of Water: 780 GALLONS PER MINUTE (^{3.34}~~1.74~~ CFS)
- Use of Water: QUASI-MUNICIPAL USE
- Source of Water: A WELL IN DESCHUTES RIVER BASIN
- Area of Proposed Use: DESCHUTES County within SECTION 15, SECTION 16, SECTION 22, SECTION 23, TOWNSHIP 15 SOUTH, RANGE 12 EAST, W.M.

On 5/21/99, the Department mailed the applicant notice of its Initial Review, determining that "...QUASI-MUNICIPAL cannot be allowed. At the next step of processing the Department will propose denial of this application unless the applicant proposes a mitigation plan, approved by the Department, that satisfactorily addresses the impact of the proposed use of ground water on surface flows. The approved mitigation plan could be incorporated as part of the permit, if one is issued, but implementation of the plan would be required prior to water use. At this time, you must decide whether to proceed or to withdraw your application as described below [or] place your application on "administrative-hold" to allow for participation in the Deschutes Basin Water Management Planning Process which is developing a water management plan to serve as a mechanism for mitigating the use of hydraulically connected ground water." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 6/24/99, 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.

Comments were received from William D. Lyche requesting that the application be withheld from processing until, as late as, September 1, 2000.

On September 13, 1999, Thomas A. Walker, certified water rights examiner for the applicant, requested that the Department review a proposed mitigation plan and proceed with the application.

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 quasi-municipal use from groundwater.

The proposed well is not within a designated critical ground water area.

The Department finds that the amount of water requested, 1.74 CFS, is allowable.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with the Deschutes River.

The proposed well, in Deschutes River Basin, is above a State Scenic Waterway.

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.

An assessment of groundwater availability has been completed by the Department's Groundwater/Hydrology Section. This assessment determined that groundwater is available for further appropriation. However, because the well has the potential for substantial interference with surface water an assessment of surface water availability has also been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. Copies of both assessments are available in the file. This assessment determined that water is not available for further appropriation (at an 80 percent exceedance probability) May 1 through March 31 due to existing consumptive uses and instream water rights. Groundwater and surface water are managed conjunctively by the Water Resources Department in order to protect the resource, existing rights, and the public interest (OAR 690-410-010). Because the proposed well is in hydraulic interference with surface water, with the potential for substantial interference, and surface water is over-appropriated May 1 through March 31, water is not available for the proposed use.

The proposed well will have the potential for substantial interference with surface water sources. Therefore, OAR 690 division 33 rules apply to this application. In accordance with OAR 690-33-140(b) and OAR 690-33-140(e), regarding sources tributary to the Columbia River above Bonneville Dam, the use may be allowed. The use may be allowed because, as described below, the effects of impacts to surface water will be mitigated, which will provide net benefits for native resident and native anadromous fish, and the project, as mitigated, has measurable public benefits. The lease of Swalley Irrigation District right, certificate #####, to instream use for 2 years, will mitigate for the total amount of water consumed. The Deschutes River will benefit from the lease by water being provided at a crucial stretch of the river (directly below the city of Bend) and from water being provided during the critical summer months. Additionally, the Department finds that all reasonable mitigation measures necessary to minimize the effect of the proposed use on fish species will be implemented by the lease of certificate #####, and therefore, per OAR 690-33-340(2)(D), the use may be allowed.

OAR 690-310-140 states the following regarding the public interest review:

Public Interest Review; Groundwater: (1) Unless the applicant requests withdrawal of an application following the initial review described in OAR 690-310-080, before issuing a proposed final order, the Department shall determine whether the presumption under OAR 690-310-130 is established for the proposed groundwater use, as described in OAR 690-310-130.

(2) If the Department determines that the presumption is not established, the Department shall determine whether the proposed use will impair or adversely affect the public welfare, safety and health under ORS 537.525 and may either:

(a) Propose denial of the application upon a finding that the use will impair or adversely affect the public welfare, safety and health; or

(b) Make specific findings to demonstrate that even though the presumption is not established, the proposed use will not impair or adversely affect the public welfare, safety, and health and propose approval of the application with appropriate modifications or conditions.

Specific Findings of Fact

Historical records at Eagle Crest, Inc. demonstrate that at full build out the proposed 900 residential units and appropriate recreational amenities will, minus the amount offset by sewage contribution, consume approximately 115 acre-feet of water each year. Eagle Crest, Inc. proposes to lease ___ acres of Swalley Irrigation District right, certificate #####, to instream use for 2 years. The lease will mitigate for the total 115 acre-feet of water use, even though the maximum usage will not occur until total build out, approximately 10 to 20 years later. This will provide an immediate benefit to the flows in the Deschutes River. Additionally, the River will benefit from the water being provided at a crucial stretch of the Deschutes River (directly below the city of Bend) and from water being provided during the critical summer months.

To ensure the lease of certificate ##### to instream use for mitigation purposes will be sufficient to prevent the public welfare, safety, and health from being impaired or adversely affected, the permit will be conditioned, as described below, to: 1) expire unless water right certificate ##### is permanently transferred to instream use prior to expiration of lease # or other identifier; 2) limit the total diversion to a consumption of 115 acre-feet of water each year; 3) require sufficient reporting to ensure the mitigation plan is sufficient.

The following conditioning will be included in the permit:

The use will be limited to a maximum diversion of 252 acre-feet each year, which will result in consumption of 115 acre-feet each year, once sewage contribution is subtracted from the amount diverted. If the reporting, as required below, demonstrates the mitigation plan is not sufficient to mitigate for the amount of water actually consumed, the use will be further restricted to limit the total consumed water to 115 acre-feet.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install meters, or other suitable measuring devices as approved by the Director, at both the diversion from the well and at a point where sewage, that is actually discharged to the ground, may be measured. The permittee shall maintain the meters or measuring devices in good working order, shall keep a complete record of the amount of water used and discharged each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

This permit will expire in 2 years from permit issuance unless the 2 year lease of certificate ##### to instream purposes is replaced by a permanent transfer of water right certificate ##### to instream use.

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 not 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 not been established.

In this application, all criteria for establishing the presumption have not been satisfied, as noted above. The presumption has been overcome by a preponderance of evidence that water is not available. However, with the proposed mitigation plan, the Department has found that even though the presumption is not established, the proposed use will not impair or adversely affect the public welfare, safety, and health, and propose approval of the application as conditioned on the attached draft permit.

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 February 15, 2000

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Dwight French
Water Rights Section Manager

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 **March 31, 2000**.

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 Russell W. Klassen. 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 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

Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 158 12th ST NE SALEM, OR 97310
Fax: (503)378-2496 .

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

EAGLE CREST INC.
WILLIAM D. LYCHE
PO BOX 1215
REDMOND, OREGON 97756

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

APPLICATION FILE NUMBER: G-14857

SOURCE OF WATER: A WELL IN DESCHUTES RIVER BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 1.74 CUBIC FOOT PER SECOND, FURTHER LIMITED TO A MAXIMUM DIVERSION OF 252 ACRE-FEET EACH YEAR WHICH WILL RESULT IN CONSUMPTION OF 115 ACRE-FEET EACH YEAR, ONCE SEWAGE CONTRIBUTION IS SUBTRACTED FROM THE AMOUNT DIVERTED. IF THE REPORTING, AS REQUIRED BELOW, DEMONSTRATES THE MITIGATION PLAN IS NOT SUFFICIENT TO MITIGATE FOR THE AMOUNT OF WATER ACTUALLY CONSUMED, THE USE WILL BE FURTHER RESTRICTED TO LIMIT THE TOTAL CONSUMED WATER TO 115 ACRE-FEET.

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 2, 1998

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 16, T15S, R12E, W.M.; 150 FEET SOUTH AND 150 FEET WEST FROM THE NE CORNER SECTION 16

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4

NW 1/4

SW 1/4

SECTION 15

TOWNSHIP 15 SOUTH, RANGE 12 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install meters, or other suitable measuring devices as approved by the Director, at both the diversion from the well and at a point where sewage, that is actually discharged to the ground, may be measured. The permittee shall maintain the meters or measuring devices in good working order, shall keep a complete record of the amount of water used and discharged each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

This permit will expire in 2 years from permit issuance unless the 2 year lease of certificate ##### to instream purposes is replaced by a permanent transfer of water right certificate ##### to instream use.

Within 1 year of permit issuance, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this timeline to complete the required Water Management Conservation Plan.

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, 2004. 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

Martha O. Pagel, Director
Water Resources Department

DRAFT

Mailing List for PFO Copies

Application #G-14857

PFO Date February 15, 2000

Original mailed to:

Applicant: WILLIAM D. LYCHE, EAGLE CREST INC., PO BOX 1215, REDMOND, OREGON 97756

Copies sent to:

1. WRD - File # G-14857
2. WRD - Water Availability: Ken Stahr

PFO. Map. and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 11
- DIV 33above
4. ODFW (Ted Wise)
 5. Col Riv Intertribal Fish Comm
 6. USFW
 7. NW Powr Plan Council
 8. NMFS (Marc Liverman)
- DIV 33stwd
9. DEQ (Portland): Tom Rosetta
 10. DOA (Salem): Steve Applegate

Copies Mailed

By: _____

(SUPPORT STAFF)

on: _____

(DATE)

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

11. Tom Walker (CWRE)
12. Ramer Holton jr., 1201 Third Avenue, 40th Floor, Seattle, WA 98101-3099

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. Ronald Wortman, PO Box 550, Prineville, OR 97754

CASEWORKER : RWK- WEEK 238

JUL 06 1999

WATER RESOURCES DEPT.
SALEM, OREGON



TRANSMITTAL

To: Mr. Dwight French
Mr. Bob Main
Company: Oregon Water Resources Department
Address
City/State
Phone:
Fax:

Date: July 2, 1999
Project Number: 0526-01-07
Project Name: Eagle Crest
Re: Pending OWRD Groundwater
Application #: G-14857

From: Thomas A. Walker, P.E., C.W.R.E.
Phone: (541) 388-4255
Fax: (541) 388-4229

Confidentiality Notice: This facsimile is intended only for the use of the individual and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that the unauthorized dissemination, distribution or copying of this communication, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone (collect). Thank you.

We are sending:

- Attached
- Facsimile
- # Of Pages Including Cover

These Are Transmitted:

- For Your Info/File
- As Requested
- For Review & Comment

Copied To:

Copies	Description
1	DRAFT Groundwater Withdrawal Mitigation Plan

In earlier telephone conversations I developed the understanding that a mitigation plan could be offered. I have been unable to confirm the status of mitigation proposals. Hopefully Eagle Crest will be allowed to submit a mitigation plan, rather than being placed on administrative hold or being denied. If so, please review the attached draft mitigation plan. Any comments will be greatly appreciated.

Thank you for your continued assistance.

Civil and Structural Engineering ♦ Landscape Architecture
Planning ♦ Surveying and Mapping

Washington ♦ Oregon ♦ Idaho

W&H PACIFIC

920 S.W. Emkay Dr., Suite C-100
Bend, Oregon 97702

July 2, 1999

Revised February 9, 2000

Mr. Dwight French
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310

**RE: Eagle Crest III
OWRD File No. G-14857
Deschutes Basin Groundwater Withdrawal
Mitigation Plan
WHP File No. 526-0107**

Dear Dwight:

Thank you for your continuing assistance on the pending groundwater appropriation application for Eagle Crest, Inc. in the Deschutes River Basin. We received an initial review which described the potential for a groundwater connection to Deschutes River surface water flows. I have compiled the following mitigation plan, intended to offset any impacts to surface water from our proposed groundwater withdrawal. Your review and approval are respectfully requested.

Eagle Crest III Introduction

Eagle Crest III is a proposed expansion of the existing Eagle Crest Resort, located approximately four miles west of Redmond, Oregon. Eagle Crest III will encompass approximately 480 acres, approximately 900 resort dwelling units, and appropriate recreational amenities. No golf course, nor significant irrigation requirements are expected. Eagle Crest III will be operated and managed as an integral part of the existing resort.

The domestic water supply requirements for Eagle Crest III will be provided by a new groundwater well and a connection to the existing domestic water distribution system. The connection to the existing system will provide a redundant backup supply for the entire resort, sharing reservoirs and distribution piping, and improving the overall efficiency of the water supply system.

Water Right Summary

Eagle Crest, Inc. has filed an application for a quasimunicipal groundwater appropriation to serve the Eagle Crest expansion. The pending water right application seeks a maximum diversion of 3.34 cfs.

Water consumption at a destination resort is very different from the domestic consumption at a municipality. The occupancy at a destination resort will typically be high during the summer season, relatively high during the winter weekends or holidays, and very low the rest of the time. Water use varies significantly between weekends and weekdays, between the seasons of the year, and even during the hours of the day.

February 9, 2000

Page 2

Groundwater wells at Eagle Crest will pump directly into the water distribution system whenever the project reservoirs are drawn down. The well pump will operate for a very short duration during the slack season of the resort, and will operate many more hours per day during the busy season. **The maximum diversion requested in the water right application will only be required a few days of the year and only after full buildout of the resort.**

Consumptive Use of Water at Eagle Crest

We can estimate the water consumption for the proposed expansion of Eagle Crest by utilizing historical consumption from the existing resort development. We utilized water meter records from the existing resort wells to determine the average total water consumption for each dwelling unit, on an annual basis. We used this actual average water consumption and applied it to the proposed 900 units at Eagle Crest III, to determine the total volume of water required on an annual basis, at Eagle Crest III.

Sewage at Eagle Crest is collected in a community sewer system, treated, and discharged in a subsurface drainfield. The sewage drainfield represents a recharge to the groundwater system. In the Deschutes Basin Groundwater Study, the recharge from sewage drainfields was considered to offset the consumptive use of groundwater. We have again utilized the existing resort units to estimate the average annual volume of sewage.

Our historical records at Eagle Crest demonstrate that a typical residential unit at Eagle Crest will require 0.28 acre feet of water from the domestic water supply system each year. This consumption is offset by a sewage contribution of 0.15 cubic feet. The net consumptive use is 0.13 acre feet per year.

At Eagle Crest III, the 900 proposed residential units are expected to result in a total consumptive use, at full buildout, of 115 acre feet per year. This net consumptive use of the groundwater withdrawal should be mitigated, proportionally to buildout of the resort expansion, to prevent impacts on surface water flows in the Deschutes basin.

We recognize that water consumption will vary from year to year and from neighborhood to neighborhood. Our calculations provide an estimate only. Actual consumption at Eagle Crest III can be measured accurately and adjustments made as the resort develops.

Groundwater Mitigation Concept

The Oregon Water Resources Department has determined from an extended groundwater study in the Deschutes basin that significant groundwater is available. Groundwater in the Deschutes basin typically discharges to the Deschutes River in the general vicinity of Lake Billy Chinook. Because of this connection between the groundwater and the surface water, and because all surface water rights are not met in the lower Deschutes River, groundwater withdrawals require some mitigation.

