

T-10309

RA

T-10309

Name Quiet Valley Farms

By _____

Address PO Box 295Langlois, OR 97450541-348-2312 everestdb@copper.netChange in flow useDate filed 2-2-07

Date of hearing _____

Place of hearing _____

Date of order 4-13-10 Vol. 80, page 617

Date for application of water _____

Proof mailed _____

Proof received COBIL 10/1/2010Certificate issued OCT 11 2013 Vol. _____, page 8830786080

DESCRIPTION OF WATER RIGHT

Name of stream DAVIS CreekTrib. of Croft Lake County of COOSUse IR

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 9/10/1951In name of J.I. Everest

_____ Adjudication, Vol. _____, page _____

App. No. 526427 Per. No. 520725 Cert. No. 45739

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-2-07</u>	<u>700.00</u>	<u>86091</u>
<u>9-14-09</u>	<u>125.00</u>	<u>97773</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

NOIDCOOS County ZSD N. Baxter, Coquille, OR 97423CWRE Jerry Lee EstabrookRA Contractor: PBS



Oregon

OFFICE OF THE GOVERNOR

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97331-4271
503-986-0811
FAX 503-986-7914

Date Mailed: OCT 11 2013

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.

Mailing List for Transfer Certificate

Application: T-10309

Certificate: 88307

Certificate/Transfer Holder: (include copy of map)

QUIET VALLEY FARMS
C/O DICK EVEREST
P O BOX 295
LANGLOIS OR 97450

Copies Mailed

By:
(SUPPORT STAFF)

on: OCT 11 2013
(DATE)

Copies of final Certificate to be sent to:

1. Watermaster #19, Mitch Lewis (Include map)
2. Data Center
3. Water Availability
4. Vault
5. File

Other Persons to receive copies (proposed and/or final certificate: (Include map)

Record Marking(s) :

1. Original Application# S- 26427
2. Old Certificate# 45739

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

QUIET VALLEY FARMS
PO BOX 295
LANGLOIS OR 97450

confirms the right to use the waters of DAVIS CREEK, tributary to CROFT LAKE for CRANBERRY USE (HARVESTING AND IRRIGATION) of 10.0 ACRES.

This right was perfected under Permit S-20725. The date of priority is SEPTEMBER 10, 1951. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.25 CUBIC FOOT PER SECOND AND THE TOTAL ANNUAL VOLUME OF WATER SHALL BE LIMITED TO 50.0 ACRE-FEET DIVERTED DURING THE IRRIGATION SEASON OF EACH YEAR, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	15 W	WM	13	SW NW	1862 FEET SOUTH AND 1243 FEET EAST FROM NW CORNER, SECTION 13

The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of the each year. For the irrigation of any other crop, ONE EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of year.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
30 S	15 W	WM	13	NW NW	300	10.0

The Director may require the water user to install a totalizing flow meter or other suitable measuring device at each point of diversion. If the Director notifies the water user to install totalizing flow meter or other measuring device, the water user shall install such device specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the Watermaster access to the meters or measuring devices.

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.

When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

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

This certificate is issued to confirm a change in PLACE OF USE AND CHARACTER OF USE approved by an order of the Water Resources Director entered April 13, 2010, at Special Order Volume 80, Page 617, approving Transfer Application 10309, and together with Certificate 86080, supersedes Certificate 45739, State record of Water Right Certificates.

Issued OCT 11 2013



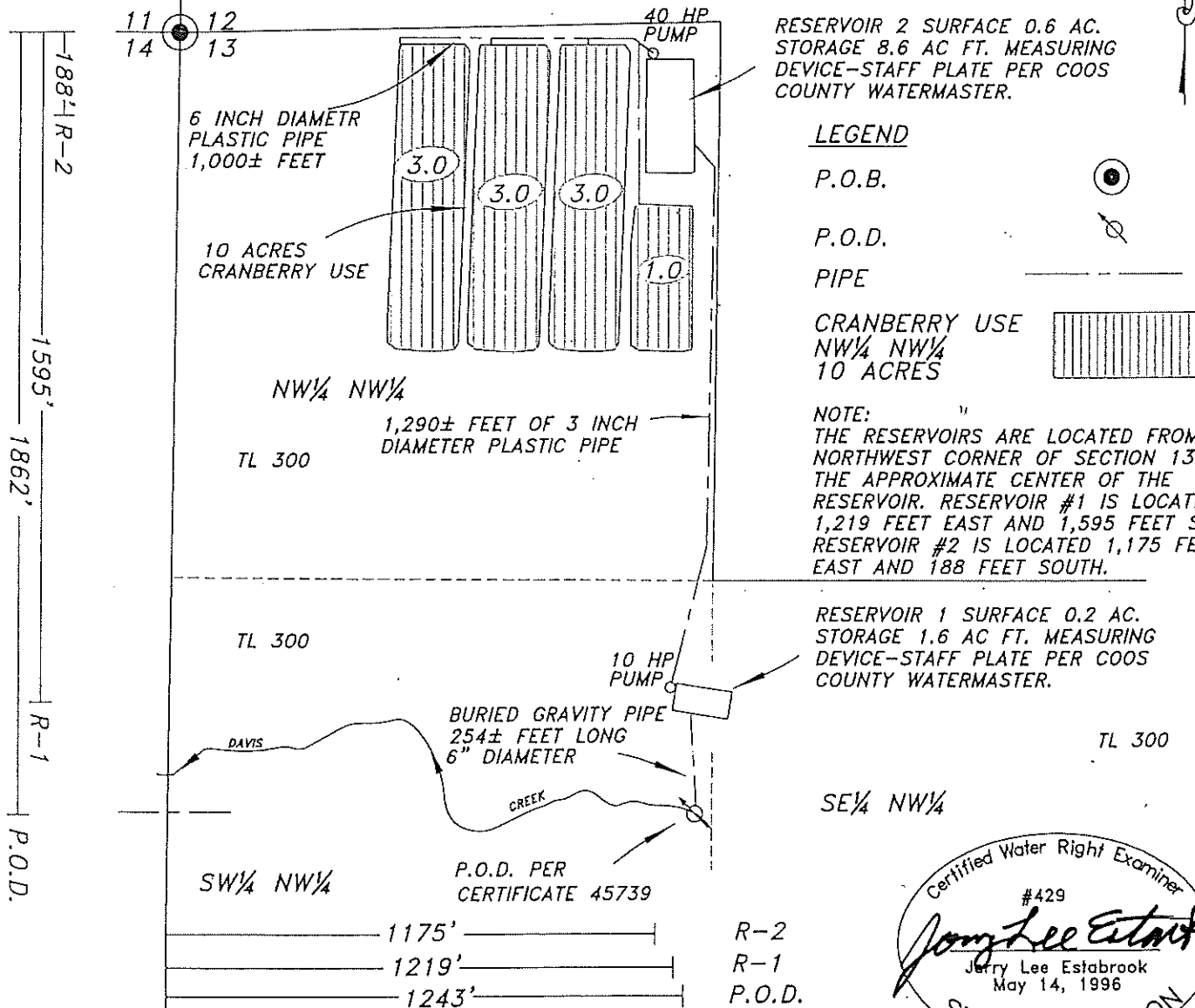
Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director

original map in R-86788.

CLAIM OF BENEFICIAL USE MAP
LOCATED IN THE NW¼ NW¼ & SW¼ NW¼ OF
SECTION 13, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.
COOS COUNTY, OREGON
APPLICATION T-10309 CERTIFICATE 86080 (45739)
APPLICATION R-86789 PERMIT R-14506
APPLICATION R-86788 PERMIT R-14505

PREPARED FOR: QUIET VALLEY FARMS
PREPARED BY: DENNIS GOUDE
DATE PREPARED: JUNE 4, 2010

Scale 1"=400'

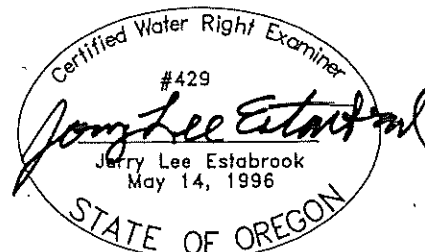


NOTE:
THE INTAKE PIPE AT THE P.O.D.
IS BURIED IN THE SUBSTRATE
OF THE STREAM. THIS P.O.D.
IS AN ORIGINAL P.O.D. FOR
CERTIFICATE 45739. A FISH
SCREEN WAS NOT A REQUIREMENT.

THE POINT OF DIVERSION IS
LOCATED 1862 FEET SOUTH &
1243 FEET EAST FROM THE
NW CORNER OF SECTION 13.

EXAMINERS DISCLAIMER STATEMENT

The preparation of this map was for the purpose of
identifying the location of the Water Right only and
has no intent to provide dimensions or location of
property ownership lines.



EXPIRES 12/31/2011

Stuntzner Engineering
& Forestry, L.L.C.

ENGINEERING • LAND SURVEYING • FORESTRY
PLANNING • WATER RIGHTS

705 South 4th St.
Post Office Box 118
Coos Bay, Oregon 97120
Phone: (541) 347-2872
Fax: (541) 347-0588

MEMO

TO: FILE T-10309

FROM: WJG

DATE: 5-7-13, 2013

RE: DETERMINATION OF PROOF

I've determined that a PROPOSED ☒ FINAL certificate should be prepared and mailed to the permit holder consistent with:

Permit ☒ Transfer

FPS ☒ COBU

As described in the permit/transfer but as clarified by the FPS COBU

As described in the PERMIT/TRANSFER and FPS or COBU but as further specified below:

Conflict? No Yes:

stamped PROPOSED or assign Cert # 88307

☒ Draft certificate(s) are available in the transfer directory.

☒ Water Organization identified using area of interest tool? No Yes, cc: UTL yellow spot on map

☒ Check ownership; and if there is a new owner, add them to the mailing list.

☒ Prepare a mailing list.

☒ Record marking: App 5-26427 Cert 45739

NOTES:

CWRE Dennis Gaylord (deceased?)

Coos County



Assessment and Taxation

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Coming Soon

D = Details S = Summary Report G = Legal Report L = Ledger Report T = Tax Summary Report
 I = Inprocess U = Unworkable F = Foreclosure C = Code Areas

Previous Next Goto Page: Go Showing Page: 1 of 1 (3 records found)

D	S	L	T	Acct #	Roll	Owner Name	Map & Taxlot	I	U	F	C
<u>D</u>	<u>S</u>	<u>L</u>	<u>T</u>		R	QUIET VALLEY FARMS, LLC	30S15130000300				1
<u>D</u>	<u>S</u>	<u>L</u>	<u>T</u>		R	QUIET VALLEY FARMS, LLC	30S15130000300				1
<u>D</u>	<u>S</u>	<u>L</u>	<u>T</u>		R	QUIET VALLEY FARMS, LLC	30S15140000100				1

[Previous](#)
[Next](#)



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Account #	██████████	Tax Status	ASSESSABLE
Map #	30S15130000300	Account Status	ACTIVE
Code - Tax #	4600-1365900	Subtype	NORMAL
Owner	QUIET VALLEY FARMS, LLC		
Agent			
Mailing Address	PO BOX 295 LANGLOIS, OR 97450		

Reports

[Summary Report](#)

[Ledger Report](#)

[Tax Summary Report](#)

[Names](#)

SECTION 13 T30S R15W W.M. COOS COUNTY

1" = 400'

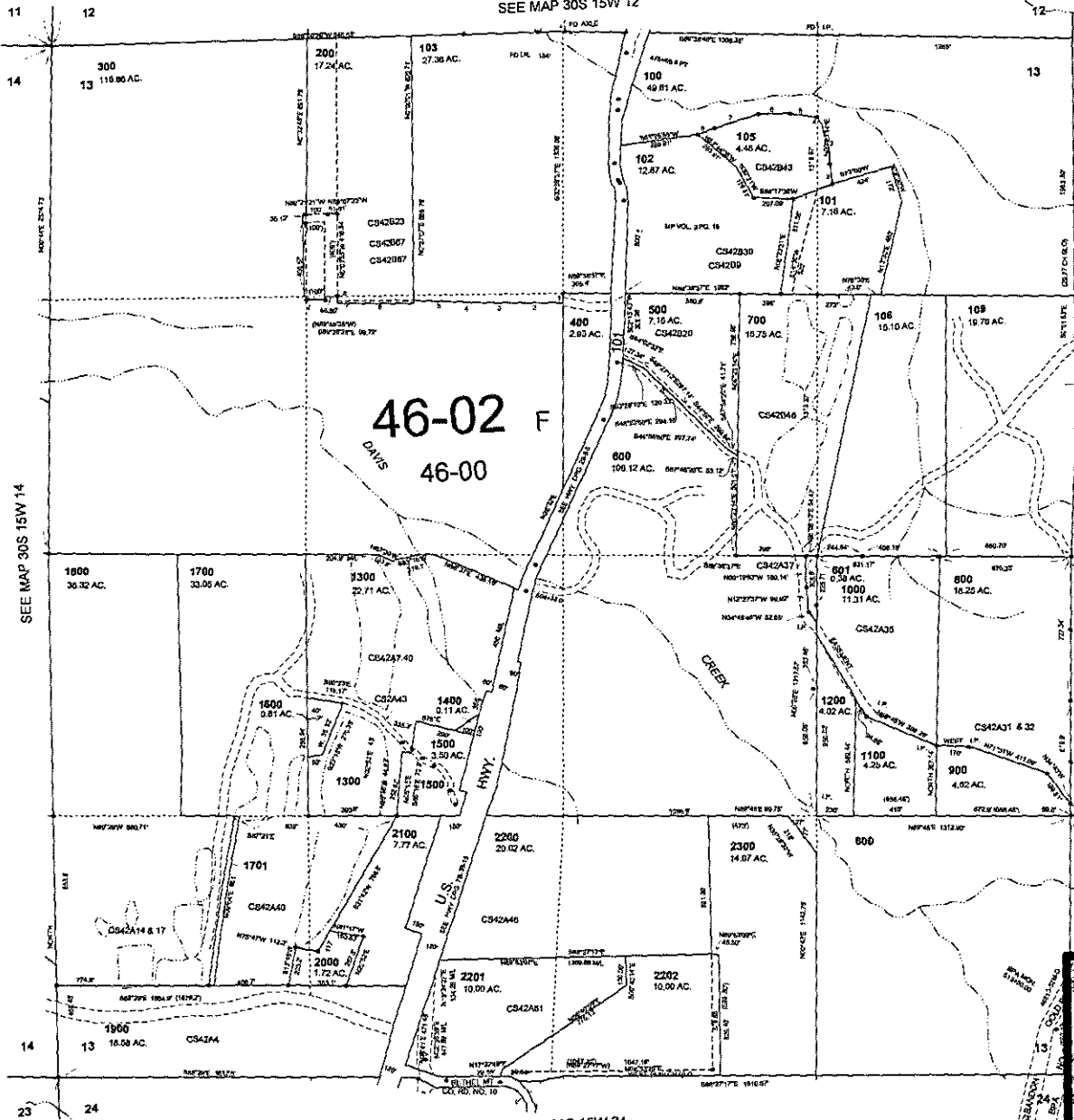
30S 15W 13

CANCELLED NO.

2301
104
107
301
108
302
303
304

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SEE MAP 30S 15W 12



POR. OF 103
1. 500°55'56"W 52.53'
2. N89°52'25"W 236.60'
3. N89°52'54"W 165.79'
4. N89°52'18"W 118.90'
5. N89°52'54"W 211.18'
6. N89°52'54"W 322.90'
7. N89°52'54"W 94.80'
8. N00°33'54"W 24.83'

POR. OF 105
1. N73°00'00"E 200.00'
2. N02°28'52"W 50.00'
3. N10°54'30"W 100.70'
4. N02°36'50"E 87.85'
5. N81°34'40"W 122.77'
6. N89°52'54"W 188.30'
7. S72°01'14"W 233.43'
8. S72°28'42"W 110.30'

SEE MAP 30S 14W 18

SEE MAP 30S 15W 24

8-04-2004

30S 15W 13



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

April 14, 2010

QUIET VALLEY FARMS
DICK EVEREST
PO BOX 295
LANGLOIS OR 97450

REFERENCE: Transfer Application T-10309

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

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of 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(s) within the time allowed.

You are required to hire a Certified Water Rights 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 complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact me by telephone at (503) 986-0883 or by e-mail at Sarah.A.Henderson@wrdd.state.or.us.

Sincerely,

Sarah Henderson
Executive Support
Field Services Division

cc: Watermaster Dist. #19
Jerry Lee Estabrook, CWRE

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-10309, Coos County	)	CHANGES IN PLACE OF USE AND
	)	CHARACTER OF USE

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

QUIET VALLEY FARMS
c/o DICK EVEREST
PO BOX 295
LANGLOIS OR 97450

Findings of Fact

Background

1. On February 2, 2007, QUIET VALLEY FARMS filed an application to change the place of use and the character of use under Certificate 45739. The Department assigned the application number T-10309.

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

Certificate: 45739 in the name of J. I. EVEREST (perfected under Permit S-20725)

Use: IRRIGATION of 20.0 ACRES

Priority Date: SEPTEMBER 10, 1951

Rate: 0.25 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year

Source: DAVIS CREEK, tributary to CROFT LAKE

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.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	15 W	WM	13	SW NW	NONE GIVEN
30 S	15 W	WM	13	SE NW	NONE GIVEN
30 S	15 W	WM	14	SE NE	NONE GIVEN
30 S	15 W	WM	14	NE SE	NONE GIVEN

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	15 W	WM	13	SW NW	3.5
30 S	15 W	WM	13	SE NW	4.6
30 S	15 W	WM	13	NE SW	0.7
30 S	15 W	WM	14	NE NE	6.7
30 S	15 W	WM	14	SE NE	4.5
TOTAL					20.0

3. Certificate 45739 describes the diversion points as several quarter-quarter sections listed in Finding of Fact #2, and information in the water right file indicates that at the time of the Department's Final Proof site visit on March 14, 1955, a portable pumping plant mounted on skids was used to divert water from Davis Creek. The Certified Water Right Examiner's map for Transfer Application T-10309, however, indicates that water for the transferred lands is currently being diverted from one fixed point within the authorized reach as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	15 W	WM	13	SW NW	1862 FEET SOUTH AND 1243 FEET EAST FROM THE NW CORNER OF SECTION 13

4. Certificate 45739 allows use of water during the irrigation season (which is administered by the Department as March 1 through October 31) of each year.
5. Transfer Application T-10309 proposes to change the character of use to cranberry use.
6. Application T-10309 also proposes to change the place of use of the right to:

CRANBERRY USE						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
30S	15W	WM	13	NW NW	300	10.0

7. Notice of the application for transfer was published on February 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On November 3, 2009, the Department sent a letter to the applicant, observing that some of the lands listed for transfer in the application and transfer map were not included in the lands listed on Certificate 45739 or shown on the official Final Proof Survey map for the right. The letter requested the applicant to submit by December 15, 2009, a revised map and sections of the transfer application and affidavit of use, in conformity with the authorized place of use for the right.

9. On November 10, 2009, Dennis Goude of Stuntzner Engineering & Forestry, LLC submitted a revised transfer map and revised Section 2 of Form A and Section 3 of Supplemental Form B to match the breakdown of acreage by $\frac{1}{4}$ $\frac{1}{4}$ section on the revised map.
10. On January 22, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10309 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 22, 2010, for the applicant to respond. The applicant requested clarification on the date for completion of the changes. Upon receiving information, the applicant confirmed that the date of October 1, 2011 would give sufficient time to develop the new use and he asked that the Department proceed with issuance of a Preliminary Determination. The applicant provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
11. On February 17, 2010, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10309 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 February 23, 2010, and in The Bandon Western World newspaper on February 25, March 4 and March 11, 2010, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

12. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
13. A diversion structure, pump, pipe and sprinklers sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-10309.
14. The proposed change would not result in enlargement of the right, provided that the total rate remains unchanged and the duty is doubled on half the original acreage (resulting in no net increase in volume per year), and use of water continues to be restricted to the irrigation season of each year.
15. The proposed changes would not result in injury to other water rights.

Conclusions of Law

The changes in place of use character of use proposed in Transfer Application T-10309 are 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 place of use and change in character of use proposed in application T-10309 are approved.
2. Water right certificate 45739 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 45739 and any related decree.
4. The current authorized use is limited to the irrigation season and the new use will continue to be subject to this limitation.
5. The maximum overall diversion rate shall be limited to 0.25 cfs and the total annual volume of water shall be limited to 50.0 acre-feet diverted during the irrigation season of each year.
6. The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
7. The Director may require the water user to install a totalizing flow meter or other suitable measuring device at the point of diversion. If the Director notifies the water user to install a totalizing flow meter or other measuring device, the water user shall install such device specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the Watermaster access to the meter or measuring device.
8. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. The former place of use of the transferred right shall no longer receive water under the right.
10. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Right 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.

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

Dated at Salem, Oregon this 13th day of April 2010.

William E. Farley
For Phillip C. Ward, Director

Mailing date: APR 15 2010

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. I. EVEREST
LANGLOIS OR 97450

confirms the right to use the waters of DAVIS CREEK AND POND BRANCH, tributaries to CROFT LAKE for IRRIGATION of 9.2 ACRES.

This right was perfected under Permit S-20725. The date of priority is SEPTEMBER 10, 1951. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.12 CUBIC FOOT PER SECOND(CFS), BEING 0.03 CFS FROM DAVIS CREEK AND 0.09 CFS FROM POND BRANCH, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q
30 S	15 W	WM	13	S ½ NW
30 S	15 W	WM	14	SE NE
30 S	15 W	WM	14	NE SE

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	15 W	WM	13	SW NW	6.5
30 S	15 W	WM	13	SE NW	2.7

This certificate describes that portion of the water right confirmed by Certificate 45739, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 13 2010, approving Transfer Application T-10309.

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.

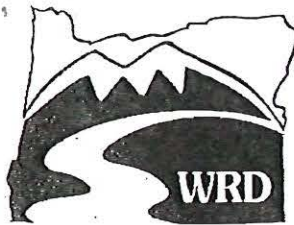
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed April 13, 2010


for Phillip C. Ward, Director

Completion Checklist for CWRE Claims of Beneficial Use

Application # T10309



Date Received 10/1/2010

CWRE Name Jerry Lee Estbrook Claim Logged yes

File Marked yes

Oversized Map # _____

Read the file and attach a copy of the permit or transfer final order. _____

postcard mailed

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)
- ☒ Tax lot information (OAR 690-014)
- ☐ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☐ Source(s) of water (OAR 690-014-0100)
- ☐ Point of diversion/appropriation location (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
 - ☐ 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

Certificate Issuance Processing Checklist

_____ Map and COBU reviewed
_____ Conflict check (include copy of plat card printout) 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:

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

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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.

