

T-11363

T-11363

Name Oregon Department of Transportation
3500 Stewart Parkway
Address Roseburg OR 97470-1600

DESCRIPTION OF WATER RIGHT(S)

Name of Stream NEEL CR

Trib. of BEAR CR

Use IRR

County JACKSON (13)

Quantity of water (CFS)

No. of Acres

Name of ditch

App # Per #

Cert # 82967 PR Date 1852

App # Per #

Cert # PR Date

App # Per #

Cert # PR Date

App # Per #

Cert # PR Date

App # Per #

Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
<u>2-28-12</u>	<u>\$1600⁰⁰</u>	<u>105139</u>

Change in POD, PDD
Date Filed 2-28-12
Initial notice date 3-6-12
DPD issued date
PD issued date 2-24-14
PD notice date 2-25-14
Date of FO 3-28-14 Vol 91 Page 1031

C-Date
COBU due date
COBU Received date 5/16/2016
Certificate issued Cert. 95292 issued 10/2/2020

Assignments:

COBU MAP # 1000

Paul Foland - foland@users.com
500 Reiten Dr
Ashland, OR 97520

Irrigation

Agent

Receiving Landowner:
Douglas K and Nina M Healy
322 Avenida gaviota
San Clemente CA 92672

Irrigation District:
Talent Irrigation District
PO Box 467
Talent OR 97540

CWRE:
Harold Center
2604 David Lane
Medford OR 97504

CC:
Jackson County
10 S Oakdale
Medford OR 97501

|||||
ODOT
Attn-Jayne Randleman
100 Antelope Rd.
White City, OR 97503

CWRE
CC's list

- Oversized map - Location

T-11363

MAP # 1000

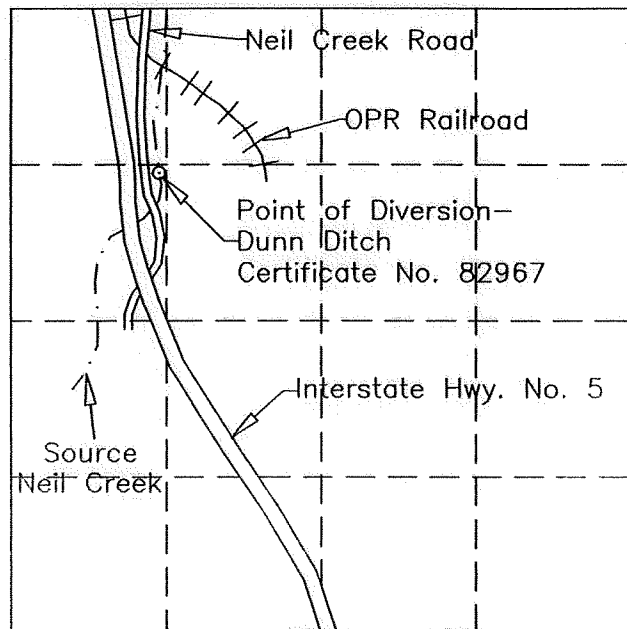
CLAIM OF BENEFICIAL USE MAP
 APPLICATION T-11363 - SPECIAL ORDER VOL. 91, PG. 1037-1040
 SITUATED IN
 SECTION 24
 TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.
 JACKSON COUNTY, OREGON
 FOR
 MANTA INVESTMENTS, LLC
 700 MISTLETOE ROAD
 ASHLAND, OR 97520

RECEIVED BY OWRD

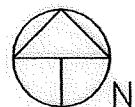
MAY 16 2016

SALEM, OR

Authorized Point Of Diversion
 Scale 1"=1320'+/-
 Section 31, T39S, R2E



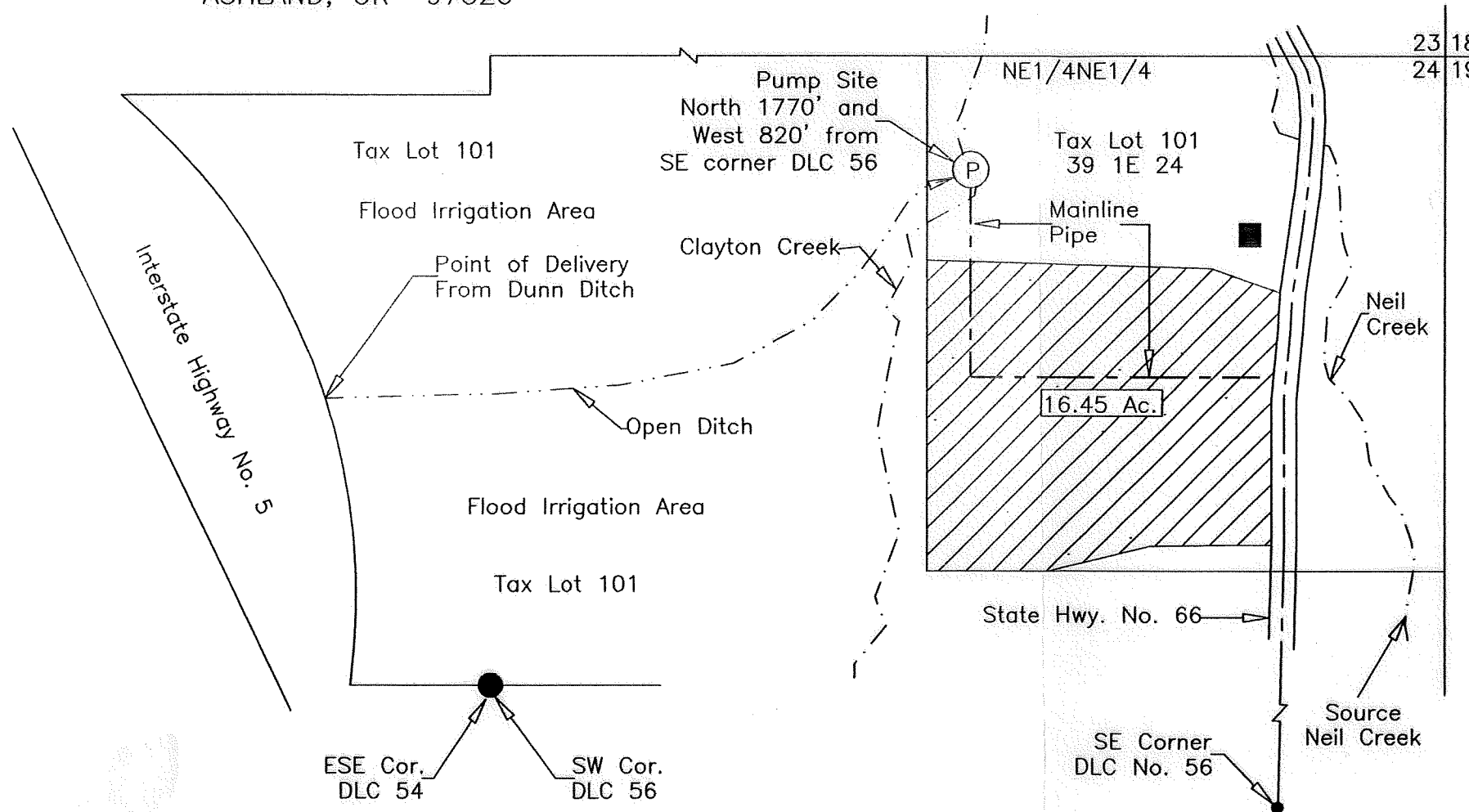
Authorized Point of Diversion—Bears South 1332' and East 1155' From Northwest Corner Section 31.
 (Scaled From USGS Quad)



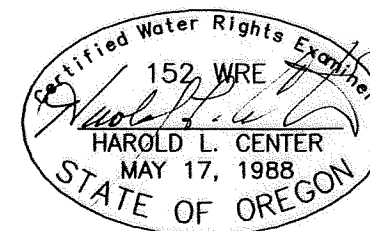
Scale: 1"=400'

LEGEND

- Survey Monument
- Denotes Building
- ▨ Denotes Area Irrigated Under Transfer T-11363, Special Order Vol. 91-Pg. 1037-1040. Priority Date 1852.



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.



HAROLD L. CENTER
 2604 David Lane
 Medford, OR. 97504
 Phone 541-535-6108
 Oregon Certificate No. 152

Renews: 12/31/17

COBU MAP # 1000

MAP # 1000

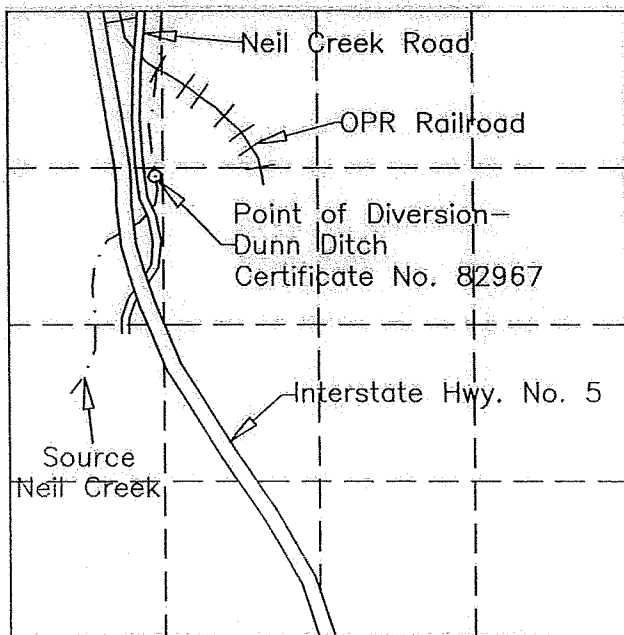
CLAIM OF BENEFICIAL USE MAP
APPLICATION T-11363 - SPECIAL ORDER VOL. 91, PG. 1037-1040

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MAY 16 2016

SALEM, OR

Authorized Point Of Diversion
Scale 1"=1320'+/-
Section 31, T39S, R2E



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(Scaled From USGS Quad)



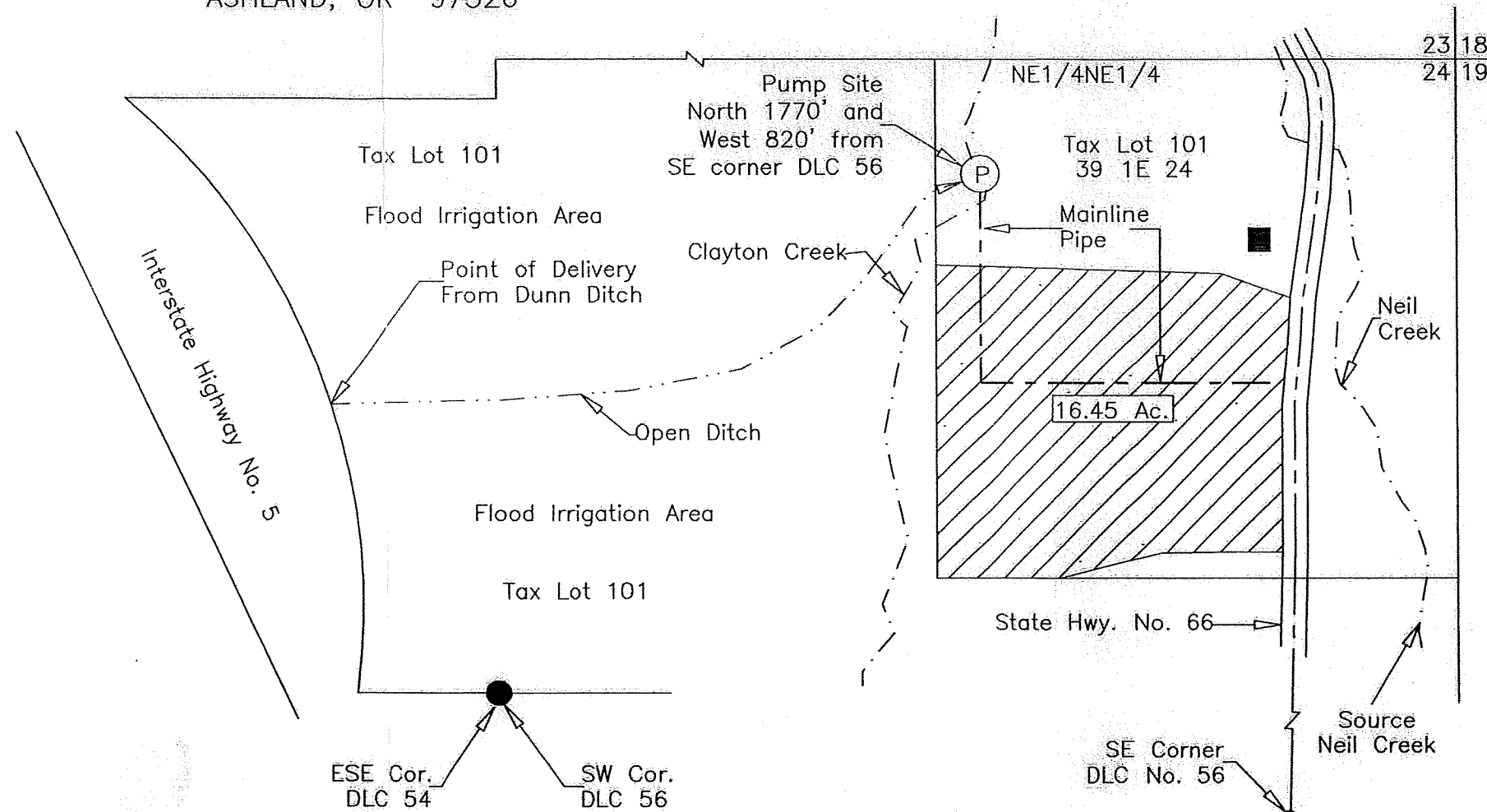
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SITUATED IN
SECTION 24
TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.
JACKSON COUNTY, OREGON

FOR
MANTA INVESTMENTS, LLC
700 MISTLETOE ROAD
ASHLAND, OR 97520



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Renews: 12/31/17

COBU MAP # 1000

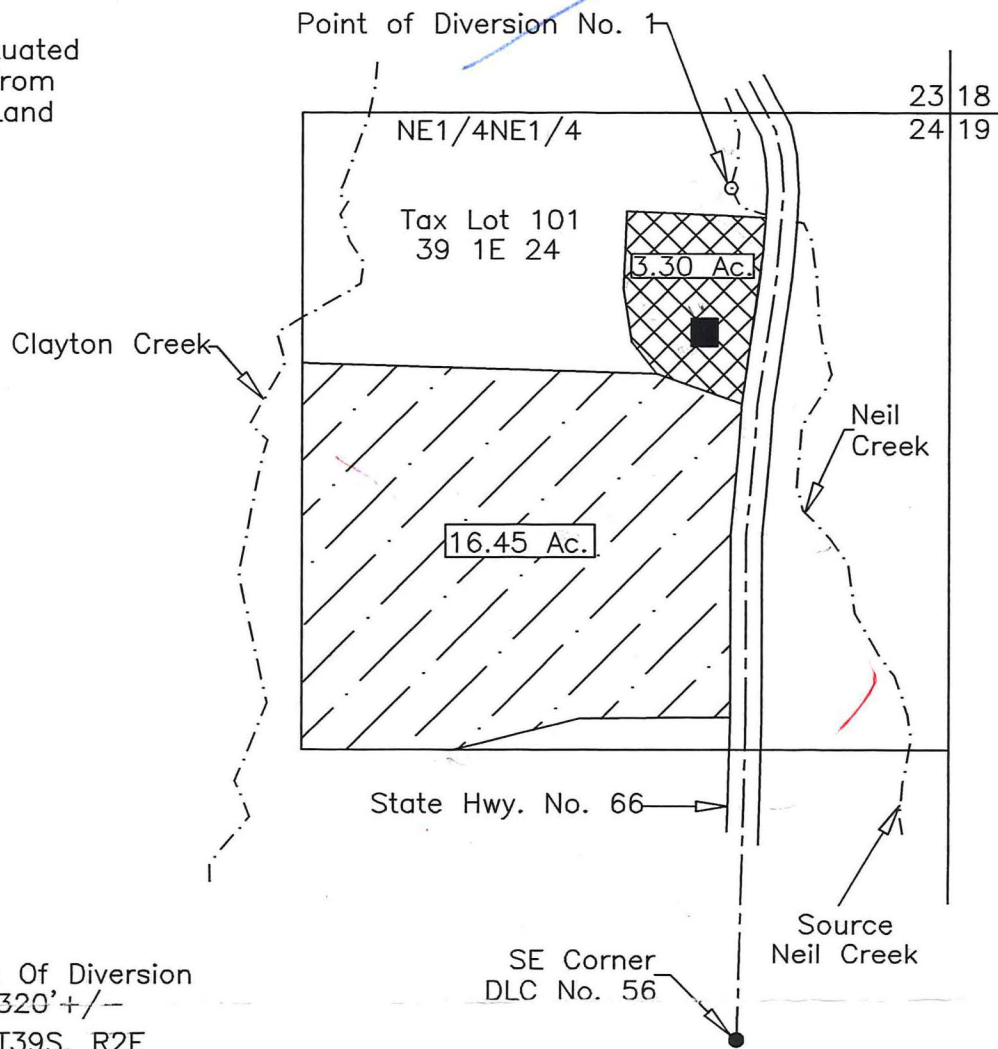
MAP OF WATER RIGHT TRANSFER
SECTION 24
TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.
JACKSON COUNTY, OREGON
FOR
STATE OF OREGON
OREGON DEPARTMENT OF TRANSPORTATION
3500 N.W. STEWART PARKWAY
ROSEBURG, OR 97470-3356

T 11363

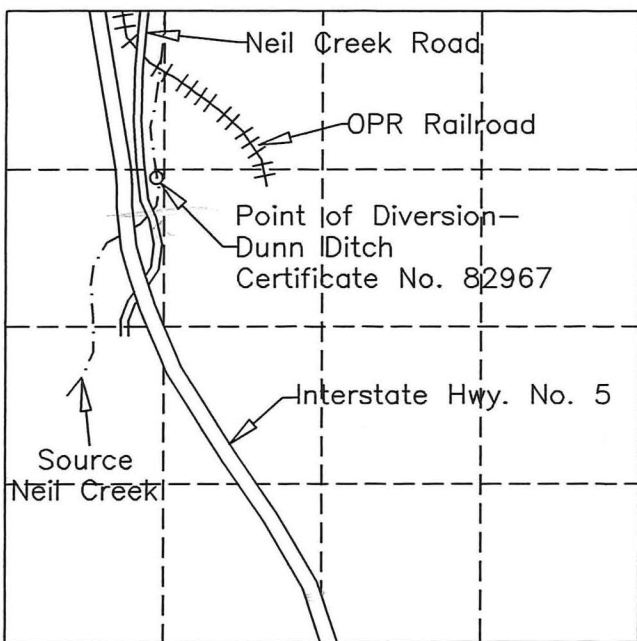
Point of Diversion No. 1, situated
North 1784' and West 15' from
Southeast Corner Donation Land
Claim corner No. 56



Scale: 1"=400'
Date: December 25, 2011



Authorized Point Of Diversion
Scale 1"=1320'+/-
Section 31, T39S, R2E



Authorized Point of Diversion-Certificate
No. 82967, Houck-Dunn-Holmes Ditch,
Latitude 42°08'16.8" Latitude 122°38'08.0"
WGS-84 Datum

LEGEND

- Denotes Found Corner
- Denotes Building or Structure
- Denotes Driveway
- ▨ Denotes Area Under Certificate No. 82967, Priority Date 1852. Transfer Place Change In Point of Diversion and Place of Use From Section 13 SW1/4SW1/4, Section 24 NW1/4NW1/4, NE1/4 NW1/4, SE1/4NW1/4 To Section 24 NE1/4NE1/4
- ▩ Denotes Area Under Certificate 82967, Priority Date 1852. Transfer Point Of Diversion To Section 24 NE1/4NE1/4. No Change In Place Of Use

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FEB 28 2012

WATER RESOURCES DEPT
SALEM, OREGON



HAROLD L. CENTER
2604 David Lane
Medford, OR. 97504
Phone 541-535-6108
Oregon Certificate No. 152
Cert. Renewal Date: 12/31/2013

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


MAP OF WATER RIGHT TRANSFER
SECTIONS 13 AND 24
TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.
JACKSON COUNTY, OREGON
FOR
STATE OF OREGON

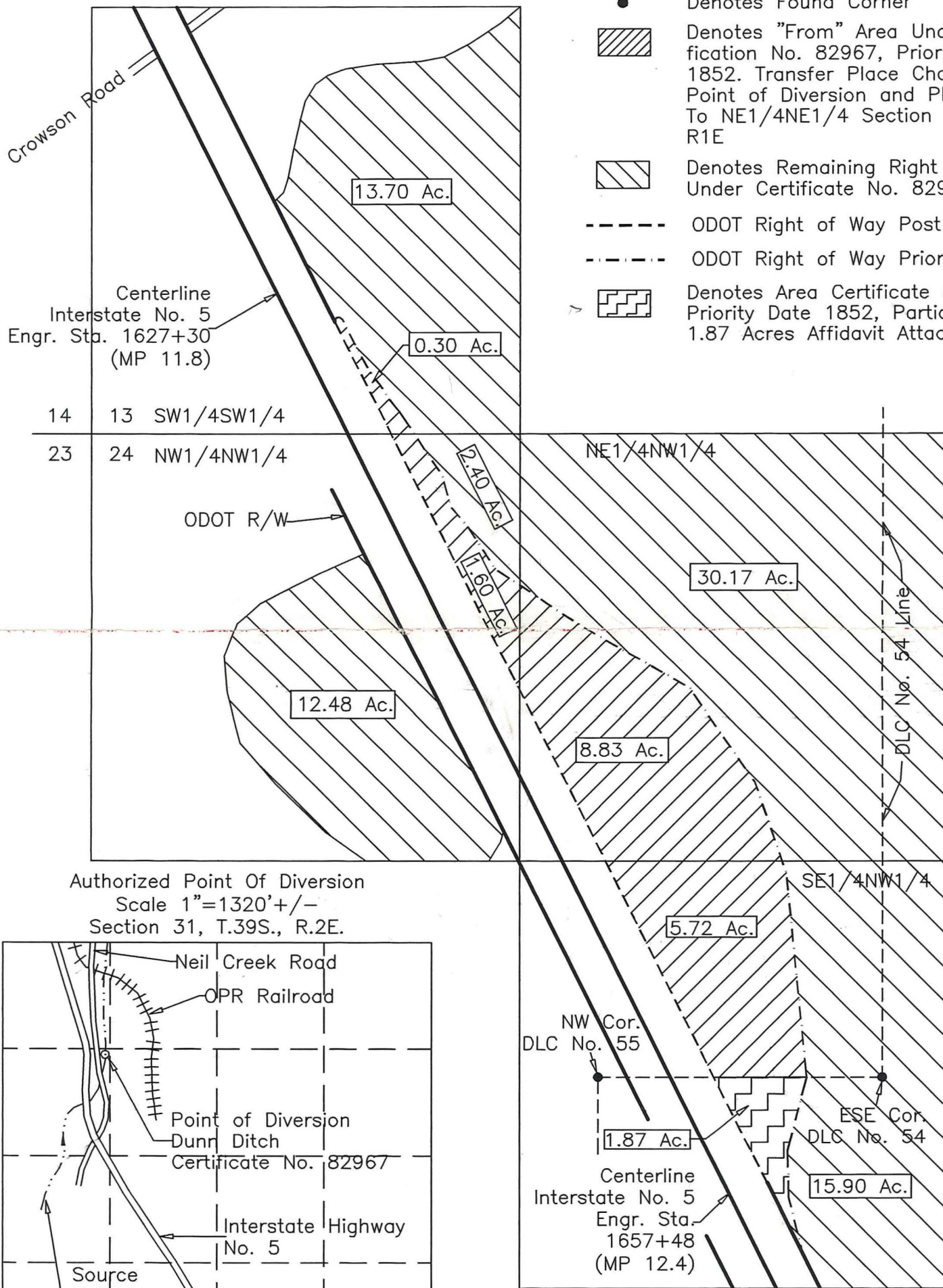


OREGON DEPARTMENT OF TRANSPORTATION
3500 N.W. STEWART PARKWAY
ROSEBURG, OR 97470-3356

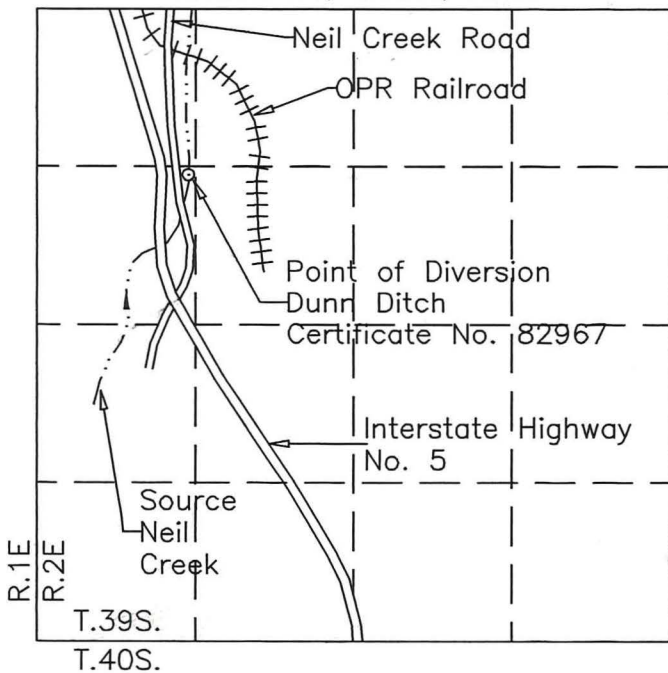
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Date: December 25, 2011

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- ODOT Right of Way Post 1999
- - - ODOT Right of Way Prior to 1999
-  Denotes Area Certificate 82967, Priority Date 1852, Partial Cancellation 1.87 Acres Affidavit Attached

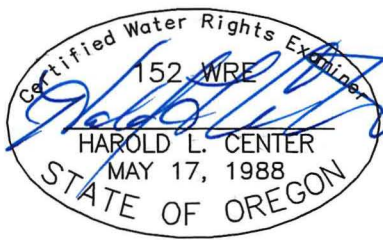


Authorized Point Of Diversion
Scale 1"=1320'+/-
Section 31, T.39S., R.2E.



Authorized Point of Diversion—
Certificate No. 82967, Houck—
Dunn—Holmes Ditch, Latitude
42°08'16.8", Longitude 122°38'08.0"
WGS-84 Datum.

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WATER RESOURCES DEPT
SALEM, OREGON




MAP OF WATER RIGHT TRANSFER
SECTIONS 13 AND 24
TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.
JACKSON COUNTY, OREGON

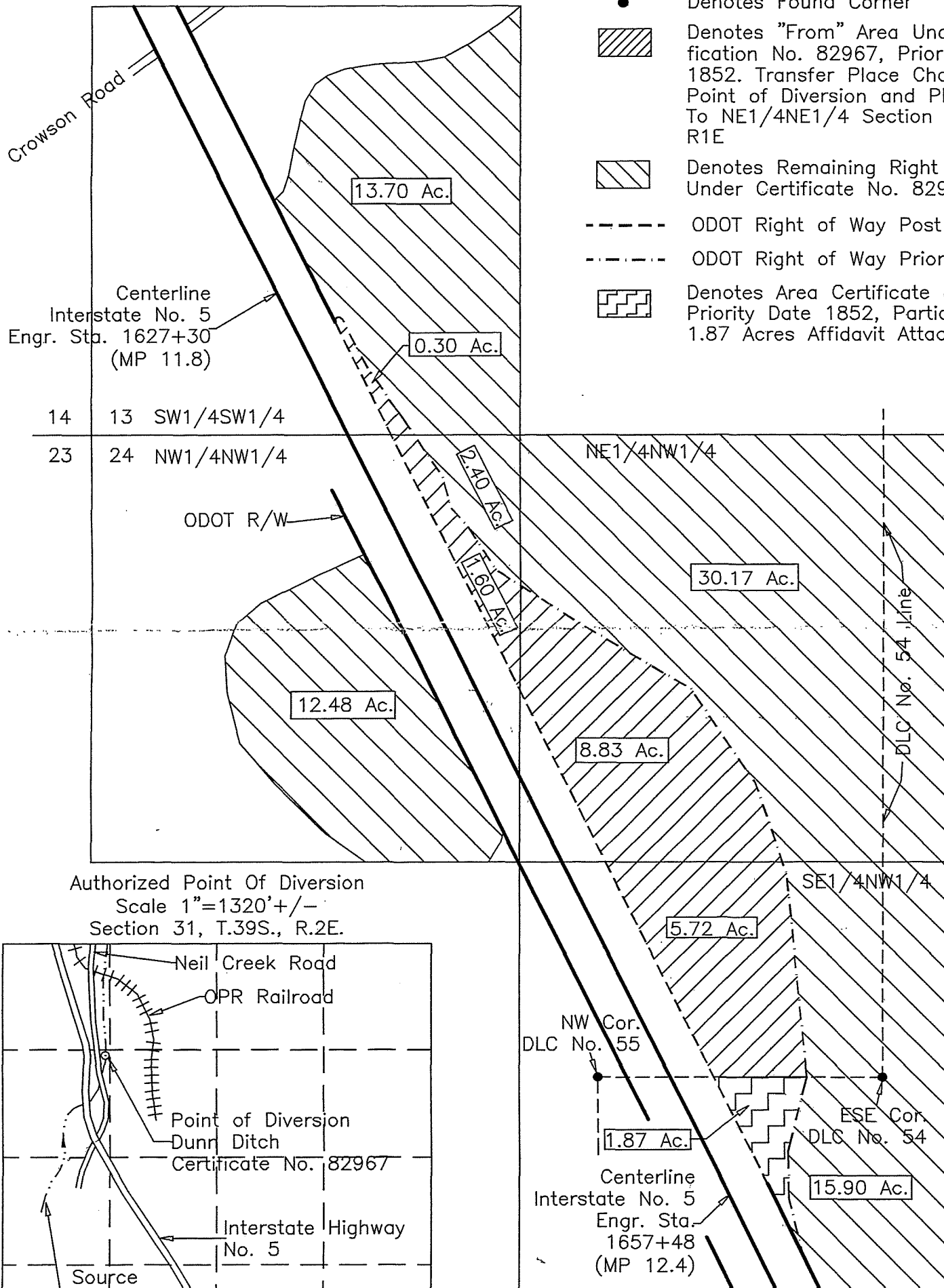
FOR
STATE OF OREGON
OREGON DEPARTMENT OF TRANSPORTATION
3500 N.W. STEWART PARKWAY
ROSEBURG, OR 97470-3356



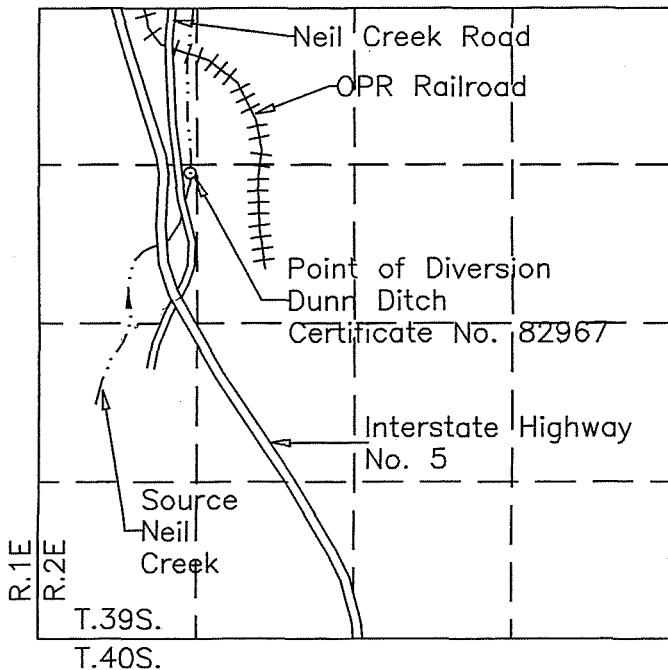
Scale: 1"=400'
Date: December 25, 2011

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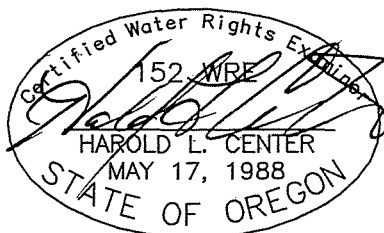


Authorized Point Of Diversion
Scale 1"=1320'+/-
Section 31, T.39S., R.2E.



Authorized Point of Diversion—
Certificate No. 82967, Houck—
Dunn—Holmes Ditch, Latitude
42°08'16.8", Longitude 122°38'08.0"
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Medford, OR. 97504
Phone 541-535-6108
Oregon Certificate No. 152
Cert. Renewal Date: 12/31/2013

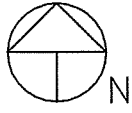
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WATER RESOURCES DEPT
SALEM, OREGON

MAP OF WATER RIGHT TRANSFER
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


T 11363

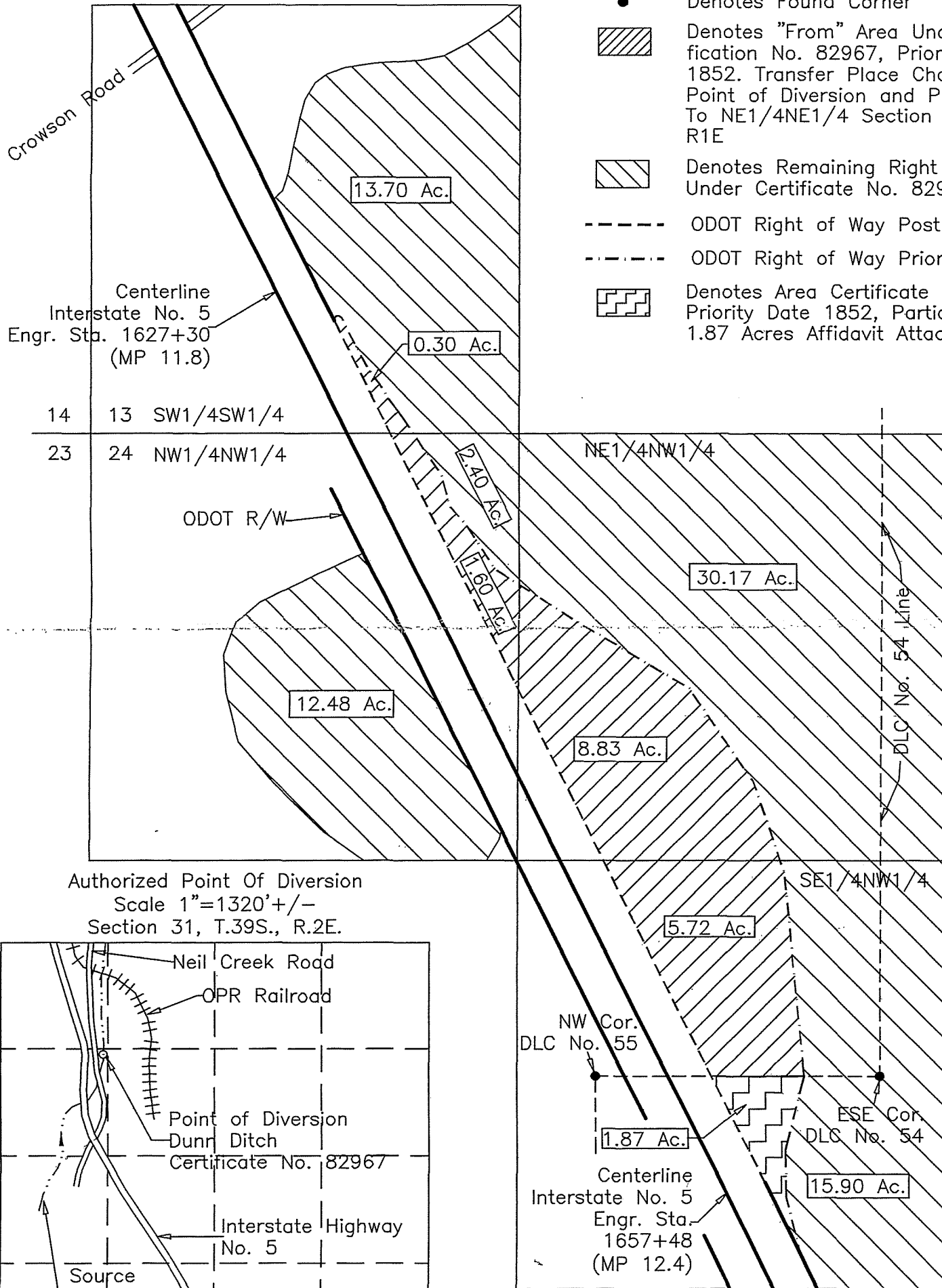


FOR
 STATE OF OREGON
 OREGON DEPARTMENT OF TRANSPORTATION
 3500 N.W. STEWART PARKWAY
 ROSEBURG, OR 97470-3356

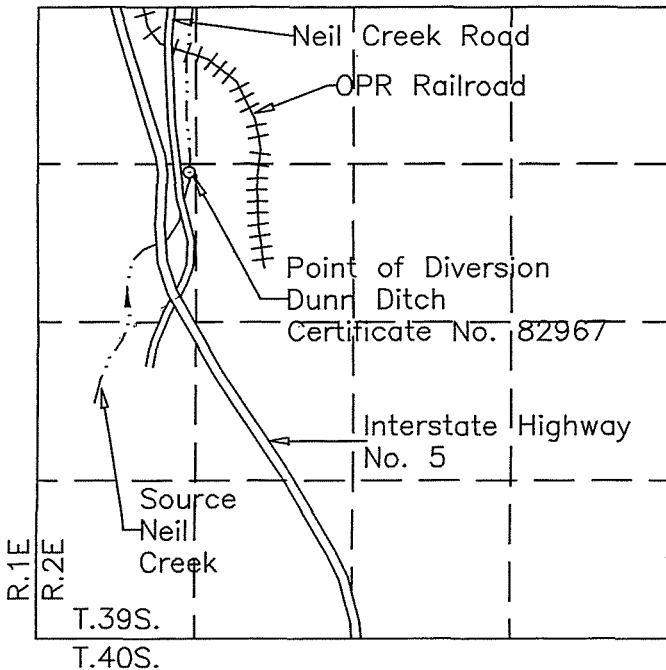
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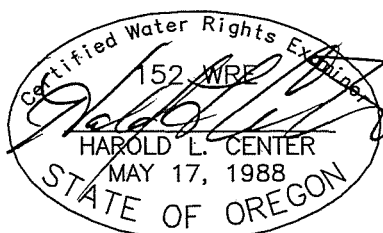


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 2604 David Lane
 Medford, OR. 97504
 Phone 541-535-6108
 Oregon Certificate No. 152
 Cert. Renewal Date: 12/31/2013

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 WATER RESOURCES DEPT
 SALEM, OREGON

Mailing List for Final Transfer Certificate(s)

Transfer Application: T-11363

Certificate: 95292 (C-88873)

Certificate/Transfer Holder: (include copy of map)
OREGON DEPARTMENT OF TRANSPORTATION
ATTN JAYNE RANDLEMAN
3500 STEWART PARKWAY
ROSEBURG, OR 97470

Copies Mailed	
by:	<u>TM</u> (STAFF)
on:	<u>10/2/2020</u> (DATE)

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **NO- WATER RIGHT HOLDER.TRANSFER HOLDER**

Copies of Final Transfer Certificate(s) to be sent to:

1. Watermaster District #: 13
2. Vault
3. File

Other persons to receive copies: (include map):

1. RECEIVING LANDOWNER:
MANTA INVESTMENTS, LLC
ATTN MARK DIRIENZO
700 MISTLETOE ROAD
ASHLAND OR 97520

2. TALENT IRRIGATION DIST
104 W. Valley View Rd.
Talent, OR. 97540

Record Marking(s):

1. Original Application# DECREE
2. Old Certificate# 88873



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

Date Mailed: OCT 02 2020

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water rights established under the terms of a transfer order issued by this Department.

This certificate is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Gerry Clark at 503-986-0811.



STATE OF OREGON
 COUNTY OF JACKSON
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OREGON DEPARTMENT OF TRANSPORTATION
 3500 STEWART PARKWAY
 ROSEBURG OR 97470

confirms the right to use the waters of NEIL CREEK, A TRIBUTARY OF BEAR CREEK for IRRIGATION of 16.45 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1852.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.09 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	2 E	WM	31	SW NW	HOUCK-DUNN-HOMES DITCH: NORTH 42 DEGREES 08 MINUES 16.8 SECONDS WEST 122 DEGREES 38 MINUTES 8.0 SECONDS

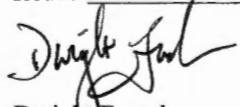
A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	1 E	WM	24	NE NE	16.45

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.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered MARCH 28, 2014, at Special Order Volume 91, Page 1037, approving Transfer Application 11363, and together with Certificate 89169, supercedes Certificate 88873, State record of Water Right Certificates.