The Oregon Water Resources Department established a Deschutes Basin Task Force to evaluate water supplies, establish a reliable source of water for users in the basin, and to develop a mitigation plan to accommodate groundwater withdrawals in the Deschutes Basin. A task force has been formed and is currently operating effectively. While the Deschutes Basin Task Force develops its findings and recommendations on a long-term water supply for the basin, water right permit applications have been placed on administrative hold. Once the work of the Task Force is completed, then regional-wide mitigation should be made available to users throughout the Deschutes Basin, and pending or new appropriation applications can be processed. The on-going work of the Task Force has provided significant guidance to Eagle Crest in establishing an appropriate mitigation plan.

February 9, 2000

Page 3

Eagle Crest proposes mitigation for the total consumptive use of groundwater at the proposed resort expansion project. Eagle Crest proposes to mitigate the proposed groundwater withdrawal with the dedication of irrigation rights to an instream use. This proposal assures an immediate and effective mitigation to cover the immediate water needs of Eagle Crest.

The middle reach of the Deschutes River immediately below Bend, may very well have the greatest need for surface water mitigation. Eagle Crest proposes to dedicate surface water to an instream use, below the City of Bend, as mitigation for a groundwater withdrawal. This proposed mitigation should have the greatest beneficial effect on the Deschutes River because it adds water in the lowest flow section of the river and adds water that can subsequently be stored at Lake Billy Chinook.

Eagle Crest will not consume any appreciable volume of water over the next few years, because of the land use approval schedule and initial construction. Water consumption of Eagle Crest will grow slowly as residences are built and homes occupied. Based upon our experiences at the existing resort, we would expect 10 to 20 years to approach full buildout of the resort. For the purposes of this mitigation, we have assumed residential building construction would start in the year 2000 and we have assumed the expansion project would approach full buildout 10 years later. We propose that the dedication of surface water to an instream use be implemented within two years after OWRD issuance of the groundwater permit, to assure gallon for gallon mitigation for the near-term development of the resort. Likely, the mitigation will exceed the actual consumption based upon this schedule. **The Eagle Crest groundwater appropriation will be limited to the amount mitigated.** As the Deschutes Basin Task Force completes their work, Eagle Crest will have the right to choose the regional Task Force mitigation or to dedicate in-stream rights.

Water Right Transfer To An Instream Lease

Eagle Crest, Inc. owns a Swalley Irrigation District water right under Certificates No. 29054 and 29056. The water right is currently utilized to irrigate a golf course and grounds on a portion of the existing resort. Eagle Crest proposes to transfer the appropriate acreage of the existing Swalley Irrigation water right to offset the consumptive use of water on the expansion project, on a gallon for gallon basis. As noted, Eagle Crest may also elect to choose the regional Task Force mitigation, but appropriate mitigation must be in place before groundwater withdrawals may occur.

The following diversion rates and schedules are specified in the referenced Swalley Irrigation District permit:

- | | |
|---|---------------|
| ➤ April 1 to April 30 and October 1 to November 1: | .012 CFS/ACRE |
| ➤ May 1 to May 14 and September 15 to September 30: | .016 CFS/ACRE |
| ➤ May 15 to September 14: | .030 CFS/ACRE |

These diversion rates include a 43% canal transmission loss. Excluding the canal transmission loss reduces the proposed mitigation to 57% of the rates shown. The OWRD special order for the Swalley Irrigation District rights further describes a maximum diversion of 9.56 acre-feet for each acre irrigated, again including the canal conveyance loss. The total diversion is equivalent to 5.46 acre-feet for each acre irrigated, excluding the canal conveyance loss.

Eagle Crest, Inc. proposes to dedicate 21 acres of the Swalley Irrigation District right to an instream use to mitigate approximately the estimated total consumptive use of water at Eagle Crest III. Eagle Crest is proposing to dry 21 acres of grounds that are currently irrigated, and transfer those water rights to an instream use for mitigation.

February 9, 2000

Page 4

The regional mitigation strategy for the Deschutes Basin, currently being developed by the Deschutes Basin Task Force, may provide an alternative for Eagle Crest to mitigate consumptive use. Eagle Crest reserves the right to either participate in the regional mitigation or deliver the 21 acres of the Swalley Irrigation District right, to provide the needed mitigation. Regardless of the selected mitigation, the actual consumptive use of water at Eagle Crest III will be metered and groundwater withdrawals will be limited to the amount mitigated.

Summary

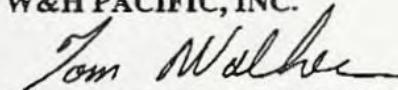
In summary, Eagle Crest is proposing a 480 acre destination resort development. A new groundwater well is required to serve that proposed development. Because groundwater and surface water are connected in the Deschutes basin and surface water rights are not met, then mitigation is required to offset potential surface water impacts. Eagle Crest has calculated the estimated total consumptive use of groundwater at the proposed development project and is prepared to mitigate the withdrawal by dedicating surface water irrigation rights to an instream use and/or participating in the regional mitigation solution being developed by the Deschutes Basin Task Force.

The Swalley Irrigation water rights will remain in the Deschutes River, rather than being withdrawn at the City of Bend. This mitigation will provide a significant benefit to the middle reach of the Deschutes River, which has historically experienced low summer time flows. Mitigation in the middle reach of the Deschutes River has been identified by the Deschutes Basin Taskforce as a very desirable outcome of the mitigation program.

Your review and approval of this mitigation plan are respectfully requested. Upon approval, we would expect that the pending Eagle Crest permit processing would proceed. Subject to the outcome of that standard water right application process, a water right permit will be issued.

Please consider my comments and recommendations and never hesitate to contact me if you have questions or need additional information.

Very Truly Yours,
W&H PACIFIC, INC.



Thomas A. Walker, P.E., C.W.R.E.
Vice President

Cc: Alan VanVliet

D:\020900.doc

July 2, 1999

Mr. Dwight French
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310

RE: Eagle Crest III
OWRD File No. G-14857
Deschutes Basin Groundwater Withdrawal
Mitigation Plan
WHP File No. 526-0107

Dear Dwight:

Thank you for your continuing assistance on the pending groundwater appropriation application for Eagle Crest, Inc. in the Deschutes River Basin. We received an initial review which described the potential for a groundwater connection to Deschutes River surface water flows. I have compiled the following mitigation plan, intended to offset any impacts to surface water, from our proposed groundwater withdrawal. Your review and approval are respectfully requested.

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The domestic water supply requirements for Eagle Crest III will be provided by a new groundwater well and a connection to the existing domestic water distribution system. The connection to the existing system will provide a redundant backup supply for the entire resort, allow the sharing of reservoirs and distribution piping, and improve the overall efficiency of the water supply system.

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Water consumption at a destination resort is very different from the domestic consumption at a municipality. The occupancy at a destination resort will typically be high during the summer season, relatively high during the winter weekends or holidays, and very low the rest of the time. Water use varies significantly between weekends and weekdays, between the seasons of the year, and even during the hours of the day.



Groundwater wells at Eagle Crest will pump directly into the water distribution system whenever the project reservoirs are drawn down. The well pump will operate for a very short duration during the slack season of the resort, and will operate many more hours per day during the busy season. **The maximum diversion requested in the water right application will only be required a few days of the year and only after full buildout of the resort.**

Consumptive Use of Water at Eagle Crest

We can estimate the water consumption for the proposed expansion of Eagle Crest by utilizing historical consumption from the existing resort development. We utilized water meter records from the existing resort wells to determine the average total water consumption for each dwelling unit, on an annual basis. We use this actual average water consumption and apply it to the proposed 900 units at Eagle Crest III, to determine the total volume of water required, on an annual basis, at Eagle Crest III.

Sewage at Eagle Crest is collected in a community sewer system, treated, and discharged in a subsurface drainfield. The sewage drainfield represents a recharge to the groundwater system. In the Deschutes Basin Groundwater Study, the recharge from sewage drainfields was considered to offset the consumptive use of groundwater. We have again utilized the existing resort units to estimate the average annual volume of sewage.

Our historical records at Eagle Crest demonstrate that a typical residential unit at Eagle Crest will require 0.28 acre feet of water from the domestic water supply system each year. This consumption is offset by a sewage contribution of 0.15 cubic feet. The net consumptive use is 0.13 acre feet per year.

At Eagle Crest III, the 900 proposed residential units are expected to result in a total consumptive use, at full buildout, of 115 acre feet. This net consumptive use of the groundwater withdrawal should be mitigated, proportionally to buildout of the resort expansion, to prevent impacts on surface water flows in the Deschutes basin.

We recognize that water consumption will vary from year to year and from neighborhood to neighborhood. Our calculations provide an estimate only. Actual consumption at Eagle Crest III can be measured accurately and adjustments made as the resort develops.

Groundwater Mitigation Concept

The Oregon Water Resources Department has determined from an extended groundwater study in the Deschutes basin that significant groundwater is available. Groundwater in the Deschutes basin typically discharges to the Deschutes River in the general vicinity of Lake Billy Chinook. Because of this connection between the groundwater and the surface water, and because all surface water rights are not met in the lower Deschutes River, then groundwater withdrawals require some mitigation.

Eagle Crest proposes a gallon for gallon mitigation for the total consumptive use of groundwater at the proposed resort expansion project.

The middle reach of the Deschutes River, immediately below Bend, may very well have the greatest need for surface water mitigation. Eagle Crest proposes to dedicate surface water to an instream use, below the City of Bend, as mitigation for a groundwater withdrawal. This proposed mitigation should have the greatest beneficial effect on the Deschutes River because it adds water in the lowest flow section of the river and adds water that can subsequently be stored at Lake Billy Chinook.

Eagle Crest will not consume any appreciable volume of water over the next few years, because of the land use approval schedule and initial construction. Water consumption of Eagle Crest will grow slowly as residences are built and homes occupied. Based upon our experiences at the existing resort, we would expect 10 to 20 years to approach full buildout of the resort. For the purposes of this mitigation, we have assumed residential building construction would start in the year 2000 and we have assumed the expansion project would approach full buildout 10 years later. We propose that the full mitigation be implemented by the year 2005, to assure gallon for gallon mitigation over the term of the development of the resort. Likely, the mitigation will exceed the actual consumption based upon this schedule.

Water Right Transfer To An Instream Lease

Eagle Crest, Inc. owns a Swalley Irrigation District water right under Certificate No. 29054 and 29056. The water right is currently utilized to irrigate a golf course and grounds on a portion of the existing resort. Eagle Crest proposes to transfer the appropriate acreage of the existing Swalley Irrigation water right to offsite the consumptive use of water on the expansion project, on a gallon for gallon basis.

The following diversion rates and schedules are specified in the referenced Swalley Irrigation District permit:

➤ April 1 to April 30 and October 1 to November 1:	.012 CFS/ACRE
➤ May 1 to May 14 and September 15 to September 30:	.016 CFS/ACRE
➤ May 15 to September 14:	.030 CFS/ACRE
➤ TOTAL:	.058 CFS/ACRE

Twelve acres of the Swalley Irrigation water right are equivalent to the estimated total consumptive use of water at the Eagle Crest expansion project. Eagle Crest is proposing to dry 12 acres of grounds that are currently irrigated, and transfer those water rights to an instream use for mitigation.

The transfer to an in-stream right may occur through an annual lease until the volume of water is verified. In addition, local and State officials are developing a regional mitigation strategy for the Deschutes Basin. Eagle Crest reserves the right to participate in a regional mitigation if appropriate.

Summary

In summary, Eagle Crest is proposing a 480 acre destination resort development. A new groundwater well is required to serve that proposed development. Because groundwater and surface water are connected in the Deschutes basin and surface water rights are not met, then mitigation is required to offset potential surface water impacts. Eagle Crest has calculated the estimated total consumptive use of groundwater at the proposed development project and is prepared to mitigate the withdrawal on a gallon for gallon basis by dedicating surface water irrigation rights to an instream use. The Swalley Irrigation water rights will remain in the Deschutes River, rather than being withdrawn at the City of Bend. This mitigation will provide a significant benefit to the middle reach of the Deschutes River, which has historically experienced low summer time flows. Mitigation in the middle reach of the Deschutes River has been identified by the Deschutes Basin Taskforce as a very desirable outcome of the mitigation program.

Your review and approval of this mitigation plan are respectfully requested. Upon approval, we would expect that the pending Eagle Crest permit processing would proceed. Subject to the outcome of that standard water right application process, a water right permit will be issued.

Please consider my comments and recommendations and never hesitate to contact me if you have questions or need additional information.

Very Truly Yours,
W&H PACIFIC, INC.

Thomas A. Walker, P.E, C.W.R.E.
Vice President

Cc: Alan VanVliet

061099tw.doc

Deschutes County Oregon
Community Development Department

Date 5-4-00

Number of pages including cover sheet 6

FAX

TO: Russell W. Klassen

FROM: Paul Blikstad

Phone

Fax Phone

Bend, Ore. Phone:

Bend Fax Phone: 541-385-1764

Redmond, Ore. Phone:

Redmond Fax Phone: 541-923-3097

CC:

Urgent

For your review

Reply ASAP

Please Comment

REMARKS:

You may not have any comments on this.
Eagle Crest contends that the well proposed
for phase 3 is not needed to serve the
commercial area in phase 1.



Community Development Department

Planning Division • Building Safety Division • Environmental Health Division

117 NW Lafayette Avenue • Bend, Oregon • 97701-1925

(541) 388-6575 • FAX (541) 385-1764

<http://newberry.deschutes.org>

NOTICE OF REQUEST FOR RECONSIDERATION

The Deschutes County Hearings Officer is scheduled to make a decision on the proposed land use application described below:

PROPOSED LAND USE ACTION:

- FILE NUMBER:** RC-00-1 (CU-00-9)
- LOCATION:** Eagle Crest Destination Resort, northeast corner of the intersection of Cline Falls Highway and Falcon Crest Drive; County Assessor's maps 15-12-14C, tax lot 200 and 15-12-23B, tax lot 100.
- APPLICANT:** Eagle Crest Inc.
- PROPOSAL:** RC-00-1, An application for a Reconsideration by the County Hearings Officer to reconsider Condition of Approval No. 9 of the Hearings Officer's decision on CU-00-9. The applicant is requesting that condition no. 9 be deleted, and it involves the water supply system for the commercial area.
- STAFF CONTACT:** Paul Blikstad, Associate Planner

STANDARDS AND APPLICABLE CRITERIA:

Title 22 of the Deschutes County Code, County Land Use Procedures Ordinance:

- Chapter 22.30, Reconsideration
- Chapter 22.28, Land use action decisions.



A copy of the application, all documents submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page. The Planning Division is located in the Community Development Department Office on the lower level of the County Administration Building at 117 NW Lafayette Avenue, Bend, Oregon.

Any interested party may submit written comments on the proposed reconsideration. Your input is important to us. ALL WRITTEN TESTIMONY MUST BE RECEIVED BY THE DESCHUTES COUNTY PLANNING DIVISION NOT LATER THAN MAY 15, 2000. Notice of the decision will be provided by a separate letter. For more information or to request copies of the findings and decision, contact PAUL BLIKSTAD, ASSOCIATE PLANNER, at the Planning Division (541) 388-6554.

