

4172 Illinois Valley
Golf Ass'n

Name Illinois Valley Golf Ass'n, Inc.

4172

DESCRIPTION OF WATER RIGHT

By Dorance B. Noteboom, Agent

Address P.O. Box 749

Cave Junction, OR 97523

Change in POU, POD

Date filed March 15, 1979

Date of hearing March 26, 1980

Place of hearing Grants Pass

Date of order 5-30-80 Vol. 33, page 265*

Date for application of water 10-1-81

Proof mailed APR 07 2000

Proof received ✓

Certificate issued OCT 9 8 1980 Vol. 43, page 49701

MAR 08 2001 76808

Name of stream George Creek

Trib. of _____ County of Josephine

Use _____

Quantity of water _____ No. of acres 1-

Name of ditch _____

Date of priority 1884

In name of Benjamin George

Illinois River Adjudication, Vol. 13, page 107

App. No. _____ Per. No. _____ Cert. No. 13860

Certificate cancelled _____

Notation made on record by _____

OK 02

REMARKS

Note: A±=9404 upon approval.
See T-3126

Card for C NOV 2 0 1981

W.R.I.S.	
Assembled	<u>7-29-85</u> by <u>SW</u>
Entered	_____
Verified	_____ by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-15-79</u>	<u>105-</u>	<u>9674</u>
TOTAL . . .		
	Cert. Fee	

Illinois Valley News #28.90 pd 3/31/80 ck# 4108

FEES REFUNDED

Date	Amount	Check No.
<u>3/31/80</u>	<u>31¹⁰</u>	<u>4109</u>

EX 20-
POU 10
POD 15
PON 28.90
13.90

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
	Name	<u>SRB</u>	_____
	Stream	<u>SRB</u>	_____
	Pt. of Div.	_____	_____
	Calendar	<u>leg</u>	_____
	CHECKED TO RECORD		
	Twp. & Rge.	<u>SRB</u>	_____
	Decree-vault	<u>WJO</u>	_____
	Decree-sale	<u>SRB</u>	_____
	Cert. of W/R	<u>WJO</u>	_____
	Per. Folder	_____	_____
	Chairdex	_____	_____
	Cross Ref.	_____	_____
	Power Claim	_____	_____
	Abstracts	<u>leg</u>	_____

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ILLINOIS VALLEY GOLF ASSOCIATION, INC.
P.O. BOX 749
CAVE JUNCTION, OREGON 97523

confirms the right to use the waters of SPRINGS AND GEORGE CREEK, a tributary of THE EAST FORK ILLINOIS RIVER, for IRRIGATION OF 1.1 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 1884.

The use is limited to 0.022 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source, IF AVAILABLE AT ORIGINAL POINT OF DIVERSION.

The point of diversion is located as follows:

SW 1/4 NE 1/4, SECTION 16, T 39 S, R 8 W., W.M.; 1080 FEET NORTH AND 1030 FEET EAST FROM CENTER 1/4 CORNER OF SECTION 16; SE 1/4 NE 1/4, SECTION 16, T 39 S, R 8 W, W.M.; 510 FEET NORTH AND 325 FEET WEST FROM THE E 1/4 CORNER OF SECTION 16.

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

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

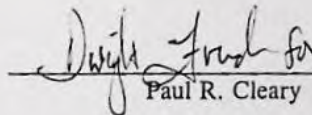
SW 1/4 NE 1/4 1.1 ACRES
SECTION 16
TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M.

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.

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 MAY 30, 1980, and together with Certificate 49701, supersedes Certificate 13860, 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.

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

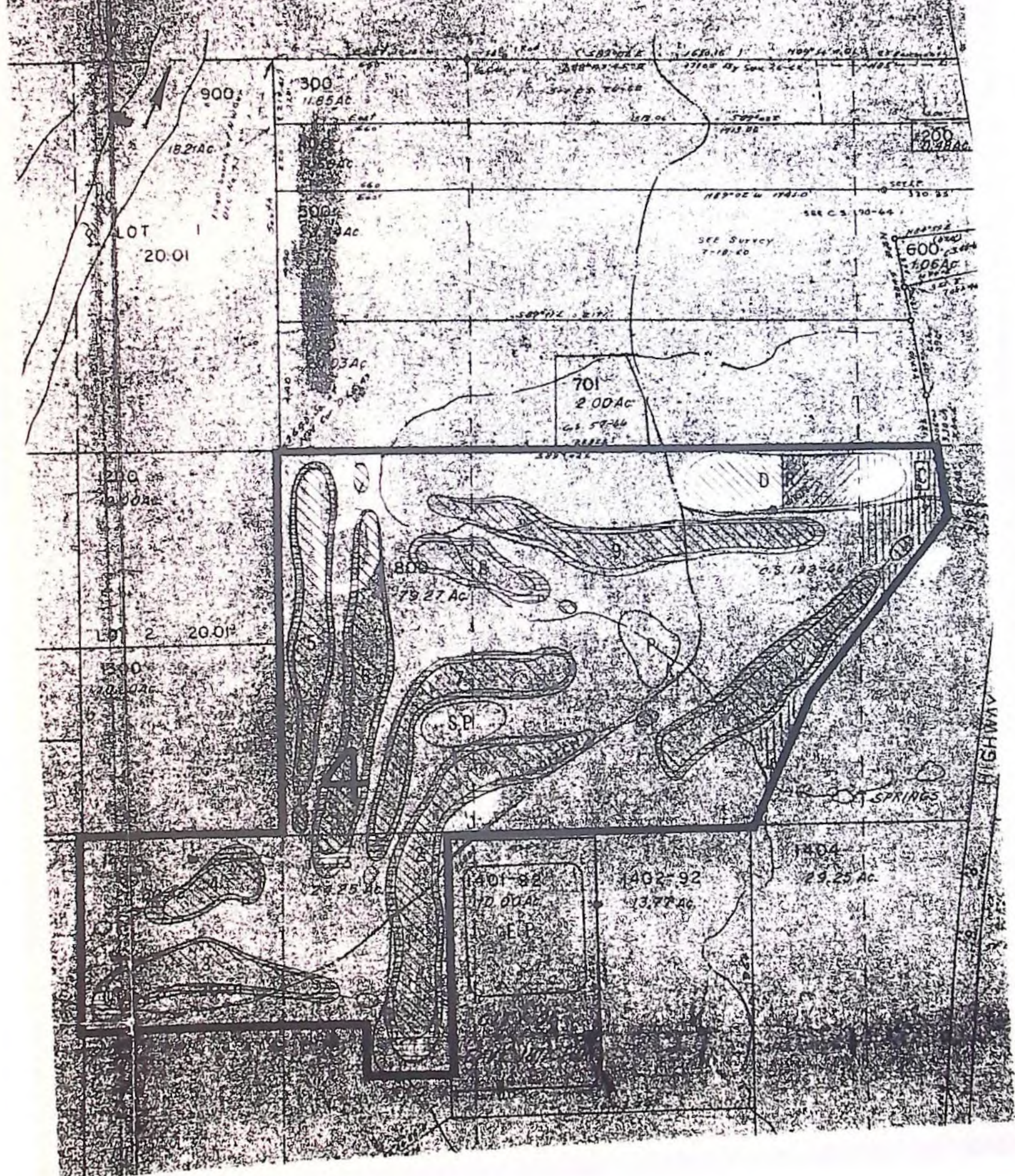

Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 76808.

T-4172.SB

SEE MAP 38 B 90

SEE MAP 39 B 90



STATE OF OREGON
COUNTY OF JOSEPHINE
PROPOSED CERTIFICATE OF WATER RIGHT

OK
Final
JLB
6/8/80

THIS CERTIFICATE ISSUED TO

ILLINOIS VALLEY GOLF ASSOCIATION, INC.
P.O. BOX 749
CAVE JUNCTION, OREGON 97523

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SW 1/4 NE 1/4 1.1 ACRES
SECTION 16
TOWNSHIP 39 SOUTH, RANGE 8 WEST, W.M.

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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.

1" = 400'

RECEIVED

JAN 21 1980

WATER RESOURCES DEPT.
SALEM, OREGON

SEE MAP 39 8 9

SEE MAP 39 8 9D

EXISTING WATER RIGHT

ILLINOIS VALLEY
GOLF COURSE

SCALE: 1" = 400'

LEGEND

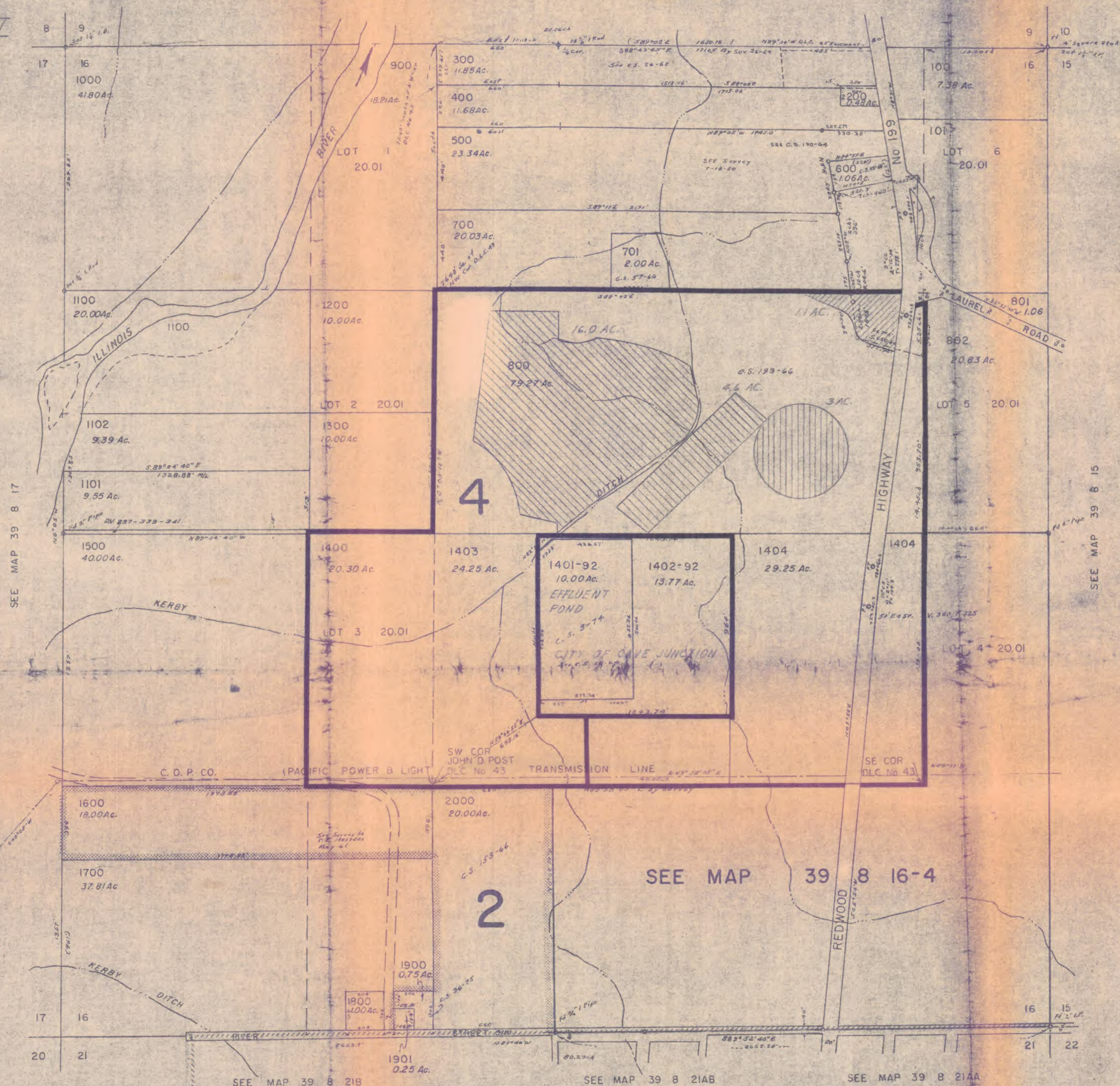
PROPERTY BOUNDARY

WATER RIGHTS

GEORGE CREEK
1884 1.1 AC.