SECTION 1

GENERAL INFORMATION

1. File Information

APPLICATION # (G, R, S or T) T-10309	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
--	--------------------------	------------------------------------

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Quiet Valley Farms		PHONE NO. (541) 297-7739	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 295			
CITY Langlois	STATE OR	ZIP 97450	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 the permit or transfer holder of record.**

3. Is the Property Owner the permit or transfer holder of record?

YES

If "YES" the remainder of this item may be deleted.

4. Date of Site Inspection: May 20, 2010

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Dick Everest	5/20/2010	Owner

6. County: Coos

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		
N/A		
ADDRESS		
CITY	STATE	ZIP

Are there additional Owners of Record?

NO

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)
P.O.D.		

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
P.O.D.	Davis Creek/Pond branch	Croft Lake

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)
P.O.D.	Cranberry use	Cranberries	Irrigation season	0.25cfs
Total Quantity of Water Used				0.25 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:

The P.O.D. in Davis Creek is a buried screened 6-inch diameter, 254 foot long plastic pipe that provides the water to reservoir 1. At reservoir 1 a 10 horsepower centrifugal pump is connected to a, 3-inch diameter plastic pipe 1,290 in length that distributes the water to reservoir 2. At reservoir 2 there is a 40 horsepower pump that distributes the water to the cranberry bogs through 6-inch, 4-inch and 1½-inch pipes with a total of 365± sprinkler heads located in the 10 acres of cranberry bogs.

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):

B. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	Q-Q	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
30 S	15 W	Will	13	NWNW			Cranberry	10	
Total Acres Irrigated								10	

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

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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		0409230104	Centrifugal	6"	6"
Berkley		144792	Centrifugal	3"	3"

3. Motor Information

MANUFACTURER	HORSEPOWER
Baldor	40
GE	10

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)
See attached	pump	Calculation sheets		

5. Provide pump calculations:

See attached pump calculation sheets

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)
N/A			

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
3"	1290'	PVC	Both
6"	1,000'	PVC	Both

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4"	3,000±	PVC	Buried
1½"	12,000±	PVC	Buried

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
1/8"	50	3.2	415	105	0.749
1/8"	50	3.2	50	50	0.356

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)
N/A				

12. Additional notes or comments related to the system:**D. Groundwater Source Information (Well and Sump)**

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

NO

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

E. Storage

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

YES

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

If "YES" is it a: Storage Tank

NO

Bulge in System / Reservoir

YES

Complete appropriate table(s) below, unused table may be deleted.

2. Storage Tank:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED
N/A		

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
RESERVOIR 1	N/A	1.6 ACRE FEET
RESERVOIR 2	N/A	8.6 ACRE FEET

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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?

YES

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

2. Complete the table:

PIPE SIZE	PIPE TYPE	"C" FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)
6"	PLASTIC	.009	2.5 FEET	254 FEET	.01	0.81 CFS

3. Provide calculations:

$$Q = \frac{0.436}{n} (d)^{8/3} (s)^{1/2}$$

$$N = 0.009 \quad \frac{0.463}{0.009} (.5)^{8/3} (.01)^{1/2}$$

$$d = 0.5 \quad 0.009$$

$$s = 0.01 \quad Q = (51.44) (.1575) (.1) = 0.81 \text{ CFS}$$

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)
N/A			

Attach measurement notes.

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: This section should only be completed 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.

SECTION 3 CONDITIONS

Please pay special attention to this section. 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 is to be completed by. 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	2/17/2010		
BEGIN CONSTRUCTION (A)			
COMPLETE CONSTRUCTION (B)			
COMPLETE APPLICATION OF WATER (C)	10/1/2010	6/21/2010	System is operational and being beneficially used on 10 acres of cranberries.

* 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)? NO

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

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 6d relating to this section may be deleted.

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? NO

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c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department?

YES

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

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE
Mitch Lewis	Watermaster	6/23/2010

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
Staff plate	working	6/30/2010

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?

NO

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

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?

NO

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

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?

YES

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):

Reservoir 1 is existing and located in the flood plane. There was no disturbance of riparian materials. Reservoir 2 is off channel.

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."*)

There were no variations.

SECTION 5

ATTACHMENTS

If you are attaching any documents to this report, provide a list:

ATTACHMENT NAME	DESCRIPTION
COBU MAP	Claim of beneficial use map
Letter & forms	Letter & measurement condition form from water master
Calculation sheets	Pump, sprinkler capacity calculation sheets.

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
P.O.D.	.25 CFS	.47 cfs	N/A	Cranberries	10	10

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SECTION 7

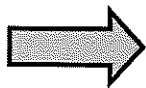
CLAIM OF BENEFICIAL USE MAP

**WATER RESOURCES DEPT
SALEM, OREGON**

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

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

Standard survey equipment was used for the initial survey. For the transfer a hand compass and electronic distance measure was used.



Map Checklist

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

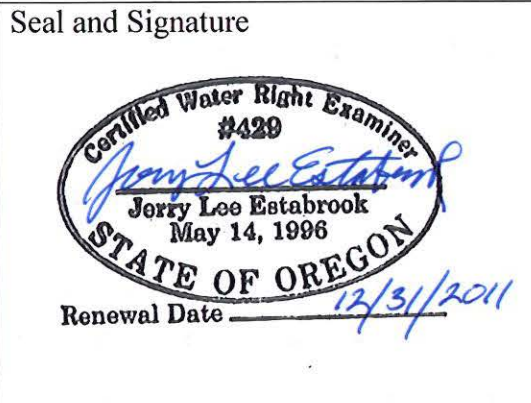
(Reminder: Incomplete maps and/or claims may be returned.)

- ☐ 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, fish by-pass devices, meters and 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

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 <i>Jerry Lee Estabrook</i>	PHONE NO. <i>541-267-2872</i>	ADDITIONAL CONTACT NO.	
ADDRESS <i>P.O. Box 118</i>			
CITY <i>Coos Bay</i>	STATE <i>OR</i>	ZIP <i>97420</i>	E-MAIL

Permit or Transfer Holder's of Record Signature or Acknowledgement

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
<i>Richard J. Everest</i>	<i>Richard J. Everest</i>	<i>8/17/10</i>

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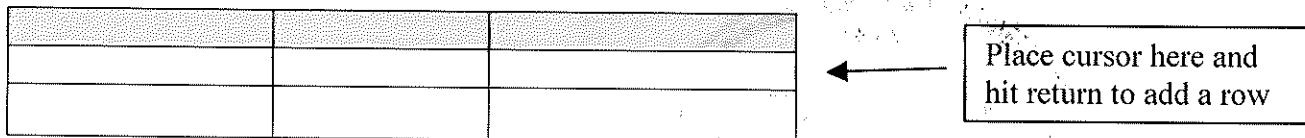
WATER RESOURCES DEPT
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SECTION 9
REFERENCE INFORMATION FOR CWRE USE
(Please DO NOT submit these pages.)

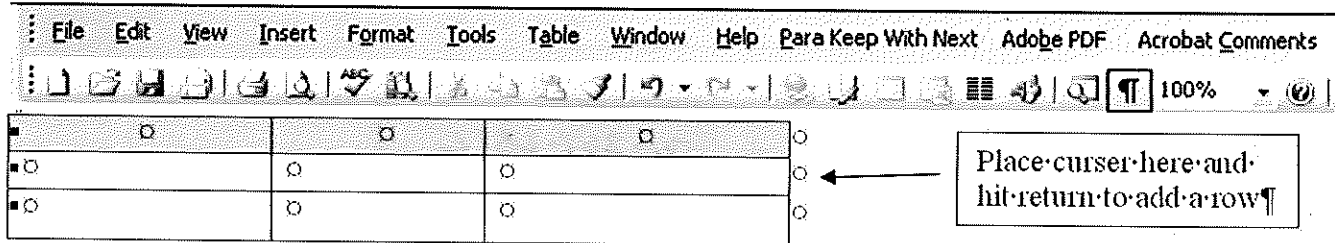
Additional information is available at: http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml

MS Word Hints

To add rows to a table, click outside the table on the far right and hit enter.



If you are having difficulty placing the cursor outside the table, click on the Show/Hide (Paragraph) icon ¶. This is found on the Standard toolbar (View => Toolbars => Standard) of some versions of Word.



To resolve page numbering issues, go to print preview. Page through the entire document (while in print preview), then print from print preview.

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Pump Capacity Calculation Sheet

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 = 10
Efficiency = 6.61
Lift = 40
PSI = 40

Results Calculated

$(hp)(\text{efficiency}) = 66.1$
Head based on psi = 101.6
Total dynamic head = 141.6
(head + lift)

Pump Capacity = 0.47 feet per second

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Pump Capacity Calculation Sheet

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 = 40
Efficiency = 6.61
Lift = 29
PSI = 100

Results Calculated

$(hp)(\text{efficiency}) = 264.4$
Head based on psi = 254.0
Total dynamic head = 283.0
(head + lift)

Pump Capacity = 0.93 feet per second

Sprinkler Capacity Calcualtor

Data Entry (fill in underlined blanks)

Sprinkler group 1 Nozzle size = 1/8 inch (type an apostrophe before the size)
 Pressure = 50 PSI
 Number of heads = 105

Sprinkler group 2 Nozzle size = 0 inch (type an apostrophe before the size)
(if applicable) Pressure = 0 PSI
Number of heads = 0

Sprinkler group 3 Nozzle size = 0 inch (type an apostrophe before the size)
(if applicable) Pressure = 0 PSI
Number of heads = 0

Results calculated

Sprinkler group 1 capacity = 336 gpm, or 0.749 cfs

Sprinkler group 2 capacity = 0 gpm, or 0 cfs

Sprinkler group 3 capacity = 0 gpm, or 0 cfs

Total sprinkler capacity = 336 gpm, or 0.749 cfs

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

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Sprinkler Capacity Calculator

Data Entry (fill in underlined blanks)

Sprinkler group 1 Nozzle size = 1/8 inch (type an apostrophe before the size)
 Pressure = 50 PSI
 Number of heads = 50

Sprinkler group 2 Nozzle size = 0 inch (type an apostrophe before the size)
(if applicable) Pressure = 0 PSI
Number of heads = 0

Sprinkler group 3 (if applicable) Nozzle size = 0 inch (type an apostrophe before the size)
Pressure = 0 PSI
Number of heads = 0

Results calculated

Sprinkler group 1 capacity =	160 gpm, or	0.356 cfs
Sprinkler group 2 capacity =	0 gpm, or	0 cfs
Sprinkler group 3 capacity =	0 gpm, or	0 cfs

Total sprinkler capacity = 160 gpm, or 0.356 cfs

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

STATE OF OREGON

COUNTY OF

COOS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. I. EVEREST

of Langlois, State of Oregon, 97450, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Davis Creek and Pond Branch

a tributary of Croft Lake for the purpose of irrigation of 29.2 acres

under Permit No. 20725 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 10, 1951

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.37 cubic foot per second, being 0.28 c.f.s. from Davis Creek and 0.09 c.f.s from Pond Branch

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 13, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, T. 30 S., R. 15 W., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

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

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

SEE NEXT PAGE

6.7 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
4.5 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 14

10.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
7.3 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
0.7 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 13

T. 30 S., R. 15 W., W. M.

Land on which water is to be used is part of that described as follows:
NE $\frac{1}{4}$ NE $\frac{1}{4}$ and all that part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying North of a line running
South 67 degrees 45 minutes East from the NW Corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section
14, Township 30 South, Range 15 West, W.M. Also the W $\frac{1}{2}$ NW $\frac{1}{4}$, all the
SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying West of the State Highway of Section 13, Township 30 South
Range 15 West, W.M. Also beginning 204.9 feet East of the SW Corner of the
said SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 13; thence South 63 degrees 30 minutes East
103.6 feet; thence North 83 degrees 15 minutes East 219.1 feet; thence
South 66 degrees 37 minutes East 466.8 feet to the West boundary of the State
Highway; thence along said West boundary northerly to a point East of
beginning; thence West to beginning.

This certificate is issued to supersede certificate of water right recorded on
page 21790, Volume 16, State Record of Water Right Certificates, so as to
describe the use of water.

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

*The right to the use of the water for the purposes aforesaid is restricted to the lands or place
of use herein described, and is subject to the existing minimum flow policies
established by the Water Policy Review Board.*

WITNESS the signature of the Water Resources Director, affixed

this date. June 9, 1978

 DEPUTY
Water Resources Director

**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 #: 10309

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>.

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MAR 21 2007
Page 1

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

Steven Mazur

Printed Name

Asst. District Fish Biologist

Title

(541) 247-7605

Phone

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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 # 10309

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: Steven Mazur
Address: PO Box 642
City/State/Zip: Gold Beach, OR 97444
Phone: (541) 242-7605

- ☐ 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: () _____

Water Right Transfer Checklist

Transfer T-10309

Transfer Specialist: RA

Transfer Type: Regular

Applicant Name/Address: DICK EVEREST PO BOX 295 LANGLOIS OR 97450	Agent Name/Address: None	Rec Landowner Name/Address: Same as Applicant
CWRE Name/Number: Jerry Lee Estabrook, CWRE #429 Stuntzner Engineering & Forestry, L.L.C. P.O. Box 118 Coos Bay, OR 97420	Irr. District Name/Address: None	Affected Gov'ts Name/Address: Coos County 250 N. Baxter Coquille, OR 97423
Commentors: Name/Address: _____		

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	S-26427	S-20725	45739	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	86080
<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: February 2, 2007	Proposed Actions : use, place of use	
Fees Pd: 700.00	WM District: 19	ODFW District:
Initial Notice: February 13, 2007	WM Review sent: 2/13/07	ODFW Review sent: 2/13/07
Acknowledgement Letter Sent <input type="checkbox"/>	GW Review sent: NA	

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: _____

☐ not required

DPD Mailed: _____

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: _____ Date: _____ Coordinator: <u>ASP</u> Date: <u>1/21/10</u>	Reviewer: <u>PKS</u> Date: <u>2/9/2010</u> Coordinator: <u>ASP</u> Date: <u>2/10/10</u>	Reviewer: _____ Date: _____ Coordinator: <u>ASP</u> Date: <u>4/9/10</u>
Comments/Special Issues: <u>Reimbursement Authority</u> <u>Δ USE, Δ POU</u> <u>double acres to get higher duty (20 acres to 10 acres) and</u> <u>change IR to Cranberry use</u>		

Special Order Volume: Vol 80 Pages 617

Final Order Signature Date: 4-13-10

Notice of FO email'd to processors dorothy

Review Checklist**T-1030910309 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 type="checkbox"/> application complete | <input type="checkbox"/> map | <input type="checkbox"/> FPS | <input type="checkbox"/> evidence of use | <input type="checkbox"/> land-use form |
| <input type="checkbox"/> deed/ROLI | <input type="checkbox"/> certificate | <input type="checkbox"/> fees paid | <input type="checkbox"/> well logs | <input type="checkbox"/> plat card |
| <input type="checkbox"/> audit | <input type="checkbox"/> dpd | | | |

Reviews/comments/conditions received?

☐ Watermaster☐ ODFW☐ GW

Headgate

☐ When in the judgment☐ Prior to diverting☐ Existing and maintain

Measuring Devices

☐ When in the judgment☐ Prior to diverting☐ Existing and maintain

Fish Screen Devices

☐

Injury: Y N

Enlargement: Y N

Conditions to avoid enlargement/injury –



Pd 12-09-06 ck # 1740

City of Bandon • PO Box 67 • Bandon, OR 97411 • (541) 347-2437

Customer Name		Service Address			Account Number		Bill Date
EVEREST, DICK		50284 EVEREST RD			[REDACTED]		11/30/2006
Service Description & Meter Number		Previous Reading	Present Reading	Multiplier	Usage	Charges	
ELECTRIC 7-107		5509	5568	10.0000	590 kWh	61.84	
Service from 10/11/2006 to 11/03/2006		23 Days					
LOW INCOME ASSIST					590	11	

Field Investigation

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FEB 09 2007

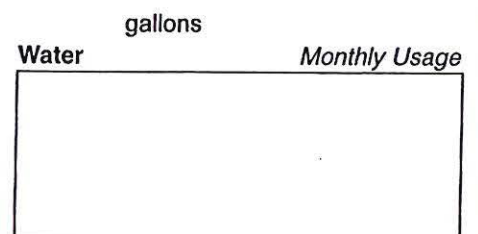
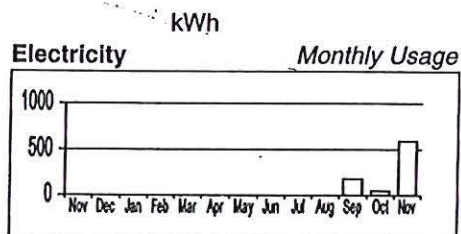
WATER RESOURCES DEPT
SALEM, OREGON

Payment Due Date	12/15/2006	Total Current Charges	61.95
		Past Due Amount	
		Total Amount Due	61.95

Please examine the bill carefully as it will be considered correct if we are not notified within 30 days.

This statement does not include payments made after billing date.

T 10309



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WATER RESOURCES DEPT
SALEM, OREGON

pd 11-10-03 H
ch# 1282

FIRST CLASS MAIL
U.S. POSTAGE
PAID 102
BANDON, OR
PERMIT NO. 38

DUE ON OR BEFORE THE 15th OF THE MONTH.

INTEREST WILL BE CHARGED ON ALL DELINQUENT ACCOUNTS.

Reading Date	Code	Present Reading	Previous Reading	Consumption	Amount
02203	EL LI IN	5015	4970	450 450	16.35 -16.35 0.00 51.64 0.00 0.00
52.15		11/15/03		Total Due	51.74
10-28410-01		Service Address		10284 EVEREST RD	

EVEREST, DICK
QUIET VALLEY FARMS
PO BOX 295
LANGLOIS OR 97450

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SALEM, OREGON

QVF

City of Bandon * PO Box 67 * Bandon, OR 97411 * (541) 347-2437

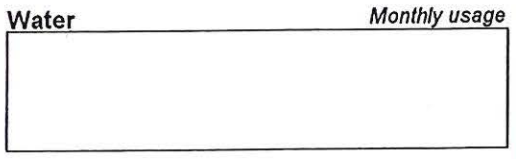
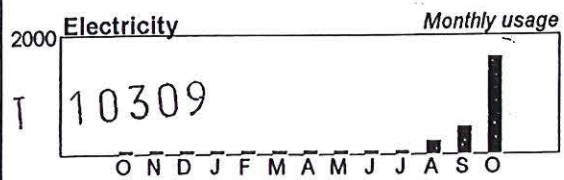
Field Pd 11-07-04 Ch#1471

Customer Name	Service Address		Account Number		Bill Date
VEREST, DICK	50284 EVEREST RD				10/31/2004
Service Description & Meter Number	Previous Reading	Present Reading	Multiplier	Usage	Charges
ELECTRIC 7-107	5,032	5,201	10.0000	1690	125.81
Service from 09/22/2004 to 10/21/2004	(29 days)				
OW INCOME ASSIST					0.30
Total Current Charges					126.11
Past Due Amount					
Total Amount Due					126.11
Payment Due Date		11/15/2004			

Field Irrigation

Please examine the bill carefully as it will be considered correct if we are not notified within 30 days.

This statement does not include payments made after the billing date.



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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: Quiet Valley Farms Dick Everest

Address: P.O. Box 295

City: Langlois State: OR Zip: 97450 Day Phone: (541) 348-2312

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
30-15-13 TL 300	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" 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	
		<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. Coos

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 Cranberry Use

Briefly describe: Construct two small off channel reservoirs for water storage.

Water use is under water Certificate 45739 for 29.2 acres of irrigation.

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water Davis Creek

(source)

Indicate the estimated quantity of water the use will require: 37 ☒ CFS ☐ GPM ☐ Acre-Feet

Last revised: 04/06/04

Receipt for Request for Land Use Information

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SALEM, OREGON

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

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WATER RESOURCES DEPT
SALEM, OREGON

T 10309

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
		<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: Stacy Leep Date: 11/17/09
 Title: PLANNER Phone: 390-3121 x210
 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.

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.

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WATER RESOURCES DEPT
SALEM, OREGON

Receipt for Request for Land Use Information

Name of applicant: Quiet Valley Farms

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: Seas
 Staff contact: Stacy Leep Phone: 390-3121 x210
 Signature: [Signature] Date: 11/17/09

WARRANTY DEED

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APR 19 2010

WATER RESOURCES DEPT
SALEM, OREGON

FOR VALUE RECEIVED

H. J. MERZ and GERALDINE MERZ, husband and wife
herein referred to as grantors, hereby grant, bargain, sell and convey unto

RICHARD J. EVEREST and BARBARA ANN EVEREST, husband and wife
herein referred to as grantees, the following described real property, with
tenements, hereditaments and appurtenances, to-wit:

The West half of the Northwest quarter of Section 13, Township 30 South,
Range 15 West of the Willamette Meridian, Coos County, Oregon.

ALSO: The East half of the Northeast quarter and the Northwest quarter of
the Northeast quarter of Section 14, Township 30 South, Range 15 West of
the Willamette Meridian, Coos County, Oregon.

ALSO: The Southeast quarter of the Northwest quarter and the Northeast
quarter of the Southwest quarter of Section 13, Township 30 South, Range
15 West of the Willamette Meridian, Coos County, Oregon, SAVE AND
EXCEPT that portion of the last above described premises lying East of
the Roosevelt State Highway, according to the survey thereof, which was
heretofore conveyed to B. L. Tracy by deed recorded in Book 92, Page 112,
Deed Records of Coos County.

EXCEPT the following portions of which have been heretofore conveyed:

(a) Beginning at the intersection of the West boundary line of the State
Highway 101 with the South boundary line of the Northeast quarter of
the Southwest quarter of Section 13; thence Northerly along the West
boundary line of said Highway 101 to a point 100 feet South of a creek
(sometimes classified as Davis Creek); thence in a Northwesterly direction
at a distance of 100 feet from and parallel to said creek to an intersection
with the North boundary line of the Northeast quarter of the Southwest
quarter of said Section 13; thence West to the Northwest corner of said
Northeast quarter of the Southwest quarter of said Section 13; thence South
along the Western boundary of said quarter quarter section to the
Southwest corner thereof; thence East to the point of beginning, including
right of access across said 100 foot strip of land, to obtain any waters
from said Davis Creek not used by the grantor herein, at times and places
to be agreed upon by and between the grantor and grantee herein.

(b) ALSO from the intersection of the West boundary line of the State
Highway No. 101 with the South boundary of the Northeast quarter of the
Southwest quarter of Section 13; thence Northerly along the West boundary
line of said Highway No. 101 to a point in the center line of a culvert over
a creek (sometimes called Davis Creek) which point on said culvert is
hereby designated and called the point of beginning, and from said point of
beginning running due West to a point which is exactly 100 feet distant from
said creek, at the nearest point of contact and being on the Southerly side
of said creek and from said point in a general Southeasterly direction up-
stream and parallel to said creek, and at a distance of 100 feet therefrom,

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to the West boundary line of said Highway No. 101; thence Northerly along said West boundary line of said Highway 100 feet, more or less, to the point of beginning.

