

T-7857 7857

Name WADE SIMPSON
By
Address P. O. BOX 1309
CAVE JUNCTION 97523
541-592-3947

DESCRIPTION OF WATER RIGHT

Name of stream Telluik Well
Trib. of Democrat Creek County of Josephine
Use Irrigation - Supplemental Ir.
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority 1-2-1962
In name of J. S. Telluik
_____ Adjudication, Vol. _____, page _____
App. No. 62204 Per. No. 62026 Cert. No. 33163
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
Oct. 9, 1997	\$200. ⁰⁰	16555
2-25-99	100.00	27966
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Change in POA
Date filed 10/9/97
Date of hearing _____
Place of hearing _____
Date of order 12-8-99 Vol. 53, page 1471
Date for application of water 10-1-2001
Proof mailed _____
Proof received _____ 79434
Certificate issued March 29, 2002 Vol. _____, page _____
RR 76233
76334

REMARKS

No. I.D./Gary D. Wicks CWRE #194

8/8/01 LANDOWNER
8/10/01
copy to Ms. MILDRED FRICK
P.O. BOX 3305
Kerby OR 97531

PN 10-14-97

INTEROFFICE MEMO

September 10, 1998

To: GW Files
From: Doug Woodcock
Subject: Transfer 7857

Transfer 7857 requests an additional point of diversion to the supplemental source of water under permit G-2026 within Illinois Basin of Josephine County. The primary source of water is Democrat Creek. The supplemental source is a shallow sump well dug into the unconsolidated alluvial sediments 670 ft north of Democrat Cr. The proposed additional supplemental POD is a sump 270 ft south of Democrat Cr.

Norm Daft, Assistant Watermaster, and Ivan Gall, SW Regional Hydrogeologist, examined the proposed transfer and site. They concluded the sumps north and south of the creek are essentially the same water source and would have the same impact on Democrat Cr. Mr. Daft does not believe this will result in an expansion of the water right.

In this review there was no examination on my part of historical water use. It is unknown whether this use has been maintained under the terms of the certificate. From a ground water/surface water perspective, the transfer can be made without injury.

T-7857

INTEROFFICE MEMO

WATER
RESOURCES
DEPARTMENT

TO: TRANSFER SECTION DATE: 9-10-98

FROM: WATERMASTER, DISTRICT # _____
GROUNDWATER SECTION
(SIGNATURE) *Doug Woodcock* Doug Woodcock

SUBJECT: WATER RIGHT TRANSFER # 7857

A change in: POU POD POA USE of water.

In the name(s) of Wade Simpson

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) _____

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

_____ (1) PRIOR to the diverting of water at the new point of diversion . . .

_____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.



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

T-7857

OCT - 3 1997

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

OCT - 9 1997

Applicant: WADE SIMPSON
Mailing Address: P.O. Box 1309
Cave Junction Oregon 97523 Phone 541-592-3947
Type of change: Point of Diversion
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

- A) Is the water right in your name? No If not, list name below:
J.S. Tellvik
- B) Was the water right determined by a court decree? No
1. If yes, list the title of the proceedings: _____
2. Certificate No: _____
- C) Was the water right acquired by a water permit? Yes
1. If yes, list the Permit No: G-2026 APP# 2204
2. Certificate No: 33163
- D) Date of priority right: January 2, 1962
- E) What are your reasons for the proposed changes? To cancel the surface water permits from Democrat and Mulvaney Gulches per Certificate No. 10170 and to have an additional point of appropriation located on applicant's property
- F) The water will be completely applied to the proposed use on or before: October 1, 1997

2. LOCATION OF AUTHORIZED USE

- A) What is the source of water (river, stream, well)? Tellvik Well, a tributary of Democrat Gulch, a tributary of Sucker Creek
- B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>2400' S & 200' E of NW Cor, Sec 6</u>	<u>SWNW</u>	<u>6</u>	<u>40S</u>	<u>7W</u>
- C) What is the name of the ditch used? N/A
- D) What is the use to which the water is applied? Supplemental Irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>T 40 S</u>	<u>R 7 W</u>	<u>6</u>	<u>NW SW</u>	<u>10.8</u>
<u>T 40 S</u>	<u>R 7 W</u>	<u>6</u>	<u>SWSW</u>	<u>2.1</u>
<u>T 40 S</u>	<u>R 7 W</u>	<u>6</u>	<u>NESW</u>	<u>0.7</u>

- F) Is the land within an irrigation district? Yes ___ No X
If Yes, which district? _____
- G) County Josephine

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 13, 1997

Wade Simpson
P. O. Box 1309
Cave Junction, OR 97523

REFERENCE: Transfer 7857

On 10-09-97 we received your water right transfer application requesting a change in POA for use of water from a well. The application was accompanied by \$ 200.00. Our receipt 16555 is enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to existing water rights which may be caused by the change.


Your application will be examined to determine if additional information is needed. You will be contacted following this examination. If you have a specific reason why your application should be examined ahead of other applications, please send us a letter describing your reason. We may be able to examine your application ahead of others.

You may not use water from the new point of appropriation until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (800) 624-3199 or (503) 378-3739.

Sincerely,

for 
LARRY H. NUNN
Water Rights Specialist

LHN:gjt

cc: Watermaster #14 Bruce Sund
CWRE #194, Gary D. Wicks
Groundwater

enclosure

INTEROFFICE MEMO

WATER
RESOURCES
DEPARTMENT

TO: TRANSFER SECTION DATE: 10/20/97

FROM: ~~WATERMASTER, DISTRICT #~~
GROUNDWATER SECTION
(SIGNATURE) Michael J. Jund

SUBJECT: WATER RIGHT TRANSFER # 7858

A change in: POU POD POA USE of water.

In the name(s) of ✓ Lenore Wheeler

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) _____

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

_____ (1) PRIOR to the diverting of water at the new point of diversion . . .

_____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.



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

8587-1



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 13, 1997

V. Lenore Wheeler
P.O. Box 278
Grande Ronde, OR 97347

REFERENCE: Transfer 7858

We received your water right transfer application requesting changes in place of use and point of appropriation for use of water from a well. The application was accompanied by \$142.00. Our receipt 16269 is enclosed.

Due to a mis-understanding, we originally included this material and fees with your earlier Temporary Transfer Application 7767. The local Watermaster, Dennis Glender, pointed out the error to us. We are now opening a permanent transfer application file for this application.

If we had not included your permanent transfer application with temporary transfer application, we could not have accepted the application. Between the time you filed your temporary transfer application and your permanent transfer application, new fees became effective. Since the permanent transfer application was not accompanied by the required new fees, we should not have accepted it. However, since we deposited the money, we are accepting the permanent transfer application, and will work with you to get the additional fees.

The fee for your permanent water right transfer is \$300. You submitted \$142. An additional \$158 is required.

Dennis Glender has told me that he will process your permanent transfer application so that the water may be used in the new location by next irrigation season. That being the case, you may request withdrawal of your temporary transfer application. If you withdraw the temporary transfer application, we may apply \$92 of that fee to your permanent transfer application. This would leave a balance of \$66.

V. Lenore Wheeler
REFERENCE: Transfer 7858
October 13, 1997

Page 2

In short, please:

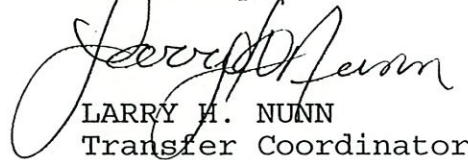
1. Request withdrawal of Temporary Transfer Application 7767, and submit \$66; or,
2. Submit \$158.

In the meantime, we will forward your permanent transfer application to Dennis Glender for processing. If additional information or corrections to the application or map are required, Mr. Glender will contact you.

By copy of this letter, we are asking the Watermaster, and our Groundwater Section, for their usual report regarding the potential for injury to existing water rights which may be caused by the changes.

If you have any questions, please call Dennis Glender at (541) 947-6038, me at (503) 378-8455, extension 275, or (in-state only) (800) 624-3199.

Sincerely,


LARRY H. NUNN
Transfer Coordinator

enclosure

cc: Darryl Anderson, CWRE
Dennis Glender, Watermaster
Groundwater

COPY

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT SEP 29 1997

T-7858 RECEIVED

Applicant: V. Lenore Wheeler WATER RESOURCES DEPT.
SALEM, OREGON

Mailing Address: P.O. Box 278
Grande Ronde OR 97347 (503) 879-5298
City or town State Zip Phone

Type of change: Place of use, Point of appropriation
(In point of diversion; place of use; use heretofore made of the water)

1. WATER RIGHT

- A) Is the water right in your name? NO If not, list name below:
James T. & Renate L. Pancake. (Yes, No)
- B) Was the water right determined by a court decree? NO (Yes, No)
1. If yes, list the title of the proceedings: _____
2. Certificate No: _____
- C) Was the water right acquired by a water permit? Yes (Yes, No)
1. If yes, list the Permit No: G-10043
2. Certificate No: 64037
- D) Date of priority right: 3-22, 1983
- E) What are your reasons for the proposed changes? Irrigate different piece of property
- F) The water will be completely applied to the proposed use on or before: October 1, 1997

2. LOCATION OF AUTHORIZED USE

- A) What is the source of water (river, stream, well)? Well # 2
- B) Describe the authorized point of diversion:
- | Location in Reference to Survey Corner | 1/4, 1/4 of Section | Section | Township | Range |
|---|---------------------|---------|----------|-------|
| 1380 ft North & 1260 ft west from SE Corner | NE, SE | 10 | 28 S | 16 E |
- C) What is the name of the ditch used? N/A
- D) What is the use to which the water is applied? Irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
28 S	16 E	10	SE 1/4, SE 1/4	36.7 Acres

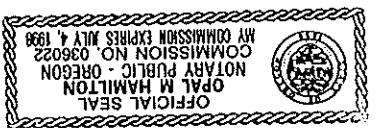
- F) Is the land within an irrigation district? Yes No X
If Yes, which district? _____
- G) County Lake

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
1350 ft. S & 1320 ft. W from NE Corner	SW, NE	9	27 S	16E



My commission expires July 4, 1998

Opal M. Hamilton
Notary Public for Oregon

(Notarial Seal)

Subscribed and sworn to before me

(Signature)

J. Lenore Wheeler
(Signature)

I (we) V. Lenore Wheeler, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 25 day of Sept, 1997.

6. REMARKS: Only water rights being transferred is the 36.7 acres in the SE 1/4, SE 1/4 section 10 Township 28 S Range 16 E with 0.46 cts diversion rate. Land Zoned E.F.U.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

The following exhibits shall be attached to and made part of the application:

4. EXHIBITS

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
27 S	16 E	9	SW, NE	2.9
27 S	16 E	9	SE, NE	33.5
27 S	16 E	9	NE, NE	0.3

B) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

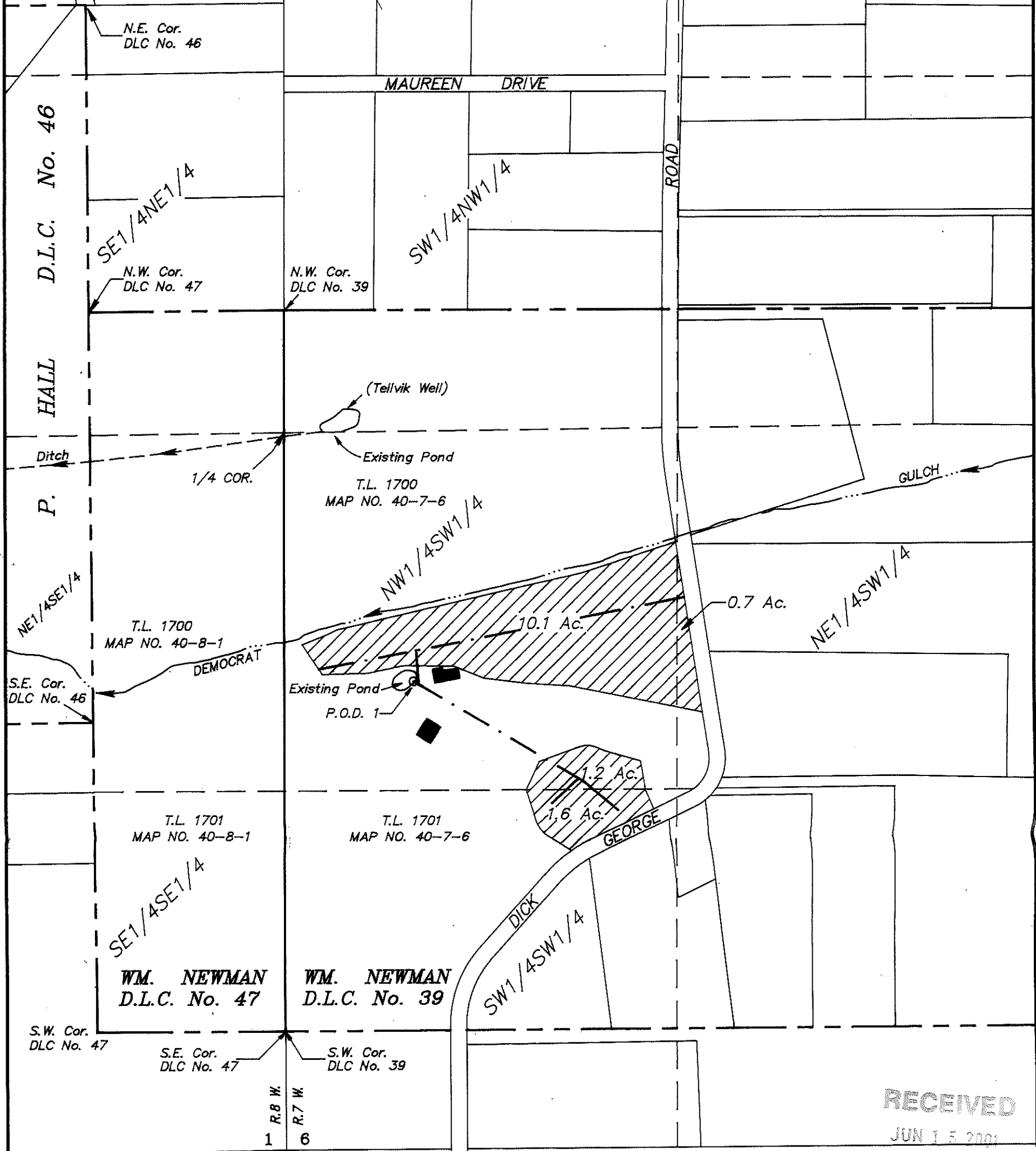
D) What is the use to which the water will be applied? Irrigation

Encumbrance	Held by	Amount

C) If no, give the description below of existing encumbrances:
 B) Are the lands from which you propose to transfer your water right free of all encumbrances? Yes _____ No _____

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.




SW1/4 SECTION 6, T.40 S.,R7 W.,W.M.



RECEIVED
JUN 15 2001

WATER RESOURCES DEPT
SALEM, OREGON

LEGEND:

-  Existing Buildings
-  Underground 4" PVC Pipeline with Risers
-  Place of use per T-7857
Priority Date = January 2, 1962
- P.O.D. 1 Point of Diversion
(1733 ft. North and 477 ft. East of SW Corner of Sec. 6)



The information shown on this plat was digitized from an aerial photo dated 6-22-95. The property lines were digitized from Josephine County Assessor Maps 40-7-6 & 40-8-1.

Subject Property: T.L. 1701, Map No. 40-7-6

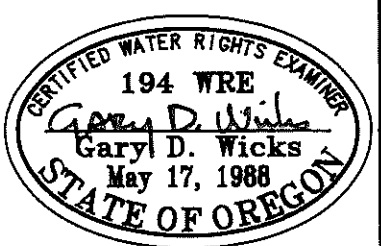
Scale: 1" = 400' This plat was prepared for the purpose of identifying the locations of the water rights only. There is no intent to provide dimensions or locations of property ownership lines.

PROJECT NO.
477-95-338

DRAWING NO.
89-11.17

DATE
April 25, 2001

SCALE
1"=400'



PLAT OF CLAIM OF BENEFICIAL USE

LOCATED IN
SW1/4 SECTION 6, T.40S.,R.7W.,W.M.
JOSEPHINE COUNTY, OREGON

PREPARED FOR:
WADE SIMPSON
P.O. Box 1309
Cave Junction, OR 97523
Tel. (541) 592-3947

PREPARED BY:
WICKS ENGINEERING & SURVEYING
311 N.E. "D" Street
Grants Pass, OR 97526
Tel. (541) 479-3436

MAP TO ACCOMPANY APPLICATION
FOR WATER RIGHT TRANSFER AND
POINT OF APPROPRIATION CHANGE

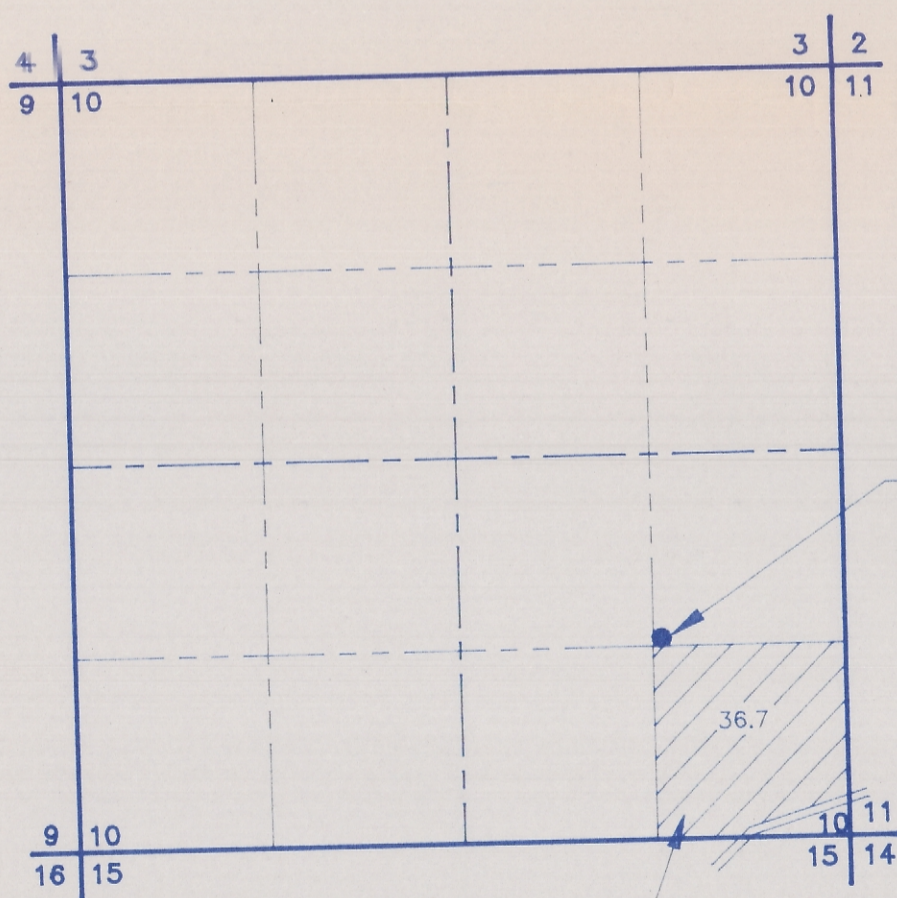
FOR
V. LENORE WHEELER
P.O. BOX 278
GRAND RONDE, OR 97347



SCALE: 1"=1320'

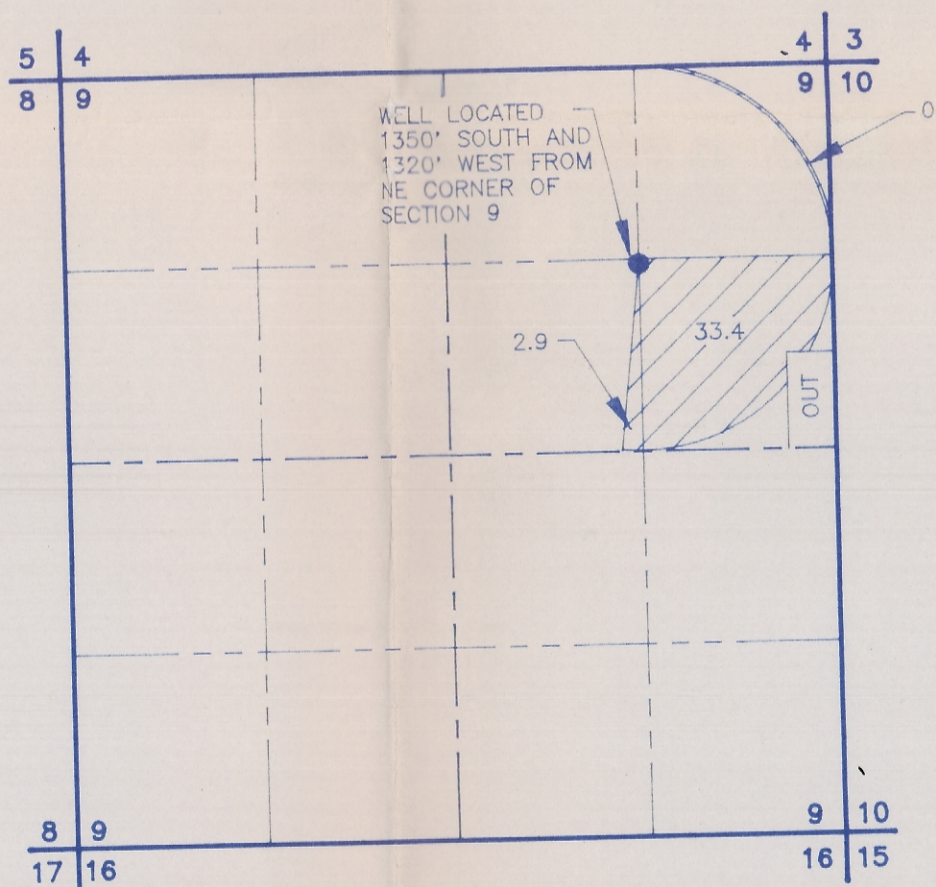
AREA TRANSFERRING FROM
T 28 S, R 16 E, W.M.
LAKE COUNTY, OR

AREA TRANSFERRING TO
T 27 S, R 16 E, W.M.
LAKE COUNTY, OR



WELL #2 AS PER
CERTIFICATE #64037
LOCATED 1380' NORTH
AND 1260' WEST FROM
SE CORNER OF SECTION 10.

