

5913

Name Tommy M. & Nadean E. Smith
 By P.O. Box 100
 Address 10089 Miller Trail Highway
Canyonville, OR 97417
Days Creek, OR 97429

DESCRIPTION OF WATER RIGHT

Name of stream S. Umpqua River
 Trib. of _____ County of Douglas
 Use Irrigation
 Quantity of water 0.065 cfs No. of acres 5.0
 Name of ditch _____
 Date of priority 11-16-1926
 In name of W. Frank Brown
 _____ Adjudication, Vol. _____, page _____
 App. No. 11184 Per. No. 7666 Cert. No. 24474
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-5-87</u>	<u>115.00</u>	<u>51643</u>
TOTAL . . .		
	Cert. Fee	

Change in POU, POD
 Date filed March 5, 1987
 Date of hearing _____
 Place of hearing _____
 Date of order June 15, 1987 Vol. 41, page 278
 Date for application of water 10-1-88
 Proof mailed _____
 Proof received _____
 Certificate issued JUL 22 2004 Vol. _____, page 80547
JUL 22 2004 80546

FEES REFUNDED

Date	Amount	Check No.

REMARKS

1/7/93 SS also pull 11184
May or may not have RR
See letter to G2B.

Note Number 80547 assigned

To Summary 6-30-87

INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>eq</u>	_____
<input checked="" type="checkbox"/> Stream	<u>eq</u>	_____
<input type="checkbox"/> Pt. of Div.	_____	_____
<input checked="" type="checkbox"/> Calendar	<u>eq</u>	_____
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>SR</u>	_____
<input type="checkbox"/> Decree-vault	_____	_____
<input type="checkbox"/> Decree-safe	_____	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>SR</u>	_____
<input checked="" type="checkbox"/> Per. Folder	<u>SR</u>	_____
<input type="checkbox"/> Chainindex	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input type="checkbox"/> Power Claim	_____	_____
<input checked="" type="checkbox"/> Abstracts	<u>eq</u>	_____

1429

TRANSFER PROCEDURE
CHECK-OFF LIST

Plat Card Marked	(X)
Certificate Marked	(X)
Certificate Copied	(X)
Decree Marked (Vault)	(X)
Decree Page Copied	(X)
Transfer Folder Marked	(X)
Permit Folder Marked	(X)
Name Card Made	(X)
Stream Card Made	(X)
Entered in Log	(X)
Acknowledgment Drafted	(X)
Acknowledgment Mailed	(X)
PON Drafted	(X)
PON Mailed	(X)
Watermaster Report Sent/Date-(3-9-77)	(X)
GW Report Sent/Date	(X)
Calendar Card Made	(X)
Order Drafted	(X)
Order to WPC	(X)
Special Order Pages Reserved	(X)
Volume & Page on Order	(X)
Order Signed by Director	(X)
Survey Card Made	(X)
Order Copied	(X)
Order Sent	(X)
Applicant	(X)
Watermaster Division	(X)
Watermaster	(X)
Folder	(X)
Special Order Book	(X)
Completion Notice	(X)
Survey Form	(X)

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **MRS. J. O. METZ and W. FRANK BROWN**

of **Canyonville**, State of **Oregon**⁹⁷⁴¹⁷, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **South Umpqua River** a tributary of **Umpqua River** for the purpose of **irrigation** under Permit No. **7666** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **November 16, 1926**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.13 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 30 South, Range 4 West, 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,

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:

Lands of Mrs. J. O. Metz

5 acres in the **NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 30 South, Range 4 West, W. M.**

See affidavit of abandonment submitted By Paul & Barbara Acosta

Lands of W. Frank Brown

4.2 acres in the **NE $\frac{1}{4}$ SW $\frac{1}{4}$**
0.8 acre in Lot 14 (**SE $\frac{1}{4}$ SW $\frac{1}{4}$**)

Section 9,
Township 30 South, Range 4 West, W. M.

NOTE: This certificate is issued to confirm a change in place of use of water approved by an Order of the State Engineer entered June 11, 1953, pursuant to the provisions of ORS 540.510 to 540.530, and supersedes certificate of water right issued to Mrs. J. O. Metz and recorded at Page 9818, Volume 9, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this **24th** day of **November**, 19 **58**.

/s/ LEWIS A. STANLEY

State Engineer

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MRS. J. O. METZ and W. FRANK BROWN

of Canyonville, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of South Umpqua River a tributary of Umpqua River for the purpose of irrigation under Permit No. 7666 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from November 16, 1926

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.13 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 SE 1/4, Section 9, Township 30 South, Range 4 West, 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,

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:

<u>Lands of Mrs. J. O. Metz</u>	<u>Lands of W. Frank Brown</u>
5 acres in the NW 1/4 SE 1/4, Section 9, Township 30 South, Range 4 West, W. M.	4.2 acres in the NE 1/4 SW 1/4
<i>See affidavit of abandonment submitted by Paul E. Burkholder Acosta</i>	0.8 acre in Lot 14 (SE 1/4 SW 1/4) Section 9, Township 30 South, Range 4 West, W. M.

NOTE: This certificate is issued to confirm a change in place of use of water approved by an Order of the State Engineer entered June 11, 1953, pursuant to the provisions of ORS 540.510 to 540.530, and supersedes certificate of water right issued to Mrs. J. O. Metz and recorded at Page 9818, Volume 9, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 24th day of November, 1958.

/s/ LEWIS A. STANLEY State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 24474.

T-5913

Mailing List for Certificate

Mailing Date: 1/15/2004

Application T-5913RR
Permit -
Certificate - 80546

Permit/Certificate Holder: (include copy of map)

MRS. J. O. METZ
CANYONVILLE, OREGON 97417

Cert only to
no map,
no cover letter

Copies Mailed
By: <u>ICB</u> (STAFF)
on: <u>1/15/2004</u> (DATE)

Copies of Final Certificate to be sent to:

1. Watermaster #15: (include copy of map)
2. Data Center (include copy of map)
3. Water Availability

Other persons to receive copies: (Include map)

~~TOMMY M. SMITH~~
~~NADEAN E. SMITH~~ *No/C*
~~PO BOX 100~~
~~DAYS CREEK, OR 97429~~

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MRS. J. O. METZ
CANYONVILLE, OREGON 97417

confirms the right to use the waters of the SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, for the IRRIGATION OF 5.0 ACRES.

