

T-10307

T-10307

RA

Name Harry Edwin Cooper

By _____

Address 5020 Brownsboro Rd Mail to: 70 Dion Ct. #1
Eagle Point, OR 97524 Shady Cove, OR 97539
541-821-2722Change in POD

Date filed _____

Date of hearing _____

Place of hearing _____

Date of order 10-31-08 Vol. 76, page 651

Date for application of water _____

Proof mailed _____

Proof received COBK 7/22/2016Certificate issued 10/12/2018 Vol. _____, page _____Ext. of time V.88 pg 659 cdate 10/1/2014

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 12/31/1875 12/31/1908In name of R. Tucker

_____ Adjudication, Vol. _____, page _____

App. No. _____ Per. No. _____ Cert. No. 17221

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-2-07</u>	<u>175.00</u>	<u>86092</u>
<u>2-2-07</u>	<u>125.00</u>	<u>86088</u>
<u>10-12-12</u>	<u>500.00</u>	<u>107098</u>
<u>TOTAL</u>	<u>75.00</u>	<u>107096</u>
<u>8/29/18</u>	<u>100.00</u>	<u>127834</u>

FEES REFUNDED

Date	Amount	Check No.
<u>Little Butte creek Decree, 1949</u>		

REMARKS

Agent/CWRE: Robert Jones 200 First St., Prospect, OR 97536 541-488-0157 541-301-5615 WK
NOTED 541-488-0377 FaxPublic notice 2/13/2007Contractor: Terrance AnthonyAssignment: 10/10/2012Assigned: 8/29/2018

Ojai Energetics PBC

PO Box 1510. Ojai, Ca. 93024

EAGLE POINT OR 97524

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **107096**

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

INVOICE # _____

RECEIVED FROM: Little Butte WSC

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-10307

CASH: ☐ CHECK: # 1976 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 75.00

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) Assignment \$ 75.00
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

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

WELL CONSTRUCTION

		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$ _____	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 (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **107096**

DATED: 10-12-12 BY: 25

Mailing List for Final Transfer Certificate

Transfer Application: T-10307

Certificate: 94027 (C-17221)

Certificate/Transfer Holder: (include copy of map)

Ojai Energetics PBC
PO Box 1510
Ojai CA 93024

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:

1. Watermaster District #: 13
2. Water Availability
3. Vault
4. File

Other persons to receive copies: (include map):

1. Eagle Point Irrigation District
PO Box 157
Eagle Point OR 97254
2. Robert Jones, CWRE

Record Marking(s):

1. Decree
2. Old Certificate# 17221

Copies Mailed	
by:	<u> </u> (STAFF)
on:	<u>OCT 12 2018</u> (DATE)

Transfer Certificate Map(s) Routing Instructions

Transfer Application: T-10307

To Data Entry

Total Maps: 2

POD/POA Map(s) date stamped: 7-22-16

POU Map(s) date stamped: 8-24-07

Additional Notes:

To Support Staff

Total Maps for mailing: 2

Additional Notes:

As identified 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: October 12, 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

OJAI ENERGETICS PBC
PO BOX 1510
OJAI CA 93024

confirms the right to the use of waters of LITTLE BUTTE CREEK for IRRIGATION.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Jackson County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 14, at Page 498. The dates of priority are 1875 for Tract 1 and 1908 for Tract 2.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.087 cubic foot per second (CFS) for Tract 1 and 0.072 CFS for Tract 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.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	1 E	WM	5	NW SE	720 FEET SOUTH AND 1545 FEET WEST FROM E1/4 CORNER, SECTION 5

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
36 S	1 E	WM	5	SW NE	0.9	2
36 S	1 E	WM	5	NE SE	3.75	1
36 S	1 E	WM	5	NW SE	1.9	2

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion described as follows:

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

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.

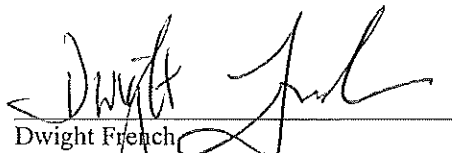
NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This 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.

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

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 651, approving Transfer Application T-10307, and together with Certificate 84353, supercedes Certificate 17221, State record of Water Right Certificates.

Issued OCT 12 2018.

A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line.

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



Oregon

Kate Brown, 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

September 10, 2018

Robert C. Jones
200 First Street
Prospect, Oregon 97536

Reference: Transfer T-10307

The assignment by proof from Peter J. Lopez to Ojai Energetics PBC has been recorded in the records of the Water Resources Department.

The Departments records will now show Ojai Energetics PBC as the transfer holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 127834 covering the recording fee is also enclosed.

A transfer is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the transfer to be familiar with the conditions and timelines contained in the transfer.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 127834

cc: Watermaster 13

Ojai Energetics PBC – P.O. Box 1510, Ojai, California 93024
Peter J. Lopez – 11900 Agate Rd., Eagle Point, Oregon 97524
Data Center, OWRD (cover letter & request)
File

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **127834**

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

INVOICE # _____

RECEIVED FROM: Lynn A Jones
BY: Robert C Jones

APPLICATION	
PERMIT	
TRANSFER	<u>T-10307</u>

CASH: ☐ CHECK # 602 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

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) <u>Assignment</u>	\$ <u>100.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$

WATER RIGHTS:

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

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
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: **127834**

DATED: 8-29-18

BY: CWaelthrich



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

Request for Assignment By Proof of Ownership (If Water Right Holder is Not Available)

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Ojai Energetics PBC
(Name of Party Requesting Assignment)
P.O. Box 1510 Ojai CA 93024 (650) 485-9514
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☒ hereby request assignment of an entire application/permit/transfer/limited license/groundwater statement; hereby request
☐ assignment of a portion of application/permit/transfer/limited license/groundwater statement; (*You must include a map showing the portion of the application/permit/transfer/limited license/groundwater statement to be assigned.*)

Application # _____; Permit # _____; Transfer # T-10307;

Limited License # _____; Groundwater Statement # _____;

Peter J Lopez
(Name of Current Holder of Record)
11900 Agate Rd Eagle Point OR 97524 541-821-7452
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: Write the initials (first letters) of your first and last names at the spots indicated below _____.

- 1) Wk I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
- 2) Wk I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) Wk I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)
- 4) Wk I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 24th day of August, 20 18.
(Day) (Month) (Year)

Signature of Party Requesting Assignment William Kleidon
Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 127834
For Director by Jerry Sauter, Program Analyst in
Water Rights Division

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$100.

Assignment if Permit Holder not available

WR RECEIVED

AUG 29 2018

OWRD

ASSIGNMENT BY PERMIT
8/30/2018

Robert C. Jones Consulting

200 First Street

Prospect, Oregon 97536

PH: 541-301-5615 FAX: 541-560-3674

bobjones@bisp.net

August 27, 2018

Jerry Sauter

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, Oregon 97301

RE: Request for Assignment by proof of ownership

Dear Jerry,

I'm the agent for William Kleidon, the current owner of property concerning Transfer T-10307. I have made numerous attempts to contact the previous owner of the property, Peter Lopez, by phone. I have left voice mails on his cell phone and no calls or messages have been returned.

Enclosed is the completed Request for Assignment by proof of ownership , a copy of the deed recorded in Jackson, County, and a check for \$100.

Mary Bjork is in the process of issuing the final certificate for the above mention transfer. Please, let her know when assignment is approved. Thank you.

Sincerely,



Robert C. Jones

RG, CEG, CWRE 66817

RECEIVED

AUG 29 2018

OWRD



After recording return to:
Ojai Energetics PBC
PO Box 1510
Ojai, CA 93024

Until a change is requested all tax
statements shall be sent to the
following address:
Ojai Energetics PBC
PO Box 1510
Ojai, CA 93024

File No.: 7161-2839223 (lb)
Date: April 27, 2017

THIS SPACE RES

Jackson County Official Records **2017-014417**
R-WD
Stn=0 SHINGLJS **05/01/2017 09:24:48 AM**
\$15.00 \$8.00 \$10.00 \$20.00 \$11.00 **\$64.00**

I, Christine Walker, County Clerk for Jackson County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.

Christine Walker - County Clerk

STATUTORY WARRANTY DEED

Peter J. Lopez, Grantor, conveys and warrants to **Ojai Energetics PBC**, Grantee, the following
described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in
the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$487,500.00**. (Here comply with requirements of ORS 93.030)

RECEIVED

AUG 29 2018

OWRD

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 28 day of April, 2017.

Peter J. Lopez
Peter J. Lopez

STATE OF Oregon)
)ss.
County of Jackson)

This instrument was acknowledged before me on this 28 day of April, 2017
by **Peter J. Lopez**.

Notary Public for Oregon
My commission expires:



RECEIVED

AUG 29 2018

OWRD

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Jackson, State of Oregon, described as follows:

BEGINNING AT A POINT INTERSECTING THE SOUTHERLY RIGHT OF WAY LINE OF BROWNSBORO-EAGLE POINT ROAD AND THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 36 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, FROM WHICH THE EAST ONE QUARTER CORNER OF SAID SECTION 5 BEARS NORTH 89°56'15" EAST, 825.52 FEET; THENCE CONTINUE SOUTH 89°56'15" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, 164.57 FEET TO A 5/8" IRON ROD ON THE WESTERLY LINE OF VOLUME 370, PAGE 228 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON; THENCE SOUTH 00°14'20" EAST, ALONG SAID WESTERLY LINE, 459.48 FEET TO A 5/8" IRON ROD ON THE SOUTH LINE OF INSTRUMENT NUMBER 2010-012563 OF THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON; THENCE ALONG THE SOUTH LINE OF INSTRUMENT NUMBER 2010-012563, SOUTH 86°10'00" WEST, 366.32 FEET TO A 5/8" IRON ROD SET IN THE CENTERLINE OF AN EXISTING DITCH (RECORD, 364.00 FEET); THENCE ALONG THE CENTERLINE OF SAID DITCH, NORTH 16°40'38" WEST, 168.10 FEET TO A 5/8" IRON ROD SET IN THE CENTERLINE OF AN EXISTING DITCH, (RECORD, NORTH 19°25' WEST, 155.00 FEET); THENCE CONTINUE ALONG SAID CENTERLINE, NORTH 72°10'23" WEST, 142.12 FEET TO A 5/8" IRON ROD SET IN THE CENTERLINE OF AN EXISTING DITCH AND THE EAST LINE OF VOLUME 383, PAGE 270 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON (RECORD NORTH 65°45'23" WEST, 148.54); THENCE NORTH 00°23'51" WEST, ALONG SAID EAST LINE, 528.13 FEET TO A 5/8" IRON ROD SET ON THE SOUTHERLY RIGHT OF WAY LINE OF BROWNSBORO-EAGLE POINT ROAD; THENCE SOUTH 70°50'29" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 581.93 FEET TO A 5/8" IRON ROD; THENCE CONTINUE SOUTH 70°50'29" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 174.46 FEET TO THE TRUE POINT OF BEGINNING.

RECEIVED

AUG 29 2018

OWRD

(Lopez file)

MEMO –Proof to Satisfaction (March 17, 2014)

Application # <u>Decree</u>	Permit #	Transfer # <u>T-10307</u>
WRD Reviewer <u>Mary BjörE</u>	Date <u>7-17-18</u>	
WRD Peer Reviewer <u>J Skang</u>	Date <u>8/8/18</u>	

Research

- ☒ Organize file in chronological order
- ☒ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Lopez → Assigned 9-10-18
Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests to Ojai
- ☒ 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 1600 - 0541
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 Δ 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. f by - pass - Self Cert OK Installed July 2016
- YES Meter/measuring device shall - Installed 2012
- N/A Water Use Reporting
- (Pump Test (post December 19, 1988)
- (Other Conditions _____
- (SWL
- YES C-Date 10-1-10 EXT → 10-1-14 - Accomplished Sept 2012
- ☒ Run Capacity Calculator and Print Findings (for pump sprinklers, pipes, ditches, as appropriate)

NOTES:

xfer Δ POD @ 0.159 cfs for 1R 4.55 4C
via SPORV 76 P651 (10-31-08) on C-17221

CWRE - Robert Jones

Determination

☒ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

fully developed A

☐ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

☐ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

☐ Stamp PROPOSED or Assign CERT# _____ or ORDER OF CERTIFICATION (circle one)

☐ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

☐ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

<input type="checkbox"/> Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____



NOTES:

TRANSFER OF P.O.D,
PROPOSED NEW LOCATION
T. 36 S., R. 1 E., SECTION 5, TL 1600, W.M.
CERTIFICATE 17221

Scale: 1" = 400'

for

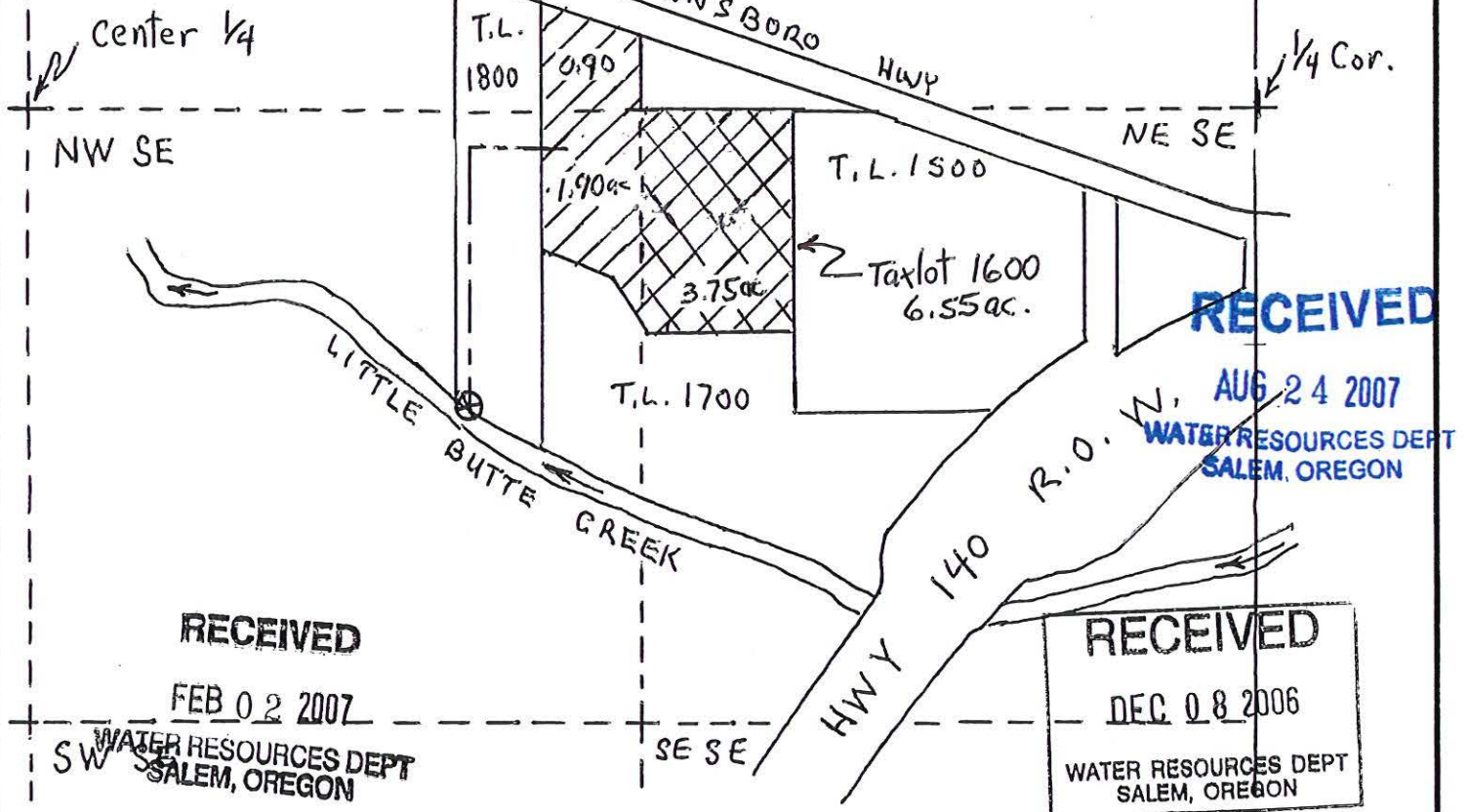
HARRY EDWIN COOPER

SW NE  Tract 1
 Tract 2

SE NE

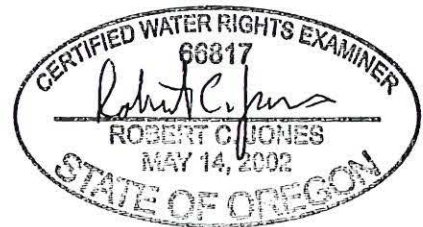
Amended Map showing
Allocation of priority dates
by Robert C. Jones 7/7/07

SECTION 5
SECTION 4



⊗ PROPOSED NEW POD, Located
510 ft south and 1840 ft west
of Quarter Corner of Sections 4 & 5

NOTE: 10307 This map is for water rights
purposes. It is not to be used
for property line location.