REQUEST TO RECONSIDER DESCHUTES COUNTY FILE NO. CU-00-9

PROJECT: Eagle Crest I Commercial Area
Conditional Use to Modify the Existing Master Plan

**DESCHUTES COUNTY
FILE NO:** CU-00-9

**APPLICANT/
PROPERTY OWNER:** Eagle Crest, Inc.
c/o Alan VanVliet
P.O. Box 1215
Redmond, Oregon 9756
(541) 923-0807

ENGINEER: Thomas A. Walker, P.E.
W&H Pacific, Inc.
920 SW Emkay Drive, Suite C-100
Bend, Oregon 97702
(541) 388-4255

REQUEST: The applicant requests reconsideration and modification of the Hearings Officer's decision approving a conditional use permit to designate approximately 9 acres of property for commercial uses. Specifically the applicant requests that Approval Condition No. 9 be deleted.

STAFF REVIEWER: Paul Blikstad, Associate Planner

HEARING DATE: March 7, 2000

RECORD CLOSED: March 21, 2000

DATE OF DECISION: April 19, 2000

I. APPLICABLE STANDARDS AND CRITERIA:

- A. Title 22 of the Deschutes County Code, the Development Procedures Ordinance**
- Chapter 22.30, Reconsideration

II. FINDINGS OF FACT:

- A. Procedural History:** The Hearings Officer's decision approving the applicant's request for conditional use approval to modify the existing Eagle Crest Destination Resort Master Plan to establish a commercial area, was mailed on April 19, 2000. The period for reconsideration and/or appeal will expire 12 days later, on Monday, May 1, 2000. The normal 10-day period expires on Saturday, April 29, 2000, which extends the deadline to the next working day.

The applicant agrees, as required under Title 22 of the Deschutes County Code, to toll the 150-day period for a final decision, during the period of reconsideration.

III. CONCLUSIONS OF LAW:**A. Title 22 of the Deschutes County Code, the Development Procedures Ordinance****1. Chapter 22.30, Reconsideration****a. Section 22.30.010. Reconsideration**

- A. An applicant may request that the Hearings Officer's decision be reconsidered as set forth herein. A request for reconsideration shall be accompanied by a fee established by the County and by the applicant's written consent that the 150-day clock will not run during the period of reconsideration.**

FINDINGS: As discussed above, the applicant has submitted this request for reconsideration within the period provided and included in that request its consent to toll the 150-day period during the time of reconsideration. In addition, the required Deschutes County fee for the reconsideration is attached. The applicant's request for reconsideration satisfies the requirement for this paragraph.

- B. Grounds for reconsideration are limited to the following instances where an alleged error substantially affects the rights of the applicant:**

- 1. Correction of an error in a condition established by the Hearings Officer where the condition is not supported by the record or is not supported by law;**
- 2. Correction of errors that are technical or clerical in nature.**

FINDINGS: As discussed below, the applicant's request for reconsideration asserts that one condition of approval (#9) contains technical or clerical errors. In addition, the applicant asserts that the noted condition of approval is not supported by the record and/or by law.

b. Section 22.30.020. Procedure.

- A. A request for reconsideration shall be filed with the Planning Director within ten (10) days of the date the decision was mailed. The request shall identify the alleged error in the Hearings Officer's decision and shall specify how the applicant would be adversely affected if the alleged error were to remain uncorrected.**

FINDINGS: As discussed, the applicant's request for reconsideration has been filed within the time period provided.

The applicant asserts that Approval Condition No. 9 contains technical or clerical errors, and is not supported by the records and/or by law. Condition No. 9 states:

"The applicant/owner shall provide to the Deschutes County Planning Division written verification from the Oregon Department of Water Resources that a groundwater permit has been issued for the new well for Eagle Crest, Phase III. This verification shall be submitted with the master development plan required by this decision."

The Hearings Officer's findings on Page 12 describe the need to assure an adequate water supply. The Hearings Officer mistakenly ties a proposed Eagle Crest III well to the water supply for the Eagle Crest I commercial area.

The underlying master plan approvals for Eagle Crest I and Eagle Crest II demonstrate an adequate water supply. The modification of the master plan to include the commercial area is an insignificant change, and particularly in regards to water supply.

The Eagle Crest I resort area is served primarily by Wells 2 and 3. In addition, an interconnection has been constructed between the Ridge at Eagle Crest (Eagle Crest II) and the original resort (Eagle Crest I). The interconnection assures that the Eagle Crest II water supply system, including Wells 6, 7, and 8, and the 300,000 gallon reservoir, are available to serve Eagle Crest I.

Adequate water for a commercial development at Eagle Crest I includes a fire protection flow rate and domestic consumption. Domestic and irrigation requirements are insignificant in comparison to the capacity of the Eagle Crest I water system. Fire protection flow rates can be easily supplied by the Eagle Crest I domestic water supply system, and particularly with the interconnection to the Eagle Crest II system. The Redmond Rural Fire Protection District has authority to check and confirm adequate fire protection flow rates, as a normal part of final design review.

Eagle Crest I and II wells have a combined capacity for domestic uses of 2865 gpm. The projected peak day domestic flow rate is 1239 gpm, leaving 1626 gpm to off-set fire flows. The existing reservoir and wells can provide a 2500 gpm fire flow for a two hour duration, leaving 195,000 gallons in storage for peaking and emergencies.

A well has been proposed for the Eagle Crest III expansion, to serve the Eagle Crest III development area. The Eagle Crest III well is not needed for development at Eagle Crest I or Eagle Crest II.

In summary, it is not technically correct to tie a future well for Eagle Crest III, to the proposed commercial area at Eagle Crest I. It is technically correct to rely upon the existing Eagle Crest I source and distribution system, and the interconnection to the Eagle Crest II source, storage, and distribution system, for adequate water for the commercial area. The applicant asserts that any reference to water right permits for an adequate water supply must be limited to existing permits at Eagle Crest I and Eagle Crest II.

All necessary water right permits for Eagle Crest I and II have already been issued by the Oregon Water Resources Department. (Copies are attached) The applicant requests that Condition No. 9 be deleted.

The original application for file CU-00-9 referenced multiple master plans and conditional use permits. The Hearings Officer's decision specifically referenced the Eagle Crest III Water System Master Plan. **No new evidence, over and above that referenced or included in file CU-00-9 has been included in this request for reconsideration.**

The applicant respectfully requests consideration and approval of this request for reconsideration.



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

February 20, 2001

THOMAS WALKER, C.W.R.E.
920 SW EMKAY, SUITE C100
BEND, OR 97702-1041

REFERENCE: Files G 12905, G 14857, Permits G 11762, G 13856

Dear Mr. Walker:

Regarding your requests to assign the permits we need the required fees before we can process them. The forms appear to be in order otherwise.

As the form points out there is a \$25 fee for each assignment, therefore a total of \$50 must be submitted before we can process the requests.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

Dallas Miller
Water Rights Specialist

cc: Watermaster, District 11

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EAGLE CREST INC.
WILLIAM D. LYCHE
PO BOX 1215
REDMOND, OREGON 97756

The limits and conditions of the use are listed below.

SPECIFIC LIMITS AND CONDITIONS

APPLICATION FILE NUMBER: G-14857

SOURCE OF WATER: A WELL IN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 3.34 CUBIC FEET PER SECOND, further limited to a maximum diversion of 252 acre-feet each year and shall result in consumption of no more than 115 acre-feet each year, once sewage contribution is subtracted from the amount diverted, unless the mitigation plan is modified and approved by the Department as described below.

If the reporting, as required below, demonstrates the mitigation plan is not sufficient to mitigate for the amount of water actually consumed, the use will be further restricted to limit the total consumed water to 115 acre-feet, or the Department may approve an additional and equivalent water right to be leased to instream use, to maintain an acre-foot balance between the amount of water consumed to the amount of water provided to instream use. An equivalent water right must, at a minimum, be from a water right with a diversion point at or near the diversion authorized by the lease of certificate 74145.

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 2, 1998

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 16, T15S, R12E, W.M.; 150 FEET SOUTH AND 150 FEET WEST FORM THE NE CORNER, SECTION 16, T15S, R12E, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE QUARTER ALL
NW QUARTER ALL
SW QUARTER ALL
SECTION 16
TOWNSHIP 15 SOUTH, RANGE 12 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, *at both the diversion from the well and at a point where sewage, that is actually discharged to the ground, may be measured.* The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- 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.

This permit will expire in 2 years from permit issuance unless the 2 year lease of the water right authorized under certificate 74145 to instream purposes is replaced by a permanent transfer of water right certificate 74145, filed as transfer application T 8519, or an equivalent water right as determined by the Department, to instream use.

Within one year of permit issuance, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this timeline to complete the required Water Management Conservation Plan.

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.

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.

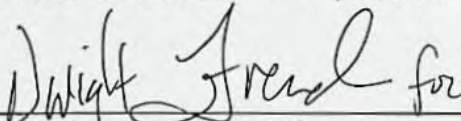
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 May , 2001. Complete application of the water to the use shall be made on or before October 1, 2005. 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 October 17, 2000


Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application G-14857
Basin 5
AMH

Water Resources Department
Volume 1 DESCHUTES R & MISC
MGMT.CODES 7BG 7BR 7CG 7CR

PERMIT G-13856
District 11

Oregon Water Resources Department



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
(800)624-3199 • (503)378-8455
www.wrd.state.or.us

Fax Transmittal

TO: Tom Walker

FAX: (541) 388 - 4229 DATE: 10/19/00 PAGES: 8

FROM: Renee Modun

COMMENTS: Please call if you have any questions
1-800-624-3199 x 239.

Director's Office

- Water Resources Commission
- Legislation and Rules
- Public Information

Field & Technical Services

- Dam Safety
- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

FAX: 503-378-2496

Administrative Services

- Accounting/Fiscal
- Personnel
- Water Development Loan Fund

Resource Management

- Regional Liaisons

Field & Technical Services

- Enforcement

FAX: 503-378-8130

Water Rights & Adjudications

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates/Final Proofs
- Hearings/Contested Cases

Northwest Region

- District 16 Watermaster
- Transfers

FAX: 503-378-6203

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right)
Application G 14857 in the Name)
of William D. Lyche, for Eagle Crest) **ORDER ON RECONSIDERATION**
Inc.,)
Applicant)

Appeal Rights

This is a final order in other than contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-001-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075 , 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 day time period specified by ORS 183.484(2).

Background

On May 26, 2000, the Oregon Water Resources Department ("Department") through its Director, Martha Pagel, issued its Final Order Approving Application and Denying Protest for Application G 14857.

On September 19, 2000, the Department on its own motion issued an Order Allowing Reconsideration of its May 26, 2000 order.

Findings of Fact and Conclusions of Law

Under ORS 390.835 the "highest and best uses of the waters within scenic waterways are recreation, fish and wildlife uses," and the "free-flowing character of these waters shall be maintained in quantities necessary for recreation, fish and wildlife uses." Accordingly, no new water diversion may be constructed or used unless permitted by the Water Resources Commission upon a finding that such diversion is necessary to uses designated in ORS 536.310(12) and in a manner consistent with the policies set to preserve the free-flowing character of scenic waterways in quantities necessary for recreation, fish and wildlife uses. ORS 390.805 to 390.925.

Each water right permit and certificate for appropriation of ground water issued after July 19, 1995, for which a source of appropriation is within or above a scenic waterway must be conditioned to allow the regulation of the use if analysis of data available after the permit or

certificate is issued discloses that "the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced." ORS 390.835(9)(g).

The priority date for this permit is November 2, 1998, thus the permit for this use must contain the following condition:

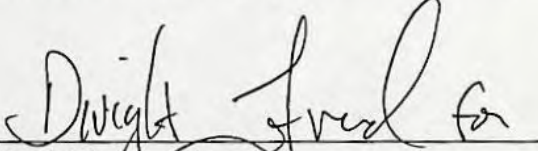
Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation,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

The use as conditioned under the amended permit for this application is consistent with the policies set forth under ORS 390.805 to 390.925 to preserve the free-flowing character of scenic waterways in quantities necessary for recreation, fish and wildlife uses.

Order

The Final Order Approving Application and Denying Protest is amended by this order. Permit G 13819 is superceded by Permit G13856 issued herein.

DATED this 17 day of October, 2000

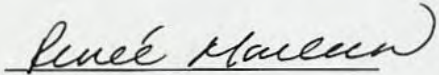

Paul Cleary, Director
Oregon Water Resources Department

Service List

I certify that on October 17, 2000, a copy of this notice was served by first class mail, postage prepaid upon the persons listed below, by depositing same in the United States Post Office at Salem, Oregon.

W&H Pacific
920 S.W. Emkay Dr., Suite C-100
Bend, OR 97702

William D. Lyche
Eagle Crest Inc.
P.O. Box 1215
Redmond, OR 97756


Renee Moulun

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EAGLE CREST INC.
WILLIAM D. LYCHE
PO BOX 1215
REDMOND, OREGON 97756

The limits and conditions of the use are listed below.

SPECIFIC LIMITS AND CONDITIONS

APPLICATION FILE NUMBER: G-14857

SOURCE OF WATER: A WELL IN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 3.34 CUBIC FEET PER SECOND, further limited to a maximum diversion of 252 acre-feet each year and shall result in consumption of no more than 115 acre-feet each year, once sewage contribution is subtracted from the amount diverted, unless the mitigation plan is modified and approved by the Department as described below.

If the reporting, as required below, demonstrates the mitigation plan is not sufficient to mitigate for the amount of water actually consumed, the use will be further restricted to limit the total consumed water to 115 acre-feet, or the Department may approve an additional and equivalent water right to be leased to instream use, to maintain an acre-foot balance between the amount of water consumed to the amount of water provided to instream use. An equivalent water right must, at a minimum, be from a water right with a diversion point at or near the diversion authorized by the lease of certificate 74145.

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 2, 1998

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 16, T15S, R12E, W.M.; 150 FEET SOUTH AND 150 FEET WEST FORM THE NE CORNER, SECTION 16, T15S, R12E, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE QUARTER ALL
NW QUARTER ALL
SW QUARTER ALL
SECTION 16
TOWNSHIP 15 SOUTH, RANGE 12 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, at both the diversion from the well and at a point where sewage, that is actually discharged to the ground, may be measured. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- 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.

This permit will expire in 2 years from permit issuance unless the 2 year lease of the water right authorized under certificate 74145 to instream purposes is replaced by a permanent transfer of water right certificate 74145, filed as transfer application T 8519, or an equivalent water right as determined by the Department, to instream use.

Within one year of permit issuance, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this timeline to complete the required Water Management Conservation Plan.

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.

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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.

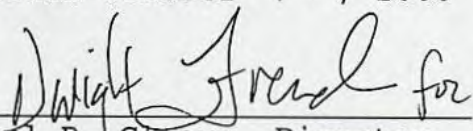
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Actual construction of the well shall begin by May , 2001. Complete application of the water to the use shall be made on or before October 1, 2005. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued October 17, 2000


Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application G-14857
Basin 5
AMH

Water Resources Department
Volume 1 DESCHUTES R & MISC
MGMT.CODES 7BG 7BR 7CG 7CR

PERMIT G-13856
District 11



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

VIA MAIL

October 19, 2000

Kimberley Priestley
WaterWatch of Oregon
213 SW Ash, Ste. 208
Portland, OR 97204

Re: Water Right Application G 14857 in the Name of William D. Lyche for Eagle
Crest Inc.

