

T-10306

T-10306

RA

Name Gloria Danley

By _____

Address 5150 Brownsboro Hwy
Eagle Point, OR 97524
541-826-2647Change in PDD

Date filed _____

Date of hearing _____

Place of hearing _____

Date of order 10-31-08 Vol. 76, page 644

Date for application of water _____

Proof mailed _____

Proof received COBK 4/24/2015

Certificate issued _____ Vol. _____, page _____

93909 8.10.2018

84050

DESCRIPTION OF WATER RIGHT

Name of stream Little Butte CreekTrib. of Rogue River County of JacksonUse IR

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 5/21/1910
12/31/1875 12/31/1908In name of R. Tucker

_____ Adjudication, Vol. _____, page _____

App. No. S-693 Per. No. 5-308
T-2280 Cert. No. 39596
17221

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
2-2-07	175.00	86092
2-2-07	125.00	86088
9-10-12	500.00	106784
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

Little Butte Creek Decree, 1949

REMARKS

CWRE/Agent: Robert Jones 200 First St., Prospect OR 97536 541-488-6157 541-301-5615 wk

NOID

Public Notice 2/13/2007 - 5/27/07

Contractor: Terrance Anthony

541-488-0377 Fax

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **106784**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Little Butte Creek
BY: Watershed Council

APPLICATION	
PERMIT	
TRANSFER	T-10306

CASH: ☐ CHECK: # 1959 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) _____ \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME x-fer \$ 500.00

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$ _____	0202 \$ _____
0203 GROUND WATER	EXAM FEE \$ _____	0204 \$ _____
0205 TRANSFER	EXAM FEE \$ _____	

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 \$ _____
LANDOWNER'S PERMIT		0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$ _____	CARD # _____
0210 MONITORING WELLS	\$ _____	CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)		\$ _____
0231 HYDRO LICENSE FEE (FWWRD)		\$ _____
HYDRO APPLICATION		\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **106784**

DATED: 9-10-12 BY: RR

RECEIVED

Affidavit of Publication

OCT 30 2008

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON)
COUNTY OF JACKSON) ss

I, Jenny Zomerdyk being first
duly sworn, depose and say that I am the Book Keeper
of the Upper Rogue Independent, a newspaper of general
circulation, as defined by ORS 193.010 and ORS 193.020;
published at Eagle Point in the aforesaid county and state:

that the Public Notice of Preliminary Determination
for Water Right Transfer T-10306,
a printed copy of which is hereto annexed, was published in
the entire issue of said newspaper for 3 successive
and consecutive 3 in the following issues:

9/2/08, 9/9/08, + 9/16/08

Subscribed and sworn to before me this 16th day

September 2008.

[Signature]
Notary Public for Oregon

My Commission expires

3rd day of April, 2010



Public Notice

Notice of Preliminary Determination

for Water Right Transfer T-10306
T-10306 filed by Robert Jones, CWRE, 200 First Street, Prospect, Oregon 97536, on behalf of Gloria Danley, 5150 Brownsboro Hwy, Eagle Point, OR 97524, proposes a change in point of diversion under Certificate 39596. The right allows the use of 0.11 cfs (priority date May 21, 1910) from a diversion in Sec. 4, T36S, R1E, W.M. (Rogue Basin) for irrigation in Sec. 5. The applicant proposes to move the point of diversion approximately 0.85 mile downstream in Sec. 5, T36S, R1E W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is Sept. 16, 2008. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Mailing List for Final Transfer Certificate

Transfer Application: T-10306

Certificate: 93909 (C-39596)

Certificate/Transfer Holder: (include copy of map)

X GLORIA DANLEY
5150 BROWNSBORO HWY
EAGLE POINT OR 97524

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES

Copies of Final Certificate to be sent to:

- X Watermaster District #: 13
- X Water Availability
- X Vault
- X File

Other persons to receive copies: (include map):

- X Eagle Point Irrigation District
PO Box 157
Eagle Point OR 97254
- X Robert Jones, CWRE

Record Marking(s):

- X 1. Original Application# S-693
- 2. Old Certificate# 39596

Copies Mailed	
by: <u>FW</u>	(STAFF)
on: <u>AUG 10 2018</u>	(DATE)

Transfer Certificate Map(s) Routing Instructions

Transfer Application: T-10306

To Data Entry

Total Maps: 2

POD/POA Map(s) date stamped: 8-24-15

POU Map(s) date stamped: 3-26-08

Additional Notes:

To Support Staff

Total Maps for mailing: 2

Additional Notes:

As described above.



Oregon
Kate Brown, Governor

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

Date Mailed: August 10, 2018

NOTICE OF CERTIFICATE ISSUANCE

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

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

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

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

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

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GLORIA DANLEY
5150 BROWNSBORO HWY
EAGLE POINT OR 97524

confirms the right to the use of water perfected under the terms of Permit S-308. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: LITTLE BUTTE CREEK, A TRIBUTARY OF ROGUE RIVER

PURPOSE OR USE: IRRIGATION OF 8.67 ACRES

MAXIMUM RATE: 0.11 CUBIC FOOT PER SECOND

DATE OF PRIORITY: MAY 21, 1910

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	1 E	WM	5	NE SE	1040 FEET SOUTH AND 910 FEET WEST FROM E1/4 CORNER, SECTION 5

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	1 E	WM	5	NE SE	8.67

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 described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	1 E	WM	4	NE SW	150 RODS EAST AND 120 RODS NORTH FROM SE CORNER, SECTION 5

The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with Oregon Department of Fish and Wildlife's operational and maintenance standards.

The water user shall maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted as required by the Department.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

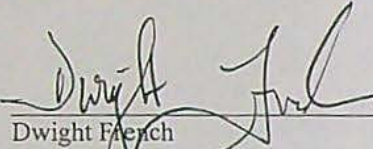
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The water user shall maintain and operate a headgate to control and regulate the quantity of water diverted as required by the Department.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered OCTOBER 31, 2008, at Special Order Volume 76, Page 644, approving Transfer Application T-10306, and together with Certificate 84050, supercedes Certificate 39596, State record of Water Right Certificates.

Issued AUG 10 2018



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

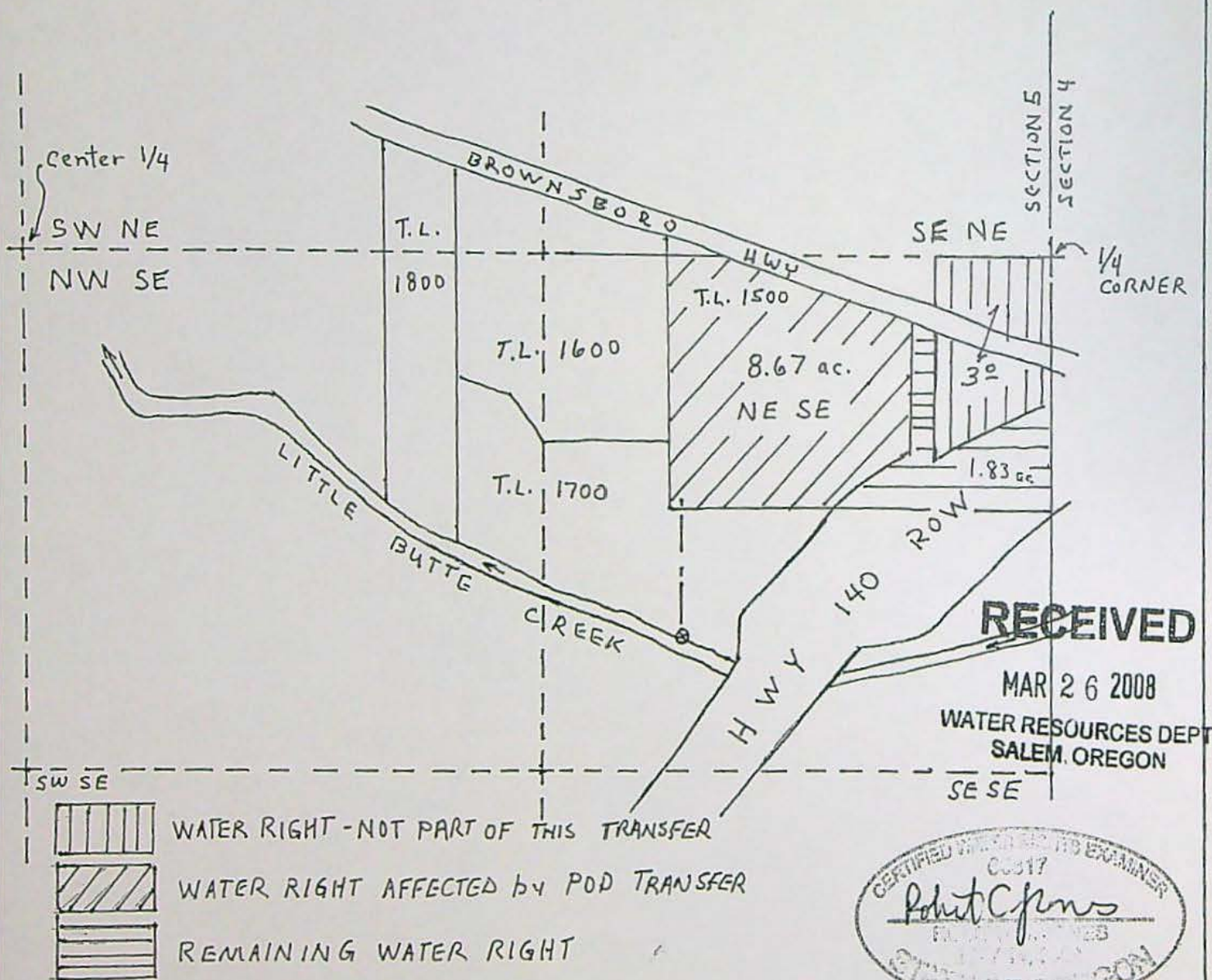
TRANSFER OF P.O.D.
PROPOSED NEW LOCATION

T36S., R15E., SECTION 5, TAXLOT 1500, WM.
CERTIFICATE 39596
for
GLORIA DANLEY



SCALE 1" = 400'

AMENDED MAP FOR T-10306



- * PROPOSED NEW POD LOCATION IS 970 ft SOUTH and 950 ft WEST of 1/4 CORNER of SEC. 4&5.

RENEWAL DATE: 6-30-08

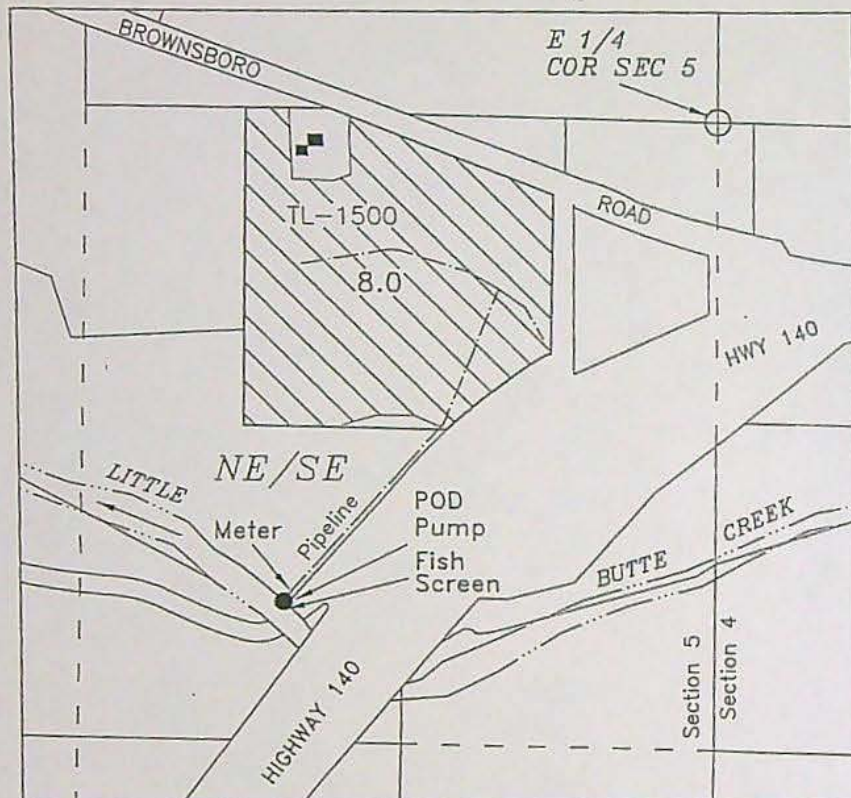
NOTE: THIS MAP IS FOR WATER RIGHT PURPOSES. This map identifies the POU WRD/mfb
IT IS NOT INTENDED TO BE USED FOR PROPERTY LINE LOCATIONS. 7-18-18

CLAIM OF BENEFICIAL USE T-10306

In The Name Of: GLORIA DANLEY

Section 5, Township 36 South, Range 1 East, W.M.

Jackson County, Oregon



● POD - NE/SE, Section 5, 1040 feet south & 910 feet west from the East 1/4 Corner Section 5



8.0 acres of Irrigation - TL-1500



Buildings



RENEWAL DATE: 6/30/15



Scale
1 inch = 400 feet

Base map Jackson County GIS
over 2005 FSA Aerial Photo for
assumed best fit

Drawn 2/18/2012 n.e.d.
Revised 10/1/2012 n.e.d.

This map is not intended to provide legal
dimensions or locations of property ownership lines

This map identifies the new POD

WRD/mfb 7-18-18

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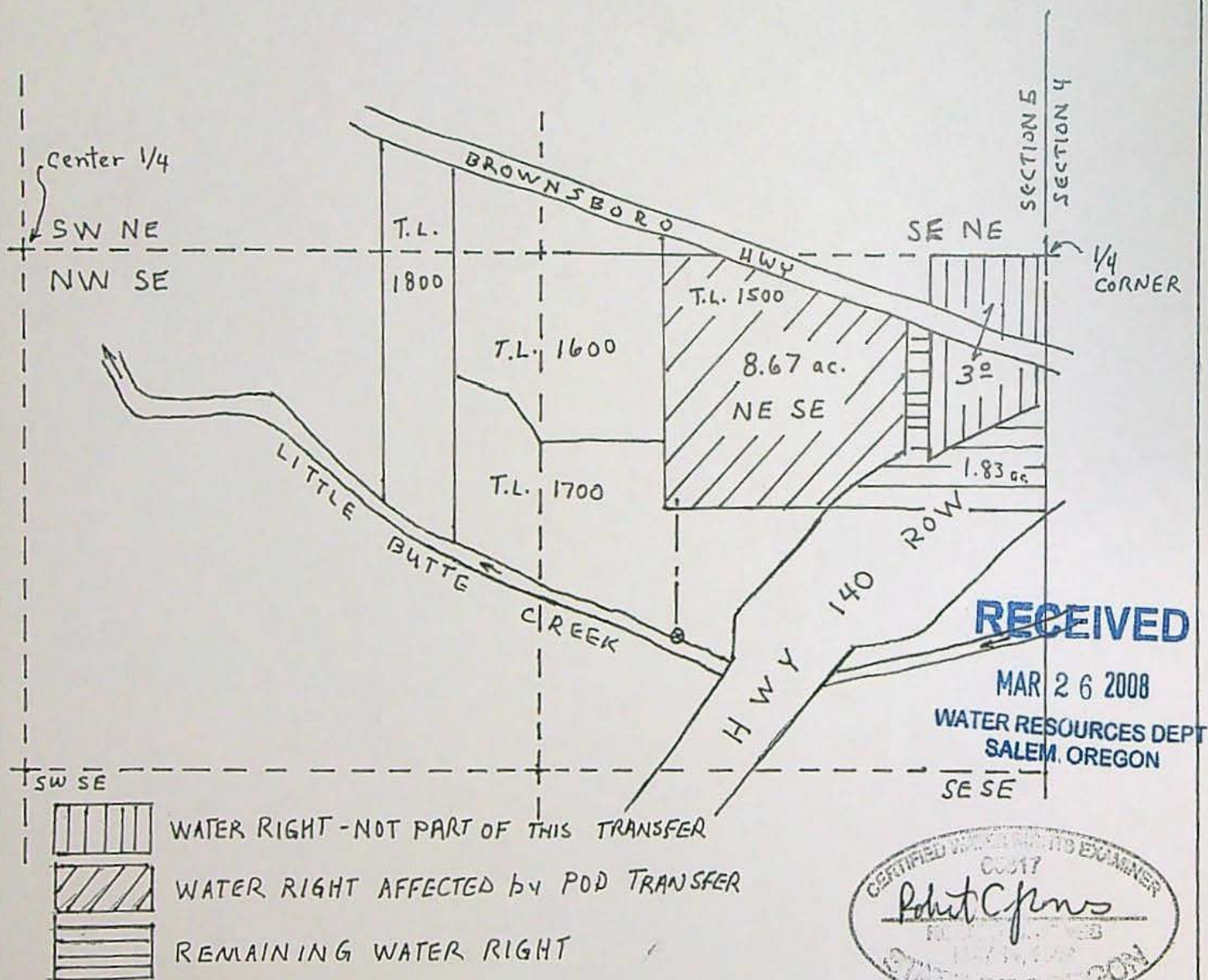
for

GLORIA DANLEY



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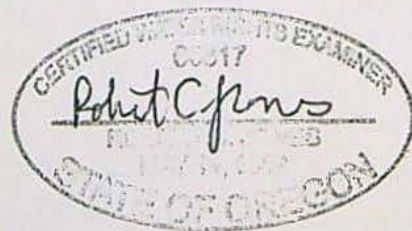
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RECEIVED

MAR 26 2008

WATER RESOURCES DEPT
SALEM, OREGON



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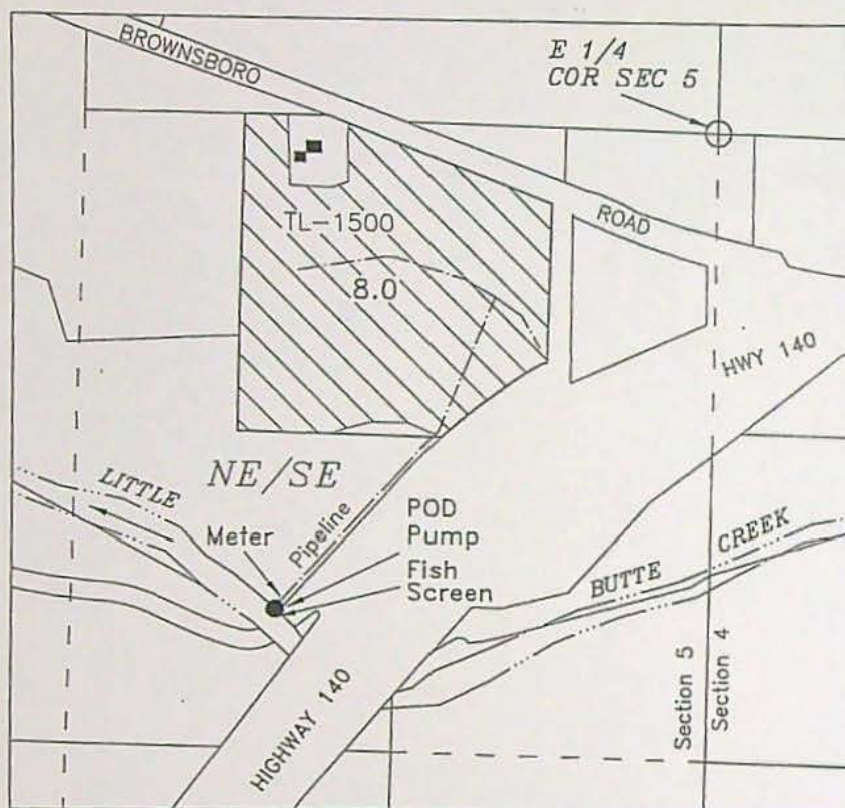
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WRD/mfb 7-18-18

Base map Jackson County GIS over 2005 FSA Aerial Photo for assumed best fit

Drawn 2/18/2012 n.e.d.
Revised 10/1/2012 n.e.d.

MEMO –Proof to Satisfaction (March 17, 2014)

Application # <u>5-693</u>	Permit # <u>5-308</u>	Transfer # <u>7-10306</u>
WRD Reviewer <u>Mary BjorE</u>	Date <u>7-18-18</u>	
WRD Peer Reviewer <u>C. Holmes</u>	Date <u>8-1-18</u>	

Research

- ☒ Organize file in chronological order
- ☒ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- ☒ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- ☒ Water Organization identified using AOI? ___ No ☒ Yes
If "Yes" cc: Eagle Point Irr. Dis. & Add to Mailing List
- ☒ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor TL 1500 - SAME
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- N/A Print Platcard & check for Place of Use Conflict? ___ No ___ Yes A POD ONLY
If "Yes", provide copy of certificate & relevant map
- ☒ Print BLM Cadastral Survey
- ☒ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ___ No ☒ Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

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

- YES Fish Conditions shall - screen & by-pass - Self Cert OK installed July 2010
- YES Meter/measuring device shall - installed Sept 2012
- N/A Water Use Reporting
- 1 Pump Test (post December 19, 1988)
- YES Other Conditions Headgate - installed
- N/A SWL
- YES C-Date 10-1-10 EXT → 10-1-13 Accomplished Sept. 2012
- ☒ Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

xfer A POD @ 0.11 cfs for 8.67 AC

via SPORY 76 P 644 (10-31-08) on C-39596

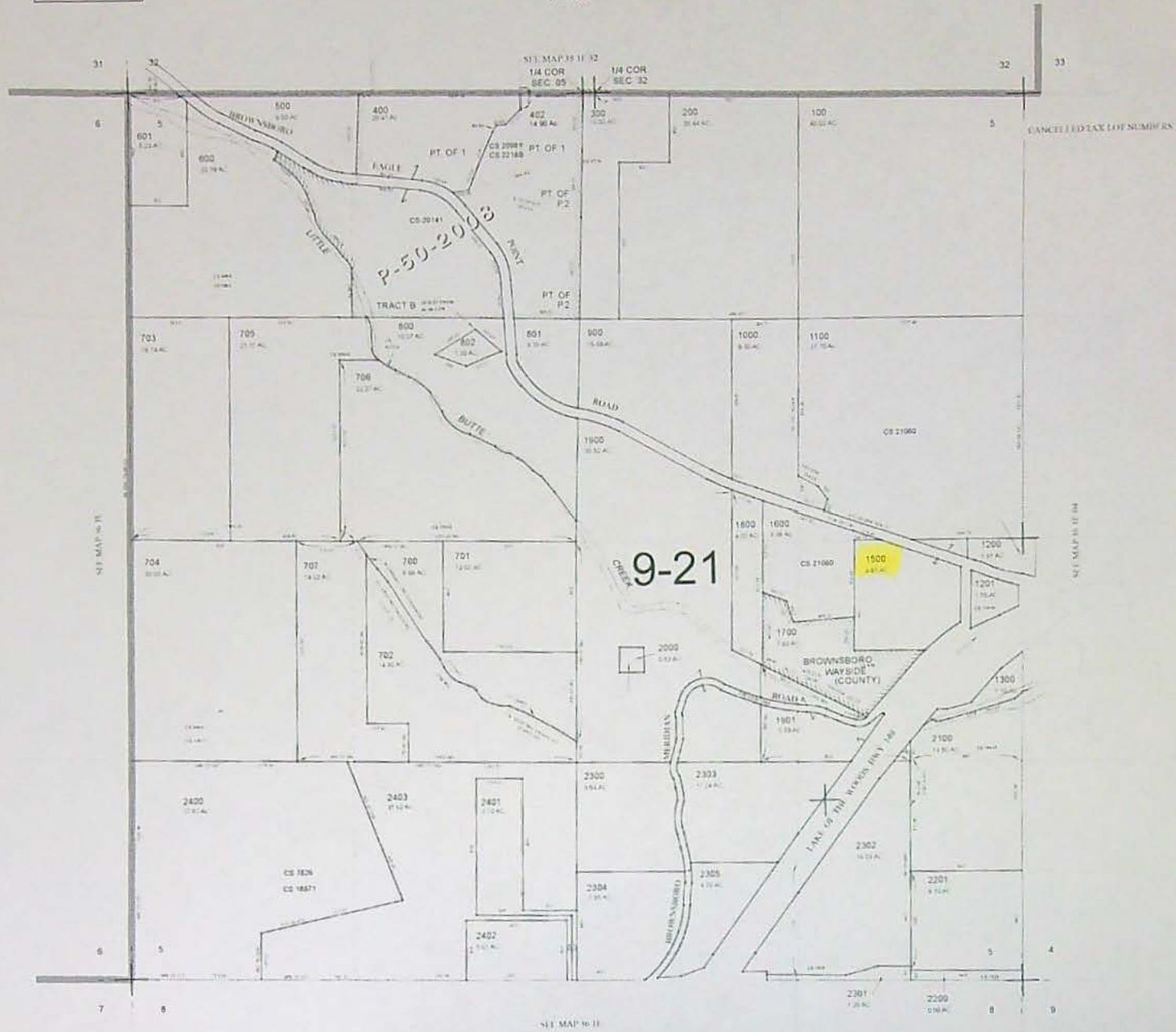
CWRE - Robert Jones



County:	Jackson
Taxlot:	361E050001500
Owner1:	DANLEY GLORIA L TRUSTEE ET AL
Owner2:	
Owner Address:	5150 BROWNSBORO HWY, EAGLE POINT OR 97524
Site Address:	BROWNSBORO HWY, EAGLE POINT/COUNTY, OR 97524
Acres:	8.7
TRSQQ:	WM36.00S1.00E5XXXX
Effective Date:	January 1, 2018

SECTION 5 T.36S. R.1E. W.M.
JACKSON COUNTY
1" = 400'

FOR ASSESSMENT AND
TAXATION ONLY



Account Sequence	Map TL Sequence	Assessment Year 2017	Print Window	Close Window
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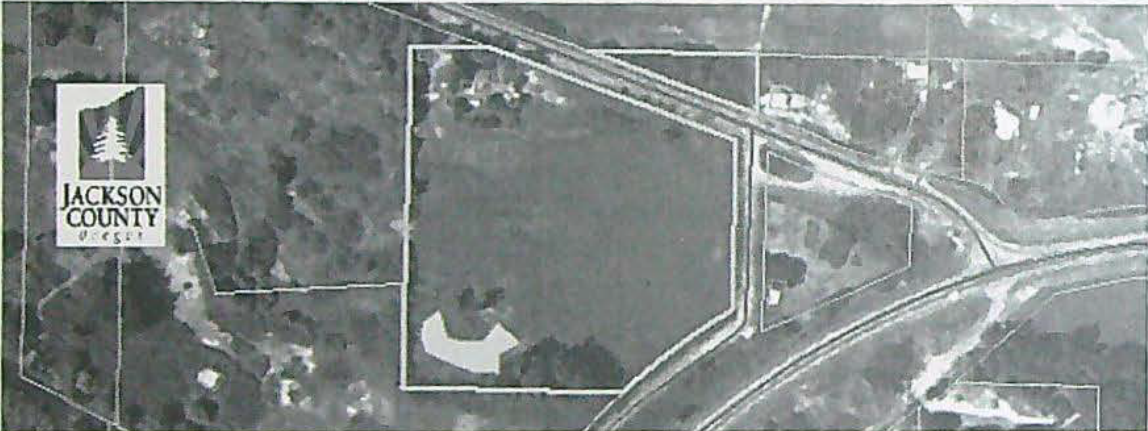
Assessment Info for [REDACTED] Map 361E05 Taxlot 1500				
Report For Assessment Purposes Only Created July 18, 2018				

Account Info	Tax Year 2017 Info	Land Info																																																																																		
<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>Account</td><td>[REDACTED]</td></tr> <tr><td>Map Taxlot</td><td>361E05 1500</td></tr> <tr><td>Owner</td><td>DANLEY GLORIA L TRUSTEE</td></tr> <tr><td></td><td>DANLEY GLORIA L LIVING TRUST</td></tr> <tr><td><input type="checkbox"/> Situs Address</td><td></td></tr> <tr><td>5150 BROWNSBORO HWY EAGLE POINT/COUNTY</td><td>R</td></tr> <tr><td>Mailing Address</td><td>DANLEY GLORIA L TRUSTEE ET AL 5150 BROWNSBORO HWY EAGLE POINT OR, 97524</td></tr> <tr><td>Appraiser</td><td>69</td></tr> </table>	Account	[REDACTED]	Map Taxlot	361E05 1500	Owner	DANLEY GLORIA L TRUSTEE		DANLEY GLORIA L LIVING TRUST	<input type="checkbox"/> Situs Address		5150 BROWNSBORO HWY EAGLE POINT/COUNTY	R	Mailing Address	DANLEY GLORIA L TRUSTEE ET AL 5150 BROWNSBORO HWY EAGLE POINT OR, 97524	Appraiser	69	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td colspan="3" style="text-align: center;">Pay Taxes Online</td></tr> <tr><td>Tax Report</td><td></td><td>Details</td></tr> <tr><td>Tax Statement</td><td></td><td>Details</td></tr> <tr><td>Cor Tax Statement</td><td></td><td>Details</td></tr> <tr><td>Tax History</td><td></td><td>Details</td></tr> <tr><td colspan="3" style="text-align: center;">[REDACTED]</td></tr> <tr><td>Tax Type</td><td>Due Date</td><td>Amount</td></tr> <tr><td>Advalorem</td><td>11/15/17</td><td>\$625.43</td></tr> <tr><td>Tax Rate</td><td></td><td>11.6255</td></tr> <tr><td>District Rates</td><td></td><td>Details</td></tr> <tr><td>Tax Details</td><td></td><td>Details</td></tr> <tr><td>Tax Rates</td><td></td><td>Details</td></tr> </table>	Pay Taxes Online			Tax Report		Details	Tax Statement		Details	Cor Tax Statement		Details	Tax History		Details	[REDACTED]			Tax Type	Due Date	Amount	Advalorem	11/15/17	\$625.43	Tax Rate		11.6255	District Rates		Details	Tax Details		Details	Tax Rates		Details	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>Tax Code</td><td>[REDACTED]</td></tr> <tr><td>Acreage</td><td>8.67</td></tr> <tr><td>Zoning</td><td></td></tr> <tr><td>EFU</td><td></td></tr> <tr><td>Land Class</td><td></td></tr> <tr><td colspan="2">VIBI 2.17 Ac IIIBI 5.50 Ac OD 0.00 Ac FS 1.00 Ac</td></tr> <tr><td>Property Class</td><td>551</td></tr> <tr><td>Stat Class</td><td>121</td></tr> <tr><td>Unit ID</td><td>128471-1</td></tr> <tr><td>Maintenance Area</td><td>1</td></tr> <tr><td>Neighborhood</td><td>000</td></tr> <tr><td>Study Area</td><td>02</td></tr> <tr><td>Account Status</td><td>ACTIVE</td></tr> <tr><td>Tax Status</td><td>Assessable</td></tr> <tr><td>Sub Type</td><td>NORMAL</td></tr> </table>	Tax Code	[REDACTED]	Acreage	8.67	Zoning		EFU		Land Class		VIBI 2.17 Ac IIIBI 5.50 Ac OD 0.00 Ac FS 1.00 Ac		Property Class	551	Stat Class	121	Unit ID	128471-1	Maintenance Area	1	Neighborhood	000	Study Area	02	Account Status	ACTIVE	Tax Status	Assessable	Sub Type	NORMAL
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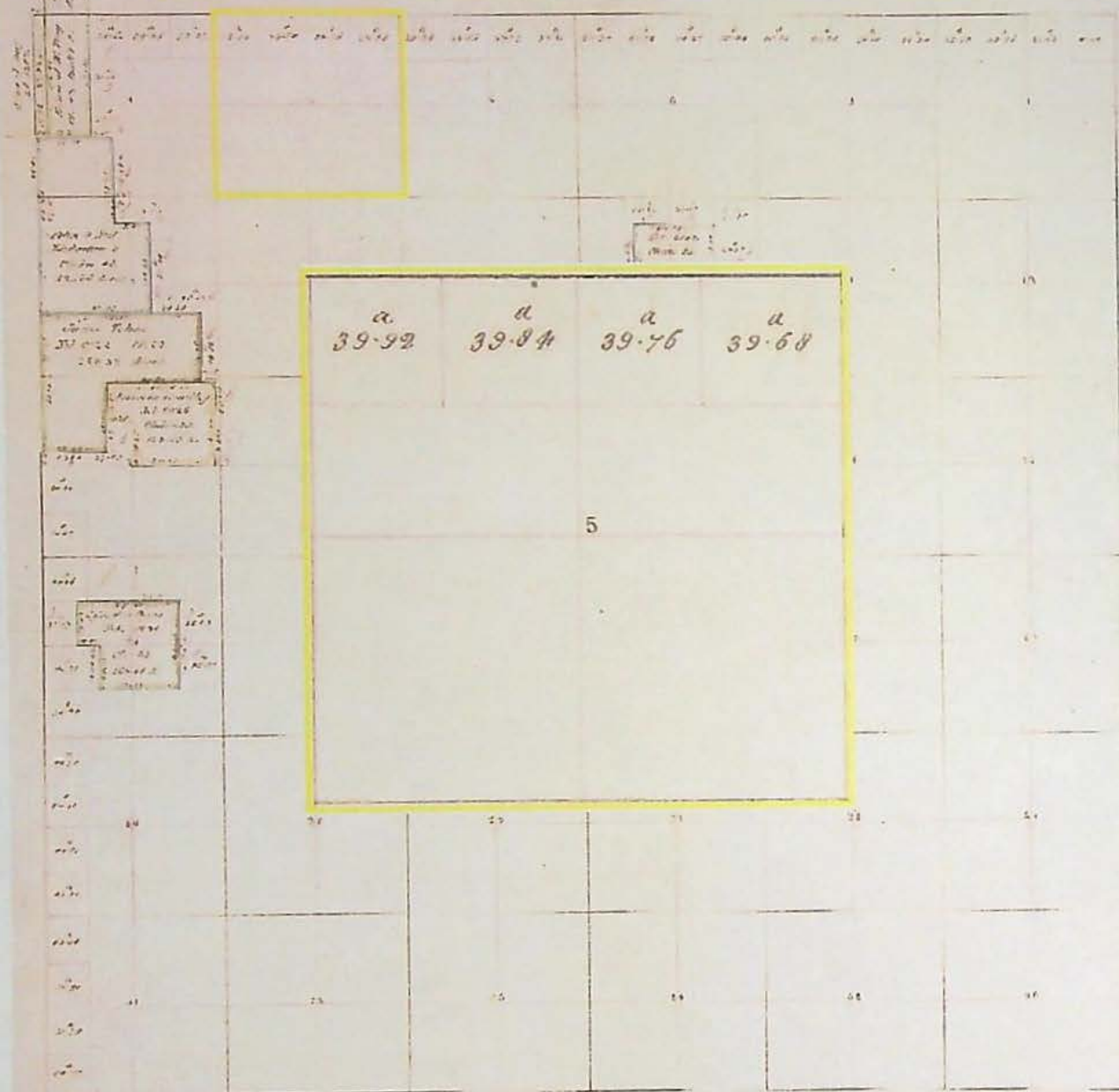
Sales Data (AS 400)						
<input checked="" type="checkbox"/> Value Summary Detail (For Assessment Year 2017)						
<input checked="" type="checkbox"/> Market Value Summary (For Assessment Year 2017)						
Code Area	Type	Acreage	RMV	M5	MAV	AV
9-21	LAND	1.00	\$ 72,820	\$ 14,850	\$ 12,420	\$ 12,420
9-21	LAND	7.67	\$ 186,020	\$ 0	\$ 0	\$ 0
9-21	IMPR	0.00	\$ 32,610	\$ 32,610	\$ 28,690	\$ 28,690
Value History Details			Total:	\$ 291,450	\$ 47,460	\$ 41,110
Value Summary Details						
Value History						
<input checked="" type="checkbox"/> Specially Assessed Value Summary (For Assessment Year 2017)						
Code Area	Type	Acreage	SAV	MSAV	AV	
9-21	LAND	7.67	\$ 14,841	\$ 7,158	\$ 7,108	
Total:			\$ 14,841	\$ 7,158	\$ 7,108	
<input checked="" type="checkbox"/> Total (Market + Specially Assessed) Value Summary (For Assessment Year 2017)						
Code Area		RMV	M5	MAV	AV	
9-21		\$ 291,450	\$ 62,301	\$ 48,268	\$ 48,218	

Improvements								
Building #	Code Area	Year Built	Eff Year Built	Stat Class	Description	Type	SqFt	% Complete
1	9-21	1951	1951	121	One story	Residence	664	100 %
Details								

Photos and Scanned Documents	

SCANNED ASSESSOR DOCUMENTS 	(See new portal)	(See new portal)	Portal	
ALL IN ONE REPORT? 				
<input type="checkbox"/> Account Comments				
>>> THIS WAS PREVIOUSLY A SPLIT CODE ACCOUNT. ACCOUNTS COMBINED FOR 2006-07. PURGED ACCOUNT #10741682 - >>>				
<input type="checkbox"/> Exemptions / Special Assessments / Notations / Potential Liability				
Real Property Special Assessments				
Tax Year Applied	Code	Description	Amount	Acres
2017	[REDACTED]	FIRE IMPROVEMENT SURCHARGE	\$47.50	
2017	[REDACTED]	FIRE PATROL GRAZING	\$18.75	8.67
Notations				
Description	Tax Amount	Year Added	Value Amount	
FARM LAND-POTENTIAL LIABILITY				
READ BEFORE DATA ENTERING EXCEPTION		2006		
SPLIT CODE COMBINE		2006		
STATE FIRE PROTECTION		2006		
BOPTA ORDER-REDUCTION 309.120		1988		
<input type="checkbox"/> Location Map				
				
Close Window		Print Window		

Township No. 36 South Range No. 1 East Willamette Meridian.