(c) Beginning at a point in the Northeast quarter of the Southwest quarter of Section 13 on the West boundary of O. H. S. No. 101, 30 feet South of U. S. Bench Mark J 465 and in a Northwesterly direction to the center line of the dam that is across an unnamed stream, following said center line of dam to the East line of property sold to P. L. Cooper; thence Southeast along said line to the West boundary of O. S. H. No. 101; thence along said boundary to the point of beginning.

(d) Beginning at the Southeast corner of the Southeast quarter of the Northeast quarter of Section 14; thence North along said section line 11.58 chains; thence North 67° 45' West 21.61 chains to the West line of the East half of the Northeast quarter; thence South 19.75 chains along the West line of the East half of the Northeast quarter to the East and West quarter section line; thence East 20 chains to the place of beginning. Together with an easement 20 feet wide in the East half of the Northeast quarter of Section 14 for pipe line and pumping station from the North boundary above described tract to Davis Creek.

TO HAVE AND TO HOLD the said premises unto said Grantees, their heirs and assigns forever. And the said Grantors hereby covenant that they are lawfully seized in fee simple of said premises; that they are free from all encumbrances, EXCEPT Access Right of Way Easement, including terms and provisions thereof, from H. J. Merz et ux to Donald E. Brooks et ux, recorded March 8, 1972, bearing Microfilm Reel No. 69088, Records of Coos County, Oregon, and that they will warrant and defend the above granted premises against all lawful claims whatsoever, except as above stated.

The true and actual consideration for this transfer is \$60,000.00.

Dated: March 25, 1972

H. J. Merz
H. J. Merz

Geraldine Merz
Geraldine Merz

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON)

) ss.

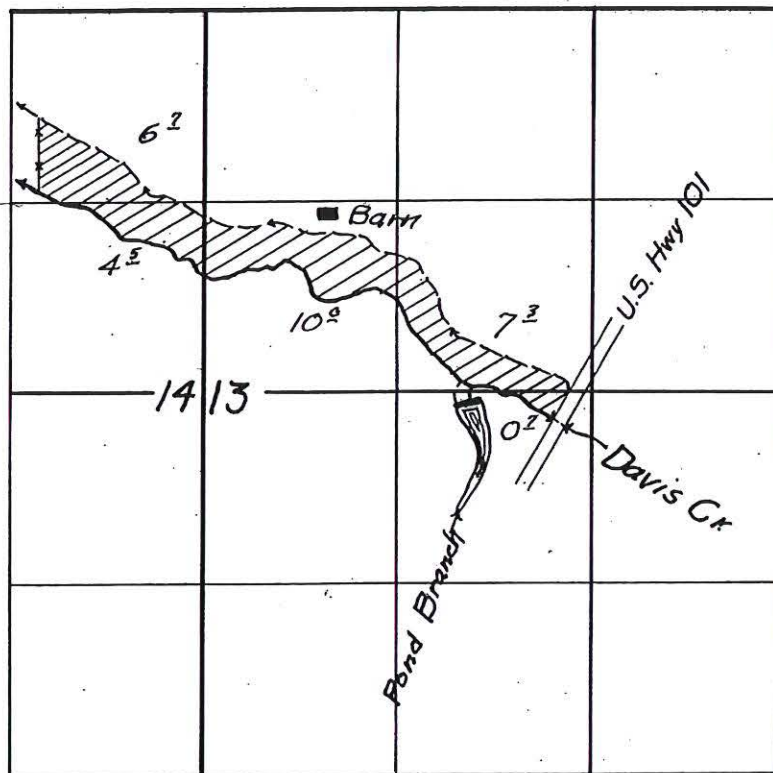
County of Lane)



On this 31 day of March, 1972, before me personally appeared the above named H. J. MERZ and GERALDINE MERZ, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Marilyn O. McGowan
Notary Public for Oregon
My Commission Expires: 3-10-75

T.30S, R.15W.W.M.



FINAL PROOF SURVEY
UNDER

Application No. 26422 Permit No. 20725
IN NAME OF

J. I. EVEREST

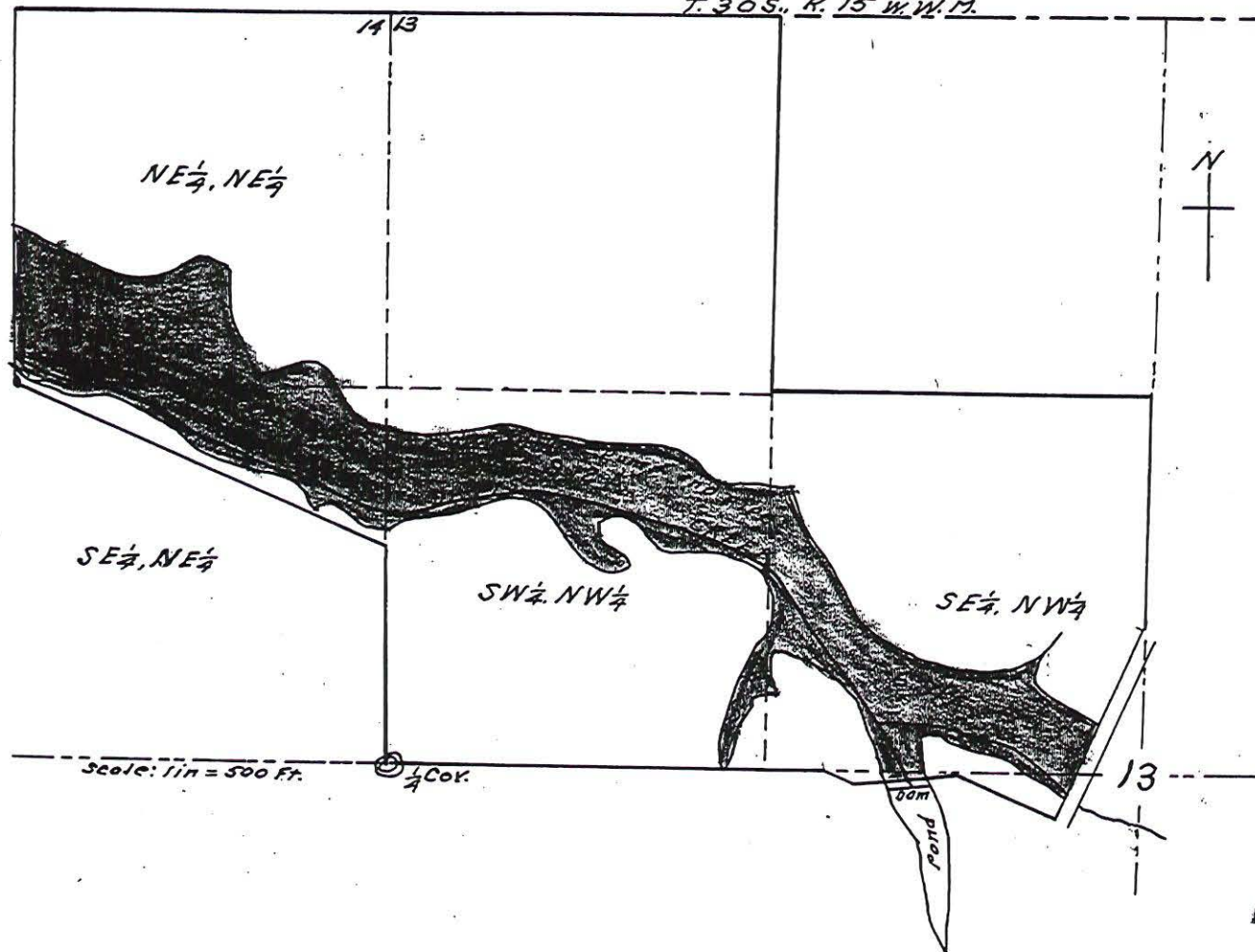
Surveyed 14 March 1955, by H. L. Coffman

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T. 30 S., R. 15 W., M.



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SEP 10 1951

STATE ENGINEER
SALEM, OREGON

Map accompanying
application of
J. I. Everest
to appropriate water.

Application No. 26427
Permit No. 20725

I, J. N. Gearhart, of Myrtle Point, Oregon, do hereby certify that this map was traced from the Assessor's map, which map was made from an actual survey; and that it correctly represents the works described in the accompanying application together with the location of stream in the immediate vicinity.

J. N. Gearhart Oregon No. 183

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SALEM, OREGON

Sw Reg Transfer



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-10309

Review Due Date: 03.14.07

Applicant Name: Quiet Valley Farms

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

Reviewer(s): _____

Date of Review: Mar. 12, 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: no complaints
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: _____
10. What alternatives may be available for addressing any issues identified above: _____

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

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Sarah Henderson

From: Mitch Lewis [Mitch.E.LEWIS@wrд.state.or.us]
Sent: Thursday, March 15, 2007 12:54 PM
To: Sarah.A.HENDERSON@wrд.state.or.us
Subject: T-10309

Hi Sarah!

As we discussed, I would like to see some additional wording for this Transfer included in the SO and the final Certificate.

Can some wording be added to make sure the applicant understands the use of the right will be limited to the irrigation season?

Since this area has not yet been adjudicated, I have been following the administrative irrigation season of March 1 through October 31.

The applicant was under the impression, which he got from the CWRE, that use would be allowed year round, and he normally flood harvests his crop in mid November to mid December..

Thanks. ML

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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 #: 10309

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) _____

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(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

NO
New
POD
proposed

*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>.

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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.

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- ☐ 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

Steven Mazur

Printed Name

Asst. District Fish Biologist

Title

(541) 247-7605

Phone

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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

February 13, 2007

DICK EVEREST
QUIET VALLEY FARMS
PO BOX 295
LANGLOIS OR 97450

Reference: Transfer 10309

On February 2, 2007 we received your water right transfer application requesting use, place of use change for use of water from DAVIS CREEK, tributary to CROFT LAKE. The application was accompanied by \$700. Our receipt 86091 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 application will be examined to determine if additional information is needed. You will be contacted following this examination. A number of other transfer applications are also awaiting review. As a result, it may be some time before we are able to process your application. If you wish to have your application processed more quickly, you may want to consider use of the Department's reimbursement authority. Under this authority an applicant may receive expedited review by paying the full cost for a pre-qualified contractor to process the applications. For more information on the Reimbursement Authority program, see our website at http://www.wrd.state.or.us/OWRD/mgmt_reimbursement.shtml or call the transfer section.

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 application has 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 transfer is approved, the buyer's consent to the transfer 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 application or map are required.

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

cc: Watermaster #19
Jerry Lee Estabrook, CWRE
Alan Ritchey, ODFW

enclosure

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SALEM, OREGON



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: COOS
Transfer: 10309
Water Right: CERT 45739
Priority Date: 1951
Name: QUIET VALLEY FARMS
Address: PO BOX 295; LANGLOIS OR 97450
Change: USE/POU
Source: DAVIS CREEK
Authorized POU: T30S R15W 13, 14
Proposed POU: T30S R15W 13
Authorized USE: IRRIGATION
Proposed USE: CRANBERRY USE

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.

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SALEM, OREGON

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

Transfer # 10309

Applicant: Quiet Valley Farms

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)
- ☐ Instream Water Right Certificate (if needed)

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

The following items are enclosed:

- ☐ Review checklist
- ☐ Marked copy of transfer application
- ☐ (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- ☐ (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- ☐ 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**

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WATER RESOURCES DEPT
SALEM, OREGON

Application Number 10309

Name of Applicant: Quiet Valley Farms

Proposed Timeline

02/13/2007	Public Notice (start of 30-day comment period).
10/27/2009	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).
12/02/2009	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 DPD comments received	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
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	0.5
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	2.0
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.	2.0
Total Estimated Time:		8.0

(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: PBS

Authorized Representative: _____

Date: _____

Review Checklist**T-10309****Processor: RA**Don't need contact
list**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) - LU IF - TL 300 36-15-13
NA ☐ 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.
NA ☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

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

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

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

Ownership

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

Evaluation

- Reviews/comments/conditions received? ☒ Watermaster ☐ ODFW ☐ GW
Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain
Measuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain
Fish Screen Devices ☐
Injury: Y N Enlargement: Y N
Conditions to avoid enlargement/injury -

Materials needed for peer reviewer

- ☐ application marked ☐ transfer map ☐ Water right map (if marked) ☐ certificate marked
☐ deed/ROLI (if marked) ☐ plat card marked printout (if POU or Use change)
☐ other processing notes

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SALEM, OREGON

Sarah Henderson

From: Mitch Lewis [Mitch.E.LEWIS@wrд.state.or.us]
Sent: Thursday, March 15, 2007 12:54 PM
To: Sarah.A.HENDERSON@wrд.state.or.us
Subject: T-10309

Hi Sarah!

As we discussed, I would like to see some additional wording for this Transfer included in the SO and the final Certificate.

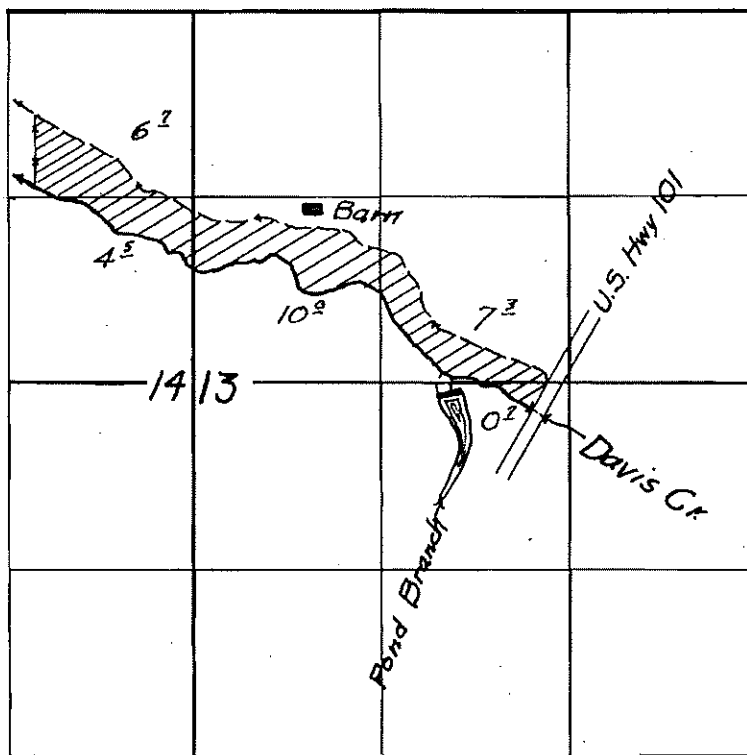
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Thanks. ML

T.30S., R.15W.W.M.



FINAL PROOF SURVEY

UNDER

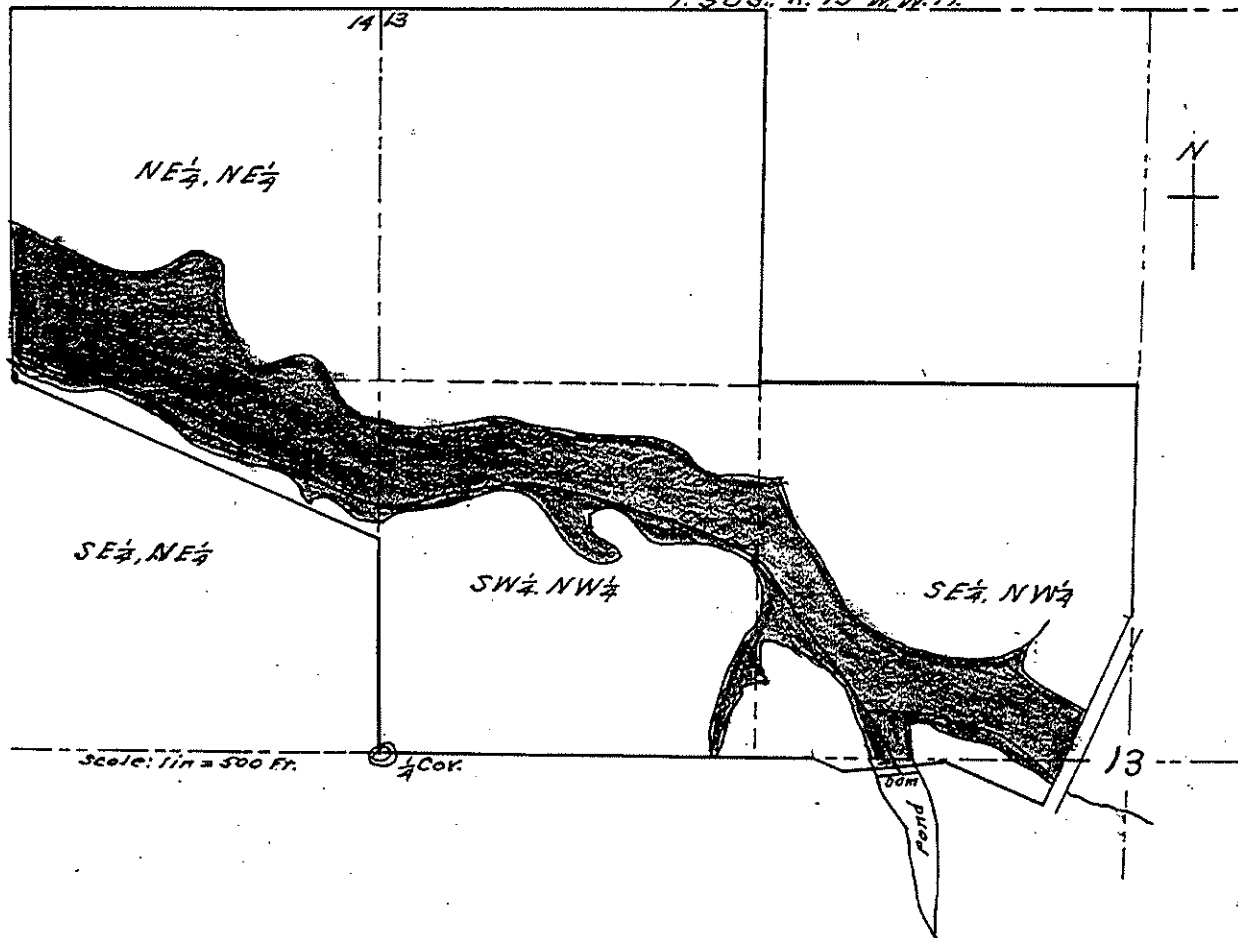
Application No. 26427 Permit No. 20725

IN NAME OF

J. I. EVEREST

Surveyed 14 March, 1955, by H. L. Callahan

T. 30 S., R. 15 W., M.



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STATE ENGINEER
SALEM, OREGON

Map accompanying
application of
J.I. Everest
to appropriate water.

Application No. 26427
Filed No. 20725

I, J.N. Gearhart, of Myrtle Point, Oregon, do hereby certify that this map was traced from the Assessor's map, which map was made from an actual survey; and that it correctly represents the works described in the accompanying application together with the location of stream in the immediate vicinity.

J.N. Gearhart Oregon No. 183

Water Rights Platcard Report

Meridian: Willamette

Township: 30

South Range: 15

West Section: 14

Records
per 10
Page:

Search

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select App:G 13731 DN Additional Info: WAYNE FOSTER App: G13731		7/1/1994	CRANBERRY	DN							*													
Select App:R 73460 * Additional Info: WAYNE FOSTER App: R73460		6/29/1993	CRANBERRY								25.76													
Select App:S 73459 * Additional Info: WAYNE FOSTER App: S73459		6/29/1993	CRANBERRY								25.76													
Select Permit:G 11552 * Additional Info: THOMAS C FORGATSCH App: G12693 Permit: G11552		10/15/1991	CRANBERRY						1					6.5										
Select Permit:G 13021 * Additional Info: SEAVIEW BOGS INC. App: G13128 Permit: G13021		9/21/1992	CRANBERRY															*			*			
Select Permit:R 12105 * Additional Info: SEAVIEW BOGS INC. App: R72687 Permit: R12105		9/21/1992	CRANBERRY																	*	*			
Select Permit:S 52991 * Additional Info: SEAVIEW BOGS INC. App: S72688 Permit: S52991		9/21/1992	CRANBERRY															18.2				0.8		
Select Permit:R 12099 * Additional Info: THOMAS C FORGATSCH App: R80662 Permit: R12099		11/7/1995	FISH AND WILDLIFE											*										
Select Cert:62383 OR CN Additional Info:	T8571	8/20/1980	FROST PROTECTION	CN					*															

HARRY SPENCER App: S59564 Permit: S45328 Cert: 62383																					
<u>Select</u>	Cert:62387 OR CN	T8571	8/20/1980	FROST PROTECTION	CN			*													
<u>Additional Info:</u> HARRY SPENCER App: G9494 Permit: G9088 Cert: 62387																					
1 2 3 4 5																					
Acreage Legend:		12.25 Regular acreage	12.25 Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified															

Water Rights Platcard Report

Meridian: Willamette

Township: 30

South Range: 15

West Section: 14

Records
per 10
Page:

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:79678 RR *		8/20/1980	FROST PROTECTION							*														
Additional Info: HARRY SPENCER App: S59564 Permit: S45328 Cert: 79678																								
Select Cert:79679 RR *		8/20/1980	FROST PROTECTION							*														
Additional Info: HARRY SPENCER App: G9494 Permit: G9088 Cert: 79679																								
Select App:G 13731 DN		7/1/1994	IRRIGATION DN								19.3													
Additional Info: WAYNE FOSTER App: G13731																								
Select Permit:G 11552 *		10/15/1991	IRRIGATION						1															
Additional Info: THOMAS C FORGATSCH App: G12693 Permit: G11552																								
Select Permit:S 39389 *		8/23/1974	IRRIGATION					16.3																
Additional Info: RICHARD J EVEREST App: S52345 Permit: S39389																								
Select Permit:S 41731 CN		4/19/1977	IRRIGATION CN																		6.6			
Additional Info: RODRICK T MCKENZIE App: S55716 Permit: S41731																								
Select Cert:21790 OR CN		9/10/1951	IRRIGATION CN					6.7			4.5													
Additional Info: J I EVEREST App: S26427 Permit: S20725 Cert: 21790																								
Select Cert:21868 OR *		8/27/1940	IRRIGATION																		7.6	5.9		
Additional Info: C R SYDNAM App: S18973																								

Permit: S14598 Cert: 21868																				
Select	Cert:36974 OR *	4/27/1964	IRRIGATION								3.6	39.1	19.4							
Additional Info: RODERICK T MCKENZIE App: S39809 Permit: S29498 Cert: 36974																				
Select	Cert:45739 CR *	T10309	9/10/1951	IRRIGATION	6.7			4.5												
Additional Info: J EVEREST App: S26427 Permit: S20725 Cert: 45739																				
12345																				

Acreage Legend: 12.25 Regular acreage
 ~~12.25~~ Acreage is on a canceled right
 (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)
 [12.25] Acreage has been suspended
 * Acreage is not specified