Issued OCT 02 2020


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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

FULL ✓

MEMO -Proof to Satisfaction

Application #	Permit #	Transfer # 11363
WRD Reviewer C. Holmes	Date 7.7.2020	
WRD Peer Reviewer J Skaug	Date Aug 2020	

~~c 82267~~ c 88873 partial
Δ Pou / cancellation

Research

- ___ Organize file in chronological order RR
- Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- Water Organization identified using AOI? ___ No Yes
If "Yes" cc: Talent IRR Dist. & Add to Mailing List
- Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor TL 101 & 100
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- Print Platcard & check for Place of Use Conflict? ___ No ___ Yes c 90847 (RR)
If "Yes", provide copy of certificate & relevant map
- Print BLM Cadastral Survey
- Does Claim Map identify correct DLC, Gov't Lots, QQ's? ___ No Yes
If "No", either ___ WRD amend map OR ___ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- n/a Fish Conditions
- ___ Meter/measuring device
- ___ Water Use Reporting
- ___ Pump Test (post December 19, 1988)
- ___ Other Conditions _____
- ↓ SWL
- OK C-Date OCT. 1 2016

OK Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

Determination

___ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

___ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

___ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

___ Stamp PROPOSED or Assign CERT# _____ or ORDER OF CERTIFICATION (circle one)

___ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

___ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

___ Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____

NOTES:

5. The portion of the right to be transferred is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by the Rogue River Decree)
Use: IRRIGATION of 16.45 acres, DOMESTIC, and LIVESTOCK
Priority Date: 1852
Rate: 0.09 CUBIC FOOT PER SECOND (cfs)
Source: NEIL CREEK, tributary to BEAR CREEK

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	POD Description
39 S	2 E	WM	31	Houck-Dunn-Holmes Ditch

Authorized Place of Use (POU):

IRRIGATION, DOMESTIC AND LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	1 E	WM	13	SW SW	0.30
39 S	1 E	WM	24	NE NW	8.83
39 S	1 E	WM	24	NW NW	1.60
39 S	1 E	WM	24	SE NW	5.72
Total:					16.45

6. Additional information regarding the location of the authorized point of diversion, provided by the Certified Water Rights Examiner is included in the following table:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	POD Description
39 S	2 E	WM	31	SW NW	N42°08'16.8" West 122°38'08.0" World Geodetic System - 84 Datum

7. Transfer Application T-11363 proposes to change the place of use of the right to:

IRRIGATION, DOMESTIC AND LIVESTOCK						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	NE NE	56	16.45

8. Notice of the application for transfer was published on March 6, 2012, pursuant to OAR 690-380-4000.

9. On December 26, 2013, the Department provided a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11363 to the applicants and the receiving landowners. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

10. On February 24, 2014, the Department issued a preliminary determination proposing to approve Transfer Application T-11363 and mailed a copy to the applicant and receiving landowners. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on February 25, 2014 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

- 11. The water right was included in Transfer Application T-7274 during the period between December 1994 to March 2, 2012. Pursuant to 540.610(2)(m) the time in which lands are involved in a transfer are not subject to forfeiture under ORS 540.610.
- 12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11363.
- 13. The proposed change would not result in enlargement of the right.
- 14. The proposed change would not result in injury to other water rights.

Partial Cancellation of a Water Right

- 15. On February 28, 2012, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Oregon Department of Transportation. The portion of the right to be cancelled is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by Rogue River Decree State Water Board)
Use: IRRIGATION of 2.13 ACRES
Priority Date: 1852
Source: NEIL CREEK, tributary to BEAR CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec
39 S	2 E	WM	31

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	SE NW	55	1.87
39 S	1 E	WM	24	NE SW	55	0.26
Total:						2.13

Conclusions of Law

The change in place of use proposed in Transfer Application T-11363 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled.

Now, therefore, it is ORDERED:

- 1. The change in place of use proposed in Transfer Application T-11363 is approved. The portion of the right that has been abandoned is cancelled.

2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 88873 and any related decree.
3. Water right certificate 88873 is cancelled. A new certificate will be issued describing that portion of the right NOT affected by this transfer and cancellation.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the **receiving landowners** to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 28 day of March, 2014.


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

APR 04 2014 - mailed date GT

STATE OF OREGON
 COUNTY OF JACKSON
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ADELBERT MOORE
 ASHLAND, OR 97520

confirms the right to use the waters of NEIL CREEK, a tributary of BEAR CREEK for IRRIGATION of 340.42 acres, DOMESTIC and STOCK use.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1852.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.00 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Description
39 S	2 E	WM	31	HOUCK-DUNN-HOMES DITCH

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

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	13	NE SW		30.00
39 S	1 E	WM	13	SW SW		6.70
39 S	1 E	WM	13	SE SW		40.00
39 S	1 E	WM	13	NW SE		5.00
39 S	1 E	WM	13	SW SE		40.00
39 S	1 E	WM	13	SE SE		20.80
39 S	1 E	WM	23	NE NE		5.00
39 S	1 E	WM	24		54	16.00
39 S	1 E	WM	24	NE NE		3.30
39 S	1 E	WM	24	NW NE		40.00
39 S	1 E	WM	24	SW NE		36.60
39 S	1 E	WM	24	SE NE		5.60
39 S	1 E	WM	24	NE NW		26.17
39 S	1 E	WM	24	NW NW		9.8
39 S	1 E	WM	24	SW NW		4.80
39 S	1 E	WM	24	SE NW		20.71
39 S	1 E	WM	24	NE SW		5.24
39 S	1 E	WM	24	NW SE		24.70
Total:						340.42

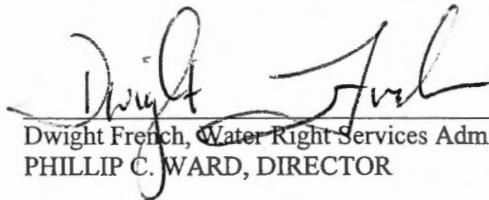
Correct

This certificate corrects the place of use consistent with the order of the Circuit Court of the State of Oregon for Jackson County entered 3/28/2014 and supersedes Certificate 82967.

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 March 28, 2014.

A handwritten signature in cursive script, appearing to read "Dwight French", written over a horizontal line.

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

STATE OF OREGON
 COUNTY OF JACKSON
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ADELBERT MOORE
 ASHLAND, OR 97520

confirms the right to use the waters of NEIL CREEK, a tributary of BEAR CREEK for IRRIGATION of 359.0 acres,
 DOMESTIC and STOCK use.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1852.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.000 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Description
39 S	2 E	WM	31	HOUCK-DUNN-HOMES DITCH

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

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	13	NE SW		30.00
39 S	1 E	WM	13	SW SW		7.00
39 S	1 E	WM	13	SE SW		40.00
39 S	1 E	WM	13	NW SE		5.00
39 S	1 E	WM	13	SW SE		40.00
39 S	1 E	WM	13	SE SE		20.80
39 S	1 E	WM	23	NE NE		5.00
39 S	1 E	WM	24		54	16.00
39 S	1 E	WM	24	NE NE		3.30
39 S	1 E	WM	24	NW NE		40.00
39 S	1 E	WM	24	SW NE		36.60
39 S	1 E	WM	24	SE NE		5.60
39 S	1 E	WM	24	NE NW		35.00
39 S	1 E	WM	24	NW NW		11.40
39 S	1 E	WM	24	SW NW		4.80
39 S	1 E	WM	24	SE NW		28.30
39 S	1 E	WM	24	NE SW		5.50
39 S	1 E	WM	24	NW SE		24.70
Total:						359.00

0.3
 0.03
 1.6
 5.72 1.87
 0.26
 16.45

This certificate corrects the place of use consistent with the order of the Circuit Court of the State of Oregon for Jackson County entered **NOV 22 2013** and supersedes Certificate 82967.

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 NOV 22 2013



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

Account Sequence	Map TL Sequence	Assessment Year 2020 ↕	Print Window	Close Window
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Assessment Info for Account 1-010282-6 Map 391E24 Taxlot 101
Report For Assessment Purposes Only Created July 07, 2020

Account Info		Tax Year 2019 Info		Land Info	
Account	1-010282-6	Pay Taxes Online		Tax Code	5-04
Map Taxlot	391E24 101	Tax Report	Details	Acreage	123.34
Owner	DUNN RANCH LLC	Tax Statement	Details	Zoning	
<input type="checkbox"/> Situs Address		Tax History	Details	EFU	
4224 HWY 66 ASHLAND/COUNTY	R	Tax Details	Details	Land Class	
Mailing Address	DUNN RANCH LLC ARI ZASLOW PO BOX 129 TALENT OR, 97540	Tax Rates	Details	FS 1.00 Ac	
<input type="checkbox"/> Associated Taxlots	4 Acct			IIIK 89.74 Ac	
5-04 R	1-010164-3 391E13D 2000 ACTIVE			HS 0.00 Ac	
5-02 R	1-010466-5 392E18 700 ACTIVE			RT 1.17 Ac	
5-02 R	1-010488-4 392E19 300 ACTIVE			IIIK 31.43 Ac	
5-04 R	1-100648-4 391E13D 2002 ACTIVE			Property Class	551
Appraiser	154			Stat Class	152
				Unit ID	295011-5
				Maintenance Area	2
				Neighborhood	000
				Study Area	21
				Account Status	ACTIVE
				Tax Status	Assessable
				Sub Type	NORMAL

Sales Data (ORCATS)

Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
\$ 2,650,000	Apr 13, 2020	2020-12357	Details

Value Summary Detail (For Assessment Year 2020 - Subject To Change)

Market Value Summary (For Assessment Year 2020 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
5-04	LAND	2.17	\$ 181,280	\$ 181,280	\$ 126,070	\$ 126,070
5-04	LAND	121.17	\$ 217,510	\$ 0	\$ 0	\$ 0
5-04	IMPR	0.00	\$ 289,990	\$ 289,990	\$ 302,500	\$ 302,500
Value History Details			Total:	\$ 688,780	\$ 471,270	\$ 428,570

Value Summary Details

Specially Assessed Value Summary (For Assessment Year 2020 - Subject To Change)

Code Area	Type	Acreage	SAV	MSAV	AV
5-04	LAND	121.17	\$ 111,794	\$ 81,643	\$ 81,643
Total:			\$ 111,794	\$ 81,643	\$ 81,643

Total (Market + Specially Assessed) Value Summary (For Assessment Year 2020 - Subject To Change)

Code Area	RMV	M5	MAV	AV
5-04	\$ 688,780	\$ 583,064	\$ 510,213	\$ 510,213

Improvements

Building #	Code Area	Year Built	Eff Year Built	Stat Class	Description	Type	SqFt	% Complete
1	5-04	1860	1970	152	Two story	Residence	4200	100 %

Photos and Scanned Documents

Type	Item Number	Image Files
ACCOUNT PHOTO	1	1

Account Sequence	Map TL Sequence	Assessment Year 2020	Print Window	Close Window
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Assessment Info for Account 1-011924-7 Map 391E24 Taxlot 800
 Report For Assessment Purposes Only Created July 07, 2020

Account Info		Tax Year 2019 Info		Land Info	
Account	1-011924-7	Pay Taxes Online		Tax Code	5-04
Map Taxlot	391E24 800	Tax Report	Details	Acreage	2.50
Owner	BOUMAN LANE J TRUSTEE BOUMAN LANE J TRUST	Tax Statement	Details	Zoning	
Situs Address	4400 HWY 66 ASHLAND/COUNTY R	Tax History	Details	RR-5	
Mailing Address	BOUMAN LANE J TRUSTEE ET AL 4400 HIGHWAY 66 ASHLAND OR, 975209748	Tax Details	Details	Land Class	
Appraiser	154	Tax Rates	Details	RT 2.50 Ac	
				HS 0.00 Ac	
				Property Class	401
				Stat Class	131
				Unit ID	204462-1
				Maintenance Area	2
				Neighborhood	000
				Study Area	21
				Account Status	ACTIVE
				Tax Status	Assessable
				Sub Type	NORMAL

Sales Data (AS 400)

Last Sale	Sale Date	Instrument Number	Sales History
\$130,000.00	10/8/1990	1990-25462 Details	Details

+ **Value Summary Detail (For Assessment Year 2020 - Subject To Change)**

- **Market Value Summary (For Assessment Year 2020 - Subject To Change)**

Code Area	Type	Acreage	RMV	M5	MAV	AV
5-04	LAND	2.50	\$ 347,090	\$ 347,090	\$ 213,730	\$ 213,730
5-04	IMPR	0.00	\$ 96,140	\$ 96,140	\$ 112,650	\$ 112,650
Value History Details			Total:	\$ 443,230	\$ 443,230	\$ 326,380

[Value Summary Details](#)

Improvements

Building #	Code Area	Year Built	Eff Year Built	Stat Class	Description	Type	SqFt	% Complete	
1	5-04	1950	1967	131	One story	Residence	1680	100 %	Details

Photos and Scanned Documents

Type	Item Number	Image Files	
ACCOUNT PHOTO	1	1	PDF
SCANNED ASSESSOR DOCUMENTS	(See new portal)	(See new portal)	Portal

+ **Improvement Comments**

Appraisal Maintenance

2008 - INVENTORY REVIEW

- **Account Comments**

(1) ACREAGE CORRECTION -.19 ACRES >>> 2006-05-05 CONVERSION TO 2005 FACTOR BOOK. POTENTIAL RMV CHANGE ONLY - NO EXCEPTION GENERATED DUE TO THE CONVERSION. BEGINNING YEAR VALUE ADJUSTED TO REFLECT 2005 FACTOR BOOK>>>9/30/08 NLC #154>>>

- **Exemptions / Special Assessments / Notations / Potential Liability**

Notations	Description	Tax Amount	Year Added	Value Amount

Account Sequence	Map TL Sequence	Assessment Year 2020	Print Window	Close Window
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Assessment Info for Account 1-010281-8 Map 391E24 Taxlot 102
Report For Assessment Purposes Only Created July 07, 2020

Account Info		Tax Year 2019 Info		Land Info	
Account	1-010281-8	Pay Taxes Online		Tax Code	5-02
Map Taxlot	391E24 102	Tax Report	Details	Acreage	6.67
Owner	COTA LIVING TRUST	Tax Statement	Details	Zoning	
	COTA GEORGE TRUSTEE	Tax History	Details	EFU	
	COTA BARBARA TRUSTEE	Tax Details	Details	Land Class	
Situs Address	HWY 66 ASHLAND/COUNTY R	Tax Rates	Details	RT 6.67 Ac	
Mailing Address	COTA GEORGE TRUSTEE ET AL 4300 HWY 66 ASHLAND OR, 97520			Property Class	400
Appraiser	64			Stat Class	000
				Unit ID	204396-1
				Maintenance Area	2
				Neighborhood	000
				Study Area	21
				Account Status	ACTIVE
				Tax Status	Assessable
				Sub Type	NORMAL

Sales Data (ORCATS)

Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
\$ 400,000	Jul 25, 2017	2017-25469	Details

Value Summary Detail (For Assessment Year 2020 - Subject To Change)

Market Value Summary (For Assessment Year 2020 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
5-02	LAND	6.67	\$ 119,870	\$ 119,870	\$ 113,250	\$ 113,250
Value History Details			Total:	\$ 119,870	\$ 119,870	\$ 113,250

[Value Summary Details](#)

Photos and Scanned Documents

SCANNED ASSESSOR DOCUMENTS	(See new portal)	(See new portal)	Portal
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Account Comments

02/21/02: 2001-10-NF -HO AND 2002-03-LOT PER PLANNING DEPT. (1) ACREAGE ADJ -3.33 AC REMAP K & A TL (2) 102 N +5.00 ACRES <<< 8-3-05 CORRECTED THE 2004 TREND TABLES THAT WERE INCORRECT FOR THE PERIOD 2-05 THROUGH 8-05 PER #23 >>>

Exemptions / Special Assessments / Notations / Potential Liability

Real Property Special Assessments

Tax Year Applied	Code	Description	Amount	Acres
2020	41	FIRE PATROL GRAZING	\$18.75	6.67

Notations

Description	Tax Amount	Year Added	Value Amount
STATE FIRE PROTECTION		2006	

Location Map

Account Sequence	Map TL Sequence	Assessment Year 2020	Print Window	Close Window
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Assessment Info for Account 1-011901-8 Map 391E24 Taxlot 100
Report For Assessment Purposes Only Created July 07, 2020

Account Info		Tax Year 2019 Info		Land Info	
Account	1-011901-8	Pay Taxes Online		Tax Code	5-04
Map Taxlot	391E24 100	Tax Report	Details	Acreage	3.33
Owner	COTA LIVING TRUST	Tax Statement	Details	Zoning	
	COTA GEORGE TRUSTEE	Tax History	Details	EFU	
	COTA BARBARA TRUSTEE	Tax Details	Details	Land Class	
Situs Address	4300 HWY 66 ASHLAND/COUNTY R	Tax Rates	Details	UNK 3.33 Ac HS 0.00 Ac	
Mailing Address	COTA GEORGE TRUSTEE ET AL 4300 HWY 66 ASHLAND OR, 97520			Property Class	401
Appraiser	154			Stat Class	151
				Unit ID	204392-1
				Maintenance Area	2
				Neighborhood	000
				Study Area	21
				Account Status	ACTIVE
				Tax Status	Assessable
				Sub Type	NORMAL

Sales Data (AS 400)

Last Sale	Sale Date	Instrument Number	Sales History
\$205,000.00	9/20/1999	1999-48307 Details	Details

Value Summary Detail (For Assessment Year 2020 - Subject To Change)

Market Value Summary (For Assessment Year 2020 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
5-04	LAND	3.33	\$ 347,040	\$ 347,040	\$ 280,300	\$ 280,300
5-04	IMPR	0.00	\$ 543,520	\$ 543,520	\$ 480,530	\$ 480,530
Value History Details	Total:		\$ 890,560	\$ 890,560	\$ 760,830	\$ 760,830

[Value Summary Details](#)

Improvements

Building #	Code Area	Year Built	Eff Year Built	Stat Class	Description	Type	SqFt	% Complete	
1	5-04	2000	2001	151	One story	Residence	3370	100 %	Details

Photos and Scanned Documents

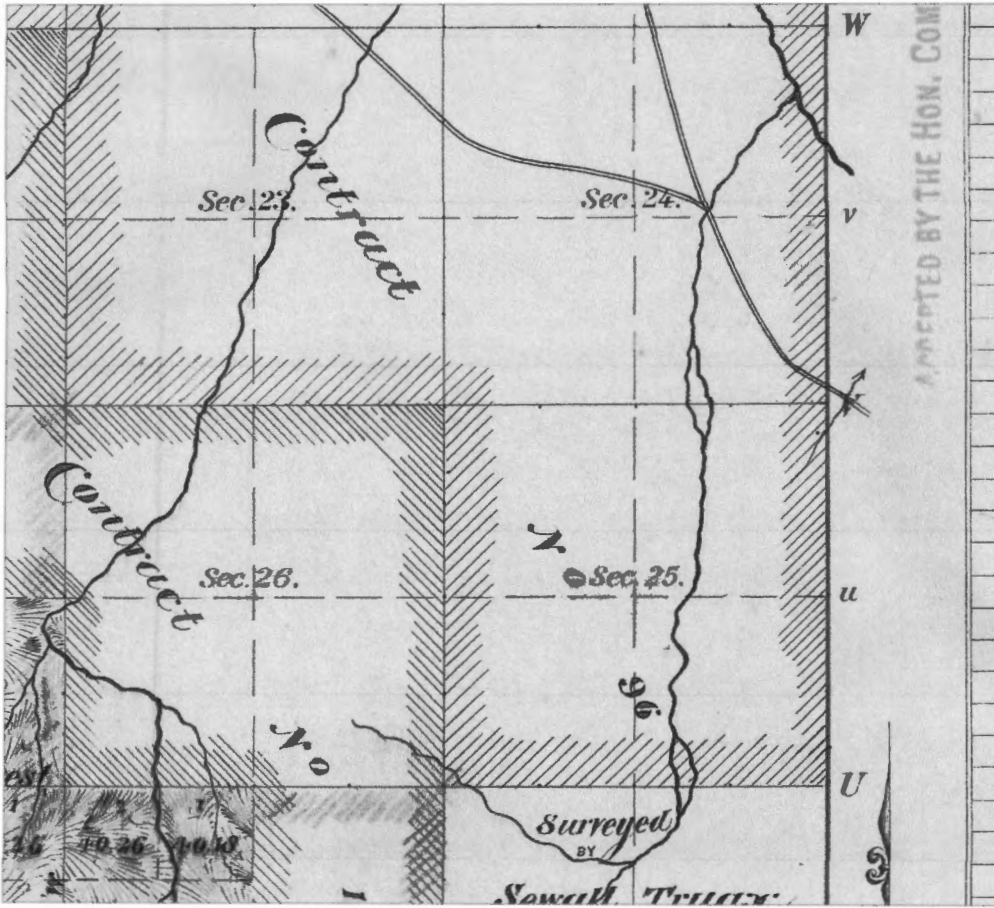
Type	Item Number	Image Files	
ACCOUNT PHOTO	1	1	PDF
ACCOUNT PHOTO	2	1	PDF
ACCOUNT PHOTO	3	1	PDF
APEX DRAWINGS	4	1	PDF
ACCOUNT PHOTO	5	1	PDF
ACCOUNT PHOTO	6	1	PDF
ACCOUNT PHOTO	7	1	PDF
SCANNED ASSESSOR DOCUMENTS	(See new portal)	(See new portal)	Portal

Improvement Comments

Appraisal Maintenance

Account Comments

reset | pan | blowup | reduce | enlarge | print_screen | print_plat | help | about



CLAIM OF BENEFICIAL USE for Permits claiming more than 0.1 cfs and All Transfers



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

RECEIVED BY OWRD

MAY 16 2016

A fee of \$175 must accompany this form for permits SALEM, OR
with priority dates after July 8, 1987.

A fee of \$175 must accompany this form for any Transfer final orders
including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights
has a priority date of July 9, 1987, or later, the fee is required.

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see
http://www.oregon.gov/owrd/pages/mgmt_reimbursement_authority.aspx

SECTION 1 GENERAL INFORMATION

1. File Information

APPLICATION # (G, R, S OR T) T-11363	PERMIT # (IF APPLICABLE) Special Order V91P1037	PERMIT AMENDMENT # (IF APPLICABLE) 0
--	---	--

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Manta Investments, LLC		PHONE NO. 541-621-8393	ADDITIONAL CONTACT NO. -
ADDRESS 700 Mistletoe Road			
CITY Ashland	STATE OR	ZIP 97520	E-MAIL markd@mind.net

If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each permit or transfer holder of record must sign this form.***

3. Permit or transfer holder of record (this may, or may not, be the current property owner)

PERMIT OR TRANSFER HOLDER OF RECORD Manta Investments, LLC			
ADDRESS 700 Mistletoe Road, STE 106			
CITY Ashland	STATE OR	ZIP 97520	

ADDITIONAL PERMIT OR TRANSFER HOLDER OF RECORD --			
ADDRESS --			
CITY --	STATE --	ZIP --	

4. Date of Site Inspection:

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Bruce Buckmaster	April 29, 2016	Farm Manager/Worker

6. County:

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)): **NONE**

OWNER OF RECORD			
ADDRESS			
CITY	STATE	ZIP	

Add additional tables for owners of record as needed

RECEIVED BY OWRD

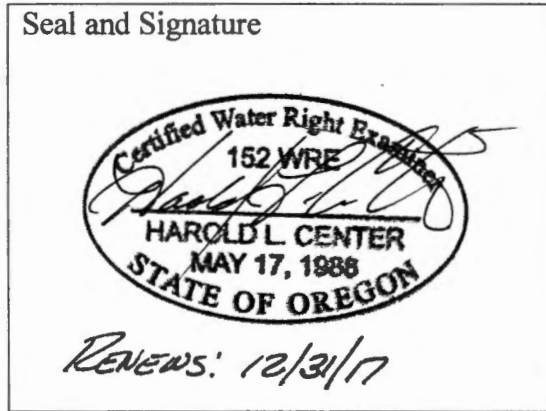
MAY 16 2016

SALEM, OR

**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



RECEIVED BY OWRD

MAY 16 2016

SALEM, OR

CWRE NAME Harold L. Center		PHONE NO. 541-535-6108	ADDITIONAL CONTACT NO. --
ADDRESS 2604 David Lane			
CITY Medford	STATE OR	ZIP 97504	E-MAIL hcenterpls@charter.net

Permit or Transfer Holder's of Record Signature or Acknowledgement

Each permit or transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Mark Dirienzo	Authorized Agent	5-12-16

MAY 16 2016

**SECTION 3
CLAIM DESCRIPTION**

SALEM, OR

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
Dunn Ditch		

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Point of diversion/appropriation source and, if from surface water, the tributary:

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
Dunn Ditch	Neil Creek	Bear Creek

3. Developed use(s), period of use, and rate for each use:

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
Dunn	IR	Pasture-Hay	Apr. 1 – Oct 31	0.09 CFS
Total Quantity of Water Used				0.09 CFS

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion or appropriation to the place of use:

Water is diverted from Neil Creek at the authorized point into the Dunn Ditch and conveyed via the ditch to the Manta Investments property situated on the easterly side of Interstate Hwy. No. 5. The water is applied to the property west of Clayton Creek by flood irrigation. Water is ditched easterly over Tax Lot 101 and diverted into Clayton Creek at a point where the water is pumped to the 16.45 acres situated East of Clayton Creek and West of Oregon Hwy. No. 66 and applied by sprinkler application.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

5. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below. YES NO

6. Claim Summary:

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Dunn	0.09 CFS	1.98 CFS	0.48	IR	16.45	16.45

**SECTION 4
SYSTEM DESCRIPTION**

Are there multiple PODs or POAs?

YES NO

If "YES" you will need to copy and complete Sections 4B through 4G for each POD/POA RECEIVED BY OWRD
POD/POA Name or Number this section describes (only needed if there is more than one):

MAY 16 2016

SALEM, OR

A. Place of Use

1. Is the right for municipal use?

YES NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
39	1E	WM	24	NE NE	--	56	IR	16.45	0
Total Acres Irrigated								16.45	0

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES NO

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Caprari	DI/50	400260	Centrifugal	2.5"	2.0"

3. Motor Information

MANUFACTURER	HORSEPOWER
Massy Ferguson 245	43 @ PTO

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
43	45	6	23	1.98

5. Provide pump calculations:

SEE ATTACHED CALCULATION SHEET.

NOTE: No. 4 – Theoretical pump capacity does not match pump flow GPM for tractor @ 540 RPM – use measured sprinkler flow in No. 10.

6. Measured Pump Capacity (using meter if meter was present and system was operating) **N/A**

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES NO

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4"	550'	Alum.	Above Ground

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
3"	1150	Alum.	Above Ground

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
7/32	45	9.4	25	23	0.48 CFS (216 GPM)

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information **N/A**

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)

12. Additional notes or comments related to the system:

C. Groundwater Source Information (Well and Sump) RECEIVED BY OWRD

1. Is the appropriation from ground water (well or sump)?

MAY 16 2016

YES NO

D. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)

YES NO

If "NO", item 2 and 3 relating to this section may be deleted.

E. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

F. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

G. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

YES NO

Reminder: Complete this section if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.

If "NO", items 2 through 9 relating to this section may be deleted.

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SALEM, OR

SECTION 5 CONDITIONS

All conditions contained in the permit, permit amendment, transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits, transfer final orders, and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit, extension or transfer final order:

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE			
BEGIN CONSTRUCTION (A)	3/28/2014		
COMPLETE CONSTRUCTION (B)	10/1/2016	4/15/2016	Installed System and Applied Water
COMPLETE APPLICATION OF WATER (C)	10/1/2016	4/29/2016	Completed Application of Water

* MUST BE WITHIN PERIOD BETWEEN PERMIT, TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)? YES NO

If "NO", you may delete item 3 in this section.

4. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement? YES NO

If "NO", items 4b through 4d relating to this section may be deleted.

5. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements? YES NO

If "NO", items 5b through 5e relating to this section may be deleted.

6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

a. Did the permit require the submittal of a pump test? YES NO

If "NO", items 6b through 6e relating to this section may be deleted.

7. Measurement Conditions:

a. Does the permit, permit amendment, transfer final order, or any extension final order require the installation of a meter or approved measuring device? YES NO

If "NO", items 7b through 7f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

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SALEM, OR

8. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **YES** **NO**

If "NO", item 8b relating to this section may be deleted.

9. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **YES** **NO**

If "NO", items 9b through 9e relating to this section may be deleted.

10. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? **YES** **NO**

If "NO", items 10b and 10c relating to this section may be deleted.

11. Other conditions required by permit, permit amendment final order, extension final order, or transfer final order:

a. Were there special well construction standards? **YES** **NO**

b. Was submittal of a ground water monitoring plan required? **YES** **NO**

c. Was the water user required to restore the riparian area if it was disturbed? **YES** **NO**

d. Was a fishway required? **YES** **NO**

e. Was submittal of a letter from an engineer required prior to storage of water? **YES** **NO**

f. Was submittal of a water management and conservation plan required? **YES** **NO**

g. Other conditions? **YES** **NO**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

**SECTION 6
ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Pump Capacity Cal. Sheet	OWRD Pump Calculation Sheet
Tractor Data	Massey Ferguson 245 – Data Sheet
KIFCO – Caprari	PTO Pump Data Sheet

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

Pumping location determined by GPS tie to DLC corner irrigated area mapped by conventional survey methods for topographic survey performed by Harold L. Center, PLS No 1071 – CWRE No. 152.

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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Pump Capacity Calculation Sheet

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 43
Efficiency = 6.61
Lift = 29
PSI = 45

Results Calculated

$(hp)(\text{efficiency}) = 284.23$
Head based on psi = 114.3
Total dynamic head = 143.3
(head + lift)

Pump Capacity = 1.98 feet per second

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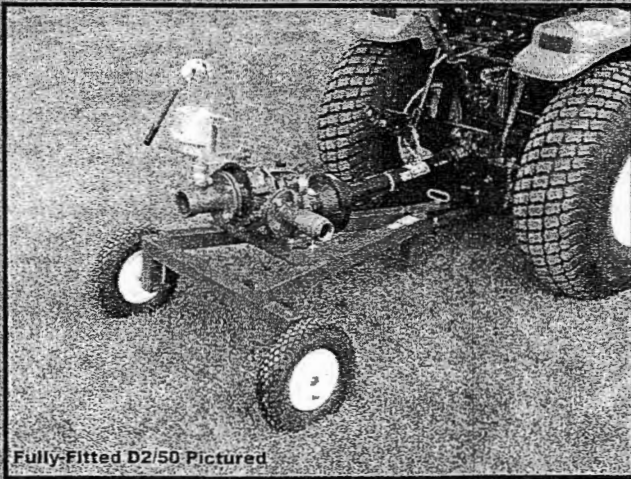
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SALEM, OR



Most Trusted Traveling Irrigation Systems
Since 1964

Caprari Model D1/50 PTO Pump



Fully-Fitted D2/50 Pictured

- Compact, reliable PTO pump capable of 50 to 330 gpm with corresponding pressures of 90 to 70 psi using 8.5 to 20 hp
- Available with heavy duty two wheeled trailer or galvanized three point mount
- Designed with industry leading oil lubricated step up gearbox (no belts or pulleys) with shafts supported by widely spaced bearings
- Easily replaceable packing gland type water seal
- Pumps can be fitted with 2" female thread discharge priming valve, hand primer, fluid filled pressure gauge, short suction adapter with 3" female pipe thread and #6 heavy duty 1 3/8 six spline PTO shaft

Technical Specifications

Discharge & Suction	(Bare or Pump, Cart & Shaft) Flanged
Discharge & Suction	(Fully Fitted) 2" NPT (F) Discharge, 3" NPT (F) Suction
Discharge Position	Horizontal, Right Facing (When Standing Behind The Suction End)
Length	62 Inches
Width	48 Inches
Height	36 Inches
Weight (Unfitted)	200 lbs.
Weight (Fitted)	220 lbs.

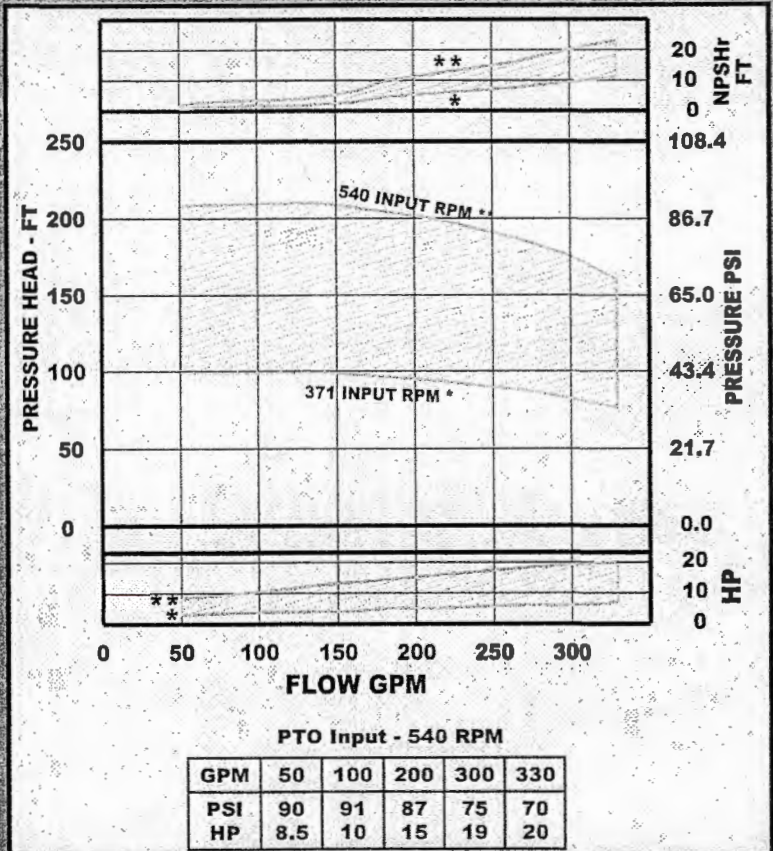
Configurations

Bare Pump	Pump only with weld-on companion flanges, gaskets, nuts & bolts
Pump, Cart & Shaft	Same as bare pump, but mounted on two-wheeled cart with PTO drive shaft
Fully Fitted	Same as pump, cart & shaft plus hand primer, check valve, pressure gauge and suction fittings

Options (Additional Fees Apply)

Three-Point Hitch	Fully galvanized frame may be substituted for cart
Suction Hose	3" x 30' Aquaflex
Foot Valves & Strainers	3" Cast or Aluminum 45'
Special Execution	Consult Factory

The performance information contained herein is based on ideal conditions. Actual performance is affected by, but not limited to, location, operating conditions, temperature, humidity & altitude, and human judgment. Kifco Inc. reserves the right to change product specifications, designs, pricing and standard equipment without notice and without incurring obligation.



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TractorData

Tractors > Massey Ferguson > 245

Search

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VIEW LOCAL OFFER

Massey Ferguson 245



1976 - 1983

Previous model:

[Massey Ferguson 235](#)

Next model:

[Massey Ferguson 250](#)

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- Farm Tractors
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 - Brand search:
- Sections:**
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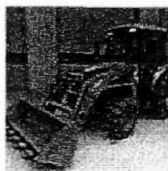
- Overview
- Engine
- Transmission
- Dimensions
- Photos
- Tests



**FORD 541
WORKMASTER**
\$5,500.00



**Ford 6500 Tractor
Loader NICE**
\$4,495.00



**2013 Kubota
Grand L5240 Cab**
\$35,900.00

Production:
Manufacturer: Massey Ferguson
Original price (USD): \$17,150 (1983)

Massey Ferguson 245 Engines:
 Perkins 2.5L 3-cyl diesel
 Continental 2.4L 4-cyl gasoline
[full engine details ...](#)

Capacity:
Fuel: 12.68 gal [48.0 L]
Hydraulic system: 6.6 gal [25.0 L]

3-Point Hitch:
Rear Type: I
Rear lift: 3,120 lbs [1415 kg]

Power Take-off (PTO):
Rear PTO: live
Rear RPM: 540

Dimensions & Tires:
Wheelbase: 74.5 inches [189 cm]
Weight: 3900 to 6150 pounds
Front tire: 6.00-16
Rear tire: 13.6-28
[full dimensions and tires ...](#)

245 Serial Numbers:
Location: Below instrument panel

- 1974: 9A202190
- 1975: 9A207681
- 1976: 9A232539
- 1977: 9A254045
- 1978: 9A276935
- 1979: 9A296946
- 1980: 9A326169
- 1981: 9A339343

ALL SWITCHING COSTS COVERED

ETF OR REMAINING DEVICE BALANCE

U.S. Cellular

Check Us Out
See Details

Massey Ferguson 245 Power:
Engine: 45 hp [33.6 kW]
PTO (claimed): 43 hp [32.1 kW]
Drawbar (tested): 34.97 hp [26.1 kW]
PTO (tested): 42.9 hp [32.0 kW]
[power test details ...](#)

Mechanical:
Chassis: 4x2 2WD
Differential lock: standard
Steering: hydrostatic power
Brakes: differential mechanical drum
Cab: Open operator station.

Hydraulics:
Capacity: 6.6 gal [25.0 L]

Electrical:
Ground: negative
Charging system: alternator
Charging amps: 32

Battery:

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ADELBERT MOORE
ASHLAND, OREGON 97520

confirms the right to use the waters of NEIL CREEK, a tributary of BEAR CREEK, for IRRIGATION of 335.0 ACRES, DOMESTIC and STOCK USE.

This right was confirmed by decree of the Circuit Court for the State of Oregon for Jackson County. The decree is of record at Salem in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1852.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.00 cubic feet per second, or the equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

TWP	RNG	MER	SEC	1/4 - 1/4	LOCATION
39 S	2 E	W.M.	31		HOUCK-DUNN-HOMES DITCH

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

IRRIGATION, DOMESTIC & STOCK USE						
TWP	RNG	MER	SEC	1/4 - 1/4	DLC	ACRES
39 S	1 E	W.M.	13	NE SW		30.0
39 S	1 E	W.M.	13	SW SW		7.0
39 S	1 E	W.M.	13	SE SW		40.0
39 S	1 E	W.M.	13	NW SE		5.0
39 S	1 E	W.M.	13	SW SE		40.0
39 S	1 E	W.M.	13	SE SE		20.8
39 S	1 E	W.M.	23	NE NE		5.0
39 S	1 E	W.M.	24		TOLMAN 54	16.0
39 S	1 E	W.M.	24	NE NE		3.3
39 S	1 E	W.M.	24	NW NE		40.0
39 S	1 E	W.M.	24	SW NE		36.6
39 S	1 E	W.M.	24	SE NE		5.6
39 S	1 E	W.M.	24	NE NW		35.0
39 S	1 E	W.M.	24	NW NW		11.4
39 S	1 E	W.M.	24	SW NW		4.8
39 S	1 E	W.M.	24	SE NW		4.3

IRRIGATION, DOMESTIC & STOCK USE						
TWP	RNG	MER	SEC	1/4 - 1/4	DLC	ACRES
39 S	1 E	W.M.	24	NE SW		5.5
39 S	1 E	W.M.	24	NW SE		24.7
TOTAL:						335.0

This certificate corrects a scrivener's error in Certificate 82048 that incorrectly described the amount of water to which the right is entitled.

This certificate describes that portion of the water right confirmed by Certificate 48362, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director in PC 95-4 entered February 29, 1996, and recorded in Special Order Volume 50, Page 303, approving a partial cancellation of a water right. This certificate supersedes Certificate 82048.

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

Issued: January 2, 2007


 PM Phillip C. Ward, Director

May 11, 2006

TO: File PC 95-4

FROM: Kimberly Grigsby, Water Resources Policy Analyst 

RE: Clarification of final order on Partial Cancellation of Certificate 48362

On February 29, 1996, the Department issued a final order on the Partial Cancellation of the Water Right Evidenced by Certificate 48362 in the Name of Adelbert Moore (the Order). It ordered a portion of Certificate 48362 (the Certificate) to be canceled, and further ordered a new confirming certificate for the remainder of the right to issue. Although the Order includes some errors, as described below, in the description of the place of use for this water right, the Department can issue the remaining right as required by the Order. The remaining right should include the places of use in the Certificate that were not asserted to have been forfeited for nonuse, as well as the acres that were asserted to have been forfeited but that the Department determined had not been forfeited. (See Ultimate Finding of Fact, Final Order at 6.)

