Steven P. Hultberg shultberg@radlerwhite.com 541.585.3697

June 11, 2015

Via Email (puc.datarequests@state.or.us)

Public Utilities Commission

Attn: Kay Barnes PO Box 1088

Salem, OR 97308-1088

Dear Ms. Barnes:

On March 2, 2015, Sunriver Water, LLC ("SRW") filed an affiliated interest application seeking approval of two lease agreements with Sunriver Environmental, LLC ("SRE"). As explained in the original filing, SRW and SRE are "affiliated" as defined by ORS 757.015 due to the fact that they are owned by the same parent company.

On May 7, 2015, the PUC sent SRW Data Request 1-9. Pursuant to discussions with PUC staff and unsel, the PUC extended the deadline for filing the response to the data request. Attached to this $_{\odot}^{\square}$ letter is the formal response to the data request, together with the relevant schedules and supporting information. Should the PUC have any questions regarding the enclosed, please call Thomas Samwel directly at 541.593.4629 or the undersigned at 541.585.3697.

In the PUC's first data request, it sought additional information regarding the cost to provide the two leases pursuant to OAR 860-036-0739. Given that SRE has owned the two subject properties for a number of years, the cost of providing leased space to SRW is extremely low—if not zero—and significantly below market rate. For the reasons set forth below, SRW seeks a waiver from the standards of OAR 860-036-0739.

The office, shop and storage areas have been utilized by SRW for many years without the payment of rent. In other words, rent for this property has not been included in SRW's revenue requirement used to set rates, resulting in a benefit to rate payers for many years. The reservoir site has been owned by SRE for nearly 20 years, with a relatively low cost basis. SRE is under no obligation to provide either location to SRW for free and believes that it is appropriate to charge SRW reasonable rent for both locations. In the absence of receiving rent, SRE would seek other revenue-producing uses for the properties. In terms of efficiency and impact to rates, however, both SRE and SRW believe it is in the ratepayers' best interest to permit SRW to utilize real property owned by SRE.

If SRE were required to charge SRE's cost to provide the leased space, the amount would be extremely low, if not zero. Instead, both SRE and SRW believe that payment of a rental rate that is below market rate, but provides a reasonable return to SRE, is a fair compromise. It permits SRE to receive a reasonable return and avoids the need for SRW to seek alternate space elsewhere in the community for its facilities. As a consequence, SRW seeks a waiver from the requirements of OAR 860-036-0739(4)(e).

{00403343:1}

Public Utilities Commission June 11, 2015 Page 2

The PUC has approved the same type of waiver for the same general circumstances in connection with an affiliated interest application filed by Roats Water Company. See, PUC Docket No. UI 326; Order No. 13.066, February 20, 2013.

In the Roats case, the PUC recognized that a waiver was appropriate because if approved at cost, it would provide a disincentive for Roats to utilize the property for the benefit of ratepayers and, instead, rent the property to third parties based on its market value. The same logic applies in this instance. Approval of the contract at cost would provide a disincentive to SRE to provide the facilities to SRW. SRW and SRE both believe that there are certain efficiencies to co-locating their operations. These benefits would be lost were SRW required to find new facilities and to pay market rate for such facilities.

In comments filed by the Sunriver Owners Association ("SROA") on April 29, 2015, the SROA contends that the cost to provide space to SRW is zero. They also contend that SRW owns all or a portion of the office building, shop and storage areas. The SROA advances the argument that the original developer recovered the cost of its "water plant" through lots sales, resulting in a zero base rate for the plant. We offer no opinion on that assertion, but point out that the "water plant" and the office and storage yard owned by a separate company are not the same thing. The real property records demonstrate that SRE owns the sewage treatment plant and related office buildings. See, Exhibit A. The fact that the consideration for the sale for Sunriver Utilities to SRE consisted of "other value given" does not imply that the consideration was zero. That fact that the SROA believes that sewage customers may have paid for the sewage treatment plant does not in any way support an argument that the water customers also paid for the sewage plant and office facilities.

In its comments, the SROA also contends that SRW owns the reservoir site based on a recital in a water line easement. There is no merit to this argument. Attached as Exhibit B is the current tax lot record for the reservoir site demonstrating ownership by SRE.

Finally, the SROA contends that SRW should purchase the reservoir property from SRE rather than leasing property. Notwithstanding the fact that the property is not for sale, the property cannot be conveyed without seeking partition approval from Deschutes County. SRE has no plans to seek any such approval at the present time.

Sunriver Water, LLC believes that there is ample justification for a waiver in the present case. Absent a waiver, SRE would lose the financial incentive to provide space to SRW for the benefit of ratepayers. Both affiliated companies believe that this would not be in the best interests of ratepayers. For this reason, Sunriver Water, LLC requests that the PUC waive the "cost" standard of OAR 860-036-0739(4)(e).

Sincerely, Steven P. Hultberg by dos

cc:

Steven P. Hultberg

Jason Jones, Counsel for PUC Staff (jason.w.jones@state.or.us)

Exhibit A

REAL PROPERTY TAX STATEMENT JULY 1, 2014 TO JUNE 30, 2015 **DESCHUTES COUNTY, OREGON 1300 NW WALL ST., SUITE 200 BEND OR 97701**

ACCOUNT NO:

1,454.29

1,673.10

29.43

189.38

427.74

184.04

317.89

7.50

54.14

66.92

46.08

17.03

66.25

87.60

70.84

94.80 40.02

243.70

,107.59

2;165.82

PROPERTY DESCRIPTION

CODE:

1095

MAP:

191129-BD-03000

CLASS:

201

ASSESSMENT OUESTIONS

TAX QUESTIONS

SITUS: 57850 WEST CASCADE RD SUNRIVER

> SUNRIVER ENVIRONMENTAL LLC C/O THOMSON REUTERS TAX SERVICE (A)

2235 FARADAY AVE #STE O CARLSBAD, CA 92008

VALUES: REAL MARKET (RMV)	LAST YEAR	THIS YEAR
LAND STRUCTURES TOTAL RMV	164,800 169,820 334,620	164,800 169,820 334,620
MAXIMUM ASSESSED VALUE	413,640	413,640
TOTAL ASSESSED VALUE	334,620	334,620
EXEMPTIONS NET TAXABLE:	334,620	334,620
TOTAL PROPERTY TAX:	4,506.27	4,505.24

(541) 388-6508

(541) 388-6540

162241

2014 - 2015 TAX (Before Discount) 4,505.24

BONDS = OTHER TOTAL: 666.32

PAYMENT OPTIONS Date Due 3% Option 2% Option Trimester Option 1,501.75 11/17/14 4,370.08 2,943.42 02/17/15 1,501.75 1,501.74 05/15/15 1.501.75 4,370.08 4,445.17 4,505.24 Total

TOTAL DUE (After Discount and Pre-payments)

SCHOOL DISTRICT #1

EDUCATION TOTAL:

COUNTY EXTENSION/4H

COUNTYWIDE LAW ENFORCEMENT

9-1-1 LOCAL OPTION 2013

SUNRIVER SERVICE DISTRICT

DEPT OF FORESTRY FIRE PATROL

GENERAL GOVT TOTAL:

HIGH DESERT ESD

DESCHUTES COUNTY

FAIRGROUNDS BOND

SUNRIVER LIBRARY

SCHOOL #1 BOND 1998

SCHOOL #1 BOND 2002

SCHOOL #1 BOND 2007

SCHOOL #1 BOND 2013

C O C C BOND

COUNTY LIBRARY

 $c \circ c c$

9-1-1

4,370.08

↑ Tear Here	P	PLEASE RETURN THIS PORTION WITH YOUR PAYMENT				Tear Here 🔨		
2014 - 2015 PROPERTY	- 2015 PROPERTY TAXES		DESCHUTES COUNTY REAL			ACCOUNT N	10. 162241	
PAYMENT OPTIONS Full Payment Enclosed	Discount 3%	Date Due	Amount	Date Due	Amount	Date Due 11/17/14	Amount 4,370.08	
or 2/3 Payment Enclosed	2%	05/15/15	1,501.75			11/17/14	2,943.42	
or 1/3 Payment Enclosed	0%	05/15/15	1,501.74	02/17/15	1,501.75	11/17/14	1,501.75	

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE

Mailing address change on back MAKE PAYMENT TO:

Enter Payment Amount

3648 - 003269 - 437008 SUNRIVER ENVIRONMENTAL LLC

C/O THOMSON REUTERS TAX SERVICE (A) 2235 FARADAY AVE #STE O CARLSBAD, CA 92008

DESCHUTES COUNTY TAX COLLECTOR

19 11 29 B D 03000 Code 1-095

Current Acres 5.65

*** Filed Tax Lot Card has been REVIEWED ***

This description is for tax purposes ONLY and can not beattached to any legal document.