Water Rights Platcard Report

Meridian: Willamette

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Records
per 10
Page:

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40) Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknow QQ
Select Cert:62383 OR CN	T8571	12/20/1979	IRRIGATION	CN							20.8													
Additional Info: HARRY SPENCER App: S59564 Permit: S45328 Cert: 62383																								
Select Inchoate: T 8571 CF (REG) *		12/20/1979	IRRIGATION						(1)	(4.8)														
Additional Info: DALE PIKE App: S59564 Permit: S45328																								
Select Cert:79678 RR *		12/20/1979	IRRIGATION							15														
Additional Info: HARRY SPENCER App: S59564 Permit: S45328 Cert: 79678																								
Select Permit:G 13021 *		9/21/1992	IRRIGATION OF CRANBERRIES														18.2			0.8				
Additional Info: SEAVIEW BOGS INC. App: G13128 Permit: G13021																								
Select App:P 78435 *		12/16/1994	LIVESTOCK						*					*										
Additional Info: THOMAS FORGATSCH App: P78435																								
Select App:P 79499 *		12/5/1994	LIVESTOCK																				*	
Additional Info: KENNETH W DAOUST App: P79499																								
Select Permit:R 12099 *		11/7/1995	LIVESTOCK											*										
Additional Info: THOMAS C FORGATSCH App: R80662 Permit: R12099																								
Select Cert:67855 OR *		2/5/1990	RECREATION								*													
Additional Info: CROFT LAKE ASSOCIATION App: R70188 Permit: R11245 Cert: 67855																								

<u>Select</u> Cert:67856 OR *	2/5/1990	RECREATION						*											
<u>Additional Info:</u> CROFT LAKE ASSOCIATION App: S70189 Permit: S51064 Cert: 67856																			
<u>Select</u> Inchoate: T 6454 CF (REG) *	12/20/1979	STORAGE				(*)													
<u>Additional Info:</u> HARRY G SPENCER App: R59563 Permit: R8204																			
12345																			

Acreage Legend: 12.25 Regular acreage
 ~~12.25~~ Acreage is on a canceled right
 (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)
 [12.25] Acreage has been suspended
 * Acreage is not specified

Water Rights Platcard Report

Meridian: Willamette

Township: 30

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Records
per 10
Page:

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Water Right	Changing Years	Priority	Use	Use Status	DLC	Gov't Lot	Q(40): Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
<u>Select</u> Cert:62381 OR CN <u>Additional Info:</u> HARRY G SPENCER App: R59563 Permit: R8204 Cert: 62381		12/20/1979	STORAGE	CN						*														
<u>Select</u> Permit:G 9480 CN <u>Additional Info:</u> HARRY SPENCER App: G10360 Permit: G9480		6/4/1981	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN															6	30				
<u>Select</u> Permit:S 41731 CN <u>Additional Info:</u> RODRICK T MCKENZIE App: S55716 Permit: S41731		4/19/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN												3-6	39-1	19-4			7-6	5-9		
<u>Select</u> Cert:62384 OR CN <u>Additional Info:</u> HARRY SPENCER App: S61757 Permit: S46101 Cert: 62384	T8571	6/4/1981	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN						20-8														
<u>Select</u> Cert:62387 OR CN <u>Additional Info:</u> HARRY SPENCER App: G9494 Permit: G9088 Cert: 62387	T8571	12/20/1989	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN						20-8														
<u>Select</u> Inchoate: T 8571 CF (REG) * <u>Additional Info:</u> DALE PIKE App: G9494 Permit: G9088		12/20/1979	SUPPLEMENTAL IRRIGATION (Suppl'mtl)						(1)	(4.8)														
<u>Select</u> Cert:79679 RR * <u>Additional Info:</u> HARRY SPENCER App: G9494 Permit: G9088 Cert: 79679		12/20/1979	SUPPLEMENTAL IRRIGATION (Suppl'mtl)							15														
<u>Select</u> Inchoate: T 8571 CF (REG) * <u>Additional Info:</u>		6/4/1981	SUPPLEMENTAL IRRIGATION (Suppl'mtl)						(1)	(4.8)														

Acreage Legend:	12.25 Regular acreage	12.25 Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
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Water Rights Platcard Report

Meridian: Willamette

Township: 30

South

Range: 15

West

Section: 14

Records
per 10
Page:

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:62384 OR CN	T8571	6/4/1981	TEMPERATURE CONTROL	CN							*													
Additional Info: HARRY SPENCER App: S61757 Permit: S46101 Cert: 62384																								
Select Cert:79680 RR *		6/4/1981	TEMPERATURE CONTROL								*													
Additional Info: HARRY SPENCER App: S61757 Permit: S46101 Cert: 79680																								
Select Permit:S 54312 *		12/13/1990	TEMPERATURE CONTROL								*													
Additional Info: DALE PIKE App: S71046 Permit: S54312																								
Select Permit:G 16067 *		12/13/1990	TEMPERATURE CONTROL								*													
Additional Info: DALE PIKE App: G12341 Permit: G16067																								
12345																								

Acreage Legend: 12.25 Regular
acreage12.25 Acreage is on a
canceled right(12.25) Acreage is part of a transfer and
has not been proven up on yet
(inchoate)[12.25] Acreage has been
suspended* Acreage is not
specified

superceded

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10309, Coos County	)	PROPOSING APPROVAL OF
	)	CHANGES IN PLACE OF USE AND
	)	CHARACTER OF USE

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

QUIET VALLEY FARMS
c/o DICK EVEREST
PO BOX 295
LANGLOIS OR 97450

Findings of Fact

Background

1. On February 2, 2007, QUIET VALLEY FARMS filed an application to change the place of use and the character of use under Certificate 45739. The Department assigned the application number T-10309.
2. The portion of the right to be transferred is as follows:

Certificate: 45739 in the name of J. I. EVEREST (perfected under Permit S-20725)
Use: IRRIGATION of 20.0 ACRES
Priority Date: SEPTEMBER 10, 1951
Rate: 0.25 CUBIC FOOT PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year
Source: DAVIS CREEK, tributary to CROFT LAKE

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 Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	15 W	WM	13	SW NW	NONE GIVEN
30 S	15 W	WM	13	SE NW	NONE GIVEN
30 S	15 W	WM	14	SE NE	NONE GIVEN
30 S	15 W	WM	14	NE SE	NONE GIVEN

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	15 W	WM	13	SW NW	3.5
30 S	15 W	WM	13	SE NW	4.6
30 S	15 W	WM	13	NE SW	0.7
30 S	15 W	WM	14	NE NE	6.7
30 S	15 W	WM	14	SE NE	4.5
TOTAL					20.0

3. Certificate 45739 describes the diversion points as several quarter-quarter sections listed in Finding of Fact #2, and information in the water right file indicates that at the time of the Department's Final Proof site visit on March 14, 1955, a portable pumping plant mounted on skids was used to divert water from Davis Creek. The Certified Water Right Examiner's map for Transfer Application T-10309, however, indicates that water for the transferred lands is currently being diverted from one fixed point within the authorized reach as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	15 W	WM	13	SW NW	1862 FEET SOUTH AND 1243 FEET EAST FROM THE NW CORNER OF SECTION 13

4. Certificate 45739 allows use of water during the irrigation season (which is administered by the Department as March 1 through October 31) of each year.
5. Transfer Application T-10309 proposes to change the character of use to cranberry use.
6. Application T-10309 also proposes to change the place of use of the right to:

CRANBERRY USE						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
30S	15W	WM	13	NW NW	300	10.0

7. Notice of the application for transfer was published on February 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On November 3, 2009, the Department sent a letter to the applicant, observing that some of the lands listed for transfer in the application and transfer map were not included in the lands listed on Certificate 45739 or shown on the official Final Proof Survey map for the right. The letter requested the applicant to submit by December 15, 2009, a revised map and sections of the transfer application and affidavit of use, in conformity with the authorized place of use for the right.

9. On November 10, 2009, Dennis Goude of Stuntzner Engineering & Forestry, LLC submitted a revised transfer map and revised Section 2 of Form A and Section 3 of Supplemental Form B to match the breakdown of acreage by $\frac{1}{4}$ $\frac{1}{4}$ section on the revised map.
10. On January 22, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10309 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 22, 2010, for the applicant to respond. The applicant requested clarification on the date for completion of the changes. Upon receiving information, the applicant confirmed that the date of October 1, 2011 would give sufficient time to develop the new use and he asked that the Department proceed with issuance of a Preliminary Determination. The applicant provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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. 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, pump, pipe and sprinklers sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-10309.
13. The proposed change would not result in enlargement of the right, provided that the total rate remains unchanged and the duty is doubled on half the original acreage (resulting in no net increase in volume per year), and use of water continues to be restricted to the irrigation season of each year.
14. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The changes in place of use character of use proposed in Transfer Application T-10309 appear 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 transfer application will be approved.

If application T-10309 is approved, the final order will include the following:

1. *The change in place of use and change in character of use proposed in application T-10309 are approved.*
2. *Water right certificate 45739 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 45739 and any related decree.*

4. *The current authorized use is limited to the irrigation season and the new use will continue to be subject to this limitation.*
5. *The Director may require the water user to install a totalizing flow meter or other suitable measuring device at the point of diversion. If the Director notifies the water user to install a totalizing flow meter or other measuring device, the water user shall install such device specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the Watermaster access to the meter or measuring device.*
6. *When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Right 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.*
9. *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 _____ 2010.

Phillip C. Ward, Director

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

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

AFFIDAVIT OF PUBLICATION

The World

Lee Enterprises - Coos & Douglas County

BANDON WESTERN WORLD

STATE OF OREGON - COUNTY OF COOS

**Quiet Valley Farms
P.O. Box 295
Langlois, OR. 97450**

Reference 60017375
20155243 & 20155248
Water Right Transfer T-10309

I Vonda Jones, first duly sworn, deposed and say that I am the Legal Advertising Clerk for THE BANDON WESTERN WORLD newspaper, of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Coos Bay, Oregon, in the aforesaid county and state; that I know from my personal knowledge that the printed copy of which hereto annexed, was inserted in the entire issue of said newspaper in the following issues:

PUBLISHED: February 25, March 04, and 11, 2010

TOTAL COST: \$104.45

Vonda Kay Jones
Legal Clerk

Subscribed and sworn to before this 11 day of
March, 2010

Joanna McNeely
Notary Public of Oregon



FILED ON: 03/11/2010

**Notice of Preliminary
Determination for Water Right
Transfer T-10309**

T-10309 filed by Quiet Valley Farms, PO Box 295, Langlois, Oregon 97450, proposes a change in character of use and place of use under Certificate 45739. The right allows the use of 0.25 cubic foot per second (priority date September 10, 1951) from Davis Creek in Sects. 13 and 14, T 30 S, R 15 W, W.M. for irrigation in Sects. 13 and 14. The applicant proposes to change the character of use to cranberry use. 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) 986-0883. The last date of newspaper publication is March 11, 2010. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

PUBLISHED: Bandon Western World - February 25, March 04 and 11, 2010 (ID-20155243 & 20155248)

RECEIVED

MAR 30 2010

**WATER RESOURCES DEPT
SALEM, OREGON**



Oregon

Theodore R. Kulongoski, Governor

February 12, 2010

Water Resources Department

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

DICK EVEREST
PO BOX 295
LANGLOIS OR 97450

SUBJECT: Transfer Application T-10309

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10309. 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 there is a change in character of use, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original affidavit of publication to me at the address shown in the letterhead, **by March 25, 2010.**

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.

Please do not hesitate to contact me at 503-986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us if I may be of assistance.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: Mitch E. Lewis; Coos County Courthouse Annex, District 19 Watermaster
Jerry Lee Estabrook, CWRE #429

encs

Pd Noticed

2-23-10

Affid of pub due 3/5
FO due 4/13

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10309, Coos County	)	PROPOSING APPROVAL OF
	)	CHANGES IN PLACE OF USE AND
	)	CHARACTER OF USE

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

QUIET VALLEY FARMS
c/o DICK EVEREST
PO BOX 295
LANGLOIS OR 97450

Findings of Fact

Background

1. On February 2, 2007, QUIET VALLEY FARMS filed an application to change the place of use and the character of use under Certificate 45739. The Department assigned the application number T-10309.
2. The portion of the right to be transferred is as follows:

Certificate: 45739 in the name of J. I. EVEREST (perfected under Permit S-20725)
Use: IRRIGATION of 20.0 ACRES
Priority Date: SEPTEMBER 10, 1951
Rate: 0.25 CUBIC FOOT PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year
Source: DAVIS CREEK, tributary to CROFT LAKE

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 Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	15 W	WM	13	SW NW	NONE GIVEN
30 S	15 W	WM	13	SE NW	NONE GIVEN
30 S	15 W	WM	14	SE NE	NONE GIVEN
30 S	15 W	WM	14	NE SE	NONE GIVEN

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	15 W	WM	13	SW NW	3.5
30 S	15 W	WM	13	SE NW	4.6
30 S	15 W	WM	13	NE SW	0.7
30 S	15 W	WM	14	NE NE	6.7
30 S	15 W	WM	14	SE NE	4.5
TOTAL					20.0

3. Certificate 45739 describes the diversion points as several quarter-quarter sections listed in Finding of Fact #2, and information in the water right file indicates that at the time of the Department's Final Proof site visit on March 14, 1955, a portable pumping plant mounted on skids was used to divert water from Davis Creek. The Certified Water Right Examiner's map for Transfer Application T-10309, however, indicates that water for the transferred lands is currently being diverted from one fixed point within the authorized reach as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	15 W	WM	13	SW NW	1862 FEET SOUTH AND 1243 FEET EAST FROM THE NW CORNER OF SECTION 13

4. Certificate 45739 allows use of water during the irrigation season (which is administered by the Department as March 1 through October 31) of each year.
5. Transfer Application T-10309 proposes to change the character of use to cranberry use.
6. Application T-10309 also proposes to change the place of use of the right to:

CRANBERRY USE						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
30S	15W	WM	13	NW NW	300	10.0

7. Notice of the application for transfer was published on February 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On November 3, 2009, the Department sent a letter to the applicant, observing that some of the lands listed for transfer in the application and transfer map were not included in the lands listed on Certificate 45739 or shown on the official Final Proof Survey map for the right. The letter requested the applicant to submit by December 15, 2009, a revised map and sections of the transfer application and affidavit of use, in conformity with the authorized place of use for the right.

9. On November 10, 2009, Dennis Goude of Stuntzner Engineering & Forestry, LLC submitted a revised transfer map and revised Section 2 of Form A and Section 3 of Supplemental Form B to match the breakdown of acreage by $\frac{1}{4}$ $\frac{1}{4}$ section on the revised map.
10. On January 22, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10309 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 22, 2010, for the applicant to respond. The applicant requested clarification on the date for completion of the changes. Upon receiving information, the applicant confirmed that the date of October 1, 2011 would give sufficient time to develop the new use and he asked that the Department proceed with issuance of a Preliminary Determination. The applicant provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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. 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, pump, pipe and sprinklers sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-10309.
13. The proposed change would not result in enlargement of the right, provided that the total rate remains unchanged and the duty is doubled on half the original acreage (resulting in no net increase in volume per year), and use of water continues to be restricted to the irrigation season of each year.
14. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The changes in place of use character of use proposed in Transfer Application T-10309 appear 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 transfer application will be approved.

If application T-10309 is approved, the final order will include the following:

1. *The change in place of use and change in character of use proposed in application T-10309 are approved.*
2. *Water right certificate 45739 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 45739 and any related decree.*

4. *The current authorized use is limited to the irrigation season and the new use will continue to be subject to this limitation.*
5. *The maximum overall diversion rate shall be limited to 0.25 cfs and the total annual volume of water shall be limited to 50.0 acre-feet diverted during the irrigation season of each year.*
6. *The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.*
7. *The Director may require the water user to install a totalizing flow meter or other suitable measuring device at the point of diversion. If the Director notifies the water user to install a totalizing flow meter or other measuring device, the water user shall install such device specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the Watermaster access to the meter or measuring device.*
8. *When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
9. *The former place of use of the transferred right shall no longer receive water under the right.*
10. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Right 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.*
11. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 17th day of February 2010.

William E. Fisher
for Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@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 Transfer T-10309**

T-10309 filed by Quiet Valley Farms, P.O. Box 295, Langlois, Oregon 97450 proposes a change in character of use and place of use under Certificate 45739. The right allows the use of 0.25 cubic foot per second (priority date September 10, 1951) from Davis Creek in Sects. 13 and 14, T 30 S, R 15 W, W.M. for irrigation Sects. 13 and 14. The applicant proposes to change the place of use to Sec. 13, T 30 S, R 15 W, W.M. and to change the character of use to cranberry use. 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) 986-0883. 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.

Dorothy Pedersen

From: Richard J. Everest [everestdb@copper.net]
Sent: Monday, February 15, 2010 8:02 AM
To: Dorothy Pedersen
Subject: Re: T-10309 preliminary determination

Hi Dorothy,

I have read the preliminary determination through and feel it is fine with the included addition #6. I don't have any additional water rights for the same cranberry land so the total would be the same anyway. Am I understanding this right?

Dick

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

From: Dorothy Pedersen
To: Richard J. Everest
Sent: Wednesday, February 10, 2010 11:38 AM
Subject: T-10309 preliminary determination

Hi Dick,

The preliminary determination for T-10309 has made it through peer review and we found that the draft failed to include a condition that is standard for cranberry use. This was just an oversight and from my perspective doesn't substantially change the intended terms of the change to the right. The cranberry standard condition is in the attached document as condition #6.

In addition, we thought it advisable to explicitly spell out the total rate and duty that were referred to in Finding #12 of the draft preliminary determination. Therefore, we added a condition (#5 in the attached document) that spells out the existing annual duty limit (20 acres x 2.5 acre-feet per acre) as a single volume (50.0 acre-feet) since the right is moving to a different sized footprint.

Please take a look at the attached document and let me know if it meets your approval before I forward it for signature.

Thanks,
Dorothy

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

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.733 / Virus Database: 271.1.1/2677 - Release Date: 02/08/10 23:35:00

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, February 10, 2010 11:38 AM
To: 'Richard J. Everest'
Subject: T-10309 preliminary determination
Attachments: 10309-pd.doc

Hi Dick,

The preliminary determination for T-10309 has made it through peer review and we found that the draft failed to include a condition that is standard for cranberry use. This was just an oversight and from my perspective doesn't substantially change the intended terms of the change to the right. The cranberry standard condition is in the attached document as condition #6.

In addition, we thought it advisable to explicitly spell out the total rate and duty that were referred to in Finding #12 of the draft preliminary determination. Therefore, we added a condition (#5 in the attached document) that spells out the existing annual duty limit (20 acres x 2.5 acre-feet per acre) as a single volume (50.0 acre-feet) since the right is moving to a different sized footprint.

Please take a look at the attached document and let me know if it meets your approval before I forward it for signature.

Thanks,
Dorothy

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

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10309, Coos County	)	PROPOSING APPROVAL OF
	)	CHANGES IN PLACE OF USE AND
	)	CHARACTER OF USE

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

QUIET VALLEY FARMS
c/o DICK EVEREST
PO BOX 295
LANGLOIS OR 97450

Findings of Fact

Background

1. On February 2, 2007, QUIET VALLEY FARMS filed an application to change the place of use and the character of use under Certificate 45739. The Department assigned the application number T-10309.

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

Certificate: 45739 in the name of J. I. EVEREST (perfected under Permit S-20725)
Use: IRRIGATION of 20.0 ACRES
Priority Date: SEPTEMBER 10, 1951
Rate: 0.25 CUBIC FOOT PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year
Source: DAVIS CREEK, tributary to CROFT LAKE

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 Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	15 W	WM	13	SW NW	NONE GIVEN
30 S	15 W	WM	13	SE NW	NONE GIVEN
30 S	15 W	WM	14	SE NE	NONE GIVEN
30 S	15 W	WM	14	NE SE	NONE GIVEN

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	15 W	WM	13	SW NW	3.5
30 S	15 W	WM	13	SE NW	4.6
30 S	15 W	WM	13	NE SW	0.7
30 S	15 W	WM	14	NE NE	6.7
30 S	15 W	WM	14	SE NE	4.5
TOTAL					20.0

3. Certificate 45739 describes the diversion points as several quarter-quarter sections listed in Finding of Fact #2, and information in the water right file indicates that at the time of the Department's Final Proof site visit on March 14, 1955, a portable pumping plant mounted on skids was used to divert water from Davis Creek. The Certified Water Right Examiner's map for Transfer Application T-10309, however, indicates that water for the transferred lands is currently being diverted from one fixed point within the authorized reach as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	15 W	WM	13	SW NW	1862 FEET SOUTH AND 1243 FEET EAST FROM THE NW CORNER OF SECTION 13

4. Certificate 45739 allows use of water during the irrigation season (which is administered by the Department as March 1 through October 31) of each year.
5. Transfer Application T-10309 proposes to change the character of use to cranberry use.
6. Application T-10309 also proposes to change the place of use of the right to:

CRANBERRY USE						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
30S	15W	WM	13	NW NW	300	10.0

7. Notice of the application for transfer was published on February 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On November 3, 2009, the Department sent a letter to the applicant, observing that some of the lands listed for transfer in the application and transfer map were not included in the lands listed on Certificate 45739 or shown on the official Final Proof Survey map for the right. The letter requested the applicant to submit by December 15, 2009, a revised map and sections of the transfer application and affidavit of use, in conformity with the authorized place of use for the right.

9. On November 10, 2009, Dennis Goude of Stuntzner Engineering & Forestry, LLC submitted a revised transfer map and revised Section 2 of Form A and Section 3 of Supplemental Form B to match the breakdown of acreage by ¼ ¼ section on the revised map.
10. On January 22, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10309 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 22, 2010, for the applicant to respond. The applicant requested clarification on the date for completion of the changes. Upon receiving information, the applicant confirmed that the date of October 1, 2011 would give sufficient time to develop the new use and he asked that the Department proceed with issuance of a Preliminary Determination. The applicant provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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. 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, pump, pipe and sprinklers sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-10309.
13. The proposed change would not result in enlargement of the right, provided that the total rate remains unchanged and the duty is doubled on half the original acreage (resulting in no net increase in volume per year), and use of water continues to be restricted to the irrigation season of each year.
14. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The changes in place of use character of use proposed in Transfer Application T-10309 appear 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 transfer application will be approved.

If application T-10309 is approved, the final order will include the following:

1. *The change in place of use and change in character of use proposed in application T-10309 are approved.*
2. *Water right certificate 45739 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 45739 and any related decree.*

4. *The current authorized use is limited to the irrigation season and the new use will continue to be subject to this limitation.*
5. *The maximum overall diversion rate shall be limited to 0.25 cfs and the total annual volume of water shall be limited to 50.0 acre-feet diverted during the irrigation season of each year.*
6. *The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.*
7. *The Director may require the water user to install a totalizing flow meter or other suitable measuring device at the point of diversion. If the Director notifies the water user to install a totalizing flow meter or other measuring device, the water user shall install such device specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the Watermaster access to the meter or measuring device.*
8. *When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
9. *The former place of use of the transferred right shall no longer receive water under the right.*
10. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Right 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.*
11. *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 _____ 2010.