KERBY DITCH
1887 20.6 AC.

2 NATURAL SPRINGS
1884 3.0 AC.



RECEIVED

JAN 21 1980

WATER RESOURCES DEPT
SALEM, OREGON

EXISTING WATER RIGHT

ILLINOIS VALLEY
GOLF COURSE

SCALE: 1" = 400'

LEGEND

PROPERTY BOUNDARY

WATER RIGHTS

GEORGE CREEK
1884 1.1 AC.

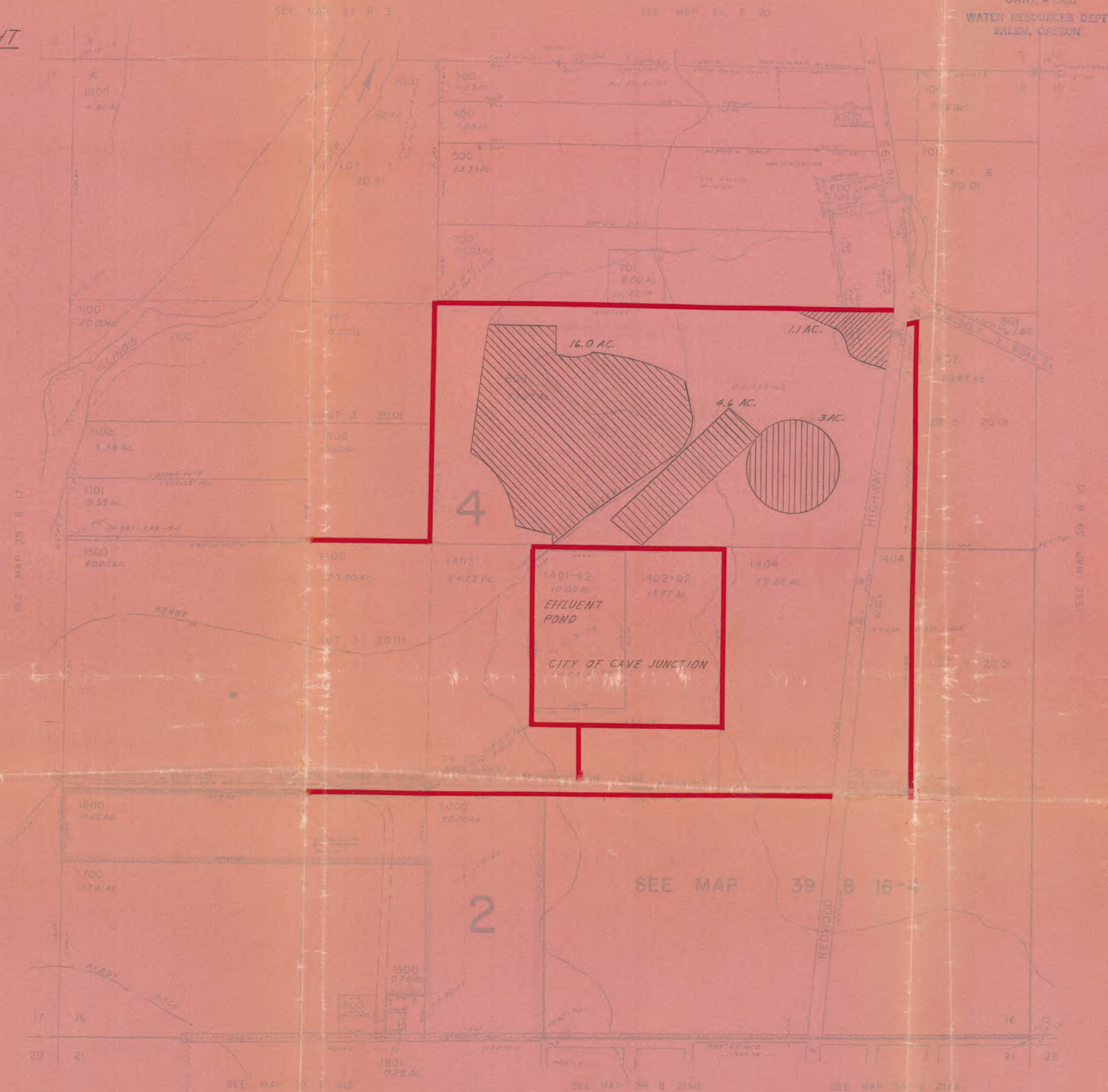
KERBY DITCH
1887 20.6 AC.

2 NATURAL SPRINGS
1884 3.0 AC.

RECEIVED

MAR 28 1979

WATER RESOURCES DEPT.
SALEM, OREGON



1" = 400'

RECEIVED
JAN 1984
WATER RESOURCES DEPT.
SALMON, OREGON

SEE MAP 38 8 30

SEE MAP 38 8 30

ILLINOIS VALLEY
GOLF COURSE
SCALE 1" = 400'
LEGEND

- PROPERTY BOUNDARY
- WATER RIGHTS
- GEORGE CREEK 1884 A.C.
- KERRY DITCH 1887 S.O.E. A.C.
- 2 NATURAL SPRINGS 1887 S.O.E. A.C.

RECEIVED
JAN 1984
WATER RESOURCES DEPT.
SALMON, OREGON



SEE MAP 38 8 31A

SEE MAP 38 8 31B

SEE MAP 38 8 31B

TI 8 32 332

21 8 32 332

POD
POU
USE
Add'1 POD

w/ T-4172
see T-4172 for
A-584-2/11911 map.
179-2322

County Josephine

1. Name Illinois Valley Golf Ass'n, Inc.

Address PO Box 749, Cave Junction, OR 97523

2. Source of Supply East Fork Illinois River Trib of _____

3. Use in

4. Amount of Water

5. Priority Date 1887

6. Proposed Point of Diversion

7. Completion Date Complete

8. Place of Use:

[illegible]

9 HOLE COURSE.

KIRBY
DITCH

INSTRUCTION OF MR. MAR.
PERMIT 44911
5-18-88 - BSJ

INFO: MET WITH RUSTY COSSER, GREENS SUPERVISOR.
HE SHOWED US SYSTEM.

SOURCE: EAST FORK ILLINOIS RIVER VIA: KERBY DITCH

DIV. IT: STRUCTURE, CONCRETE DAM ACROSS CREEK. IN GRAVEL.
HEADGATES @ ALONG DITCH TO RELEASE WATER
ONTO GREENS.

MOTOR
PUMP > N/A

Capacity of Kerby Ditch,
per watermaster measurement:

PIPE > NONE

USE: IRRIGATION OF GREENS

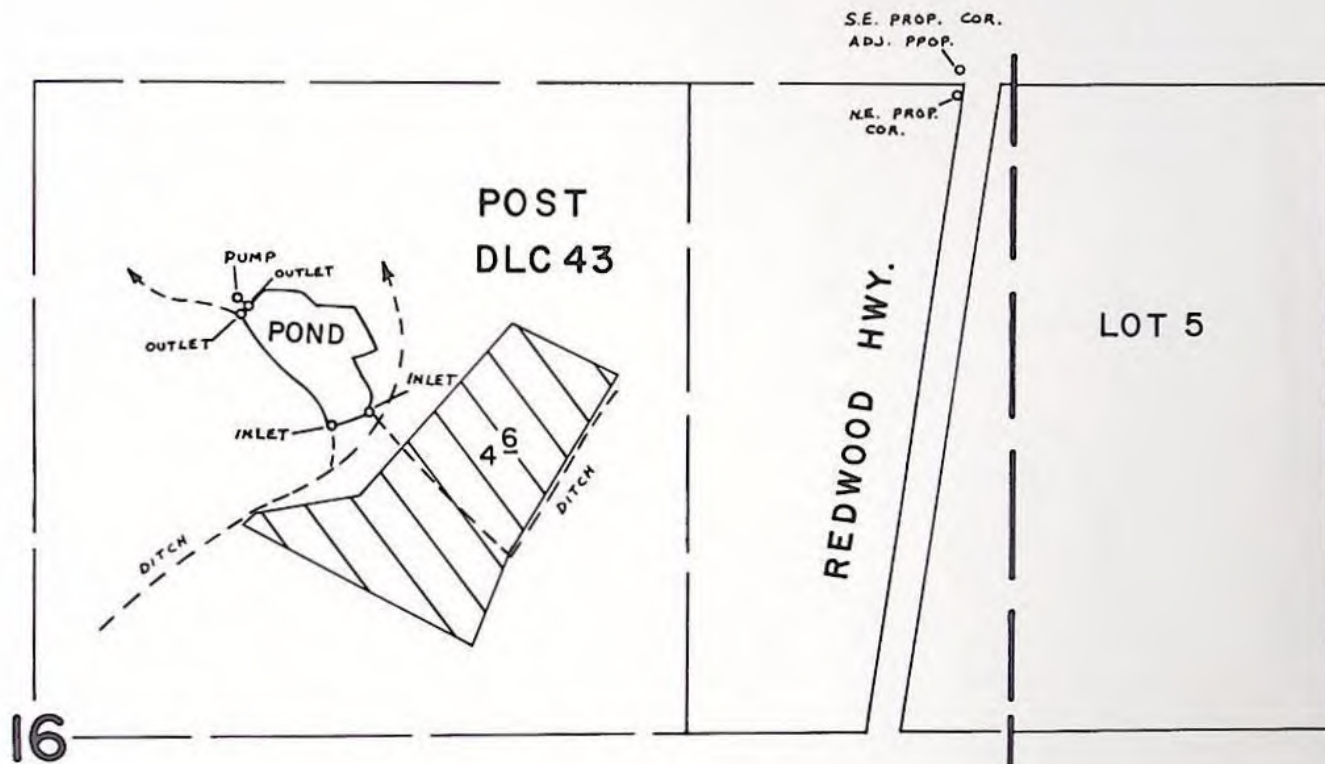
LIFT: FALL: 2' : 2000'

TIE: APPL. MAP PERMIT 44911

Brian Jones F.I.
8-16-88

REMARKS: SEE PERMIT 44911 & TR. 4172.

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



SCALE : 1" = 400 FT.

FINAL PROOF SURVEY
UNDER

Transfer No. 3126

Application No. Permit No.
IN NAME OF

ALBERT GURRIES

Surveyed JUN. 14 1979, by B. SUND

D.H.M.

P.T.S. - 1979 - 14 - B

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF ILLINOIS VALLEY GOLF ASS'N.,)
INC., FOR APPROVAL OF CHANGES IN)
PLACE OF USE AND POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER NO. 4172

On March 15, 1979, an application was filed in the office of the Water Resources Director by Illinois Valley Golf Ass'n., Inc., for approval of changes in place of use and point of diversion from springs and George Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is a portion of the right described by the certificate recorded at page 13860, Volume 12, State Record of Water Right Certificates, in the name of Benjamin George, and is for the use of not to exceed 0.022 cubic foot per second from springs and George Creek, under a priority date of 1884, for irrigation of a certain 1.1 acres in SE 1/4 NE 1/4, Section 16, Township 39 South, Range 8 West, W.M.