Assessor Property Description:

SEC 29 - COM AT NW CORTH S 41 34 54 E 2361.09 FT TO TPOBTH S 80 00 00 E 553.62 FT TH S 44 26 31 E 87.52 FTTH S 08 48 38 W 151.12 FTTH S 68 21 28 W 91.29 FTTH S 57 25 09 W 200.56 FTTH S 31 15 49 W 98.27 FTTH N 84 28 21 W 318.39 FTTH N 03 54 47 E 408.35 FTTH ALG ARC OF 1150.00 FT RAD CUR RT 96.16 FT (CHORD BEARS N 06 19 07 E 96.13 FT) TO TPOB

RC940214 08/26/94

Posted on 08/26/94 by PATF

** Text:

Code Change From 0104 To 0195

| Source: ORD # 94-009

1998-28481 07/01/98 501-146

Posted on 09/10/98 by EILEENW

Clerk Recording Remarks: SEE DOCUMENT FOR COMPLETE LEGAL; BARGAIN AND

SALE DEED

Clerk Recording Grantor: SUNRIVER UTILITÍES COMPANY

Clerk Recording Grantee: SUNRIVER ENVIRONMENTAL LLC

19 3000 1-4 TYPE SPECINT. IN REAL PROP. TWP.B. RGE. E. SEC. 1/4 1/16 TAX LOT NUMBER CODE AREA NUMBER MAP NUMBER ACCOUNT NUMBER

OFFICIAL RECORD OF DESCRIPT
REAL PROPERTY
DESCRIPTS COUNTY ASSESSOR'S OFF

FORMERLY PART OF T.L. NO.

CITY

401	1	9	1	1

=	INDENT EACH NEW COURSE TO THIS FOIN	ADDITIONAL DESCRIPTION AND RECORD OF CHANGE		DATE OF ENTRY ON THIS CARD	DEED RI	PG.	ACRES REMAINING
_	Sec 29 th; S 41°3 th; S 80°0 th; S 44°2 th; S 68°2 th; S 57°2 th; S 31°1 th; N 84°2 th; N 03°5	- Com at the NW cor of Sec 29; '54" E 2361.09' to the tpob; '00" E 553.62'; '31" E 87.52'; '38" W 151.12'; '28" W 91.29'; '09" W 200.56'; '49" W 98.27'; '21" W 318.39'; '47" E 408.35';					
	curve	the arc of an 1150.00' rad 8 96.16', the ch of which bears 1'07" E 96.13' to the pob.	Q.C.	4-16-80	319	682	5.65

Exhibit B

REAL PROPERTY TAX STATEMENT JULY 1, 2014 TO JUNE 30, 2015 **DESCHUTES COUNTY, OREGON 1300 NW WALL ST., SUITE 200 BEND OR 97701**

THIS YEAR

ACCOUNT NO: 201066

PROPERTY DESCRIPTION

CODE:

1097

MAP:

191100-00-00102

CLASS:

601

SITUS:

VALUES:

18305 COTTONWOOD RD SUNRIVER

SCHOOL DISTRICT #1 6,364.77 HIGH DESERT ESD 128.79 COCC 828.84 EDUCATION TOTAL: 7,322,40

SUNRIVER ENVIRONMENTAL LLC

PO BOX 3609

REAL MARKET (RMV)

SUNRIVER, OR 97707

DESCHUTES COUNTY 1,872.04 COUNTY LIBRARY 805.46 COUNTYWIDE LAW ENFORCEMENT 1,391.26 RURAL LAW ENFORCEMENT 2.050.27 COUNTY EXTENSION/4H 32.80 9-1-1 236.95 9-1-1 LOCAL OPTION 2013 292.90 4.35 4.681.68 GENERAL GOVT TOTAL: FAIRGROUNDS BOND 201.66 SUNRIVER LIBRARY 74.54 DEPT OF FORESTRY FIRE PATROL 610.24 SCHOOL #1 BOND 1998 383.40 SCHOOL #1 BOND 2002 310.03 SCHOOL #1 BOND 2007 1,066.58

LAND 1,323,160 1,323,160 **STRUCTURES** 141,320 141,320 **TOTAL RMV** 1,464,480 1,464,480 MAXIMUM ASSESSED VALUE 1,423,020 1,465,710 TOTAL ASSESSED VALUE 1,423,020 1,464,480 **EXEMPTIONS** 0 0 **NET TAXABLE:** 1,423,020 1,464,480

LAST YEAR

C O C C BOND BONDS - OTHER TOTAL:

SCHOOL #1 BOND 2013

414.89 175.15 3,236.49

TOTAL PROPERTY TAX: 17,240.57 16,929.84

FOREST LAND POTENTIAL ADDITIONAL TAX LIABILITY

ASSESSMENT QUESTIONS

(541) 388-6508

TAX QUESTIONS

(541) 388-6540

	PAYME	NT OPTIONS	
Date Due	3% Option	2% Option	Trimester Option
11/17/14	16,723.35	11,263.84	5,746.86
02/17/15			5,746.86
05/15/15		5,746.86	5,746.85
Total	16,723.35	17,010.70	17,240.57

2014 - 2015 TAX (Before Discount)

17,240.57

TOTAL DUE (After Discount and Pre-payments) 16,723.35

↑ Tear Here 2014 - 2015 PROPERTY		LEASE RETURN TH	IS PORTION WIT		ENT	ACCOUNT I	Tear Here ↑
PAYMENT OPTIONS Full Payment Enclosed	Discount 3%	Date Due	Amount	Date Due	Amount	Date Due 11/17/14	Amount 16,723.35
or 2/3 Payment Enclosed	2%	05/15/15	5,746.86			11/17/14	11,263.84
or 1/3 Payment Enclosed	0%	05/15/15	5,746.85	02/17/15	5,746.86	11/17/14	5,746.86

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE

Mailing address change on back

Enter Payment Amount

MAKE PAYMENT TO:

3648 - 037632 - 1672335 SUNRIVER ENVIRONMENTAL LLC PO BOX 3609 SUNRIVER, OR 97707

DESCHUTES COUNTY TAX COLLECTOR

Prior Tax Lot Card is 1911000000100********

19 11 00 0 0 00102 Code 1-097

Current Acres 332.10

This description is for tax purposes ONLY and can not beattached to any legal document.

RC20001396 08/21/00

Posted on 08/21/00 by KEITHK

| Source: R.C. 2000-1394 JV# 9902

2000-2194 01/20/00

Deed

Posted on 08/21/00 by KEITHK

Clerk Recording Remarks: SEE DOCUMENT FOR COMPLETE LEGAL

Clerk Recording Grantor:
UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

Clerk Recording Grantee: I SUNRIVER ENVIRONMENTAL LLC

RC20020711 04/17/02

Posted on 04/17/02 by GREGBA

** Text:

FOR 2001-02:

TL 100A1 CANCELLED, IMP VALUE ADDED TO TL 102

| Source: RC DATED 4-17-02; JV12424

May 7, 2015

THOMAS SAMWEL SUNRIVER WATER, LLC PO BOX 3699 SUNRIVER, OR 97707

RE: <u>Docket No.</u> <u>Staff Request No.</u> <u>Response Due By</u>
UI 355 DR 1-9 May 21, 2015

Sunriver Water, LLC's Affiliated Interest (AI) application filed March 2, 2015, requests approval of two AI Lease Contracts:

- a) Industrial/Office Lease Contract, and
- b) Reservoir Property Lease Contract

Each lease shows the parties to the lease to be Sunriver Environmental, LLC (Landlord) and Sunriver Water, LLC (Tenant).

OAR 860-036-0739(4)(e) requires that affiliated interest transactions be priced at the lower of cost or market rate. The rule states:

When services or supplies are sold to a water utility by an affiliate, sales must be recorded in the water utility's accounts at the **affiliate's cost** or market rate, whichever is lower. The affiliate's cost must be calculated using the water utility's most recently authorized rate of return.

The Company's application contained inadequate information regarding the affiliate's (Sunriver Environmental, LLC) cost of providing the lease. The following questions are designed to obtain that cost information.

1. Please provide a narrative and a chronological history with details regarding the purchase of the <u>land</u> by Sunriver Environmental, LLC on which the new reservoir is to be located, including but not limited to, the date the land was acquired, the seller and purchaser, relationship of the parties, the purchase price, as well as any other transfers or considerations.

Company Response: On January 20th, 2000 Sunriver Environmental (SRE) completed a 3 way land exchange with the US forest service to acquire the 375 acre Cottonwood site. SRE purchased 90 acres of wetlands at Government Camp from the Nature Conservancy and a 175 acre tract owned by Crown Pacific near Tumalo. SRE then traded those two parcels to the Deschutes and Mount Hood National Forests for the 375 acre parcel off of cottonwood Road in Sunriver. Please see schedule 1 A attached which are minutes from a Sunriver Resort Executive Committee report along with newspaper articles documenting the trades. The government camp land had a purchase price of \$425,000. The purchase price of the Tumalo land was \$120,000. The total basis in the 375 acre parcel including purchase price and fees paid by SRE recorded to the SRE asset schedule amounts to \$597,006.57 and is listed as asset # 515.

2. Please provide documents supporting the purchase of the <u>land</u> upon which the reservoir is to be located. Include copies of all sales contracts showing the terms and conditions of all applicable transactions and a copy of all related land deeds.

<u>Company Response</u>: Please see the attached schedules that show the recorded land exchanges.

- 2A Government Camp Purchase
- 2B Deed from Crown Pacific to SRE
- 2C Government Camp Tax Map
- 2D USA transfer of 42 acres to SRE at Cottonwood site
- 2E USA transfer of 332 acres to SRE at Cottonwood site.
- 2F SRE transfer of USA 175 Acres
- 3. Please provide a narrative and a chronological history with details regarding the purchase of the <u>land</u> by Sunriver Environmental, LLC on which the shared office building and other buildings used by Sunriver Water, LLC is located, including but not limited to, the date the land was acquired, the seller and purchaser, relationship of the parties, the purchase price, as well as any other transfers or considerations.

Company Response: Sunriver Resort was owned by Sunriver Properties from 1968 until June of 1993 at which time Sunriver Resort Limited Partnership (SRLP) acquired the holdings of Sunriver Properties. Records for the shared office building and other buildings owned by Sunriver Environmental were not transferred to SRLP. Please also see the response to item # 4 below.