Phillip C. Ward, Director

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

Dorothy Pedersen

From: Richard J. Everest [everestdb@copper.net]

Sent: Tuesday, January 26, 2010 11:46 PM

To: Dorothy Pedersen

Subject: Water Right Transfer Application T-1039

Hi Dorothy,

Thank you once again. I understand now what the condition #8 pg. 4 means. I don't need to implement these conditions at this time but could be required to do so in the future. Yes, October 1, 2011 will give me sufficient time to fully develop the water use for cranberries and be using the water for cranberries.

Sincerely

Dick & Barbara Everest
Owners of Quiet Valley Farms, LLC

1/27/2010

Dorothy Pedersen

From: Richard J. Everest [everestdb@copper.net]
Sent: Monday, January 25, 2010 11:45 PM
To: Dorothy Pedersen
Subject: Water Right Transfer Application T-10309

Dorothy Pedersen,

Thank you for sending the **Draft** of "**PRELIMINARY DETERMINATION PROPOSING APPROVAL OF CHANGES IN PLACE OF USE AND CHARACTER OF USE**" by e-mail. This gave me a chance to review the document a couple of days earlier.

I have read the complete document of the water right transfer application T-10309 and believe I understand and agree with everything except the condition #8 page 4. The date of completion seems to be okay unless there are additional requests that haven't been mentioned. Also does the completion date mean that I can't use the water to be transferred in changes in place of use and character of use until all requirements are met? Will you clarify this?

My understanding now is that when you receive and read this e-mail a preliminary determination will be issued. A required publication notice will be included with directions for publication. After the publication for "once a week for three consecutive weeks" is done a 30 day waiting period follows for comment from the public. If there is no comment will there be an approval to use the water for T-1039 after March 1 2010 from the State even if the all requirements aren't met at that time? The possible requirements being a flow meter and headgate.

Also do I need to write and mail a letter as well as this e-mail?

Please let me know if I'm missing something for I want to continue expediting Transfer T-1039 and thank you for your sincere help in getting this moving forward.

Sincerely

Dick & Barbara Everest
Owners of Quiet Valley Farms, LLC

1/26/2010



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

January 22, 2010

DICK EVEREST
PO BOX 295
LANGLOIS OR 97450

SUBJECT: Water Right Transfer Application T-10309

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-10309. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

Please review the draft carefully to familiarize yourself with any requirements and evaluate whether the document is consistent with your intent in seeking the transfer. Please respond in writing by the deadline provided below, whether you agree with the proposed action and whether there are any typographical errors that need to be corrected.

Conditions to your water right...

Please look at Condition #8 on page 4, which sets a date for completion of the changes. If the required completion date is insufficient to comply with any of the requirements listed in this document, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the preliminary determination is issued a publication period is required. Because of a change in character of use, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable). If we do not receive your response by February 22, 2010, a Preliminary Determination may be issued consistent with the draft. However, if your response is received before that date, the Preliminary Determination may be issued sooner.

Please do not hesitate to contact me at 503-986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us if I may be of assistance.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: T-10309

Mitch E. Lewis; Coos County Courthouse Annex, District 19 Watermaster
Jerry Lee Estabrook, CWRE #429

encs



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

In the Matter of Transfer Application
T-10309, Coos County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF
) CHANGES IN PLACE OF USE AND
) CHARACTER OF USE

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

QUIET VALLEY FARMS
c/o DICK EVEREST
PO BOX 295
LANGLOIS OR 97450

Findings of Fact

Background

1. On February 2, 2007, QUIET VALLEY FARMS filed an application to change the place of use and the character of use under Certificate 45739. The Department assigned the application number T-10309.

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

Certificate: 45739 in the name of J. I. EVEREST (perfected under Permit S-20725)

Use: IRRIGATION of 20.0 ACRES

Priority Date: SEPTEMBER 10, 1951

Rate: 0.25 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year

Source: DAVIS CREEK, tributary to CROFT LAKE

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	15 W	WM	13	SW NW	NONE GIVEN
30 S	15 W	WM	13	SE NW	NONE GIVEN
30 S	15 W	WM	14	SE NE	NONE GIVEN
30 S	15 W	WM	14	NE SE	NONE GIVEN

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	15 W	WM	13	SW NW	3.5
30 S	15 W	WM	13	SE NW	4.6
30 S	15 W	WM	13	NE SW	0.7
30 S	15 W	WM	14	NE NE	6.7
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TOTAL					20.0

3. Certificate 45739 describes the diversion points as several quarter-quarter sections listed in Finding of Fact #2, and information in the water right file indicates that at the time of the Department's Final Proof site visit on March 14, 1955, a portable pumping plant mounted on skids was used to divert water from Davis Creek. The Certified Water Right Examiner's map for Transfer Application T-10309, however, indicates that water for the transferred lands is currently being diverted from one fixed point within the authorized reach as follows:

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Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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4. Certificate 45739 allows use of water during the irrigation season (which is administered by the Department as March 1 through October 31) of each year.
5. Transfer Application T-10309 proposes to change the character of use to cranberry use.
6. Application T-10309 also proposes to change the place of use of the right to:

CRANBERRY USE						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
30S	15W	WM	13	NW NW	300	10.0

7. Notice of the application for transfer was published on February 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On November 3, 2009, the Department sent a letter to the applicant, observing that some of the lands listed for transfer in the application and transfer map were not included in the lands listed on Certificate 45739 or shown on the official Final Proof Survey map for the right. The letter requested the applicant to submit by December 15, 2009, a revised map and sections of the transfer application and affidavit of use, in conformity with the authorized place of use for the right.
9. On November 10, 2009, Dennis Goude of Stuntzner Engineering & Forestry, LLC submitted a revised transfer map and revised Section 2 of Form A and Section 3 of Supplemental Form B to match the breakdown of acreage by $\frac{1}{4}$ $\frac{1}{4}$ section on the revised map.

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. 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, pump, pipe and sprinklers sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-10309.
12. The proposed change would not result in enlargement of the right, provided that the total rate remains unchanged and the duty is doubled on half the original acreage (resulting in no net increase in volume per year), and use of water continues to be restricted to the irrigation season of each year.
13. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The changes in place of use character of use proposed in Transfer Application T-10309 appear 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 transfer application will be approved.

If application T-10309 is approved, the final order will include the following:

1. *The change in place of use and change in character of use proposed in application T-10309 are approved.*
2. *Water right certificate 45739 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 45739 and any related decree.*
4. *The current authorized use is limited to the irrigation season and the new use will continue to be subject to this limitation.*
5. *The Director may require the water user to install a totalizing flow meter or other suitable measuring device at the point of diversion. If the Director notifies the water user to install a totalizing flow meter or other measuring device, the water user shall install such device specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the Watermaster access to the meter or measuring device.*
6. *When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the*

headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

- 7. The former place of use of the transferred right shall no longer receive water under the right.*
- 8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Right 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.*
- 9. 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 _____ 2010.

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@wrđ.state.or.us.

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, December 23, 2009 12:18 PM
To: 'Marsha Walker'
Subject: RE: T-10309 status
Attachments: 10309-revised map.pdf; 10309-defic letter.doc; 10309-response to defic letter.pdf; 10309-revised affidavit page.pdf

Hi Marsha,

Yes, we did send out a deficiency letter and have received a response. I thought for sure that I had sent you the results, but in checking my emails, I see that I had not. I've attached the "as sent" letter, as well as the things we received back. Hopefully this will give you what you need to be able to put the DPD together.

Dorothy

From: Marsha Walker [mailto:marsha_walker@pbsenv.com]
Sent: Wednesday, December 23, 2009 10:26 AM
To: Dorothy Pedersen
Subject: RE: T-10904 ownership

Hi, Dorothy -

I show that I send a deficiency letter for T-10309 (Quiet Valley) back on October 29. Have you gotten a response?

I'll be working on T-10851 (Valoff) today.

Marsha Walker, RG

Senior Geologist

marsha@pbsenv.com

503-417-7600

PBS Engineering + Environmental

Engineering | Natural Resources | Environmental | Health and Safety

www.pbsenv.com

4412 SW Corbett Avenue

Portland, Oregon 97239

Phone: 503-248-1939; Fax: 503-248-0223

From: Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]
Sent: Tuesday, December 22, 2009 4:33 PM
To: Marsha Walker
Subject: RE: T-10904 ownership

Marsha, thanks. I'll take it. Go ahead and invoice this project, if you haven't already.

Next, can you give me a ballpark idea of when you can have the DPDs for T-1309 and T-10851 to me? Let me know if you need anything from me in order to finish them.

Dorothy

From: Marsha Walker [mailto:marsha_walker@pbsenv.com]

12/23/2009

Sent: Tuesday, December 22, 2009 4:08 PM
To: Dorothy Pedersen
Subject: RE: T-10904 ownership

Hi again -

And thanks for your help! I've attached the revised remaining rights certificate. See if I caught everything.

Marsha Walker, RG
Senior Geologist

marsha@pbsenv.com

503-417-7600

PBS Engineering + Environmental

Engineering | Natural Resources | Environmental | Health and Safety

www.pbsenv.com

4412 SW Corbett Avenue

Portland, Oregon 97239

Phone: 503-248-1939; Fax: 503-248-0223

From: Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]

Sent: Tuesday, December 22, 2009 3:38 PM

To: Marsha Walker

Subject: RE: T-10904 ownership

Marsha,

I looked at the documents and see that the remaining right certificate needs a little work to finish it. Think of it as a duplicate of the original certificate, minus the portion of the right that is involved in the transfer. Please do the following:

Change the name of the water right holder back to the name & address on the original certificate.

Check the volume and page references to the decree and adjust if necessary. (Sometimes what the macros automatically pull out of our WRIS system isn't quite correct.

Adjust priority date to match what's on the original certificate (in some cases, only the year is listed).

If the original certificate doesn't describe a POD, then the remaining right certificate doesn't need to list it either.

If the original certificate doesn't list a specific cubic foot per second number, then the RR certificate doesn't either.

Check over the "condition" statements and make sure they all match, with nothing added or left out.

I'd suggest combining the two POU tables into one with a heading of Irrigation and Livestock.

These changes shouldn't take long to do, and will give you a pattern for other remaining right certificates that you may make in the future.

Thanks,
Dorothy

From: Marsha Walker [mailto:marsha_walker@pbsenv.com]

Sent: Tuesday, December 22, 2009 2:49 PM

To: Dorothy Pedersen

Subject: RE: T-10904 ownership

Hi, Dorothy -

I don't see any issues with the ownership information. We also asked for a confirmation or new Affidavit of Diminishment the DPD cover letter. Has that been provided?

12/23/2009



TELEPHONE (541) 267-2872
FAX (541) 267-0588
dennisgoude@stuntzner.com

705 SO. 4TH, P.O. BOX 118
COOS BAY, OREGON 97420

COOS BAY - BROOKINGS - WILSONVILLE

November 9, 2009

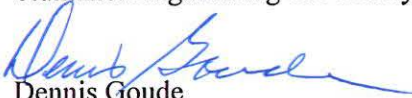
Oregon Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
Attn: Dorothy Pedersen

Re: Transfer Application T-10309

Dear Ms. Pedersen:

Attached are the revisions and corrections that you requested in your letter to Mr. Richard Everest dated November 3, 2009. Jerry Estabrook, CWRE #429, reviewed the pages of the transfer application and map and made the changes that you requested. Therefore Stuntzner Engineering and Forestry is resubmitting the revised pages and transfer application map for your review. If you have any questions please call Dennis Goude or Jerry Estabrook at (541) 267-2872.

Sincerely,
Stuntzner Engineering & Forestry, LLC


Dennis Goude
Water Rights Specialist

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Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

November 3, 2009

Quiet Valley Farms
ATTN: Richard Ernest
P.O. Box 295
Langlois, Oregon 97450

REFERENCE: Transfer Application T-10309

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

1. It appears that your transfer map does not match the Final Proof map for this water right. Though the total acres claimed on the transfer map is equal to the 29.2 acres in Certificate 45739, the transfer proposes to affect rights in the NW NE of Section 14 that are not included in Certificate 45739 and more acres in the NE NE of Section 14 than are allowed under the certificate (see enclosed). The remaining acreage is not divided into quarter quarters consistently with the breakdown in Certificate 45739 and the Final Proof map. The Final Proof map (copy enclosed) is the official map showing the lands authorized for irrigation under the water right.
2. You need to have your CWRE revise the transfer map to match the Final Proof map. Alternatively, you could provide sufficient documentary evidence and survey details to support a re-description of the place where the water right has always been. Consideration should be given to the legal description on the certificate and the indicated presence of a fence line at the western boundary of the area authorized for irrigation. Then submit to the Department an original print of the revised map with the CWRE's seal and signature.
3. You will then need to revise Section 2 of the Form A and Section 3 of Supplemental Form B (copies enclosed) to match the breakdown of acreage by $\frac{1}{4}\frac{1}{4}$ on the revised map. 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.

Please submit the revised map and application copy by **December 15, 2009** to Dorothy Pedersen, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266. If you have any questions, please call me at 503-986-0890 or email at Dorothy.I.Pedersen@ wrd.state.or.us.

Sincerely,

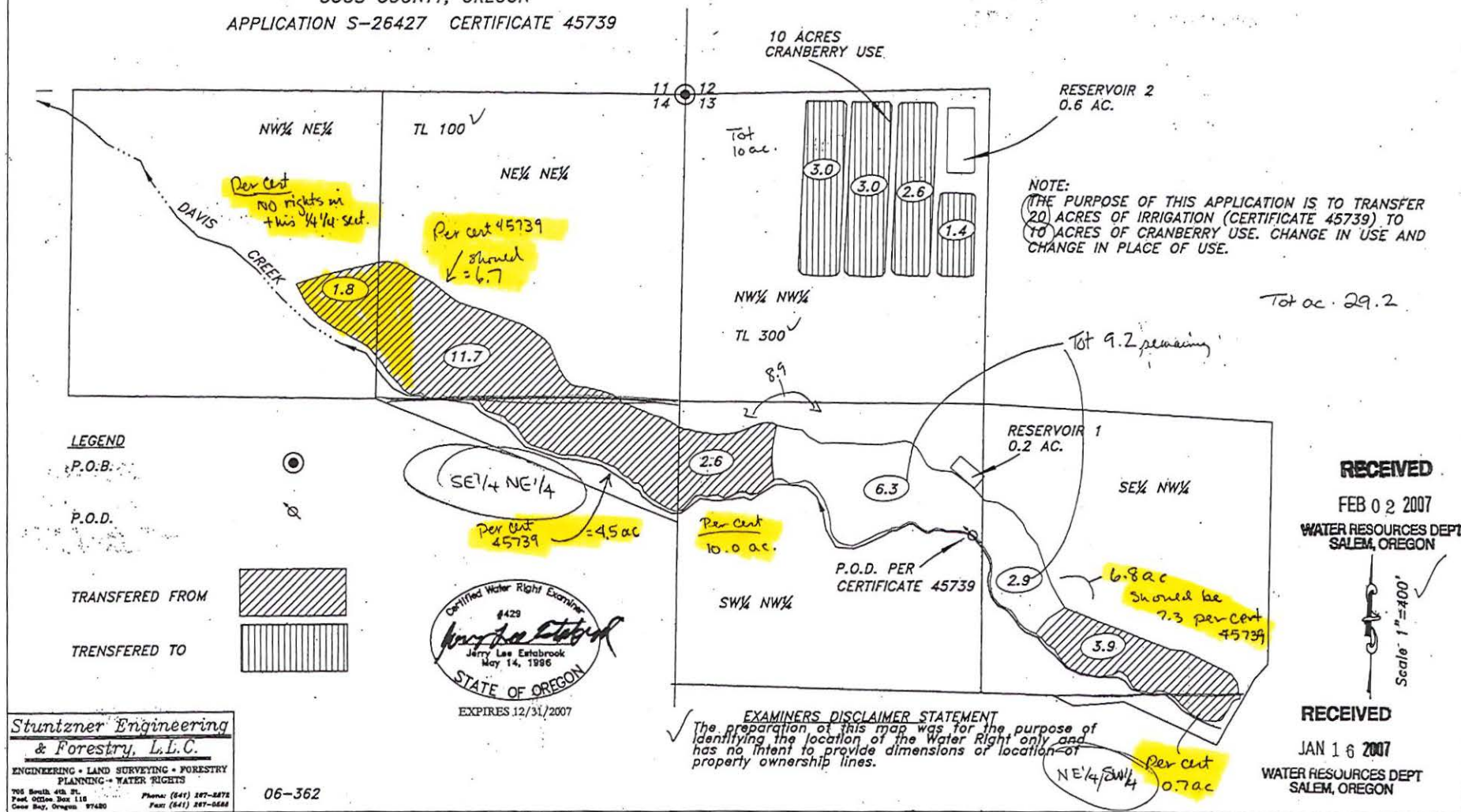
Dorothy I. Pedersen
Field Services Division

cc: Mitch Lewis, Watermaster, District 19
Jerry Lee Estabrook, CWRE

enclosures

- acreage do not match those on Cert 45739

PREPARED FOR: QUIET VALLEY FARMS
PREPARED BY: DENNIS GOUDE
DATE PREPARED: NOVEMBER 15, 2006



▪ Certificate Number or other identifying number: _____

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

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 Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

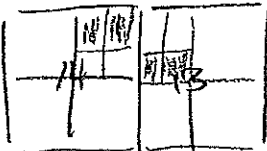
[illegible]

pages
(ownership)
Deed
E 1/2 of NE 1/4
+ NW 1/4 of NE 1/4
W 1/2 of NW 1/4
+ SE 1/4 of NW 1/4
303
R 13
Sec 13
Tot
20 ac.
Does not
match cert

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County of COOS

[illegible]

WATER RESOURCES DEPT
SALEM, OREGON

File delivered to Data Center on MAR 21 2007

Please deliver file back to Sarah by MAR 30 2007

Comments Thank you

TRANSFER CHECK OFF LIST

TRANSFER FILE #

T-10309

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)4 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

COPY TO GW

no

BLUE FORM TO GW

no

COPY TO CWRE

yes

BETTER TO ODFW

yes

TRANSFER SENT TO:

sw drawer SW --- NCR --- SCR --- EROrange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his
POA, APOA, or [SW TO GW ONLY(as POD)]

Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his

ALL Surface water POU/USE (POD and APOD FISH SCREENS)

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



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: COOS
Transfer: 10309
Water Right: CERT 45739
Priority Date: 1951
Name: QUIET VALLEY FARMS
Address: PO BOX 295; LANGLOIS OR 97450
Change: USE/POU
Source: DAVIS CREEK
Authorized POU: T30S R15W 13,14
Proposed POU: T30S R15W 13
Authorized USE: IRRIGATION
Proposed USE: CRANBERRY USE

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

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

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

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



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

February 13, 2007

DICK EVEREST
QUIET VALLEY FARMS
PO BOX 295
LANGLOIS OR 97450

Reference: Transfer 10309

On February 2, 2007 we received your water right transfer application requesting use, place of use change for use of water from DAVIS CREEK, tributary to CROFT LAKE. The application was accompanied by \$700. Our receipt 86091 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 application will be examined to determine if additional information is needed. You will be contacted following this examination. A number of other transfer applications are also awaiting review. As a result, it may be some time before we are able to process your application. If you wish to have your application processed more quickly, you may want to consider use of the Department's reimbursement authority. Under this authority an applicant may receive expedited review by paying the full cost for a pre-qualified contractor to process the applications. For more information on the Reimbursement Authority program, see our website at http://www.wrd.state.or.us/OWRD/mgmt_reimbursement.shtml or call the transfer section.

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 application has 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 transfer is approved, the buyer's consent to the transfer 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 application or map are required.

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

cc: Watermaster #19
Jerry Lee Estabrook, CWRE
Alan Ritchey, ODFW

enclosure



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

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one	
<input checked="" type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
• total number of years: _____	<input type="checkbox"/> Time-Limited
(begin year: _____)	<input type="checkbox"/> Drought Transfer
(end year: _____)	<input type="checkbox"/> Other

2. APPLICANT INFORMATION

Name: QUIET VALLEY FARMS
First Last
Address: PO BOX 295
LANGLOIS OR 97450
City State Zip
Phone: 541-348-2312
Home Work Other
Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

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

Name: _____
First Last
Address: _____

City State Zip
Phone: _____
Home Work Other
Fax: _____ E-Mail address: _____

- If an agent is listed above, please check one of the following:

- ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
- ☐ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List all water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: (*Attach additional pages as necessary.*)

	Application / Decree	Permit / Previous Transfer	Certificate
1.	S-26427		45739
2.			
3.			
4.			
5.			
6.			

- Check all proposed change(s) included in this transfer application:

☒ Place of Use ☐ Point of Diversion ☐ Additional Point of Diversion
☒ Character of Use ☐ Point of Appropriation ☐ Additional Point of Appropriation
☐ Instream Transfer ☐ Surface Water source to Ground Water source

- Reason(s) for change(s): CHANGING FROM PASTURE/HAY IRRIGATION TO
CRANBERRY USE

5. WATER DELIVERY SYSTEM

- Describe the *current* water delivery system or the system that *was in place* at some time *within the last 5 years*. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

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.

GRAVITY FLOW FROM POINT OF DIVERSION TO STORAGE RESERVOIR.

10 HP MOTOR & PUMP @ POINT OF DISTRIBUTION

RAINBIRD SPRINKLERS AND PORTABLE PIPE

- System capacity: 0.62 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to 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 location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. 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 or other entity? ☐ Yes ☒ No

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

- 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).

COOS COUNTY, 250 N BAXTER, COQUILLE, OR 97423

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8. 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): _____
First Last

Address: _____

City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

☒ Yes ☐ No ☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

- Check one of the following:

- ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
- ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
- ☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

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9. ATTACHMENTS

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

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- X A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- X 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), and
- X The Evidence of Use Affidavit must be accompanied by supporting documentation.

Map

- X *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.
- ☐ *Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

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

Land Use Information Form:

- X Enclosed; *or*
- ☐ 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.

Fees:

- X Amount enclosed: \$ 898.00 700.00
130.00
48.00
- See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- ☐ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- ☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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Before submitting your application to the Department, be sure you have:

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

10. SIGNATURES

▪ Check one of the following, as appropriate, and sign the application in the signature box below:

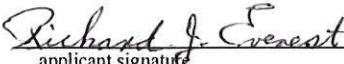
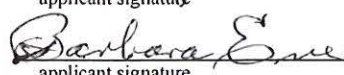
☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a **notarized statement consenting to the transfer** (attached) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.)

