

3095 Joe Naumes
Po Box 549 996
Midland, Or 97501

3095

STATUS OF APPLICATION

Change in place of use & point of diversion
Date filed 7-18-74
Date of hearing 1-6-76
Place of hearing Trants Pass
Date of order 1-30-76 Vol. 26, page 329
Date for application of water 10-1-76
Proof mailed MAY 02 2000
Proof received
Certificate issued MAR 08 2001 Vol. 76814, page Survey 8/76

DESCRIPTION OF WATER RIGHT

Name of stream Rogue River
Trib. of _____ County of Josephine
Use irrigation
Quantity of water _____ No. of acres 10 ²
Name of ditch _____
Date of priority December 31, 1919
In name of W. H. Flanagan
_____ Adjudication, Vol. _____, page _____
App. No. 6969 Per. No. 4364 Cert. No. 3435
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>7-18-74</u>	<u>40.00</u>	<u>42073</u>
<u>7-18-74</u>	<u>40.00 P.O.N.</u>	<u>42074</u>
<u>10-24-75</u>	<u>500 P.O.N.</u>	<u>50044</u>
TOTAL	<u>5900</u>	<u>FROM P.O.N. Rec. # 42074 & 50044</u>
<u>1-23-76</u>	<u>Cert. Fee</u>	

FEES REFUNDED

Date	Amount	Check No.
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Do with 52198 - (filed but)
this field form in the cabinet
12/28/87

REMARKS

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

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILD RIVER ORCHARDS, INC.
P.O. BOX 996
MEDFORD, OREGON 97501

confirms the right to use the waters of the ROGUE RIVER, a tributary of the PACIFIC OCEAN, for the purpose of IRRIGATION of 123.0 ACRES.

This right has been perfected under Permit 4364. The date of priority is DECEMBER 31, 1919. This right is limited to an amount actually beneficially used and shall not exceed 1.54 CUBIC FEET PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

LOT 1 (NE 1/4 NE 1/4), SECTION 19, T 36 S, R 6 W, W.M.; 650 FEET SOUTH AND 110 FEET WEST FROM THE NE CORNER OF SECTION 19; and

NE 1/4 NW 1/4, SECTION 20, T 36 S, R 6 W, W.M.; 50 FEET SOUTH AND 1800 FEET EAST FROM THE NW CORNER OF SECTION 20.

This right shall conform to any reasonable rotation system ordered by the proper state officer.

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

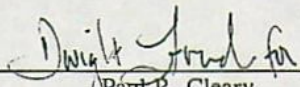
NW 1/4	SW 1/4	1.8 ACRES
SW 1/4	SW 1/4	10.0 ACRES
SECTION 17		
NE 1/4	SE 1/4	4.5 ACRES
SW 1/4	SE 1/4	3.4 ACRES
SE 1/4	SE 1/4	38.5 ACRES
SECTION 18		
NE 1/4	NW 1/4	33.0 ACRES
NW 1/4	NW 1/4	31.8 ACRES
SECTION 20		
TOWNSHIP 36 SOUTH, RANGE 6 WEST, W.M.		

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 JANUARY 30, 1976, and supersedes Certificate 3435, State Record of Water Right Certificates.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. This right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed MARCH 8, 2001.


Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 76814.

STATE OF OREGON

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This is to Certify, That

W. H. FLANAGAN

of Grants Pass, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Rogue River

a tributary of Pacific Ocean for the purpose of irrigation under Permit No. 4364 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 410, on the 17th day of October, 1921; that the priority of the right hereby confirmed dates from December 31, 1909;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.54 cubic feet per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

10 acres in the Southwest quarter of Southwest quarter of Section Seventeen: 38 acres in the Southeast quarter of Southeast quarter of Section Eighteen: 35 acres in the Northeast quarter of Northwest quarter and 40 acres in the Northwest quarter of Northwest quarter of Section Twenty, Township Thirty-six South, Range Six West of Willamette Meridian, in Josephine County, Oregon. (Being a total of 123 acres.)