The authorized point of diversion is located 510 feet North and 325 feet West from the East Quarter Corner of Section 16, being within the SE 1/4 NE 1/4 of Section 16, Township 39 South, Range 8 West, W.M.

The applicant proposes to change the place of use and point of diversion therefrom and to irrigate in lieu thereof a certain 1.1 acres in SW 1/4 NE 1/4 of said Section 16 from a point located 1080 feet North and 1030 feet East from the Center of said Section 16, being within the SW 1/4 NE 1/4 of Section 16, Township 39 South, Range 8 West, W.M.

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 January 31 and February 7 and 14, 1980.

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

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, without loss of priority, are 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;

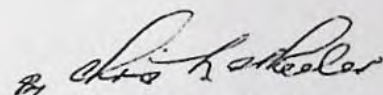
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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, 1981.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 13860, Volume 12, 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 30th day of May, 1980.


JAMES E. SEXSON
Director

T-4172
RECEIVED

MAR 15 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Illinois Valley Golf Ass'n., Inc., Darence B. Noteboom, Agent
(Name of applicant)
of P.O. Box 749, Cave Junction,
(Mailing address) (City)
State of Oregon, 97523, 592-3151, do hereby make application for change
(Zip Code) (Phone number)
in place of use and change in point of diversion
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No - Benjamin George
(If not, give name)
2. Was your water right determined by Decree of Court? yes If so, give title of proceedings
(Yes or No)
Illinois River Decree number of certificate 13860
3. Was your water right acquired by Water Right Permit? no If so, give number
(Yes or No)
of permit 13860 Number of certificate 13860

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is George Cr.
5. What is the date of priority of your water right? 1884
6. The authorized point of diversion is located 510 ft. N and 325 ft. W from the E $\frac{1}{2}$
(N. or S.) (E. or W.)
corner of Sec. 16 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16 Tp. 39 S. R. 8 W. W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Josephine The name of the ditch used is NA

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 1080 ft. N and 1030 ft. E from the center
(N. or S.) (E. or W.)
corner of Sec. 16 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16 Tp. 39 S. R. 8 W. W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Josephine The name of the ditch to be used is NA

EX 2000
POU 1000
POD 1500

8. The use to which the water is applied is irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
39 S	8 W	16	SE $\frac{1}{4}$ NE $\frac{1}{4}$	1.1 Ac.

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? No
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Land Sale Contract	Green Valley Investment Co.	\$79,996.00

13. The use to which the water is to be applied is irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
39 S	8 W	16	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1.1 Ac.

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

The amount of water now available is not sufficient to allow the Illinois Valley Golf Association to adequately irrigate the developed property.

15. Construction work will be completed on or before Summer of 1979

16. The water will be completely applied to the proposed use on or before Summer of 1979

Remarks To irrigate a portion of the Driving Range

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

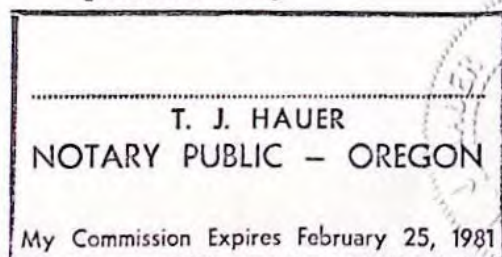
I, Dorence B. Notetboom, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 12th day of MARCH, 1979

Dorence B. Notetboom
(Name of applicant)

Subscribed and sworn to before me this 12th day of march, 1979

[Notarial Seal]



My commission expires

NOTARY PUBLIC FOR OREGON

2/25/81

RECEIVED

DEC 11 1981

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

Pou & Pod from George Creek

PURSUANT TO TRANSFER APPLICATION NO. 4172

I, Bob McGee ^{IVGA}, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by May 12, 1981

Dec 8-81
Date

[Signature]
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

OK
Jcy



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: January 25, 19 80FROM: ** Robert B. Steimer, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4172IN THE NAME OF Illinois Valley Golf Assn, Inc.

RECEIVED

JAN 30 1980

WATER RESOURCES DEPT
SALEM, OREGON

In my opinion the proposed change in POU & POD from springs & George Creek
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~ to an existing water right.

Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? No
(yes or no)

In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
 X (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

**

Robert B Steimer
Watermaster's signature or initials

PUBLIC NOTICE

**NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 4172**

The Water Resources Director of Oregon has received and filed an application by Illinois Valley Golf Assn., Inc., for approval, without loss of priority, of changes in place of use and point of diversion of water under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 13860, Volume 12, State Record of Water Right Certificates, in the name of Benjamin George, and is for the use of not to exceed 0.022 cubic foot per second from springs and George Cr.; under a priority date of 1884, for irrigation of a certain 1.1 ac. in SE 1/4 NE 1/4, Sec. 16, T 39S, R 8W, WM.

The authorized point of diversion is located 510 ft N & 325 ft W from the E 1/4 Corner of Sec 16, being within the SE 1/4 NE 1/4 of Sec 16, T 39S, R 8W, WM.

The applicant proposed to change the place of use & point of diversion there from and to irrigate in lieu thereof a certain 1.1 ac in SW 1/4 NE 1/4 of said Sec 16 from a point located 1080 ft N & 1030 ft E from the Center of said Sec 16, being within the SW 1/4 NE 1/4 of Sec 16, T 39S, R 8W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Wednesday, March 26, 1980, at the Josephine County Courthouse, Grants Pass, Oregon. Any objections to the proposed changes must be prepared in writing: one copy to be served on the applicant at PO Box 749, Cave Junction, OR 97523; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 24th day of January, 1980.

James E. Sexson, Director
Publish Jan. 31, Feb. 7 & 14, 1980

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 Illinois Valley News, a newspaper of general circulation printed and published at Cave Junction in the aforesaid county and state, as defined in Section 58, Oregon Laws, that Notice of Water Right Transfer Application #4172 a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three successive and consecutive three issues on the following dates:

Jan 31, Feb 7 & 14, 1980

Virginia L. Gilliam

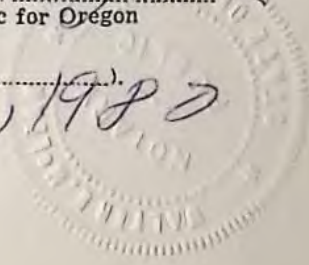
Subscribed and sworn to before me this 29 day of Feb, 1980

Walter M. Sean
Notary Public for Oregon

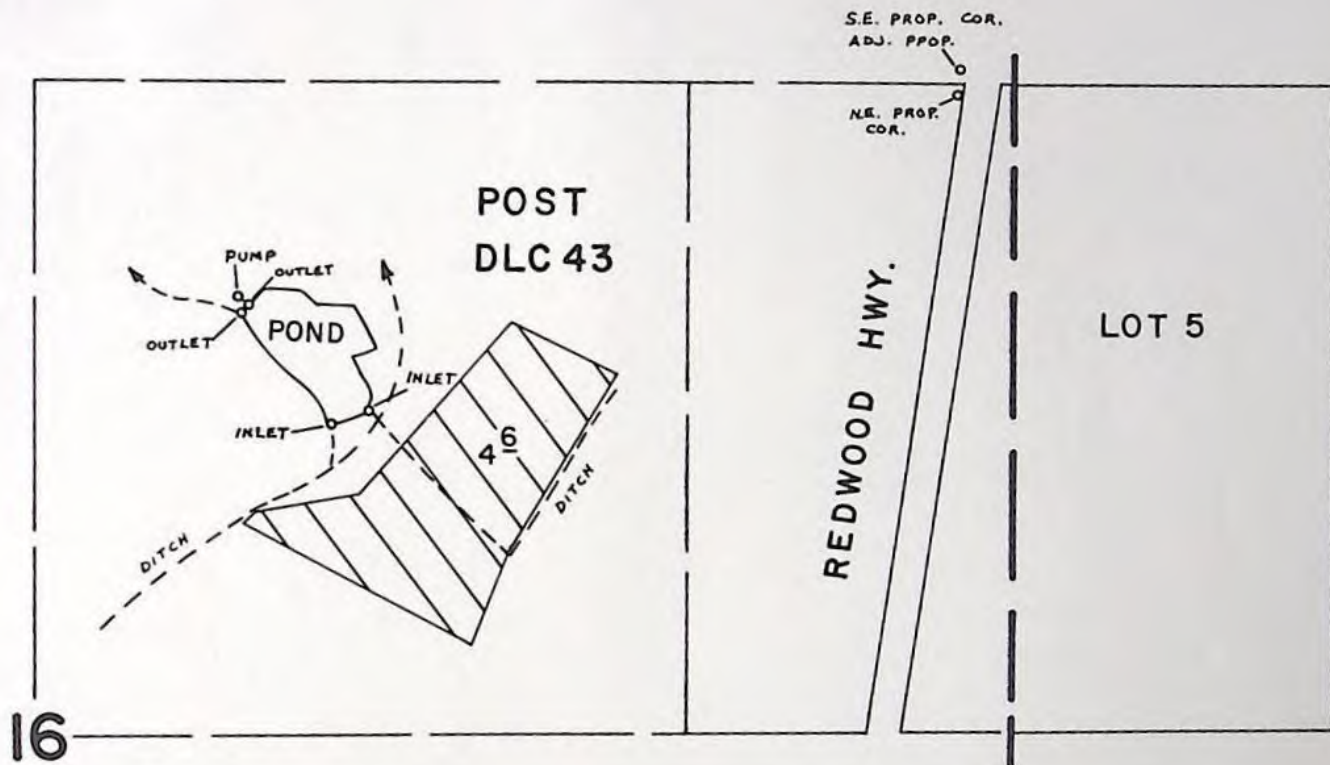
(My Commission expires Dec 16, 1980)

RECEIVED
MAR 3 1980
WATER RESOURCES DEPT
SALEM, OREGON

ok
Jcy



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



SCALE : 1" = 400 FT.

FINAL PROOF SURVEY
UNDER

Transfer No. 3126

Application No. _____ Permit No. _____
IN NAME OF

ALBERT GURRIES

Surveyed JUN. 14 1979, by B. SUND

D.H.M.