The Order states that "10.4 acres in ... Section 13 and 106.7 acres in Section 24, T39S, R1E, ... is hereby canceled." (Order at 9.) For the reasons described below, the reference to 106.7 acres in Section 24 is inaccurate, but the Department can nonetheless identify the portion of the right canceled by the Order.

Page one of the Order described the place of use of the right asserted to have been forfeited for nonuse. That description, however, included errors in the number of acres included in the place of use that was asserted to have forfeited. These errors were presumably transferred from the June 7, 1995 affidavit of nonuse of water right certificate 48362 by Paul and Connie Foland, which contains the same errors. As shown below, each error described more acres asserted to be forfeited than was included in Certificate 48362:

	<u>Acres asserted to be forfeited as described in PC 95-4 Final Order</u>	<u>Acres in places of use as described in Certificate 48362</u>
NE ¼ NE ¼	28.5 acres	26.0 acres
SE ¼ NE ¼	36.3 acres	34.0 acres
SE ¼ SW ¼	1.0 acres	0.0 acres
SW ¼ SE ¼	11.1 acres	5.0 acres

Section 24
T 39 S, R 1 E, WM

The Order indicated that the acreage in section 24 T 39 S, R 1 E, WM that was asserted to have forfeited for nonuse totaled 117.6 acres. (Final Order at 1.) The forfeiture proponents, however, did not prevail as to all of these acres. The Order made a finding

that a portion of the right appurtenant to the following acreage in Section 24 had not been forfeited: 2.0 acres of TL 704; all 5.6 acres in TL 706; and 3.3 acres in TL 101. (Final Order at 6.) Thus the proponents failed to prove forfeiture on 10.9 acres. The Department ordered that 106.7 acres in section 24 T 39 S, R 1 E, WM be canceled. (Final Order at 9.) This total was presumably reached by subtracting 10.9 acres found to have been irrigated from the total 117.6 acres originally alleged to have been forfeited.

However, as described above, the final order overstated by 11.9 acres the land appurtenant to Certificate 48362. Thus, only 105.7 acres in the land subject to the affidavit of forfeiture were appurtenant to the certificate. Of these 105.7 acres, the right associated with 10.9 acres was found to not have been forfeited, leaving 94.8 acres on which forfeiture was proved. Thus, the portion of the water right associated with these 94.8 acres was forfeited and the Department should include the remainder of the right in the new certificate.

CLARK Gerry E

From: CLARK Gerry E
Sent: Thursday, April 28, 2016 12:52 PM
To: 'Harold Center'
Subject: RE: CBU for T-11363

Harold,

The "Receiving Landowner", upon issuance of the final order approving the transfer, became the transfer holder. You do not need to include any mention of ODOT unless they are a current property owner for a portion of the lands where the new place of use was authorized.

The Claim will need to document the new place of use and how water is appropriated from the authorized to POD to the new place of use including a description of equipment and capacities. I agree that the order does not provide any limitations regarding the method of application. Ultimately, the limitation are the original point of diversion, correct source (Neil Creek), and the place of use.

I hope this helps. Just so that you know I will be out of the office starting tomorrow and will not return until Wednesday next week.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

From: Harold Center [<mailto:hcenterpls@charter.net>]
Sent: Thursday, April 28, 2016 7:02 AM
To: 'CLARK Gerry E'
Subject: CBU for T-11363

Good Day Gerry,

Couple of questions, about to complete the CBU for Transfer 11363, the original applicant was ODOT and receiving owner is Manta Investments. In Section 1 of the CBU form 2-3 is that the receiving owner Manta and no reference to ODOT?

Please take a look at the "TO" transfer map, the original plan was to send the water for the 16.45 acres down Neil Creek and not use the Dunn Ditch for the conveyance, during the review process the thinking changed and it was decided to continue using the Dunn ditch and forget the new POD (marked as No. 1 on the map) and the owner (Manta) would figure out how to get the water onto the 16.45 acres, they have a check dam in Clayton Creek where they have always pumped water to the 3.3 acres, and now to water the 16.45 they have added a system and are pumping from the same check dam location (not shown on the transfer map, location is just north of the "Clayton Creek" leader). In essence this transfer became a simple change in place of use. So my question is, do I only need to show the current pumping location and document the system in use to apply the water. They also have the option to gravity flood and not sprinkle, I think the current sprinkle operation is being used because the amount of water under the Dunn ditch right is so small that

flooding is not an option for this area. There are really no conditions in the Transfer Order other than irrigate it by October 2016.

Suggestions or comments would be appreciated.

Thanks

Harold L. Center, PLS CWRE

STATE OF OREGON
 COUNTY OF JACKSON
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ADELBERT MOORE
 ASHLAND, OR 97520

confirms the right to use the waters of NEIL CREEK, a tributary of BEAR CREEK for IRRIGATION of 340.42 acres, DOMESTIC and STOCK use.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1852.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.00 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Description
39 S	2 E	WM	31	HOUCK-DUNN-HOMES DITCH

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

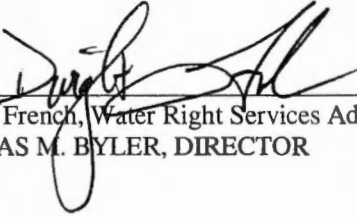
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	13	NE SW		30.00
39 S	1 E	WM	13	SW SW		6.70
39 S	1 E	WM	13	SE SW		40.00
39 S	1 E	WM	13	NW SE		5.00
39 S	1 E	WM	13	SW SE		40.00
39 S	1 E	WM	13	SE SE		20.80
39 S	1 E	WM	23	NE NE		5.00
39 S	1 E	WM	24		54	16.00
39 S	1 E	WM	24	NE NE		3.30
39 S	1 E	WM	24	NW NE		40.00
39 S	1 E	WM	24	SW NE		36.60
39 S	1 E	WM	24	SE NE		5.60
39 S	1 E	WM	24	NE NW		26.17
39 S	1 E	WM	24	NW NW		9.8
39 S	1 E	WM	24	SW NW		4.80
39 S	1 E	WM	24	SE NW		20.71
39 S	1 E	WM	24	NE SW		5.24
39 S	1 E	WM	24	NW SE		24.70
Total:						340.42

This certificate corrects the place of use consistent with the order of the Circuit Court of the State of Oregon for Jackson County entered March 28, 2014 and corrects a typographical error in the footer of Certificate 89169. This certificate supersedes Certificate 89169.

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 OCT 05 2015.



Dwight French, Water Right Services Administrator, for
THOMAS M. BYLER, DIRECTOR

Account Sequence	Map TL Sequence	Assessment Year 2015 ▾	Print Window	Close Window
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Assessment Info for Account 1-010282-6 Map 391E24 Taxlot 101
Report For Assessment Purposes Only Created October 05, 2015

Account Info		Tax Year 2014 Info			Land Info	
Account	1-010282-6	Pay Taxes Online			Tax Code	5-04
Map Taxlot	391E24 101	Tax Report			Acreage	137.84
Owner	MANTA INVESTMENTS LLC	Tax Statement			Zoning	
<input type="checkbox"/> Situs Address		Tax History			EFU	
4224 HWY 66 ASHLAND/COUNTY R		Tax Code 5-04			Land Class	
Mailing Address	MANTA INVESTMENTS LLC 700 MISTLETOE RD ASHLAND OR, 97520	Tax Type	Due Date	Amount	VIBI 6.29 Ac IIKI 94.94 Ac FS 1.00 Ac IIKI 31.43 Ac HS 0.00 Ac IVKI 1.97 Ac VBI 1.04 Ac RT 1.17 Ac	
Appraiser	154	Advalorem	11/15/14	\$6,405.45	Property Class	551
		Tax Rate	14.3771		Stat Class	152
		District Rates			Unit ID	197870-1
		District Amounts			Maintenance Area	2
		Tax Rate Sheet			Neighborhood	000
					Study Area	21
					Account Status	ACTIVE
					Tax Status	Assessable
					Sub Type	NORMAL

Sales Data (ORCATS)

Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
\$ 1,650,000	Mar 22, 2011	2011-9883	Details

Value Summary Detail (For Assessment Year 2015 - Subject To Change)

Market Value Summary (For Assessment Year 2015 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
5-04	LAND	2.17	\$ 150,760	\$ 150,760	\$ 105,350	\$ 150,760
5-04	LAND	135.67	\$ 1,053,940	\$ 0	\$ 0	\$ 0
5-04	IMPR	0.00	\$ 273,410	\$ 273,410	\$ 336,360	\$ 273,410
Value History Details			Total:	\$ 1,478,110	\$ 424,170	\$ 441,710
					\$ 424,170	

Specially Assessed Value Summary (For Assessment Year 2015 - Subject To Change)

Code Area	Type	Acreage	SAV	MSAV	AV
5-04	LAND	135.67	\$ 205,109	\$ 74,000	\$ 74,000
Total:			\$ 205,109	\$ 74,000	\$ 74,000

Total (Market + Specially Assessed) Value Summary (For Assessment Year 2015 - Subject To Change)

Code Area	RMV	M5	MAV	AV
5-04	\$ 1,478,110	\$ 629,279	\$ 515,710	\$ 498,170

Improvements

Site	Building #	Code Area	Year Built	Eff Year Built	Stat Class	Description	Type	SqFt	% Complete	
	1	5-04	1860	1970	152	Two story	Residence	4200	100 %	Details

Images / Plans

Image type	Item Number	Image Files	
RESIDENTIAL	1	4	PDF
APEX DRAWINGS	2	1	PDF
ACCOUNT PHOTOS	3	2	PDF
All in One Report			PDF

Improvement Comments

Appraisal Maintenance

2008 - INVENTORY REVIEW

2010 - HISTORY ONLY R.T.

Account Comments

Exemptions / Special Assessments / Notations / Potential Liability

Real Property Special Assessments

Tax Year Applied	Code	Description	Amount	Acres
2015	39	FIRE IMPROVEMENT SURCHARGE	\$47.50	
2015	41	FIRE PATROL GRAZING	\$114.76	137.84

Notations

Description	Tax Amount	Year Added	Value Amount
CARTOGRAPHIC ACTIVITY			
FARM LAND-POTENTIAL LIABILITY			
POT'L ADD'L TAX LIABILITY ORS 308A.083	696.05	2013	
2009-10 TRC 500/600 PCL NOT CPR'D		2009	
READ BEFORE DATA ENTRING EXCEPTION		2006	
SPLIT CODE COMBINE		2006	
STATE FIRE PROTECTION		2006	
BOPTA ORDER-REDUCTION 309.120		1990	

Tax Notations

Tax Account	Description	Code	Date Added	Date Removed	Tax Year
1-010282-6	Potential additional tax liability.	POTENTIAL TAX	Jan 01, 2001		

Location Map

STATE OF OREGON
 COUNTY OF JACKSON
 CERTIFICATE OF WATER RIGHT

8084

THIS CERTIFICATE ISSUED TO

ADELBERT MOORE
 ASHLAND, OR 97520

confirms the right to use the waters of NEIL CREEK, a tributary of BEAR CREEK for IRRIGATION of 340.42 acres, DOMESTIC and STOCK use.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1852.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.00 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Description
39 S	2 E	WM	31	HOUCK-DUNN-HOMES DITCH

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

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	13	NE SW		30.00
39 S	1 E	WM	13	SW SW		6.70
39 S	1 E	WM	13	SE SW		40.00
39 S	1 E	WM	13	NW SE		5.00
39 S	1 E	WM	13	SW SE		40.00
39 S	1 E	WM	13	SE SE		20.80
39 S	1 E	WM	23	NE NE		5.00
39 S	1 E	WM	24		54	16.00
39 S	1 E	WM	24	NE NE		3.30
39 S	1 E	WM	24	NW NE		40.00
39 S	1 E	WM	24	SW NE		36.60
39 S	1 E	WM	24	SE NE		5.60
39 S	1 E	WM	24	NE NW		26.17
39 S	1 E	WM	24	NW NW		9.8
39 S	1 E	WM	24	SW NW		4.80
39 S	1 E	WM	24	SE NW		20.71
39 S	1 E	WM	24	NE SW		5.24
39 S	1 E	WM	24	NW SE		24.70
Total:						340.42

This certificate corrects the place of use consistent with the order of the Circuit Court of the State of Oregon for Jackson County entered 3/28/2014 and supersedes Certificate 82967.

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.

11363

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 March 25, 2014.


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

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-11363, Jackson County) CHANGE OF PLACE OF USE AND
) PARTIAL CANCELLATION OF A
) WATER RIGHT

Authority

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

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

Applicant

Oregon Department of Transportation
Attn-Jayne Randleman
3500 Stewart Parkway
Roseburg, OR 97470
Jayne.A.Randleman@odot.state.or.us

Receiving Landowners

Manta Investments, LLC
Attn: Mark DiRienzo
700 Mistletoe Road
Ashland, OR 97520
markd@mind.net

Findings of Fact

Background

1. On February 28, 2012, Oregon Department of Transportation (ODOT) filed a transfer application to change the place of use under Certificate 82967. The Department assigned the application number T-11363.
2. Douglas K. and Nina M. Healy were identified as the receiving landowners on the transfer application. The receiving landowners are now identified as Manta Investments, LLC. The receiving landowners will be responsible for completion of the changes.
3. Certificate 82967 was superseded by Certificate 88873 by order of the Jackson County Circuit Court.
4. On December 20, 2013, the applicant amended the application to eliminate the change in point of diversion for a portion of Certificate 88873.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

5. The portion of the right to be transferred is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by the Rogue River Decree)
Use: IRRIGATION of 16.45 acres, DOMESTIC, and LIVESTOCK
Priority Date: 1852
Rate: 0.09 CUBIC FOOT PER SECOND (cfs)
Source: NEIL CREEK, tributary to BEAR CREEK

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	POD Description
39 S	2 E	WM	31	Houck-Dunn-Holmes Ditch

Authorized Place of Use (POU):

IRRIGATION, DOMESTIC AND LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	1 E	WM	13	SW SW	0.30
39 S	1 E	WM	24	NE NW	8.83
39 S	1 E	WM	24	NW NW	1.60
39 S	1 E	WM	24	SE NW	5.72
Total:					16.45

6. Additional information regarding the location of the authorized point of diversion, provided by the Certified Water Rights Examiner is included in the following table:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	POD Description
39 S	2 E	WM	31	SW NW	N42°08'16.8" West 122°38'08.0" World Geodetic System - 84 Datum

7. Transfer Application T-11363 proposes to change the place of use of the right to:

IRRIGATION, DOMESTIC AND LIVESTOCK						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	NE NE	56	16.45

8. Notice of the application for transfer was published on March 6, 2012, pursuant to OAR 690-380-4000.
9. On December 26, 2013, the Department provided a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11363 to the applicants and the receiving landowners. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
10. On February 24, 2014, the Department issued a preliminary determination proposing to approve Transfer Application T-11363 and mailed a copy to the applicant and receiving landowners. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on February 25, 2014 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

11. The water right was included in Transfer Application T-7274 during the period between December 1994 to March 2, 2012. Pursuant to 540.610(2)(m) the time in which lands are involved in a transfer are not subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11363.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.

Partial Cancellation of a Water Right

15. On February 28, 2012, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Oregon Department of Transportation. The portion of the right to be cancelled is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by Rogue River Decree State Water Board)

Use: IRRIGATION of 2.13 ACRES

Priority Date: 1852

Source: NEIL CREEK, tributary to BEAR CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec
39 S	2 E	WM	31

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	SE NW	55	1.87
39 S	1 E	WM	24	NE SW	55	0.26
Total:						2.13

Conclusions of Law

The change in place of use proposed in Transfer Application T-11363 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-11363 is approved. The portion of the right that has been abandoned is cancelled.

2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 88873 and any related decree.
3. Water right certificate 88873 is cancelled. A new certificate will be issued describing that portion of the right NOT affected by this transfer and cancellation.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the **receiving landowners** to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 28 day of March, 2014.


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

APR 04 2014 - mailed date CH

N.W. CORNER
SAMUEL J. GARDNER
DLC NO. 42

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

**SEC. 36 T8S R6W WM
POLK COUNTY**

Scale 1" = 400'

8.6.36

N.E. CORNER
SAMUEL J. GARDNER
DLC NO. 42

402
209.21 AC

45808

28 25
35 36

CORNERS
DLC NO. 38

S.E. CORNER
DLC NO. 43

See Map 8.6.25

25 30
36 31

*8/6/36
all has 50
QTY x 2
50 x 2
MU*

70c
45808

*27.4c
45808*

S.E. CORNER
THOMAS HAUT
DLC NO. 39

See Map 8.6.35

57701

401
27 AC

300
1.08 AC

506
57.50 AC

200
229.73 AC

LOT 1 - 37.80 AC

100
1.58 AC

Canceled No.

400
403
500
501
700

2-4

*37.7
45808*

*6.4
45808*

See Map 8.6.31

N.E. CORNER
DLC NO. 58

ANGLE CORNER
JOHN CHAMBERLAIN
DLC NO. 40

603
82.17 AC

45808

*17.7
45808*

Joel

501
5.00 AC

503
3.26 AC

502
5.02 AC

600
12.62 AC

504
7.85 AC

505
7.72 AC

608
11.84 AC

605
3.27 AC

607
3.27 AC

LOT 2 - 37.13 AC

2-7

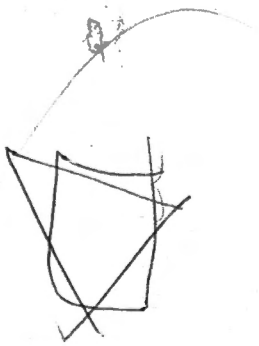
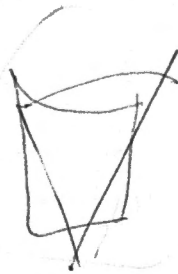
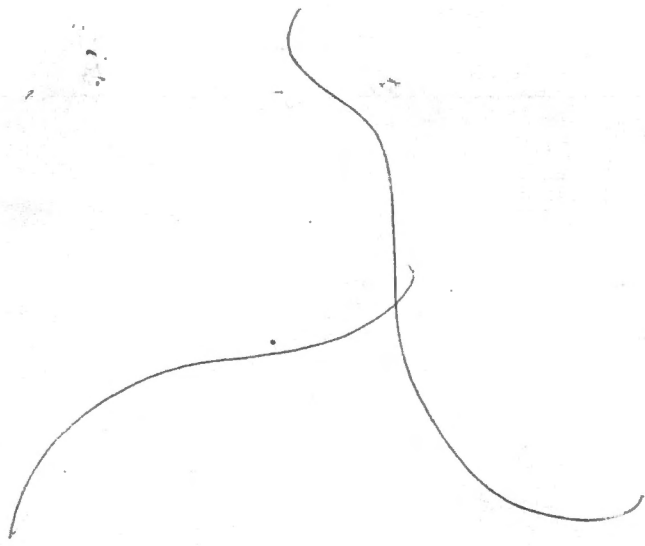
LOT 3 - 12.77 AC

08/21/15

See Map 8.6.1

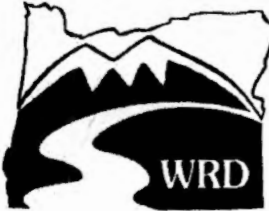
36 31
1 6

8.6.36



Completion Checklist for CWRE Claims of Beneficial Use

Application # T-11363



Date Received 5/16/2016
CWRE Name Harold Center Claim Logged yes
File Marked yes
Oversized Map # 1000
Reviewer C.U.

Map Review:

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #; or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- Source illustrated if surface water (OAR 690-014-0170(3))
- Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4))
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Report Review:

- On form or format provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- Source(s) of water (OAR 690-014-0100)
- Use, period of use, and rate for use (OAR 690-014-0100)
- Place of use location (OAR 690-014-0100)
- Type of use (OAR 690-014-0100)
- Extent of use (OAR 690-014-0100)
- Rate and Duty (OAR 690-014-0100)
- Diversion rate for each use (OAR 690-014-0100)
- Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- System capacity (OAR 690-014-0100)
 - Calculated capacity of system (required)
 - Measured amount of use (optional)
- Permit/Transfer Final Order Conditions (OAR 690-014-0100)
 - Time limits
 - Initial water level measurements
 - Annual static water level measurements
 - Measurement, recording, and reporting
 - Meter/measuring device
 - Water use reporting
 - Fish screening and/or by-pass
 - Pump test (ground water)
 - Other conditions
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient

N/A = Not Applicable

____ Map and COBU reviewed
____ Conflict check Any Conflicts? _____
____ Check for ownership

Staff Recommendations:

____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____

____ Proof to the Satisfaction has not been established for the following reasons: _____

Proposed Actions:

____ Send letter requesting the following items/information: _____

____ Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

____ Yes

If "Yes":

____ Proposed
____ Final

Certificate # _____

Mailing list:

Proposed:

Final:



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

May 19, 2016

Manta Investments, LLC
700 Mistletoe Rd
Ashland OR 97520

On May 16, 2016 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

T-11363

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:
http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

For all other questions please call our Customer Service phone: (503) 986-0811.

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file

**CLAIM OF
BENEFICIAL USE
for Permits claiming more
than 0.1 cfs and All Transfers**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

RECEIVED BY OWRD

MAY 16 2016

SALEM, OR

**A fee of \$175 must accompany this form for permits
with priority dates after July 8, 1987.**

**A fee of \$175 must accompany this form for any Transfer final orders
including a water right with a priority date of July 9, 1987, or later.**

**Example – A transfer involves 5 rights and one of the rights
has a priority date of July 9, 1987, or later, the fee is required.**

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see
http://www.oregon.gov/owrd/pages/mgmt_reimbursement_authority.aspx

**SECTION 1
GENERAL INFORMATION**

1. File Information

APPLICATION # (G, R, S or T)	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
T-11363	Special Order V91P1037	0

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Manta Investments, LLC		PHONE No. 541-621-8393	ADDITIONAL CONTACT No. -
ADDRESS 700 Mistletoe Road			
CITY Ashland	STATE OR	ZIP 97520	E-MAIL markd@mind.net

If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each permit or transfer holder of record must sign this form.***

3. Permit or transfer holder of record (this may, or may not, be the current property owner)

PERMIT OR TRANSFER HOLDER OF RECORD Manta Investments, LLC			
ADDRESS 700 Mistletoe Road, STE 106			
CITY Ashland	STATE OR	ZIP 97520	

ADDITIONAL PERMIT OR TRANSFER HOLDER OF RECORD --			
ADDRESS --			
CITY --	STATE --	ZIP --	

4. Date of Site Inspection:

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Bruce Buckmaster	April 29, 2016	Farm Manager/Worker

6. County:

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)): **NONE**

OWNER OF RECORD			
ADDRESS			
CITY	STATE	ZIP	

Add additional tables for owners of record as needed

RECEIVED BY OWRD

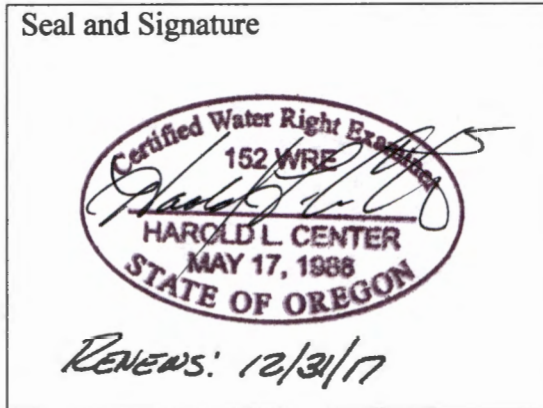
MAY 16 2016

SALEM, OR

**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



RECEIVED BY OWRD

MAY 16 2016

SALEM, OR

CWRE NAME Harold L. Center		PHONE No. 541-535-6108	ADDITIONAL CONTACT No. --
ADDRESS 2604 David Lane			
CITY Medford	STATE OR	ZIP 97504	E-MAIL hcenterpls@charter.net

Permit or Transfer Holder's of Record Signature or Acknowledgement

Each permit or transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Mark Dirienzo	Authorized Agent	5-12-16

MAY 16 2016

SALEM, OR

SECTION 3 CLAIM DESCRIPTION

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
Dunn Ditch		

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Point of diversion/appropriation source and, if from surface water, the tributary:

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
Dunn Ditch	Neil Creek	Bear Creek

3. Developed use(s), period of use, and rate for each use:

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
Dunn	IR	Pasture-Hay	Apr. 1 – Oct 31	0.09 CFS
Total Quantity of Water Used				0.09 CFS

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion or appropriation to the place of use:

Water is diverted from Neil Creek at the authorized point into the Dunn Ditch and conveyed via the ditch to the Manta Investments property situated on the easterly side of Interstate Hwy. No. 5. The water is applied to the property west of Clayton Creek by flood irrigation. Water is ditched easterly over Tax Lot 101 and diverted into Clayton Creek at a point where the water is pumped to the 16.45 acres situated East of Clayton Creek and West of Oregon Hwy. No. 66 and applied by sprinkler application.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

5. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below.

YES NO

6. Claim Summary:

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Dunn	0.09 CFS	1.98 CFS	0.48	IR	16.45	16.45

**SECTION 4
SYSTEM DESCRIPTION**

Are there multiple PODs or POAs?

YES NO

If "YES" you will need to copy and complete Sections 4B through 4G for each POD/POA **RECEIVED BY OWRD**

POD/POA Name or Number this section describes (only needed if there is more than one):

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SALEM, OR

A. Place of Use

1. Is the right for municipal use?

YES NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
39	1E	WM	24	NE NE	--	56	IR	16.45	0
Total Acres Irrigated								16.45	0

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLot), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLot, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES NO

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Caprari	DI/50	400260	Centrifugal	2.5"	2.0"

3. Motor Information

MANUFACTURER	HORSEPOWER
Massy Ferguson 245	43 @ PTO

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
43	45	6	23	1.98

5. Provide pump calculations:

SEE ATTACHED CALCULATION SHEET.

NOTE: No. 4 – Theoretical pump capacity does not match pump flow GPM for tractor @ 540 RPM – use measured sprinkler flow in No. 10.

6. Measured Pump Capacity (using meter if meter was present and system was operating) **N/A**

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES NO

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4"	550'	Alum.	Above Ground

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
3"	1150	Alum.	Above Ground

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
7/32	45	9.4	25	23	0.48 CFS (216 GPM)

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information **N/A**

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)

12. Additional notes or comments related to the system:

C. Groundwater Source Information (Well and Sump)

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1. Is the appropriation from ground water (well or sump)?

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YES NO

D. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)

YES NO

If "NO", item 2 and 3 relating to this section may be deleted.

E. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

F. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

G. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

YES NO

Reminder: Complete this section if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.

If "NO", items 2 through 9 relating to this section may be deleted.

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SECTION 5 CONDITIONS

All conditions contained in the permit, permit amendment, transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits, transfer final orders, and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit, extension or transfer final order:

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE			
BEGIN CONSTRUCTION (A)	3/28/2014		
COMPLETE CONSTRUCTION (B)	10/1/2016	4/15/2016	Installed System and Applied Water
COMPLETE APPLICATION OF WATER (C)	10/1/2016	4/29/2016	Completed Application of Water

* MUST BE WITHIN PERIOD BETWEEN PERMIT, TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)? YES NO

If "NO", you may delete item 3 in this section.

4. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement? YES NO

If "NO", items 4b through 4d relating to this section may be deleted.

5. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements? YES NO

If "NO", items 5b through 5e relating to this section may be deleted.

6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

a. Did the permit require the submittal of a pump test? YES NO

If "NO", items 6b through 6e relating to this section may be deleted.

7. Measurement Conditions:

a. Does the permit, permit amendment, transfer final order, or any extension final order require the installation of a meter or approved measuring device? YES NO

If "NO", items 7b through 7f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

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8. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **YES** **NO**

If "NO", item 8b relating to this section may be deleted.

9. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **YES** **NO**

If "NO", items 9b through 9e relating to this section may be deleted.

10. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? **YES** **NO**

If "NO", items 10b and 10c relating to this section may be deleted.

11. Other conditions required by permit, permit amendment final order, extension final order, or transfer final order:

- a. Were there special well construction standards? **YES** **NO**
- b. Was submittal of a ground water monitoring plan required? **YES** **NO**
- c. Was the water user required to restore the riparian area if it was disturbed? **YES** **NO**
- d. Was a fishway required? **YES** **NO**
- e. Was submittal of a letter from an engineer required prior to storage of water? **YES** **NO**
- f. Was submittal of a water management and conservation plan required? **YES** **NO**
- g. Other conditions? **YES** **NO**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

**SECTION 6
ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Pump Capacity Cal. Sheet	OWRD Pump Calculation Sheet
Tractor Data	Massey Ferguson 245 – Data Sheet
KIFCO – Caprari	PTO Pump Data Sheet

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

Pumping location determined by GPS tie to DLC corner irrigated area mapped by conventional survey methods for topographic survey performed by Harold L. Center, PLS No 1071 – CWRE No. 152.

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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Pump Capacity Calculation Sheet

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 43
Efficiency = 6.61
Lift = 29
PSI = 45

Results Calculated

(hp)(efficiency) = 284.23
Head based on psi = 114.3
Total dynamic head = 143.3
(head + lift)

Pump Capacity = 1.98 feet per second

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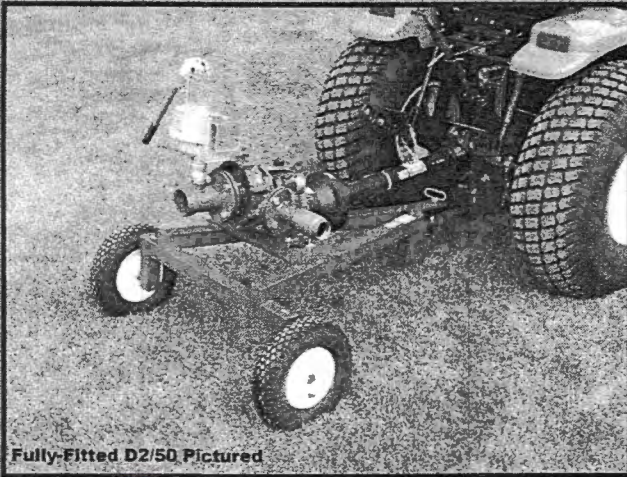
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SALEM, OR



Most Trusted Traveling Irrigation Systems
Since 1964

Caprari Model D1/50 PTO Pump



Fully-Fitted D2/50 Pictured

- Compact, reliable PTO pump capable of 50 to 330 gpm with corresponding pressures of 90 to 70 psi using 8.5 to 20 hp
- Available with heavy duty two wheeled trailer or galvanized three point mount
- Designed with industry leading oil lubricated step up gearbox (no belts or pulleys) with shafts supported by widely spaced bearings
- Easily replaceable packing gland type water seal
- Pumps can be fitted with 2" female thread discharge priming valve, hand primer, fluid filled pressure gauge, short suction adapter with 3" female pipe thread and #6 heavy duty 1 3/8 six spline PTO shaft

Technical Specifications

Discharge & Suction	(Bare or Pump, Cart & Shaft) Flanged
Discharge & Suction	(Fully Fitted) 2" NPT (F) Discharge, 3" NPT (F) Suction
Discharge Position	Horizontal, Right Facing (When Standing Behind The Suction End)
Length	62 Inches
Width	48 Inches
Height	36 Inches
Weight (Unfitted)	200 lbs.
Weight (Fitted)	220 lbs.

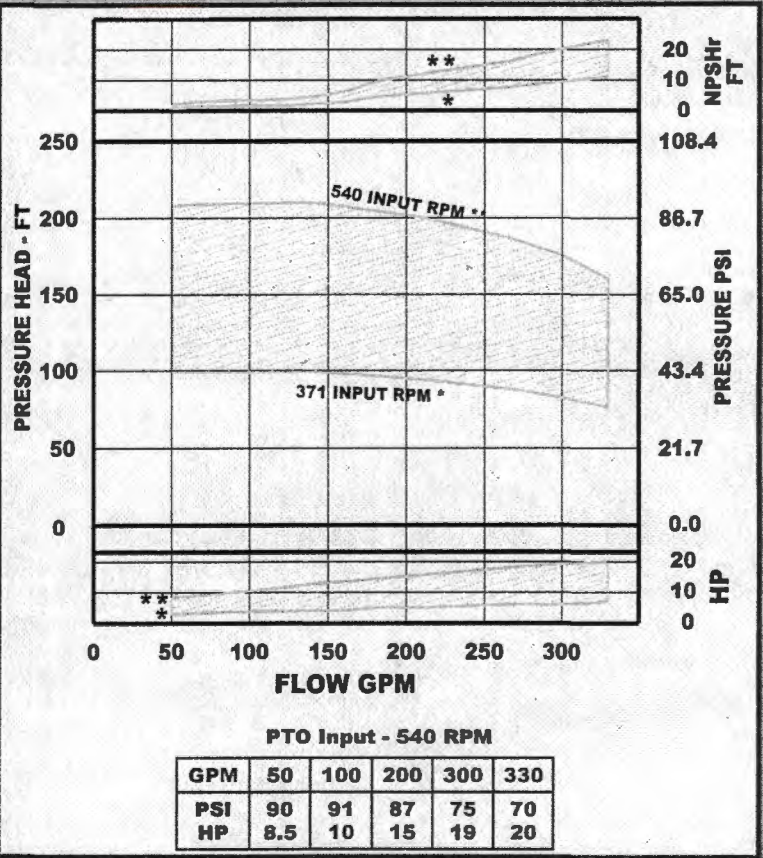
Configurations

Bare Pump	Pump only with weld-on companion flanges, gaskets, nuts & bolts
Pump, Cart & Shaft	Same as bare pump, but mounted on two-wheeled cart with PTO drive shaft
Fully Fitted	Same as pump, cart & shaft plus hand primer, check valve, pressure gauge and suction fittings

Options (Additional Fees Apply)

Three-Point Hitch	Fully galvanized frame may be substituted for cart
Suction Hose	3" x 30' Aquaflex
Foot Valves & Strainers	3" Cast or Aluminum 45'
Special Execution	Consult Factory

The performance information and head curves are based on ideal conditions. Actual performance is affected by inlet/outlet elevation, operating conditions (temperature, humidity & altitude) and water quality. Kifco Inc. reserves the right to change product specifications, designs, pricing and standard equipment without notice and without incurring obligation.



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TractorData

Tractors > Massey Ferguson > 245

Search

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SALEM, OR

VIEW LOCAL OFFER

Massey Ferguson 245



1976 - 1983

Previous model:

Massey Ferguson 235

Next model:

Massey Ferguson 250

Tractors:
-Farm Tractors
-Lawn Tractors
-Compare Tractors
-Brand search:
<input type="text"/>
Sections:
-Articles/News
-Tractor Shows
-Store
-Contact

Overview	Engine	Transmission	Dimensions	Photos	Tests
--------------------------	------------------------	------------------------------	----------------------------	------------------------	-----------------------



**FORD 541
WORKMASTER**
\$5,500.00



**Ford 6500 Tractor
Loader NICE**
\$4,495.00



**2013 Kubota
Grand L5240 Cab**
\$35,900.00

Production:
Manufacturer: Massey Ferguson
Original price (USD): \$17,150 (1983)

Massey Ferguson 245 Engines:
 Perkins 2.5L 3-cyl diesel
 Continental 2.4L 4-cyl gasoline
[full engine details ...](#)

Capacity:
Fuel: 12.68 gal [48.0 L]
Hydraulic system: 6.6 gal [25.0 L]

3-Point Hitch:
Rear Type: 1
Rear lift: 3,120 lbs [1415 kg]

Power Take-off (PTO):
Rear PTO: live
Rear RPM: 540

Dimensions & Tires:
Wheelbase: 74.5 inches [189 cm]
Weight: 3900 to 6150 pounds
Front tire: 6.00-16
Rear tire: 13.6-28
[full dimensions and tires ...](#)

245 Serial Numbers:
Location: Below instrument panel

- 1974: 9A202190
- 1975: 9A207681
- 1976: 9A232539
- 1977: 9A254045
- 1978: 9A276935
- 1979: 9A296946
- 1980: 9A326169
- 1981: 9A339343

ALL SWITCHING COSTS COVERED

ETF OR REMAINING DEVICE BALANCE

U.S. Cellular

Check Us Out
[See Details](#)

Massey Ferguson 245 Power:
Engine: 45 hp [33.6 kW]
PTO (claimed): 43 hp [32.1 kW]
Drawbar (tested): 34.97 hp [26.1 kW]
PTO (tested): 42.9 hp [32.0 kW]
[power test details ...](#)

Mechanical:
Chassis: 4x2 2WD
Differential lock: standard
Steering: hydrostatic power
Brakes: differential mechanical drum
Cab: Open operator station.

Hydraulics:
Capacity: 6.6 gal [25.0 L]

Electrical:
Ground: negative
Charging system: alternator
Charging amps: 32

Battery:

CLARK Gerry E

From: CLARK Gerry E
Sent: Thursday, April 28, 2016 12:52 PM
To: 'Harold Center'
Subject: RE: CBU for T-11363

Harold,

The "Receiving Landowner", upon issuance of the final order approving the transfer, became the transfer holder. You do not need to include any mention of ODOT unless they are a current property owner for a portion of the lands where the new place of use was authorized.

The Claim will need to document the new place of use and how water is appropriated from the authorized to POD to the new place of use including a description of equipment and capacities. I agree that the order does not provide any limitations regarding the method of application. Ultimately, the limitation are the original point of diversion, correct source (Neil Creek), and the place of use.

I hope this helps. Just so that you know I will be out of the office starting tomorrow and will not return until Wednesday next week.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

From: Harold Center [<mailto:hcenterpls@charter.net>]
Sent: Thursday, April 28, 2016 7:02 AM
To: 'CLARK Gerry E'
Subject: CBU for T-11363

Good Day Gerry,

Couple of questions, about to complete the CBU for Transfer 11363, the original applicant was ODOT and receiving owner is Manta Investments. In Section 1 of the CBU form 2-3 is that the receiving owner Manta and no reference to ODOT?

Please take a look at the "TO" transfer map, the original plan was to send the water for the 16.45 acres down Neil Creek and not use the Dunn Ditch for the conveyance, during the review process the thinking changed and it was decided to continue using the Dunn ditch and forget the new POD (marked as No. 1 on the map) and the owner (Manta) would figure out how to get the water onto the 16.45 acres, they have a check dam in Clayton Creek where they have always pumped water to the 3.3 acres, and now to water the 16.45 they have added a system and are pumping from the same check dam location (not shown on the transfer map, location is just north of the "Clayton Creek" leader). In essence this transfer became a simple change in place of use. So my question is, do I only need to show the current pumping location and document the system in use to apply the water. They also have the option to gravity flood and not sprinkle, I think the current sprinkle operation is being used because the amount of water under the Dunn ditch right is so small that

flooding is not an option for this area. There are really no conditions in the Transfer Order other than irrigate it by October 2016.

Suggestions or comments would be appreciated.

Thanks

Harold L. Center, PLS CWRE

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ADELBERT MOORE
ASHLAND, OR 97520

confirms the right to use the waters of NEIL CREEK, a tributary of BEAR CREEK for IRRIGATION of 340.42 acres, DOMESTIC and STOCK use.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1852.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.00 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Description
39 S	2 E	WM	31	HOUCK-DUNN-HOMES DITCH

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

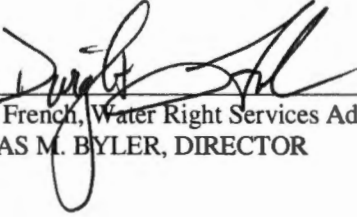
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	13	NE SW		30.00
39 S	1 E	WM	13	SW SW		6.70
39 S	1 E	WM	13	SE SW		40.00
39 S	1 E	WM	13	NW SE		5.00
39 S	1 E	WM	13	SW SE		40.00
39 S	1 E	WM	13	SE SE		20.80
39 S	1 E	WM	23	NE NE		5.00
39 S	1 E	WM	24		54	16.00
39 S	1 E	WM	24	NE NE		3.30
39 S	1 E	WM	24	NW NE		40.00
39 S	1 E	WM	24	SW NE		36.60
39 S	1 E	WM	24	SE NE		5.60
39 S	1 E	WM	24	NE NW		26.17
39 S	1 E	WM	24	NW NW		9.8
39 S	1 E	WM	24	SW NW		4.80
39 S	1 E	WM	24	SE NW		20.71
39 S	1 E	WM	24	NE SW		5.24
39 S	1 E	WM	24	NW SE		24.70
Total:						340.42

This certificate corrects the place of use consistent with the order of the Circuit Court of the State of Oregon for Jackson County entered March 28, 2014 and corrects a typographical error in the footer of Certificate 89169. This certificate supersedes Certificate 89169.