4. Please provide documents supporting the purchase of the <u>land</u> upon which the office space and other buildings used by Sunriver Water, LLC is located. Include copies of all sales contracts showing the terms and conditions of all applicable transactions and a copy of all related land deeds.

Company Response: The Company is not in possession of documentation for the purchase of the land. The first packaged wastewater treatment facility publicized as a tertiary treatment facility was built during 1971 and 1972 and put on line in 1972 at the current location of the shared Water and Sewer plant office building. At that time there was no water storage, buildings or office at that site. The water office was in the corporation yard which is now known as the Sunriver Owners Association (SROA) public works yard. Storage and materials were also in the corporation yard. This did not change until the PUC changed the promissory note ruling and then sometime after that along with the timing of the metering of Sunriver, did the sites change and the water operations were moved to the current site built by SRE and owned by SRE. We believe that it was at that time that the corporation yard was turned over to the SROA.

5. Please provide a brief chronological history of the costs and the <u>construction of the buildings</u> owned by Sunriver Environmental, LLC, but used by Sunriver Water, LLC as shown on the WWTP Room Sq. Footage exhibit to the application.

Company Response: As stated in DR 3 above, the holdings of SRE up until June 1993 were owned by Sunriver Properties. The records for the buildings and structures that were built prior to 1993 are not in our possession. The only records we have available for cost basis are the in-service values from the SRE fixed asset schedule when the two companies were split in 1998. The asset schedule only describes the construction of the different aspects of the facility. Therefore we have added data from the building permits for the different projects and have labelled these with the years that they were built in the attached schedules.

The Utility Company was split into Sunriver Water (SRW) and SRE in June of 1998 with PUC approval and the records from that point forward are much easier to provide and describe. For the improvements placed in service after 1998, system numbers from the companies fixed asset schedule can be matched up with the projects that were placed in service. These improvements are also depicted in the attached schedules that include system numbers.

Schedule 5 A is the reservoir lease map and associated SRE fixed asset system numbers.

Schedule 5 B is a map of the office and storage site along with associated SRE fixed asset system numbers.

Schedule 5 C is a listing of building permits associated to the various buildings and projects issued by Deschutes County. Some of the early records were not available from the county as noted in this schedule.

Schedule 5 D are two photos of the current new reservoir site.

6. The application shows 1,544 square feet for vehicles on the WWTP Land SQ. FT exhibit. However, that exhibit includes vehicles that are not listed in Sunriver Water, LLC's plant accounts. Please explain why the parking costs for those vehicles should be paid by Sunriver Water customers. The following vehicles are not listed in Sunriver Water, LLC's plant accounts:

<u>Vehicles</u>	Sq. Footage
2006 Dodge Dakota 4X4	
Club Cab	102
2005 Dodge Dakota 4X4	
Club Cab	102
2005Dodge 2500 SLT Quad Cab w/Fla	it
Bed	140
2014 Toyota Tacoma Ext	
Cab 4X4	82.5
2000 International Dump	
Truck	152
Red Trailer	132
2014 Caterpillar 304E Mini Excavator	97.5
2013 McLaughlin V500LE Vacuum	
Excavator	104
	912

<u>Company Response</u>: Schedule 6 A is a map of where each of the SRW owned vehicles are located. The vehicles listed in the chart above are owned by SRW and are listed on the SRW fixed asset schedule as follows:

	SRW System #
2006 Dodge Dakota 4X4	552
2005 Dodge Dakota 4X4	545
2005 Dodge 2500 SLT Quad Cab	546
2014 Toyota Tacoma ext Cab	697
2000 International Dump Truck	547
2014 Caterpillar 304 E Excavator	690
2013 McLaughlin V500LE	702
2005 Dodge Dakota 4X4 2005 Dodge 2500 SLT Quad Cab 2014 Toyota Tacoma ext Cab 2000 International Dump Truck 2014 Caterpillar 304 E Excavator	545 546 697 547 690

7. In the calculation of storage square feet, the application shows 2,780 square feet for pipes, valves, valve gaskets, miscellaneous pipes, meter boxes and ductal iron, and extra storage. Please provide a map indicating where these items are stored?

<u>Company Response:</u> Also on schedule 6 A are the storage areas in yellow and numbered in the legend with square footage of materials. Please also see schedule 7 A that provides pictures of the corresponding legends from schedule 6 A.

8. Please provide a description of the items stored in the shop, shop mez, barn, barn mez, etc. included in the WWTP Room Sq. Footage exhibit.

<u>Company Response</u>: Please see schedule 8 A which provides pictures and descriptions of the items stored in the aforementioned areas.

9. Please provide the plant accounts of all Sunriver Environmental, LLC's plant assets associated with both leases, including a description of the plant, the in service date, system number, original cost, and identify the lease the plant is related to along with the corresponding building number, map, etc.

Company Response: Please see attachments 5 A, 5 B, and 5 C which have maps and legends showing the year built and associated SRE fixed asset system numbers. The cost basis for each can be determined by cross referencing the listed system number with the SRE fixed asset schedule which we believe has already been provided. Please let us know if you would like another copy of the SRE fixed asset schedule.

Please provide responses to the following request for information. Please contact the undersigned before the noted response due date if the request is unclear or if you need more time.

Please provide an original and one complete copy of your response to the attention of Kay Barnes, PO Box 1088, Salem, OR 97308-1088, or 3930 Fairview Industrial Dr SE, Salem, OR 97302-1066, and send via electronic mail to (puc.datarequests@state.or.us).

One complete copy also needs to be filed to the attention of counsel for PUC Staff, Jason Jones, Department of Justice, 1162 Court St NE, Salem, OR 97301-4096; and electronically at (jason.w.jones@state.or.us).

Confidential responses <u>should not be sent via electronic mail</u>. Confidential responses must be filed on <u>yellow paper</u>. Please file an original and one copy to the above addresses or on a CD clearly marked "Confidential" if it is a voluminous response.

Sunriver Water, LLC Page 6

Greg Miller Utility Analyst Retail Telecom & Water Regulation (503) 373-7867 greg.miller@state.or.us

cc: Service List: UI 355 electronic only



EXECUTIVE COMMITTEE REPORT FEBRUARY 21, 2000

I. ADMINISTRATIVE

A. Admin Items and Other Attachments

1. Morgan Parcel

A purchase agreement has been executed which ties up the 194 acres owned by Saphire Trust (Morgan family). The purchase agreement allows SRLP to analyze entitlement opportunities for development until July 31, 2000, at which time \$25k nonrefundable earnest money will extend the review period for an additional six months. The Partners will be presented strategies for entitlement changes, legal and public relations issues and strategies, and a subsequent timeline.

2. Sunriver Home Center Land – Sunriver Business Park

We have reached agreement with the owner for the purchase of approximately one-acre of land adjacent to the existing Sunriver Home Center building. This land could serve as an access point between the Morgan property and the Sunriver Business Park. We have a due-diligence period expiring April 2, 2000. If we decide to go forward with the purchase of this land, the closing date would be May 1, 2000, with a purchase price of \$3.50 per sq. ft. (total price approximately \$152,250).

3. Sunriver Environmental Land Exchange

The exchange with the Forest Service was completed on 1/20/2000. SRE now owns the 375-acre Cottonwood Road parcel. A preliminary summary of our anticipated total investment by SRE is as follows:

NEPA/Environmental Analysis/FS Tasks:	\$ 36,296
Appraisals / Timber Cruise	\$ 42,250
Appraisal/Timber Cruise Reimbursement from FS:	(21,125)*
Land Acquisition/Title Insurance/Escrow:	\$527,021
Cash Equalization Payment to FS:	\$ 25,000
Broker/Consulting Fees Paid:	\$ 43,846
Boundary Posting/Surveying:	\$ 26,320 **
Total Land Exchange Investment:	\$679,608

^{*} Invoice sent to FS, payment not yet received

^{**} This work to be completed in late spring by FS surveyor.

Sunriver land swap benefits all

By Jim Witty The Bulletin

The Deschutes and Mount Hood national forests have completed a

land exchange with Sunriver Environmental LLC.

SUNRIVER

Under terms of the three-way swap, Sunriver Environmental, which treats sewage and wastewater generated by Sunriver Resort residents, bought a 90-acre wetland parcel at Government Camp from The Nature Conservancy and a 175-acre tract owned by Crown Pacific near Tumalo.

Sunriver Environmental then traded those parcels for a 375-acre forested piece near the resort to help meet the community's wastewater needs, said Deschutes National Forest spokeswoman Alice Doremus.

"This exchange benefits the local community and the national forest system," said Deschutes National Forest Supervisor Sally Collins

"We are able to consolidate national forest ownership, protect groundwater resources and preserve wetland habitat, plus convey into private ownership a parcel of land needed by a local community to resolve its waste management situation."

The Tumalo parcel serves as deer winter range habitat, said Doremus.

The Sunriver parcel is the site of an 80-acre, 60 million-gallon wastewater storage pond and 20-acre irrigation plot. A condition of the Forest Service special-use permit, under which Sunriver Environmental was operating the facility, was to complete a land exchange by September, 2000.

The special-use permit arrangement didn't sit right with Central Oregon Forest Issues Committee spokesman Steve Huddleston, who argued last fall that the swap doesn't include any local wetlands and that the Government Camp parcel already was being protected by The Nature Conservancy.

Bend Bulletin Saturday, Jeb. 5, 2000

But Walt Schloer of the Deschutes National Forest argued that land cannot be fully protected until it's under public ownership.