This right was perfected under Permit 7666. The date of priority is November 16, 1926. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.065 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 SW 1/4, SECTION 9, TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

NW 1/4 SE 1/4 5.0 ACRES
ALL AS PROJECTED WITHIN DLC 44
* SECTION 9 *
TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 24474, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 15, 1987, approving Transfer Application T-5913.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued July 22, 2004.


Phillip C. Ward, Acting Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80546.

T-5913.SB

TOMMY M. & NADEAN E. SMITH
~~10089 TILLER TRAIL HWY~~
CANYONVILLE OR 97417
De Boy

Please note we now have a:
P.O. Box 100 Days Creek Or, 97429

Ref: Permit 7666
Permit 20288
Permit 50068

I think that is all of them

Thank You

Nadean E. Smith

RECEIVED

MAR 22 2004

WATER RESOURCES DEPT
SALEM, OREGON



Smith Ranch
10089 Tiller Tr Hwy
P.O. Box 100
Days Creek, OR 97429

541-825-3513

T-5913 S-69016

T-5914

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MRS. J. O. METZ
CANYONVILLE, OREGON 97417

confirms the right to use the waters of the SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, for the IRRIGATION OF 5.0 ACRES.

This right was perfected under Permit 7666. The date of priority is November 16, 1926. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.065 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 SW 1/4, SECTION 9, TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

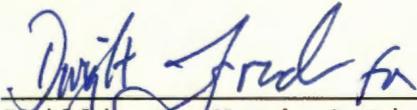
NW 1/4 SE 1/4 5.0 ACRES
ALL AS PROJECTED WITHIN DLC 44
SECTION 9
TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 24474, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 15, 1987, approving Transfer Application T-5913.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued July 22, 2004.



Phillip C. Ward, Acting Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80546.

T-5913.SB

Mailing List for Certificate

Mailing Date: 7/22/2004

Application T-5913CR
Permit
Certificate 80547

Permit/Certificate Holder: (include copy of map)

TOMMY M. SMITH
NADEAN E. SMITH
PO BOX 100
DAYS CREEK, OR 97429

Copies Mailed
By: <u>JCB</u> (STAFF)
on: <u>7/22/2004</u> (DATE)

Copies of Final Certificate to be sent to:

1. Watermaster # 15: (include copy of map)
2. Data Center (include copy of map)
3. Water Availability

Other persons to receive copies: (Include map)



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Date Mailed: July 22, 2004

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water right established under the terms of a transfer order issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

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.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. 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 any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Steve Brown at 503-986-0809.

S:\groups\wr\forms\certtrans
original to certificate holder, copy to file

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TOMMY M. AND NADEAN E. SMITH
PO BOX 100
DAYS CREEK, OREGON 97429

confirms the right to use the waters of the SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, for the IRRIGATION OF 5.0 ACRES.

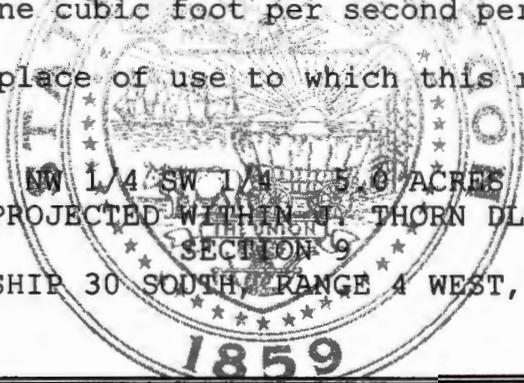
This right was perfected under Permit 7666. The date of priority is November 16, 1926. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.065 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 SW 1/4, SECTION 9, AS PROJECTED WITHIN J. THORN DLC 44,
TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.; 2250 FEET NORTH AND 2160
FEET EAST FROM THE SW CORNER OF SECTION 9.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre.

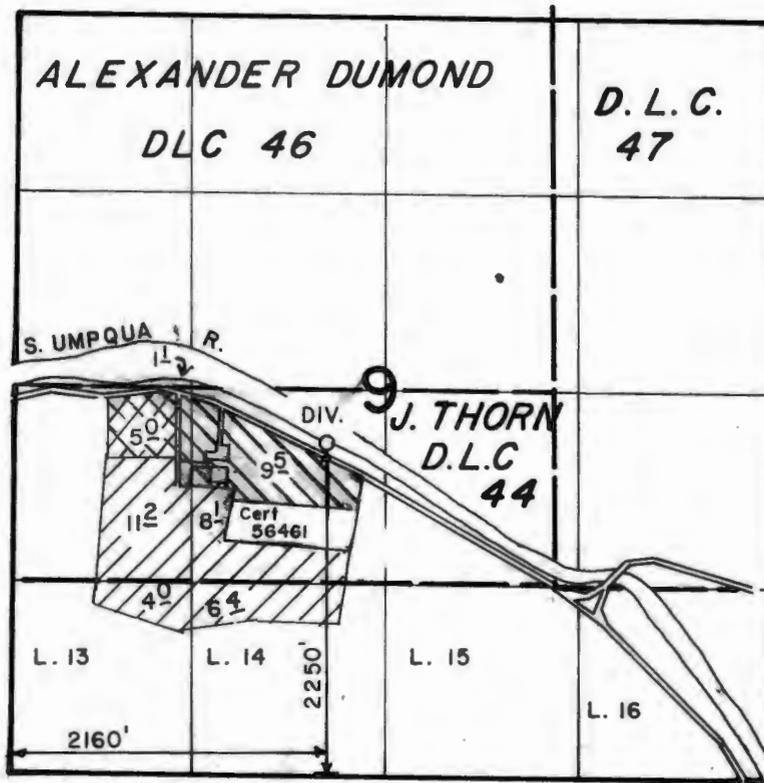
A description of the place of use to which this right is appurtenant is as follows:



NW 1/4 SW 1/4 5.0 ACRES
AS PROJECTED WITHIN J. THORN DLC 44
SECTION 9
TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