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 OCT 05 2015.



Dwight French, Water Right Services Administrator, for
THOMAS M. BYLER, DIRECTOR

Account Sequence	Map TL Sequence	Assessment Year 2015 ▼	Print Window	Close Window
------------------	-----------------	-------------------------------	---------------------	---------------------

Assessment Info for Account 1-010282-6 Map 391E24 Taxlot 101
Report For Assessment Purposes Only Created October 05, 2015

Account Info		Tax Year 2014 Info			Land Info	
Account	1-010282-6	Pay Taxes Online			Tax Code	5-04
Map Taxlot	391E24 101	Tax Report			Acresage	137.84
Owner	MANTA INVESTMENTS LLC	Tax Statement			Zoning	
<input type="checkbox"/> Situs Address		Tax History			EFU	
4224 HWY 66 ASHLAND/COUNTY R		Tax Code 5-04			Land Class	
Mailing Address	MANTA INVESTMENTS LLC 700 MISTLETOE RD ASHLAND OR, 97520	Tax Type	Due Date	Amount	VIBI 6.29 Ac IIIKI 94.94 Ac FS 1.00 Ac IIKI 31.43 Ac HS 0.00 Ac IVKI 1.97 Ac VBI 1.04 Ac RT 1.17 Ac	
Appraiser	154	Advalorem	11/15/14	\$6,405.45	Property Class	551
		Tax Rate	14.3771		Stat Class	152
		District Rates			Unit ID	197870-1
		District Amounts			Maintenance Area	2
		Tax Rate Sheet			Neighborhood	000
					Study Area	21
					Account Status	ACTIVE
					Tax Status	Assessable
					Sub Type	NORMAL

Sales Data (ORCATS)

Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
\$ 1,650,000	Mar 22, 2011	2011-9883	Details

Value Summary Detail (For Assessment Year 2015 - Subject To Change)

Market Value Summary (For Assessment Year 2015 - Subject To Change)

Code Area	Type	Acresage	RMV	M5	MAV	AV
5-04	LAND	2.17	\$ 150,760	\$ 150,760	\$ 105,350	\$ 150,760
5-04	LAND	135.67	\$ 1,053,940	\$ 0	\$ 0	\$ 0
5-04	IMPR	0.00	\$ 273,410	\$ 273,410	\$ 336,360	\$ 273,410
Value History Details			Total:	\$ 1,478,110	\$ 424,170	\$ 441,710
					\$ 424,170	

Specially Assessed Value Summary (For Assessment Year 2015 - Subject To Change)

Code Area	Type	Acresage	SAV	MSAV	AV
5-04	LAND	135.67	\$ 205,109	\$ 74,000	\$ 74,000
Total:			\$ 205,109	\$ 74,000	\$ 74,000

Total (Market + Specially Assessed) Value Summary (For Assessment Year 2015 - Subject To Change)

Code Area	RMV	M5	MAV	AV
5-04	\$ 1,478,110	\$ 629,279	\$ 515,710	\$ 498,170

Improvements

Site	Building #	Code Area	Year Built	Eff Year Built	Stat Class	Description	Type	SqFt	% Complete	
	1	5-04	1860	1970	152	Two story	Residence	4200	100 %	Details
Images / Plans										
Image type		Item Number			Image Files					
RESIDENTIAL		1			4			PDF		
APEX DRAWINGS		2			1			PDF		
ACCOUNT PHOTOS		3			2			PDF		
							All in One Report		PDF	
<input checked="" type="checkbox"/> Improvement Comments										
<input type="checkbox"/> Appraisal Maintenance										
2008 - INVENTORY REVIEW										
2010 - HISTORY ONLY R.T.										
<input checked="" type="checkbox"/> Account Comments										
<input type="checkbox"/> Exemptions / Special Assessments / Notations / Potential Liability										
Real Property Special Assessments										
Tax Year Applied		Code	Description				Amount	Acres		
2015		39	FIRE IMPROVEMENT SURCHARGE				\$47.50			
2015		41	FIRE PATROL GRAZING				\$114.76	137.84		
Notations										
Description				Tax Amount		Year Added	Value Amount			
CARTOGRAPHIC ACTIVITY										
FARM LAND-POTENTIAL LIABILITY										
POT'L ADD'L TAX LIABILITY ORS 308A.083				696.05		2013				
2009-10 TRC 500/600 PCL NOT CPR'D						2009				
READ BEFORE DATA ENTRING EXCEPTION						2006				
SPLIT CODE COMBINE						2006				
STATE FIRE PROTECTION						2006				
BOPTA ORDER-REDUCTION 309.120						1990				
Tax Notations										
Tax Account		Description			Code	Date Added	Date Removed	Tax Year		
1-010282-6		Potential additional tax liability.			POTENTIAL TAX	Jan 01, 2001				
<input type="checkbox"/> Location Map										

STATE OF OREGON
 COUNTY OF JACKSON
 CERTIFICATE OF WATER RIGHT

89169

THIS CERTIFICATE ISSUED TO

ADELBERT MOORE
 ASHLAND, OR 97520

confirms the right to use the waters of NEIL CREEK, a tributary of BEAR CREEK for IRRIGATION of 340.42 acres, DOMESTIC and STOCK use.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1852.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.00 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twsp	Rng	Mer	Sec	Description
39 S	2 E	WM	31	HOUCK-DUNN-HOMES DITCH

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

Twsp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	13	NE SW		30.00
39 S	1 E	WM	13	SW SW		6.70
39 S	1 E	WM	13	SE SW		40.00
39 S	1 E	WM	13	NW SE		5.00
39 S	1 E	WM	13	SW SE		40.00
39 S	1 E	WM	13	SE SE		20.80
39 S	1 E	WM	23	NE NE		5.00
39 S	1 E	WM	24		54	16.00
39 S	1 E	WM	24	NE NE		3.30
39 S	1 E	WM	24	NW NE		40.00
39 S	1 E	WM	24	SW NE		36.60
39 S	1 E	WM	24	SE NE		5.60
39 S	1 E	WM	24	NE NW		26.17
39 S	1 E	WM	24	NW NW		9.8
39 S	1 E	WM	24	SW NW		4.80
39 S	1 E	WM	24	SE NW		20.71
39 S	1 E	WM	24	NE SW		5.24
39 S	1 E	WM	24	NW SE		24.70
Total:						340.42

This certificate corrects the place of use consistent with the order of the Circuit Court of the State of Oregon for Jackson County entered 3/28/2014 and supersedes Certificate 82967.

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.

11363

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 March 25, 2014.



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

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-11363, Jackson County	)	CHANGE OF PLACE OF USE AND
	)	PARTIAL CANCELLATION OF A
	)	WATER RIGHT

Authority

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

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

Applicant

Oregon Department of Transportation
Attn-Jayne Randleman
3500 Stewart Parkway
Roseburg, OR 97470
Jayne.A.Randleman@odot.state.or.us

Receiving Landowners

Manta Investments, LLC
Attn: Mark DiRienzo
700 Mistletoe Road
Ashland, OR 97520
markd@mind.net

Findings of Fact

Background

1. On February 28, 2012, Oregon Department of Transportation (ODOT) filed a transfer application to change the place of use under Certificate 82967. The Department assigned the application number T-11363.
2. Douglas K. and Nina M. Healy were identified as the receiving landowners on the transfer application. The receiving landowners are now identified as Manta Investments, LLC. The receiving landowners will be responsible for completion of the changes.
3. Certificate 82967 was superseded by Certificate 88873 by order of the Jackson County Circuit Court.
4. On December 20, 2013, the applicant amended the application to eliminate the change in point of diversion for a portion of Certificate 88873.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

5. The portion of the right to be transferred is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by the Rogue River Decree)
Use: IRRIGATION of 16.45 acres, DOMESTIC, and LIVESTOCK
Priority Date: 1852
Rate: 0.09 CUBIC FOOT PER SECOND (cfs)
Source: NEIL CREEK, tributary to BEAR CREEK

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	POD Description
39 S	2 E	WM	31	Houck-Dunn-Holmes Ditch

Authorized Place of Use (POU):

IRRIGATION, DOMESTIC AND LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	1 E	WM	13	SW SW	0.30
39 S	1 E	WM	24	NE NW	8.83
39 S	1 E	WM	24	NW NW	1.60
39 S	1 E	WM	24	SE NW	5.72
Total:					16.45

6. Additional information regarding the location of the authorized point of diversion, provided by the Certified Water Rights Examiner is included in the following table:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	POD Description
39 S	2 E	WM	31	SW NW	N42°08'16.8" W 122°38'08.0" World Geodetic System - 84 Datum

7. Transfer Application T-11363 proposes to change the place of use of the right to:

IRRIGATION, DOMESTIC AND LIVESTOCK						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	NE NE	56	16.45

8. Notice of the application for transfer was published on March 6, 2012, pursuant to OAR 690-380-4000.
9. On December 26, 2013, the Department provided a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11363 to the applicants and the receiving landowners. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
10. On February 24, 2014, the Department issued a preliminary determination proposing to approve Transfer Application T-11363 and mailed a copy to the applicant and receiving landowners. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on February 25, 2014 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

11. The water right was included in Transfer Application T-7274 during the period between December 1994 to March 2, 2012. Pursuant to 540.610(2)(m) the time in which lands are involved in a transfer are not subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11363.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.

Partial Cancellation of a Water Right

15. On February 28, 2012, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Oregon Department of Transportation. The portion of the right to be cancelled is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by Rogue River Decree State Water Board)

Use: IRRIGATION of 2.13 ACRES

Priority Date: 1852

Source: NEIL CREEK, tributary to BEAR CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec
39 S	2 E	WM	31

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	SE NW	55	1.87
39 S	1 E	WM	24	NE SW	55	0.26
Total:						2.13

Conclusions of Law

The change in place of use proposed in Transfer Application T-11363 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-11363 is approved. The portion of the right that has been abandoned is cancelled.

2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 88873 and any related decree.
3. Water right certificate 88873 is cancelled. A new certificate will be issued describing that portion of the right NOT affected by this transfer and cancellation.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the **receiving landowners** to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 28 day of March, 2014.


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

APR 04 2014 - mailed date ct

N.W. CORNER
SAMUEL J. GARDNER
DLC NO. 42

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

**SEC. 36 T8S R6W WM
POLK COUNTY**

Scale 1" = 400'

8.6.36

N.E. CORNER
SAMUEL J. GARDNER
DLC NO. 42

402
208.21 AC

45808

*27.4 a
45808*

57701

2-4

*37.7
45808*

*6.4
45808*

57698

45689

*17.7
45808*

2-7

Joel

*8/6/36
all has 50
Q, M, X, Z
S, P, F, B
M, Y*

CORNERS
DLC NO. 39

S.E. CORNER
DLC NO. 83

28 25
36 38

25 30
38 31

Cancelled No.

- 400
- 403
- 500
- 801
- 700

See Map 8.6.25

See Map 8.5.31

See Map 9.6.1

08/21/15

36 31
1 6

8.6.36





Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

April 3, 2014

OREGON DEPARTMENT OF TRANSPORTATION
3500 STEWART PARKWAY
ROSEBURG, OR 97470

REFERENCE: Transfer Application T-11363

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Susan Douthit, by telephone at (503) 986-0858 or by e-mail at Susan.M.Douthit@ wrd.state.or.us.

Sincerely,

Codi Holmes
Water Right Services Support
Transfers and Conservation Section

cc: Larry P. Menteer, Watermaster Dist. #13 (via email)
Roxanne M. Hanneman, Agent

Enclosure



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-11363, Jackson County	)	CHANGE OF PLACE OF USE AND
	)	PARTIAL CANCELLATION OF A
	)	WATER RIGHT

Authority

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

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

Applicant

Oregon Department of Transportation
Attn-Jayne Randleman
3500 Stewart Parkway
Roseburg, OR 97470
Jayne.A.Randleman@odot.state.or.us

Receiving Landowners

Manta Investments, LLC
Attn: Mark DiRienzo
700 Mistletoe Road
Ashland, OR 97520
markd@mind.net

Findings of Fact

Background

1. On February 28, 2012, Oregon Department of Transportation (ODOT) filed a transfer application to change the place of use under Certificate 82967. The Department assigned the application number T-11363.
2. Douglas K. and Nina M. Healy were identified as the receiving landowners on the transfer application. The receiving landowners are now identified as Manta Investments, LLC. The receiving landowners will be responsible for completion of the changes.
3. Certificate 82967 was superseded by Certificate 88873 by order of the Jackson County Circuit Court.
4. On December 20, 2013, the applicant amended the application to eliminate the change in point of diversion for a portion of Certificate 88873.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

5. The portion of the right to be transferred is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by the Rogue River Decree)
Use: IRRIGATION of 16.45 acres, DOMESTIC, and LIVESTOCK
Priority Date: 1852
Rate: 0.09 CUBIC FOOT PER SECOND (cfs)
Source: NEIL CREEK, tributary to BEAR CREEK

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	POD Description
39 S	2 E	WM	31	Houck-Dunn-Holmes Ditch

Authorized Place of Use (POU):

IRRIGATION, DOMESTIC AND LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	1 E	WM	13	SW SW	0.30
39 S	1 E	WM	24	NE NW	8.83
39 S	1 E	WM	24	NW NW	1.60
39 S	1 E	WM	24	SE NW	5.72
Total:					16.45

6. Additional information regarding the location of the authorized point of diversion, provided by the Certified Water Rights Examiner is included in the following table:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	POD Description
39 S	2 E	WM	31	SW NW	N42°08'16.8" West 122°38'08.0" World Geodetic System - 84 Datum

7. Transfer Application T-11363 proposes to change the place of use of the right to:

IRRIGATION, DOMESTIC AND LIVESTOCK						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	NE NE	56	16.45

8. Notice of the application for transfer was published on March 6, 2012, pursuant to OAR 690-380-4000.

9. On December 26, 2013, the Department provided a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11363 to the applicants and the receiving landowners. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

10. On February 24, 2014, the Department issued a preliminary determination proposing to approve Transfer Application T-11363 and mailed a copy to the applicant and receiving landowners. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on February 25, 2014 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

- 11. The water right was included in Transfer Application T-7274 during the period between December 1994 to March 2, 2012. Pursuant to 540.610(2)(m) the time in which lands are involved in a transfer are not subject to forfeiture under ORS 540.610.
- 12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11363.
- 13. The proposed change would not result in enlargement of the right.
- 14. The proposed change would not result in injury to other water rights.

Partial Cancellation of a Water Right

- 15. On February 28, 2012, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Oregon Department of Transportation. The portion of the right to be cancelled is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by Rogue River Decree State Water Board)
Use: IRRIGATION of 2.13 ACRES
Priority Date: 1852
Source: NEIL CREEK, tributary to BEAR CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec
39 S	2 E	WM	31

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	SE NW	55	1.87
39 S	1 E	WM	24	NE SW	55	0.26
Total:						2.13

Conclusions of Law

The change in place of use proposed in Transfer Application T-11363 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled.

Now, therefore, it is ORDERED:

- 1. The change in place of use proposed in Transfer Application T-11363 is approved. The portion of the right that has been abandoned is cancelled.

2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 88873 and any related decree.
3. Water right certificate 88873 is cancelled. A new certificate will be issued describing that portion of the right NOT affected by this transfer and cancellation.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the **receiving landowners** to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 28 day of March, 2014.


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

APR 04 2014 - mailed date GT

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ADELBERT MOORE
ASHLAND, OR 97520

confirms the right to use the waters of NEIL CREEK, a tributary of BEAR CREEK for IRRIGATION of 340.42 acres, DOMESTIC and STOCK use.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1852.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.00 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Description
39 S	2 E	WM	31	HOUCK-DUNN-HOMES DITCH

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

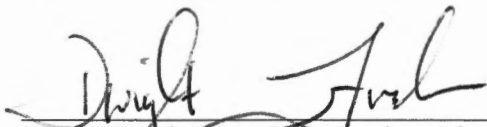
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	13	NE SW		30.00
39 S	1 E	WM	13	SW SW		6.70
39 S	1 E	WM	13	SE SW		40.00
39 S	1 E	WM	13	NW SE		5.00
39 S	1 E	WM	13	SW SE		40.00
39 S	1 E	WM	13	SE SE		20.80
39 S	1 E	WM	23	NE NE		5.00
39 S	1 E	WM	24		54	16.00
39 S	1 E	WM	24	NE NE		3.30
39 S	1 E	WM	24	NW NE		40.00
39 S	1 E	WM	24	SW NE		36.60
39 S	1 E	WM	24	SE NE		5.60
39 S	1 E	WM	24	NE NW		26.17
39 S	1 E	WM	24	NW NW		9.8
39 S	1 E	WM	24	SW NW		4.80
39 S	1 E	WM	24	SE NW		20.71
39 S	1 E	WM	24	NE SW		5.24
39 S	1 E	WM	24	NW SE		24.70
Total:						340.42

This certificate corrects the place of use consistent with the order of the Circuit Court of the State of Oregon for Jackson County entered 3/28/2014 and supersedes Certificate 82967.

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 March 28, 2014.



A handwritten signature in cursive script, appearing to read "Dwight French", is written over a horizontal line.

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



Oregon

John A. Kitzhaber, MD, 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

February 25, 2014

Applicant

Oregon Department of Transportation
Attn – Jayne Randleman
3500 Stewart Parkway
Roseburg, OR 97470
Jayne.A.Randleman@odot.state.or.us

Receiving Landowners

Manta Investments, LLC
Attn – Mark DiRienzo
700 Mistletoe Road
Ashland, OR 97520
markd@mind.net

SUBJECT: Water Right Transfer Application T-11363

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11363. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination OR a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@wrd.state.or.us if I may be of assistance.

Sincerely,

Susan Douthit
Transfer and Conservation Section

cc: T-11363
Travis Kelly, District 13 Watermaster (via e-mail)
Harold Center, CWRE
Paul and Connie Foland, Commenters 500 Reiten Dr. Ashland, OR 97520
foland@userscorner.com

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-11363, Jackson County	)	PROPOSING APPROVAL OF A
	)	CHANGE OF PLACE OF USE AND
	)	PARTIAL CANCELLATION OF A
	)	WATER RIGHT

Authority

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

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

Applicant

Oregon Department of Transportation
Attn-Jayne Randleman
3500 Stewart Parkway
Roseburg, OR 97470
Jayne.A.Randleman@odot.state.or.us

Receiving Landowners

Manta Investments, LLC
Attn: Mark DiRienzo
700 Mistletoe Road
Ashland, OR 97520
markd@mind.net

Findings of Fact

Background

1. On February 28, 2012, Oregon Department of Transportation (ODOT) filed a transfer application to change the place of use under Certificate 82967. The Department assigned the application number T-11363.
2. Douglas K. and Nina M. Healy were identified as the receiving landowners on the transfer application. The receiving landowners are now identified as Manta Investments, LLC. The receiving landowners will be responsible for completion of the changes.
3. Certificate 82967 was superseded by Certificate 88873 by order of the Jackson County Circuit Court.
4. On December 20, 2013, the applicant amended the application to eliminate the change in point of diversion for a portion of Certificate 88873.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--

5. The portion of the right to be transferred is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by the Rogue River Decree)
Use: IRRIGATION of 16.45 acres, DOMESTIC, and LIVESTOCK
Priority Date: 1852
Rate: 0.09 CUBIC FOOT PER SECOND (cfs)
Source: NEIL CREEK, tributary to BEAR CREEK

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	POD Description
39 S	2 E	WM	31	Houck-Dunn-Holmes Ditch

Authorized Place of Use (POU):

IRRIGATION, DOMESTIC AND LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	1 E	WM	13	SW SW	0.30
39 S	1 E	WM	24	NE NW	8.83
39 S	1 E	WM	24	NW NW	1.60
39 S	1 E	WM	24	SE NW	5.72
Total:					16.45

6. Additional information regarding the location of the authorized point of diversion, provided by the Certified Water Rights Examiner is included in the following table:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	POD Description
39 S	2 E	WM	31	SW NW	N42°08'16.8" West 122°38'08.0" World Geodetic System - 84 Datum

7. Transfer Application T-11363 proposes to change the place of use of the right to:

IRRIGATION, DOMESTIC AND LIVESTOCK						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	NE NE	56	16.45

8. Notice of the application for transfer was published on March 6, 2012, pursuant to OAR 690-380-4000.
9. On December 26, 2013, the Department provided a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11363 to the applicants and the receiving landowners. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Transfer Review Criteria [OAR 690-380-4010(2)]

10. The water right was included in Transfer Application T-7274 during the period between December 1994 to March 2, 2012. Pursuant to 540.610(2)(m) the time in which lands are involved in a transfer are not subject to forfeiture under ORS 540.610.

11. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11363.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

Partial Cancellation of a Water Right

14. On February 28, 2012, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Oregon Department of Transportation. The portion of the right to be cancelled is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by Rogue River Decree State Water Board)
Use: IRRIGATION of 2.13 ACRES
Priority Date: 1852
Source: NEIL CREEK, tributary to BEAR CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec
39 S	2 E	WM	31

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	SE NW	55	1.87
39 S	1 E	WM	24	NE SW	55	0.26
Total:						2.13

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-11363 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved and the abandoned right will be cancelled.

If Transfer Application T-11363 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-11363 is approved. The portion of the right that has been abandoned is cancelled.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 88873 and any related decree.*

3. *Water right certificate 88873 is cancelled. A new certificate will be issued describing that portion of the right NOT affected by this transfer and cancellation.*
4. *The former place of use of the transferred right shall no longer receive water under the right.*
5. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the **receiving landowners** to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
6. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 24 day of February, 2014.



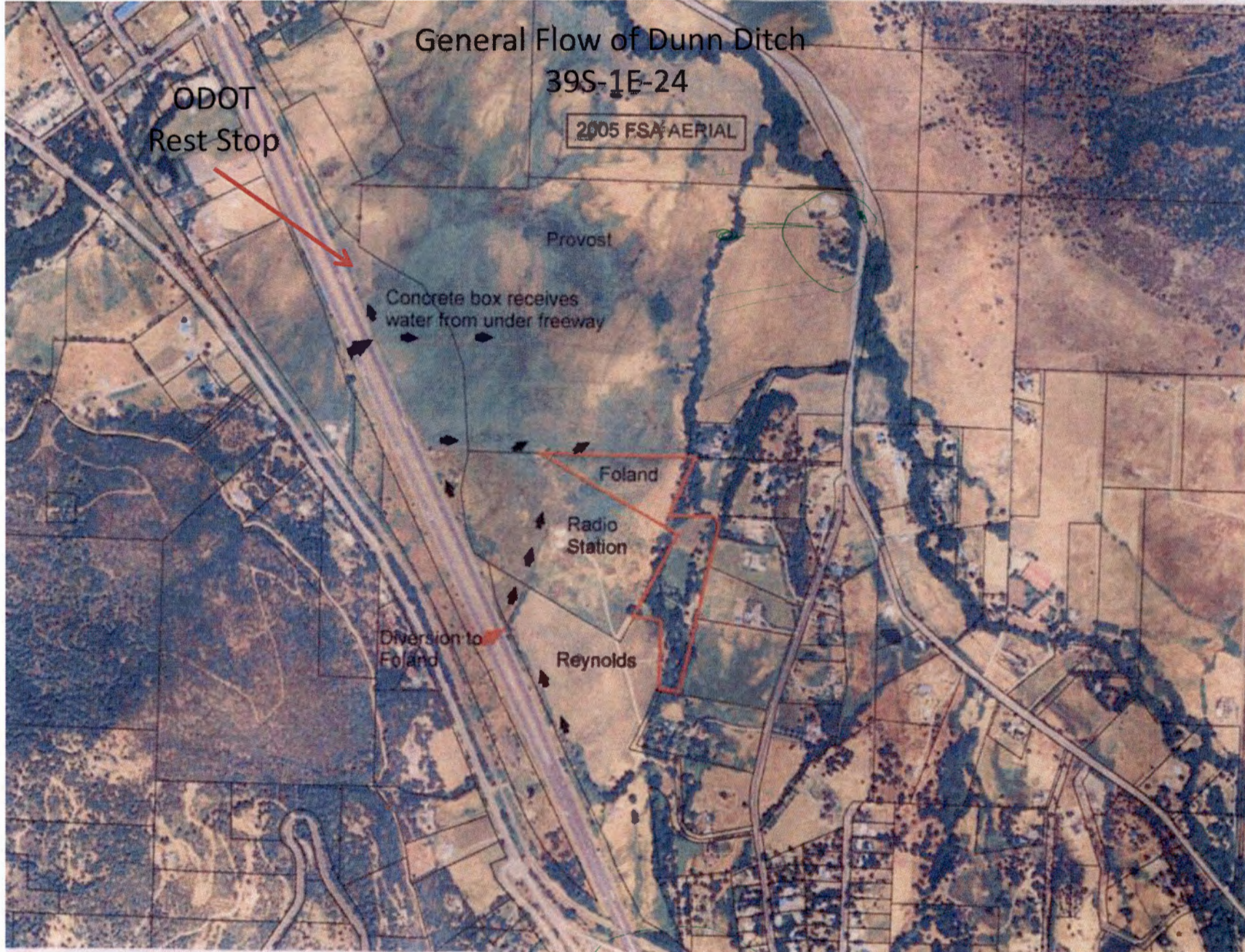
Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Protests should be addressed to the attention of the Transfer and Conservation Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266

**Notice of Preliminary Determination for
Water Right Transfer T-11363**

T-11363 filed by Oregon Department of Transportation, 3500 Stewart Parkway, Roseburg, OR 97470, proposes a change in place of use under Certificate 88873. The right allows the use of 0.09 cfs from Neil Creek in Sec. 31, T 39S, R1E, WM for irrigation in Secs. 13 and 24. The applicant proposes to change the place of use within Sec. 24, T39S, R1E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by a \$700 protest fee for non-applicant, or \$350 protest fee for applicant. A Water Right Transfer Protest Form is available at http://www.oregon.gov/OWRD/PUBS/docs/forms/TransferProtestForm09_09.pdf, or by calling 503-986-0807. Protests must be received by the Department on or before [30 days after WRD notice]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



General Flow of Dunn Ditch
39S-1E-24

2005 FSA AERIAL



Legend

- Dunn Ditch
- Diversion to Foland

DOUTHIT Susan M

From: Connie <connie@userscorner.com>
Sent: Sunday, March 02, 2014 8:57 PM
To: 'DOUTHIT Susan M'
Subject: RE: OWRD: Preliminary Determination for Transfer T 11363 has been completed

Thank you Susan!

We really appreciate your time and help.

Paul and Connie

From: DOUTHIT Susan M [<mailto:susan.m.douthit@state.or.us>]
Sent: Tuesday, February 25, 2014 8:22 AM
To: foland@userscorner.com
Subject: FW: OWRD: Preliminary Determination for Transfer T 11363 has been completed
Importance: High

As promised.
Also, a hard copy is being dropped in the mail today.
~S

From: automated_email@wrд.state.or.us [mailto:automated_email@wrд.state.or.us]
Sent: Monday, February 24, 2014 6:00 PM
Subject: OWRD: Preliminary Determination for Transfer T 11363 has been completed
Importance: High

Oregon Water Resources Department - Automated e-mail notice

The Oregon Water Resources Department is pleased to announce that a step in processing Transfer T 11363 has occurred. We appreciate the opportunity to provide you with this information via email instead of more costly and time consuming regular mail.

The link below will take you to the documents pertaining to the application. We invite you to read the most recent document closely as it contains important instructions about the next phase of processing. Please contact the caseworker listed in the document if you have questions or concerns.

Most recent processing step completed: ==>> **Preliminary Determination Issued : 02/24/2014** <<==

Use the link below to access all available documents
http://apps.wrd.state.or.us/apps/wr/wrinfo/wr_transfer_folder_image.aspx?transfer_nbr=11363&transfer_char=T

**This message has been generated automatically by an unmonitored email account.
Please do not "reply" to this message. Thank you.**

DOUTHIT Susan M

From: Dan Perkins <Dan.Perkins@ameri-title.com>
Sent: Thursday, February 13, 2014 12:02 PM
To: susan.m.douthit@state.or.us
Cc: Jayne.A.Randleman@odot.state.or.us; OLDS Barbara
Subject: RE: T11363 Water Transfer
Attachments: ODOT.pdf

Barbara,

Attached are the two documents that you requested. If I can be of further assistance, please let me know.

Sincerely,



Daniel R. Perkins, Senior Title Officer
1501 E. McAndrews Rd, Medford, OR 97504
Phone (541) 779-7660 | Fax (541) 779-3506
dan.perkins@ameri-title.com | www.Ameri-Title.com

"Superior Service with Commitment and Respect for Customers and Employees."

Please note our office will be closed on Monday, February 17th in observance of President's Day.

From: OLDS Barbara [<mailto:Barbara.OLDS@odot.state.or.us>]
Sent: Thursday, February 13, 2014 9:37 AM
To: Dan Perkins
Cc: RANDLEMAN Jayne A; DOUTHIT Susan M
Subject: FW: T11363 Water Transfer

Dan,

As discussed in our phone conversation and the email discussion below, we are requesting copies of the following recorded deeds be sent to Oregon Water Resources Department, Attn: Susan Douthit at susan.m.douthit@state.or.us with a cc: to Jayne.A.Randleman@odot.state.or.us and myself.

Deed #'s:

9951102 – J. Ervin Toney and Ruby E. Toney and Dom S. Provost and Joyce M. Provost to State of Oregon
99-51099 – Dom S. Provost and Joyce M. Provost to State of Oregon

Your closed file # is 0801078 for this property.

Please let me know if you have any questions or need further information.

(If you received an email from me a few minutes ago, please disregard. I hit "Send" prematurely and don't know if my recall attempt was successful.)

Thank you,
Barbara Olds
Office Specialist 2

Region 3 Right of Way, Survey, & Utilities
Oregon Department of Transportation
3500 NW Stewart Parkway
Roseburg, OR 97470

Phone: (541) 957-3559
Fax: (541) 672-5363

From: RANDLEMAN Jayne A
Sent: Thursday, February 13, 2014 7:44 AM
To: OLDS Barbara
Cc: TIMMS Deborah M; FLETCHER Timothy W
Subject: FW: T11363 Water Transfer

Good morning, Barbara,

Will you please contact the title company and request that a copy of the recorded deed is sent electronically to Susan Douthit at Oregon Water Resources. This should go directly to Susan at the e-mail shown below, and please request that ODOT is copied (you or me). If there are questions, please ask that they contact Susan directly at the telephone number shown in her e-mail.

Otherwise, we need no other documents from the title company with regard to the referenced water transfer. Please let me know if you have any questions. Thanks.

Jayne

Jayne Randleman, Sr Right-of-Way Agent
Right-of-Way, Survey & Utilities Unit
Oregon Department of Transportation
100 Antelope Road
White City, OR 97503
541/774-6394 (office)
541/774-6349 (facsimile)

From: DOUTHIT Susan M [<mailto:susan.m.douthit@state.or.us>]
Sent: Thursday, February 13, 2014 7:20 AM
To: RANDLEMAN Jayne A
Subject: RE: T11363 Water Transfer

Please have the title company that you are working with send me the recorded deed, just as you did. This will satisfy the requirement for OWRD to *receive this information* from a title company.

· This exercise seems overly bureaucratic, and for that I apologize, but believe this would satisfy the statutory requirement.

Please feel free to share my phone number with the title company. 503-986-0858

~S

99-51102

23

74723-BB

15.00
18.00

HN
391E13C ~~totally~~
1100
ODOT
File 6676-003
10B-10-22

WARRANTY DEED

J. ERVIN TONEY and RUBY E. TONEY, Trustees of the Toney Family Trust u/a/d February 14, 1999; and DOM S. PROVOST and JOYCE M. PROVOST, husband and wife, Grantor, for the true and actual consideration of \$ 14,400.00 does convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, fee title to the following described property:

A parcel of land lying in the James C. Tolman D.L.C. No. 54, Township 39 South, Range 1 East, W.M., Jackson County, Oregon and being a portion of that property described in that Memorandum of Contract of Sale to Dom S. Provost and Joyce M. Provost, recorded as Document No. 90-30259 of the Official Records of Jackson County; the said parcel being that portion of said property lying Southeasterly of a line at right angles to the center line of the relocated Pacific Highway at Engineer's Station 49+560 and included in a strip of land variable in width, lying on the Northeasterly side of said center line which center line is described as follows:

Beginning at Engineer's center line Station 49+355.511, said station being 927.483 meters North and 698.707 meters West of the Southwest corner of the Patk. Dunn D.L.C. No. 56, Township 39 South, Range 1 East, W.M.; thence South 28° 38' 34" East 1 444.489 meters to Engineer's center line Station 50+800.

The widths in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on Northeasterly Side of Center Line
49+560		49+600	44.220 in a straight line to 54
49+600		49+730	54 in a straight line to 53
49+730		49+800	53 in a straight line to 62
49+800		49+830	62 in a straight line to 58
49+830		49+855	56 in a straight line to 62
49+855		49+900	62 in a straight line to 67
49+900		50+000	67 in a straight line to 125
50+000		50+080	125 in a straight line to 180

9-18-97

AFTER RECORDING RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
417 TRANSPORTATION BLDG.
SALEM OR 97310

Account No.: 1-10282-6 39 1E 24 TL 101

Property Address: 4224 Hwy 66
Ashland OR 97520

99-51102

ODOT
File 6676-003
10B-10-22

Bearings are based on County Survey No. 13818, filed January 13, 1994, Jackson County, Oregon.

The parcel of land to which this description applies contains 7 750 square meters, more or less.

TOGETHER WITH all abutter's rights of access between the above-described parcel and Grantor's remaining real property.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of said property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the same from all lawful claims whatsoever, except as stated herein.

Grantor agrees the consideration recited herein is just compensation for the property, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property and the construction or improvement of the public way.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

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

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 10th day of JANUARY, 1998

J. Ervin Toney
J. Ervin Toney, Trustee

Ruby E. Toney
Ruby E. Toney, Trustee

Don S. Provost
Don S. Provost

Joyce M. Provost
Joyce M. Provost

STATE OF FLORIDA, County of OSCEOLA

10th January, 1998 Personally appeared the above named J. Ervin Toney, Trustee of the Toney Family Trust w/d February 14, 1989, and acknowledged the foregoing instrument to be his voluntary act. Before me:

[Signature]
Notary Public
My Commission Expires [Date]



2

99-51102

ODOT
File 6878-003
10B-10-22

Florida
STATE OF OREGON, County of Oscoda

14th January, 1998 Personally appeared the above named Ruby E. Toney, Trustee of the Toney Family Trust w/a/d February 14, 1989, and acknowledged the foregoing instrument to be her voluntary act. Before me:

[Signature]
Notary Public for Oregon
My Commission expires [Signature]
PCC 350862
NOTARY PUBLIC STATE OF OREGON

STATE OF OREGON, County of Jackson

September 28, 1999 Personally appeared the above named Dom S. Provost and Joyce M. Provost, who acknowledged the foregoing instrument to be their voluntary act. Before me:

[Signature]
Notary Public for Oregon
My Commission expires 8/29/03



Jackson County, Oregon
Recorded
OFFICIAL RECORDS

OCT 05 1999

2:10 PM

[Signature]
COUNTY CLERK

9-18-97
Page 3 - WD
rel/

3/

99-51099

20

74721-BB
PTM
39124/01
ODOT
File 6676-002
10B-10-22

10.00
10.00

WARRANTY DEED

DOM S. PROVOST and JOYCE M. PROVOST, husband and wife, Grantor, for the true and actual consideration of \$ ~~125,000.00~~ ^{135,600.00} *DSP* *JMP* does convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, fee title to the following described property:

A parcel of land lying in the James C. Tolman D.L.C. No. 54, Township 39 South, Range 1 East, W.M., Jackson County, Oregon and being a portion of that property described in that deed to Dom S. Provost and Joyce M. Provost, recorded as Document No. 84-00699 of the Official Records of Jackson County; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Northeastly side of the center line of the relocated Pacific Highway center line which center line is described as follows:

Beginning at Engineer's center line Station 49+800, said station being 530.190 meters North and 499.388 meters West of the Southwest corner of the Patk. Dunn D.L.C. No. 58, Township 39 South, Range 1 East, W.M.; thence South 26° 38' 34" East 1000 meters to Engineer's center line Station 50+800.

The widths in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on Northeastly Side of Center Line
49+800		49+830	82 in a straight line to 58
49+830		49+855	56 in a straight line to 62
49+855		49+900	62 in a straight line to 67
49+900		50+000	87 in a straight line to 125
50+000		50+080	125 in a straight line to 180
50+080		50+190	180 in a straight line to 195
50+190		50+280	195 in a straight line to 184
50+280		50+460	184 in a straight line to 115
50+460		50+520	115 in a straight line to 70

Bearings are based on County Survey No. 13818, filed January 13, 1994, Jackson County, Oregon.

The parcel of land to which this description applies contains 5.888 hectares, more or less.

1-28-98

AFTER RECORDING RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
417 TRANSPORTATION BLDG.
SALEM OR 97310

Account No.: 1-11643-4 39 1E 13C 1100

Property Address: 86 Crowson Road
Ashland OR 97520

39-51099

ODOT
File 6678-002
10B-10-22

TOGETHER WITH all abutter's rights of access between the above-described parcel and Grantor's remaining real property.

RESERVING, however, unto Grantor and grantor's heirs, successors and assigns, any water rights appurtenant to the above described property.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of said property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the same from all lawful claims whatsoever, except as stated herein.

Grantor agrees the consideration recited herein is just compensation for the property, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property and the construction or improvement of the public way.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

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

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 28th day of September, 1999

Dom S. Provost
Dom S. Provost

Joyce M. Provost
Joyce M. Provost

STATE OF OREGON, County of Jackson

September 28, 1999. Personally appeared the above named Dom S. Provost and Joyce M. Provost,

who acknowledged the foregoing instrument to be their voluntary act. Before me:



[Signature]
Notary Public for Oregon
My Commission expires 8/29/03

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

OCT 05 1999

2:10 PM

[Signature]
COUNTY CLERK

Susan Douthit

From: Susan Douthit
Sent: Wednesday, January 22, 2014 2:40 PM
To: RANDLEMAN Jayne A (Jayne.A.RANDLEMAN@odot.state.or.us)
Subject: Report of Ownership - extension of deadline to submit - Water right transfer T-11363

Hello,
The deadline to submit the report of ownership has been extended until February 21st.
~S

Susan Douthit
District Analyst
OR Water Resources
503-986-0858



Susan Douthit

From: RANDLEMAN Jayne A <Jayne.A.RANDLEMAN@odot.state.or.us>
Sent: Thursday, December 12, 2013 1:46 PM
To: DOUTHIT Susan M
Subject: RE: water right transfer T-11363 - conference call

Susan, will Travis Kelly be participating on this phone call? Thanks. Jayne

From: Susan Douthit [<mailto:susan.m.douthit@state.or.us>]
Sent: Thursday, December 12, 2013 1:41 PM
To: RANDLEMAN Jayne A; FLETCHER Timothy W; Mark DiRienzo
Cc: STARNES Patrick K
Subject: water right transfer T-11363 - conference call

Hi all,

Looks like we'll be discussing this transfer and options on **Wednesday, December 18th at 9 a.m.**
Folks will need to call 1-712-432-1500 and enter participant access code 730120#.

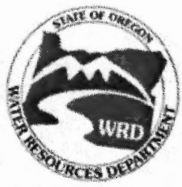
We'll be discussing options (listed below) and the potential/necessary amendments to the transfer application.

1. Condition the transfer to require measurement devices and appropriate reporting (likely monthly and delivered to Watermaster) on both the Dunn Ditch diversion and the new pod on Neil Creek and when Healy's "up" on the rotation schedule reduce the diversion on Dunn Ditch to 1.9 cfs allowing the 0.1 cfs for the new place of use to be conveyed down Neil Creek.
2. Remove the point of diversion component entirely and simply put a point of re-diversion on Clayton Creek (an existing conveyance element of Dunn Ditch water/rediversion within the same ditch system does not constitute a point of diversion transfer) This option puts the point of diversion on the west side of the new place of use but avoids conveying it over/across Neil Creek Rd. Initial indication is this option addresses the injury and enlargement concerns fully since there would be NO CHANGE to the amount of water in Dunn Ditch and NO CHANGE in the amount of water headed down Neil Creek. The Watermaster will likely not require measurement or reporting on the Clayton Creek re-diversion.
3. Subordinate the new point of diversion on Neil Creek to all other diversion between the existing Dunn Ditch diversion and the new point of diversion.
4. Is there an opportunity for the applicants to mitigate for this change by obtaining 0.11 cfs from Talent Irrigation District if and when the need arises?