10
38
35
40
—
123

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the seal and signature of the State

Water Board, affixed this 17th day

of October, 1921.

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER

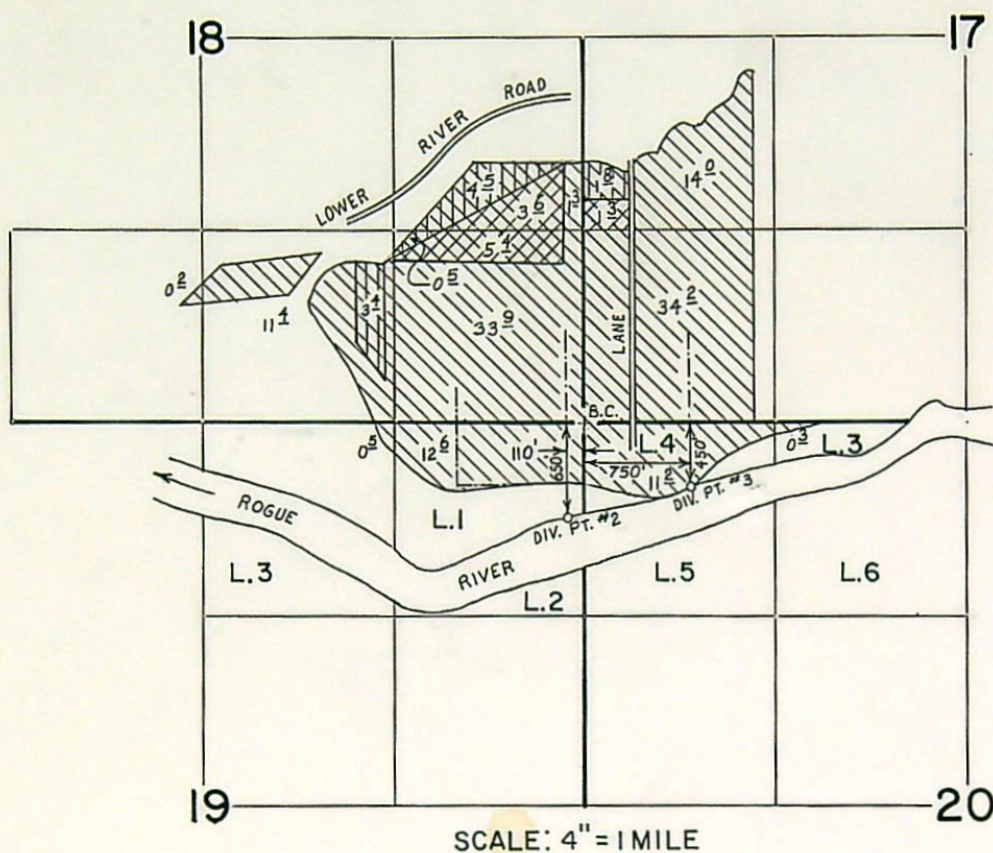
State Engineer, President

Attest:

R. W. POTTER

Secretary

T. 36S., R. 6W., W.M.



- IRRIGATED from DIV. PT. #2 (T-3095).
- IRRIGATED from DIV. PT. #2 & #3.
- FROST PROTECTION

FINAL PROOF SURVEY UNDER

TRANSFER NO. 3095

Application No. 52198 Permit No. 39303
IN NAME OF

WILD RIVER ORCHARDS, INC.