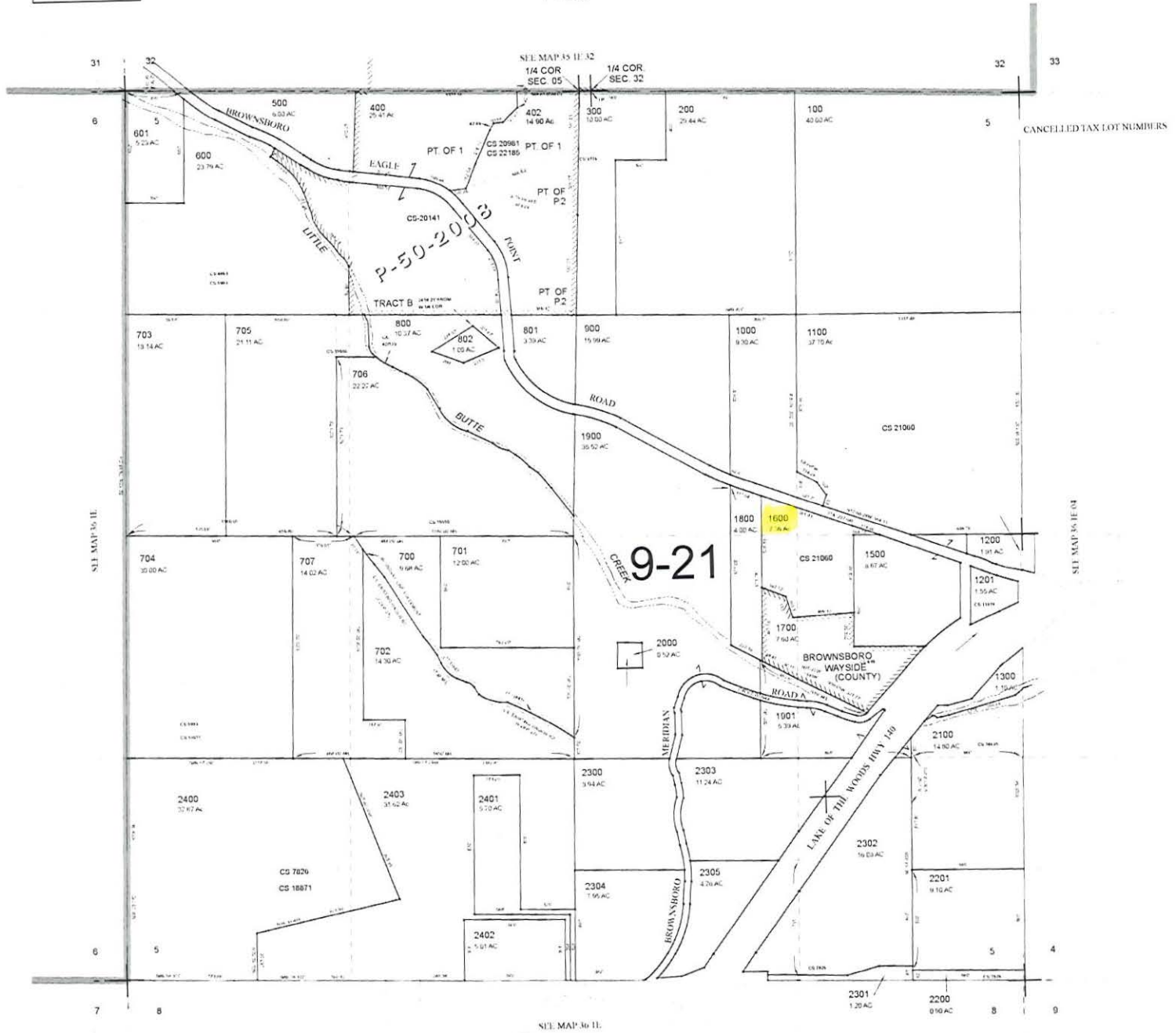
RENEWAL DATE: 6-30-07



County:	Jackson
Taxlot:	361E050001600
Owner1:	OJAI ENERGISTICS PBC
Owner2:	
Owner Address:	PO BOX 1510, OJAI CA 93024
Site Address:	BROWNSBORO HWY, EAGLE POINT/COUNTY, OR 97524
Acres:	7.4
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



SEE MAP 36-1E

Account Sequence	Map TL Sequence	Assessment Year 2017	Print Window	Close Window
------------------	-----------------	-----------------------------------	------------------------------	------------------------------

Assessment Info for Account [REDACTED] Map 361E05 Taxlot 1600				
Report For Assessment Purposes Only Created July 17, 2018				

Account Info	Tax Year 2017 Info	Land Info																																				
Account [REDACTED] Map Taxlot 361E05 1600 Owner OJAI ENERGETICS PBC <input type="checkbox"/> Situs Address 5020 BROWNSBORO HWY EAGLE POINT/COUNTY R Mailing Address OJAI ENERGETICS PBC PO BOX 1510 OJAI CA, 93024 Appraiser 69	<div style="text-align: center; background-color: #cccccc; padding: 2px;">Pay Taxes Online</div> Tax Report Details Tax Statement Details Cor Tax Statement Details Tax History Details <div style="text-align: center; border: 1px solid black; padding: 2px;">Tax Code 9-21</div> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Tax Type</th> <th>Due Date</th> <th>Amount</th> </tr> <tr> <td>Advalorem</td> <td>11/15/17</td> <td>\$727.22</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>	Tax Type	Due Date	Amount	Advalorem	11/15/17	\$727.22	Tax Rate		11.6255	District Rates		Details	Tax Details		Details	Tax Rates		Details	Tax Code 9-21 Acreage 7.36 <div style="text-align: center; border: 1px solid black; padding: 2px;">Zoning</div> <div style="text-align: center; border: 1px solid black; padding: 2px;">EFU</div> <div style="text-align: center; border: 1px solid black; padding: 2px;">Land Class</div> <div style="border: 1px solid black; padding: 2px;"> VIBI 1.55 Ac VIB 0.81 Ac IIBI 4.00 Ac OD 0.00 Ac FS 1.00 Ac </div> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>Property Class</td> <td>551</td> </tr> <tr> <td>Stat Class</td> <td>121</td> </tr> <tr> <td>Unit ID</td> <td>128473-1</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>	Property Class	551	Stat Class	121	Unit ID	128473-1	Maintenance Area	1	Neighborhood	000	Study Area	02	Account Status	ACTIVE	Tax Status	Assessable	Sub Type	NORMAL
Tax Type	Due Date	Amount																																				
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Tax Status	Assessable																																					
Sub Type	NORMAL																																					

Sales Data (ORCATS)			
Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
\$ 487,500	Apr 28, 2017	<u>2017-14417</u>	Details

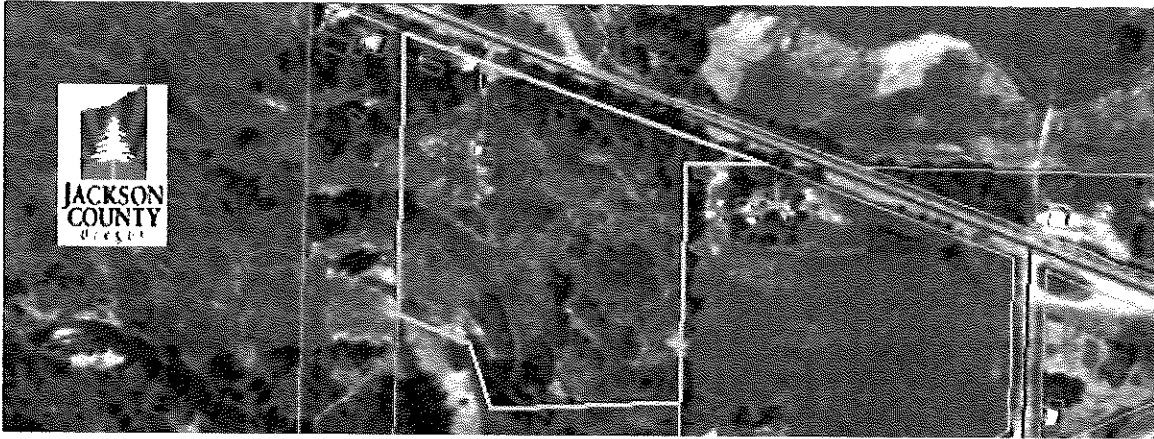
<input checked="" type="checkbox"/> Value Summary Detail (For Assessment Year 2017)						
<input type="checkbox"/> Market Value Summary (For Assessment Year 2017)						

Code Area	Type	Acreage	RMV	M5	MAV	AV
9-21	LAND	1.00	\$ 75,210	\$ 17,240	\$ 14,690	\$ 14,690
9-21	LAND	6.36	\$ 169,970	\$ 0	\$ 0	\$ 0
9-21	IMPR	0.00	\$ 39,620	\$ 39,620	\$ 35,880	\$ 35,880
Value History Details			Total:	\$ 284,800	\$ 56,860	\$ 50,570
Value Summary Details						
Value History						

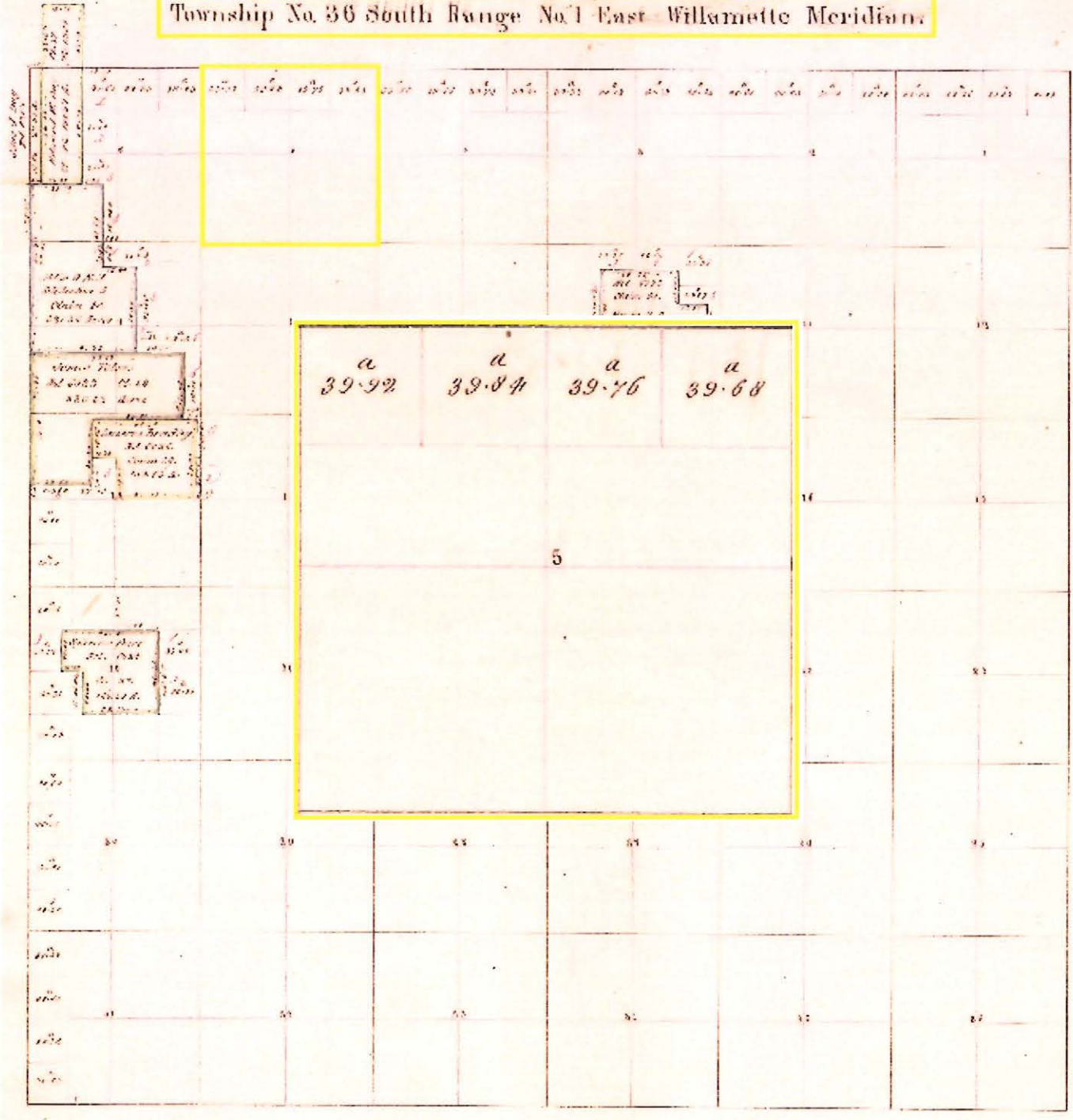
<input type="checkbox"/> Specially Assessed Value Summary (For Assessment Year 2017)						
Code Area	Type	Acreage	SAV	MSAV	AV	
9-21	LAND	6.36	\$ 12,139	\$ 6,351	\$ 6,301	
Total:			\$ 12,139	\$ 6,351	\$ 6,301	

<input type="checkbox"/> Total (Market + Specially Assessed) Value Summary (For Assessment Year 2017)				
Code Area	RMV	M5	MAV	AV
9-21	\$ 284,800	\$ 68,999	\$ 56,921	\$ 56,871

Improvements									
Building #	Code Area	Year Built	Eff Year Built	Stat Class	Description	Type	SqFt	% Complete	

1	9-21	1964	1975	121	One story	Residence	1128	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 # [REDACTED] - (1) NEW FARM USE FOR 1/1/90 >>>									
<input type="checkbox"/> Exemptions / Special Assessments / Notations / Potential Liability									
Real Property Special Assessments									
Tax Year Applied		Code	Description		Amount		Acres		
2017		39	FIRE IMPROVEMENT SURCHARGE		\$47.50				
2017		41	FIRE PATROL GRAZING		\$18.75		7.36		
Notations									
Description			Tax Amount		Year Added		Value Amount		
FARM LAND-POTENTIAL LIABILITY									
CARTOGRAPHIC ACTIVITY					2012				
READ BEFORE DATA ENTERING EXCEPTION					2006				
SPLIT CODE COMBINE					2006				
STATE FIRE PROTECTION					2006				
<input type="checkbox"/> Location Map									
									
Close Window				Print Window					

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



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.

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.

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

R. E. TUCKER
BROWNSBORO, OR

confirms the right to use the waters of LITTLE BUTTE CREEK, a tributary of the ROGUE RIVER, for IRRIGATION of 13.09 acres.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 14, at Page 498. The dates of priority are 1875 for Tract 1 and 1908 for Tract 2.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.313 CUBIC FOOT PER SECOND (cfs), being 0.215 cfs for Tract 1 and 0.098 cfs for Tract 2, or its equivalent in case of rotation, measured at the head of the ditch or the point where the same leave the natural stream, from April 1st to October 1 of each year.

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

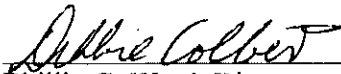
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
36 S	1 E	WM	5	NE SE	7.25	1
36 S	1 E	WM	5	NW SE	2.00	1
36 S	1 E	WM	5	SW NE	1.30	2
36 S	1 E	WM	5	NW SE	2.54	2

This certificate describes that portion of the water right confirmed by Certificate 17221, State Record of Water Right Certificates, NOT modified by the provisions of orders of the Water Resources Director entered OCT 3 1 2008, approving Transfer Applications T-10305, T-10307 and T-10308.

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 3 1 2008.


Phillip C. Ward, Director

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>12</u>
PSI =	<u>50</u>

Results Calculated

(hp)(efficiency) =	49.575
Head based on psi =	127.0
Total dynamic head =	139.0
(head + lift)	

Pump Capacity = 0.357 cubic feet per second

Total Pump Output Claimed 0.36 cfs

Total Sprinkler Output Claimed 0.28 cfs

System capable of authorized 0.159 cfs

Sprinkler Capacity Calculator

Data Entry (fill in underlined blanks)

Sprinkler group 1 Nozzle size = 1/2 inch (type an apostrophe before the size)
 Pressure = 45 PSI
 Number of heads = 2

Sprinkler group 2 Nozzle size = 5/23 inch (type an apostrophe before the size)
(if applicable) Pressure = 45 PSI
 Number of heads = 6

Sprinkler group 3 Nozzle size = 3/32 inch (type an apostrophe before the size)
(if applicable) Pressure = 45 PSI
 Number of heads = 6

Results calculated

Sprinkler group 1 capacity = 90.4 gpm, or **0.201 cfs**
Sprinkler group 2 capacity = #N/A gpm, or #N/A cfs
Sprinkler group 3 capacity = 10.2 gpm, or 0.023 cfs

Total sprinkler capacity = #N/A gpm, or #N/A cfs

Note: If entered values return a result of 0 gpm or "#N/A", then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.

A rough alternate calculation can be made using this formula:

$28.93 \times (\text{orifice size in decimal, squared}) \times (\text{square root of pressure})$

(Source: rainbird.com)

Rainbird Nozzle Size Reference

<u>Nozzle #</u>	<u>Size (in)</u>
4	1/16
5	5/64
6	3/32
7	7/64
8	1/8
9	9/64
10	5/32
11	11/64
12	3/16
13	13/64
14	7/32
15	15/64
16	1/4
17	17/64
18	9/32
20	5/16
22	11/32
24	3/8
26	13/32
28	7/16
30	15/32
32	1/2
34	17/32
36	9/16
40	5/8
44	11/16

Completion Checklist for CWRE Claims of Beneficial Use

Application # T10307



Date Received 7/22/2016
 CWRE Name Robert Jones Claim Logged yes
 File Marked yes
 Oversized Map # _____
 Reviewer Connie Vance
Priority Date: 1908

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(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)
- Use, period of use, and rate for use (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
 - need 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

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

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:

July 20, 2016

Robert C. Jones
200 First Street
Prospect, OR 97536

Oregon Department of Water Resources
Transfers Section
725 Summer Street, NE, Suite A
Salem, OR 97301

OWRD,

When this COBU Report and
map was completed, my
expiration date was 6/30/15.
It is now 6/30/2017. So,
I added date to map, which
probably wasn't necessary.

Bob Jones

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JUL 22 2016

SALEM, OR

RE: COBU for Transfer T-10307 for Pete Lopez Water Right (Tucker Ditch Project)

Enclosed is the completed COBU for Transfer 10307, Peter J. Lopez. This COBU was completed quite some time ago, on an old form and hope it will be acceptable. The delay in submission was due to getting landowner signature. There was confusion, as to what landowner was promised as part of the project. The Rogue River Watershed Council (who inherited this project from the Little Butte Creek Watershed Council) worked with the Landowner to provide him with a new irrigation system. It took time to raise funds, negotiate an agreement and get completed. Once project was completed, landowner agreed to sign COBU. This COBU was completed during the prove-up period with an irrigation system that was in place at the time.

There are four pending Transfers and COBU's now submitted to OWRD for the Tucker Ditch Project. They are T-10305 (Salyer) , T-10306 (Danley), T-10307 (Lopez), and T-10308 (Coffman). Another Landowner that was on the Tucker Ditch was Bill Kane. He added a POD so that he could draw water directly from Little Butte Creek (certificate 83593). The only remaining landowner that was on the Tucker Ditch was Jackson County Parks and their water right is the "remaining right" that is leased instream.