P.T.S. - 1979 - 14 - B

RECEIVED

MAR 15 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

EXHIBIT "A"

A parcel of land in Donation Land Claim No. 43 & Section 16, Township 39 South, Range 8 West, Willamette Meridian, Josephine County, Oregon, being more particularly described as follows:

Beginning at the Southwest corner of the North 1/2 of the South 1/2 of said D.L.C. no. 43; thence along the West line of said D.L.C. no. 43, North 0°15'48" West 51.83 feet; thence South 89°04'51" East 5.00 feet to an Iron Rod which is the true point of beginning; thence parallel with said West line, North 0°15'48" West 1273.10 feet to an Iron Rod which is 5.00 feet South of the North line of said North 1/2 of the South 1/2; thence parallel with said North line, North 89°48'02" East 347.02 feet to the center of George Creek; thence along the center of said creek, South 11°24'10" East 194.22 feet; thence continue along the center of said creek, South 61°19'15" East 126.76 feet; thence North 17°57'06" East 120.87 feet to an Iron Rod; thence South 79°03'26" East 629.73 feet to the center of George Creek; thence along the center of said creek, North 85°58' East 230.00 feet; thence continue along the center of said creek, North 83°16'00" East 69.76 feet; thence North 7°32'45" West 171.65 feet to an Iron Rod; thence North 89°48'02" East 701.59 feet to an Iron Rod; thence South 4°48'43" West 107.52 feet to the center of George Creek; thence along the center of said creek, South 86°22'08" East 234.71 feet; thence South 47°15' West 377.52 feet to an Iron Rod; thence South 34°19'15" West 252.84 feet to an Iron Rod; thence South 40°47'30" West 251.33 feet to an Iron Rod; thence South 14°42'15" West 497.89 feet to an Iron Rod which is 5.00 feet North of the South line of said North 1/2 of the South 1/2; thence South 89°53'04" West 1044.35 feet to an Iron Rod; thence South 0°00'15" West 710.09 feet to an Iron Rod; thence South 89°44'09" West 291.21 feet to an Iron Rod; thence North 0°15'51" West 190.00 feet to an Iron Rod; thence North 55°02'32" West 179.59 feet to an Iron Rod; thence North 75°52'23" West 161.61 feet to an Iron Rod; thence North 84°09'34" West 332.00 feet to an Iron Rod; thence South 71°36'12" West 181.66 feet to an Iron Rod; thence West 158.54 feet to an Iron Rod 5.00 feet East of the West line of the East 1/2 of the Southwest 1/4 of said Section 16; thence parallel with said West line North 0°07'02" East 458.80 feet to an Iron Rod 5.00 feet South of the North line of said East 1/2 of the Southwest 1/4; thence parallel with said North line South 89°04'51" East 661.78 feet to the true point of beginning.

Subject to all easements and rights-of-ways of public record.

This Exhibit "A" is part of an Agreement between Green Valley Investment, An Oregon Partnership as Seller and Illinois Valley Golf Association, Inc., An Oregon Corporation as Buyer.

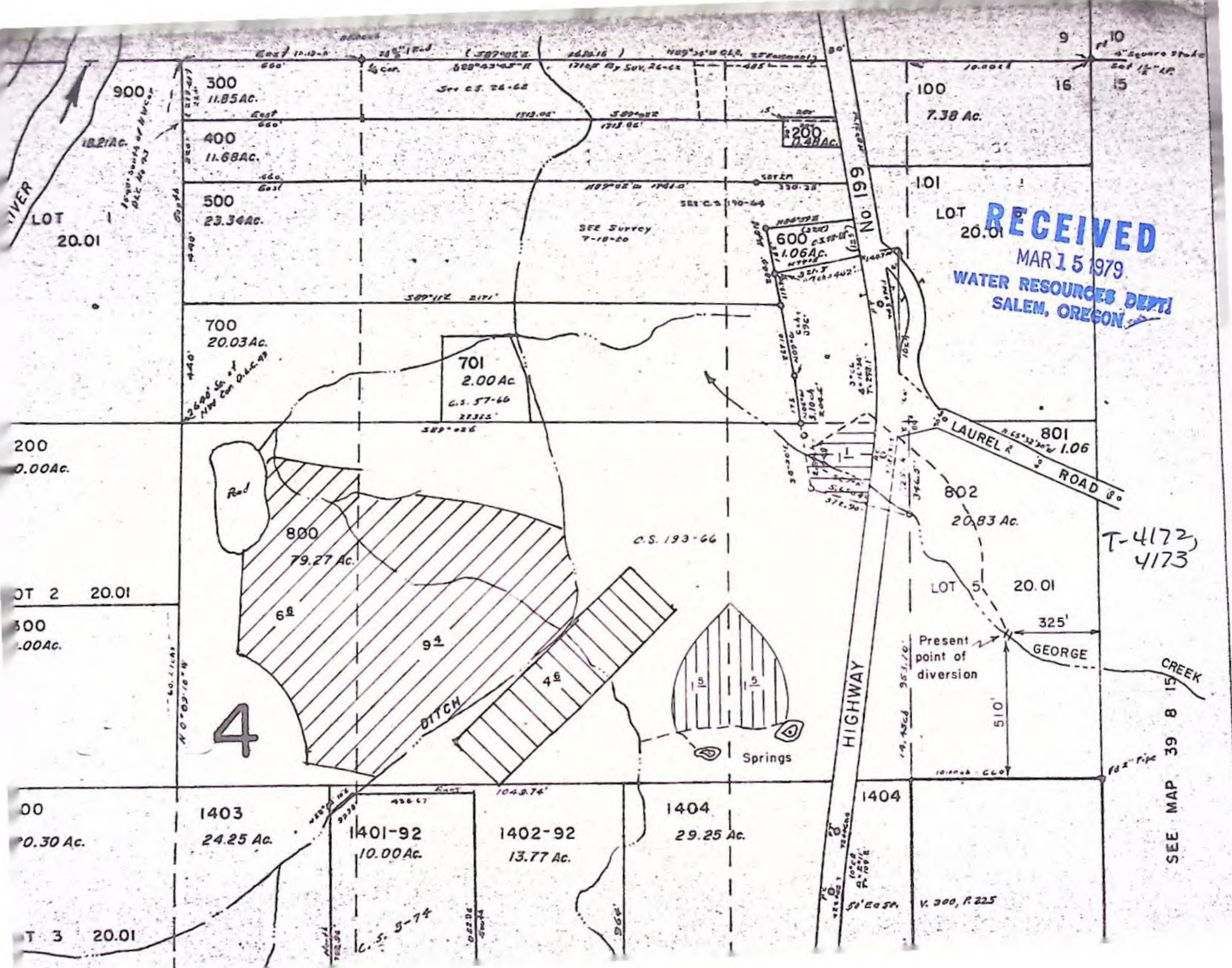
Dated this 14th day of December, 1978.

GREEN VALLEY INVESTMENT:

By: Daniel A. Hughes
By: Bob Deigo
By: Deborah A. Fuller

ILLINOIS VALLEY GOLF ASSOCIATION, INC

By: Lawrence M. Johnson
By: William White - Sec



RECEIVED
MAR 15 1979
WATER RESOURCES DEPT
SALEM, OREGON

T-4172
4173

SEE MAP 39 B 15



OCT 28 1980

Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

This certificated water right is appurtenant to the specific plan of use where it was established and belongs to the legal owner of the land.

The right exists only for the amount of water needed for the specific use and place of use described in the water right documents.

To change the place of use, point of diversion, or type of use of the water, an application must be filed with the Water Resources Director for approval of the proposed change.

Any portion of this water right is forfeited if allowed to go unused for five or more consecutive years. Also, the right may be lost at any time by an intentional act by the owner that would make the right unusable.

STATE OF OREGON

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

BENJAMIN GEORGE

of Kerby, State of Oregon 97531, has
a right to the use of the waters of
springs and George Creek

a tributary of Eask Fork Illinois River for the purpose of
irrigation of 4.4 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 WATER RESOURCES DIRECTOR, in Volume 13, at page 70; that the priority of the right
thereby confirmed dates from 1884;

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 $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16, T. 39 S., R. 8 W., W.M.;
510 feet North and 325 feet West from the E $\frac{1}{4}$ Corner of Section 16.

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

1.5 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
2.9 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 16
T. 39 S., R. 8 W., W.M.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 13860, Volume 12, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on May 30, 1980, approving transfer application No. 4172.

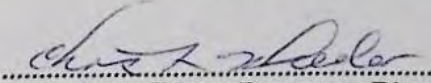
The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

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 the purposes aforesaid is restricted to the lands or place of use herein
described.

WITNESS the signature of the Water Resources Director, affixed

this date

October 28, 1980.


Deputy Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 43, page 49701



STATE OF OREGON

INTEROFFICE MEMO

RECEIVED

JUN 22 1979

WATER RESOURCES DEPT
SALEM, OREGON

TO: *Jim Carver*

DATE: *June 20, 1979*

FROM: *Robert B. Steimer*
Watermaster, District #14 *RBS*

SUBJECT: *File Nos. T-4172 and T-4173*

I have not completed the Watermaster's statement for T-4172 and T-4173 in the name of the Illinois Valley Golf Association as yet. I am still waiting for a copy of the map, which they are supposed to send me. When I do get a copy of it, I will forward the statement to you.

Just thought I'd let you know the reason for the hold up.

RBS:cc

T-4172

GENE L BROWN
DANIEL F HUGHES
MICHAEL J BIRD
RICHARD K LANE
MICHAEL L MOWREY

LAW OFFICES OF
BROWN, HUGHES, BIRD & LANE
409 N. E. SIXTH STREET
P. O. BOX 1249
GRANTS PASS, OREGON 97526
TELEPHONE [503] 479-2678

CAVE JUNCTION OFFICE
POST OFFICE BOX 234
[503] 592-2195

March 6, 1979

RECEIVED
MAR 15 1979
WATER RESOURCES DEPT.
SALEM, OREGON

Illinois Valley Golf Association
P.O. Box 749
Cave Junction, OR

Atten: Wilma White

Dear Mrs. White:

On March 6th, 1979 I spoke with the President of the Golf Association, Dorence Noteboom. He showed me a map requesting a change in the placement of the water rights for the Golf Association property.

This letter shall serve as approval from Green Valley Investment, contract vendor, to relocate the placement of water on the property depicted on the map presented to me. This placement of the water would correspond to your nine fairways and greens.

I make this authorization as one of the partners of the the Green Valley Investment, and the attorney for Green Valley Investment.

If I can be of any further assistance to you please don't hesitate to give me a call.