Dear Kimberley:

Enclosed is a courtesy copy of the Department's Order on Reconsideration for the above
captioned matter.

Sincerely,

Renee Moulun
Protest Program Coordinator

Enclosure

Cc: Meg Reeves



FILE CHECKED
RENEE

From: Ron_Wortman@or.blm.gov
 Subject: Water Right Application G 14857
 To: wr.wrig@wr.d.state.or.us
 Date: Mon, 16 Oct 2000 15:26:02 -0700
 X-MIMETrack: Serialize by Router on LMOR1/BLM/DOI(Release 5.0.4a |July 24, 2000) at 10/16/2000
 03:29:21 PM

BLM has received two conflicting stories with regard to the request in the name of William D. Lyche for Eagle Crest, Inc. Eagle Crest has requested a right-of-way to cross public lands for the purpose of transporting water. What is the status of water right application G 14857 or any other proposed Water Right Application by Eagle Crest? I may also be contacted by phone at 541-416-6709. Thanks for you for your help. Ron Wortman

IMPORTANT MESSAGE

FOR	Mon 20201	DATE	10-16	TIME	9:44	A.M. P.M.
M.	RON WORTMANN					
OF	G 14857					<input checked="" type="checkbox"/> PHONED
PHONE	<input type="checkbox"/> FAX	<input type="checkbox"/> MOBILE	(541)	- 416 -	6709	<input type="checkbox"/> RETURNED YOUR CALL
MESSAGE	"NEED" BLM // ADPLIC INFO // EAGLE CREST					<input checked="" type="checkbox"/> PLEASE CALL
						<input type="checkbox"/> WILL CALL AGAIN
						<input type="checkbox"/> CAME TO SEE YOU
						<input type="checkbox"/> WANTS TO SEE YOU
SIGNED						

Ron Wortman@or.blm., 03:26 PM 10/16/00, Water Right Application G 1485

From: Ron Wortman@or.blm.gov
Subject: Water Right Application G 14857
To: wr.wrig@wr.d.state.or.us
Date: Mon, 16 Oct 2000 15:26:02 -0700
X-MIMETrack: Serialize by Router on LMOR1/BLM/DOI (Release 5.0.4a | July 24, 2000) at 10/16/2000
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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

September 29, 2000

Deschutes Reclamation & Irrigation Company
P.O. Box 5126
Bend, Oregon 97708-5126

REFERENCE: Transfer 8519

I am examining your water right transfer application for a change in use and place of use to instream water rights. There is one issue that needs to be resolved before I can complete processing of the transfer.

1. The applicant is responsible for giving notice to a newspaper of the transfer changes. You will be responsible for publishing the notice as follows. Enclosed is copy of the Publication Notice. This notice must be published at least once a week for three consecutive weeks in a newspaper having a general circulation in the area of the water right. Please have the newspaper insert the date of last publication and protest dates in the proper places. After publication, an affidavit of publication from the newspaper must be sent back to me in the Salem office.

If you have any questions, please call me at 1-800-624-3199, ext. 275.

Sincerely,

Bernadette Williams
Transfer Coordinator

cc: Kyle Gorman, Watermaster
Ed Goodman; Oregon Water Trust; 111 SW Naito Parkway, Suite 404; Portland, OR 97204

enclosure



NOTICE OF WATER RIGHT TRANSFER 8519

Deschutes Reclamation & Irrigation Company (Swalley Irrigation District) filed an application with the Water Resources Department for a change in use of water as provided by ORS 537.705 and ORS 540.510 to 540.530.

Certificate 74145, in the name of Swalley Irrigation District, includes a right limited to 0.142 cubic foot per second (cfs) from April 1 - May 1 and October 1 - November 1, 0.190 cfs from May 1 - May 15 and September 15 - October 1, and 0.352 cfs from May 15 - September 15 from the Deschutes River, with a priority date of September 1, 1899 for irrigation of 21.0 acres.

The point of diversion for this right is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, T 15 S, R 12 E, W.M.; 2065.82' North & 1401.41' East from the S $\frac{1}{4}$ Corner, Section 14.

The applicant proposes to change the use to instream water rights in the Deschutes River from river mile 165 (North Canal Dam), downstream to river mile 120 (Lake Billy Chinook).

Protests may be filed by persons who think their water right may be injured by this change. Additional information or forms and rules for filing protests are available from the Water Resources Department by calling 1-800-624-3199, ext. 275. If a protest is filed a hearing may be held.

The last date of publication is [DATE OF LAST PUBLICATION]. IF NO PROTEST IS FILED BY [30 DAYS AFTER DATE OF LAST PUBLICATION], THE CHANGE MAY BE APPROVED WITHOUT A HEARING.



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

VIA MAIL

September 19, 2000

Karen Russell
Kimberley Priestley
WaterWatch of Oregon
213 SW Ash, Ste. 208
Portland, OR 97204

RE: Water Right Application G 14857 in the Name of Eagle Crest Inc.

Dear Karen and Kimberley:

Enclosed is a courtesy copy of the Department's Order Allowing Reconsideration for the above-captioned matter.

Sincerely,

Renee Moulun
Protest Program Coordinator

Enclosure

Cc: Meg Reeves
Dwight French



Oregon Water Resources Department



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
(800)624-3199 • (503)378-8455
www.wrd.state.or.us

W

Fax Transmittal

TO: Tom Walker

FAX: (541) 388-4229 DATE: 9/12/00 PAGES: 2

FROM: Renee Maroun

COMMENTS: I will try to reach you today before I
leave at 4:00; otherwise I will call you
Thursday or feel free to call anytime @ 268.
Thank you.

Director's Office

- Water Resources Commission
- Legislation and Rules
- Public Information

Field & Technical Services

- Dam Safety
- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

FAX: 503-378-2496

Administrative Services

- Accounting/Fiscal
- Personnel
- Water Development Loan Fund

Resource Management

- Regional Liaisons

Field & Technical Services

- Enforcement

FAX: 503-378-8130

Water Rights & Adjudications

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates/Final Proofs
- Hearings/Contested Cases

Northwest Region

- District 16 Watermaster
- Transfers

FAX: 503-378-6203

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

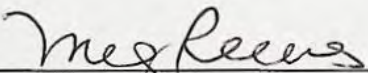
In the Matter of Water Right)	
Application G 14857 in the Name)	ORDER ALLOWING
of William D. Lyche, for Eagle Crest)	RECONSIDERATION
Inc.)	
<i>Applicant</i>)	
)	
WaterWatch of Oregon, Oregon Trout)	
and Trout Unlimited.)	
<i>Protestants</i>)	

OAR 137-004-0080(5) provides that within 60 calendar days after the date of the order, the agency may, on its own initiative, reconsider a final order. Following reconsideration, the agency must enter a new order, which may be an order affirming the existing order.

ORDER

On its own initiative, the Oregon Water Resources Department withdraws for reconsideration its final order in this matter. Following reconsideration, the Department will enter a new order.

DATED this 17th day of September, 2000.



Paul Cleary, Director
Oregon Water Resources Department

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14857

Proposed Final Order

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

Application History

On November 2, 1998, WILLIAM D. LYCHE, for EAGLE CREST INC., submitted an application to the Department for the following water use permit:

- Amount of Water: 1500 GALLONS PER MINUTE(3.34 CFS)
- Use of Water: QUASI-MUNICIPAL USE
- Source of Water: A WELL IN DESCHUTES RIVER BASIN
- Area of Proposed Use: DESCHUTES County within SECTION 15, SECTION 16, SECTION 22, SECTION 23, TOWNSHIP 15 SOUTH, RANGE 12 EAST, W.M.

On 5/21/99, the Department mailed the applicant notice of its Initial Review, determining that "...*QUASI-MUNICIPAL cannot be allowed. At the next step of processing the Department will propose denial of this application unless the applicant proposes a mitigation plan, approved by the Department, that satisfactorily addresses the impact of the proposed use of ground water on surface flows. The approved mitigation plan could be incorporated as part of the permit, if one is issued, but implementation of the plan would be required prior to water use. At this time, you must decide whether to proceed or to withdraw your application as described below [or] place your application on "administrative-hold" to allow for participation in the Deschutes Basin Water Management Planning Process which is developing a water management plan to serve as a mechanism for mitigating the use of hydraulically connected ground water.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 6/24/99, 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.

Comments were received from William D. Lyche, requesting that the application be withheld from processing until, as late as, September 1, 2000.

On September 13, 1999, Thomas A. Walker, certified water rights examiner for the applicant, requested that the Department review a proposed mitigation plan and proceed with the application.

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 quasi-municipal use from groundwater.

The proposed well is not within a designated critical ground water area.

The Department finds that the amount of water requested, 3.34 CFS, is an acceptable rate.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with the Deschutes River.

The proposed well, in Deschutes River Basin, is above a State Scenic Waterway.

The Groundwater Section finds, per OAR 390.835(9), 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.

An assessment of groundwater availability has been completed by the Department's Groundwater/Hydrology Section. This assessment determined that groundwater is available for further appropriation. However, because the well has the potential for substantial interference with surface water, an assessment of surface water availability has also been completed. By definition water is available when the requested source is not over-appropriated under OAR 690-410-010 and 690-410-070, during any period of the proposed use (OAR 690-300-010 (57)). Under OAR 690-410-070, groundwater may only be allocated to new uses when the allocations will not contribute to over-appropriation. Over-appropriation of groundwater means that the appropriation of groundwater resources by all water rights exceeds the average annual recharge to a groundwater source over the period of record, or results in the further depletion of already over-appropriated surface waters. The assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. Copies of both assessments are

available in the file. The assessment determined that water is **not** available for further appropriation (at an 80 percent exceedance probability) May 1 through March 31 due to existing consumptive uses and instream water rights. Groundwater and surface water are managed conjunctively by the Water Resources Department in order to protect the resource, existing rights, and the public interest (OAR 690-410-010). Because the proposed well is in hydraulic interference with surface water, with the potential for substantial interference, and surface water is over-appropriated May 1 through March 31, water is **not** available for the proposed use.

The proposed well will have the potential for substantial interference with surface water sources, therefore, OAR 690 division 33 rules apply to this application. In accordance with OAR 690-33-140(b), OAR 690-33-140(e), and OAR 690-33-330, regarding sources tributary to the Columbia River above Bonneville Dam and sensitive fish species, the use may be allowed. Specifically, the use may be allowed because, as described below, the effects of impacts to surface water will be mitigated through a lease of an existing right to instream use. The mitigation will provide net benefits for native resident and native anadromous fish, and as proposed, the project has measurable public benefits. The lease will mitigate gallon for gallon the total amount of water consumed by the proposed ground water use. The Deschutes River will benefit from the lease by water being provided at a crucial stretch of the river (directly below the city of Bend) and from water being provided during the critical summer months.

OAR 690-310-140 states the following regarding the public interest review:

Public Interest Review; Groundwater: (1) Unless the applicant requests withdrawal of an application following the initial review described in OAR 690-310-080, before issuing a proposed final order, the Department shall determine whether the presumption under OAR 690-310-130 is established for the proposed groundwater use, as described in OAR 690-310-130.

(2) If the Department determines that the presumption is not established, the Department shall determine whether the proposed use will impair or adversely affect the public welfare, safety and health under ORS 537.525 and may either:

(a) Propose denial of the application upon a finding that the use will impair or adversely affect the public welfare, safety and health; or

(b) Make specific findings to demonstrate that even though the presumption is not established, the proposed use will not impair or adversely affect the public welfare, safety, and health and propose approval of the application with appropriate modifications or conditions.

The Department finds that, per OAR 690-310-130(1)(b), in this application, all criteria for establishing the presumption have not been satisfied. The presumption is not established because water is not available. However, with the following specific findings, the Department finds that even though the presumption is not established, the proposed use will not impair or adversely affect the public welfare, safety, and health. (OAR 690-310-130(2)(b))

Specific Findings of Fact

Historical records at Eagle Crest, Inc. demonstrate that at full build out the proposed 900 residential units and appropriate recreational amenities will, minus the amount offset by sewage contribution, consume approximately 115 acre-feet of water each year. Eagle Crest, Inc. proposes to mitigate, gallon for gallon for the consumed acre-feet by a lease of 21.0 acres of Swalley Irrigation District right, authorized under certificate 74145, to instream use for 2 years. The lease will mitigate for the total 115 acre-feet of water use, even though the maximum usage will not occur until total build out, approximately 10 to 20 years later. This will provide an immediate benefit to the flows in the Deschutes River. In addition, the River will benefit from the water being provided at a crucial stretch of the Deschutes River (directly below the city of Bend) and from water being provided during the critical summer months.

To ensure the lease of the water right authorized under certificate 74145, to instream use for mitigation purposes will be sufficient to prevent the public welfare, safety, and health from being impaired or adversely affected, the permit will not be issued unless the applicant obtains a valid lease to instream use; in addition, the permit will be conditioned, as described below, to:

- 1) expire unless 21.0 acres, or more as described below, of the water right authorized under certificate 74145, or an equivalent water right as determined by the Department, is permanently transferred to instream use prior to expiration of the lease. An equivalent water right must, at a minimum, be from a water right with a diversion point at or near the diversion authorized by the lease of certificate 74145.
- 2) limit the total annual diversion to a consumptive duty of 115 acre-feet of water each year. However, if the diversion amount from the well(s) minus the return flows from sewage treatment indicate 115 acre-feet of mitigation is not sufficient, the permit holder may increase the mitigation component of the permit by transferring additional acres and acre-feet to instream. Exercise of this option requires that the additional transfer to instream be from an irrigation water right with a diversion point at or near the diversion authorized by the lease of a portion of certificate 74145.
- 3) require sufficient reporting to ensure the mitigation plan is sufficient.

The following conditioning will be included in the permit:

The use shall be limited to a maximum diversion of 252 acre-feet each year, and shall result in consumption of no more than 115 acre-feet each year, once sewage contribution is subtracted from the amount diverted. If the reporting, as required below, demonstrates the mitigation plan is not sufficient to mitigate for the amount of water actually consumed, the use will be further restricted to limit the total consumed water to 115 acre-feet, or the department may approve an additional and equivalent water right to be leased to instream use, to maintain an acre-foot for acre-foot balance between the amount of water consumed to the amount of water provided to instream use.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install meters, or other suitable measuring devices as approved by the Director, *at both the diversion from the well and at a point where sewage, that is actually discharged to the ground, may be measured.* The permittee shall maintain the meters or measuring devices in good working order, shall keep a complete record of the amount of water used and discharged each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

This permit will expire in 2 years from permit issuance unless the 2 year lease of the water right authorized under certificate 74145 to instream purposes is replaced by a permanent transfer of water right certificate 74145, or an equivalent water right as determined by the Department, to instream use.

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.

