

3142 Edward Padgett L.A. Law
Box 204
Cave Junction 97523

3142

STATUS OF APPLICATION

Change in point of diversion and place of use
Date filed 10-31-74
Date of hearing 6-10-75
Place of hearing Grants Pass
Date of order 8-6-75 Vol. 26, page 41
Date for application of water 10-1-76
Proof mailed MAR 5 1986
Proof received _____
Certificate issued AUG 30 1976 Vol. 35, page 43598
OCT 13 1986 50 54968

DESCRIPTION OF WATER RIGHT

Name of stream E Fork Illinois River
Trib. of _____ County of Josephine
Use irrigation
Quantity of water _____ No. of acres 13.2
Name of ditch _____
Date of priority May, 1887
In name of A. G. Gray
Illinois River Adjudication, Vol. 13, page 104
App. No. _____ Per. No. _____ Cert. No. 13844
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
10-31-74	40.00	43640
10-31-74	45.00 P.O.N.	43641
TOTAL . . .		43641
5-15-75	1.62 Cert. Fee	FROM P.O.N.
2-4-76	2.38	51301

FEES REFUNDED

Date	Amount	Check No.

REMARKS

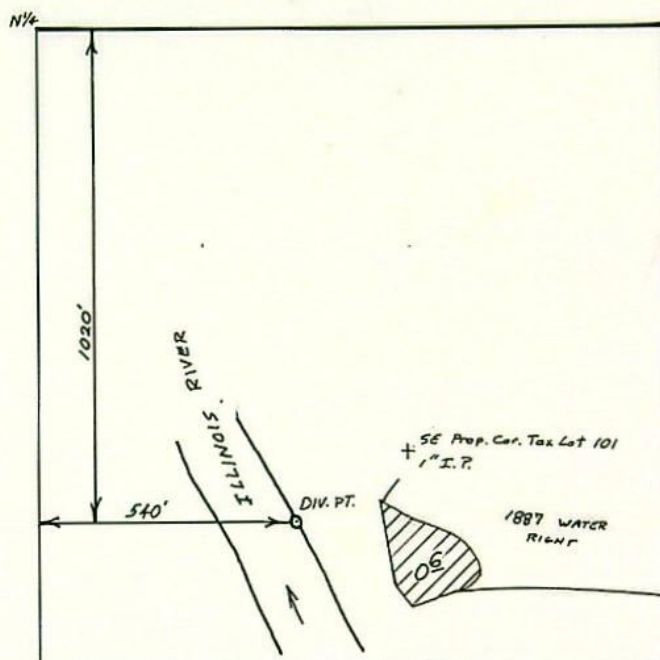
T-9260 APD V. 61 p. 58

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Stream		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Pt. of Div.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Calendar		<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHECKED TO RECORDS:				
<input checked="" type="checkbox"/>	Twp. & Rge.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-vault		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-safe		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Cert. of W/R		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Per. Folder		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Chaindex		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Cross Ref.		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Power Claim		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Abstracts		<input type="checkbox"/>	<input type="checkbox"/>

T. 39 S., R. 8 W., W. M.

Section 20

NW 1/4 NE 1/4



Scale : 1" = 400'

FINAL PROOF SURVEY

UNDER

Transfer no. 3142

Application No. Permit No.
IN NAME OF

..... E. PODOLL & L. A. CUSHING

Surveyed Apr. 29, 1980, by B. R. SUND

PTS-1980-14A

T-3142

STATE OF OREGON

COUNTY OF JOSEPHINE

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9260 submitted by

VERSTEEG FAMILT, LLC
P.O. BOX 2437
CAVE JUNCTION, OREGON 97523.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County as evidenced by a PORTION of Certificate 43598. The decree is recorded in the Order Record of the Water Resources Director in Volume 13, at, Page 70. The date of priority is MAY, 1887.

The right allows the use of EAST FORK ILLINOIS RIVER, a tributary of ILLINOIS RIVER, for IRRIGATION OF 4.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-FIFTIETH of one cubic foot per second per acre for each acre irrigated during the irrigation season from April 1st to November 1st of each year, if available at the authorized point of diversion: SE¼ NW¼, SECTION 27, T 39 S, R 8 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

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

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

The authorized place of use is located as follows:

SE¼ SE¼ 4.7 ACRES
SECTION 17
TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M.