The above description of the land is taken from the original map of the Willamette Meridian.

Pump Capacity Calculator

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP =	<u>7.5</u>
Efficiency =	<u>6.61</u>
Lift =	<u>21.5</u>
PSI =	<u>50</u>

Results Calculated

(hp)(efficiency) =	49.575
Head based on psi =	127.0
Total dynamic head =	148.5
(head + lift)	

Pump Capacity = 0.334 cubic feet per second

Total Pump Output Claimed 0.33 cfs

Total Sprinkler Output Claimed 0.141 cfs

System capable of authorized 0.11 cfs

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-10306, Jackson County)	CHANGE IN POINT OF DIVERSION

Authority

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

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

Applicant

GLORIA DANLEY
5150 BROWNSBORO HWY
EAGLE POINT OR 97524

Agent

ROBERT JONES, CWRE
200 FIRST STREET
PROSPECT, OR 97536

Findings of Fact

Background

1. On February 2, 2007, Gloria Danley filed an application to change the point of diversion under Certificate 17221. The Department assigned the application number T-10306.
2. On July 5, 2007 the applicant submitted a revised application which modified the water right affected by this transfer. The revised application requests a change in point of diversion under Certificate 39596, which is the correct water right appurtenant to lands owned by Gloria Danley.
3. On March 26, 2008, the applicant submitted a revised transfer map showing the number of acres listed on Certificate 39596, including the portion to be transferred (8.67 acres) and the remaining portion (1.83 acres). The new map suggests the place of use of the 1.83 acres remaining is on state highway right-of-way. However specific information as to the

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

ownership of the remaining portion of the right was not provided. An area of 3.0 acres also shown on the map is not included in Certificate 39596, as it was cancelled from the original right by Special Order Volume 38, page 390, following failure to complete transfer T-2780.

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

Certificate: 39596 in the name of R. E. TUCKER

Use: IRRIGATION of 8.67 ACRES

Quantity: 0.11 CUBIC FOOT PER SECOND (CFS)

Priority Date: MAY 21, 1910

Source: LITTLE BUTTE CREEK, tributary to ROGUE RIVER

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	1 E	WM	5	NE SE	8.67

5. Certificate 39596 does not describe the location of the point of diversion, however information is available from the permit under which the right was perfected (Permit S-308) indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	4	NE SW	150 RODS EAST AND 120 RODS NORTH FROM THE SE CORNER OF SECTION 5

6. Application T-10306 proposes to move the authorized point of diversion approximately 0.85 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	5	NE SE	970 FEET SOUTH AND 950 FEET WEST OF THE EAST QUARTER CORNER OF SECTION 5

7. Notice of the application for transfer was published on February 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On July 25, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10306 to the applicant and agent. The draft Preliminary Determination set forth a deadline of September 30, 2007, for the applicant to respond and submit a revised map and report of ownership and lien information. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided a revised map and the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On April 2, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10306 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on April 8, 2008, and in the Upper Rogue Independent newspaper on September 2, 9 and 16,

2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

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

11. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10306.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in point of diversion proposed in application T-10306 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

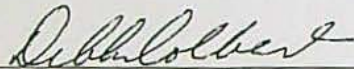
Now, therefore, it is ORDERED:

1. The change in point of diversion proposed in application T-10306 is approved.
2. Water right certificate 39596 is cancelled and a new certificate will be issued describing that portion of the right not affected by this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 39596 and any related decree.
4. 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.
5. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must

obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

6. Prior to diverting water, the water user shall install 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 measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.
7. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.
8. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
9. When satisfactory proof of the completed change is received, a new certificate confirming the portion of the right transferred will be issued.

Dated at Salem, Oregon this 31st day of October 2008.



Phillip C. Ward, Director

For

Mailing date: NOV 03 2008

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

This Is to Certify, That R. E. TUCKER

of Brownsboro, 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 Little Butte Creek

a tributary of Rogue River
irrigation of 10.5 acres

for the purpose of

under Permit No. 308 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 May 21, 1910

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 0.13 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the

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 of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

10.5 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 5
T. 36 S., R. 1 E., W. M.

Certificate of water right issued to R. E. Tucker and recorded at page 743, Volume 1, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 13.5 acres. A change in the place of use of water for the irrigation of 3.0 acres was approved by order of the State Engineer entered April 10, 1973. This certificate is issued to confirm the remaining right to the use of water for irrigation and supercedes the certificate heretofore issued to R. E. Tucker.

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 State Engineer, affixed

this date. November 21, 1973

Chris L. Wheeler
State Engineer

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

R.E. TUCKER
BROWNSBORO, OREGON

confirms the right to use the waters of Little Butte Creek, a tributary of Rogue River, for irrigation of 1.83 acres.

This right was perfected under Permit S-308. The date of priority is May 21, 1910. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.02 cubic foot per second or its equivalent in case of rotation, measured at the point of diversion.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

NE ¼ SE ¼ 1.83 ACRES
SECTION 5
TOWNSHIP 36 SOUTH, RANGE 1 EAST W.M.

This certificate describes that portion of the water right confirmed by Certificate 39596, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered OCT 31 2008, approving Transfer Application T-10306.

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.

WITNESS the signature of the Water Resources Director, affixed OCT 31 2008

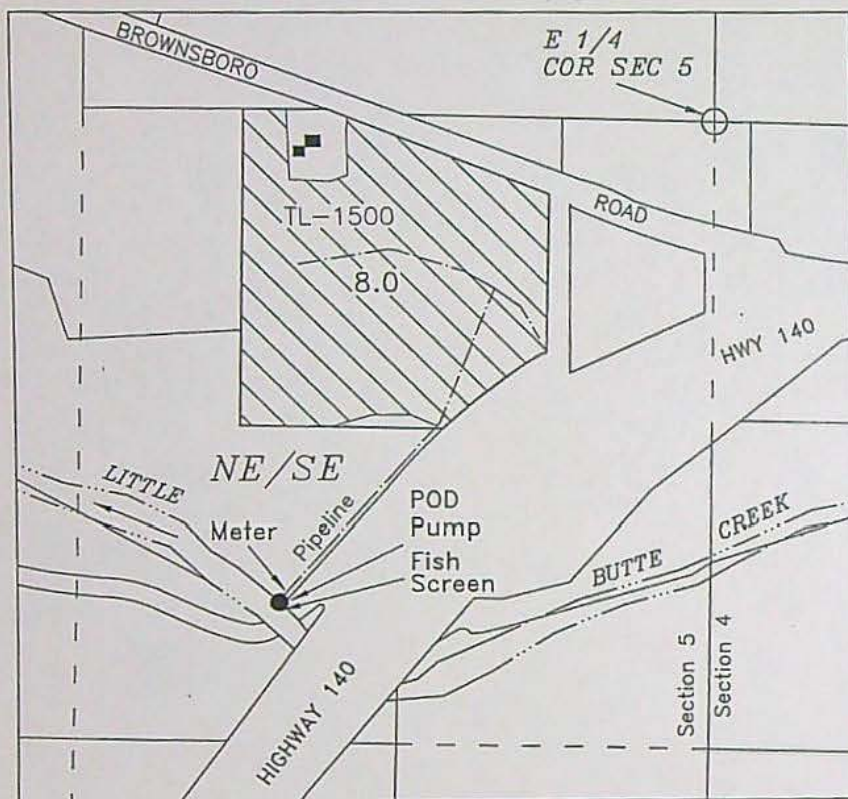

for Phillip C. Ward, Director

CLAIM OF BENEFICIAL USE T-10306

In The Name Of: GLORIA DANLEY

Section 5, Township 36 South, Range 1 East, W.M.

Jackson County, Oregon



● POD - NE/SE, Section 5, 1040 feet south & 910 feet west from the East 1/4 Corner Section 5



8.0 acres of Irrigation - TL-1500



Buildings



RENEWAL DATE: 6/30/15

This map identifies the new POD

This map is not intended to provide legal dimensions or locations of property ownership lines

WRD/mfb 7-18-18



Scale
1 inch = 400 feet

Base map Jackson County GIS over 2005 FSA Aerial Photo for assumed best fit

Drawn 2/18/2012 n.e.d.
Revised 10/1/2012 n.e.d.

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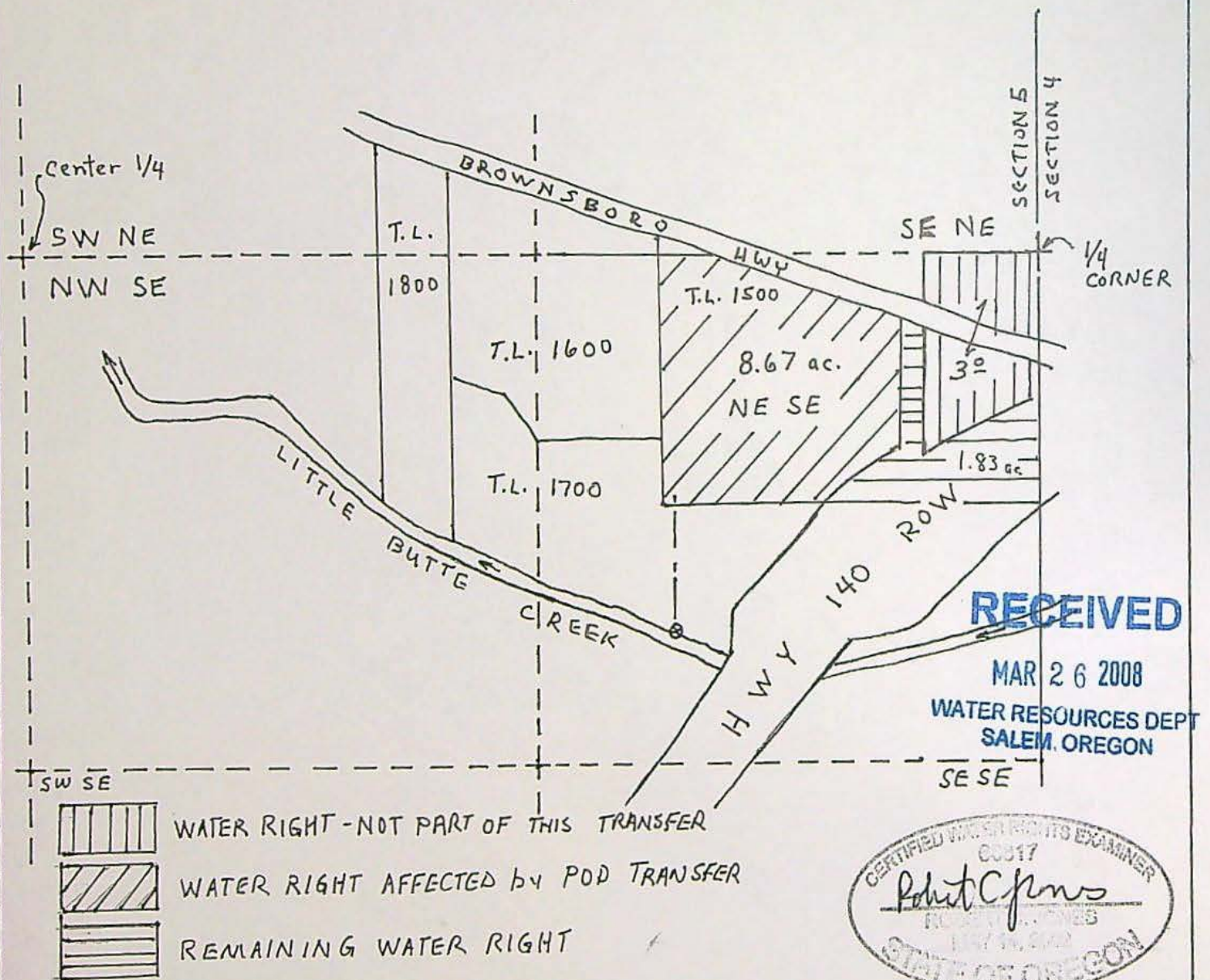
TRANSFER OF P.O.D. PROPOSED NEW LOCATION

T36S., R15E., SECTION 5, TAXLOT 1500, WM.
CERTIFICATE 39596
for
GLORIA DANLEY



SCALE 1" = 400'

AMENDED MAP FOR T-10306



* PROPOSED NEW POD LOCATION IS 970 FT
SOUTH and 950 FT WEST of 1/4 CORNER of SEC. 4&5.

RENEWAL DATE: 6-30-08

NOTE: THIS MAP IS FOR WATER RIGHT PURPOSES. This map identifies the POU WRD/mfb
IT IS NOT INTENDED TO BE USED FOR PROPERTY LINE LOCATIONS. 7-18-18

Completion Checklist for Claims of Beneficial Use

Application # _____ Transfer # T-10306
Date Received 4/24/2015
CWRE Name Robert Jones Claim Logged yes
File Marked yes
Oversized Map # _____
Reviewer C.V.

Map Review:

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

Report Review:

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

DEF = deficient

N/A = Not Applicable

S:\groups\wr\certs\Resource Center\Forms_Checklists_Mailing Instructions\COBU Checklist 11-20-2012.rtf

Certificate Issuance Processing Checklist

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

Check Area of Interest ☐ YES ☐ NO

Identified Party _____

Staff Recommendations:

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

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

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

____ **Proposed Actions:**
Send letter requesting the following items/information: _____
Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

____ Yes

If "Yes":

____ Proposed
____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

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



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

No fee is required for submitting this form for a transfer.

A fee of \$150 must accompany this form to be accepted for permits
with a priority date of July 9, 1987, or later. (ORS 536.050(1))

A separate form shall be completed for each permit.

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

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml#.

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

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

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

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

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**SECTION 1
GENERAL INFORMATION**

APR 24 2015

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1. File Information

APPLICATION # (G, R, S or T) T-10306	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
--	--------------------------	------------------------------------

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME GLORIA DANLEY		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS 5150 BROWNSBORO ROAD			
CITY EAGLE POINT	STATE OR	ZIP 97524	E-MAIL

If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. **The COBU must be signed by each permit or transfer holder of record.**

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

PERMIT OR TRANSFER HOLDER OF RECORD

GLORIA DANLEY

ADDRESS

SAME

CITY

STATE

ZIP

ADDITIONAL PERMIT OR TRANSFER HOLDER OF RECORD

NA

ADDRESS

CITY

STATE

ZIP

4. Date of Site Inspection: **2/15/2012**

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
TIM WEAVER	2/15/2012	Project manager – Little Butte Watershed Council
DALE JOHNSTON	2/15/2012	Farms property
TIM WEAVER	9/21/2012	Little Butte Watershed Council

6. County: **JACKSON**

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

****Mark "NA" if there are no owners of property not included in this claim**

OWNER OF RECORD

NA

ADDRESS

CITY

STATE

ZIP

ADDITIONAL OWNER OF RECORD

ADDRESS

CITY

STATE

ZIP

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SALEM, OR

SECTION 2

SYSTEM DESCRIPTION

A. Points of Diversion/Appropriation

1. Point of diversion/appropriation name or number:

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

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

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

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
POD	LITTLE BUTTE CREEK	ROGUE RIVER

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

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	RATE OR VOLUME FOR USE (CFS, GPM, OR AF)
POD	IRRIGATION	PASTURE	Irrigation Season	0.10
Total Quantity of Water Used				0.10

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

A 7.5 HP variable frequency pump diverts water into a 4 inch PVC pipe to the property where it reduces to 3 inch. Water is delivered from the pipeline to a K-line automatic sprinkler system using Weather Tec G-50 impact pop up sprinklers. The sprinkler system is set up for spacing of 50 feet X 50 feet on a triangular pattern using 40mm poly pipe.

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SALEM, OR

SECTION 2

SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

NO

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

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

POD

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B. Place of Use

APR 24 2015

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

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TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
36S	1E	W.M.	5	NE/SE			IR	8.0	
Total Acres Irrigated								8.0	

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

C. Diversion and Delivery System Information

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

1. Is a pump used?

YES

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

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Berkley	1-1/2 TP11S	M20101	Centrifugal	2 inch	1.5 inch

3. Motor Information

MANUFACTURER	HORSEPOWER
Baldor	7.5

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
7.5	50 (ave)	9.5 ft.	12 ft.	0.33 cfs

5. Provide pump calculations:

$$Q = \frac{(\text{HP})(\text{Efficiency})}{\text{Total Head}} = \frac{(7.5)(6.61)}{(9.5+12+127)} = \frac{49.57}{148.5} = 0.33 \text{ CFS}$$

6. Measured Pump Capacity (using meter if meter was present and system was operating)

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

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

7. Is the distribution system piped?

YES

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

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4 inch	480	PVC	Buried
3 inch	540	PVC	Buried
2 inch	340	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
40mm K-Line set up for 50x50 spacing for 22 sprinklers		Poly	Above

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APR 24 2015

SALEM, OR

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
#6.5 MP	45	3.16	5	5	15.5 gpm = 0.035 CFS
#5.5 MP	45	2.81	17	17	47.8 gpm = 0.106 CFS

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

11. Pivot Information

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

12. Additional notes or comments related to the system:

D. Groundwater Source Information (Well and Sump)

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

NO

If "NO", items 2 through 8 relating to this section may be deleted.

E. Storage

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

NO

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

F. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

NO

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

G. Gravity Flow Canal or Ditch

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

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

NO

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

H. Reservoir

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

NO

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

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

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SALEM, OR

SECTION 3 CONDITIONS

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

1. Time Limits:

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

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	10/31/2008		
BEGIN CONSTRUCTION (A)			
COMPLETE CONSTRUCTION (B)			
COMPLETE APPLICATION OF WATER (C)	10/1/2010	September 2012	Irrigation system installed and water used according to the transfer order (extension pending)

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

2. Is there an extension final order(s)?

Yes

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

3. If for a transfer extension order, provide the following information:

VOLUME	PAGE	DATE EXTENDED TO
88	609	October 1, 2013

4. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement?

NO

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

5. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements?

NO

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

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

a. Did the permit require the submittal of a pump test?

NO

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

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7. Measurement Conditions:

- a. Does the permit, permit amendment, transfer final order, or any extension final order require the installation of a meter or approved measuring device? **YES**

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

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

- b. Has a meter been installed? **YES**

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD	McCrometer	12- 07721- 04	New	000002 (meter reads in acre-feet)	September 2012

If a meter has been installed, items 7d through 7f relating to this section may be deleted.

8. Recording and reporting conditions

- a. Is the water user required to report the water use to the Department?

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NO

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

APR 24 2015

9. Fish Screening

SALEM, OR

- a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **YES**

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

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

- b. Has the fish screening been installed? **YES**

c. When was the fish screening installed?

DATE	BY WHOM
July 2010	Pump installer

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

- d. If the diversion **involves a pump** *and* the **total** diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? **NO**
- If not, go to <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>, complete and attach a copy of the self-certification form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not involve a pump** or the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? **NA**
- If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

10. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? **YES**

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

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Have by-pass devices been installed? **NO**

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

DESCRIPTION (E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
Pump intake with foot valve and fish screen descends directly into a natural pool off the right bank		

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

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

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

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Headgate – A gate valve is installed on the pump discharge line to regulate the flow if necessary

SECTION 4 VARIATIONS

Include a description of variations from the permit, permit amendment final order, extension final order, or transfer final order. (i.e. *"The permit allowed three points of diversion. The water user only developed one of the points."* or *"The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres."*)

The POD is described slightly different. The Transfer Order allowed 8.67 acres, however, 8.0 acres are being irrigated as the area around the house is irrigated from a well.

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SECTION 5 ATTACHMENTS

APR 24 2015

SALEM, OR

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

ATTACHMENT NAME	DESCRIPTION
Attachment 1	Fish screen self-certification

SECTION 6 CLAIM SUMMARY

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
POD	0.11	0.14		IR	8.67	8.0

SECTION 7 CLAIM OF BENEFICIAL USE MAP

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

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



Jackson County GIS tax lots over 2005 FSA and 2010 Google aerial for assumed best fit. A visual inspection of the POD and irrigated area for on the ground proof.

Map Checklist

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

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

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

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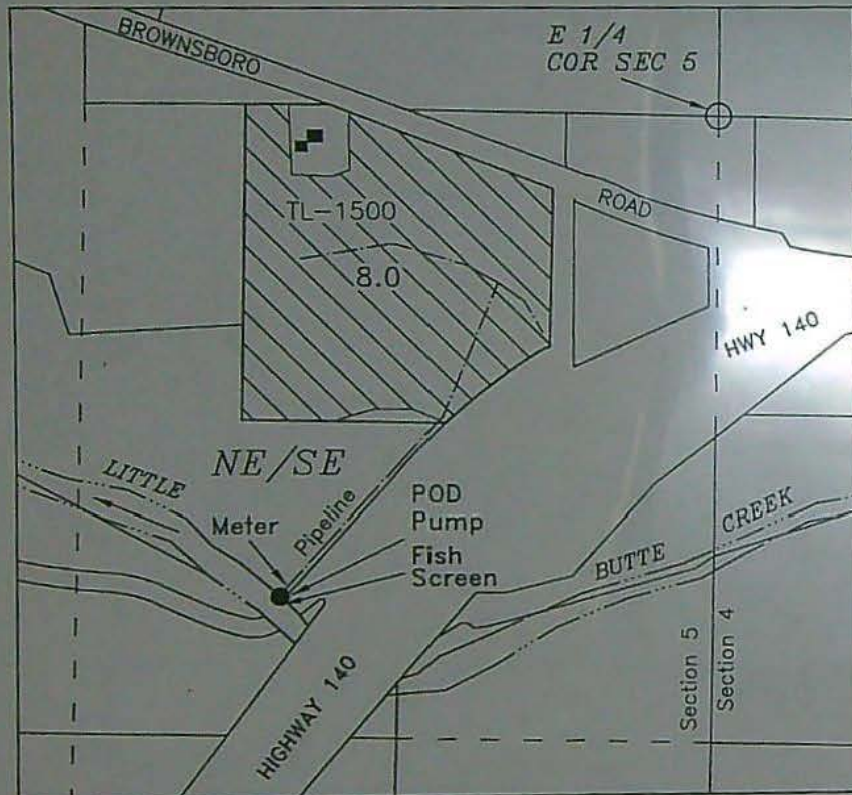
SALEM, OR

CLAIM OF BENEFICIAL USE T-10306

In The Name Of: GLORIA DANLEY

Section 5, Township 36 South, Range 1 East, W.M.

Jackson County, Oregon



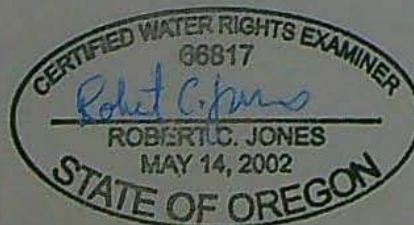
- POD - NE/SE, Section 5, 1040 feet south & 910 feet west from the East 1/4 Corner Section 5



8.0 acres of Irrigation - TL-1500



Buildings



RENEWAL DATE: 6/30/15



Scale
1 inch = 400 feet



This map is not intended to provide legal dimensions or locations of property ownership lines

Base map Jackson County GIS over 2005 FSA Aerial Photo for assumed best fit

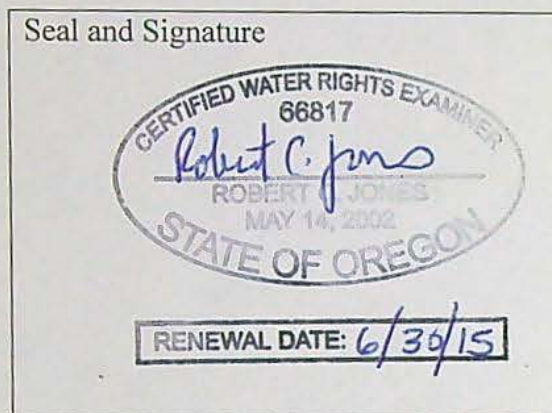
Drawn 2/18/2012 n.e.d.

Revised 10/1/2012 n.e.d.

SECTION 8 SIGNATURES

CWRE Statement, Seal and Signature

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



CWRE NAME	PHONE NO.	ADDITIONAL CONTACT NO.	
ADDRESS			
CITY	STATE	ZIP	E-MAIL

Permit or Transfer Holder's of Record Signature or Acknowledgement

This Claim of Beneficial Use must be signed by each permit or transfer holder of record.

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

SIGNATURE	PRINT OR TYPE NAME	DATE
	GLORIA DANLEY	10/23/13

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SALEM, OR



OREGON DEPARTMENT of FISH and WILDLIFE

FISH SCREENING PROGRAM

SMALL PUMP SCREEN SELF CERTIFICATION

FOR PERMITS OR TRANSFERS ISSUED PRIOR TO FEBRUARY 1, 2011

As evidence of having met fish screen installation requirements, please provide the information requested below, sign the certification, and send copies to:

Oregon Water Resources Department, and
Water Rights Section,
725 Summer Street NE, Suite A,
Salem, OR 97301-1271.

Alan Ritchey
Oregon Dept. Fish and Wildlife
3406 Cherry Ave NE
Salem, OR 97303

Water right permit/certificate number: T-10306 Amount of water diverted 0.11 CFS
Stream: Little Butte Creek Tributary to: Rogue River
Location (GPS if available): _____
Screen Length: 6 inches Screen Diameter: 12 inches
Is pump screen self-cleaning: yes

If screen is not a cylinder shape, please provide a diagram and measurements.

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APR 24 2015

SALEM, OR

Certification:

I certify that my permit or transfer final order was issued prior to February 1, 2011.

I certify that my small pumped diversion of less than 225 gpm meets fish screening criteria, and that I will maintain it to comply with regulatory criteria. I also understand that should fish screening standards change, I may be required to modify my installation to meet applicable standards.

Applicant Signature: Gloria Danley Date: 10/23/15 WRD File #: T-10306

Printed Name and Address: Gloria Danley, 5150 Brownsboro Highway, Eagle Point, Or 97524

Phone: (541) 826-2647 Fax: () _____



OREGON DEPARTMENT of FISH and WILDLIFE

FISH SCREENING PROGRAM

SMALL PUMP SCREEN SELF CERTIFICATION

FOR PERMITS OR TRANSFERS ISSUED PRIOR TO FEBRUARY 1, 2011

If the permit or transfer final order was issued on or after February 1, 2011, you are required to have your fish screen inspected and approved by Oregon Department of Fish and Wildlife staff.

The Oregon Water Resources Department in coordination and cooperation with the Oregon Department of Fish and Wildlife includes screen requirements on pumps to protect fish as a condition of many surface water and/or reservoir water right permits. This is done in accordance with ORS 537.153.

The Oregon Department of Fish and Wildlife does not usually inspect small pump screens at **pumped diversions less than 225 gpm** (gallons per minute), but furnishes the following general fish screening criteria information to the water right permit holder:

- **Screen material open area** must be at least 27% of the total wetted screen area.
- **Perforated plate:** Circular screen face openings must not exceed 3/32 or 0.0938 inch (2.38 mm) in diameter.
- **Mesh/Woven wire screen:** Square screen face openings must not exceed 3/32 or 0.0938 inch (2.38 mm) on a diagonal.
- **Profile bar screen/Wedge wire:** Slotted screen face openings must not exceed 0.0689 inch (1.75 mm) in the narrow direction.
- **Screen area** must be large enough not to cause fish impact. The wetted screen area required depends on the water approach velocity.
- **Approach velocity** is the water velocity perpendicular to and upstream of the vertical projection of the screen face.
- **An Active pump screen** is a self-cleaning screen that has a proven automatic cleaning system. The **screen approach velocity for active pump screens** must not exceed 0.4 ft/s (feet per second) or 0.12 m/s (meters per second). The minimum wetted screen area needed in square feet is calculated by dividing the maximum water flow rate in cubic feet per second (1 cfs = 449 gpm) by 0.4 ft/s.
- **A Passive pump screen** is a screen that has no automated cleaning system. **Screen approach velocity for passive pump screens** must not exceed 0.2 ft/s or 0.06 m/s. The minimum wetted screen area needed in square feet is calculated by dividing the maximum water flow rate in cubic feet per second by 0.2 ft/s.
- **Pump screen depth:** The screen must be submerged at least one screen radius below the minimum water surface with a minimum of one screen radius between the screen bottom and the water bottom or constructed surface.

For further information on fish screening please contact:

Alan Ritchey: 503-947-6229
Alan.D.Ritchey@state.or.us

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APR 24 2015

SALEM, OR

Robert C. Jones, CWRE

200 First Street, Prospect, Oregon 97536

bobjones@bisp.net - 541-301-5615

April 22, 2015

Transfer Section
Oregon Water Resources Dept.
725 Summer Street NE, Suite A
Salem, Oregon 97301

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APR 24 2015

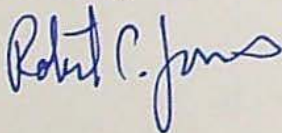
SALEM, OR

RE: COBU for Transfers T-10308 and T-10306

Enclosed are the two Claims of Beneficial Use (COBU) forms for the Transfer T-10308, Scott Coffman and T-10306, Gloria Danley. I have completed these as a volunteer for the Little Butte Watershed Council's Tucker Ditch Project. I thought these had been sent months ago when I got the signatures, but must have held them while trying to get the signatures for the other two transfers related to this project. I will get the signatures for T-10307, Peter Lopez and T-10305, Jim and Jodi Salyer by this Friday and forward on soon after.

All four transfers were completed on time. I know OWRD has new forms, but I'm hoping you will accept these on the old forms, since they were completed before new forms came out. Again, I have been helping get this project completed as a volunteer and really hoping not to have to do any additional work, if possible.

Sincerely,

A handwritten signature in blue ink that reads "Robert C. Jones". The signature is written in a cursive, flowing style.

Robert C. Jones, RG, CEG, CWRE



Oregon
Kate Brown, Governor

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

April 28, 2015

**GLORIA DANLEY
5150 BROWNSBORO RD
EAGLE POINT OR 97524**

On April 24, 2015 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

T-10306

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

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

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

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

Cc: file



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

October 12, 2012

GLORIA DANLEY
5150 BROWNSBORO HWY
EAGLE POINT OR 97524

REFERENCE: Transfer 10306

We have received your application for extension of the time limit to make complete application of water under Transfer T-10306. We also have your check in the amount of \$500.00. A copy of receipt number 106784 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. The time limit to make complete application of water is extended to October 1, 2013. The order approving the extension was entered September 28, 2012, at Volume 88, Page 609.

If you have any questions, please contact the transfer section at 503-986-0890.

Sincerely,

Codi Holmes
Water Rights Services Support
Transfer and Conservation Section

Enclosure



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

In the Matter of Extension of Time)	FINAL ORDER APPROVING AN
Application for Transfer Application)	EXTENSION OF TIME
T-10306, Jackson County, Oregon)	

Authority

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time for the completion of changes authorized under water right transfers.

Applicant

GLORIA DANLEY
5150 BROWNSBORO HWY
EAGLE POINT, OR 97524

Findings of Fact

1. On September 10, 2012, the Department received an application for extension of time for water right transfer T-10306 from Gloria Danley, the transfer applicant.
2. The Water Resources Department issued an order approving Transfer Application T-10306, in the name of Gloria Danley, on October 31, 2008. The order was recorded in Special Order Volume 76, at Page 644. The order set a transfer completion date of October 1, 2010.
3. The applicant has completed the pump station, distribution system and sprinkler irrigation system, but has been unable to fully complete the change by the deadline because of a contractor's oversight in not installing a flowmeter.
4. To fully complete the change, it will be necessary for the applicant to add a flowmeter to meet the condition that requires a measurement device, and then make beneficial use of water in compliance with all conditions of the order.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2013.

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

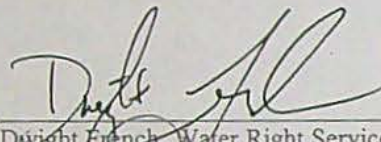
Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-10306 and the requested time is reasonable.

Now, therefore, it is **ORDERED**:

The time for completion of beneficial use authorized by T-10306 shall be extended to October 1, 2013.

Dated at Salem, Oregon this 28 day of September, 2012.



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

Mailing date: UC: 9 2 2012



Last revised: Nov 20, 2003

Transfer 10306

APPLICATION FOR EXTENSION OF TIME FOR TRANSFER OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, GLORIA DANLEY

of 5150 BROWNBORO HWY, EAGLE POINT,
(Name of Applicant) (Mailing Address) (City)
state of OREGON, 97524, 541 826-2647,
(Zip Code) (Phone Number)

do hereby make application for an extension of time within which to complete a change in:

☒ point of diversion/appropriation ☐ place of use ☐ character of use
of water under the terms of an order of the Water Resources Director entered on 10/31, 2008
approving Transfer 10306, in the name of GLORIA DANLEY
for 5150 BROWNBORO HWY, EAGLE POINT, OR 97524
(CT36 R1555 TAX 1500)
(Give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time allowed, which expired on October 1, 2010:

TRANSFER PUMP STATION, COMPLETED DISTRIBUTION
SYSTEM AND SPIRITER IRRIGATION SYSTEM

(If for irrigation, how many acres total are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the following:

ADD FLOW METER TO MEET MEASUREMENT REQUIREMENT

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed, because OF AN OMISSION BY THE CONTRACTOR DURING INSTALLATION

And request that the time for completion be extended to October 1, 2013.

Gloria L. Danley
(Signature of applicant)

In order for an application to be complete, it must be accompanied by the required fee. See the Department's fee schedule at www.wrd.state.or.us or call (503) 986-0900.

MAIL COMPLETED APPLICATION AND FEE TO:

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RECEIVED BY OWRD

SEP 10 2012

SALEM, OR



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

November 1, 2008

GLORIA DANLEY
5150 BROWNSBORO HWY
EAGLE POINT OR 97527

Reference: Transfer 10306

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

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

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

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

Sarah Henderson
Executive Support

cc: Watermaster #13
Robert Jones, Agent

Enclosure



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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-10306, Jackson County)	CHANGE IN POINT OF DIVERSION

Authority

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

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

Applicant

GLORIA DANLEY
5150 BROWNSBORO HWY
EAGLE POINT OR 97524

Agent

ROBERT JONES, CWRE
200 FIRST STREET
PROSPECT, OR 97536

Findings of Fact

Background

1. On February 2, 2007, Gloria Danley filed an application to change the point of diversion under Certificate 17221. The Department assigned the application number T-10306.
2. On July 5, 2007 the applicant submitted a revised application which modified the water right affected by this transfer. The revised application requests a change in point of diversion under Certificate 39596, which is the correct water right appurtenant to lands owned by Gloria Danley.
3. On March 26, 2008, the applicant submitted a revised transfer map showing the number of acres listed on Certificate 39596, including the portion to be transferred (8.67 acres) and the remaining portion (1.83 acres). The new map suggests the place of use of the 1.83 acres remaining is on state highway right-of-way. However specific information as to the

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

ownership of the remaining portion of the right was not provided. An area of 3.0 acres also shown on the map is not included in Certificate 39596, as it was cancelled from the original right by Special Order Volume 38, page 390, following failure to complete transfer T-2780.