Huddleston's environmental group did not appeal the Forest Service decision last fall to go ahead

with the land exchange.

The 375-acre parcel was appraised at \$570,000, the 90-acre Nature Conservancy piece at \$425,000 and the Crown Pacific parcel at \$120,000, according to the forest service. That leaves a \$25,000 cash payment by Sunriver LLC. to the Forest Service.

"With the new effluent storage area and land for biosolid application, Sunriver's needs will be secured for the future," said Terry Penhollow, general manager for Sunriver Envi-

ronmental.

"This land exchange has been a win-win, benefiting both the Forest Service and our local community."

NOTICE OF DECISION SUNRIVER ENVIRONMENTAL LLC LAND EXCHANGE

USDA Forest Service
Deschutes National Forest, Bend/Fort Rock Ranger District
and
Mt. Hood National Forest, Zigzag Ranger District
Deschutes and Clackamas Counties, Oregon

On October 13, 1999, Deschutes National Forest Supervisor Sally Collins, and Mt. Hood National Forest Supervisor Gary Larsen, made a decision to authorize implementation of the Proposed Action Alternative as described and analyzed in the Sunriver Environmental LLC Land Exchange Environmental Assessment. The Multorpor Fen parcel, approximately 90 acres in size, will be acquired by the Mt. Hood National Forest; the Tumalo parcel, approximately 175 acres in size, will be acquired by the Deschutes National Forest; and the Sunriver parcel, approximately 375 acres in size and currently part of the Deschutes National Forest, will be conveyed to Sunriver Environmental LLC.

This exchange will consolidate National Forest ownership, help protect groundwater resources, and place into private ownership a parcel of land needed by a local community to resolve its waste management situation. The exchange will also provide for continued protection of wetland habitat, with a net gain of approximately 62 or more acres of wetlands to the National Forest system. The exchange would meet the goals of Executive Order #11988 and #11990, and would be favorable in terms of wetland values. No floodplains are included in or affected by this exchange. The land exchange will proceed using the appraised fair market land values plus a cash equalization payment to balance the values of the Federal and non-Federal parcels being exchanged.

The associated Decision Notice, Finding of No Significant Impact (FONSI), and Environmental Assessment (EA) are available for review upon request from the Bend/Fort Rock Ranger District, 1230 NE 3rd, Suite A-262, Bend, OR 97701. For more information or to request a copy of the Decision Notice and FONSI contact Linda Carlson at 541-383-4710.

The decision is subject to administrative appeal. Organizations or members of the general public may appeal according to Title 36 CFR Code of Federal Regulations (CFR) Part 215. The appeal must be filed within 45 days of the date this legal notification appears in The Bulletin and Oregonian, the official newspapers of record for the Deschutes and Mt. Hood National Forests. The notice of appeal must be filed with: Regional Forester, ATTN.: 1570 Appeals, USDA Forest Service, P.O. Box 3623, Portland, OR 97208-3623. It is the responsibility of those who appeal a decision to provide the Regional Forester sufficient written evidence and rationale to show why the decision by the Forest Supervisors should be changed or reversed. The written appeal must also state the document is a Notice of Appeal pursuant to 36 CFR part 215; identify the specific change(s) in the decision that the appellant seeks or portion of the decision to which the appellant objects; state how the Responsible Official's decision fails to consider comments previously provided, and if applicable, how the appellant believes the decision violates law, regulation, or policy.

(To be published in The Bulletin and the Oregonian on Wednesday, October 13, 1999)

FRIDAY, OCTOBER 22, 1999 • THE BULLETIN

Junitiver obtains waste treatment sit

By Jim Witty The Bulletin

A Sunriver company will acquire 375 acres near the resort in a threeway land swap with the Deschutes and Mount Hood national forests under a decision reached by the U.S. Forest Service this month.

The land exchange between the Forest Service and Sunriver Environmental L.L.C., which treats sewage and wastewater generated by Sunriver Resort residents, is subject to a 45-day appeal period that began Oct. 13.

Under the plan, Sunriver Environmental would buy a 90-acre wetland parcel at Government Camp owned

by The Nature Conservancy and a 175-acre tract owned by Crown Pacific near Tumalo. Sunriver Environmental would then trade those parcels for a 375-acre forested piece near the resort.

The Government Camp parcel is The Government Camp parcel is to be deeded to the Mount Hood National Forest, and the Deschutes National Forest would get the Tumalo parcel.

"This exchange will consolidate national forest ownership, help protect groundwater resources, and place into private ownership a parcel of land needed by a local community to resolve its waste management situation," a Forest Service of-

ficial wrote in the notice of decision.

The Sunriver parcel, currently viowned by the Forest Service, is the usite of an 18-acre, 60 million-gallon at wastewater storage pond and 20-acre irrigation plot. A condition of the special-use permit, under which Following the facility, is to complete a land the exchange by next September.

The 375-acre parcel was appraised at \$570,000, the 90-acre Nature Conservancy piece at \$425,000 and the Crown Pacific parcel at \$120,000, according to the Forest Service. That leaves a \$25,000 cash payment to be paid by Sunriver L.L.C. to the Forest Service.

Terry Penhollow of Sunriver Environmental said his company will use the property for effluent disposal and storage.

The special-use permit arrangement has rankled Central Oregon Forest Issues Committee spokesman Steve Huddleston, who argued that the swap doesn't include any local riparian areas and that the Government Camp parcel already is protected under Nature Conservancy

ownership.

But Walt Schloer of the Deschutes
But wait Schloer of the Deschutes
Can't be fully protected until it's under miblic ownership.

"Anything in private ownership

would be subject to the whims of the private owner," Schloer said.

Huddleston said his group doesn't plan to appeal the decision.

plan to appeal the decision.

"The land exchange process is not conducive to citizen involvement," Huddleston said. "It's virtually impossible to appeal an exchange without going to court. And we can't it is to court.

litigate everything."

The decision notice, finding of no significant impact and environmental assessment are available for review from the Bend/Fort Rock Ranger District, 1230 NE Third St., Suite A-262, Bend 97701. To request a copy, call Linda Carlson at 383-4710.

Sunriver Utility Company / US Forest Service Land Trade Update

To: SRLP Partners
From: John Fettig
Date: 10/23/98

The appraisal for the 374 acre Cottonwood Road parcel came in at \$500,000 from Bob Bancroft. This appraised value was based on the previously determined highest and best use of this property as being two forest acreage homesites. The appraised value is a combination of the homesite values and timber values.

We have a fully executed Option Agreement to acquire the 89 acre tract near Mt. Hood known as the "fen" from The Nature Conservancy. Bob Bancroft appraised this parcel in August for \$425,000.

The "Fen" is worth \$75,000 less than Cottonwood Rd. To balance the exchange, Bill Smith found a 160 acre tract of land near Tumalo Reservoir owned by Crown Pacific that we will acquire and trade to the Forest Service. We have a final approved draft of an Option Agreement for this land. We are awaiting a signed copy from CP. The purchase price will be the appraised value, but not less than \$80,000. We expect the appraised value to be less than \$150,000, and probably in the \$125,000 range.

The public was notified of our proposed exchange in late September via a mailing to about 900 interested parties, and by a newspaper article in the Bend Bulletin. The FS requested that any comments be sent to them by November 1, 1998.

The overall political climate regarding USFS land exchanges has become more contentious in recent months. All exchanges are receiving more scrutiny from public watchdog groups, and from USFS upper management. The huge Crown Pacific exchange is at a standstill until at least March, 1999, pending a review. This climate may slow our progress. However, Bill Smith still thinks we are on solid ground – for two reasons. The first is that we have been required by the USFS to compléte an exchange, per the terms of our "Agreement to Exchange Lands" which was executed in July, 1997. The second is that we have found an exceptional trophy property that the FS really wants the Fen.

Bill Smith's current estimate for completion of the exchange is now March, 1999. This estimate represents an educated guess, and may be too optomisitic. We'll have a better estimate after we see what comes in during this public comment period. Our Special Use Permit with Deschutes National Forest expires September 30, 2000, so we still have plenty of time. We will be meeting with local Forest Service staff in November to get an update on the status of this exchange.

USFS Land Trade:

Appraisals for all three parcels have been received. Two have been approved by USFS (Fen and Cottonwood) and the third (Tumalo) is in the process of being approved. Appraised values are as follows: Cottonwood-\$500k; Fen-\$425k; Tumalo-\$110k. The timeline for completion has been delayed. The soonest that we expect to complete the exchange is December, 1999. Nationally, the FS is closely scrutinizing all exchanges. Although our transaction is considered to be small, a few additional hoops have been placed before use, delaying the process. We still believe we are on-track with a realistic timeline for completion. We have been assured by local FS representatives that we have been diligent in our efforts to complete an exchange, and therefore if it became necessary, the FS would agree to extend our Special Use Permit beyond 9/30/2000.

Sunriver Environmental, L.L.C.

CONTACT: Terry Penhollow, Director of Utility Services

(541) 593-4458

DATE:

October 1, 1998

Sunriver Environmental, L.L.C. and the U.S. Forest Service have just announced an agreement to complete a land exchange that will bring two prized tracts of private land into public ownership in exchange for land needed by the Sunriver community for its wastewater needs.

One of the two parcels to be acquired by the Forest Service is the scenic and environmentally sensitive Multiopor "Fen", located in Government Camp near Mt. Hood. This 89-acre tract of land is now zoned to allow multi-family residential development. With the successful completion of the land exchange, this tract will be secured as an undeveloped parcel under USFS ownership.

