

Name Nola Dee Flangas  
 By \_\_\_\_\_  
 Address PO Box 3225  
Kerby, OR 97531  
541-592-4450

Change in POD  
 Date filed 8-26-02  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 12-20-04 Vol. 62, page 399  
ext of time 10-31-08 0.76 p. 594  
 Date for application of water \_\_\_\_\_  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_  
RR 81068

# T - 9221

## DESCRIPTION OF WATER RIGHT

Name of stream Springs & E.F. ILLINOIS R  
ILLINOIS R.  
 Trib. of Holton Creek County of Josephine  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch \_\_\_\_\_  
 Date of priority 12-31-1887  
 In name of E. W. Wright  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. T-6153 Per. No. D-15953 Cert. No. ~~68754~~  
80383  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

### REMARKS

NOID  
CWRE #152 / Harold Center  
Illinois Valley Watershed Council / Glenn Ginter  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### FEEES PAID

Date	Amount	Receipt No.
<u>8/27/02</u>	<u>fees waived</u>	
<u>10-20-08</u>	<u>175.00</u>	<u>94624</u>
TOTAL . . . .		
	Cert. Fee	

### FEEES REFUNDED

Date	Amount	Check No.

Send to: Teresa  
Watermaster #: 14  
ODFW# 05  
GW Yes  No

Received \$200



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

November 6, 2008

Nola Dee Flangas  
275 Finch Road  
Kerby, Oregon 97531

REFERENCE: File Transfer 9221

We have received your application for extension of the time limit to make complete application of water under Transfer T-9221. We also have your check in the amount of \$175.00. A copy of receipt number 94624 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. The time limit to make complete application of water is extended to October 1, 2013. The order approving the extension was entered October 31, 2008, at Volume 76, Page 596.

If you have any questions, please contact the transfer section at 503-986-0883.

Sincerely,

Sarah Henderson  
Executive Support

cc: Watermaster #14  
Alan Ome, Southwest Region

enclosure





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

In the Matter of Application for Extension    )  
of Time for Transfer of Water Right         )  
T-9221, Josephine County, Oregon            )

FINAL ORDER APPROVING AN  
EXTENSION OF TIME

**Applicant**

NOLA DEE FLANGAS  
275 FINCH ROAD  
KERBY, OREGON 97531

**Findings of Fact**

1. On October 14, 2008, the Department received an application for extension of time for transfer of water right T-9221 from Nola Dee Flangas.
2. The Water Resources Department issued an order approving Transfer Application T-9221 in the name of Nola Dee Flangas, on December 20, 2004. The order was recorded in Special Order Volume 62, at Page 399. The order set a transfer completion date of October 1, 2007.
3. The applicant has completed the identification of the new point of diversion and the proposed construction of the conveyance system on 2.75 acres.
4. To fully complete the change, it will be necessary for the applicant to obtain an easement, identify the point of diversion and complete construction of the conveyance system. The applicant was unable to complete the change due to easement denial, financial constraints and the complexity of the project.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2013.

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 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.




**Conclusions of Law**

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-9221.

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

The time for completion of beneficial use authorized by T-9221 shall be extended to October 1, 2013.

Dated at Salem, Oregon this 31<sup>ST</sup> day of October, 2008

  
Phillip C. Ward, Director

Mailing date: NOV 07 2008



Transfer 9221

APPLICATION FOR EXTENSION OF TIME FOR TRANSFER OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, NOLA DEE FLANGAS

(Name of Applicant)

of 275 FINCH RD, KERBY

(Mailing Address)

(City)

state of OR, 97531, 541 592-4450

(Zip Code)

(Phone Number)

do hereby make application for an extension of time within which to complete a change in:

- checkbox point of diversion/appropriation, checkbox place of use, checkbox character of use

of water under the terms of an order of the Water Resources Director entered on DEC, 2004,

approving Transfer 9221, in the name of NOLA DEE FLANGAS

for \_\_\_\_\_

T39S R8W SEC9 SENW

(Give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time allowed, which expired on October 1, 2008 :

IDENTIFICATION OF NEW POINT OF DIVERSION AND PROPOSED CONSTRUCTION CONVENANCE SYSTEM

2.75 AC

(If for irrigation, how many acres total are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the following:

OBTAIN EASEMENT, ID POINT OF DIVERSION, CONSTRUCT CONVENANCE SYS

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,

because EASEMENT DENIAL, COMPLEXITY OF PROJECT, AND MONEY

CONSTRAINTS

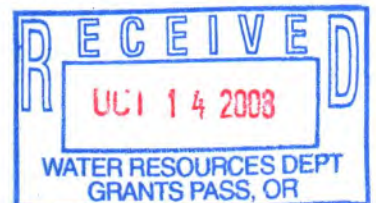
And request that the time for completion be extended to October 1, 2013.

Nola Dee Flangas  
(Signature of applicant)

In order for an application to be complete, it must be accompanied by the required fee. See the Department's fee schedule at www.wrd.state.or.us or call (503) 986-0900.

MAIL COMPLETED APPLICATION AND FEE TO:

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







# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

December 22, 2004

NOLA DEE FLANGAS  
PO BOX 3225  
KERBY OR 97531

Reference: Transfer 9221


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

A time to complete the transfer is given the order. 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,

 Doug Parrow  
Natural Resource Specialist

DP:sh

cc: Bruce Sund, Watermaster #14  
Harold Center, CWRE  
Illinois Valley Watershed Council  
Norm Daft, South West Region

Enclosure

**STATE OF OREGON**  
**COUNTY OF JOSEPHINE**

**ORDER APPROVING A CHANGE IN POINT OF DIVERSION**

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9221 submitted by

NOLA DEE FLANGAS  
P.O. BOX 3225  
KERBY, OREGON 97531

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County as evidenced by a PORTION of Certificate 80383. The decree is recorded in the Order Record of the Water Resources Director in Volume 13, at Page 70. The date of priority is MAY, 1887.

The right allows the use of SPRINGS IN THE SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 9, T 39 S, R 8 W, W.M. AND EAST FORK ILLINOIS RIVER, a tributary of ILLINOIS RIVER, for IRRIGATION OF 2.75 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.055 cubic foot per second, if available at the authorized point of diversion: SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 27, T 39 S, R 8 W, W.M.; 1650 FEET SOUTH AND 1800 FEET EAST FROM THE NW CORNER OF SECTION 27, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to ONE-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season, April 1 to November 1 of each year.

The authorized place of use is located as follows:

SE $\frac{1}{4}$  NW $\frac{1}{4}$  2.75 ACRES  
SECTION 9  
TOWNSHIP 39 SOUTH, RANGE 8 WEST W.M.

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

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



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

The applicant proposes to change the point of diversion for the above described 2.75 acres to:

SW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 9, T 39 S, R 8 W, W.M.; 1825 FEET SOUTH AND 690 FEET EAST FROM NW CORNER, SECTION 9.

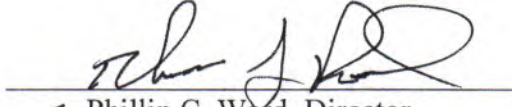
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2007.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
3. Prior to diverting water the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and 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 surface water source as the original point of diversion.
5. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

Certificate 80383 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer and transfers 9217, 9224, 9226, 9235, 9236, 9237, 9249, 9251, 9258, 9259 and 9261. 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 DECEMBER 20, 2004

  
Phillip C. Ward, Director

STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

E.W. WRIGHT  
321 E. 16<sup>TH</sup> STREET, NORTH  
PORTLAND, OREGON 97208

confirms the right to use the waters of SPRINGS IN THE SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, SECTION 9, T 39 S, R 8 W, W.M., and EAST FORK ILLINOIS RIVER, a tributary of ILLINOIS RIVER, for the IRRIGATION of 31.63 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 13, at Page 70. The date of priority is MAY, 1887.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.632 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, SECTION 27, T 39 S, R 8 W, W.M.; 1650 FEET SOUTH AND 1800 FEET EAST FROM THE NW CORNER OF SECTION 27.

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-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season from April 1 to November 1 of each year.

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

SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> 0.20 ACRES  
SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> 8.96 ACRES  
SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> 2.70 ACRES  
SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> 12.27 ACRES

SECTION 9



NW¼ NE¼ 7.5 ACRES  
SECTION 16  
TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M.

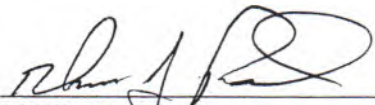
This certificate describes that portion of the water right confirmed by Certificate 80383, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 20 2004, approving Transfer Applications 9217, 9221, 9224, 9226, 9235, 9236, 9237, 9249, 9251, 9258, 9259, 9161.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,

affixed DECEMBER 20, 2004.

  
For Phillip C. Ward  
Director

Recorded in State Record of Water Right Certificates numbered 81068

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **94624**

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

RECEIVED FROM: Nola D., Doris E. & Arthur Flanagan  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	T-9221
TOTAL REC'D	\$ 175.00

CASH:  CHECK:#  1364 OTHER: (IDENTIFY)  \_\_\_\_\_

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS** 46111

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
0240 EXTENSION OF TIME for x-fer \$ 175.00

WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$ _____	0202 \$ _____
0203	GROUND WATER	\$ _____	0204 \$ _____
0205	TRANSFER	\$ _____	

WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$ _____	0219 \$ _____
	LANDOWNER'S PERMIT		0220 \$ _____

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

**\_\_\_\_ TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **94624**

DATED: 10/20/03 BY: LSB





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

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

September 6, 2002

Nola Dee Flangas  
P.O. Box 3225  
Kerby, Oregon 97531

REFERENCE: Transfer 9221

On 08-27-2002 we received your water right transfer application requesting a **change in Point of Diversion** for use of water from **Springs**. The fees for this application have been waived.

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 for the new use, in the new place of use or from the new point of diversion 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. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

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, (503)378-3739.

cc: Watermaster #14, Bruce Sund  
CWRE #152, Harold Center  
Illinois Valley Watershed Council, Glenn Ginter

enclosure



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

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

September 6, 2002

Todd Confer  
Oregon Department of Fish and Wildlife  
P O Box 642  
Gold Beach, OR 97444

Reference: Transfer # **9221**

Enclosed for your review is a copy of a water right transfer application from **Springs**, tributary of **Holton Creek**.

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

ORS 540.525 and 540.532 require that we consult with you to determine if a fish screen or by-pass device should be required in conjunction with a permanent or historic change in a point of diversion. If you request a fish screen or by-pass device, we will include such a condition in the transfer order and the applicant will be eligible to participate in ODFW's cost sharing program for screening and by-pass devices.

We must receive your response in our Grants Pass office

Attention: Teresa Vonn  
Water Resources Department  
942 SW 6th Street, Suite E  
GRANTS PASS OR 97526

**by October 8, 2002** in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

If you have questions, please call (541)471-2886 ext 228.

Enclosure

cc: Wm # 14, Bruce Sund  
Applicant







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

# Application for Water Right Transfer

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

RECEIVED

AUG 26 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

COPY

### APPLICATION FOR:

Please check one		
<input checked="" type="checkbox"/> Water Right Transfer	<input type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permit Amendment
<input type="checkbox"/> Historic Point of Diversion Change	<input type="checkbox"/> Government Action Point of Diversion	

### 1. APPLICANT INFORMATION

Name: NOLA DEE FLANGAS  
First Last

Address: P.O. Box 3225 (271 Finch Road)

KERBY OR. 97531  
City State Zip

Phone: 541-592-4450  
Home Work Other

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

\*Optional information

### 2. TYPE OF CHANGE

Use  Place of Use  Point of Diversion  Point of Appropriation

Reason for change: RELOCATE POINT OF DIVERSION, NO LONGER ABLE TO USE AUTHORIZED POINT OF DIVERSION

Is the land within an irrigation or other water district?  Yes  No

If yes, include district name: \_\_\_\_\_

For Department Use		
App. No. _____	Permit No. _____	Date _____

T 9221

RECEIVED

APR 26 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: E.W. WRIGHT

Decree: VOL 13, PAGE 70

Not applicable

Permit Number: \_\_\_\_\_ Certificate Number: 68754

Not applicable

Not applicable

Priority Date: MAY 1887 Authorized Use: IRRIGATION

Source of Water: EAST FK. ILLINOIS RIVER County: JOSEPHINE

Are there other sources listed on the water right?  Yes  No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
1650 FT. SOUTH AND 1800 FT. EAST FROM N.W. COR. 27	NW 1/4	27	39S	8W

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
39	8W	9	—	SE NW	39-8-9-B 3300	2.75

Are there other lands described in the water right?  Yes  No

Are there other water rights or permits associated with this land?  Yes  No  
If yes, include a copy of all rights or permits.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):

PUMP FROM NEW POINT OF DIVERSION - PIPELINE

TO PLACE OF USE

System capacity (in cfs): 0.055 CFS (24.69 GPM)

T 9221



RECEIVED

AUG 26 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

**4. PROPOSED CHANGES TO THE WATER RIGHT**

**Change in Use:** N/A

Proposed use: \_\_\_\_\_

**Change in Point of Diversion or Point of Appropriation:**

**Change**

Old point of diversion or point of appropriation will not be used for this portion of the water right.

**Additional**

Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

**Location of Proposed Point of Diversion or Point of Appropriation**

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
SOUTH 1825 FT. AND EAST 690 FT. FROM N.W. COR. SEC 9	SW NW	9	39S	8W

**Change in Place of Use:** N/A

**Location of Proposed Place of Use**

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

T 9221

5. LAND OWNERSHIP

RECEIVED

AUG 26 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

Answer only  
if for change  
in **Use** or  
**Place of Use**.

**Use/Place of Use**

Are the lands free of encumbrances?  Yes  No

If no, name of encumbrance holder: \_\_\_\_\_

If no, application must include written permission for the transfer from the encumbrance holder.

Answer only  
if applicant  
is **not** the  
landowner.

**Landowners**

*This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.*

Landowners: \_\_\_\_\_  
(List all landowners shown on deed.)

Address(es): \_\_\_\_\_

\_\_\_\_\_ City State Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Answer only  
if the receiving  
landowner is  
**not** the original  
landowner or  
the applicant.