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

Certificate: 39596 in the name of R. E. TUCKER

Use: IRRIGATION of 8.67 ACRES

Quantity: 0.11 CUBIC FOOT PER SECOND (CFS)

Priority Date: MAY 21, 1910

Source: LITTLE BUTTE CREEK, tributary to ROGUE RIVER

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	1 E	WM	5	NE SE	8.67

5. Certificate 39596 does not describe the location of the point of diversion, however information is available from the permit under which the right was perfected (Permit S-308) indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	4	NE SW	150 RODS EAST AND 120 RODS NORTH FROM THE SE CORNER OF SECTION 5

6. Application T-10306 proposes to move the authorized point of diversion approximately 0.85 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	5	NE SE	970 FEET SOUTH AND 950 FEET WEST OF THE EAST QUARTER CORNER OF SECTION 5

7. Notice of the application for transfer was published on February 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On July 25, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10306 to the applicant and agent. The draft Preliminary Determination set forth a deadline of September 30, 2007, for the applicant to respond and submit a revised map and report of ownership and lien information. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided a revised map and the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On April 2, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10306 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on April 8, 2008, and in the Upper Rogue Independent newspaper on September 2, 9 and 16,

2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

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

11. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10306.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in point of diversion proposed in application T-10306 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

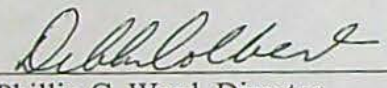
Now, therefore, it is ORDERED:

1. The change in point of diversion proposed in application T-10306 is approved.
2. Water right certificate 39596 is cancelled and a new certificate will be issued describing that portion of the right not affected by this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 39596 and any related decree.
4. 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.
5. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must

obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

6. Prior to diverting water, the water user shall install 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 measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.
7. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.
8. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
9. When satisfactory proof of the completed change is received, a new certificate confirming the portion of the right transferred will be issued.

Dated at Salem, Oregon this 31st day of October 2008.


Phillip C. Ward, Director

RW

Mailing date: NOV 03 2008

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

R.E. TUCKER
BROWNSBORO, OREGON

confirms the right to use the waters of Little Butte Creek, a tributary of Rogue River, for irrigation of 1.83 acres.

This right was perfected under Permit S-308. The date of priority is May 21, 1910. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.02 cubic foot per second or its equivalent in case of rotation, measured at the point of diversion.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

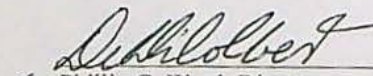
NE ¼ SE ¼ 1.83 ACRES
SECTION 5
TOWNSHIP 36 SOUTH, RANGE 1 EAST W.M.

This certificate describes that portion of the water right confirmed by Certificate 39596, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered OCT 31 2008, approving Transfer Application T-10306.

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.

WITNESS the signature of the Water Resources Director, affixed OCT 31 2008


Phillip C. Ward, Director



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

April 3, 2008

Robert Jones, CWRE
200 First Street
Prospect, Oregon 97536

SUBJECT: Transfer Application T-10306

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10306. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Because the new point of diversion is more than $\frac{1}{4}$ mile from the authorized point of diversion, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original *affidavit of publication* to the Department, to me at the address above by **May 19, 2008**.

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

If a protest is filed, the application may be referred to a contested case proceeding. A contested case proceeding provides an opportunity for the proponents and opponents of the decision proposed by the Department to present information and arguments supporting their position in the proceeding.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: Transfer T-10306
Larry Menteer, District 13 Watermaster
Gloria Danley, 5150 Brownsboro Hwy., Eagle Point, OR 97524

encs

PD
Noticed
4-8-08
Affid of pub due 5/19
Check 6/2 8/2

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-10306, Jackson County)	PROPOSING APPROVAL OF A
)	CHANGE IN POINT OF DIVERSION

Authority

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

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

Applicant

GLORIA DANLEY
5150 BROWNSBORO HWY
EAGLE POINT OR 97524

Agent

ROBERT JONES, CWRE
200 FIRST STREET
PROSPECT, OR 97536

Findings of Fact

Background

1. On February 2, 2007, Gloria Danley filed an application to change the point of diversion under Certificate 17221. The Department assigned the application number T-10306.
2. On July 5, 2007 the applicant submitted a revised application which modified the water right affected by this transfer. The revised application requests a change in point of diversion under Certificate 39596, which is the correct water right appurtenant to lands owned by Gloria Danley.
3. On March 26, 2008, the applicant submitted a revised transfer map showing the number of acres listed on Certificate 39596, including the portion to be transferred (8.67 acres) and the remaining portion (1.83 acres). The new map suggests the place of use of the 1.83 acres remaining is on state highway right-of-way. However specific information as to the ownership of the remaining portion of the right was not provided. An area of 3.0 acres also shown on the map is not included in Certificate 39596, as it was cancelled from the original right by Special Order Volume 38, page 390, following failure to complete transfer T-2780.

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

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

Certificate: 39596 in the name of R. E. TUCKER

Use: IRRIGATION of 8.67 ACRES

Quantity: 0.11 CUBIC FOOT PER SECOND (CFS)

Priority Date: MAY 21, 1910

Source: LITTLE BUTTE CREEK, tributary to ROGUE RIVER

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	1 E	WM	5	NE SE	8.67

5. Certificate 39596 does not describe the location of the point of diversion, however information is available from the permit under which the right was perfected (Permit S-308) indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	4	NE SW	150 RODS EAST AND 120 RODS NORTH FROM THE SE CORNER OF SECTION 5

6. Application T-10306 proposes to move the authorized point of diversion approximately 0.85 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	5	NE SE	970 FEET SOUTH AND 950 FEET WEST OF THE EAST QUARTER CORNER OF SECTION 5

7. Notice of the application for transfer was published on February 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On July 25, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10306 to the applicant and agent. The draft Preliminary Determination set forth a deadline of September 30, 2007, for the applicant to respond and submit a revised map and report of ownership and lien information. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided a revised map and the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

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

10. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10306.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in point of diversion proposed in application T-10306 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

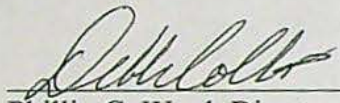
If application T-10306 is approved, the final order will include the following:

1. *The change in point of diversion proposed in application T-10306 is approved.*
2. *Water right certificate 39596 is cancelled and a new certificate will be issued describing that portion of the right not affected by this transfer.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 39596 and any related decree.*
4. *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.*
5. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
6. *Prior to diverting water, the water user shall install 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 measuring device must be approved by the Department prior to beginning*

construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.

7. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.
8. The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
9. When satisfactory proof of the completed change is received, a new certificate confirming the portion of the right transferred will be issued.

Dated at Salem, Oregon this 2nd day of April 2008.



Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

**Notice of Preliminary Determination for
Water Right Transfer T-10306**

T-10306 filed by Robert Jones, CWRE, 200 First Street, Prospect, Oregon, 97536, on behalf of Gloria Danley, 5150 Brownsboro Hwy., Eagle Point, OR 97524, proposes a change in point of diversion under Certificate 39596. The right allows the use of 0.11 cfs (priority date May 21, 1910) from a diversion in Sec. 4, T 36S, R 1E, W.M. (Rogue Basin) for irrigation in Sec. 5. The applicant proposes to move the point of diversion approximately 0.85 mile downstream (Sec. 5, T 36S, R 1E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

FEB 16 2007

WATER RESOURCES DEPT
SALEM, OREGON**Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form***(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)*Reference Transfer #: 10306**A. Please check box if you believe there is a potential for injury to an instream water right.**

- ☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on

_____, tributary to _____. Because,
(Stream)

(Please attach any available supporting information.)

Note: This will prompt WRD to further evaluate and make a determination whether the transfer will injure an instream water right. (WRD is the agency that makes the determination of injury to a water right, while ODFW's role is to raise concerns and to evaluate proposed mitigation and net benefit to the resource if WRD requests concurrence with injury to an instream water right.)

B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:

- ☐ 1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.

Condition: The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

- ☒ 2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is

*Please return all 4 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1271*

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>.

selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Condition: Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

- ☐ 3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

*If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should **NOT** be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain:*

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost share funds become available to assist in the construction of a fish screening and/or by-pass device. If cost share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost share funding.

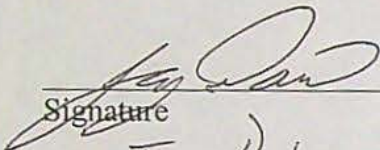
Condition: Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

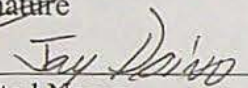
- ☐ 4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.


Signature


Printed Name


Title


Phone

RECEIVED

FEB 16 2007

WATER RESOURCES DEPT
SALEM, OREGON

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer # 10306

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- ☒ Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

The applicant should contact the ODFW staff below to obtain additional information on the design, construction, operational, and maintenance standards for the required fish screening and/or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices. **Prior to installation, the water user must obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria.**

ODFW staff name: Rich Kilbane
Address: 1495 East Gregory Road
City/State/Zip: Central Point OR
Phone: (541) 826-8774

- ☐ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: _____
Address: _____
City/State/Zip: _____
Phone: () _____



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10306

Review Due Date: Feb 9, 2007

Applicant Name: Danley, G..

Proposed Changes: ☐ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Larry Mentee

Date of Review: Feb. 9, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: In drought years the right has been regulated for senior users.
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☐ No ☐ N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____

RECEIVED

MAR 12 2007

WATER RESOURCES DEPT
SALEM, OREGON

9. Are there other issues not identified through the above questions? ☒ Yes ☐ No If "Yes", explain: This is a fish friendly project that will remove a fish barrier and improved efficiency will put more water instream.
10. What alternatives may be available for addressing any issues identified above: _____
11. Have headgate notices been issued for the source that serves the right? ☒ Yes ☐ No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	<input type="checkbox"/> Present and should be maintained.	<input checked="" type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
Headgates	<input type="checkbox"/> Present and should be maintained.	<input checked="" type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

This Is to Certify, That R. E. TUCKER

of Brownsboro, 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 Little Butte Creek

a tributary of Rogue River
irrigation of 10.5 acres

for the purpose of

under Permit No. 308 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 May 21, 1910

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 0.13 cubic foot per second

$$0.13 \text{ cfs } (\div) 10.5 \text{ AC} = 0.012380952 \text{ cfs/AC}$$

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the

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 of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Remain	10.5 acres NE 1/4 SE 1/4 Section 5 T. 36 S., R. 1 E., W. M.	Transfer
1.83 AC		8.67 AC
0.02 cfs		0.11 cfs

Certificate of water right issued to R. E. Tucker and recorded at page 743, Volume 1, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 13.5 acres. A change in the place of use of water for the irrigation of 3.0 acres was approved by order of the State Engineer entered April 10, 1973. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to R. E. Tucker.

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 State Engineer, affixed

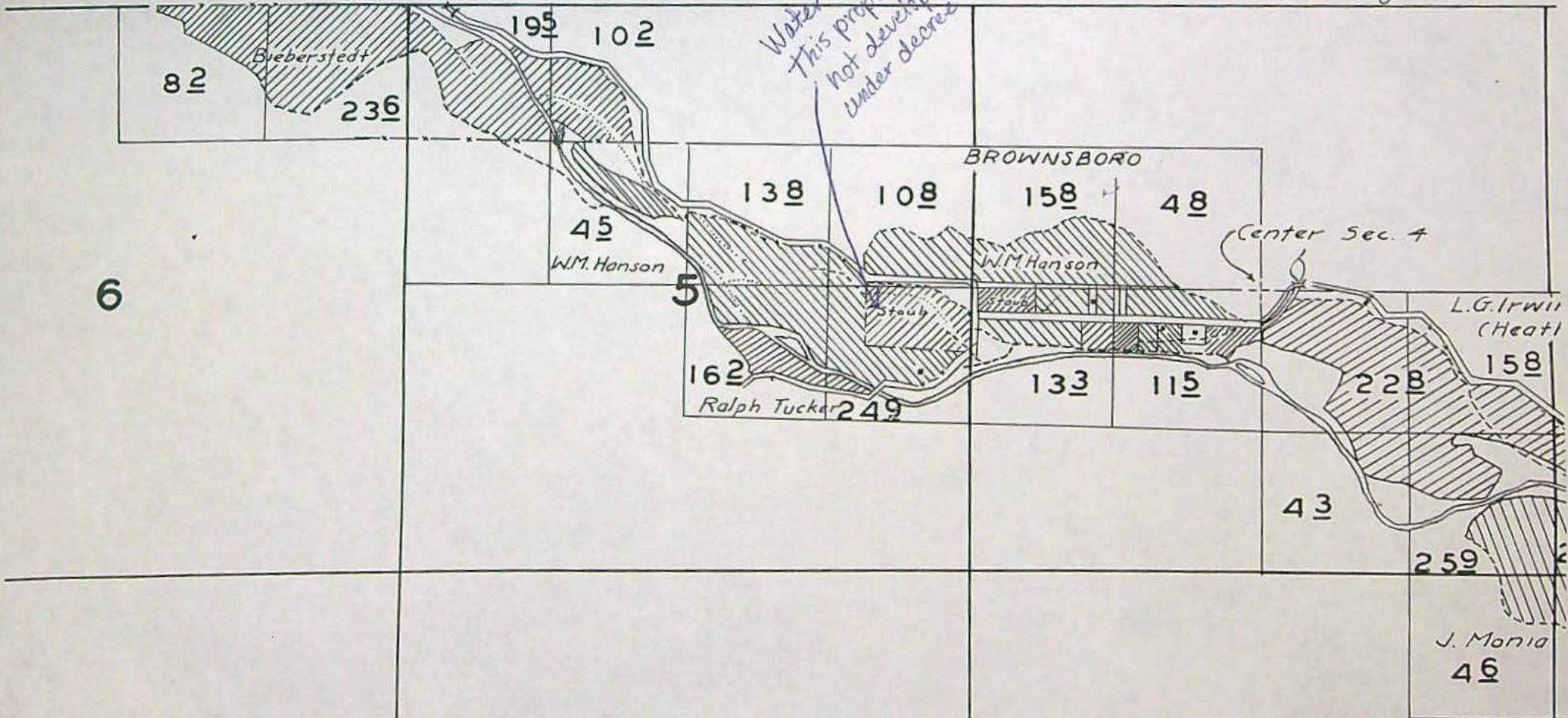
this date. November 21, 1973

Chris L. Wheeler

State Engineer

TOWNSHIP 36

Range 1 E



Copied from Little Butte Cr. Decree inchoate lands map

36 1E 30
ACCOUNT NUMBER

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
OFFICE OF COUNTY ASSESSOR, JACKSON COUNTY, OREGON

9-2
CODE NUMBER

SECTION <u>5</u>	TOWNSHIP <u>36</u> S	RANGE <u>1E</u> W.M.	MAP NO. <u>36 1E</u>	AERIAL PHOTO
LOT	BLOCK	ADDITION		CITY
TAX LOT NUMBER	NO.	NO.		

INDENT EACH NEW
COURSE TO THIS LINE

LEGAL DESCRIPTION

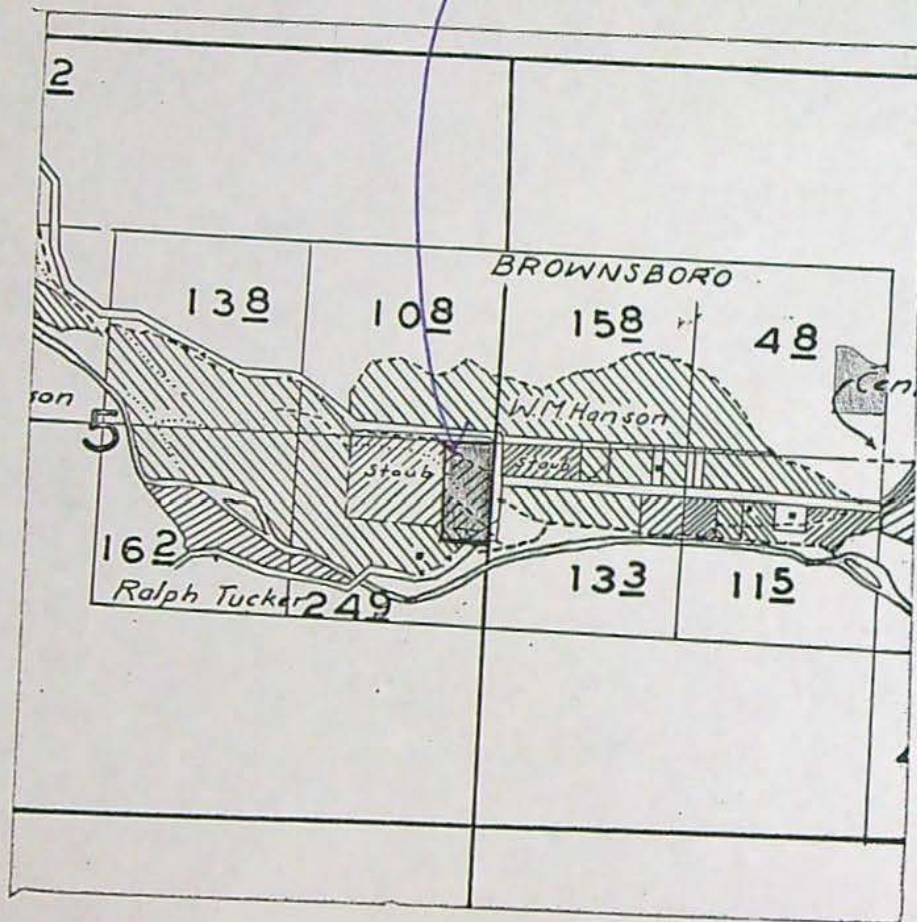
DEED RECORD			ACRES REMAINING
YEAR	VOLUME	PAGE	
1952	370	230	15
1960	495	319	
			10
O.R.	68-07788	JV 69-0694	

V. Aubb. Floyd E. & Lila F.
Beginning at the Northeast corner of the SE $\frac{1}{4}$ of Sec. 5,
Twp 36 South, Range 1 East of the W $^{\text{th}}$; thence running
South 40 rods; thence
West 60 rods; thence
North 40 rods; thence
East 60 rods to the place of beginning.
EXCEPTING AND RESERVING therefrom that part thereof
in the County Road and that part thereof described as
follows, to wit: -
Beginning at a point 330 feet West of the Northeast
corner of the SE $\frac{1}{4}$ of said Sec. 5, Twp 36 South, Range
1 East of the W $^{\text{th}}$, in JCO; thence running
South 40 rods; thence
West 40 rods; thence
North 40 rods; thence
East 40 rods to the place of beginning.

JACKSON HIGHWAY

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NOV 2 1972
STATE ENGINEER
SALEM OREGON

Land under Application 5-693/Permit 5-308/Certificate 743 involved in T-2780



TOWNSHIP 36 S, RANGE 1 E, W. M.																SECTION 5		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT IF OTHER THAN 40 ACRES																		
3968 3976				3984 3992														
				102 104												Findings, Vol. 10 Page 27		17165
																Decree, Vol. 10 Page 513		
																Findings, Vol. 10 Page 34		17186
																Decree, Vol. 10 Page 579		
																Findings, Vol. 10 Page 43		17221
																Decree, Vol. 10 Page 527		
																10443	7010	6805
																693	308	743
																		17187

Hanson
RE: Tucker - Tucker, dH
1875
Hanson, W.M. - Brownsboro

T-2780

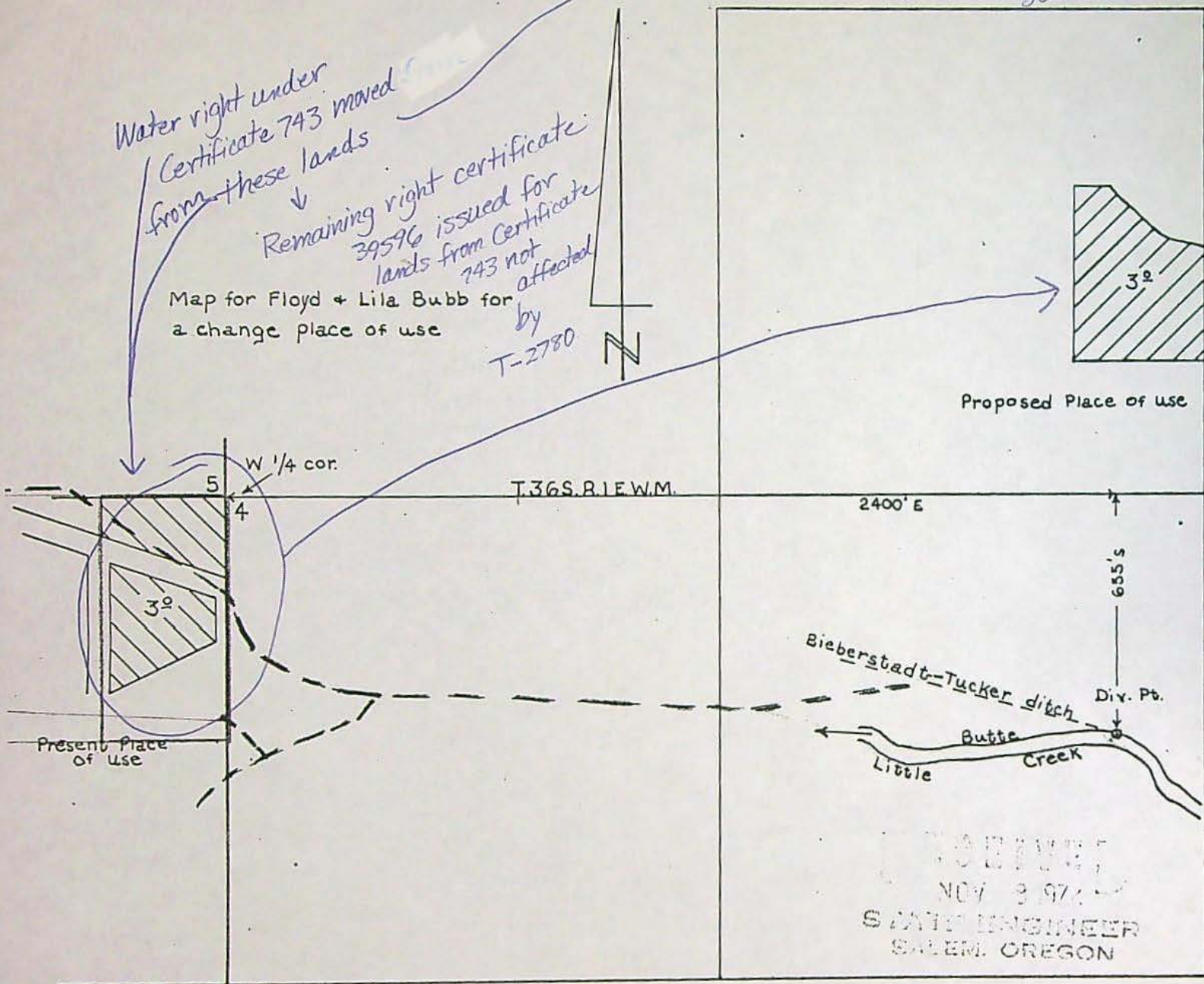
Water right under
Certificate 743 moved
from these lands

Remaining right certificate
39596 issued for
lands from Certificate
743 not
affected
by
T-2780

Map for Floyd + Lila Bubb for
a change place of use

T-2780

to these lands, but never proved
up on in the new place, so
3 acres lost.



Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, December 19, 2007 12:24 PM
To: 'bobjones@bisp.net'
Subject: Revised map for T-10306
Attachments: 10306-old-maps.pdf

Bob,

The contractor working on T-10306 (Gloria Danley) reminded me that we have not received the revised map that had been requested. I'm sorry I neglected to notice that and alert you when we received the revised application.

Below is the section copied from the July 25, 2007 letter in which we requested the map and accompanying information:

We also request that you submit a revised application map that:

- 1. References the new certificate number for this transfer and*
- 2. Depicts the full extent of the place of use for the right (10.50 acres), indicating the location of the portion in tax lot 1500 that is to be transferred versus the portion in this or other tax lots that will remain. (Note: the present maps do not show the entire tax lot 1500, nor do they show the 1.83 acre portion of the right that is not involved in the transfer).*
- 3. Also useful would be to show the location of other notable physical features of the site including the Tucker ditch and related water delivery features that cross the property.*

Please provide a statement indicating whether or not the 1.83 acres not included in this transfer are also owned by the applicant, and if they belong to the applicant, indicate whether or not they are to be voluntarily cancelled. If they are to be voluntarily cancelled, please be sure that portion of the property is included on the report of ownership and lien information described above. If the portion not being transferred is now under the roads that cross your property, and therefore NOT under your ownership, please indicate whether you will be able to obtain affidavits of voluntary cancellation from the appropriate government entity that controls the interest in that land. Any cancellations will be noted in the Preliminary Determination.

I have attached the older maps of the right, showing the original rectangular property shown in the application map (of which 13.5 acres were determined to have been developed), and the location of the 3.0 acres that were transferred off, resulting in 10.5 acres under Certificate 39596. Please identify on the T-10306 map the 8.67 acres to be affected by the transfer, as well as the remaining 1.83 acres, as per OAR 690-380-3100 (2) (d & f).

It appears possible that most, if not all of the remaining lands under the right are in the road rights of way. Some other applicants in a similar situation have been able to get the agency holding title to the right of way to sign affidavits of partial cancellation; otherwise the Department will simply issue a remaining right certificate for the remaining lands and deal with the issue of cancellation later.

Let me know if you have questions. I apologize for not following up on this earlier.

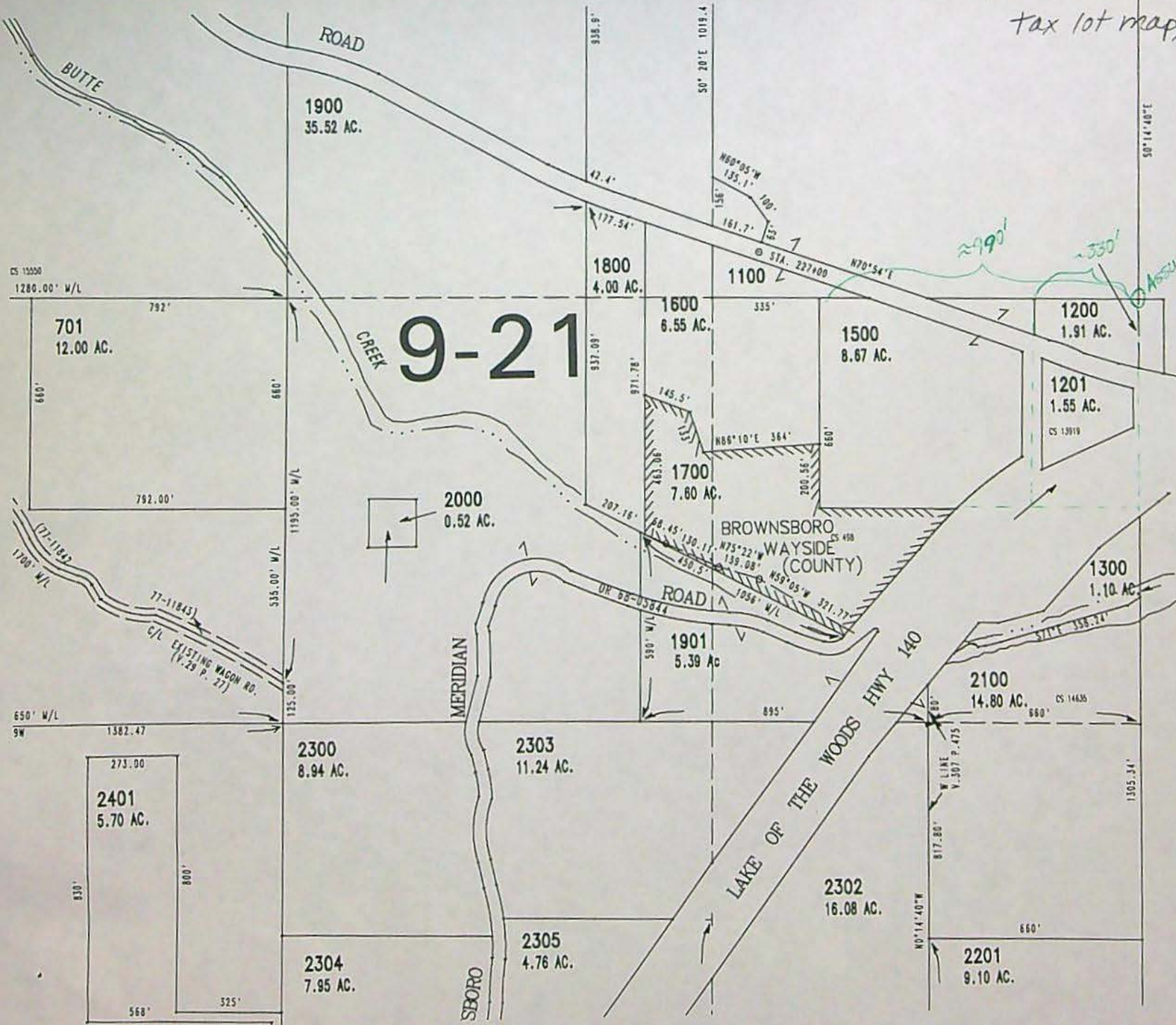
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department

12/19/2007

Portion of T36S R1E Section 5
tax lot map, printed at 1"=400'

SEE MAP 36 1E 4
Assumed NE corner of NESE

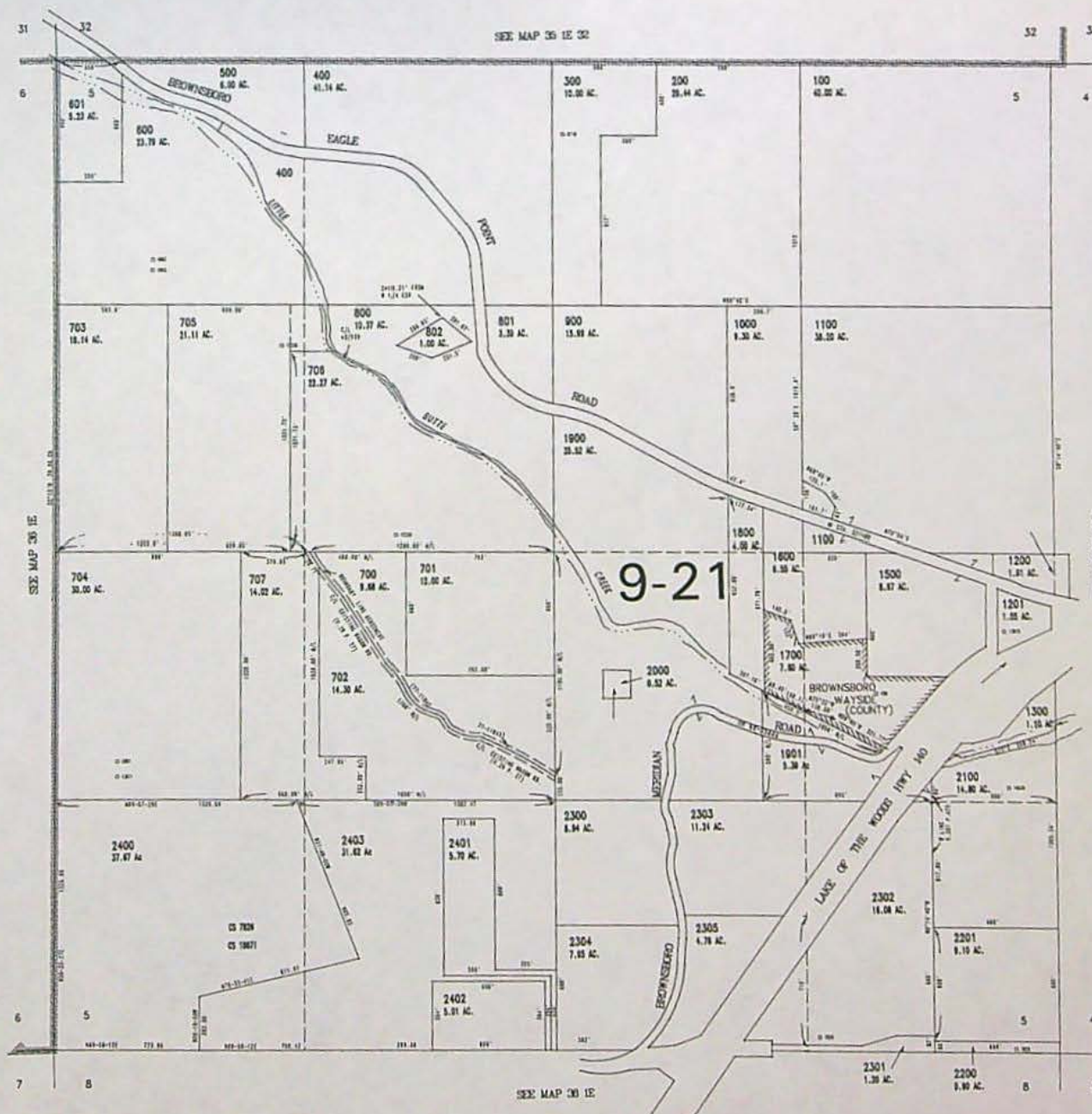


THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 5 T36S R1E W.M.
JACKSON COUNTY

1"= 400'

36 1E 5



CANCELLED TAX
LOT NUMBERS

METAFLE K/MAP/361E/06/0/0/00 PLATCARA
CREATED WEDNESDAY MARCH 15, 2006 11:44 AM BY GIBSONJO

36 1E 5
DATE CONVEYED: JUNE 28, 2006

Review Checklist**T-10306****Processor: RA****Application**

- ☒ The type of change is clearly indicated.
- ☒ The application is appropriately signed.
- ☒ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☒ Land use form matches affected tax lots and is signed by proper official. (*from ALL affected Govt's*)
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☒ All required attachments received.

Water right subject to transfer

- ☒ Certificated right or Proof accepted "to the satisfaction...."
- ☒ The right been exercised according to terms & conditions of certificate.
- ☒ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☒ No information in record that suggests forfeiture.
- ☒ No conflicts identified on the plat cards and plat card reports printed.
- ☒ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☒ The map has an original CWRE signature.
- ☒ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☒ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☒ Metes and bounds for the POD's/POA's are properly described on the map.
- ☒ The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- ☒ Map acres match the tabulation on the certificate.
- ☒ Have final proof maps/deed maps for the rights. ☐ Application map matches certificate FPS.
- ☒ Have necessary aerial photos.