Feel free to give me a ring if needed.

~S

Susan Douthit
District Analyst
OR Water Resources
503-986-0858



Susan Douthit

From: RANDLEMAN Jayne A <Jayne.A.RANDLEMAN@odot.state.or.us>
Sent: Friday, December 20, 2013 11:13 AM
To: DOUTHIT Susan M
Cc: 'markd@mind.net'
Subject: FW: ODOT Transfer Application T-11363

Susan, attached is the request to ODOT Transfer Application T-11363. Thanks. Jayne

From: THOMAS Joseph R * ODOT
Sent: Friday, December 20, 2013 9:44 AM
To: Susan Douthit
Cc: RANDLEMAN Jayne A; HEITSCH Bonnie; FLETCHER Timothy W
Subject: ODOT Transfer Application T-11363

Susan.

This will serve as ODOT's requested amendment to Transfer Application T-11363:

ODOT requests the point of diversion proposal including in T-11363 be eliminated from the application.

Please advise if additional information is needed, or if you have any questions. Thank you.

Joseph R. Thomas, PLS
Oregon Dept. of Transportation - Region 3
Right-of-Way, Survey & Utilities Manager
100 Antelope Road
White City, Oregon 97503
(541) 774-6357 office
(541) 621-7033 cell
(541) 774-6349 fax
joseph.r.thomas@odot.state.or.us

General Flow of Dunn Ditch
39S-1E-24

2005 FSA AERIAL

ODOT
Rest Stop

Provost

Concrete box receives
water from under freeway

Foland

Radio
Station

Diversion to
Foland

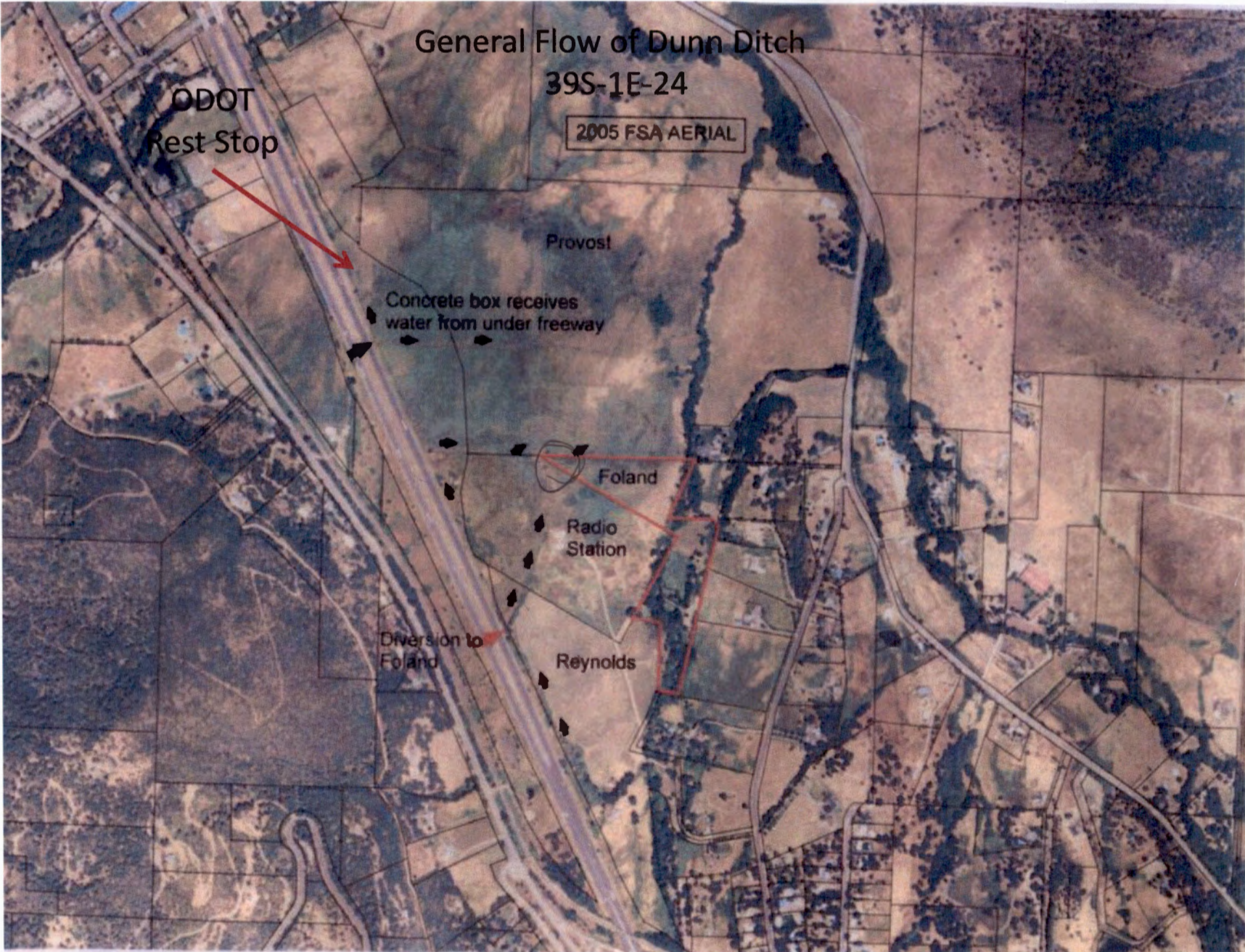
Reynolds



Legend

➤ Dunn Ditch

➤ Diversion to
Foland



Susan Douthit

From: Susan Douthit
Sent: Thursday, December 26, 2013 11:16 AM
To: 'Mark DiRienzo'; 'RANDLEMAN Jayne A'; HEITSCH Bonnie; 'Timothy.W.FLETCHER@odot.state.or.us'; Harold Center
Cc: Travis Kelly
Subject: RE: ODOT Transfer Application T-11363
Attachments: 11363-dpd-REVISED-DRAFT-upd c date and rec lo.doc

Attached is the amended draft Preliminary Determination (dpd) for T-11363. Changes include – receiving landowner, completion date and elimination of all reference to a point of diversion change. @Ms. Randleman – the next step is for ODOT is to supply (1) a request for continued processing (email is fine) and (2) a report of land ownership to which the water right is appurtenant. The report must be prepared by a title company w/in three months of the dpd. Because this property is part of a right-of-way, and I believe involved in a conveyance agreement, the report may be prepared **at any time** but must show ownership at the time a water right conveyance agreement was recorded. Feel free to call me w/questions.

~S

From: Susan Douthit
Sent: Thursday, December 26, 2013 7:57 AM
To: 'Mark DiRienzo'
Cc: RANDLEMAN Jayne A; HEITSCH Bonnie; Timothy.W.FLETCHER@odot.state.or.us; Travis Kelly; Harold Center
Subject: RE: ODOT Transfer Application T-11363

Sorry Mark, you've mentioned the ownership change a couple times. I've updated the receiving landowner information and completion date on the attached document. I've also included a finding that the applicant (ODOT) amended the application to eliminate a request to change the point of diversion for a portion of the water right.

I'll be calling Mr. Center later.

~S

From: Mark DiRienzo [<mailto:markd@mind.net>]
Sent: Friday, December 20, 2013 5:47 PM
To: Susan Douthit
Subject: Re: ODOT Transfer Application T-11363

Susan, thanks for turing this around so quickly.

I will review and advise our comments on Monday. One thing I notice is that the owner of the land where the right is moving TO, is Manta Investments, LLC an Oregon LLC. Doug and Nina Healy transferred their ownership of the ranch to an LLC in Fall 2012 to take the property out of their personal names into this LLC with has membership of Doug, Nina and The Healy Family Trust 2011. This doc you sent still shows the ownership as Doug and Nina Healy does it need to change?

Mark D.

On Dec 20, 2013, at 3:48 PM, Susan Douthit <susan.m.douthit@state.or.us> wrote:

Attached is a draft of our Preliminary Determination regarding Transfer Application T-11363. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right is appurtenant (the FROM lands) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), Lot Book Report, etc.*)
 - a. The title company's report must either be:
 - i. prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii. prepared within 3 months of recording of a water right conveyance agreement, or
 - iii. prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b. The ownership report shall include:
 - v. Date reflected by the ownership information
 - v. List of owners at that time
 - vi. Legal description of the property where the water right to be transferred is currently located.
 - c. You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.

Please note the proposed date by which all conditions must be met: October 1, 2015. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
2. report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application.

If we do not receive the items listed above by January 20, 2014, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at 503-986-0858 or Susan.M.Douthit@ wrd.state.or.us if I may be of assistance.

From: RANDLEMAN Jayne A [<mailto:Jayne.A.RANDLEMAN@odot.state.or.us>]
Sent: Friday, December 20, 2013 11:13 AM
To: DOUTHIT Susan M
Cc: 'markd@mind.net'
Subject: FW: ODOT Transfer Application T-11363

Susan, attached is the request to ODOT Transfer Application T-11363. Thanks. Jayne

From: THOMAS Joseph R * ODOT
Sent: Friday, December 20, 2013 9:44 AM
To: Susan Douthit
Cc: RANDLEMAN Jayne A; HEITSCH Bonnie; FLETCHER Timothy W
Subject: ODOT Transfer Application T-11363

Susan.

This will serve as ODOT's requested amendment to Transfer Application T-11363:

ODOT requests the point of diversion proposal including in T-11363 be eliminated from the application.

Please advise if additional information is needed, or if you have any questions. Thank you.

Joseph R. Thomas, PLS
Oregon Dept. of Transportation - Region 3
Right-of-Way, Survey & Utilities Manager
100 Antelope Road
White City, Oregon 97503
(541) 774-6357 office
(541) 621-7033 cell
(541) 774-6349 fax
joseph.r.thomas@odot.state.or.us

<11363-dpd-REVISED-DRAFT.doc>

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

In the Matter of Transfer Application)
T-11363, Jackson County)

D R A F T

) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE OF PLACE OF USE AND
) PARTIAL CANCELLATION OF A
) WATER RIGHT

Authority

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

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

Applicant

Oregon Department of Transportation
Attn-Jayne Randleman
3500 Stewart Parkway
Roseburg, OR 97470
Jayne.A.Randleman@odot.state.or.us

Receiving Landowners

Manta Investments, LLC
Attn: Mark DiRienzo
700 Mistletoe Road
Ashland, OR 97520
markd@mind.net

Findings of Fact

Background

1. On February 28, 2012, Oregon Department of Transportation (ODOT) filed a transfer application to change the place of use under Certificate 82967. The Department assigned the application number T-11363.
2. Douglas K. and Nina M. Healy are indicated as the receiving landowners on the transfer application. The receiving landowners will be responsible for completion of the changes.
3. Certificate 82967 was superseded by Certificate 88873 by order of the Jackson County Circuit Court.
4. On December 20, 2013, the applicant amended the application to eliminate the change in point of diversion for a portion of Certificate 88873.

5. The portion of the right to be transferred is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by the Rogue River Decree)
Use: IRRIGATION of 16.45 acres, DOMESTIC, and LIVESTOCK
Priority Date: 1852
Rate: 0.09CUBIC FOOT PER SECOND (cfs)
Source: NEIL CREEK, tributary to BEAR CREEK

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	POD Description
39 S	2 E	WM	31	Houck-Dunn-Holmes Ditch

Authorized Place of Use (POU):

IRRIGATION, DOMESTIC AND LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	1 E	WM	13	SW SW	0.30
39 S	1 E	WM	24	NE NW	8.83
39 S	1 E	WM	24	NW NW	1.60
39 S	1 E	WM	24	SE NW	5.72
Total:					16.45

6. Additional information regarding the location of the authorized point of diversion, provided by the Certified Water Rights Examiner is included in the following table:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	POD Description
39 S	2 E	WM	31	SW NW	N42°08'16.8" West 122°38'08.0" World Geodetic System - 84 Datum

7. Transfer Application T-11363 proposes to change the place of use of the right to:

IRRIGATION, DOMESTIC AND LIVESTOCK						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	NE NE	56	16.45

8. Notice of the application for transfer was published on March 6, 2012, pursuant to OAR 690-380-4000.

Transfer Review Criteria [OAR 690-380-4010(2)]

9. The water right was included in Transfer Application T-7274 during the period between December 1994 to March 2, 2012. Pursuant to 540.610(2)(m) the time in which lands are involved in a transfer are not subject to forfeiture under ORS 540.610.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11363.
11. The proposed change would not result in enlargement of the right.

12. The proposed change would not result in injury to other water rights.

Partial Cancellation of a Water Right

13. On February 28, 2012, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Oregon Department of Transportation. The portion of the right to be cancelled is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by Rogue River Decree State Water Board)

Use: IRRIGATION of 2.13 ACRES

Priority Date: 1852

Source: NEIL CREEK, tributary to BEAR CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec
39 S	2 E	WM	31

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	SE NW	55	1.87
39 S	1 E	WM	24	NE SW	55	0.26

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-11363 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved and the abandoned right will be cancelled.

If Transfer Application T-11363 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-11363 is approved. The portion of the right that has been abandoned is cancelled.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 88873 and any related decree.*
- 3. Water right certificate 88873 is cancelled. A new certificate will be issued describing that portion of the right NOT affected by this transfer and cancellation.*
- 4. The former place of use of the transferred right shall no longer receive water under the right.*
- 5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2016. A Claim of Beneficial Use prepared by a Certified Water Right*

*Examiner shall be submitted by the **receiving landowners** to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*

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

Dated at Salem, Oregon this _____ day of _____, 2014.

D R A F T

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

This draft Preliminary Determination was prepared by Susan Douthit. If you have questions about the information in this document, you may reach me at 503-986-0858 or Susan.M.Douthit@ wrd.state.or.us.

STATE OF OREGON
 COUNTY OF JACKSON
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ADELBERT MOORE
 ASHLAND, OR 97520

confirms the right to use the waters of NEIL CREEK, a tributary of BEAR CREEK for IRRIGATION of 359.0 acres,
 DOMESTIC and STOCK use.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at
 Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1852.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed
 2,000 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Description
39 S	2 E	WM	31	HOUCK-DUNN-HOMES DITCH

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

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	13	NE SW		30.00
39 S	1 E	WM	13	SW SW		7.00
39 S	1 E	WM	13	SE SW		40.00
39 S	1 E	WM	13	NW SE		5.00
39 S	1 E	WM	13	SW SE		40.00
39 S	1 E	WM	13	SE SE		20.80
39 S	1 E	WM	23	NE NE		5.00
39 S	1 E	WM	24		54	16.00
39 S	1 E	WM	24	NE NE		3.30
39 S	1 E	WM	24	NW NE		40.00
39 S	1 E	WM	24	SW NE		36.60
39 S	1 E	WM	24	SE NE		5.60
39 S	1 E	WM	24	NE NW		35.00
39 S	1 E	WM	24	NW NW		11.40
39 S	1 E	WM	24	SW NW		4.80
39 S	1 E	WM	24	SE NW		28.30
39 S	1 E	WM	24	NE SW		5.50
39 S	1 E	WM	24	NW SE		24.70
Total:						359.00

This certificate corrects the place of use consistent with the order of the Circuit Court of the State of Oregon for Jackson
 County entered **NOV 22 2013** and supersedes Certificate 82967.

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 NOV 22 2013.



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

Susan Douthit

From: Susan Douthit
Sent: Friday, December 20, 2013 3:49 PM
To: 'RANDLEMAN Jayne A'; Mark DiRienzo
Cc: HEITSCH Bonnie; Timothy.W.FLETCHER@odot.state.or.us; Travis Kelly
Subject: RE: ODOT Transfer Application T-11363



11/20/13 10:41 AM

Attached is a draft of our Preliminary Determination regarding Transfer Application T-Error! Reference source not found.. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right is appurtenant (the FROM lands) is required. **The report must be prepared by a title company and meet the criteria below.** (Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), Lot Book Report, etc.)
 - a) The title company's report must either be:
 - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information
 - ii) List of owners at that time
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.

Please note the proposed date by which all conditions must be met: October 1, 2015. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and

2. report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application.

If we do not receive the items listed above by January 20, 2014, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at if I may be of assistance.

From: RANDLEMAN Jayne A [mailto:Jayne.A.RANDLEMAN@odot.state.or.us]
Sent: Friday, December 20, 2013 11:13 AM
To: DOUTHIT Susan M
Cc: 'markd@mind.net'
Subject: FW: ODOT Transfer Application T-11363

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Sent: Friday, December 20, 2013 9:44 AM
To: Susan Douthit
Cc: RANDLEMAN Jayne A; HEITSCH Bonnie; FLETCHER Timothy W
Subject: ODOT Transfer Application T-11363

Susan.

This will serve as ODOT's requested amendment to Transfer Application T-11363:

ODOT requests the point of diversion proposal including in T-11363 be eliminated from the application.

Please advise if additional information is needed, or if you have any questions. Thank you.

Joseph R. Thomas, PLS
Oregon Dept. of Transportation - Region 3
Right-of-Way, Survey & Utilities Manager
100 Antelope Road
White City, Oregon 97503
(541) 774-6357 office
(541) 621-7033 cell
(541) 774-6349 fax
joseph.r.thomas@odot.state.or.us

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

In the Matter of Transfer Application)
T-11363, Jackson County)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE OF PLACE OF USE AND
PARTIAL CANCELLATION OF A
WATER RIGHT

Authority

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

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

Applicant

Oregon Department of Transportation
Attn-Jayne Randleman
3500 Stewart Parkway
Roseburg, OR 97470
Jayne.A.Randleman@odot.state.or.us

Receiving Landowners

Douglas K. and Nina M. Healy
322 Avenida Gaviota
San Clemente, CA 92672
doughealy@gmail.com

Agent for Receiving Landowners

Mark DiRienzo
700 Mistletoe Road #106
Ashland, OR 97520
markd@mind.net

Findings of Fact

Background

1. On February 28, 2012, Oregon Department of Transportation (ODOT) filed a transfer application to change the place of use under Certificate 82967. The Department assigned the application number T-11363.
2. Douglas K. and Nina M. Healy are indicated as the receiving landowners on the transfer application. The receiving landowners will be responsible for completion of the changes.
3. Certificate 82967 was superseded by Certificate 88873 by order of the Jackson County Circuit Court.

4. The portion of the right to be transferred is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by the Rogue River Decree)
Use: IRRIGATION of 16.45 acres, DOMESTIC, and LIVESTOCK
Priority Date: 1852
Rate: 0.09CUBIC FOOT PER SECOND (cfs)
Source: NEIL CREEK, tributary to BEAR CREEK

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	POD Description
39 S	2 E	WM	31	Houck-Dunn-Holmes Ditch

Authorized Place of Use (POU):

IRRIGATION, DOMESTIC AND LIVESTOCK						
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Change
39 S	1 E	WM	13	SW SW	0.30	POD & POU
39 S	1 E	WM	24	NE NW	8.83	POD & POU
39 S	1 E	WM	24	NW NW	1.60	POD & POU
39 S	1 E	WM	24	SE NW	5.72	POD & POU
Total:					16.45	

5. Additional information regarding the location of the authorized point of diversion, provided by the Certified Water Rights Examiner is included in the following table:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	POD Description
39 S	2 E	WM	31	SW NW	N42°08'16.8" West 122°38'08.0" World Geodetic System - 84 Datum

6. Transfer Application T-11363 proposes to change the place of use of the right to:

IRRIGATION, DOMESTIC AND LIVESTOCK						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	NE NE	56	16.45

7. Notice of the application for transfer was published on March 6, 2012, pursuant to OAR 690-380-4000.
8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion.

Transfer Review Criteria [OAR 690-380-4010(2)]

9. The water right was included in Transfer Application T-7274 during the period between December 1994 to March 2, 2012. Pursuant to 540.610(2)(m) the time in which lands are involved in a transfer are not subject to forfeiture under ORS 540.610.

10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11363.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

Partial Cancellation of a Water Right

13. On February 28, 2012, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Oregon Department of Transportation. The portion of the right to be cancelled is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by Rogue River Decree State Water Board)
Use: IRRIGATION of 2.13 ACRES
Priority Date: 1852
Source: NEIL CREEK, tributary to BEAR CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec
39 S	2 E	WM	31

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	SE NW	55	1.87
39 S	1 E	WM	24	NE SW	55	0.26

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-11363 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved and the abandoned right will be cancelled.

If Transfer Application T-11363 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-11363 is approved. The portion of the right that has been abandoned is cancelled.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 88873 and any related decree.*
3. *Water right certificate 88873 is cancelled. A new certificate will be issued describing that portion of the right NOT affected by this transfer and cancellation.*

4. *The former place of use of the transferred right shall no longer receive water under the right.*
5. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the **receiving landowners** to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
6. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this _____ day of _____, 2014.

D R A F T

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

This draft Preliminary Determination was prepared by Susan Douthit. If you have questions about the information in this document, you may reach me at 503-986-0858 or Susan.M.Douthit@wrds.state.or.us.

Susan Douthit

From: Susan Douthit
Sent: Thursday, December 05, 2013 5:11 PM
To: 'Mark D'; RANDLEMAN Jayne A (Jayne.A.RANDLEMAN@odot.state.or.us)
Cc: Harold Center
Subject: RE: Certificate 88873 issued

Hello,

As promised, an update on Transfer Application T-11363.

There are indications that the proposed change in point of diversion may have enlargement and injury issues. I met with the Watermaster and other experienced Department staff to discuss/brainstorm options that are available to mitigate for these potential enlargement and injury issues or ways to avoid them entirely. We arrived at four potential options that would likely allow the Department to make a positive finding of no injury/enlargement. These options have not been fully flushed out; these are **preliminary**, brainstorming ideas offered to (a) get this transfer moving forward toward approval and (b) to initiate the conversation. Because discussion of injury and enlargement issues delves deeply into *very technical* water right issues I'll be following up w/folks offering additional explanation and illustration in next few days. The options, in no particular order are as follows:

1. Condition the transfer to require measurement devices on both the Dunn Ditch diversion and the new pod on Neil Creek and when Healy's "up" on the rotation schedule reduce the diversion on Dunn Ditch to 1.9 cfs allowing the 0.1 cfs for the new place of use to be conveyed down Neil Creek.
2. Remove the point of diversion component entirely and simply put a point of re-diversion on Clayton Creek (an existing conveyance element of Dunn Ditch water/rediversion within the same ditch system does not constitute a point of diversion transfer) This option puts the point of diversion on the west side of the new place of use but avoids conveying it over/across Neil Creek Rd. Initial indication is this option addresses the injury and enlargement concerns fully since there would be NO CHANGE to the amount of water in Dunn Ditch and NO CHANGE in the amount of water headed down Neil Creek.
3. Subordinate the new point of diversion on Neil Creek to all other diversion between the existing Dunn Ditch diversion and the new point of diversion.
4. Is there an opportunity for the applicants to mitigate for this change by obtaining 0.11 cfs from Talent Irrigation District if and when the need arises?

Let me re-iterate, these are options are garnered from a brainstorming session and are a "conversation starter." I'll be discussing this transfer with the applicant, the receiving landowners and representatives soon.

Thanks.

~S

From: Mark D [mailto:markd@mind.net]
Sent: Wednesday, November 27, 2013 12:02 PM
To: Susan Douthit
Cc: Thad Pauck; TIMMS Deborah M (Deborah.M.TIMMS@odot.state.or.us); Harold Center
Subject: Re: Certificate 88873 issued

Thank you Susan, I'll wait to hear more. I can see how a notice period may push us beyond year end but if I know the docs are submitted that would be great.

Have a nice holiday.

Mark DiRienzo

Sent from my iPhone

On Nov 27, 2013, at 11:40, "Susan Douthit" <susan.m.douthit@state.or.us> wrote:

Mark,

I can certainly appreciate your comments. However, as I mentioned in my email, I simply need a little time (".....a couple weeks (on the outside)") to get this transfer moving.

Furthermore, be aware, even if I had all the pieces perfectly in place and initiated the process immediately, it is impossible to have this transfer to Final Order by the end of the year because of the required protest period.

I'll be speaking w/folks regarding this asap. You should expect to hear from me soon.

~S

From: Mark DiRienzo [<mailto:markd@mind.net>]

Sent: Wednesday, November 27, 2013 11:22 AM

To: Susan Douthit

Cc: TIMMS Deborah M (Deborah.M.TIMMS@odot.state.or.us); Harold Center; Pauck Thad

Subject: Re: Certificate 88873 issued

Susan, I am not a water rights expert, so I don't know the exact terminology and will take your advice on what that terminology is. I do know we have been waiting more than two years and have spend tens of thousands of dollars in court fixing a problem created by a scrivener 100 years ago. With the DOJ and Water Resources pointing fingers back and forth about how to get this job done, we are the ones who have suffered along the way. We are missing irrigation seasons on the land we are transferring to on the Dunn Ranch and really can't wait any longer.

We simply want the odot transfer of the full acreage due to us to happen as soon as possible. Waiting a few more weeks just to find out how long things will take from that point seems unfair to me considering we have done everything asked of us at our great expense along the way.

I realize your department is understaff and overworked but it seems like there ought to be clear guidelines on next steps. Please make this a top priority so that this can be finalized no later than year end.

Thanks,

Mark DiRienzo

on behalf of Doug Healy/Manta Investments, LLC

541-621-8393

On Nov 27, 2013, at 11:07 AM, Susan Douthit <susan.m.douthit@state.or.us> wrote:

Hello,

Not familiar w/the "permit issuance" you mention. Is there a *new* water application for the property? As for the processing of the transfer application timeline, I am unsure at this point. A couple consideration that quickly come to mind that could have impact on the timeline: (1) the transfer applicant may need to amend the application to reflect the newly issued certificate (2)maps may need

adjustment (although if memory serves me correctly these will be minimal, if at all), (3) the Department will need to analyze comments received when we initially noticed the transfer application.

I'd like to dig back into the file and become re-acquainted w/the details, etc. Can you give me a couple weeks (on the outside) to give you and the applicants a "status" and timeline?

~S

Ps- Happy Thanksgiving.

From: Mark DiRienzo [<mailto:markd@mind.net>]

Sent: Wednesday, November 27, 2013 10:32 AM

To: Susan Douthit

Cc: STALEY Darsee; TIMMS Deborah M (Deborah.M.TIMMS@odot.state.or.us); HASENSTEIN Ethan R; Harold Center; Larry Menteer; FREDRICKSON Maria; MOULUN Renee M; Pauck Thad

Subject: Re: Certificate 88873 issued

Hi Susan, thank you. Will the permit issuance and transfer be done right away? What is the timeline for that, please?

Regards,

Mark DiRienzo

On Nov 26, 2013, at 2:55 PM, Susan Douthit <susan.m.douthit@state.or.us> wrote:

Hello,

Attached is a copy of the certificate 88873 issued to replace 82967.

Let me know if you have questions.

~S

Susan Douthit

District Analyst

OR Water Resources

503-986-0858

<image002.jpg>

<88873-1.pdf>

Codi Holmes

From: FreeConferenceCall Services <services@freeconferencecall.com>
Sent: Thursday, December 12, 2013 10:04 AM
To: Codi Holmes
Subject: FreeConferenceCall Account Registration

Wed 12/12/13
9am



Thank you for signing up with FreeConferenceCall

A 1,000 caller reservationless conference call account with free recording has been activated for you at FreeConferenceCall.com. You can now conduct telephone conference calls anytime without a reservation, plus you have the added benefit of recording your conference calls for free! Click [here](#) to access your account online; have your dial in number, access code and subscriber pin ready found under Account Information below. If you have any questions email us at services@freeconferencecall.com or call us toll-free at **877-482-5838**.

Account Information

Name: Codi Holmes
Email: codi.n.holmes@wrld.state.or.us

Free Conference Call

Conference Dial-in Number: (712) 432-1500
Host Access Code: 730120*
Participant Access Code: 730120#

Free Conference Recording

Subscriber PIN code: 736316#
To start recording, host hits: *9, then the PIN
To stop recording, host hits: *9

Free Conference Play Back

Playback Number: (712) 432-1202
Access Code: 730120#

Note: You will be notified of any changes to your account via email.

Issue date: December 12 2013 6:04:02 PM.

Instructions

When using your free live conference call number you must notify your callers by giving them the date, time, dial-in number and access code. All parties will use the same dial-in number and enter the same access code, followed by the * or # key as specified below.

Host: When prompted, enter the assigned access code, followed by the * key.

Participant: When prompted, enter the assigned access code, followed by the # key.
Once connected to the live conference, every caller will be able to talk. Every caller will also have access to the touch tone commands listed below.

Recording Instructions

During the free live conference, the host can start recording at any time by pressing *9. The system disconnects him/her from the free live conference and prompts for the Subscriber PIN. If the Subscriber PIN is valid, the host is returned to the conference and all attendees are notified that the recording option has been started. To stop and save the recording, the host will press *9 again.

Play Back Instructions

To listen to the recorded conference, the host must provide attendees with the play back number and access code. Please note, that the playback number is different from the conference dial-in number. When users call into the recording playback number, they will be prompted to enter the access code and then enter the reference number for a specific recording. The reference

number for each recording is provided on your Call Detail Report after the conference call is complete and on your recordings page in your account. Once confirmed, the system will play back the recorded conference. During play back, the user can scroll forward or backwards through the recorded conference. You will find the play back features below. Click here for further instructions on how to access recorded conferences on your playback number.







Conference KeywordsSM Instructions

1. Login to your account at www.freeconferencecall.com
2. From your Account Info page, click on the KeywordsSM checkbox to enable the service
3. Click Save when finished
4. From now on, all of your recorded conference calls will be transcribed
5. To view your transcribed conference calls, go to your Recordings page
6. From the Recordings page, select a recording
7. On the next page, you can playback the recording, search for keywords, view list of transcribed keywords, listen to when those keywords were spoken during the recording, order a written transcription and view recorded file details
8. If at any point you would like to turn the KeywordsSM service off, simply uncheck the box for KeywordsSM on your Account Info page
9. Click Save when finished

















Features by Caller

To access the different Feature Keys when in a call, simply press the corresponding keys below - it is required that a caller enters a star (*) key before the desired feature key.

Participant Feature Keys

 	Exit - exit the call
 	Instructions - conference instructions
 	Mute/Unmute - caller controlled muting

Host Feature Keys (Accessed by following the Access Code with a * instead of a #)

 	Count - plays the number of parties in the call
 	Exit - exit the conference call
 	Instructions - conference instructions
 	Listen only modes - host controlled muting
 	Mute/Unmute - caller controlled muting
 	Secured/Unsecured - stops callers from entering
 	Tone controls
 	Record Conference

Touch Tone Command Explanations

Caller count - *2 key (Host only)

Allows the host to get a count of how many callers are on the code.

Exit conference - *3 key

Pressing *3 Takes the individual user out of the conference call and back into the lobby.

Instructions - *4 key

Plays a menu of touch tone commands.

Listening modes - *5 key (Host only)

There are 3 different listening modes for the audience ? the default mode is open conversation ? pressing *5 once will mute the audience however the audience can un-mute them selves by pressing *6 for questions or guest speakers ? pressing *5 again will put the audience into mute mode with out the capability of un-muting themselves ? press *5 again and it will return you to open conversation mode.

Mute - *6 key

Pressing *6 will mute the line of the individual caller ? pressing *6 again will un-mute the line.

Security - *7 key (Host only)




Pressing *7 will secure the conference and block all other callers attempting to enter the conference ? pressing *7 again will re-open the conference to all caller joining.

Tone control - *8 key (Host only)

The default setting is Entry and Exit tones on ? pressing *8 once and you will hear entry and exit tones off, press *8 again and you will hear Entry tone off exit tone on, press *8 again and you will hear entry tone on exit tone, pressing *8 one more time will put you back in default mode with both exit and entry tones on.

Record Conference - *9 key (Host only)

Playback Feature Keys

	Rewind 30 seconds
	Fast forward 30 seconds
	Pause/resume playback



Pressing *9 once will disconnect the host from the conference and prompt for the Subscriber PIN. When the Subscriber PIN is validated, the host is returned to the conference and an announcement is made to the attendees that the conference is being recorded. To stop and save the recording, press *9 again.



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building

725 Summer St. NE, Suite A

Salem, OR 97301

Phone 503-986-0900

FAX 503-986-0904

www.wrd.state.or.us

November 27, 2013

DOUG AND NINA HEALY
322 W AVENIDA GAVIOTA
SAN CLEMENTE CA 92672

Enclosed is correcting water right Certificate # 88873 supersedes the Certificate #82967.

If you have any questions regarding this certificate please call Susan Douthit at 503-986-0858.

Sincerely,

Codi Holmes

enclosure

cc: Watermaster #13
File



STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ADELBERT MOORE
ASHLAND, OR 97520

confirms the right to use the waters of NEIL CREEK, a tributary of BEAR CREEK for IRRIGATION of 359.0 acres, DOMESTIC and STOCK use.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1852.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.000 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Description
39 S	2 E	WM	31	HOUCK-DUNN-HOMES DITCH

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

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	13	NE SW		30.00
39 S	1 E	WM	13	SW SW		7.00
39 S	1 E	WM	13	SE SW		40.00
39 S	1 E	WM	13	NW SE		5.00
39 S	1 E	WM	13	SW SE		40.00
39 S	1 E	WM	13	SE SE		20.80
39 S	1 E	WM	23	NE NE		5.00
39 S	1 E	WM	24		54	16.00
39 S	1 E	WM	24	NE NE		3.30
39 S	1 E	WM	24	NW NE		40.00
39 S	1 E	WM	24	SW NE		36.60
39 S	1 E	WM	24	SE NE		5.60
39 S	1 E	WM	24	NE NW		35.00
39 S	1 E	WM	24	NW NW		11.40
39 S	1 E	WM	24	SW NW		4.80
39 S	1 E	WM	24	SE NW		28.30
39 S	1 E	WM	24	NE SW		5.50
39 S	1 E	WM	24	NW SE		24.70
Total:						359.00

This certificate corrects the place of use consistent with the order of the Circuit Court of the State of Oregon for Jackson County entered **NOV 22 2013** and supersedes Certificate 82967.

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 NOV 22 2013.



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

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

In the Matter of Transfer Application)
T-11363, Jackson County)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE ADDITIONAL IN POINT OF
DIVERSION, PLACE OF USE AND
PARTIAL CANCELLATION OF A
WATER RIGHT

Authority

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

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

Applicant

Oregon Department of Transportation
Attn-Jayne Randleman
3500 Stewart Parkway
Roseburg, OR 97470
Jayne.A.Randleman@odot.state.or.us

Receiving Landowner

Douglas K. and Nina M. Healy
322 Avenida Gaviota
San Clemente, CA 92672
doughealy@gmail.com

Agent for Receiving Landowner

Mark DiRienzo
700 Mistletoe Road #106
Ashland, OR 97520
markd@mind.net

Findings of Fact

Background

1. On February 28, 2012, Oregon Department of Transportation (ODOT) filed a transfer application to change the point of diversion and to change the place of use under Certificate 82967. The Department assigned the application number T-11363.
2. Douglas K. and Nina M. Healy are indicated as the receiving landowner on the transfer application. The receiving landowners will be responsible for completion of the changes.

- Certificate 82967 was superseded by Certificate 88873 by order of the Jackson County Circuit Court.
- The portion of the right to be transferred is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by the Rogue River Decree)
Use: IRRIGATION of 19.75 acres, DOMESTIC, and LIVESTOCK
Priority Date: 1852
Rate: 0.11 CUBIC FOOT PER SECOND (cfs)
Source: NEIL CREEK, tributary to the BEAR CREEK

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	POD Description
39 S	2 E	WM	31	Houck-Dunn-Homes Ditch

Authorized Place of Use (POU):

IRRIGATION, DOMESTIC AND LIVESTOCK						
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Change
39 S	1 E	WM	13	SW SW	0.30	POD & POU
39 S	1 E	WM	24	NE NE	3.30	POU
39 S	1 E	WM	24	NE NW	8.83	POD & POU
39 S	1 E	WM	24	NW NW	1.60	POD & POU
39 S	1 E	WM	24	SE NW	5.72	POD & POU
Total:					19.75	

- Additional information regarding the location of the authorized point of diversion, provided by the Certified Water Rights Examiner is included in the following table:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	POD Description
39 S	2 E	WM	31	SW NW	N42°08'16.8" West 122°38'08.0" World Geodetic System - 84 Datum

- Transfer Application T-11363 proposes to move/add? the authorized point of diversion for 16.45 acres, as identified in Finding of Fact #4, approximately 2.5 miles downstream in the source to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	1 E	WM	24	NE NE	1784 FEET NORTH AND 15 FEET WEST FROM THE SE CORNER OF DONATION LAND CLAIM #56

- Transfer Application T-11363 also proposes to change the place of use of the right to:

IRRIGATION, DOMESTIC AND LIVESTOCK						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	NE NE	56	19.75

- Notice of the application for transfer was published on March 6, 2012, pursuant to OAR 690-380-4000.

9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion.

Transfer Review Criteria [OAR 690-380-4010(2)]

10. The water right was included in Transfer Application T-7274 during the period between December 1994 to March 2, 2012. Pursuant to 540.610(2)(m) the time in which lands are involved in a transfer are not subject to forfeiture under ORS 540.610.
11. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11363.
12. The proposed changes, AS CONDITIONED, would not result in enlargement of the right.
13. The proposed changes, AS CONDITIONED, would not result in injury to other water rights.

Partial Cancellation of a Water Right

14. On February 28, 2012, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Oregon Department of Transportation. The portion of the right to be cancelled is as follows:

Certificate: 88873 in the name of ADELBERT MOORE (confirmed by Rogue River Decree State Water Board)
Use: IRRIGATION of 2.13 ACRES
Priority Date: 1852
Source: NEIL CREEK, tributary to BEAR CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec
39 S	2 E	WM	31

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	24	SE NW	55	1.87
39 S	1 E	WM	24	NE SW	55	0.26

Determination and Proposed Action

The change in point of diversion and change in place of use proposed in Transfer Application T-11363 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved and the abandoned right will be cancelled.

If Transfer Application T-11363 is approved, the final order will include the following:

1. *The change in point of diversion and change in place of use proposed in Transfer Application T-11363 are approved. The portion of the right that has been abandoned is cancelled.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 88873 and any related decree.*
3. *Water right certificate 88873 is cancelled. A new certificate will be issued describing that portion of the right NOT affected by this transfer and cancellation.*
4. *The quantity of water diverted at the new point of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing)*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria.*
7. *The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.*
8. *The former place of use of the transferred right shall no longer receive water under the right.*
9. *ADD HERE – any other conditions to which the applicant has agreed.*
10. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2015. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the receiving landowners to the Department within one year after the deadline for completion of the change(s) and full beneficial use of the water.*

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

Dated at Salem, Oregon this _____ day of _____, 2014.

D R A F T

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

This draft Preliminary Determination was prepared by Susan Douthit. If you have questions about the information in this document, you may reach me at 503-986-0858 or Susan.M.Douthit@ wrd.state.or.us.

Susan Douthit

From: Travis Kelly
Sent: Wednesday, September 11, 2013 11:34 AM
To: Susan Douthit
Cc: Larry Menteer
Subject: Dunn Ditch
Attachments: NEIL CREEK.PDF; Rogue River Decree.pdf

Hey Susan,

Nice chatting with you today. I am glad that at least we can move forward with correcting the acreage on the Dunn Ditch.

Regarding Transfer, T-11363, I have some concerns with the POD component. It seems that the Transfer would cause either injury or enlargement. If the POD is transferred for the proposed 19.75 acres it would reduce the rate at the authorized POD for the Dunn Ditch, causing injury to all of the other users on the Dunn Ditch. If the rate is not reduced at the POD for the Dunn Ditch the Transfer would cause enlargement.

From the interpretation of the Rogue River Decree regarding Neil Creek and specifically the Dunn Ditch the rate can not be diminished due to the large acreage tied to a small rate (after revisions to acreage 2 cfs to 366 acres). This has played out through the partial cancelations on the Dunn Ditch right never reducing the rate at the POD. The Dunn Ditch is referenced in the Rogue River Final Decree in paragraph 37-38 (see attached portion of the Rogue River Final Decree). Paragraph 38 discusses that the Dunn Ditch is the senior water right on Neil Creek and that there are 6 other ditches downstream of the Dunn Ditch. These 6 downstream ditches have the higher rates/acre associate with them until the flow of Neil Creek decreases below 10 cfs, at this point these ditches are reduced to percentages of the remaining flow. At this point the Dunn Ditch still gets 2 cfs.