T. 30S., R. 4 W., W.M.



-  TRANSFER 5913
-  PERMIT 50068
-  TRANSFER 5914

SCALE: 4" = 1 MILE

FINAL PROOF SURVEY UNDER

Application No 69016 Permit No 50068

TRANSFER NUMBERS T-5913 & T-5914

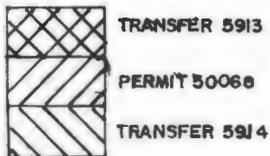
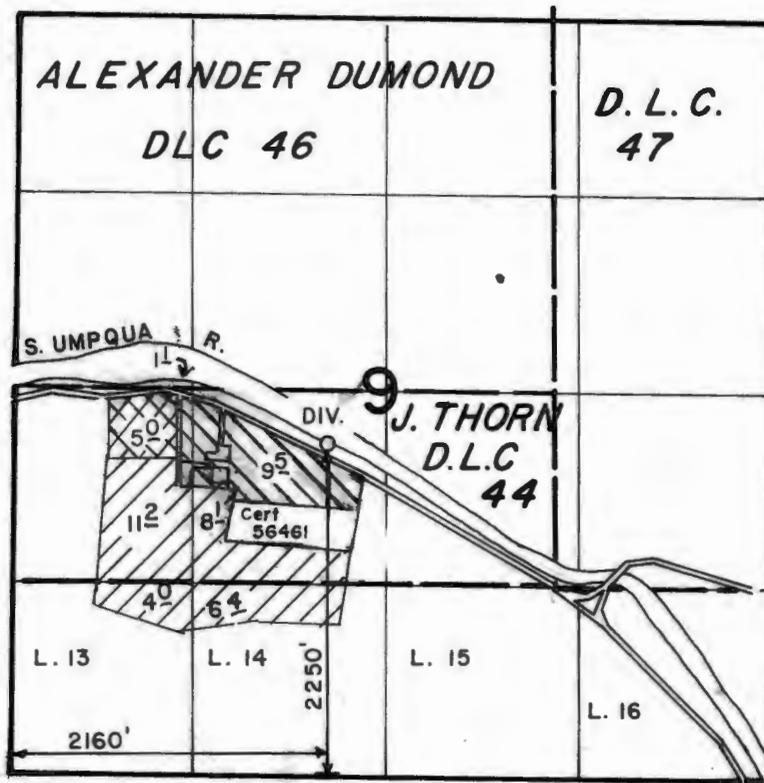
IN NAME OF

TOMMY M. AND NADEAN E. SMITH

Surveyed AUG. 11..... 1987., by J.M. SCHMORDE...

APRIL 24 1990 B S JAMES

T. 30S., R. 4 W., W. M.



SCALE: 4" = 1 MILE

FINAL PROOF SURVEY UNDER

Application No 69016 Permit No 50068

TRANSFER NUMBERS T-5913 & T-5914

IN NAME OF

TOMMY M. AND NADEAN E. SMITH

Surveyed AUG. 11..... 1987., by J.M. SCHMORDE...

APRIL 24 1990 B S JAMES

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MRS. J. O. METZ
CANYONVILLE, OREGON 97417

confirms the right to use the waters of the SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, for the IRRIGATION OF 5.0 ACRES.

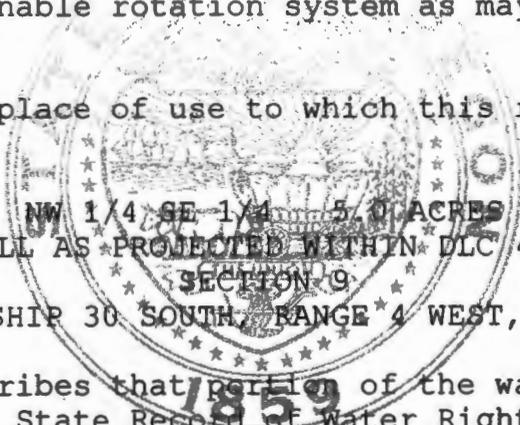
This right was perfected under Permit 7666. The date of priority is November 16, 1926. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.065 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 SW 1/4, SECTION 9, TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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



NW 1/4 SE 1/4 5.0 ACRES
ALL AS PROJECTED WITHIN DLC 44
SECTION 9
TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 24474, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 15, 1987, approving Transfer Application T-5913.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued July 22, 2004.

Phillip C. Ward

Phillip C. Ward, Acting Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80546.

T-5913.SB

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TOMMY M. AND NADEAN E. SMITH
PO BOX 100
DAYS CREEK, OREGON 97429

confirms the right to use the waters of the SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, for the IRRIGATION OF 5.0 ACRES.

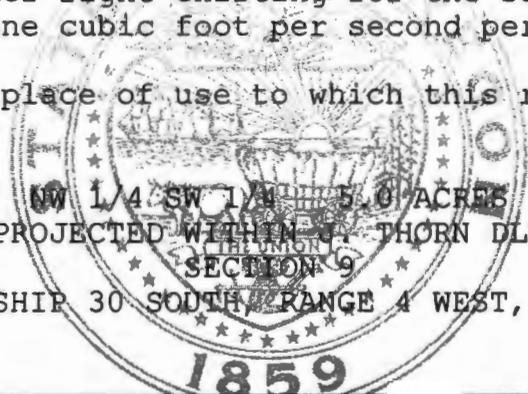
This right was perfected under Permit 7666. The date of priority is November 16, 1926. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.065 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 SW 1/4, SECTION 9, AS PROJECTED WITHIN J. THORN DLC 44,
TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.; 2250 FEET NORTH AND 2160
FEET EAST FROM THE SW CORNER OF SECTION 9.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre.

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



NW 1/4 SW 1/4 5.0 ACRES
AS PROJECTED WITHIN J. THORN DLC 44
SECTION 9
TOWNSHIP 30 SOUTH RANGE 4 WEST, W.M.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TOMMY M. AND NADEAN E. SMITH
PO BOX 100
DAYS CREEK, OREGON 97429

confirms the right to use the waters of the SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, for the IRRIGATION OF 10.6 ACRES.

This right was perfected under Permit 20288. The date of priority is April 17, 1951. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.13 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 SW 1/4, SECTION 9, AS PROJECTED WITHIN J. THORN DLC 44,
TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.; 2250 FEET NORTH AND 2160
FEET EAST FROM THE SW CORNER OF SECTION 9.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 1/2 acre feet per acre for each acre irrigated during the irrigation season of each 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 to which this right is appurtenant is as follows:

NE 1/4 NW 1/4 9.5 ACRES
NW 1/4 SW 1/4 1.1 ACRES
BOTH AS PROJECTED WITHIN DLC 44
SECTION 9
TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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

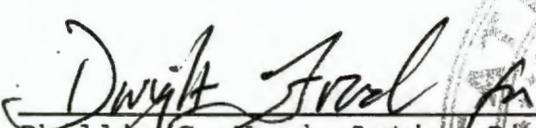
The type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered JUNE 15, 1987, and together with Certificate 56461, supersedes Certificate 24218, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued July 22, 2004.