36.7 ACRES UNDER CERTIFICATE
#64037 TO BE TRANSFERRED
AS SHOWN.

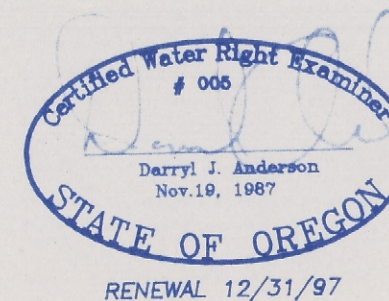


WELL LOCATED
1350' SOUTH AND
1320' WEST FROM
NE CORNER OF
SECTION 9

LEGEND

- SECTION LINE
- - - 1/4 SECTION LINE
- - - 1/16 SECTION LINE

NOTE: PREPARATION OF THIS MAP IS FOR IDENTIFYING PROPOSED
WATER RIGHTS ONLY. IT HAS NO INTENT TO PROVIDE LOCATIONS
OR DIMENSIONS OF PROPERTY BOUNDARIES.



PREPARED FOR:
V. LENORE WHEELER
P.O. BOX 278
GRAND RONDE, OR 97347
(503) 879-5298

PREPARED BY:
ANDERSON ENGINEERING & SURVEYING, INC.
P.O. BOX 28 LAKEVIEW, OREGON 97630
P.O. BOX 419 REDMOND, OREGON 97756
(541) 947-4407 (541) 923-4307
FAX 947-2321 FAX 923-4308

DATE: 9/16/97 DWG. FILE: 97045
JOB NO.: 97045 SHEET 1 OF 1

T 7858

T 7858



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

March 29, 2002

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water right established under the terms of a transfer order issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The owner of the land is the owner of the water right. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

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

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Steve Brown at (503) 378-8455, extension 263.

Front Page of Certificate 79434.

Mailing List for Final Certificates

Mailing Date: March 29, 2002

Application T-7857 (G-2204)
Permit G-2026
Certificate 79434

Permit/Certificate Holder: (include copy of map)

WADE SIMPSON
P.O. BOX 1309
CAVE JUNCTION, OREGON 97523

Copies Mailed
By: <u>OSP</u> (SUPPORT STAFF)
on: <u>3/29/02</u> (DATE)

Copies (of final certificate) to be sent to:

1. Watermaster # 14: (include copy of map)
2. Data Center
3. Water Availability

Other persons to receive copies: (Include map)

4. MILDRED FRICK
P.O. BOX 3305
KERBY, OR 97531

STATE OF OREGON
COUNTY OF JOSEPHINE
PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WADE SIMPSON
P.O. BOX 1309
CAVE JUNCTION, OREGON 97523

confirms the right to use the waters of A SUMP (POND) in the DEMOCRAT CREEK BASIN for IRRIGATION OF 13.6 ACRES.

This right was perfected under Permit G-2026. The date of priority is JANUARY 2, 1962. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.17 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE ORIGINAL POINT OF APPROPRIATION DESCRIBED AS THE TELLVICK WELL LOCATED IN THE SW 1/4 NW 1/4 AS PROJECTED WITHIN NEWMAN DLC 39, SECTION 6 TOWNSHIP 40 SOUTH, RANGE 7 WEST, W.M.; 2600 FEET SOUTH AND 200 FEET EAST FROM THE NW CORNER OF SECTION 6), or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NW 1/4 SW 1/4, AS PROJECTED WITHIN NEWMAN DLC 39, SECTION 6, TOWNSHIP 40 SOUTH, RANGE 7 WEST, W.M.; 1733 FEET NORTH AND 477 FEET EAST FROM THE SW CORNER OF SECTION 6.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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


NE 1/4 SW 1/4 0.7 ACRE
NW 1/4 SW 1/4 11.3 ACRES
SW 1/4 SW 1/4 1.6 ACRES
ALL AS PROJECTED WITHIN NEWMAN DLC 39
TOWNSHIP 40 SOUTH, RANGE 7 WEST, W.M.

This certificate is issued to confirm a change in CHARACTER OF USE AND CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered DECEMBER 8, 1999, and together with Certificate 76333, supersedes Certificate 33163, State Record of Water Right Certificates.

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

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

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

T-7857.SB 



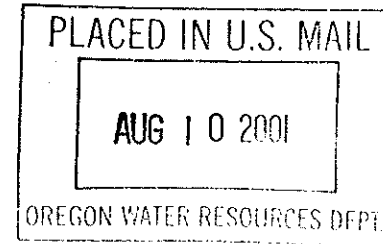
Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

NOTICE



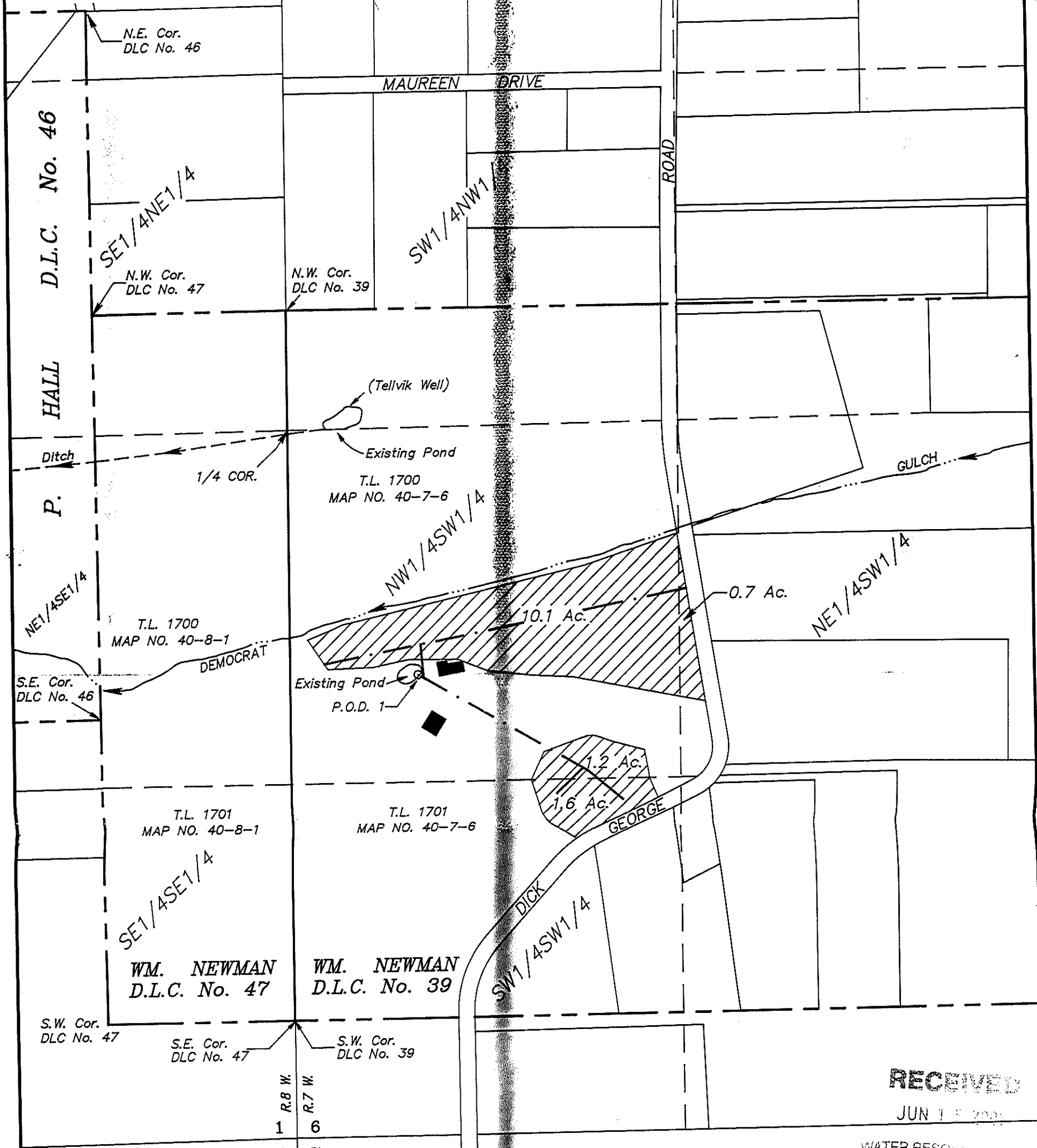
Enclosed is a proposed certificate of water right and a map which illustrates the location of the right. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a survey and inspection.

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



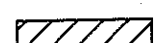
If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, the recorded certificate of water right will be mailed to you.

If you have any questions please contact Steve Brown at (503) 378-8455, extension 263.

SW1/4 SECTION 6, T.40 S., R.7 W., W.M.



LEGEND:

-  Existing Buildings
-  Underground 4" PVC Pipeline with Risers
-  Place of use per T-7857
Priority Date = January 2, 1962
- P.O.D. 1 Point of Diversion
(1733 ft. North and 477 ft. East of SW Corner of Sec. 6)



The information shown on this plat was digitized from an aerial photo dated 6-22-95. The property lines were digitized from Josephine County Assessor Maps 40-7-6 & 40-8-1.

Subject Property: T.L. 1701, Map No. 40-7-6

Scale: 1" = 400'

This plat was prepared for the purpose of identifying the locations of the water rights only. There is no intent to provide dimensions or locations of property ownership lines.

RECEIVED
JUN 1 5 2001

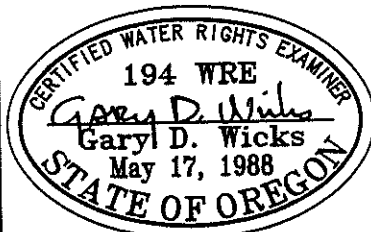
WATER RESOURCES DIVISION
SALEM, OREGON

PROJECT NO.
477-95-338

DRAWING NO.
89-11.17

DATE
April 25, 2001

SCALE
1"=400'



PLAT OF CLAIM OF BENEFICIAL USE

LOCATED IN
SW1/4 SECTION 6, T.40S., R.7W., W.M.
JOSEPHINE COUNTY, OREGON

PREPARED FOR:
WADE SIMPSON
P.O. Box 1309
Cave Junction, OR 97523
Tel. (541) 592-3947

PREPARED BY:
WICKS ENGINEERING & SURVEYING
311 N.E. "D" Street
Grants Pass, OR 97526
Tel. (541) 479-3436

SITE REPORT

FOR

THE CLAIM OF BENEFICIAL USE

FOR

TRANSFER NO. 7857

Handwritten initials/signature in blue ink.

Located in:
SW1/4 of Section 6, Township 40 South, Range 7 West
of the Willamette Meridian, Josephine County, Oregon

April 25, 2001

Prepared For:

Wade Simpson
P.O. Box 1309
Cave Junction, OR 97523

Tel: (541)592-3947

Prepared By:

Gary D. Wicks, PE, PLS
WICKS ENGINEERING & SURVEYING
311 N.E. "D" Street
Grants Pass, Oregon 97526

Tel: (541)479-3436
Fax: (541)479-1014

Handwritten notes on a yellow sticky note:
8/8/01
MILDRED FRICK 3PM
T-7857
541-592-3003
STOFOS
Send copy of PC to
Ms. Mildred FRICK
P O Box 3305
Kerby OR 97531
note to file.
8/10/01
(Signature)

RECEIVED

JUN 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

PERMITTEE:

Wade Simpson
P.O. Box 1309
Cave Junction, OR 97523

Tel: (541)592-3947

CURRENT LAND OWNER:

DOB 3305
Mildred Frick
24810 Redwood Hwy
~~Cave Junction, OR 97523~~
Kenby 97531
Tel: (541)592-3003

SOURCE:

Existing pond located in the NW1/4SW1/4 of Section 6, T. 40 S., R. 7 W., W.M.
as projected within Wm. Newman D.L.C. No. 39.

TYPE OF USE:

Irrigation

DIVERSION POINTS:

POINT OF DIVERSION

A 6" Aluminum pipe in the existing pond located 1733 feet North and 477 feet
East of the SW Corner of Section 6.

PUMP AT POND

PUMP:

Berkeley, Model B1-1/2 TPMS, Direct drive centrifugal pump
Serial No. F398, Cat. No. JML1511T
Intake Dimension= 2"
Discharge Dimension= 1 1/2"
Impeller Diameter= 6.56"

MOTOR:

Baldor, 10 HP, single phase
48 amp, 220v @ 3450 rpm

DELIVERY SYSTEM:

A 6" aluminum pipe conveys water from the point of diversion through a 6"x2" reducer at the 10 HP pump. A 4" tee after the pump then conveys water to the places of use; 10.8 acres in the north field and 2.8 acres in the south field. Risers at 120 foot spacings are used with portable sprinklers in the north field. The south field is irrigated by using two 0.55" orifice sprinklers.

SPRINKLERS:

Rainbird sprinklers (no model number evident) with a 0.55" diameter orifice. The maximum set is two sprinkler heads. The operating pressure is 51 psi.
(See attached sprinkler chart for GICI P-190 sprinkler)

LIFT:

The maximum elevation difference from the water surface at the pond to the highest place of use is approximately 12 feet.

PLACE OF USE:

The place of use is 0.7 acres in the NE1/4SW1/4, 11.3 acres in the NW1/4SW1/4, and 1.6 acres in the SW1/4SW1/4; all as projected within the Wm. Newman D.L.C. No. 39 in Section 6, Township 40 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon.

WATER USE:

The maximum sprinkler set is two sprinklers each with a 0.55" diameter orifice. At an operating pressure of 51 psi, the computed rate of usage is 124 gpm (0.28 cfs). The allowable usage is one-eightieth cfs per acre, or 76 gpm.

PRIORITY DATE:

January 2, 1962

IRRIGATION SEASON:

No irrigation season is documented in the certificate or transfer order. It is assumed to be April 1 to October 31.

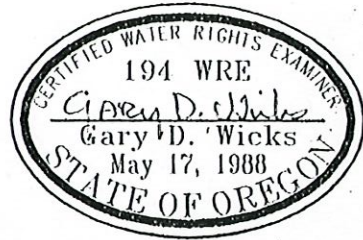
RECEIVED

JUN 15 2001

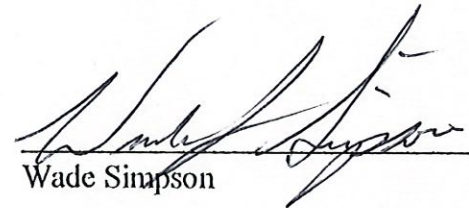
WATER RESOURCES DEPT.
SALEM, OREGON

CERTIFICATIONS:

The survey for the claim of beneficial use was completed by me on April 20, 2001. An inspection of the water usage on that date disclosed that it was completed under the terms and conditions of Transfer No. T-7857. The information in this report and represented on the accompanying plat are correct to the best of my knowledge.



I, Wade Simpson, agree to the findings of Gary D. Wicks, CWRE 194, and do submit this site report and plat as our claim of beneficial use of the water as provided under the terms and conditions of Transfer No. T-7857.

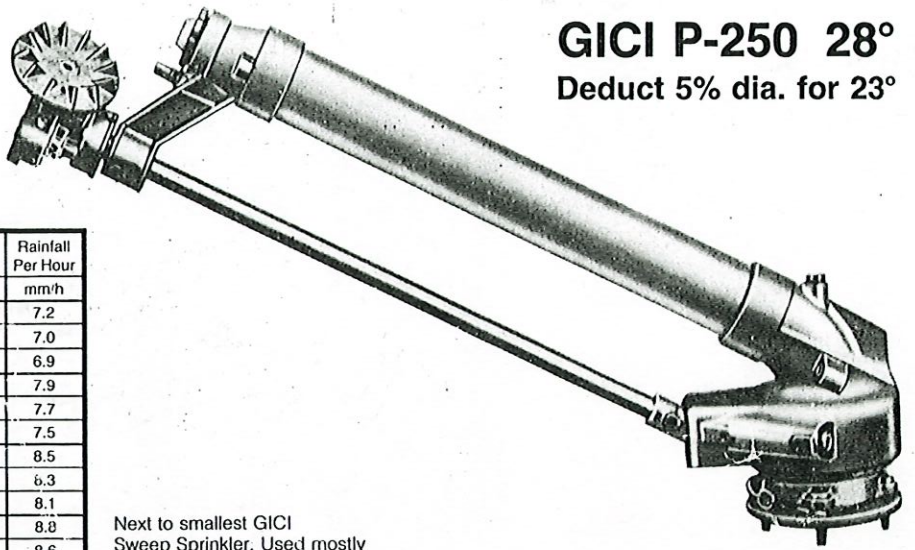

Wade Simpson

RECEIVED

JUN 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

T-7857



GICI P-250 28°
Deduct 5% dia. for 23°

Next to smallest GICI Sweep Sprinkler. Used mostly as end gun on pivots and on travelers with 3" hose. 120 to 300 G.P.M.

Nozzle Diameter		Nozzle Pressure		Radius		Discharge		Irrigated Area	Rainfall Per Hour
Inch	mm	atm	P.S.I.	M	feet	m ³ /h	G.P.M.	m ²	mm/h
.86	22	2.5	37	36	118	31	136	4,072	7.2
		3	44	38	124	33	145	4,536	7.0
		3.5	51	40	131	35	154	5,026	6.9
1 5/16	24	3	44	39	128	41	180	4,778	7.9
		3.5	51	41	134	43	189	5,281	7.7
		4	58	43	141	44	194	5,808	7.5
1	26	3.5	51	42	137	49	216	5,542	8.5
		4	58	44	144	52	229	6,082	8.3
		4.5	66	46	151	55	242	6,647	8.1
1.10	28	4	58	46	151	60	264	6,647	8.0
		4.5	66	48	157	63	277	7,238	8.6
		5	73	50	164	67	295	7,854	8.4
		5.5	80	52	170	70	307	8,494	8.2



GICI P-202 28°
2" FIPS - 28°
Deduct 2% dia. for 25°
Deduct 5% dia. for 22°

This newest 2" female thread sprinkler is used on pivot end booms, 2 1/2 or 3" hose travelers, solid set and hand-move lines and on portable gun stands. 100 to 200 G.P.M. best range.

RECEIVED
JUN 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

Nozzle Diameter		Nozzle Pressure		Radius		Discharge		Irrigated Area	Rainfall Per Hour
Inch	mm	atm	P.S.I.	M	feet	m ³ /h	G.P.M.	m ²	mm/h
.71	18	2.5	37	28	92	23	105	2,900	8.4
		3	44	31	100	27	119	3,215	8.4
		3.5	51	33	108	29	130	3,600	8.2
.78	20	3	44	34	111	32	142	3,631	8.9
		3.5	51	36	118	35	153	4,000	8.7
		4	56	37.5	123	37	165	4,414	8.5
.86	22	3	44	36	118	36	161	4,069	8.9
		3.5	51	39	127	42	186	4,775	8.8
		4	56	42	137	47	209	5,808	8.1
.94	24	3	44	38	124	38	167	4,778	8.9
		3.5	51	40	131	44	193	5,281	8.7
		4	56	43	141	49	215	5,900	8.1



GICI P-190 28°
Deduct 5% dia. for 23°
GICI P-191
Add 10% to dia.

The smallest GICI Sweep Sprinkler for use on all systems where part or full circle is required. Very effective as end sprinkler on pivot systems, where low pressure uniform application, tender crops condition exist. Used on travelers using 2 1/2" irrigation hose. 30 to 140 G.P.M.

Nozzle Diameter		Nozzle Pressure		Radius		Discharge		Irrigated Area	Rainfall Per Hour
Inch	mm	atm	P.S.I.	M	feet	m ³ /h	G.P.M.	m ²	mm/h
.47	12	2	29	18	60	7.7	33	1,256	6.1
		2.5	37	20	65	8.6	37	1,452	5.9
		3	44	22	70	9.4	41	1,661	5.6
.55	14	2.5	37	22	70	12	53	1,661	6.9
		3	44	23	75	13	57	1,885	6.7
		3.5	51	24	80	14	62	2,135	6.5
.63	16	2.5	37	24	73	15	66	1,810	7.8
		3	44	25	80	17	75	2,123	7.7
		3.5	51	26	85	18	79	2,375	7.6
.71	18	3	44	27	80	21	92	2,734	6.9
		3.5	51	29	90	23	101	3,318	6.7
		4	58	30	95	25	110	3,631	6.5
.78	20	3	44	29	85	27	118	4,071	6.4
		3.5	51	30	90	28	123	4,536	6.2
		4	58	32	95	30	132	5,026	6.0
		4.5	66	34	100	32	140	5,541	5.8

STATE OF OREGON

COUNTY OF JOSEPHINE

ORDER APPROVING A CHANGE IN CHARACTER OF USE
AND A CHANGE IN POINT OF DIVERSION
AND PARTIAL CANCELLATION OF A WATER RIGHT

Pursuant to ORS 537.705, 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 7857 submitted by

WADE SIMPSON
P.O. BOX 1309
CAVE JUNCTION, OREGON 97523.