If the rate of the Dunn Ditch were not diminished at the existing POD the Transfer could cause injury to these 6 Ditches by requiring water to pass their diversions to get it to the POD proposed by the Transfer. I have attached a map showing the POD's on Neil Creek with: their rates, priority dates, and the lands irrigated by each ditch.

To summarize my thoughts, the POD component of the Transfer will either cause injury or enlargement.

Get back to me with when our next meeting will be to discuss this situation further.

Thanks,

Travis Kelly

Watermaster, District 13
Oregon Water Resources Department
10 South Oakdale, Room 309

Phone: (541) 774-6882
Fax: (541) 774-6187
travis.n.kelly@state.or.us

rights or claim of right to the use of said waters of said Neil Creek as a tributary of said Bear Creek by John Arnold, F. E. Furry and A. J. Weeks, or either or any of them, through either said Eagle Mills ditch or said Phoenix Mills ditch for power purposes.

That J. J. Murphy, claimant to the waters of Walker and Cove Creeks, tributaries of Bear Creek, as against any claims or rights thereto of either said John Arnold, through said Eagle Mills ditch, or F. E. Furry and A. J. Weeks, or either of them, through said Phoenix Mills ditch for power or irrigation purposes; or said Eugenia F. Jackson, C. B. Lambkin, or C. F. Arant, for irrigation and domestic purposes, has acquired a prescriptive right and title to the use of the waters of said Walker and Cove creeks to the extent and in the amount set forth in the tabulated statement herein for the purposes therein specified; and that the appropriations of said Murphy of the waters of said Walker Creek and Cove Creek are prior in time and right to any rights or claims of either said Eugenia F. Jackson, C. B. Lambkin, C. F. Arant, or John Arnold through said Eagle Mills ditch.

That the City of Ashland, a municipal corporation, has acquired rights of appropriation and use of the waters of Ashland Creek, a tributary of said Bear Creek, prior and superior in right and time to any right or claim thereto of said John Arnold, Eugenia F. Jackson, C. F. Arant, C. B. Lambkin (through said Eagle Mills ditch), F. E. Furry, A. J. Weeks, Louis Colver, J. M. Rader, Carolita Furry, or the town of Phoenix, for irrigation or domestic purposes, and has by adverse user acquired a prescriptive right and title to the use of the waters of said Ashland Creek to the extent of 500 inches thereof, as against each and every of said claimants and contestees last named, for either power, irrigation, domestic, or any other use or purpose whatsoever. That the rights of appropriation and use of said contestees John Arnold, Eugenia F. Jackson, C. F. Arant, C. B. Lambkin, F. E. Furry, A. J. Weeks, Louis Colver, Carolita Furry and J. M. Rader are subordinate and inferior in right to the rights of the said City of Ashland to the use of the waters of said Ashland Creek. That the said Town of Phoenix has no right whatsoever in or to the use of the waters of said Bear Creek, or any of its tributaries.

38.

That as between the claimants diverting water through the Wells-Walker-True ditch, the Walker ditch the Taylor ditch, the Lower Kincaid ditch, the West Side Neil ditch, and the Hill ditch, diverting the waters of Neil Creek, a tributary of said Bear Creek, the same being the six ditches mentioned in the agreement referred to in the findings herein, the combined appropriations of the several claimants as set forth in the tabulated statement herein should be divided equally and in proportion to the area irrigated under each ditch.

and the waters used in rotation, that is to say, that all of the waters of said Neil Creek coming to the head of the highest of said ditches, to-wit: The Hill ditch, to an amount sufficient to satisfy the combined appropriations through said ditches as set forth in said tabulated statement, shall be divided among said ditches in rotation, and in cases of agreement among said appropriators as to the manner, time and method of rotation in the use of water, so far as the same does not interfere with the prior rights of use, the water master shall distribute the water in accordance with said agreement, provided the same shall be in writing and filed with him, and in the absence of such agreement the said water master shall arrange said ditches into a group, or groups, or system of rotation, according to the general plan of rotation hereinafter provided for, and the rotation among said ditches shall be made according to said general provision.

That nothing in this decree, or in the findings, herein, shall be construed to be a limitation upon the rights of the various owners of said Houck-Dunn-Homes ditch, from said Neil Creek, reducing the quantity of water to which they are jointly entitled through said ditch under and by virtue of said decrees mentioned in said findings, and so long as said owners of said ditch shall maintain at the head thereof a flume in accordance with the provisions of said decrees, and shall comply with said decrees, in every particular, the rights to divert through said ditch the quantity of water specified in said decrees, and in the manner therein provided, is hereby recognized and confirmed; and the quantity to which said claimants are entitled as a prior right shall be measured accordingly in the distribution of water among the several ditches. That after the prior rights of said Houck-Dunn-Homes ditch and those entitled to the use of the water through the same are satisfied, and the rights of the said six ditches above mentioned have been satisfied as set forth in the tabulated statement herein, the water master shall distribute the water to the remaining ditches in the order of their respective priorities, or in rotation.

39.

That as against the City of Ashland, H. B. and L. B. Sander, and W. G. and Leo Sander, as to the rights claimed by them through the Meyer ditch and the Sander ditch, diverting the waters of Ashland Creek, (a tributary of Bear Creek), below the septic tank of said city, shall be entitled to no right or interest in or to the waters of said Ashland Creek, and said claimants through said Sander and Meyer ditches may at all times divert and use, as against said city, the waters returned to said stream from said septic tank, or discharged therefrom by said city.

That so long as there is sufficient water flowing from said septic tank to supply said Sander and Meyer ditches with the quantity to which each thereof is entitled, said claimants through said ditches shall

not be entitled to claim the right to any of the waters of Ashland Creek at points above by virtue of priority of appropriation, as against the various ditches and claimants diverting the waters of said stream above said Sander and Meyer ditches.

That the Oregon and California Railroad Company, a corporation, the Southern Pacific Company, lessee, in the diversion and use of the quantity of water from said Ashland Creek to which it is herein decreed to be entitled, shall at its own proper cost install, maintain and operate an automatic shut-off or other device which will effectually prevent any water running to waste from the present tank now located on the railroad depot in said City of Ashland, or any other tank of like dimensions which may hereafter be constructed.

That as against the Ashland Iron Works, a corporation claimant herein, the City of Ashland shall be entitled to divert and use all of the waters of Ashland Creek, up to the full amount of its combined appropriations and water rights, and such future rights of use as it may acquire hereafter, whenever during low stages of said stream the said City of Ashland may require the use of the waters of said Ashland Creek for use through the water system of said city, provided that said City shall use reasonable care to avoid unnecessary waste of said water.

That the appropriation and right of Ashland Ice and Storage Company, a corporation, claimant herein, is limited to a use of such surplus waters as there may be in said Ashland Creek, as against all ditches and claimants hereinbefore named having prior rights of appropriation, and when the rights of said prior appropriators shall have been satisfied, and after use by said Ashland Ice and Storage Company, the water diverted by it shall be returned to the stream at substantially the same point as now and in the past returned, without any substantial or material diminution or loss of any said water by reason of said use, and without interference with said prior vested rights.

That the right of the City of Ashland to divert and use the waters of said Ashland Creek for power purposes, as set forth in the tabulated statement herein, is subject to the limitation that such diversion and use shall not result in substantial diminution of the flow of said stream below the point where the waters used for said purpose by said city are discharged back into said stream after such use, and that such point of return to said stream shall be at all times above the head or point of diversion of the present pipe line of the Ashland Ice and Storage Company, and the heads of the various ditches of the claimants herein diverting the waters of said stream below said point where said pipe diverts water from said stream. But nothing herein contained shall be construed as a limitation upon the right of said city to divert a portion of the waters so used into its city water system for municipal, do-

times, the same to be taken out of Humbug Creek at the present point of diversion.

"This stipulation to be filed with the State Water Board, and the State Water Board to find and decree according to this stipulation."

31.

That as between W. H. Flanagan and S. J. Taylor, successor in interest to J. W. Fitzpatrick, claimants to the waters of Shan Creek, the following stipulation heretofore made and entered into by and between said claimants, and filed herein, in adjustment of their conflicting claims to said waters, is hereby adopted and incorporated in this decree, and the relative rights of said claimants are hereby adjudicated and determined herein subject to the terms and provisions thereof, to-wit:

"It is hereby stipulated by and between W. H. Flanagan, by his attorney of record, A. C. Hough, of Grants Pass, Oregon, and S. J. Taylor, otherwise known as Jud Taylor, in person and by and through his attorney J. N. Johnston, of Grants Pass, Oregon,

"WHEREAS, heretofore and within the time allowed by law W. H. Flanagan filed in the above entitled court and cause exceptions to the findings of fact and order of determination of the Oregon State Water Board, in so far as said findings of fact and order of determination relate to the waters of Rogue River and its tributaries in Josephine County, Oregon, and to the findings and award made by said Oregon State Water Board to S. J. Taylor; otherwise known as Jud Taylor, as the successor in right, title and interest of J. W. Fitzpatrick as to the right to the use of said seven-tenths (7-10) of a cubic foot per second of the waters of Shan Creek, under Proof 501 of Volume 8 Records of the Oregon State Water Board, through what is known as the Bybee ditch, with the right to irrigate sixteen (16) acres in the northwest quarter of the northeast quarter of the SE $\frac{1}{4}$ of Section 10, Township 36 South, Range 7 West; and

"WHEREAS, the parties hereto have reached a mutual settlement and agreement as to the relative rights of the said W. H. Flanagan and the said J. W. Fitzpatrick and S. J. Taylor, otherwise known as Jud Taylor,

"NOW THEREFORE, IT IS STIPULATED AND AGREED by and between the parties hereto that the findings of fact and order of determination of the Oregon State Water Board, as to the water right and priority for the use thereof to J. W. Fitzpatrick and his successor, S. J. Taylor, otherwise known as Jud Taylor, amounting to .7 of a cubic second foot, with date of priority 1896, out of what is known as Shan Creek, a tributary of Rogue River, for the irrigation of thirty-five (35) acres above described, is not herein or hereby questioned by the said exceptor, W. H. Flanagan,

"IT IS FURTHER STIPULATED AND AGREED that J. W. Fitzpatrick and S. J. Taylor do not have nor claim any right, ti-

tle or interest in or to what is known as the Bybee ditch or the right to the use thereof, and that the findings and order of determination of the Oregon State Water Board may be modified in accordance with this stipulation.

"IT IS FURTHER STIPULATED that the said Bybee ditch is the property of the said W. H. Flanagan, and as to the use thereof by the said S. J. Taylor the same may be in accordance with any contract or agreement hereafter entered into between said W. H. Flanagan and the said S. J. Taylor."

32.

That C. E. Forsythe, as successor in interest to the heirs of William and Ruth Ruble, deceased, claimant to the waters of Coyote Creek and its several tributaries, and Boulder and Clark Creeks, tributaries of Grave Creek, should be and hereby is allowed the right to use the waters of said stream and its tributaries for mining purposes during the period each year commencing October first, and terminating August first, subject during that part of the irrigation season from June first of each year to August first to the rights herein adjudicated of the various claimants to the waters of said stream and its tributaries, for irrigation, stock and domestic purposes; that the right of said C. E. Forsythe to use said waters for mining purposes during that part of the irrigation season of each year from June first to August first shall attach only, and is hereby allowed in respect, to surplus waters over and above the quantities required and necessary for the use of said irrigation appropriators for stock, domestic and irrigation purposes, and only when there are such surplus waters available.

33.

That as against Malcolm MacDonald, W. N. Hiatt, and Gustav Poyer, the defendants in those certain suits described in paragraph 30 of the original findings of the Board herein, by virtue of the decrees therein described, the plaintiffs in said suits, Clara S. Birdseye and Edward N. Tilton, are entitled to a first right to the use of all the waters flowing in Birdseye Creek, a tributary of Rogue River, when said volume of water flowing in said creek between the 15th of April and the 15th of October of each year is needed and necessary for the irrigation of the lands of said plaintiffs described in the tabulated statement herein; that the quantity of water as required for the irrigation of said plaintiffs' lands and necessary therefor does not exceed the quantity set forth in said tabulated statement.

34.

That George W. Weeks, a claimant to the waters of Elk Creek, through the Johnson Bros. ditch, shall be required to contribute his proportionate share of the work and expense necessary for the proper maintenance and operation of said ditch or for the construction of suitable head-gates or measuring devices at the point of diversion. The proportion which said George W. Weeks shall be required to so

contribute shall be determined by the proportion that the amount of water he is entitled to divert bears to the whole amount of water that said Weeks and Norman T. McDonald are jointly entitled to divert through said ditch.

35.

That any use by John D. Kerr or Oliver Morrison of the waters flowing in the Jones or Lovelace ditch, from Slate Creek, a tributary of Applegate River, is and shall be at all times subject to the permission of Hannah D. Jones, the owner of said ditch, to divert said waters, and said Hannah D. Jones is the exclusive owner of said ditch and water rights appurtenant to her lands free of any claim or right of said John D. Kerr or Oliver Morrison, and superior and paramount to any such claim or right.

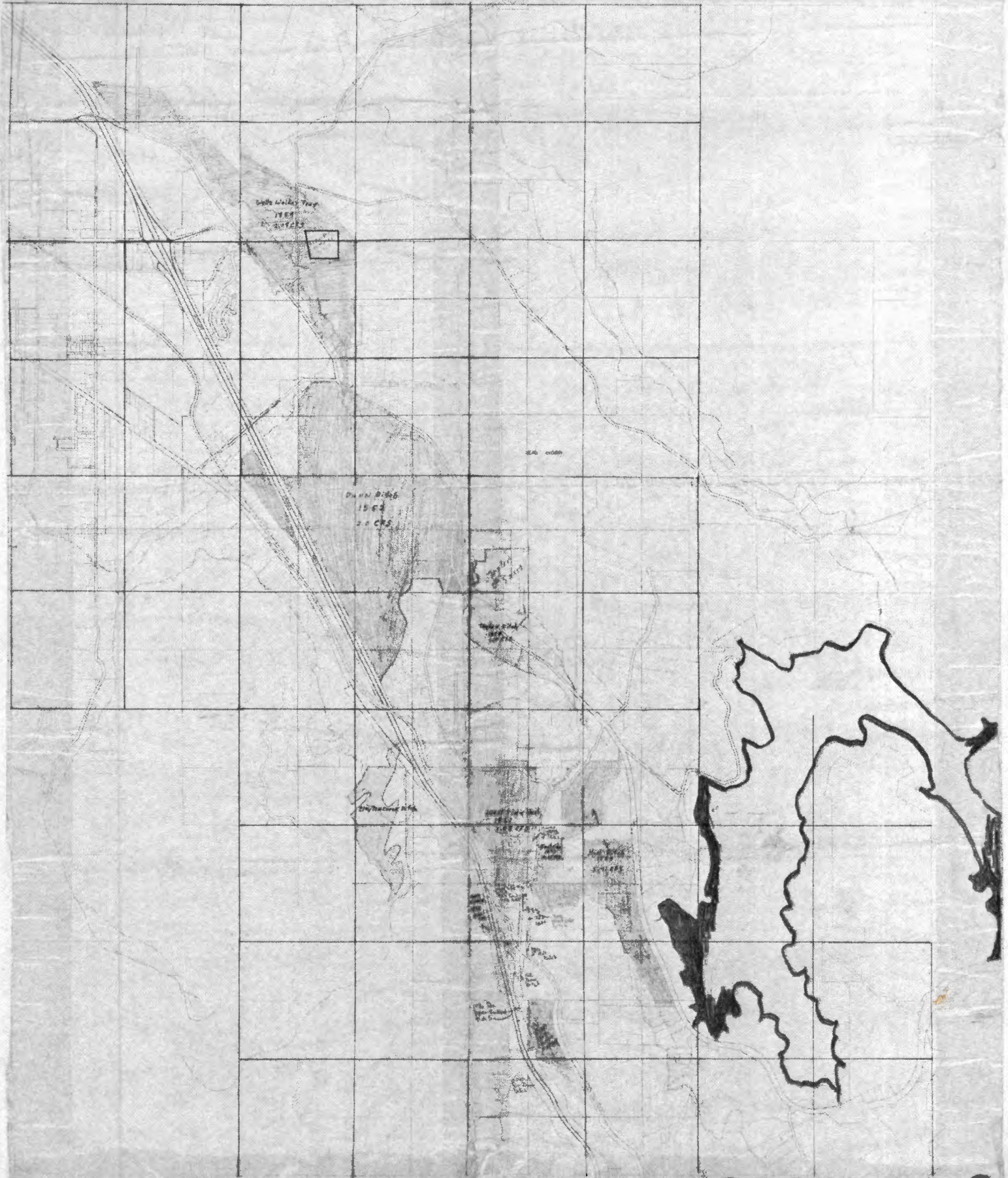
36.

That the irrigation season commences subsequent to the 1st of April of each year, and terminates before the 1st of November of each year, and the use of the waters herein involved for irrigation purposes is hereby confined to said season. That the right to the use of water for domestic and stock purposes continues throughout the year but during the irrigation season the waters diverted for irrigation purposes shall include the waters diverted for domestic and stock purposes.

37.

That the appropriations of the following claimants to the waters of Neil Creek, a tributary of Bear Creek, are prior in time and right to any right or claim thereto of F. E. Furry and A. J. Weeks claiming the waters of Bear Creek through the Phoenix Mill ditch, or Carolita Furry, J. M. Rader and Louie Culver or any of them, so far as the waters of said Neil Creek, a tributary of said Bear Creek, are concerned; and to any right or claim thereto of John Arnold, Eugenia F. Jackson, C. F. Arant and C. B. Lambkin, or either of them, for power, irrigation, domestic, or any other purpose or use whatsoever, to-wit: C. E. Owen, Augusta Neil, Phebe M. Smith, M. P. True, John W. Wells and the heirs of Giles Wells, deceased, through the Wells-Walker-True ditch, described in the findings herein; Geo. W. Dunn, James Barrett, Daniel Chapman, J. P. Dodge and A. W. Thomas, through the Hill ditch, described in the findings herein; and W. R. Kincaid, through the Lower Kincaid ditch, described in said findings; said ditches diverting the waters of said Neil Creek.

That said contestants and claimants to the waters of said Neil Creek last above mentioned through said ditches, and W. R. Kincaid, through the Casey or Upper Kincaid ditch, and R. C. Avent and Jackson Guyger, through the West Side Neil ditch (said ditches diverting the waters of said Neil Creek) have, by prescription and adverse user, acquired a prior and superior right and title to the use of the waters of said Neil Creek in the quantities confirmed unto each of said claimants and for the beneficial uses described in the tabulated statement herein, as against any



NEIL CREEK





Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-11363

Review Due Date: 3/31/2012

Applicant Name: OREGON DEPARTMENT OF TRANSPORTATION

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Travis Kelly Dist.13 Assistant Watermaster Date of Review: Mar. 12, 2012

1. Do you have information suggesting that the water rights may be subject to forfeiture?
 Yes No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
This right is the senior water right on Neil Creek, so the POD for this right is never regulated.
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

4. Are there upstream water rights that would be affected by the proposed change?
 Yes No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
 Yes No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? Yes No N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? Yes No If "Yes", explain: _____

10. What alternatives may be available for addressing any issues identified above: _____
11. Have headgate notices been issued for the source that serves the right? Yes No
12. The checked water control and measurement conditions should be included in the transfer:

Headgates: <input type="checkbox"/> NA	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
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Measurement Devices:

- The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*

Surface Water Diversion or Groundwater Point of Appropriation:

- The Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each point of diversion/appropriation. If the Director notifies the water user to install totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.*
- Water use measurement conditions: (if this condition is selected, also fill in the top sections of page 3)*
- a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter*, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Reservoirs:

- The Director may require the water user to install staff gages or other suitable measuring devices that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style. Additionally, if the reservoir is located in-channel, weirs or other suitable measuring devices may be required upstream and downstream of the reservoir, and an adjustable outlet valve may be required. If the Director notifies the water user to install adjustable outlet valves, staff gages, weirs, or other suitable measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the devices in good working order and shall allow the Watermaster access to the devices.*
- Water use measurement conditions: (if this condition is selected, also fill in the top sections of page 3)*
- a. **Before water use may begin** under this order, the water user shall install staff gages*, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.
 - b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

*** The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:**

- Weir Parshall Flume Submerged Orifice

Flow Restrictor

Other: _____

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-11363

A. Please check box if you believe there is a potential for injury to an instream water right.

- The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on

_____, tributary to _____.
 (Stream)

Because, _____.

(Please attach any available supporting information.)

Note: This will prompt WRD to further evaluate and make a determination whether the transfer will injure an instream water right. (WRD is the agency that makes the determination of injury to a water right, while ODFW's role is to raise concerns and to evaluate proposed mitigation and net benefit to the resource if WRD requests concurrence with injury to an instream water right.)

B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:

1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

Note: This option will yield the following:

Finding of Fact: *The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.*

Condition: *The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.*

2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.

Note: This option will yield the following:

Finding of Fact: *The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion*

*Please return all 4 pages to: Transfers Section, Water Resources Department,
 725 Summer St. NE, Suite A, Salem, OR 97301-1271*

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>.

and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Condition: Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain: _____

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost share funds become available to assist in the construction of a fish screening and/or by-pass device. If cost share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost share funding.

Condition: Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-

pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.



Signature

Peter Samarin
Printed Name

Assistant District Fish Biologist
Title

(541) 826-8774
Phone

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer #: T-11363

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

The applicant should contact the ODFW staff below to obtain additional information on the design, construction, operational, and maintenance standards for the required fish screening and/or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices. **Prior to installation, the water user must obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria.**

ODFW staff name: Rich Kilbane

Address: 1495 East Gregory Rd

City/State/Zip: Central Point, OR 97502

Phone: (541) 826-8774 x 243

- This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: _____

Address: _____

City/State/Zip: _____

Phone: (_____) _____

Paul and Connie Foland
500 Reiten Drive
Ashland, OR 97520

RECEIVED

MAY 04 2012

WATER RESOURCES DEPT
SALEM, OREGON

April 30, 2012

Susan Douthit, District Analyst
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Water Right Transfer T-11363

Dear Ms. Douthit:

We appreciate your considering our comments regarding the above referenced transfer application. In summary, we object to the proposal because it would cause injury to our existing water right, as defined in OAR 690-380-0100 (3) to mean the proposed transfer would result in another existing water right not receiving previously available water to which it is legally entitled.

The applicant's transfer plan results in the abandonment (destruction) of irrigation laterals which are used to deliver water to several properties, including ours (39-1E-24-729) and our neighbor Bob Johnson's (39-1E-24-700). We personally, and Mr. Johnson and his predecessors, have used these laterals for the past 32 years - long before ODOT purchased a piece of the neighboring ranch. We hold a confirmed right to this water dating back to 1852, hold an easement for access to the water distribution system, and use the water for agricultural purposes.

Our properties are flood irrigated from the laterals on the ODOT property. If these laterals are abandoned, we would have no means of getting our water to much of our property. As you know, flood irrigation relies on a system of multiple laterals and ditches in multiple locations to achieve proper irrigation. If, for example, we only had access to the first of our many access points, only the land adjacent to that location would be watered - the water would never reach the other portions of the property due to both slope and available time during the rotation schedule.

We ask that you not accept any ODOT interpretation as to how our flood irrigation system functions because they do not know anything about our irrigation practices, or really flood irrigation at all for that matter. We ask that you believe the people actually doing the irrigation. If there is a conflict or question, please bring in an impartial party to assess the situation. We would welcome an independent review.

If ODOT is allowed to transfer the water and destroy the existing distribution system, we will suffer injury as we will have no way to receive that water which is currently available and to which we are legally entitled. We believe this is the criterion for approval of a transfer and respectfully object to the application because it violates this criterion.

Please let us know what other information we can provide and anything we need to do to ensure we are kept apprised of the status of this application. We appreciate any assistance you can provide in helping us keep our water.

Sincerely,




Paul Foland
Constance Foland

cc: Bob Johnson

Provost

STATE'S OBLIGATION(S) AGREEMENT

File No.: 6676002

Date: August 30, 1999

State is to:

- 1) transfer all irrigation water rights and water rights to the existing well located 50.47m left of Engineering State 50+053.832 from the parcel described on Exhibit A to the grantors' remaining property. Grantors will be responsible for capping, permits, operation and maintenance of the referenced well
- 2) install a sleeve under the pavement for a water pipe
- 3) pipe or ditch irrigation water to grantors' remaining property in a manner so that the parcel can be flood irrigated
- 4) issue a permit, upon grantors application for permit, to access the well from the rest area; the access control line cannot be breached. (There will be no access, and there is no implication of access between the grantors' remaining property and the rest area.)

State will at the time of highway construction, build the following approach roads:

Connecting To	Hwy Engr Station	Side of Hwy	Curb Cut Width	Top Surface Width
	None			

Any construction lying outside of the traveled portion and shoulders but within the right of way of the highway which is made for the use and benefit of the remaining property, either under the terms of this agreement or the construction plans, shall be completed in conformance with normal engineering construction practices and hereafter shall be maintained or reconstructed by the property owner in accordance with ORS 374.305, et seq. and OAR 734-50-005 to 50-065, OAR 734-55-005 to 55-060 and other applicable statutes and regulations.

If any of the construction under the terms of this agreement is outside of the highway right of way, Grantors hereby grant State, its employees or contractors, permission to enter upon their remaining property for the purpose of performing any of said construction work.

It is understood and agreed that State's performance of this agreement shall be a portion of the consideration for the concurrent real property transaction evidenced by deed between Grantors and State. This agreement shall not be effective or binding until Grantors receive notice from the State accepting the conveyance of the real property interests.

Dom Provost 9/28/99 Joyce Provost 9/23/99
 Dom Provost Date Joyce Provost Date

[Signature] 9/25/99
 Oregon Department of Transportation Date

**FINAL REPORT ON REAL
PROPERTY NEGOTIATIONS**

INTEREST HOLDER Dom S & Joyce M Provost, Owner		TELEPHONE (541)488-0525	FILE NUMBER 6676002
OWNER ADDRESS, CITY STATE AND ZIP 4224 Highway 66, Ashland, OR. 97520			SECTION Siskiyou Safety Rest Area
			HIGHWAY Pacific
			COUNTY Jackson
			CITY
ATTORNEY William V. Deatherage		TELEPHONE (541)485-3365	F.A.P. NUMBER N/A
ADDRESS 2592 East Barnett Road Medford, OR 97504			R/W MAP 10B-10-22
AREA OF ENTIRE PROPERTY 128.49 Acres	SOC. SEC. NO. OR FED. TAX I.D. NO. OF PARTY RECEIVING PAYMENT	STATION TO STATION 49+940 50+450	

BASIS OF SETTLEMENT

Land: Not Included

Improvements:

\$0

Damages:

\$0

Other:

\$0

State's Obligations:

1) transfer all Irrigation water rights and water rights to the existing well located 50.47m left of Engineering State 50+053.832 from the parcel described on Exhibit A to the grantors' remaining property. Grantors will be responsible for capping, permits, operation and maintenance of the referenced well

2) Install a sleeve under the pavement for a water pipe

3) pipe or ditch Irrigation water to grantors' remaining property in a manner so that the parcel can be flood irrigated

4) issue a permit, upon grantors application for permit, to access the well from the rest area; the access control line cannot be breached. (There will be no access, and there is no implication of access between the grantors' remaining property and the rest area.)

Grantor's Obligations:

None

WITHHOLDING

None	\$0.00
------	--------

ACCESS		REVIEWED APPRAISAL AMOUNT	
		[REDACTED]	
FEDERALLY FUNDED	EXP. ACCOUNT	PARTICIPATING \$	NON-PARTICIPATING \$

Settlement Recommended:

Wes Smith, Right of Way Agent Date
Agent's Phone No.: (503)986-3633

Region 3 Right of Way Supervisor Date

Approved under delegated authority by the Transportation Commission:

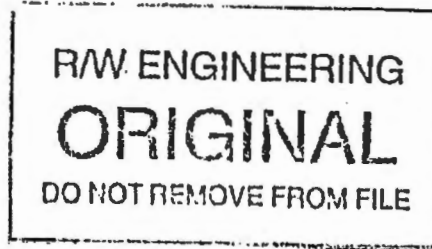
 10-4-99
Right of Way Field Operations Manager Date

(SETTLEMENTS UNDER \$10,000 OR WITHIN 10% OF THE REVIEWED AMOUNT CAN BE APPROVED BY THE REGION RIGHT OF WAY SUPERVISOR)

EXHIBIT A

File 6676002

Siskiyou Safety Rest Area
Pacific Highway
Jackson County
Drg. No. 10B-10-22
AFD 6-17-97



Dom S. Provost and Joyce M. Provost

Fee

A parcel of land lying in the James C. Tolman D.L.C. No. 54, Township 39 South, Range 1 East, W.M., Jackson County, Oregon and being a portion of that property described in that deed to Dom S. Provost and Joyce M. Provost, recorded as Document No. 84-00699 of the Official Records of Jackson County; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Northeasterly side of the center line of the relocated Pacific Highway center line which center line is described as follows:

Beginning at Engineer's center line Station 49+800, said station being 530.190 meters North and 499.386 meters West of the Southwest corner of the Patk. Dunn D.L.C. No. 56, Township 39 South, Range 1 East, W.M.; thence South 26° 38' 34" East 1000 meters to Engineer's center line Station 50+800.

The widths in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on Northeasterly Side of Center Line
49+800		49+830	62 in a straight line to 56
49+830		49+855	56 in a straight line to 62
49+855		49+900	62 in a straight line to 67
49+900		50+000	67 in a straight line to 125
50+000		50+080	125 in a straight line to 180
50+080		50+190	180 in a straight line to 195
50+190		50+280	195 in a straight line to 184
50+280		50+460	184 in a straight line to 115
50+460		50+520	115 in a straight line to 70

JUN 18 1997.

(CONTINUED ON PAGE 2)

EXHIBIT A CONTINUED - Page 2

File 6676002

Bearings are based on County Survey No. 13818, filed January 13, 1994,
Jackson County, Oregon.

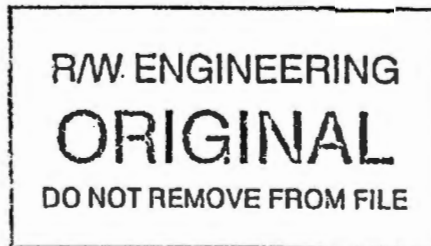
The parcel of land to which this description applies contains 5.888 hectares,
more or less.

NOTE: Access Completely Restricted to Parcel.

Outside area: In excess of 52 hectares, left.

Prior File: R31203

This parcel lies within the NW¼ of Section 24, T. 39 S., R. 1 E., W.M.



99-51100

(21)

ATN
391574 101

74721-3B

10-00
10-00

ODOT
File 6676-002
10B-10-22

QUITCLAIM DEED

SOUTHERN OREGON GOLF INVESTORS, INC., an Oregon corporation, Grantor, for no monetary consideration does relinquish and forever quitclaim unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, all of Grantor's right, title, and interest in and to the property described as follows:

A parcel of land lying in the James C. Tolman D.L.C. No. 54, Township 39 South, Range 1 East, W.M., Jackson County, Oregon and being a portion of that property described in that deed to Dom S. Provost and Joyce M. Provost, recorded as Document No. 84-00699 of the Official Records of Jackson County; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Northeasterly side of the center line of the relocated Pacific Highway center line which center line is described as follows:

Beginning at Engineer's center line Station 49+800, said station being 530.190 meters North and 499.386 meters West of the Southwest corner of the Patk. Dunn D.L.C. No. 56, Township 39 South, Range 1 East, W.M.; thence South 26° 38' 34" East 1000 meters to Engineer's center line Station 50+800.

The widths in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on Northeasterly Side of Center Line
49+800		49+830	62 in a straight line to 56
49+830		49+855	56 in a straight line to 62
49+855		49+900	62 in a straight line to 67
49+900		50+000	67 in a straight line to 125
50+000		50+080	125 in a straight line to 180
50+080		50+190	180 in a straight line to 195
50+190		50+280	195 in a straight line to 184
50+280		50+460	184 in a straight line to 115
50+460		50+520	115 in a straight line to 70

Bearings are based on County Survey No. 13818, filed January 13, 1994, Jackson County, Oregon.

The parcel of land to which this description applies contains 5.888 hectares, more or less.

9-18-97

AFTER RECORDING RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
417 TRANSPORTATION BLDG.
SALEM OR 97310

Account No.: 1-11643-4 39 1E 13C 1100

Property Address: 86 Crowson Road
Ashland OR 97520

99-51100

ODOT
File 6676-002
10B-10-22

Grantor does further relinquish to Grantee all abutter's rights of access between the above-described parcel and all of the abutting real property in which Grantor has an interest.

Grantor agrees the consideration recited herein is just compensation for the property, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property and the construction or improvement of the public way.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

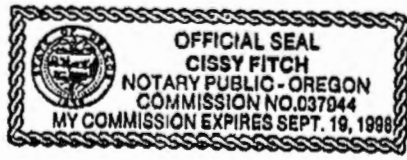
It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 9 day of Feb., 1998
month

SOUTHERN OREGON GOLF INVESTORS, INC.
By [Signature]
President
By [Signature]
Secretary

STATE OF OREGON, County of Jackson
Feb. 9th, 1998. Personally appeared Michael Yondorf and
NA, who, being sworn, stated that they are the President and Secretary of Southern Oregon Golf Investors, Inc., and that this instrument was voluntarily signed in behalf of the corporation by authority of its Board of Directors. Before me:

Cissy Fitch
Notary Public for Oregon
My Commission expires _____



9-18-97
Page 2 - QC
ael/

Jackson County, Oregon
Recorded
OFFICIAL RECORDS
OCT 05 1999
2:10 PM
[Signature]
COUNTY CLERK

Transfer application -Supplemental Information

History of Water Right 82967

The current remaining water right is Certificate No. 82967. The original Certificate No. 15971 is the original document of the Rogue River Decree describing the Neil Creek source with delivery to the place of use by the Houck, Dunn and Holmes Ditch. A copy of the adjudication map (exhibit A) and page 10 of the decree (Certificate No.15971) are attached. PC78-10 resulted in remaining right Certificate No. 48362. PC-95-4 resulted in Certificate No. 82048 and 82967 (82967 corrected 82048 – quantity of water).

Preparation of the current transfer map, ODOT to Healy

Approximately 18 acres of land was acquired by the State of Oregon, Department of Transportation to construct the Siskiyou Safety Rest Area (SSRA). The acquisition deeds reserved the water rights to the grantor (Provost, current owner is Healy) with ODOT responsible for the transfer.

The area proposed for transfer (ODOT to Healy) within the SSRA is accurately is delineated by ODOT maps and surveys. The irrigated lands situated within the SSRA and the land situated to the East of Interstate Highway No. 5 between Mile Post 11.8 southerly to Mile Post 12.4. have been continuously irrigated. Historical maps and aerial photographs show the area as irrigated. A field inspection along the Interstate Highway right of way found several locations where the irrigation water is delivered under the highway and diverted for flood irrigation of the lands to the East of the highway.

Transfer Map preparation requires the "Remaining Right Area" be shown. Certificate No. 82967 lists the area within the SE1/4NW1/4 as 4.3 acres, the area should be close to 23-24 acres. The discrepancy between the remaining right acreage and the historical use indicated further examination is necessary.

I performed a three way comparison of the areas/acreage's shown on the adjudication map, Page 10 of the Rogue River Decree and Certificate No. 15971. The comparison indicated 24 acres of the land owned by George W. Dunn had been incorrectly placed in the SE1/4NE1/4 of Section 24. Certificate 15971 lists two areas for George W. Dunn in the SE1/4NE1/4 for a total of 29 acres, the adjudication map shows a total of 10 acres (5 acres for George W. Dunn and 5 acres for Heirs of Johanne Houck).

I then obtained a copy of the George W. Dunn Proof 204, Volume 4. The proof listed the 24 acres in the SW1/4NW1/4. One might speculate that the 24 acres had been entered on the Proof form one box to the left of the correct location. A copy of the proof is attached.

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WATER RESOURCES DEPT
SALEM, OREGON

T 11363

I obtained deed records of George W. Dunn's ownership at the time the proof and adjudication map were completed, circa 1896 – 1903. Volume 31, Page 20 and Volume 48, Page 582 are attached:

Volume 31, Page 20 describes Mr. Dunn owning 24 acres in the north and west portions of the SE1/4NW1/4 Section 24. Mr. Dunn's ownership is not within the SW1/4NW1/4 which indicates the entry on the Proof is off by one box as previously described.

Volume 48, Page 582 describes portions of Mr. Dunn's ownership being situated in the north half of the SE1/4NE1/4 (approximately 16 acres). Mr. Dunn's ownership would have included the north portion of the area shown on the adjudication map and agree with the 5 acres listed in Decree and Certificate 15971. Mr. Dunn did not own enough land in the SE1/4NE1/4 for the total 29 acres listed in the decree and Certificate 15971.

Summary

Multiple and compounding errors were noted in the records documenting the history of this water right. The adjudication map appears to be the most accurate representation of the intended water use. Based on my findings, I have mapped the irrigated area within the SE1/4NW1/4 East of Interstate Highway 5 as the remaining right area.

HAROLD L. CENTER, PLS, CWRE
Oregon Certified Water Right Examiner No. 152
Certificate Renewal Date: 12/31/2013
Date Prepared: January 9, 2012



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WATER RESOURCES DEPT
SALEM, OREGON

T 11363

Open ditch is installed by decree of Supreme Court (see Vol. 12 Page 287)
 to use of 120 inches of water from Jan 1st to August 1st
 Aug. 15 - 30
 Sept. 20 - Jan 1st of each year

13. Q—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged?

A—No Enlargements

First enlargement—Width (top) _____ feet; width (bottom) _____
 feet; depth _____ feet; grade, or fall per 1000 feet, _____ feet.

Second enlargement—Width (top) _____ feet; width (bottom) _____
 feet; depth _____ feet; grade, or fall per 1000 feet, _____ feet.

14. Q—State the area of land which your ditch, as originally constructed, was intended to irrigate? A—About 400 acres (These Donation Claims)

15. Q—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year?

A—Do not know

16. Q—How many acres were irrigated each subsequent year up to and including the present year?

A—We use all the water every year and have done so since the ditch was first dug.

17. Q—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement?

A—~~_____~~ ~~_____~~

18. Q—Give the number of acres irrigated under said ditch at the present time in each small legal subdivision (10-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A—

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4				
			NW ¹ / ₄	NW ² / ₄	NW ³ / ₄	SE ⁴ / ₄	NE ¹ / ₄	NW ² / ₄	SW ³ / ₄	SE ⁴ / ₄	NW ¹ / ₄	NW ² / ₄	SW ³ / ₄	SE ⁴ / ₄	NE ¹ / ₄	NW ² / ₄	SW ³ / ₄	SE ⁴ / ₄	
27	16	24	20	40	20	5	36												
29	1E	13															5		40 26

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 WATER RESOURCES DEPT
 SALEM, OREGON

T 11363

SE 1/4; 20.1 acres in NW 1/4 SE 1/4; 7.63 acres in SW 1/4 SE 1/4; 2 acres in SE 1/4 SE 1/4; Sec. 30; Tp. 39 S. R. 2 E. W. M., Jackson County, Oregon.

GEO. W. HOWARD, (Successor to Ella Foster, Geo. Spencer, Lester Spencer, and Leona Millon), Ashland, Ore. (Proof 206, Vol. 4); Priority 1884; 0.25 second foot; for Irrigation of 20 acres, and Domestic use; Dyer ditch; Description of place of use: 15 acres in SE 1/4 NW 1/4; 5 acres in NE 1/4 SW 1/4; Sec. 31; Tp. 39 S. R. 2 E. W. M., Jackson County, Oregon.

JACKSON GYGER, Ashland, Ore. (Proof 208, Vol. 4); Priority 1861; 0.22 second foot; for Irrigation of 17 acres and Domestic use; West Side Nell ditch; Description of place of use: 9 acres in NE 1/4 NW 1/4; 5 acres in SW 1/4 NW 1/4; 3 acres in SE 1/4 NW 1/4; Sec. 30; Tp. 39 S. R. 2 E. W. M., Jackson County, Oregon.