The second parcel is located in Central Oregon near the Tumalo Reservoir. This 160acre tract of privately owned land now divides two areas of the Deschutes National Forest. Completion of this exchange will connect these two areas.

The exchange will also allow the land needed for effluent water storage and irrigation, as well as biosolid applications for over 4,000 owners in the Sunriver community.

srucpressrls

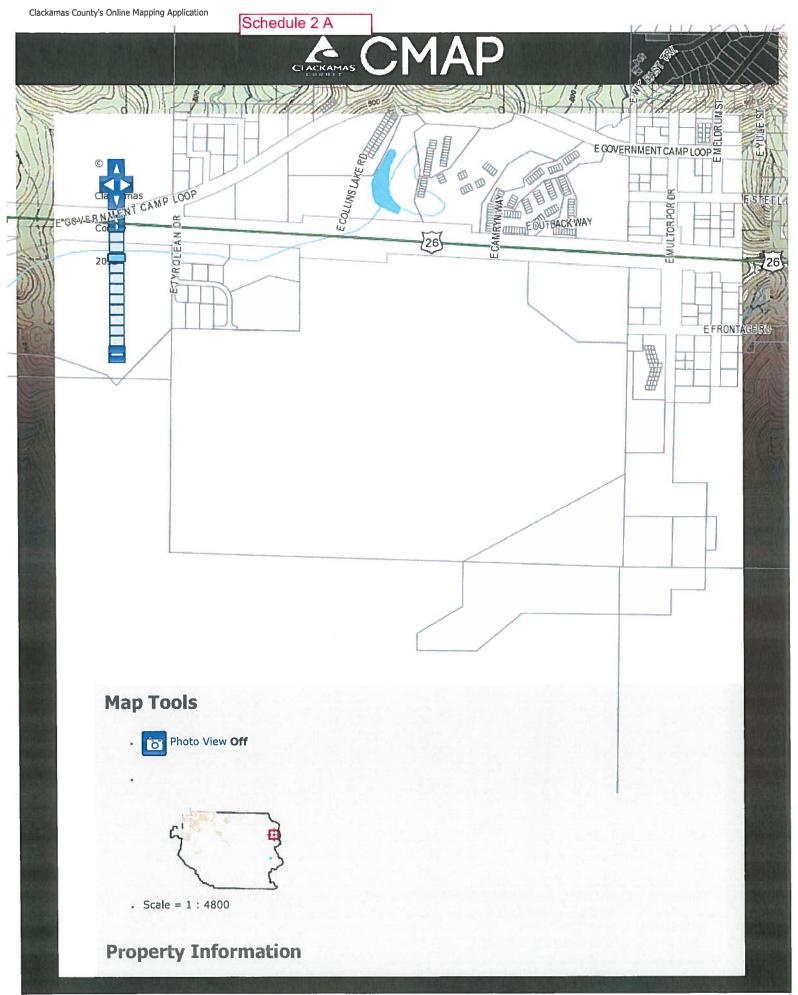
In 1997, Sunriver Environmental received access to a tract of Forest Service land located off Cottonwood Road adjacent to Sunriver. A storage lake has been built under a special use permit from the Forest Service to hold the treated effluent water that is generated from the operation of Sunriver's wastewater treatment facility.

Prior to construction of this lake, storage needs for the community came from holding ponds within Sunriver. These ponds have reached maximum capacity in recent years following the wet winter conditions. The new 18-acre lake has twice the storage capacity as all the other ponds combined. Pipes connecting the ponds allow SRE to regulate the water levels. In-season irrigation for the Woodlands Golf Course beneficially reuses the water from the ponds.

In addition to increased storage, the land trade will also provide a location for application of biosolid material created in the wastewater treatment process. For nearly 20 years, biosolids have been applied to Sunriver's meadow areas. Recent changes in DEQ requirements have limited this practice. The Cottonwood site meets the new requirements, and will offer a long-term solution for the community's biosolid application needs.

Ú

"With the new effluent lake and land for biosolid application, Sunriver's needs will be secured for the future," said Terry Penhollow, General Manager of Sunriver Environmental. "This land exchange is a win-win situation, benefiting both the Forest Service as well as our local community."



	\odot	Address	Information
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- Building Characteristics
- Jurisdiction Information
- Schooling Information
- . Voting Information
- Service Information
- . A Hazard Information

Address Information

For owner information please contact

Assessment & Taxation

Building Characteristics

return to map | new search

Sq Ft Information not available.

Bedrooms Information not available.

Baths Information not available.

Year Built Information not available.

Last Sale 01/20/2000 \$425,000.00

\$ Tax Information

return to map | new search

Map Number (TLNO) 38E24A 00403

Parcel Number 00988881

View Tax Map view tax map

Est. Market Building Value .00

Est. Market Land Value 3,066,620.00

Est. Market Total Value 3,066,620.00

Est. Current Year Assessed Value 1,870,288.00

Tax Code 046-046

Est. Acres .00 **Jurisdiction Information** return to map | new search City Clackamas County Urban Growth Boundary **OUTSIDE TBR** Zoning Schooling Information return to map | new search Elementary School Attendance Welches Elementary Middle School Attendance Welches Middle Senior High School Attendance Sandy High Voting Information return to map | new search State House District 52 State Senate District 26 Voting Precinct 373 Congressional District 3 Service Information return to map | new search Cable Company Government Camp Cable Community Planning Organization Government Camp Fire District Hoodland Fire Dist. #74 Garbage Hauler **US Forest Service** Park District Not in district School District Oregon Trail Sewer District Not in district

Not in district

Water District



👸 Hazard Information

return to map | new search

Flood Likely not in a flood zone

Relative Earthquake Hazard You may be at a moderate risk

Relative Wild Fire Hazard You may be at moderate risk.

Soils Information

Approximate Elevation 3,821.65



Survey & Plat Information

return to map | new search

Clackamas County's Surveyor Information System

The information and maps accessed through this web site provide a visual display for your convenience using data from Clackarnas County's Geographic Information System. Every reasonable effort has been made to assure the accuracy of the maps and associated data from several sources. Clackamas County makes no warranty, representation or guarantee as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. Clackamas County explicitly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. Clackamas County shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused. Clackamas County assumes no liability for any decisions made or actions taken or not taken by the user of this information or data furnished hereunder. Users are strongly advised to verify from authoritative sources any information displayed in this application before making decisions.

Contact CMap | Privacy statement

VOL: 2000 PAGE: 2191 RECORDED DOCUMENT

STATE OF OREGON COUNTY OF DESCHUTES



000-2191 * Vol-Page Printed: 01/20/2000 15:

DO NOT REMOVE THIS CERTIFICATE

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

I hereby certify that the attached instrument was received and duly recorded in Deschutes County records:

DATE AND TIME:

Jan. 20, 2000; 3:41 p.m.

RECEIPT NO:

16208

DOCUMENT TYPE:

Deed

FEE PAID:

\$31.00

NUMBER OF PAGES: 1

MARY SUE PENHOLLOW DESCHUTES COUNTY CLERK

Mary Due Venhollow

24073-31

2000.2191-1

RECORDING REQUESTED BY, AND WHEN RECORDED, RETURN TO: Sunriver Environmental, LLC Post Office Box 3609 Sunriver, Oregon 97707

UNTIL A CHANGE OF ADDRESS IS REQUESTED, SEND ALL TAX STATEMENTS TO: Sunriver Environmental, LLC Post Office Box 3609 Sunriver, Oregon 97707

WARRANTY DEED - STATUTORY FORM

CROWN PACIFIC LIMITED PARTNERSHIP, a Delaware limited partnership ("Grantor"), conveys and warrants to SUNRIVER ENVIRONMENTAL, L.L.C., an Oregon limited liability company ("Grantee"), the following described real property free of encumbrances, except as specifically set forth herein, situated in Deschutes County, Oregon, to wit:

In Township Sixteen (16) South, Range Eleven (11), East of the Willamette Meridian:

Section 32x31:Lots 1 & 2, E1/2 NW1/4.

The property is free from encumbrances, except matters of record.

The true consideration paid for this conveyance is \$120,000.00.

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

Dated this 22 day of December, 1999.

CROWN PACIFIC LIMITED PARTNERSHIP, a Delaware limited partnership

BY: CROWN PACIFIC MANAGEMENT LIMITED PARTNERSHIP, General

Partner

W. Ray Jones

Executive Vice President of Resources

STATE OF OREGON

) ss.

COUNTY OF DESCHUTES)

The foregoing instrument was acknowledged before me on this 22 day of December, 1999 by W. Ray Jones, Executive Vice President of Resources of Crown Pacific Management Limited Partnership, General Partner of Crown Pacific Limited Partnership, a Delaware limited partnership, on behalf of the partnership.

OFFICIAL SEAL ANET L CURTIS-ROOFENER NOTARY PUBLIC-OREGON COMMISSION NO. 310734 ISSION EXPIRES MAR. 18, 2003

Stand L. Curlis - Roofener
Notary Public for Oregon
My Commission Expires: Mar. 19, 2002



VOL: 2000 PAGE: 2193 RECORDED DOCUMENT

STATE OF OREGON COUNTY OF DESCHUTES



*2000-2193 * Vol-Page

Printed: 01/20/2000 15:47:22

DO NOT REMOVE THIS CERTIFICATE

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

I hereby certify that the attached instrument was received and duly recorded in Deschutes County records:

DATE AND TIME:

Jan. 20, 2000; 3:41 p.m.