The right to be modified, as evidenced by a PORTION of Certificate 33163, was perfected under Permit G-2026 with a date of priority of JANUARY 2, 1962. The right allows the use of TELLVIK WELL, in the DEMOCRAT CREEK BASIN, for IRRIGATION OF 2.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 10.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.17 cubic foot per second, if available at the original well; SW $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN NEWMAN DLC 39, SECTION 6, T 40 S, R 7 W, W.M.; WELL LOCATED 2600 FEET SOUTH AND 200 FEET EAST FROM THE NW CORNER OF SECTION 6, or its equivalent in case of rotation, measured at the well.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

	<u>CHANGE IN POA ONLY</u>	<u>CHANGE IN USE AND POA</u>
	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE¼ SW¼		0.7 ACRE
NW¼ SW¼	1.2 ACRES	10.1 ACRES
SW¼ SW¼	1.6 ACRES	

ALL AS PROJECTED WITHIN NEWMAN DLC 39
SECTION 6

TOWNSHIP 40 SOUTH, RANGE 7 WEST, W.M.

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

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

The applicant proposes to change the point of appropriation to:

NW¼ SW¼, AS PROJECTED WITHIN NEWMAN DLC 39, SECTION 6,
T 40 S, R 7 W, W.M.; 1727 FEET NORTH AND 473 FEET EAST FROM THE
SW CORNER OF SECTION 6.

The applicant proposes to change the character of use from SUPPLEMENTAL IRRIGATION OF 10.8 ACRES to PRIMARY IRRIGATION OF 10.8 ACRES.

An affidavit was received from Mildred L. Frick, owner of certain land and the water right appurtenant to it. A portion of the water right has been abandoned and requested to be cancelled.

The portion is described by Certificate 10170, State Record of Water Right Certificates. The date of priority is APRIL 25, 1930. The water use was for SUPPLEMENTAL IRRIGATION of 10.8 ACRES from DEMOCRAT GULCH AND MULVANEY GULCH, a tributary of the ILLINOIS RIVER. The amount used was 0.11 CUBIC FOOT PER SECOND (CFS) FROM MULVANEY GULCH AND 0.03 CFS FROM DEMOCRAT GULCH.

The abandoned portion is located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.7 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.1 ACRES
SECTION 6
TOWNSHIP 40 SOUTH, RANGE 7 WEST, W.M.

ORS 540.610 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order cancelling the water right."

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

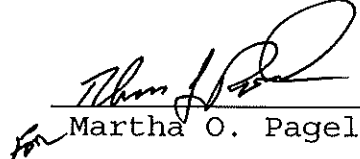
1. The proposed changes shall be completed on or before October 1, 2001.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.

3. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same aquifer as the original point of appropriation.

The portion of the water right requested to be cancelled is cancelled. Certificates 10170 and 33163 are cancelled. New certificates will be issued to confirm those portions of the rights NOT involved in the transfer and cancellation proceedings. 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 DEC 08 1999.


for Martha O. Pagel, Director

STATE OF OREGON
 COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. S. TELLVIK 97523

of Route 1, Box 515, Cave Junction, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Tellvik Well

a tributary of Democrat Creek, Tributary of Sucker Creek for the purpose of irrigation of 3.6 acres and supplemental irrigation of 52.8 acres

under Permit No. G-2026 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from January 2, 1962

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.71 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW 1/4 NW 1/4 as projected within Newman DLC 39, Section 6, T. 40 S., R. 7 W., W. M. Well located 2600 feet South and 200 feet East from the NW Corner, Section 6.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year;

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

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

Supplemental	Primary	
10.0	0.8	acres SW 1/4 NW 1/4
0.4		acre SE 1/4 NW 1/4
3.6		acres NE 1/4 SW 1/4
24.4	1.2	acres NW 1/4 SW 1/4
	1.6	acres SW 1/4 SW 1/4
all as projected within Newman DLC 39		
Section 6		
T. 40 S., R. 7 W., W. M.		
6.0		acres SE 1/4 NE 1/4
8.4		acres NE 1/4 SE 1/4
both as projected within Newman DLC 47		
Section 1		
T. 40 S., R. 8 W., W. M.		

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

WITNESS the signature of the State Engineer, affixed

this date. July 18, 1966

.....CHRIS. L. WHEELER.....
 State Engineer

T 7857

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J.S. TELLVIK
ROUTE 1, BOX 515
CAVE JUNCTION, OREGON 97523

confirms the right to use the waters of TELLVIK WELL in the DEMOCRAT CREEK BASIN for IRRIGATION OF 0.8 ACRE AND SUPPLEMENTAL IRRIGATION OF 42.0 ACRES.

This right was perfected under Permit G-2026. The date of priority is JANUARY 2, 1962. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.54 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN NEWMAN DLC 39, SECTION 6, T 40 S, R 7 W, W.M.; WELL LOCATED 2600 FEET SOUTH AND 200 FEET EAST FROM THE NW CORNER OF SECTION 6.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.8 ACRE	10.4 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		17.2 ACRES
ALL AS PROJECTED WITHIN NEWMAN DLC 39 SECTION 6		

TOWNSHIP 40 SOUTH, RANGE 7 WEST, W.M.

SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	8.4 ACRES
ALL AS PROJECTED WITHIN NEWMAN DLC 47 SECTION 1	

TOWNSHIP 40 SOUTH, RANGE 8 WEST, W.M.

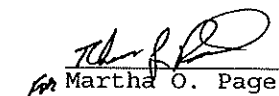
This use may be regulated if analysis of data available discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of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

This certificate describes that portion of the water right confirmed by Certificate 33163, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 08 1999, approving Transfer Application 7857

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

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

WITNESS the signature of the Water Resources Director,
affixed DEC 08 1999.


for Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 76333.

T-7857.PKS

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EDWARD McCANN ESTATE
KERBY, OREGON 97534

confirms the right to use the waters of DEMOCRAT AND MULVANEY GULCHES,
a tributary of the ILLINOIS RIVER, for SUPPLEMENTAL IRRIGATION OF
112.2 ACRES.

This right was perfected under Permit 9619. The date of priority is
APRIL 25, 1930. The amount of water to which this right is entitled
is limited to an amount actually beneficially used and shall not
exceed 1.13 CUBIC FOOT PER SECOND(CFS) FROM MULVANEY GULCH AND
0.27 CFS FROM DEMOCRAT GULCH, or its equivalent in case of rotation,
measured at the point of diversion from the source.

The point of diversion is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ AND SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 6, T 40 S, R 7 W, W.M.

The amount of water used for irrigation, together with the amount
secured under any other right existing for the same lands, is limited
to ONE-EIGHTIETH of one cubic foot per second per acre, or its
equivalent in case of rotation.

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

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

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 10.0 ACRES ✓ *average*
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 4.0 ACRES ✓
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.3 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 19.9 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 ACRES
SECTION 6

TOWNSHIP 40 SOUTH, RANGE 7 WEST, W.M.

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 ACRES ✓
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.0 ACRES ✓
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 13.0 ACRES ✓
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 ACRES ✓
SECTION 1

TOWNSHIP 40 SOUTH, RANGE 8 WEST, W.M.

This certificate describes that portion of the water right confirmed
by Certificate 10170, State Record of Water Right Certificates, NOT
cancelled by the provisions of an order of the Water Resources
Director entered DEC 08 1999, approving
Transfer Application 7857.

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

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

WITNESS the signature of the Water Resources

Director, affixed ~~DEC 08 1999~~


Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 76334.

T-7857.PKS

ORDER and CERTIFICATE CHECK LIST

RECORD MARKING (Support Staff)

file folder No. T-7857 Permit () No. _____
App. # G-2204
13393

certificate No. 33163 Trans App Reg
10170 Trans Name Index

Sp. OR ()
Decree () Vol _____ Page _____ Vol _____ Page _____

COPIES MADE

Order Certificate

file Data Center Watermaster

Applicant Other Gary Wicks, CWRE

Other _____ () () Other _____ () ()

LETTER TO:

Applicant Other () _____
Other () _____ Other () _____

ENCLOSURES

Sp Order Vol 53 Page 1471 Certificate _____
() Vol _____ Page _____ 76333
 76334
() _____

DATE SIGNED 12/8/99

FILE SET-UP

FILE NUMBER	SET-UP DATE	FOR WHOM
<u>T-7857</u>	<u>"C" = 2001</u>	_____
_____	_____	_____
_____	_____	_____

SEND TO

Fiscal Section () Other () _____

NOTES:

Copy of map to WM#14 ✓
Remaining right cents to WM#14 for delivery. ✓

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J.S. TELLVIK
ROUTE 1, BOX 515
CAVE JUNCTION, OREGON 97523

confirms the right to use the waters of TELLVIK WELL in the DEMOCRAT CREEK BASIN for IRRIGATION OF 0.8 ACRE AND SUPPLEMENTAL IRRIGATION OF 42.0 ACRES.

This right was perfected under Permit G-2026. The date of priority is JANUARY 2, 1962. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.54 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN NEWMAN DLC 39, SECTION 6, T 40 S, R 7 W, W.M.; WELL LOCATED 2600 FEET SOUTH AND 200 FEET EAST FROM THE NW CORNER OF SECTION 6.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.8 ACRE	10.4 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		17.2 ACRES
ALL AS PROJECTED WITHIN NEWMAN DLC 39 SECTION 6		

TOWNSHIP 40 SOUTH, RANGE 7 WEST, W.M.

SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	8.4 ACRES
ALL AS PROJECTED WITHIN NEWMAN DLC 47 SECTION 1	

TOWNSHIP 40 SOUTH, RANGE 8 WEST, W.M.

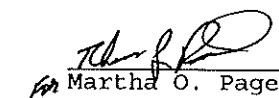
This use may be regulated if analysis of data available discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of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

This certificate describes that portion of the water right confirmed by Certificate 33163, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 08 1999, approving Transfer Application 7857

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

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

WITNESS the signature of the Water Resources Director,
affixed DEC 08 1999.


Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 76333.

T-7857.PKS

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EDWARD McCANN ESTATE
KERBY, OREGON 97534

confirms the right to use the waters of DEMOCRAT AND MULVANEY GULCHES,
a tributary of the ILLINOIS RIVER, for SUPPLEMENTAL IRRIGATION OF
112.2 ACRES.

This right was perfected under Permit 9619. The date of priority is
APRIL 25, 1930. The amount of water to which this right is entitled
is limited to an amount actually beneficially used and shall not
exceed 1.13 CUBIC FOOT PER SECOND(CFS) FROM MULVANEY GULCH AND
0.27 CFS FROM DEMOCRAT GULCH, or its equivalent in case of rotation,
measured at the point of diversion from the source.

The point of diversion is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ AND SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 6, T 40 S, R 7 W, W.M.

The amount of water used for irrigation, together with the amount
secured under any other right existing for the same lands, is limited
to ONE-EIGHTIETH of one cubic foot per second per acre, or its
equivalent in case of rotation.

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

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

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 10.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 4.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.3 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 19.9 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 ACRES
SECTION 6

TOWNSHIP 40 SOUTH, RANGE 7 WEST, W.M.

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 13.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 ACRES
SECTION 1

TOWNSHIP 40 SOUTH, RANGE 8 WEST, W.M.

This certificate describes that portion of the water right confirmed
by Certificate 10170, State Record of Water Right Certificates, NOT
cancelled by the provisions of an order of the Water Resources
Director entered DEC 08 1999, approving
Transfer Application 7857.

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

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

WITNESS the signature of the Water Resources

Director, affixed ~~DEC 08 1999~~


for Martha O. Pagel, Director

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

November 10, 1999

To: Martha Pagel, Director

From: Kelly Starnes, Water Right Inspector

Subject: Transfer 7857

The applicants wish to change the point of appropriation in order to have a well on their own property and to change the use of the right on their property from supplemental to primary irrigation. They have submitted an affidavit of voluntary cancellation to cancel the primary surface water right on their property.

Notice of the transfer was published in the local paper and no protests/comments were received.

The Watermaster and the Groundwater section have said the changes could be made without injury to other water rights. The transfer should be approved.

There is no primary right in the w.r. record. flw

OK flw



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 9, 1999

Wade Simpson
P. O. Box 1309
Cave Junction, OR 97523

REFERENCE: File T-7857

Enclosed is a copy of the order approving your water right transfer application T-7857.

A time to complete the transfer is given in the order. A form for reporting early completion is available upon request.

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

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

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

for LARRY H. NUNN
Water Rights Specialist

LHN:gjt

Enclosures

cc: Bruce Sund, Watermaster 14
Gary Wicks, CWRE



STATE OF OREGON

COUNTY OF JOSEPHINE

ORDER APPROVING A CHANGE IN CHARACTER OF USE
AND A CHANGE IN POINT OF DIVERSION
AND PARTIAL CANCELLATION OF A WATER RIGHT

Pursuant to ORS 537.705, 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 7857 submitted by

WADE SIMPSON
P.O. BOX 1309
CAVE JUNCTION, OREGON 97523.

The right to be modified, as evidenced by a PORTION of Certificate 33163, was perfected under Permit G-2026 with a date of priority of JANUARY 2, 1962. The right allows the use of TELLVIK WELL, in the DEMOCRAT CREEK BASIN, for IRRIGATION OF 2.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 10.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.17 cubic foot per second, if available at the original well; SW¼ NW¼, AS PROJECTED WITHIN NEWMAN DLC 39, SECTION 6, T 40 S, R 7 W, W.M.; WELL LOCATED 2600 FEET SOUTH AND 200 FEET EAST FROM THE NW CORNER OF SECTION 6, or its equivalent in case of rotation, measured at the well.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

	CHANGE IN POA ONLY	CHANGE IN USE AND POA
	PRIMARY	SUPPLEMENTAL
NE¼ SW¼		0.7 ACRE
NW¼ SW¼	1.2 ACRES	10.1 ACRES
SW¼ SW¼	1.6 ACRES	
ALL AS PROJECTED WITHIN NEWMAN DLC 39 SECTION 6		

TOWNSHIP 40 SOUTH, RANGE 7 WEST, W.M.

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

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

The applicant proposes to change the point of appropriation to:

NW¼ SW¼, AS PROJECTED WITHIN NEWMAN DLC 39, SECTION 6,
T 40 S, R 7 W, W.M.; 1727 FEET NORTH AND 473 FEET EAST FROM THE
SW CORNER OF SECTION 6.

The applicant proposes to change the character of use from SUPPLEMENTAL IRRIGATION OF 10.8 ACRES to PRIMARY IRRIGATION OF 10.8 ACRES.

An affidavit was received from Mildred L. Frick, owner of certain land and the water right appurtenant to it. A portion of the water right has been abandoned and requested to be cancelled.

The portion is described by Certificate 10170, State Record of Water Right Certificates. The date of priority is APRIL 25, 1930. The water use was for SUPPLEMENTAL IRRIGATION of 10.8 ACRES from DEMOCRAT GULCH AND MULVANEY GULCH, a tributary of the ILLINOIS RIVER. The amount used was 0.11 CUBIC FOOT PER SECOND (CFS) FROM MULVANEY GULCH AND 0.03 CFS FROM DEMOCRAT GULCH.

The abandoned portion is located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.7 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10.1 ACRES
SECTION 6
TOWNSHIP 40 SOUTH, RANGE 7 WEST, W.M.

ORS 540.610 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order cancelling the water right."

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

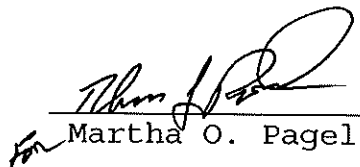
1. The proposed changes shall be completed on or before October 1, 2001.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.

3. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same aquifer as the original point of appropriation.

The portion of the water right requested to be cancelled is cancelled. Certificates 10170 and 33163 are cancelled. New certificates will be issued to confirm those portions of the rights NOT involved in the transfer and cancellation proceedings. 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 DEC 08 1999.


Martha O. Pagel, Director

AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A
WATER RIGHT CERTIFICATE

RECEIVED

FEB 25 1999

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon)
) ss
County of Josephine)

I, Mildred L. Frick, residing at 24810 Redwood Highway
Kerby, Oregon 97531, phone 541-592-3003 being first duly sworn depose and say:

1. I am the legal owner of the property described as tax lot number 1701, within the NW¼ SW¼ and NE¼ SW¼, Section 6, Township 40 South, Range 7 West, of the Willamette Meridian, in Josephine County, Oregon, as shown on the attached map and described in the attached deed and legal description enclosed in Transfer Application 7857 and made part of this affidavit;

2. A portion of water right certificate number 10170 issued to Edward McCann Estate, with a date of priority of April 25, 1930 for use of ~~0.10~~ ^{0.11 M.S.F.} cubic foot per second of water from Mulvaney Gulch and 0.03 cubic foot per second of water from Democrat Gulch (sources) for the purpose of supplemental irrigation (use) is appurtenant to my property;

3. I have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows:

The right to the use of ~~0.10~~ ^{0.11 M.S.F.} cubic foot per second from Mulvaney Gulch and 0.03 cubic foot per second from Democrat Gulch for the irrigation of ~~10.1~~ ^{10.8 M.S.F.} acres located:

NW¼ SW¼ ~~9.4~~ ^{10.1 acres M.S.F.} Acres,

NE¼ SW¼ 0.7 Acre

Section 6

Township 40 South, Range 7 West, W.M.; and

RECEIVED

NOV 18 1999

WATER RESOURCES DEPT.
SALEM, OREGON

4. I request that said portion of the right described above be canceled.

Mildred L. Frick
Signature of Legal Owner

2-19-99
Date

Subscribed and Sworn to Before Me this 19th day of Feb., 1999.



Marleen B. Hutt
Notary Public for Oregon

My Commission Expires 8-15-99

STATE OF OREGON
COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That EDWARD McCANN ESTATE

of Kerby, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Democrat and Mulvaney Gulches a tributary of Illinois River for the purpose of Supplemental Irrigation under Permit No. 9619 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 25, 1930;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.24 cubic feet per second from Mulvaney Gulch and 0.5 cubic foot per second from Democrat Gulch

The point of diversion is located in the SW 1/4 of Section 6, Township 40S, Range 7 W, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation, or any other purpose), is as follows:

- 10 acres in the SW 1/4 NW 1/4,
- 4 acres in the SE 1/4 NW 1/4,
- 21 acres in the NE 1/4 SW 1/4,
- 50 acres in the NW 1/4 SW 1/4,
- 10 acres in the NW 1/4 SE 1/4,
- Section 6,
- Township 40 South, Range 7 West, W. M.
- 5 acres in the SW 1/4 NE 1/4,
- 10 acres in the SE 1/4 NE 1/4,
- 13 acres in the SE 1/4 NW 1/4,
- 20 acres in the NE 1/4 SE 1/4,
- Section 1,
- Township 40 South, Range 8 West, W. M.

Cancel

0.7
10.8

Demo

RR

10
4
2120.3
19.9
10
5
10
13
20
112.42

1.13 cfs
1.13 MA
0.27 cfs
Demo

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

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

WITNESS the signature of the State Engineer,

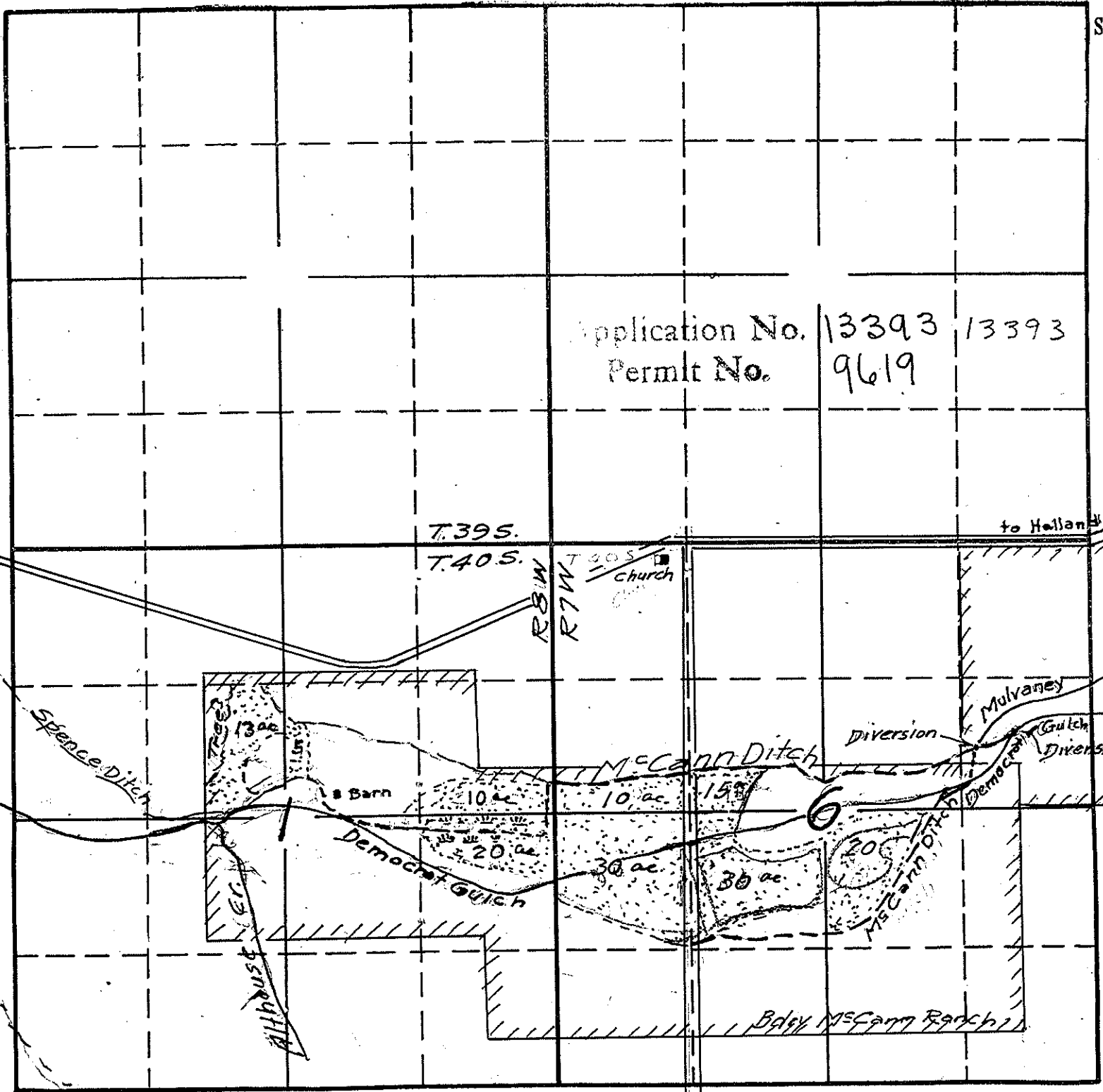
affixed this 14th day

of October, 1935

CHAS. E. STRICKLIN

State Engineer

W. F. Illinois River



Application No. 13393 13393
 Permit No. 9619

Sec. 6
1

 Tp. 40 S
 R. 7 + 8 W.
 W. M.