**Receiving Landowner**

Name: \_\_\_\_\_

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

\_\_\_\_\_ City State Zip

- The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.
- Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

T 9221



RECEIVED

AUG 26 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

**6. EXHIBITS**

*Application may be rejected if all appropriate exhibits are not enclosed.*

**Land Use Information Form:**

- Enclosed
- Not needed: (must meet the following four requirements)
  - ① In EFU zone or irrigation district.
  - ② Change in place of use only.
  - ③ No structural changes needed, including diversion works, delivery facilities, other structures.
  - ④ Irrigation only.
- List all affected governments (city, county, state, tribal, federal):  
JOSEPHINE

**Map:**

- Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- All others: *Need not be prepared by a Certified Water Right Examiner.*

**Deed:**

- Must accompany all applications, except permit amendment requests.

**Evidence of use within last five years, or not subject to forfeiture:**

- Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

**Water Well Reports:**

- If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

**Fees:**

- Amount enclosed \$ \_\_\_\_\_

*See instruction book for fee schedule.*

**7. SIGNATURE**

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

Nola Dee Flangas      Nola Dee Flangas      7/19/02  
applicant signature                      name (print)                                      date

\_\_\_\_\_  
applicant signature                                      name (print)                                      date

**Before you submit your application be sure you have:**

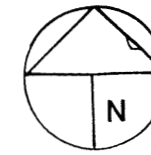
- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

T 9221

**MAP OF WATER RIGHT TRANSFER**  
 Situated in  
**Section 9, Township 39 South, Range 8 West**  
**Willamette Meridian, Josephine County, Oregon**  
 For  
**Nola Dee Flangas**  
**P.O. Box 3225 - 271 Finch Road**  
**Kerby, OR. 97531**  
**July 23, 2002**

**LEGEND**

Scale 1" = 200'



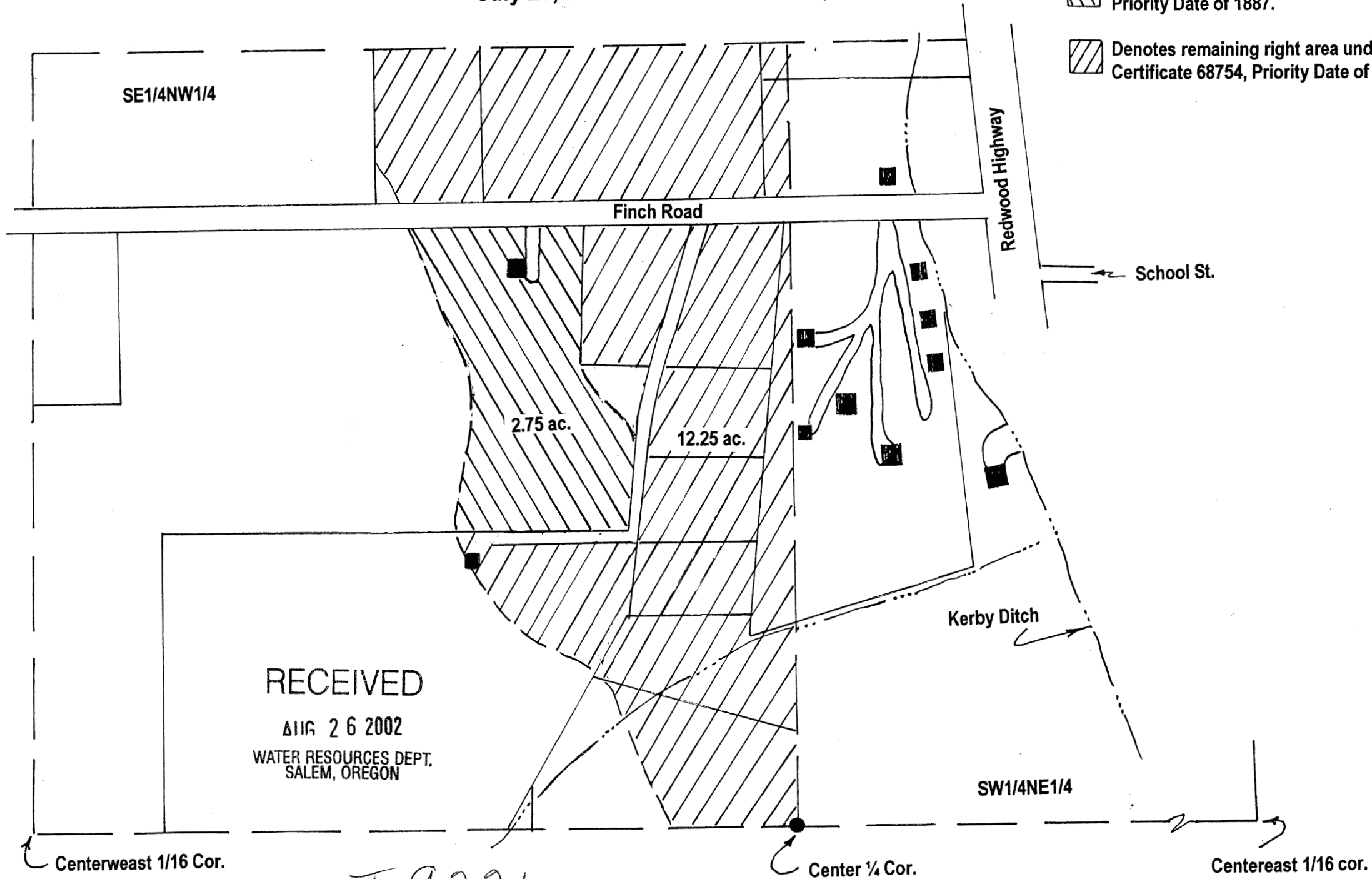
● Survey monument

----- Denotes ditch or drainage

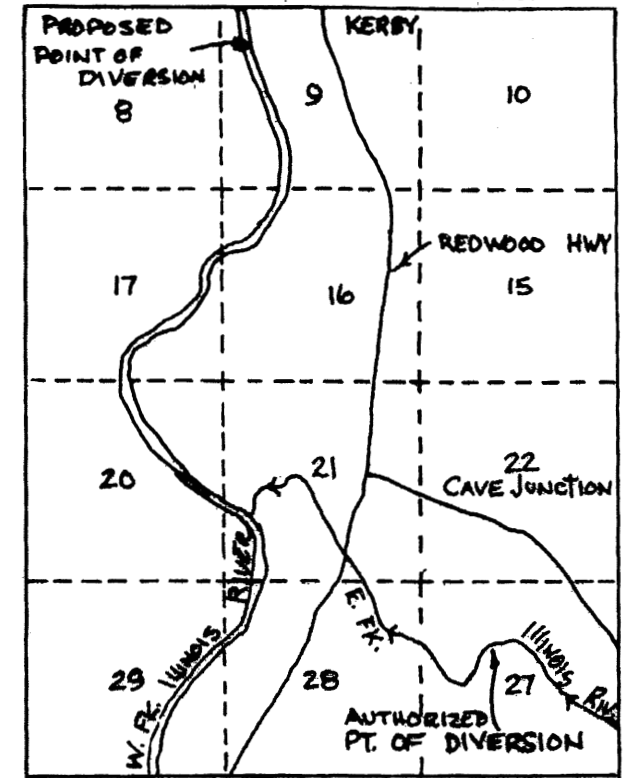
■ Denotes building or structure location approximate

▨ Denotes area under Certificate 68754 Priority Date of 1887.

▩ Denotes remaining right area under Certificate 68754, Priority Date of 1887.



Scale 1" = 5280'  
 Proposed Point of Diversion - South 1825 ft. and East 690 ft. from N.W. Corner Sec. 9.



Authorized Point of Diversion - NW1/4SW1/4, Section 27, T39S, R8W. South 1650 ft. and East 1800 ft. from N.W. Corner Sec. 27.



RECEIVED  
 AUG 26 2002  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

T 9221

**Certified Water Right Examiner**  
**HAROLD L. CENTER, P.L.S., C.W.R.E.**  
 2604 David Lane - Medford, Or. 97504  
 541-535-6108, Fax 541-535-8752  
 Oregon C.W.R.E. No. 152  
 Certificate Renewal Date - 12-31-2003

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



STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify That GEORGE F. HART AND FLORENCE H. HART

of the County of Josephine, State of Oregon, has a right to the use of

the waters of East Fork Illinois River

for the purpose of irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Josephine County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 11, 13, at page 70, that the priority of the right thereby confirmed dates from May, 1887.

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one cubic foot per second for each 50 acres of land irrigated during the irrigation season from April 1 to November 1 of each year.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

27 acres in NW 1/4 SE 1/4 Section 9, T. 39 S., R. 28 W., W. M.

And said right shall be subject to all other conditions and limitations contained in said decree.

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

WITNESS the signature of the State Engineer,

T-9217 affixed this 1st day T-9226 of September, 1940 T-9221 T-9224

CHAS. E. STRICKLIN State Engineer.

Recorded in State Record of Water Right Certificates, Volume 12, page 13873

VOR

STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

E. W. WRIGHT  
321 E. 16TH STREET, NORTH  
PORTLAND, OREGON 97208

confirms the right to use the waters of SPRINGS IN THE SW 1/4 SE 1/4, SECTION 9, T 39 S, R 8 W, W.M. AND EAST FORK ILLINOIS RIVER, a tributary of ILLINOIS RIVER, for IRRIGATING 62.7 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 13, at Page 70. The date of priority is MAY, 1887.

The right is limited to not more than 1.254 CUBIC FEET PER SECOND.

The point of diversion is located as follows:

SE 1/4 NW 1/4, SECTION 27, T 39 S, R 8 W, W.M.; 1650 FEET SOUTH & 1800 FEET EAST FROM THE NW CORNER OF SECTION 27.

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-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season from April 1 to November 1 of each year.

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

SW 1/4 NE 1/4 5.0 ACRES  
SE 1/4 NW 1/4 15.0 ACRES  
SE 1/4 SW 1/4 2.7 ACRES  
NW 1/4 SE 1/4 10.0 ACRES  
SW 1/4 SE 1/4 20.0 ACRES

SECTION 9

NW 1/4 NE 1/4 10.0 ACRES

SECTION 16

TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 31667, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUNE 21, 1989, approving Transfer Application 6153.

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.

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE SOURCE AND SUPERSEDES CERTIFICATE 62208.

T-9217  
T-9226  
T-9221  
T-9224

SEE NEXT PAGE

T-6153.DEK

T-8860 A POD



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

WITNESS the signature of the Water Resources Director, affixed JANUARY 12 ,  
1996.

**/S/ GEOFFREY M. HUNTINGTON**

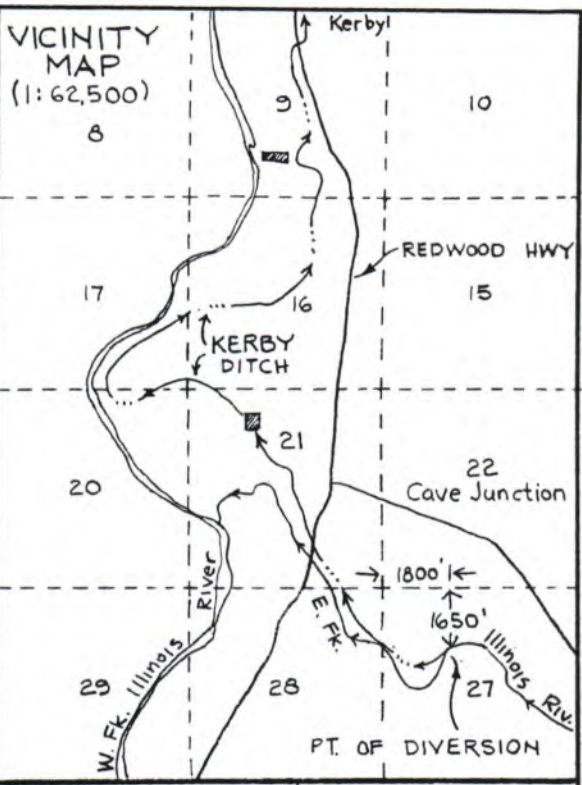
\_\_\_\_\_  
Martha O. Pagel



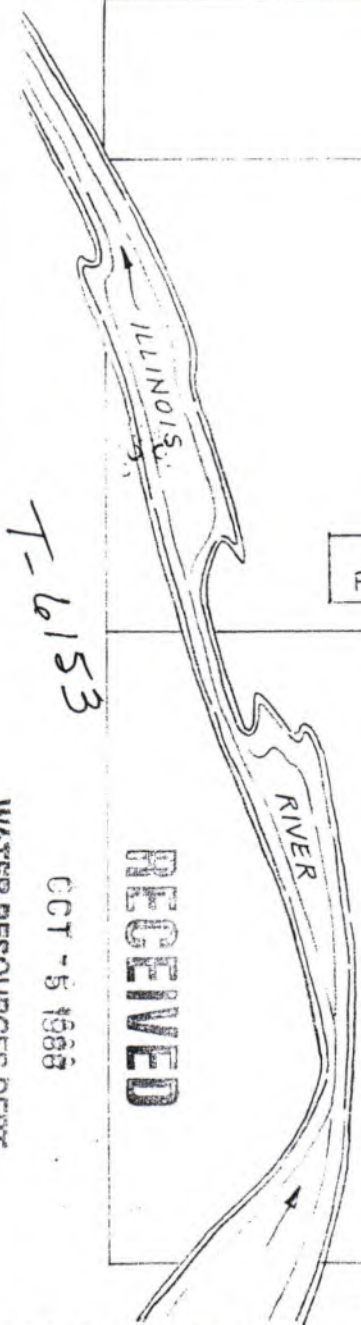
Recorded in State Record of Water Right Certificates numbered 68754.