It is my hope that all these transfers/COBUs could be processed at the same time, when the first one makes it to the top of the pile. This project has been in the process for about 10 years, reminds me of "Farmers Ditch" project, but not near as complicated.

If you have any further questions, please feel free to contact me: bobjones@bisp.net or Cell phone 541-301-5615.

Sincerely,

Robert C. Jones

Robert C. Jones, CWRE 66817

**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**

JUL 22 2016

SALEM, OR

1. File Information

APPLICATION # (G, R, S or T) T-10307	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
--	--------------------------	------------------------------------

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Peter J. Lopez		PHONE No.	ADDITIONAL CONTACT No.
ADDRESS 5020 Brownsboro Highway			
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		
Harry Edwin Cooper (assignment pending)		
ADDRESS		
70 Dion Ct. #1		
CITY	STATE	ZIP
Shady Cove	OR	97539

ADDITIONAL PERMIT OR TRANSFER HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: 9/21/2012

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Peter J. Lopez	9/21/2012	Property Owner
TIM WEAVER	9/21/2012	Project manager – 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		
ADDRESS		
CITY	STATE	ZIP

ADDITIONAL OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

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JUL 22 2016

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, garden	Irrigation Season	0.087 Tract 1
		Fruit trees		0.072 Tract 2
Total Quantity of Water Used				0.159 CFS

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:

Water is pumped from Little Butte Creek using a variable frequency 7.5 HP electric pump. A 4 inch PVC pipeline extends to property and T's into 3 inch mainlines with risers. Four Nelson 100 guns connected to risers via ± 400 feet of 2 inch fire hose are used to irrigate most of property. Six 3 inch by 40 feet aluminum hand lines with rainbird 40 sprinklers are also used. Faucets and garden hoses are used to hand irrigate areas that can't be reached with guns or hand lines. The pump is shared with T-10308.

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JUL 22 2016

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

B. Place of Use

1. Is the right for municipal use?

YES NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
36S	1E	WM	5	SW-NE			Irrigation	0.9 ac. tract 2	
36S	1E	WM	5	NW-SE			Irrigation	1.8 ac. tract 2	
36S	1E	WM	5	NE-SE			Irrigation	3.5 ac. tract 1	
Total Acres Irrigated								6.2 ac.	

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	B1- 1/2TPMS	M20102	Centrifugal	2.5	1.5

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3. Motor Information

MANUFACTURER	HORSEPOWER
Baldor	7.5

JUL 22 2016

SALEM, OR

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	± 8 feet	± 4 feet	0.36

5. Provide pump calculations:

$$Q = \frac{(HP)(Efficiency)}{Total Head} = \frac{(7.5)(6.61)}{(127+8+4)} = \frac{49.6}{139} = 0.36 \text{ CFS}$$

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 feet	PVC	Buried
3 inch	1250 feet	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
3 inch	240 feet	Aluminum	Above
2.5 inch	400 feet	Fire Hose	Above
5/8 inch	250 feet ±	Garden Hose	Above

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
0.5 inch	±45	45.2	4	2	90.4 gpm or 0.20 CFS
5/23*	±45	4.7	6	6	28.2 gpm or 0.06 CFS
3/32*	±45	1.7	6	6	10.2 gpm or 0.02 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:

* Two nozzle RB-40 sprinklers

D. Groundwater Source Information (Well and Sump)

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

JUL 22 2016

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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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)	NA		
COMPLETE CONSTRUCTION (B)	NA		
COMPLETE APPLICATION OF WATER (C)	10/1/2010 (extension pending)	September 2012	Irrigation system installed and water beneficially used

* 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
76	651	October 1, 2014

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	ARAD Netafim MasterMeter	WR-2- 07-44855	Working	00001573 (reads in acre-ft)	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? **NO**

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

9. Fish Screening

- 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?

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- c. When was the fish screening installed?

JUL 22 2016

DATE	BY WHOM
July 2010	Pump installer

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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
Direct diversion from stream (right bank) with foot valve and fish screen descending directly in natural pool		

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? **NO**

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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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."*)

POD located slightly different. Transfer order allowed 6.55 acres. The water user irrigated 6.2 acres beneficially.

SECTION 5

ATTACHMENTS

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	0.159 CFS	0.28 CFS		IR	6.55	6.2

SECTION 7

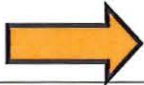
CLAIM OF BENEFICIAL USE MAP

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.

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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.



Field inspection using 2005 FSA aerial photo and 2010 Google aerial photo

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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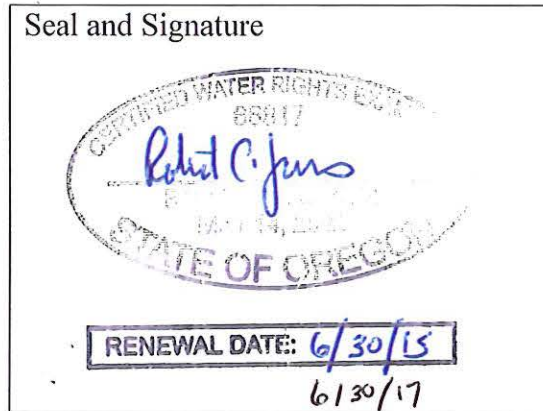
JUL 22 2016

SALEM, OR

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 ROBERT C. JONES		PHONE No. 541-301-5615	ADDITIONAL CONTACT No. 541-560-3257	
ADDRESS 200 FIRST ST.				
CITY PROSPECT	STATE OR	ZIP 97536	E-MAIL bobjones@bisp.net	

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
	PETER J. LOPEZ	7-7-16

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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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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-10307 Amount of water diverted 0.159 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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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: Peter Lopez Date: 7/7/16 WRD File #: T-10307

Printed Name and Address: Peter J. Lopez, 5020 Brownsboro Highway; Eagle Point, OR 97524

Phone: (541) 821-7452 Fax: () _____



Oregon
Kate Brown, Governor

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

July 26, 2016

Peter Lopez
5020 Brownsboro Hwy
Eagle Point OR 97524

On July 22, 2016 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

T-10307

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.oregon.gov/owrd

November 2, 2012

PETER LOPEZ
5020 BROWNSBORO HWY
EAGLE POINT OR 97524

REFERENCE: Transfer 10307

We have received your application for extension of the time limit to make complete application of water under Transfer T-10307. We also have your check in the amount of \$500.00. A copy of receipt number 107098 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, 2014. The order approving the extension was entered October, at Volume 88, Page 659.

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-10307, 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

PETER J. LOPEZ
5020 BROWNSBORO HWY
EAGLE POINT, OR 97524

Agent

ROBERT JONES
200 FIRST ST.
PROSPECT, OR 97536

Findings of Fact

1. On October 12, 2012, the Department received an application for extension of time for water right transfer T-10307 from Peter Lopez, the transfer applicant.
2. The Water Resources Department issued an order approving Transfer Application T-10307, in the name of Harry Edwin Cooper, on October 31, 2008. The order was recorded in Special Order Volume 76, at Page 651. The order set a transfer completion date of October 1, 2010.
3. On October 10, 2012, Transfer T-10307 was assigned to Peter J. Lopez, who is now listed as the transfer applicant.
4. The applicant has completed the pump station and installed the fish screen and the main line to the field, but has been unable to fully complete the change by the deadline because of delays in obtaining grant funding.
5. To fully complete the change, it will be necessary for the applicant to complete the irrigation system and install a flow meter.
6. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2014.

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-10307 and the requested time is reasonable.

Now, therefore, it is ORDERED:

The time for completion of beneficial use authorized by T-10307 shall be extended to October 1, 2014.

Dated at Salem, Oregon this 25 day of October, 2012.



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

Mailing date: NOV 02 2012

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **107098**

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: WSC

APPLICATION	
PERMIT	
TRANSFER	<u>T-10307</u>

CASH: ☐ CHECK: # 1961 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 for \$ 500.00

WATER RIGHTS:

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

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	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 (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **107098**

DATED: 10-12-12 BY: [Signature]



Last revised: Nov 20, 2003

Transfer 10307

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, PETE LOPEZ
of 5080 BROWNBORO HWY, EAGLE POINT,
state of OREGON, 97524, 931 436-3455,
(Mailing Address) (City) (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 _____, 20____,
approving Transfer 10307, in the name of PETE LOPEZ,
for T36S, R1E, S5 NW SE - TAX LOT 1600

(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:

PUMP STATION AND FISH SCREEN INSTALLED. MAIN LINE
TO FIELD IS INSTALLED

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

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

COMPLETE THE ON FARM IRRIGATION SYSTEM AND INSTALL
FLOW METER

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed, because SEEKING FUNDING FOR ON-FARM IRRIGATION SYSTEM

And request that the time for completion be extended to October 1, 2014.

Pete Lopez
(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.

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MAIL COMPLETED APPLICATION AND FEE TO:

OCT 12 2012

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

SALEM, OR



After recording return to:
Peter J. Lopez
5020 Brownsboro Highway
Eagle Point, OR 97524

Until a change is requested all tax statements
shall be sent to the following address:

Peter J. Lopez
5020 Brownsboro Highway
Eagle Point, OR 97524

Escrow No. AP0792341
Title No. 0792341
SWD r.012910

THIS SPACE RESE Jackson County Official Records 2010-012563
R-WD 04/21/2010 01:59:00 PM
Cnt=1 HELMANCD
\$10.00 \$10.00 \$5.00 \$11.00 \$15.00 Total:\$51.00



01422888201000125630020028
I, Christine Walker, County Clerk for Jackson County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.
Christine Walker - County Clerk

STATUTORY WARRANTY DEED

Gene T. Flory, Grantor(s) hereby convey and warrant to Peter J. Lopez, Grantee(s) the following
described real property in the County of JACKSON and State of Oregon free of encumbrances except
as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and
those shown below, if any:

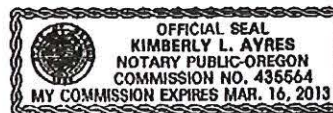
The true and actual consideration for this conveyance is \$239,500.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD
INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND
SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855,
OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS
INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK
WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF
LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010
OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON
LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE
ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND
195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND
17, CHAPTER 855, OREGON LAWS 2009.

Dated this 20th day of April, 2010

Gene T. Flory

State of Oregon
County of JACKSON



This instrument was acknowledged before me on 4-20-2010 by Gene T. Flory.

Kimberly Ayres
(Notary Public for Oregon)

My commission expires 3-16-13

RECEIVED BY OWRD

OCT 12 2012

SALEM, OR

EXHIBIT 'A'

Commencing at the Northeast corner of the Southeast quarter of Section 5, Township 36 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon; thence South 0°14'40" East along the East line thereof a distance of 660 feet to the Southeast corner of the tract described in Volume 370, Page 228, of the Deed Records of Jackson County, Oregon; thence North 89°58' West along the South line of said tract 990 feet, more or less, to the Southwest corner thereof; thence North 0°48' West along the West line of said tract 200.56 feet to the true point of beginning; thence South 86°10' West 364 feet, more or less, to the center line of an irrigation ditch; thence along the center line of said ditch as follows: North 19°25' West 155 feet; thence North 67°45' West 148.54 feet to the East line of the tract described in Volume 383, Page 270. of the Deed Records of Jackson County, Oregon; thence North along the East line of said tract 524.06 feet to the Northeast corner thereof, said point being on the Southerly right of way line of the Eagle Point-Lake Creek State Highway; thence South 70°55'50" East 229.80 feet along said right of way line to the East line of the Southwest quarter of the Northeast quarter of said Section 5; thence South along the East line 167.43 feet to the Southeast corner thereof; thence South 89°58' East 335 feet to the Northwest corner of the tract described in Volume 370, Page 228 of the Deed Records of Jackson County, Oregon; thence South along the West line of said tract 490.18 feet, more or less, to the true point of beginning.

For Informational purposes only, the following is included:
(Map No. 361B05, Tax Lot 1600, Account No. 1-024255-0, Code 9-21)

RECEIVED BY OWRD

OCT 12 2012

SALEM, OR

2



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

HARRY E. COOPER
725 N LAUREL STREET
ASHLAND OR 97520

Reference: Transfer 10307

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
36 S	1 E	WM	5	SW NE	0.90	2
36 S	1 E	WM	5	NE SE	3.75	1
36 S	1 E	WM	5	NW SE	1.90	2

4. Certificate 17221 does not describe the location of the authorized point of diversion, however, information is available from the Little Butte Creek Decree map indicating that the point of diversion is located as follows:

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

5. Transfer Application T-10307 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	NW SE	510 FEET SOUTH AND 1840 FEET WEST FROM THE E1/4 CORNER OF SECTION 5

6. 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.
7. This application is being processed concurrently with T-10305 and T-10308, which also propose changes to Certificate 17221.
8. On September 18, 2007, the Department mailed a copy of the *draft* Preliminary Determination proposing to approve Transfer Application T-10307 to the applicant. The cover letter with the *draft* Preliminary Determination set forth a deadline of October 19, 2007, for the applicant to respond. No comments were received by the deadline, but the applicant's agent requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On June 26, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10307 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 July 1, 2008, and in the Upper Rogue Independent newspaper on August 26, September 2 and 9, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
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 Transfer Application T-10307.
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 Transfer Application T-10307 appears to be 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-10307 is approved.
2. Water Right Certificate 17221 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer nor involved in T-10305 or T-10308.
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 17221 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, 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 changes and full beneficial use of the water.
8. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

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


Phillip C. Ward, Director

Mailing date: NOV 03 2008



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 Doino, 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: 10307
Water Right: CERT 17221
Priority Date: 1875, 1908
Name: HARRY EDWIN COOPER
Address: 5020 BROWNSBORO RD; 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.

Water Right Transfer Checklist

Transfer T-10307

Transfer Specialist: RA-DIP

Transfer Type: Regular

Applicant Name/Address: Harry Edwin Cooper, 70 Dion Ct. #1, Shady Cove, OR 97539

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"/>	Little Butte Cr. Decree	NA	17221	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No With T-10305 & T-10308	84353
<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: 5/25/07

Newspaper Pub Affid Due: _____

☐ not required

DPD Mailed: 9/18/07

Affid of Pub Rec'd: _____

☒ ODFW contact sheet sent with DPD, or ☐ N/A

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: _____

Reminder Deadline: _____

Preliminary Determination

☐ Electronic Files uploaded

☐ Preliminary Determination

☐ PD Cover letter

☐ Fee Refund Due

☐ PD Notice

☐ Remaining Rights

☐ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>808</u>	Reviewer: _____
Date: _____	Date: <u>6-25-08</u>	Date: _____
Coordinator: _____	Coordinator: <u>ADP</u>	Coordinator: _____
Date: _____	Date: <u>6/25/06</u>	Date: _____
Comments/Special Issues: Reimbursement Authority <u>W/ 10308 + 10305</u>		

Special Order Volume: Vol 76 Pages 651 Final Order Signature Date: 10-31-08

Notice of FO email'd to processors dorothy

Review Checklist**T-10307****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 & ¼ ¼ 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 POUs 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 ¼ ¼.

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 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 ☐ GWHeadgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintainMeasuring Devices ☐ When in the judgment ☒ Prior to diverting ☐ Existing and maintainFish Screen Devices ☒

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

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

Affidavit of Publication

STATE OF OREGON)
) ss
COUNTY OF JACKSON)

I, Jenny Zomerdyk being first
duly sworn, depose and say that I am the Backkeeper
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 Preliminary Determination
for Water Right Transfer T-10305, T-10307 + T-10308
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:

8/24/08, 9/02/08 + 9/09/08

Subscribed and sworn to before me this 9th day

September, 2008.

[Signature]
Notary Public for Oregon

My Commission expires

3rd day of April, 2010



Department has concluded that the proposed transfers appear 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-

Shady Cove. \$600/month. 821-6033 or 821-3954.

New construction next to VA Dom, 1850sq ft., includes: Reception office, private office, large heated shop with 14 ft roll up, 3 phase 220, storage loft. \$995 per month. Call Stan (541) 890-4193.

Events

The Cave Man Vintage Car Club announces its 33rd annual swap

reteree(s) for youth volleyball and basketball. \$10/ hour, part time, approximately 20 hours/week, beginning September 2008- April 3, 2009. Successful applicant must be able to work flexible evening hours, Monday - Friday from approximately 4:00 p.m. - 8:00 p.m., dependant on game schedules. Work Schedule expected to be as follows: Sept: approximately 10 hours for training, Oct. - Nov. 14, Dec. 15 - Jan. 30 (with 2 weeks off for the Christmas holiday) and Feb.

Wanted

Eagle Point is seeking for the position of gym youth volleyball and \$10/ hour, part time, approximately 25 hours/week, Sept. 15, 2008 - April with 1 week off for and 2 weeks off for holidays). Successful must be able to work ing hours, Monday - pproximately 3:30 p.m. dependant on practice- edules. Duties include sely with the Parks & Coordinator, School taff, coaches, referees, parents managing gyms afety and cleanliness nior Eagles Youth Co- l, Boys Basketball and all seasons. Applicants background check and Deadline is August 29, n. Applications are at City Hall, 17 Buchanan ilable on the City's w.cityofeaglepoint.org epartment of Parks & The City of Eagle Point Opportunity Employer. ay be directed to Sherry 4212 ext 113.

Eagle Point is seeking for the position of

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Classifieds

Public Notices

The board of directors of the Eagle Point Historical Society will hold a special meeting Wednesday, Sept. 3 at 7 p.m. at the Eagle Point Museum to count ballots on the election to dissolve the corporation and convey assets to the City of Eagle Point and to the Wood House Preservation Group.

Public Notices

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. 9, 2008. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Antiques & Collectibles

Private Sale- Collectibles: Oil paintings, Hummels, crystal, Dalton dolls, Lladros, Copenhagen porcelains, Crown Derby paper weights, Lalique, and more... 826-4798

Commercial Rentals

Office Space Available- in three story commercial building, at River Plaza in Shady Cove, on Hwy 62. 878-2662.