Determining the "From" and "To" Lands (*make working copy of application and certificates to mark on*)

- ☒ Only the authorized POD's/POA's and POU's to be transferred are listed.
- ☒ Application & certificate tabulations match. (*Mark on appl. and cert. copies and note corrections needed*)
- ☒ Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

Ownership

- ☒ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- ☒ Have current tax lot map. (*If transfer application is several years old, contact assessor's office*)
- ☒ The applicant is the owner of the "from" lands.
- ☒ All owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|--|---|---|---|---|
| <input checked="" type="checkbox"/> application complete | <input checked="" type="checkbox"/> map | <input checked="" type="checkbox"/> FPS | <input checked="" type="checkbox"/> evidence of use | <input checked="" type="checkbox"/> land-use form |
| <input checked="" type="checkbox"/> deed/ROLI | <input checked="" type="checkbox"/> certificate | <input checked="" type="checkbox"/> fees paid | <input type="checkbox"/> well logs | <input checked="" type="checkbox"/> plat card |
| <input type="checkbox"/> audit | <input checked="" type="checkbox"/> dpd | | | |

- Reviews/comments/conditions received? ☒ Watermaster ☒ ODFW ☐ GW
- | | | | |
|---------------------|---|--|--|
| Headgate | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Measuring Devices | <input type="checkbox"/> When in the judgment | <input checked="" type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Fish Screen Devices | <input checked="" type="checkbox"/> | | |

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury -

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SALEM, OREGON

COPY COPY



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a". Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

APPLICATION FOR:

Please check one		
<input checked="" type="checkbox"/> Water Right Transfer	<input type="checkbox"/> Temporary Transfer (number of years _____)	<input type="checkbox"/> Drought Transfer
<input type="checkbox"/> Historic Change in POD	<input type="checkbox"/> Permit Amendment	<input type="checkbox"/> Point of Diversion Change Due to Government Action
<input type="checkbox"/> To Instream Use		
<input checked="" type="checkbox"/> Other Transfer		

1. APPLICANT INFORMATION

Name: GLORIA DANLEY
First Last
Address: 5150 BROWNSBORO HWY
EAGLE POINT OR 97524
City State Zip
Phone: 541-826-2647
Home Work Other
*Fax: _____ *E-Mail address: _____
*Optional information

2. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application)

Name: ROBERT JONES
First Last
Address: 725 N. LAUREL ST 200 FIRST ST. Eq. 6/26/07
ASHLAND Prospect OR 97520 36 Eq
City State Zip
Phone: 541-488-0157 560-325 541-301-5615
Home Work Other
*Fax: 541-488-0377 Eq *E-Mail address: bobjones@bisp.net
*Optional information

1 10306

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Last revised 10/23/2004

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3. TYPE OF CHANGE PROPOSED

Please check all that apply

Point of Diversion or Appropriation	Place of Use	Character of Use (n/a for Permit Amendments)
<input checked="" type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.)	<input type="checkbox"/> All, or a portion, of the right will be exercised at a different location than currently authorized. (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete Supplemental Form B)
<input type="checkbox"/> Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.)	<input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____
<input type="checkbox"/> Historic Point of Diversion (Unauthorized point of diversion used for more than 10 years.)		
<input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion and not as an additional point of appropriation.)		<input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)

Reason for changes: ELIMINATE PUSH-UP DAM TO BENEFIT FISH AND CONVERT POD TO NEW PUMP STATION.

Describe the current water delivery system. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right. (Not applicable to applications for Permit Amendments.)

THE CURRENT SYSTEM USES A PUSH-UP DAM and DITCH (referred to as Tucker ditch) TO DELIVER 1.85 cfs

System capacity: 2.0 cubic feet per second (cfs)

Attach one or more Evidence of Use Affidavits (Supplemental Form A) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years or that a presumption of forfeiture for non-use could be rebutted.

RECEIVED to applications for Permit Amendments.)

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4. CURRENT WATER RIGHT INFORMATION

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>17221 39596</u>	<u>6/26/07</u>
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right		
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested		
	Permit Number	Completion Date of Permit

Name on Permit, Certificate, or Decree: R.E. TUCKER

County: JACKSON Authorized Use(s): IRRIGATION

Are there multiple Priority Dates identified on the water right? ☒ Yes ☒ No

If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:

Source(s) of Water Listed on Right: LITTLE BUTTE CREEK

Tributary to: ROGUE RIVER

Are there other Sources listed on the water right? ☐ Yes ☒ No

If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:

Are there Other Water Rights or permits associated with this land? ☐ Yes ☒ No

If "Yes", what are the Permit or Certificate Numbers?

Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled

Remarks: N/A

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Transfer Application/3

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1 10306

39596

17221 Ref 6/26/07

Is the entire water right identified on **Page 3** affected by this transfer? ☐ Yes ☒ No
If "Yes", the remainder of this page need not be completed.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Township	Range	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
36 S	1 E	W	4	NE SW		655 ft south and 2400' east of EAST 1/4 corner, Section

[illegible]

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Transfer Application⁴

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6. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No

Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No

Is water for any of the rights supplied under a water service agreement or other contract for stored water with a Federal agency? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district and/or agency:

N/A

List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

N/A

Jackson County

7. LAND OWNERSHIP

Does the applicant own the lands FROM which the right is being transferred? ☐ Yes ☐ No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:

Names of Current Landowner(s): GLORIA DANLEY
First Last

Address: SISO BROWNSBORO HWY
EAGLE POINT OR 97524
City State Zip

Does the applicant own the lands TO which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information:

Names of Receiving Landowner(s): Same
First Last

Address: _____
City State Zip

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Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

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Transfer Application/6

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8. ATTACHMENTS

Check each of the following attachments included with this application. The application will be returned if all required attachments are not included.

Form A – Evidence of Use Affidavits

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original, not a copy.

Form B – Instream Water Right Transfer

- ☐ Required for instream transfers only.

Map

☒ Permanent Water Right Transfer

The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

☐ Permit Amendment, Temporary Transfer, or Other Application

A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Evidence of Lien Holder Notification

- ☐ Copies of the written notification of the proposed transfer provided by the applicant to each lien holder, unless the water right has been quit claimed.

Recorded Deed

- ☐ Required for temporary transfers only.

Land Use Information Form:

☒ Enclosed

- ☐ Not Required if all of the following are met:

- ① In EFU zone or irrigation district,
- ② Change in place of use only,
- ③ No structural changes needed, including diversion works, delivery facilities, other structures, and
- ④ Irrigation only.

Water Well Reports/Well Logs:

- ☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ The application is for a surface water transfer and water well reports are not required.

Fees:

- ☐ Amount enclosed: \$ 175⁰⁰

See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

9. SIGNATURES

I (we) understand that prior to approval of a permanent transfer and after issuance of a draft preliminary determination by the Department, I (we) must submit:

- (1) A report on ownership and lien information prepared by a title company within the last three months if required under OAR 690-380-3000(13), and
- (2) If I (we) are not the landowners, proof that the landowner or entity to which the water right has been quitclaimed consents to the transfer or that ownership information is not required.

I (we) affirm that the information contained in this application is true and accurate.

Gloria L. Danley GLORIA L. DANLEY 7-19-06
applicant signature name (print) date

applicant signature

name (print)

date

Before submitting your application, be sure you have:

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all named deed holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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Transfer Application 7

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SALEM, OREGON

County of Jackson

Proof of Appropriation of Water

(In accordance with the provisions of Chapter 214, Laws of Oregon for 1963, and the regulations of the State Water Board thereunder.)

7. The description of land given below corresponds to that found in your permit covering land to be irrigated, or if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described.

[illegible]

8. During what months is water beneficially used? April 1st to Oct 1st
Sept 15th. Most water used in June, July, and August

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Could the
1 1/2 acres possibly
be where a road
was developed? See
following map.

9. State the character of the soil and kind of crops raised *Sandy gravelly loam
grain, alfalfa and corn, some orchard*
10. Does the accompanying blue print of the map filed with your permit show correctly the location of diverting works and area of land where water is used? *yes*
11. If not, state wherein such map is in error. *Have irrigated only
1 1/2 acres. 1/2 acre in NE corner has not been
irrigated and a*
12. If the dimensions of your ditch or dam do not correspond to those described in your permit, state what changes have been made, giving dimensions of ditch (or other distributing works)
13. If water is used for power, mining, domestic, municipal, storage, manufacturing, or any other purpose than irrigation, give the extent and method of such use.

STATE OF OREGON,
County of *Jackson* } ss.

I, *R. E. Tucker*, being first duly sworn,
depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof; and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this *11* day
of *July*, 191*4*

R. E. Tucker

Subscribed and sworn to before me this *11* day of *July*, 191*4*.
W. H. Linder
(Notarial Seal) Notary Public for Oregon.

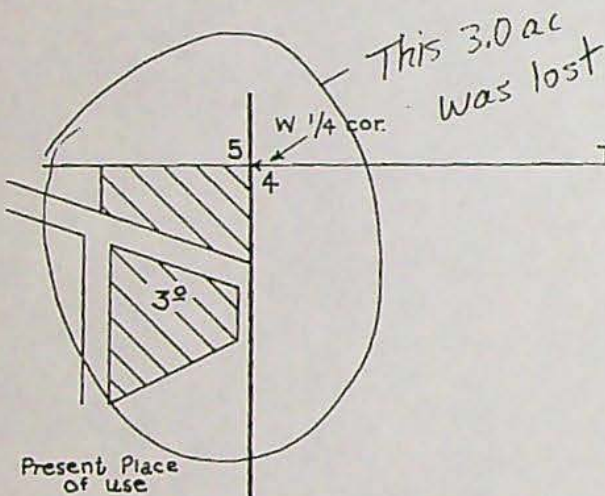
RECEIVED

JUL 23 2008

WATER RESOURCES DEPT
SALEM, OREGON

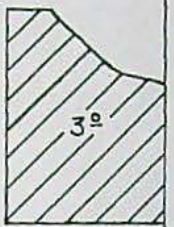
T-2780 application map

Map for Floyd + Lila Bubb for
a change place of use



T.36S. R.1E.W.M.

2400' E



Proposed Place of use

655' S

Div. Pt.

Bieberstadt-Tucker ditch

Butte Creek

Little Creek

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WATER RESOURCES DEPT
SALEM, OREGON

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JUL 23 2008

WATER RESOURCES DEPT
SALEM, OREGON

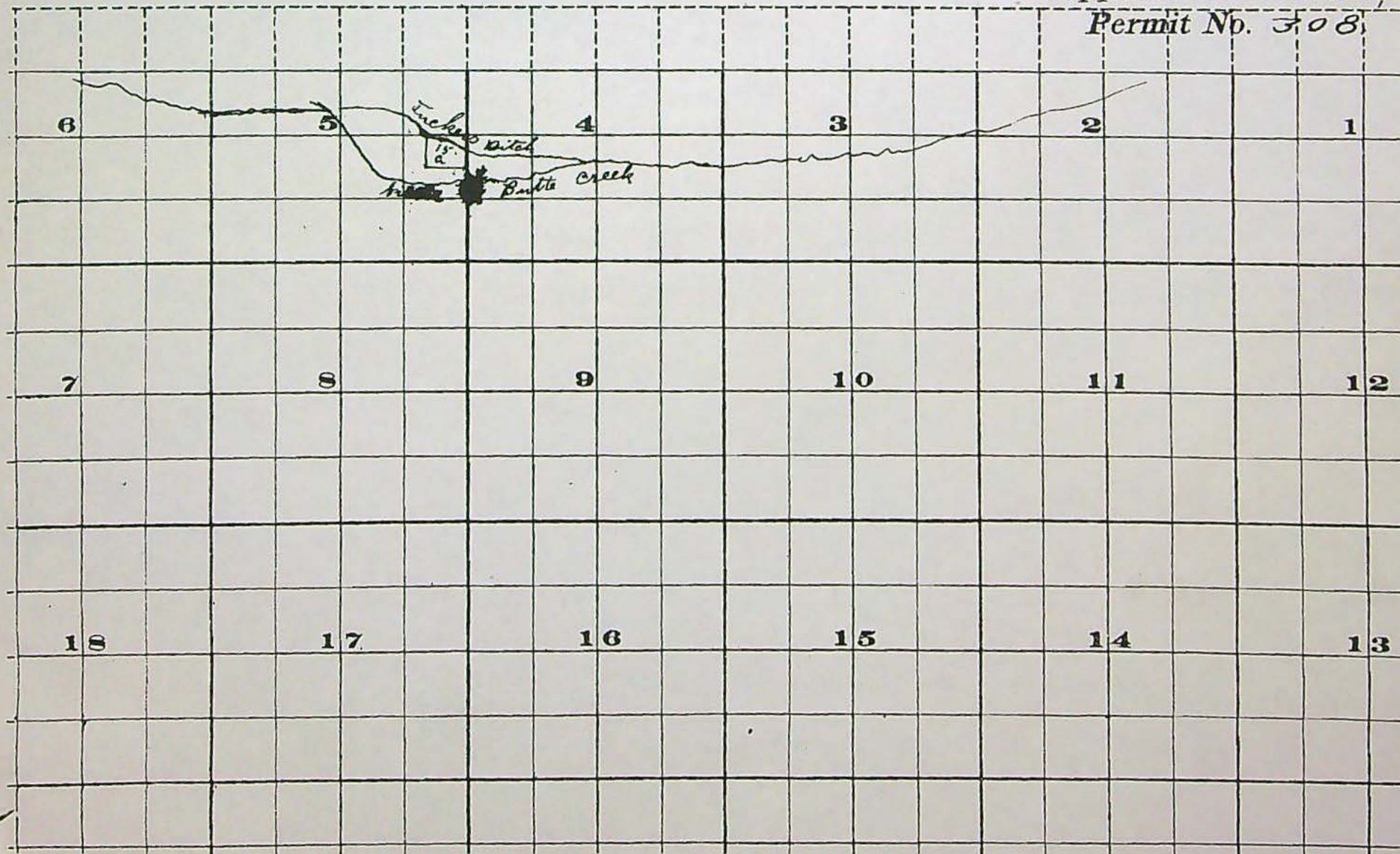
S-693 Application Map

Township 365,

Range 1 E.

Application No. 693,

Permit No. 308.



36 1E 30
ACCOUNT NUMBER

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
OFFICE OF COUNTY ASSESSOR, JACKSON COUNTY, OREGON

9-2

CODE NUMBER

SECTION 5	TOWNSHIP 36 S	RANGE 1E W.M.	MAP NO. 36 1E	AERIAL PHOTO
LOT	BLOCK	ADDITION		CITY
TAY LOT NUMBER	NO.	ADDITION		CITY

LEGAL DESCRIPTION	DEED RECORD			ACRES REMAINING
	YEAR	VOLUME	PAGE	

Valley View E. & L. La F.
Beginning at the Northeast corner of the SE $\frac{1}{4}$ of Sec. 5, Twp 36 South, Range 1 East of the W $\frac{1}{2}$; thence running South 40 rods; thence West 60 rods; thence North 40 rods; thence East 60 rods to the place of beginning.
EXCEPTING AND RESERVING therefrom that part thereof in the County Road and that part thereof described as follows, to wit: -
Beginning at a point 330 feet West of the Northeast corner of the SE $\frac{1}{4}$ of said Sec. 5, Twp 36 South, Range 1 East of the W $\frac{1}{2}$, in JCO; thence running South 40 rods; thence West 40 rods; thence North 40 rods; thence East 40 rods to the place of beginning.

1952 370 230

1960 495 319

15

10

STATE HIGHWAY

O.R. 68-07788
JV 69-0694

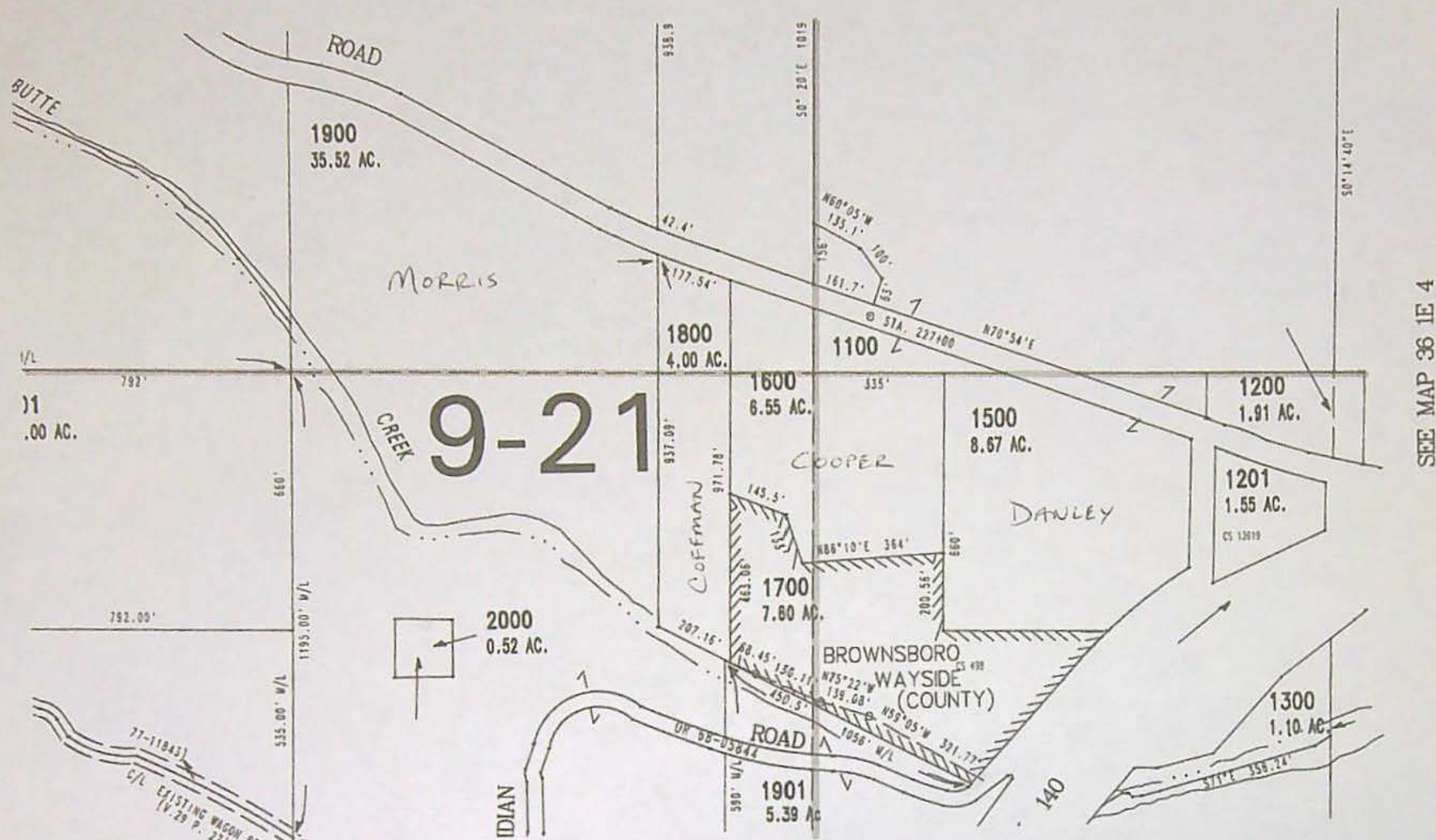
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NOV 8 1972
STATE ENGINEER
SALEM OREGON

RECEIVED

JUL 23 2008

WATER RESOURCES DEPT
SALEM, OREGON

36 1E 5
<portion>



SEE MAP 36 1E 4

RECEIVED
JUL 23 2008
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

This Is to Certify, That R. E. TUCKER

of Brownsboro, 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 Little Bette Creek

a tributary of Rogue River
irrigation of 10.5 acres

for the purpose of

under Permit No. 308 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 May 21, 1910

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 0.13 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the

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 of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

10.5 acres NE 1/4 SE 1/4	TXFR	RR
Section 5		
T. 36 S., R. 1 E., W. M.	8.67 ac	1.83 ac
	.826/1	.174/1
	0.11 cfs	0.02 cfs

Certificate of water right issued to R. E. Tucker and recorded at page 743, Volume 1, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 13.5 acres. A change in the place of use of water for the irrigation of 3.0 acres was approved by order of the State Engineer entered April 10, 1973. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to R. E. Tucker.

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 State Engineer, affixed

this date. November 21, 1973

RECEIVED

JUL 23 2008

Chris L. Wheeler

State Engineer

WATER RESOURCES DEPT.
SALEM, OREGON

Recorded in State Record of Water Right Certificates, Volume 31, page 39596

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, February 06, 2008 4:06 PM
To: 'bobjones@bisp.net'
Subject: Status on transfer applications

Hi Bob,

We have several transfer applications that are waiting for the next step in processing, and so I'm checking in to see when we might receive the materials needed to move them along.

T-10305 (Richard Morris): I understand that this one is to be assigned to a new landowner. We need an "assignment of water right" form submitted with \$50.00 fee; then we will issue the draft preliminary determination.

T-10307 (Harry Edwin Cooper) and T-10308 (Scott Coffman): These are ready for issuance of the Preliminary Determination, but since they act on the same right as T-10305, I think it was your preference to have them go through the protest period and publication of notice at the same time as T-10305. Let me know if that is not your wish.

T-10306 (Gloria Danley): A revised map was requested on December 19, 2007. Once we receive the map, we will issue the Preliminary Determination and begin the protest period. At that time we will send you the notice that needs to be published in the newspaper.

T-10304 (William and Marie Kane): It looks like a proposed applicant agreement may not have been signed yet on this one. Please contact Salem Opeifa at (503) 986-0929 to let him know whether you wish to proceed with processing the transfer through Reimbursement Authority.

Let me know how to proceed and when to expect the assignment form, the revised map and the applicant agreement.

Thanks,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Friday, December 28, 2007 5:48 PM
To: 'Terrance Anthony'
Subject: RE: T-10306 ownership information

Sure, Terry. I'll be glad to do it that way, as long as you are comfortable with it.

Dorothy

-----Original Message-----

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Thursday, December 27, 2007 7:41 PM
To: Dorothy Pedersen
Subject: Re: T-10306 ownership information

Dorothy,

Given that we are almost to the end, why don't I just finish it up but bill only 8.5 hrs. It will be more efficient, and less hassle for everyone to track that way. I'm more than happy to do it.

So I'll wait on the revised map from Bob Jones.

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

----- Original Message -----

From: "Dorothy Pedersen" <pedersdi@wrdd.state.or.us>
To: "Terrance Anthony" <conservationstrategies@comcast.net>
Cc: "Salem Opeifa" <opeifasb@wrdd.state.or.us>
Sent: Monday, December 24, 2007 3:49 PM
Subject: RE: T-10306 ownership information

Terry,

I have sent your request for the revised map on to Bob Jones, so he is currently working on getting it put together.

It is unfortunate that this project has mushroomed to require considerably more time than any of us expected at first. I think it best not to ask the applicant for more money again, and it would not be fair to you to ask you to put in more time than you already have. What I propose is for you to just end your work on the project now and submit your invoice for the 8.5 hours that the applicant has paid for. Then let me know what is left to do, and the Department will just finish it up. Does that sound acceptable?

Dorothy

-----Original Message-----

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Tuesday, December 18, 2007 9:11 PM
To: Dorothy Pedersen
Subject: Re: T-10306 ownership information

Dorothy,

The ROLI looks OK, but I have nothing indicating the CWRE submitted the map information requested in the DPD cover letter (attached), which you had specifically asked for. A revised map for T-10306 was not included with the revised maps for the other Brownsboro

transfers were forwarded to me on Aug 29. Could I ask you to look into this? Sorry that I didn't catch it earlier.

My original estimate for T-10306 was for 5.5 hrs and my revised estimate for 8.5 hrs. At this point in time I have 10 hours into this transfer, and even if we get/find the map info and it looks fine it will probably be 11.5 hours before I'm done. (I also went at least an hour over on each of the other Brownsboro transfers.) Please let me know what you think I should do at this point. I think I could say without hesitation that all of the overages could have been avoided if the data provided by the CWRE had been accurate to begin with.

Thanks,

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net
----- Original Message -----
From: "Dorothy Pedersen" <pedersdi@wrд.state.or.us>
To: "Terrance Anthony" <conservationstrategies@comcast.net>
Sent: Wednesday, December 12, 2007 4:40 PM
Subject: T-10306 ownership information

Terry,

Attached is the ownership report for T-10306. Please check over and let me know whether or not there are any deficiencies. If not, go ahead and submit the final deliverables and your invoice for the project.

I think since this transfer operates on a different right than T-10307 and T-10308 it would be best to generate a separate notice for it as we usually do.

Thanks,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrд.state.or.us
503-986-0890

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Monday, December 24, 2007 3:50 PM
To: 'Terrance Anthony'
Cc: Salem Opeifa
Subject: RE: T-10306 ownership information

Terry,

I have sent your request for the revised map on to Bob Jones, so he is currently working on getting it put together.

It is unfortunate that this project has mushroomed to require considerably more time than any of us expected at first. I think it best not to ask the applicant for more money again, and it would not be fair to you to ask you to put in more time than you already have. What I propose is for you to just end your work on the project now and submit your invoice for the 8.5 hours that the applicant has paid for. Then let me know what is left to do, and the Department will just finish it up. Does that sound acceptable?

Dorothy

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My original estimate for T-10306 was for 5.5 hrs and my revised estimate for 8.5 hrs. At this point in time I have 10 hours into this transfer, and even if we get/find the map info and it looks fine it will probably be 11.5 hours before I'm done. (I also went at least an hour over on each of the other Brownsboro transfers.) Please let me know what you think I should do at this point. I think I could say without hesitation that all of the overages could have been avoided if the data provided by the CWRE had been accurate to begin with.

Thanks,

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

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From: "Dorothy Pedersen" <pedersdi@wrdd.state.or.us>
To: "Terrance Anthony" <conservationstrategies@comcast.net>
Sent: Wednesday, December 12, 2007 4:40 PM
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I think since this transfer operates on a different right than T-10307 and T-10308 it would be best to generate a separate notice for it as we usually do.

Thanks,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrd.state.or.us
503-986-0890

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, December 12, 2007 4:41 PM
To: 'Terrance Anthony'
Subject: T-10306 ownership information

Attachments: 10306-response-to-dpd.pdf



10306-response-to-
dpd.pdf (216...

Terry,

Attached is the ownership report for T-10306. Please check over and let me know whether or not there are any deficiencies. If not, go ahead and submit the final deliverables and your invoice for the project.

I think since this transfer operates on a different right than T-10307 and T-10308 it would be best to generate a separate notice for it as we usually do.

Thanks,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrdd.state.or.us
503-986-0890

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Monday, July 16, 2007 12:00 PM
To: 'Terrance Anthony'
Subject: RE: T-10306 information

Terry,

I reviewed your first draft of the DPD. You did a great job of describing the additional information that wasn't carried from the certificate to the permit.

Basically, you just need to take out the references to the decree and cancellation, and characterize the portion of the right proposed for transfer as the 8.67 acres. Ask in the cover letter for information about the remaining portion of the right: the property it is on, whether it is under the applicant's ownership, and if so, whether it is to be issued as a remaining right certificate or voluntarily cancelled (in which case the cancellation could be built into the document at PD stage).

Thank you,
Dorothy

Dorothy Pedersen
(503) 986-0890

-----Original Message-----

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Friday, July 13, 2007 6:22 PM
To: Dorothy Pedersen
Subject: Re: T-10306 information

Dorothy,

Sorry--I just found the WM review you sent earlier. Attached is the DPD as it sits at present if you want to review it. Otherwise I will send a final DPD, DPD cover and contact list once I hear from you on the other questions.

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

----- Original Message -----

From: "Dorothy Pedersen" <Dorothy.I.PEDERSEN@wrdd.state.or.us>
To: "'Terrance Anthony'" <conservationstrategies@comcast.net>
Sent: Friday, March 23, 2007 4:40 PM
Subject: T-10306 information

> Terry,
>
> Here are the reviews and the DPD template for T-10306.
>
> Dorothy
>
>
>
> Dorothy I. Pedersen
> Field Services Division
> Oregon Water Resources Department

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Monday, July 16, 2007 11:27 AM
To: 'Terrance Anthony'
Subject: RE: T-10306 revised materials

Attachments: 10306-WM rev.pdf



10306-WM rev.pdf
(47 KB)

Terry,

Attached is the watermaster review for T-10306.

You are right that the Certificate 39596 right was not included in the Little Butte Decree. It seems reasonable to assume that the landowner originally intended to develop the use on that land under the decree, but did not meet the deadline. The use was developed instead under an application for a water right permit. Therefore, omit any reference to the decree in the DPD.

In the DPD cover letter please request a revised map that identifies the water right as being under Certificate 39596, and shows the 8.67 acre portion of the right to be transferred versus the remaining 1.83 acre portion of the place of use that is not included in the transfer.

Depending on who owns the remaining 1.83 acres, the applicant may or may not be in a position to request a remaining right certificate or to voluntarily cancel those acres. The default position of the Department would be to issue a remaining right certificate for the 1.83 acres unless the applicant owns the land to which the right is appurtenant and is willing to voluntarily cancel that portion of the right.

I hope this gives you what you need,

Dorothy

Dorothy Pedersen
(503) 986-0890

-----Original Message-----

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Friday, July 13, 2007 6:11 PM
To: Dorothy Pedersen
Subject: Re: T-10306 revised materials

Dorothy,

I have prepared a DPD for the Danley transfer based on the revised materials, but I still need to see a watermaster report before I forward it to you. I could find no reference to C-39596 being a part of the Little Butte Decree. Do I need to open up that decree to make a finding, or can I just delete references to it in the DPD?

Also, for the DPD cover letter:

* The CWRE maps have not been updated to reflect the new certificate--should we request new ones?

* Do we need to request an Affidavit of Cancellation or is it assumed that if they OK the transfer that they OK the cancellation too?

Thanks,

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

----- Original Message -----

From: "Dorothy Pedersen" <pedersdi@wrд.state.or.us>
To: "Terrance Anthony" <conservationstrategies@comcast.net>
Sent: Tuesday, July 10, 2007 2:13 PM
Subject: T-10306 revised materials

Hi Terry,

Attached are the revised materials for T-10306. Please review and either put together the DPD, DPD cover letter and contact list, or let me know if there are remaining deficiencies that need to be resolved before you can generate the DPD.

Thanks,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrд.state.or.us
503-986-0890

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Tuesday, July 10, 2007 2:13 PM
To: 'Terrance Anthony'
Subject: T-10306 revised materials

Attachments: 10306-revised-app.pdf



10306-revised-app.
pdf (246 KB)...

Hi Terry,

Attached are the revised materials for T-10306. Please review and either put together the DPD, DPD cover letter and contact list, or let me know if there are remaining deficiencies that need to be resolved before you can generate the DPD.

Thanks,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrdd.state.or.us
503-986-0890

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Friday, June 22, 2007 10:57 AM
To: 'Terrance Anthony'
Subject: RE: T-10306 Danley

Terry,

We are two days past the due date for a response to the May 18, 2007 deficiency letter. So far, we have only gotten a phone response. Bob Jones called to ask some questions about the situation and what is needed. He is planning to revise the map and application, so that they reference the correct water right, and send us the affidavit of use. I'll check to see if he needs more time, and let you know when to expect these things.

Thanks for checking in,

Dorothy

Dorothy Pedersen
(503) 986-0890

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Thursday, June 21, 2007 10:32 PM
To: Dorothy Pedersen
Subject: T-10306 Danley

Hi Dorothy,

I got a signed work order from Salem for T-10306 Danley. Have you received a response to the deficiency letter?

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

6/22/2007

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Thursday, April 26, 2007 3:39 PM
To: 'Terrance Anthony'
Subject: RE: Brownsboro transfers

Terry,

I am impressed with your thorough analysis of this situation and agree with your conclusions. See below for comments.

Dorothy

Dorothy Pedersen
 (503) 986-0890

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Saturday, April 21, 2007 6:26 PM
To: Dorothy Pedersen
Subject: Brownsboro transfers

Dorothy,

Here are some tentative conclusions for the Brownsboro group of transfers. After reviewing them, please advise me if deficiency letter(s) are in order, if the Department wants to take these on, or if I should just write up a DPD based on this.

Please put together a deficiency letter. Then, base the DPD on their response.

1. The Danley property (TL 1500 – 8.67 acres) is not a part of C-17221—the water right subject to transfer. The water right most likely attached to the Danley property is C-39596. This is a 10.5 acre remaining right portion of a 1910 water right that according to the original permit (#308) was in the NE corner of NE1/4 SE1/4 Section 5. It was issued to the same person as C-17221 (R. Tucker). If the CWRE concurs, it may be possible the applicant could simply authorize me to substitute the correct certificate, and provide an affidavit of use (currently missing).

I would make all the appropriate changes to the application and process it as originally intended. This water right also uses Tucker ditch (refer again to the permit), and relies on the push-up dam. Eliminating the push-up dam is the principal goal of the project, so C-39596 must also be included to achieve any benefit.

Yes, I agree that the Danley property is not part of Certificate 17221, but is under Certificate 39596 instead. You can indicate this in a letter and suggest that they amend the application or give their agreement to have us substitute the correct certificate number. You can indicate this in a letter and suggest that they amend the application or give their agreement to have us substitute the correct certificate number.

Though 15 acres of water right was applied for, only 13.5 acres was developed, but no official final proof map was drawn up, so we don't have a record of the location of the lost 1.5 acres. T-2780 approved a place of use change for 3.0 acres, but the change was not completed and that portion of the right was lost. The T-2790 "from" map indicates the location of the lost 3.0 acres.

We need to ask them to submit an affidavit of use.

2. Subtracting the Danley property leaves 8.67 acres of water rights unallocated. It's my belief that these acres were "lost" due to the following: a) inaccurate original survey (1909?); b) stream meandering; c) construction of Hwy 140 across a portion of the original right. These acres would be cancelled.

You can suggest these possibilities and ask them to submit an explanation, and cancellation affidavits if appropriate.

4/26/2007

2. The CWRE did not assign a priority date to either the 'from' or 'to' POU's based on the tracts listed in the certificate. Using the 1909 decree map I think a reasonably precise assignment of tract 1 lands can be made to the proposed POU, with the balance assigned to tract 2. Based on the certificate's POU, I then allocated these by 1/4-1/4 section. These are listed in the attached spreadsheet. If the applicants and their CWRE concur, then I would base the DPDs upon these calculations. If not, then the CWRE should attempt to define a more accurate alignment, perhaps by using old deeds, surveys etc in this area. I'd say the likely scenario is that no one really kept track of what priority lands were where as the original farmstead was partitioned off, so any allocation will be an educated guess anyway.

This seems a good approach. Please include the proposed breakdown in the letter and ask them to confirm or suggest an alternative breakdown.

It is quite possible that the final proof map for C-39596 would indicate this water right is appurtenant to lands other than just tax lot 1500, in which case adjustments may need to be made to the allocation table. Attached is a scan of the application S-693 map for the right, and also a legal description of the property that may help.

Also, the aerials provided for verification are really too small of scale to be useful. I used some internet applications to view the site and am reasonably assured as things stand now. However if for some reason the proposed POUs are revised by the applicants, I would like to request that copies of NRCS orthophotos or equivalent be provided. Good idea, if they are needed.

btw, at this time I have 9.5 hours into the project, just over my estimate. If you think you will need more time than estimated to complete the project, please send Salem Opeifa a revised estimate, showing "the original time, plus the additional time = grand total" for each line item.