Surveyed JAN. 18, 1984, by B. S. JAMES

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF JOE NAUMES FOR THE APPROVAL OF
A CHANGE IN PLACE OF USE AND POINT
OF DIVERSION OF WATER FROM ROGUE
RIVER

ORDER APPROVING
TRANSFER NO. 3095

On July 18, 1974, Joe Naumes filed an application in the office of the Water Resources Director for the approval of a change in place of use and point of diversion of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to W. H. Flanagan and recorded at Page 3435, Volume 4, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.54 cubic feet per second of water from Rogue River for the irrigation of, among other lands, 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 8.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 36 South, Range 6 West, W.M., with a date of priority of December 31, 1919. These lands are irrigated from a point of diversion located 1350 feet South and 2200 feet West from the North-west corner of Section 20, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 36 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use to 1.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, 5.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 3.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 36 South, Range 6 West, and to irrigate these lands from points of diversion to be located

(1) 970 feet South and 675 feet West from the Northeast corner of Section 19, and (2) 750 feet South and 175 feet West from the Northeast corner of Section 19, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 36 South, Range 6 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 January 6, 1976, at 9:30 a.m. The notice was published in the Grants Pass Daily Courier, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of November 10, 17 and 24, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert 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 proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 8.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 36 South, Range 6 West, W.M., with a date of priority of December 31, 1919, be severed therefrom and simultaneously and without loss of priority transferred to 1.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, 5.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 3.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 36 South, Range 6 West, W.M.

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

From a point located 1350 feet South and 2200 feet West from the Northwest corner of Section 20, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 36 South, Range 6 West, W.M.

To points to be located (1) 970 feet South and 675 feet West from the Northeast corner of Section 19 and (2) 750 feet South and 175 feet West from the Northeast corner of Section 19, both being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 36 South, Range 6 West, W.M.

for the irrigation of 1.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, 5.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 36 South, Range 6 West, W.M., with a date of priority of December 31, 1919, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water 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 0.13 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 the certificate of water right heretofore issued to W. H. Flanagan and recorded at Page 3435, Volume 4, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Joe Naumes confirming the change in point of diversion and place of use, and including the balance of the right not involved in this proceeding.

Dated at Salem, Oregon, this 30th day of January, 1976.

/s/ JAMES E. SEXSON
Director

LEGAL NOTICE

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

Notice is given hereby that Joe Naumes has filed an application for the approval of a change in place of use and points of diversion of water from Rogue River.

Certificate of water right issued to W. H. Flanagan and recorded at page 3435, Volume 4, State Record of Water Right Certificates, confirms a right to the use of the waters of Rogue River for the irrigation of 2.0 acres in NE 1/4 NW 1/4 and 8.2 acres in NW 1/4 NW 1/4, Sec. 20, T. 36 S., R. 6 W., W.M., with a date of priority of Dec. 31, 1919.

These lands are irrigated from a point of diversion located 1350 ft. S. and 2200 ft. W. from the NW corner of Sec. 20, being within the NE 1/4 NW 1/4, Sec. 20, T. 36 S., R. 6 W., W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use to 1.8 acres in NW 1/4 SW 1/4, Sec. 17, 5.0 acres in NE 1/4 SE 1/4, Sec. 18, and 3.4 acres in SW 1/4 SE 1/4, Sec. 18, and to irrigate these lands from a point of diversion to be located (1) 970 ft. S. and 675 ft. W. from the NE corner of Sec. 19, and (2) 750 ft. S. and 175 ft. W. from the NE corner of Sec. 19, both being within the NE 1/4 NE 1/4, Sec. 19, T. 36 S., R. 6 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Ore., on January 6, 1976, 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 Joe Naumes, P.O. Box 549, Medford, Ore., and one copy filed with the Water Resources Director, Salem, Ore., together with a \$10 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 Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Director upon request.

Dated at Salem, Oregon, this 3rd day of November, 1975.

James E. Sexson
Director

No. 70 — Mon., Nov. 10, 17 & 24, 1975

AFFIDAVIT OF PUBLICATION

State of Oregon }
County of Josephine } ss.

Charles J. Moore

I, _____, 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

_____, a printed 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 _____ November 10, 17, and 24, 1975 _____

Subscribed and sworn to before me this _____ 24th _____ day of

November, 19 75

Kathleen Zehner
Notary Public of Oregon.

My commission expires _____ 4th _____ day of February _____, 1976