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

 applicant signature	<u>RICHARD J. EVEREST</u> name (print)	<u>01/09/07</u> date
 applicant signature	<u>Barbara Everest</u> name (print)	<u>01-09-07</u> date

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Transfer Application/6
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JAN 16 2007

WATER RESOURCES DEPT
SALEM, OREGON

FS

T 10309

Last revised: 10/13/2006

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 45739

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <u>and</u> 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 or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input checked="" type="checkbox"/> Other <u>Cranberry use</u> <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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Description of Proposed Change(s) to a Water Right

FEB 02 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10309 Supplemental Form A

2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	45739	
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-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

- Name on Permit, Certificate, or Decree: J. I. EVEREST
- County: COOS
- Authorized Use(s) to be Affected by Transfer: IRRIGATION
- Priority Date(s): SEPTEMBER 10, ' 1951

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: DAVIS CREEK

Tributary to: CROFT LAKE

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☐ Yes ☒ No ☐ N/A – No Change in Place of Use or Character of Use

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

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

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■ Certificate Number or other identifying number: 45739

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

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:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Davis Cr. Sept. 10, 1951	30 S	15 W	Will	13	SW/NW	300	

■ Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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■ Certificate Number or other identifying number: _____

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☒ N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

▪ Certificate Number or other identifying number: _____

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
DAVIS CRK	30S	15W	W	13	NW NW		10

Remarks: _____

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60301 1

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

State of Oregon)
County of COOS) ss

I, RICHARD J. EVEREST, in my capacity as OWNER,
mailing address P.O. BOX 295, LANGLAIS, OR 97450
telephone number (541) 348-2312 being first duly sworn depose and say:

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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 was leased instream at some time within the last five years. The instream lease number is as follows: _____; 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.

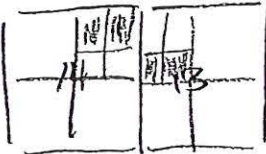
2. My knowledge of the exercise or status of the water right is based on (check one):

- ☒ Personal observation ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township	Range	Mer	Sec	Section	Gov't Lot or Disc	Acres (if applicable)
30	S	15	W	W	13	SE NW
						SW NW
30	S	15	W	W	14	NENE
						NW NE
						SE NE
						NE SW

30S 15W



*These do not match
cert 45739*

*Tot
29.2*

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**WATER RESOURCES DEPT
SALEM, OREGON**

(finues on reverse side)

ossible. Attach additional pages if you need more space. Supporting

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- 1 - FEB 02 2007 Affidavit Attesting to the Use of Water

**WATER RESOURCES DEPT
SALEM, OREGON**

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

PASTURE IRRIGATION AND HAY

5. The water delivery system used to apply water as authorized by the right is described below:

GRAVITY FLOW FROM POINT OF DIVERSION TO STORAGE

RESERVOIR. 10 HP PUMP & MOTOR @ POINT OF DISTRIBUTION

PORTABLE PIPE AND RAINBIRD SPRINKLERS APPLY WATER

TO THE PLACES OF USE

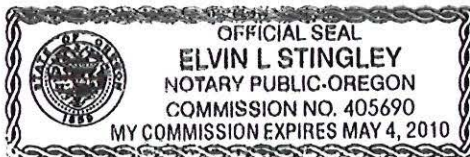
6. One or more of the following documentation supporting the above statements is attached:

- ☐ 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,
- ☐ Instream lease number _____,
- ☐ Other: _____

Link Everest
Signature of Affiant

1/24/07
Date

Signed and sworn to (or affirmed) before me this 24th day of Jan., 2007.



Elvin L. Stingley
Notary Public for Oregon

My Commission Expires: MAY 04, 2010

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

Supplemental Form B

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Affidavit Attesting to the Use of Water

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T 10309



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: Quiet Valley Farms Dick Everest

Address: P.O. Box 295

City: Langelos State: OR Zip: 97450 Day Phone: (541) 348-2312

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
30-15-13 TL 300	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" 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	
		<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. Coos

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 Cranberry Use

Briefly describe: Construct two small off channel reservoirs for water storage.

Water use is under water Certificate 45739 for 29.2 acres of irrigation.

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water Davis Creek
(source)

Indicate the estimated quantity of water the use will require: .37 ☒ CFS ☐ GPM ☐ Acre-Feet

Last revised: 04/06/04

Receipt for Request for Land Use Information

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SALEM, OREGON

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

T 10309

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
		<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: Staci Leep Date: 11/17/09
 Title: PLANNER Phone: 390-3121 x210
 Signature: Staci Leep

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: Quist Valley Farms

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: Boonville Phone: 390-3121 x210
 Staff contact: Staci Leep Date: 11/17/09
 Signature: Staci Leep

TICOR TITLE INSURANCE
P.O. BOX 1075
COOS BAY, OR 97420

300 W. Anderson
Coos Bay, OR 97420
Phone: 269-5127 Fax: 267-0990

1010 First St., Suite 215
Bandon, OR 97411
Phone: 347-5429 Fax: 347-6811

Consumer Information Report

Prepared For: Richard J. Everest and Barbara Ann Everest
PO Box 295
Langlois OR 97450

Fri Jan 15, 2010

Property Address:

Tax Account:

Map:

30S-15W-14 TL 100

Owner of Record:

Owner's Address:

QUIET VALLEY FARMS, LLC
PO BOX 295
LANGLOIS, OR 97450

Prepared By:

Ellen Breiter

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JAN 15 2010

WATER RESOURCES DEPT.
SALEM, OREGON

Coos County - Property Profile

Account: [REDACTED]
Property Class: 542
Owner of record: QUIET VALLEY FARMS, LLC
Owner's Address: PO BOX 295
LANGLOIS, OR 97450

Map: 30S-15W-14 TL 100
Building Class:

Situs Address: ,
Acres: 87.88
Market Improv: 0
Market Land: 29,744
RMV: 29,744
TAV: 17,589
2009 Taxes: 145.58
Last Sale Date: 1999-08-26
Last Sale Price: 0
Zoning: EFU/F

Assessed Improv: 0
Assessed Land: 29,744
MAV: 0

Deed Reference: 1999-11673
Deed Type: DE
Code Area: 46.00

Tax History:

Tax Year	Taxes	Special Assessments	Penalty	State Pay	Paid
2009	145.58	87.70	0.00	0.00	0.00
2008	145.18	90.77	0.00	0.00	235.95
2007	140.02	74.17	0.00	0.00	214.19
2006	900.93	73.36	0.00	0.00	974.29
2005	885.27	81.61	0.00	0.00	966.88

Sales History:

Sale Date	Seller Name	Buyer Name	Sale Price	Doc No
1999-08-26	EVEREST, RICHARD J. & BARBARA A.	QUIET VALLEY FARMS, LLC	0	1999-11673
1983-03-01		EVEREST, RICHARD J. & B.	0	830305331

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SALEM, OREGON

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Coos County Property Detail

Account:		Map:	30-15-14 TL 100
Property Class:	542		
Owners:	QUIET VALLEY FARMS, LLC PO BOX 295 LANGLOIS, OR 97450		
Situs Address:			
Zoning:	EFU/F	Code Area:	46.00
Acres:	87.880	Deed Ref:	1999-11673
Sale Date:	1999-08-26	Sale Price:	\$0
Market Improv:	\$0	Assessed Improv:	\$0
Market Land:	\$29,744	Assessed Land:	\$29,744
RMV:	\$29,744	MAV:	\$0
TAV:	\$17,589	2009 Taxes:	\$233.28

Improvements:

Imp Type	Description	Value	Phys Depr	Func Depr	Misc Depr	Loc cost mdfr	Class
----------	-------------	-------	-----------	-----------	-----------	---------------	-------

Tax History:

Tax Year	RMV	Tax Amount	Special Assessments
2003	\$ 113,836	\$ 814.04	\$ 65.14
2004	\$ 132,853	\$ 836.58	\$ 71.23
2005	\$ 159,517	\$ 885.27	\$ 81.61
2006	\$ 210,131	\$ 900.93	\$ 73.36
2007	\$ 27,603	\$ 140.02	\$ 74.17
2008	\$ 29,090	\$ 145.18	\$ 90.77
2009	\$ 29,744	\$ 145.58	\$ 87.70

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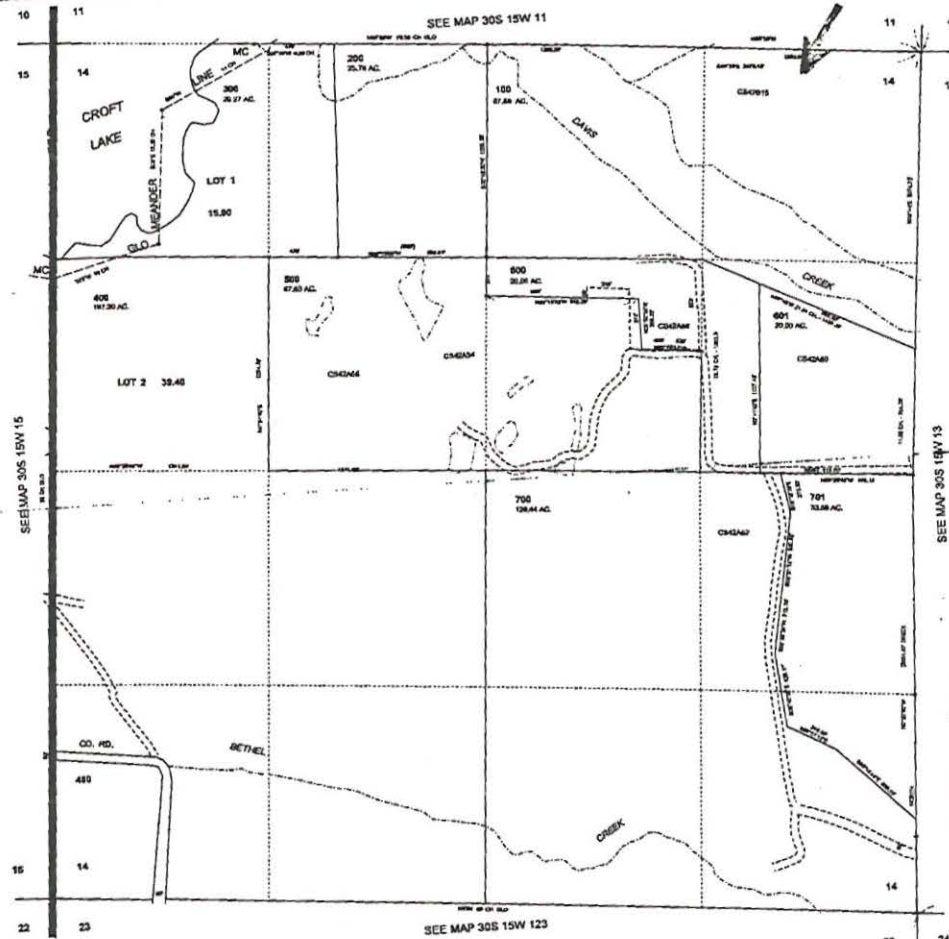
SECTION 14 T30S R15W W.M.
COOS COUNTY

1" = 400'

30S 15W 14

CANCELLED NO.

501
602



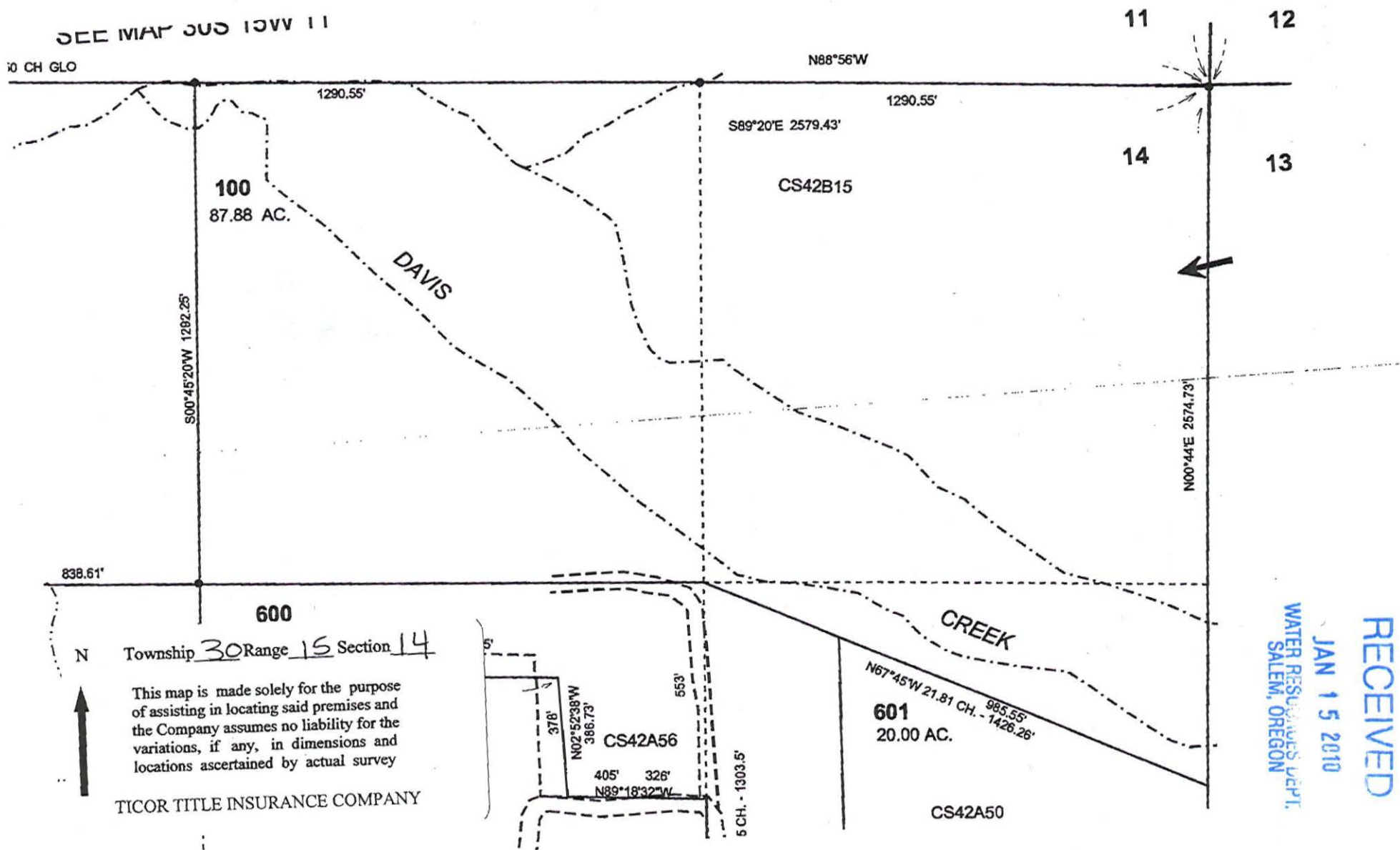
N Township 30 Range 15 Section 14

This map is made solely for the purpose
of assisting in locating said premises and
the Company assumes no liability for the
variations, if any, in dimensions and
locations ascertained by actual survey

TICOR TITLE INSURANCE COMPANY

12-17-2008
30S 15W 14

SEE MAP 303 13W 11
10 CH GLO



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SALEM, OREGON

300 W. Anderson
Coos Bay, OR 97420
Phone: 269-5127 Fax: 267-0990

1010 First St., Suite 215
Bandon, OR 97411
Phone: 347-5429 Fax: 347-6811

Consumer Information Report

Prepared For: Richard J. Everest and Barbara Ann Everest
PO Box 295
Langlois OR 97450
Fri Jan 15, 2010

Property Address: RT 1 BOX 01518, BANDON, OR 97411
Tax Account: [REDACTED]
Map: 30S-15W-13 TL 300

Owner of Record: QUIET VALLEY FARMS, LLC
Owner's Address: PO BOX 295
LANGLOIS, OR 97450

Prepared By: Ellen Breiter

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SALEM, OREGON

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WATER RESOURCES DEPT.
SALEM, OREGON

Coos County - Property Profile

Account: [REDACTED]
Property Class: 544
Owner of record: QUIET VALLEY FARMS, LLC
Owner's Address: PO BOX 295
LANGLOIS, OR 97450

Map: 30S-15W-13 TL 300
Building Class:

Situs Address: RT 1 BOX 01518, 97411
Acres: 96.64
Market Improv: 0
Market Land: 22,020
RMV: 22,020
TAV: 14,431
2009 Taxes: 119.44
Last Sale Date: 1999-08-26
Last Sale Price: 0
Zoning: EFU*

Assessed Improv: 0
Assessed Land: 22,020
MAV: 0

Deed Reference: 1999-11673
Deed Type: DE
Code Area: 46.00

This property has multiple tax lots. The following is a summary of all accounts:

Account	Acres	Market Land	Market Improv	TAV	Taxes
[REDACTED]	96.640	22,020	0	14,431	119.44
[REDACTED]	20.220	11,702	104,239	66,966	638.23
[REDACTED]	87.880	29,744	0	17,589	145.58
Totals	87.880	29,744	0	17,589	145.58

Tax History:

Tax Year	Taxes	Special Assessments	Penalty	State Pay	Paid
2009	119.44	143.94	0.00	0.00	0.00
2008	119.11	171.29	0.00	0.00	290.40
2007	114.89	119.56	0.00	0.00	234.45
2006	112.16	118.68	0.00	0.00	230.84
2005	110.23	127.74	0.00	0.00	237.97

Sales History:

Sale Date	Seller Name	Buyer Name	Sale Price	Doc No
1999-08-26	EVEREST, RICHARD J. & BARBARA A.	QUIET VALLEY FARMS, LLC	0	1999-11673
1983-03-01		EVEREST, RICHARD J. & B.	0	830305331

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Coos County Property Detail

Account:	██████████	Map:	30-15-13 TL 300
Property Class:	544		
Owners:	QUIET VALLEY FARMS, LLC PO BOX 295 LANGLOIS, OR 97450		
Situs Address:	RT 1 BOX 01518 , 97411		
Zoning:	EFU*	Code Area:	46.00
Acres:	96.640	Deed Ref:	1999-11673
Sale Date:	1999-08-26	Sale Price:	\$0
Market Improv:	\$0	Assessed Improv:	\$0
Market Land:	\$22,020	Assessed Land:	\$22,020
RMV:	\$22,020	MAV:	\$0
TAV:	\$14,431	2009 Taxes:	\$263.38

Improvements:

Imp Type	Description	Value	Phys Depr	Func Depr	Misc Depr	Loc cost mdfr	Class
----------	-------------	-------	-----------	-----------	-----------	---------------	-------

Tax History:

Tax Year	RMV	Tax Amount	Special Assessments
2003	\$ 10,669	\$ 72.91	\$ 121.22
2004	\$ 14,931	\$ 104.18	\$ 129.00
2005	\$ 15,627	\$ 110.23	\$ 127.74
2006	\$ 17,830	\$ 112.16	\$ 118.68
2007	\$ 18,715	\$ 114.89	\$ 119.56
2008	\$ 21,010	\$ 119.11	\$ 171.29
2009	\$ 22,020	\$ 119.44	\$ 143.94

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Bandon, OR 97411

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WATER RESOURCES DEPT.
SALEM, OREGON

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300 W. Anderson
Coos Bay, OR 97420
Phone: 269-5127 Fax: 267-0990

1010 First St., Suite 215
Bandon, OR 97411
Phone: 347-5429 Fax: 347-6811

Consumer Information Report

Prepared For: Richard J. Everest and Barbara Ann Everest
PO Box 295
Langlois OR 97450

Fri Jan 15, 2010

Property Address: RT 1 BOX 01518, BANDON, OR 97411
Tax Account: [REDACTED]
Map: 30S-15W-13 TL 300

Owner of Record: QUIET VALLEY FARMS, LLC
Owner's Address: PO BOX 295
LANGLOIS, OR 97450

Prepared By: Ellen Breiter

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 services may be discontinued. No liability is assumed for any error in this record.

Coos County - Property Profile

Account: [REDACTED]
Property Class: 544
Owner of record: QUIET VALLEY FARMS, LLC
Owner's Address: PO BOX 295
 LANGLOIS, OR 97450

Map: 30S-15W-13 TL 300
Building Class:

Situs Address: RT 1 BOX 01518, 97411
Acres: 20.22
Market Improv: 104,239
Market Land: 11,702
RMV: 115,941
TAV: 66,966
2009 Taxes: 638.23
Last Sale Date: 1999-08-26
Last Sale Price: 0
Zoning: EFU*

Assessed Improv: 104,239
Assessed Land: 11,702
MAV: 0

Deed Reference: 1999-11673
Deed Type: DE
Code Area: 46.02

This property has multiple tax lots. The following is a summary of all accounts:

Account	Acres	Market Land	Market Improv	TAV	Taxes
[REDACTED]	96.640	22,020	0	14,431	119.44
[REDACTED]	20.220	11,702	104,239	66,966	638.23
[REDACTED]	87.880	29,744	0	17,589	145.58
Totals	87.880	29,744	0	17,589	145.58

Tax History:

Tax Year	Taxes	Special Assessments	Penalty	State Pay	Paid
2009	638.23	0.00	0.00	0.00	0.00
2008	634.26	0.00	0.00	0.00	634.26
2007	612.26	0.00	0.00	0.00	612.26
2006	597.29	0.00	0.00	0.00	597.29
2005	427.86	0.00	0.00	0.00	427.86

Sales History:

Sale Date	Seller Name	Buyer Name	Sale Price	Doc No
1999-08-26	EVEREST, RICHARD J. & BARBARA A.	QUIET VALLEY FARMS, LLC	0	1999-11673

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Coos County Property Detail

Account: XXXXXXXXXX **Map:** 30-15-13 TL 300
Property Class: 544
Owners: QUIET VALLEY FARMS, LLC
 PO BOX 295
 LANGLOIS, OR 97450
Situs Address: RT 1 BOX 01518 , 97411
Zoning: EFU* **Code Area:** 46.02
Acres: 20.220 **Deed Ref:** 1999-11673
Sale Date: 1999-08-26 **Sale Price:** \$0
Market Improv: \$104,239 **Assessed Improv:** \$104,239
Market Land: \$11,702 **Assessed Land:** \$11,702
RMV: \$115,941 **MAV:** \$0
TAV: \$66,966 **2009 Taxes:** \$638.23

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SALEM, OREGON**Improvements:**

Imp Type	Description	Value	Phys Depr	Func Depr	Misc Depr	Loc cost mdfr	Class
X	GPB	\$43,435	9.99	9.99	9.99	9.99	5
X	GPB	\$17,826	9.99	9.99	9.99	9.99	5
X	MACHSHED	\$21,214	9.99	9.99	9.99	9.99	5

Tax History:

Tax Year	RMV	Tax Amount	Special Assessments
2003	\$ 39,282	\$ 378.62	\$ 0.00
2004	\$ 60,990	\$ 405.73	\$ 0.00
2005	\$ 72,577	\$ 427.86	\$ 0.00
2006	\$ 122,591	\$ 597.29	\$ 0.00
2007	\$ 149,298	\$ 612.26	\$ 0.00
2008	\$ 149,298	\$ 634.26	\$ 0.00
2009	\$ 115,941	\$ 638.23	\$ 0.00

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Enhanced Data Systems, Inc.