T.39S.
 T.40S.

R31W
 R7W

to Holland

3 ac
 Barn
 10 ac
 20 ac
 Democrat Gulch

McCann Ditch

Diversion

Mulvaney Gulch
 Diversion

Bdry McCann Ranch

Albion

6

20 ac
 McCann Ditch

Democrat Gulch

Nov. 15, 1999
Kerby, Oregon

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NOV 18 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Department
158 Twelfth Street NE
Salem, Oregon 97301-4172

Attn: Mr. Kelly Starnes

Dear Mr. Starnes,

Enclosed is your corrected
affidavit for partial cancellation. I
hope I did this correctly, if not please
let me know.

I thank you so much for
everything you have done. I hope this
will take a stack of papers off
your desk.

Sincerely
Mildred L. Frick
P.O. Box 305
Kerby, Oregon

P.S. Please
use the new address.

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. S. TELLVIK 97523
of Route 1, Box 515, Cave Junction, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Tellvik Well

a tributary of Democrat Creek, Tributary of Sucker Creek for the purpose of
irrigation of 3.6 acres and supplemental irrigation of 52.8 acres

under Permit No. G-2026 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from January 2, 1962

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.71 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the SW 1/4 NW 1/4 as projected within Newman DLC 39, Section
6, T. 40 S., R. 7 W., W. M. Well located 2600 feet South and 200 feet East from
the NW Corner, Section 6.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited
to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated
during the irrigation season of each year;

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

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

Table with columns for T, RR, Supplemental, Primary, and acreage. Includes handwritten values like 0.7, 10.1, 1.2, 1.6, 10.4, 0.8, 17.2, 27.3, 24.4, 1.2, 1.6, 6.0, 8.4, 42.0, 42.8, 0.8, 0.54 cfs, 13.6, 0.17 cfs.

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

WITNESS the signature of the State Engineer, affixed
this date. July 18, 1966

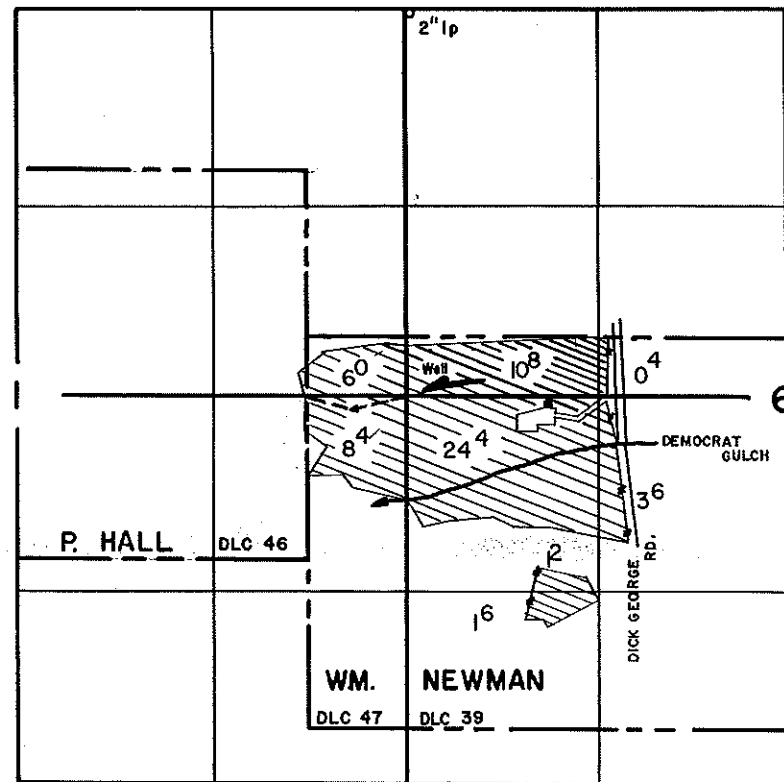
CHRIS L. WHEELER
State Engineer

T 7857

T. 40S.

R. 8W.

R. 7W.

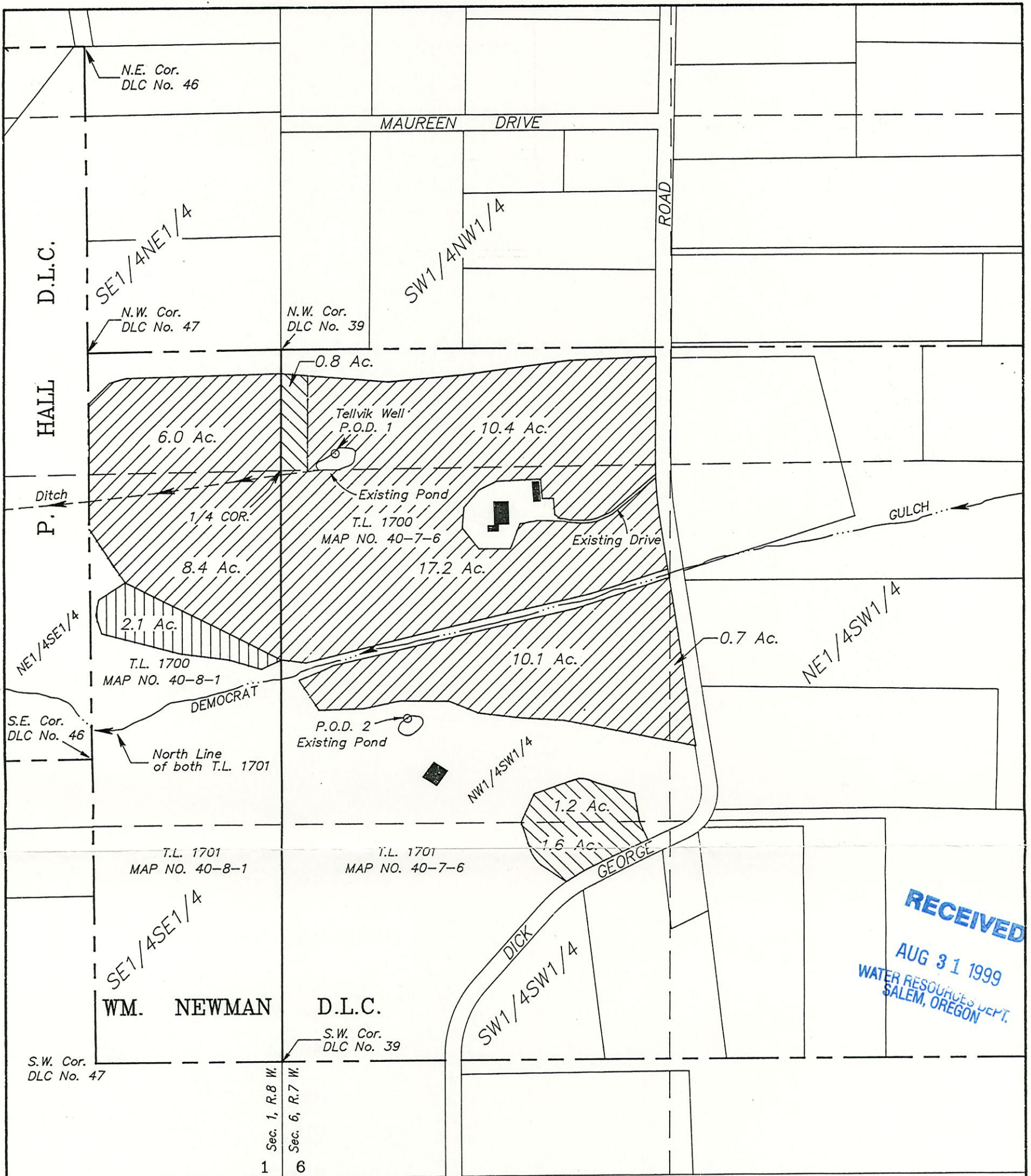


FINAL PROOF SURVEY
UNDER

Application No. G-2204 Permit No. G-2026
IN NAME OF

.....J. S. TELLVIK.....

Surveyed Feb. 3, 1965, by R. B. Steimer...



LEGEND:

- Existing Buildings
- Supplemental Place of use per Certificate No. 10170: (4-25-1930)
- Primary Place of use per Certificate No. 33163: (1-2-1962)
- Supplemental Place of use per Certificate No. 33163: (1-2-1962)

P.O.D. 1 Existing primary Point of Diversion per Certificate No. 33163 (2600 ft. South and 200 ft. East of NW Corner of Sec. 6)

P.O.D. 2 Proposed additional Point of Appropriation (1727 ft. North and 473 ft. East of SW Corner of Sec. 6)

The place of use was digitized from an aerial photo dated 6-22-95. The property lines were digitized from Josephine County Assessor Maps 40-7-6 & 40-8-1.

Subject Property: T.L. 1701, Map No. 40-7-6
 T.L. 1701, Map No. 40-8-1
 T.L. 1700, Map No. 40-7-6
 T.L. 1700, Map No. 40-8-1

The purpose of this application is to add an additional point of appropriation at P.O.D. No. 2, to transfer the supplemental rights of C-33163 to primary rights, and to cancel the surface water rights from Democrat and Mulvaney Gulches as approved per C-10170.

Scale: 1" = 400'

This plat was prepared for the purpose of identifying the locations of the water rights only. There is no intent to provide dimensions or locations of property ownership lines.

PROJECT NO. 477-95-338	<div style="color: red; font-weight: bold; font-size: 1.2em;">PRELIMINARY</div>	PLAT OF WATER RIGHT APPLICATION AND TRANSFER		
DRAWING NO. 42-11.17		LOCATED IN W1/2 SECTION 6, T.40S.,R.7W. and E1/2 SECTION 1, T.40S.,R.8W.,W.M. JOSEPHINE COUNTY, OREGON		
DATE 6-12-97 (Rev. 8-26-99)		PREPARED FOR: WADE SIMPSON P.O. Box 1309 Cave Junction, OR 97523 Tel. 592-3947	PREPARED BY: WICKS ENGINEERING & SURVEYING 311 N.E. "D" Street Grants Pass, OR 97526 Tel. 479-3436	
SCALE 1"=400'				

RECEIVED
AUG 31 1999
WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

November 10, 1999

Mildred L. Frick
24810 Redwood Highway
Kerby, Oregon 97531

Reference : Water Right Transfer Application 7857

Dear Mildred;

Enclosed is your affidavit for partial cancellation which you signed and sent to me earlier this year. As we discussed on the telephone, there are some corrections that need to be made to the affidavit because of Gary's new transfer application map (see enclosed map). I apologize for not catching the error earlier in the process.

To correct the affidavit, all you need to do is cross out the incorrect numbers and write in the correct ones. Because the affidavit is a sworn statement, you will also need to initial each correction. I have underlined the incorrect numbers on your affidavit in red ink. Below is a copied portion of your affidavit with the correct numbers printed in **bold** type and underlined.

2. A portion of water right certificate number 10170 issued to Edward McCann Estate, with a date of priority of April 25, 1930 for use of 0.11 cubic foot per second of water from Mulvaney Gulch and 0.03 cubic foot per second of water from Democrat Gulch (sources) for the purpose of supplemental irrigation (use) is appurtenant to my property;

3. I have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows :
The right to the use of 0.11 cubic foot per second from Mulvaney Gulch and 0.03 cubic foot per second from Democrat Gulch for the irrigation of 10.8 acres located:

NW¼ SW¼ 10.1 Acres

NE¼ SW¼ 0.7 Acre

Section 6

Township 40 South, Range 7 West, W.M.; and



Please return the corrected affidavit in the enclosed envelope. If you have any questions, please call me at (800)-624-3199 ext. 309.

Sincerely,



Kelly Starnes
Water Right Inspector

enc

Kerby, Oregon
October 14, 1999

Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97310-0210

RECEIVED

OCT 18 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Attn: Mr. Kelly Starnes
Water Right Inspector

Dear Mr. Starnes,

Enclosed is "affidavit of
Publication" for the Legal Notice
of Water Right Transfer 7857, for
910 Dick George Road, Care Junction,
Oregon.

I sincerely hope this will
take care of the transfer but please
let us know if there is anything
more that we should do.

Thank you so much for the
excellent service and help that you
have given us in processing this
Water Right Transfer.

Sincerely,
Mildred Frick
P.O. Box 305
Kerby, Oregon
97531

RECEIVED

OCT 18 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Affidavit of Publication

STATE OF OREGON, }
County of Josephine } ss.

I, Virginia L. Gilliam, Office Manager, being first duly sworn, depose and say I am the publisher of the Illinois Valley News, a newspaper of general circulation printed and published at Cave Junction in the aforesaid county and state, as defined in Section 58 Oregon Laws, that Notice of Water Right Transfer 7857,

Wade Simpson a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three successive and consecutive three issues on the following dates:

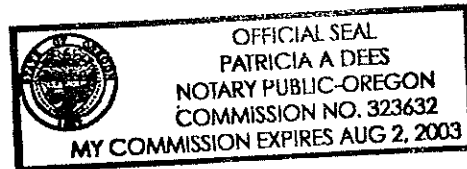
Sept. 15, 22, 29, 1999

Virginia L. Gilliam, Office Manager

Subscribed and sworn to before me this 30th day of Sept, 1999

Notary Public for Oregon

(My Commission expires 8-2-03).



LEGAL NOTICE

NOTICE OF WATER RIGHT TRANSFER 7857

Wade Simpson, P.O. Box 1309, Cave Junction, Oregon 97523, filed an application with the Water Resources Department for change in character of use of water and an additional point of appropriation provided by ORS 537.70 and ORS 540.510 and 540.530.

Certificate 33163, in the name of J. S. Tellvik includes a right limited to 0.17 cubic foot per second from Tellvik Well, with priority date of January 1982 for supplemental irrigation of 10.8 acres at primary irrigation of 2 acres.

The point of appropriation for this right is in the SW1/4 NW1/4, as projected with Newman DLC 39, Section T 40 S, R 7 W, W.M.; Well located 2800 feet South and 200 feet East of the NE Corner of Section 6.

The applicant proposes change the character of use of 10.8 acres from supplemental irrigation to 10 acres of primary irrigation.

The applicant proposes an additional point of appropriation in the NW1/4

SW1/4, NE 7th, Grants Pass

W. Voigt, CPA

Service

LTC EA

PHONE 592-3891

No. _____

In the _____ Court of the
STATE OF OREGON
for the
COUNTY OF JOSEPHINE

Affidavit of Publication

Filed _____, 196_____

Clerk.

By _____ Deputy.

From the Office of

Attorney for _____

RECEIVED

OCT 18 1999

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF WATER RIGHT TRANSFER 7857

Wade Simpson, P.O. Box 1309, Cave Junction, Oregon, 97523, filed an application with the Water Resources Department for a change in character of use of water and an additional point of appropriation as provided by ORS 537.705 and ORS 540.510 to 540.530.

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The point of appropriation for this right is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Newman DLC 39, Section 6, T 40 S, R 7 W, W.M.; Well located 2600 feet South and 200 feet East from the NW Corner of Section 6.

The applicant proposes to change the character of use of 10.8 acres from supplemental irrigation to 10.8 acres of primary irrigation.

The applicant proposes an additional point of appropriation in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Newman DLC 39, Section 6, T 40 S, R 7 W, W.M.; 1727 feet North and 473 feet East from the SW Corner of Section 6.

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 503-378-8455. If a protest is filed a hearing may be held.

The last date of publication is ^{Sept 29, 1999} [last date of publication]. IF NO PROTEST IS FILED WITHIN 30 DAYS AFTER THE LAST DATE OF PUBLICATION, THE CHANGE MAY BE APPROVED WITHOUT A HEARING.

Publish: Sept 15, 22, 29, 1999

Applicant

Wade Simpson
PO Box 1309

592-3947

Q Q

RECEIVED

SEP 21 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Wicks Engineering & Surveying

311 N.E. "D" Street
Grants Pass, Oregon 97526
Tel. (541) 479-3436
Fax # (541) 479-1014

LETTER OF TRANSMITTAL

TO: Mr. Kelly Starnes DATE: Sept. 17, 1999
OWRD - Commerce Bldg.
158 12th Street NE
Salem, OR 97310-0210

PROJECT: WADE SIMPSON / MILDRED PRICK
Water Right Transfer

WE ARE SENDING YOU:

_____ COPIES

- | | |
|--|--|
| <input type="checkbox"/> Letter | <input type="checkbox"/> For Your Information/Use |
| <input type="checkbox"/> Report | <input type="checkbox"/> Originals |
| <input type="checkbox"/> As Requested | <input type="checkbox"/> Prints |
| <input type="checkbox"/> Review and Comment | <input type="checkbox"/> Specifications |
| <input type="checkbox"/> For Your Approval | <input checked="" type="checkbox"/> Other <u>Application Plat.</u> |
| <input type="checkbox"/> Fax Transmittal _____ pages
(includes cover sheet) | |

REMARKS:

Enclosed is the revised Application and Transfer Plat.
This is the same plat I mailed to you on 8-27-99 for review
but has now been signed.

SIGNED Cary

COPY

T-7857

RECEIVED

OCT - 3 1997

State of Oregon
WATER RESOURCES DEPARTMENT

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

OCT - 9 1997

WATER RESOURCES DEPT.
SALEM, OREGON

* see amendment
Statement

Applicant: WADE SIMPSON
 Mailing Address: P. O. Box 1309
Cave Junction Oregon 97523 541-592-3947
City or town State Zip Phone
 Type of change: Point of Diversion Type of use *
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

A) Is the water right in your name? No If not, list name below:
(Yes, No)

J. S. Tellvik

B) Was the water right determined by a court decree? No
(Yes, No)

1. If yes, list the title of the proceedings: _____

2. Certificate No: _____

C) Was the water right acquired by a water permit? Yes
(Yes, No)

1. If yes, list the Permit No: G-2026

2. Certificate No: 33163

D) Date of priority right: January 2, 19 62

E) What are your reasons for the proposed changes? To cancel the surface water permits from Democrat and Mulvaney Gulches per Certificate No. 10170 and to have an additional point of appropriation located on applicant's property

F) The water will be completely applied to the proposed use on or before: October 1, 19 97

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? Tellvik Well, a tributary of Democrat Gulch, a tributary of Sucker Creek

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>2600' S & 200' E of NW Cor, Sec 6</u>	<u>SWNW</u>	<u>6</u>	<u>40S</u>	<u>7W</u>

C) What is the name of the ditch used? N/A

D) What is the use to which the water is applied? Supplemental Irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>T 40 S</u>	<u>R 7 W</u>	<u>6</u>	<u>NW SW</u>	<u>10.8</u>
<u>T 40 S</u>	<u>R 7 W</u>	<u>6</u>	<u>SWSW</u>	<u>2.1</u>
<u>T 40 S</u>	<u>R 7 W</u>	<u>6</u>	<u>NESW</u>	<u>0.7</u>

F) Is the land within an irrigation district? Yes _____ No X

If Yes, which district? _____

G) County Josephine

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>1727 ft N and 473 ft E of SW Corner Sec 6</u>	<u>NW 1/4</u>	<u>6</u>	<u>40S</u>	<u>7W</u>

*

*

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? (Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount

* D) What is the use to which the water will be applied? Primary Irrigation

* E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>40S</u>	<u>7W</u>	<u>6</u>	<u>NE 1/4 SW 1/4</u>	<u>0.7</u>
<u>40S</u>	<u>7W</u>	<u>6</u>	<u>NW 1/4 SW 1/4</u>	<u>9.4</u>

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

6. REMARKS: The acreage values within each 1/4 1/4 do not agree with the Final Proof Survey of 1965. Part of the reason for this is that the 1/4 1/4 parcels are lotted and are 1440'± E/W - not the normal 1320'.