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

4/21/2007

T 36S R1E S5

all quantities are acres

			SW NE tract 1	tract 2	NE SE tract 1	tract 2	NW SE tract 1	tract 2	total
C-17221	certificated POU		6.00	7.80	11.00	0.00	4.50	11.70	41.00
to be txfrd	Proposed allocation								
14.18	Morris	tract 1	6.00		0.00		0.00		6.00
		tract 2		2.85		0.00		5.33	8.18
4.00	Coffman	tract 1	0.00		0.00		0.00		0.00
		tract 2		1.00		0.00		3.00	4.00
6.55	Cooper	tract 1	0.00		3.75		0.00		3.75
		tract 2		0.90		0.00		1.90	2.80
7.60	County	tract 1	0.00		5.60		2.00		7.60
		tract 2		0.00		0.00		0.00	0.00
8.67	cancelled	tract 1	0.00		1.65		2.50		4.15
		tract 2		3.05		0.00		1.47	4.52
41.00	total		6.00	7.80	11.00	0.00	4.50	11.70	41.00

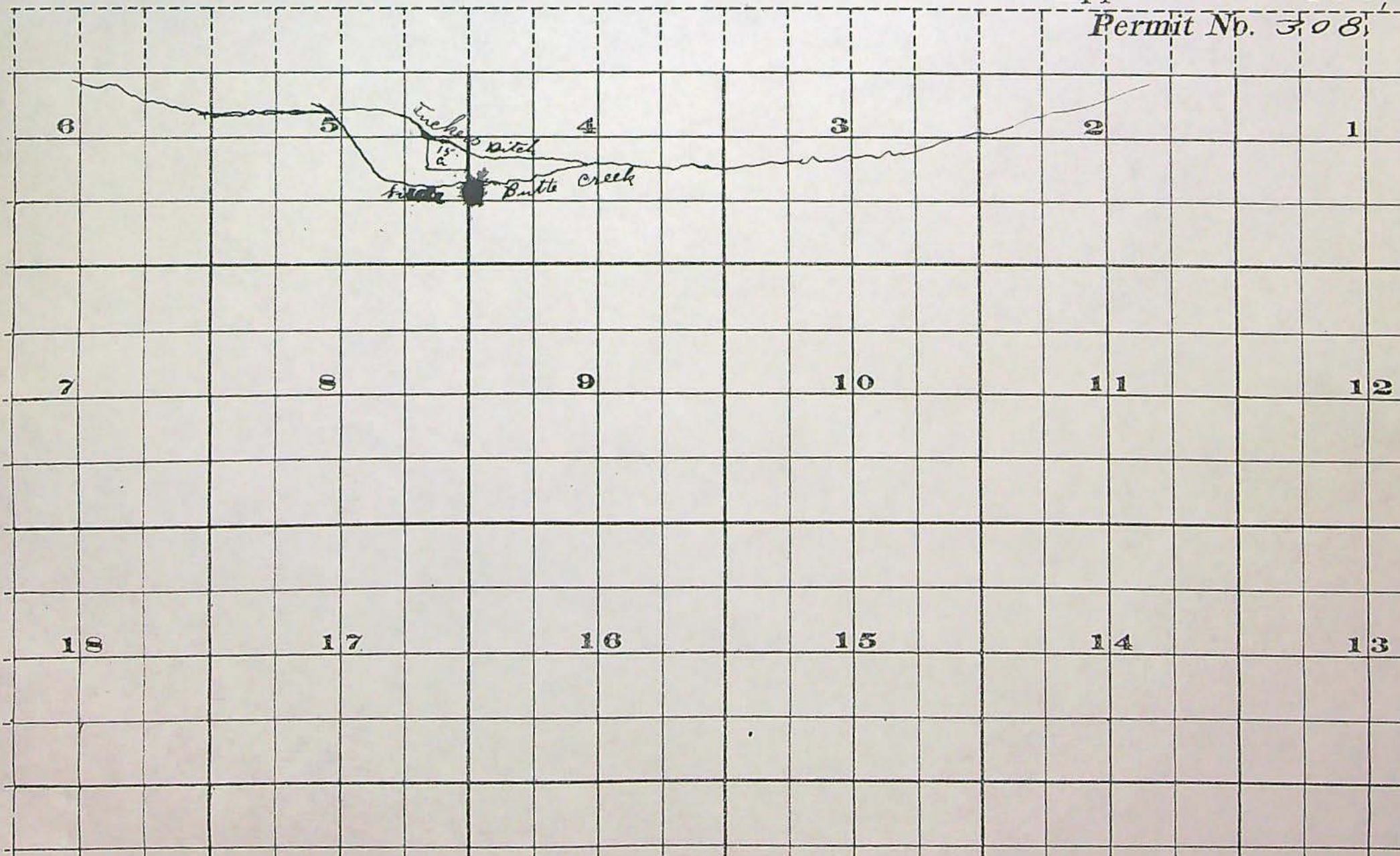
5-693 Application Map

Township 36S,

Range 1E.

Application No. 693,

Permit No. 308,



36 1E 30
ACCOUNT NUMBER

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
OFFICE OF COUNTY ASSESSOR, JACKSON COUNTY, OREGON

9-2
CODE NUMBER

10	SECTION 5	TOWNSHIP 36 S	RANGE 1E W.M.	MAP NO. 36 1E	AERIAL PHOTO
TAX LOT NUMBER	LOT NO.	BLOCK NO.	ADDITION	CITY	

INTENT EACH NEW
COURSE TO THIS LINE

LEGAL DESCRIPTION

DEED RECORD

ACRES
REMAINING

YEAR	VOLUME	PAGE
1952	370	230

1960	495	319
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15

~~1/2 Sec. 5, Twp 36 S, Range 1E W.M.~~
Beginning at the Northeast corner of the SE $\frac{1}{4}$ of Sec. 5,
Twp 36 South, Range 1 East of the W $\frac{1}{2}$; thence running
South 40 rods; thence
West 60 rods; thence
North 40 rods; thence
East 60 rods to the place of beginning.

EXCEPTING AND RESERVING therefrom that part thereof
in the County Road and that part thereof described as
follows, to wit: ~

Beginning at a point 330 feet West of the Northeast
corner of the SE $\frac{1}{4}$ of said Sec. 5, Twp 36 South, Range
1 East of the W $\frac{1}{2}$, in JCO; thence running
South 40 rods; thence
West 40 rods; thence
North 40 rods; thence
East 40 rods to the place of beginning.

10

1230 HIGHWAY

O.R. 68-07788
JV 69-0694

RECEIVED
NOV 8 1972
STATE ENGINEER
SALEM OREGON

County of Jackson

8. During what months is water beneficially used? *April 1st to Oct 1st*
Sept 15th. Most water used in June, July, and August

Could the
1 1/2 acres possibly
be where a road
was developed? See
following map.

9. State the character of the soil and kind of crops raised Sandy gravelly loam
Grim, alfalfa and corn, some orchard.
10. Does the accompanying blue print of the map filed with your permit show correctly the location of diverting works and area of land where water is used? yes
11. If not, state wherein such map is in error. I have irrigated only
1 1/2 acres. 1/2 acre in NE corner has not been
irrigated and a
12. If the dimensions of your ditch or dam do not correspond to those described in your permit, state what changes have been made, giving dimensions of ditch (or other distributing works)
13. If water is used for power, mining, domestic, municipal, storage, manufacturing, or any other purpose than irrigation, give the extent and method of such use.

STATE OF OREGON,

County of

Jackson

ss.

I, R. E. Tucker

, being first duly sworn,

depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof; and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 11 day of July, 1914

R. E. Tucker

Subscribed and sworn to before me this 11 day of July, 1914.

(Notarial Seal)

W. H. Lyster

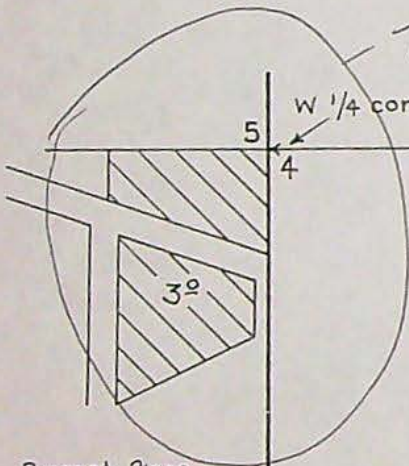
Notary Public for Oregon.

T-2780 application map

Map for Floyd + Lila Bubb for
a change place of use



*This 3.0 ac
was lost*



Present Place
of use

T.36S. R.1E. W.M.

2400' E

655' S

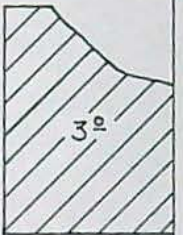
Div. Pt.

Bieberstadt-Tucker ditch

Butte

Little

Creek



Proposed Place of use

[illegible]

INFO: TALKED TO BOTH MR. & MRS. HANSEN, THE PROPOSED
PROJECT TO IRRIGATE 3² ACRES WAS NEVER COMPLETED.
NO PUMP WAS EVER PUT IN CREEK AT THE PROPOSED
DIV. PT. AFTER ACQUIRING THE WATER RIGHT
FROM ANOTHER PARTY THE HANSEN'S FOUND IT NOT
TO BE FESIBLE TO USE. MR. HANSEN SIGNED
THE ENCLOSED CANCELTION FORM,

B. J. Janner
W.R.E.
6-12-84

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF TRANSFER)
APPLICATION 2780 IN THE NAME)
OF FLOYD G. BUBB AND LILA F. BUBB)

LOSS OF RIGHT

Transfer Application 2780, in the name of Floyd G. Bubb and Lila F. Bubb, proposed a change in place of use of water from Little Butte Creek under a certain right with a priority date of May 21, 1910, to irrigate a certain 3.0 acres in SE 1/4 NW 1/4, Section 4, Township 36 South, Range 1 East, WM.

The order of the State Engineer, predecessor of the Water Resources Director, entered April 10, 1973, approving Transfer Application 2780, provided: "...that said water so transferred shall be applied to beneficial use on or before October 1, 1975."

The applicant has failed to make proof to the satisfaction of the Water Resources Director that the proposed change was accomplished within the provisions of the order, therefore, the subject water right was lost.

Dated at Salem, Oregon this 16th day of August, 1984.

William H. Young
WILLIAM H. YOUNG
Director

4048C

WATER RESOURCES DEPT.
555 13th St. NE
Salem, OR 97310

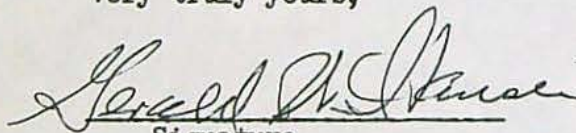
Water Resources Director
~~1170 Cheneketa St., N.E.~~
Salem, Oregon 97310

Dear Sir:

I hereby authorize the cancelation of my application
No. TR[#] 2780, permit No. _____, which defines
a right to the use of 0.17 cubic feet per second of
water from LITTLE BUTTE CREEK for IRRIGATION

_____.

Very truly yours,


Signature

June 12, 1984
Date

Dorothy Pedersen

From: Dorothy Pedersen [Dorothy.I.PEDERSEN@wrd.state.or.us]
Sent: Friday, March 23, 2007 3:40 PM
To: 'Terrance Anthony'
Subject: T-10306 information

Attachments: 10306-WM rev.pdf; 10306-land use.pdf; 10306-odfw-rev.pdf; 10306-dpd-template.doc



10306-WM rev.pdf
(47 KB)



10306-land use.pdf
(89 KB)



10306-odfw-rev.pdf
(65 KB)



10306-dpd-template.doc
(116 KB...)

Terry,

Here are the reviews and the DPD template for T-10306.

Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrd.state.or.us
503-986-0890

**Reimbursement Authority Process
Itemized Estimate Sheet
for
Water Rights Transfer**

Application Number T-10306

Name of Applicant: Gloria Danley

Proposed Timeline

2/13/07	Public Notice (start of 30-day comment period).
3/28/07	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
5/3/07	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after receipt of DPD comments	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.

Estimate

	Item	Time
1	Review of application for completeness.	1.5
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	1.5
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	0
4	Preparation of draft preliminary determination, DPID cover letter and contact list.	1.5
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	1.0
Total Estimated Time:		5.5

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Conservation Strategies

Authorized Representative: 

Date: 2-19-07

Shipping Checklist for Reimbursement Authority File

File T- 10306 Applicant: Gloria Danley

Agent/Contact: Robert Jones

Ship to Contractor: Terrance Anthony

Items included:

- ☒ Copy of front of file folder
- ☒ Reimbursement Authority Estimate Application
- ☒ Transfer Application form
- ☒ Transfer map
- ☐ Evidence of use affidavit missing (Contractor needs to get from Applicant) *Generate deficiency letter if needed as you start review*
- ☐ Supporting documentation for evidence of use
- ☒ Land-use Information form
- ☐ Lot book report (or deed if instream or temporary transfer, or application received before 7/1/03)
- ☒ Certificate or copy of decree for each right to be transferred
- ☒ Final Proof map or decree map for each right to be transferred
- ☒ Well logs (if change in POA, SW POD-to-GW POA change)
- ☐ Watermaster review (all transfers)
- ☒ ODFW review (if change in POD)
- ☒ GW review (if Δ POA, or POD-to-POA change)
- ☐
- ☒ Final Deliverable cover sheet
- ☒ Itemized Estimate sheet for contractor

Additional things to check:

- ☒ All regular application processing fees paid
- ☒ Reimbursement Authority \$125 fee paid for preparing estimate
- ☒ Date of WRD initial Public Notice 2-13-07

Number of sheets copied 23

File contents copied by L. Laschke Date 2-7-07

**Reimbursement Authority
Final Deliverables Cover Sheet
for
Transfers**

Transfer # T-10306

Applicant: Gloria Danley

The following items have been submitted electronically*:

- ☐ Contact List
- ☐ Draft Preliminary Determination (DPD)
- ☐ DPD Cover Letter
- ☐ PD Notice
- ☐ PD Cover Letter
- ☐ Remaining Right Certificates (one for each right that is not entirely affected by the transfer)

***NOTE:** Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

The following items are enclosed:

- ☐ Marked copy of transfer application
- ☐ Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
- ☐ Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.

☐ **Signature of Contractor:** _____ **Date:** _____

For WRD use only:

WRD approval by: _____ **Date:** _____

Reimbursement Authority Process Itemized Estimate Sheet for Water Rights Transfer

Application Number T-10306

Name of Applicant: Gloria Danley

Proposed Timeline

2/13/07	Public Notice (start of 30-day comment period).
3/28/07	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
5/3/07	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after receipt of DPD comments	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

*For purposes of water right transfers, all deliverables must be in **Microsoft Word** except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.*

Estimate

	Item	Time
1	Review of application for completeness.	
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	
Total Estimated Time:		

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Conservation Strategies

Authorized Representative: _____

Date: _____

WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION

House Bill 2551 (2003 Oregon Laws) authorizes the Oregon Water Resources Department (OWRD) to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers; water right permits extensions, and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Transfer Application	<u>T-10306</u>
<input type="checkbox"/>	Certificate Request	_____
<input type="checkbox"/>	Extension of Time Request	_____

Applicant Information

Applicant:
(Please Print)

Gloria Danley

Address:

5150 Brownsboro Hwy

Eagle Point, OR 97524

Phone:

541-826-2647

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within one (1) business day.
- That OWRD will, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review my request.

I certify that I am the (check one) ☐ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Signature:

Robert C. Jones

Name:

Robert C. Jones

OWRD USE ONLY

Contractor Assigned:

Terrance

RECEIVED

Amount Paid: \$ 125.00

OWRD Approval:

FEB 02 2007

WATER RESOURCES DEPT
SALEM, OREGON

503-986-0903

To: Dorothy Pedersen

Fm: Bob Jones

Re: Danby Amended Map.

Here you go - originals to follow
in the mail.

Thanks Bob Jones

4 pages

Robert C. Jones, C.W.R.E.
200 First St., Prospect, OR 97536
Ph: 541-301-5615 · 541-560-3257 fax: 541-560-3674

March 17, 2008

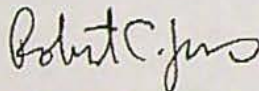
Dorothy Pedersen
Transfer Division
Oregon Water Resources Dept.
725 Summer St, NE, Suite A
Salem, OR 97301-1271

RE: Water Right Transfer Application T-10306 (Danley)

Dear Ms. Pedersen,

Enclosed is the amended map for the Water Right POD Transfer showing the 8.67 acres to be transferred and the remaining right of 1.83 acres for certificate 39596. I also showed the 3.0 acres that were transferred elsewhere under another certificate, although not part of this transfer. I have also enclosed a revised page 4 for the original application showing the correct total acres for the certificate. Thanks

Sincerely,



Robert C. Jones, RG, CEG, CWRE
Agent

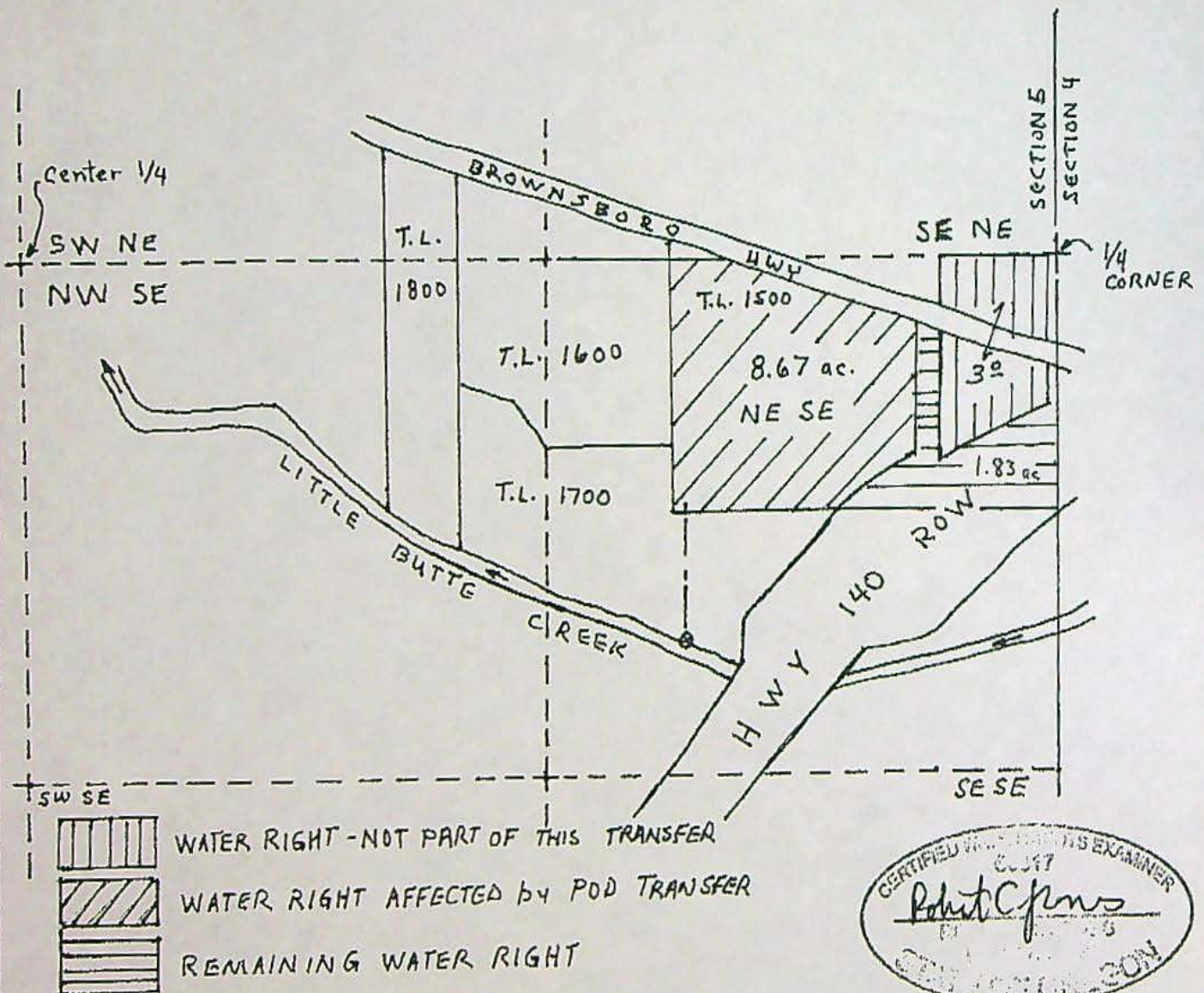
TRANSFER OF P.O.D. PROPOSED NEW LOCATION

T36S., R15E., SECTION 5, TAXLOT 1500. WM.
CERTIFICATE 39596
for
GLORIA DANLEY



SCALE 1" = 400'

AMENDED MAP FOR T-10306



- * PROPOSED NEW POD LOCATION IS 970 FT
SOUTH and 950 FT WEST of 1/4 CORNER of SEC. 4&5.



RECEIVED DATE: 6-30-08

NOTE: THIS MAP IS FOR WATER RIGHT PURPOSES.
IT IS NOT INTENDED TO BE USED FOR PROPERTY LINE LOCATIONS.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

July 25, 2007

Robert Jones, CWRE
200 First Street
Prospect, OR 97536

SUBJECT: Application T-10306

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10306. The draft Preliminary Determination reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action, **including the deadline for completion of the change.**

Because the new point of diversion is more than ¼ mile from the authorized point of diversion, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you on issuance of the Preliminary Determination.

At this time, you must submit a report of ownership and lien information prepared by a title company within the last three months, as required by OAR 690-380-4010(5). If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

We also request that you submit a revised application map that:

1. References the new certificate number for this transfer and
2. Depicts the full extent of the place of use for the right (10.50 acres), indicating the location of the portion in tax lot 1500 that is to be transferred versus the portion in this or other tax lots that will remain. (Note: the present maps do not show the entire tax lot 1500, nor do they show the 1.83 acre portion of the right that is not involved in the transfer).
3. Also useful would be to show the location of other notable physical features of the site including the Tucker ditch and related water delivery features that cross the property.

Please provide a statement indicating whether or not the 1.83 acres not included in this transfer are also owned by the applicant, and if they belong to the applicant, indicate whether or not they are to be voluntarily cancelled. If they are to be voluntarily cancelled, please be sure that portion of the property is included on the report of ownership and lien information described above. If the portion not being transferred is now under the roads that cross your property, and therefore NOT under your ownership, please indicate whether you will be able to obtain affidavits of voluntary cancellation from the appropriate government entity that controls the interest in that land. Any cancellations will be noted in the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive both your response and the report of ownership and lien information. If we do not receive your response and the report **by September 30, 2007**, a Preliminary Determination may be issued denying the application. You may provide your response in writing or via e-mail.

Please do not hesitate to contact me at 503-986-0890 or Dorothy.I.PEDERSEN@wrdd.state.or.us if you have questions.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: Larry Menteer, District 13 Watermaster
Gloria Danley, applicant

enc



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

In the Matter of Transfer Application
T-10306, Jackson County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN POINT OF DIVERSION

Authority

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

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

Applicant

GLORIA DANLEY
5150 BROWNSBORO HWY
EAGLE POINT OR 97524

Findings of Fact

Background

1. On February 2, 2007, Gloria Danley filed an application to change the point of diversion under Certificate 17221. The Department assigned the application number T-10306.
2. On July 5, 2007 the applicant submitted a revised application which included a change in the water right affected by this transfer. The revised application requests a change in point of diversion under Certificate 39596, which is the correct water right appurtenant to lands owned by Gloria Danley.
3. The portion of the right to be transferred is as follows:
Certificate: 39596 in the name of R. E. TUCKER
Use: IRRIGATION of 8.67 ACRES
Priority Date: MAY 21, 1910
Source: LITTLE BUTTE CREEK, tributary to ROGUE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
36 S	1 E	WM	4	NE SW

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	1 E	WM	5	NE SE	8.67

4. Certificate 39596 does not describe the location of the point of diversion, however information is available from Permit 308 indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	4	NE SW	150 RODS EAST AND 120 RODS NORTH FROM THE SE CORNER OF SECTION 5

5. Certificate 39596 does not describe the rate or duty of the right, however information is available from Permit 308 indicating that the rate allowed for the right is 1/80th cfs per acre, therefore the diversion rate for the portion transferred would be 0.11 cfs.
6. Application T-10306 proposes to move the authorized point of diversion approximately 2/3 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	5	NE SE	970 FEET SOUTH AND 950 FEET WEST OF THE EAST QUARTER CORNER OF SECTION 5

7. Notice of the application for transfer was published on February 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

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

9. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10306.
11. The proposed change would not result in enlargement of the right.

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

Determination and Proposed Action

The change in point of diversion proposed in application T-10306 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10306 is approved, the final order will include the following:

1. *The change in point of diversion proposed in application T-10306 is approved.*
2. *Water right certificate 39596 is cancelled and a new certificate will be issued describing that portion of the right not affected by this transfer.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 39596 and any related decree.*
4. *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.*
5. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
6. *Prior to diverting water, the water user shall install 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 measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.*
7. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2008. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
8. *When satisfactory proof of the completed changes is received, a new certificate confirming the portion of the right transferred will be issued.*

Dated at Salem, Oregon this _____ day of _____ 2007.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrд.state.or.us.

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Friday, June 22, 2007 11:03 AM
To: 'bobjones@bisp.net'
Subject: T-10306 (Danley) response due

Hi Bob,

I noticed that we are two days past the June 20th due date for the revised map and application and affidavit of use for the T-10306 transfer for Gloria Danley. Let me know whether those things are in the mail, or if you need to request additional time. If you need more time, please suggest a date by which you will submit the materials.

Thank you,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrd.state.or.us
503-986-0890



Oregon

Theodore R. Kulongoski, Governor

May 18, 2007

Robert Jones, CWRE
200 First Street
Prospect, OR 97536

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

REFERENCE: Transfer T-10306 (Danley)

We are examining your water right transfer application. There are some problems that need to be resolved before we can continue processing the application.

The Reimbursement Authority contractor has determined that the use of water on lands proposed for transfer under T-10306 is authorized by Certificate 39596 instead of Certificate 17221. The water right application was filed May 21, 1910 by R.E. Tucker, for 15 acres. Based on the enclosed property description, I conclude that the original property under the right was the 15 acres in the NE corner of the NE SE of Section 5: 40 rods (660 feet) from north to south, and 60 rods (990 feet) from east to west. At some time prior to 1952 the easternmost 330 feet of the property became current Tax Lots 1200 and 1201, with the remainder as Tax Lot 1500. The highway right of way was also excluded from the property. Only 13.5 acres of irrigation were proved up on. Then 3.0 acres in what appears to be Tax Lots 1200 and 1201 were transferred off by T-2780, leaving 10.5 acres under the right.

Certificate 39596 (a remaining right for the portion of the right developed under Application S-693/Permit S-308 that was not modified by T-2780) authorizes irrigation of 10.5 acres. Some of that acreage is not within the boundaries of current Tax Lot 1500, being most probably under the highway right of way.

1. Achieving the stated goals of the project will require you to amend your application for T-10306 to reference the correct certificate (39596). You may either cross out and change the figures on the application copy (and initial and date the changes), or submit a separate addendum to the application that spells out the changes.
2. An Affidavit of Use was not included with the application for T-10306. You must provide evidence that the water was used on the lands to be affected by transfer T-10306, for irrigation from the sources authorized by Certificate 39596, during the five years prior to December 2006 when the transfer application was filed. I am enclosing an Affidavit of Use form for your convenience. Please include on the Affidavit of Use a description of the pumping and delivery system that was used to convey water from the authorized pumping point and apply it to the land involved in the transfer.

Please submit the requested information by **June 20, 2007** to Dorothy Pedersen, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Dorothy I. Pedersen
Water Rights Transfer Specialist

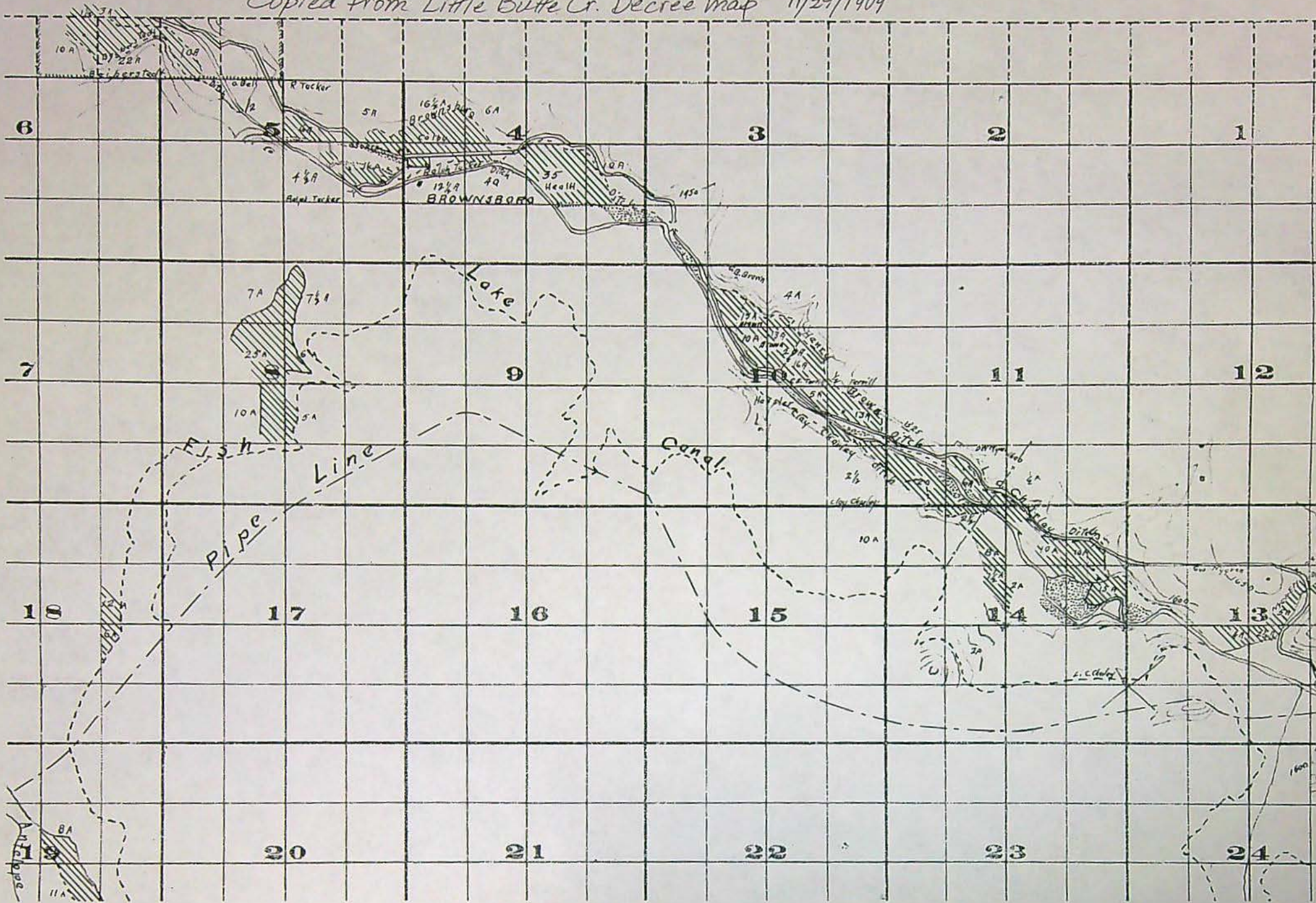
cc: Larry Menteer, Watermaster, District 13
Gloria Danley

enclosures

Township 36 S,

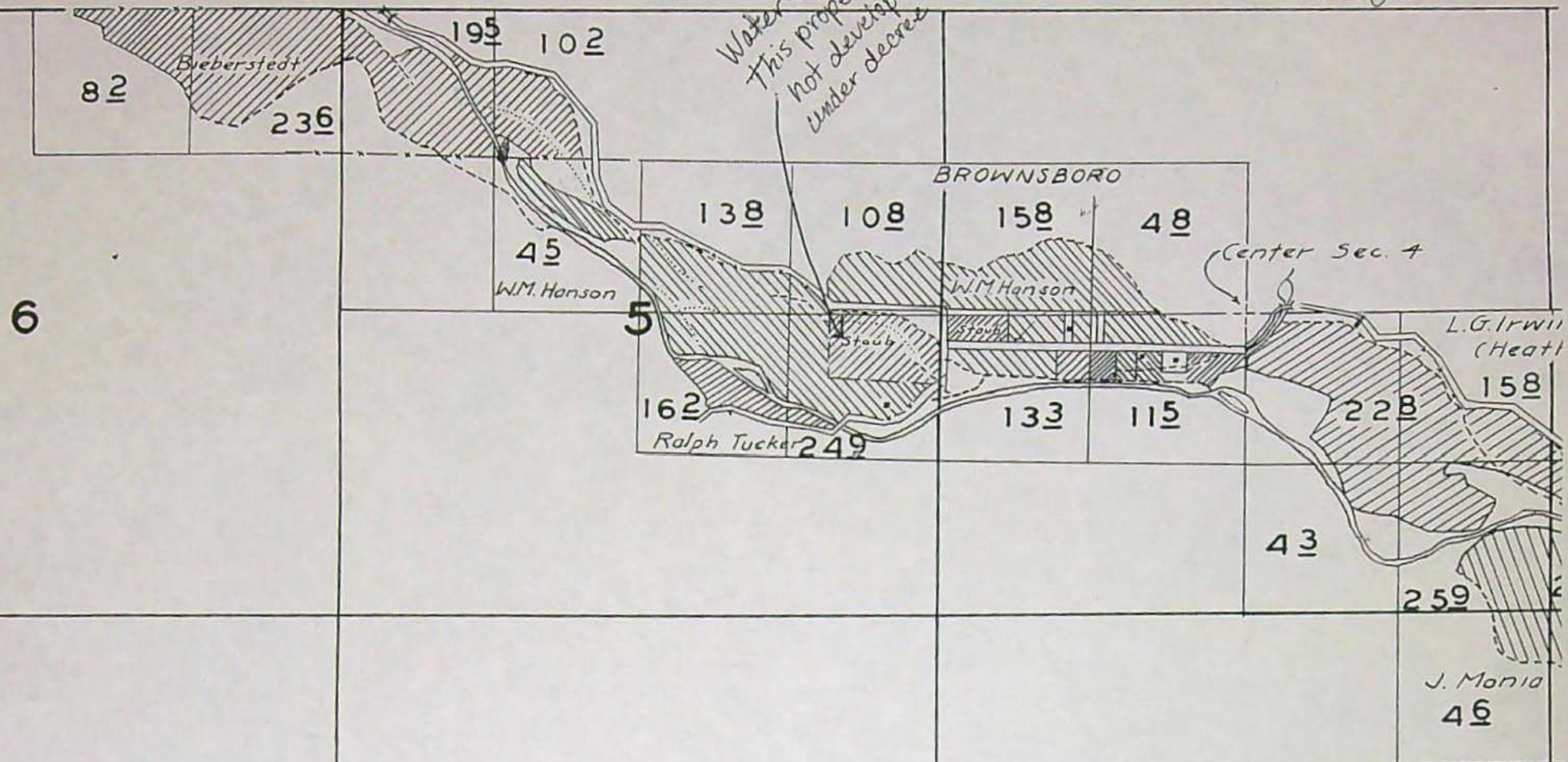
Range 1 E W.M.

Copied from Little Butte Cr. Decree map 11/29/1909



TOWNSHIP 36

Range 1 E



Copied from Little Butte Cr. Decree inchoate lands map

36 1E 30
ACCOUNT NUMBER

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
OFFICE OF COUNTY ASSESSOR, JACKSON COUNTY, OREGON

9-2
CODE NUMBER

SECTION <u>5</u>	TOWNSHIP <u>36</u> S	RANGE <u>1E</u> W.M.	MAP NO. <u>36 1E</u>	AERIAL PHOTO
LOT	BLOCK			
NO.	NO.	ADDITION	CITY	

INDENT EACH NEW
COURSE TO THIS LINE

LEGAL DESCRIPTION

DEED RECORD

ACRES
REMAINING

Subb. Floyd E. & Lila P.
Beginning at the Northeast corner of the $SE\frac{1}{4}$ of Sec. 5,
Twp 36 South, Range 1 East of the $W^{\frac{1}{2}}$; thence running
South 40 rods; thence
West 60 rods; thence
North 40 rods; thence
East 60 rods to the place of beginning.
EXCEPTING AND RESERVING therefrom that part thereof
in the County Road and that part thereof described as
follows, to wit: -
Beginning at a point 330 feet West of the Northeast
corner of the $SE\frac{1}{4}$ of said Sec. 5, Twp 36 South, Range
1 East of the $W^{\frac{1}{2}}$, in JCO; thence running
South 40 rods; thence
West 40 rods; thence
North 40 rods; thence
East 40 rods to the place of beginning.