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

VICINITY MAP  
(1:62,500)



C/4 COR. OF SEC. 9



AUTHORIZED PLACE OF USE

2.3 Ac.

T-6153

RECEIVED

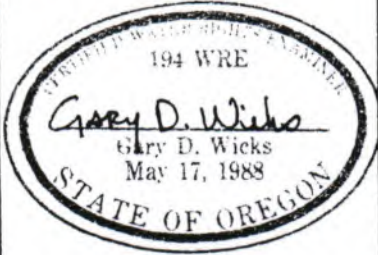
OCT - 5 1988

WATER RESOURCES DEPT.  
SALEM, OREGON

S/4 COR. OF SEC. 9

REVISED AUG. 29, 1988

PROJECT NO.  
41-88-38  
DRAWING NO.  
1-85.11  
DATE  
7-6-88  
SCALE  
1" = 400'  
SHEET NO.  
1 of 2



PLAT OF WATER RIGHT TRANSFER

LOCATED IN  
SE 1/4 SW 1/4 SECTION 9, T. 39 S., R. 8 W., W.M.  
JOSEPHINE COUNTY, OREGON

PREPARED FOR:  
Ms. Ruth Raymond  
P.O. Box. 792  
Cave Junction, OR  
97523

PREPARED BY:  
GARY D. WICKS, P.E., P.L.S.  
962 S.E. "N" STREET  
GRANTS PASS, OR 97526-3250  
TEL. 479-3436





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.

N1/4 COR OF SEC. 21

RIVER

STREET

TRACY LN.

STREET

BOUNDARY

KERBY

PROPOSED PLACE OF USE

2.3 Acres

RES.

SCHUMACHER

STREET

DITCH

RECEIVED

OCT - 5 1988

WATER RESOURCES DEPT.  
SALEM, OREGON

7-6153



SEE SHEET NO. 1 FOR VICINITY MAP

PROJECT NO.

41-88-38

DRAWING NO.

2-85.11

DATE

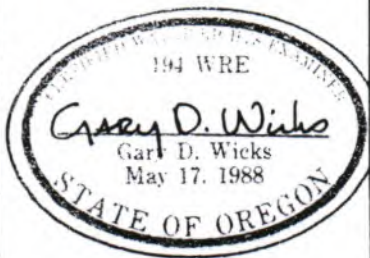
7-6-88

SCALE

1" = 200'

SHEET NO.

2 of 2



PLAT OF  
WATER RIGHT TRANSFER

LOCATED IN  
NE 1/4 NW 1/4 SECTION 21, T. 39 S., R. 8 W., W.M.  
JOSEPHINE COUNTY, OREGON

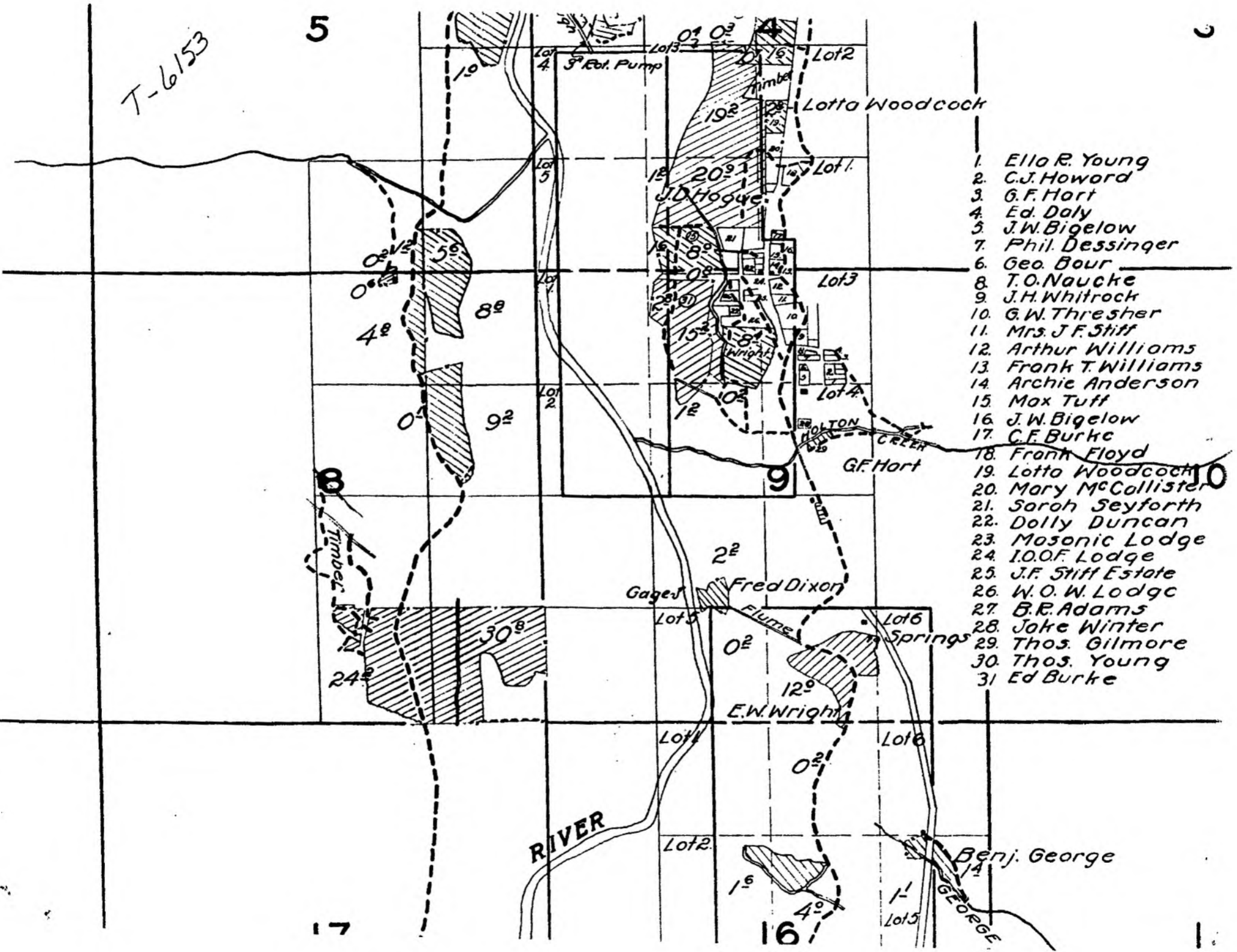
PREPARED FOR:  
Ms. Ruth Raymond  
P.O. Box 792  
Cave Junction, OR  
97523

PREPARED BY:  
GARY D. WICKS, P.E., P.L.S.  
962 S.E. "N" STREET  
GRANTS PASS, OR 97526-3251  
TEL. 479-3436



T-6153

5



1. Ella R. Young
2. C.J. Howard
3. G.F. Hort
4. Ed. Daly
5. J.W. Bigelow
7. Phil. Dessinger
6. Geo. Bour
8. T.O. Naucke
9. J.H. Whitrock
10. G.W. Thresher
11. Mrs. J.F. Stiff
12. Arthur Williams
13. Frank T. Williams
14. Archie Anderson
15. Max Tuff
16. J.W. Bigelow
17. C.F. Burke
18. Frank Floyd
19. Lotta Woodcock
20. Mary McCollister
21. Sarah Seyforth
22. Dolly Duncan
23. Masonic Lodge
24. I.O.O.F. Lodge
25. J.F. Stiff Estate
26. W.O.W. Lodge
27. B.R. Adams
28. Jake Winter
29. Thos. Gilmore
30. Thos. Young
31. Ed Burke

RIVER

Benj. George

17

16

1

22

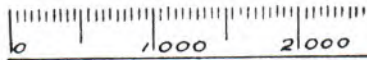
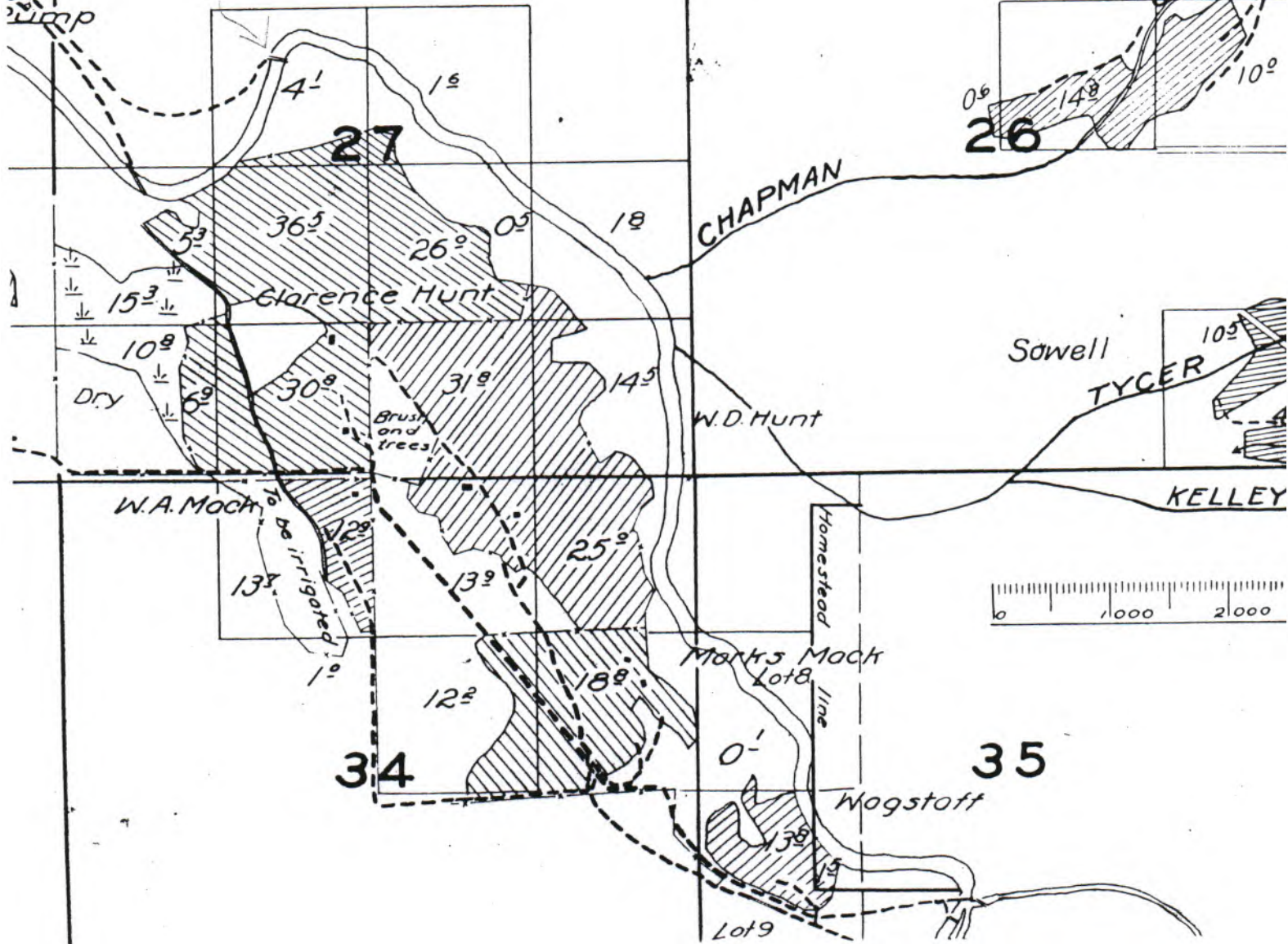
23

yers

Howard Dunlop

Howard Dunlop

CREEK



# T - 9221

## T - 9221

### DESCRIPTION OF WATER RIGHT

Name Nola Dee Flangas  
 By \_\_\_\_\_  
 Address Po Box 3225  
Kerby, OR 97531  
541-592-4450  
 Change in POD  
 Date filed 8-26-02  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_  
 Date for application of water \_\_\_\_\_  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

Name of stream Springs  
 Trib. of Holton Creek County of Josephine  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch \_\_\_\_\_  
 Date of priority 12-31-1887  
 In name of E. W. Wright  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. T-6153 Per. No. D-13953 Cert. No. 68754  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

### REMARKS

NOID  
CWRE #152 / Harold Center  
Illinois Valley Watershed Council / Glenn Ginter  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### FEES PAID

Date	Amount	Receipt No.
<u>8/27/02</u>	<u>fees waived</u>	
TOTAL . . .		
	Cert. Fee	

### FEES REFUNDED

Date	Amount	Check No.

Send to: Teresa  
 Watermaster #: 14  
 ODFW# 05  
 GW Yes No

waived \$200



# Memo

**To:** Tom Paul

**From:** Norm Daft (via Doug Parrow and Ken Dowden) <sup>df</sup> <sup>12-17-04</sup>

**Date:** December 14, 2004

**Re:** Transfer application Kirby Ditch Transfers:

(T-9217, T-9221, T-9224, T-9226, T-9235, T-9236, T-9237,  
T-9249, T-9251, T-9258, T-9259, T-9261)

This batch of transfers all propose to modify an existing water right certificate 80383, both for a change in point of diversion (all) and place of use (four). These are located within the Rogue River basin.

The Watermaster and ODFW staff have reviewed the transfer applications and found that no injury to existing rights or enlargement would result from the changes.

The applications were published in a local newspaper in accordance with ORS 540.520 (5). No comments or protests were received.

We recommend that the transfers be approved.

# KIRBY DITCH TRANSFERS

Transfer #	acres	Rate (cfs)	Type of change
T- 9217 ✓	0.60	0.012	Δ POD
T- 9221 ✓	2.75	0.055	Δ POD
* T- 9224 ✓	3.35	0.067	Δ POD
T- 9226 ✓	2.10	0.042	Δ POD, POU
T- 9235 ✓	1.70	0.034	Δ POD, POU
T- 9236 ✓	2.50	0.050	Δ POD, POU
T- 9237 ✓	0.83	0.017	Δ POD, POU
T- 9249 ✓	1.00	0.020	Δ POD
T- 9251 ✓	0.80	0.016	Δ POD
T- 9258 ✓	2.93	-0.059	Δ POD
T- 9259 ✓	4.20	0.084	Δ POD
T- 9261 ✓	0.66	0.013	Δ POD
<b>TOTALS</b>	<b>23.42</b>	<b>0.469</b>	

\* VOLUNTARY  
CANCELLATION

T-9224

-0.25

- 0.005

by AFFIDAVIT

RR = 0.632 cfs  
for 31.63 acres

12/16/04

0.02 cfs per acre

# MASTER CERTIFICATE

1

STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

E.W. WRIGHT  
321 E. 16<sup>TH</sup> STREET, NORTH  
PORTLAND, OREGON 97208

confirms the right to use the waters of SPRINGS IN THE SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, SECTION 9, T 39 S, R 8 W, W.M. AND EAST FORK ILLINOIS RIVER, a tributary of ILLINOIS RIVER, for IRRIGATION OF 55.3 ACRES.