I (we) Wade L. Simpson, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this July 24 day of July, 1997.

Wade L. Simpson
(Signature)
(Signature)



(Notarial Seal)

Subscribed and sworn to before me
Leslie Ann Robins
Notary Public for Oregon

My commission expires: 11.15.2000

[Faint red stamp and handwritten notes at the bottom of the page]

RECEIVED

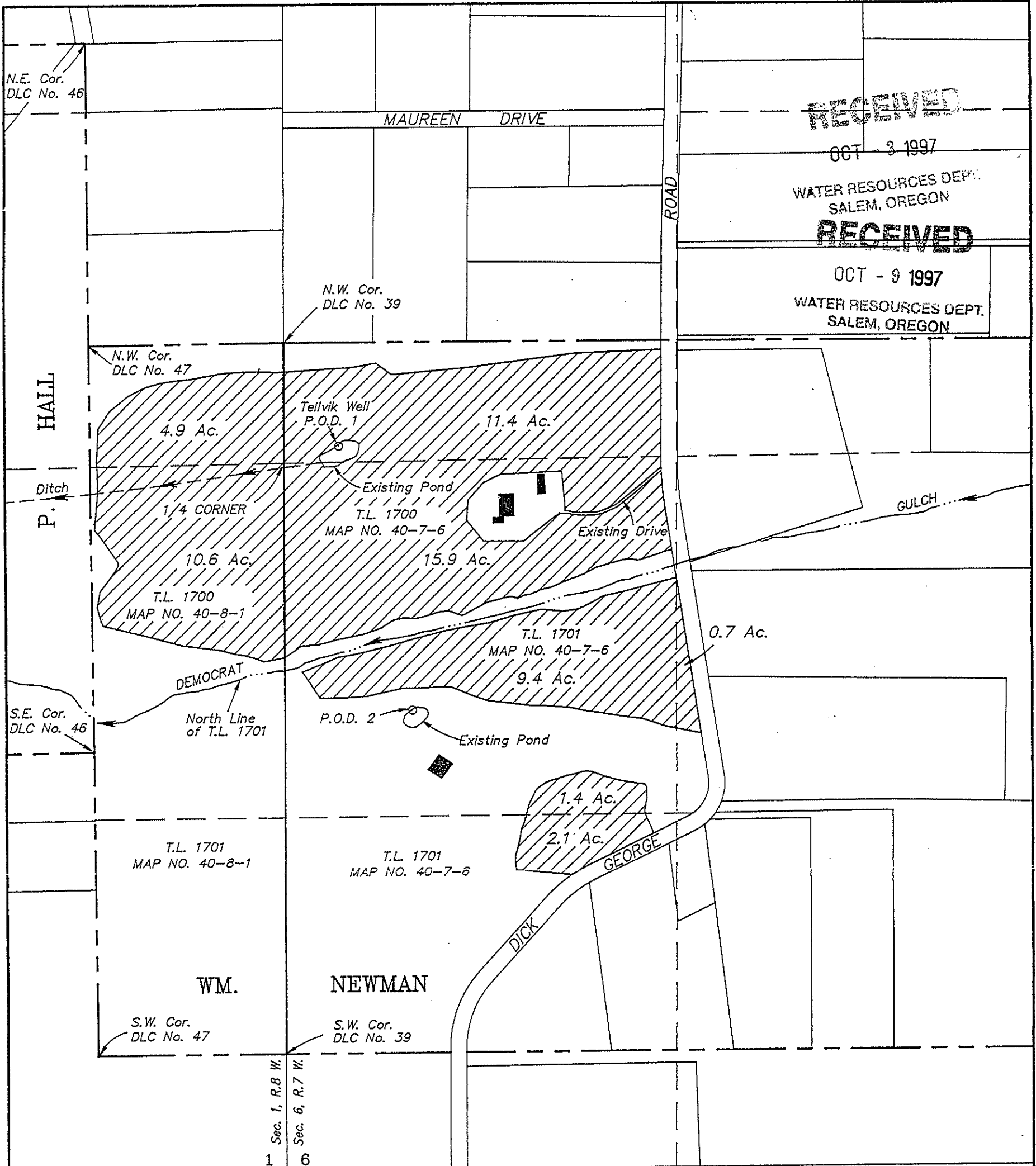
OCT - 3 1997

WATER RESOURCES DEPT.
SALEM, OREGON


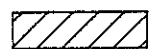
RECEIVED

OCT - 9 1997

WATER RESOURCES DEPT.
SALEM, OREGON



LEGEND:

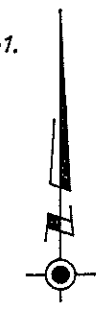
-  Existing Buildings
-  Supplemental Place of use per Certificate No. 33163
- P.O.D. 1 Existing primary Point of Diversion per Certificate No. 33163 (2600 ft. South and 200 ft. East of NW Corner of Sec. 6)
- P.O.D. 2 Proposed additional Point of Appropriation (1727 ft. North and 473 ft. East of SW Corner of Sec. 6)

Place of use was digitized from an aerial photo dated 6-22-95. Property lines were digitized from Josephine County Assessor Maps 40-7-6 & 40-8-1.

Subject Property: T.L. 1701, Map No. 40-7-6
T.L. 1701, Map No. 40-8-1
T.L. 1700, Map No. 40-7-6
T.L. 1700, Map No. 40-8-1

The purpose of this transfer application is to move the primary point of diversion, and to cancel the surface water permits from Democrat and Mulvaney Gulches approved per Certificate No. 10170.

This plat was prepared for the purpose of identifying the location of the water right only. There is no intent to provide dimensions or locations of property ownership lines.



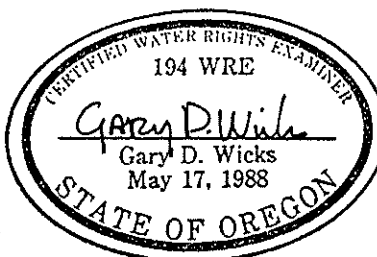
Scale: 1" = 400'

PROJECT NO.
477-95-338

DRAWING NO.
42-11.17

DATE
6-12-97

SCALE
1"=400'



PLAT OF WATER RIGHT APPLICATION AND TRANSFER

LOCATED IN
W1/2 SECTION 6, T.40S.,R.7W., and E1/2 SECTION 1 T.40S.,R.8W.,W.M.
JOSEPHINE COUNTY, OREGON

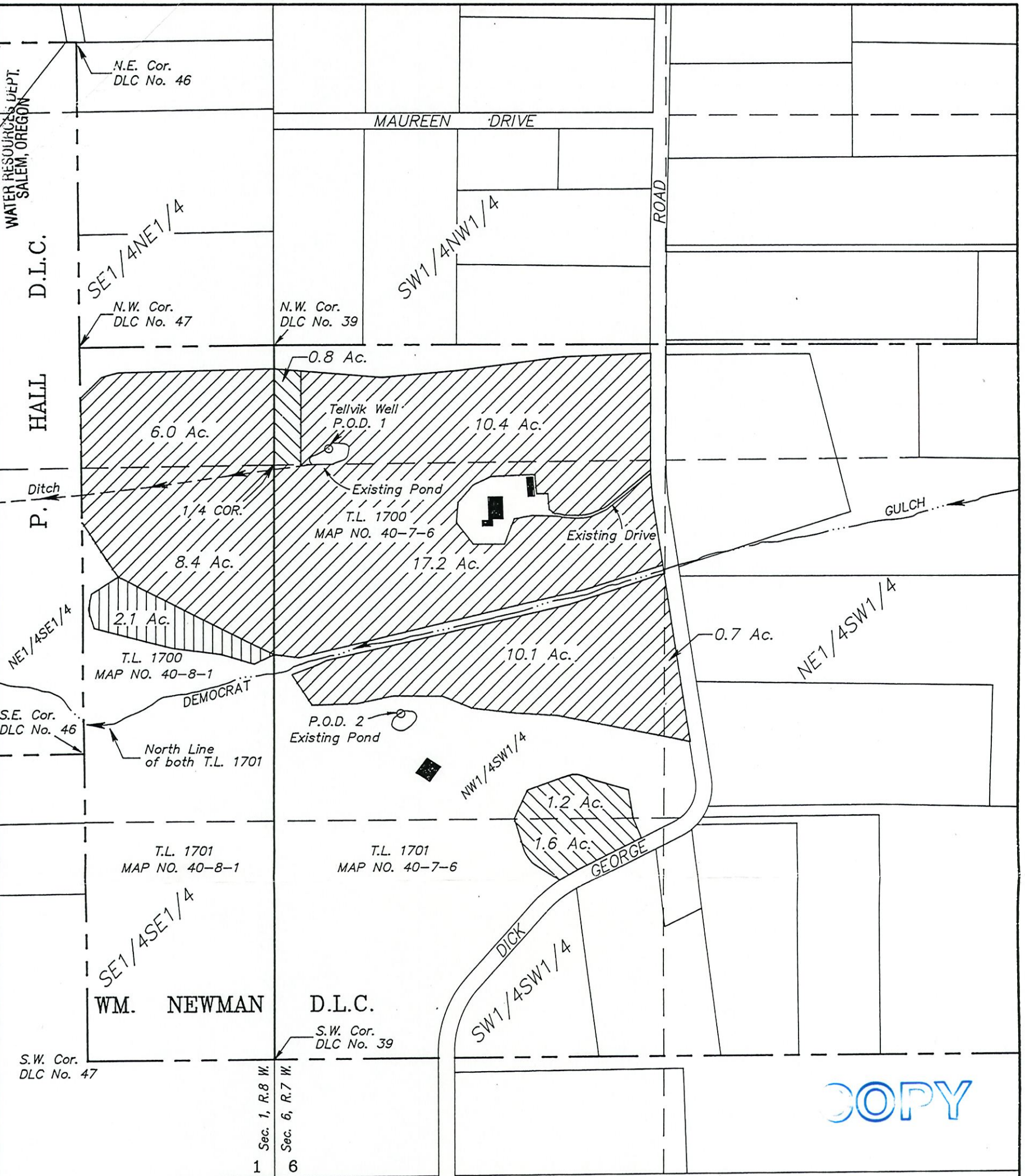
PREPARED FOR:
WADE SIMPSON
P.O. Box 1309
Cave Junction, OR 97523
Tel. 592-3947

PREPARED BY:
WICKS ENGINEERING & SURVEYING
311 N.E. "D" Street
Grants Pass, OR 97526
Tel. 479-3436

T-7857

RECEIVED

SEP 21 1999



COPY

LEGEND:

- Existing Buildings
- Supplemental Place of use per Certificate No. 10170: (4-25-1930)
- Primary Place of use per Certificate No. 33163: (1-2-1962)
- Supplemental Place of use per Certificate No. 33163: (1-2-1962)

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 T.L. 1701, Map No. 40-8-1
 T.L. 1700, Map No. 40-7-6
 T.L. 1700, Map No. 40-8-1

The purpose of this application is to add an additional point of appropriation at P.O.D. No. 2, to transfer the supplemental rights of C-33163 to primary rights, and to cancel the surface water rights from Democrat and Mulvaney Gulches as approved per C-10170.

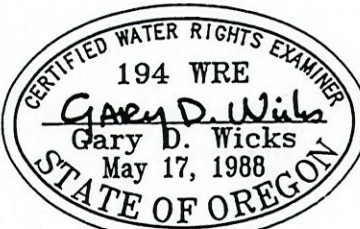
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PROJECT NO. 477-95-338

DRAWING NO. 42-11.17

DATE 6-12-97 (Rev. 8-26-99)

SCALE 1"=400'



PLAT OF WATER RIGHT APPLICATION AND TRANSFER

LOCATED IN
 W1/2 SECTION 6, T.40S., R.7W. and E1/2 SECTION 1, T.40S., R.8W., W.M.
 JOSEPHINE COUNTY, OREGON

PREPARED FOR:
 WADE SIMPSON
 P.O. Box 1309
 Cave Junction, OR 97523
 Tel. 592-3947

PREPARED BY:
 WICKS ENGINEERING & SURVEYING
 311 N.E. "D" Street
 Grants Pass, OR 97526
 Tel. 479-3436

Amendment to Transfer Application 7857

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FEB 25 1999
WATER RESOURCES DEPT.
SALEM, OREGON

Please add these amendments to Transfer Application 7857:

Type of change:

Point of Diversion and Type of Use

Description of proposed point of diversion:

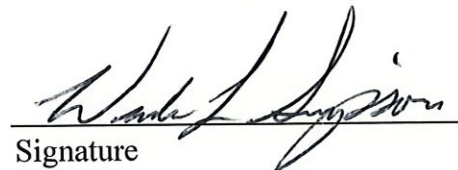
Part 3 A) : NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Newman DLC 39, Section 6, T 40 S,
R 7 W, W.M.; 1727 feet North and 473 feet East of the SW Corner of Section 6.

Proposed type of use

Part 3 D): Primary irrigation

Location of acres involved in change in type of use

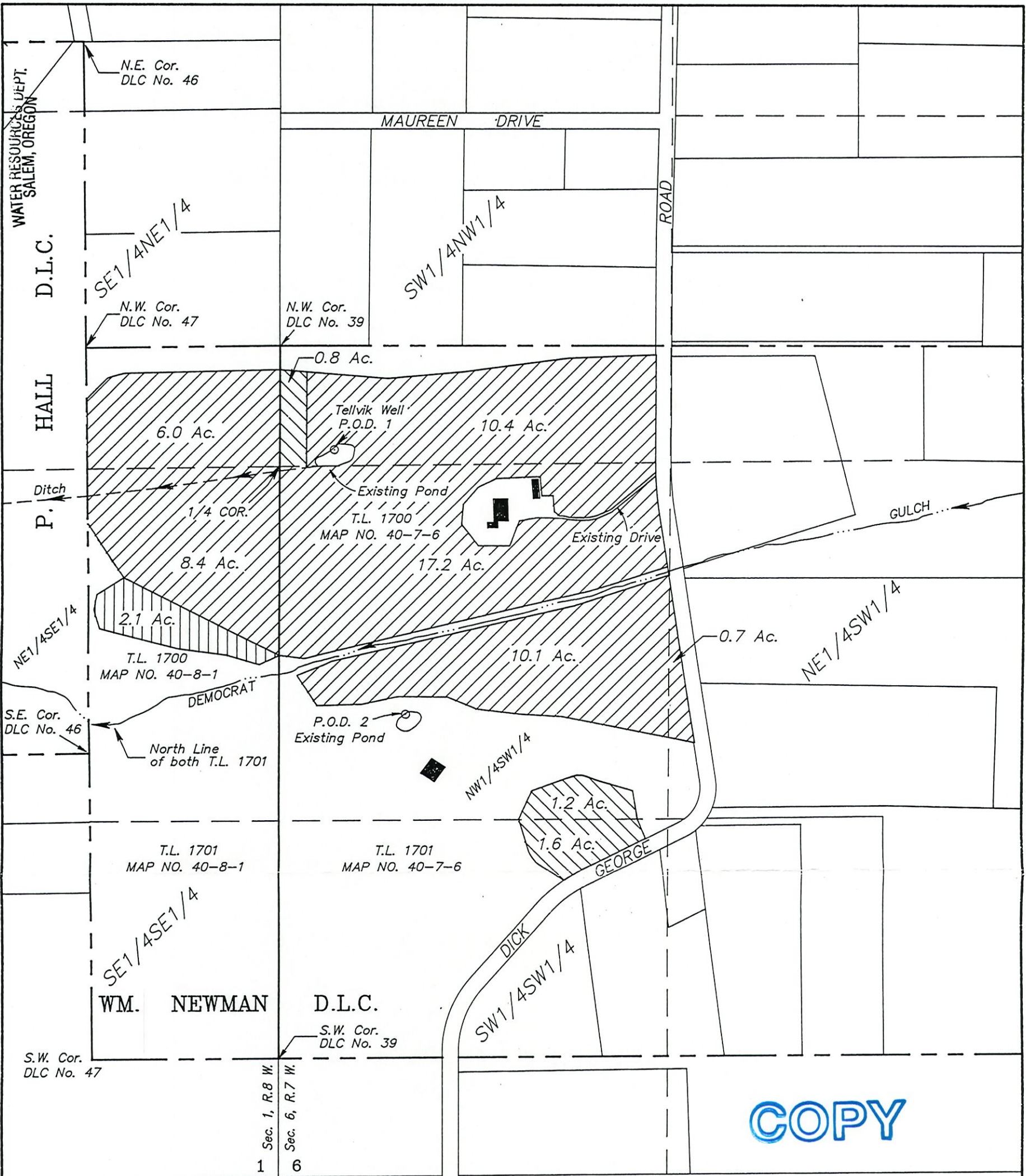
Part 3 E): NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.7 ACRE
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.4 ACRES
 BOTH AS PROJECTED WITHIN NEWMAN DLC 39
 SECTION 6
 TOWNSHIP 40 SOUTH, RANGE 7 WEST, W.M.


Signature

2/18/99
Date

RECEIVED

SEP 21 1999



COPY

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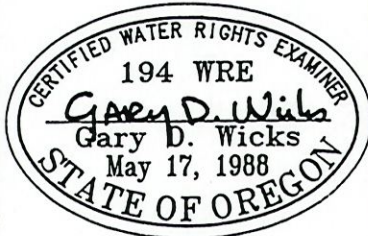
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PROJECT NO.
477-95-338

DRAWING NO.
42-11.17

DATE 6-12-97
(Rev. 8-26-99)

SCALE
1"=400'



PLAT OF WATER RIGHT APPLICATION AND TRANSFER

LOCATED IN
W1/2 SECTION 6, T.40S., R.7W. and E1/2 SECTION 1, T.40S., R.8W., W.M.
JOSEPHINE COUNTY, OREGON

PREPARED FOR:
WADE SIMPSON
P.O. Box 1309
Cave Junction, OR 97523
Tel. 592-3947

PREPARED BY:
WICKS ENGINEERING & SURVEYING
311 N.E. "D" Street
Grants Pass, OR 97526
Tel. 479-3436

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AUG 31 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Wicks Engineering & Surveying

311 N.E. "D" Street
Grants Pass, Oregon 97526
Tel. (541) 479-3436
Fax # (541) 479-1014

LETTER OF TRANSMITTAL

TO: Mr. Kelly Starnes DATE: August 27, 1999
WATER RESOURCES DEPARTMENT
Commerce Building
158 12th Street NE
Salem, OR 97310-0210
PROJECT: MILDRED FRICK / WADE SIMPSON WATER RIGHTS

WE ARE SENDING YOU:

 COPIES

- | | |
|--|---|
| <input type="checkbox"/> Letter | <input type="checkbox"/> For Your Information/Use |
| <input type="checkbox"/> Report | <input type="checkbox"/> Originals |
| <input type="checkbox"/> As Requested | <input type="checkbox"/> Prints |
| <input checked="" type="checkbox"/> Review and Comment | <input type="checkbox"/> Specifications |
| <input type="checkbox"/> For Your Approval | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Fax Transmittal _____ pages
(includes cover sheet) | |

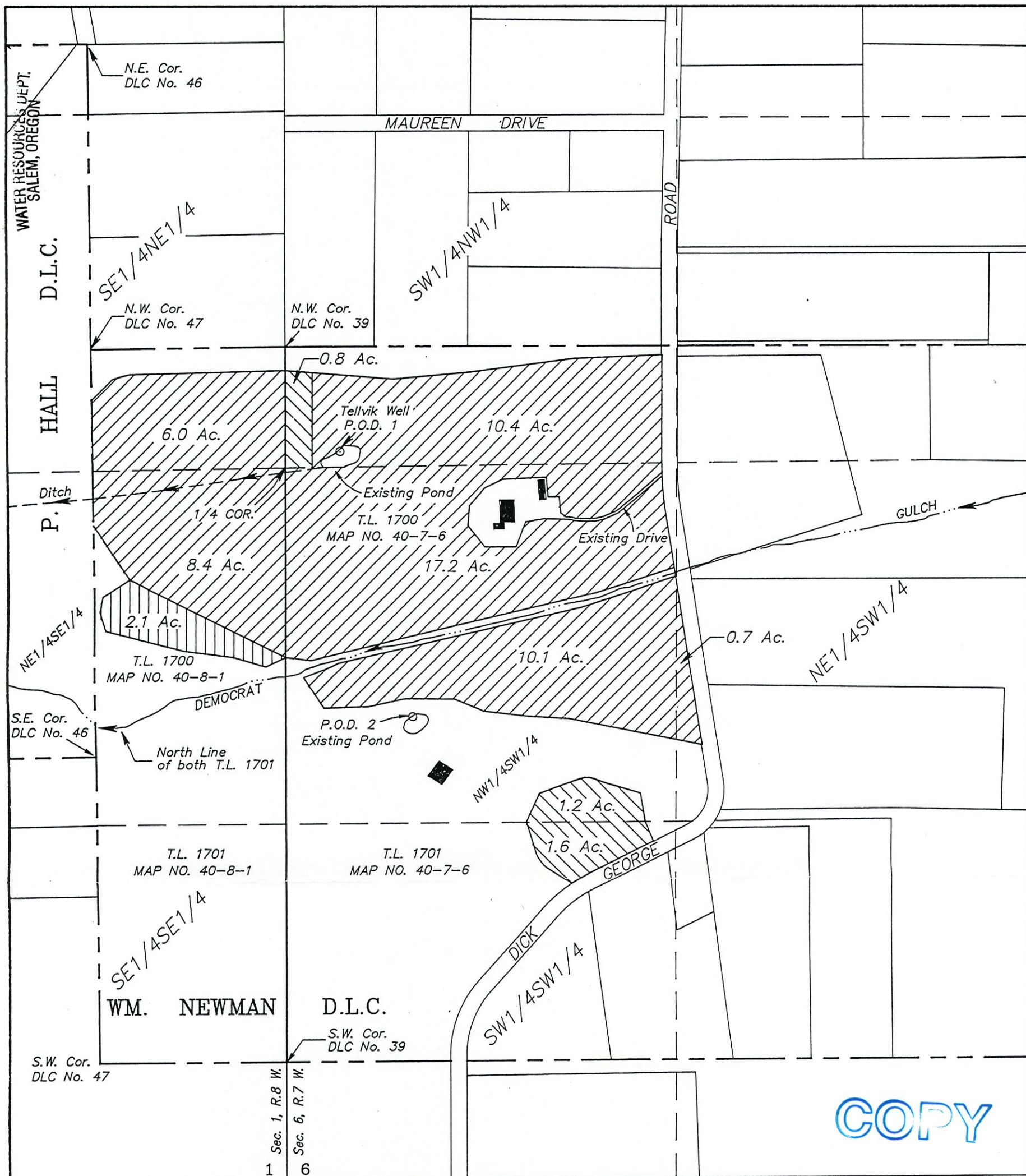
REMARKS:

Enclosed is the application plat with latest revisions.
Please look it over and see if it properly addresses
the revisions you requested in your letter of 1-29-99. I'll
try getting in touch with you next week. Thanks

SIGNED Cary Wicks

RECEIVED

SEP 21 1999



COPY

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- Primary Place of use per Certificate No. 33163: (1-2-1962)
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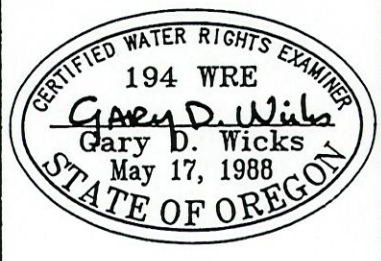
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PROJECT NO. 477-95-338
DRAWING NO. 42-11.17
DATE 6-12-97 (Rev. 8-26-99)
SCALE 1"=400'



PLAT OF WATER RIGHT APPLICATION AND TRANSFER	
LOCATED IN W1/2 SECTION 6, T.40S.,R.7W. and E1/2 SECTION 1, T.40S.,R.8W.,W.M. JOSEPHINE COUNTY, OREGON	
PREPARED FOR: WADE SIMPSON P.O. Box 1309 Cave Junction, OR 97523 Tel. 592-3947	PREPARED BY: WICKS ENGINEERING & SURVEYING 311 N.E. "D" Street Grants Pass, OR 97526 Tel. 479-3436



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

September 1, 1999

Wade Simpson
P.O. Box 1309
Cave Junction, Oregon 97523

Reference: Water Right Transfer Application 7857

Enclosed is a transfer notice which must be published in a local newspaper in the general area of the transfer. The notice must be published at least **once a week for three consecutive weeks**. Please have the newspaper insert the appropriate final date of publication in the place indicated in the notice. **Payment of the cost of publication is your responsibility, please do not send any billing to the Water Resources Department.**

Please request an **affidavit of publication** from the newspaper following publication and send it to me, Kelly Starnes, at the address at the top of the page.

Upon receipt of the affidavit, processing will continue on the transfer application.

If you have any questions, please call me at (800)-624-3199, ext. 309.

Sincerely,

Kelly Starnes
Water Right Inspector

enc

cc: Gary Wicks, CWRE



NOTICE OF WATER RIGHT TRANSFER 7857

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

Kerby, Oregon
Feb. 19, 1999

Water Resources Department
Commerce Building
158 12th Street N.E.
Salem, Oregon 97310-0210

RECEIVED
FEB 25 1999
WATER RESOURCES DEPT.
SALEM, OREGON

Re: Water Right Transfer Application 7857

Dear Mr. Starnes,

I believe that I have enclosed all of the signed affidavits that you requested and your \$100.00 fee is enclosed.

If you do not receive the amended transfer application map from Mr. Gary Wicks please let me know.

Thank you so very much for your kind, helpful assistance in this matter.

Yours very truly
Mildred Frick
P.O. Box 157
Kerby, Oregon 97531



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

RECEIVED

FEB 25 1999

WATER RESOURCES DEPT.
SALEM, OREGON

January 29, 1999

Wade Simpson
P.O. Box 1309
Cave Junction, Oregon 97523

COPY

Reference : Water Right Transfer Application 7857

I am reviewing your water right transfer application for a change in point of diversion for Water Right Permit G-2026 and cancellation of Water Right Permit 9619, Certificate 10170. There are several items that will need to be addressed before further processing can take place on the transfer.

Application -

Type of change. You originally filed for a change in point of diversion, but in reading through your application, I see that you also want to cancel the surface water right (Permit 9619) from Mulvaney and Democrat Gulch. If Permit 9619 is going to be cancelled, the overlying supplemental irrigation right, Permit G-2026, will have to be changed to primary irrigation. To do this change, you will have to amend your transfer application to include a change in use for Permit G-2026.

Part 3 A). Proposed point of diversion. The location of the proposed diversion point has to be described in this part of the transfer application.

To assist you, I have prepared an amendment statement which would add the change in use and the location of the proposed point of diversion to your transfer application. If you agree with the enclosed amendment statement, please sign and return the statement to me (the amendment statement does not have to be notarized). Also, there will be an additional fee of \$100.00 fee for the change in use. Please make the check payable to the Oregon Water Resources Department and send the enclosed copy of this letter with the payment.

RECEIVED

FEB 25 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Statement of use -

I will need a signed and notarized statement from either you or someone familiar with the water right being transferred that says Permit G-2026 has been used within the past five years from the date the transfer application was filed, 10/9/97.

Map -

The transfer application map will have to show the location of the authorized acres of the primary irrigation portion of Permit G-2026. This right has the following authorized primary irrigation acres: 0.8 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.2 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 1.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 6, T 40 S, R 7 W, W.M.. By comparing the final proof map for Permit G-2026 and the transfer application map, I can deduce that the 1.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the 2.1 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 6, as shown on the transfer application map, are possibly the primary irrigation acres. However, the acres shown on the transfer application map are greater than what is allowed by the right. The acres on the transfer application map will have to be corrected to reflect the authorized acres. This area is not affected by the misplacement of the $\frac{1}{4}$ $\frac{1}{4}$ parcel lines on the final proof map and therefore the number of authorized acres should remain the same. The transfer application map will also have to show the location of the 0.8 acre of primary irrigation in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6. I am returning the original transfer application map (along with a copy of this letter) to Gary Wicks for amendment.

Cancellation -

I have enclosed an affidavit of cancellation for Mildred L. Frick, owner of Tax Lot 1701 to sign if she agrees with it.

Please send the signed application amendment statement and partial cancellation affidavit, change in use fee, notarized statement of use, and amended transfer application map, to me, Kelly Starnes, within 60 days. If you have any questions, please call me at (800)-624-3199 ext. 309 (instate only) or (503)-378-8455 ext. 309.

Sincerely,



Kelly Starnes
Water Right Inspector

COPY

encs

cc: Gary Wicks, CWRE

Norm Daft, Asst. Watermaster Dist. #14

Kerby, Oregon
Feb. 17, 1999

Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97310-0210

RECEIVED
FEB 25 1999
WATER RESOURCES DEPT.
SALEM, OREGON

attention: Kelly Starnes
Water Right Inspector

Dear Mr. Starnes,

This is to certify that the
water rights have been used under
Water Rights Permit G-2026.

Thank you!

Water Right Transfer Application 7857

Mildred L. Frick



Ask before me 2-19-99
Marleen B. Hutt



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

January 29, 1999

Wade Simpson
P.O. Box 1309
Cave Junction, Oregon 97523

Reference : Water Right Transfer Application 7857

I am reviewing your water right transfer application for a change in point of diversion for Water Right Permit G-2026 and cancellation of Water Right Permit 9619, Certificate 10170. There are several items that will need to be addressed before further processing can take place on the transfer.

Application -

Type of change. You originally filed for a change in point of diversion, but in reading through your application, I see that you also want to cancel the surface water right (Permit 9619) from Mulvaney and Democrat Gulch. If Permit 9619 is going to be cancelled, the overlying supplemental irrigation right, Permit G-2026, will have to be changed to primary irrigation. To do this change, you will have to amend your transfer application to include a change in use for Permit G-2026.

Part 3 A). Proposed point of diversion. The location of the proposed diversion point has to be described in this part of the transfer application.

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Statement of use -

rk
I will need a signed and notarized statement from either you or someone familiar with the water right being transferred that ~~says~~ Permit G-2026 has been used within the past five years from the date the transfer application was filed, 10/9/97.

Map -

The transfer application map will have to show the location of the authorized acres of the primary irrigation portion of Permit G-2026. This right has the following authorized primary irrigation acres: 0.8 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.2 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 1.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 6, T 40 S, R 7 W, W.M.. By comparing the final proof map for Permit G-2026 and the transfer application map, I can deduce that the 1.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the 2.1 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 6, as shown on the transfer application map, are possibly the primary irrigation acres. However, the acres shown on the transfer application map are greater than what is allowed by the right. The acres on the transfer application map will have to be corrected to reflect the authorized acres. This area is not affected by the misplacement of the $\frac{1}{4}$ $\frac{1}{4}$ parcel lines on the final proof map and therefore the number of authorized acres should remain the same. The transfer application map will also have to show the location of the 0.8 acre of primary irrigation in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6. I am returning the original transfer application map (along with a copy of this letter) to Gary Wicks for amendment.

Cancellation -

I have enclosed an affidavit of ~~cancellation~~ for Mildred L. Frick, owner of Tax Lot 1701 to sign if she agrees with it.

Please send the signed application amendment statement and partial cancellation affidavit, change in use fee, notarized statement of use, and amended transfer application map, to me, Kelly Starnes, within 60 days. If you have any questions, please call me at (800)-624-3199 ext. 309 (instate only) or (503)-378-8455 ext. 309.

Sincerely,



Kelly Starnes
Water Right Inspector

encs

cc: Gary Wicks, CWRE
Norm Daft, Asst. Watermaster Dist. #14

AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A
WATER RIGHT CERTIFICATE

State of Oregon)
) ss
County of Josephine)

I, _____, residing at _____

_____, phone _____, being first duly sworn depose and say:

1. I am the legal owner of the property described as tax lot number 1701, within the NW¼ SW¼ and NE¼ SW¼, Section 6, Township 40 South, Range 7 West, of the Willamette Meridian, in Josephine County, Oregon, as shown on the attached map and described in the attached deed and legal description enclosed in Transfer Application 7857 and made part of this affidavit;
2. A portion of water right certificate number 10170 issued to Edward McCann Estate, with a date of priority of April 25, 1930 for use of 0.10 cubic foot per second of water from Mulvaney Gulch and 0.03 cubic foot per second of water from Democrat Gulch (sources) for the purpose of supplemental irrigation (use) is appurtenant to my property;
3. I have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows :
The right to the use of 0.10 cubic foot per second from Mulvaney Gulch and 0.03 cubic foot per second from Democrat Gulch for the irrigation of 10.1 acres located:
 NW¼ SW¼ 9.4 Acres
 NE¼ SW¼ 0.7 Acre
 Section 6
 Township 40 South, Range 7 West, W.M.; and
4. I request that said portion of the right described above be canceled.

Signature of Legal Owner

Date

Subscribed and Sworn to Before Me this ____ day of _____, 199__.

Notary Public for Oregon

My Commission Expires _____

Amendment to Transfer Application 7857

Please add these amendments to Transfer Application 7857:

Type of change:

Point of Diversion and Type of Use

Description of proposed point of diversion:

Part 3 A) : NW¼ SW¼, as projected within Newman DLC 39, Section 6, T 40 S,
R 7 W, W.M.; 1727 feet North and 473 feet East of the SW Corner of Section 6.

Proposed type of use

Part 3 D): Primary irrigation

Location of acres involved in change in type of use

Part 3 E): NE¼ SW¼ 0.7 ACRE
 NW¼ SW¼ 9.4 ACRES
 BOTH AS PROJECTED WITHIN NEWMAN DLC 39
 SECTION 6
 TOWNSHIP 40 SOUTH, RANGE 7 WEST, W.M.

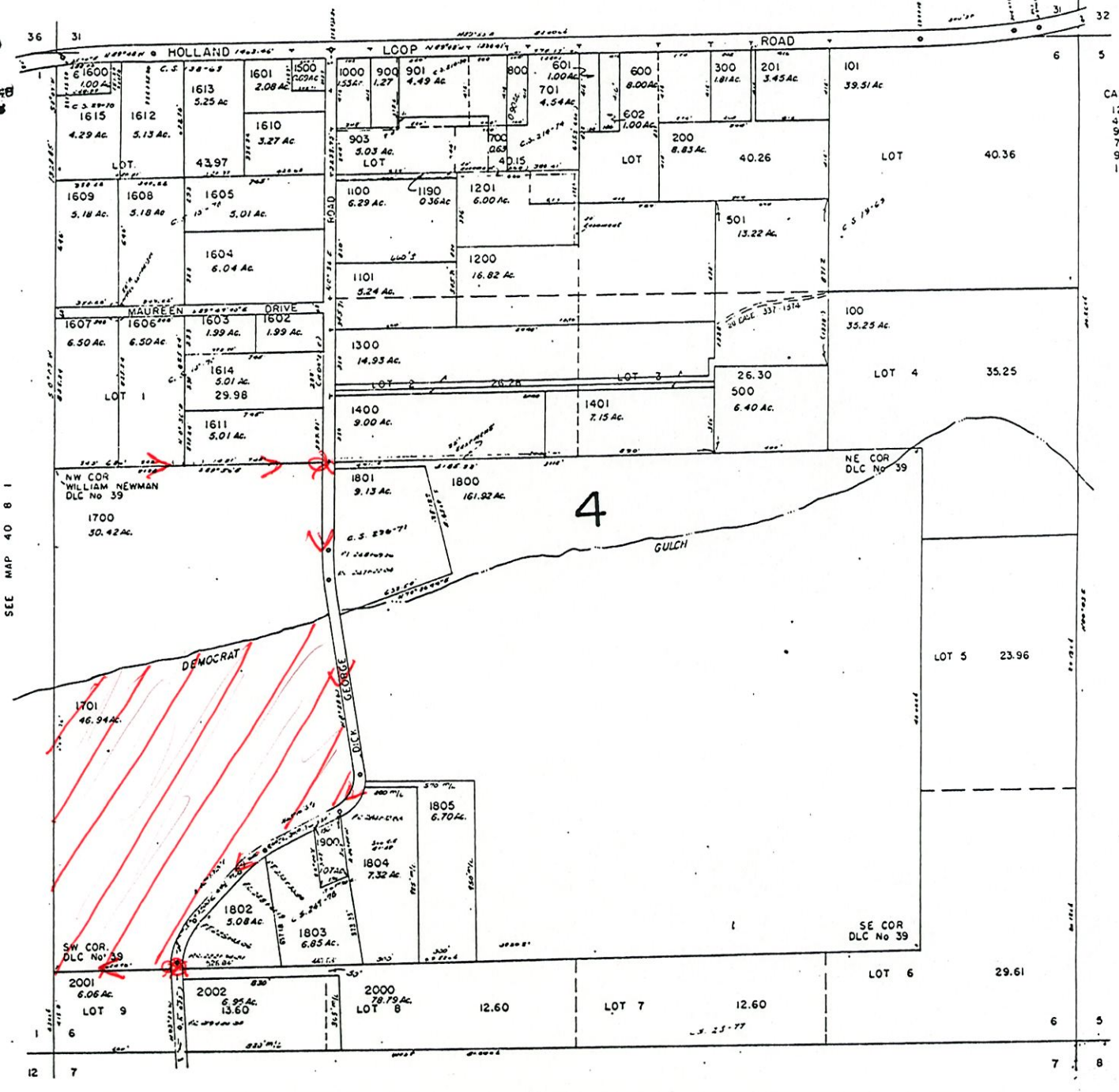
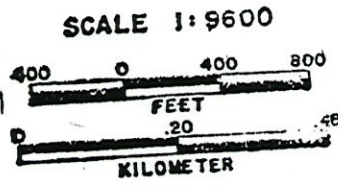
Signature

Date

JOSEPHINE COUNTY

1" = 400'

SEE MAP 39 7 31

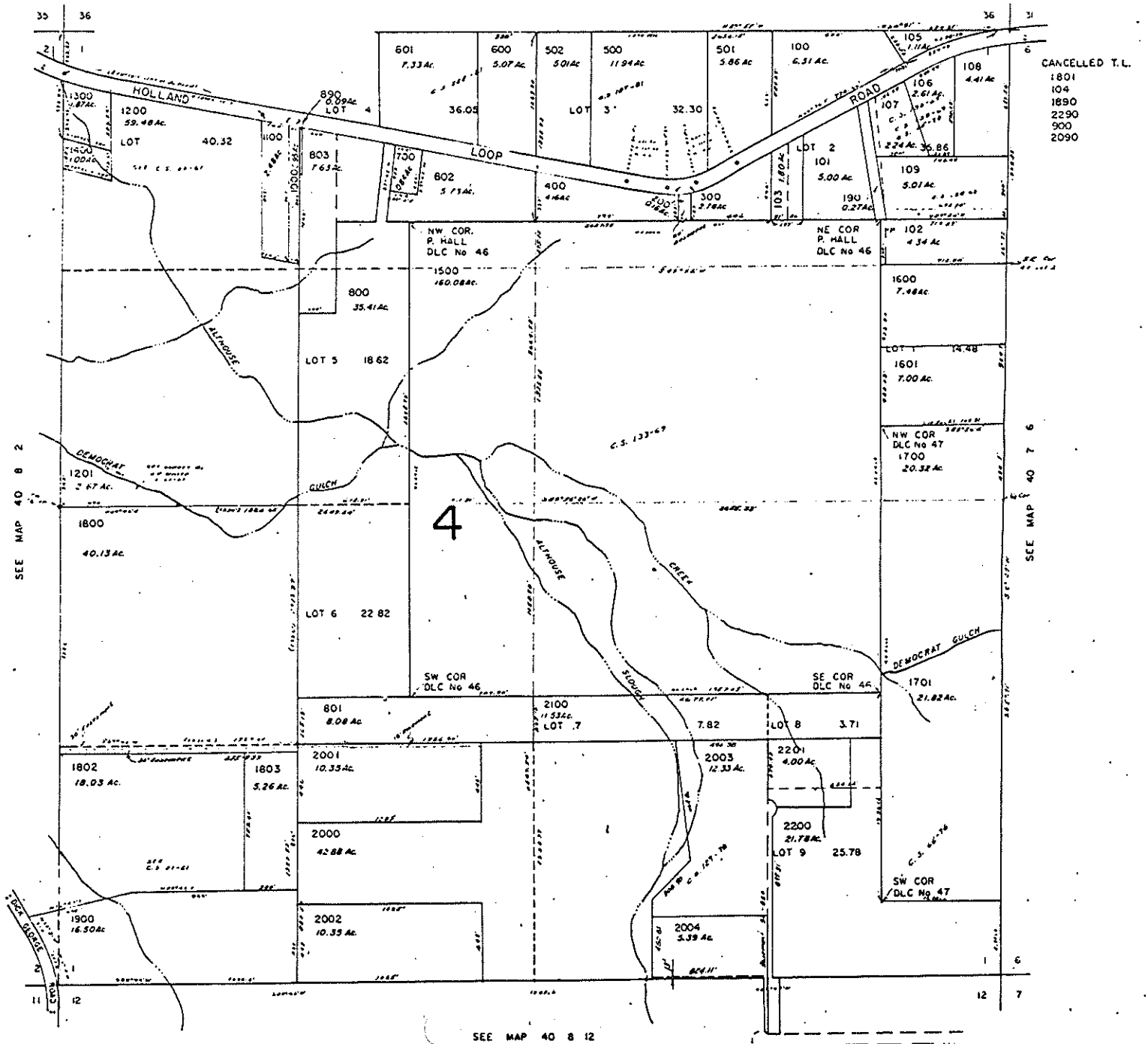


RECEIVED
SEP 1 1900

1"=400'