Phillip C. Ward, Acting Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80548.

TOMMY M. & NADEAN E. SMITH
~~10089 TILLER TRAIL HWY~~
CANYONVILLE OR 97417
De Bop

Please note we now have a:
P.O. Box 100 Days Creek Or, 97429

Ref: Permit 7666
Permit 20288
Permit 50068

I think that is all of them

Thank You

Nadean E. Smith

RECEIVED

MAR 22 2004

WATER RESOURCES DEPT
SALEM, OREGON



Smith Ranch
10089 Tiller Tr Hwy
P.O. Box 100
Days Creek, OR 97429

541-825-3513

T-5913 S-69016

T-5914

TOMMY M. & NADEAN E. SMITH

~~10089 TILLER TRAIL HWY~~

CANYONVILLE OR

97417

De Boy

Please note we now have a:
P.O. Box 100 Days Creek Or, 97429

Ref: Permit 7666

Permit 20288

Permit 50068

I think that is all of them

Thank You

Nadean E. Smith

RECEIVED

MAR 22 2004

WATER RESOURCES DEPT
SALEM, OREGON



Smith Ranch
10089 Tiller Tr Hwy
P.O. Box 100
Days Creek, OR 97429

541-825-3513

T-5913 S-69016

T-5914

T-5913

T. 305. R. 4 W. W.M.

RECEIVED

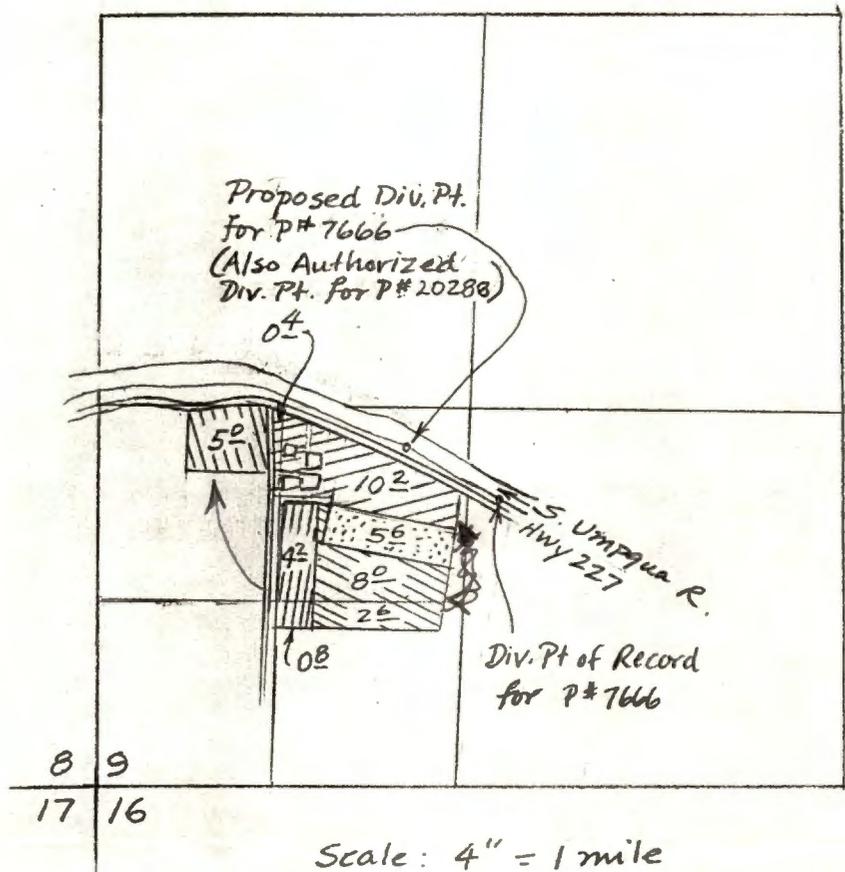
FEB 26 1987

WATER RESOURCES DEPT.
SALEM, OREGON

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MAR -5 1987

WATER RESOURCES DEPT.
SALEM, OREGON



-  Permit No. 20288 , No Change
-  Permit No. 20288 , Move From
-  Permit No 20288 , Move To
-  Permit No. 7666 , Move From
-  Permit No. 7666 , Move To

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
TOMMY M. AND NADEAN E. SMITH)
FOR APPROVAL OF CHANGES IN PLACE OF)
USE AND POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5913

On March 5, 1987, an application was filed in the office of the Water Resources Director by Tommy M. and Nadean E. Smith for approval of changes in place of use and point of diversion of water from South Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 24474, Volume 17, State Record of Water Right Certificates, in the names of Mrs. J.O. Metz and W. Frank Brown, describes a right which includes the use of not to exceed 0.065 cubic foot per second from South Umpqua River for irrigation of 4.2 acres in NE 1/4 SW 1/4 and 0.8 acre in Lot 14 (SE 1/4 SW 1/4), Section 9, Township 30 South, Range 4 West, WM, with a date of priority of November 16, 1926.

Water for the said right is diverted from a point located North 53 degrees 55 minutes East, 3309 feet from the Southwest Corner of Section 9, being within the NW 1/4 SE 1/4 of Section 9, Township 30 South, Range 4 West, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom to a point located 235 feet South and 2260 feet East from the West Quarter Corner of Section 9, being within the NE 1/4 SW 1/4 of Section 9, Township 30 South, Range 4 West, WM, and to change the place of use to irrigation of 5.0 acres in NW 1/4 SW 1/4 of said Section 9.

Gary L. Ball, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in place of use and point of diversion are approved, without loss of priority.

Approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

It is FURTHER ORDERED that the quantity of water appropriated at the new well, together with that appropriated at the old well, shall not exceed the quantity of water available at the old well under the subject right, and shall not exceed 0.065 cubic foot per second.

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

That the pump system shall include an access port for measuring the water level;

That the pump system shall include an in-line flow meter or other suitable device for measuring the water to which the applicant is entitled;

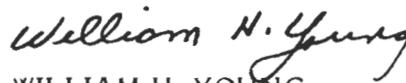
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Certificate 24474, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that the right to appropriate water from the well described in Certificate 24474 is hereby canceled, and water shall be appropriated from the new well on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 24474, Volume 17, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon, this 15th day of June, 1987.