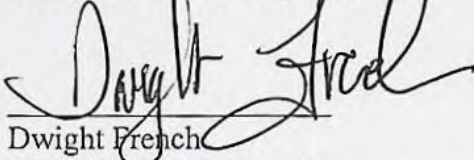
The presumption described in ORS 537.621(2) has not been established because without mitigation, water is not available. However, with the proposed mitigation plan, the Department finds that even though the presumption is not established, the proposed use will not impair or adversely affect the public welfare, safety, and health, and propose approval of the application as conditioned on the attached draft permit.

The Department therefore concludes 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 February 15, 2000



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 **March 31, 2000**.

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 Russell W. Klassen. 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 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

Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 158 12th ST NE SALEM, OR 97310
Fax: (503)378-2496 .

RWK- WEEK 238

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

EAGLE CREST INC.
WILLIAM D. LYCHE
PO BOX 1215
REDMOND, OREGON 97756

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

APPLICATION FILE NUMBER: G-14857

SOURCE OF WATER: A WELL IN DESCHUTES RIVER BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 3.34 CUBIC FOOT PER SECOND, further limited to a maximum diversion of 252 acre-feet each year and shall result in consumption of no more than 115 acre-feet each year, once sewage contribution is subtracted from the amount diverted, unless the mitigation plan is modified and approved by the department as described below.

If the reporting, as required below, demonstrates the mitigation plan is not sufficient to mitigate for the amount of water actually consumed, the use will be further restricted to limit the total consumed water to 115 acre-feet, or the department may approve an additional and equivalent water right to be leased to instream use, to maintain an acre-foot for acre-foot balance between the amount of water consumed to the amount of water provided to instream use. An equivalent water right must, at a minimum, be from a water right with a diversion point at or near the diversion authorized by the lease of certificate 74145.

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 2, 1998

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 16, T15S, R12E, W.M.; 150 FEET SOUTH AND 150 FEET WEST FROM THE NE CORNER SECTION 16

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4
NW 1/4
SW 1/4
SECTION 15
TOWNSHIP 15 SOUTH, RANGE 12 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install meters, or other suitable measuring devices as approved by the Director, *at both the diversion from the well and at a point where sewage, that is actually discharged to the ground, may be measured.* The permittee shall maintain the meters or measuring devices in good working order, shall keep a complete record of the amount of water used and discharged each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

This permit will expire in 2 years from permit issuance unless the 2 year lease of the water right authorized under certificate 74145 to instream purposes is replaced by a permanent transfer of water right certificate 74145, or an equivalent water right as determined by the Department, to instream use.

Within 1 year of permit issuance, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this timeline to complete the required Water Management Conservation Plan.

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, 2004. 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

Martha O. Pagel, Director
Water Resources Department

Application G-14857
Basin 5
RWK- WEEK 238

Water Resources Department
Volume 1 DESCHUTES R MISC
MGMT.CODE 7BG 7BR 7JG 7JR

PERMIT DRAFT
District 11



Oregon

John A. Kitzhaber, M.D., Governor

Adam has

Department of Fish and Wildlife

High Desert Region

61374 Parrell Road

Bend, OR 97702

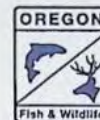
(541) 388-6363

FAX (541) 388-6281

RECEIVED

APR - 3 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**



March 27, 2000

Russell W. Klassen
Water Rights Section
Oregon Water Resources Department
158 12th St. NE
Salem, Oregon 97310

Re: Water Right Application G-14857

Dear Russell,

Thank-you for the opportunity to review and provide comments on Water Right Application G-14857 for the Eagle Crest development.

I offer the following comments for consideration in this application. The proposed mitigation by lease of 21.0 acres of Swalley Irrigation water does not coincide with timing of the impact associated with withdrawing 252 acre-feet per year from the groundwater aquifer. The USGS study indicates a several year delay between the time water enters the aquifer until it resurfaces at springs in the Deschutes River. It should be noted that mitigation by bypassing surface water for two years might not mitigate an impact that will occur in several years. Additionally, consumptive use calculations should be coordinated through the Deschutes Groundwater Steering Committee to ensure accepted protocols are used.

Sincerely,

Steven Marx

District Fisheries Biologist



STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EAGLE CREST INC.
WILLIAM D. LYCHE
PO BOX 1215
REDMOND, OREGON 97756

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

APPLICATION FILE NUMBER: G-14857

SOURCE OF WATER: A WELL IN DESCHUTES RIVER BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE: 3.34 CUBIC FOOT PER SECOND, further limited to a maximum diversion of 252 acre-feet each year and shall result in consumption of no more than 115 acre-feet each year, once sewage contribution is subtracted from the amount diverted, unless the mitigation plan is modified and approved by the department as described below.

If the reporting, as required below, demonstrates the mitigation plan is not sufficient to mitigate for the amount of water actually consumed, the use will be further restricted to limit the total consumed water to 115 acre-feet, or the department may approve an additional and equivalent water right to be leased to instream use, to maintain an acre-foot for acre-foot balance between the amount of water consumed to the amount of water provided to instream use. An equivalent water right must, at a minimum, be from a water right with a diversion point at or near the diversion authorized by the lease of certificate 74145.

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 2, 1998

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 16, T15S, R12E, W.M.; 150 FEET SOUTH AND 150 FEET WEST FROM THE NE CORNER SECTION 16
THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4
NW 1/4
SW 1/4
SECTION 16
TOWNSHIP 15 SOUTH, RANGE 12 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install meters, or other suitable measuring devices as approved by the Director, *at both the diversion from the well and at a point where sewage, that is actually discharged to the ground, may be measured.* The permittee shall maintain the meters or measuring devices in good working order, shall keep a complete record of the amount of water used and discharged each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

This permit will expire in 2 years from permit issuance unless the 2 year lease of the water right authorized under certificate 74145 to instream purposes is replaced by a permanent transfer of water right certificate 74145, or an equivalent water right as determined by the Department, to instream use.

Within 1 year of permit issuance, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this timeline to complete the required Water Management Conservation Plan.

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.

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.

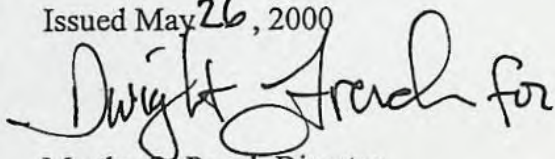
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 May²⁶, 2001. Complete application of the water to the use shall be made on or before October 1, 2004. 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 May²⁶, 2000



Martha O. Pagel, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application G-14857
Basin 5

Water Resources Department
Volume 1 DESCHUTES R MISC
MGMT. CODE 7BG 7BR 7JG 7JR

PERMIT G-13819
District 11

LAW OFFICES OF
JOHNSON & SHERTON
A PROFESSIONAL CORPORATION
LAND, AIR & WATER LAW

ALLEN L. JOHNSON
CORINNE C. SHERTON

Eagle Crest

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MAY 26 2000

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SUITE 203
767 WILLAMETTE
EUGENE, OR 97401
TEL (541) 687-1004
FAX (541) 687-1021
E-MAIL js@orlanduse.com

SUITE 205
247 COMMERCIAL ST. NE
SALEM, OR 97301
TEL (503) 391-7446
FAX (503) 391-7403
E-MAIL sherton@teleport.com

WEB <http://orlanduse.com/>

May 25, 2000

Renee Moulun
Water Resources Dept.
158 12th Street NE
Salem, OR 97310

Re: Water Permit Application G-14857
Water Permit Transfer Application T-8438
Protests by WaterWatch et al.


Dear Ms. Moulun:

As we discussed in our telephone conversation yesterday, I am requesting that you mail me a copy of the Department order expected to be issued no later than May 30, 2000, which will either approve Water Permit Application G-14857 or send Water Permit Application G-14857 to a contested case hearing. Please send the order to me at the J&S Salem office.

Since we talked, I have learned that WaterWatch et al. filed another protest with regard to the related Water Permit Transfer Application T-8438. Could you please send me a copy of the Department's Proposed Order on that application? Also, please send me a copy of the Department's Final Order on Water Permit Transfer Application T-8438 or order sending that application to a contested case hearing, when such order is issued (or right away, if the order has already been issued).

Thank you for your attention to these matters.

Sincerely,



Corinne C. Sherton

cc: Clients

Mailing List for Protested Application Copies

Application APPNUM

FO Date FODATE

Original mailed to: Eagle Crest Inc. ✓

Applicant:

Copies sent to:

- ✓ 1. WRD - File # APPNUM
- ✓ 2. WRD - Water Availability: Ken Stahr ✓

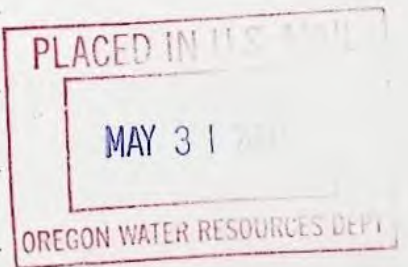
PFO, Map, and Fact Sheet Copies sent to:

- ✓ 3. WRD - Watermaster # Dist. 11
- ✓ 4. WRD - Regional Manager (not Bob Main):
- ✓ 5. ODFW District Biologist:

Copies Mailed
By: <u>JH</u>
(SUPPORT STAFF)
on: <u>5/30/00</u>
(DATE)

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

- ✓ 6. Ted Wise (ODFW) 61374 Punell Rd., Bend OR 97702
- ✓ 7. Col. Riv. Intertribal Fish Comm.
- ✓ 8. USFW
- ✓ 9. NW Power Plan Council
- ✓ 10. NMFS (Marc Liverman)
- ✓ 11. DEQ Tom Rosetta (Portland)
- ✓ 12. ODA, Steve Applegate
- ✓ 13. Tom Walker, CWRE



"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

- ✓ 14. X. Water Watcher (Hand delivered to R. Benson 6/9/00)
Mailed 6/9/00
- ✓ 15. X. Rainer Holten jr. 1201 Third Ave. 40th Floor Seattle WA 98101-3057
Mailed 6/9/00
- ✓ 16. X. Ronald Wortman, P.O. Box 550, Prineville, OR 97754

CASEWORKER: RM



Delivered via Messenger

March 31, 2000

Dwight French
Water Rights Section
158 12th Street NE
Salem, OR 97310

RE: Protest, G-14857 Eagle Crest Development Corp, Deschutes River Basin

Dear Dwight,

Pursuant to ORS 537.621(7) and OAR 690-310-160, WaterWatch, Trout Unlimited and Oregon Trout file this protest along with the protest fee of \$200 for application G-14857 in the Deschutes River Basin.

Protest Elements as required by ORS 537.621(7)

a. Name, address, telephone number of protestant

WaterWatch of Oregon
213 SW Ash, Suite 208
Portland, OR 97204
(503) 295-4039
contact: Kimberley Priestley, Karen Russell

Aubrey Russell, Water Policy Advocate
Oregon Trout
111 SW First Ave.
Portland, OR 97204
(503) 222-9091

Jeff Curtis, Western Consv. Dir.
Trout Unlimited
213 SW Ash, Suite 211
Portland, OR 97204
(503) 827-5700

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b. Protestant interest/public interest statement

Water is a publicly owned resource. ORS 537.110. WaterWatch, Oregon Trout and Trout Unlimited have a long standing interest in decisions that effect this resource. WaterWatch is a nonprofit membership organization dedicated to promoting water allocation

1.
cul
4/3/00

decisions in Oregon that provide the quality and quantity of water necessary to support fish, wildlife, recreation, biological diversity, ecological values, public health and a sound economy. Oregon Trout is a nonprofit organization dedicated to protecting and restoring wild native fish habitat in Oregon. Trout Unlimited is a national non-profit membership organization whose mission is to conserve, protect and restore North America's trout and salmon. All groups have a long history of working towards the protection and restoration of the Deschutes River and are currently involved in the Deschutes Basin Groundwater Working Group.

Protestants are representing the general public interest in the water resources of this state, as well as the specific interest of Protestants' members and the organizations themselves. Protestants have members throughout the Pacific Northwest, including the Deschutes River Basin. Moreover, Protestants' members, board members and staff benefit from knowing that such a resource exists even if they have not visited the watershed. In addition, each of these groups have direct and real interests that will be adversely affected by this decision. The interests represented by Protestants and their members is multifaceted and includes, but is not limited to (1) the interest of protecting the quantity and quality of streamflows in the Deschutes River system for public instream uses of water which include fish (including federally protected steelhead and bull trout), wildlife, the habitat necessary for fish and wildlife survival, and recreational use of the area (2) the interest in instream water rights and scenic waterway flows are not injured and/or harmed; (3) the interest of ensuring that the agency not overallocate the resource; (4) the interest in ensuring that out-of-stream uses are efficient and not wasteful or uneconomical and the permits are not allowed for more water than is necessary for their beneficial use; 5) the interest in ensuring that the agency has the tools and mechanisms in place to regulate water use in the basin; and (6) the interest in ensuring that the agency implements water laws and policies in a manner that manages and allocates the water resource so as to maintain the ecological integrity of the Deschutes Basin. If the agency grants the requested use, all of these interests will be harmed.

Summary of Facts

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1. The Deschutes River Basin:

a. Hydrology of the Basin: Groundwater in the Deschutes River Basin is hydraulically connected to surface waters of the Deschutes River. See Agenda Item J-3, July 17, 1992, page 2, 1955 Water Resources Committee Report to Oregon Legislature, pg. 18, USGS Report 84-4095, pg. 13-15.

In 1993, in response to concerns about the effects continued groundwater development in the Deschutes Basin would have on the Deschutes River, the Water Resources Department and the U.S. Geological Survey (USGS) initiated a ground water study to further evaluate this connection. The USGS study was completed in 1998. The USGS study corroborated earlier studies by Stearns (1931) and Scava (1968), which found that little, if any, groundwater leaves the upper part of the basin as ground water. See

Attachment 1, WRD Water Development Issues in the Deschutes Basin, 1998. Instead, virtually all ground water discharges to these rivers to become surface water. *Id.* The study also found that consumptive groundwater use throughout the upper basin results diminishes the surface water flows downstream in the lower Deschutes River. *Id. at 2.*

b. Instream Water Rights: The lower Deschutes is protected by two instream water rights, one with a 1989 priority date and another larger one with a 1991 priority date. *See Attachment 2, ISWR #70087, 71194.* The Oregon Department of Fish and Wildlife requested these instream water rights to provide adequate flows to maintain a significant salmon, steelhead and trout fishery. *Id. at ISWR 70087.* The flows were also to provide for recreational fishing, drift, and power boating, and aesthetics in a state and federal scenic waterway. *Id.*

The instream flow in the right is the quantity of water necessary to support the public use identified in the certificate. ORS 537.332(2). The "no injury" standard applies to protecting existing water rights from new water rights. ORS 537.621(2). Since the instream flows are the flows necessary to support the beneficial instream use, injury will occur if flows drop below the flows identified in the instream right.