RECEIPT NO:

16208

DOCUMENT TYPE:

Deed

FEE PAID:

\$41.00

NUMBER OF PAGES: 3

MARY SUE PENHOLLOW DESCHUTES COUNTY CLERK

Mary Due Venhollon

24072-41

2000-2193-1

Mail Tax Statements To:

Sunriver Environmental, LLC PO Box 3699 OR-53828 Sunriver, OR 97707

EXCHANGE DEED

THIS DEED, made this Aday of 2000, between the UNITED STATES OF AMERICA, Grantor, acting herein by and through the Forest Service, United States Department of Agriculture, and Sunriver Environmental, LLC, Grantee.

WITNESSETH: That the Grantor, hereunto authorized by the Weeks Law Act of March 1, 1911 (36 Stat. 961), as amended, and the Federal Land Policy and Management Act of October 21, 1976, as amended by FLEFA (90 Stat. 2755; 43 U.S.C. 1715-1717), approved the provisions of which have been complied with, for, and in consideration of the conveyance to it by the Grantee of lands and a cash equalization payment of twenty-five thousand dollars (\$25,000) paid by the Grantee to the United States of America, in the County of Deschutes, State of Oregon, as stated in the deed to the United States, the receipt of which is hereby acknowledged, does hereby remise, release, and quitclaim unto the Grantee all its rights, title, and interest in and to the real property situated in County of Deschutes, State of Oregon, described as follows:

T. 19 S., R. 11 E., W.M.

sec. 28

That portion of the SE1/4 SE1/4 SE1/4 SW1/4, and the W1/2 W1/2 SW1/4 SE1/4, lying south of the right-of-way granted to Deschutes County for Cottonwood Road, and east of the Burlington Northern Sante Fe Railroad right-of-way.

3.10 acres, more or less

sec. 32

That portion of the SE1/4 SE1/4, lying east of the Burlington Northern Santa Fe Railroad right-of-way.

5.00 acres, more or less

sec. 33

Certified correct as to consideration,

conditions, and descriptions

Those portions of the:

SE1/4 SE1/4 SW1/4 NW1/4, E1/2 NE1/4 NW1/4, W1/2 NE1/4 SE1/4 NW1/4, SW1/4 SE1/4 NW1/4, SW1/4, SW1/4, SW1/4, SE1/4 NW1/4 SW1/4, SE1/4 NW1/4 SW1/4, NE1/4 SW1/4, NE1/4 SW1/4, SW1/4, SW1/4, SW1/4, SW1/4, W1/2 NW1/4 SW1/4, SW1/4, Iying east of the Burlington Northern Santa Fe Railroad right-of-way.

34.00 acres, more or less

Total area described contains 42.10 acres, more or less.

After recording, return to Amerititle 15 OREGON AVENUE, BEND

Page 1 of 3

2000-21932

EXCEPTING AND RESERVING TO THE UNITED STATES and its assigns from the land so granted, a right-of-way for ditches or canals constructed by the authority of the United States (Act of August 30, 1890, 43 U.S.C. 945).

TO HAVE AND TO HOLD the above-described real property unto the Grantee or the Grantee's assigns forever, together with all hereditaments and appurtenances thereunto belonging.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate City or County planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

IN WITNESS WHEREOF, the Grantor, by its Director of Recreation, Lands, and Mineral Resources, Forest Service, Pacific Northwest Region, has executed this deed pursuant to the delegation of authority to the Chief, Forest Service, 7 CFR 2.60, and the delegation of authority by the Chief, Forest Service, 49 F.R. 34283, published August 29, 1984, on the day and year first above written.

UNITED STATES OF AMERICA

By Gudith E. LEVIN

Deput Birector

Deputy Director
Recreation, Lands, and Mineral Resources
Pacific Northwest Region
USDA Forest Service

ACKNOWLEDGMENT

STATE OF (hearn)

County of Multimal

On this 12 Hoday of January 19 2000, before me, the undersigned, a Notary Public in and for said State personally appeared Judith E. Levin, Deputy, Director of Recreation, Lands, and Mineral Resources, Pacific Northwest Region, Forest Service, Department of Agriculture, the same person who executed the within and foregoing instrument, who being by me duly swom according to law, did say that he/she executed said instrument on behalf of the United States of America by its authority duly given and by him/her/delivered as and for its act and deed. And he she did further acknowledge that he/she executed said instrument as the free act and deed of the United States of America, for the purposes and consideration herein mentioned and set forth, and I do hereby so certify.

2011-2193.3

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

OFFICIAL SEAL
LOUISA HERRERA
NOTARY PUBLIC-DREGON
COMMISSION NO. 327916
MY COMMISSION EXPIRES OCT. 10, 2003

Name (Printed) 104 i Sa Herrera
Notary Public for the State of Ocean
My Commission Expires 10/10/2003

VOL: 2000 PAGE: 2194 RECORDED DOCUMENT

STATE OF OREGON COUNTY OF DESCHUTES



*2000-2194 * Vol-Page

Printed: 01/20/2000 15:48:14

DO NOT REMOVE THIS CERTIFICATE

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

I hereby certify that the attached instrument was received and duly recorded in Deschutes County records:

DATE AND TIME:

Jan. 20, 2000; 3:41 p.m.

RECEIPT NO:

16208

DOCUMENT TYPE:

Deed

FEE PAID:

\$56.00

NUMBER OF PAGES:

MARY SUE PENHOLLOW DESCHUTES COUNTY CLERK

Mary Dur Fenkollow

24072-36

200-2194-1

Return To:

Deschutes National Forest 1645 Hwy 20, East Bend, OR 97701 Attn: Alice Doremus Mail Taxes To:
Sunriver Environmental, LLC.
P.O. Box 3699
Sunriver, OR 97707

OR 53828

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

QUITCLAIM DEED

THE UNITED STATES OF AMERICA, acting through the Department of the Interior, Bureau of Land Management, Grantor; does hereby release and quitclaim to SUNRIVER ENVIRONMENTAL, LLC, Grantee, pursuant to the General Exchange Act of March 20, 1922 (42 Stat. 465, as amended; 16 U.S.C. 485, 486), Section 206 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2755, as amended; 43 U.S.C. 1715-1717), all right, title, and interest in and to the following described real property situated and included within the limits of the Deschutes National Forest, in the County of Deschutes, State of Oregon, to-wit:

Willamette Meridian

T. 19 S., R. 11 E.,

sec. 28, That portion of the E½W½SW¼SE¼, SE¼SW¼SE¼, S½SW¼SE¼SE¼, lying south of the right-of-way granted to Deschutes County for Cottonwood Road, and east of the Burlington Northern Sante Fe Railroad right-of-way.

(7.10 acres, more or less)

sec. 33, That portion of the W½NE½NE½, lying south of the right-of-way granted to Deschutes County for Cottonwood Road;

That portion of the W½NE¼, lying east of the Burlington Northern Santa Fe Railroad Right-of-way;

E½NE¼SE¼NW¼, SE¼SW¼SE½NW¼, SE¼SE¼NW¼, NE¼SW¼, SE½NW¼SW¼, SE½NW¼SW¼, NE¼SW¼SW¼, E½NW¼SW¼SW¼, S½SW¼SW¼, SE¼SW¼, W½SE¼.

(325.00 acres, more or less)

Total area described contains 332.10 acres, more or less.

TO HAVE AND TO HOLD the same unto SUNRIVER ENVIRONMENTAL, LLC, and its successors and assigns forever.

Page 1 of 2

DEED NUMBER: 36-2000-D0004

2000-2194-2

OR 53828

TO HAVE AND TO HOLD the same unto SUNRIVER ENVIRONMENTAL, LLC, and its successors and assigns forever.

EXCEPTING AND RESERVING TO THE UNITED STATES and its assigns from the land so granted, a right-of-way for ditches or canals constructed by the authority of the United States (Act of August 30, 1890, 43 U.S.C. 945).

The true consideration for this conveyance is the exchange of other real property, along with a cash equalization payment of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) being paid by the Grantee to the United States.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

Dated this
UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BURBAU OF LAND MANAGEMENT
By Kolert K) (De Cluis.)
Chief, Branch of Realty and Records Services
ACKNOWLEDGMENT
ACKNOWLEDOWENT
STATE OF OREGON)
) ss.
County of Multnomah
On this 7th. day of January 2000 before me personally appeared
Oil title wwy/or why/or
Robert D. DeViney Ir. who, being duly sworn, did say that he is Chief, Branch of Realty
and Records Services, Gregon State Office, Bureau of Land Management, and that he executed the foregoing instrument by the authority of and in behalf of the United States of America; and h
acknowledged said instrument to be the act and deed of the United States of America.
acknowledged said histidificat to be the act said deed of the Office States of America.
OFFICIAL SEAL LEWILLE A. KING
Notice Publis in and for the State of Oregon
NOTARY PUBLIC OREGON My commission expires: Feh 09, 2002
NOTARY PUBLIC OREGON COMMISSION NO. 309393 MY COMMISSION EXPIRES FEB. 09, 2002
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Page 2 of 2

DEED NUMBER: 36-2000-D0004

VOL: 2000 PAGE: 2192 RECORDED DOCUMENT

STATE OF OREGON COUNTY OF DESCHUTES



DO NOT REMOVE THIS CERTIFICATE

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DATE AND TIME:

Jan. 20, 2000; 3:41 p.m.