WILLIAM H. YOUNG^{5/26}
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

0337/E
0323E

INFO.: MET WITH TOMMY SMITH WHO SHOWED TO ME THE DIV. PT.,
PUMP, PIPE, AREAS OF USE AND WHO EXPLAINED HIS WATER USE.
HE PUMPS FROM THE S. UMPQUA TO IRRIGATE # 2 HAYFIELDS,
PASTURE, VEG. GARDEN AND LAWN AREAS AROUND 3 RESIDENCES.
THIS REPORT ALSO APPLIES TO T-5914

SOURCE: S. UMPQUA

DIV. PT.: DIRECT DRAFT BY PUMP ON LEFT BANK

PUMP: 4" X 2" CENTRIFUGAL GENERAL PUMPING CO.

MOTOR: CENTURY 10 HP 3 PHASE

PIPE: 20 FT OF 4" ALUM. SUCTION LINE

1000 FT. OF 4" ALUMINUM MAINLINE

1000 FT OF 3" ^{ALUMINUM} MAINLINE

2000 FT. OF 3" ALUM. HANDLINE W/ 50' RAINBIRD ZONED^{SPRINKLERS} W/ 5/32"

MAX. SPRINKLER - 30 AT ONE TIME

LIFT.: SUCTION 8 FT.
DISCHARGE 12 FT.

TIE: PHOTO 3DS AND NW1

USE: IRRIGATION OF HAYFIELDS, PASTURE, LAWN AND VEGETABLE
GARDEN

Mike Slomark

WRE 8/11/87

RECEIVED

FEB 26 1987

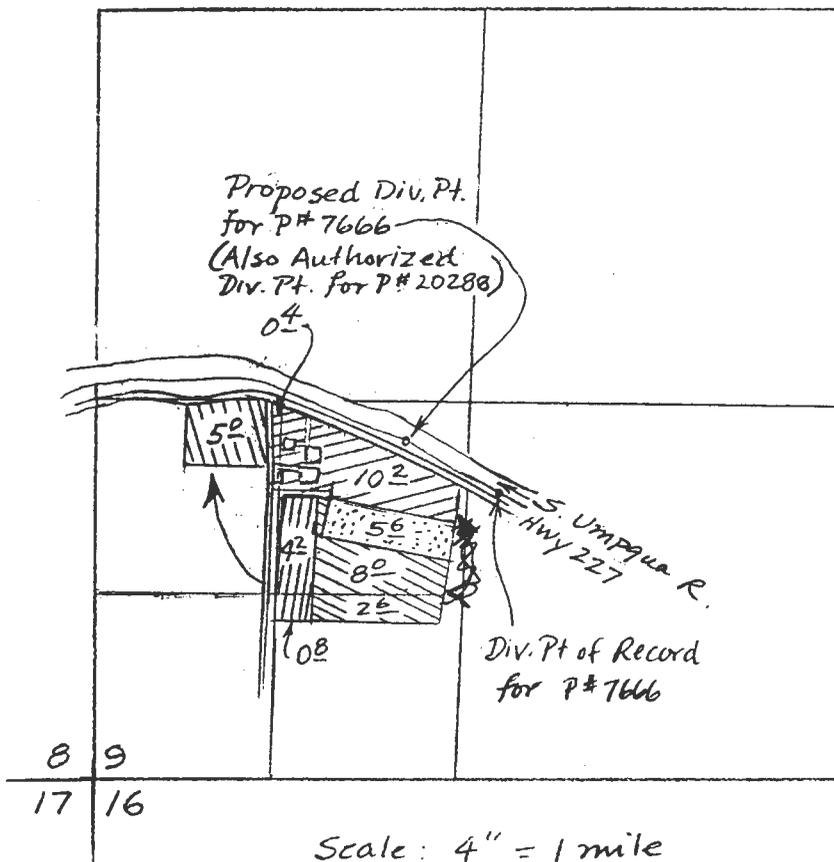
WATER RESOURCES DEPT.
SALEM, OREGON
RECEIVED

MAR -5 1987

WATER RESOURCES DEPT.
SALEM, OREGON

T-5913

T. 30S. R. 4 W. W.M.



-  Permit No. 20288, No Change
-  Permit No. 20288, Move From
-  Permit No. 20288, Move To
-  Permit No. 7666, Move From
-  Permit No. 7666, Move To



STATE OF OREGON

INTEROFFICE MEMO

TO: GARY BALL

DATE: APRIL 16, 1987

FROM: SAM ALLISON *Sam*

SUBJECT: A-11184, T-5913, T-5914

We received the enclosed affidavit to cancel on July 16, 1980. Apparently an order wasn't issued because the affidavit didn't fit the authorized right.

Certificate 9818, the original certificate, described 5.0 acres in NW 1/4 SE 1/4 of Section 9. So it appears that somewhere between 1.3 and 3.5 acres may still remain in that 40.

Please check when you have time. The rights affected are Permit 7666, Permit 20288, TrB-81, T-5913 and T-5914.

9682D

Vcs,

Looks like first crack out of the box will be an order amending this order.

Source is South Uruguay.

New POD is not a well.

Measuring devices were not required by W.M.

Typo in
order
ok fine @
[Signature]
Burr



While You Were Out

To ELAINE
Date _____ Time _____

Roseburg called
of _____
Phone 440-4255

- | | |
|--|---|
| <input type="checkbox"/> Telephoned | <input type="checkbox"/> In person |
| <input type="checkbox"/> Please call | <input type="checkbox"/> Wants to see you |
| <input type="checkbox"/> Will call again | <input type="checkbox"/> Returned your call |

Message A 11184 Sump pump
T 5914 New well
OR T 15914 pump system

Taken by Special Order

305, 4W, SW 9

WE SW

NE SW

T-5913

440-4522

gozspad

ETWINE

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
TOMMY M. AND NADEAN E. SMITH)
FOR APPROVAL OF CHANGES IN PLACE OF)
USE AND POINT OF DIVERSION OF WATER)

ORDER APPROVING
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The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom to a point located 235 feet South and 2260 feet East from the West Quarter Corner of Section 9, being within the NE 1/4 SW 1/4 of Section 9, Township 30 South, Range 4 West, WM, and to change the place of use to irrigation of 5.0 acres in NW 1/4 SW 1/4 of said Section 9.