The instream water rights on the lower Deschutes are not met nine months of the year. *See Attachment 1, at 4.* Instream water rights have the same status and effect as all other water rights. *Id. at 3.* The Department cannot issue any new water rights, surface or groundwater, that will injure existing instream water rights. Junior rights must be regulated to ensure that the protected flows are met.

c. Scenic Waterway Flows: Several segments of the Deschutes River have received state scenic waterway designation, including the river section that would be affected by the proposed groundwater use. *See ORS 390.826(5).*¹ The Water Resources Commission set state Scenic WaterWay flows in 1991 in the same flow amounts as the instream water rights. *See Agenda Item K, Water Resources Commission, April 25, 1991.* As with the instream water rights, the Scenic Waterway flows are not met nine months of the year. *See Attachment 1, at 4.*

In addition, several segments of the Deschutes River, including the section from Oden Falls to Lake Billy Chinook, have been designated as scenic under Federal Wild and Scenic

¹ The state Scenic Waterway segments include: "...the segments of the Deschutes River from Little Lava Lake downstream to Crane Prairie Reservoir, from the gaging station immediately below Wickiup Dam downstream to General Patch Bridge, from Harper Bridge downstream to the Central Oregon Irrigation District's diversion structure (near river mile 171), from Rover Sawyer Park downstream to Tumalo State Park, from Deschutes Market Road Bridle downstream to lake Billy Chinook Reservoir(excluding Cline Falls hydroelectric facility near river mile 145), and from immediately below the exiting Pelton reregulating dam downstream to the confluence of the Deschutes River with the Columbia River, excluding the city of Maupin as its boundaries are constituted on October 4, 1977."

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Rivers Act, 16 USC §§ 1271-1287, but to date scenic flows have not been quantified.

The State Scenic Waterway Act states that the highest and best use of waters within its reaches are recreation, fish and wildlife uses. ORS 390.835(1). Agencies are charged with managing these waters so that the free-flowing character of the waters shall be maintained in quantities necessary for recreation, fish and wildlife uses. *Id.* No water diversion can be constructed or used in a manner inconsistent with the Scenic Waterway Act. *Id.* Oregon courts have interpreted the Scenic Waterway Act as requiring the Water Resources Department to protect flows throughout the scenic waterway reach. In cases of hydraulically connected groundwater, 1995 legislative amendments to the Act allowed issuance of new ground water permits unless the agency finds by a preponderance of the evidence that the use will "measurably reduce" scenic waterway flows. ORS 390.835(9)(a). "Measurably reduce" is defined as us that will "individually or cumulatively reduce surface water flows within the scenic waterway in excess of a combined cumulative total of one percent of the average daily flow or one cubic foot per second, whichever is less..." ORS 390.835(12). According to Department calculations, well over 1 cfs of groundwater is consumptively used in the Deschutes Basin. *See Attachment 4, WRD Tables of Permitted and Consumptive Use for the Deschutes Basin, 2/15/00.*

d. Fish: The Deschutes River system supports a variety of fish life including rainbow trout, cutthroat trout, bull trout, redband trout, summer and winter steelhead, brown trout, kokanee, and coho. Bull trout and steelhead are listed as threatened under the federal ESA. Redband Trout are state sensitive species and have been petitioned for listing under the Federal ESA. Moreover, the Deschutes also contributes flows for listed threatened and endangered fish populations in the Columbia River. The Deschutes supports a major sports fishery in Oregon.

Streamflows are critical to fish in the basin and are a limiting factor for fish. Low flows during summer months impair fish survival by among other things raising water temperatures, decreasing aquatic habitat and trout rearing areas and promoting excessive growth of algae.

2. Deschutes Groundwater Mitigation Planning Group: The USGS Study has concluded that groundwater pumping throughout the Deschutes Basin impacts streamflows of the lower Deschutes River and the Crooked River. Based upon the USGS findings, the Department has acknowledged that groundwater pumping contributes to the lack of flows necessary to fulfill Scenic Waterway flows. *See Attachment at 1.* The Department has also found that future consumptive ground water development will only exacerbate this problem. *Id.* On the basis of current information, the Department has found that they cannot approve applications for new ground water uses without adequate mitigation measures, and in fact, may soon face the obligation to curtail some existing ground water uses in order to protect scenic waterway flows and senior instream water rights. *Id. at 5.*

In response to the findings of the USGS study, the Department has convened a diverse group of stakeholders, including federal and state agencies, municipalities, irrigation districts, conservationists and the Warm Spring Tribes, to develop a mitigation plan that would fully mitigate the impact of existing and new groundwater uses on scenic waterway

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flows and instream water rights. The Department has been very clear that no new water rights can be issued without adequate mitigation. This group has set a deadline of September 2000 by which to come up with a mitigation plan.

The Deschutes Groundwater Working Group has not yet completed the planning process. Until the mitigation plan is developed, approved and implemented, if an applicant wishes to proceed with a water right application, they must submit an individual mitigation plan that is in strict adherence with the requirements of the Scenic Waterway Act and will not injure senior instream water rights. In order to "ensure the maintenance of the free-flowing character of the scenic waterway in quantities necessary for recreation, fish and wildlife" as required by the Scenic Waterway Act, any mitigation must necessarily be full bucket-for-bucket mitigation at the point and time of impact for the full period of the proposed use. "No injury" to a senior water right means that there would be no reduction in the amount of water previously available to another water right for the full period of the proposed use. *See OAR 690-15-050(2)(a).*

3. The proposed use

Eagle Crest Development Corporation is requesting a quasi-municipal water right to support Eagle Crest Resort's new development, which is an expansion of the already existing Eagle Crest I and II Resort. The new development will encompass 480 acres that will support approximately 900 dwellings.

Eagle Crest originally requested 780 gallons per minute, or 1.74 cfs. *See Application G-14857.* They did note in their application that "flows may be increased to 1500 gpm for fire protection". *Id.* However, Eagle Crest never submitted an amendment to increase the amount applied for. The Water Resources Department evaluation and processing of the application, up through the draft Proposed Final Order (PFO), was based upon 1.74 cfs, not 3.34 cfs. *See WRD's files: Initial Review Checklist, PFO checklist, Draft PFO (stamp dated 2/10/00 to T. Walker), WRD Public Notice 2/15/00.*

Eagle Crest holds four water right permits which serve Eagle Crest I and Eagle Crest II. *See G-10530, G-10957, G-11313, G-11762.* All four of these permits are junior to existing instream water rights. Eagle Crest is not mitigating for the already existing injury these permits are causing to senior instream water rights.

Eagle Crest has stated that the proposed water supply system will be linked to Eagle Crest I and II for continuity and redundancy to enhance emergency fire flows. *See Form M, Application G-14857.* Eagle Crest estimates spending \$3 million to develop this water permit.
Id.

Because of the impact this proposed groundwater use will have on streamflows, the Department has determined that the applicant must mitigate for its impacts to streamflows in the Deschutes. *See PFO for G-14857.* To satisfy this requirement, Eagle Crest is proposing to lease water instream from Swalley Irrigation District. *Id.* According to the PFO, Swalley

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Irrigation District has agreed to a two-year temporary instream lease. *Id.* Because this is not permanent mitigation, the Department has attached a condition of use that states if permanent mitigation is not in place at the end of the two year period, the permit will expire. *Id.*

c. How the action proposed in the PFO will impair or be detrimental to Protestants' interest and will not ensure the preservation of the public welfare, safety and health.

1. The action proposed in the PFO will impair or be detrimental to Protestants' interest and will not ensure the preservation of the public welfare because the applicant cannot make beneficial use of the water.

Beneficial use without waste in the "basis, measure and extent of the right" to appropriate surface and groundwater in Oregon. ORS 540.610(1), ORS 537.525(3). The Department cannot issue a water right for which the user cannot make beneficial use.

In the case at hand, the beneficial use applied for is a destination resort. This is a permanent beneficial use. However, despite the permanent nature of Eagle Crest's request, the Department is proposing to issue what is essentially a "conditional" two year permit. There is no evidence in the file that a "two year" conditional permit will satisfy their needs. Eagle Crest is not contemplating a "two year" resort. Rather, it is very clear that Eagle Crest is applying for a permanent beneficial use.

Unless the Department can grant them a permanent water right for this permanent use, the applicant cannot make beneficial use of this water, as required by Oregon law. This is not in the public interest and will impair protestants' interests in ensuring that the agency implements water laws and policies in a manner that manages and allocates the water resource so as to maintain the ecological integrity of the Deschutes Basin.

2. The action proposed in the PFO will impair or be detrimental to Protestants' interest and will fail to ensure the preservation of the public welfare because there is no water available for use.

As with all applications, the Department performed a water availability analysis of Eagle Crest's proposed use. The Department performs this analysis to "determine if water is available to support the proposed use." OAR 690-300-58. Here, the proposed use is a long-term resort.

Under the Division 300 rules, water is available if the requested source is already over-appropriated for any portion of the period of use proposed in the application if the applicant can show the proposed use requires water only during the period of time in which the requested source is not already over-appropriated; the applicant has obtained authorization to use water from an alternate source to provide water needed during any period of use in which the source is over appropriated; or if the applicant has shown they can obtain authorization to use water from an alternate source during any period of use in which the source is overappropriated and if the department conditions the approval of the application to require that prior to diversion of water the applicant obtains authorization for use of water

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from the alternate source. OAR 690-300-010(57).

The Department's water availability tables show that the resource is overappropriated from May 1 through March 31. *See Attachment 5, Water Availability Tables.* In the PFO the Department states that "without mitigation", water is not available.

Eagle Crest's proposed use is a long term use. Eagle Crest has only provided mitigation for a two year period. The applicant has not shown that the proposed use only requires water during this two year period. Nor has the applicant obtained authorization to use water from an alternate source during the proposed period of use (which is much longer than two years). The state's rules are clear, the Department cannot issue the water right unless mitigation is found for the full proposed use (i.e. the long term resort) before they begin diverting, unless the applicant can show that the Resort requires water only during the two year period for which mitigation is provided. *See OAR 690-300-57(B).* The applicant has not shown this, thus the Department was in error for finding "water available." The Department cannot issue a water right for which there is not water available. The proposal to do so is not only contrary to law, but impairs protestants interests in ensuring that the agency manages and allocates the water resource so as to maintain the ecological integrity of the Deschutes Basin and to protect scenic waterway flows and instream water rights.

3. The action proposed in the PFO will impair or be detrimental to Protestants' interest and will not ensure the preservation of the public welfare because the proposed "short-term" mitigation violates the Scenic Waterway Act.

Eagle Crest Development Corporation is requesting a permanent water right to service their proposed expansion of the existing Eagle Crest Resort, known as Eagle Crest III. Eagle Crest III will encompass approximately 480 acres with approximately 900 dwelling units and other recreational amenities. The resort is a long-term use.

The Scenic Waterway Act is very clear. Agencies are charged with managing these waters so that the free-flowing character of the waters shall be maintained in quantities necessary for recreation, fish and wildlife uses. *ORS 390.835(1).* No water diversion can be constructed or used in a manner inconsistent with the Scenic Waterway Act. *Id.* In cases of hydraulically connected groundwater, 1995 legislative amendments to the Act allowed issuance of new ground water permits unless the agency finds by a preponderance of the evidence that the use will "measurably reduce" scenic waterway flows. *ORS 390.835(9)(a).* "Measurably reduce" is defined as a use that will "individually or cumulatively reduce surface water flows within the scenic waterway in excess of a combined cumulative total of one percent of the average daily flow or one cubic foot per second, whichever is less..." *ORS 390.835(12).* If the measurably reduce standard is reached, the Department must deny the application unless the applicant can fully mitigate for their impact. *ORS 390.835(9)(d)(A).*

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The Department has determined that in the Deschutes Basin groundwater withdrawals account for approximately 161.88 cfs of consumptive use.² *See Attachment 4, WRD's calculations of permitted and consumptive groundwater use for the Deschutes Basin, handed out at Deschutes groundwater Work Group Meeting, 2/15/00.* Consumptive use numbers for groundwater rights issued since the 1995 Scenic Waterway Act amendment total over 29 cfs. *Id.* These numbers far exceed the 1 cfs "measurably reduce" standard. Given this, the Scenic Waterway Act only allows the issuance of new groundwater permits if the proposed use is fully mitigated. ORS 390.835(9)(d)(A).

Eagle Crest's proposed use is a permanent resort. Despite this, Eagle Crest has not developed a permanent mitigation plan. Rather, they have applied for a temporary two-year instream lease to provide mitigation.³ This is in violation of the Scenic Waterway Act. To satisfy the Act, Eagle Crest must provide full, permanent mitigation for its proposed use.

Rather than deny the permit based on insufficient mitigation, the Department has instead proposed conditioning the permit to expire if permanent mitigation is not in place at the end of this two year period.⁴ The conditioning does not fix the defect. At issue here is the fact that the resort is a permanent use that requires a permanent water right. Without submitting a proposal for a permanent mitigation plan, this permanent water right should not even be considered, let alone approved.

In addition to violating the Scenic Waterway Act, the Department's proposal to grant Eagle Crest what is essentially a "conditional" permit to start development before they have come up with a permanent mitigation plan will lead to false expectations on the part of the applicant. Eagle Crest anticipates spending three million dollars in developing this permit. They are most certainly counting on a permanent water right. By setting up such a situation, the Department is inviting economic brinkmanship. In other words, regardless of the inadequacy or non-existence of any future mitigation plan, the investment made under this groundwater permit (if issued) might be held out by Eagle Crest as a "potential loss of investment". This could be used as leverage with the Department and/or state legislators to come up with some sort of "fix" for the applicant to ensure they can get a permanent water right, regardless of mitigation. This is of concern as the Department has historically lacked the political will to shut off water use when permit conditions are not met.

² Groundwater rights of record exceed 621.3 cfs.

³ There is no evidence in the file that this instream water right lease has been approved. Until the instream lease application is approved and in place, this cannot be considered mitigation.

⁴ Because the applicant failed to find permanent mitigation, the Department has proposed conditioning this permit to expire in two years if permanent mitigation is not in place. This permit condition is unenforceable.

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The Department should not process any applications for new uses of groundwater in the Deschutes basin that do not provide for full and permanent mitigation of their proposed uses. It not only undercuts the current groundwater mitigation planning process, the integrity of instream water rights and the tenets of the Scenic Waterway Act, but it gives Eagle Crest Development Corporation false expectations about its water supply for its resort. This would impair protestants interests in ensuring that scenic waterway flows are met in perpetuity.

4. The action proposed in the PFO will impair or be detrimental to Protestants' interest and will not ensure the preservation of the public welfare because the proposed "short-term" mitigation will result in injury to senior instream water rights.

Oregon law prohibits the Department from approving a water right that will injure a senior water right. *ORS 537.621(2)*. This includes senior instream water rights. Any diminution of flow that would otherwise be available to the instream water right constitutes injury. *See e.g., OAR 690-15-050(1)*. There are two instream water rights in the reach affected by this proposed use that are senior to Eagle Crest's application. *See Attachment 2*.

The Department's Water Availability calculations for this application show that the surface waters are overappropriated 11 months of the year. *See Attachment 5, WRD Water Availability*. The Department has determined that the proposed source of groundwater is hydraulically connected to surface water. To allow issuance of this permit under these circumstances, the Department must ensure that there will be no impact whatsoever on senior instream water rights.⁵ This means that water must be in the stream at the time and place of impact for the life of the proposed use.