Yours truly,

Daniel F. Hughes

Daniel F. Hughes

DFH/rw

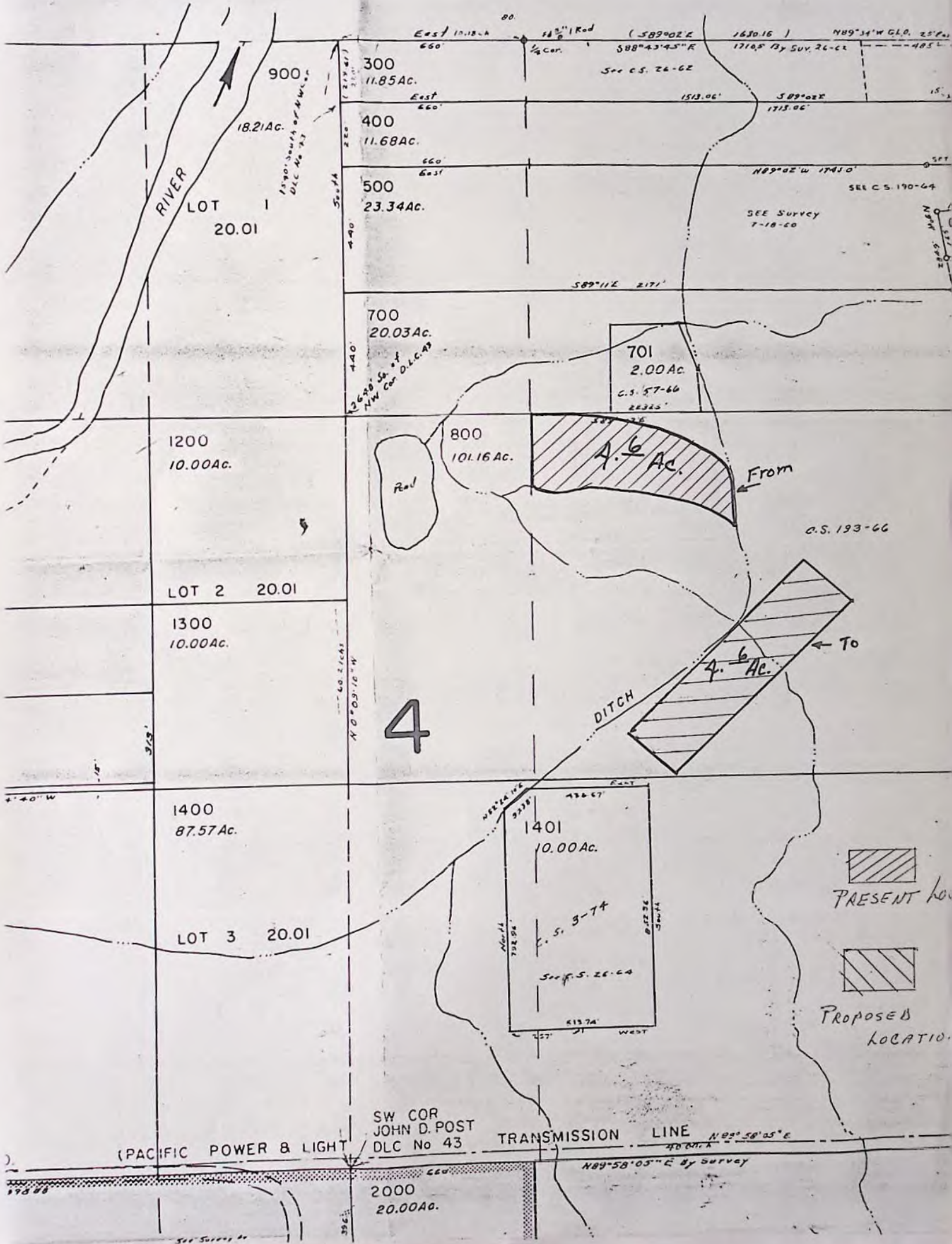
T-3126

SECTION 16 T.39S. R.8W. W.M.
JOSEPHINE COUNTY

1" = 400'

SEE MAP 39 8 9

SEE MAP 39 8 9D



PROPOSED WATER RIGHT

ILLINOIS VALLEY
GOLF COURSE

SCALE 1" = 400' (APPROX.)

LEGEND

- COURSE BOUNDARY
C CLUBHOUSE
P POND
SP STORAGE POND
EP EFFLUENT POND
1-9 HOLE NUMBER
DR DRIVING RANGE

WATER RIGHTS

- GEORGE CREEK 1894 41 AC.
KERBY DITCH 1897 20.6 AC.
2 NATURAL SPRINGS 1884 30 AC.
NEW APPLICATION 12.1 AC. (IMMEDIATE)

NOTE: 2 SPRINGS
ARE AN UNRELIABLE
SOURCE AND WOULD
STORED IN POND, TO
BE USED AROUND
CLUBHOUSE

ZONE	GEORGE CREEK	KERBY DITCH	NAT. SPRING	NEW APPR.	TOTAL AREA
C			0.8	2.2	3.0
DR	2.1				2.1
1	2.1		1.3		3.4
2	3.2		2.2		5.4
3	1.9		1.1		3.0
4	1.0		0.5		1.5
5	2.1		1.5		3.6
6	2.4		1.9		4.3
7	2.1		1.2		3.3
8	0.9		0.6		1.5
9	2.3		1.7		4.0
TOTAL	11	20.6	3.0	12.0	36.6

TOTAL COURSE AREA 40.0 AC.
PRESENT WATER RIGHT 24.7 AC.
PROPOSED INCREASE 15.3 AC.
IMMEDIATE INCREASE 12.1 AC.

ADDITIONAL WATER TO BE OBTAINED
THROUGH AGREEMENT WITH CITY OF
GAIN JUNCTION FOR TREATMENT
MUNICIPAL WASTE WATER



SE 1/4 NW 1/4 SEC 27
T39S R8W
DIVISION POINT FOR KERBY DITCH

WATER RIGHT
APPORTIONMENT
KEY

- G GEORGE CREEK 1894
K KERBY DITCH 1897
S 2 NATURAL SPRINGS
N NEW APPLICATION
C CLUBHOUSE AREA
DR DRIVING RANGE
1-9 HOLE NUMBER

ZONE	SE 1/4 NE 1/4	SW 1/4 NE 1/4	SE 1/4 NW 1/4	NE 1/4 SW 1/4
		0.8S		
C	2.2S			
DR	0.5K	1.6K		
1	0.2K	1.9K		
2		0.8K	0.6K	1.8K
3		0.8N	0.4N	1.0N
4				1.9K
5			2.1K	1.1N
6			1.5N	1.0K
7		0.8K	1.2K	0.5N
8		0.5N	0.7N	
9		0.5K	0.4K	
TOTAL	2.9	14.9	11.3	7.7

RECEIVED

JAN 21 1980

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

MAR 15 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Illinois Valley Golf Ass'n., Inc., Darence B. Noteboom, Agent

(Name of applicant)

of P.O. Box 749

(Mailing address)

Cave Junction

(City)

State of Oregon97523

(Zip Code)

592-3151

(Phone number)

do hereby make application for change

in place of use and change in point of diversion

(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No - Benjamin George

(If not, give name)

2. Was your water right determined by Decree of Court? yes If so, give title of proceedings

(Yes or No)

Illinois River Decreenumber of certificate 138603. Was your water right acquired by Water Right Permit? no If so, give number

(Yes or No)

of permit Number of certificate

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is George Cr.5. What is the date of priority of your water right? 18846. The authorized point of diversion is located 510 ft. N and 325 ft. W from the E $\frac{1}{2}$

(N. or S.)

(E. or W.)

corner of Sec. 16 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16 Tp. 39 S R. 8 W W. M.,

(No. N. or S.) (No. E. or W.)

in the county of Josephine The name of the ditch used is NA

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 1080 ft. N and 1030 ft. E from the center

(N. or S.)

(E. or W.)

corner of Sec. 16 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16 Tp. 39 S R. 8 W W. M.,

(No. N. or S.) (No. E. or W.)

in the county of Josephine The name of the ditch to be used is NA

8. The use to which the water is applied is irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
39 S	8 W	16	SE $\frac{1}{4}$ NE $\frac{1}{4}$	1.1 Ac.

(If more space required, attach separate sheet)

X 9. Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)

X 10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? No
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Land Sale Contract	Green Valley Investment Co.	\$79,996.00

13. The use to which the water is to be applied is irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
39 S	8 W	16	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1.1 Ac.

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

The amount of water now available is not sufficient to allow the Illinois Valley Golf Association to adequately irrigate the developed property.

15. Construction work will be completed on or before Summer of 1979

16. The water will be completely applied to the proposed use on or before Summer of 1979

Remarks To irrigate a portion of the Driving Range

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

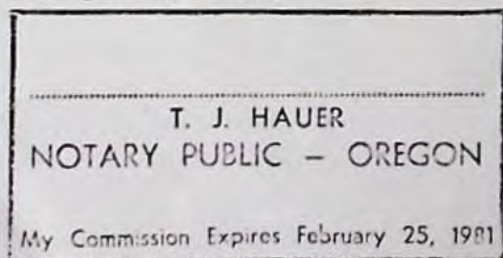
I, Dorence B. Notetboom, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 12th day of MARCH, 1979

Dorence B. Notetboom
(Name of applicant)

Subscribed and sworn to before me this 12th day of March, 1979

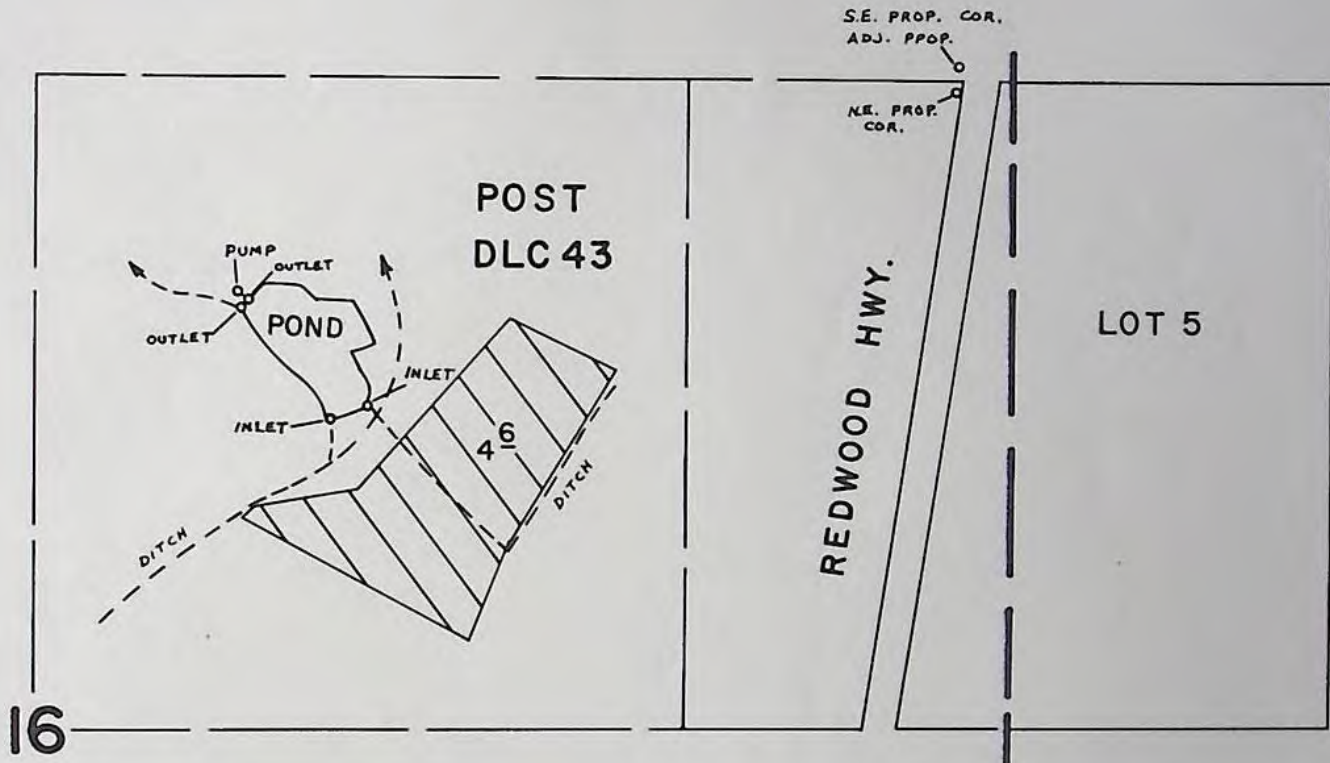
[Notarial Seal]



[Signature]
NOTARY PUBLIC FOR OREGON
My commission expires 2/25/81

RECEIVED
JAN 21 1980
WATER RESOURCES DEPT.
SALEM, OREGON

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



SCALE : 1" = 400 FT.