Gary L. Ball, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in place of use and point of diversion are approved, without loss of priority.

Approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

It is FURTHER ORDERED that the quantity of water appropriated at the new well, together with that appropriated at the old well, shall not exceed the quantity of water available at the old well under the subject right, and shall not exceed 0.065 cubic foot per second.

POD

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

That the pump system shall include an access port for measuring the water level;

That the pump system shall include an in-line flow meter or other suitable device for measuring the water to which the applicant is entitled;

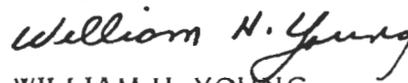
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Certificate 24474, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that the right to appropriate water from the well described in Certificate 24474 is hereby canceled, and water shall be appropriated from the new well on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 24474, Volume 17, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon, this 15th day of June, 1987.


WILLIAM H. YOUNG⁵¹²⁶
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

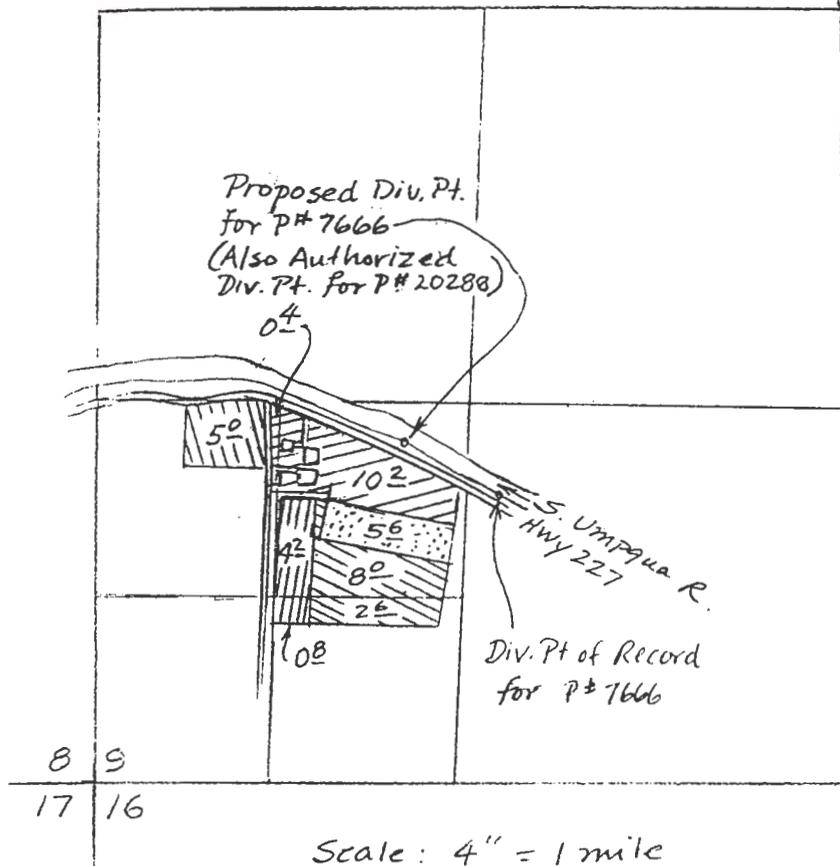
0337/E
0323E

RECEIVED

SEP 20 1987

WATER RESOURCES DEPT.
SALEM OFFICE

T. 30S. R. 4 W. W.M.



-  Permit No. 20288, No Change
-  Permit No 20288, Move From
-  Permit No 20288, Move To
-  Permit No. 7666, Move From
-  Permit No. 7666, Move To

T-5913

RECEIVED

Application for Transfer of Water Right

MAR -5 1987

WATER RESOURCES DEPT. SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Tommy M. Smith & Madecia E. Smith (Name of applicant) of 10089 Tiller Trail Hwy, Canyonville (Mailing address) (City) State of Oregon (Zip Code) 97417, 835-3513 (Phone number), do hereby make application for change in point of diversion and place of use (In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? M. Frank Brown (If not, give name)

2. Was your water right determined by Decree of Court? NO (Yes or No) If so, give title of proceedings number of certificate

3. Was your water right acquired by Water Right Permit? yes (Yes or No) If so, give number of permit 7666 Number of certificate 24474

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

4. The source of water is S. Umpqua River

5. What is the date of priority of your water right? 11/16/26

6. The authorized point of diversion is located N. 53° 55' E 3309 ft (N. or S.) and ft (E. or W.) from the SW corner of Sec. 9 being within the NW 1/4 SE 1/4 of Section 9 Tp. 30 S R. 4 W W. M., (No. N. or S.) (No. E. or W.) in the county of Douglas. The name of the ditch used is

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

7. The proposed point of diversion is located 235 ft. S and 2260 ft. E (N. or S.) (E. or W.) from the W 1/4 corner of Sec 9 being within the NE 1/4 SW 1/4 of Section 9 Tp. 30 S R. 4 W W. M., (No. N. or S.) (No. E. or W.) in the county of Douglas. The name of the ditch to be used is

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres Irrigated
30 S	4W	9	NE ¼ SW ¼	4.2
4	"	"	SE ¼ SW ¼	0.8

(If more space required, attach separate sheet)

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

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

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

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
30 S	4W	9	NW ¼ SW ¼	5.0

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

.....
.....
.....

15. Construction work will be completed on or before 10-1-87

16. The water will be completely applied to the proposed use on or before 10-1-88

Remarks

.....
.....
.....