M. F. CYESTER, Ashland, Ore., (Proof 202, Vol. 4);

GEO. W. DUNN, Ashland, Ore., (Proof 204, Vol. 4);

PEARL GRAY, Ashland, Ore., (Proof 207, Vol. 4);

FRED C. HOMES, Sr., Ashland, Ore., (Proof 211, Vol. 4);

HEIRS OF JOHANNES HOUCK, DECEASED, Medford, Ore., (Proof 214, Vol. 4);

CORINNA B. HITTALL, City Hall, Chicago, Ill., (Proof 210, Vol. 4);

PETUNIA L. MAY, Ashland, Ore., (Proof 217, Vol. 4);

ADALBERT MOORE, Ashland, Ore. (Proof 220, Vol. 4); Priority 1852; 2.90 second foot; for Irrigation of 465.90 acres, and Domestic and Stock use; Houck-Dunn-Homes ditch; Description of place of use: Land owned by M. F. Cyester as follows: 5 acres in NE 1/4 NE 1/4; Sec. 23; Tp. 39 S. R. 1 E. W. M., Jackson County, Oregon.

Land owned by Geo. W. Dunn as follows: 26 acres in NE 1/4 NE 1/4; 40 acres in NW 1/4 NE 1/4; 20 acres in SW 1/4 NE 1/4; 5 acres in SE 1/4 NE 1/4; 26 acres in NE 1/4 SW 1/4; 24 acres in SE 1/4 NE 1/4; Sec. 24; 5 acres in NW 1/4 SE 1/4; 40 acres in SW 1/4 SE 1/4; 20 acres in SE 1/4 SE 1/4; Sec. 13; Tp. 39 S. R. 1 E. W. M., Jackson County, Oregon.

Lands owned by Pearl Gray as follows: 10 acres in SW 1/4 SW 1/4; Sec. 13; 15 acres in NW 1/4 SW 1/4; Sec. 24; Tp. 39 S. R. 1 E. W. M., Jackson County, Oregon.

Lands owned by Fred C. Homes, Sr., as follows: 20 acres in NW 1/4 NW 1/4; 5 acres in SW 1/4 NW 1/4; Sec. 24; 30 acres in NE 1/4 SW 1/4; 40 acres in SE 1/4 SW 1/4; Sec. 13; Tp. 39 S. R. 1 E. W. M., Jackson County, Oregon.

Lands owned by Heirs of Johannes Houck, deceased: 18 ac. SE 1/4 NW 1/4; 21 ac. SW 1/4 NE 1/4; 15 ac. SE 1/4 NE 1/4; 23 ac. NE 1/4 SW 1/4; 33 ac. NW 1/4 SE 1/4; 36 ac. NE 1/4 SE 1/4; 35 ac. SW 1/4 SW 1/4; 37 ac. SE 1/4 SW 1/4; 38 ac. SW 1/4 SE 1/4; 37 ac. SE 1/4 SE 1/4; Sec. 24, Twp. 39 S. R. 1 E. W. M.; 9 ac. NE 1/4 NE 1/4; 3 ac. NW 1/4 NE 1/4; Sec. 25; same Tp. and R.; 20 ac. SW 1/4 SW 1/4; Sec. 19; 12 ac. NW 1/4 NW 1/4; Sec. 30; Twp.

39 S. R. 2 E. W. M.; all in Jackson County, Oregon.

Lands owned by Corinna B. Hittall as follows: 16 acres, being part of D. L. C. No. 54, Tp. 39 S. R. 1 E. W. M., Jackson County, Oregon.

Lands owned by Petunia L. May as follows: 10.3 acres in SW 1/4 SW 1/4; Sec. 13; Tp. 39 S. R. 1 E. W. M., Jackson County, Oregon.

Lands owned by Adalbert Moore as follows: 2 acres in SW 1/4 SW 1/4; Sec. 13; Tp. 39 S. R. 1 E. W. M., Jackson County, Oregon.

A. D. HEBBER, Talent, Ore. (Proof 209, Vol. 4); Priority 1854; 0.19 second foot; for Irrigation of 15 acres and Domestic and Stock use; Hill ditch; Description of place of use: 11 acres in SE 1/4 NE 1/4; Sec. 31; 4 acres in SW 1/4 NW 1/4; Sec. 32; Tp. 39 S. R. 2 E. W. M., Jackson County, Oregon.

JEFFERSON HOWARD, Ashland, Ore. (Proof 212, Vol. 4); Priority 1873; 0.20 second foot; for Irrigation of 10 1/2 acres, and Stock; East Side Nell Ditch; Description of place of use: 6 1/2 acres in SE 1/4 NW 1/4; 4 acres in NE 1/4 SW 1/4; Sec. 30; Tp. 39 S. R. 2 E. W. M., Jackson County, Oregon.

ZENAS HOWARD, Ashland, Ore. (Proof 213, Vol. 4); Priority 1897; 0.12 second foot; for Irrigation of 10 acres, and Stock; Howard's ditch; Description of place of use: 10 acres in SW 1/4 NW 1/4; Sec. 30; Tp. 39 S. R. 2 E. W. M., Jackson County, Oregon.

R. KINGAID, R. F. D. No. 1, Box 70, Ashland, Ore. (Proof 215, Vol. 4); Priority 1854; 0.50 second foot; for Irrigation of 40 acres, and Domestic use; Lower Kincaid ditch; Description of place of use: 5 acres in NW 1/4 NE 1/4; 12 acres in SW 1/4 NE 1/4; 1 acre in NE 1/4 NW 1/4; 16 acres in SE 1/4 NW 1/4; 3 acres in NE 1/4 SW 1/4; 2 acres in NW 1/4 SE 1/4; Sec. 30; Tp. 39 S. R. 2 E. W. M., Jackson County, Oregon.

Proof 216, Vol. 4); Priority 1873; 0.49 second foot; for Irrigation of 32 acres; Upper Kincaid or Casey ditch; Description of place of use: 23 acres in SW 1/4 SW 1/4; Sec. 30; 4 acres in NW 1/4 NW 1/4; Sec. 31; Tp. 39 S. R. 2 E. W. M., Jackson County, Oregon.

MARY J. McDONOUGH, Ashland, Ore. (Proof 218, Vol. 4); Priority 1854; 0.53 second foot; for Irrigation of 50 acres, and Domestic use; Taylor ditch; Description of place of use: 5 acres in SW 1/4 SW 1/4; 25 acres in NW 1/4 SW 1/4; 3 acres in SW 1/4 SW 1/4; Sec. 19; Tp. 39 S. R. 2 E. W. M.; 10 acres in SE 1/4 NE 1/4; Sec. 24; Tp. 39 S. R. 1 E. W. M., Jackson County, Oregon.

MARY J. McDONOUGH, Ashland, Ore. (Proof 219, Vol. 4); Priority 1854; 0.25 second foot; for Irrigation of 20 acres, and Domestic use; Taylor ditch; Description of place of use: 5 acres in NE 1/4 SW 1/4; 3 acres in SW 1/4 SW 1/4; 6 acres in SW 1/4 SW 1/4; 6 acres in SE 1/4 SW 1/4; Sec. 19; Tp. 39 S. R. 2 E. W. M., Jackson County, Oregon.

AUGUSTA NEIL, Ashland, Ore. (Proof 221, Vol. 4); Priority 1854; 0.44 second foot; for Irrigation of 34 1/2 acres, and Domestic and Stock use; Wells-Walker-True ditch; Description of place of use: 10 acres in SW 1/4 NE 1/4; 2 acres in SE 1/4 NE 1/4; 12.5 acres in NE 1/4 SE 1/4; 9 acres in NW 1/4 SE 1/4; Sec. 11; Tp. 39 S. R. 1 E. W. M., Jackson County, Oregon.

C. E. OWEN, Ashland, Ore. (Proof 222, Vol. 4); Priority 1854; 0.69 second foot; for Irrigation of 54 1/2 acres, and Stock; Wells-Walker-True ditch; Description of place of use: 20 acres in NW 1/4 NW 1/4; Sec. 13; 9 acres in NW 1/4 SW 1/4; 25 1/2 acres in SW 1/4 SW 1/4; Sec. 13; Tp. 39 S. R. 1 E. W. M., Jackson County, Oregon.

GEORGE M. SMITH, Ashland, Ore. (Proof 224, Vol. 4); Priority 1854; 0.62 second foot; for Irrigation of 49 1/2 acres, and Domestic and Stock use; Wells-Walker-True ditch; Description of place of use: 1 acre in NE 1/4 NE 1/4; Sec. 14, 16.3 acres in NE 1/4 SE 1/4; 12.5 acres in SE 1/4 SE 1/4; Sec. 11; 10.2 acres in SW 1/4 SW 1/4; 8 acres in NW 1/4 SW 1/4; Sec. 13; Tp. 39 S. R. 1 E. W. M., Jackson County, Oregon.

R. I. STUART, Medford, Ore. (Proof 225, Vol. 4); Priority 1873; 0.25 second foot; for Irrigation of 20 acres; East Side Nell ditch; Description of place of use: 20 acres in NE 1/4 SW 1/4; Sec. 30; Tp. 39 S. R. 2 E. W. M., Jackson County, Oregon.

A. W. THOMAS, Ashland, Ore. (Proof 226, Vol. 4); Priority 1854; 0.88 second foot; for Irrigation of 69.3 acres; Hill ditch; Description of place of use: 27.4 acres in NE 1/4 NE 1/4; 2.5 acres in NW 1/4 NE 1/4; 3 1/2 acres in SE 1/4 NE 1/4; Sec. 31; 12.75 acres in NW 1/4 NW 1/4; 1.45 acres in SW 1/4 NW 1/4; Sec. 32; 2.45 acres in SW 1/4 SW 1/4; Sec. 29; 1.85 acres in SW 1/4 SE 1/4; 7.25 acres in SE 1/4 SE 1/4; Sec. 30; Tp. 39 S. R. 2 E. W. M., Jackson County, Oregon.

M. P. TRUE, Ashland, Ore. (Proof 227, Vol. 4); Priority 1854; 0.22 second foot; for Irrigation of 17 acres, and Domestic and Stock use; Wells-Walker-True ditch; Description of place of use: 6 acres in SW 1/4 NE 1/4; 11 acres in SE 1/4 NW 1/4; Sec. 11; Tp. 39 S. R. 1 E. W. M., Jackson County, Oregon.

SADIE R. WALKER, EVA WALKER, JOHN WALKER, MINNIE WALKER, DONALD WALKER, AND BESSIE WALKER, Ashland, Ore. (Proof 228, Vol. 4); Priority 1854; 0.16 second foot; for Irrigation of 12 1/2 acres; Walker ditch; Description of place of use: 6 acres in SE 1/4 SW 1/4; Sec. 19; 6 1/2 acres in NE 1/4 NW 1/4; Sec. 30; Tp. 39 S. R. 2 E. W. M., Jackson County, Oregon.

SARAH J. WALKER, Ashland, Ore. (Proof 229, Vol. 4); Priority 1854; 0.16 second foot; for Irrigation of 12 1/2 acres; Walker ditch; Description of place of use: 12 1/2 acres in NW 1/4 NE 1/4; Sec. 30; Tp. 39 S. R. 2 E. W. M., Jackson County, Oregon.

JOHN W. WELLS, Ely, Oregon, and HEIRS OF GILLES WELLS, DECEASED, Ashland, Ore., (Proof 230, Vol. 4); Priority 1854; 0.74 second foot; for Irrigation of 59.2 acres, and Stock; Wells-

36134 36135 36136 36137 36138 36139 36140 36141 36142 36143 36144 36145 36146 36147 36148 36149 36150 36151 36152 36153 36154 36155 36156 36157 36158 36159 36160 36161 36162 36163 36164 36165 36166 36167 36168 36169 36170 36171 36172 36173 36174 36175 36176 36177 36178 36179 36180 36181 36182 36183 36184 36185 36186 36187 36188 36189 36190 36191 36192 36193 36194 36195 36196 36197 36198 36199 36200

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FEB 28 2012

- ① Ch. Pl. of Div. Sp. Or. Vol. 12, p. 196
- ② SP. OR. V 31, P 756 * Canceled

- ① Ch. pt. of div. Sp. Or. Vol. 15 p. 223
- ② Ch. pt. of div. Sp. Or. Vol. 15 p. 230
- ③ Corr. Certificate 33674
- ④ Amended by Decree Vol. 17, p. 6

To: 3.0 NW SW
 15.8 NE SW
 1.2 SE SW SEC. 19

- ⑤ Ch. pt. div. Sp. Or. V. 18, p. 278
 Superseded by
 Cert. No. ~~41053~~

- ⑥ Ch. pt. of div. Sp. Or. V. 20, p. 441

Superseded by
 Cert. No. ~~41488~~ + 41608 + 54629 + 54630
 43754 + 43755

- ⑦ Canceled Sp. Or. Rec. Vol. 26 p. 185

- ⑧ Ch. pt. of div. Sp. Or. Vol. 27 p. 320
 (Tr. 3272)

- ⑨ T-2947 A PAD 55475 superseded by

⑩ SUPERSEDED
 CERTIFICATE NO. 46186

- ⑪ T-5083 Sp. Or. V. 28, p. 131/55484

- ⑫ T-5129 A PAD 51453, 55482

- ⑬ T-5128 A PAD 55480

- ⑭ F-5523 A PAD PAD C 52559

- ⑮ T-5523 - C. 68006

- ① Ch. Pl. of Div. Sp. Or. Vol. 11, p. 16
- ② 0.6 Ac. Trsf. Sp. Or. Vol. 11, p. 582
- ③ 0.23 Ac. " " " " 11, p. 577
- ④ 4.43 " " " " 12, p. 198
- ⑤ Superseded by Cert. No. 2065
- ⑥ Ch. Pl. of Div. Sp. Or. Vol. 13 p. 58
 Superseded by
 Cert. No. 41173 41174

- ⑦ Superseded by Certificate
 No. 44185

- ⑧ Canceled - sp. or Rec. Vol. 31 p. 478
 Superseded by
 Cert. No. 51978

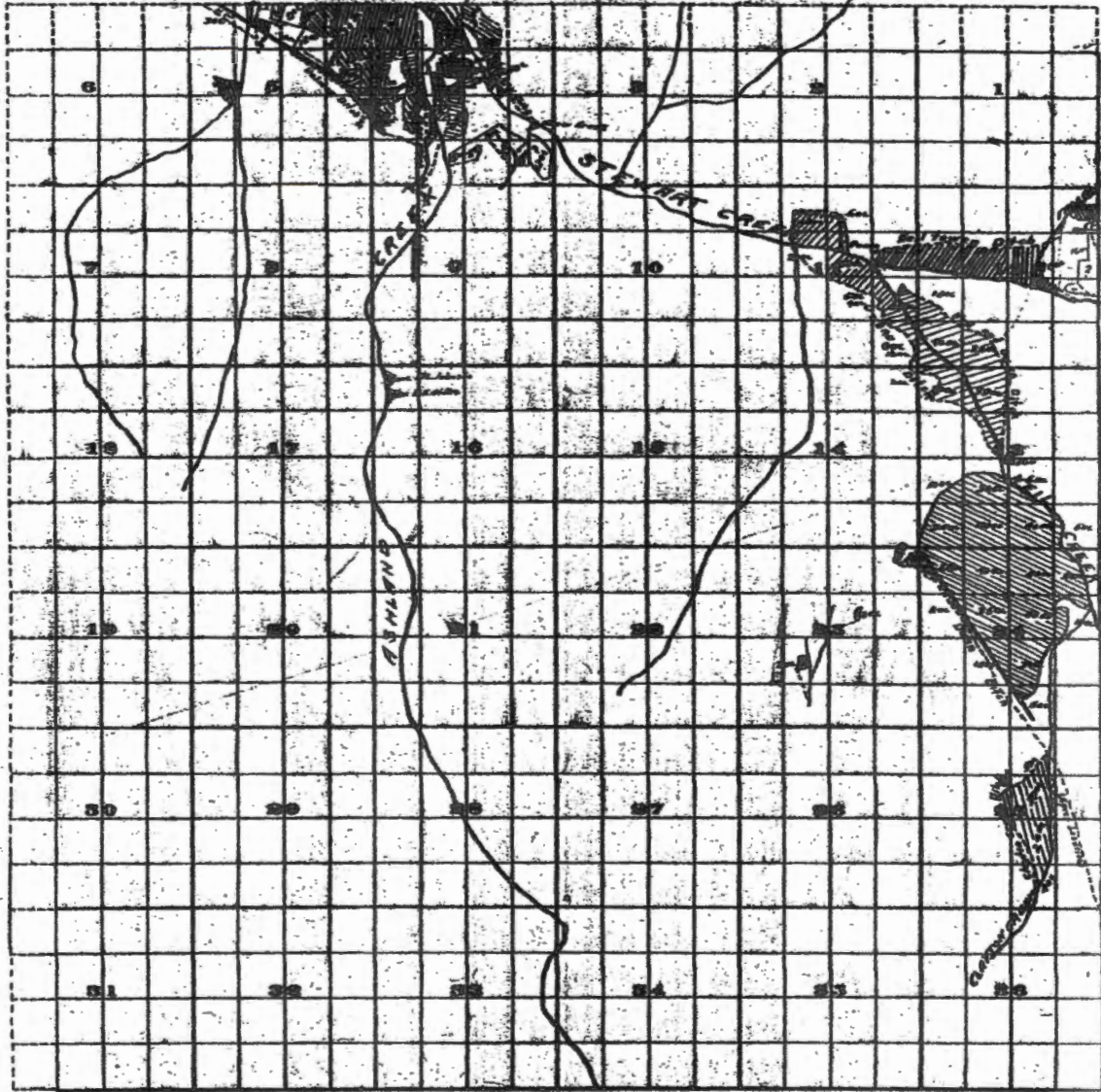
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FEB 28 2012

WATER RESOURCES DEPT
 SALEM, OREGON

58-5-6

Township 39S Range 1E



Survey by H.R. Donnelly 1913 and H.B. Foster July 1922
 Scale of Feet.

Adjudication
 Rogue River and Tributaries
 John H. Lewis State Engr

Examined Sept. 10, 1928

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FEB 28 2012

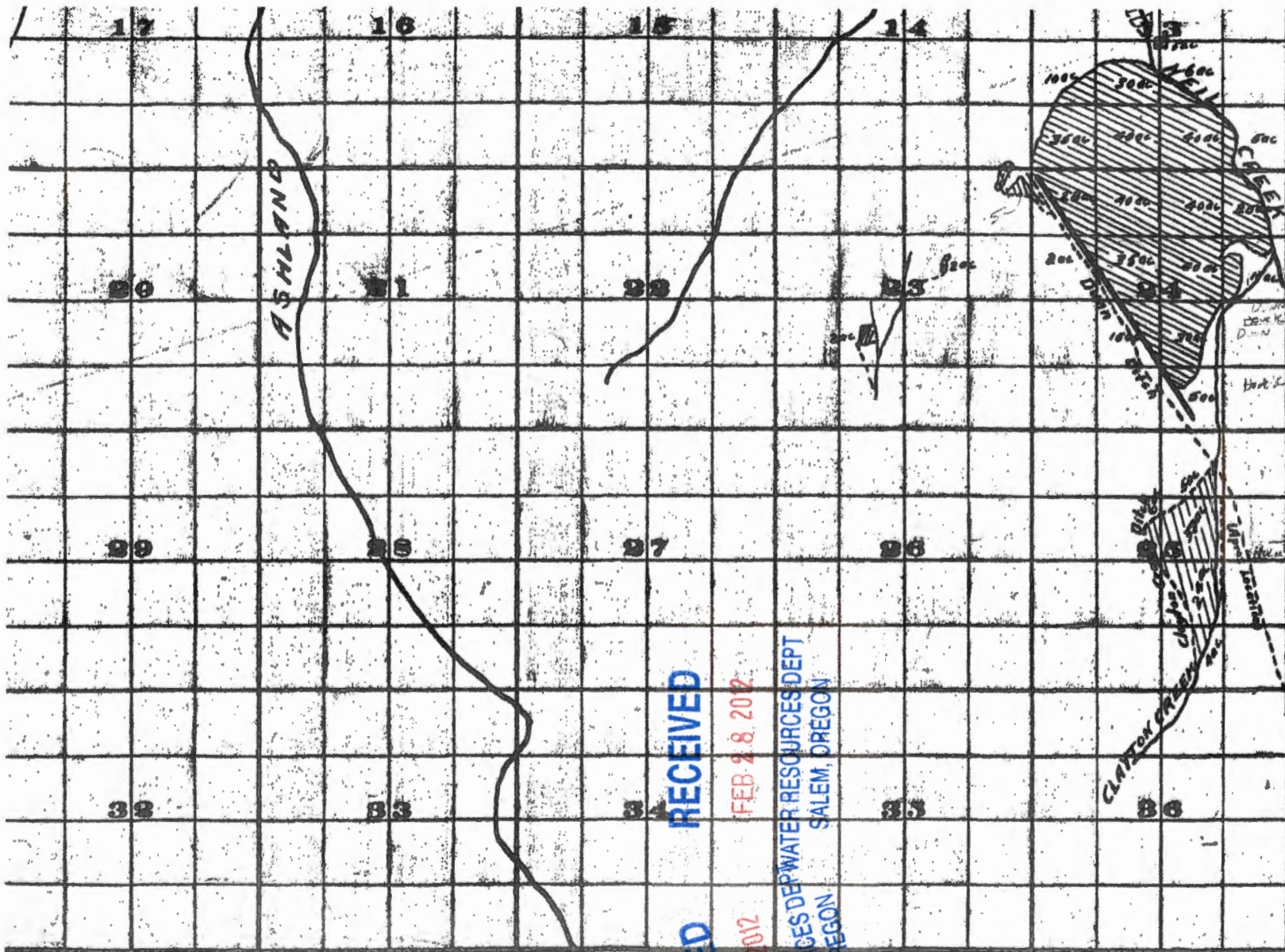
WATER RESOURCES DEPT
 SALEM, OREGON

5110

T 11363

45

39S 1E



SEC 13

- NW SW - 10
- NE SW - 30
- SE SW - 40
- SW SW - 35
- NW SE - 5 ✓
- SE SE - 5 ✓
- SW SE 40 = 166

SEC 24

- X NENE 25 ✓
- SE NE ✓ (10 or 18 ac ?)
- SW NE 40 ✓ 3 PAC
- X NW SE 40 ✓
- SW SE 30 ✓
- SW SE 5 ✓
- SW NE SW 15 ✓
- X NE NW 40 (36 on Cert)
- SE NW 35 (15 on Cert)
- X SW NW 2 (5 on Cert)
- SW NW 28 (35 on Cert) = 270

SEC 23

- NENE 5
- SW NE 2
- NE SW 2 = 9

1736

445 -
448 AC
Sec 24
Deera.

? SENE Sec 24
CERT 15971 ?
24 Acres -

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SALEM, OREGON

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SALEM, OREGON

✓ Denotes X Ref to Cert
X " X Ref to Deera.

STATE OF OREGON

County of Jackson

Geo. H. Quinn of Ashland being called as a witness in support of this Statement of Claim, and being first duly sworn, testified as follows:

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SALEM, OREGON

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of incorporation and the authority by which you make this proof.

A.—Geo. H. Quinn, Ashland Oregon

(If this proof is made by you as agent, or attorney, the written authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof? If from a tributary, give its name.

A.—Yes, from Quinn

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream is based?

A.—Irrigation

(Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A.—Appropriation, diversion and use

(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right? A.—1852.

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said right? Answer fully, attaching separate sheet if necessary.

A.—Located and dug ditch from a point in Sec. 31 of 39 R. 2 E as described in deed Rec Vol 4 of pages 518-519 & 520 of Jackson Co. Oregon and have used the water for irrigation every year since.

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.—6

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most commonly known, if a ditch is used.

A.—Smith, Quinn and Johnson ditch (now known as Houch, Quinn & Holmes ditch.)

9. Q.—State the interest claimant has in such ditch, with the names of any other water users interested therein.

A.—I own a 1/2 (one third) and also 10 miners inches under a Grant Jessor, owned by Houch, F.C. & Quinn - to name 518 which includes the water by Quinn Houch Estch, F.C. Houch - & others to whom he has sold rights

10. Q.—State the date of the beginning of construction. A.—1852.

11. Q.—State the date of completion? A.—

12. Q.—State the dimensions of the ditch as originally constructed, just below the waste way or head gate?

A.—Width (top) two (2) feet; width (bottom) one and 1/2 feet; depth one feet; grade, or fall in feet per 1000 feet, 3 1/2 in feet. (See to Rec

See deed Record Jackson County Oregon

Vol 4 - pages 518-519 & 520. (Pages 207)

582

Heirs of Patrick Dunn	Quit Claim Deed CONVEYANCE	STATE OF OREGON, 48/1902
		County of Jackson,
George W. Dunn \$9000.00		I hereby certify that the enclosed instrument of writing was received and filed for record at _____ o'clock P.M. on the 20th day of Dec 1902.
		Peter Applegate County Recorder. By <i>Peter Applegate</i> Deputy.

This Indenture Witnesseth; That Ella B. Rice and A.L. Rice, her husband, Elizabeth J. VanSant and J.K. VanSant, her husband, and Ottilia Caldwell, single, being all the children of Patrick Dunn, deceased, and all the heirs at law and under his will, except George W. Dunn, a son and the grantee herein, for and in consideration of the sum of Nine Thousand Dollars to us in hand paid by said George W. Dunn, the receipt of which is hereby admitted, have bargained, sold, and quit claimed, and by these presents do bargain, sell and quit claim unto the said George W. Dunn, our brother, all the right, title and interest of us and each of us in and to the premises described as follows;

Beginning at a point 2.29 chains west and 15.74 chains north of the quarter section post between sections 13 and 24 in Township 39 south of Range One east of the W.M. Jackson County, Oregon, and thence running north 14 chains, thence south 60 degrees east 22.55 chains to a point on the north line of D.L. Claim No 56, in said Township and range, thence east 29.25 chains to a point on the east line of D.L. Claim No. 57 in Township 39 south of Range Two east of W.M. in said County and State, thence south 40.70 chains, thence west 17.75 chains to the east line of said D.L. Claim No. 56, thence south 4.30 chains thence west 35.56 chains, thence north 45 chains to the place of beginning; Also the East half of the North west quarter of section 36 in Township 39 South, Range One east of W.M. All in Jackson County, Oregon, and containing 330 acres of land, more or less; Also the water right and water ditch leading from Neil Creek to said premises, the same being the water right and water ditch mentioned and adjudicated in the suit of J.C. Tolman et al vs Henry Casey and others, in Vol. 15, Oregon Supreme Court Reports on pages 23 to 29, inclusive. This conveyance is made, subject to the right of way - Mary W. Dunn, the widow of Patrick Dunn, deceased, under the Statute. To Have and to Hold the same unto the said George W. Dunn his heirs and assigns forever.

2.29 = 157.1
15.74 = 1038.8
14.00 = 924.1
22.55 = 1488
29.25 = 1931
40.70 = 2681
17.75 = 1171.5
4.30 = 283.8
35.56 = 2346.9
45.0 = 2970.0

Witness our hands and seals this 21st day of April A.D. 1902.

Done in Presence of
Aita E. Dunn
E. D. Briggs
As to signature of Ottilia Caldwell
E. D. Briggs
Elmer Patrick
State of Oregon,
ss.
Jackson County.

Ella B. Rice
A.L. Rice
Elizabeth J. VanSant
J.K. VanSant
Ottilia Caldwell



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SALEM, OREGON

I hereby certify that on this 21st day of April A.D. 1902, before me, E. D. Briggs, a Notary Public in and for said County and State personally saw Ella B. Rice and A.L. Rice, her husband, and Elizabeth J. VanSant and J.K. VanSant, her husband, each and all personally known to me, and known to me to be the persons described in and who executed the foregoing deed and they and each of them duly acknowledged to me that they executed the same and that they did so freely and voluntarily.

Notarial Seal
E. D. Briggs
State of Oregon,
ss.
Jackson County.

E. D. Briggs
Notary Public.
Jackson County, Oregon

I hereby certify that on this, the 2nd day of May, A.D. 1902, before me, E. D. Briggs, a Notary Public in and for the said County and State personally appeared Ottilia Caldwell, a single person, personally known to me and known to me to be one of the persons described in and who executed the foregoing deed and she duly acknowledged to me that she executed the same and that she did so freely and voluntarily.

Notarial Seal
E. D. Briggs.

E. D. Briggs,
Notary Public.
Jackson County, Oregon.

This Indenture Witnesseth, that M. H. Homer and E. C. Homer her husband, of the County of Jackson and State of Oregon, for and in consideration of Twenty eight hundred and fifty dollars to them paid, in full Bargain and Sell, and by these presents do Bargain, Sell and Convey unto George H. Homer of said County and State

the following described premises, situated and being in the County of Jackson and State of Oregon, to-wit: Beginning at the North west corner of Donation Land Claim No. 55 in Township 24 South, Range East of the Willamette Meridian Oregon; thence east along line between claims 54 and 55, 1/4th chains to the South west corner of Donation Land Claim No. 54; thence South along line between claims 54 and 55, 25th chains; thence West 17th chains; thence North parallel with said line to claim 54 and 55, 21st chains to the Northaly line of the Oregon and California Railroad Right of Way; thence South 37th 30th East along said right of way 5th chains to line between claims 54 and 55; thence North along said line 7th chains to beginning containing 51st acres

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said George H. Homer, his heirs and assigns forever; And the said M. H. Homer do hereby covenant and warrant unto the said George H. Homer his heirs and assigns that she is the owner in fee simple of said premises; that they are free from all incumbrances and that she will warrant and defend the same from all lawful claims whatsoever.

In Witness Whereof, M. H. Homer hereunto set her hand and seal this 18th day of January A. D. 1896.

Done in the presence of M. H. Homer Seal
E. C. Homer Seal
J. A. McCall Seal

STATE OF OREGON,
 County of Jackson,
 On this, the 18th day of January, A. D. 1896, personally came before me, a Notary Public in and for said County, the within named M. H. Homer and E. C. Homer her husband, who say, to me personally known to be the identical person or persons described in and who executed the foregoing conveyance and acknowledged to me that they executed the same freely, voluntarily and for the uses and purposes therein stated, and that the said E. C. Homer is an examination separate and apart from her said husband, acknowledged to me that she executed the same freely.

Witness my hand and official seal, this, the day and year in the certificate above written.

J. A. McCall Notary Public for Oregon.

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 LAND RESOURCES DEPT
 ALBEM OREGON
 STATE OF OREGON,
 County of Jackson,
 I hereby certify that the enclosed instrument of writing was scanned, and filed for record at 2:26 o'clock P.M., on the 18th day of January, 1896.

Erwin Rawlings County Recorder
W. H. Holt Deputy

Corrected and recorded at page 28 of this volume

14.14 = 933.24'
 28.25 = 1864.58
 17.70 = 1168.20
 31.25 = 2062.50
 5.85 = 388.10
 7.45 = 491.70'
 Total
 51.8
 Acres

TO WIT
 I, C. H. Jones
 Notary Public for
 the County of Jackson,
 State of Oregon,
 do hereby certify that the
 foregoing instrument was
 scanned and filed for
 record at 2:26 o'clock
 P.M., on the 18th day
 of January, 1896.

FOR ASSIGNMENT AND
TAXATION ONLY

SECTION 24, T.39S., R.1E., W.M.
JACKSON COUNTY
1" = 400'

DUN
V31
P20

DUN
V48
P582

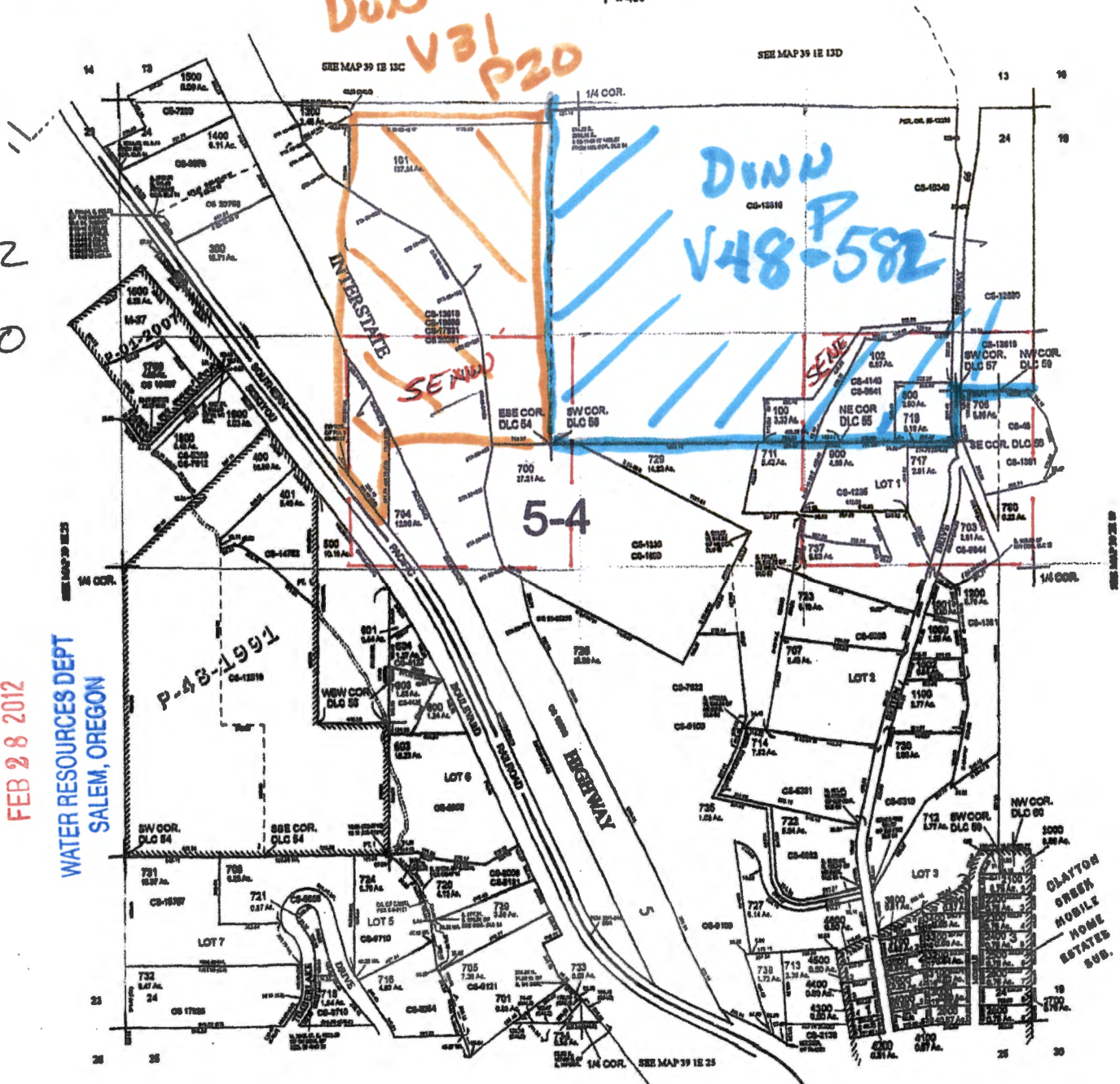
Denotes V48 P582

Denotes V31 P20

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WATER RESOURCES DEPT
SALEM, OREGON



CANCELLED LOT NUMBERS

- 280
- 281
- 282
- 283
- 284
- 285
- 286
- 287
- 288
- 289
- 290

1136

MAP PREPARED BY
TERRY ANGLE, PE, CWRIF
(#397)
According to G. Clark
OWNER

EXISTING WATER RIGHTS

T. 39 S., R. 1 E.

SECTION 13 AREA (ACRES)

SW 1/4
NE 1/4 23.0
NW 1/4 4.3
SW 1/4 18.8
SE 1/4 38.7

SE 1/4

NW 1/4 5.3
SW 1/4 38.7
SE 1/4 9.4

SECTION 23 AREA (ACRES)

NE 1/4
NE 1/4 5.0

SECTION 24 AREA (ACRES)

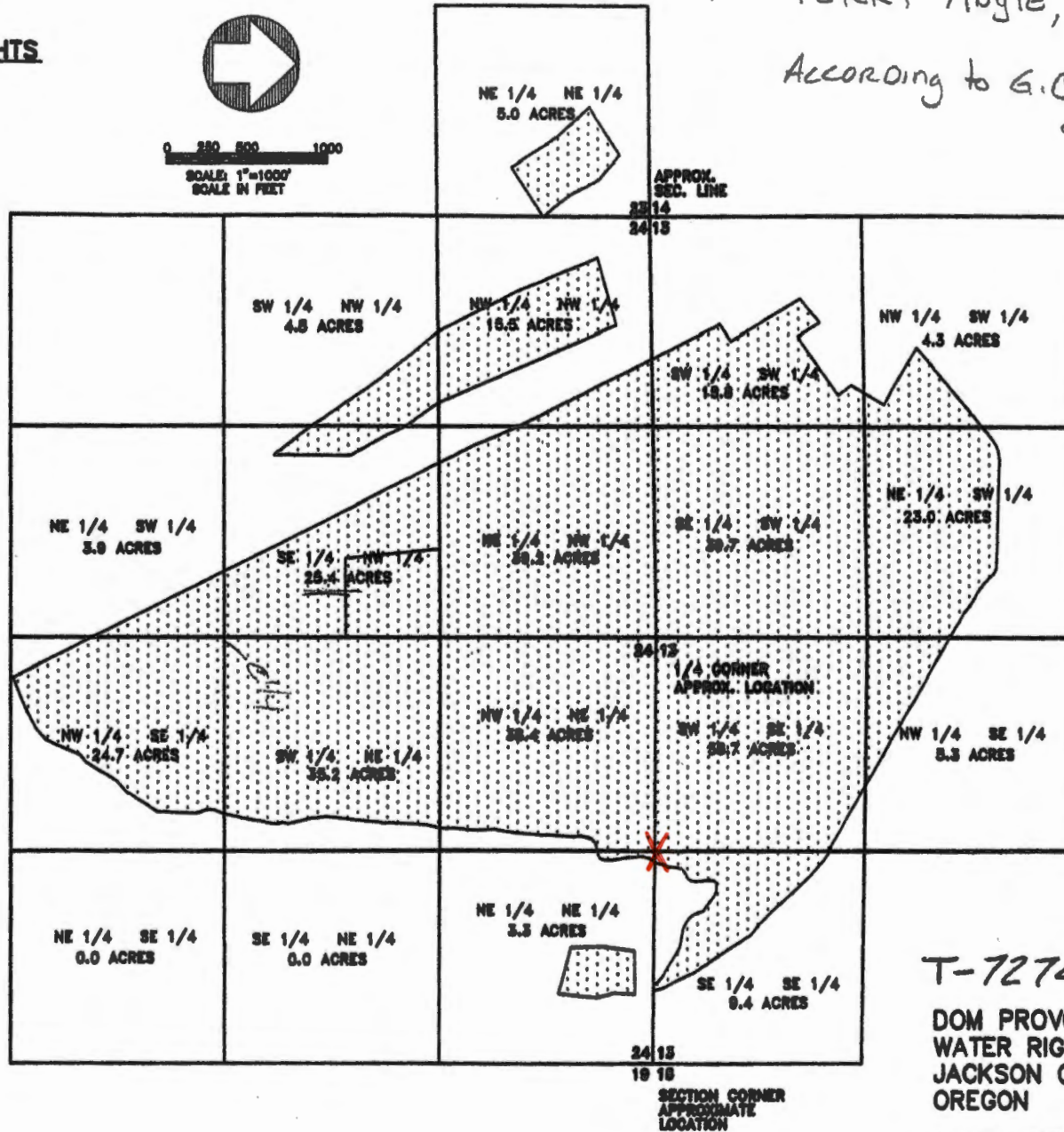
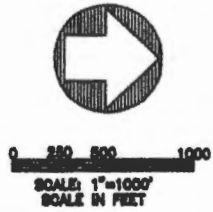
NE 1/4
NE 1/4 3.3
NW 1/4 38.4
SW 1/4 38.2
SE 1/4 0.0

NW 1/4

NE 1/4 38.2
NW 1/4 18.8
SW 1/4 4.8
SE 1/4 28.4

SW 1/4

NE 1/4 3.9
SE 1/4 24.7
NW 1/4 24.7



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WATER RESOURCES DEPT
SALEM, OREGON

T-7274
DOM PROVOST
WATER RIGHTS MAP
JACKSON COUNTY -
OREGON

JANUARY 8, 2007

T 11363

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ADELBERT MOORE
ASHLAND, OR 97520

confirms the right to use the waters of NEIL CREEK, a tributary of BEAR CREEK for IRRIGATION of 359.0 acres, DOMESTIC and STOCK use.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1852.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.000 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Description
39 S	2 E	WM	31	HOUCK-DUNN-HOMES DITCH

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

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
39 S	1 E	WM	13	NE SW		30.00
39 S	1 E	WM	13	SW SW		7.00
39 S	1 E	WM	13	SE SW		40.00
39 S	1 E	WM	13	NW SE		5.00
39 S	1 E	WM	13	SW SE		40.00
39 S	1 E	WM	13	SE SE		20.80
39 S	1 E	WM	23	NE NE		5.00
39 S	1 E	WM	24		54	16.00
39 S	1 E	WM	24	NE NE		3.30
39 S	1 E	WM	24	NW NE		40.00
39 S	1 E	WM	24	SW NE		36.60
39 S	1 E	WM	24	SE NE		5.60
39 S	1 E	WM	24	NE NW		35.00
39 S	1 E	WM	24	NW NW		11.40
39 S	1 E	WM	24	SW NW		4.80
39 S	1 E	WM	24	SE NW		28.30
39 S	1 E	WM	24	NE SW		5.50
39 S	1 E	WM	24	NW SE		24.70
Total:						359.00

This certificate corrects the place of use consistent with the order of the Circuit Court of the State of Oregon for Jackson County entered **NOV 22 2013** and supersedes Certificate 82967.