SEE MAP 39 8 36

SCALE 1:9600



CANCELLED T.L.
 1801
 104
 1890
 2390
 900
 2090

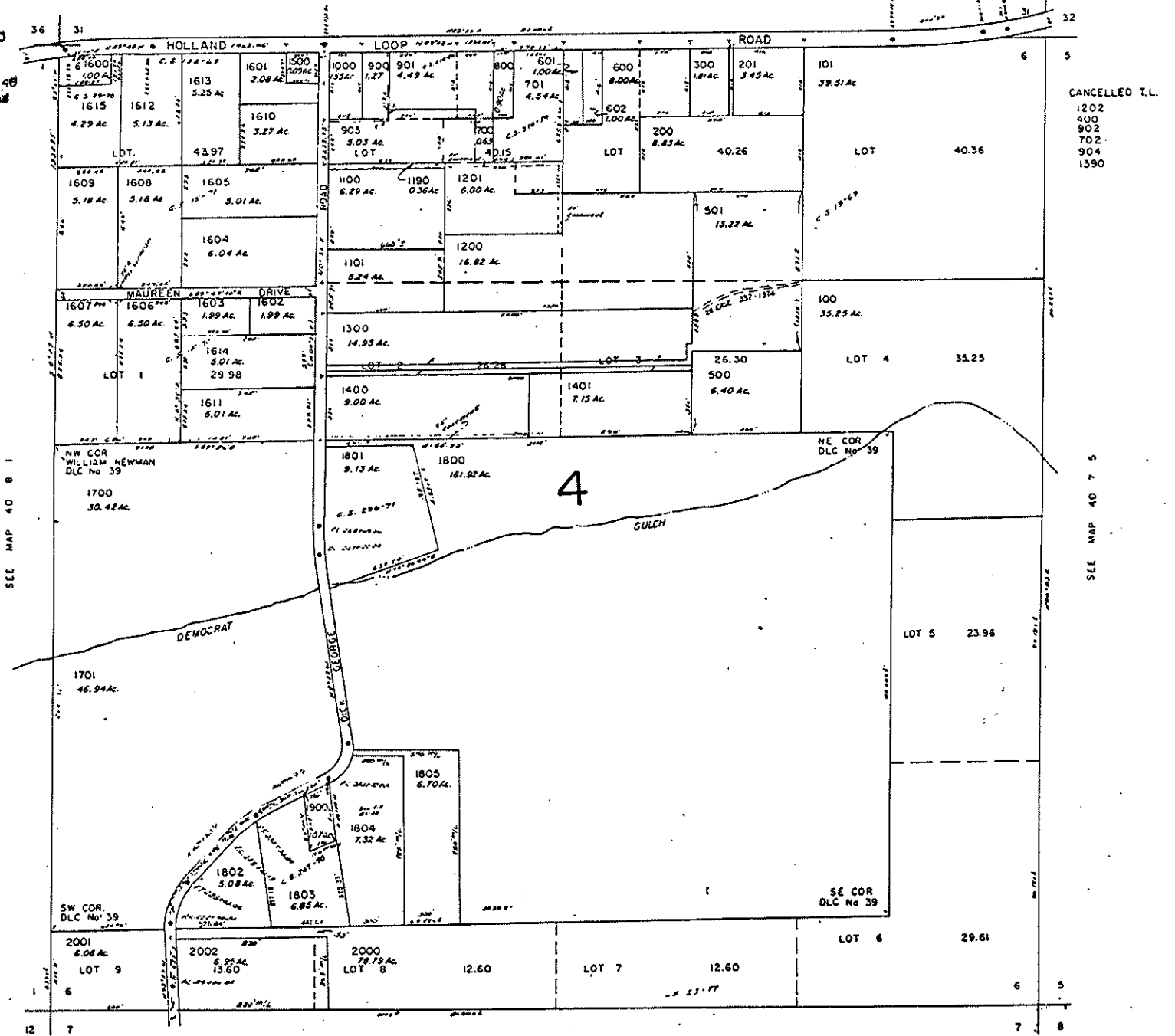
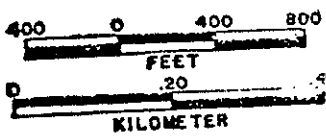
RECEIVED
 JUL 14 1983
 DEPT. OF REVENUE STATE OF OREGON
 ASSESSMENT & APPRAISAL DIV.

JOSEPHINE COUNTY

1" = 400'

SEE MAP 39 7 31

SCALE 1:9600



RECEIVED
 SEP 17 1962
 U.S. DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT

87 OCT 27 PM 12:26

V090 P2066

RECEIVED

OCT - 3 1997

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

OCT - 9 1997

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT "A"

All of the following described parcel of land lying South and Southerly of the center line of Democrat Gulch:

Beginning at a point on the West side of a County Road, 415.80 feet North of and 624.72 feet East of the Southwest corner of Section 6, Township 40 South, Range 7 West of the Willamette Meridian, in Josephine County, Oregon, and running thence West 1309.8 feet; thence North 2643.96 feet; thence East 2128.00 feet to a point on the West right of way line of said County Road; thence in a Southerly direction along the Westerly right of way line of said road, to the point of beginning.

LESS AND EXCEPT the portion conveyed to Josephine County, Oregon, for Dick George Road as recorded in Volume 226, Page 605, Josephine County Deed Records.

Subject to:

1. Rights of the public over any portion lying within the limits of public roadways.
2. A right of way for existing irrigation ditch.

This Exhibit is part of a Warranty Deed between Kent A. Rockholt and Jane Rockholt, grantor, and Mildred L. Frick, grantee.

Dated this 13 day of December, 1977.

Kent A. Rockholt
Jane Rockholt

87-15688
 State of Oregon,) ss. No.
 County of Josephine,)
 I, County Clerk and ex-officio Recorder of
 Conveyances, in and for said County, do here-
 by certify that the within instrument was
 received for record and Recorded
 At Page 2065 Vol. 90
 Book of Records, Josephine County, Oregon.
 GEORGETTE BROWN, COUNTY CLERK
 By [Signature] Deputy
 Fee \$ 1.00
 Hand Returned Mailed Hold

1002



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 3, 1997

Mildred L. Frick
24810 Redwood Hwy
Kerby, OR 97531

We received the transfer application you submitted October 3, 1997. We were unable to file the application because it was not accompanied by the required fee as outlined on the enclosed fee schedule which became effective on July 24, 1997. The necessary fee for this application is \$200.00.

A quick look at the application does not indicate any other deficiencies.

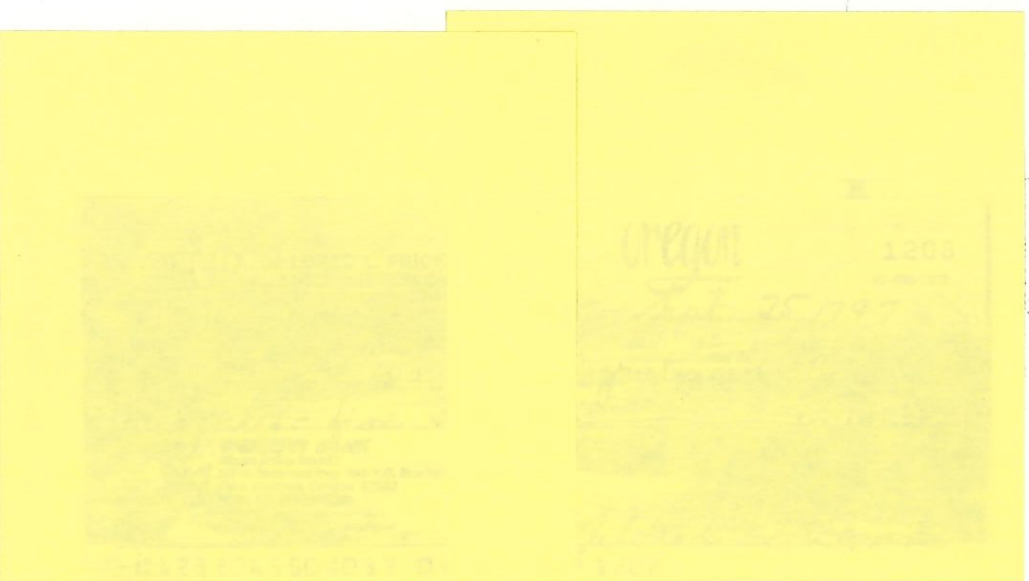
We are returning the check and other material you submitted. You may resubmit the application, required exhibits, and fees as stated above. If you have any questions, please call the transfer section at (503) 378-8455, or (in-state only) (800) 624-3199.

Sincerely,

Gloria Tolleson

Gloria Tolleson
NW Region Support

enclosure



RECEIVED

T-7857

OCT - 9 1997
WATER RESOURCES DEPT.
SALEM, OREGON

Kerby, Oregon
Oct. 7, 1997

Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97310

attention: Gloria Tolleson
71W Region Support

Dear Gloria,

I received your letter dated Oct. 3, 1997, in which you returned my check for \$85⁰⁰. That was the fee requested on one of the papers but that was not the correct amount.

I am enclosing another check in the amount of \$200⁰⁰ (two hundred dollars). Please let me know if this is incorrect.

Thank you very much for taking care of this for me.

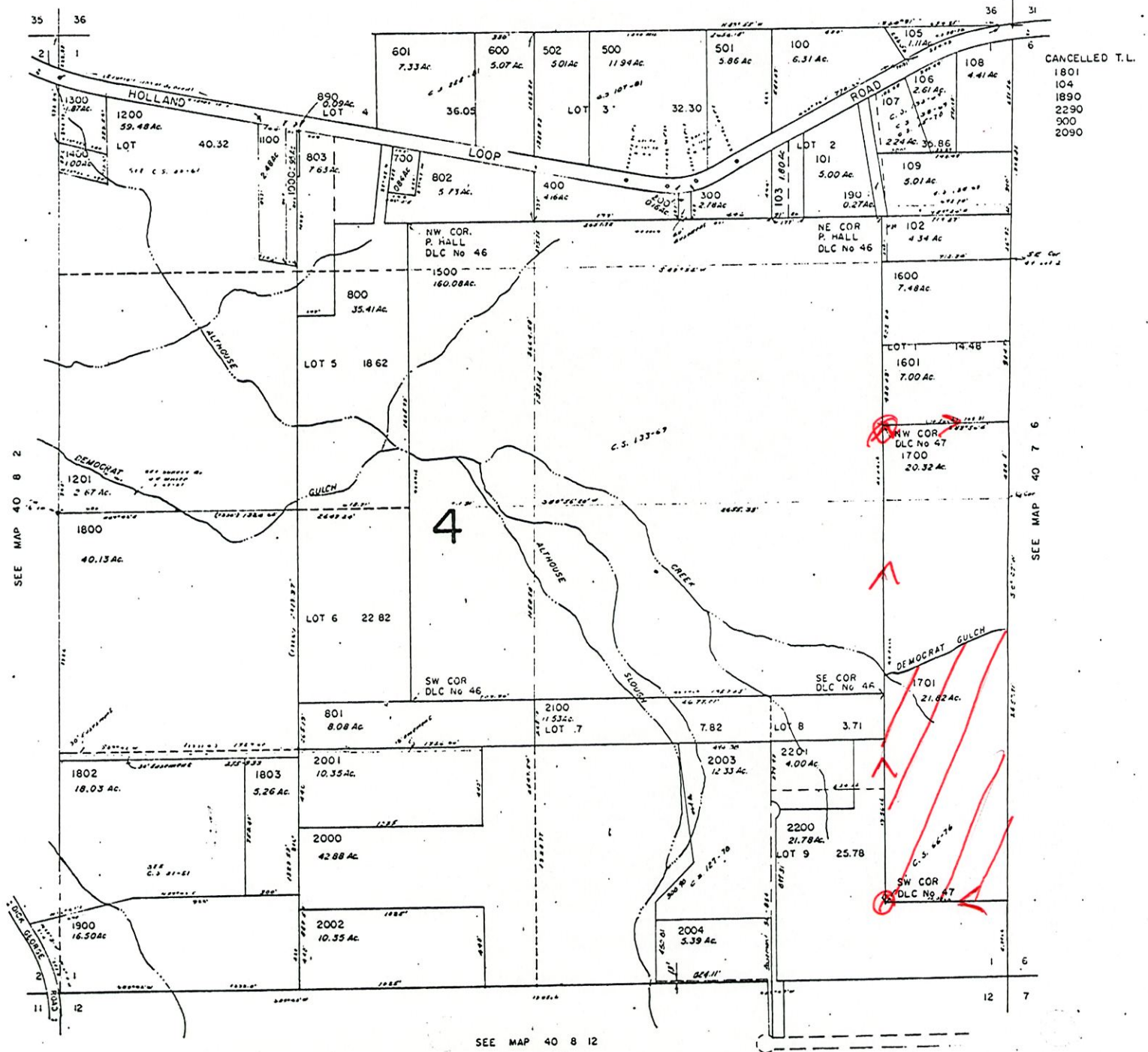
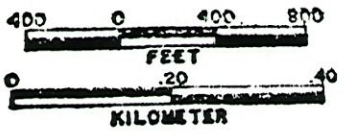
I am also returning all of the other material too.

Yours truly,
Mildred L. Frick
24810 Redwood Highway
Kerby, Oregon 97531

1"=400'

SEE MAP 39 8 36

SCALE 1:5600



SEE MAP 40 8 2

SEE MAP 40 7 6

SEE MAP 40 8 12

CANCELLED T.L.
1801
104
1890
2290
900
2090

RECEIVED
JUN 14 1963
LUT. M. DEWITT

RECEIVED

FEB - 4 1998

WATER RESOURCES DEPT.
SALEM, OREGON

10-13-97
Oregon

INTEROFFICE MEMO

WATER
RESOURCES
DEPARTMENT

TO: TRANSFER SECTION DATE: 1-30-98

FROM: Asst. WATERMASTER, DISTRICT # 14
GROUNDWATER SECTION
(SIGNATURE) Norman E. Duff

SUBJECT: WATER RIGHT TRANSFER # 7857

A change in: POU POD POA USE of water.

In the name(s) of Wade Simpson

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY*~~ to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

NOTE: SURFACE WATER CERT. 10170 SHOULD BE CANCELLED

The existing right may not be valid because _____

Headgate notices HAVE ~~HAVE NOT~~ Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) No

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

_____ (1) PRIOR to the diverting of water at the new point of diversion . . .

(2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.



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

INTEROFFICE MEMO

WATER
RESOURCES
DEPARTMENT

TO: TRANSFER SECTION DATE: 9-10-98

FROM: WATERMASTER, DISTRICT # _____
GROUNDWATER SECTION
(SIGNATURE) *Doug Woodcock* Doug Woodcock

SUBJECT: WATER RIGHT TRANSFER # 7857

A change in: POU POD POA USE of water.

In the name(s) of Wade Simpson.

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) _____

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- _____ (1) PRIOR to the diverting of water at the new point of diversion . . .
- _____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.



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



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 13, 1997

Wade Simpson
P. O. Box 1309
Cave Junction, OR 97523

REFERENCE: Transfer 7857

On 10-09-97 we received your water right transfer application requesting a change in POA for use of water from a well. The application was accompanied by \$ 200.00. Our receipt 16555 is enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to existing water rights which may be caused by the change.

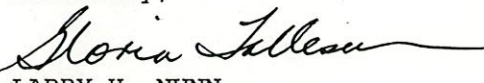
Your application will be examined to determine if additional information is needed. You will be contacted following this examination. If you have a specific reason why your application should be examined ahead of other applications, please send us a letter describing your reason. We may be able to examine your application ahead of others.

You may not use water from the new point of appropriation until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (800) 624-3199 or (503) 378-3739.

Sincerely,

for 
LARRY H. NUNN
Water Rights Specialist

LHN:gjt

cc: Watermaster #14 Bruce Sund
CWRE #194, Gary D. Wicks
Groundwater

enclosure

COPY

T-7857

RECEIVED

OCT - 8 1997

State of Oregon
WATER RESOURCES DEPARTMENT

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

OCT - 9 1997

Applicant: WADE SIMPSON
Mailing Address: P. O. Box 1309
Cave Junction Oregon 97523 · 541-592-3947
City or town State Zip Phone
Type of change: Point of Diversion
(In point of diversion: place of use; use heretofore made of the water)

WATER RESOURCES DEPT.
SALEM, OREGON

1. WATER RIGHT

A) Is the water right in your name? No If not, list name below:
(Yes, No)

J. S. Tellvik

B) Was the water right determined by a court decree? No
(Yes, No)

- 1. If yes, list the title of the proceedings: _____
- 2. Certificate No: _____

C) Was the water right acquired by a water permit? Yes
(Yes, No)

- 1. If yes, list the Permit No: G-2026 APP # 2204
- 2. Certificate No: 33163

D) Date of priority right: January 2, 1962

E) What are your reasons for the proposed changes? To cancel the surface water permits from Democrat and Mulvaney Gulches per Certificate No. 10170 and to have an additional point of appropriation located on applicant's property

F) The water will be completely applied to the proposed use on or before: October 1, 1997

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? Tellvik Well, a tributary of Democrat Gulch, a tributary of Sucker Creek

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>2600'S & 200'E of NW Cor, Sec 6</u>	<u>SWNW</u>	<u>6</u>	<u>40S</u>	<u>7W</u>

C) What is the name of the ditch used? N/A

D) What is the use to which the water is applied? Supplemental Irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>T 40 S</u>	<u>R 7 W</u>	<u>6</u>	<u>NW SW</u>	<u>10.8</u>
<u>T 40 S</u>	<u>R 7 W</u>	<u>6</u>	<u>SWSW</u>	<u>2.1</u>
<u>T 40 S</u>	<u>R 7 W</u>	<u>6</u>	<u>NE SW</u>	<u>0.7</u>

F) Is the land within an irrigation district? Yes ___ No X

If Yes, which district? _____

G) County Josephine

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? _____ (Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

6. REMARKS: The acreage values within each 1/4/4 do not agree with the Final Proof Survey of 1965. Part of the reason for this is that the 1/4/4 parcels are lotted and are 1440'± E/W - not the normal 1320'.

I (we) Wade L. Simpson, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this July 24 day of July, 1997.

Wade L. Simpson
(Signature)

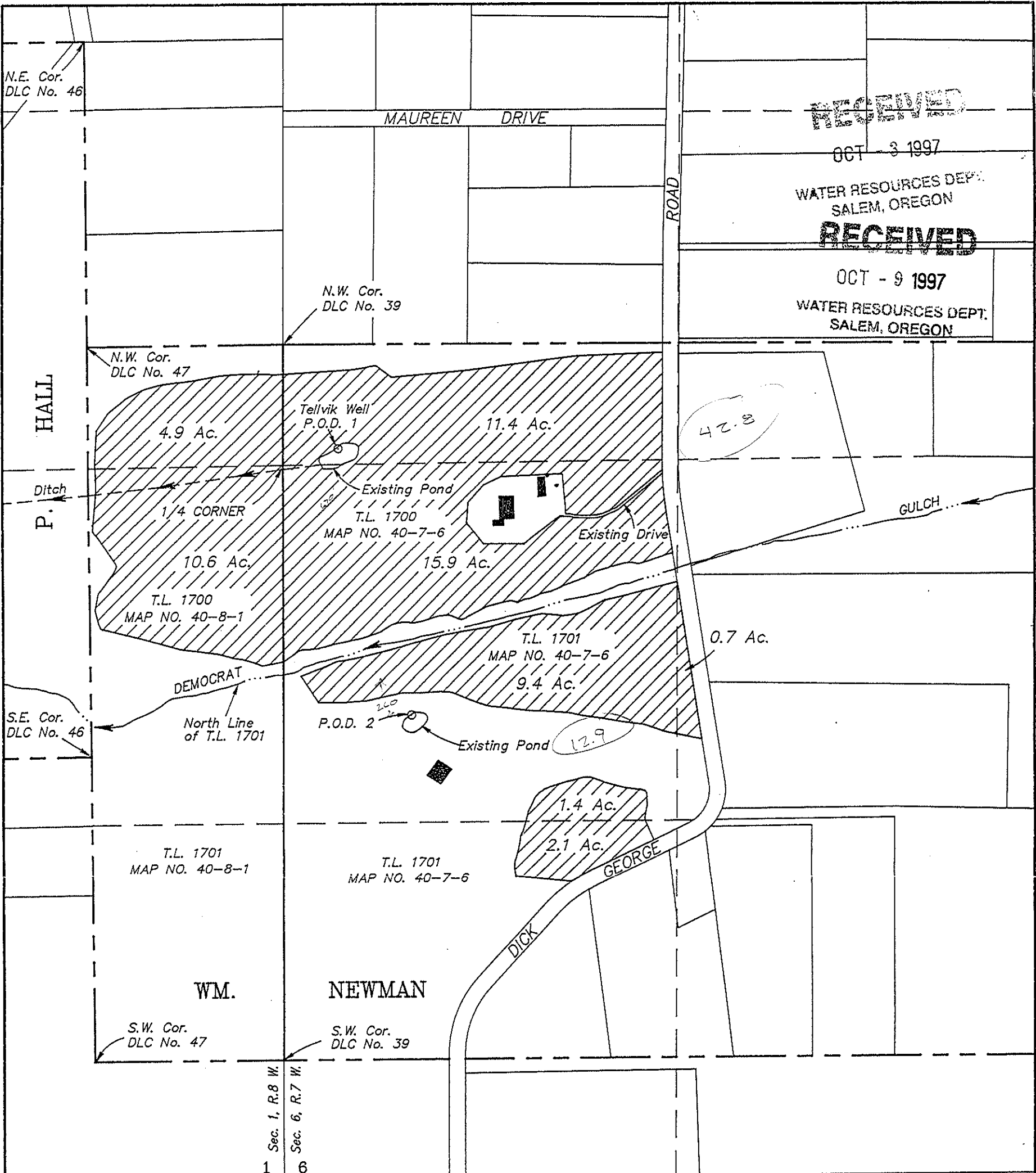
(Signature)



(Notarial Seal)


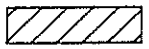
Subscribed and sworn to before me
Leslie Ann Robins
Notary Public for Oregon

My commission expires: 11.15.2000



RECEIVED
 OCT - 3 1997
 WATER RESOURCES DEPT.
 SALEM, OREGON
RECEIVED
 OCT - 9 1997
 WATER RESOURCES DEPT.
 SALEM, OREGON

LEGEND:

-  Existing Buildings
-  Supplemental Place of use per Certificate No. 33163
- P.O.D. 1 Existing primary Point of Diversion per Certificate No. 33163 (2600 ft. South and 200 ft. East of NW Corner of Sec. 6)
- P.O.D. 2 Proposed additional Point of Appropriation (1727 ft. North and 473 ft. East of SW Corner of Sec. 6)

Place of use was digitized from an aerial photo dated 6-22-95. Property lines were digitized from Josephine County Assessor Maps 40-7-6 & 40-8-1.