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

The applicant proposes to change the point of diversion to:

SW¼ SE¼, SECTION 17, TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M.; 340 FEET NORTH AND 2595 FEET WEST FROM THE SE CORNER SECTION 17.

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

1. The proposed change shall be completed on or before October 1, 2005.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
3. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same surface water source as the original point of diversion.

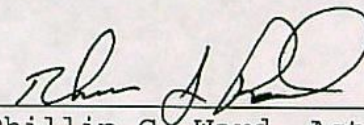
5. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish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

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

Certificate 43598 is canceled. A new certificate will be issued to describe that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed August 9, 2004.


for Phillip C. Ward, Acting Director

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

A. G. CROY
KERBY, OREGON 97531

confirms the right to use the waters of EAST FORK ILLINOIS RIVER, a tributary of ILLINOIS RIVER, for IRRIGATION OF 27.8 ACRES.

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

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE-FIFTIETH of one cubic foot per second per acre for each acre irrigated during the irrigation season from April 1st to November 1st of each year or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 27, T 39 S, R 8 W, W.M.

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 19.4 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.4 ACRES
SECTION 20


NW¼ NW¼ 5.0 ACRES
SECTION 21
TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 43598, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 09 2004, approving Transfer Application 9260.

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 AUGUST 9, 2004.


for Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80885.

PRINT
at CBC

STATE OF OREGON

T-3142
1/25/78

COUNTY OF JOSEPHINE

26 41
T. 3142

CERTIFICATE OF WATER RIGHT

EDWARD PODOLL & L.A. CUSHING
This Is to Certify, That A. G. CROY

Box 24 CAVE JUNCTION
of Kerby, State of Oregon 97523, has a right to the use of
the waters of East Fork Illinois River fr: b Illinois River
for the purpose of irrigation of 13.1 acres

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

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

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

4.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 17;
6.5 26 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
6.6 10.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
0.1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 20;
5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 21,
T. 39 S., R. 8 W., W. M.

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

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

WITNESS the signature of the State Engineer,

affixed this 1st day

This certificate is issued to confirm a change in place of use and point of
diversion approved by an order of the Water Resources Director
entered August 6, 1975 and together with certificate of water right
recorded at page 43598, Volume 35, State Record of Water Right
Certificates, supersedes certificate of water right recorded at
page 13844, Volume , State Record of Water Right Certificates.

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

ba sec 20 T39S R8W W.M.
1020'S & 540' E from NW cor ba

POD

original point of diversion, db sec 21 T39S R8W W.M.
330'S & 480' E from NW cor db

62040

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION
OF EDWARD PODOLL AND L. A. CUSHING
FOR THE APPROVAL OF A CHANGE IN
POINT OF DIVERSION AND PLACE OF USE
OF WATER FROM EAST FORK ILLINOIS
RIVER

ORDER APPROVING
TRANSFER NO. 3142

On October 3, 1974, Edward Podoll and L. A. Cushing filed an application in the office of the Water Resources Director for the approval of a change in point of diversion and place of use of water from East Fork Illinois River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to A. G. Croy and recorded at page 13844, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.924 cubic foot per second of water from East Fork Illinois River for the irrigation of, among other lands, 6.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 0.1 acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 39 South, Range 8 West, W.M., with a date of priority of May, 1887.

These lands are irrigated from a point of diversion located 330 feet South and 480 feet East from the Northwest corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, Township 39 South, Range 8 West, W.M.

The applicants herein, owners of the lands above described, propose to transfer the water right, without loss of priority, from 0.1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.1 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.0 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ to 1.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 39 South, Range 8 West, W.M., and to irrigate these lands, together with 6.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, from a point of diversion to be located 1060 feet South and 530 feet East from the North quarter-corner of Section 20, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 39 South, Range 8 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Grants Pass, Oregon, on June 10, 1975, at 9:30 a.m. The notice was published in the Grants Pass Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of April 14, 21 and 28, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a report to the effect that the proposed change in point of diversion and place of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion and place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 0.1 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.0 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 39 South, Range 8 West, W.M., with a date of priority of May, 1887, be severed therefrom and simultaneously and without loss of priority transferred to 1.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 39 South, Range 8 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from East Fork Illinois River, to wit:

From a point located 330 feet South and 480 feet East from the Northwest corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 39 South, Range 8 West, W.M.

