

Name Frederick James Mann

By _____

Address 403 Ringneck Lane
Suisun City, California
94585Change in PODDate filed January 20, 1978Date of hearing Sept. 27, 1978Place of hearing Grants PassDate of order 9-28-78 Vol. 31, page 270Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued OCT 20 1978 Vol. 39, page 46675
DEC 9 1988 Vol. 55, page 58746Notes: Lands irrigated should
be surveyed. This should be
noted on Field FormOK art
to sur 1/81

CARD FOR C NOV 4 1980

3869

DESCRIPTION OF WATER RIGHT

Name of stream Deer CreekTrib. of _____ County of Josephine

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority _____

In name of _____

_____ Adjudication, Vol. _____, page _____

App. No. 10549 Per. No. 7125 Cert. No. 8427

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>1-20-78</u>	<u>45.00</u>	<u>750</u>
<u>4-13-78</u>	<u>50.00</u>	<u>2151</u>
TOTAL . . .		
<u>8-24-78</u>	<u>\$2 Cert. Fee</u>	<u>Transfer fr. 750</u>
<u>Valley News \$31.77 pd 8-24-78 ck# 2561</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>8-24-78</u>	<u>21²³</u>	<u>2560</u>
	Exam 20-	
	POD 15-	
	cert 2-	
	37-	
	PON 51 ²⁷	
	<u>6877</u>	

REMARKS

- finish -

W.R.I.S.

Assembled 7-1-85 by Jed

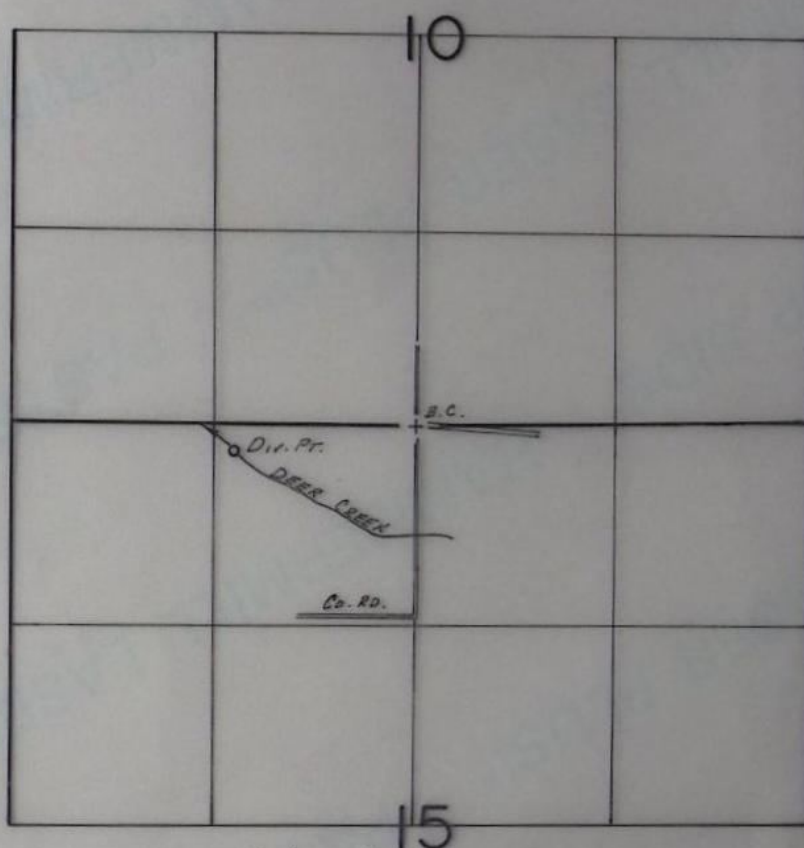
Entered _____ by _____

Verified _____ by _____

INDEX CARDS:

TO BE ENTERED WHERE CHECKED	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>Jed</u>	_____
<input checked="" type="checkbox"/> Stream	<u>Jed</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>Jed</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>Jed</u>	_____
<input checked="" type="checkbox"/> CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Typ. & Rge.	<u>Jed</u>	_____
<input checked="" type="checkbox"/> Decree-vault	<u>Jed</u>	_____
<input checked="" type="checkbox"/> Decree-sale	<u>Jed</u>	_____
<input checked="" type="checkbox"/> Cert. of Well	<u>Jed</u>	_____
<input checked="" type="checkbox"/> Per. Folder	<u>Jed</u>	_____
<input checked="" type="checkbox"/> Chafindex	<u>Jed</u>	_____
<input checked="" type="checkbox"/> Cross Ref.	<u>Jed</u>	_____
<input checked="" type="checkbox"/> Power Claim	<u>Jed</u>	_____
<input checked="" type="checkbox"/> Abstracts	<u>Jed</u>	_____

T.38S., R.7W., W.M.