FINAL PROOF SURVEY
UNDER

Transfer No. 3126

Application No. Permit No.
IN NAME OF

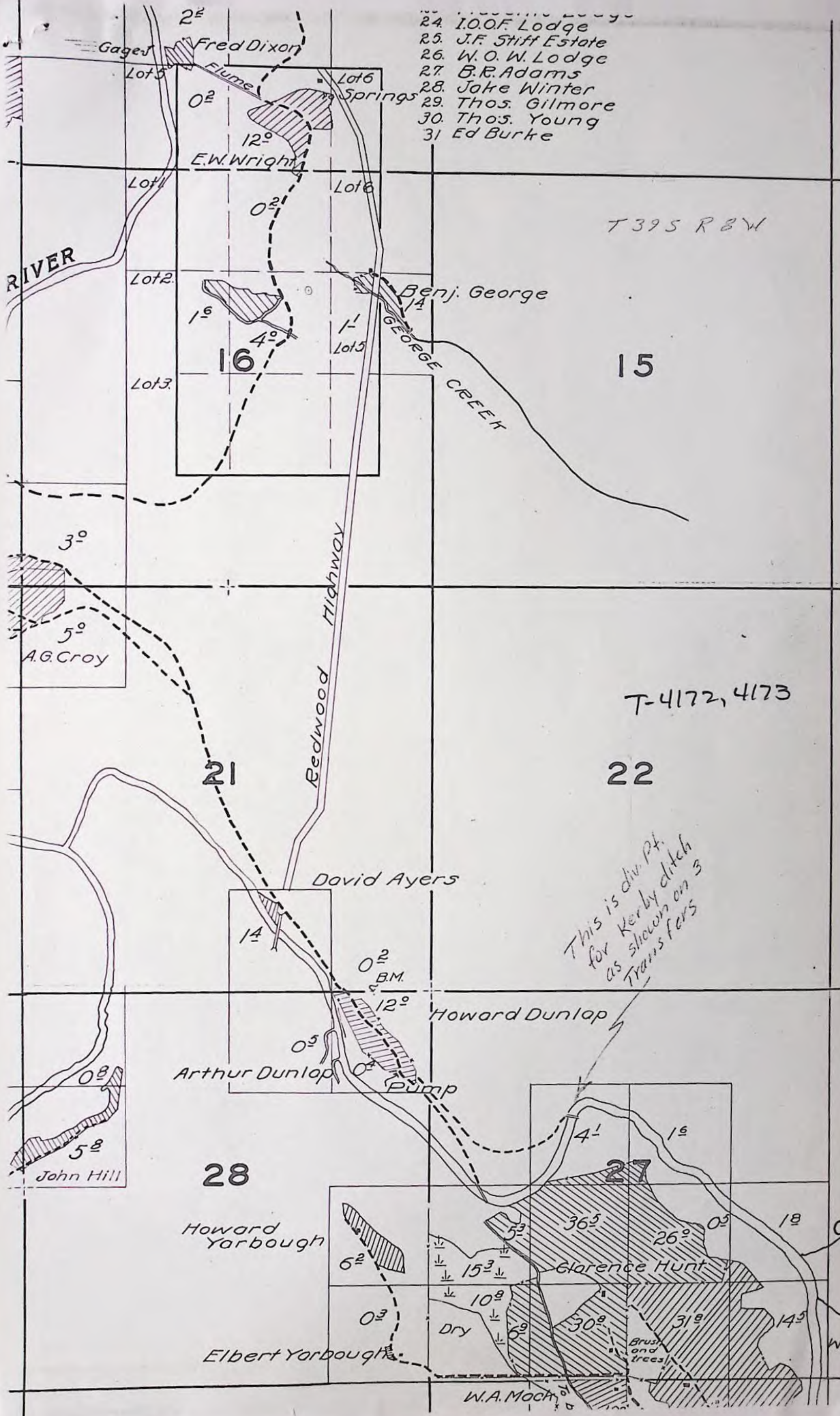
ALBERT GURRIES

Surveyed JUN. 14 1979, by B. SUND

D.H.M.

P.T.S. - 1979 - 14 - B

NAME AND ADDRESS OF APPLICANT of Appropriator	Relative Priority	Cubic Feet Per Second	Acres	Use	Name of Ditch	Stream	Place of Use
13858 Gandolfo, Joseph L. (Continued) Proof 47	1896		19.2	Irrigation, domestic, and stock	Upper Abbott Creek Ditch	Abbott Creek, both right and left forks above junction	19.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 39 S., R. 8 W., W.M.
(NOTE: The lands irrigated under this ditch are supplemented by the flow from main Abbott Creek through the lower Missner Ditch. See under Proof 46.)							
13859 Proof 48	Fall 1902		35.8	Irrigation, domestic, and stock	Missner Ditch or Twohy Ditch	Illinois River	30.8 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 39 S., R. 8 W., W.M.
13860 George, Benjamin Kerby, Ore. Proof 49 T-4172 & POU & POU (L-4 SE 'NE')	1884		5.5	Irrigation	George Ditch	Springs and George Creek, trib. of East Fork Illinois River	1.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T. 39 S., R. 8 W., W.M.
13861 42163 Proof 50 T-4173 & POU #11	May, 1887		20.6	Irrigation	Kerbyville Milling & Irrigation Co. Ditch	East Fork Illinois River	14 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T. 39 S., R. 8 W., W.M. ✓
13862 George, R. P. Kerby, Ore. Proof 51	1871		41	Irrigation	Adams Ditches	Springs and Wood Creek, trib. of West Fork Illinois River	1.3 acres in Lot 3 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 12.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 17.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29; 3.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T. 40 S., R. 8 W., W.M.
13863 Gilligan, Thomas O'Brien, Ore. Proof 52	May 1, 1905		20	Irrigation	Dam and ditch	Elk Creek	10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T. 41 S., R. 9 W., W.M.
Griffin, Frank Kerby, Ore. Proof 53	(NOTE: Rights acquired under State Engineer's Permit No. 5553, Certificate No. 5145.)						
Proof 54	(NOTE: Rights acquired under State Engineer's Permits Nos. 6862 and 7686.)						



- 24. I.O.O.F. Lodge
- 25. J.F. Stiff Estate
- 26. W.O.W. Lodge
- 27. B.R. Adams
- 28. Jake Winter
- 29. Thos. Gilmore
- 30. Thos. Young
- 31. Ed Burke

T 39 S R 8 W

15

T-4172, 4173

22

This is div. pt.
for Kerby ditch
as shown on 3
transfers

28

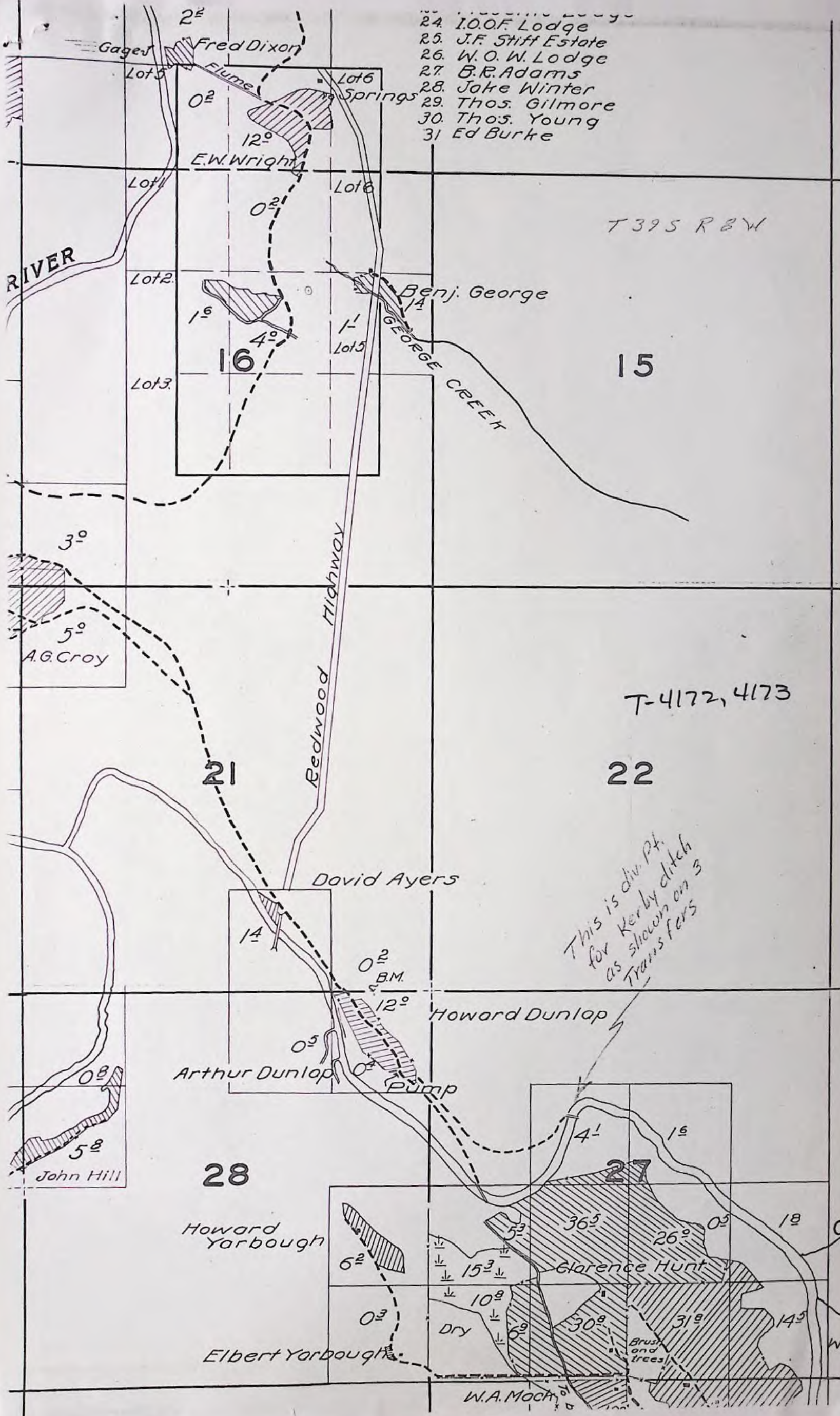
27

Howard Yarbough

Glarence Hunt

Elbert Yarbough

W.A. Moch



BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

RECEIVED
JUN 05 1979
WATER RESOURCES DEPT.
SALEM, OREGON

Water Division No _____ Count _____

In the Matter of the Determination of the Relative

Rights to the Waters of Illinois River
_____ and its tributaries, a
Tributary of Rogue River

STATEMENT AND PROOF OF CLAIMANT.

_____ Ditch.

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

STATE OF OREGON,

County of Josephine

} ss.

_____ of _____ Oregon,
being called as a witness in support of this Statement of Claim, and being first duly sworn, testified as follows:

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. Benjamin George, Kerby, 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, springs and George Cr., trib of E.F. Ill. R., trib of Rogue River

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. by appropriation, diversion, and use

(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right? A. 1884

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. by constructing dam & ditch, & by appropriating and using the water, and by sub-irrigation and natural overflow, by fencing the land, by pasturing the land, and by harvesting the grass from the naturally sub-irrigated land

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A. 1884

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. by sub-irrigation & natural overflow and by means of a dam and ditch known as the George Ditch

9. Q.—State the interest claimant has in such ditch, with the names of any other water users interested therein.

A. owner

10. Q.—State the date of the beginning of construction. A. 1884

11. Q.—State the date of completion? A. 1884

12. Q.—State the dimensions of the ditch as originally constructed, just below the waste way or head gate?

A. Width (top) 2.5 feet; width (bottom) 2 feet; depth 1 foot; grade, or fall in feet per 1000 feet, 2 feet.

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged? *No enlargement*

A. — no enlargement

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 6} _____ acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year? *about 4 acres.*

A— about 4 acres

16. Q.—How many acres were irrigated each subsequent year up to and including the present year? *Probably all irrigated by 1890*

A.— probably all irrigated by 1890

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 smallest legal subdivision (40-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.—

[illegible]

Total 5.5 acres

19. Q.—State the character of the soil and kind of crops cultivated?

19. Q.—State the character of the soil and kind of crops cultivated?
 A.—Sandy loam and gravelly loam. Grain, alfalfa, clover, garden crops, orchard, etc.