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

AFFIDAVIT OF APPLICANT

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

In Witness Whereof, I have hereunto set my hand this 4th day of March, 1987

Tommy M. Smith Nadean E. Smith
(Name of applicant)

Subscribed and sworn to before me this 4th day of March, 1987

[Notarial Seal]

Gary L Ball
NOTARY PUBLIC FOR OREGON
My commission expires 8/20/90

T-5913

T. 30S. R. 4 W. W.M.

RECEIVED

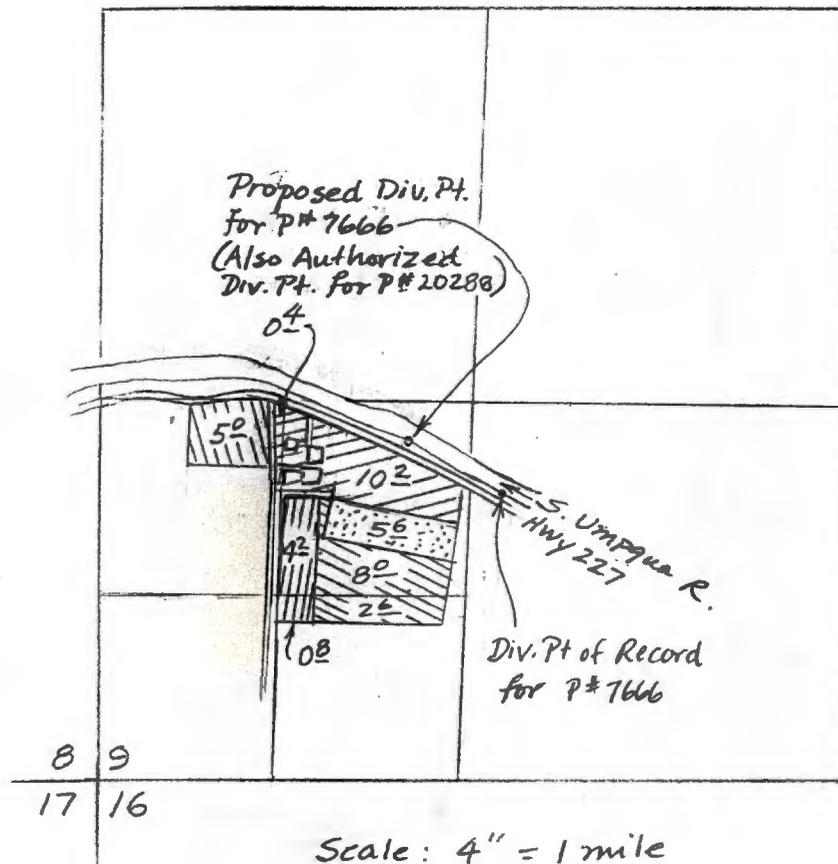
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WATER RESOURCES DEPT.

SALEM, OREGON
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MAR -5 1987

WATER RESOURCES DEPT.
SALEM, OREGON



Permit No. 20288 , No Change



Permit No. 20288 , Move From



Permit No 20288 , Move To



Permit No. 7666 , Move From



Permit No. 7666 , Move To

378-3066

June 30, 1987

Tommy M. and Nadean E. Smith
10089 Tiller Trail Highway
Canyonville, Oregon 97417

Dear Mr. and Mrs. Smiths

REFERENCE: Files T-5913 and T-5914

Your Notice of Completion for Water Right Transfers T-5913 and T-5914, for changes in place of use and point of diversion of water from South Umpqua River, have been received.

Surveys will be made at a later date, and Certificates of Water Right issued covering the actual use of water. (In case of irrigation, any lands described in the order that have not been irrigated will be automatically eliminated from the water right.)

In the meantime, the order will be evidence of the water right in question as long as the authorized beneficial use of water is continued.

Sincerely,

SAMUEL R. ALLISON
Transfer Section

SRA:wpc

cc: Gary L. Ball, Watermaster, District 15

0331/K
0616E

WATER RESOURCES DEPT.
SALEM, OREGON

JUN 26 1987

RECEIVED

NOTICE OF COMPLETION OF CHANGE IN

place of use of water

point of diversion of water

use heretofore made of water

Under the Terms of TRANSFER APPLICATION T-5913

I, Tommy & NADEAN SMITH, USED the water as provided by the
(print name)

order of the Water Resources Director approving said water right transfer application
BY October 1, 1988

Description of the land on which I use water: FIELD CROPS

6-24-87
(date)

Tommy M. Smith & Nadean E. Smith
(signature)

Smith Ranch
10089 Tiller Trail Hwy
Canyonville, OR 97417
(address)

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

9163A

June 22, 1987

Tommy M & Nadean E. Smith
10089 Tiller Trail Highway
Canyonville, OR 97417

Dear Mr. and Mrs. Smith:

REFERENCE: Files T-5913 & T-5914

Enclosed are copies of the orders approving your water right transfer applications.

A time to complete the transfers is given in the orders. Forms for reporting completions are enclosed for your convenience.

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

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

If you require certified copies of these orders for business purposes, they will be sent upon request.

A survey will be made after the completion dates to determine the actual amount of water used.

Sincerely,

SAMUEL R. ALLISON
Transfer Section
SRA:wpc

Enclosures

cc Gary L. Ball, Watermaster, District 15

0331/G

0505E

TOWNSHIP 305 RANGE 4W W. M. Card #1 SECTION 9

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER				
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE							
-DLC47- -DLC46-				-DLC46-				-DLC44-				-DLC47- -DLC44-										
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																						
								Lot 14 - Lot 13 - Lot 14 Lot 16 - Lot 15 - Lot 16														
								42 5				0.8				5	11184	7666	24474 9818			
																30	12527	8886	CANCELLED			
																62	188	22171	17459	19524		
																12	22247	17547	24101			
9.13				35.74				14.51				14.46				17.74	27.02	0.14	9.55	24240	19038	23441
								136				26							25821	20288	24218	
								5				0.8				02	80	26784	21043	24321		
								42 4.5				0.8 0.5							Tr. Sp. Or. Vol. 7 Page 563			
																			See Cert. 24474			
																			Tr. Sp. Or. Vol. 7 Page 563			
																			44876	33553	CANCELLED	
																05	48161	36181	41209			
																			50145	31675	CANCELLED	

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 305 RANGE 4W W. M. Card #2 SECTION 9

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE						
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																					
																08	12	51037	38518	45493	
																			59786	44992	CANCELLED
																			68259	49230	
																			68640	49625	
								11=13 ⁺ 2 ⁺ 4 ⁺											69016		
								69											T-5913	(C-24174)	IN
								7 10 ³ 10 ⁴											T-5914	(C-24218)	



STATE OF OREGON

INTEROFFICE MEMO

RECEIVED

MAR 16 1987

TO: TRANSFER SECTION, WATER RIGHTS DIVISION

DATE: March 12, 1987

WATER RESOURCES DEPT.
SALEM, OREGON

FROM: WATERMASTER, DISTRICT NO. 15

(signature) Gary Ball

SUBJECT: Water Right Transfer Application T-5913 for change in POU POD Use of water

In the name(s) of Tommy M. and Nadean E. Smith

In my opinion (assuming the water right is valid), the proposed change

MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY*~~ to an existing water right.