DIV. PT. LOC.: 170 S. & 1220 W. FROM N 1/4 COR. SEC. 15

SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

Transfer No. 3869

IN NAME OF

FREDERICK JAMES MANN

Surveyed Dec. 10, 1984, by J.R. WOODROOF.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF FREDERICK JAMES MANN FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM DEER CREEK)

ORDER APPROVING
TRANSFER NO. 3869

On January 20, 1978, an application was filed in the office of the Water Resources Director by Frederick James Mann for approval of a change in point of diversion from Deer Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 8427, Volume 8, State Record of Water Right Certificates, in the name of J. W. Harmon, describes a right which includes the use of not to exceed 0.06 cubic foot per second from Deer Creek for irrigation of a certain 5.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, Township 38 South, Range 7 West, W.M., with a date of priority of January 7, 1926.

The point of diversion of record for said right is through the Harmon Ditch from a point located 1350 feet North and 800 feet East from the Center of Section 15, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 15.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom and, without loss of priority, to irrigate said lands from a point located 175 feet South and 1430 feet East from the Northwest Corner of Section 15, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 15.

Notice of the application, pursuant to ORS 540.520(2), was published in the Illinois Valley News, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of August 3, 10 and 17, 1978.

Mr. Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

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 under the subject right.

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

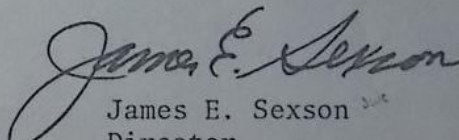
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 8427, Volume 8, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 28th day of September, 1978.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This is to Certify, That J. W. Harmon

of Dryden, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Deer Creek

a tributary of Illinois River for the purpose of
the Irrigation of 12.0 acres

under Permit No. 7125 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from January 7, 1926;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.21 cubic foot per second;
0.15

The point of diversion is located in the NW¹/₄NE¹/₄ of Section 15, Township 38S, Range 7W, W.M.
The use hereunder for irrigation shall conform to such reasonable rotation system as may be
ordered by the proper state officer.

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

A description of the lands irrigated under the right hereby confirmed, and to which such
right is appurtenant (if for irrigation or any other purpose), is as follows: 12 acres in the
NE¹/₄NW¹/₄ and 5 acres in the NW¹/₄NE¹/₄, Section 15, Township 38 South, Range 7 West of
The Willamette Meridian in Josephine County, Oregon.

5.0 acres NW¹/₄NE¹/₄

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7.0 12.0 acres in NE¹/₄NW¹/₄ - 5.05.0 acres in NW¹/₄NE¹/₄

(0.06 cfs)

Section 15

Tp-38 S-, R-7 W-, W.M.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 8427, Volume 8, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on Sept 28, 1978, approving transfer application No. 3869.

The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have
the right to take over the dams, plants and other structures and all appurtenances thereto which have
been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon
condition that before taking possession the State or municipality shall pay not to exceed the fair
value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and
dependable property of the holder of this certificate, not taken over, as may be caused by the
severance therefrom of the property taken in accordance with the provisions of section 5728,
Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 10th day

of December, 1929

Rhea Luper

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 8, page 8427.

T-3869

PUBLIC NOTICE

NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 3869

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The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom and, without loss of priority, to irrigate said lands from a point located 175 ft S & 1430 ft E from the NW Corner of Sec 15, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec 15.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on September 27, 1978, 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 Frederick James Mann, 403 Ringneck Lane, Suisun City, CA 94585; and one copy filed with the Water Resources Department, Salem, OR 97310, 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 Department upon request.

Dated at Salem, Oregon this 28th day of July, 1978.

James E. Sexson
Director

Publish: August 3, 10, 17, 1978

Affidavit of Publication

STATE OF OREGON, }
County of Josephine } ss.

I, Virginia L Gilliam, being first duly sworn, depose and say I am the forman of the printers of the Illinons Valley News, a newspaper of general circulation printed and published at Cave Junction in the aforesaid county and state, as defined in Section 58, Oregon Laws, that change in point of diversion for Deer Creek a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 weeks successive and consecutive three issues on the following dates: August 3, 10, 17, 1978

Virginia L Gilliam

Subscribed and sworn to before me this 17th day of aug, 1978

Walter F. McLean
Notary Public for Oregon

(My Commission expires June 16, 1982)