*RR @ 0.632 cfs*  
*31.60*

This right was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 13, at Page 70. The date of priority is MAY 1887.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.106 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, SECTION 27, T 39 S, R 8 W, W.M.; 1650 FEET SOUTH, AND 1800 FEET EAST FROM THE NW CORNER OF SECTION 27.

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-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season April 1 to November 1 of each year.







# 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

### INTEROFFICE MEMO

FORWARD TO: Teresa Wonn DATE: 9-6-02  
FIELD PROCESSOR WORKING ON THIS TRANSFER

FROM:  WATERMASTER, DISTRICT # 14  
 GROUNDWATER SECTION

(SIGNATURE) Norman E. Dent  
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 9221

A change in: POU POD POA USE of water.

In the name(s) of Nola Dee Flangas

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) yes

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.



**Oregon Department of Fish and Wildlife  
Transfer Comment Form**

Reference: Transfer # 9221

We have reviewed the application for transfer and provide the following comments:

*Please check one of the boxes related to potential injury to water rights.*

- There does not appear to be a potential for injury to instream or other water rights as a result of the transfer.
- We believe that the transfer would injure the instream or other water right(s) on \_\_\_\_\_, tributary to \_\_\_\_\_. The nature of the injury is as follows: \_\_\_\_\_

\_\_\_\_\_  
(Please attach any available supporting information.)

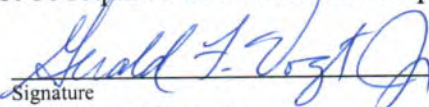
*Please check one of the boxes related to requiring a fish screen or by-pass device.*

- Pursuant to ORS 540.525 or 540.532, a condition should be included in any order approving the transfer to require the installation of a fish screen or by-pass device to prevent fish from leaving (source) and entering the diversion. The existing point of diversion is:
- Equipped with an appropriate fish screening or by-pass device; or
- Included on the priority list of screening projects established pursuant to section 8, chapter 933, Oregon Laws 1989.

The applicant should contact the following person to obtain additional information on the plans and specifications for the required fish screen or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices:

ODFW staff name: Rich Kilbane  
Address: 1495 East Gregory Road  
City/State/Zip: Central Point, OR 97502  
Phone: 541-826-8774

- A fish screen or by-pass device should not be required as a condition of approval of the transfer.

  
\_\_\_\_\_  
Signature  
Gerald F. Vogt, Jr.  
\_\_\_\_\_  
Printed Name  
Assistant District Fish Biologist  
\_\_\_\_\_  
Title

*Please return this form to Teresa Vonn, Water Resources Department, 942 SW 6<sup>th</sup> Street, Suite Grants Pass, OR 97526 by October 8, 2002*

SEP 19



STATE OF OREGON

COUNTY OF JOSEPHINE

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9221 submitted by

NOLA DEE FLANGAS  
P.O. BOX 3225  
KERBY ~~DITCH~~, OREGON 97531

80383

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County as evidenced by a PORTION of Certificate ~~68754~~. The decree is recorded in the Order Record of the Water Resources Director in Volume 13, at Page 70. The date of priority is MAY 1887.

The right allows the use of SPRINGS IN THE SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, SECTION 9, T 39 S, R 8 W, W.M. AND EAST FORK ILLINOIS RIVER, a tributary of ILLINOIS RIVER, for IRRIGATION OF 2.75 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.055 cubic foot per second, if available at the authorized point of diversion: SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, SECTION 27, T 39 S, R 8 W, W.M.; 1650 FEET SOUTH AND 1800 FEET EAST FROM THE NW CORNER OF SECTION 27, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

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

T-9221.TRV /NED

6062

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to ONE-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season, April 1 to November 1, of each year.

The authorized place of use is located as follows:

SE $\frac{1}{4}$  NW $\frac{1}{4}$  2.75 ACRES  
SECTION 9  
TOWNSHIP 39 SOUTH, RANGE 8 WEST W.M.

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

The applicant proposes to change the point of diversion to:

SW $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 9, T 39 S, R 8 W, W.M.; SOUTH 1825 FEET AND EAST 690 FEET FROM NW CORNER SECTION 9.

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

1. The proposed change shall be completed on or before October 1, 2004.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. Prior to diverting water the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and

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

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



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 surface water source as the original point of diversion.
5. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

*68754 80383*  
Certificate ~~13873~~ is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued. *and transfers: 9217, 9224, 9226, 9235, 9236, 9237, 9249, 9251,*

WITNESS the signature of the Water Resources *9258, 9259*

Director, affixed \_\_\_\_\_ *9261*

~~Paul R. Cleary, Director~~

*Phillip C. Ward, Acting*

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

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





Illinois Valley Soil and Water Conservation District

Illinois Valley Watershed Council  
102 S. Redwood Hwy-P.O. Box 352

Cave Junction, OR 97523

Phone: 541-592-3731

Fax: 541-592-3425

[ivwc@cavenet.com](mailto:ivwc@cavenet.com)



Illinois Valley Watershed Council



August 9, 2004

Oregon Water Resources Department  
Attn: Doug Parrow  
725 Summer St. N.E., Suite A  
Salem, OR 97301-1271

re: Kerby Ditch Association transfers

Dear Mr. Parrow,

My office has been coordinating water right transfers and associated actions for individuals of the Kerby Ditch Association as part of our Kerby Ditch project. I recently had a conversation with Norm Daft of your agency's Grants Pass office about those actions as they relate to a completion date two years from next October.

Under the authority granted in OAR690-380-5140(3), the Illinois Valley Watershed Council is requesting a longer time to complete the project due to the large quantity of actions being processed simultaneously and unanticipated delays to the construction of the Kerby Ditch project. Specifically, we are requesting a completion date of October 1, 2007.

Sincerely,

Kevin S. O'Brien

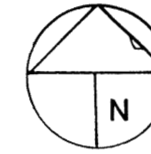
Coordinator, Illinois Valley Watershed Council

cf: OWRD, Daft  
Kerby Ditch Project file

**MAP OF WATER RIGHT TRANSFER**  
 Situated in  
**Section 9, Township 39 South, Range 8 West**  
 Willamette Meridian, Josephine County, Oregon  
 For  
**Nola Dee Flangas**  
 P.O. Box 3225 - 271 Finch Road  
 Kerby, OR. 97531  
 July 23, 2002

**LEGEND**

Scale 1" = 200'



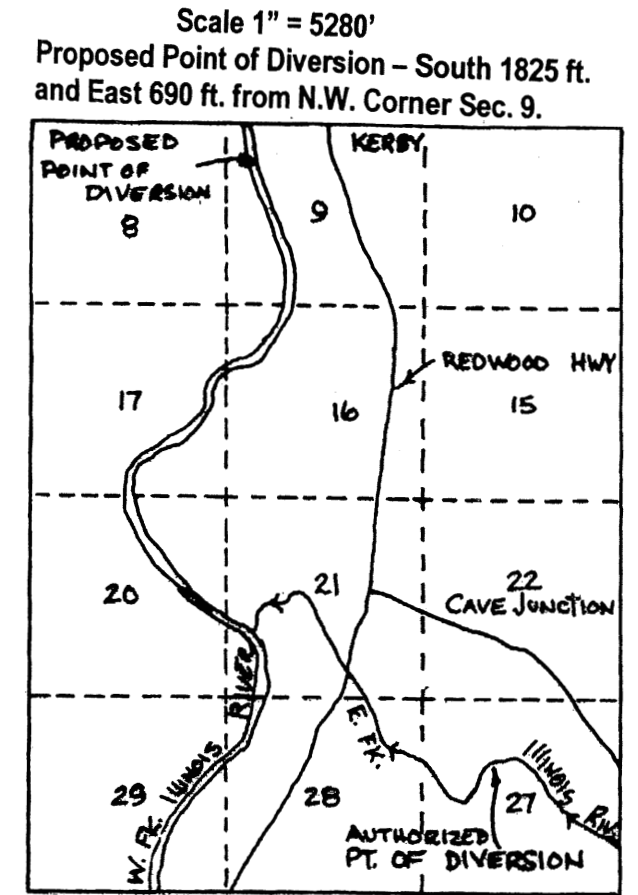
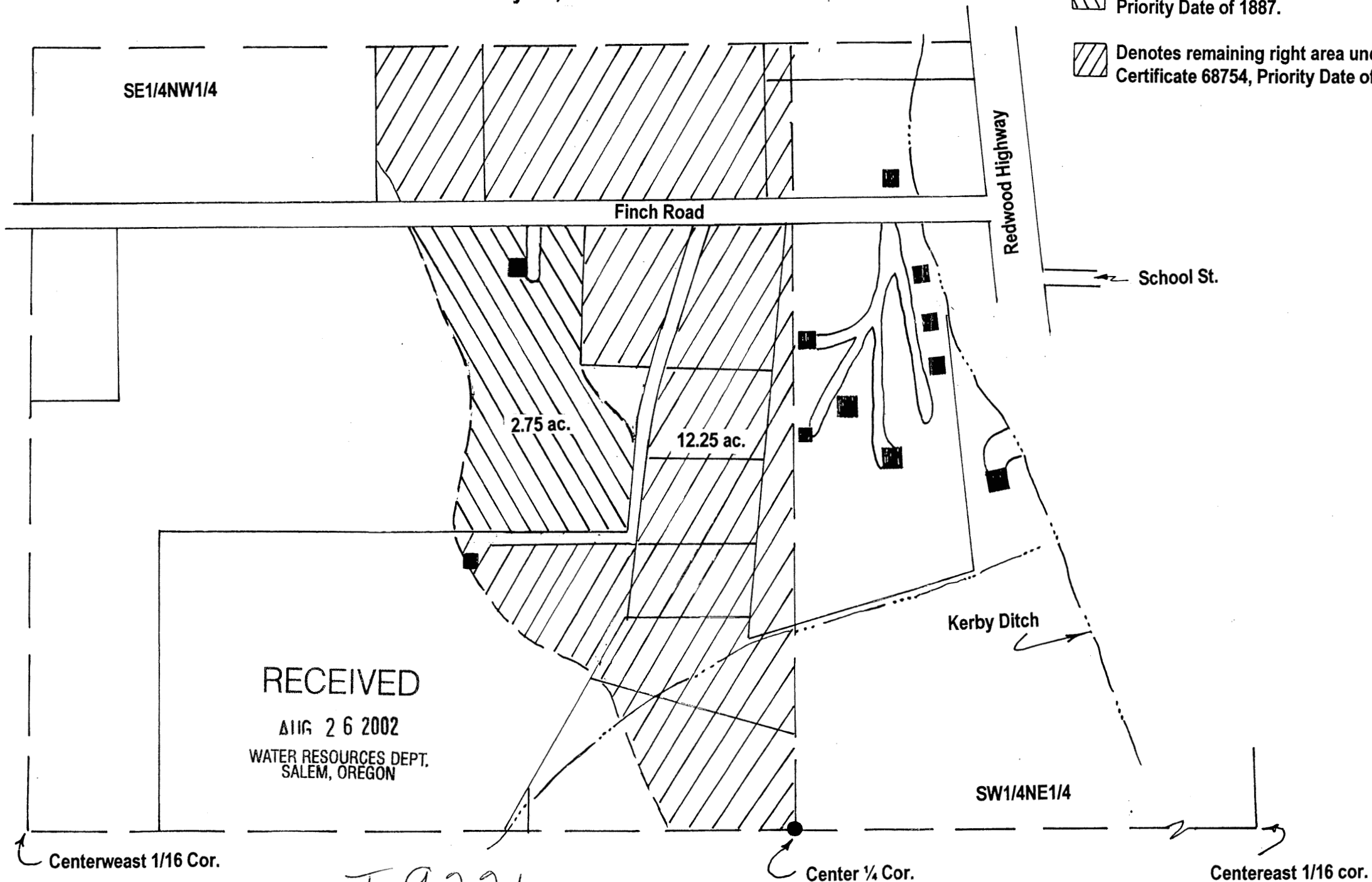
● Survey monument

--- Denotes ditch or drainage

■ Denotes building or structure location approximate

▨ Denotes area under Certificate 68754 Priority Date of 1887.

▩ Denotes remaining right area under Certificate 68754, Priority Date of 1887.



Authorized Point of Diversion - NW1/4SW1/4, Section 27, T39S, R8W. South 1650 ft. and East 1800 ft. from N.W. Corner Sec. 27.



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 AUG 26 2002  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

**Certified Water Right Examiner**  
**HAROLD L. CENTER, P.L.S., C.W.R.E.**  
 2604 David Lane - Medford, Or. 97504  
 541-535-6108, Fax 541-535-8752  
 Oregon C.W.R.E. No. 152  
 Certificate Renewal Date - 12-31-2003

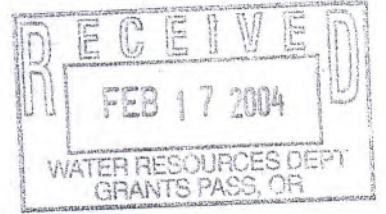
This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

T9221



 **COPY**

# Affidavit of Publication



STATE OF OREGON        )  
  ) ss  
County of Josephine    )

I, Kacy Clement, being first duly sworn, depose and say I am the Bookkeeper 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 Water Rights Transfer 9217, 9221, 9224, 9226, 9235, 9236, 9237, 9249  
9251, 9258, 9259, 9261, a printed copy of which is hereto annexed,

was published in the entire issue of said newspaper for 3

successive and consecutive 3 issues on the following dates:

.....  
12/31/03, 1/7/04, 1/14/04  
.....

KAClement

Subscribed and sworn to before me this 15 day  
of JANUARY, 2004.



Marla Lombardo  
Notary Public for Oregon  
(My Commission expires Nov. 20, 2006)



9217, 9221, 9224, 9226, 9235, 9236, 9237, 9249, 9251, 9258, 9259, 9261

**Kerbyville Company c/o James (Tom) Middleton**, T-9217, filed an application with the Water Resources Department for a change in point of diversion of water as provided by ORS 540.510 to 540.530.

Certificate 68754, in the name of E. W. Wright, includes a right limited to 0.012 cubic foot per second from Springs in the SW1/4 SE1/4, Section 9, T 39 S, R 8 W, W.M. and East Fork Illinois River, with a priority date of May 1887 for irrigation of 0.6 acres.