YEAR	VOLUME	PAGE
1952	370	230
1960	495	319

15

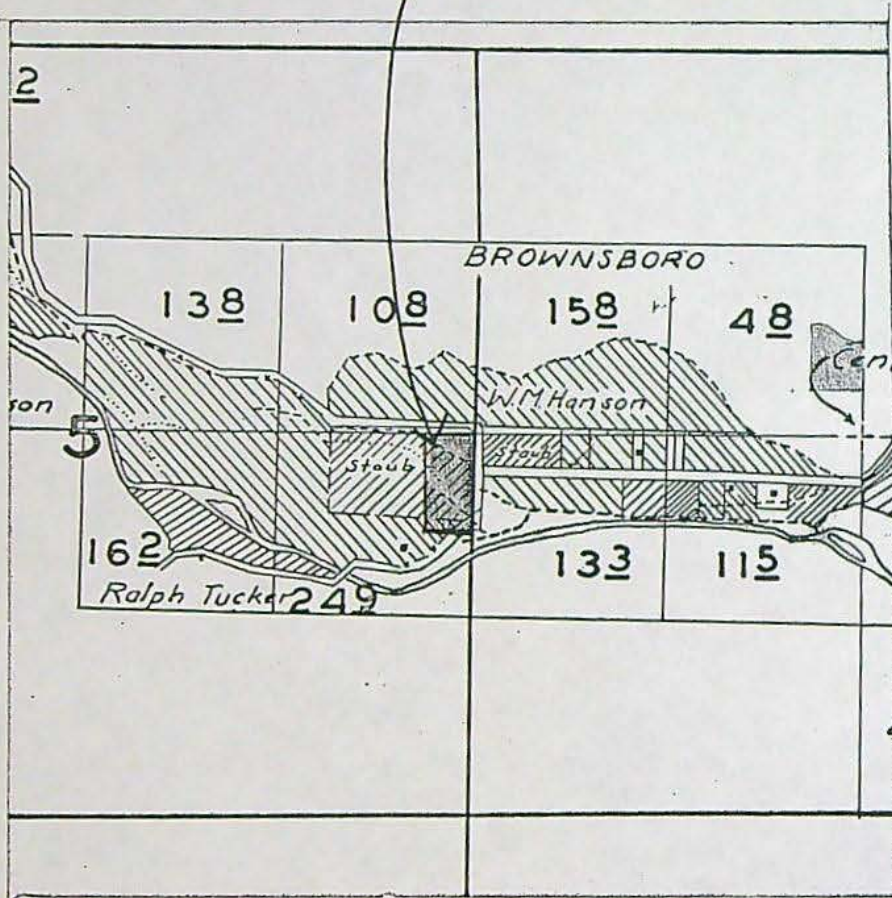
10

1.255 HIGHWAY

O.R. 68-07788
JV 69-0694

RECEIVED
NOV 2 1972
STATE ENGINEER
SALEM OREGON

Land under Application S-693/Permit S-308/Certificate 743 involved in T-2780



TOWNSHIP <u>36S</u> RANGE <u>1E</u> W.M.																SECTION <u>5</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT IF OTHER THAN 40 ACRES																		
39683976				39843982												Findings, Vol. 10 Page 27		
				10 1/2												Decree, Vol. 10 Page 513		17165
				14												Findings, Vol. 10 Page 34		17186
				3												Decree, Vol. 10 Page 579		17221
				4												Findings, Vol. 10 Page 43		6805
78 6'												11 1/2 45'				Decree, Vol. 10 Page 527		743
																10443	7010	
																693	308	
				376														

Hanson
R.E. Tucker - Tucker dt 1875
Hanson, W.M. - Brownsboro

T-2780

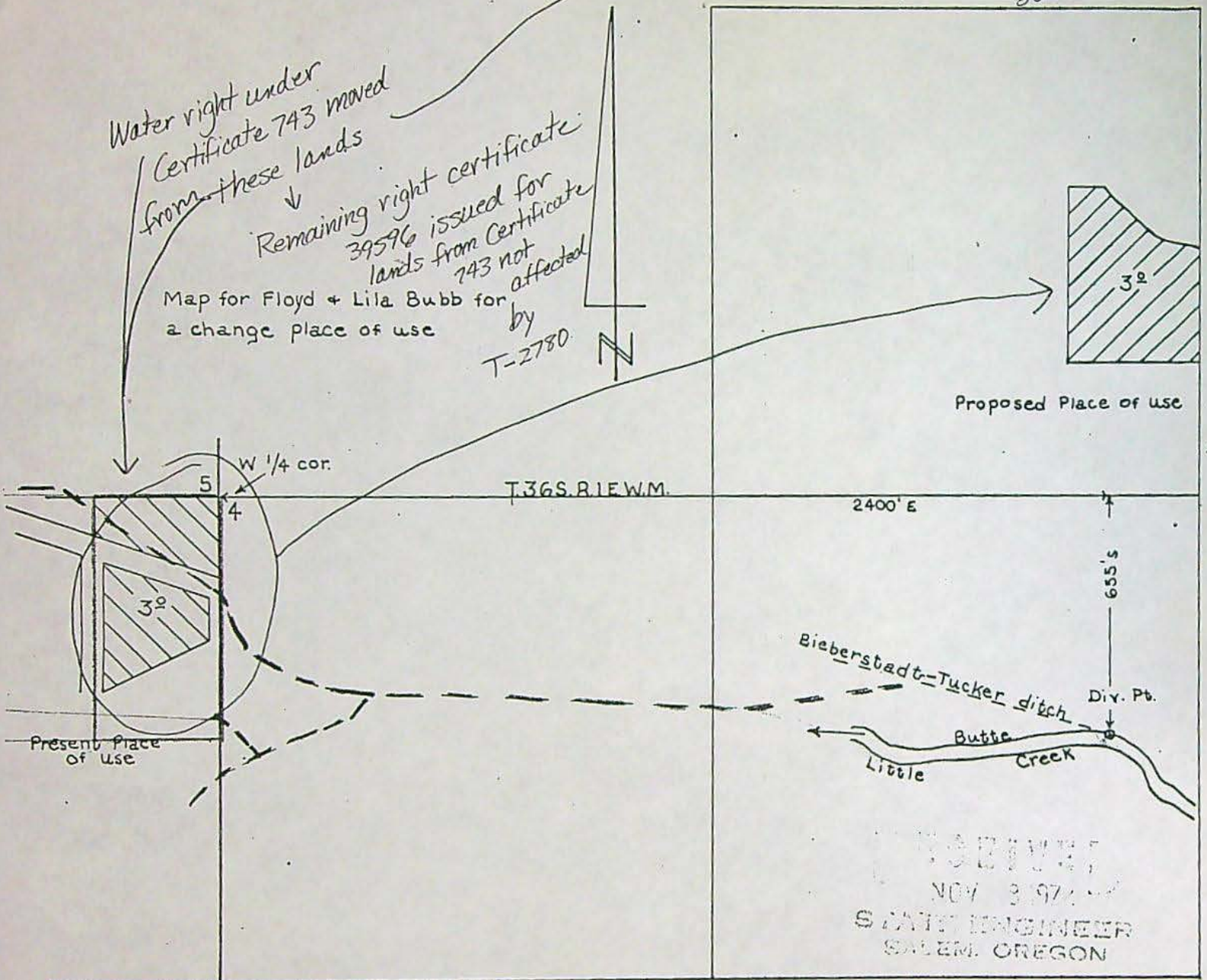
Water right under
Certificate 743 moved
from these lands

Remaining right certificate
39596 issued for
lands from Certificate
743 not affected
by
T-2780

Map for Floyd + Lila Bubb for
a change place of use

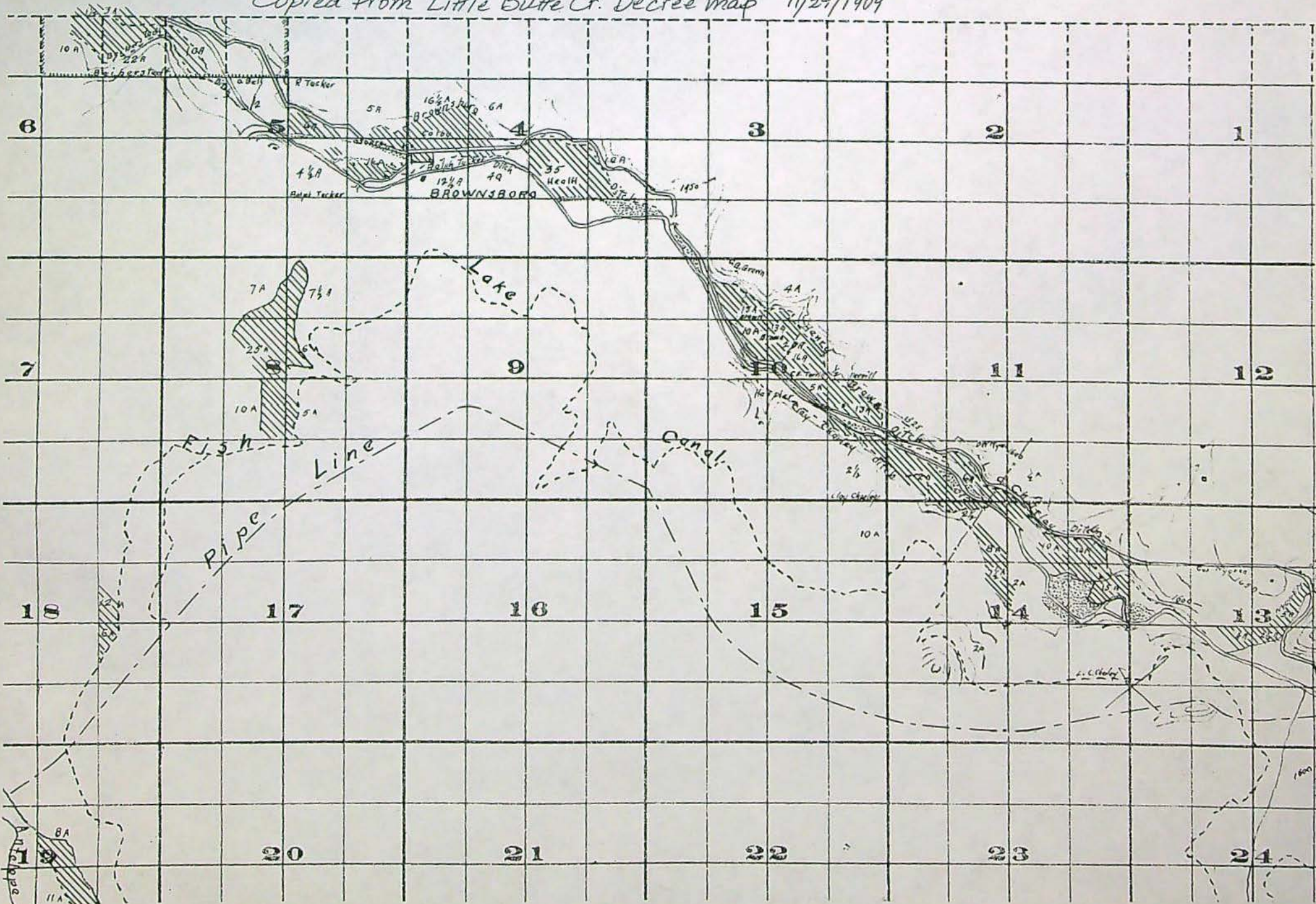
T-2780

to these lands, but never proved
up on in the new place, so
3 acres lost.



Range 1 E W.M.

Copied from Little Butte Cr. Decree map 11/29/1909



Dorothy Pedersen

From: Dorothy Pedersen [Dorothy.I.PEDERSEN@wrд.state.or.us]
Sent: Friday, March 23, 2007 4:01 PM
To: 'bobjones@bisp.net'
Subject: T-10306 affidavit of use

Hi Bob,

It was nice to see you this morning. Upon looking at the T-10306 application for Gloria Danley I notice that we are missing the Affidavit of Use. Please submit that at your earliest convenience so it will not cause a delay in processing the transfer applications.

Thank you,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrд.state.or.us
503-986-0890



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 05/22/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: JACKSON
Transfer: 10306
Water Right: CERT 39596
Priority Date: 1910
Name: GLORIA DANLEY
Address: 5150 BROWNSBORO HWY; EAGLE POINT OR 97524
Change: POD
Source: LITTLE BUTTE CREEK
Authorized POD: T36S R1E 4
Proposed POD: T36S R1E 5

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 02/13/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: JACKSON
Transfer: 10306
Water Right: CERT
Priority Date: 17221
Name: GLORIA DANLEY
Address: 5150 BROWNSBORO HWY; EAGLE POINT OR 97524
Change: POD
Source: LITTLE BUTTE CREEK
Authorized POD: T36S R1E 4
Proposed POD: T36S R1E 5

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

February 7, 2007

ROBERT JONES, AGENT
725 N LAUREL STREET
ASHLAND OR 97520

Reference: Transfer 10305, 10306, 10307, 10308

On February 2, 2007 we received the water right transfer applications requesting point of diversion changes for use of water from LITTLE BUTTE CREEK, tributary to ROGUE RIVER. The application was accompanied by \$875.00. Our receipt 86092 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your applications will be examined to determine if additional information is needed. You will be contacted following this examination.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer applications have been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfers are approved, the buyer's consent to the transfers will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the applications or maps are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #13
Jay Doyno, OR Dept. of Fish & Wildlife
Richard Morris, T-10305
Gloria Danley, T-10306
Harry Edwin Cooper, T-10307
Scott Coffman, T-10308

enclosure

Robert C. Jones, C.W.R.E.
200 First St., Prospect, OR 97536
Ph: 541-301-5615 · 541-560-3257 fax: 541-560-3674

November 27, 2007

Dorothy Pedersen
Water Rights Transfers
Oregon Water Resources Dept.
725 Summer St, NE, Suite A
Salem, OR 97301-1271

RE: Water Right Transfer Applications T-10306 for Danley

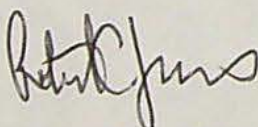
Dear Ms. Pedersen,

Enclosed is the Report of ownership and liens as prepared by a title company, as required in your letter dated July 25, 2007. There are no lien holders to notice. Mrs. Gloria Danley is the same person as Gloria Johnston. Her Husband, Melvin T. Johnson is deceased.

We are now ready to publish the notice of the transfer, in the local newspaper. Can we publish all four transfers (T-10308, T-10307, T-10306 and T-10305) together or do they need to be separate notices?

If you have any questions, please contact me at 541-301-5615 or bobjones@bisp.net.
Thank you.

Sincerely,

Robert C. Jones 

Robert C. Jones, RG, CEG, CWRE
Agent

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WATER RESOURCES DEPT
SALEM OREGON



OWNER AND MORTGAGE REPORT

Little Butte Watershed Council
200 First Street
Prospect, OR 97536
Attn: Bob Jones
Phone: C.301-5615/H.560-3257/W.774-2439
email: bobjones@bisp.net

October 18, 2007
Report No. 1
Fee: Plant Time
(2 hr(s) @ \$50.00/hr)
Total: \$100.00

Invoice : Little Butte Watershed Council
PO Box 89
Eagle Point, OR 97524 (Attn: Bob Jones)

Dear Mr. Jones:

At your request and as a service to you for your special use only, we have checked our Jackson County property records for current vesting as shown on the last recorded instrument of record and open mortgage/trust deed/liens on the following described properties:

See attached Exhibit "A" for property information.

No search of the general name index was performed and no other matters were searched. Copies of the tax print out, last vesting deed and pertinent trust deed pages are included for your review.

As herein stated, this owner and mortgage lien report is for your special use and is not to be construed as a commitment to issue title insurance. Liability is limited to the addressee herein and to the sum that has been paid for this report.

Your truly,
AmeriTitle

Cynthia Simpson
Assistant General Manager
cynthias@ameri-title.com

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WATER RESOURCES DEPT
SALEM OREGON

EXHIBIT "A"

Parcel 1:

Property Address : 8575 Hwy 140
Eagle Point, Oregon 97524
Map/Tax Lot : 361E04 400
Account(s) : 1-024222-7

Wrong Parcel
Should have been Section 5
for Kane

Current Property Owner:

Gerald W. Hansen and Margaret Hansen, Trustees under that certain Living Trust Agreement dated September 27, 1988 (Gerald W. Hansen died September 22, 2000 per the Jackson County Health Dept)

Current Mortgage/Trust Deed Holder(s):

Washington Mutual Bank, a Federal Association (\$250,000.00)
(Borrowers: Jerilyn Watson, sole Trustee under that certain Living Trust Agreement dated September 27, 1988 and amended June 17, 2002)

Secured Document Type and Recording Number:
Trust Deed 2006-056551

Parcel 2:

Property Address : 5150 Brownsboro Hwy
Eagle Point, Oregon 97524
Map/Tax Lot : 361E05 1500
Account(s) : 1-024254-3

Current Property Owner:

Melvin T. Johnston and Gloria L. Johnston, husband and wife
(We find Melvin T. Johnston to be deceased per the Jackson County Deed Card)

Current Mortgage/Trust Deed Holder(s):
NONE

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Parcel 3:

Property Address : 5020 Brownsboro Hwy
Eagle Point, Oregon 97524
Map/Tax Lot : 361E05 1600
Account(s) : 1-024255-0

Current Property Owner:

Harry Edwin Cooper and Judith Ann Cooper, husband and wife
(Judith Ann Cooper died October 4, 2004 per the Jackson County Health Dept)

a) Current Mortgage/Trust Deed Holder(s):

Chase Bank USA, N.A. (\$217,500.00)
(Borrowers: Harry Edwin Cooper)

Secured Document Type and Recording Number:
Trust Deed 2005-048144

b) Current Mortgage/Trust Deed Holder(s):

Gene T. Flory, Trustee of the Jacqueline M. Flory and Gene T. Flory
Living Trust u/a/d June 21, 1992 (\$25,000.00)
(Borrowers: Ed Cooper)

Secured Document Type and Recording Number:
Trust Deed 2005-050493

c) Current Mortgage/Trust Deed Holder(s):

Charles R. Pemberton (\$27,500.00)
(Borrowers: Harry Edwin Cooper)

Secured Document Type and Recording Number:
Trust Deed 2006-013799

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**WATER RESOURCES DEPT
SALEM OREGON**

Parcel 4:

Property Address : 4980 Brownsboro Hwy
Eagle Point, Oregon 97524
Map/Tax Lot : 361E05 1800
Account(s) : 1-024257-6

Current Property Owner:
E. Scott Coffman aka Scott Coffman

Current Mortgage/Trust Deed Holder(s):
GN Mortgage, LLC, a Wisconsin Limited Liability Company and Mortgage
Electronic Registration Systems, Inc. (MERS), solely as Nominee for GN
Mortgage, LLC, a Wisconsin Limited Liability Company (\$198,000.00)
(Borrowers: E. Scott Coffman)

Secured Document Type and Recording Number:
Trust Deed 2005-040571

Parcel 5:

Property Address : Brownsboro-Meridian Road
Eagle Point, Oregon 97524
Map/Tax Lot : 361E05 1900
Account(s) : 1-024258-4

Current Property Owner:
Jim Salyer and Jodi Salyer, husband and wife as tenants by the entirety

Current Mortgage/Trust Deed Holder(s):
NONE

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**WATER RESOURCES DEPT
SALEM OREGON**

"SUPERIOR SERVICE WITH COMMITMENT AND RESPECT FOR CUSTOMERS AND EMPLOYEES"

October 17, 2007



LITTLE BUTTE WATERSHED COUNCIL
BOB JONES
RE: 361E05 TL 1500

Gloria Danley (Johnston)

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds; indiscriminate use only benefiting intermediaries will not be permitted. Said service may be discontinued. No liability is assumed for any errors in this report.

Thank you!
Mandie Clark, Amanda Parke
Cynda Zartman
1501 East McAndrews Road
Medford, OR, 97504

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SALEM OREGON

Statement of Tax Account

JACKSON COUNTY TAX COLLECTOR
JACKSON COUNTY COURTHOUSE
MEDFORD, OR 97501
(541) 774-6541

Pay online now with credit card or check

10/17/2007 10:09:25 AM

JOHNSTON GLORIA L
DANLEY GLORIA L J
5150 BROWNSBORO HWY
EAGLE POINT, OR 97524

Tax Account #		Lender	
Account Status	Active	Loan #	
Roll Type	Real Property	Property ID	0921 361E05-00-01500
Situs Address	5150 BROWNSBORO HWY, EAGLE POINT/COUNTY, OR 97524	Interest To	Oct 17, 2007

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2007	ADVALOREM	511.53	527.35	0.00	15.82	527.35	Nov 15, 2007
2006	ADVALOREM	0.00	0.00	0.00	0.00	510.02	Nov 15, 2006
2005	ADVALOREM	0.00	0.00	0.00	0.00	24.78	Nov 15, 2005
2004	ADVALOREM	0.00	0.00	0.00	0.00	25.16	Nov 15, 2004
2003	ADVALOREM	0.00	0.00	0.00	0.00	62.98	Nov 15, 2003
2002	ADVALOREM	0.00	0.00	0.00	0.00	62.61	Nov 15, 2002
2001	ADVALOREM	0.00	0.00	0.00	0.00	62.33	Nov 15, 2001
2000	ADVALOREM	0.00	0.00	0.00	0.00	19.91	Nov 15, 2000
1999	ADVALOREM	0.00	0.00	0.00	0.00	60.57	Nov 15, 1999
1998	ADVALOREM	0.00	0.00	0.00	0.00	60.39	Nov 15, 1998
1997	ADVALOREM	0.00	0.00	0.00	0.00	22.45	Dec 15, 1997
1996	ADVALOREM	0.00	0.00	0.00	0.00	22.34	Nov 15, 1996
Total		511.53	527.35	0.00	15.82		

Tax Notations

Notation Code	Date Added	Description
POTENTIAL TAX	01/01/2001	

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WATER RESOURCES DEPT
SALEM OREGON

397009

66331

Vol. 419 Page 28

KNOW ALL MEN BY THESE PRESENTS, That WILLARD CAVE and LUCILLE CAVE, husband and wife,

In consideration of Ten dollars to us in hand paid and other good and sufficient considerations,

to us paid by MELVIN T. JOHNSTON and OLORIA L. JOHNSTON, husband and wife,

do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety ~~and their heirs and assigns~~ all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Jackson and State of Oregon, bounded and described as follows, to-wit:

Beginning at a point 330 feet West of the Northeast corner of the Southeast quarter of Section 5, Township 36 South, Range 1 East, W.M.; thence running South 40 rods; thence West 40 rods; thence North 40 rods; thence East 40 rods to the place of beginning. Containing 10 acres, together with the water rights appurtenant thereto.

Excepting and reserving, however, any portion of the within described premises which is now a public road.



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WATER RESOURCES DEPT
SALEM OREGON

To have and to hold the above described and granted premises unto the said grantees, their heirs and assigns forever, as above stated.

And the grantor do covenant that they are lawfully seized in fee simple of the above granted premises free from all incumbrances, except as noted above,

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hands and seals this 28 day of November, 1955

Willard Cave (SEAL)

Lucille Cave (SEAL)

STATE OF OREGON,

County of Jackson

BE IT REMEMBERED, That on this 28 day of November, A. D. 1955, before me the undersigned, a Notary Public in and for said County and State, personally appeared the within named Willard Cave and Lucille Cave

who are known to me

as the individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of my office and bear date as written.

Notary Public for Oregon
My Commission Expires June 2, 1956

397009

Warranty Deed

WILLARD CAVE and LUCILLE CAVE

TO

MELVIN T. JOHNSTON and OLORIA

L. JOHNSTON

STATE OF OREGON,

County of Jackson
I certify that the within instrument was recorded for record on the 29 day of October, A. D. 1955 at 1:00 P. M., and recorded in book 100, page 100, records of Deeds of said County. Witness my hand and seal of County office.

Beulah L. Hoffman
Recorder of Deeds
By: Gerta Carter
Deputy

Return to
JACKSON COUNTY TITLE & ABSTRACT CO.

66331 INDEXED ✓ 10

June 30, 2007

Dorothy Petersen
Water Resources Dept.
725 Summer St. NE, Suite A
Salem, OR 97301

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JUL 05 2007

WATER RESOURCES DEPT
SALEM OREGON

RE: Transfer T-10306 (Danley)

Dear Ms Pedersen,

Enclosed is amended transfer application with corrections requested in your letter of May 18, 2007. Affidavit that landowner had signed to submit w/ original application is also enclosed.

If you have any question, please call 541-301-5615. Thank you

Sincerely,
Robert C. Jones
CWRE



Oregon

Theodore R. Kulongoski, Governor

May 18, 2007

Robert Jones, CWRE
200 First Street
Prospect, OR 97536

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

REFERENCE: Transfer T-10306 (Danley)

We are examining your water right transfer application. There are some problems that need to be resolved before we can continue processing the application.

The Reimbursement Authority contractor has determined that the use of water on lands proposed for transfer under T-10306 is authorized by Certificate 39596 instead of Certificate 17221. The water right application was filed May 21, 1910 by R.E. Tucker, for 15 acres. Based on the enclosed property description, I conclude that the original property under the right was the 15 acres in the NE corner of the NE SE of Section 5: 40 rods (660 feet) from north to south, and 60 rods (990 feet) from east to west. At some time prior to 1952 the easternmost 330 feet of the property became current Tax Lots 1200 and 1201, with the remainder as Tax Lot 1500. The highway right of way was also excluded from the property. Only 13.5 acres of irrigation were proved up on. Then 3.0 acres in what appears to be Tax Lots 1200 and 1201 were transferred off by T-2780, leaving 10.5 acres under the right.

Certificate 39596 (a remaining right for the portion of the right developed under Application S-693/Permit S-308 that was not modified by T-2780) authorizes irrigation of 10.5 acres. Some of that acreage is not within the boundaries of current Tax Lot 1500, being most probably under the highway right of way.

1. Achieving the stated goals of the project will require you to amend your application for T-10306 to reference the correct certificate (39596). You may either cross out and change the figures on the application copy (and initial and date the changes), or submit a separate addendum to the application that spells out the changes.
2. An Affidavit of Use was not included with the application for T-10306. You must provide evidence that the water was used on the lands to be affected by transfer T-10306, for irrigation from the sources authorized by Certificate 39596, during the five years prior to December 2006 when the transfer application was filed. I am enclosing an Affidavit of Use form for your convenience. Please include on the Affidavit of Use a description of the pumping and delivery system that was used to convey water from the authorized pumping point and apply it to the land involved in the transfer.

Please submit the requested information by **June 20, 2007** to Dorothy Pedersen, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Dorothy I. Pedersen
Water Rights Transfer Specialist

cc: Larry Menteer, Watermaster, District 13
Gloria Danley

enclosures

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JUL 05 2007

WATER RESOURCES DEPT.
SALEM, OREGON



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for Water Right Transfer

Revised
Appl.

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return any requested information does not apply to your application, insert "n/a". Please read and refer to the when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

APPLICATION FOR:

Please check one		
<input checked="" type="checkbox"/> Water Right Transfer	<input type="checkbox"/> Temporary Transfer (number of years _____)	<input type="checkbox"/> Drought Transfer
<input type="checkbox"/> Historic Change in POD	<input type="checkbox"/> Permit Amendment	<input type="checkbox"/> Point of Diversion Change Due to Government Action
<input type="checkbox"/> To Instream Use		
<input checked="" type="checkbox"/> Other Transfer		

1. APPLICANT INFORMATION

Name: GLORIA DANLEY
First Last
Address: 5150 BROWNSBORO HWY
EAGLE POINT OR 97524
City State Zip
Phone: 541-826-2647
Home Work Other
*Fax: _____ *E-Mail address: _____
*Optional information

RECEIVED

JUL 05 2007

WATER RESOURCES DEPT.
SALEM, OREGON

2. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application)

Name: ROBERT JONES
First Last
Address: 725 N. LAUREL ST 200 FIRST ST. QJ 6/26/07
ASHLAND Prospect OR 97520-36 QJ
City State Zip
Phone: 541-488-0157 560-3257541 301-5615
Home Work Other
*Fax: 541-488-0377 QJ *E-Mail address: bobjones@bisp.net
*Optional information

T 10306

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FEB 02 2007

Last revised: 10/23/2004

WATER RESOURCES DEPT.
SALEM, OREGON

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DEC 08 2006

WATER RESOURCES DEPT.
SALEM, OREGON

FSD

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JUL 05 2007

WATER RESOURCES DEPT.
SALEM, OREGON

3. TYPE OF CHANGE PROPOSED

Please check all that apply

Point of Diversion or Appropriation	Place of Use	Character of Use (n/a for Permit Amendments)
<input checked="" type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion (Unauthorized point of diversion used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion and not as an additional point of appropriation.)	<input type="checkbox"/> All, or a portion, of the right will be exercised at a different location than currently authorized. (Use of water at the current location will be discontinued.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete Supplemental Form B) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)

Reason for changes: ELIMINATE PUSH-UP DAM TO BENEFIT FISH AND CONVERT POD TO NEW PUMP STATION.

Describe the *current* water delivery system. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right. (Not applicable to applications for Permit Amendments.)

THE CURRENT SYSTEM USES A PUSH-UP DAM and DITCH (referred to as Tucker ditch) TO DELIVER 1.85 cfs

System capacity: 2.0 cubic feet per second (cfs)

Attach one or more Evidence of Use Affidavits (Supplemental Form A) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years or that a presumption of forfeiture for non-use could be rebutted.

RECEIVED to applications for Permit Amendments.)

T 10306

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WATER RESOURCES DEPT.
SALEM, OREGON

Transfer Application/2

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SALEM, OREGON

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4. CURRENT WATER RIGHT INFORMATION

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

WATER RESOURCES DEPT.
SALEM, OREGON

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>17221 39596</u>	<u>6/26/07</u>
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right		
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested		
	Permit Number	Completion Date of Permit

Name on Permit, Certificate, or Decree: R.E. TUCKER

County: JACKSON Authorized Use(s): IRRIGATION

Are there multiple Priority Dates identified on the water right? ☒ Yes ☐ No

If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates: _____

Source(s) of Water Listed on Right: LITTLE BUTTE CREEK

Tributary to: ROGUE RIVER

Are there other Sources listed on the water right? ☐ Yes ☒ No

If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources: _____

Are there Other Water Rights or permits associated with this land? ☐ Yes ☒ No

If "Yes", what are the Permit or Certificate Numbers? _____

Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.

Remarks: N/A

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Transfer Application/3
WATER RESOURCES DEPT.
SALEM, OREGON

T 10306

17221 Ref 6/26/07

WATER RESOURCES DEPT.
SALEM, OREGON

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
36 S	1 E	W	4	NE SW		655 ft south and 2400' east of EAST ¼ corner, section

[illegible]

T 10306

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
36	S	1	E	W	5	NW SE		970 ft south and 950 west of EAST ¼ Corner of Sec. 5

Attach additional copies as ne
Clearly mark each of the add
Not applicable to application

proposed points of diversion or appropriation.
tificate Number or other identifying number.

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SALEM, OREGON

Location of Proposed I

[illegible]

Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.

Remarks: N/A

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SALEM, OREGON

Transfer Application/5

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WATER RESOURCES DEPT
SALEM, OREGON

T 10306

6. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No

Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No

Is water for any of the rights supplied under a water service agreement or other contract for stored water with a Federal agency? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district and/or agency:

N/A

List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

N/A

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JUL 6 5 2007

WATER RESOURCES DEPT.
SALEM, OREGON

7. LAND OWNERSHIP

Does the applicant own the lands FROM which the right is being transferred? ☐ Yes ☐ No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:

Names of Current Landowner(s): GLORIA DANLEY
First Last
Address: S150 BROWNSBORO HWY
EAGLE POINT OR 97524
City State Zip

Does the applicant own the lands TO which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information:

Names of Receiving Landowner(s): Same
First Last
Address: _____
City State Zip

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SALEM, OREGON

Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

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Transfer Application/6

WATER RESOURCES DEPT.
SALEM, OREGON

T 10306

8. ATTACHMENTS

Check each of the following attachments included with this application. The application will be returned if all required attachments are not included.

Form A – Evidence of Use Affidavits <input checked="" type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original, not a copy. Form B – Instream Water Right Transfer <input type="checkbox"/> Required for instream transfers only. Map <input checked="" type="checkbox"/> Permanent Water Right Transfer The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy. <input type="checkbox"/> Permit Amendment, Temporary Transfer, or Other Application A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner. Evidence of Lien Holder Notification <input type="checkbox"/> Copies of the written notification of the proposed transfer provided by the applicant to each lien holder, unless the water right has been quit claimed. Recorded Deed <input type="checkbox"/> Required for temporary transfers only.	Land Use Information Form: <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Not Required if all of the following are met: ① In EFU zone or irrigation district, ② Change in place of use only, ③ No structural changes needed, including diversion works, delivery facilities, other structures, and ④ Irrigation only. Water Well Reports/Well Logs: <input type="checkbox"/> The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached. <input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached. <input type="checkbox"/> The application is for a surface water transfer and water well reports are not required. Fees: <input type="checkbox"/> Amount enclosed: \$ <u>175.00</u> See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.
--	--

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SALEM, OREGON

9. SIGNATURES

I (we) understand that prior to approval of a permanent transfer and after issuance of a draft preliminary determination by the Department, I (we) must submit:

- (1) A report on ownership and lien information prepared by a title company within the last three months if required under OAR 690-380-3000(13), and
- (2) If I (we) are not the landowners, proof that the landowner or entity to which the water right has been quitclaimed consents to the transfer or that ownership information is not required.

I (we) affirm that the information contained in this application is true and accurate.

Gloria L. Danley GLORIA L. DANLEY 7-19-06
applicant signature name (print) date

applicant signature

name (print)

date

Before submitting your application, be sure you have:

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all named deed holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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SALEM, OREGON

Transfer Application/7

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SALEM, OREGON

1. I attest that:

2. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

[illegible]

(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

PASTURE FOR GRAZING

5. The water delivery system used to apply water as authorized by the right is described below:

FLOOD IRRIGATION

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☒ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Other: _____

RECEIVED

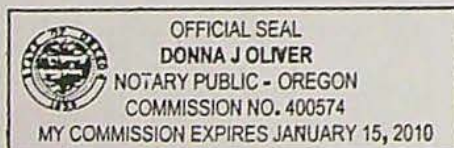
JUL 05 2007

WATER RESOURCES DEPT.
SALEM, OREGON

Gloria L. Danley
Signature of Affiant

7-20-06
Date

Signed and sworn to (or affirmed) before me this 20th day of July, 2006.



Donna J. Oliver
Notary Public for Oregon

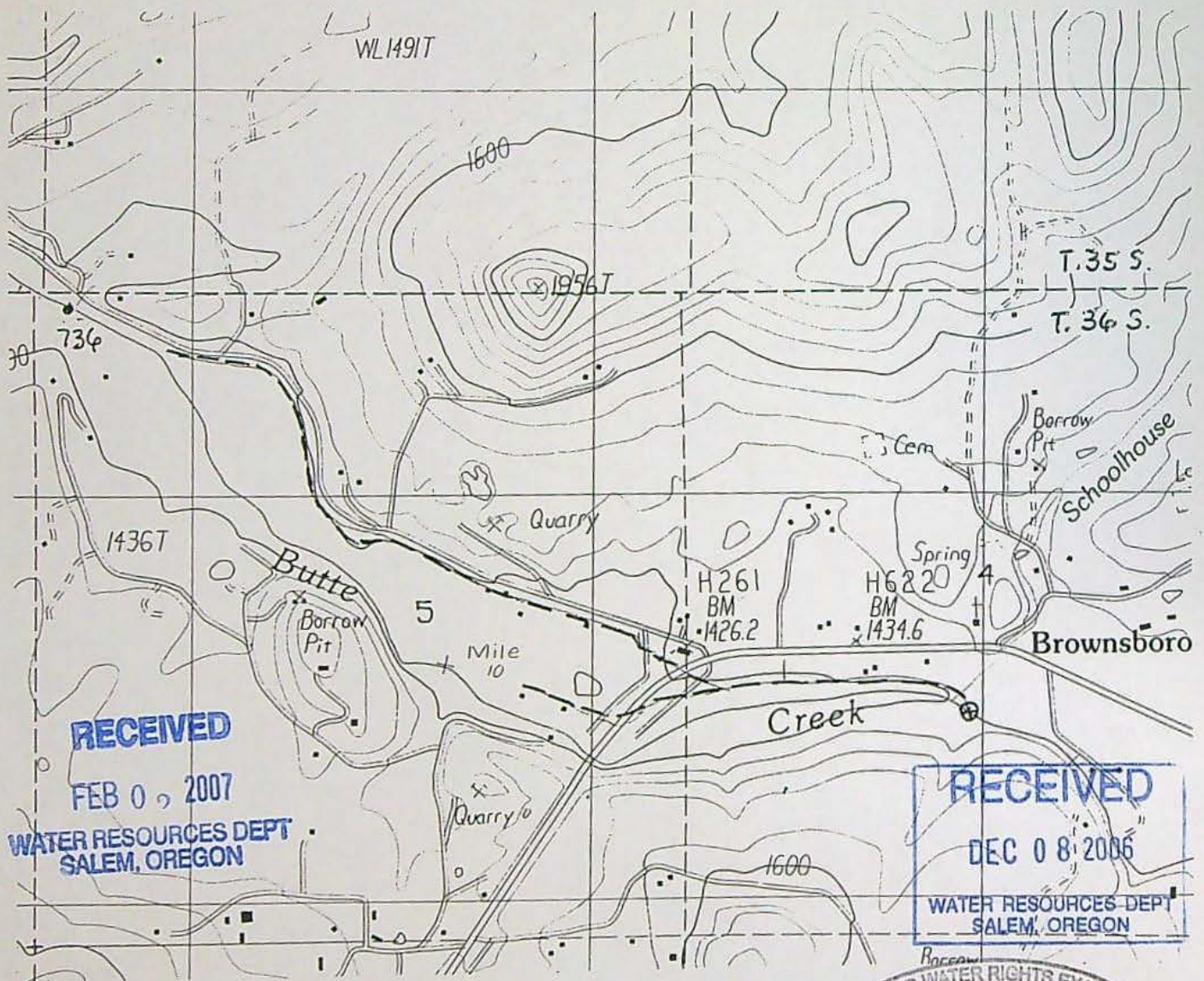
My Commission Expires: JAN 15, 2010

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.