20. Q.—When does the irrigating season begin and when does it end, and if water is used for other purposes, during what months is it used? 4-1 to 4-30

A- April 1 to September 30

21. Q.—What amount of water do you estimate is necessary for the proper irrigation of the lands which you are irrigating or propose to irrigate, or for any other purpose for which a right is claimed?

4. 7 acre feet per acre

*22. Q.—Do you accept the maps prepared by the State Engineer as showing correctly the location of said ditch and the lands irrigated therefrom? *Maps are correct as to the location of ditch and point but do not show the springs or entire area that has been irrigated.*
A. Maps are correct as to the location of ditch and point of diversion
but do not show the springs or entire area that has been irrigated.

****23. Q.**—If water is used for power, state the total fall utilized and the theoretical (not actual) horse power developed.

A.—

24. Q.—Describe the nature of the works by which the power is to be developed, the place where located, and state whether the water is returned to the stream after use and at what point?

A.—

25. Q.—If for mining purposes, describe the location and character of the mines to be served and state whether after use the water is returned to the stream and at what point?

A-

26. Q.—If water is used for mining or power purposes, state whether there are any diversions between the point of your diversion and the return of such water to the stream.

A.—

***27. Q.—If the right claimed was initiated prior to February 24, 1909, but the water not yet fully applied, state whether such right was initiated by the construction of a new ditch or the enlargement of an existing ditch, and whether storage works are to be constructed?

A.—

***28. Q.—Give the length of such proposed ditch? A.—.....

***29. Q.—What is the estimated cost of such proposed construction? A.—

***30. Q.—When are the works intended to be completed? A.—_____

***31. Q.—State in detail, the number of acres which you propose to irrigate in each smallest legal subdivision (40-acre tract) under such proposed ditch or enlargement, using the following form. The lands at present actually irrigated should be described in answer to question 17. (Attach a separate sheet if necessary.)

A.—

[illegible]

Total _____ acres

#27 - Give Description of land:

S 1/2 NE 1/4 and E 1/2 SE 1/4 NW 1/4, Sec. 16, T39S, R8W, and other lands adjoining

***32. Q.—How many miles of ditch and what other construction work has been completed to date? A.—

***33. Q.—State the cost of construction to date? A.—

34. Q.—What interest have you in the lands irrigated or place where the water is used?

owner of half interest
A.— Owner of half interest

35. Q.—Name at least three witnesses who will substantiate the statements herein made by you? Give their postoffice addresses.

A.—

36. Q.—What additional evidence have you attached hereto or submitted herewith? *maps*

A.—

(If the witness finds the space insufficient to properly answer any question, he should attach hereto said answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own, should attach to its proof a complete list of the persons owning the lands so supplied, with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit, should be attached to this proof and marked for identification as Exhibit "A," "B," "C," etc.)

I hereby certify upon oath that the foregoing statements and answers are true as I verily believe.

Ben George Ben George

Signature of Claimant, or agent making proof.

10 Nov 1928
Subscribed and sworn to before me this 10th day of November 1928

11-14-1928
Superintendent of Water Division No. _____ of State of Oregon.

Filed: November 14 1928

See other claim
Fees paid: see other claim

Superintendent, Water Division No. _____, State of Oregon.

*In case there is objection to the official plat the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the Division Superintendent a map of said ditch and irrigated lands, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land which is irrigated.

**Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 8.8 (one cubic foot per second falling 8.8 feet equals one theoretical horsepower, or 550 foot pounds per second).

***Where a water right has been initiated prior to February 24, 1909, and the works are incomplete, or the water not yet or only partially applied to beneficial use, a map of lands on the above scale should accompany this statement, or filed with the Division Superintendent within thirty days from date of proof, which maps should be drawn on uniform sheets of tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should show the area which it is proposed to irrigate in each 40-acre tract, as well as main canals and general plans of all important structures to be built. The affidavit of surveyor or engineer should be attached, with data. The surveys of the State Engineer will show only constructed works and lands now irrigated. Questions 26, 27, 28, 29, 30, 31 and 32 relate only to uncompleted rights.

AUTHORIZATION OF AGENT.

_____ of _____
State of _____ do hereby make and appoint _____

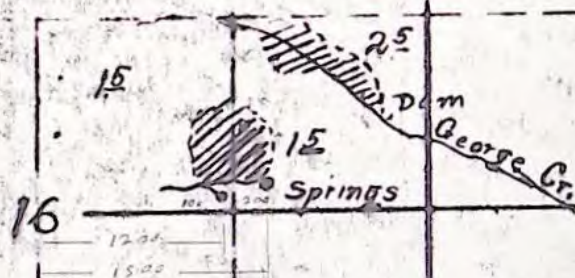
_____ of _____, my agent and attorney for me and in my name, place and stead, to make and submit the within Statement and Proof of Claimant, and I hereby designate said agent as the proper party upon whom lawful and valid service may be made of all process and notices in any contest commenced by or against me, in the within entitled matter, and said agent is hereby duly authorized to appear in any and all such contests as my true and lawful agent and attorney, giving and granting unto my said attorney full power and authority to do and perform all and every act necessary and requisite to be done in the premises, as fully as I might or could do if personally present, hereby ratifying and confirming all my said agent shall lawfully do by virtue of this power.

Signature of Claimant.

Reef 49

13860

39-8-16



Map to accompany
T. 39 S. R. 8 W.

Claim No. 2

BEFORE THE STATE ENGINEER OF OREGON

RECEIVED
JUN 05 1979
WATER RESOURCES DEPT.
SALEM, OREGON

Josephine County

13861

In the Matter of the Determination of the Relative Rights

to the Waters of Illinois River,

and its Tributaries,

a Tributary of Rogue River.

STATEMENT AND PROOF OF CLAIM

(The claimant must submit separate claim as to each priority under which a water right is claimed.)

I, the undersigned, of Kerby, Oregon, being called as a witness in support of this statement of claim, and being first duly sworn, testify as follows:

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.— Benjamin George, Kerby, 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, East Fork Illinois River, tributary of Rogue River.

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.— by appropriation, diversion and use.

(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— May 1887.

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.— By constructing dam and ditch and by appropriating and using the water.

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.— 1879.

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.— by means of dam and ditch known as the Kerby ditch.

9. Q.—State the interest claimant has in such ditch, with the names of any other water users interested therein.

A.— Claimant has sufficient interest in the ditch to cover the appropriation of the water to which he is entitled. There are about 30 water users under the Kerby ditch.

[Proof No. 50]

10. Q.—State the date of the beginning of construction. A.—.....1887.....

11. Q.—State the date of completion. A.—1889

12. Q.—State the dimensions of the ditch canal or pipe line as originally constructed, just below the wasteway or headgate.

A.—Width (top) 10 feet; width (bottom) 7 feet;
depth 1.5 feet; grade or fall in feet per 1,000 feet, 4 feet.

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 enlargement for claimant's land.

First enlargement—Width (top)..... feet; width (bottom)feet;
depth feet; grade, or fall per 1,000 feet, feet.

Second enlargement—Width (top) feet; width (bottom)feet;
depth feet; grade, or fall per 1,000 feet, feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate. A.—about 150 acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year. A.— probably about 5 acres.

16. Q.—How many acres were irrigated each subsequent year up to and including the present year? A.—All claimant's land irrigated within 10 years from date water was available.

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement?

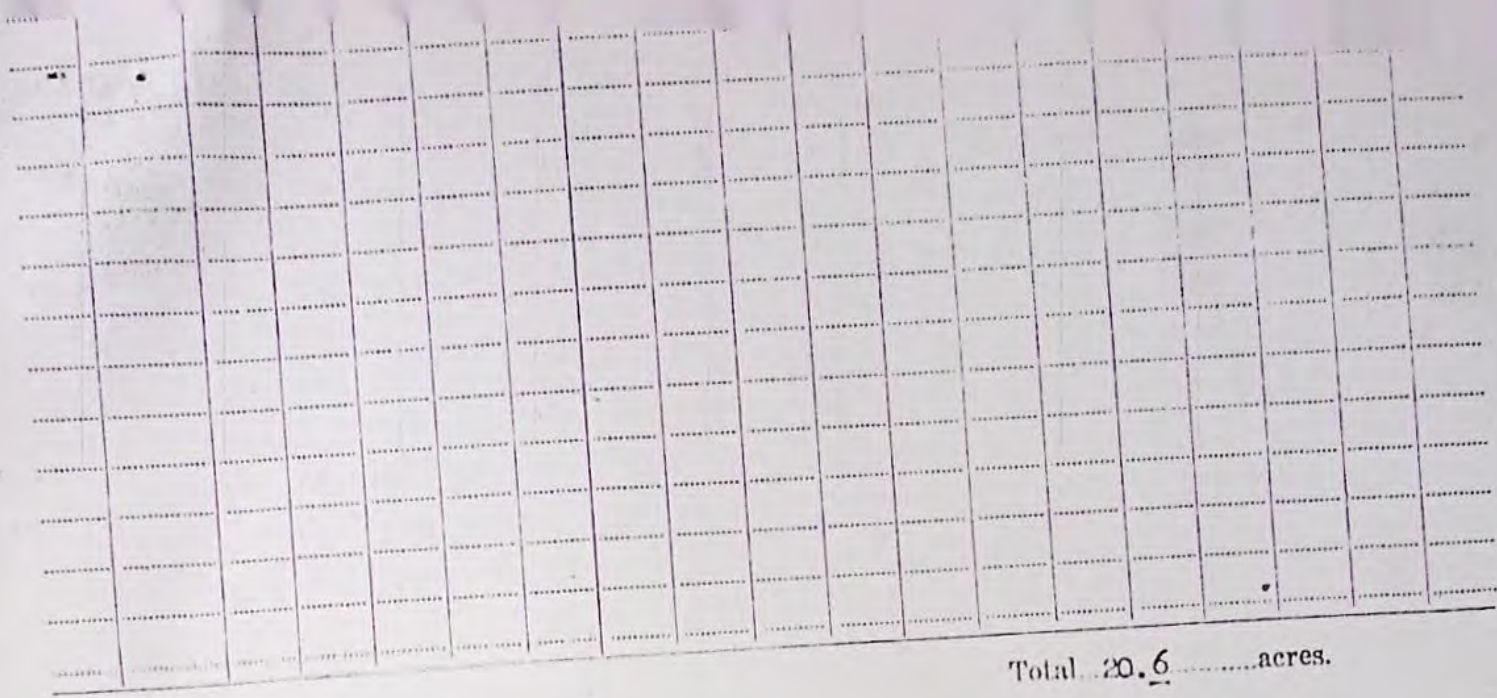
A. —

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-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.)