The point of diversion for this right is in the SE1/4 NW1/4, Section 27, T 39 S, R 8 W, W.M.; 1650' S and 1800' E from the NW corner of Section 27.

The applicant proposes to change the point of diversion to SW1/4 NW1/4, Section 9, T 39 S, R 8 W, W.M.; S 1825' and E 690' from NW Corner Section 9.

**Nola Dee Flangas**, T-9221, filed an application with the Water Resources Department for a change in point of diversion of water as provided by ORS 540.510 to 540.530.

Certificate 68754, in the name of E. W. Wright, includes a right limited to 0.055 cubic foot per second from Springs in the SW1/4 SE1/4, Section 9, T 39 S, R 8 W, W.M. and East Fork Illinois River, with a priority date of May 1887 for irrigation of 2.75 acres.

The point of diversion for this right is in the SE1/4 NW1/4, Section 27, T 39 S, R 8 W, W.M.; 1650' S and 1800' E from the NW corner of Section 27.

The applicant proposes to change the point of diversion to SW1/4 NW1/4, Section 9, T 39 S, R 8 W, W.M.; S 1825' and E 690' from NW corner Section 9.

**Jack Jr./Nellie Ogden** 1984 Trust T-9224, filed an application with the Water Resources Department for a change in point of diversion of water as provided by ORS 540.510 to 540.530.

Certificate 68754, in the name of E. W. Wright, includes a right limited to 0.067 cubic foot per second from Springs in the SW1/4 SE1/4, Section 9, T 39 S, R 8 W, W.M.

river, with a priority date of May 1887 for irrigation of 3.35 acres.

The point of diversion for this right is in the SE1/4 NW1/4, Section 27, T 39 S, R 8 W, W.M.; 1650' S and 1800' E from the NW corner of Section 27.

The applicant proposes to change the point of diversion to SW1/4 NW1/4, Section 9, T 39 S, R 8 W, W.M.; S 1825' and E 690' from NW Corner Section 9.

Certificate 13873, in the name of George F. Hart and Florence T. Hart, includes a right limited to one cubic foot per second for each 50 acres of land irrigated during the irrigation season from April 1 to November 1 of each year, from East Fork Illinois river, with a priority date of May 1887 for irrigation of 5.9 acres. The point of diversion for this right is in the Kirby Ditch.

The applicant proposes to change the point of diversion to SW1/4 NW1/4, Section 9, T 39 S, R 8 W, W.M.; S 1825' and E 690' from NW Corner Section 9.

**James Stanley and Betty Joe Neal**, T-9226, filed an application with the Water Resources Department for a change in point of diversion of water as provided by ORS 540.510 to 540.530.

Certificate 68754, in the name of E. W. Wright, includes a right limited to 0.042 cubic foot per second from Springs in the SW1/4 SE1/4, Section 9, T 39 S, R 8 W, W.M. and East Fork Illinois River, with a priority date of May 1887 for irrigation of 2.1 acres.

The point of diversion for this right is in the SE1/4 NW1/4, Section 27, T 39 S, R 8 W, W.M.; 1650' S and 1800' E from the NW corner of Section 27.

The applicant proposes to change the point of diversion to SW1/4 NW1/4, Section 9, T 39 S, R 8 W, W.M.; S 1825' and E 690' from NW Corner Section 9.

**Dennis and Sharon Johnson** T-9235, filed an application with the Water Resources Department for a change in point of diversion of water as provided by ORS 540.510 to 540.530.

Certificate 68754, in the name of E. W. Wright, includes a right limited to 0.034 cubic foot per second from Springs in the SW1/4 SE1/4, Section 9, T 39 S, R 8 W, W.M. and

with a priority date of May 1887 for irrigation of 1.7 acres.

The point of diversion for this right is in the SE1/4 NW1/4, Section 27, T 39 S, R 8 W, W.M.; 1650' S and 1800' E from the NW corner of Section 27.

The applicant proposes to change the point of diversion to SW1/4 NW1/4, Section 9, T 39 S, R 8 W, W.M.; S 1825' and E 690' from NW Corner Section 9.

**Ronald L. Hiler**, T-9236, filed an application with the Water Resources Department for a change in point of diversion of water as provided by ORS 540.510 to 540.530.

Certificate 68754, in the name of E. W. Wright, includes a right limited to 0.05 cubic foot per second from Springs in the SW1/4 SE1/4, Section 9, T 39 S, R 8 W, W.M. and East Fork Illinois River, with a priority date of May 1887 for irrigation of 2.5 acres.

The point of diversion for this right is in the SE1/4 NW1/4, Section 27, T 39 S, R 8 W, W.M.; 1650' S and 1800' E from the NW corner of Section 27.

The applicant proposes to change the point of diversion to SW1/4 NW1/4, Section 9, T 39 S, R 8 W, W.M.; S 1825' and E 690' from NW Corner Section 9.

**Charles C. and Maria E. Kempton**, T-9237, filed an application with the Water Resources Department for a change in point of diversion of water as provided by ORS 540.510 to 540.530.

Certificate 68754, in the name of E. W. Wright, includes a right limited to 0.017 cubic foot per second from Springs in the SW1/4 SE1/4, Section 9, T 39 S, R 8 W, W.M. and East Fork Illinois River, with a priority date of May 1887 for irrigation of 0.83 acres.

The point of diversion for this right is in the SE1/4 NW1/4, Section 27, T 39 S, R 8 W, W.M.; 1650' S and 1800' E from the NW corner of Section 27.

The applicant proposes to change the point of diversion to SW1/4 NW1/4, Section 9, T 39 S, R 8 W, W.M.; S 1825' and E 690' from NW Corner Section 9.

**Walter and Dorothy Wiltfong** T-9249, filed an application with the Water Resources Department for a change in point of diversion of water as provided by ORS

Certificate 68754, in the name of E. W. Wright, includes a right limited to 0.02 cubic foot per second from Springs in the SW1/4 SE1/4, Section 9, T 39 S, R 8 W, W.M. and East Fork Illinois River, with a priority date of May 1887 for irrigation of 1.0 acres.

The point of diversion for this right is in the SW1/4 NW1/4, Section 27, T 39 S, R 8 W, W.M.; 1650' S and 1800' E from the NW corner of Section 27.

The applicant proposes to change the point of diversion to SW1/4 NW1/4, Section 9, T 39 S, R 8 W, W.M.; S 1825' and E 690' from NW Corner Section 9.

**Karyl D. Doyle**, T-9251, filed an application with the Water Resources Department for a change in point of diversion of water as provided by ORS 540.510 to 540.530.

Certificate 68754, in the name of E. W. Wright, includes a right limited to 0.016 cubic foot per second from Springs in the SW1/4 SE1/4, Section 9, T 39 S, R 8 W, W.M. and East Fork Illinois River, with a priority date of May 1887 for irrigation of 0.8 acres.

The point of diversion for this right is in the SE1/4 NW1/4, Section 27, T 39 S, R 8 W, W.M.; 1650' S and 1800' E from the NW corner of Section 27.

The applicant proposes to change the point of diversion to SW1/4 NW1/4, section 9, T 39 S, R 8 W, W.M.; S 1825' and E 690' from NW Corner section 9.

**Leonard E. Frick Living Trust, Leonard E. Frick Trustee, et al**, T-9258, filed an application with the Water Resources Department for a change in point of diversion of water as provided by ORS 540.510 to 540.530.

Certificate 68754, in the name of E. W. Wright, includes a right limited to 0.053 cubic foot per second from Springs in the SW1/4 SE1/4, Section 9, T 39 S, R 8 W, W.M. and East Fork Illinois River, with a priority date of May 1887 for irrigation of 2.67 acres.

The point of diversion for this right is in the SE1/4 NW1/4, Section 27, T 39 S, R 8 W, W.M.; 1650' X and 1800' E from the NW corner of Section 27.

The applicant proposes to change the point of diversion to SW 1/4 NW 1/4, Section 9, T 39 S, R 8 W, W.M.; S 1825' and E 690' from NW Corner Section

9259, filed an application with the Water Resources Department for a change in point of diversion of water as provided by ORS 540.510 to 540.530.

Certificate 68754, in the name of E. W. Wright, includes a right limited to 0.084 cubic foot per second from Springs in the SW1/4 SE1/4, Section 9, T 39 S, R 8 W, W.M. and East Fork Illinois River, with a priority date of May 1887 for irrigation of 4.2 acres.

The point of diversion for this right is in the SE1/4 NW1/4, Section 27, T 39 S, R 8 W, W.M.; 1650' S and 1800' E from the NW corner of Section 27.

The applicant proposes to change the point of diversion to SW1/4 NW1/4, Section 9, T 39 S, R 8 W, W.M.; S 1825' and E 690' from NW Corner Section 9.

**John W. Brown**, T-9261, filed an application with the Water Resources Department for a change in point of diversion of water as provided by ORS 540.510 to 540.530.

Certificate 68754, in the name of E. W. Wright, includes a right limited to 0.013 cubic foot per second from Springs in the SW1/4 SE1/4, Section 9, T 39 S, R 8 W, W.M. and East Fork Illinois River, with a priority date of May 1887 for irrigation of 0.66 acres.

The point of diversion for this right is in the SE1/4 NW1/4, Section 27, T 39 S, R 8 W, W.M.; 1800' E from the NW corner of Section 27.

The applicant proposes to change the point of diver-

sion to SW1/4 NW1/4, Section 9, T 39 S, R 8 W, W.M.; S 1825' and E 690' from NW Corner Section 9.

Protests may be filed by persons who think this transfer application would result in injury to an existing water right as defined by OAR 690-016-0050. The fee to file a protest is \$25.00. Additional information or forms and rules for filing protests are available from the Water Resources Department by calling 1-503-378-8455, ext. 262. If a protest is filed a hearing may be held.

The last date of publication is January 14, 2004. IF NO PROTEST IS FILED BY 30 DAYS AFTER DATE OF LAST PUBLICATION THE CHANGE MAY BE APPROVED WITH-



STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

E.W. WRIGHT  
321 E. 16<sup>TH</sup> STREET, NORTH  
PORTLAND, OREGON 97208

confirms the right to use the waters of SPRINGS IN THE SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 9, T 39 S, R 8 W, W.M. AND EAST FORK ILLINOIS RIVER, a tributary of ILLINOIS RIVER, for IRRIGATION OF 55.3 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 13, at Page 70. The date of priority is MAY 1887.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.106 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 27, T 39 S, R 8 W, W.M.; 1650 FEET SOUTH,  
AND 1800 FEET EAST FROM THE NW CORNER OF SECTION 27.

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-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season April 1 to November 1 of each year.

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

SW¼ NE¼	5.0 ACRES
SE¼ NW¼	15.0 ACRES
SE¼ SW¼	2.7 ACRES
NW¼ SE¼	3.6 ACRES
SW¼ SE¼	19.0 ACRES

## SECTION 9

NW¼ NE¼	10.0 ACRES
---------	------------

## SECTION 16

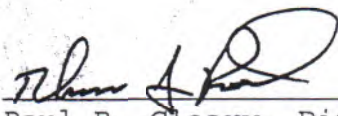
TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 68754, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUL 29 2003, approving Transfer Application 8860.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,  
affixed JUL 29 2003.

  
Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 80383.





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

# Application for Water Right Transfer

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

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AUG 26 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

### APPLICATION FOR:

Please check one

- Water Right Transfer
- Temporary Transfer
- Permit Amendment
- Historic Point of Diversion Change
- Government Action Point of Diversion

### 1. APPLICANT INFORMATION

Name: NOLA DEE FLANGAS  
First Last

Address: P.O. Box 3225 (271 Finch Road)  
KERBY OR 97531  
City State Zip

Phone: 541-592-4450  
Home Work Other

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

*\*Optional information*

### 2. TYPE OF CHANGE

- Use
- Place of Use
- Point of Diversion
- Point of Appropriation

Reason for change: RELOCATE POINT OF DIVERSION, NO LONGER ABLE TO USE AUTHORIZED POINT OF DIVERSION

Is the land within an irrigation or other water district?  Yes  No

If yes, include district name: \_\_\_\_\_

For Department Use		
App. No. _____	Permit No. _____	Date _____

Transfer Application/1

KDA-16

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SALEM, OREGON

3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: E.W. WRIGHT

Decree: VOL 13, PAGE 70

Not applicable

80383

Permit Number: \_\_\_\_\_

Not applicable

Certificate Number: 68754

Not applicable

Priority Date: MAY 1887

Authorized Use: IRRIGATION

Source of Water: EAST FK. ILLINOIS RIVER County: JOSEPHINE

Are there other sources listed on the water right?  Yes  No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
1650 FT. SOUTH AND 1800 FT. EAST FROM N.W. COR. 27	NWSW	27	39S	8W

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
39	8W	9	—	SE NW	39-8-9-B 3300	2.75

Are there other lands described in the water right?  Yes  No

Are there other water rights or permits associated with this land?  Yes  No  
If yes, include a copy of all rights or permits.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):

PUMP FROM NEW POINT OF DIVERSION - PIPELINE  
TO PLACE OF USE

System capacity (in cfs): 0.055 CFS (24.69 GPM)

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SALEM, OREGON

**4. PROPOSED CHANGES TO THE WATER RIGHT**

**Change in Use:** N/A

Proposed use: \_\_\_\_\_

**Change in Point of Diversion or Point of Appropriation:**

**Change**

Old point of diversion or point of appropriation will not be used for this portion of the water right.

**Additional**

Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

**Location of Proposed Point of Diversion or Point of Appropriation**

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
SOUTH 1825 FT. AND EAST 690 FT. FROM N.W. COR. SEC 9	SW NW	9	39S	8W

**Change in Place of Use:** N/A

**Location of Proposed Place of Use**

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

T 9221



5. LAND OWNERSHIP

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WATER RESOURCES DEPT.  
SALEM, OREGON

Answer only  
if for change  
in **Use** or  
**Place of Use**.

**Use/Place of Use**

Are the lands free of encumbrances?  Yes  No

If no, name of encumbrance holder: \_\_\_\_\_

If no, application must include written permission for the transfer from the encumbrance holder.

Answer only  
if applicant  
is **not** the  
landowner.

**Landowners**

*This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.*

Landowners: \_\_\_\_\_

(List all landowners shown on deed.)