The mitigation proposed by Eagle Crest does not ensure this. Eagle Crest is applying for a long term right but is only proposing short term mitigation. To ensure that the proposed permit will not diminish flows, full mitigation must be provided for the full period of the proposed use. The Department should not even consider, let alone approve, any groundwater applications that do not provide for full mitigation for the full period of the proposed use. To do such is contrary to the permitting statutes and is not in accordance with the Department's trust duty to protect instream water rights. Such action will impair protestants interests in ensuring that instream water rights are met in perpetuity.

⁵ Eagle Crest holds four water right permits which serve Eagle Crest I and Eagle Crest II. *See G-10530, G-10957, G-11313, G-11762*. All four of these permits are junior to existing instream water rights. Eagle Crest is not mitigating for the effect the injury these permits are causing to senior instream water rights. The Department must either require mitigation of these permits or regulate Eagle Crests' water use.

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5. The proposed action impairs protestants' interests because it is contrary to the Departments Sensitive Stock Rules (Division 33).

The agency's Division 33 rules prohibit the granting of permits for new uses of groundwater that tap groundwater that has the potential for substantial interference with surface waters during the time period of April 15 to September 30. *OAR 690-33-120(2)*. The upper Columbia rules do not provide for mitigation to offset appropriation, they simply prohibit withdrawal. Under the rules, the proposed right cannot be granted.

The Department's proposal to approve this use is contrary to rule. It will impair protestants' interest in ensuring that the Department follow the law and that scenic waterway flows and instream water rights are protected.

6. The draft permit and the action proposed in the PFO will impair or be detrimental to Protestants' interest and will not ensure the preservation of the public welfare because the two-year expiration condition is unenforceable.

The Department has determined that the applicant must mitigate for its impacts to streamflows in the Deschutes. *See PFO for G-14857*. In order to mitigate for effects on the instream water rights and scenic waterways, the applicant is proposing to lease water to put instream from Swalley Irrigation District. *Id.* According to the PFO, Swalley Irrigation District has agreed to a two-year temporary instream lease. *Id.* Swalley Irrigation district has not agreed to a permanent transfer.

Because the District could only obtain a two-year instream lease to offset their consumptive use, the Department has conditioned the permit so that:

the "permit will expire in 2 years from permit issuance unless the 2 year lease of the water right authorized under certificate 74145 to instream purposes is replaced by a permanent transfer of water right certificate 74145, or an equivalent water right as determined by the Department, to instream use." ⁶

See draft permit for G-14857. While the Department's intent might be to curtail use of water if permanent mitigation is not found within two years, this permit condition does not state this. Rather, it only states that the permit will expire. There is no explicit language instructing the state to cut off water use. Without such language, the resource is at risk.

The Department cannot be relied upon to enforce these types of permit conditions. Grants Pass Irrigation District (GPID) provides a clear example. In that case, despite the fact that the Commission cancelled the permit and the fact that the permit has expired, the Department has taken the position that they will not shut GPID off. This does not meet the

⁶ This condition provides for no public review and comment period of any proposed long-term mitigation. As written it leaves entirely too much discretion to the Department which could result in harm to the resource. If the Department goes forward with this permit, a clear public process should be included.

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spirit, let alone, the letter of the law. Given the politics of the Deschutes Basin and the agency's historic failure to regulate uses to protect instream water rights and scenic waterway flows in the basin, there is good cause to fear the same type of agency inaction here.

The Department's proposal to issue what is essentially a "conditional" permit for a permanent use sets bad policy. The condition proposed by the Department does not cure the problems associated with such a permit. For, even as conditioned, without explicit language that states that if at the two-year expiration of the instream water right Eagle Crest has not obtained a permanent instream water right to offset their use not only will the permit expire but that the WRD will shut off the water use, there is no guarantee that the permittee will be shut off if they are not mitigating. This is not in the public interest and harms protestants interest in ensuring that scenic waterway flows and instream water rights are not harmed by this use.

7. The proposed permit is not conditioned to require mitigation. This impairs protestants' interest in ensuring that the permittee in fact mitigates the effect its groundwater pumping has on scenic waterway flows and instream water rights.

As noted, the USGS study shows that groundwater pumping in the Deschutes Basin depletes surface water flows. Since instream water rights and scenic waterway flows are not currently being met, no new water right can be issued without full and permanent mitigation. Without full mitigation the Scenic WaterWay Act mandates denial. ORS 390.805(10). Moreover, the groundwater permitting statutes prohibit approval of a water right when no water is available and/or when the proposed use will injure other water right holders. ORS 537.621. The use without mitigation is in clear violation of the law.

The proposed final order states that Eagle Crest proposes to mitigate, gallon-for-gallon for their consumptive use. However, Eagle Crest's proposed mitigation is not a condition of the permit. Without clear conditions in the permit mandating mitigation that will put the permit in compliance with the law, the permit itself is not lawful.

Also critical to any mitigation is measuring, reporting and accounting requirements of the mitigation that occurs. The permit should also provide for periodic review of the effectiveness of mitigation. The permits should further prohibit use if mitigation measures do not fully mitigate until they can be adjusted to ensure full mitigation. And finally, as Eagle Crest is proposing mitigation above the point of impact, the permit must include mechanisms to ensure that the mitigation water is protected instream to the point of impact.

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The permit is the binding document. It is imperative that the permit is conditioned to require the specific mitigation to be performed by Eagle Crest.⁷ It must also be conditioned in the manner stated above, to ensure that the mitigation actually is put and remains instream. Unless these are conditions of the permit, the mitigation will not be enforceable. Without enforceable permit conditions, the proposed use cannot be found to be in the public interest. This would harm protestants' interest in ensuring instream water rights and scenic waterway flows will be protected.

8. The proposed use will impair protestants' interest and will not ensure protection of the public interest because the proposed permit allows diversion of more water than applied for.

Eagle Crest originally requested 780 gallons per minute, or 1.74 cfs. *See Application G-14857.* They did note in their application that "flows may be increased to 1500 gpm for fire protection". *Id.* However, they never submitted any official amendment to increase the amount applied for. The Water Resources Department evaluation and processing of the application, up through the draft Proposed Final Order (PFO), was based upon 1.74 cfs, not 3.34 cfs. *See WRD files: Initial Review Checklist, PFO checklist, Draft PFO (stamp dated 2/10 to T. Walker), Public Notice 2/15/00.*

The proposed permit is for 3.34 cfs. This would allow diversion of more than applied for. The Department's rules specifically prohibit issuance of permits that would enlarge the proposed use of water in any way from that use originally applied for. OAR 690-310-240(3). The Department's proposal violates this rule. This is not in the public interest and it impairs protestants' interest in ensuring the rules of the Department are carried out.

9. The proposed use will impair protestants' interests and will not ensure the protection of the public welfare because the proposed permit is contrary to the Department's basin planning rules and ORS 536.340.

ORS 536.340(1)(a) states that basin classifications have the effect of restricting the use and quantities thereof to the uses and quantities specified in the classification...and no

⁷ Note, Eagle Crest has represented that their mitigation package will provide the following instream flow amounts during the following months:

April 1 to April 30 and October 1 to November 1: .012 cfs/acre

May 1 to May 14 and September 15 to September 30: .016 cfs/acre

May 15 to September 14: .30 cfs/acre

See Attachment 3, Eagle Crest memo to WRD, 7/2/99, revised 2/9/00 at 3. However, neither the PFO nor the permit outline this schedule. Moreover, even the instream water right lease application is not so specific. The instream lease application merely states that the rate will be .012 to .03 cfs/acre from April through November 1. *See Attachment 6, Draft Instream Lease Agreement.* This is not specific enough. The specific schedule as proposed by Eagle Crest needs to be clearly stated in the Permit. Without this, the mitigation will be unenforceable.

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other uses. the application at issue here does not meet any of the exemptions to this statutory provision.

The Water Resources Commission recognized the importance of stream flows in the Deschutes basin by restrictively classifying the "waters" of the Deschutes. The "waters" include both ground and surface water. OAR 690-505-002 classifies the waters of the Middle Deschutes basin for domestic and livestock uses only. OAR 690-505-002(1)(a)(D). The rules further require that 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..."

OAR 690-505-002(1)(b).

The proposed use would allow appropriation of waters within the Deschutes for a use prohibited by the basin plan. This is not in the public interest and will impair protestants' interest in ensuring that the Department abide by their own rules.

d. How the PFO is in error or deficient and how to correct the alleged error or deficiency

1. How the PFO is in error or deficient

a. The PFO is in error because the WRD scenic waterway finding is contrary to evidence before the Department.

As noted, the USGS has completed a groundwater study in the Deschutes Basin that has found that groundwater pumping throughout the basin has an effect on flows in the Lower Deschutes. *See Attachment 1.* Based upon USGS's findings, the Department has acknowledged that groundwater pumping contributes to the lack of flows necessary to fulfill Scenic Waterway flows. *Id.* Because of this, the Department has found that they cannot approve applications for new ground water uses without adequate mitigation measures, and in fact, may soon face the obligation to curtail some existing ground water uses in order to protect scenic waterway flows and senior instream water rights. *Id. at 5.*

Despite the results of the USGS study, and despite the WRD's written and oral acknowledgment that groundwater pumping in the basin is depleting scenic waterway flows to the point that there is a measurable reduction that requires mitigation, the Department made the finding in the Eagle Crest Proposed Final Order that:

The Groundwater Section finds, per OAR 390.835(9), 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.

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See PFO for G-14857 at 2. That the Department could make such a finding in light of the facts in front of it is astounding.

Facts before the agency mandate a finding that the cumulative, if not individual, effects of groundwater pumping in the basin have surpassed the "measurably reduced" standard as outlined in the statute. Specifically,

*The USGS has found that groundwater pumping reduces surface water flows in the Deschutes. See Attachment 1.

* Per these findings, the WRD has found that existing consumptive groundwater use reduce surface water flows, which contributes to lack of flows to fulfill Scenic WaterWay Flows. See Attachment 1.

*The WRD has compiled information that shows consumptive use approximations for groundwater rights in the basin to be 161.88 cfs. Consumptive use estimates for the post 1995 permits alone are approximately 29.43 cfs. See Attachment 4.

*Measurably reduce, under the Scenic Waterway Act means that the groundwater uses authorized under the Act "will individually or cumulatively reduce surface water flows within the scenic waterway in excess of a combined cumulative total of one percent of the average daily flow or one cubic foot per second, which ever is less." ORS 390.835(12).

Read together, it is clear that the cumulative consumptive groundwater uses in the basin far surpass "one cubic foot per second." This water right will only add to the cumulative total that already surpasses the measurably reduce standard. There is no doubt of this fact. The Department must make the finding that a preponderance of the evidence shows that this use will measurably reduce scenic waterway flows and mitigation is therefore required. The Department was in error for not making this finding in the PFO.

b. The PFO is in error because the findings were based upon an evaluation of a proposed rate of 1.74 cfs not 3.34 cfs as proposed.

Eagle Crest originally requested 780 gallons per minute, or 1.74 cfs. See Application G-14857.⁸ The Water Resources Department evaluation and processing of the application, up through the draft PFO, was based upon 1.74 cfs, not 3.34 cfs as outlined in the final PFO and draft permit. See WRD Files: Initial Review Checklist, PFO checklist, Draft PFO (stamp

⁸ Eagle Crest did note in their application that "flows may be increased to 1500 gpm for fire protection." See Application G-14857. However, this was not the amount applied for nor did Eagle Crest ever submit a request for an amendment to their application. Moreover, Eagle Crest has stated that they plan to interconnect their Eagle Crest I, II and III systems to provide adequate flows for fire. Given this, there is a real question if Eagle Crest needs this larger amount.

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dated 2/10 to T. Walker), 2/15/00 Public Notice. In order for the Department's evaluation of this permit to be thorough, complete and defensible, Department staff needs to evaluate the impacts based upon the amount proposed in the PFO. Or the Department needs to limit Eagle Crest's use to 1.74 cfs as outlined in the application, and as evaluated by the Department. The findings in the PFO that were based upon the lower number are in error.

d. The PFO is in error because the Department unduly limits its findings with regard to the public interest presumption.

Under Oregon water permitting statutes, a water right is presumed to be in the public interest if (1) water is available, (2) the proposed use will not injure other water rights, (3) the proposed use complies with rules of the WRC, and (4) the proposed use complies with basin plans. ORS 537.621(2).

In the PFO the Department finds that the proposed use is not presumed to be in the public interest because, without mitigation, water is not available. *See PFO for G-14857, at 5.* While the Department is correct in making the finding that there is not water available for further appropriation, the Department is in error for not making the further findings that the proposed use, without mitigation, will injure senior instream water rights, is not in compliance with the rules of the Commission and is not allowed by the basin plan.

Again, as a result of the findings of the USGS study, the WRD has acknowledged that groundwater pumping will deplete surface waters in the lower Deschutes, which in turn will injure instream water rights and harm scenic waterway flows. Even without the Department's many acknowledgements of this fact, simple logic gets you to the same conclusion. The WRD has made the finding that surface water and groundwater in the Deschutes Basin are hydraulically connected, or in other words, groundwater pumping affects flows in the Deschutes. *See PFO for G-14857 at 2.* The Department has also acknowledged that there is no water available for appropriation 11 months of the year. *See Attachment 5.* The Department has also found that scenic waterway flows and instream water rights are not being met at least 9 months of the year. *See Attachment 1 at 4-5.* Based upon these facts, if the applicant pumps groundwater that is connected to surface waters that are already too low to support instream water rights and scenic waterway flows, this pumping clearly will injure existing rights and flows. This means that instream water rights are injured and the rules of the Commission are not met. Moreover, as noted, the waters of the Deschutes are closed to further appropriation, except for limited uses, under the basin plan.

The PFO is in error. In order to correct this error, the WRD must make the findings that the proposed use is not presumed to be in the public interest because (1) water is not available, (2) senior water rights will be injured, and (3) the proposed use is not in compliance with the rules of the Commission.

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4. The PFO is in error because the amount of mitigation to be put instream is not clearly stated.

Eagle Crest has represented that their mitigation package will provide the following instream flow amounts during the following months:

April 1 to April 30 and October 1 to November 1: .012 cfs/acre
May 1 to May 14 and September 15 to September 30: .016 cfs/acre
May 15 to September 14: .30 cfs/acre

See Attachment 3. However, neither the PFO nor the permit outline this schedule. Moreover, even the instream water right lease application is not so specific. The instream lease application merely states that the rate will be .012 to .03 cfs/acre from April through November 1. *See Attachment 6.* This is not specific enough. The specific schedule as proposed by Eagle Crest needs to be clearly stated in the PFO and the Permit. Without this, the mitigation will be unenforceable. Thus, the PFO and permit are in error.

2. How to correct the PFO's errors/deficiencies

To correct the errors and deficiencies of the PFO for this application, the application should be denied or, in the alternative, sent to contested case.

e. Any citation of legal authority supporting the protest, if known

All known legal authority is cited within in the protest.

f. A \$200 protest fee, as required by statute, has been submitted with this protest.

g. Conclusion

The Department's proposal to approve this application comes at a time when the basin is struggling to address important issues relating to future development and resource protection. This application addresses many issues that are currently being discussed and evaluated within the Deschutes Ground Water Working Group. Until a mitigation plan is developed and approved, the Department should not be considering, much less approving any new groundwater rights. Moreover, the Department should not be relying on decisions being made within the work group. There is no agreement among participants on any issue until the plan is complete.