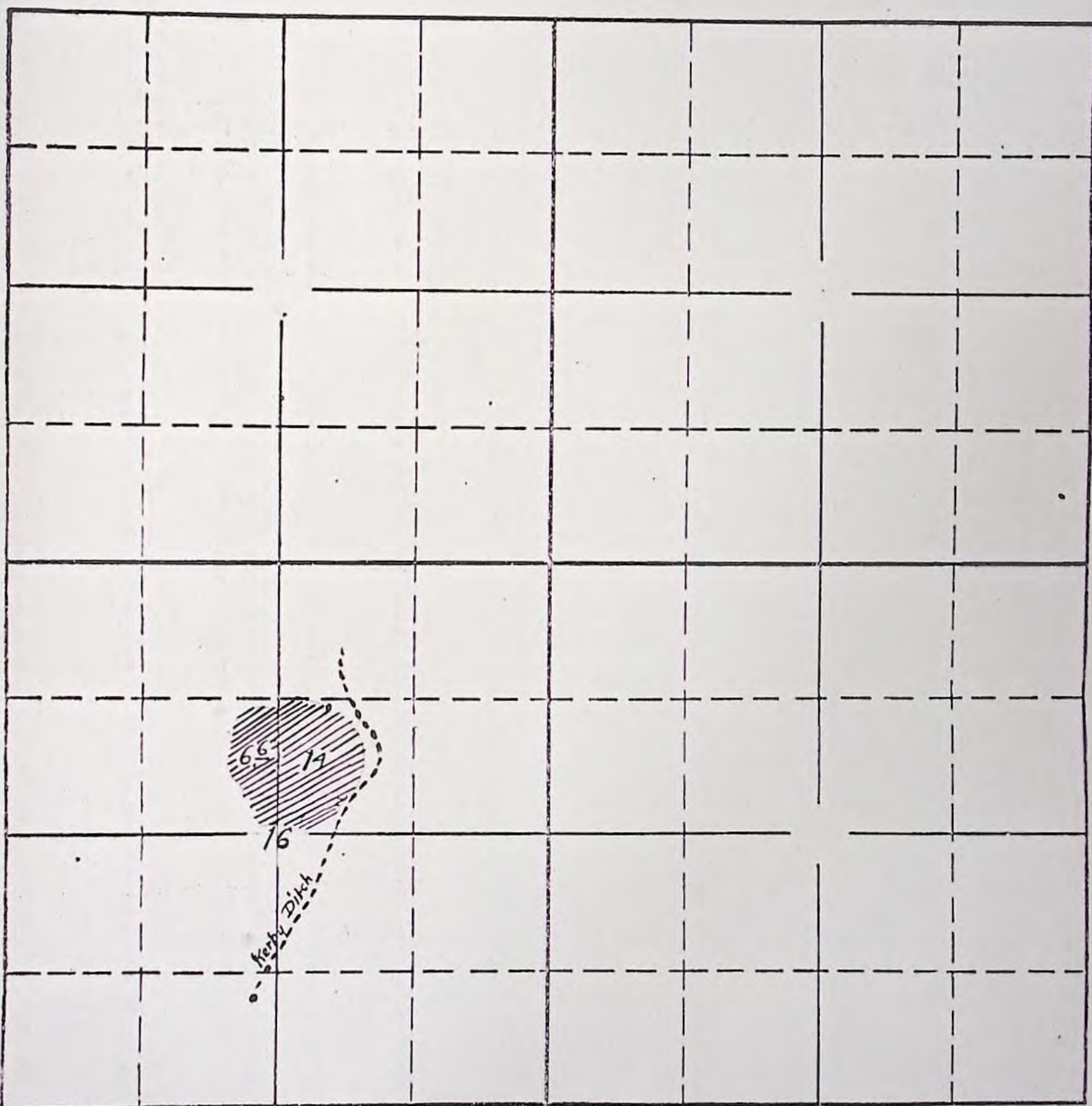
A.—

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
39S	8 W	16			14.0					6.6								

Total...20.6.....acres.



Total 20.6 acres.



Map to accompany Claim of Benjamin George
T. 39 S. R. 8 W.

R | Tp | Sec. 10

19. Q.—State the character of the soil and kind of crops cultivated.

A.—Sandy loam and gravelly loam. Alfalfa, grain, orchard, clover, garden crops, etc.

20. Q.—When does the irrigating season begin and when does it end, and if water is used for other purposes, during what months is it used?

A.—April 1st to September 30th.

21. Q.—What amount of water do you estimate is necessary for the proper irrigation of the lands which you are irrigating or propose to irrigate, or for any other purpose for which a right is claimed?

A.—7 acre feet per acre.

22. Q.—Do you accept the maps prepared by the State Engineer as showing correctly the location of said ditch and the lands irrigated therefrom?

NOTE.—In case there is objection to the official plat or a part thereof the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the State Engineer a map covering the part objected to, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen, preferably on a scale of four inches to the mile (20 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land which is irrigated. Such map should correspond in size to legal cap paper so as to be easily filed with the claim.

Yes, as to location of ditch, point of diversion, but maps do not show the entire area that has been irrigated. See map attached.

23. Q.—If water is used for power, state the total fall utilized and the theoretical (not actual) horsepower developed.

NOTE.—Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 8.8 (one cubic foot per second falling 8.8 feet equals one theoretical horsepower).

A.—

24. Q.—Describe the nature of the works by which the power is developed, the place where located, and state whether the water is returned to the stream after use and at what point.

A.—

25. Q.—If for mining purposes, describe the location and character of the mines to be served and state whether after use the water is returned to the stream and at what point.

A.—

26. Q.—If water is used for mining or power purposes, state whether there are any diversions between the point of your diversion and the return of such water to the stream.

A.—

27. Q.—Give description of your land as it appears in your deed. (Attach separate sheet if necessary.)

A.—S $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, T. 39 S. R. 8 W., and other land adjoining.

28. Q.—What interest have you in the lands irrigated or place where the water is used?

A.—Half interest.

29. Q.—What additional evidence have you attached hereto or submitted herewith?

A.—Map.

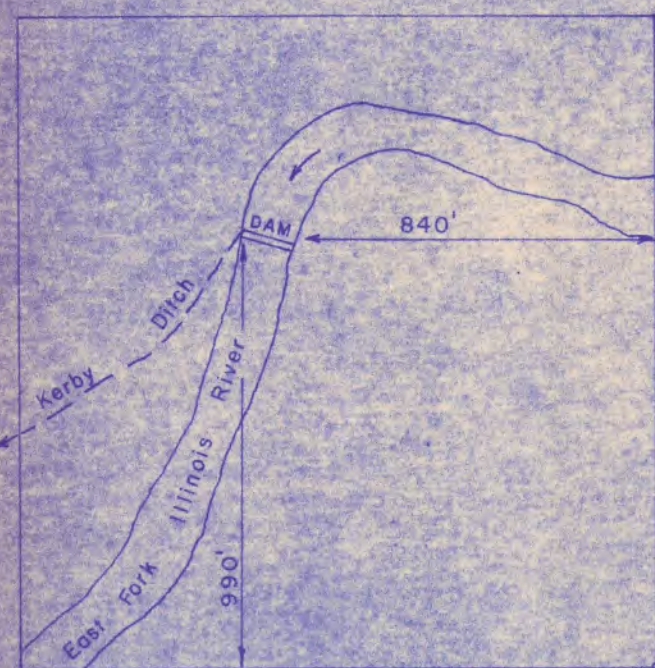
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JAN 21 1930

WATER RESOURCES DEPT.
SALEM, OREGONSE 1/4 NW 1/4 SEC. 27
T39S R8W

Diversion Point For Kerby Ditch

Center Cor.
Sec. 27

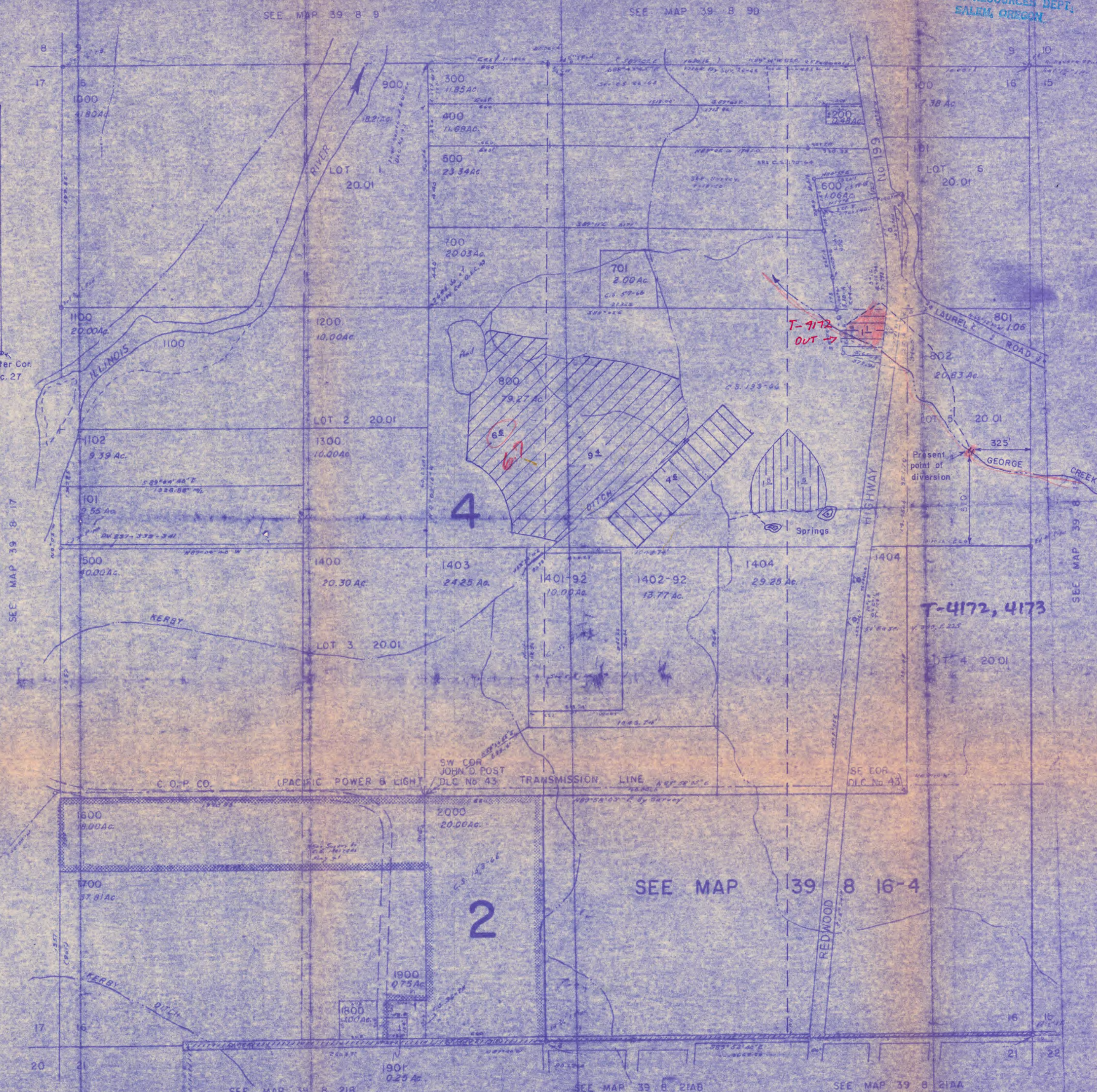
Present Place of Use



C-13860 (1884) George Creek



C-13860 (1884) Springs

C-13861 (1887) East Fork Illinois River
through Kerby Ditch (Sup. Cert. 42163)Transfer - 3126 (1887) East Fork
Illinois River through Kerby Ditch

206

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SALEM, OREGON

SECTION 16 T.39S. R.8W. W.M.

JOSEPHINE COUNTY

1" = 400'

39 8 16

& INDEX

SEE MAP 39 8 9

SEE MAP 39 8 9D