RECEIPT NO:

16208

DOCUMENT TYPE:

Deed

FEE PAID:

\$41.00

NUMBER OF PAGES: 3

MARY SUE PENHOLLOW DESCHUTES COUNTY CLERK

Mary Due Penkellow

24013-41

2000-2192-1

WHEN RECORDED MAIL TO: Deschutes National Forest 1645 Highway 20 East Bend, OR 97701-4864 Attention: Alice Doremus **SEND TAX STATEMENT TO:**

Property Entering Tax Exempt Status

OR-53828 DES #171

WARRANTY DEED

Sunriver Environmental, LLC, an Oregon Limited Liability Company, Grantor, under the provisions of the General Exchange Act of March 20, 1922 (42 Stat. 465, as amended; 16 U.S.C. 485, 486); the Weeks Law Act of March 1, 1911 (36 Stat. 961, as amended; 16 U.S.C. 516); and the Federal Land Policy and Management Act of October 21, 1976, as amended by FLEFA (90 Stat. 2755; 43 U.S.C. 1715-1717) for and in consideration of an exchange of National Forest System land, the receipt of which is hereby acknowledged, and a cash equalization payment of twenty-five thousand dollars (\$25,000.00) being paid by the Grantor to the United States, does hereby convey and warrant to the UNITED STATES OF AMERICA, Grantee, and it assigns, the following described real property situated in the County of Deschutes, State of Oregon, free of encumbrances except as specifically set forth herein:

Certified correct as to consider.

ation description and conditions

Alice Driems 1/13/00

NAME DATE

WEEKS ACT LANDS

T. 16 S., R. 11 E., W.M. sec. 31, lots 1 and 2.

Containing 94.88 acres, more or less.

GENERAL EXCHANGE ACT LANDS

T. 16 S., R. 11 E., W.M. sec. 31, E1/2NW1/4.

Containing 80 acres, more or less.

SUBJECT TO:

- 1. Easement for Road No. 4905 000 (Sister Mainline No. 1139) to the United States of America by instrument dated January 13, 1983, recorded April 22, 1983, in Vol. 11, page 707, Deschute County records. Affects NW1/4.
- 2. Easement for Allingham Cutoff #139.1 and 2 (Sisters Mainline #139.3) to the United States of America dated October 2, 1963, recorded November 7, 1963, in Vol. 137, page 143, Deschutes County records. Affects NW1/4.

Page 1 of 3

After recording, return to Amerititle 15 OREGON AVENUE, BEND

2010.2192.2

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

The acquiring agency is the Forest Service, U.S. Department of Agriculture.

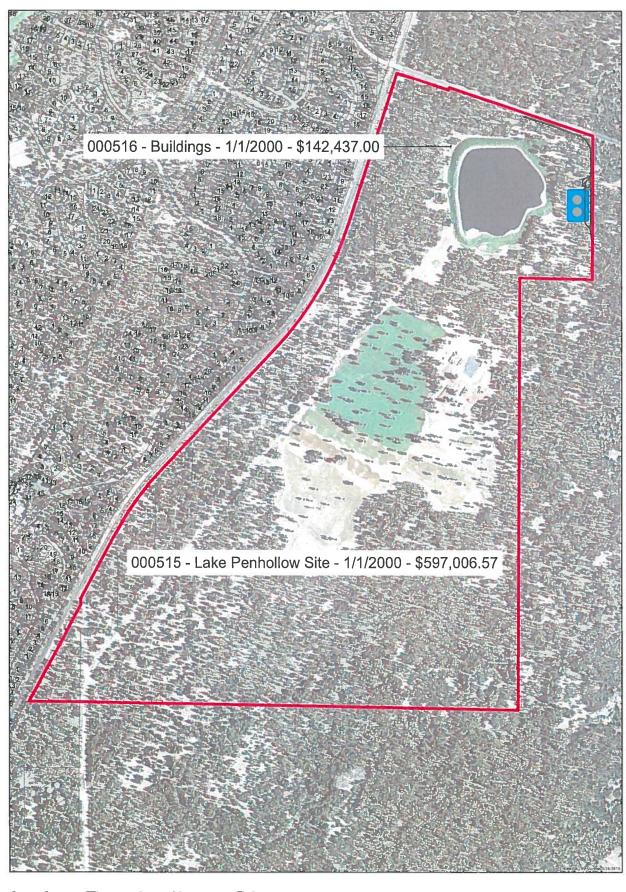
day of	Jani	Wy, 2000.
Ву		er Resort d Partnership, Member
	Ву:	Lowe Sunriver, Inc. General Partner
	Ву:	Jolen
		THOMAS'P. LUERSEN Executive Vice President Sunriver Environmental, LLC
insper, Inc.		*
ACK	NOWLE	DGMENT
SS.		ş ·
<u>js P. Luers</u> resident and poration that exec	d, a cuted the	e undersigned, a Notary Public in and for said State and <u>¬/a</u> , known/proved to <u>/a</u> , respectively, of <u>Sunriver</u> within and foregoing instrument and acknowledged
	ACK Ss. ACK Ss. Properties of the control of th	By: Sunriv Limited By: By: By: ACKNOWLE Ss. Ty, 2000, before me, the ac. P. Luersen, a resident and n

2000-2192.3

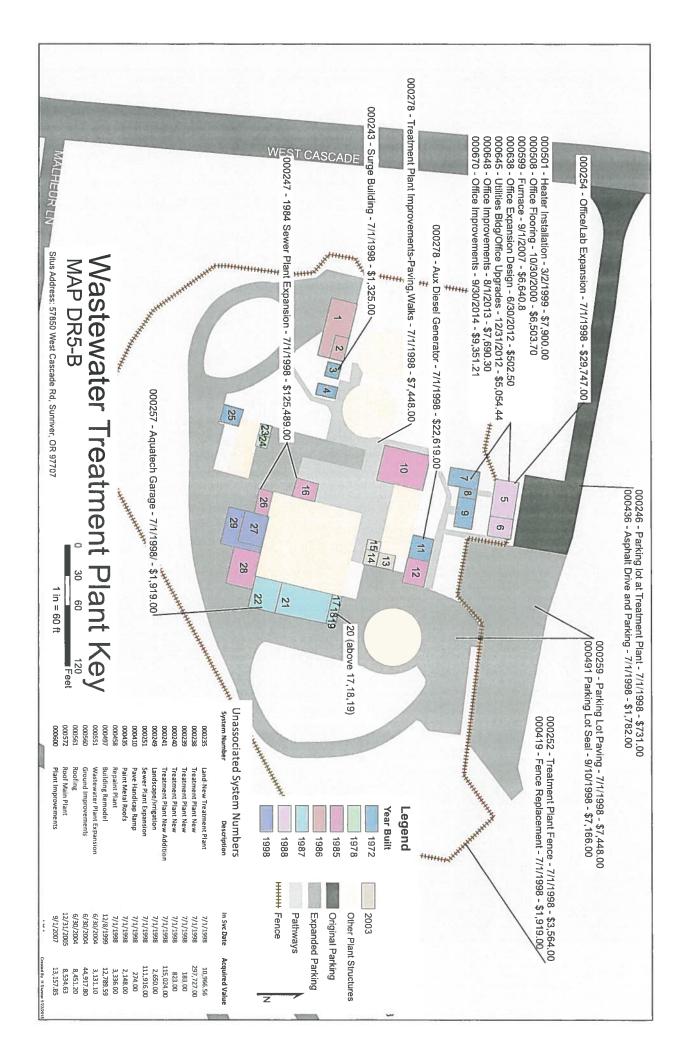
IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Name (Printed) Jayne J. Bristow Notary Public for the State of OREGON My Commission Expires 7/22/2002



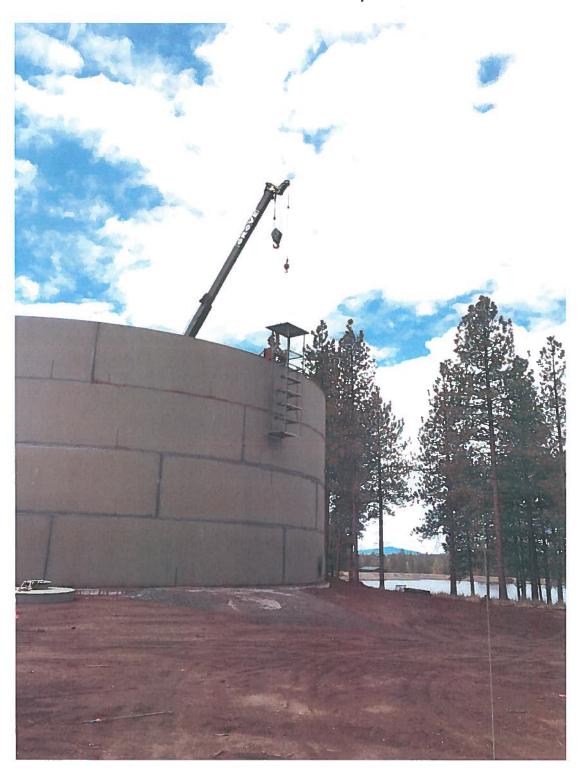




DR5-C

Map Legend #	Building	Year Built	Permits	Permit Valuation
1	Shop	1987	SP-86-52, 86-910C	\$41,000,00
2	Shop Mezzanine	1987	SP-86-52, 86-910C	0000
ĸ	Backwash Storage	1972	Archived documents, not available from county	
4	Paint Room	1972	Archived documents, not available from county	
2	Offlice	1988	SP-88-52, 247-B25851, 247-E2885, 247-P1275	\$46 569 DO
9	Lab	1988	SP-88-52, 247-B25851, 247-E2885, 247-P1275	00.000,014
7	Locker Room	1972	Archived documents, not available from county	
8	Timecard Room	1972	Archived documents, not available from county	
6	Lunch Room	1972	Archived documents, not available from county	
10	Screen Room	1985	SP-85-16, 85-203C	\$58,000.00
11	Generator Room	1972	Archived documents, not available from county	
12	Blower Room	1985	SP-85-47, TU-85-22	\$92,000.00
13	AB Pump Lower	2003	SP-03-17	
14	AB Pump Upper	2003	SP-03-17	
15	AB Control	2003	SP-03-17	
16	RAS	1985	Archived documents, not available from county	
17	Power Room	1987	87-783C	
18	Office Reocrds	1987	87-783C	
19	Camera Room	1987	87-783C	\$99 319 DD
20	Barn Mezzanine	1987	87-783C	
21	Barn	1987	87-783C	
22	Aquatech Room	1987	87-783C	
23	Irrigation Room	1978	SP-78-1	
24	Chlorine Room	1978	SP-78-1	
25	Effluent Room	1978	SP-78-1	
26	Lime Room	1985	SP-85-47, TU-85-22	\$92,000.00
27	Belt Press Mezzanine	1998	SP-98-55, 2B-44-98, 247-B43062, 247-E49449, 247-P15646	\$35,506.00
28	Camel Room	1985	SP-85-47, TU-85-22	\$92,000.00
29	Belt Press Room	1998	SP-98-55, 2B-44-98, 247-B43062, 247-E49449, 247-P15646	\$35,506.00