The Department is proposing to approve an application that fails to provide full mitigation for Eagle Crest's proposed beneficial use. This action harkens back to the Department's historic practice in the Deschutes basin of issuing water rights despite clear evidence that it will cause harm to the resource. This is contrary to law and sets bad policy. moreover, given that there are limited mitigation opportunities in the basin, this may disadvantage participants in the Deschutes Groundwater Working Group who might otherwise have access to the mitigation water Swalley is leasing to Eagle Crest.

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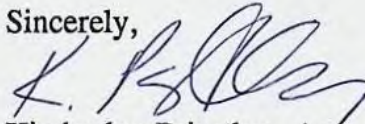
MAR 31 2000

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Eagle Crest's proposed long term use without corresponding long term mitigation violates the mandates of the Scenic Waterway Act, the Division 33 rules, the permitting statutes, and other rules/statutes noted above. The short-term nature of Eagle Crest's proposed mitigation does not ensure that scenic waterway flows and instream water rights will not be harmed by the long-term project. Eagle Crest will be using this water to begin development of a permanent resort which will need a permanent water supply. The Department should not grant Eagle Crest a water right until they can prove mitigation for the life of the resort, that addresses crucial details such as place and time of impact.

This application should be denied.

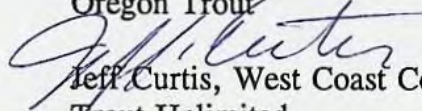
Sincerely,



Kimberley Priestley, Asst. Dir
WaterWatch, Assistant Director

KP for Aubrey Russell
Aubrey Russell, Water Policy Advocate

Oregon Trout



Jeff Curtis, West Coast Consv. Dir.
Trout Unlimited

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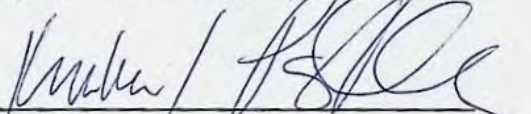
WATER RESOURCES DEPT.
SALEM, OREGON

Certificate of Service

I certify that on this 31st day of March, 2000 a copy of the Protest of Application G-14857 was served on each of the following by first class mail, postage paid, in the United States Mail from Portland, Oregon, enclosed in a sealed envelope and addressed as follows:

Eagle Crest Development Corporation
William D. Lyche
PO Box 1215
Redmond, OR 97756

Signed this 31st day of March, 2000



Kimberley Priestley

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MAR 31 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**

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WATER DEVELOPMENT ISSUES IN THE DESCHUTES BASIN

Overview

Over the past few decades, the Deschutes Basin has experienced tremendous population growth and experts expect the growth trend to continue. Growth requires water. Surface water sources are already fully appropriated. This has resulted in an increasing reliance in the basin on ground water as a source of water for future growth. More information is becoming available regarding the connection between surface and ground water in the Deschutes Basin. Based on this information, the Water Resources Department (WRD) has found that existing consumptive ground water uses reduce surface water flows. This contributes to the lack of surface water availability in the lower reaches of the river, which have been designated as State Scenic Waterways. Furthermore, the Department finds that future consumptive ground water development will only exacerbate this problem.

The WRD hopes to help the community meet water supply needs in the basin while protecting the free flowing nature of the Deschutes River, instream water rights and existing consumptive water rights. Accomplishing this goal can only be achieved through the cooperative efforts of numerous affected interests. Accordingly, WRD proposes to work closely and actively with local interests to maintain surface water flows and provide water for growth in the Deschutes basin. This will be done by assembling technical and legal information, meeting with affected agencies, water users and other interested parties in a public forum and developing recommendations. Further discussion of the hydrology of the basin, scenic water way flows, instream water rights and water rights activity follows.

HYDROLOGY OF THE UPPER DESCHUTES BASIN

Upper Deschutes Basin Ground Water Study

The U.S. Geological Survey initiated a ground water study in 1993, to provide needed information on the ground water resources of the Upper Deschutes Basin. The study area is shown in Figure 1. The study was conducted in cooperation with the Water Resources Department; the cities of Bend, Redmond and Sisters; Deschutes and Jefferson counties; The Confederated Tribes of the Warm Springs Reservation of Oregon; the Bureau of Reclamation and the U.S. Environmental Protection Agency.

The objective of this two-phase study is to provide a quantitative understanding of the ground water hydrology in the Upper Deschutes Basin in order to provide resource managers, planners, and the general public the best information available with which to make decisions.

Preliminary conclusions from the study have shown that ground water originating in or flowing through the Upper Deschutes Basin discharges into relatively short reaches

of the Deschutes, Metolius and Crooked Rivers above and within Lake Billy Chinook. Those conclusions are consistent with previous studies by Stearns (1931) and Sceva (1968). Little, if any, ground water leaves the upper part of the basin as ground water. Instead, virtually all ground water discharges to these rivers to become surface water.

On the basis of data provided by current and previous studies, WRD staff have concluded that consumptive ground water use above Lake Billy Chinook diminishes the surface water flows downstream. However, the precise timing of that diminishment is not yet known. Issues of concern to WRD are impacts to scenic waterway flows and senior water right holders, including instream water rights, and supplying needed water to the Basin.

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OREGON SCENIC WATERWAYS

Requirements of the Scenic Waterways Act

The Scenic Waterways Act was voted into law in November, 1970 to protect the free-flowing character of designated rivers for fish, wildlife and recreation and protect and enhance scenic, aesthetic, natural, recreation, scientific and fish and wildlife qualities along scenic waterways. Under this law, the portion of the Deschutes River below the Pelton Reregulation Dam to the Columbia River (figure 2) is classified as a Recreational River Area under the Scenic Waterway Act (OAR 736-040-0070).

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The Water Resources Commission has the authority, delegated by statute [ORS 390.835 (1)], to determine the level of stream flow necessary to support recreation, fish and wildlife uses with scenic waterway flows. In accordance with a 1988 Supreme Court Decision (Diack vs. City of Portland) the Water Resources Commission must find that scenic waterway flows will not be impaired before issuing new water rights.

Scenic Waterway Flow Values

Various types of data were used to determine values associated with current uses in scenic waterways. Flows for recreation, fish and wildlife were integrated. Generally, the recommended flow is the flow necessary to support the current range of scenic waterway uses and values.

Boating and rafting are major recreational activities on this reach of the river. Based on an assessment of flow related and flow dependent uses, the flow range for recreation is 3000-8000 cfs. The Oregon Department of Fish and Wildlife established a flow range of 3000-4500 cfs for fish and wildlife habitat. Scenic waterway flows on the Deschutes River from the Pelton Reregulation Dam to the mouth were determined after public hearing by the Commission in 1991. Scenic waterway flows are presented in Table 1.

Ground Water Appropriation and Scenic Waterway Management

As originally enacted, the Oregon Scenic Waterway Act prohibited new allocation of water from scenic waterways unless the Water Resources Commission determined the use was consistent with the scenic waterway law. In 1995, the Legislature enacted Senate Bill 1033 which amended Oregon's Scenic Waterway Act (ORS 390.805-390.865).

FILE#: G 14857

EAGLE CREST INC.; LYCHE, WILLIAM D
PO BOX 1215
REDMOND, OR 97756

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REDMOND, OR 97756

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EAGLE CREST INC.; LYCHE, WILLIAM D
PO BOX 1215
REDMOND, OR 97756

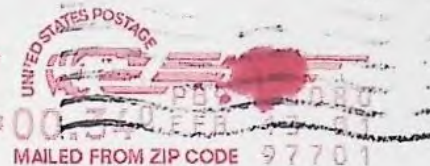
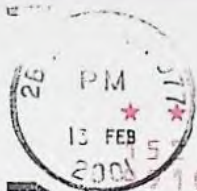
FILE#: G 14857

EAGLE CREST INC.; LYCHE, WILLIAM D
PO BOX 1215
REDMOND, OR 97756



W&H PACIFIC

920 S.W. Emkay Dr., Suite C-100
Bend, Oregon 97702



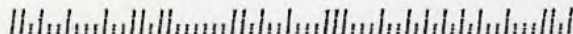
Oregon Water Resources Dept.
158 12th Street NE
Salem, OR 97310-0210

DS

Assignment
12905
19857
not a file



97301X4172



G-14857

9/1/00

Laura

Eagle Crest



PACIFIC

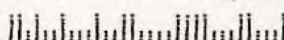
920 S.W. Emkay Dr., Suite C-100
Bend, Oregon 97702



Mr. Dwight French
Oregon Water Resources Dept.
158 12th Street
Salem, OR 97310



37301+4172



JOHNSON & SHERTON

A PROFESSIONAL CORPORATION

LAND, AIR & WATER LAW

CORINNE C. SHERTON

ATTORNEY AT LAW

SUITE 205
247 COMMERCIAL ST. NE
SALEM, OR 97301

TEL (503) 391-7446
FAX (503) 391-7403
E-MAIL sherton@teleport.com
WEB <http://orlanduse.com/>

Cornie Sherwin
will be by at
2:00

Plz return to Renee
Tax.

5 COPIES F.O.G-14857 \$4.00

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **36638**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Waterwatch of Oregon, Inc.
BY: _____

APPLICATION	4-14857
PERMIT	
TRANSFER	

CASH: CHECK: # 3134 OTHER: (IDENTIFY)

TOTAL REC'D \$ 500.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

MISCELLANEOUS		\$
0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)		\$
(New) TC162 DEPOSIT LIAB. (IDENTIFY)		\$
WATER RIGHTS:	EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$	0202 \$
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$	0206 \$
WELL CONSTRUCTION	EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219 \$
LANDOWNER'S PERMIT		0220 \$
0427 OTHER (IDENTIFY) <u>Protest Fee</u>		\$ <u>500.00</u>

PCA# 77235

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 (FW/WRD)	LIC NUMBER	\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HRDRO APPLICATION		\$

RECEIPT # **36638**

DATED: 4/1/00 BY: Carolina Conrad

29088

USER-ID CB-4101478

2008

Oregon Water Resources Department
October 2008 through September 2009
Monthly Water Use Form

App# 61-12905
App# 67-14867
2009

Facility → Report ID →	# 6 20988	# 7 20988	# 8 20988	# 9 20988	
October - 2008	13678000	668000	5887449	813660	
November - 2008	4881000	0	357307	1779390	
December - 2008	5137000	0	263808	0	
January - 2009	4413000	0	0	0	
February - 2009	3632000	0	209825	0	
March - 2009	2806000	138000	2729709	2475078	
April - 2009	22181000	261200	5229214	15301897	RECEIVED
May - 2009	27200000	2110500	9229372	22383520	APR 19 2010
June - 2009	24079000	0	10136236	23066871	WATER RESOURCES DEPT SALEM, OREGON
July - 2009	39007000	2826000	19087021	32081969	
August - 2009	31145000	9697000	12641571	31679717	
September - 2009	26248000	2607000	9852557	28866316	
TOTAL *	209,504,000	28,307,700	75,624,030	158,448,418	

* Describe the units of measurement as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-foot)

Describe the method of measurement used: G If used for irrigation, total number of acres irrigated: 0

I certify this information is true and accurate to the best of my knowledge.

Robert McDaniel
Signature
Robert McDaniel
Name

Manager
Title
Clatsop Utility Co
Reporting Entity
1230 Golden Pleasant Dr. Redmond, OR 97256
Mailing Address

4-15-10
Date
541-504-2305
Phone Number
CCB # 189211

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program;
725 Summer Street NE, Suite A; Salem, OR 97301-1266.

U77001

app6-12905 and app6-14657

USER-ID 29088

2007

Oregon Water Resources Department
 October 2007 through September 2008
 Annual Water Use - Monthly Quantities Form

2008

Facility →	30347	30348	30346	40185	
Report ID →	6 ✓	7 ✓	8 ✓	9 ✓	
October - 2007	9,404,000	896,300	4,302,231	10,918,579	
November - 2007	2,072,000	∅	994,868	6,310,351	
December - 2007	928,000	∅	197,754	4,345,375	
January - 2008	∅	∅	∅	4,659,798	
February - 2008	826,000	∅	∅	4,287,797	RECEIVED
March - 2008	1,252,000	384,300	549,458	5,170,806	JAN 15 2009
April - 2008	16,988,000	2,101,500	7,342,977	9,072,960	WATER RESOURCES DEPT SALEM, OREGON
May - 2008	29,652,000	6,956,400	9,394,385	13,392,598	
June - 2008	27,785,000	9,523,100	13,620,917	27,443,704	
July - 2008	35,660,000	11,456,000	18,733,386	32,625,937	
August - 2008	30,735,000	8,815,200	14,958,255	30,415,961	
September - 2008	26,912,000	6,321,100	11,422,697	26,975,804	
Total *	182,214,000	46,483,900	81,516,928	175,619,670	

* Describe the units of measurement as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe the method of measurement used: Flow Meter gallons If used for irrigation, total number of acres irrigated: _____

I certify this information is true and accurate to the best of my knowledge.

Robert McDaniel
 Signature
Robert McDaniel
 Name

Manager
 Title
1230 Golden Pheasant Dr Redmond, OR 97756
 Mailing Address

Clare Butte Utility Co.
 Reporting Entity
10-17-08
 Date
541-504-2305 -op3
 Phone Number

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program; 725 Summer Street NE, Suite A; Salem, OR 97301-1266.

app 6 - 12905 and app 6 - 14057

29088

USER-ID 41-01478

2006

Oregon Water Resources Department
 October 2006 through September 2007
 Annual Water Use - Monthly Quantities Form

2007



Facility POD-ID	34797 ✓ 6	34798 ✓ 7	34799 ✓ 8	40105 ✓ 9
October - 2006	7,739,000	∅	7,067,586	16,339,751
November - 2006	1,307,000	∅	302,651	4,166,833
December - 2006	888,000	1,200	162,460	6,603,717
January - 2007	601,000	∅	4,312	5,956,204
February - 2007	539,000	∅	∅	3,963,043
March - 2007	3,742,000	∅	2,601,697	6,817,606
April - 2007	10,262,000	2,349,100	9,461,693	15,954,964
May - 2007	12,660,000	10,988,400	13,940,391	26,525,062
June - 2007	18,754,000	7,920,400	14,804,244	36,914,198
July - 2007	23,534,000	10,854,600	18,450,279	41,049,151
August - 2007	31,708,000	10,435,200	15,878,159	32,030,888
September - 2007	21,584,000	6,683,400	9,102,125	28,627,003
TOTAL *	133,318,000	49,232,300	91,775,597	225,497,420

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WATER RESOURCES DEPT
 SALEM OREGON

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* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: G. If use is irrigation, total number acres irrigated ∅.

I certify this information is true and accurate to the best of my knowledge.

Robert McDaniel Signature Manager Title Clatsop Butte Utilities Co. Reporting Entity 12-12-07 Date
Robert McDaniel
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 725 Summer Street NE, Suite A; Salem, OR 97301-1266.