Office Space for Rent- Downtown Shady Cove. \$600/month. 821-6033 or 821-3954.

Help Wanted

The City of Eagle Point is seeking applicants for the position of gym manager for youth volleyball and basketball. \$10/ hour, part time approximately 25 hours/week, beginning Sept. 15, 2008 - April 3, 2009 (with 1 week off for Thanksgiving and 2 weeks off for Christmas holidays). Successful applicant must be able to work flexible evening hours, Monday - Friday from approximately 3:30 p.m. - 8:30 p.m., dependant on practice and game schedules. Duties include working closely with the Parks & Recreation Coordinator, School District #9 staff, coaches, referees, athletes and parents managing gyms for order, safety and cleanliness during the Junior Eagles Youth Co-ed Volleyball, Boys Basketball and Girls Basketball seasons. Applicants must pass a background check and drug screen. Deadline is August 29, 2008 at 5 p.m. Applications are at Eagle Point City Hall, 17 Buchanan Ave. or available on the City's website www.cityofeaglepoint.org under the Department of Parks & Recreation. The City of Eagle Point is an Equal Opportunity Employer. Questions may be directed to Sherry Bailey, 826-4212 ext 113.

The City of Eagle Point is seeking applicants for the position of referee(s) for youth volleyball and basketball. \$10/ hour, part time, approximately 20 hours/week, beginning September 2008- April 2009. Successful applicant must

Miscellaneous

FREE bald faced hornet nets removal for anti-venom. Call 24/7 (541) 267-8869

Real Estate

Beautiful 4 bedroom/1 bath house in Butte Falls for sale- completely renovated- 2 car garage and covered RV parking - large deck- nice yard that backs up to the bluff owned by a timber company - sits on 2 city lots in a quiet neighborhood- located on a dead end street- adjoining lot available- \$219,000.00 Call 865-3651

For sale by owner. \$172,000. Pride in ownership, 3 bdrm, 2 bath, quiet, convenient location. 785 Sarah Park Circle, Eagle Point. 261-2605

Recreational Vehicles

RV AWNINGS (used-new) Best prices guaranteed. Buy, sell, trade, service & parts. Free estimates, we come to you. (541)247-8279 www.rv-shade.com

Rentals

Duplex unit located in Trail on the Rogue River.

Duplex- 1 bdrm, 1 bath, electric range and fridg. No smoking, no pets. \$500/mo. plus electric.

Duplex- 2 bdrm, 1 bath, electric range, and fridg., no smoking, no pets. \$650/mo., plus electric. Historical 2 story Ranch Home on the Rogue River- 3bdrm 2 bath. \$1500 plus utilities.

Deposit and background check required for all rentals. Call (541)

Rentals

ON THE RIVER 30ft. Comfortable RV trailer completely furnished. In lovely small park at Dodge Bridge. \$375 + deposit. Drive by space # 5, if you like it apply space #6 or, call 826-9882/ 826-7818.

Shady Cove:

New 3 bd-2 bath 2218 sq. ft. home many premier features \$1200/mon 3 bd-2 bath new manufactured home \$850/mon.

3bd-2 bath Home on the Rogue River \$1250/mon.

Eagle Point:

3bd-2 bath duplex Low maintenance yard. \$950/mon

Security deposit required on all rentals.

Oregon Opportunities Property Management, Inc.

548 Business Park Dr.
Medford, OR 97504

Jerry (541) 772-0000 or 1-800-772-7284

Skills & Services

Sewing and Canning Services- Alterations & repairs too. Classes on container gardening, raw foods and sewing. Canning in your home or mine. Leave message on voicemail - 488-0049

Shamrock Property Management

Personalized to your needs
Home, rural properties.

541-772-5990, cell 541-601-7947

Can't trim your



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

June 26, 2008

Robert Jones, CWRE
200 First Street
Prospect, OR 97356

SUBJECT: **Transfer Application T-10307 (Cooper)**

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10307. 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 ¼ 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(s) 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 August 11, 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 provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: Larry Menteer, District 13 Watermaster
Harry Edwin Cooper

encs

pd Noticed
8-7-1-08
Affid of Pub due 8/11

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-10307, 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.

Applicant

HARRY EDWIN COOPER
70 DION CT. #1
SHADY COVE, OR 97539

Findings of Fact

Background

1. On February 2, 2007, Harry E. Cooper filed an application to change the point of diversion under Certificate 17221. The Department assigned the application number T-10307.
2. On August 24, 2007, the applicant submitted a revised application and map, identifying 6.55 acres for transfer.

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

Certificate: 17221 in the name of R. E. TUCKER (confirmed by Little Butte Creek Decree)

Use: IRRIGATION of 6.55 ACRES, ASSIGNED AS FOLLOWS:

TRACT 1 3.75 ACRES

TRACT 2 2.80 ACRES

Priority Dates: 1875 for TRACT 1 and 1908 for TRACT 2

Rate: 0.087 CUBIC FOOT PER SECOND (CFS) WITH PRIORITY DATE 1875 AND
0.072 CFS WITH PRIORITY DATE 1908

Source: LITTLE BUTTE CREEK, tributary to the ROGUE RIVER

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.
--

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
36 S	1 E	WM	5	SW NE	0.9	2
36 S	1 E	WM	5	NE SE	3.75	1
36 S	1 E	WM	5	NW SE	1.90	2

4. Certificate 17221 does not describe the location of the authorized point of diversion, however, information is available from the Little Butte Creek Decree map indicating that the point of diversion is located as follows:

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

5. Transfer Application T-10307 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	NW SE	510 FEET SOUTH AND 1840 FEET WEST FROM THE E1/4 CORNER OF SECTION 5

6. 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.
7. This application is being processed concurrently with T-10305 and T-10308, which also propose changes to Certificate 17221.
8. On September 18, 2007, the Department mailed a copy of the *draft* Preliminary Determination proposing to approve Transfer Application T-10307 to the applicant. The cover letter with the *draft* Preliminary Determination set forth a deadline of October 19, 2007, for the applicant to respond. No comments were received by the deadline, but the applicant's agent requested that the Department proceed with issuance of a Preliminary Determination and provided 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 Transfer Application T-10307.
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 Transfer Application T-10307 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.

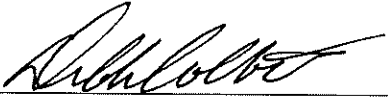
If application T-10307 is approved, the final order will include the following:

1. *The change in point of diversion proposed in application T-10307 is approved.*
2. *Water Right Certificate 17221 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer nor involved in T-10305 or T-10308.*
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 17221 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, 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 changes and full beneficial use of the water.

8. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 26th day of June, 2008.



Phillip C. Ward, Director

B

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@wrд.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 Transfers T-10305, T-10307 and T-10308**

T-10305 filed by Richard Morris, and assigned to Jim and Jodi Salyer, PO Box 5229, Central Point, OR, 97502, T-10307 filed by Harry Edwin Cooper, 70 Dion Ct #1, Shady Cove, OR 97539 and T-10308, filed by Scott Coffman, 4980 Brownsboro Rd, Eagle Point, OR 97524 propose a change in point of diversion under Certificate 17221. The right allows the use of 0.285 cfs (being 0.163 cfs under T-10305, 0.087 cfs under T-10307 and 0.035 cfs under T-10308, priority date 1875) and 0.402 cfs (being 0.266 cfs under T-10305, 0.072 cfs under T-10307 and 0.064 cfs under T-10308, priority date 1908) from a diversion in Sec. 4, T36S, R1E, W.M. (Rogue Basin) for irrigation in Sec. 5. The applicants propose to change the point of diversion to another location approximately 0.85 mile downstream (Sec. 5, T 36S, R 1E, W.M.). The Water Resources Department has concluded that the proposed transfers appear 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.

4/21

Notes

33.40 ac

14.18 ac T-10305 Morris TL 1900
8.67 T-10306 Danley TL 1500
6.55 T-10307 Cooper TL 1400
4.0 T-10308 Coffman TL 1800

Clarity

Size

Complexity

NAPOTT: Kane TL 400 10.2 ac
Jackson County TL 1700 7.6 ac

<41 acres>

all wr a part of C-17221 on Little Butte Creek, but will need RR cert. fr Jackson Co.

△ POD only - to downstream pump; no 'to' lands issues

aerials (2005) submitted as evidence of use, but don't appear clear enough for this purpose OK

transfer maps are various scales, somewhat confusing ^{missing} final proof maps
may need to issue one or more deficiency letters ✓

~~no 'to' lands issues~~

→ C-17165 was cancelled by T-8057 and T-8830 -- how does this affect this trfr?

watermaster yet to review

does existing POD remain if not all wr trfr'd? -- NO: Jackson Co is located instream

Kane appears to not yet have proved up on the wr that replaced C-17165...

Danley site does not show as included in C-17221 POD
Each site will have its own new POD/pump station

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DEC 20 2007

WATER RESOURCES DEPT
SALEM, OREGON

9/9

T-10307 Cooper

C-17221 ~~title~~ authorizes 0.5 cfs for 21.5 ac of
Tract 1 rights (1875) and 0.5 cfs for 19.5 ac
of Tract 2 rights (1968).

Tract 1: $0.5 \text{ cfs} / 21.5 \text{ ac} = 1.0 \text{ cfs} / 43.0 \text{ ac} = 0.0233 \text{ cfs/ac}$
Tract 2: $0.5 \text{ cfs} / 19.5 \text{ ac} = 1.0 \text{ cfs} / 39.0 \text{ ac} = 0.0256 \text{ cfs/ac}$

$0.0233 \text{ cfs/ac} \times 3.75 \text{ ac} = 0.087 \text{ cfs for Tract 1}$

$0.0256 \text{ cfs/ac} \times 2.86 \text{ ac} = 0.072 \text{ cfs for Tract 2}$

T-10308 Coffman

for similar calcs refer to "Allocation" spreadsheet

T-10305 Morris

refer also to "Allocation" spreadsheet

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WATER RESOURCES DEPT
SALEM, OREGON

9/9

T-10305 Morris

- Amended application includes an additional 3.18 ac of water rights, but no updated affidavit of use.
- Acreage in SWNE S5 was increased from 8.85 ac to 10.60 ac though no explanation map shows same POU
- Acreage in NWSE S5 was increased from 5.33 ac to 5.76 ac though map shows same POU

→ request evidence of proposed acreage e.g. survey.

It's possible the acres could be there as T2 1900 covers 35.52 acres in ~~SE~~ SWNE + NWSE S5 and location of river may have shifted

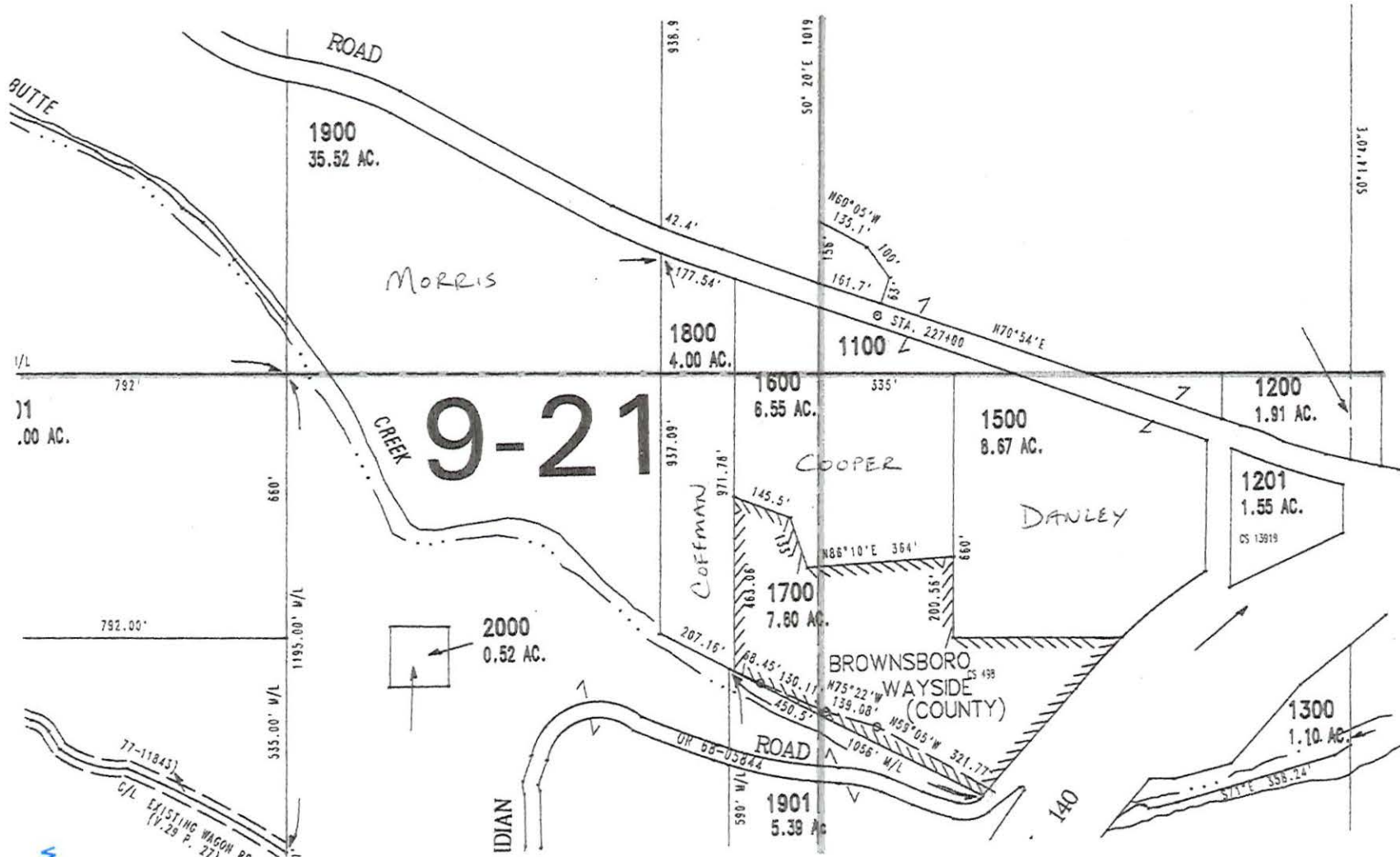
- If correct this leaves 5.49 acres to be cancelled. No affidavits of cancellation were provided.

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36 1E 5
<portion>



SEE MAP 36 1E 4

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SALEM, OREGON

RINAR

9/10/2007

Brownsboro Transfers

T-10305

T-10307

T-10308

Little Butte Creek

C-17221 Tract 1 priority calc'd rate dec equiv
1875 1/43 cfs/ac 0.0233
Tract 2 1908 1/39 cfs/ac 0.0256

T 36S R1E S5

ACRES

all quantities are ACRES

SW NE
tract 1

tract 2

NE SE
tract 1

tract 2

NW SE
tract 1

tract 2

total

certificated POU

to be
transferred

Proposed allocation

17.36 T-10305

Morris

tract 1

tract 2

4.00 T-10308

Coffman

tract 1

tract 2

6.55 T-10307

Cooper

tract 1

tract 2

7.60 RR

County

tract 1

tract 2

5.49 RR

??

tract 1

tract 2

41.00

21.5 Tract 1

19.5 Tract 2

41.00

totals

totals

6.000

7.800

11.000

0.000

4.500

11.700

7.00

10.36

1.50

2.50

3.75

2.80

7.60

0.00

1.65

3.84

41.000

17.36 Morris

4.00 Coffman

6.55 Cooper

7.60 County

5.49 ??

41.000

21.500 Tract 1

19.500 Tract 2

41.000 Total

WATER RESOURCES DEPT
SALEM, OREGON

DEC 20 2007

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CFS

to be
transferred

all quantities are CFS

Proposed allocation

tract 1

tract 2

tract 1

tract 2

tract 1

tract 2

total

T-10305	Morris	tract 1	0.140		0.000		0.023		0.163	
		tract 2		0.118		0.000		0.148	0.266	0.429 Morris
T-10308	Coffman	tract 1	0.000		0.000		0.035		0.035	
		tract 2		0.026		0.000		0.038	0.064	0.099 Coffman
T-10307	Cooper	tract 1	0.000		0.087		0.000		0.087	
		tract 2		0.023		0.000		0.049	0.072	0.159 Cooper
RR	County	tract 1	0.000		0.130		0.047		0.177	
		tract 2		0.000		0.000		0.000	0.000	0.177 County
RR	??	tract 1	0.000		0.038		0.000		0.038	
		tract 2		0.033		0.000		0.065	0.098	0.136 ??

1.0 cfs

• 1.000 1.000

0.5 cfs

Tract 1

totals

0.140

0.255

0.105

0.500 Tract 1

0.5 cfs

Tract 2

totals

0.200

0.000

0.300

0.500 Tract 2

1.00

1.000 Total

SUMMARY

transferred

0.687 cfs
27.91 acres

RR

0.313 cfs
13.09 acres

totals

1.00 cfs
41.00 acres

RECEIVED

DEC 20 2007

WATER RESOURCES DEPT
SALEM, OREGON

Dorothy Pedersen

From: bob jones [bobjones@bisp.net]
Sent: Sunday, June 22, 2008 5:06 PM
To: Dorothy Pedersen
Subject: Re: Status of T-10304, T-10305, T-10306, T-10307 & T-10308

Hi Dorothy,

I sent the applicant agreement and fee for T-10304 on Saturday, June 21st.

Yes, please issue the preliminary determinations and the notices to publish in the newspaper T-10305, T-10307 and T-10308.

I will check on the publication for T-10306.

Thanks
Bob

On Tue, Jun 17, 2008 at 5:55 PM, Dorothy Pedersen <pedersdi@wrld.state.or.us> wrote:
Hi Bob,

I'm checking in with you regarding the status of the following transfers:

T-10304: We are waiting for your response to the proposed applicant agreement, based on the contractor's estimate. Please either return the signed applicant agreement with submission of fees, or indicate to Salem Opeifa that you wish to withdraw this transfer from the Reimbursement Authority process.