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 NOV 22 2013.



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



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

**Notice of Application for
Water Right Transfer, Temporary Transfer, or Permit Amendment
March 6, 2012**

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: JACKSON
Transfer: 11363
Water Right: CERT 82967
Priority Date: 1852
Name: OREGON DEPARTMENT OF TRANSPORTATION
Address: 3500 STEWART PARKWAY, ROSEBURG OR 97470-1600
Change: POINT OF DIVERSION; PLACE OF USE
Source: NEIL CREEK

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

March 1, 2012

OREGON DEPARTMENT OF TRANSPORTATION (via email)
3500 STEWART PARKWAY
ROSEBURG, OR 97470

Reference: Application T- 11363

On February 28, 2012, we received your water right Transfer application. The application was accompanied by \$1600.00. Our receipt number 105139 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed. Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use or from the new point of diversion until a final order approving the transfer application has been issued by the Department.

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 application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503)986-0883.

Cc: Watermaster Dist. #13 (via email)
Roxanne M. Hanneman, Agent (via email)
Douglas & Nina Healy (via email)
Harold Center, CWRE
Talent Irrigation District

Enclosure





Oregon

John A. Kitzhaber, MD, Governor

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**WATER RESOURCES DEPT
SALEM, OREGON**

Department of Transportation

Region 3 Right of Way and Utilities

3500 NW Stewart Parkway, Ste 164

Roseburg, OR 97470-1600

Office: (541) 957-3559

Fax: (541) 957-3563

February 27, 2012

Oregon Water Resources Department
Attn: Ms. Dorothy Pedersen or Ms. Susan Douthit, Transfer Section
725 Summer Street NE Suite A
Salem OR 97301-1271

RE: Water Right Transfer Application

Dear Ms. Pedersen & Ms. Douthit:

Enclosed please find the Oregon Department of Transportation's (ODOT) transfer application for certificate #82967 and a copy of a letter from Mr. & Mrs. Healy canceling transfer T-7274. If there are any questions, I can be reached at (541) 957-3556. Thank you.

Regards,

Roxanne Hanneman

Cc: File

Encl: Application and letter

↑ 11363



Application for Water Right Transfer

Part 1 of 4 - Minimum Requirements Checklist



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

This transfer application will be returned if Parts 1 through 4 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TRANSFER APPLICATIONS

Check all items included with this application. (N/A = Not Applicable)

- Part 1 - Completed Minimum Requirements Checklist.
- Part 2 - Completed Transfer Application Map Checklist.
- Part 3 - Completed Transfer Application - Applicant Information and Signature.
- Part 4 - Completed Transfer Application - Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here:

Attachments:

- Completed Transfer App
- Completed Evidence of U
- Fees - Amount enclosed: See the Department's Fee
- N/A Affidavit(s) of Consent.
- N/A Supplemental Form D - For district. Complete when th
- N/A Land Use Information Form (stub). Not required if water use form receipt if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A For changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation, Water Well Report/Well Log.
- N/A For Temporary Transfer (one to five years) Begin Year _____ End Year _____.
- N/A For Temporary Transfer only - Current recorded deed for the land from which the authorized place of use is being moved.
- N/A Temporary Drought Transfer (For use in counties where the Governor has declared drought)

Cert affected via action by Tax Co = 88873 SN

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WATER RESOURCES DEPT
 SALEM, OREGON

(503) 986-0883.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Part _____ is incomplete
<input type="checkbox"/> Additional signature(s) required	

Other/Explanation _____

Staff: _____ 503-986-0 _____ Date: ____/____/____

T 1136

Application for Water Right Transfer



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Part 1 of 4 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 4 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TRANSFER APPLICATIONS

Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Completed Transfer Application – Applicant Information and Signature.
- Part 4 – Completed Transfer Application – Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here:

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WATER RESOURCES DEPT
 SALEM, OREGON

Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Fees – Amount enclosed: \$ 1600.00
 See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0883.
- N/A Affidavit(s) of Consent.
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A For changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation, Water Well Report/Well Log.
- N/A For Temporary Transfer (one to five years) Begin Year _____ End Year _____.
- N/A For Temporary Transfer only – Current recorded deed for the land **from** which the authorized place of use is being moved.
- N/A Temporary Drought Transfer (For use in counties where the Governor has declared drought)

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

___ Application fee not enclosed/insufficient	___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete	___ Part _____ is incomplete
___ Additional signature(s) required	

Other/Explanation _____

Staff: _____ 503-986-0 _____ Date: ____/____/____

T 1136

Part 2 of 4 – Transfer Application Map Checklist

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WATER RESOURCES DEP
SALEM, OREGON

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://www1.wrd.state.or.us/pdfs/cwre_listing.pdf. CWRE stamp and signature are not required for temporary changes and substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

T 11363

Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME State of Oregon, Oregon Department of Transportation		PHONE NO. 541-957-6313	ADDITIONAL CONTACT NO.
ADDRESS 3500 Stewart Parkway		FAX NO. 541-957-3563	
CITY Roseburg	STATE OR	ZIP 97470-1600	E-MAIL** gary.taylor@odot.state.or.us

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Roxanne M. Hanneman		PHONE NO. 541-957-3556	ADDITIONAL CONTACT NO.
ADDRESS 3500 Stewart Parkway		FAX NO. 541-957-3563	
CITY Roseburg	STATE OR	ZIP 97470-1600	E-MAIL** roxanne.m.hanneman @odot.state.or.us

**** BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.**

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No

If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

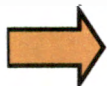
Permanent Transfers Only (check one box)

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm that the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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SALEM, OREGON

I understand that prior to Department approval of the transfer, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: Ashland Daily Tidings or Medford Mail Tribune.

I (we) affirm that the information contained in this application is true and accurate.



Gary Taylor
Applicant signature

Gary Taylor
Region 3 RIW & Utilities Mgr. 2/27/12
Print Name (and Title if applicable) Date

Applicant signature

Print Name (and Title if applicable)

Date

In your own words tell us what change(s) you want made and the reason for the change(s): **Transfer of 16.45 acres of irrigation, domestic, stock water right (Certificate 82967) from property acquired by the State of Oregon, Department of Transportation for construction of the Siskiyou Safety Rest Area (Mile 12 +/- Interstate Highway No. 5 to the NENE Sec. 24 . Move POD for 19.75 acres to NENE Sec. 24. Transfer is part of property acquisition agreement between ODOT and owner of the 16.45 acres.**

7 11363

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- The receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. (To learn about sale agreements please visit our web site at: <http://www1.wrd.state.or.us/pdfs/Transfer-PropertyTransactions.pdf>)

RECEIVING LANDOWNER NAME DOUGLAS K. AND NINA M. HEALY		PHONE NO. 949-429-3889	ADDITIONAL CONTACT NO. *AGENT FOR:
ADDRESS 322 AVENIDA GAVIOTA			FAX NO. 949-429-3890
CITY SAN CLEMENTE	STATE CA	ZIP 92672	E-MAIL DOUGKHEALY@GMAIL.COM

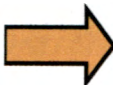
Describe any special ownership circumstances here: AGENT FOR: MARK DIRIENZO, 700 MISTLETOE ROAD, #106, ASHLAND, OR 97520, 541-621-8393, MARK@MIND.NET.

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME TALENT IRRIGATION DISTRICT	ADDRESS P.O. BOX 467 - 104 WEST VALLEY VIEW	
CITY TALENT	STATE OR	ZIP 97540

- Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

 To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME JACKSON COUNTY	ADDRESS JACKSON COUNTY COUTHUSE - 10 S. OAKDALE	
CITY MEDFORD	STATE OR	ZIP 97501

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands Yes No

If YES, list the certificate, water use permit, or ground water registration numbers:

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps2.wrd.state.or.us/apps/gw/well_log/Default.aspx)

OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log.

Table 3. Construction of Point(s) of Appropriation N/A

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application. For proposed wells, we recommend that you consult a licensed well driller, geologist, or certified water right examiner for the proper information needed to complete the table.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right

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Part 4 of 4 – Water Right Information

Please use a separate Part 4 for each water right being changed. See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

CERTIFICATE # 82967

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Description of Water Delivery System

System capacity: 2.0 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Houck-Dunn-Holmes Ditch System, Flood Irrigation.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
DUNN DITCH	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	39	2 E	31	SW	NW	1400	N42°08'16.8" W122°38'08.0" WGS-84
POD 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	39	1 E	24	NE	NE	101	NORTH 1784 FT AND WEST 15 FT FROM S.E. COR. DLC 56
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use additional pages of Table 2 as needed

Table 2. Description of Changes to Water Right Certificate # 82967

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

Additional remarks: Acreage in SENW is based on a proposed re-description of the water right by OWRD.

Authorized ("from" lands) as they appear BEFORE THE CHANGES										Proposed Changes (see "CODES" from previous page)	Proposed ("to" lands) AFTER THE CHANGES									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
39 S	1 E	13	SW SW			0.30	IR,DO,STK	DUNN DITCH	1852	POD POU	39 S	1 E	24	NE NE	101	56	0.30	IR,DO,STK	POD 1	1852
39 S	1 E	24	NE NW			1.60	IR,DO,STK	DUNN DITCH	1852	POD POU	39 S	1 E	24	NE NE	101	56	1.60	IR,DO,STK	POD 1	1852
39 S	1 E	24	NE NW			8.83	IR,DO,STK	DUNN DITCH	1852	POD POU	39 S	1 E	24	NE NE	101	56	8.83	IR,DO,STK	POD 1	1852
39 S	1 E	24	SE NW			5.72	IR,DO,STK	DUNN DITCH	1852	POD POU	39 S	1 E	24	NE NE	101	56	5.72	IR,DO,STK	POD 1	1852
39 S	1 E	24	NE NE	101	56	3.30	IR,DO,STK	DUNN DITCH	1852	POD	39 S	1 E	24	NE NE	101	56	3.30	IR,DO,STK	POD 1	1852
TOTAL ACRES						19.75	TOTAL ACRES						19.75							

Please refer to attached historical water right information provided by Harold L. Center, CWRE No. 152

Acreage in SENW is based on a proposed re-description of the water right by OWRD

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SALEM, OREGON

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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SALEM, OREGON

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Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Applicant(s): State of Oregon

Oregon Department of Transportation

Mailing Address: 3500 N.W. Stewart Parkway

City: Roseburg

State: OR

Zip Code: 97470

Daytime Phone: 541-957-3556

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>39S</u>	<u>1E</u>	<u>24</u>	<u>NE NE</u>	<u>101</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>EFU</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

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B. Description of Proposed Use

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Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water:
 Reservoir/Pond
 Ground Water
 Surface Water (name) Neil Creek

Estimated quantity of water needed: 0.10
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water:
 Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other Stock Water

Briefly describe:

Transfer of 16.45 acres from Siskiyou Safety Rest Area Interstate 5 mile post 11.8-12.4 to NE1/4 NE1/4 Sec. 24 (Tax Lot 39 1E 24 - 101) now owned by D.K. and N. M. Nealy - change diversion point to Neil Creek in NE1/4 NE1/4 Sec. 24

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 4.2-1
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
RECEIVED		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
FEB 28 2012		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
WATER RESOURCES DEPT SALEM, OREGON		<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

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

Farm use is out right permitted on EFD Zoned properties.

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JACKSON COUNTY
PLANNING

Name: Youngsook Kim Title: Planner I
 Signature: *Youngsook Kim* Phone: 541-774-6940 Date: 1/05/2012
 Government Entity: Jackson County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

T 11363

Application for Water Right Transfer

Evidence of Use Affidavit



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon)
) ss
County of DOUGLAS)

I, GARY TAYLOR, in my capacity as OREGON DEPARTMENT OF TRANSPORTATION, REGION 3 RIGHT OF WAY AND UTILITIES MANAGER,

mailing address 3500 STEWART PARKWAY, ROSEBURG, OR 97470

telephone number (541)957-6313, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

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OR

- Confirming Certificate # ____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached. Transfer T-7274 , Map attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

T 11363

3. The water right was used for: (e.g., crops, pasture, etc.): _____

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this _____ day of _____, 20____.

Notary Public for Oregon

My Commission Expires: _____

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Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">● Power usage records for pumps associated with irrigation use● Fertilizer or seed bills related to irrigated crops● Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">● District assessment records for water delivered● Crop reports submitted under a federal loan agreement● Beneficial use reports from district● IRS Farm Usage Deduction Report● Agricultural Stabilization Plan● CREP Report
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

Transfer T-7274, Map attached.

T 11363

Water Right Transfer Supplemental Form D

WATER RIGHTS ISSUED IN THE NAME OF AN IRRIGATION DISTRICT

The Department encourages applicants to coordinate with districts during the planning and preparation of transfer applications involving water rights issued in the name of an irrigation district or involving the transfer of water rights located within the boundaries of an irrigation district.

This form must be included with your transfer application if the transfer involves rights issued in the name of an irrigation district.

1. APPLICANT INFORMATION

Name: State of Oregon, Oregon Dept. Of Transportation

Address: 3500 Stewart Parkway

City: Roseburg

State: OR

Zip: 97470

Home Phone: _____

Work Phone: 541-957-6313

Other Phone: _____

Fax: _____

E-Mail address: Roxanne.M.Hanneman@odot.state.or.us

2. DISTRICT INFORMATION

District Name: Talent Irrigation District

Address: P.O. Box 467

City: Talent

State: OR

Zip: 97535

Home Phone: _____

Work Phone: 541-535-1529

Other Phone: _____

Fax: _____

E-Mail address: talentid.org

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3. WATER RIGHT(S) ISSUED IN THE NAME OF AN IRRIGATION DISTRICT(S)

Water right(s) issued in the name of a district proposed for transfer: **NONE**

	Application / Decree	Permit / Previous Transfer	Certificate
1.		-	
2.		-	
3.		-	
4.		-	
5.		-	
6.		-	

4. DISTRICT CONCURRENCE WITH PROPOSED WATER RIGHT TRANSFER

The district certifies the following:

- (1) The applicant has conferred with the district about the proposed water right transfer application;
- (2) The district has reviewed the applicant's proposed water right transfer application and maps; and
- (3) The district concurs with the proposed water right transfer application.



 District Manager Signature

Jim PENDLETON 1-5-12
 Name (print) Date

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 SALEM, OREGON

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Oregon

John A. Kitzhaber, MD, Governor

Department of Transportation

Region 3 Right of Way
3500 NW Stewart Parkway, Ste 164
Roseburg, OR 97470-1600
Office: (541) 957-3559
Fax: (541) 957-3563

Date: September 12, 2011

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SALEM, OREGON

Harold Center 
2604 David Lane
Medford, OR 97504

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SEP 15 2011

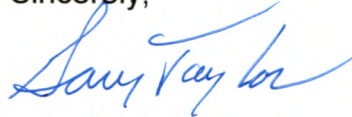
TALENT
IRRIGATION DISTRICT

Re: ODOT Files R6676-001 & R6676-004
Partial Cancellation Dunn Ditch Water Rights

Dear Harold:

Enclosed is the executed Affidavit for the Partial Cancellation of a Water Right Certificate for the above ODOT files. Also included is a copy of the authorization email from Deolinda Jones, Statewide R/W Manager for ODOT in case you need it.

Sincerely,



Gary Taylor
Right of Way & Utilities Manager, Region 3

cc: Roxanne Hanneman, w/attach

T 11363



TAYLOR Gary

From: JONES Deolinda G
Sent: Friday, September 09, 2011 2:55 PM
To: TAYLOR Gary
Cc: DUNLAP Richard R
Subject: FW: Siskiyou Water Rights

Attachments: Scm352211090910260.pdf

Gary you are authorized to sign this document on my behalf.

From: DUNLAP Richard R
Sent: Friday, September 09, 2011 1:29 PM
To: JONES Deolinda G
Cc: TAYLOR Gary
Subject: FW: Siskiyou Water Rights

Here is the email I spoke to you about.

From: TAYLOR Gary
Sent: Friday, September 09, 2011 10:49 AM
To: DUNLAP Richard R
Subject: Siskiyou Water Rights

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FEB 28 2012

WATER RESOURCES DEPT
SALEM, OREGON

Richard, attached is the Affidavit for Partial Cancellation of a Water Right Certificate. These water rights came as a result of our acquisition of file numbers 6676-001 (1.87 ac) and 6676-004 (0.26 of an acre) in 1998 for the Siskiyou Safety Rest Area. These rights would normally have expired from non-use except that a filed water action on neighboring lands had placed the timeline on hold. This is a very small water right and we are abandoning to prepare the way to transfer a very good water right onto the rest area proper.

If we can I would like Dee to issue an approval for me to complete this document and keep this process moving forward.



Scm3522110909
0260.pdf (436 KB).

T 11363

**AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A
WATER RIGHT CERTIFICATE**

State of Oregon)
) ss
County of Douglas)

I, Gary Taylor, Oregon Department of Transportation Region 3, Right of Way Manager, 3500 Steward Parkway, Roseburg, OR 97470, telephone number 541-957-6313, being first duly sworn depose and say:

1. State of Oregon, by and through its, Oregon Department of Transportation the legal owner of the property described within Deed Documents 98-57306 and 98-35239, Deed Records of Jackson County, Oregon is within Thos. Smith DLC No. 55, Section 24, Township 39 South, Range 1 East, of the Willamette Meridian, in Jackson County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. A portion of water right certificate number 82967 issued to a Adelbert Moore, with a date of priority of 1852 for use of 2.00 cubic foot per second of water from Neil Creek for the purpose irrigation use is appurtenant to our property.
3. The appurtenant water right is located within the boundaries of an irrigation, drainage, water improvement, or water control district or federal reclamation project.
TALENT IRRIGATION DISTRICT.
4. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right
(*Signature of district manager on the line below documents consent of the district.*) N/A

Signature of district manager	Printed Name	Date

5. We have abandoned any and all interest in this water right shown on the attached map and described as follows:

The right to the use of 0.01 cubic foot per second from Neil Creek for irrigation use and irrigation of 2.13 acres located:

DLC 55 (SE¼NW¼) 1.87 Acres
DLC 55 (NE¼SW¼) 0.26 Acres
Section 24
Township 39 South, Range 1 East, WM

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WATER RESOURCES DEPT
SALEM, OREGON

5. We request the portion of the water right described above be canceled.

Larry Taylor

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

9/12/11

Date

Subscribed and Sworn to Before Me this 12th date of September, 20 11

Linda Kay Henderson

Notary Public for Oregon



My Commission Expires 6-21-13

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WATER RESOURCES DEPT
SALEM, OREGON

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FEB 28 2012
WATER RESOURCES DEPT
SALEM, OREGON


Page 2 of 2

T 11363



Scale: 1"=200'
Date: August 17, 2011

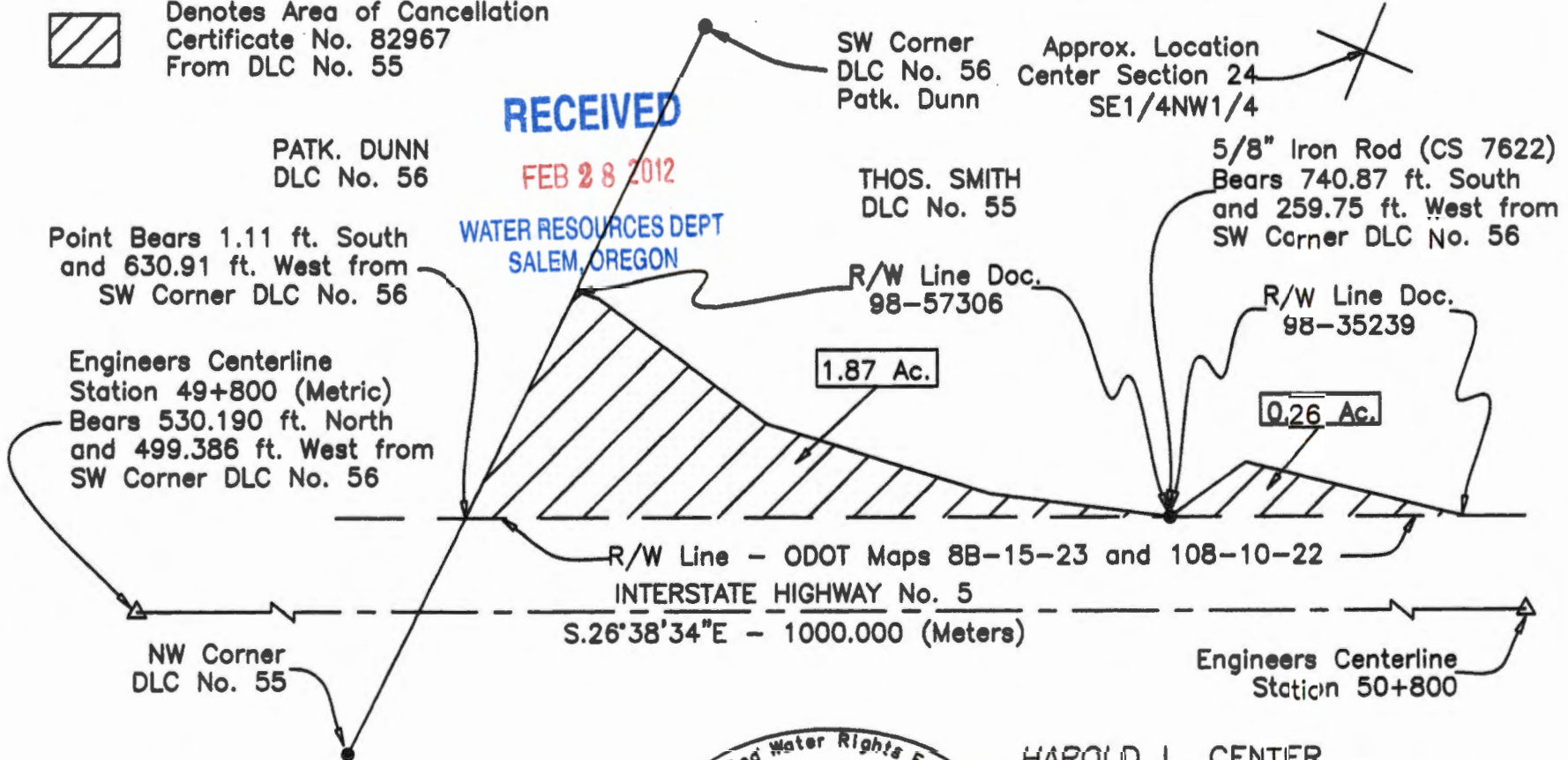
LEGEND

- Found Survey Monument
-  Denotes Area of Cancellation Certificate No. 82967 From DLC No. 55

MAP OF WATER RIGHT PARTIAL CANCELLATION
STATE OF OREGON RECORD OF WATER RIGHT CERTIFICATE No. 82967
DONATION LAND CLAIM No. 55, SEC. 24, T.39S., R.1E., W.M.
JACKSON COUNTY, OREGON

FOR
STATE OF OREGON
by and through it's
OREGON DEPARTMENT OF TRANSPORTATION
100 ANTELOPE ROAD, WHITE CITY, OR 97503

T 11363



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WATER RESOURCES DEPT
SALEM, OREGON



HAROLD L. CENTER
2604 David Lane
Medford, OR. 97504
Phone 541-535-6108
Oregon Certificate No. 152
Cert. Renewal Date: 12/31/2011

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.

98-57306

4

74722-22 15.00
10.00
ODOT
File 6676-001
10B-10-22

WARRANTY DEED

ROGUE VALLEY BROADCASTING, INC., an Oregon corporation, aka Sierra Cascade Communications, Incorporated, an Oregon corporation, Grantor, for the true and actual consideration of \$20,475.00 does convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, fee title to the following described property:

Parcel 1 - Fee

A parcel of land lying in the Thos. Smith D.L.C. No. 55, Township 39 South, Range 1 East, W.M., Jackson County, Oregon and being a portion of that property described in that deed to Rogue Valley Broadcasting, Inc., recorded as Document No. 94-11494 of the Official Records of Jackson County; the said parcel being that portion of said property lying Westerly of the following described line:

Beginning at an iron rod, said rod being the Southwest corner of said property; thence Northwesterly in a straight line to a point opposite and 45 meters Northeasterly of Engineer's Station 50+600 on the center line of the relocated Pacific Highway; thence Northerly in a straight line to a point opposite and 70 meters Northeasterly of Engineer's Station 50+520 on said center line; thence Northerly in a straight line to a point opposite and 115 meters Northeasterly of Engineer's Station 50+460 on said center line; thence Northerly in a straight line to a point opposite and 184 meters Northeasterly of Engineer's Station 50+280 on said center line which center line is described as follows:

Beginning at Engineer's center line Station 49+800, said station being 530.190 meters North and 499.386 meters West of the Southwest corner of the Patk. Dunn D.L.C. No. 56, Township 39 South, Range 1 East, W.M.; thence South 26° 38' 34" East 1000 meters to Engineer's center line Station 50+800.

Bearings are based on County Survey No. 13818, filed January 13, 1994, Jackson County, Oregon.

The parcel of land to which this description applies contains 7 548 square meters, more or less.

TOGETHER WITH all abutter's rights of access between the above-described parcel and Grantor's remaining real property.

10-2-97

AFTER RECORDING RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
417 TRANSPORTATION BLDG.
SALEM OR 97310

Account No.: 2-001277-6

Property Address: 528 REITEN DRIVE
ASHLAND, OREGON

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WATER RESOURCES DEPT
SALEM, OREGON

T 11363

Grantor also grants to Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, upon the following described property:

Parcel 2 - Permanent Easement for Slopes

A parcel of land lying in the Thos. Smith D.L.C. No. 55, Township 39 South, Range 1 East, W.M., Jackson County, Oregon and being a portion of that property described in that deed to Rogue Valley Broadcasting, Inc., recorded as Document No. 94-11484 of the Official Records of Jackson County; the said parcel being that portion of said property lying Southeastery of a line at right angles to the center line of the relocated Pacific Highway at Engineer's Station 50+460 and included in a strip of land variable in width, lying on the Northeastery side of said center line which center line is described in Parcel 1.

The widths in meters of the strip of land above referred to are as follows.

Station	to	Station	Width on Northeastery Side of Center Line
50+460		50+570	115 in a straight line to 73
50+570		50+660	73 in a straight line to 64
50+660		50+770	64 in a straight line to 36.576

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 4 361 square meters, more or less.

IT IS UNDERSTOOD that the easement herein granted does not convey any right or interest in the above-described Parcel 2, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, that Grantee shall never be required to remove the slope materials placed by it upon said property, nor shall Grantee be subject to any damages to Grantor, and grantor's heirs, successors and assigns, by reason thereof or by reason of any change of grade of the public way abutting on said property.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of all the above-described property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the property herein conveyed and the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

2-

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SALEM, OREGON

Grantor agrees the consideration recited herein is just compensation for the property, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property and the construction or improvement of the public way.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

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

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 29th day of JUNE, 1998

Jackson County, Oregon
Recorded
OFFICIAL RECORDS
DEC 10 1998
8:30 AM
[Signature]
COUNTY CLERK

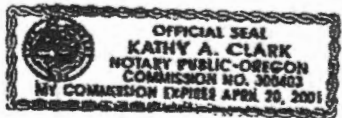
ROGUE VALLEY BROADCASTING, INC., an Oregon corporation, aka Sierra Cascade Communications, Incorporated, an Oregon corporation

By *[Signature]*
President

By *[Signature]*
Secretary

STATE OF OREGON, County of Jackson

JUNE 29 1998 Personally appeared before me, Karen A. Johnson, and Robert Johnson, who, being sworn, stated that they are the President and Secretary of Rogue Valley Broadcasting, Inc., an Oregon corporation, aka Sierra Cascade Communications, Incorporated, an Oregon corporation, and that this instrument was voluntarily signed in behalf of the corporation by authority of its Board of Directors. Before me:



[Signature]
Notary Public for Oregon
My Commission expires 4/20/2001

31

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SALEM, OREGON

SISKIYOU SAFETY REST AREA

PACIFIC HIGHWAY

JACKSON COUNTY

LOCATED LINE

SCALE: 1:1000

DRG. NO. 10B-10-22

PROJECT NO. 6676

FINAL COPY
*THE R/W ON THIS MAP WAS
ACQUIRED THROUGH THE
CONVEYANCE DOCUMENTS
AS SHOWN*
RIGHT OF WAY ENGINEERING

RECEIVED

FEB 28 2012

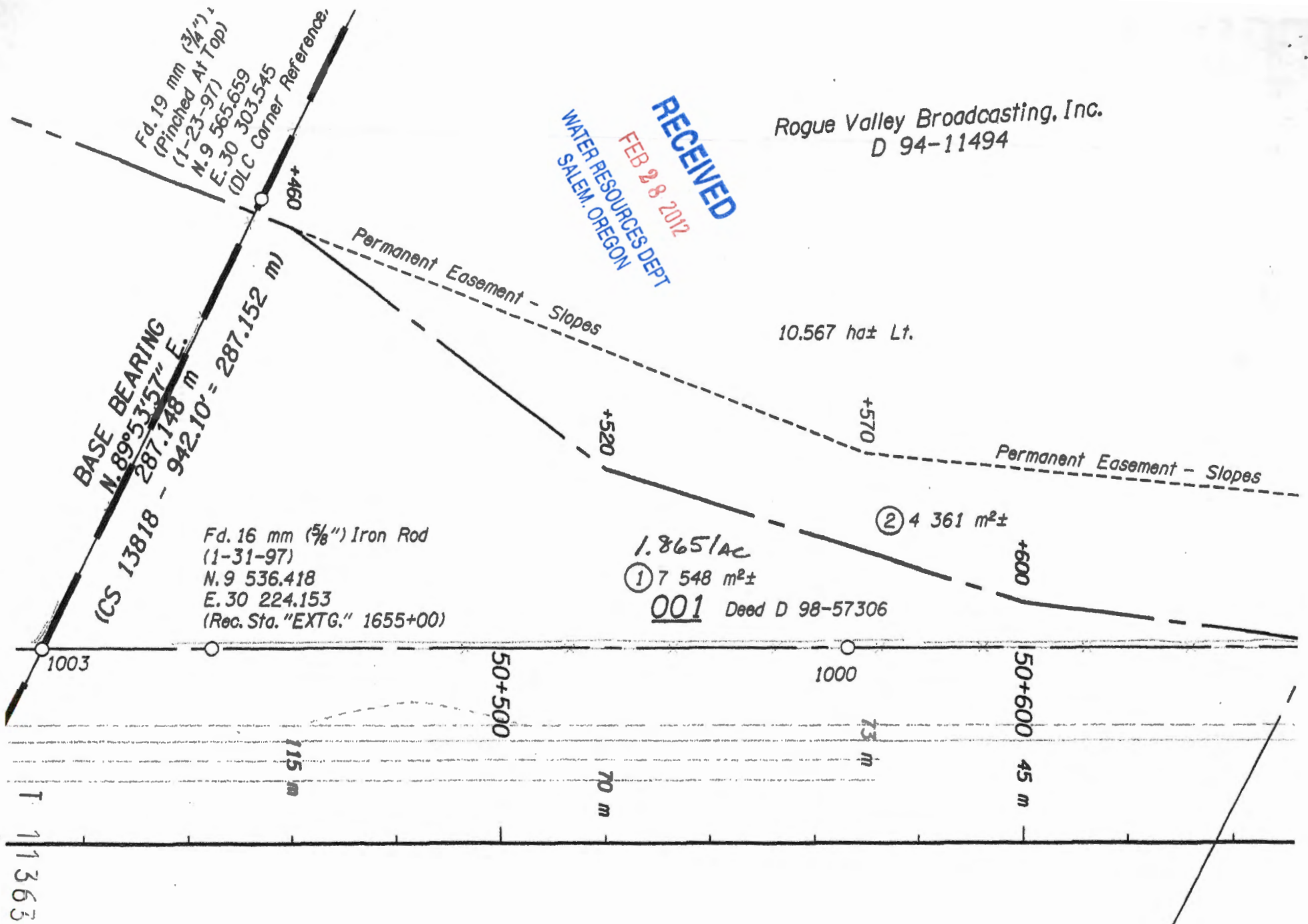
**WATER RESOURCES DEPT
SALEM, OREGON**

T AREA PACIFIC HIGHWAY JACKSON COUNTY LOCATED LINE

T 11363

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FEB 28 2012
WATER RESOURCES DEPT
SALEM, OREGON

Rogue Valley Broadcasting, Inc.
D 94-11494



98 35239

4458-BB

ORIGINAL 10/10/06

ODOT
File 6676-004
10B-10-22

WARRANTY DEED

JOHN R. REYNOLDS and BETTY JO REYNOLDS, Grantor, for the true and actual consideration of \$ 1,313.00 does convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, fee title to the following described property:

A parcel of land lying in the Thos. Smith D.L.C. No. 55, Township 39 South, Range 1 East, W.M., Jackson County, Oregon and being a portion of that property described in that deed to Adams Construction Co., Inc, recorded as Document No. 95-09237 of the Official Records of Jackson County; the said parcel being that portion of said property lying Northwesterly of a line at right angles to the center line of the relocated Pacific Highway at Engineer's Station 50+770 and included in a strip of land variable in width, lying on the Northeasterly side of said center line which center line is described as follows:

Beginning at Engineer's center line Station 49+800, said station being 530.190 meters North and 499.386 meters West of the Southwest corner of the Patk. Dunn D.L.C. No. 56, Township 39 South Range 1 East, W.M.; thence South 26° 38' 34" East 1000 meters to Engineer's center line Station 50+800.

The widths in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on Northeasterly Side of Center Line
50+570		50+660	73 in a straight line to 64
50+660		50+770	64 in a straight line to 36.576

Bearings are based on County Survey No. 13818, filed January 13, 1994, Jackson County, Oregon.

The parcel of land to which this description applies contains 1 039 square meters, more or less

TOGETHER WITH all abutter's rights of access between the above-described parcel and Grantor's remaining real property.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of said property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the same from all lawful claims whatsoever, except as stated herein.

10-7-97

AFTER RECORDING RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
417 TRANSPORTATION BLDG.
SALEM OR 97310

Account No.: 39 1E 24 Tax Lot 725

Property Address: 420 Reiten Drive
Ashland OR 97520

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FEB 28 2012
WATER RESOURCES DEPT
SALEM, OREGON

T 11363

Grantor agrees the consideration recited herein is just compensation for the property, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property and the construction or improvement of the public way.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals

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

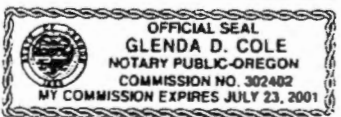
It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 15 day of July, 1998

John R. Reynolds
John R. Reynolds
Betty Jo Reynolds
Betty Jo Reynolds

STATE OF OREGON, County of Jackson

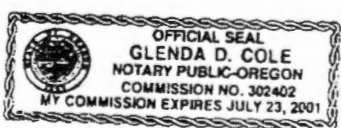
John R., 1998. Personally appeared the above named John R. Reynolds, who acknowledged the foregoing instrument to be his voluntary act. Before me:



Glenda D. Cole
Notary Public for Oregon
My Commission expires 07-23-01

STATE OF OREGON, County of Jackson

Betty Jo, 1998. Personally appeared the above named Betty Jo Reynolds, who acknowledged the foregoing instrument to be her voluntary act. Before me:



Glenda D. Cole
Notary Public for Oregon
My Commission expires 07-23-01

10-7-97
Page 2 - WD
ael

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FEB 28 2012

WATER RESOURCES DEPT
SALEM, OREGON

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

JUL 31 1998

8:30 AM
Spencer S. Roberts
COUNTY CLERK

2'

T 11363

AREA PACIFIC HIGHWAY JACKSON COUNTY LOCATED LINE

SISKIYOU SAFETY REST AREA

PACIFIC HIGHWAY

JACKSON COUNTY

LOCATED LINE

SCALE: 1:1000

DRG. NO. 10B-10-22

PROJECT NO. 6676

FINAL COPY
*THE R/W ON THIS MAP WAS
ACQUIRED THROUGH THE
CONVEYANCE DOCUMENTS
AS SHOWN*
RIGHT OF WAY ENGINEERING

RECEIVED

FEB 28 2012

WATER RESOURCES DEPT
SALEM, OREGON

T 11363

WATER RESOURCES DEPT
SALEM, OREGON

FEB 28 2012

RECEIVED

2A

"EXTG." 1666+66.67 P.O.T.=
50+800.000 P.O.T.
N. 9 202.153
E. 30 350.932

Adams Construction Co., Inc.
D 95-09237

21± ha Lt.

004 1039 m²±

+660

+770

53237 Deed D 98-35239

50+700

36.576 m

64 m

S. 26°38'34" E.

SEE 8B-15-23

Regular Permanent Water Right Transfer Application Checklist

Checked by JSU Date 3/1/12

(If OK, check box to left; if not, fill in the blank)

1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

2. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____

If a Substitution (see page 5 of application)

Base fee for 1 well (POA)		\$630.00
Number of additional wells = _____	x \$300.00 =	
Total =		

If a Government Action POD change (see page 5) NO CHARGE

If any other type of "regular permanent" transfer:

Base fee for one water right, one change and first cfs =		\$900.00
Additional base fee for groundwater staff review if any number of changes to well location(s), additional well(s) or change a SW diversion point to a well:	\$300.00	x
# of additional water rights (see Part 4 of application) = <u>N/A</u>	x \$400.00 =	x
1 or 2 additional TYPES of change* (see page 5 of application) =	x \$700.00 =	700.00
if <i>place of use</i> or <i>type of use</i> change and more than 1 cfs (based on primary acres x rate), # cfs or fraction above the first cfs =	x \$250.00 =	x
Sub-total =		1600.00
If a letter from ODFW endorsing this as a "fish-friendly" transfer is included, multiply sub-total by 0.50 =		N/A
Total = sub-total minus 50% "fish-friendly" reduction, if applicable =		1600.00

*Note:

[POD/APOD, POA/APOA, SW-GW, Gov Action] are all counted as one type

POU is counted as one type

[USE or (Supplemental to Primary)] are counted as one type

3. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____

4. Are all listed certificates or permits shown by WRIS as non-cancelled?
If not, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

5. If all #1-#4 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application and assign it a numbered transfer folder. Put this check sheet in the transfer folder. If #1, #2, #3 or #4 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

**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 # **105139**

INVOICE # _____

RECEIVED FROM: ODOT
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-11363</u>

CASH: CHECK:# 2250183 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 1600.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES <u>46110</u>	\$	
0410	RESEARCH FEES	\$	
0408	MISC REVENUE: (IDENTIFY)	\$	
TC162	DEPOSIT LIAB. (IDENTIFY)	\$	
0240	EXTENSION OF TIME	\$	
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	0202 \$
0205	TRANSFER	\$	0204 \$
		<u>\$1600.00</u>	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0219 \$
	OTHER (IDENTIFY)		0220 \$

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: **105139**

DATED: 2-28-12 BY: RR

**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 # **105139**

INVOICE # _____

RECEIVED FROM: ODOT

APPLICATION	
PERMIT	
TRANSFER	T-11363

BY: _____

CASH: CHECK:# 2250183 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 1600.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
 OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____ *46110*
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) \$ _____
 TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
 0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER **EXAM FEE** \$ _____ 0202 **RECORD FEE** \$ _____
 0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 1600.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR **EXAM FEE** \$ _____ 0219 **LICENSE FEE** \$ _____
 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: **105139**

DATED: 2-28-13 BY: 28