Address(es): \_\_\_\_\_

\_\_\_\_\_ City State Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Answer only  
if the receiving  
landowner is  
**not** the original  
landowner or  
the applicant.

**Receiving Landowner**

Name: \_\_\_\_\_

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

\_\_\_\_\_ City State Zip

- The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.
- Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

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AUG 26 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

**6. EXHIBITS**

*Application may be rejected if all appropriate exhibits are not enclosed.*

**Land Use Information Form:**

- Enclosed
- Not needed: (must meet the following four requirements)
  - ① In EFU zone or irrigation district.
  - ② Change in place of use only.
  - ③ No structural changes needed, including diversion works, delivery facilities, other structures.
  - ④ Irrigation only.
- List all affected governments (city, county, state, tribal, federal):  
JOSEPHINE

**Map:**

- Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- All others: *Need not be prepared by a Certified Water Right Examiner.*

**Deed:**

- Must accompany all applications, except permit amendment requests.

**Evidence of use within last five years, or not subject to forfeiture:**

- Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

**Water Well Reports:**

- If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

**Fees:**

- Amount enclosed \$ \_\_\_\_\_

*See instruction book for fee schedule.*

**7. SIGNATURE**

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

Nela Dee Flangas      Nela Dee Flangas      7/19/02  
applicant signature      name (print)      date

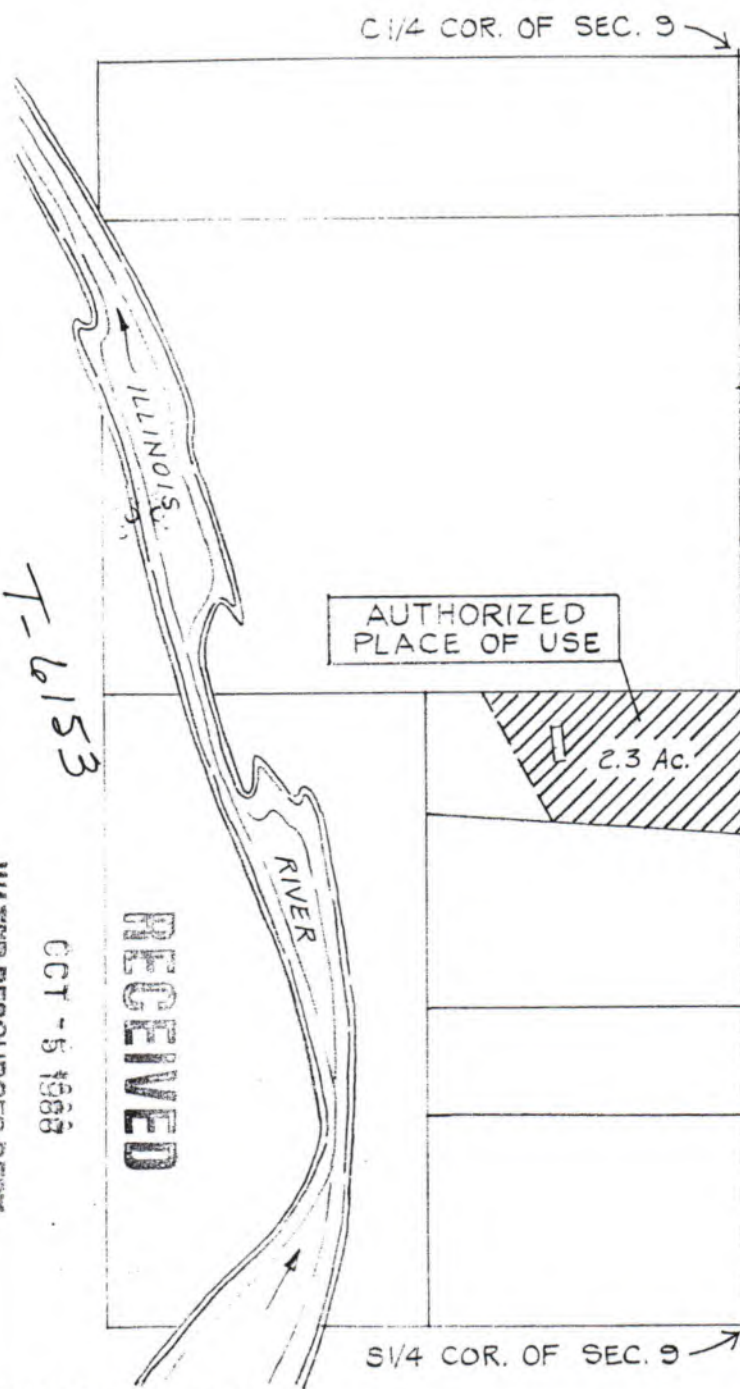
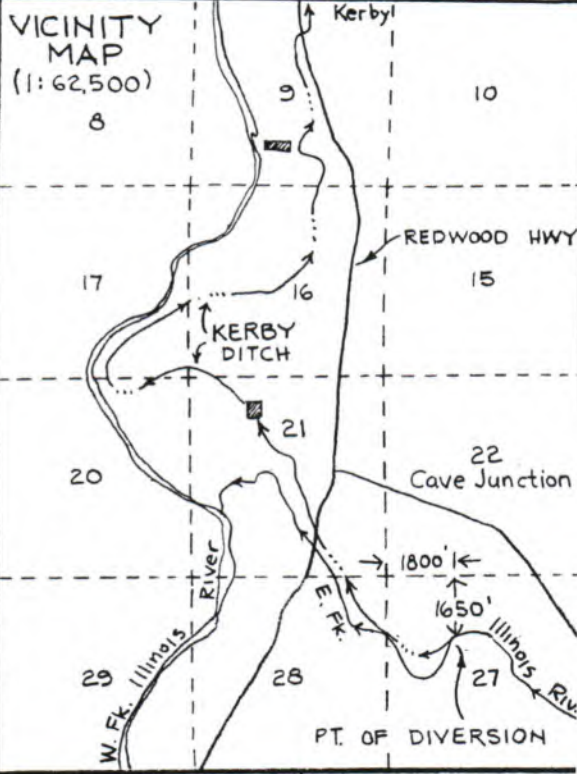
\_\_\_\_\_  
applicant signature      name (print)      date

**Before you submit your application be sure you have:**

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

T 9221

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



T-6153

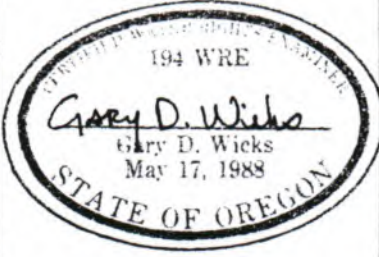
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WATER RESOURCES DEPT.  
SALEM, OREGON  
OCT - 5 1988



REVISED AUG. 29, 1988

PROJECT NO. 41-88-38
DRAWING NO. 1-8.5.11
DATE 7-6-88
SCALE 1" = 400'
SHEET NO. 1 of 2



PLAT OF WATER RIGHT TRANSFER

LOCATED IN SE 1/4 SW 1/4 SECTION 9, T. 39 S., R. 8 W., W.M. JOSEPHINE COUNTY, OREGON

PREPARED FOR:  
Ms. Ruth Raymond  
P.O. Box. 792  
Cave Junction, OR  
97523

PREPARED BY:  
GARY D. WICKS, P.E., P.L.S.  
962 S.E. "N" STREET  
GRANTS PASS, OR 97526-3250  
TEL. 479-3436



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.

N/4 COR OF SEC. 21



7-6153

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OCT - 5 1988

WATER RESOURCES DEPT.  
SALEM, OREGON

SEE SHEET NO. 1 FOR VICINITY MAP

PROJECT NO.  
41-88-38

DRAWING NO.  
2-8.5.11

DATE  
7-6-88

SCALE  
1" = 200'

SHEET NO.  
2 of 2



PLAT OF  
WATER RIGHT TRANSFER

LOCATED IN  
NE1/4NW1/4 SECTION 21, T.39 S., R.8 W., W.M.  
JOSEPHINE COUNTY, OREGON

PREPARED FOR:  
Ms. Ruth Raymond  
P.O. Box 792  
Cave Junction, OR  
97523

PREPARED BY:  
GARY D. WICKS, P.E., P.L.S.  
962 S.E. "H" STREET  
GRANTS PASS, OR 97526-3250  
TEL. 479-3436



STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That GEORGE F. HART AND FLORENCE M. HART

of the County of Josephine, State of Oregon, has a right to the use of

the waters of East Fork Illinois River

for the purpose of irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Josephine County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 11, 13, at page 70, that the priority of the right thereby confirmed dates from May, 1887.

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one cubic foot per second for each 50 acres of land irrigated during the irrigation season from April 1 to November 1 of each year.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

27 acres in NW 1/4 Sec 9, T. 39 S., R. 28 W., W. M.

And said right shall be subject to all other conditions and limitations contained in said decree.

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

WITNESS the signature of the State Engineer,

T-9217  
T-9226  
T-9221  
T-9224

CHAS. E. STRICKLIN  
State Engineer.

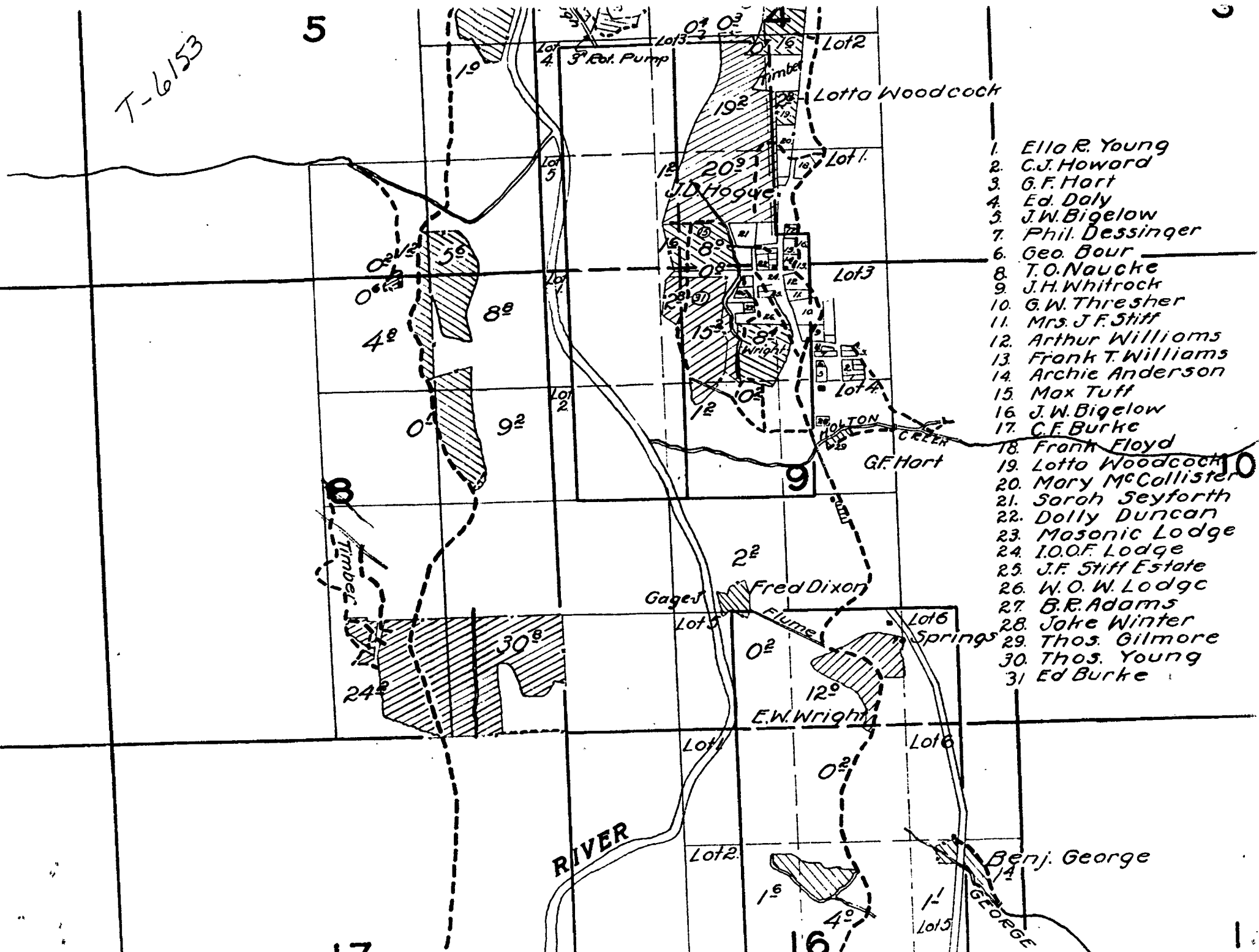
Recorded in State Record of Water Right Certificates, Volume 12, page 13873

9224  
This is  
the right  
transfer affecting

VOR

T-6153

5



1. Ella R. Young
2. C.J. Howard
3. G.F. Hart
4. Ed. Daly
5. J.W. Bigelow
7. Phil. Dessinger
6. Geo. Bour
8. T.O. Naucke
9. J.H. Whitrock
10. G.W. Thresher
11. Mrs. J.F. Stiff
12. Arthur Williams
13. Frank T. Williams
14. Archie Anderson
15. Max Tuff
16. J.W. Bigelow
17. C.F. Burke
18. Frank Floyd
19. Lotta Woodcock
20. Mary McCallister
21. Sarah Seyforth
22. Dolly Duncan
23. Masonic Lodge
24. I.O.O.F. Lodge
25. J.F. Stiff Estate
26. W.O.W. Lodge
27. B.R. Adams
28. Jake Winter
29. Thos. Gilmore
30. Thos. Young
31. Ed Burke