P.O. Box 1960

Bandon, OR 97411

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$1^{\circ} = 400'$

SEE MAP 30S 15W 12

CANCELLED NO.

FOR. OF 100	
1. 200°00'00"W	52.63
2. 180°00'00"W	228.69
3. 160°37'54"W	100.79
4. 130°30'00"W	116.80
5. 91°00'00"W	271.18
6. 50°27'30"W	572.39
7. 10°57'50"W	94.50
8. 00°00'00"W	24.00

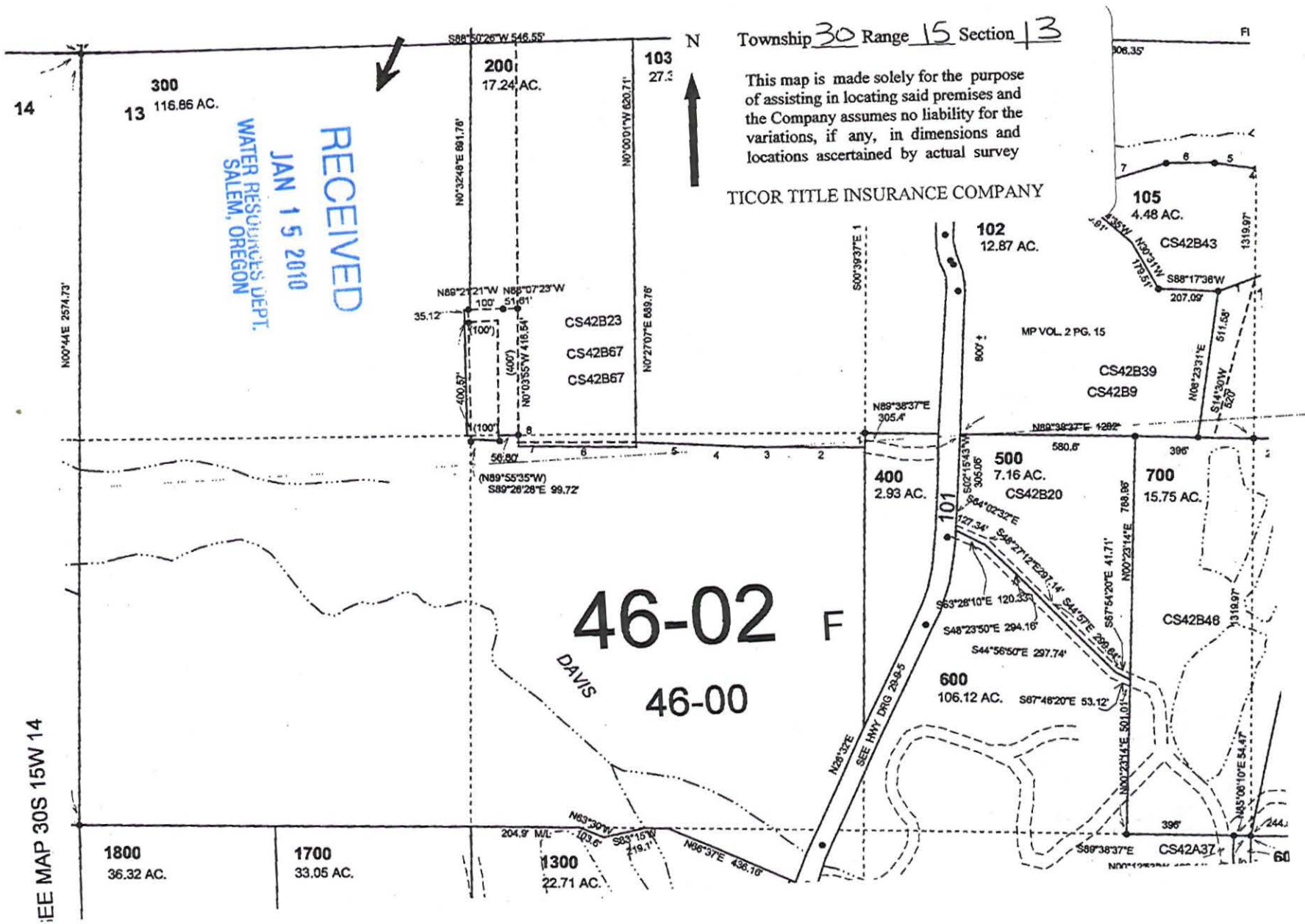
POR. OF 105

1. N07°00'00"E	200 M
2. N03°28'32"W	80 M
3. N10°04'28"W	180.7
4. N03°28'32"E	87.8
5. N81°34'40"W	132.7
6. N88°07'25"W	109.3
7. S12°01'44"W	255.4
8. S77°28'42"W	110.3

JAN 15 2010

This map is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for the variations, if any, in dimensions and locations ascertained by actual survey

30S 15W 13



14

300
13 116.86 AC.

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SALEM, OREGON

200
17.24 AC.

103
27.3

Township 30 Range 15 Section 13

This map is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for the variations, if any, in dimensions and locations ascertained by actual survey

TICOR TITLE INSURANCE COMPANY

102
12.87 AC.

105
4.48 AC.

46-02 F
46-00

DAVIS

400
2.93 AC.

500
7.16 AC.

700
15.75 AC.

1800
36.32 AC.

1700
33.05 AC.

1300
22.71 AC.

SEE MAP 30S 15W 14

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WATER RESOURCES DEPT.
SALIM, OREGON

72-1-77282

LAND SALE AGREEMENT

THIS AGREEMENT, made and entered into this 25th day of March, 1972, by and between H. J. MERZ and GERALDINE MERZ, husband and wife, whose present address is P. O. Box 1009, Florence, Oregon, hereinafter designated as Seller, and RICHARD J. EVEREST and BARBARA ANN EVEREST, husband and wife, whose present address is Langlois, Oregon, hereinafter designated as Purchaser.

WITNESSETH:

In consideration of the covenants herein exchanged between the parties hereto, and in consideration of the sum of sixty thousand and no/100 (\$60,000.00) dollars to be paid by the Purchaser, Seller hereby agrees to sell and the Purchaser hereby agrees to purchase that certain tract or parcel of land situate in the vicinity of Langlois, Coos County, Oregon, and described as:

(Description attached as Exhibit I)

Purchaser shall pay to the Seller the sum of ten thousand and no/100 (\$10,000.00) dollars down payment, receipt of which sum is hereby acknowledged by the Seller, and the balance of the purchase price, to-wit: the sum of fifty thousand (\$50,000.00) dollars shall be paid by Purchaser to Seller in the following manner: The unpaid balance on this contract in the sum of \$50,000.00 shall bear interest at the rate of six (6%) per cent per annum with interest commencing April 1, 1972. Seller hereby grants unto Purchaser the right to make interest payments only on this contract commencing April 1, 1973 through April 1, 1974 with said accrued interest being paid on April 1st of each calendar year. Commencing April 1, 1975, Purchaser agrees and promises to pay the sum of not less than \$5,000.00 on principal plus accumulated interest with a similar payment of not less than \$5,000.00 on principal plus accumulated interest on the 1st day of April of each successive calendar year thereafter until the entire remaining balance of principal and accrued interest has been paid in full. As one additional consideration to Purchaser, Seller hereby grants to Purchaser the right to eliminate any one of the subsequent annual payments of not less than \$5,000.00 each on principal during the term of this contract and thus at any one year during the life hereof, to pay accumulated interest only on April 1st of said chosen calendar year, but if Purchaser elects to make payment in this

13-30-15

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77282

72-10-77283

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SALEM, OREGON

Exhibit I

The W 1/2 of NW 1/4 of Section 13, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon

ALSO: The E 1/2 of NE 1/4 and the NW 1/4 of Section 14, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

ALSO: The SE 1/4 of NW 1/4 and NE 1/4 of SW 1/4 of Section 13, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, SAVE AND EXCEPT that portion of the last above described premises lying East of the Roosevelt State Highway, according to the survey thereof, which was heretofore conveyed to S. L. Tracy by deed recorded in Book 92, Page 112, Deed Records of Coos County.

EXCEPT the following portions of which have been heretofore conveyed:

(a) Beginning at the intersection of the West boundary line of the State Highway 101 with the South boundary line of the NE 1/4 of SW 1/4 of Section 13; thence Northerly along the West boundary line of said Highway 101 to a point 100 feet South of a creek (sometimes classified as Davis Creek); thence in a Northwesterly direction at a distance of 100 feet from and parallel to said creek to an intersection with the North boundary line of the NE 1/4 of SW 1/4 of said Section 13; thence West to the Northwest corner of said NE 1/4 of SW 1/4 of said Section 13; thence South along the Western boundary of said quarter quarter section to the Southwest corner thereof; thence East to the point of beginning, including right of access across said 100 foot strip of land, to obtain any waters from said Davis Creek not used by the grantor herein, at times and places to be agreed upon by and between the grantor and grantee herein.

(b) ALSO from the intersection of the West boundary line of the State Highway No. 101 with the South boundary of NE 1/4 of SW 1/4 of Section 13; thence Northerly along the West boundary line of said Highway No. 101 to a point in the center line of a culvert over a creek (sometimes called Davis Creek) which point on said culvert is hereby designated and called the point of beginning, and from said point of beginning running due West to a point which is exactly 100 feet distant from said creek, at the nearest point of contact and being on the Southerly side of said creek and from said point in a general Southeasterly direction upstream and parallel to said creek, and at a distance of 100 feet therefrom, to the West boundary line of said Highway No. 101; thence Northerly along said West boundary line of said Highway 100 feet, more or less, to the point of beginning.

(c) Beginning at a point in the NE 1/4 of SW 1/4 of Section 13 on the West boundary of O. H. S. No. 101, 30 feet South of U. S. Bench Mark J 465 and in a Northwesterly direction to the center line of the dam that is across an unnamed stream, following said center line of dam to the East line of property sold to F. L. Cooper; thence Southeast along said line to the West boundary of L. S. H. No. 101; thence along said boundary to the point of beginning.

(d) Beginning at the Southeast corner of the SE 1/4 of NE 1/4 of Section 14; thence North along said section line 11.83 chains; thence North 67° 45' West 21.61 chains to the West line of the E 1/2 of NE 1/4; thence South 19.75 chains along the West line of the E 1/2 of NE 1/4 to the East and West quarter section line; thence East 20 chains to the place of beginning, Together with an easement 20 feet wide in the E 1/2 of NE 1/4 of Section 14 for pipe line and pumping station from the North boundary above described tract to Davis Creek.

Exhibit I

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WATER RESOURCES DEPT.
SALEM, OREGON

72-C-77284

then notice of Purchaser's intention to miss the principal payment for said calendar year, shall be given to Seller no later than February 15th of said calendar year and in addition to this, the last yearly principal payment of not less than \$5,000.00 will be increased by the sum of \$5,000.00 making the last payment on principal the sum of \$10,000.00 if Purchaser has elected to eliminate payment of principal on another calendar year during the term of this agreement. The unpaid balance of principal shall at all times bear interest at the rate of six (6%) per cent per annum, which interest shall be paid simultaneously with and in addition to the principal payments falling due under this contract.

Interest shall commence on the 1st day of April, 1972, which shall be the effective date of possession by Purchaser.

Real property taxes for the tax year 1971-72 have been paid by Seller in the sum of \$876.43, but shall be pro-rated by the parties as of April 1, 1972, and thus Purchaser owes Seller the sum of \$219.11 to be paid by Purchaser to Seller upon execution of this agreement. The Purchaser agrees to pay all real and personal property taxes for the tax year 1972-73, and all taxes thereafter levied against said property as the same become due and before they become delinquent, it being mutually acknowledged that the current tax year ends June 30, 1972.

It is mutually acknowledged that there are no insurable improvements on the premises, and for this reason no fire insurance is required by Seller.

Seller hereby grants unto Purchaser the right to make such improvements on the hereinbefore described real property as may be necessary or convenient from the standpoint of Purchaser, provided only that such improvements shall be made by and at the sole expense of Purchaser and shall not impair the overall value of the real property. The Purchaser agrees that at all times he will keep the premises in good condition and repair and will not suffer or permit any waste or strip thereof; that he will keep said premises free from mechanic's and all other liens and save the Seller harmless therefrom and reimburse Seller for all costs and attorney's fees incurred by him in defending against any such liens. In the preservation of the hereindescribed real property Purchaser specifically covenants that no timber will be removed nor any parcel of the hereindescribed property be sold or contracted for sale by Purchaser until the entire principal purchase price in the sum of

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2-E-77285

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WATER RESOURCES
SALEM, OREGON

sixty thousand (\$60,000.00) dollars has been paid by Purchaser to Seller.

As a unique provision of this contract, it is mutually acknowledged that Seller has great personal esteem and consideration for Purchaser, and for this reason Seller hereby grants unto Purchaser the option to cancel this agreement in full on April 1, 1975, which option for cancellation is contingent upon Purchaser having faithfully performed every covenant assumed by Purchaser herein up to that time, and particularly including Purchaser's obligation to make the interest payment due April 1st, 1975, and that all taxes through April 1st, 1975 have been paid by Purchaser. If said conditions have been met by Purchaser and Purchaser elects to terminate this contract, then Seller hereby agrees and promises on that date to cancel said agreement and to return to Purchaser the sum of ten thousand (\$10,000.00) dollars and the contract and escrow hereinafter provided shall thereupon be cancelled. The property shall be returned to Seller with any and all improvements made thereon by Purchaser also to be returned by Purchaser at no expense to Seller. If Purchaser elects to cancel this contract in the manner herein outlined, then notice in writing of said intention must be given by Purchaser to Seller no later than February 1, 1973.

It is understood and agreed between Seller and Purchaser that time is of the essence of this contract; and in case Purchaser shall fail to make the payments above required, or any of them, promptly within fifteen (15) days of the time limited therefor, or shall fail to keep any agreements herein contained, then Seller, fifteen (15) days after having given notice to Purchaser of said Purchaser's default, shall have at his option the following rights: (1) to declare the contract null and void, (2) to declare the whole unpaid balance of principal of said purchase price with interest thereon at once due and payable, and/or (3) to foreclose this contract by suit in equity; and in any of these cases, all rights and interest created or then existing in favor of Purchaser as against Seller hereunder shall utterly cease and determine, and the right to the possession of the premises above described and all other rights acquired by Purchaser hereunder shall revert to and revert in said Seller without any act of re-entry or any other act of said Seller to be performed and without any right of Purchaser of return, reclamation or compensation for monies paid on account of the purchase of said property, as

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WATER RESOURCES DEPT.
SALEM, OREGON

72-C-77286

absolutely, full and perfectly as if this contract and such payments had never been made; and in case of such default, all payments theretofore made on this contract are to be retained by and belong to Seller as the agreed and reasonable rent of said premises up to the time of such default. And Seller, in case of such default, shall have the right, immediately or at any time thereafter, to enter upon the premises aforesaid without any process of law, and take immediate possession thereof, together with all improvements and appurtenances thereon or thereto belonging.

In case suit or action is instituted to foreclose this contract or to enforce any of the provisions hereof, the Purchaser agrees to pay such sum as the trial court may adjudge reasonable as attorney's fees to be allowed plaintiff in said suit or action, and if an appeal is taken from any judgment or decree of such trial court, the Purchaser further agrees and promises to pay such sum as the appellate court shall adjudge reasonable as plaintiff's attorney's fees on such appeal.

It is mutually agreed by the parties to this agreement that an executed copy of this agreement shall be placed in escrow with the First National Bank of Oregon, Eugene Main Branch, Eugene, Oregon, together with the warranty deed, with instructions to said escrow agent to deliver the warranty deed to Purchaser upon successful completion of this contract. Seller covenants to furnish Purchaser with a good and sufficient policy of title insurance, continued free and clear as to Seller, except that certain access right of way easement recorded March 29, 1972, Microfilm Reel No. 69088, Records of Coos County, Oregon, in the amount of sixty thousand (\$60,000.00) dollars upon execution of this agreement.

Upon full payment of the total purchase price by the Purchaser and upon the fulfillment of all and singular the terms, covenants and conditions of this agreement by said Purchaser, the Seller shall thereupon deliver, or direct his agent to deliver to the Purchaser, a full warranty deed naming the said Purchaser as grantee, covering the above described real property.

The Seller covenants that they are the owners of the above described real property, that said title is merchantable and unencumbered, except the access right of way easement hereinbefore more particularly described. Seller covenants that they have the right to transfer the title to the same and the possession thereof.

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72-10-77287

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WATER RES. DIV.
SALEM, OREGON

Seller covenants that Purchaser shall have quiet enjoyment of said property and that the Seller will warrant and defend the same against all lawful claims whatsoever, except any easements, etc., as hereinafore more particularly described.

The Purchaser further agrees that failure by the Seller at any time to require performance by the Purchaser of any provision hereof shall in no way affect Seller's right hereunder to enforce the same, nor shall any waiver by said Seller of any breach of any provision hereof be held to be a waiver by said Seller of any succeeding breach of any such provision, or as a waiver of the provision itself.

The covenants, conditions and terms of this contract shall extend to and be binding upon and inure to the benefit of the heirs, personal representatives and assignees of both parties hereto.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 25th day of March, 1972.

H. J. Merz
H. J. Merz

Richard J. Everett
Richard J. Everett

Geraldine Merz
Geraldine Merz

Barbara Ann Everett
Barbara Ann Everett

STATE OF OREGON)
County of Lane) ss.

On this 15th day of April, 1972, before me personally appeared the above named, H. J. Merz and Geraldine Merz, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Wm. H. Smith
Notary Public for Oregon
My Commission Expires: NOV 11 1975

72-10-77287

City of Oregon
County of Lane
hereby certify that the within instrument
is filed for record

OCT 9 10 31 AM '72

and recorded in Book of Records

Section 10, Block 10,

72-10-77287-87

Witness my hand and Seal of County

of Lane, Oregon, this 9th day of October,

1972.

Wm. H. Smith

Notary Public

My Commission Expires: Nov 11 1975

1884th Road, E. Salem

Oct 11, 1972

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WATER RESOURCES DEPT.
SALEM, OREGON

78-5-0154

STATE OF OREGON

COUNTY OF

COOS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

J. I. EVEREST

of Langlois, State of Oregon, 97450, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Davis Creek and Pond Branch

a tributary of Croft Lake
irrigation of 29.2 acres

for the purpose of

under Permit No. 20725 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 10, 1951

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.37 cubic foot per second, being 0.28 c.f.s. from Davis Creek and 0.09 c.f.s from Pond Branch

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the $S\frac{1}{2}$ NW $\frac{1}{4}$, Section 13, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, T. 30 S., R. 15 W., W. M.

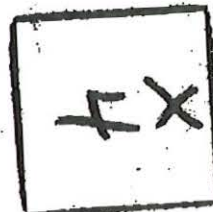
The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year.

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

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

SEE NEXT PAGE

Orig Sec. 13-30-15
In Arb. 4



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WATER RIGHTS
SALEM, OREGON

78-5-0115

6.7 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
4.5 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 14

10.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
7.3 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
0.7 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 13
T. 30 S., R. 15 W., W. M.

Land on which water is to be used is part of that described as follows:
NE $\frac{1}{4}$ NE $\frac{1}{4}$ and all that part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying North of a line running
South 67 degrees 45 minutes East from the NW Corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section
14, Township 30 South, Range 15 West, W.M. Also the W $\frac{1}{2}$ NW $\frac{1}{4}$, all the
SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying West of the State Highway of Section 13, Township 30 South
Range 15 West, W.M. Also beginning 204.9 feet East of the SW Corner of the
said SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 13; thence South 63 degrees 30 minutes East
103.6 feet; thence North 83 degrees 15 minutes East 219.1 feet; thence
South 66 degrees 37 minutes East 466.8 feet to the West boundary of the State
Highway; thence along said West boundary northerly to a point East of
beginning; thence West to beginning.

This certificate is issued to supersede certificate of water right recorded on
page 21790, Volume 16, State Record of Water Right Certificates, so as to
describe the use of water.

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

78-5-0114-5
7359 Jun 28 11 13 AM '78 2045
State of Oregon
County of Coos
I hereby certify that the within instrument was
filed for record in the Coos County Deed
Records.
WITNESS my hand and seal of County Office:
MARY ANN WILSON
County Clerk
By: *[Signature]* deputy
Return to: *[Signature]*
Fee: 2-

The right to the use of the water for the purposes aforesaid is restricted to the lands or place
of use herein described, and is subject to the existing minimum flow policies
established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date, June 9, 1978

[Signature] DEPUTY
Water Resources Director

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WATER RESOURCES DEPT.
SALEM, OREGON

83 3 5331

WARRANTY DEED

FOR VALUE RECEIVED

H. J. MERZ and GERALDINE MERZ, husband and wife
herein referred to as grantors, hereby grant, bargain, sell and convey unto

RICHARD J. EVEREST and BARBARA ANN EVEREST, husband and wife
herein referred to as grantees, the following described real property, with
tenements, hereditaments and appurtenances, to-wit:

The West half of the Northwest quarter of Section 13, Township 30 South,
Range 15 West of the Willamette Meridian, Coos County, Oregon.

ALSO: The East half of the Northeast quarter and the Northwest quarter of
the Northeast quarter of Section 14, Township 30 South, Range 15 West of
the Willamette Meridian, Coos County, Oregon.

ALSO: The Southeast quarter of the Northwest quarter and the Northeast
quarter of the Southwest quarter of Section 13, Township 30 South, Range
15 West of the Willamette Meridian, Coos County, Oregon, SAVE AND
EXCEPT that portion of the last above described premises lying East of
the Roosevelt State Highway, according to the survey thereof, which was
heretofore conveyed to B. L. Tracy by deed recorded in Book 92, Page 112,
Deed Records of Coos County.

EXCEPT the following portions of which have been heretofore conveyed:

(a) Beginning at the intersection of the West boundary line of the State
Highway 101 with the South boundary line of the Northeast quarter of
the Southwest quarter of Section 13; thence Northerly along the West
boundary line of said Highway 101 to a point 100 feet South of a creek
(sometimes classified as Davis Creek) thence in a Northwesterly direction
at a distance of 100 feet from and parallel to said creek to an intersection
with the North boundary line of the Northeast quarter of the Southwest
quarter of said Section 13; thence West to the Northwest corner of said
Northeast quarter of the Southwest quarter of said Section 13; thence South
along the Western boundary of said quarter quarter section to the
Southwest corner thereof; thence East to the point of beginning, including
right of access across said 100 foot strip of land, to obtain any waters
from said Davis Creek not used by the grantor herein, at times and places
to be agreed upon by and between the grantor and grantee herein.