Subject Property: T.L. 1701, Map No. 40-7-6
 T.L. 1701, Map No. 40-8-1
 T.L. 1700, Map No. 40-7-6
 T.L. 1700, Map No. 40-8-1

The purpose of this transfer application is to move the primary point of diversion, and to cancel the surface water permits from Democrat and Mulvaney Gulches approved per Certificate No. 10170.

This plat was prepared for the purpose of identifying the location of the water right only. There is no intent to provide dimensions or locations of property ownership lines.



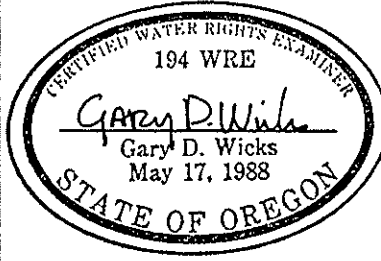
Scale: 1" = 400'

PROJECT NO.
477-95-338

DRAWING NO.
42-11.17

DATE
6-12-97

SCALE
1"=400'



PLAT OF WATER RIGHT APPLICATION AND TRANSFER
 LOCATED IN
 W1/2 SECTION 6, T.40S.,R.7W., and E1/2 SECTION 1 T.40S.,R.8W.,W.M.
 JOSEPHINE COUNTY, OREGON

PREPARED FOR:
 WADE SIMPSON
 P.O. Box 1309
 Cave Junction, OR 97523
 Tel. 592-3947

PREPARED BY:
 WICKS ENGINEERING & SURVEYING
 311 N.E. "D" Street
 Grants Pass, OR 97526
 Tel. 479-3436

T-7857



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 13, 1997

Wade Simpson
P. O. Box 1309
Cave Junction, OR 97523

REFERENCE: Transfer 7857

On 10-09-97 we received your water right transfer application requesting a change in POA for use of water from a well. The application was accompanied by \$ 200.00. Our receipt 16555 is enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to existing water rights which may be caused by the change.


Your application will be examined to determine if additional information is needed. You will be contacted following this examination. If you have a specific reason why your application should be examined ahead of other applications, please send us a letter describing your reason. We may be able to examine your application ahead of others.

You may not use water from the new point of appropriation until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (800) 624-3199 or (503) 378-3739.

Sincerely,

for 
LARRY H. NUNN
Water Rights Specialist

LHN:gjt

cc: Watermaster #14 Bruce Sund
CWRE #194, Gary D. Wicks
Groundwater

enclosure

JOSEPHINE COUNTY PLANNING

OCT - 3 1997

RECEIVED

Receipt # 27320

NAME: Wayne Simpson

WATER RESOURCES DEPT.

OCT - 9 1997

DATE: 6/9/97

ADDRESS: 24740 Redwood Hwy

SALEM, OREGON WATER RESOURCES DEPT.
SALEM, OREGON

LEGAL: T 40 R 7 Sec 6

Tax Lots: 1701

AMT: \$ 5⁰⁰

ADMINISTRATIVE

- 3 Farm Dwelling
- 4 Forest Dwelling
- 5 Health Condition
- 6 Health Condition Renewal
- 7 Home Occupation
- 14 Storage of Unoccupied Mobile Home
- 15 Open Storage of Motor Vehicle
- 23 Conditional Use
- 30 Development Permit
- 44 Non-Conforming Use
- 47 Pre-Application Review

- 50 Road Naming
- 57 Variance
- 61 Oversized Accessory Structure
- 66 Temporary Use
- 68 Other Administrative Permit

HEARING REQUESTS

- 18 Appeal Hearings Officer
- 19 Appeal Planning Commission
- 20 Appeal Planning Director
- 49 Renoticing Fee
- 65 Remand Hearing

LAND DIVISION

- 32 Final Plat
- 39 Property Line Adjustment
- 40 Partition
- 48 Planned Unit Development
- 55 Subdivision
- 8 Replat

ORDINANCE CHANGES

- 22 Comp Plan/Zone Change
- 56 Text Amendment
- 59 Zone Change

SITE REVIEW

- 51 Half Acre or Less
- 52 Half Acre -> Two Acres
- 53 Over Two Acres

ANALYSIS

- 35 Floodway Engineering
- 38 Lot History
- 60 Letter of Verification

MISCELLANEOUS

- 41 Maps/Xeroxing/Ordinance
- 64 Transcript Deposit

COUNTY UGB

DEV. PMT # _____

CASH _____

CHK# _____

BY: DK

32218 _____

T 7857



T-7857

Oregon Water Resources Department
Land Use Information Form

RECEIVED

OCT - 3 1997

WATER RESOURCES DEPT.
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

RECEIVED

OCT - 9 1997

WATER RESOURCES DEPT.
SALEM, OREGON

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Wade Leon Simpson

Address: 24740 Redwood Hwy

City: Cave Junction State: OR Zip: 97523 Day Phone: 592-3947

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>TL 1701 40-7-6</u>	<u>Exclusive Farm</u>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Josephine

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): 12.6 Agriculture Irrigated Acre's

Briefly describe: Move Point of diversion from Mulvaney - Democrat to pond.

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

_____ CFS GPM Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210
(503)378-8455

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); _____ . Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: David L. Kellenbeck Date: 6/9/97
 Title: Planner 2 Phone: 474-5421
 Signature: *David L. Kellenbeck*

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

T-7857

Kerby, Oregon
Sept. 25, 1997

RECEIVED

OCT - 3 1997

Water Resources Department
158 12th Street NE
Salem, Oregon 97301

RECEIVED

OCT - 9 1997

WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

To Whom It May Concern,

This is to certify that I, Mildred L. Frick, am the legal owner of the property at 910 Dick George Road, Care Junction, Oregon. I am enclosing a copy of the deed for the property. There are no liens on this property.

I am also enclosing an eighty-five dollar check (\$85.00) to cover the fees requested for the change in water rights.

This is my notarized statement supporting the proposed change in water rights that is requested in the enclosed "Application For Transfer of Water Rights."

Thank you for your kind consideration in this matter.

yours truly
Mildred L. Frick

STATE OF OREGON

County of Josephine } ss.

On this 1st day of Oct., 1997, personally appeared the above named Mildred L. Frick and acknowledged the foregoing instrument to be her voluntary act and deed.

(Official Seal)
My Commission expires: 8-2-99



[Handwritten Signature]

COPY

T-7857

RECEIVED

OCT - 3 1997

State of Oregon
WATER RESOURCES DEPARTMENT

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

OCT - 9 1997

Applicant: WADE SIMPSON
Mailing Address: P. O. Box 1309
Cave Junction Oregon 97523 541-592-3947
City or town State Zip Phone
Type of change: Point of Diversion
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

A) Is the water right in your name? No If not, list name below:
(Yes, No)

J. S. Tellvik

B) Was the water right determined by a court decree? No
(Yes, No)

- 1. If yes, list the title of the proceedings: _____
- 2. Certificate No: _____

C) Was the water right acquired by a water permit? Yes
(Yes, No)

- 1. If yes, list the Permit No: G-2026
- 2. Certificate No: 33163

D) Date of priority right: January 2, 1962

E) What are your reasons for the proposed changes? To cancel the surface water permits from Democrat and Mulvaney Gulches per Certificate No. 10170 and to have an additional point of appropriation located on applicant's property

F) The water will be completely applied to the proposed use on or before: October 1, 1997

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? Tellvik Well, a tributary of Democrat Gulch, a tributary of Sucker Creek

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>2600' S & 200' E of NW Cor, Sec 6</u>	<u>SWNW</u>	<u>6</u>	<u>40S</u>	<u>7W</u>

C) What is the name of the ditch used? N/A

D) What is the use to which the water is applied? Supplemental Irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>T 40 S</u>	<u>R 7 W</u>	<u>6</u>	<u>NW SW</u>	<u>10.8</u>
<u>T 40 S</u>	<u>R 7 W</u>	<u>6</u>	<u>SWSW</u>	<u>2.1</u>
<u>T 40 S</u>	<u>R 7 W</u>	<u>6</u>	<u>NESW</u>	<u>0.7</u>

F) Is the land within an irrigation district? Yes ___ No X

If Yes, which district? _____

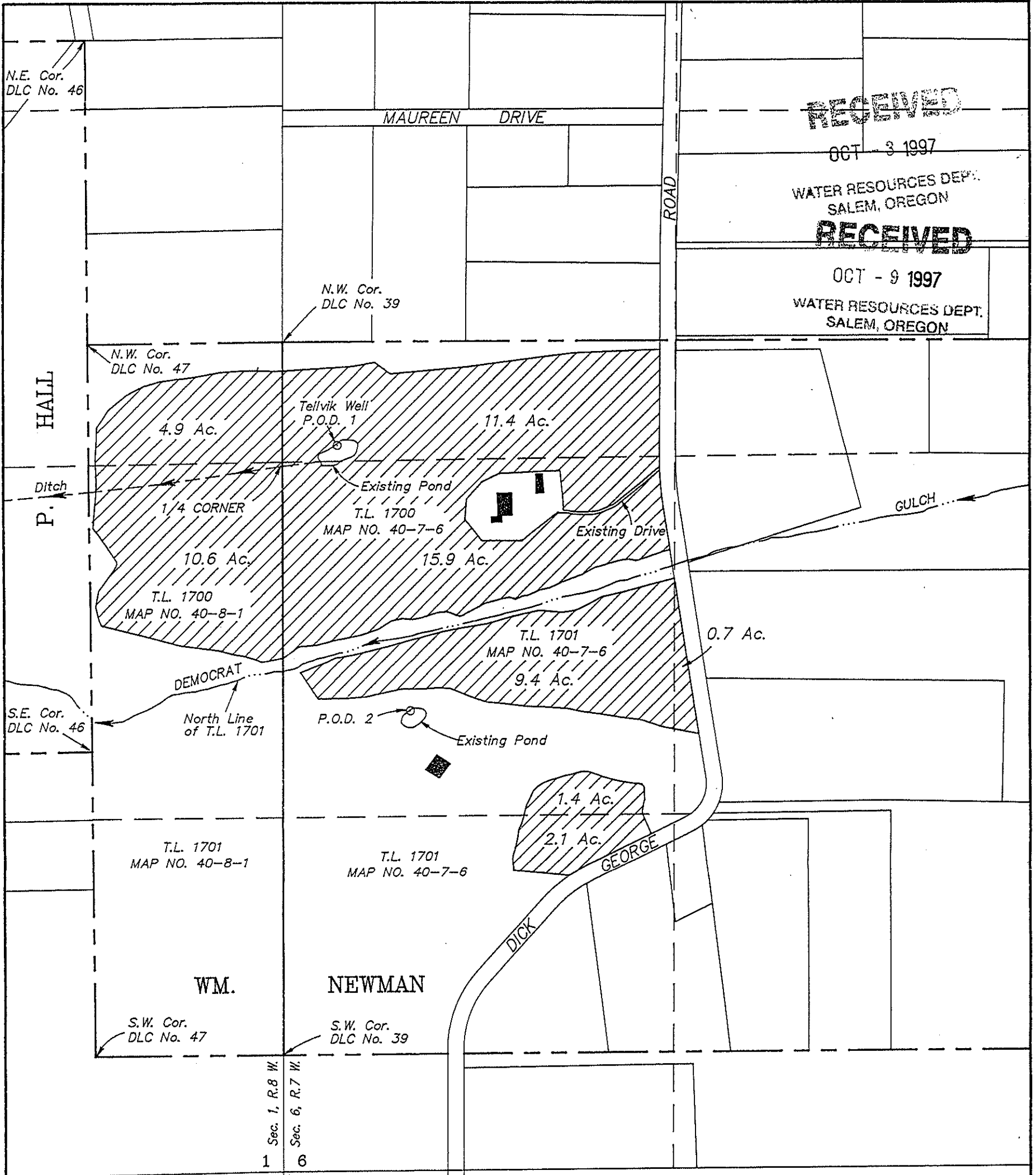
G) County Josephine

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.



A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range



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 OCT 3 1997
 WATER RESOURCES DEPT.
 SALEM, OREGON
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 OCT - 9 1997
 WATER RESOURCES DEPT.
 SALEM, OREGON

LEGEND:

-  Existing Buildings
-  Supplemental Place of use per Certificate No. 33163
- P.O.D. 1 Existing primary Point of Diversion per Certificate No. 33163 (2600 ft. South and 200 ft. East of NW Corner of Sec. 6)
- P.O.D. 2 Proposed additional Point of Appropriation (1727 ft. North and 473 ft. East of SW Corner of Sec. 6)

Place of use was digitized from an aerial photo dated 6-22-95. Property lines were digitized from Josephine County Assessor Maps 40-7-6 & 40-8-1.

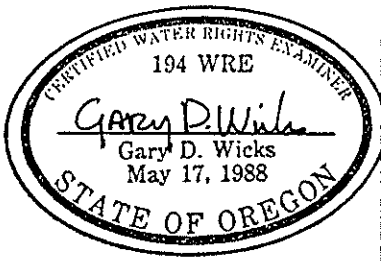
Subject Property: T.L. 1701, Map No. 40-7-6
 T.L. 1701, Map No. 40-8-1
 T.L. 1700, Map No. 40-7-6
 T.L. 1700, Map No. 40-8-1

The purpose of this transfer application is to move the primary point of diversion, and to cancel the surface water permits from Democrat and Mulvaney Gulches approved per Certificate No. 10170.

This plat was prepared for the purpose of identifying the location of the water right only. There is no intent to provide dimensions or locations of property ownership lines.



Scale: 1" = 400'

PROJECT NO. 477-95-338		PLAT OF WATER RIGHT APPLICATION AND TRANSFER		
DRAWING NO. 42-11.17		LOCATED IN W1/2 SECTION 6, T.40S., R.7W., and E1/2 SECTION 1 T.40S., R.8W., W.M. JOSEPHINE COUNTY, OREGON		
DATE 6-12-97		PREPARED FOR: WADE SIMPSON P.O. Box 1309 Cave Junction, OR 97523 Tel. 592-3947	PREPARED BY: WICKS ENGINEERING & SURVEYING 311 N.E. "D" Street Grants Pass, OR 97526 Tel. 479-3436	
SCALE 1"=400'				

T-7857

TRANSFER CHECK OFF LIST

T-7857

TRANSFER FILE #

DATE RECEIVED

DATE MONEY SLIPPED

DATE RECEIPTED

VALID WATER RIGHT? Yes NoTEMP ALT AC (GARY) IRR DIST (GARY) PERM AMEND (KELLY) DIV 15 or

Temp Div 15(LARRY)

FOLDER FILLED OUT* 10-10-97ENTERED IN DB 10-10-97CONTENTS MARKED 10-9-97COLOR CODED Yes4 COPIES MADE & STAMPED 10-10-97CERTIFICATE MARKED 10-10-97CERTIFICATE COPIED 10-10-97FINAL PROOF MAP COPIED 10-10-97PULL APPLICATIONS 10-10-97APP FOLDER MARKED 10-10-97PERMIT MARKED PERMIT COPIED PERMIT MAP COPIED DECREE MARKED DECREE COPIED ADJUDICATION MAP COPIED TYPE BLACK BOOK 10-10-97 (And color code)ENTRIES CHECKED 10-13-97 CHECKED BY Larry INIT FOLDER PUBLIC NOTICE DATE 10-14-97 (PREPARED & COPIED) LETTER SENT 10-13-97 Irrigation District (copy of app & map)COPY TO WM 10-13-97BLUE FORM TO WM 10-13-97 Orange form for Permit Amend/Yellow for TempCOPY TO GW 10-13-97 POA, APOA, or [SW TO GW ONLY(as POD)]BLUE FORM TO GW 10-13-97 Orange form for Permit Amend/Yellow for TempCOPY TO CWRE 10-13-97LETTER TO ODFW POD and APOD (FISH SCREENS)INDEX CARD 10-10-97RECORD MONEY/Receipt 10-10-97

*SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND TAPE TO FOLDER

County: JOSEPHINE
Transfer: 7857
Certificate: 33163
Priority Date: 1/2/62
Name: WADE SIMPSON
Address: P. O. BOX 1309, CAVE JUNCTION 97523
Change: POA
Source: TELLVIK WELL
Authorized POA: 40S 7W 06
Proposed POA: 40S 7W 06

T-7857

RECEIVED

OCT - 3 1997

WATER RESOURCES DEPT.

RECEIVED

OCT - 9 1997

WATER RESOURCES DEPT.

SALEM, OREGON

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

Applicant: WADE SIMPSON
Mailing Address: P.O. Box 1309
Cave Junction Oregon 97523 541-592-3947
City or town State Zip Phone
Type of change: Point of Diversion
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

- A) Is the water right in your name? No If not, list name below:
(Yes, No) J.S. Tellvik
- B) Was the water right determined by a court decree? No
(Yes, No)
1. If yes, list the title of the proceedings: _____
2. Certificate No: _____
- C) Was the water right acquired by a water permit? Yes
(Yes, No)
1. If yes, list the Permit No: G-2026
2. Certificate No: 33163
- D) Date of priority right: January 2, 19 62
- E) What are your reasons for the proposed changes? To cancel the surface water permits from Democrat and Mulvaney Gulches per Certificate No. 10170 and to have an additional point of appropriation located on applicant's property
- F) The water will be completely applied to the proposed use on or before: October 1, 19 97

2. LOCATION OF AUTHORIZED USE

- A) What is the source of water (river, stream, well)? Tellvik Well, a tributary of Democrat Gulch, a tributary of Sucker Creek

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>2600'S & 200'E of NW Cor, Sec 6</u>	<u>SWNW</u>	<u>6</u>	<u>40S</u>	<u>7W</u>

- C) What is the name of the ditch used? N/A
- D) What is the use to which the water is applied? Supplemental Irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>T 40 S</u>	<u>R 7 W</u>	<u>6</u>	<u>NWSW</u>	<u>10.8</u>
<u>T 40 S</u>	<u>R 7 W</u>	<u>6</u>	<u>SWSW</u>	<u>2.1</u>
<u>T 40 S</u>	<u>R 7 W</u>	<u>6</u>	<u>NESW</u>	<u>0.7</u>

- F) Is the land within an irrigation district? Yes _____ No X
If Yes, which district? _____

G) County Josephine

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? _____ (Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT: _____

6. REMARKS: The acreage values within each 1/4 1/4 do not agree with the Final Proof Survey of 1965. Part of the reason for this is that the 1/4 1/4 parcels are lotted and are 1440± E/W - not the normal 1320'.

I (we) Wade L. Simpson, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this July 24 day of July, 1997.

Wade L. Simpson
(Signature)

(Signature)



(Notarial Seal)

Subscribed and sworn to before me

Leslie Ann Robins
Notary Public for Oregon

My commission expires: 11-15-2000

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **27966** INVOICE # _____
158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

RECEIVED FROM: Mildred L. Frick APPLICATION _____
BY: _____ PERMIT _____
TRANSFER 7-7857

CASH: CHECK: # 96-455 OTHER: (IDENTIFY)
TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT	
ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. _____
PCA AND OBJECT CLASS _____ VOUCHER # _____

0427 WRD OPERATING ACCT	
MISCELLANEOUS	
0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC165 DEPOSIT LIAB. (IDENTIFY)	\$
WATER RIGHTS:	
0201 SURFACE WATER	EXAM FEE \$ 0202 \$
0203 GROUND WATER	\$ 0204 \$
0205 TRANSFER	\$ <u>100.00</u> 0206 \$
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ 0219 \$
LANDOWNER'S PERMIT	\$ 0220 \$
OTHER (IDENTIFY)	

PCA # 66111

0437 WELL CONST. START FEE	
0211 WELL CONST START FEE	\$
0210 MONITORING WELLS	\$
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 # **27966** DATED: 2-25-1999 BY: Roger Wright

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **16555** INVOICE # _____
158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

RECEIVED FROM: Mildred L. Frick APPLICATION _____
BY: _____ PERMIT _____
TRANSFER 7857

CASH: CHECK: # 96-455 OTHER: (IDENTIFY)
TOTAL REC'D \$ 200.

0417 WRD MISC CASH ACCT	
ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. _____
PCA AND OBJECT CLASS _____ VOUCHER # _____

0427 WRD OPERATING ACCT	
MISCELLANEOUS	
0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
New) TC165 DEPOSIT LIAB. (IDENTIFY)	\$
Existing) TC168	
WATER RIGHTS:	
0201 SURFACE WATER	EXAM FEE \$ 0202 \$
0203 GROUND WATER	\$ 0204 \$
0205 TRANSFER	\$ <u>200.</u> 0206 \$
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ 0219 \$
LANDOWNER'S PERMIT	\$ 0220 \$
OTHER (IDENTIFY)	

PCA 66111

0437 WELL CONST. START FEE	
0211 WELL CONST START FEE	\$
0210 MONITORING WELLS	\$
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 # **16555** DATED: 10-7-97 BY: R. Burchell