T-10305, T-10307 & T-10308: We are waiting for your response to the Draft Preliminary Determinations. Please submit your response and any comments before June 23, 2008. On June 23rd, the Department will issue the Preliminary Determinations consistent with the drafts and send you the notice to publish in the newspaper.

T-10306: We are waiting for the Affidavit of Publication from the newspaper. Please check with the newspaper and make sure they send us an original Affidavit of Publication. Once we receive that, we will know when the protest period closes and can issue the Final Order, provided no protests are received prior to close of the protest period. No protests have been filed so far.

Thanks. I want to keep these moving as quickly as we can, with your help.

Dorothy

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: Wednesday, December 12, 2007 5:05 PM
To: 'Terrance Anthony'
Subject: T-10307 and T-10308 ownership info

Attachments: 10307-response-to-dpd.pdf; 10308-response-to-dpd.pdf



10307-response-to-10308-response-to-
dpd.pdf (371... dpd.pdf (243...

Terry,

Attached is the ownership information for T-10307 and T-10308. Please review and let me know whether or not we have everything that is needed. Then put together the remaining deliverables for these projects and invoice them.

Bob Jones has asked whether the transfers could be combined in a single newspaper notice. I'd like you to generate separate notices for each transfer, and if we decide in the end to combine them I'll make the adjustments.

These transfers and T-10305 will share a common remaining right certificate.

Have a good evening,
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

Water Resources Department

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

September 18, 2007

Harry E. Cooper
70 Dion Ct. #1
Shady Cove, OR 97539

SUBJECT: Application T- 10307

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10307. 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.

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 transfers 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.

Issuance of a 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 October 19, 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 503-986-0980 or Dorothy.I.PEDERSEN@wrdd.state.or.us if you have questions.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: Larry Menteer, Watermaster, District 13
Robert Jones, CWRE

enc

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

In the Matter of Transfer Application
T-10307, 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.

Applicant

HARRY E. COOPER
70 DION CT. #1
SHADY COVE, OR 97539

Findings of Fact

Background

1. On February 2, 2007, Harry E. Cooper filed an application to change the point of diversion under Certificate 17221. The Department assigned the application number T-10307.
2. A revised application and map showing changes to the proposed place of use was received on August 24, 2007.
3. The portion of the right to be transferred is as follows:

Certificate: 17221 in the name of R. E. TUCKER (confirmed by Little Butte Creek, 1949 decree)

Use: IRRIGATION of 6.55 ACRES, ASSIGNED AS FOLLOWS:

TRACT 1	2.80 ACRES
TRACT 2	3.75 ACRES

Priority Dates: DECEMBER 31, 1875 (TRACT 1), DECEMBER 31, 1908 (TRACT 2)

Rate: 0.087 CUBIC FOOT PER SECOND (CFS) WITH PRIORITY DATE 1875, AND 0.072 CFS WITH PRIORITY DATE 1908

Source: LITTLE BUTTE CREEK, tributary to ROGUE RIVER

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
36 S	1 E	WM	5	SW NE	0.9	2
36 S	1 E	WM	5	NE SE	3.75	1
36 S	1 E	WM	5	NW SE	1.90	2

4. Certificate 17221 does not list a location for the authorized point of diversion, however, the Little Butte Creek Decree map of inchoate lands shows the historic point of diversion as being located in:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
36 S	1 E	WM	4	NE SW	NONE

5. Application T-10307 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	NW SE	510 FEET SOUTH AND 1840 FEET WEST FROM THE EAST QUARTER CORNER OF SECTION 5

6. 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.
7. This application is being processed concurrently with T-10305, and T-10308, which also propose changes to Certificate 17221.
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-10307.
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-10307 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-10307 is approved, the final order will include the following:

- 1. The change in point of diversion proposed in application T-10307 is approved.*
- 2. Water Right Certificate 17221 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer nor involved in T-10305 or T-10308.*
- 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 17221 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, 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 changes and full beneficial use of the water.*
- 8. When satisfactory proof of the completed change is received, a new certificate confirming 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@wrd.state.or.us.



Oregon

Theodore R. Kulongoski, Governor

May 29, 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: Transfers T-10305 (Morris), T-10307 (Cooper), T-10308 (Coffman)

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

1. Certificate 17221 has multiple priority dates, but these have not been allocated among the users. The contractor has suggested an allocation which is shown on the attached spreadsheet, based on the 1909 decree map and the map of inchoate lands (enclosed). Please either confirm this suggested allocation or provide an alternative along with supporting documents.
2. Please submit revised transfer application maps for T-10305, T-10307, and T-10308 showing the preferred allocation of priority date water by 1/4-1/4 section, and amend the respective applications as necessary. 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.
3. Considering the number of acres proposed for transfer under T-10305, T-10307 and T-10308, 8.67 acres of Certificate 17221 remain. The contractor suggests that some of these acres may have been lost (i.e. are subject to cancellation) due to inaccuracies in the original survey, meandering of the stream, and/or construction of Highway 140. If additional lands listed on the certificate fall within the tax lots affected by the transfer, please do one of the following:
 - a. amend the appropriate applications to include additional irrigated lands and Affidavits of Use for some or all of these acres, and/or
 - b. submit an explanation for removal of these acres along with cancellation affidavits if appropriate.

Please submit the requested information by **July 1** 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
Richard Morris
Harry Edwin Cooper
Scott Coffman

enclosures



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-10307

Review Due Date: Feb 9, 2007

Applicant Name: Cooper, H. E...

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

Reviewer(s): Larry Menteer 

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: _____

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.

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 #: 10307**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 # 10307

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 E. Gregory Road

City/State/Zip:

Central Point OR 97532

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: _____

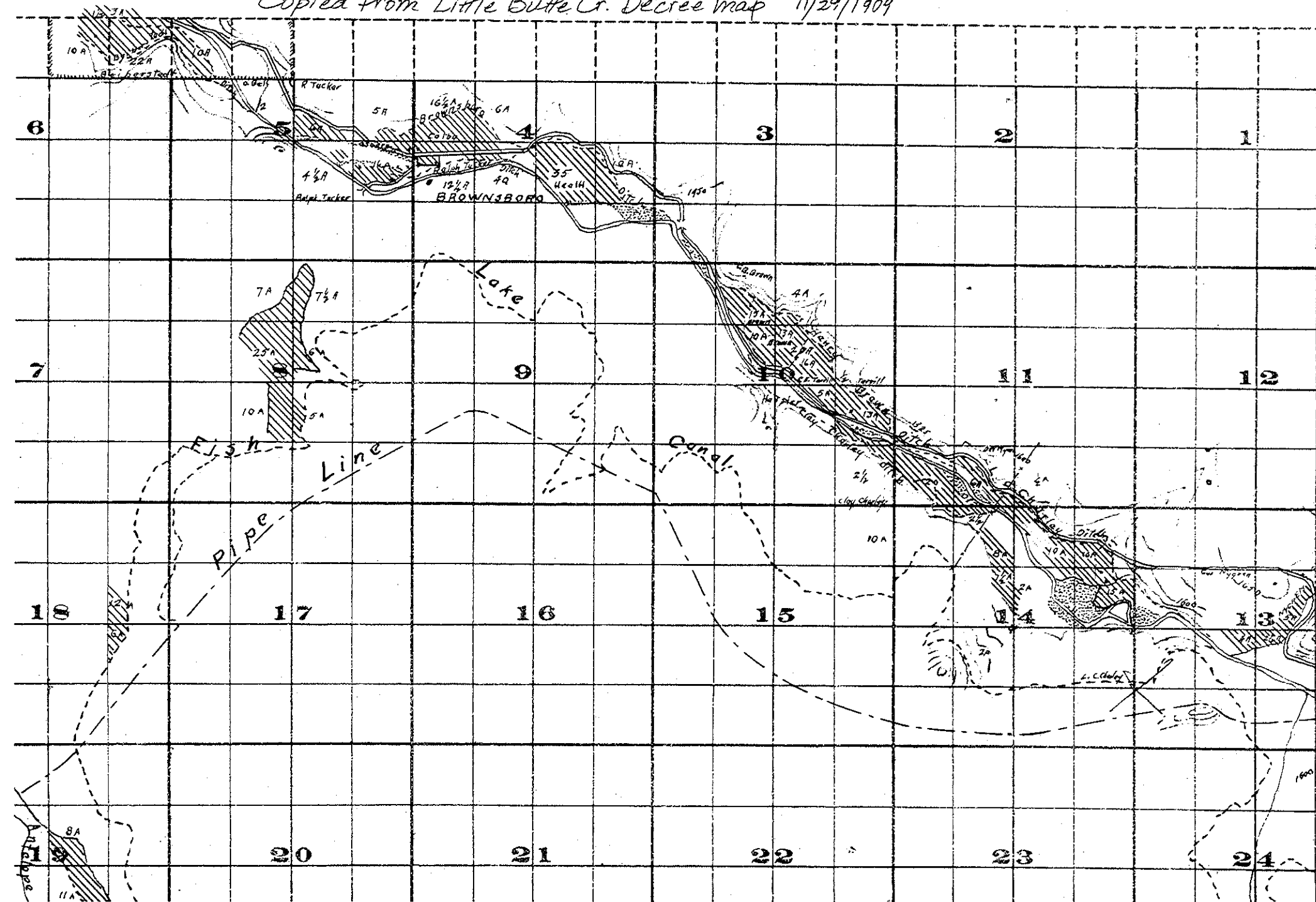
Address: _____

City/State/Zip: _____

Phone: () _____

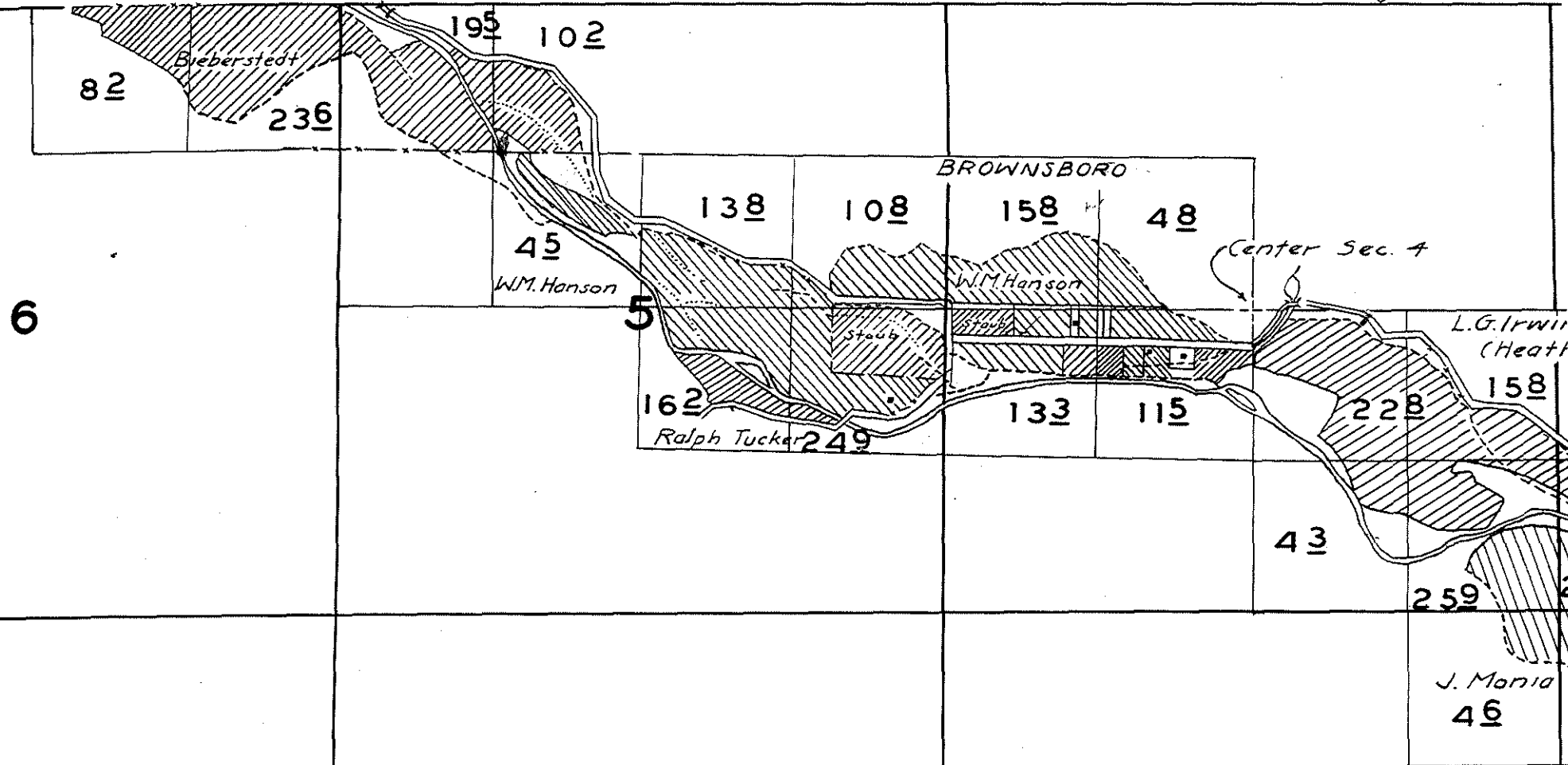
Township 36 S, Range 1 E W.M.

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



TOWNSHIP 36

Range 1 E



Copied from Little Butte Cr. Decree inchoate lands map

Dorothy Pedersen

From: Terrance Anthony [conservationstrategies@comcast.net]
Sent: Saturday, December 15, 2007 10:11 PM
To: Dorothy Pedersen
Subject: T-10307 and T-10308 PD cover letter

Attachments: T10307 & T10308 pd cover.doc



T10307 & T10308
pd cover.doc (...)

Oops. Joint PD cover letter is now attached.

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 5:05 PM
Subject: T-10307 and T-10308 ownership info

Terry,

Attached is the ownership information for T-10307 and T-10308. Please review and let me know whether or not we have everything that is needed. Then put together the remaining deliverables for these projects and invoice them.

Bob Jones has asked whether the transfers could be combined in a single newspaper notice. I'd like you to generate separate notices for each transfer, and if we decide in the end to combine them I'll make the adjustments.

These transfers and T-10305 will share a common remaining right certificate.

Have a good evening,
Dorothy

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

April 30, 2007

Robert Jones, CWRE
200 First Street
Prospect, OR 97536

REFERENCE: Transfers T-10305 (Morris), T-10306 (Danley), T-10307 (Cooper), T-10308 (Coffman)

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

- Separate T-10306 letter*
1. 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. Achieving the stated goals of the project will require you to amend your application for T-10306 to reference the correct certificate. 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. Certificate 39596 (a remaining right for the portion of the right developed under Permit S-308 that was not modified by T-2780) authorizes irrigation of 10.5 acres. *in the NESE of Section 5, T36S, R1E, W.M. as shown by the enclosed maps. (Some of that acreage that is not in T.L. 1500.*
 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.
 3. The foregoing leaves 8.67 acres of Certificate 17221 unassigned. The contractor suggests that these acres have most likely been lost (i.e. are subject to cancellation) due to inaccuracies in the original survey, meandering of the stream, and/or construction of Highway 140. Please do the following:
 - a. amend the appropriate applications to include additional irrigated lands and Affidavits of Use for some or all of these acres, and/or
 - b. submit an explanation for removal of these acres along with cancellation affidavits if appropriate.
 4. Certificate 17221 has multiple priority dates, but these have not been allocated among the users. The contractor has suggested an allocation based on the 1909 decree map, which is shown on the attached spreadsheet. Please confirm this suggested allocation or provide an alternative along with supporting documents. Please submit revised transfer application maps for T-10305, T-10307, and T-10308 showing the preferred allocation by 1/4-1/4 section, and amend the respective applications as necessary. 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.
 5. If any places of use are to be revised (other than for allocation of priority dates) on any of these transfers, please submit NRCS orthophotos or equivalent so that the contractor may validate the changes.
- Re cast to ask if any of the on these T.L.s has been abandoned - cancel otherwise rest will be RR cert*
- Priority by decree*

Please submit the requested information by **June 1** 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.

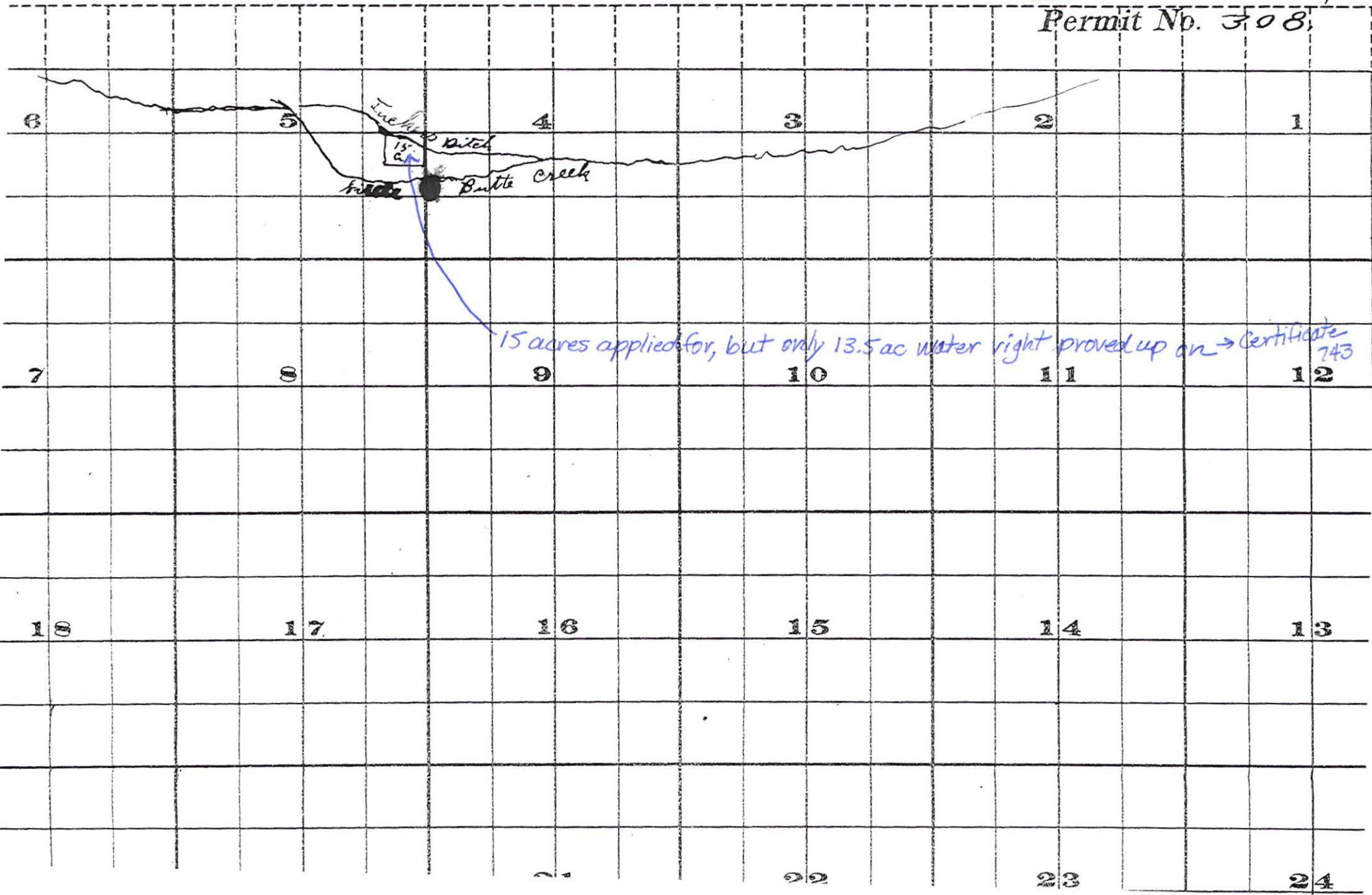
Sincerely,

Township 36S,

Range 1E.