RIVER

HOLTON GREEN

E.W. Wright

Benj. George

Fred Dixon

17

16

1



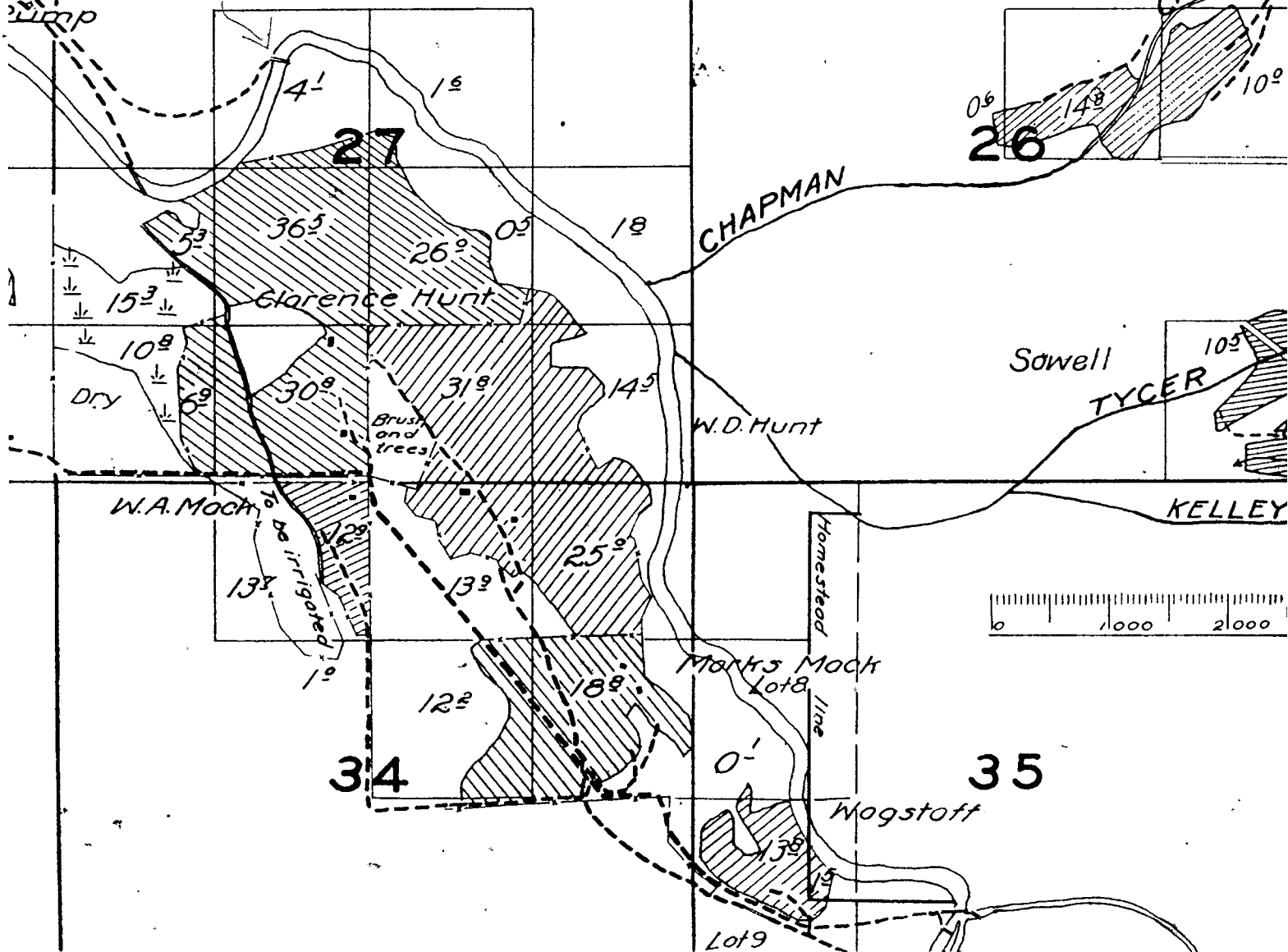
22

23

Years

Howard Dunlap

HILL CREEK





# 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

AUG 29

August 27, 2002

Illinois Valley Watershed Council  
Glenn Ginter, Coordinator  
P.O. Box 352  
Cave Junction, Oregon 97523

REFERENCE: Request for Waiver of Water Right Transfer Application Fees

We received your request for the Director to waive the water right transfer application fees for the transfer application filed on behalf of Nola Dee Flangas. This application is filed in accordance with ORS 537.348.

ORS 536.050 provides that the Director may waive all or part of the fees for a water right transfer which proposes to make a change that will result in a net benefit to fish and wildlife habitat and is either funded by an OWEB grant, or for which Oregon Department of Fish and Wildlife provide a statement as to those benefits. Because this qualifies as a benefit to fish and wildlife habitat and is funded by an OWEB grant, the application fees are waived for this transfer application. The transfer application will be accepted for filing.

If you have any questions, please call Bernadette Williams at (503) 378-8455, extension 275.

Sincerely,

Thomas J. Paul  
Administrator, Field Services Division

cc: Al Cook, Regional Manager  
Bruce Sund, Watermaster #14  
Nola Dee Flangas



County:	JOSEPHINE
Transfer:	9221
Certificate:	68754
Priority Date:	12/31/1887
Name:	NOLA DEE FLANGAS
Address:	PO BOS 3225; KERBY, OREGON 97531
Change:	POD
Source:	SPRINGS
Authorized POD:	T39S R8W 27
Proposed POD:	T39S R8W 9



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

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

September 6, 2002

Nola Dee Flangas  
P.O. Box 3225  
Kerby, Oregon 97531

REFERENCE: Transfer 9221

On 08-27-2002 we received your water right transfer application requesting a **change in Point of Diversion** for use of water from **Springs**. The fees for this application have been waived.

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 for the new use, in the new place of use or from the new point of diversion 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. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

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, (503) 378-3739.

cc: Watermaster #14, Bruce Sund  
CWRE #152, Harold Center  
Illinois Valley Watershed Council, Glenn Ginter

enclosure







# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

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

September 6, 2002

Todd Confer  
Oregon Department of Fish and Wildlife  
P O Box 642  
Gold Beach, OR 97444

Reference: Transfer # **9221**

Enclosed for your review is a copy of a water right transfer application from **Springs**, tributary of **Holton Creek**.

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

ORS 540.525 and 540.532 require that we consult with you to determine if a fish screen or by-pass device should be required in conjunction with a permanent or historic change in a point of diversion. If you request a fish screen or by-pass device, we will include such a condition in the transfer order and the applicant will be eligible to participate in ODFW's cost sharing program for screening and by-pass devices.

We must receive your response in our Grants Pass office

Attention: Teresa Vonn  
Water Resources Department  
942 SW 6th Street, Suite E  
GRANTS PASS OR 97526

**by October 8, 2002** in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

If you have questions, please call (541)471-2886 ext 228.

Enclosure

cc: Wm # 14, Bruce Sund  
Applicant





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

# Application for Water Right Transfer

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

RECEIVED

AUG 26 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

### APPLICATION FOR:

Please check one

- Water Right Transfer
- Temporary Transfer
- Permit Amendment
- Historic Point of Diversion Change
- Government Action Point of Diversion

### 1. APPLICANT INFORMATION

Name: NOLA DEE FLANGAS  
First Last

Address: P.O. Box 3225 (271 Finch Road)  
KERBY OR 97531  
City State Zip

Phone: 541-592-4450  
Home Work Other

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

\*Optional information

### 2. TYPE OF CHANGE

- Use
- Place of Use
- Point of Diversion
- Point of Appropriation

Reason for change: RELOCATE POINT OF DIVERSION, NO LONGER ABLE TO USE AUTHORIZED POINT OF DIVERSION

Is the land within an irrigation or other water district?  Yes  No

If yes, include district name: \_\_\_\_\_

#### For Department Use

App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Date \_\_\_\_\_

Transfer Application/ 1

KDA-16

T 9221



RECEIVED

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WATER RESOURCES DEPT.  
SALEM, OREGON

3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: E.W. WRIGHT

Decree: VOL 13, PAGE 70

Not applicable

Permit Number: \_\_\_\_\_ Certificate Number: 68754

Not applicable

Not applicable

Priority Date: MAY 1887 Authorized Use: IRRIGATION

Source of Water: EAST FK. ILLINOIS RIVER County: JOSEPHINE

Are there other sources listed on the water right?  Yes  No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
1650 FT. SOUTH AND 1800 FT. EAST FROM N.W. COR. 27	NWSW	27	39S	8W

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
39	8W	9	—	SE NW	39-8-9-B 3300	2.75

Are there other lands described in the water right?  Yes  No

Are there other water rights or permits associated with this land?  Yes  No

If yes, include a copy of all rights or permits.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):

PUMP FROM NEW POINT OF DIVERSION - PIPELINE  
TO PLACE OF USE

System capacity (in cfs): 0.055 CFS

(24.69 GPM)

T 9221

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WATER RESOURCES DEPT.  
SALEM, OREGON

4. PROPOSED CHANGES TO THE WATER RIGHT

Change in Use: N/A

Proposed use: \_\_\_\_\_

Change in Point of Diversion or Point of Appropriation:

Change

Old point of diversion or point of appropriation will not be used for this portion of the water right.

Additional

Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

Location of Proposed Point of Diversion or Point of Appropriation

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
SOUTH 1825 FT. AND EAST 690 FT. FROM N.W. COR. SEC 9	SWNW	9	39S	8W

Change in Place of Use: N/A

Location of Proposed Place of Use

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)

Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

T 9221



5. LAND OWNERSHIP

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WATER RESOURCES DEPT.  
SALEM, OREGON

Answer only if for change in Use or Place of Use.

Use/Place of Use

Are the lands free of encumbrances?  Yes  No

If no, name of encumbrance holder: \_\_\_\_\_

If no, application must include written permission for the transfer from the encumbrance holder.

Answer only if applicant is not the landowner.

Landowners

*This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.*

Landowners: \_\_\_\_\_  
(List all landowners shown on deed.)

Address(es): \_\_\_\_\_

\_\_\_\_\_ City State Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Answer only if the receiving landowner is not the original landowner or the applicant.

Receiving Landowner

Name: \_\_\_\_\_

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

\_\_\_\_\_ City State Zip

- The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.
- Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

T9221

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AUG 26 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

**6. EXHIBITS**

*Application may be rejected if all appropriate exhibits are not enclosed.*

**Land Use Information Form:**

- Enclosed
- Not needed: (must meet the following four requirements)
  - ① In EFU zone or irrigation district.
  - ② Change in place of use only.
  - ③ No structural changes needed, including diversion works, delivery facilities, other structures.
  - ④ Irrigation only.
- List all affected governments (city, county, state, tribal, federal):  
JOSEPHINE

**Map:**

- Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- All others: *Need not be prepared by a Certified Water Right Examiner.*

**Deed:**

- Must accompany all applications, except permit amendment requests.

**Evidence of use within last five years, or not subject to forfeiture:**

- Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

**Water Well Reports:**

- If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

**Fees:**

- Amount enclosed \$ \_\_\_\_\_
- See instruction book for fee schedule.*

**7. SIGNATURE**

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

Nola Dee Flangas      Nola Dee Flangas      7/19/02  
applicant signature      name (print)      date

applicant signature      name (print)      date

**Before you submit your application be sure you have:**

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

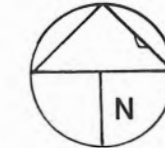
T 9221



**MAP OF WATER RIGHT TRANSFER**  
 Situated in  
 Section 9, Township 39 South, Range 8 West  
 Willamette Meridian, Josephine County, Oregon  
 For  
 Nola Dee Flangas  
 P.O. Box 3225 – 271 Finch Road  
 Kerby, OR. 97531  
 July 23, 2002

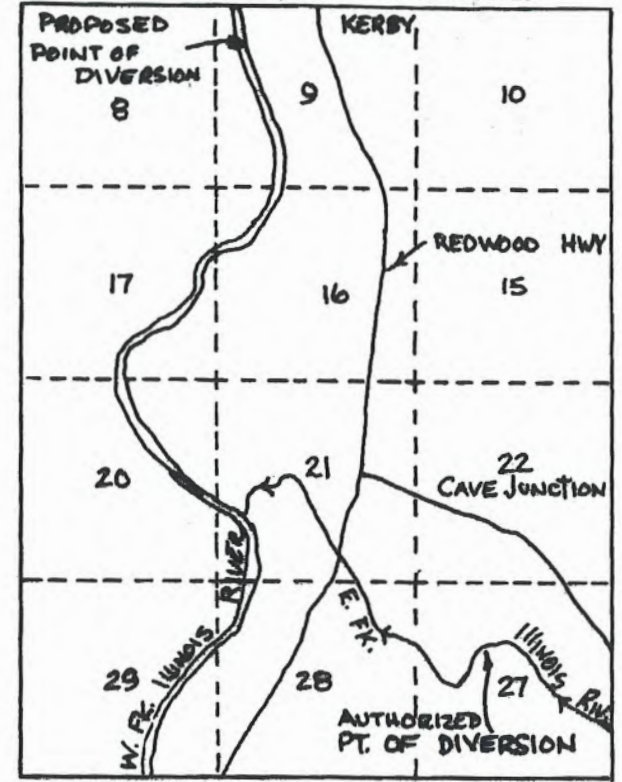
**LEGEND**

Scale 1" = 200'



- Survey monument
- Denotes ditch or drainage
- Denotes building or structure location approximate
- ▨ Denotes area under Certificate 68754 Priority Date of 1887.
- ▩ Denotes remaining right area under Certificate 68754, Priority Date of 1887.

Scale 1" = 5280'  
 Proposed Point of Diversion – South 1825 ft. and East 690 ft. from N.W. Corner Sec. 9.