TRANSFER OF P.O.D.
CURRENT POD LOCATION
T. 36 S., R. 1 E., SECTION 4, NE SW
CERTIFICATES 17221 & 17165
for
Tucker Ditch Diversion

Scale: 1" = 1320'



⊗ CURRENT "TUCKER DITCH" DIVERSION
TO BE ELIMINATED AND TRANSFERRED
/ TUCKER DITCH
T 10306
DIVERSION IS 800' South and 2350' east
of EAST 1/4 CORNER of Section 5



RENEWAL DATE 6-30-07

NOTE: THIS MAP IS FOR WATER RIGHTS PURPOSES. DO NOT USE FOR PROPERTY LINE LOC.

Robert C. Jones, C.W.R.E.
200 First St., Prospect, OR 97536
Ph: 541-301-5615 · 541-560-3257 fax: 541-560-3674

March 17, 2008

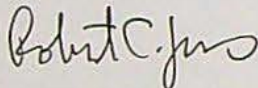
Dorothy Pedersen
Transfer Division
Oregon Water Resources Dept.
725 Summer St, NE, Suite A
Salem, OR 97301-1271

RE: Water Right Transfer Application T-10306 (Danley)

Dear Ms. Pedersen,

Enclosed is the amended map for the Water Right POD Transfer showing the 8.67 acres to be transferred and the remaining right of 1.83 acres for certificate 39596. I also showed the 3.0 acres that were transferred elsewhere under another certificate, although not part of this transfer. I have also enclosed a revised page 4 for the original application showing the correct total acres for the certificate. Thanks

Sincerely,



Robert C. Jones, RG, CEG, CWRE
Agent

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MAR 26 2008

WATER RESOURCES DEPT
SALEM, OREGON

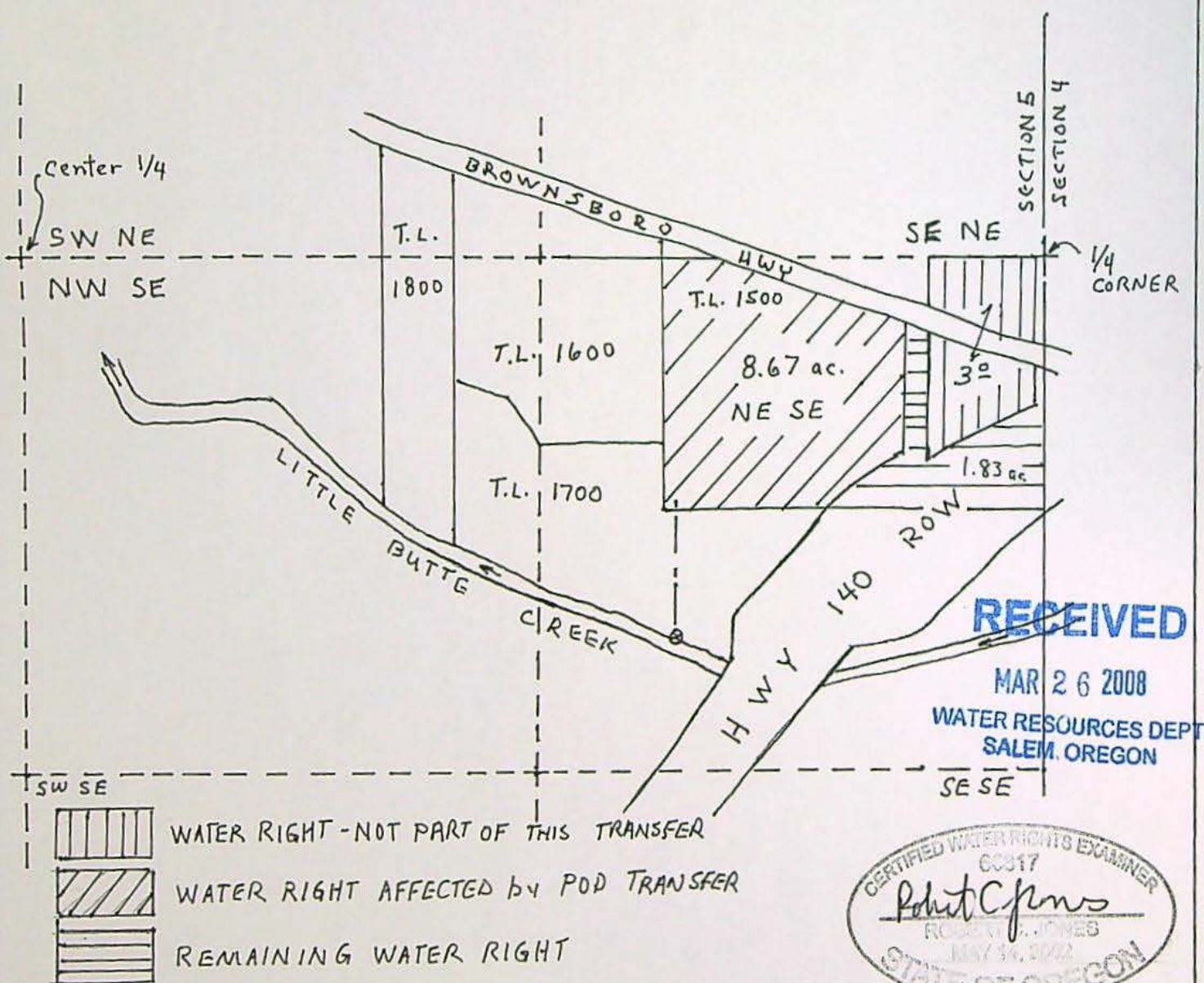
TRANSFER OF P.O.D.
PROPOSED NEW LOCATION

T36S., R15E., SECTION 5, TAXLOT 1500, WM.
CERTIFICATE 39596
for
GLORIA DANLEY



SCALE 1" = 400'

AMENDED MAP FOR T-10306



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MAR 26 2008

WATER RESOURCES DEPT
SALEM, OREGON



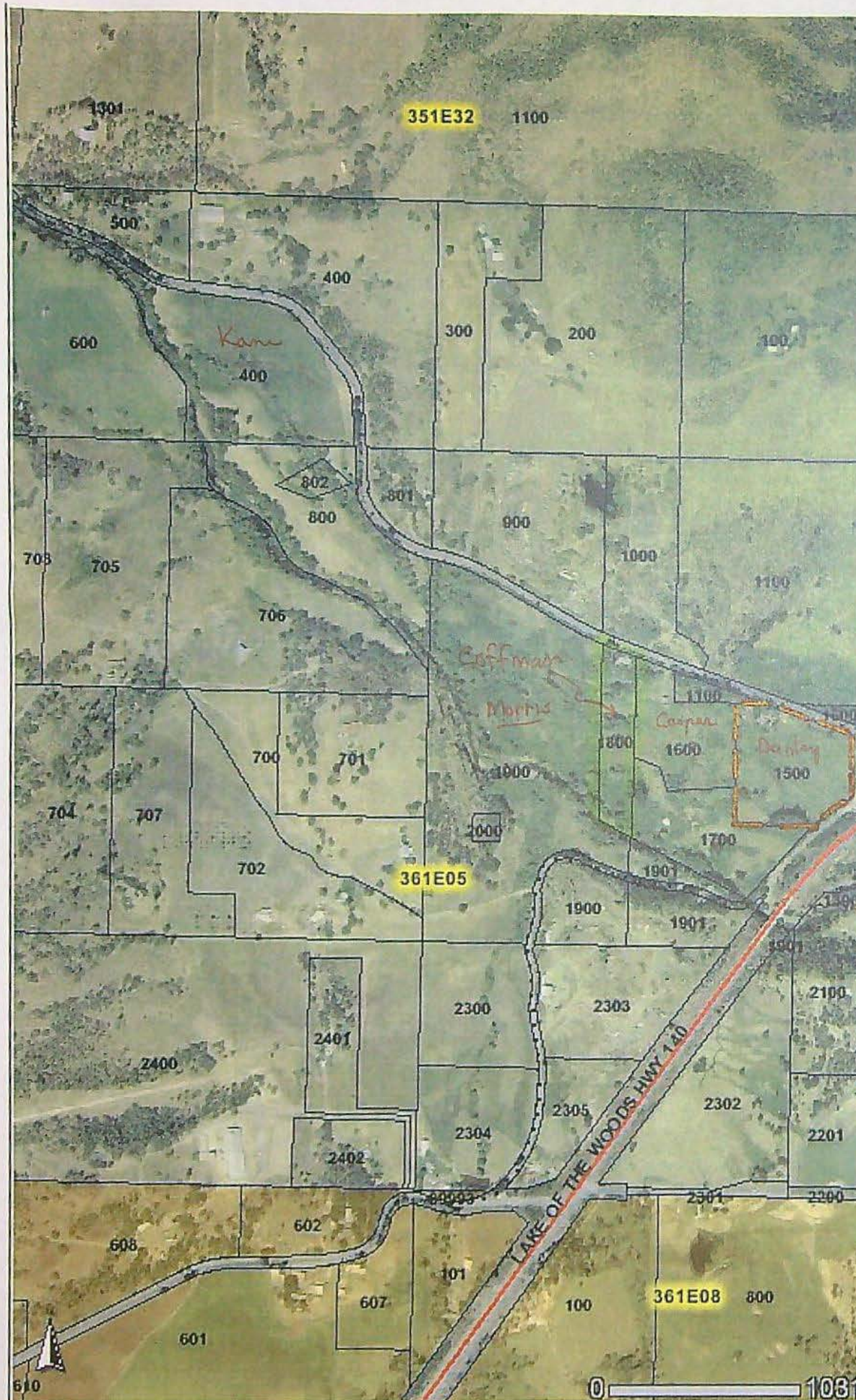
- PROPOSED NEW POD LOCATION IS 970 ft SOUTH and 950 ft WEST of 1/4 CORNER of SEC. 4&5.

RENEWAL DATE: 6-30-08

NOTE: THIS MAP IS FOR WATER RIGHT PURPOSES.
IT IS NOT INTENDED TO BE USED FOR PROPERTY LINE LOCATIONS.

17221 Ref 6/26/07

I 10306



JACKSON COUNTY

INFORMATION TECHNOLOGY

Map Maker Application Front Counter Legend

☐ Tax Lot Outlines

Taxlot Numbers

City Limits

- Ashland
- Butte Falls
- Central Point
- Eagle Point
- Gold Hill
- Jacksonville
- Medford
- Phoenix
- Rogue River
- Shady Cove
- Talent

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SALEM, OREGON

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SALEM, OREGON

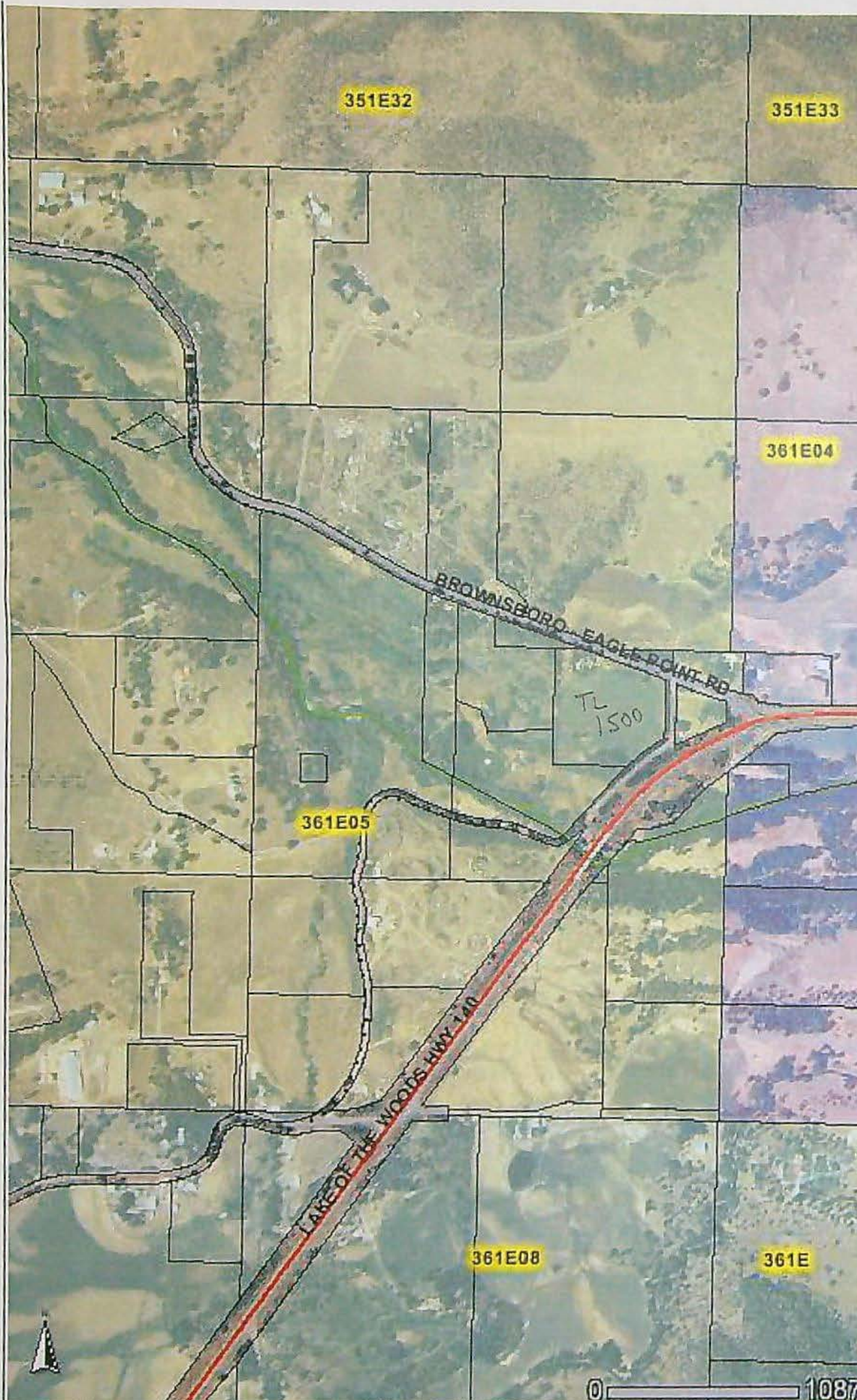


JACKSON COUNTY
Oregon

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Created with MapMaker

Map created on 3/29/2006 8:30:40 AM using web.jacksoncounty.org



JACKSON COUNTY

INFORMATION TECHNOLOGY

Map Maker Application Front Counter Legend

- ☐ Tax Lot Outlines
- Streams and Ditches
 - Streams
 - Canal
 - Siphon / Underground
- City Limits
 - Ashland
 - Butte Falls
 - Central Point
 - Eagle Point
 - Gold Hill
 - Jacksonville
 - Medford
 - Phoenix
 - Rogue River
 - Shady Cove
 - Talent
- Countywide Color Aerial Photos 2005

Rogue Valley Sewer Service Sewer Lines

Reprinted aerial photo w/ complete legend showing date.

Ref Jan 2007

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SALEM, OREGON

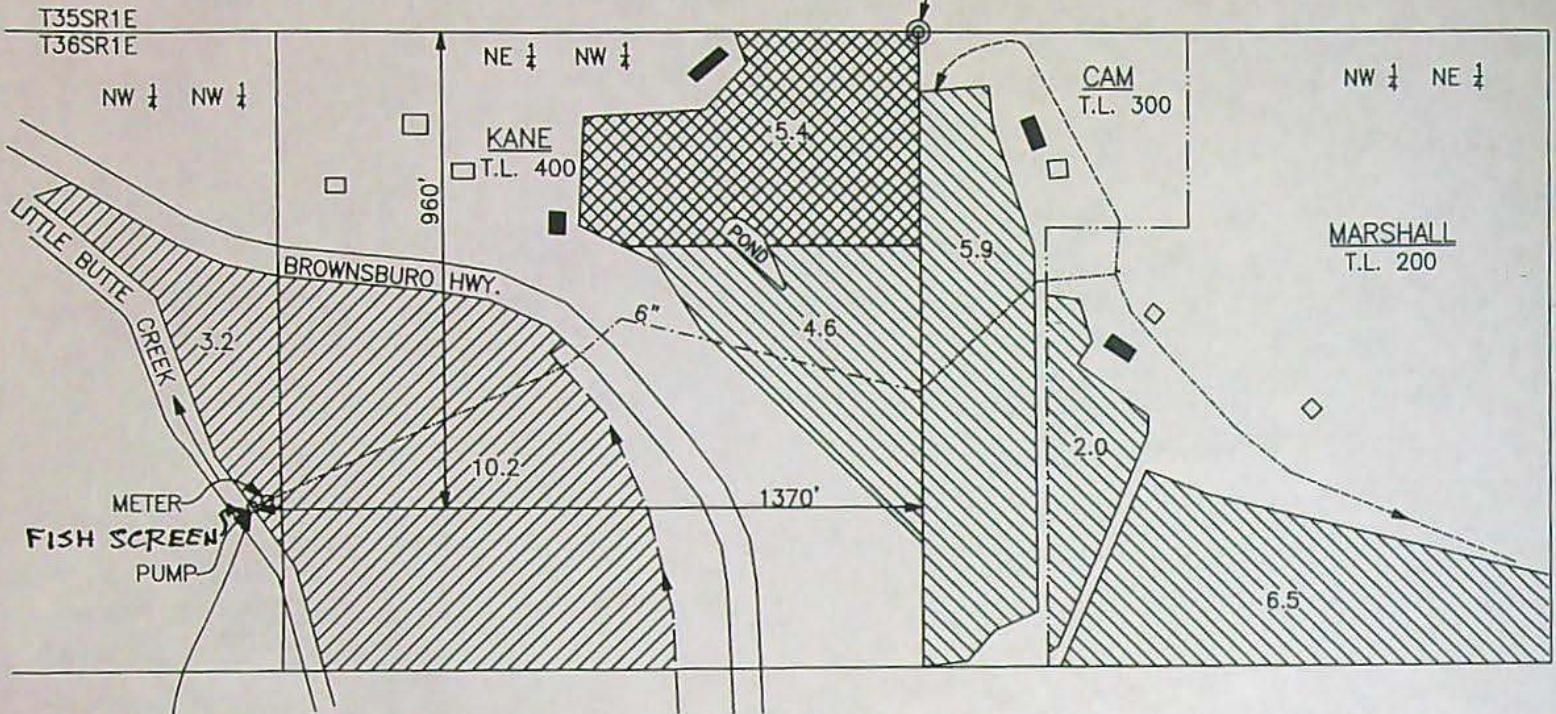


This map is based on a digital database compiled by Jackson County From a variety of sources. Jackson County cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

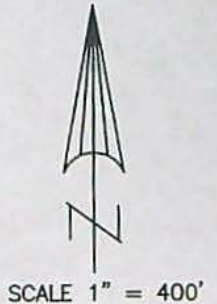
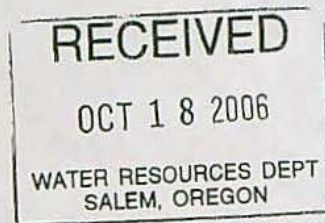
T.36S., R.1E., W.M.

TAX LOT Nos. T.36S., R.1E., W.M., SECTION 5 - 200, 300 & 400

NORTH 1/4 COR. SECTION 5



ADDITIONAL POINT OF DIVERSION FOR 13.4 AC. PORTION OF CERT. 17165 AND NEW POINT OF DIVERSION FOR NEW PLACE OF USE OF 5.4 AC. PORTION OF CERT. 68692 AND 19.0 AC. PORTION OF CERT. 75892.

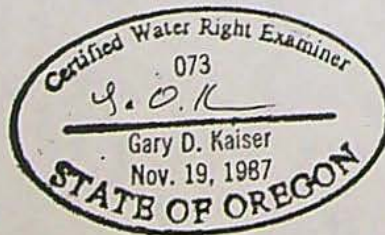


CLAIM OF BENEFICIAL USE MAP

APPLICATION FILE No. T-8057

IN THE NAMES OF:
WILLIAM KANE, BRIAN CAM
AND WAYNE MARSHALL
P.O. BOX 441
EAGLE POINT, OR. 97524

MAP PREPARED OCTOBER 11, 2006
BY GARY D. KAISER



NOTE: MAP PREPARED FOR
WATER RIGHT PURPOSES ONLY,
NOT FOR PROPERTY BOUNDARY
LOCATIONS.



= PORTION OF CERT. 17165
IRRIGATION OF 10.2 AC. IN
TRACT NO. 2 AND 3.2 AC. IN
TRACT NO. 3 ALSO 13.4 AC.
SUPPLEMENTAL IRRIGATION BY
PERMIT 39384, CERT. 56210
MODIFIED BY T-8057
ADDITIONAL POINT OF
DIVERSION.



= PORTION OF CERT. 68692
MODIFIED BY T-8057 NEW
PLACE OF USE AND NEW
POINT OF DIVERSION



= PORTION OF CERT. 75892
MODIFIED BY T-8057 NEW
PLACE OF USE AND NEW
POINT OF DIVERSION

T 10306



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Rogue Watershed District Office
1495 East Gregory Road
Central Point, OR 97502
(541) 826-8774
FAX: (541) 826-8776



July 10, 2006

Doug Parrow
Oregon Water Resources Department
North Mall Office Building
725 Summer Street, NE, Suite A
Salem, OR 97301-1266

Dear Doug,

I have reviewed the water right transfer proposal to the Tucker Ditch pushup dam on Little Butte Creek. If this transfer is approved, the POD would be converted to multiple pump stations, located downstream from the current POD allowing the pushup dam to be eliminated. It has been determined by ODF&W that these changes in POD will result in a net improvement to fish and wildlife habitat in Little Butte Creek.

The following irrigators and acreages will be affected by the proposed transfer:

Gloria Danley, T36S, R1E, Section 5, Taxlot 1500
Scott Coffman, T36S, R1E, Section 5, Taxlot 1800
Harry Cooper, T.36S, R1E, Section 5, Taxlot 1600
Richard & Virginia Morris, T36S, R1E, Section 5, Taxlot 1900
Bill & Marie Kane, T36S, R1E, Section 5, Taxlot 400
Jackson County, T36S, R1E, Section 5, Taxlot 1700

ODFW is supportive of the proposal described above. Please feel free to contact me with any questions.

Sincerely,

Jay Doino
Oregon Department of Fish and Wildlife

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SALEM, OREGON

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DEC 08 2006

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SALEM, OREGON

T 10306

Robert C. Jones, C.W.R.E.

200 First St., Prospect, OR 97536

Ph: 541-301-5615 · 541-560-3257 fax: 541-560-3674

January 29, 2007

Sarah Henderson
Oregon Water Resources Dept.
Transfer Division
725 Summer St, NE, Suite A
Salem, OR 97301

RE: Water Right Transfer Applications: Coffman, Cooper, Danley, Morris and Kane

Dear Ms. Henderson,

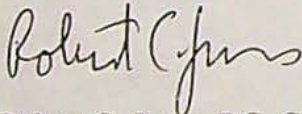
Enclosed are the five water right POD transfer applications, which are being re-submitted. All the items in your letter of December 11, 2006 have been addressed. Enclosed are two checks: one for the Transfer Application fees for \$875 (\$175 x 5 and one for the Rush Fee for \$625 (\$125 x 5).

Again, we would like to have these applications processed together through the reimbursement authority in hopes of minimizing costs. Hopefully, one CWRE can process and/or review all applications at the same time.

Please send a receipt to: Robert C. Jones, 200 First St., Prospect, OR 97536.

Please note change of address for all future correspondence. Thanks

Sincerely,



Robert C. Jones, RG, CEG, CWRE
Agent

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WATER RESOURCES DEPT
SALEM, OREGON

11 10306



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water right transfer, allocation of conserved water, or exchange and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm use zone.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

A. Applicant

Name: Gloria Danley
Address: 5150 Brownsboro Hwy
City: Eagle Point State: OR Zip: 97524 Day Phone: 541-826-2647

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)	Proposed Land Use
1500	GFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	GFU
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. Jackson County

C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☐ Water Use Permit ☒ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☒ Irrigation
☐ Municipal ☐ Quasi-municipal ☐ Domestic (indicate number of households) _____
☐ Other _____

Briefly describe: Eliminate pushup dam and convert POD to new pump station

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water Little Butte Creek

Indicate the estimated quantity of water the use will require: 0.21 ^(source) CFS ☐ GPM ☐ Acre-Feet

Last revised: 04/06/04

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

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FEB 06 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10306

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- ☐ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____ Go to section B "Approval" below.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

B. Approval

Please provide printed name and written signature.

Name: _____ Date: _____
 Title: _____ Phone: _____
 Signature: _____

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Name of applicant: Gloria Danley

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

City or County: Jackson County
 Staff contact: Victor M. King Phone: 774-6959
 Signature: Victor M. King Date: 1-22-07

Robert C. Jones, C.W.R.E.
725 N. Laurel St., Ashland, Oregon 97520
541-301-5615

December 3, 2006

Doug Parrow
Oregon Water Resources Department
Transfer Division
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

RE: Transfer Applications for Cooper, Coffman, Danley, Kane and Morris

Dear Mr. Parrow,

Enclosed are five completed water right transfer applications. They are all for a change in P.O.D. from a pushup dam in Little Butte Creek to multiple pump stations located downstream. These water rights are all delivered through the "Tucker Ditch". Six landowners/properties get their water rights through the "Tucker Ditch". One Landowner currently has their water right leased instream with the Oregon Water Trust and will submit their transfer at a later date. Their portion of the water right is approximately 0.19 cfs for their 7.60 acres. One Water Right certificate (17221) covers five properties totaling 41 acres. They are:

1. Coffman	TL 1800	4.00 acres	
2. Cooper	TL1600	6.55 acres	
3. Danley	TL1500	8.67 acres	
4. Morris	TL1900	14.18 acres	
5. Jackson County	TL1700	7.60 acres	Instream lease - transfer later

One other property receives water from the "Tucker Ditch" on Water Certificate 17165.

1. Kane	TL400	10.20 acres
---------	-------	-------------

These five transfer applicants are requesting a rush through the reimbursement authority. They have been submitted as a package to possibly minimize the cost by doing them at the same time by the same CWRE.

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T 10306

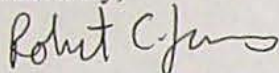
Enclosed is a check for \$875 for the transfer application fees (\$175 x 5). A letter of support from ODF&W has also been enclosed. It states that these POD transfers would be beneficial to fish and wildlife habitat.

Please send a receipt to: Robert C. Jones, 725 N. Laurel Street, Ashland, OR 97520

Any questions concerning these applications can be directed to Robert C. Jones, Agent for the applicants, to the above address or 541-301-5615 or bobjones@bisp.net

Thank you for your time and consideration in this matter.

Sincerely,



Robert C. Jones, RG, CEG, CWRE

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Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

December 11, 2006

Robert C. Jones, Agent
725 N. Laurel Street
Ashland, Oregon 97520

T-10306

RE: Water Right Transfer Applications: Coffman, Cooper, Danley, Morris, Kane

The department received the water right transfer applications on December 8, 2006 with a check in the amount of \$875.00. We are unable to accept these applications at this time. The reasons are listed below.

1. ✓ The aerial photos that are included for the supporting documentation on the evidence of use will need to indicate the date of photography. 2005
2. ✓ A land use information form must be included for each application. Enclosed are copies of these forms for you to take to the local planning department.
3. ✓ The transfer application maps will need the acreage divided by $\frac{1}{4}$ $\frac{1}{4}$ to have a complete picture of what is happening in these transfer applications.
4. ✓ On page 4 of the transfer applications, please fill in the location of the existing authorized place of use to be affected by the changes in point of diversion. In the proposed place of use areas on the applications it looks like this is also the authorized place of use, please verify that this is correct and the applications are not changing the place of use as well as the points of diversion.
5. ✓ If these applications are going to go through reimbursement authority, a reimbursement authority application is needed for each application and a fee of \$125.00 (x 5) will need to be included with the applications. Enclosed are copies of these forms. As requested the applications will be sent as a package to the same contractor to be processed.
6. Please review the entire new applications and make sure that every line is answered or "N/A" is applied. Incomplete applications will be returned.

*Submitted receipt
Need to receive
Signed form from
County*

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SALEM, OREGON

T 10306



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a". Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

APPLICATION FOR:

Please check one

<input checked="" type="checkbox"/> Water Right Transfer	<input type="checkbox"/> Temporary Transfer (number of years _____)	<input type="checkbox"/> Drought Transfer
<input type="checkbox"/> Historic Change in POD	<input type="checkbox"/> Permit Amendment	<input type="checkbox"/> Point of Diversion Change Due to Government Action
<input checked="" type="checkbox"/> Other Transfer		

1. APPLICANT INFORMATION

Name: GLORIA DANLEY
First Last
 Address: 5150 BROWNSBORO HWY
EAGLE POINT OR 97524
City State Zip
 Phone: 541-826-2647
Home Work Other
 *Fax: _____ *E-Mail address: _____

*Fax: _____ *E-Mail address: _____
*Optional information

2. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: ROBERT JONES
First Last
 Address: 725 N. LAUREL ST
ASHLAND OR 97520
City State Zip
 Phone: 541-488-0157 541-301-5615
Home Work Other

*Fax: 541-488-0377 *E-Mail address: bobjones@bisp.net
*Optional information

**Optional information*

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3. TYPE OF CHANGE PROPOSED

Please check all that apply

Point of Diversion or Appropriation	Place of Use	Character of Use (n/a for Permit Amendments)
<input checked="" type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion (Unauthorized point of diversion used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion and not as an additional point of appropriation.)	<input type="checkbox"/> All, or a portion, of the right will be exercised at a different location than currently authorized. (Use of water at the current location will be discontinued.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete Supplemental Form B) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)

Reason for changes: ELIMINATE PUSH-UP DAM TO BENEFIT FISH AND CONVERT POD TO NEW PUMP STATION.

Describe the *current* water delivery system. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right. (Not applicable to applications for Permit Amendments.)

THE CURRENT SYSTEM USES A PUSH-UP DAM and DITCH (referred to as Tucker ditch) TO DELIVER 1.85 cfs

System capacity: 2.0 cubic feet per second (cfs)

Attach one or more Evidence of Use Affidavits (Supplemental Form A) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years or that a presumption of forfeiture for non-use could be rebutted. (Not applicable to applications for Permit Amendments.)

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4. CURRENT WATER RIGHT INFORMATION

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>17221</u>	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested	Permit Number	Completion Date of Permit

Name on Permit, Certificate, or Decree: R.E. TUCKER

County: JACKSON Authorized Use(s): IRRIGATION

Are there multiple Priority Dates identified on the water right? ☒ Yes ☐ No

If "Yes", any information provided on Page 4 must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates: _____

Source(s) of Water Listed on Right: LITTLE BUTTE CREEK

Tributary to: ROGUE RIVER

Are there other Sources listed on the water right? ☐ Yes ☒ No

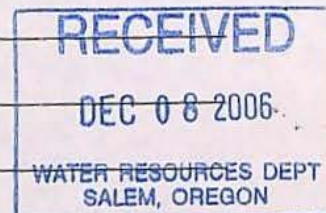
If "Yes", any information provided on Page 4 must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources: _____

Are there Other Water Rights or permits associated with this land? ☐ Yes ☒ No

If "Yes", what are the Permit or Certificate Numbers? _____

Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.

Remarks: N/A



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SALEM, OREGON

T 10306

5. PROPOSED CHANGES TO THE WATER RIGHT

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Certificate Number or other identifying number from *Section 4*: 17221

Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:

Township		Range		Mer	Sec	$\frac{1}{4}$ $\frac{1}{4}$ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
36	S	1	E	W	5	NW SE		970 ft south and 950 west of EAST $\frac{1}{4}$ Corner of Sec. 5

Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.

Location of Proposed Place of Use:

[illegible]

Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.

Remarks: N/A

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SALEM, OREGON

Transfer Application/5

T 10306

6. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No

Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No

Is water for any of the rights supplied under a water service agreement or other contract for stored water with a Federal agency? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district and/or agency:

N/A

List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

N/A

7. LAND OWNERSHIP

Does the applicant own the lands **FROM** which the right is being transferred? ☐ Yes ☐ No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:

Names of Current Landowner(s): GLORIA DANLEY
First Last
Address: SISO BROWNSBORO HWY
EAGLE POINT OR 97524
City State Zip

Does the applicant own the lands **TO** which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information:

Names of Receiving Landowner(s): Same
First Last
Address: _____
City State Zip

Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

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T 10306

Transfer Application/6

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SALEM, OREGON

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SALEM, OREGON



8. ATTACHMENTS

Check each of the following attachments included with this application. The application will be returned if all required attachments are not included.

Form A – Evidence of Use Affidavits <input checked="" type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original, not a copy. Form B – Instream Water Right Transfer <input type="checkbox"/> Required for instream transfers only. Map <input checked="" type="checkbox"/> Permanent Water Right Transfer The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy. <input type="checkbox"/> Permit Amendment, Temporary Transfer, or Other Application A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner. Evidence of Lien Holder Notification <input type="checkbox"/> Copies of the written notification of the proposed transfer provided by the applicant to each lien holder, unless the water right has been quit claimed. Recorded Deed <input type="checkbox"/> Required for temporary transfers only.	Land Use Information Form: <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Not Required if all of the following are met: ① In EFU zone or irrigation district, ② Change in place of use only, ③ No structural changes needed, including diversion works, delivery facilities, other structures, and ④ Irrigation only. Water Well Reports/Well Logs: <input type="checkbox"/> The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached. <input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached. <input type="checkbox"/> The application is for a surface water transfer and water well reports are not required. Fees: <input type="checkbox"/> Amount enclosed: \$ <u>175.00</u> See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.
--	--

9. SIGNATURES

I (we) understand that prior to approval of a permanent transfer and after issuance of a draft preliminary determination by the Department, I (we) must submit:

- (1) A report on ownership and lien information prepared by a title company within the last three months if required under OAR 690-380-3000(13), and
- (2) If I (we) are not the landowners, proof that the landowner or entity to which the water right has been quitclaimed consents to the transfer or that ownership information is not required.

I (we) affirm that the information contained in this application is true and accurate.

<u>Gloria L. Danley</u> applicant signature	<u>GLORIA L. DANLEY</u> name (print)	<u>7-19-06</u> date
_____ applicant signature	_____ name (print)	_____ date

Before submitting your application, be sure you have:

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all named deed holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That R. E. Tucker

of Brownsboro, State of Oregon, has a right to the use of
the waters of Little Butte Creek
for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 14, at page 498; that the priority of the right thereby confirmed dates from 1875 for Tract No. 1 and 1908 for Tract No. 2;

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 0.5 cubic foot per second for Tract No. 1 and 0.5 cubic foot per second for Tract No. 2; measured at the head of the ditch or the point where the same leaves the natural stream, from April 1st to October 1st of each year.