Application No. 693,

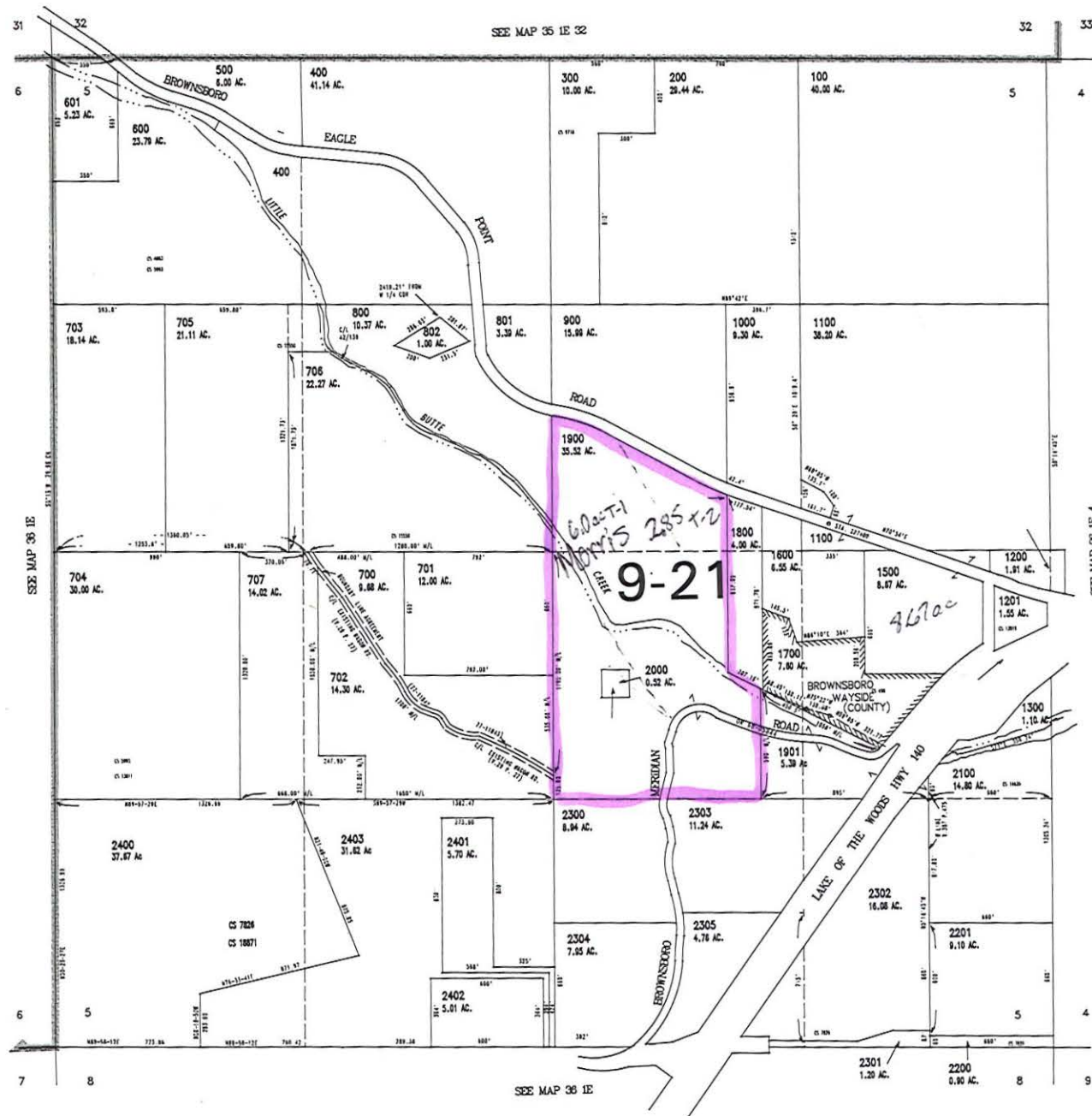
Permit No. 308,



SECTION 5 T36S R1E W.M.
JACKSON COUNTY
1" = 400'

36 1E 5

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



CANCELLED TAX
LOT NUMBERS

METATLE K:\MAP\361E\05\0\00 PLAT.GRA
CREATED WEDNESDAY MARCH 15, 2006 11:44 AM By GIBSONJO

36 1E 5
FOR CONVERSION JUNE 05, 2000
1877 MARCH 07, 2005

Dorothy Pedersen

From: Terrance Anthony [conservationstrategies@comcast.net]
Sent: Sunday, April 29, 2007 2:39 PM
To: Dorothy Pedersen
Subject: Brownsboro deficiency letter
Attachments: T-10305 Contact List.doc; Allocation of Tracts.pdf; T-10306 Contact List.doc; T-10307 Contact List.doc; T-10308 Contact List.doc; T-10306 & _Deficiency letter.doc

Dorothy,

Attached is my draft deficiency letter with attachments. By all means make revisions where appropriate, or suggest changes.

Will we need a new watermaster review for T-10306 (and possibly T-10305)?

I will submit my revised estimates to Salem.

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

Dorothy Pedersen

From: Dorothy Pedersen [Dorothy.I.PEDERSEN@wrд.state.or.us]
Sent: Friday, March 23, 2007 3:41 PM
To: 'Terrance Anthony'
Subject: T-10307 information

Attachments: 10307-WM rev.pdf; 10307-land use.pdf; 10307-odfw-rev.pdf; 10307-dpd-template.doc



10307-WM rev.pdf
(47 KB)



10307-land use.pdf
(90 KB)



10307-odfw-rev.pdf
(66 KB)



10307-dpd-template.doc
(117 KB...)

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

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

Application Number T-10307

Name of Applicant: Harry Edwin Cooper

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 DPI 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.	1.0
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	1.0
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	0
4	Preparation of draft preliminary determination, DPD 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:		4.5

(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- 10307 Applicant: Harry Edwin Cooper

Agent/Contact: Robert Jones

Ship to Contractor: Ferrance Anthony

Items included:

- ☒ Copy of front of file folder
- ☒ Reimbursement Authority Estimate Application
- ☒ Transfer Application form
- ☒ Transfer map
- ☒ Evidence of use affidavit
- ☒ 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) - *need to request in DPD cover letter*
- ☒ 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) - *will send later*
- ☒ 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. Paschke Date 2-7-07

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

Transfer # T-10307

Applicant: Harry Edwin Cooper

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-10307

Name of Applicant: Harry Edwin Cooper

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-10307</u>
<input type="checkbox"/>	Certificate Request	_____
<input type="checkbox"/>	Extension of Time Request	_____

Applicant Information

Applicant:
(Please Print)

Harry Edwin Cooper

Address:

5020 Brownsboro Rd

Eagle Point, OR 97524

Phone:

541-821-2722

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: <u>Terrace</u>	RECEIVED	Total Amount Paid: \$ <u>125</u>
OWRD Approval:		

FEB 02 2007

WATER RESOURCES DEPT
SALEM, OREGON



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: Harry Edwin Cooper

Address: 5020 Brownsboro Rd

City: Eagle Point State: OR Zip: 97524 Day Phone: 541-821-2722

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
1600	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	EFU
		<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: 0.16 ☒ 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

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SALEM, OREGON

T-10307

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. Ivy Date: 1.23.07
 Title: Planner Phone: 541 774 6959
 Signature: [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.

* Please note that permits may be required for in-water work within the high 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: Harry Edwin Cooper

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: 5020 BROWNSBORO HWY

PRIMARY PARCEL NUMBER: 36-1E-05-1600

ASSOCIATED LOTS:

ZIS NUMBER: ZON2007-00131

PROJECT: ZON2007-00131

PRINT DATE: 01/23/2007

LAST UPDATED: 01/23/2007 12:00:00AM

Consultant

JONES ROBERT C

E-Mail: bobjones@bisp.net

Primary Owner

COOPER HARRY EDWIN/JUDITH A

Address: 5020 BROWNSBORO ROAD EAGLE POINT, OR 97

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:

<u>Condition</u>	<u>Hold Level</u>	<u>Edited</u>	<u>Status</u>
------------------	-------------------	---------------	---------------

R. King

1.23.07

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TRANSFER CHECK OFF LIST

TRANSFER FILE #

10307

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

DIV 15 X

TEMP Div 15

ISWR

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 --- BR

*SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER

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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.)	<p style="text-align: center;">Proposed new use:</p> <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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Transfer Application/2

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SALEM, OREGON

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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 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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Certificate Number or other identifying number from *Page 3*: 17221

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

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.

If "No", the following information must be provided only for those points of diversion/appropriation and places of use that are involved in the transfer.

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.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

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		800 ft south and 2350 ft east of EAST ¼ corner, section 5

Location of Existing Authorized Place of Use to be Changed:

[illegible]

7/7/07 } Tract 2
Ref } Tract 2
Ref } Tract 1

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SALEM, OREGON

TT 100307

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): HARRY EDWIN COOPER

Address: 5020 BROWNSBORO RD
EAGLE POINT OR 97524

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

Address: _____

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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SALEM, OREGON

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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.

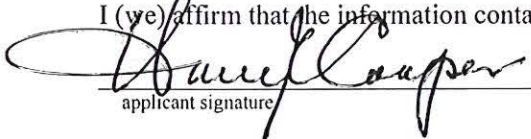
Form A – Evidence of Use Affidavits <input checked="" type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original, 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 checked="" 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.
--	---

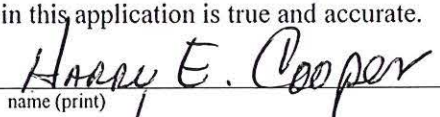
9. SIGNATURES

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.


applicant signature


name (print)

7-19-06
date

applicant signature

name (print)

date

T 10307

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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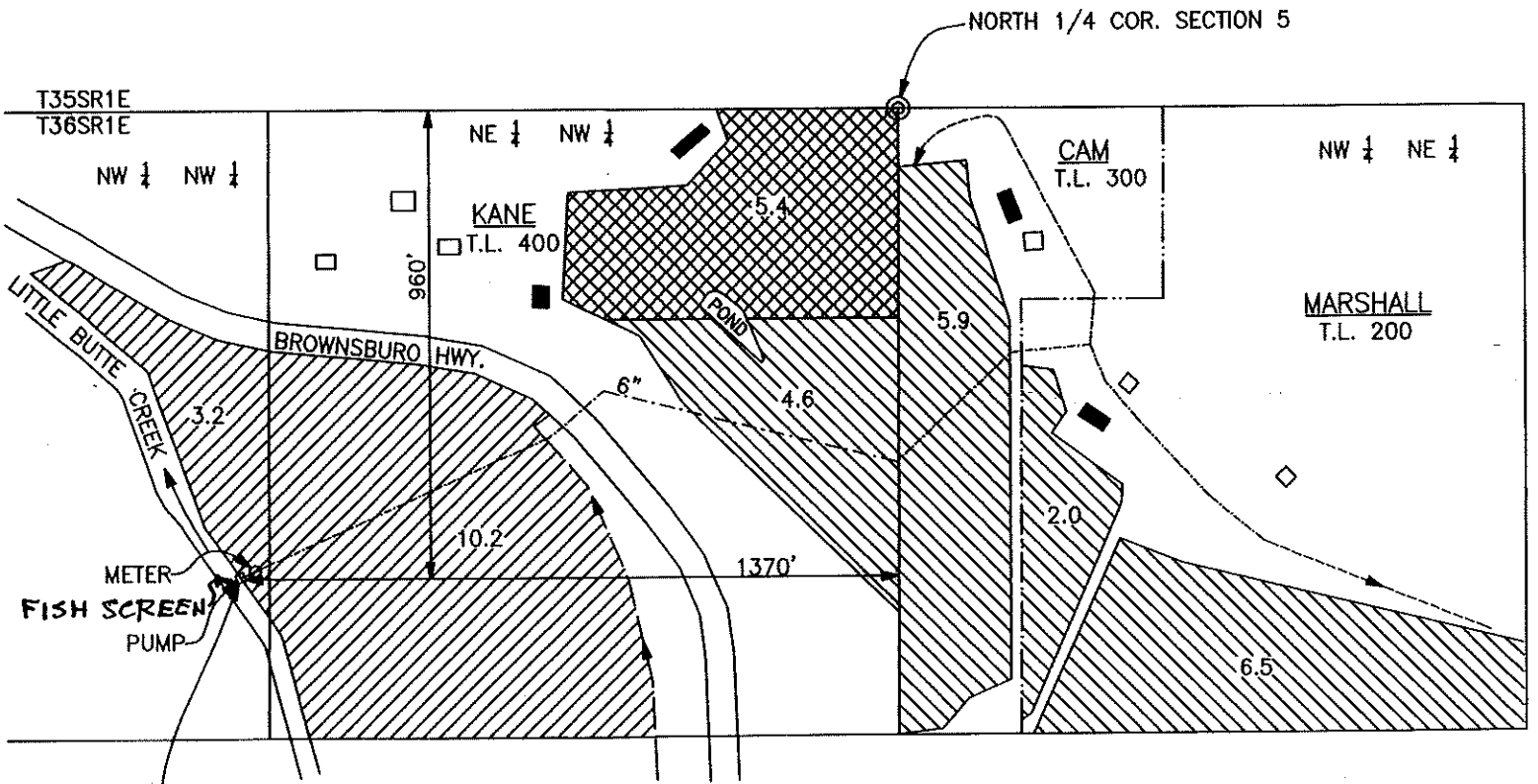
DEC 08 2006

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SALEM, OREGON

Transfer Application/7

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

TAX LOT Nos. T.36S., R.1E., W.M., SECTION 5 - 200, 300 & 400

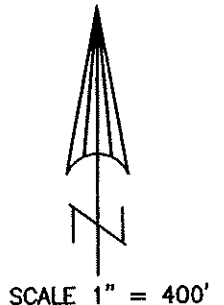


ADDITIONAL POINT OF DIVERSION FOR
13.4 AC. PORTION OF CERT. 17165 AND
NEW POINT OF DIVERSION FOR NEW
PLACE OF USE OF 5.4 AC. PORTION OF
CERT. 68692 AND 19.0 AC. PORTION OF
CERT. 75892.

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CLAIM OF BENEFICIAL USE MAP

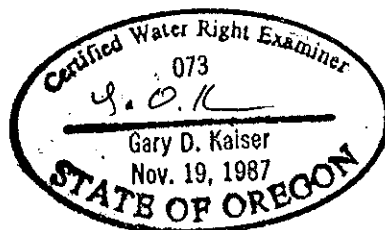
APPLICATION FILE No. T-8057

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

T 10307

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

State of Oregon)
County of JACKSON) SS

document

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4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

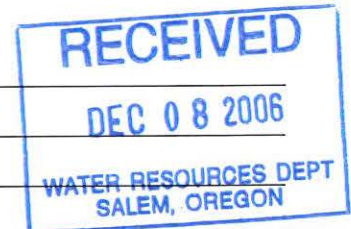
Pasture for grazing

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: _____



David Cooper aka Ed Cooper
Signature of Affiant

7-19-2006
Date

Signed and sworn to (or affirmed) before me this 19th day of July, 2006.

Lisa Arenas
Notary Public for Oregon



My Commission Expires: 10-15-08

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Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

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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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.

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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.