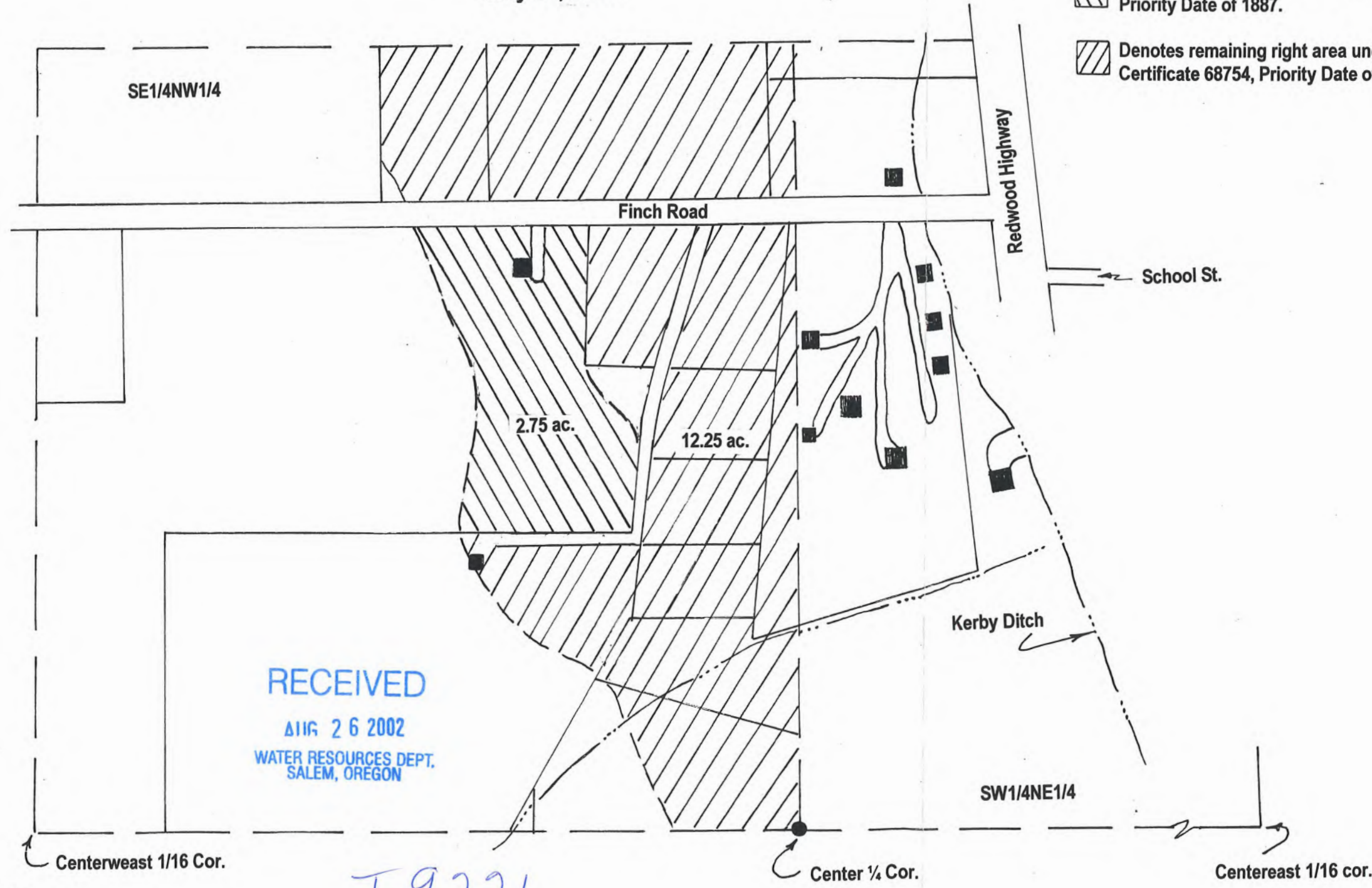


Authorized Point of Diversion – NW1/4SW1/4, Section 27, T39S, R8W. South 1650 ft. and East 1800 ft. from N.W. Corner Sec. 27.



**Certified Water Right Examiner**  
**HAROLD L. CENTER, P.L.S., C.W.R.E.**  
 2604 David Lane – Medford, Or. 97504  
 541-535-6108, Fax 541-535-8752  
 Oregon C.W.R.E. No. 152  
 Certificate Renewal Date – 12-31-2003

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



**RECEIVED**  
 AUG 26 2002  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

T 9221





## Oregon Water Resources Department Land Use Information Form

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

### To Be Completed By Applicant

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

#### A. Applicant

Name: FLANGAS, NOLA DEE & GEORGE

Address: 271 FINCH ROAD

City: KERBY State: OR Zip: 97531 Day Phone: \_\_\_\_\_

#### 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>3300</u>	<u>39-08-09-20 EF</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

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

Briefly describe: KERBY DITCH ASSOCIATION CHANGE  
IN POINT OF DIVERSION FROM ILLINOIS  
RIVER SOURCE.

#### D. Source

Indicate the source for the proposed water use:

Reservoir/Pond    Ground Water    Surface Water ILLINOIS RIVER  
(source)

#### E. Quantity

Indicate the estimated quantity of water the use will require:

16.65    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

RECEIVED  
AUG 26 2002  
WATER RESOURCES DEPT.  
SALEM, OREGON

KDA-16 T 9221



**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); 64.02D. 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: Jon Briggs Date: 11/26/01  
 Title: Planner Phone: 474 5421  
 Signature: Jon Briggs

**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.)

RECEIVED

AUG 26 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

**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 9221  
KDA-16



81-03485

PL 11 MAR 2002

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That JERRY L. HATCH and HELEN G. HATCH, husband and wife, grantors, in consideration of Seventeen Thousand One Hundred Seventy-Two and 23/100 Dollars (\$17,172.23) to them paid by GEORGE FLANGAS and NOLA DEE FLANGAS, husband and wife, grantees, do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Josephine, and State of Oregon, bounded and described as follows, to-wit:

Commencing at the Southeast corner of Donation Land Claim No. 37, in Section 9, Township 39 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon, and running thence West along the center line of said Section 9, a distance of 1508.3 feet to the true point of beginning of this description; thence running West 200 feet to the Southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 9; thence North 724 feet to the Southwest corner of tract described in Volume 93, Pages 421-3, Josephine County Deed Records; thence East 150 feet; thence North 290 feet to the South line of the Finch Road; thence East along said road line, 965 feet to the Westerly line of a roadway; thence along said roadway line South 16°40' West 300 feet; thence South 6° West 224 feet to the North line of a parcel of land described in Volume 225, Page 17, Josephine County Deed Records; thence running West along the North line of said parcel, 763.8 feet; thence South 504 feet to the true point of beginning.

LESS AND EXCEPTING: Commencing at the Southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 9; thence North along the West line of said Southeast Quarter of the Northwest Quarter, 724 feet to the Southwest corner of property described in Volume 93, Page 421, Josephine County Deed Records; thence East along the South line of said property, 150 feet; thence North 290 feet to the South line of Finch Road; thence East along the South line of Finch Road, 965 feet to the Westerly line of an existing roadway, the true point of beginning; thence along the Westerly line of said roadway, South 16°40' West 250 feet; thence Westerly, parallel to the South line of Finch Road 200 feet; thence Northerly parallel to the West line of the Southeast Quarter of the Northwest Quarter 240 feet, more or less, to the Southerly line of Finch Road; thence Easterly along the Southerly line of Finch Road, 240 feet, more or less, to the point of beginning.

SUBJECT TO:

- (1) Established rights of way for roads and ditches.
(2) Right of way granted to the California Oregon Power Company by instrument recorded in Volume 158, Page 464, Josephine County Deed Records.
(3) Rights of way of the Kerby Milling and Mining Company Ditch.

To Have and to Hold the above described and granted premises unto the said grantees, their heirs and assigns forever, as above stated.

And the grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all incumbrances, and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons

WARRANTY DEED -1-

RECEIVED

AUG 26 2002

WATER RESOURCES DEPT. SALEM, OREGON

T9221



whomsoever.

#1 11 ~~10~~ 359

WITNESS grantors' hands and seals this 12 day of October, 1971.

*Jerry L. Hatch* (Seal)  
Jerry L. Hatch  
*Helen G. Hatch* (Seal)  
Helen G. Hatch

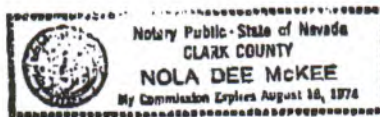
STATE OF NEVADA,

County of CLARK ss. On this 12 day of October, 1971, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named JERRY L. HATCH and HELEN G. HATCH, husband and wife, who are known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

*Nola Dee McKee*  
Notary Public for Nevada.

My Commission expires: August 16, 1974



81-03485

State of Oregon, )  
County of Josephine, )  
I, County Clerk and ex-officio Registrar )  
of Josephine County, do hereby certify that the within instrument was recorded for record at )  
the office of the County Clerk on the )  
date hereon stated for record at )

NOV - 4 AM



COUNTY CLERK  
JOSEPHINE COUNTY OREGON

Book of Records, Josephine County, Oregon  
MAILED FOR THE CLERK  
By *Nola Dee McKee*  
File # 81-03485 INDEXED DEED  
Have Returned  Mailed

Return to  
*Clara Blough*  
271 Bond St  
Levy, Ok. 97531

WARRANTY DEED -2-

*James as of Record*

RECEIVED

AUG 26 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

T 9221

**AFFIDAVIT OF WATER USE**

I, Nola Dee Flangas, being duly sworn, dispose and say that I am the owner of the parcel of lands described within Josephine County Deed Instrument No. Vol 11, Pg 358 also known as Tax Lot No. 3300, 39 08 09 B Josephine County Assessor.

I have owned said property since June 1973 and have personally applied water that was diverted from the Illinois River and conveyed to the property via the Kerby Ditch and utilized the water for irrigation of the lands described.

The use of water as described has been the method of irrigation of the property for many years prior to my purchase of the property.

Nola Dee Flangas Date July 19, 2002  
Nola Dee Flangas

**Notary Certificate**

State of Oregon        )  
                                  SS  
County of Josephine )

Subscribed and sworn to me this 19<sup>th</sup> day of July, 2002.

Notary Public for the State of Oregon. My Commission expires 3/24, 2004.

Seal

Harold L. Center

KDA-16



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WATER RESOURCES DEPT.  
SALEM, OREGON

T 9221





# 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

August 27, 2002

Illinois Valley Watershed Council  
Glenn Ginter, Coordinator  
P.O. Box 352  
Cave Junction, Oregon 97523

REFERENCE: Request for Waiver of Water Right Transfer Application Fees

We received your request for the Director to waive the water right transfer application fees for the transfer application filed on behalf of Nola Dee Flangas. This application is filed in accordance with ORS 537.348.

ORS 536.050 provides that the Director may waive all or part of the fees for a water right transfer which proposes to make a change that will result in a net benefit to fish and wildlife habitat and is either funded by an OWEB grant, or for which Oregon Department of Fish and Wildlife provide a statement as to those benefits. Because this qualifies as a benefit to fish and wildlife habitat and is funded by an OWEB grant, the application fees are waived for this transfer application. The transfer application will be accepted for filing.

If you have any questions, please call Bernadette Williams at (503) 378-8455, extension 275.

Sincerely,

Thomas J. Paul  
Administrator, Field Services Division

cc: Al Cook, Regional Manager  
Bruce Sund, Watermaster #14  
Nola Dee Flangas

T 9221





Illinois Valley Soil and Water Conservation District

Illinois Valley Watershed Council  
102 S. Redwood Hwy-P.O. Box 352  
Cave Junction, OR 97523  
Phone: 541-592-3731  
Fax: 541-592-3425  
ivswcdwc@cavenet.com



August 23, 2002

Mr. Paul Cleary  
Oregon Water Resources Department  
158 12<sup>th</sup> Street, NE  
Salem, OR 97301-4172

Dear Mr. Cleary,

Enclosed is the application for the Flangas Water Right Transfer. It has come to my attention that this fee may be waived ("the Water Resources Director may waive all or part of the fee for a change to a water right subject to transfer under ORS 540.520 or 540.523, if the change is made pursuant to ORS 537.348, is necessary to complete a project funded under ORS 541-375, or is approved by the State Department of Fish and Wildlife as a change that will result in a net benefit to fish and wildlife habitat"). This project is funded by OWEB working in conjunction with Oregon Department of Fish & Wildlife and will remove a fish passage barrier (gravel push up dam). This project is on the East Fork of the Illinois River, which is a high priority stream for water rights allocation and salmon restoration in the Illinois Basin. Waiving the application fee would allow more funds to be allocated directly to project work.

If you have any questions or need any further information, please feel free to contact me at the above listed phone number.

Sincerely,

Glenn Ginter  
Coordinator,  
IVSWCD

RECEIVED

AUG 26 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

T9221



**TRANSFER CHECK OFF LIST**

TRANSFER FILE # 9221  
DATE RECEIVED 8-26-02  
DATE MONEY SLIPPED 8-26-02  
DATE RECEIPTED 8-26-02  
VALID WATER RIGHT? X Yes \_\_\_\_\_ No  
TEMP ALT AC \_\_\_\_\_ (Greg) IRR DIST \_\_\_\_\_ (Greg) PERM AMEND \_\_\_\_\_ (Kelly) DIV 15 X (Bernie Assigns)  
TEMP Div 15 \_\_\_\_\_ (Bernie) ISWR Bernie COPIES TO LIAISON \_\_\_\_\_

LETTER FROM ATTORNEY \_\_\_\_\_ YES (PUT INFO ON FRONT COVER) X NO

FOLDER FILLED OUT\* ✓  
INDEX CARD ✓  
ENTERED IN DB ✓  
TYPE BLACK BOOK ✓ (And color code)  
RECORD MONEY/RECEIPT # ✓  
CONTENTS MARKED ✓  
COLOR CODED ✓ Yes  
4 COPIES MADE & STAMPED ✓

CERTIFICATE MARKED ✓  
CERTIFICATE COPIED ✓  
PULL APPLICATIONS ✓  
APP FOLDER MARKED ✓  
FINAL PROOF MAP COPIED ✓  
PERMIT MARKED \_\_\_\_\_  
PERMIT COPIED \_\_\_\_\_  
PERMIT MAP COPIED \_\_\_\_\_  
DECREE MARKED \_\_\_\_\_  
DECREE COPIED \_\_\_\_\_  
ADJUDICATION MAP COPIED \_\_\_\_\_

ENTRIES CHECKED \_\_\_\_\_ CHECKED BY \_\_\_\_\_ INIT FOLDER \_\_\_\_\_  
PUBLIC NOTICE DATE 9-10-02 (PREPARED & COPIED) ✓  
LETTER SENT ✓ Irrigation District X (copy of app & map)  
COPY TO WM ✓  
BLUE FORM TO WM ✓ Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his  
COPY TO GW X POA, APOA, or [SW TO GW ONLY(as POD)]  
BLUE FORM TO GW \_\_\_\_\_ Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his  
COPY TO CWRE ✓  
LETTER TO ODFW ✓ ALL Surface water POU/USE (POD and APOD FISH SCREENS)  
TRANSFER SENT TO: ✓ SW --- NCR --- SCR --- ER

*Teresa*

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