(b) ALSO from the intersection of the West boundary line of the State
Highway No. 101 with the South boundary of the Northeast quarter of the
Southwest quarter of Section 13; thence Northerly along the West boundary
line of said Highway No. 101 to a point in the center line of a culvert over
a creek (sometimes called Davis Creek) which point on said culvert is
hereby designated and called the point of beginning, and from said point of
beginning running due West to a point which is exactly 100 feet distant from
said creek, at the nearest point of contact and being on the Southerly side
of said creek and from said point in a general Southeasterly direction up-
stream and parallel to said creek, and at a distance of 100 feet therefrom,

orig Arb4 Sec 13-30-15

JUL 5 1983

13653

WATER RESOURCES DEPT.
SALEM, OREGON

Page Two - Warranty Deed

09/13/1999 02:07 REC FEE: \$38.00
COOS COUNTY, OR, TERRI TURI - COUNTY CLERK

PAGE #: 0001 OF 0002
INST#: 1999 11673 **

WHEN RECORDED RETURN TO:

Foss, Whitty, Littlefield,
McDaniel & Bodkin, LLP
P.O. Box 1120
Coos Bay, OR 97420

MAIL TAX STATEMENTS TO:

Richard and Barbara Everest, Trustees
P.O. Box 295
Langlois, OR 97450

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WATER RESOURCES DEPT.
SALEM, OREGON

CONSIDERATION: No consideration is being given for this deed. This deed is given to transfer the property described herein to a newly formed limited liability company.

DEED

RICHARD J. EVEREST and BARBARA ANN EVEREST, Trustees of the Richard J. Everest Trust under agreement dated August 26, 1999, as to an undivided one-half interest, and BARBARA ANN EVEREST and RICHARD J. EVEREST, Trustees of the Barbara Ann Everest Trust under agreement dated August 26, 1999, as to an undivided one-half interest, Grantors, convey unto QUIET VALLEY FARMS, LLC, Grantee, all of Grantors' interest in and to the following described real property in Coos County, Oregon:

All of that real property described in a deed from H.J. Merz and Geraldine Merz, as Grantors, to Richard J. Everest and Barbara Ann Everest, husband and wife, as Grantees, which instrument was dated March 25, 1972, and recorded July 5, 1983 as Microfilm Reel Nos. 83-3-5331 and 83-3-5332, Records of Coos County, Oregon.

EXCEPTING: That certain real property described in a document entitled Boundary Adjustment Deed and Easement, in which Richard J. Everest and Barbara Ann Everest were Grantors and Russell S. Fraser and Patti R. Fraser, husband and wife were Grantees, which instrument was dated March 20, 1995, and recorded April 6, 1995, as Microfilm Reel No. 95-04-0123.

Coos County Assessor's Account Nos. 13659.00, 13659.90 and 13670.00.

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED: August 26, 1999.

09/13/1999 02:07 REC FEE: \$38.00
COOS COUNTY, OR, TERRI TURI - COUNTY CLERK

PAGE #: 0002 OF 0002
INST#: 1999 11673

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JAN 15 2010

WATER RESOURCES DEPT.
SALEM, OREGON

Richard J. Everest

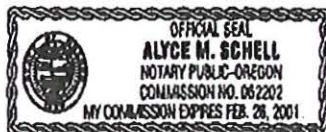
RICHARD J. EVEREST, as Trustee of the
Richard J. Everest Trust U/A/D 8-26-99, and as
Trustee of the Barbara Ann Everest Trust U/A/D
8-26-99

Barbara A. Everest

BARBARA ANN EVEREST, as Trustee of the
Barbara Ann Everest Trust U/A/D 8-26-99, and
as Trustee of the Richard J. Everest Trust U/A/D
8-26-99

STATE OF OREGON)
) ss.
County of Coos)

This instrument was acknowledged before me on August 26, 1999, by RICHARD J. EVEREST, as Trustee of the Richard J. Everest Trust U/A/D 8-26-99, and as Trustee of the Barbara Ann Everest Trust U/A/D 8-26-99, and by BARBARA ANN EVEREST, as Trustee of the Barbara Ann Everest Trust U/A/D 8-26-99, and as Trustee of the Richard J. Everest Trust U/A/D 8-26-99.



Alyce M. Schell
Notary Public for Oregon

Shipping Checklist for Reimbursement Authority Files

File T-10309 Applicant: Quiet Valley Farms

Agent/Contact: n/a

Ship to Contractor: PBS

Items included:

- ☒ Copy of front of file folder
- ☒ Application Cover Letter, if there is one
- ☒ Transfer Application form
- ☒ Transfer map
- ☒ Evidence of Use Affidavit
- ☒ Supporting documentation for evidence of use
- ☒ Land-use Information form
- ☐ Ownership documentation or ☒ Need to ask for ownership info 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) or ☒ NA
- ☒ Watermaster review or ☐ Will email watermaster review when available
- ☒ ODFW review (if change in POD) or ☐ Will send later or ☐ NA
- ☐ GW review (if POA change or POD-to-POA change) or ☐ Will send later or ☒ NA
- ☒ 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 02/13/2007

Number of sheets copied 36

File contents copied by Sarah Henderson Date: September 15, 2009

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

Application Number 10309

Name of Applicant: Quiet Valley Farms

Proposed Timeline

02/13/2007	Public Notice (start of 30-day comment period).
10/27/2009	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).
12/02/2009	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 DPD comments received	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: PBS

Authorized Representative: _____

Date: _____

MEMO

Date: September 15, 2009

To: Joan

From: Sarah Henderson

RE: T- 10309

Ship file to contractor under Reimbursement Authority

Charge to PCA #47125

Number of copied pages 36

Send (overnight) to:

PBS Engineering and Environmental

Attn: Sandra Jones

4412 SW Corbett Avenue

Portland, OR 97239

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

Transfer # 10309

Applicant: Quiet Valley Farms

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)
- ☐ Instream Water Right Certificate (if needed)

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

The following items are enclosed:

- ☐ Review checklist
- ☐ Marked copy of transfer application
- ☐ (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- ☐ (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- ☐ 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:** _____

Review Checklist**T-10309****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 POU's to be transferred are listed.
- ☐ Application & certificate tabulations match. (*Mark on appl. and cert. copies and note corrections needed*)
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by 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

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

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

Materials needed for peer reviewer

- ☐ application marked ☐ transfer map ☐ Water right map (if marked) ☐ certificate marked
- ☐ deed/ROLI (if marked) ☐ plat card marked printout (if POU or Use change)
- ☐ other processing notes



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.

TYPE	FILE NUMBER
Transfer Application	Transfer Number T-10309

	Applicant Information	Applicant's Representative/Contact
Name:	Quiet Valley Farms	Dick Everest
Address:	P.O. Box 295	
	Longview, OR 97450	
Phone:	1-541-348-2312	
Fax:		
E-Mail Address:	everestdb@copper.net	

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 of \$ 125.00, 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, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate 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 of my request.
- Send completed Application and payment to:

Oregon Water Resources Department
Transfer Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271
1266

I certify that I am the (check one):

☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify)

Name: Dick Everest

Signature: Dick Everest

PBS

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

*Superseded by
 Supp. Form B, page 1
 received 11/10/09*

State of Oregon)
) ss
 County of COOS)

I, RICHARD J. EVEREST, in my capacity as OWNER,
 mailing address P.O. BOX 295, LANGLOIS, OR 97450
 telephone number (503) 348-2312, 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 was leased instream at some time within the last five years. The instream lease number is as follows: _____; 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	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
30	S	15	W	W	13	SEnw		6.8
						SWnw		8.9
30	S	15	W	W	14	NENE		11.7
						NWNE		1.8

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**WATER RESOURCES DEPT
 SALEM, OREGON**

(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.

Supplemental Form B

- 1 -

FEB 02 2007

Affidavit Attesting to the Use of Water

**WATER RESOURCES DEPT
 SALEM, OREGON**

1 10309

WARRANTY DEED

FOR VALUE RECEIVED

H. J. MERZ and GERALDINE MERZ, husband and wife
herein referred to as grantors, hereby grant, bargain, sell and convey unto

RICHARD J. EVEREST and BARBARA ANN EVEREST, husband and wife
herein referred to as grantees, the following described real property, with
tenements, hereditaments and appurtenances, to-wit:

The West half of the Northwest quarter of Section 13, Township 30 South,
Range 15 West of the Willamette Meridian, Coos County, Oregon.

ALSO: The East half of the Northeast quarter and the Northwest quarter of
the Northeast quarter of Section 14, Township 30 South, Range 15 West of
the Willamette Meridian, Coos County, Oregon.

ALSO: The Southeast quarter of the Northwest quarter and the Northeast
quarter of the Southwest quarter of Section 13, Township 30 South, Range
15 West of the Willamette Meridian, Coos County, Oregon, SAVE AND
EXCEPT that portion of the last above described premises lying East of
the Roosevelt State Highway, according to the survey thereof, which was
heretofore conveyed to B. L. Tracy by deed recorded in Book 92, Page 112,
Deed Records of Coos County.

EXCEPT the following portions of which have been heretofore conveyed:

(a) Beginning at the intersection of the West boundary line of the State
Highway 101 with the South boundary line of the Northeast quarter of
the Southwest quarter of Section 13; thence Northerly along the West
boundary line of said Highway 101 to a point 100 feet South of a creek
(sometimes classified as Davis Creek); thence in a Northwesterly direction
at a distance of 100 feet from and parallel to said creek to an intersection
with the North boundary line of the Northeast quarter of the Southwest
quarter of said Section 13; thence West to the Northwest corner of said
Northeast quarter of the Southwest quarter of said Section 13; thence South
along the Western boundary of said quarter quarter section to the
Southwest corner thereof; thence East to the point of beginning, including
right of access across said 100 foot strip of land, to obtain any waters
from said Davis Creek not used by the grantor herein, at times and places
to be agreed upon by and between the grantor and grantee herein.

(b) ALSO from the intersection of the West boundary line of the State
Highway No. 101 with the South boundary of the Northeast quarter of the
Southwest quarter of Section 13; thence Northerly along the West boundary
line of said Highway No. 101 to a point in the center line of a culvert over
a creek (sometimes called Davis Creek) which point on said culvert is
hereby designated and called the point of beginning, and from said point of
beginning running due West to a point which is exactly 100 feet distant from
said creek, at the nearest point of contact and being on the Southerly side
of said creek and from said point in a general Southeasterly direction up-
stream and parallel to said creek, and at a distance of 100 feet therefrom,

to the West boundary line of said Highway No. 101; thence Northerly along said West boundary line of said Highway 100 feet, more or less, to the point of beginning.

(c) Beginning at a point in the Northeast quarter of the Southwest quarter of Section 13 on the West boundary of O. H. S. No. 101, 30 feet South of U. S. Bench Mark J 465 and in a Northwesterly direction to the center line of the dam that is across an unnamed stream, following said center line of dam to the East line of property sold to P. L. Cooper; thence Southeast along said line to the West boundary of O. S. H. No. 101; thence along said boundary to the point of beginning.

(d) Beginning at the Southeast corner of the Southeast quarter of the Northeast quarter of Section 14; thence North along said section line 11.58 chains; thence North 67° 45' West 21.61 chains to the West line of the East half of the Northeast quarter; thence South 19.75 chains along the West line of the East half of the Northeast quarter to the East and West quarter section line; thence East 20 chains to the place of beginning. Together with an easement 20 feet wide in the East half of the Northeast quarter of Section 14 for pipe line and pumping station from the North boundary above described tract to Davis Creek.

TO HAVE AND TO HOLD the said premises unto said Grantees, their heirs and assigns forever. And the said Grantors hereby covenant that they are lawfully seized in fee simple of said premises; that they are free from all encumbrances, EXCEPT Access Right of Way Easement, including terms and provisions thereof, from H. J. Merz et ux to Donald E. Brooks et ux, recorded March 8, 1972, bearing Microfilm Reel No. 69088, Records of Coos County, Oregon, and that they will warrant and defend the above granted premises against all lawful claims whatsoever, except as above stated.

The true and actual consideration for this transfer is \$60,000.00.

Dated: March 25, 1972

H. J. Merz
H. J. Merz

Geraldine Merz
Geraldine Merz

STATE OF OREGON)

) ss.

County of Lane)

On this 31 day of March, 1972, before me personally appeared the above named H. J. MERZ and GERALDINE MERZ, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.



Mary Ann Wilson
Notary Public for Oregon
My Commission Expires: 3-10-75

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Page Two - Warranty Deed

FEB 0 2007

WATER RESOURCES DEPT
SALEM, OREGON

RECORDED JUL 5 1983 AT 4:27

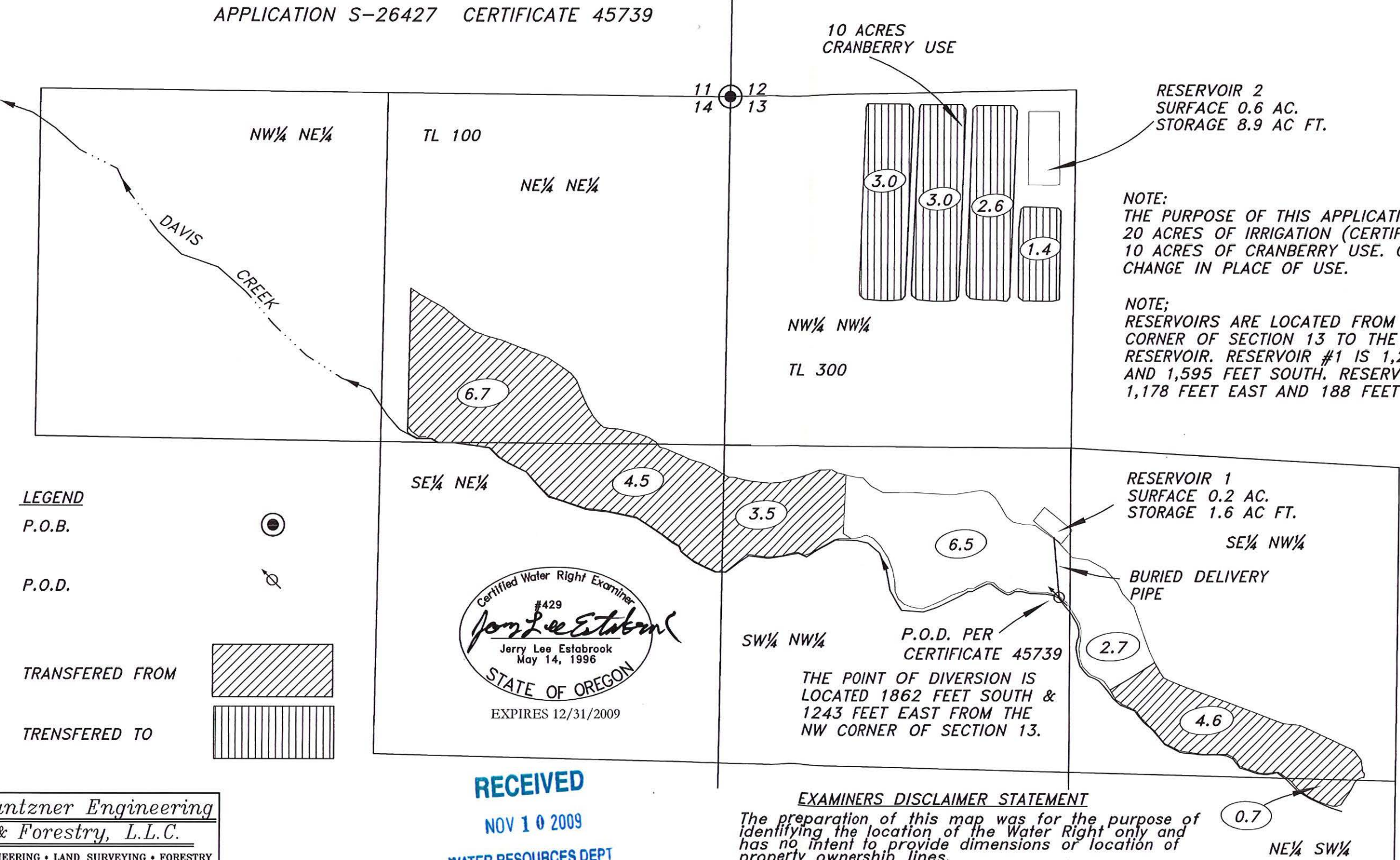
MARY ANN WILSON, COUNTY CLERK

2046

2075

TRANSFER APPLICATION
 LOCATED IN THE NW¼ OF SECTION 13 &
 THE NE¼ OF SECTION 14, TOWNSHIP 30 SOUTH,
 RANGE 15 WEST, WILLAMETTE MERIDIAN
 COOS COUNTY, OREGON
 APPLICATION S-26427 CERTIFICATE 45739

PREPARED FOR: QUIET VALLEY FARMS
 PREPARED BY: DENNIS GOUDE
 DATE PREPARED: NOVEMBER 15, 2006
 DATE REVISED: NOVEMBER 6, 2009



Certified Water Right Examiner
 #429
 Jerry Lee Estabrook
 May 14, 1996
 STATE OF OREGON
 EXPIRES 12/31/2009

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NOV 10 2009

WATER RESOURCES DEPT
 SALEM, OREGON

EXAMINERS DISCLAIMER STATEMENT
 The preparation of this map was for the purpose of identifying the location of the Water Right only and has no intent to provide dimensions or location of property ownership lines.

Stuntzner Engineering
 & Forestry, L.L.C.
 ENGINEERING • LAND SURVEYING • FORESTRY
 PLANNING • WATER RIGHTS
 705 South 4th St.
 Post Office Box 118
 Coos Bay, Oregon 97420
 Phone: (541) 267-2872
 Fax: (541) 267-0588

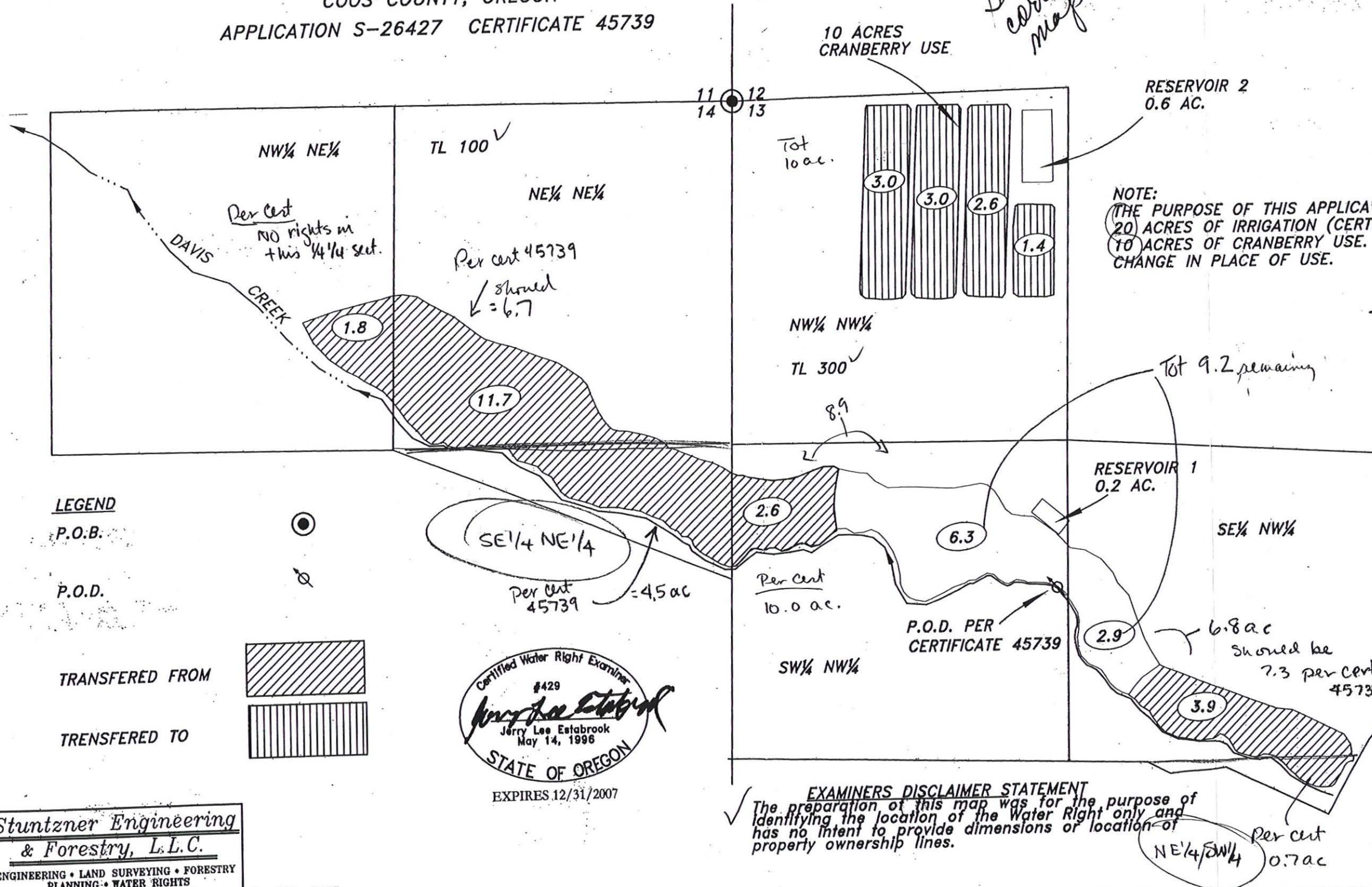
06-362

TRANSFER APPLICATION
 LOCATED IN THE NW¼ OF SECTION 13 &
 THE NE¼ OF SECTION 14, TOWNSHIP 30 SOUTH,
 RANGE 15 WEST, WILLAMETTE MERIDIAN
 COOS COUNTY, OREGON
 APPLICATION S-26427 CERTIFICATE 45739

• acreage do not
 match those on
 Cert 45739

PREPARED FOR: QUIET VALLEY FARMS
 PREPARED BY: DENNIS GOUDE
 DATE PREPARED: NOVEMBER 15, 2006

See
 corrected
 map



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 APR 19 2010

WATER RESOURCES DEPT
 SALEM, OREGON

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FEB 02 2007
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

JAN 16 2007
 WATER RESOURCES DEPT
 SALEM, OREGON

Scale 1"=400'

LEGEND

P.O.B.

P.O.D.

TRANSFERED FROM

TRANSFERED TO



Stuntzner Engineering
 & Forestry, L.L.C.

ENGINEERING • LAND SURVEYING • FORESTRY
 PLANNING • WATER RIGHTS

705 South 4th St.
 Post Office Box 118
 Coos Bay, Oregon 97420

Phone: (541) 267-2872
 Fax: (541) 267-0588

06-362

EXAMINERS DISCLAIMER STATEMENT
 The preparation of this map was for the purpose of
 identifying the location of the Water Right only and
 has no intent to provide dimensions or location of
 property ownership lines.