JACKSON COUNTY

INFORMATION TECHNOLOGY

Map Maker Application

Front Counter Legend

☐ Tax Lot Outlines

City Limits

Ashland

Butte Falls

Central Point

Eagle Point

Gold Hill

Jacksonville

Medford

Phoenix

Rogue River

Shady Cove

Talent

USGS 7 1/2 Minute Quad
Maps

 Rogue Valley Sewer
Service Sewer Lines

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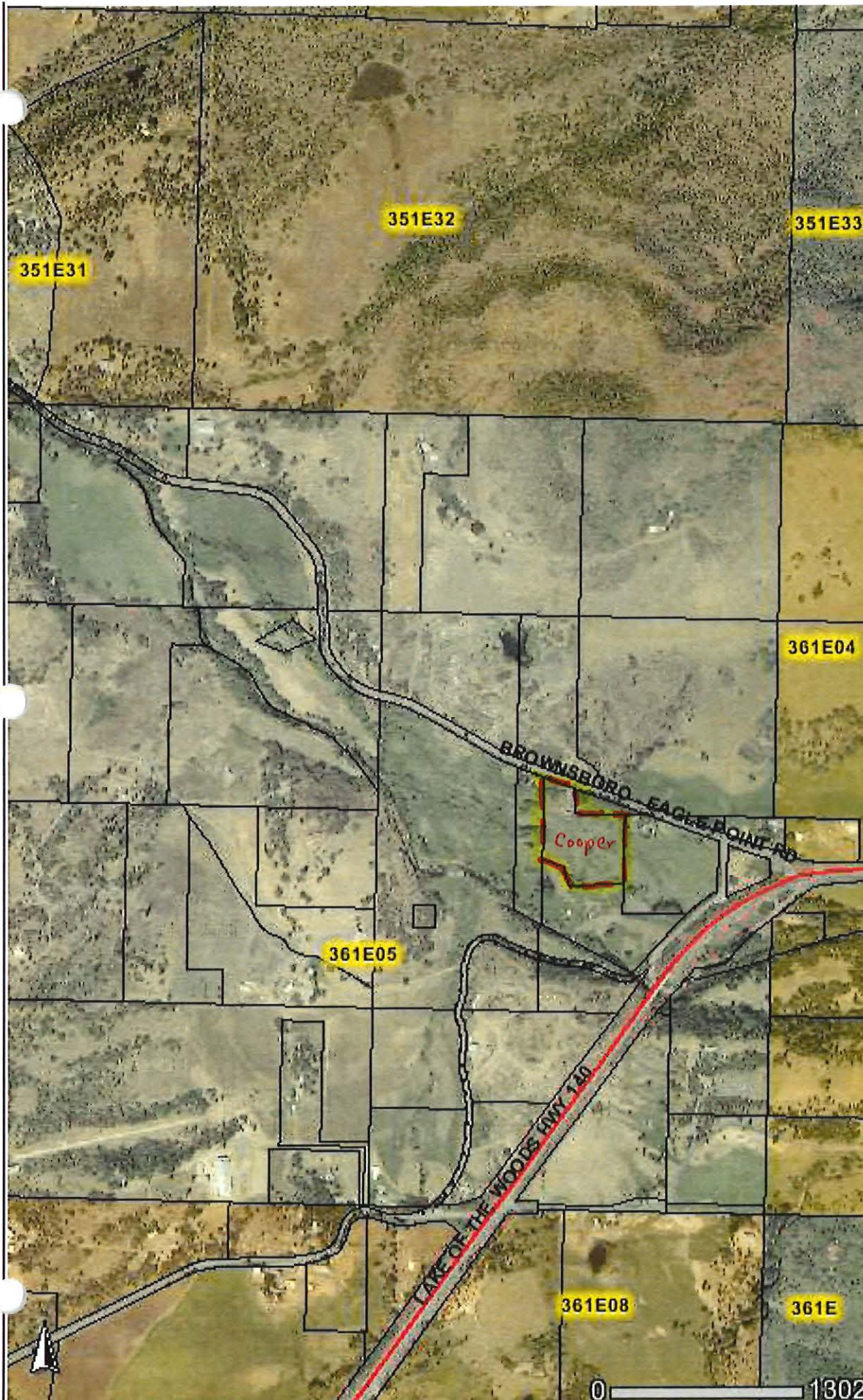
DEC 08 2006

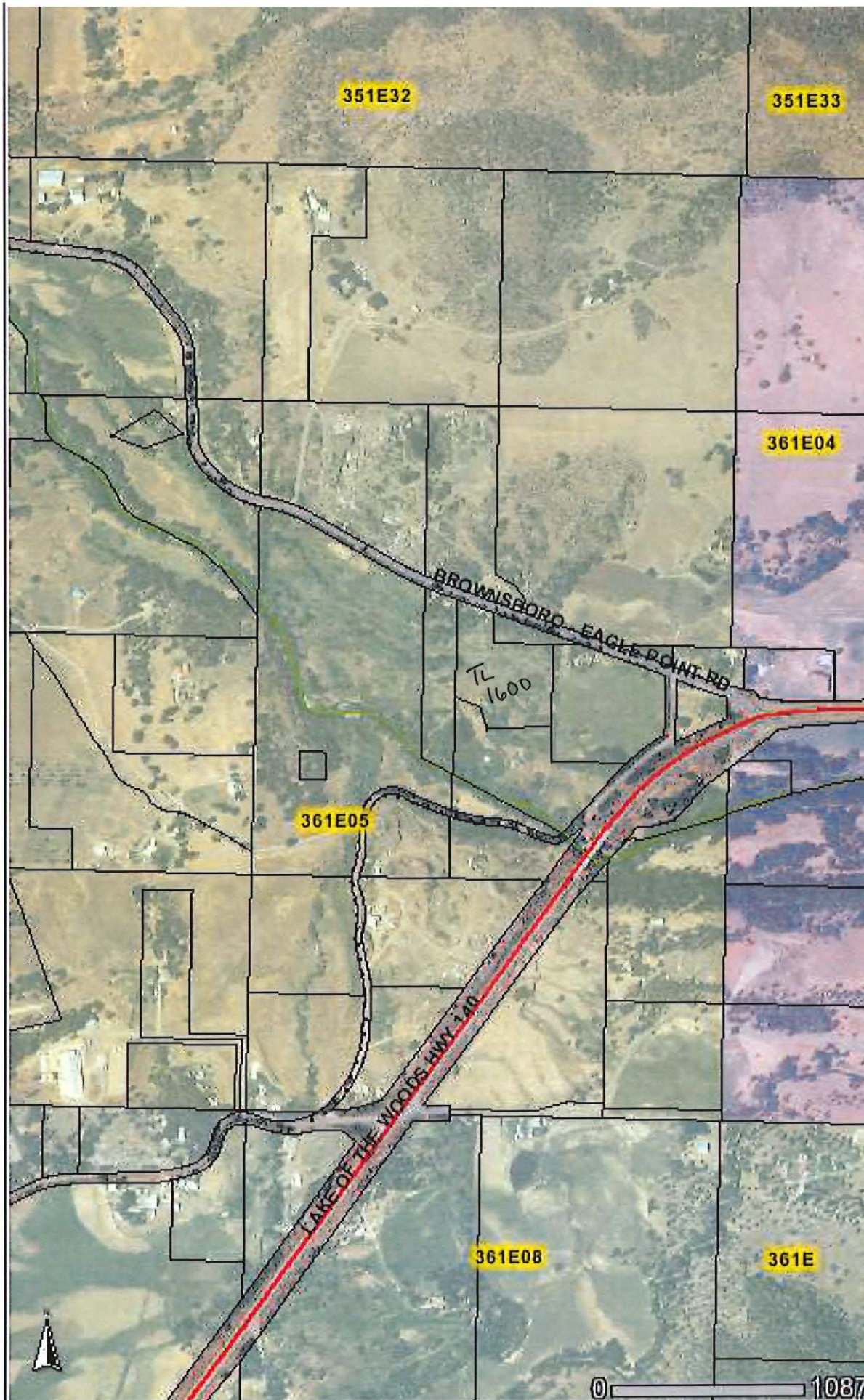
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SALEM, OREGON



**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





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.

Rj Jan 2007

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**WATER RESOURCES DEPT
SALEM, OREGON**



**JACKSON
COUNTY**
Oregon

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0 1087



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: Harry Edwin Cooper
Address: 5020 Brownsboro Rd
City: Eagle Point State: OR Zip: 97524 Day Phone: 541-821-2722

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
1600	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	EFU
		<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: 0.16 ^(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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SALEM, OREGON

1 10307

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: Harry Edwin Cooper

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: Walter M. King Phone: 774-6959

Signature: _____ Date: 1-22-07

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

1 10307



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 Doyno
Oregon Department of Fish and Wildlife

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SALEM, OREGON

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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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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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SALEM, OREGON



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-10307

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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**Water Right Transfer Supplemental Form A
AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon)
County of JACKSON) ss

I, HARRY EDWIN COOPER, in my capacity as PROPERTY OWNER,
mailing address 5020 BROWNSBORD RD, EAGLE POINT, OR 97524
telephone number (541) 821-2723, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, or
☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

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:

Township		Range		Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)
36	S	1	E	W	5	SW NE		0.90
36	S	1	E	W	5	NW SE		1.90
36	S	1	E	W	5	NE SE		3.75

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(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.

T 10307

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: _____

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Hans Cooper aka Ed Cooper
Signature of Affiant

7-19-2006
Date

Signed and sworn to (or affirmed) before me this 19th day of July, 2006.



Lisa Arenas
Notary Public for Oregon

My Commission Expires: 10-15-08

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Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

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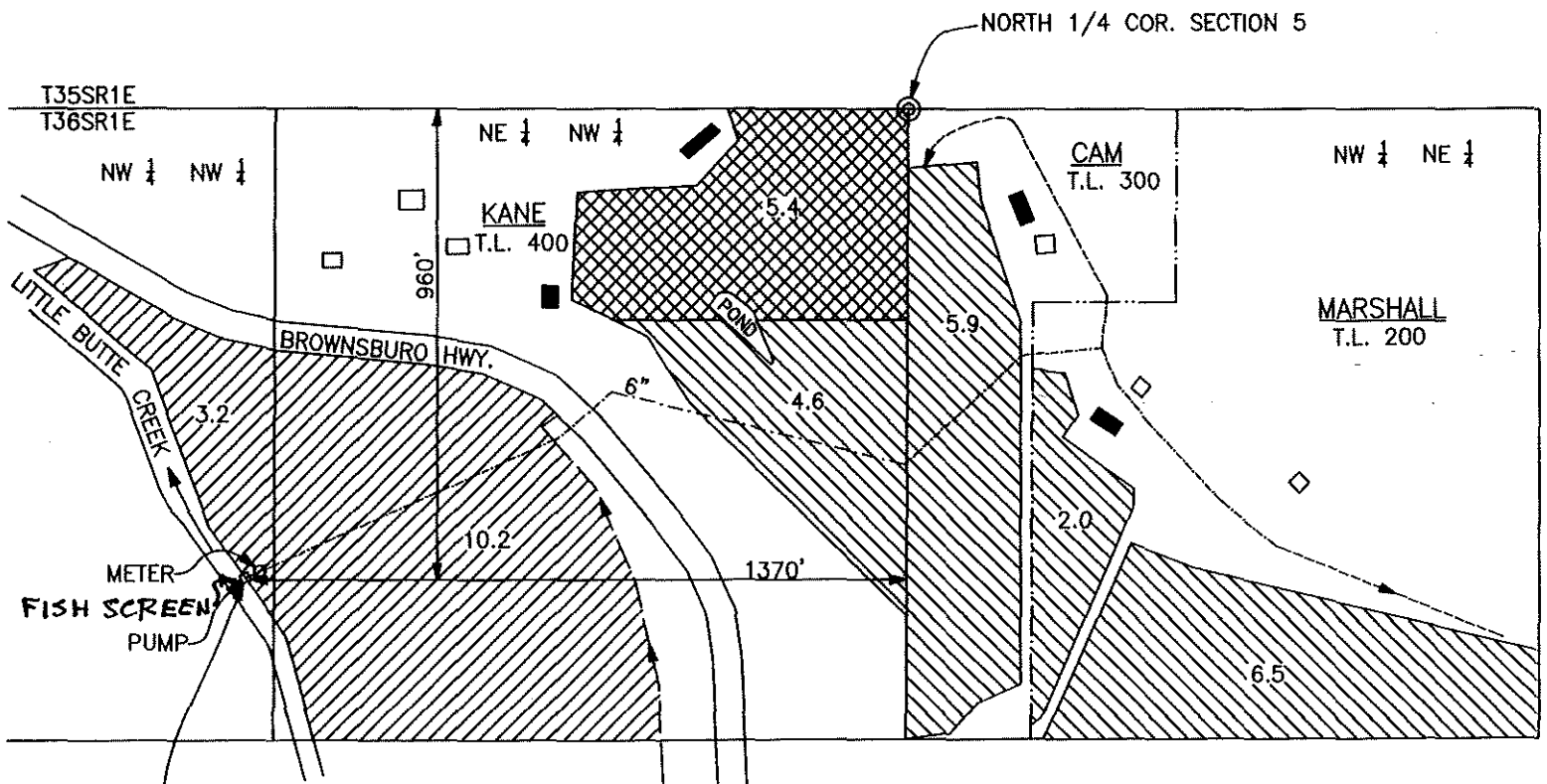
WATER RESOURCES DEPT
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Supplemental Form A

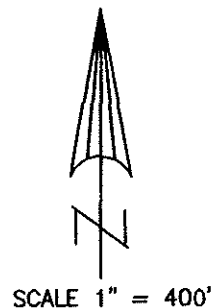
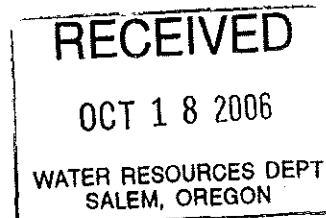
T 10307

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

TAX LOT Nos. T.36S., R.1E., W.M., SECTION 5 - 200, 300 & 400



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



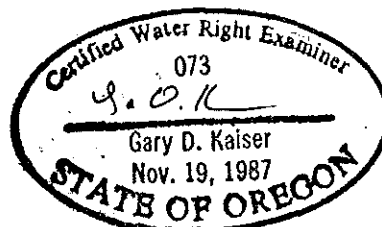
= PORTION OF CERT. 17165
IRRIGATION OF 10.2 AC. IN
TRACT NO. 2 AND 3.2 AC. IN
TRACT NO. 3 ALSO 13.4 AC.
SUPPLEMENTAL IRRIGATION BY
PERMIT 39384, CERT. 56210
MODIFIED BY T-8057
ADDITIONAL POINT OF
DIVERSION.



= 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



NOTE: MAP PREPARED FOR
WATER RIGHT PURPOSES ONLY,
NOT FOR PROPERTY BOUNDARY
LOCATIONS.

T 10307

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

10307

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-10307 for Cooper

Dear Ms. Pedersen,

Enclosed is the Report of ownership and liens as prepared by a title company, as required in your letter dated September 18, 2007. The three lien holders have been noticed and copies of those letters are enclosed.

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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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 19, 2007

Chase Bank USA
200 White Clay Center Drive
Newark, DE 19711

REFERENCE: Water Right Transfer (T-10307) for Harry E. Cooper

To Whom It May Concern:

I'm a Certified Water Rights Examiner (CWRE) and the agent representing Mr. Cooper concerning land involved in a water right transfer application that proposes to change a point of diversion for the water right. The property is tax lot 1600 in the center of Section 5, Township 36 South, Range 1 East, WM, Jackson County, Oregon. The address of this property is 5020 Brownsboro Road, Eagle Point, OR 97524.

As part of this proposed transfer, we are required to notify any lien holder that may have an interest in the property involved in the transfer.

If you have any questions, you may contact us at (541) 301-5615, or you may contact Dorothy Pederson, Transfer Specialist, with the Oregon Water Resources Department at (503) 986-0890.

Sincerely,



Robert C. Jones, RG, CEG, CWRE

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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 19, 2007

Charles R. Pemberton
4620 S. Fork Little Butte Creek Road
Eagle Point, OR 97524

REFERENCE: Water Right Transfer (T-10307) for Harry E. Cooper

To Whom It May Concern:

I'm a Certified Water Rights Examiner (CWRE) and the agent representing Mr. Cooper concerning land involved in a water right transfer application that proposes to change a point of diversion for the water right. The property is tax lot 1600 in the center of Section 5, Township 36 South, Range 1 East, WM, Jackson County, Oregon. The address of this property is 5020 Brownsboro Road, Eagle Point, OR 97524.

As part of this proposed transfer, we are required to notify any lien holder that may have an interest in the property involved in the transfer.

If you have any questions, you may contact us at (541) 301-5615, or you may contact Dorothy Pederson, Transfer Specialist, with the Oregon Water Resources Department at (503) 986-0890.

Sincerely,



Robert C. Jones, RG, CEG, CWRE

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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 19, 2007

Gene T. Flory, Trustee
174 Littrell Drive
Medford, OR 97504

REFERENCE: Water Right Transfer (T-10307) for Harry E. Cooper

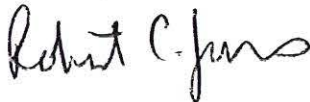
To Whom It May Concern:

I'm a Certified Water Rights Examiner (CWRE) and the agent representing Mr. Cooper concerning land involved in a water right transfer application that proposes to change a point of diversion for the water right. The property is tax lot 1600 in the center of Section 5, Township 36 South, Range 1 East, WM, Jackson County, Oregon. The address of this property is 5020 Brownsboro Road, Eagle Point, OR 97524.

As part of this proposed transfer, we are required to notify any lien holder that may have an interest in the property involved in the transfer.

If you have any questions, you may contact us at (541) 301-5615, or you may contact Dorothy Pederson, Transfer Specialist, with the Oregon Water Resources Department at (503) 986-0890.