DR5-D - Reservoir lease area photos

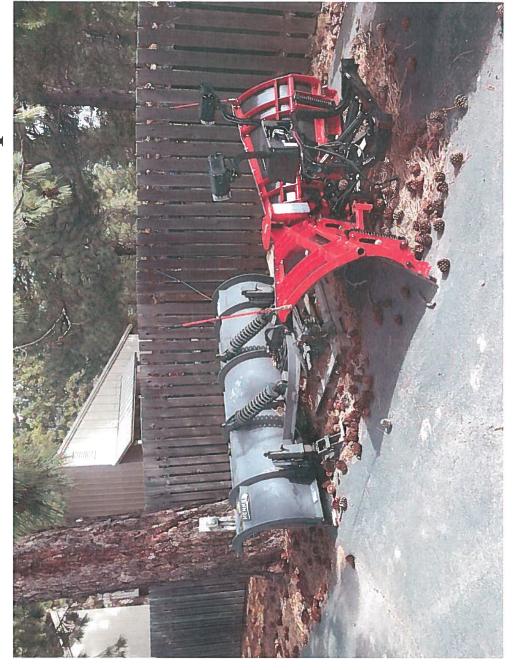






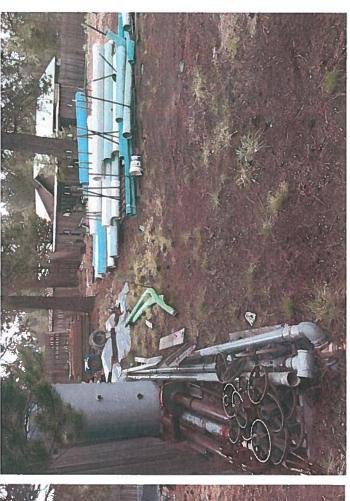
DR 7-A

1. Snow Plows - 10x11 - 110 Sq. Ft

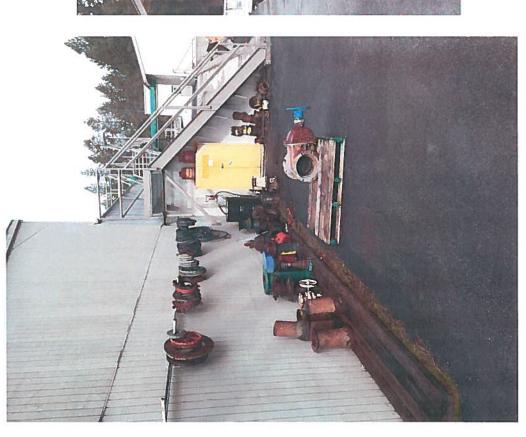


DR 7-A 14. PVC Pipes – 20x34 – 680 Sq. Ft





18. Valves & Valve Gaskets - 10.5x28 - 294 Sq. Ft **DR 7-A**





DR 7-A 20. Extra Storage – 10x10 – 100 Sq. Ft



DR 7-A

23. Gravel Pit - 14x20 - 280 Sq. Ft



DR 7-A 24. Dumpster – 8x12.5 – 100 Sq. Ft.





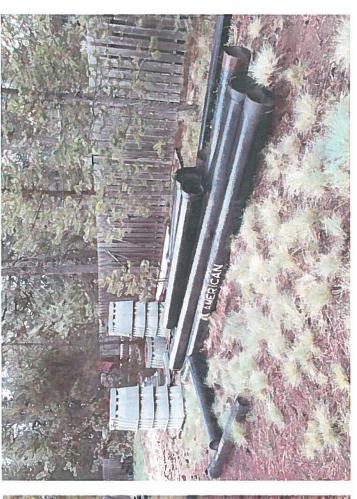


DR 7-A 25. Scrap Wood – 12x18 – 216 Sq. Ft



DR 7-A 26. Meter Boxes & Ductal Iron – 20x45 – 900 Sq Ft





DR 7-A 27. Misc. Pipes – 10x10 – 100 Sq. Ft



1. Shop-1276 Sq. Ft. -(50% Water) - Used for the storage of tools and parts

*The shop stores critical tools and parts for everyday utility work such as drills, hammers, wrenches, saws, welding machines, delineators, stakes, flags, cones, etc.















DR 8-A Shop cont....



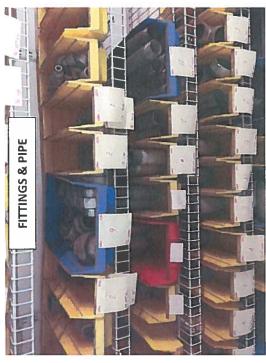


WELDER & PIPE CUTTER

2. Shop Mez. - 336 Sq. Ft - (100% Water) - Used for the storage of tools and parts

*The parts and tools stored in the shop mezzanine are used for the repair, maintenance and upkeep of water utilities on a day to day basis.

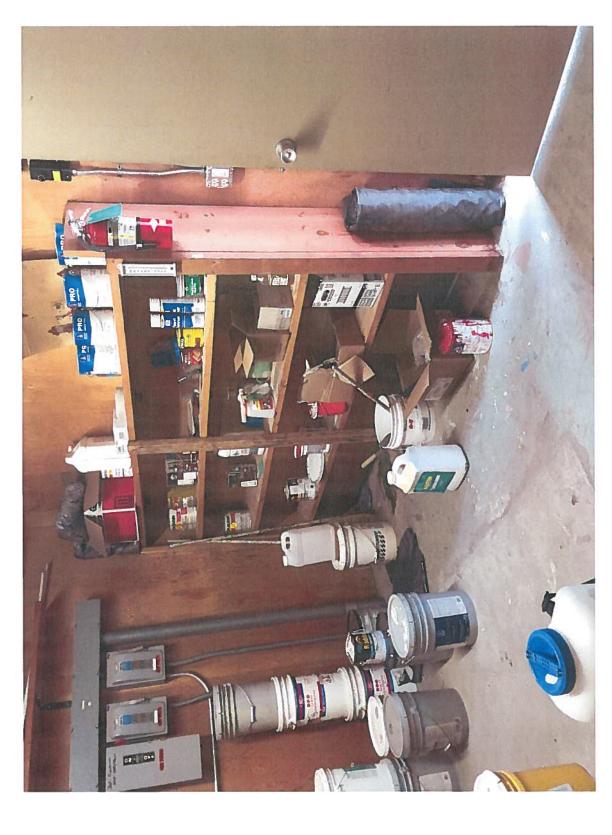






4. Paint Room - 204 Sq. Ft - (50% Water) - Storage building for Paint

*This room serves as a storage area for paint that must be kept at temperature to maintain the appearance and upkeep of utility structures and facilities.



17. Office Records - 99 Sq. Ft - (75% Water) - Used for the storage of

office records & documents

*This room houses several years' worth of water & environmental utility records/documents. (The boxes of records are shown outside of the record room due to the photos being taken during a transitional phase)





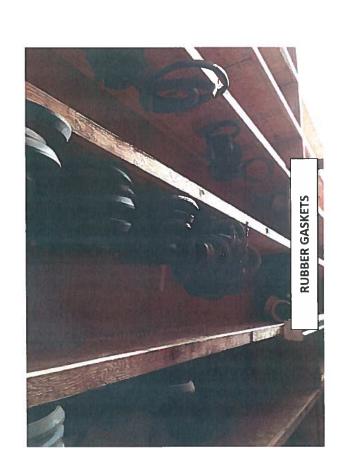
DR 8-A 18. \overline{Map} R00m – 72 Sq. Ft – (50% Water) – Used for the storage of maps & as-built

drawings



20. Barn Mez. – 270 Sq. Ft – (90% Water) - Used for the storage of misc.

equipment & parts







21. Barn -1242 Sq. Ft -(50% Water) - Used for the storage of equipment, tools & parts

*The barn stores everyday tools and equipment such as shovels, rakes, valve wrenches, ladders & other maintenance materials.







22. Aquatech Room – 918 Sq. Ft – (50% Water) – Used for the storage of

equipment, tools & parts

heavy equipment such as the vacuum trailer pictured below. (The vacuum trailer must be stored in a heated environment and cannot be stored *The items housed in the Aquatech room include essential tools for daily repairs and maintenance, parts & fluids for utility vehicles, and