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:

Tract No. 1

6.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
11.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
4.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 5,
T. 36 S., R. 1 E., W. M.

Tract No. 2

7.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
11.7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 5,
T. 36 S., R. 1 E., W. M.

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SALEM, OREGON

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 State Engineer, affixed

this 28th day of April, 19 50.

CHAS. E. STRICKLIN

State Engineer

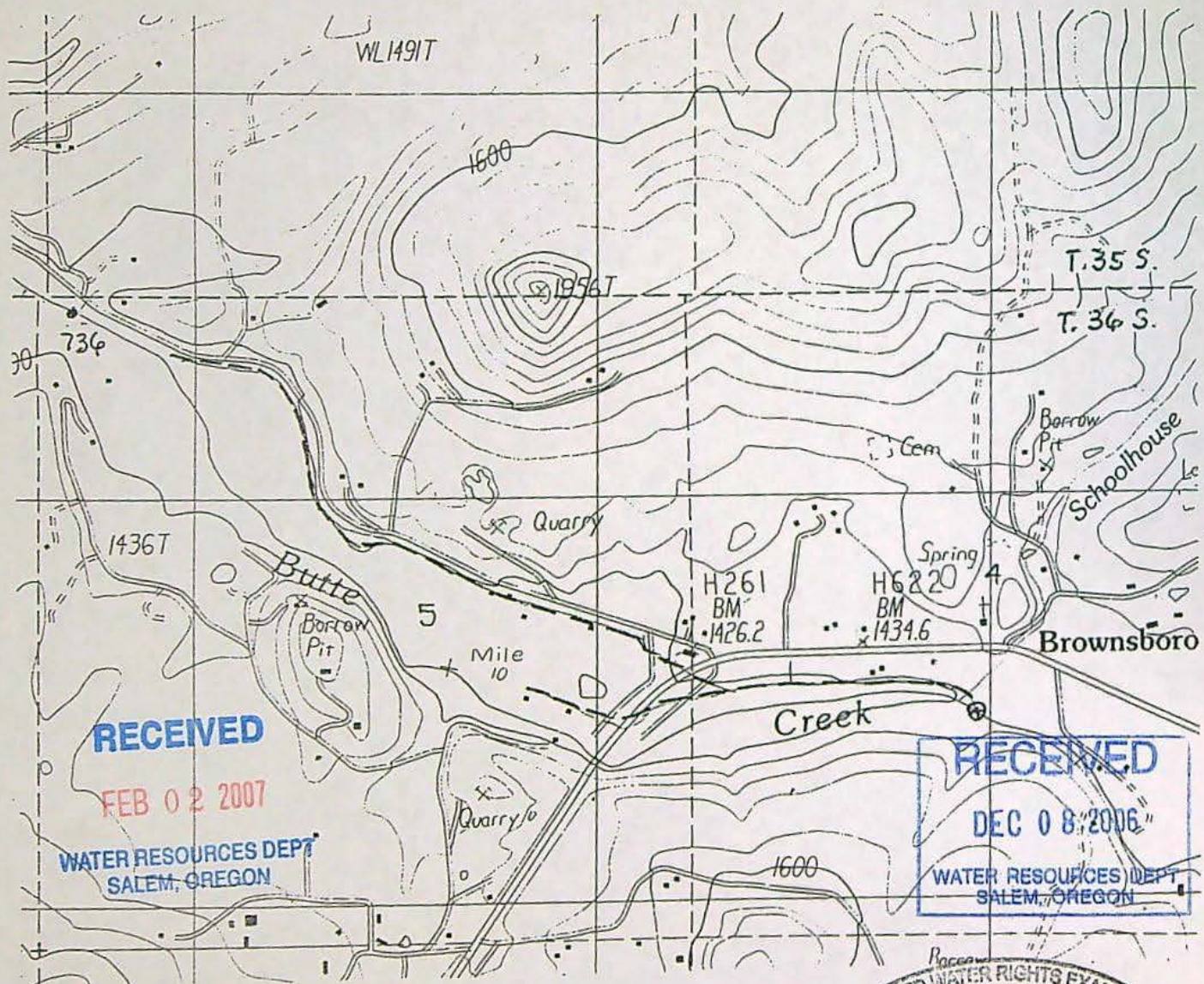
Recorded in State Record of Water Right Certificates, Volume 14, page 17221.

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TRANSFER OF P.O.D.
CURRENT POD LOCATION
T. 36 S., R. 1 E., SECTION 4, NE SW
CERTIFICATES 17221 & 17165
for
Tucker Ditch Diversion

Scale: 1" = 1320'



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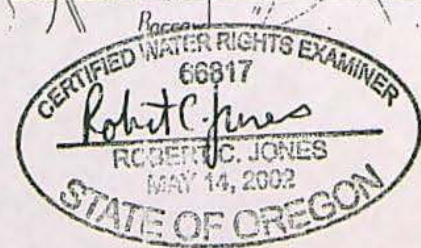
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⊗ CURRENT "TUCKER DITCH" DIVERSION
TO BE ELIMINATED AND TRANSFERRED
/ TUCKER DITCH
T 10306
DIVERSION IS 800' South and 2350' east
of EAST 1/4 CORNER of Section 5



RENEWAL DATE 6-30-07

NOTE: THIS MAP IS FOR WATER RIGHTS PURPOSES. DO NOT USE FOR PROPERTY LINE LOC.

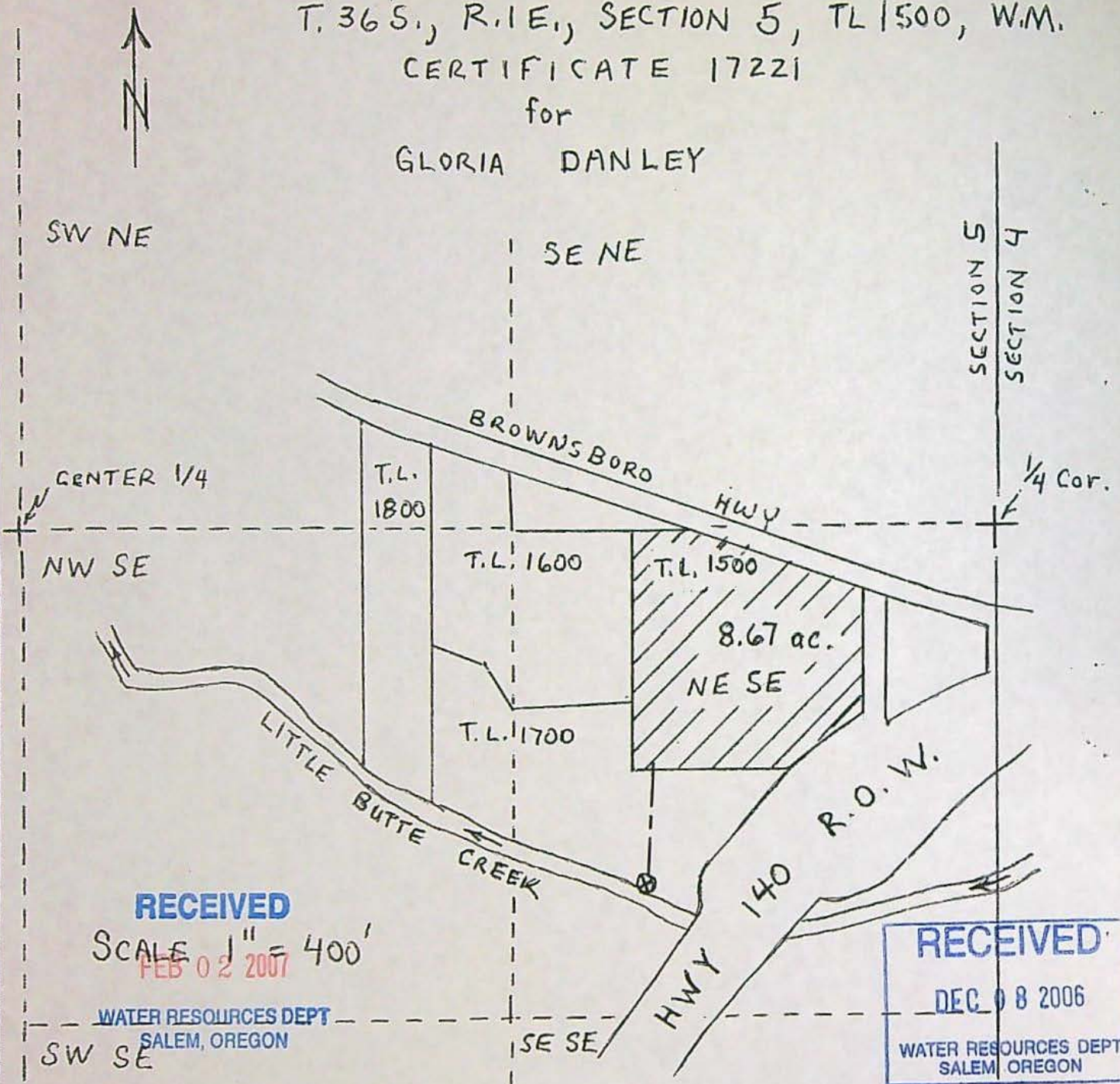
TRANSFER OF P.O.D.
PROPOSED NEW LOCATION

T. 36 S., R. 1 E., SECTION 5, TL 1500, W.M.

CERTIFICATE 17221

for

GLORIA DANLEY



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SCALE 1" = 400'

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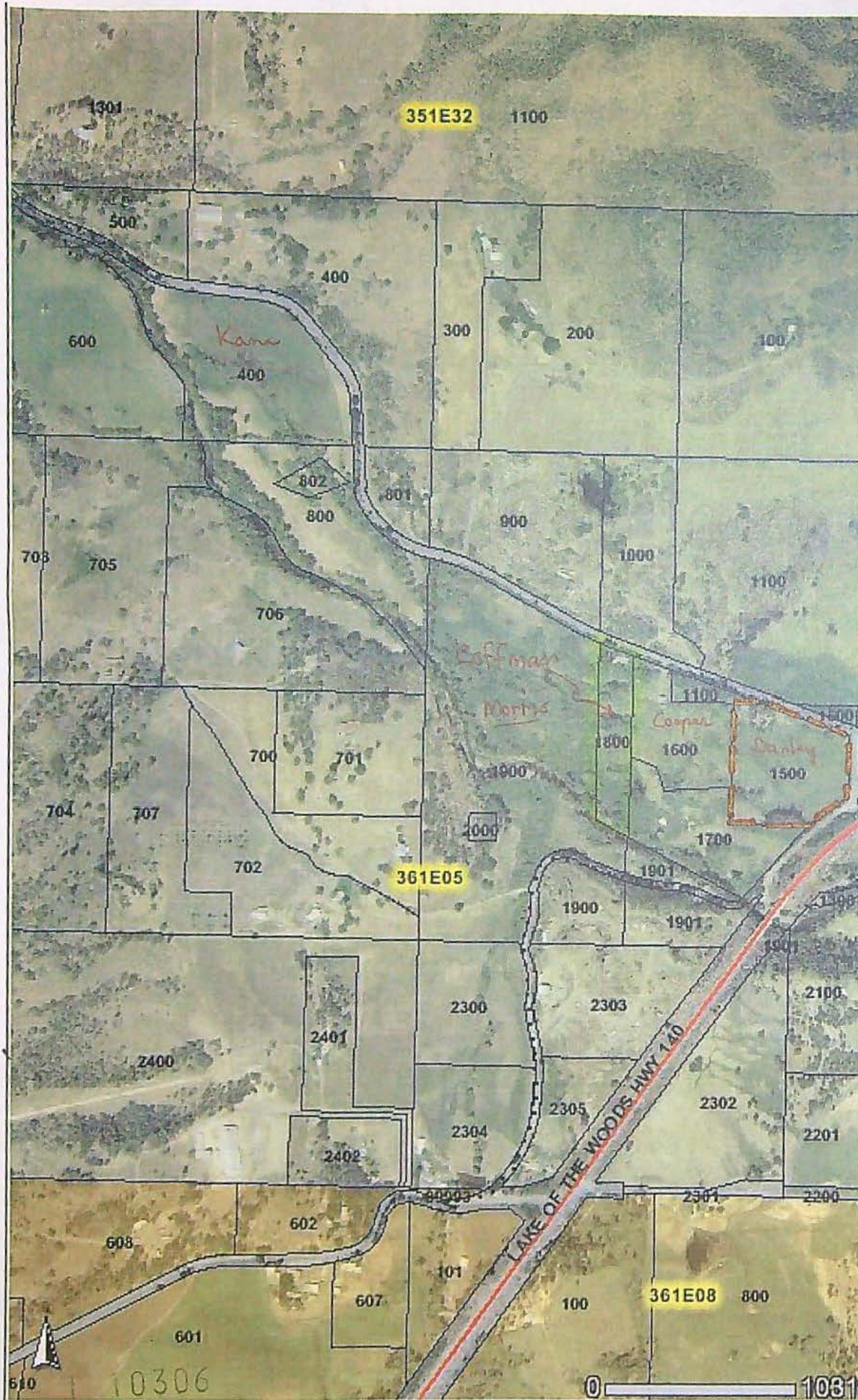
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PROPOSED NEW POD, LOCATED
970 ft south and 950 ft west
of Quarter Corner of Sections 4&5
T 10 S R 1 E



RENEWAL DATE: 6-30-07

NOTE: This map is for water rights
purposes. It is not to be used
for property line location.



JACKSON COUNTY

INFORMATION TECHNOLOGY

Map Maker Application

Front Counter Legend

☐ Tax Lot Outlines

Taxlot Numbers

City Limits

- Ashland
- Butte Falls
- Central Point
- Eagle Point
- Gold Hill
- Jacksonville
- Medford
- Phoenix
- Rogue River
- Shady Cove
- Talent

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SALEM, OREGON



**JACKSON
COUNTY**
Oregon

This map is based on a digital database compiled by Jackson County from a variety of sources. Jackson County cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

Created with MapMaker

Map created on 3/20/2006 8:30:40 AM using web.jacksoncounty.org



JACKSON COUNTY

INFORMATION TECHNOLOGY

Map Maker Application

Front Counter Legend

☐ Tax Lot Outlines

Streams and Ditches

Stream

Canal

Siphon / Underground

City Limits

Ashland

Butte Falls

Central Point

Eagle Point

Gold Hill

Jacksonville

Medford

Phoenix

Rogue River

Shady Cove

Talent

Countywide Color
Aerial Photos 2005

Rogue Valley Sewer
Service Sewer Lines

aerial
Reprinted Photo
w/ complete
legend showing
date.

Ry Jan 2007

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WATER RESOURCES DEPT
SALEM, OREGON



JACKSON COUNTY
Oregon

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Created with MapMaker Map created on 1/11/2007 11:54:30 AM using web.jacksoncounty.org

Dorothy Pedersen

From: Dorothy Pedersen [Dorothy.I.PEDERSEN@wrд.state.or.us]
Sent: Monday, February 05, 2007 11:27 AM
To: 'bobjones@bisp.net'
Subject: Five transfer applications received

Bob,

We have received your five transfer applications and assigned them the following numbers:

T-10304 William and Marie Kane

T-10305 Richard Morris

T-10306 Gloria Danley

T-10307 Harry Edwin Cooper

T-10308 Scott Coffman

In each case, the Land Use Information Form that you submitted had not been filled out and signed on the back side by the County Planning Department. The county had given you a receipt, documenting that you had requested the information, but that it could not be completed while you waited. You will need to follow up with the county, and be sure to send the completed and signed forms to the Oregon Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. Each form should be plainly marked with the applicable transfer number, as listed above.

Thank you,

Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrд.state.or.us
503-986-0890



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water right transfer, allocation of conserved water, or exchange and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm use zone.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

A. Applicant

Name: Gloria Danley
Address: 5150 Brownsboro Hwy
City: Eagle Point State: OR Zip: 97524 Day Phone: 541-826-2647

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)			Proposed Land Use
1500	GFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	GFU
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. Jackson County

C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☐ Water Use Permit ☒ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☒ Irrigation
☐ Municipal ☐ Quasi-municipal ☐ Domestic (indicate number of households) _____
☐ Other _____

Briefly describe: Eliminate pushup dam and convert POD to new pump station

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water Little Butte Creek

Indicate the estimated quantity of water the use will require: 0.21 ☒ CFS ☐ GPM ☐ Acre-Feet

Last revised: 04/06/04

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

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JAN 25 2007

WATER RESOURCES DEPT
SALEM, OREGON

T-10306

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Table 4.2-1. Go to section B "Approval" below.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/Land use decision and accompanying findings are sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Robert M. Ivie Date: 1-23-07
 Title: Planner Phone: 541-774-6959
 Signature: Robert M. Ivie

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

* Land use approval may be required for in-water work within the banks of Little Butte Creek

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Name of applicant: Gloria Danley

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

City or County: Jackson County
 Staff contact: _____ Phone: _____
 Signature: _____ Date: _____



LAND-USE COMPATABILITY STATEMENT

THIS DOCUMENT IS SOLELY FOR THE PURPOSES OF REPLYING TO ANOTHER AGENCY'S REQUEST FOR COMMENTS! THIS IS NOT A LAND-USE PERMIT.

ZONING:

SITE ADDRESS: 5150 BROWNSBORO HWY

PRIMARY PARCEL NUMBER: 36-1E-05-1500

ASSOCIATED LOTS:

ZIS NUMBER: ZON2007-00129

PROJECT: ZON2007-00129

PRINT DATE: 01/23/2007

LAST UPDATED: 01/23/2007 12:00:00AM

Consultant

JONES ROBERT C

E-Mail: bobjones@bisp.net

Primary Owner

JOHNSTON GLORIA L

Address: DANLEY GLORIA L J 5150 BROWNSBORO Unit E

PURPOSE OF LUC/ PROJECT DESCRIPTION:

LUCS for WRD

GENERAL LUC INFORMATION:

01/22/2007: CONSULTANT REQUESTED ZONING SIGN-OFF ON A LUCS FOR WRD TO ALLOW THE POINT OF DIVERSION FOR EXISTING WATER RIGHTS TO BE RELOCATED.

TABLE 4.2-1 OF THE 2004 LAND DEVELOPMENT ORDINANCE (LDO) LISTS FARM USE AS AN OUTRIGHT PERMITTED USE IN THE UNDERLYING ZONE DISTRICT.

PLEASE NOTE THAT PERMITS MAY BE REQUIRED FOR IN-WATER WORK WITHIN THE HIGH BANKS OF LITTLE BUTTE CREEK. RIVY

There are no overlays currently identified for this case. This does not necessarily mean there are no overlays applicable to this property.

There are no structures / improvements identified under the Structure/Size section of this case.

There are no structures / improvements identified under the Height / Setback section of this case.

CONDITION DETAILS:

Condition

Hold Level

Edited

Status

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**WATER RESOURCES DEPT
SALEM, OREGON**

TRANSFER CHECK OFF LIST

TRANSFER FILE # 10306
 DATE RECEIVED 2-2-07
 DATE MONEY SLIPPED 2-2-07
 DATE RECEIPTED 2-2-07
 VALID WATER RIGHT? X Yes No
 TEMP ALT AC IRR DIST PERM AMEND
 TEMP Div 15 ISWR

DIV 15 X

LETTER FROM ATTORNEY YES (PUT INFO ON FRONT COVER) X NO

FOLDER FILLED OUT* yes

ENTERED IN DB yes

CONTENTS MARKED yes
 COLOR CODED X Yes
 4 COPIES MADE & STAMPED yes

CERTIFICATE MARKED yes
 CERTIFICATE COPIED yes
 PULL APPLICATIONS yes
 APP FOLDER MARKED yes
 FINAL PROOF MAP COPIED yes
 PERMIT MARKED no
 PERMIT COPIED
 PERMIT MAP COPIED
 DECREE MARKED
 DECREE COPIED
 ADJUDICATION MAP COPIED

ENTRIES CHECKED CHECKED BY INIT FOLDER
 PUBLIC NOTICE DATE 2-13-07 (PREPARED & COPIED) yes
 LETTER SENT yes Irrigation District no (copy of app & map)
 COPY TO WM yes
 BLUE FORM TO WM yes Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his
 COPY TO GW no POA, APOA, or [SW TO GW ONLY(as POD)]
 BLUE FORM TO GW no Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his
 COPY TO CWRE yes
 LETTER TO ODFW yes ALL Surface water POU/USE (POD and APOD FISH SCREENS)
 TRANSFER SENT TO: Dorothy SW -- NCR -- SCR -- ER

SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for Water Right

Transfer

Superseded by
revised application
received
7/5/07

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a". Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

APPLICATION FOR:

Please check one		
<input checked="" type="checkbox"/> Water Right Transfer	<input type="checkbox"/> Temporary Transfer (number of years _____)	<input type="checkbox"/> Drought Transfer
<input type="checkbox"/> Historic Change in POD	<input type="checkbox"/> Permit Amendment	<input type="checkbox"/> Point of Diversion Change Due to Government Action
<input type="checkbox"/> To Instream Use		
<input checked="" type="checkbox"/> Other Transfer		

1. APPLICANT INFORMATION

Name: GLORIA DANLEY
First Last
 Address: 5150 BROWNSBORO HWY
EAGLE POINT OR 97524
City State Zip
 Phone: 541-826-2647
Home Work Other
 *Fax: _____ *E-Mail address: _____
 *Optional information

2. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application)

Name: ROBERT JONES
First Last
 Address: 725 N. LAUREL ST
ASHLAND OR 97520
City State Zip
 Phone: 541-488-0157 541-301-5615
Home Work Other
 *Fax: 541-488-0377 *E-Mail address: bobjones@bisp.net
 *Optional information

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Last revised: 10/23/2004

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DEC 08 2006

WATER RESOURCES DEPT
SALEM, OREGON

FSD

3. TYPE OF CHANGE PROPOSED

Please check all that apply

Point of Diversion or Appropriation	Place of Use	Character of Use (n/a for Permit Amendments)
<input checked="" type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion (Unauthorized point of diversion used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion and not as an additional point of appropriation.)	<input type="checkbox"/> All, or a portion, of the right will be exercised at a different location than currently authorized. (Use of water at the current location will be discontinued.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete Supplemental Form B) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)

Reason for changes: ELIMINATE PUSH-UP DAM TO BENEFIT FISH AND CONVERT POD TO NEW PUMP STATION.

Describe the *current* water delivery system. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right. (Not applicable to applications for Permit Amendments.)

THE CURRENT SYSTEM USES A PUSH-UP DAM and DITCH (referred to as Tucker ditch) TO DELIVER 1.85 cfs

System capacity: 2.0 cubic feet per second (cfs)

Attach one or more Evidence of Use Affidavits (Supplemental Form A) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years or that a presumption of forfeiture for non-use could be rebutted.

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T 10306

4. CURRENT WATER RIGHT INFORMATION

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>17221</u>	
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right		
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested		
	Permit Number	Completion Date of Permit

Name on Permit, Certificate, or Decree: R.E. TUCKER

County: JACKSON Authorized Use(s): IRRIGATION

Are there multiple **Priority Dates** identified on the water right? ☒ Yes ☐ No

If "Yes", any information provided on **Page 4** must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates: _____

Source(s) of Water Listed on Right: LITTLE BUTTE CREEK

Tributary to: ROGUE RIVER

Are there other **Sources** listed on the water right? ☐ Yes ☒ No

If "Yes", any information provided on **Page 4** must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources: _____

Are there **Other Water Rights** or permits associated with this land? ☐ Yes ☒ No

If "Yes", what are the Permit or Certificate Numbers? _____
Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.

Remarks: N/A

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SALEM, OREGON

Transfer Application/3

T 10306

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:

Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.

Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.

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SALEM, OREGON

T 10306

6. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No

Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No

Is water for any of the rights supplied under a water service agreement or other contract for stored water with a Federal agency? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district and/or agency:

N/A

List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

N/A

7. LAND OWNERSHIP

Does the applicant own the lands **FROM** which the right is being transferred? ☐ Yes ☐ No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:

Names of Current Landowner(s): GLORIA DANLEY
First Last
Address: 5150 BROWNSBORO HWY
EAGLE POINT OR 97524
City State Zip

Does the applicant own the lands **TO** which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information:

Names of Receiving Landowner(s): Same
First Last
Address: _____
City State Zip

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Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

FEB 02 2007

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SALEM, OREGON

Transfer Application/6

T 10306

8. ATTACHMENTS

Check each of the following attachments included with this application. The application will be returned if all required attachments are not included.

Form A – Evidence of Use Affidavits <input checked="" type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original, not a copy. Form B – Instream Water Right Transfer <input type="checkbox"/> Required for instream transfers only. Map <input checked="" type="checkbox"/> Permanent Water Right Transfer The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy. <input type="checkbox"/> Permit Amendment, Temporary Transfer, or Other Application A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner. Evidence of Lien Holder Notification <input type="checkbox"/> Copies of the written notification of the proposed transfer provided by the applicant to each lien holder, unless the water right has been quit claimed. Recorded Deed <input type="checkbox"/> Required for temporary transfers only.	Land Use Information Form: <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Not Required if all of the following are met: ① In EFU zone or irrigation district, ② Change in place of use only, ③ No structural changes needed, including diversion works, delivery facilities, other structures, and ④ Irrigation only. Water Well Reports/Well Logs: <input type="checkbox"/> The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached. <input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached. <input type="checkbox"/> The application is for a surface water transfer and water well reports are not required. Fees: <input type="checkbox"/> Amount enclosed: \$ <u>175.00</u> See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.
--	--

9. SIGNATURES

I (we) understand that prior to approval of a permanent transfer and after issuance of a draft preliminary determination by the Department, I (we) must submit:

- (1) A report on ownership and lien information prepared by a title company within the last three months if required under OAR 690-380-3000(13), and
- (2) If I (we) are not the landowners, proof that the landowner or entity to which the water right has been quitclaimed consents to the transfer or that ownership information is not required.

I (we) affirm that the information contained in this application is true and accurate.

Gloria L. Danley GLORIA L. DANLEY 7-19-06
applicant signature name (print) date

applicant signature name (print) date

Before submitting your application, be sure you have:

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all named deed holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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Transfer Application/7

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TRANSFER OF P.O.D.

PROPOSED NEW LOCATION

T. 36 S., R. 1 E., SECTION 5, TL 1500, W.M.
CERTIFICATE 17221

for

GLORIA DANLEY

*Superseded
by map received
3/26/08*



SW NE

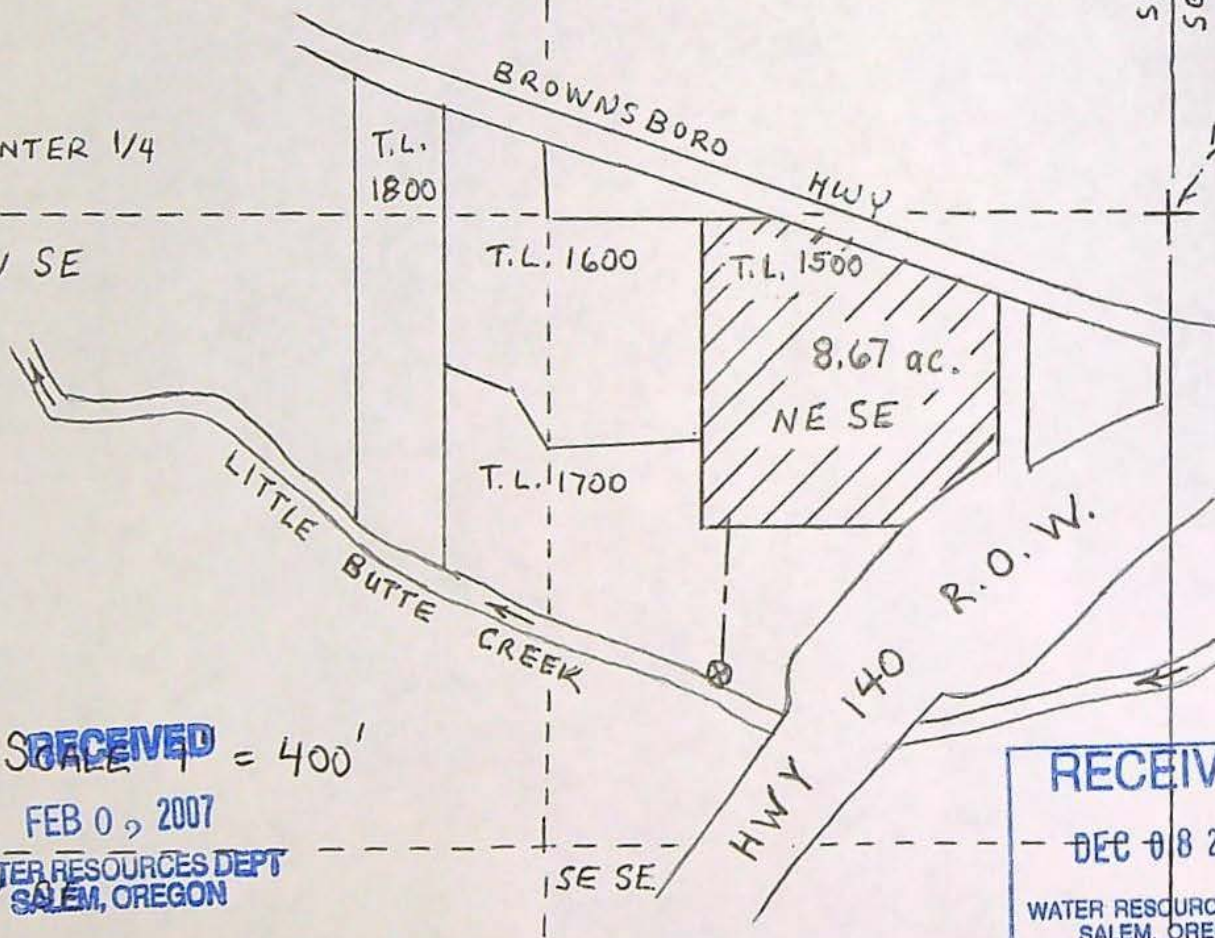
SE NE

SECTION 5
SECTION 4

CENTER 1/4

NW SE

1/4 Cor.



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PROPOSED NEW POD, LOCATED

970 ft south and 950 ft west
of Quarter Corner of Sections 4 & 5

T. 10306

NOTE: This map is for water rights
purposes. It is not to be used
for property line location.



RENEWAL DATE: 6-30-07

Water Right Transfer Checklist

Transfer T-10306

Transfer Specialist: RA-DIP

Transfer Type: Regular

Applicant Name/Address: Gloria Danley, 5150 Brownsboro Hwy, Eagle Point, OR 97524

Agent Name/Address: Robert Jones, 200 First St., Prospect, OR 97536

CWRE Name/Number: Robert C. Jones, CWRE #66817

Rec Landowner Name/Address: NA

Irr. District Name/Address: None

Affected Gov'ts Name/Address: Jackson County

Commentors: Name/Address: None

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	S-693	S-308 & T-2780	39596	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	84050
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: 2/2/07	Proposed Action(s): POD	
Fees Pd: 175	WM District: 13	ODFW District: _____
Initial Notice: 2/13/07	WM Review sent: 2/7/07	ODFW Review sent: 2/7/07
Acknowledgement Letter Sent <input type="checkbox"/>		GW Review sent: NA

Processing Dates & Actions

Deficiency Contacts: 5/18/07

Newspaper Pub Affid Due: _____

☐ not required

Affid of Pub Rec'd: _____

Last Day Published: _____

Affidavit Reminder Sent: _____

Reminder Deadline: _____

DPD Mailed: 7/24/07

☒ ODFW contact sheet sent with DPD, or ☐ N/A

PD Mailed: _____

PD Weekly Notice: _____

Preliminary Determination

☒ Electronic Files uploaded

☒ PD Cover letter

☒ PD Notice

☐ File Assigned/ ModPod updated

☒ Preliminary Determination

☐ Fee Refund Due

☒ Remaining Rights

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: 4-1-08	Date: _____
Coordinator: _____	Coordinator: _____	Coordinator: _____
Date: _____	Date: 4/2/08	Date: 10/31/08
Comments/Special Issues: Reimbursement Authority		

Special Order Volume: Vol 76

Pages 644

Final Order Signature Date: 10-31-08

Notice of FO email'd to processors

Dorothy

Review Checklist**T-10306****Processor: RA****Application**

- ☐ The type of change is clearly indicated.
- ☐ The application is appropriately signed.
- ☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☐ Land use form matches affected tax lots and is signed by proper official. (*from ALL affected Govt's*)
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ All required attachments received.

Water right subject to transfer

- ☐ Certificated right or Proof accepted "to the satisfaction...."
- ☐ The right been exercised according to terms & conditions of certificate.
- ☐ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☐ No information in record that suggests forfeiture.
- ☐ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☐ The map has an original CWRE signature.
- ☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☐ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- ☐ Map acres match the tabulation on the certificate.
- ☐ Have final proof maps/deed maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

Determining the "From" and "To" Lands (*make working copy of application and certificates to mark on*)

- ☐ Only the authorized POD's/POA's and POU's to be transferred are listed.
- ☐ Application & certificate tabulations match. (*Mark on appl. and cert. copies and note corrections needed*)
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

Ownership

- ☐ The deed/ROLI matches the "**from**" lands. (Don't need to check "to" lands.)
- ☐ Have current tax lot map. (*If transfer application is several years old, contact assessor's office*)
- ☐ The applicant is the owner of the "from" lands.
- ☐ All owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|--|---|------------------------------------|--|---|
| <input type="checkbox"/> application complete | <input type="checkbox"/> map | <input type="checkbox"/> FPS | <input type="checkbox"/> evidence of use | <input type="checkbox"/> land-use form |
| <input type="checkbox"/> deed/ROLI | <input type="checkbox"/> certificate | <input type="checkbox"/> fees paid | <input type="checkbox"/> well logs | <input type="checkbox"/> plat card |
| <input type="checkbox"/> audit | <input type="checkbox"/> dpt | | | |

Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GW

- | | | | |
|---------------------|---|---|--|
| Headgate | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Measuring Devices | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Fish Screen Devices | <input type="checkbox"/> | | |

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

February 7, 2007

ROBERT JONES, AGENT
725 N LAUREL STREET
ASHLAND OR 97520

Reference: Transfer 10305, 10306, 10307, 10308

On February 2, 2007 we received the water right transfer applications requesting point of diversion changes for use of water from LITTLE BUTTE CREEK, tributary to ROGUE RIVER. The application was accompanied by \$875.00. Our receipt 86092 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your applications will be examined to determine if additional information is needed. You will be contacted following this examination.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer applications have been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfers are approved, the buyer's consent to the transfers will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the applications or maps are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #13
Jay Doyno, OR Dept. of Fish & Wildlife
Richard Morris, T-10305
Gloria Danley, T-10306
Harry Edwin Cooper, T-10307
Scott Coffman, T-10308

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 02/13/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: JACKSON
Transfer: 10306
Water Right: CERT
Priority Date: 17221
Name: GLORIA DANLEY
Address: 5150 BROWNSBORO HWY; EAGLE POINT OR 97524
Change: POD
Source: LITTLE BUTTE CREEK
Authorized POD: T36S R1E 4
Proposed POD: T36S R1E 5

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.

Robert C. Jones, C.W.R.E.

200 First St., Prospect, OR 97536

Ph: 541-301-5615 · 541-560-3257 fax: 541-560-3674

October 28, 2008

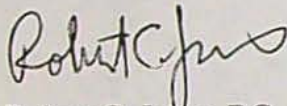
Dorothy Pedersen
Transfer Division
Oregon Water Resources Dept.
725 Summer St, NE, Suite A
Salem, OR 97301-1271

RE: Water Right Transfer publication affidavits

Dear Ms. Pedersen,

Enclosed are the affidavits of publication for T-10306, T-10305, T-10307 and T-10308

Sincerely,



Robert C. Jones, RG, CEG, CWRE
Agent

RECEIVED

OCT 30 2008

WATER RESOURCES DEPT
SALEM, OREGON