To a point to be located 1060 feet South and 530 feet East from the North quarter-corner of Section 20, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 39 South, Range 8 West, W.M.

for the irrigation of 6.5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 39 South, Range 8 West, W.M., with a date of priority of May, 1887, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion and place of use made on or before October 1, 1976.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.274 cubic foot per second.

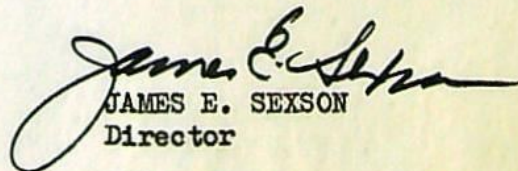
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to A. G. Croy and recorded at page 13844, Volume 12, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion and place of use a certificate of water right shall be issued to Edward Podoll and L. A. Cushing confirming the change in point of diversion and place of use.

Dated at Salem, Oregon, this 6th day of August, 1975.


JAMES E. SEXSON
Director

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That A. G. CROY

of Kerby, State of Oregon, has a right to the use of
the waters of East Fork Illinois River
for the purpose of irrigation ~~32.5~~ ^{13.7} acres

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

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

The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Tp. 39 S., R. 8 W., W. 4.
A description of the lands irrigated under such right, and to which the water is appurtenant (or,
if for other purposes, the place where such water is put to beneficial use), is as follows:

4.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 17;
19.4 ~~26~~ acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
3.4 ~~10.4~~ acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
0.1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 20;
5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 21,
T. 39 S., R. 8 W., W. 4.

An order of the Water Resources Director entered Aug 6, 1975 approved
a change in point of diversion & place of use for the irrigation of 13.7 acres. This
certificate is issued to confirm the remaining right not involved in the
change and supersedes the certificate heretofore issued to A. G. Croy
recorded at page 13844, State Record of Water Right Certificates.

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

WITNESS the signature of the State Engineer,

affixed this 1st day

of September, 1940.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 12, page 13844.

54968

LEGAL NOTICE

NOTICE OF FILING
APPLICATION FOR CHANGE
IN POINT OF DIVERSION AND
PLACE OF USE OF WATER

Notice is given hereby that Edward Podoll and L. A. Cushing have filed an application for the approval of a change in point of diversion and place of use of water from East Fork Illinois River.

Certificate of water right issued to A. G. Croy and recorded at page 13844, Volume 12, State Record of Water Right Certificates, confirms a right to the use of 0.924 cubic foot per second from East Fork Illinois River for the irrigation of, among other lands, 6.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 0.1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, all Sec. 20, T. 39 S., R. 8 W., W.M., with a date of priority of May, 1887.

Water for this use is diverted from a point located 330 ft. S. and 480 ft. E. from the NW corner of Sec. 27, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 39 S., R. 8 W., W.M.

The applicants herein, owners of the lands above described, propose to change the place of use of 0.1 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.0 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, and 1.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and to irrigate these lands, together with 6.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 6.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, from a point of diversion to be located 1060 ft. S. and 530 ft. E. from the NW corner of Sec. 20, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T. 39 S., R. 8 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on June 10, 1975, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Edward Podoll and L. A. Cushing, Box 204, Cave Junction, Oregon, 97523, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 8th day of April, 1975.

CHRIS L. WHEELER
State Engineer

No. 70-Mon-April 14, 21 and 28, 1975

AFFIDAVIT OF PUBLICATION

State of Oregon

County of Josephine

ss.

I, Charles J. Moore, being

first duly sworn, depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the Grants Pass Daily Courier, printer or his foreman of the Grants Pass Daily Courier, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid county and state; that the

NOTICE OF FILING APPLICATION FOR CHANGE IN POINT OF DIVERSION AND PLACE OF USE OF WATER copy of

which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues April 14, 21, and 28, 1975

Subscribed and sworn to before me this 28th day of April, 19 75

A. Kathleen Johnson
Notary Public of Oregon.

My commission expires 4th day of February, 19 76

RECEIVED

MAY 2 1975

STATE ENGINEER
SALEM, OREGON