Sincerely,



Robert C. Jones, RG, CEG, CWRE

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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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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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SALEM, OREGON

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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SALEM OREGON

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

October 17, 2007



LITTLE BUTTE WATERSHED COUNCIL
BOB JONES
RE: 361E05 TL 1600

HARRY EDWIN Cooper

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 10:07:16 AM

COOPER HARRY EDWIN/JUDITH A
5020 BROWNSBORO HWY
EAGLE POINT, OR 97524

Tax Account #		Lender	Chase Manhattan Mortgage Corp - Utah
Account Status	Active	Loan #	
Roll Type	Real Property	Property ID	0921 361E05-00-01600
Situs Address	5020 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	613.96	632.95	0.00	18.99	632.95	Nov 15, 2007
2006	ADVALOREM	0.00	0.00	0.00	0.00	611.53	Nov 15, 2006
2005	ADVALOREM	0.00	0.00	0.00	0.00	602.51	Nov 15, 2005
2004	ADVALOREM	0.00	0.00	0.00	0.00	18.64	Nov 15, 2004
2003	ADVALOREM	0.00	0.00	0.00	0.00	56.97	Nov 15, 2003
2002	ADVALOREM	0.00	0.00	0.00	0.00	56.95	Nov 15, 2002
2001	ADVALOREM	0.00	0.00	0.00	0.00	56.98	Nov 15, 2001
2000	ADVALOREM	0.00	0.00	0.00	0.00	15.74	Nov 15, 2000
1999	ADVALOREM	0.00	0.00	0.00	0.00	56.71	Nov 15, 1999
1998	ADVALOREM	0.00	0.00	0.00	0.00	56.70	Nov 15, 1998
1997	ADVALOREM	0.00	0.00	0.00	0.00	18.74	Dec 15, 1997
1996	ADVALOREM	0.00	0.00	0.00	0.00	18.83	Nov 15, 1996
Total		613.96	632.95	0.00	18.99		

Tax Notations

Notation Code	Date Added	Description
BAD ADDRESS	03/30/2007	2006-07 STATEMENT RETURNED FORWARD ADD IS: 70 dion ct #1 shady cove 97539-3713
RETURNED REFUND	07/02/2007	Remailed to 70 Dion Ct #1 SC along w/address change>TS
POTENTIAL TAX	01/01/2001	

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WATER RESOURCES DEPT
SALEM, OREGON

93-05422

RECORDED AT THE REQUEST OF
CRATER TITLE INSURANCE CO
CF-89500

1000
1000
20.00

WARRANTY DEED

480 30-1E-5 1000

LENA SHAW, grantor, conveys and WARRANTS to HARRY EDWIN COOPER AND JUDITH ANN COOPER HUSBAND AND WIFE, grantees, the following described real property, together with appurtenances, free of encumbrances except as specifically set forth herein, situated in JACKSON County, Oregon:

LEGAL DESCRIPTION ATTACHED HERETO

subject to 1987-88 real property taxes, now a lien, not yet payable, and liens and encumbrances of record as shown in items 1, 2 & 3 of Crater Title Insurance Co. order no. 67197N dated 071387 and any encumbrances created hereby.

The true consideration paid for this conveyance is FIFTY SIX THOUSAND AND 00/100 DOLLARS () however the whole consideration includes other value given or promised. (check if other consideration statement applies.)

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate City or County Planning Department to verify approved uses. Dated this 30th day of July, 1987.

Lena M. Shaw
LENA SHAW

STATE OF OREGON

County of Jackson

This instrument was acknowledged before me on the 30th day of July, 1987 by LENA SHAW



Margie A. Rock
Notary Public for OREGON
My commission expires: 9-19-87

Until a change is requested, send all tax statements to:
HARRY & JUDITH COOPER
5020 BROWNSBORO HWY
EAGLE POINT OR 97524

Return document to:
CRATER TITLE INSURANCE CO
CE 36951 CJ

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WATER RESOURCES DEPT
SALEM, OREGON

93-05422

EXHIBIT "A"

Commencing at the Northeast corner of the Southeast quarter of Section 5, Township 36 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon; thence South 0° 14' 40" East along the East line thereof a distance of 660 feet to the Southeast corner of the tract described in Volume 370 Page 228, of the Deed Records of Jackson County, Oregon; thence North 89° 58' West along the South line of said tract 990 feet, more or less, to the Southwest corner thereof; thence North 0° 48' West along the West line of said tract 200.56 feet to the true point of beginning; thence South 86° 10' West 364 feet, more or less, to the center line of an irrigation ditch; thence along the center line of said ditch as follows: North 19° 25' West 155 feet; thence North 67° 45' West 148.54 feet to the east line of the tract described in Volume 383, Page 270, of the Deed Records of Jackson County, Oregon; thence North along the East line of said tract 524.06 feet to the Northeast corner thereof, said point being on the Southerly right of way line of the Eagle Point-Lake Creek State Highway; thence South 70° 55' 50" East 229.80 feet along said right of way line to the East line of the Southwest quarter of the Northeast quarter of said Section 5; thence South along the East line 167.43 feet to the Southeast corner thereof; thence South 89° 58' East 335 feet to the Northwest corner of the tract described in Volume 370, Page 228 of the Deed Records of Jackson County, Oregon; thence South along the West line of said tract 490.18 feet, more or less, to the true point of beginning.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

11:09 FEB 19 1993 AM

KATHLEEN S. BECKETT
CLERK and RECORDER

Kathleen S. Beckett

Page 2 of Polley 67194/51-12

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WATER RESOURCES DEPT
SALEM, OREGON

77/292 JH 6
Until a change is requested all tax statements shall be sent
to the following address.

Jackson County Official Records 2005-048144 2
R-TD 08/09/2005 02:30:00 PM 7
Cnt=1 Str=1 AVGERICH
\$95.00 \$5.00 \$11.00 Total:\$111.00



01133321200500461449190197
I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.
Kathleen S. Beckett - County Clerk

WHEN RECORDED MAIL TO
Chase USA c/o CHF, LLC
Att: Document Control, Dept. 400
10790 Rancho Bernardo Rd.
San Diego, CA 92127.

TAX ACCOUNT NUMBER

True and Actual Consideration is:
\$ 217,500.00

_____[Space Above This Line For Recording Data]_____

DEED OF TRUST

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated August 04, 2005
together with all Riders to this document.

(B) "Borrower" is

Harry Edwin Cooper

Borrower is the trustor under this Security Instrument.

(C) "Lender" is Chase Bank USA, N.A.

Lender is a National Association
organized and existing under the laws of United States
Lender's address is 200 White Clay Center Drive
Newark, DE 19711

Lender is the beneficiary under this Security Instrument.

(D) "Trustee" is AMERITITLE

1894119586

OREGON - Single Family - Fannie Mae/Freddie Mac UNIFORM INSTRUMENT

Form 3038 1/01

4 (OR) (page)

Page 1 of 18

Handwritten initials: HEC

VMP Mortgage Solutions, Inc. (800)521-7201

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WATER RESOURCES DEPT
SALEM, OREGON

(E) "Note" means the promissory note signed by Borrower and dated August 04, 2005. The Note states that Borrower owes Lender Two Hundred Seventeen Thousand Five Hundred and 00/100ths Dollars (U.S. \$ 217,500.00) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than September 01, 2035.

(F) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."

(G) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest.

(H) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable]:

<input checked="" type="checkbox"/> Adjustable Rate Rider	<input type="checkbox"/> Condominium Rider	<input type="checkbox"/> Second Home Rider
<input type="checkbox"/> Balloon Rider	<input type="checkbox"/> Planned Unit Development Rider	<input type="checkbox"/> 1-4 Family Rider
<input type="checkbox"/> VA Rider	<input type="checkbox"/> Biweekly Payment Rider	<input type="checkbox"/> Other(s) [specify]

(I) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(J) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(K) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(L) "Escrow Items" means those items that are described in Section 3.

(M) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(N) "Mortgage Insurance" means insurance protecting Lender against the nonpayment of, or default on, the Loan.

(O) "Periodic Payment" means the regularly scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.

(P) "RESPA" means the Real Estate Settlement Procedures Act (12 U.S.C. Section 2601 et seq.) and its implementing regulation, Regulation X (24 C.F.R. Part 3500), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard

1894119586

Initials: *HEC*

ORSD-4(OR) (1/00)

Page 2 of 18

Form 3038 1/01

2

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**WATER RESOURCES DEPT
SALEM, OREGON**

771987-JH

13
9:00

AFTER RECORDING RETURN TO:

AmeriTitle
1501 E. McAndrews Rd
Medford, OR 97504

ESCROW NO. AP0771987

Jackson County Official Records 2005-050493
R-TD
Cnl=1 Bln=3 MORGANS 08/18/2005 09:00:00 AM
\$20.00 \$5.00 \$11.00 Total: \$36.00



I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.
Kathleen S. Beckett - County Clerk

Grantor: ED COOPER
5020 BROWNSBORO HWY
EAGLE POINT, OR 97524

Beneficiary: Gene T. Flory, Trustee of the
Jacqueline M. Flory and Gene T. Flory Living
Trust u/d June 21, 1992
174 Littrell Drive
Medford, OR 97504

TRUST DEED

THIS TRUST DEED, made on AUGUST 18, 2005, between ED COOPER, as Grantor, AmeriTitle, an Oregon Corporation, as Trustee, and Gene T. Flory, Trustee of the Jacqueline M. Flory and Gene T. Flory Living Trust u/d June 21, 1992, as Beneficiary, * aka Harry Edwin Cooper

WITNESSETH:

Grantor irrevocably grants, bargains, sells and conveys to trustee in trust, with power of sale, the property in JACKSON County, Oregon, described as:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

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WATER RESOURCES DEPT
SALEM, OREGON

together with all and singular the tenements, hereditaments and appurtenances and all other rights thereunto belonging or in anywise now or hereafter appertaining, and the rents, issues and profits thereof and all fixtures now or hereafter attached to or used in connection with the property.

FOR THE PURPOSE OF SECURING PERFORMANCE of each agreement of grantor herein contained and payment of the sum of **TWENTY-FIVE THOUSAND AND NO/100ths** Dollars, with interest thereon according to the terms of a promissory note of even date herewith, payable to beneficiary or order and made payable by grantor, the final payment of principal and interest hereof, if not sooner paid, to be due and payable 08/18/2010.

The date of maturity of the debt secured by this instrument is the date, stated above, on which the final installment of said note becomes due and payable. In the event the within described property, or any part thereof, or any interest therein is sold, agreed to be sold, conveyed, assigned, or alienated by the grantor without first having obtained the written consent or approval of the beneficiary, then, at the beneficiary's option, all obligations secured by this instrument, irrespective of the maturity dates expressed therein or herein, shall become immediately due and payable.

To protect the security of this trust deed, grantor agrees:

1. To protect, preserve and maintain said property in good condition and repair; not to remove or demolish any building or improvement thereon; not to commit or permit any waste of said property.
2. To complete or restore promptly and in good workmanlike manner any building or improvement which may be constructed, damaged or destroyed thereon, and pay when due all costs incurred therefore.
3. To comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the property; if the beneficiary so requests, to join in executing such financing statements pursuant to the Uniform Commercial Code as the beneficiary may require and to pay for filing same in the proper public office or offices, as well as the cost of all lien searches made by filing officers or searching agencies as may be deemed desirable by the beneficiary.
4. To provide and continuously maintain insurance on the buildings now or hereafter erected on said premises against loss or damage by fire and such other hazards, as the beneficiary may from time to time require, in an amount not less than the full insurable value, written by one or more companies acceptable to the beneficiary, with loss payable to the latter. All policies of insurance shall be delivered to the beneficiary as soon as insured. If grantor shall fail for any reason to procure any such insurance and to deliver said policies to the beneficiary at least fifteen days prior to the expiration of any policy of insurance now or hereafter placed on said buildings, the beneficiary may procure same at grantor's expense. The amount collected under any fire or other insurance policy may be applied by beneficiary upon any indebtedness secured hereby and in such order as beneficiary may determine, or at option of beneficiary the entire amount so collected, or any part thereof, may be released to grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

NOTE: The Trust Deed Act provides that the Trustee hereunder must be either an attorney, who is an active member of the Oregon State Bar, a bank, trust company, or savings and loan association authorized to do business under the laws of Oregon or the United States, a title insurance company authorized to insure title to real property of this state, its subsidiaries, affiliates, agents or branches, the United States or any agency thereof, or an escrow agent licensed under ORS 696.505 to 696.585.

776120-JE/EO 5

AFTER RECORDING RETURN TO:
AmeriTitle
1501 E. McAndrews Rd
Medford, OR 97504

ESCROW NO. AP0776120

Jackson County Official Records 2006-013799
R-TD
Cn=1 Sh=4 SHAWBJ 03/20/2006 08:03:00 AM
\$20.00 \$5.00 \$11.00 Total:\$36.00



I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.
Kathleen S. Beckett - County Clerk

Grantor: HARRY EDWIN COOPER
70 DION COURT #1
Shady Cove, OR 97539

Beneficiary: CHARLES R. PEMBERTON
4620 S. FORK LITTLE BUTTE CREEK
ROAD
EAGLE POINT, OR 97524

TRUST DEED

THIS TRUST DEED, made on MARCH 17, 2006, between HARRY EDWIN COOPER, as Grantor, AmeriTitle, an Oregon Corporation, as Trustee, and CHARLES R. PEMBERTON, as Beneficiary,

WITNESSETH:

Grantor irrevocably grants, bargains, sells and conveys to trustee in trust, with power of sale, the property in JACKSON County, Oregon, described as:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

together with all and singular the tenements, hereditaments and appurtenances and all other rights thereunto belonging or in anywise now or hereafter appertaining, and the rents, issues and profits thereof and all fixtures now or hereafter attached to or used in connection with the property.

FOR THE PURPOSE OF SECURING PERFORMANCE of each agreement of grantor herein contained and payment of the sum of **TWENTY-SEVEN THOUSAND FIVE HUNDRED AND NO/100ths** Dollars, with interest thereon according to the terms of a promissory note of even date herewith, payable to beneficiary or order and made payable by grantor, the final payment of principal and interest hereof, if not sooner paid, to be due and payable 09/16/2006.

The date of maturity of the debt secured by this instrument is the date, stated above, on which the final installment of said note becomes due and payable. In the event the within described property, or any part thereof, or any interest therein is sold, agreed to be sold, conveyed, assigned, or alienated by the grantor without first having obtained the written consent or approval of the beneficiary, then, at the beneficiary's option, all obligations secured by this instrument, irrespective of the maturity dates expressed therein or herein, shall become immediately due and payable.

To protect the security of this trust deed, grantor agrees:

1. To protect, preserve and maintain said property in good condition and repair; not to remove or demolish any building or improvement thereon; not to commit or permit any waste of said property.
2. To complete or restore promptly and in good workmanlike manner any building or improvement which may be constructed, damaged or destroyed thereon, and pay when due all costs incurred therefore.
3. To comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the property; if the beneficiary so requests, to join in executing such financing statements pursuant to the Uniform Commercial Code as the beneficiary may require and to pay for filing same in the proper public office or offices, as well as the cost of all lien searches made by filing officers or searching agencies as may be deemed desirable by the beneficiary.
4. To provide and continuously maintain insurance on the buildings now or hereafter erected on said premises against loss or damage by fire and such other hazards, as the beneficiary may from time to time require, in an amount not less than the SN/A, written by one or more companies acceptable to the beneficiary, with loss payable to the latter. All policies of insurance shall be delivered to the beneficiary as soon as insured. If grantor shall fail for any reason to procure any such insurance and to deliver said policies to the beneficiary at least fifteen days prior to the expiration of any policy of insurance now or hereafter placed on said buildings, the beneficiary may procure same at grantor's expense. The amount collected under any fire or other insurance policy may be applied by beneficiary upon any indebtedness secured hereby and in such order as beneficiary may determine, or at option of beneficiary the entire amount so collected, or any part thereof, may be released to grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.
5. To keep said premises free from construction liens and to pay all taxes, assessments and other charges that may be levied or assessed upon or against said property before any part of such taxes, assessments and other charges become past due or delinquent and promptly deliver receipts therefore to beneficiary; should the grantor fail to make payment of any taxes, assessments, insurance premiums, liens or other charges payable by grantor, either by direct payment or by providing beneficiary with funds

NOTE: The Trust Deed Act provides that the Trustee hereunder must be either an attorney, who is an active member of the Oregon State Bar, a bank, trust company, or savings and loan association authorized to do business under the laws of Oregon or the United States, a title insurance company authorized to insure title to real property of this state, its subsidiaries, affiliates, agents or branches, the United States or any agency thereof, or an escrow agent licensed under ORS 696.505 to 696.585.

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WATER RESOURCES DEPT
SALEM, OREGON

Robert C. Jones, C.W.R.E.

200 First St., Prospect, OR 97536
541-301-5615 * 541-560-3257 Fax: 541-560-3674

July 07, 2007

Dorothy Pedersen
Oregon Water Resources Department
Transfer Division
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

RE: Revised Transfer Applications for Cooper, Coffman, and Morris

Dear Dorothy,

Enclosed are the three updated/revised water right transfer applications addressing the issues state in your letter of May 29, 2007.

1. Enclosed is a spreadsheet allocating the POU per property as per their priority dates, ie., 1875 and 1908. The applications have been changed to reflect allocations.
2. The maps have been amended to show allocations per quarter-quarter section. In making these changes – I discovered that the acreages for Morris were in correct and those have been adjusted – see amended map and transfer application.
3. There are 6.49 acres of water rights left over. I would like these to be considered remaining rights at this time.+

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

8/21/07
Dorothy,
Here is a copy of
packet that was sent
on 7/9/07

RECEIVED

AUG 24 2007
WATER RESOURCES DEPT
SALEM, OREGON

Water Rights Breakdown for Certificate C-17221 for POD Transfers T-10305, T-10307 and T-10308

T.36S., R.1E., Section 5

Priority Dates

Tract 1 = 1875

Tract 2 = 1908

Tract 2 = 1908				SW NE		NE SE		NW SE		Total
				Tract 1	Tract 2	Tract 1	Tract 2	Tract 1	Tract 2	
				6.00	7.80	11.00	0.00	4.50	11.70	
Certificated POU										
To be Transferred										
Acres	Applicant	Taxlot	Tract							
14.18	Morris	1900	tract 1	6.00		0.00		1.00	7.00	
			tract 2		4.60		0.00	5.76	10.36	
4.00	Coffman	1800	tract 1	0.00		0.00		1.50	1.50	
			tract 2		1.00		0.00	1.50	2.50	
6.55	Cooper	1600	tract 1	0.00		3.75		0.00	3.75	
			tract 2		0.90		0.00	1.90	2.80	
7.60	County	1700	tract 1	0.00		5.60		2.00	7.60	
			tract 2		0.00		0.00	0.00	0.00	
8.67	Remaining Right		tract 1	0.00		1.65		0.00	1.65	
			tract 2		1.30		0.00	2.54	3.84	
41.00			Total	6.00	7.80	11.00	0.00	4.50	11.70	41.00

RECEIVED

AUG 24 2007

WATER RESOURCES DEPT
SALEM, OREGON

Robert C. Jones, CWRE
7/2/07