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

The existing right may not be valid because _____

Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the source(s) which serve(s) this right.

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

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

- (1) PRIOR to the diverting of water at the new point of diversion
- ✓ (2) WHEN IN the judgment of the watermaster it becomes necessary

The enclosed copy of the transfer application and map(s) is for your records.



Contains Recycled Materials

378-3066

March 9, 1987

Tommy M. and Nadean E. Smith
10089 Tiller Trail Highway
Canyonville, OR 97417

Dear Mr. and Mrs. Smith:

REFERENCE: Files T-5913 and T-5914

Your two Water Right Transfer Applications for approval of a changes in place of use and point of diversion of water from South Umpqua River, together with supporting data and fees in the amount of \$196, were received on March 5, 1987. Our Receipts 51643 and 51644 are enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the proposed changes.

When examination of the applications and supporting data has been completed, you will be advised of any matters requiring your further attention prior to consideration of the applications for approval.

Please refer any correspondence to Files T-5913 and 5914.

Sincerely,

SAMUEL R. ALLISON
Transfer Section
SRA:wpc

cc: Gary L. Ball, Watermaster, District 15

enclosure

0331/A
9158D

March 10, 1987

Tommy M. and Nadean E. Smith
10089 Tiller Trail Highway
Canyonville, OR 97417

REFERENCE: File 69016

Your Application 69016 describing the proposed use of 0.405 cubic foot of water per second from the South Umpqua River for the irrigation of 32.4 acres, together with the four prints of a map and legal description of the property, has been reviewed.

Due to the policy statement adopted by the Water Policy Review Board (now the Water Resources Commission) the permit that may be issued approving your application will provide for the use of water for irrigation during the irrigation season of each year, but will further limit the use during the period July 15 through September 30 of each year to the irrigation of a noncommercial garden not to exceed one-half acre in area.

Your application appears to be in proper form. However, we will need to hold action on the application pending completion of matters regarding your proposed transfers as described in Transfer Applications 5912 and 5914. If the transfers are approved as proposed, your Application 69016 will then be placed with the group to be considered for approval.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc

Order No. 61195

RECEIVED

FEB 26 1987

EXHIBIT "A"

WATER RESOURCES DEPT.
SALEM, OREGON RECEIVED

MAR -5 1987

Beginning at a point 30 chains East of the Northwest corner of Donation Land Claim No. 44, Section 8, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, and running thence East to intersection of northern boundary of said claim with the middle of channel of South Umpqua River; thence in a Southeasterly direction along the middle of said channel to the Southeast corner of Section 9, said township and range; thence West 80 chains to the Southwest corner of said Section 9; thence South 20 chains; thence West 10 chains; thence North 60 chains to the place of beginning. Also, the North half of the Northwest quarter of Section 16, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon.

Excepting therefrom the following: Beginning at a point 20 chains North and 2.95 chains East from the quarter section corner between Sections 9 and 16, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence North $9^{\circ}30'$ East 12.40 chains to the center of South Umpqua River; thence following center of South Umpqua River upstream, South $59^{\circ}45'$ East 14.04 chains; thence South $9^{\circ}30'$ West 25.70 chains to the line between Sections 9 and 16; thence West with section line, 12.03 chains; thence North $9^{\circ}30'$ East 20.27 chains to the place of beginning.

Also excepting, beginning at section corner common to Sections 8, 9, 16 and 17, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence South $89^{\circ}59'$ West 660 feet; thence North 2511.4 feet to the center of South Umpqua River; thence following center of said river, North $74^{\circ}05'$ East 297.9 feet, North $72^{\circ}58'$ East 479.7 feet and South $89^{\circ}51'$ East 25.9 feet; thence South $0^{\circ}20'$ West 2729.2 feet; thence South $89^{\circ}59'$ West 16.5 feet to the place of beginning.

Excepting, beginning at the Southwest corner of Donation Land Claim No. 47, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence South $44^{\circ}56'$ East 1924.8 feet to section corner common to Sections 9, 10, 15 and 16, said township and range, said point being in the South Umpqua River; thence North $89^{\circ}53'$ West 2041.8 feet along the section line between Sections 9 and 16; thence North $10^{\circ}39'$ East 1706.6 feet to center of South Umpqua River; thence South $59^{\circ}45'$ East 427.4 feet upstream of South Umpqua River to West line of Donation Land Claim No. 47; thence South 100 feet to place of beginning.

Also, excepting, beginning at an iron bolt which bears North 1°44' East 2561.6 feet and East 16.5 feet from the section corner common to Sections 8, 9, 16 and 17, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence North 77°47' East 284.8 feet; thence South 77°51' East 355.5 feet; thence South 1°44' West 664.6 feet; thence North 88°16' West 626 feet to a point 16.5 feet East of the section line between Sections 8 and 9; thence North 1°44' East 660.2 feet to the place of beginning.

Also, excepting, beginning at a point which is South 89°58' West 39.22 feet and North 9°30' East 1124.2 feet of the quarter section corner between Sections 9 and 16, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence North 87°28' West 313.1 feet to a 2 inch iron pipe; thence North 9°30' East 1188.0 feet to the center of the South Umpqua River; thence South 59°45' East along centerline of said river to a point from which the point of beginning bears South 9°30' West; thence South 9°30' West 1035.0 feet to the place of beginning, all in Douglas County, Oregon.

Also excepting, beginning at the quarter corner on the South line of Section 9, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, said corner being marked by a 1 1/4 inch iron bar; thence North 3°15' East 213.5 feet along the North and South center line of Section 9 to a 1 inch iron pipe; thence North 9°55' East 911.8 feet following fence line to a 1 inch iron pipe; thence South 87°28' East 55.6 feet; thence South 9°30' West 1124.2 feet to an iron pipe on the south line of Section 9; thence South 89°58' West 39.2 feet to the place of beginning.

Also excepting, beginning at an iron pipe in the south right of way line of Canyonville-Trail State Secondary Highway No. 227, from which the quarter corner between Sections 9 and 16, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, bears South 1°58' West 2074.6 feet; thence South 9°30' West 259.0 feet along the property line between the properties of Frank Brown and C. D. Farmer; thence North 59°45' West 8.0 feet parallel to above mentioned right of way line; thence North 9°30' East 259.0 feet parallel to said property line to said right of way line; thence South 59°45' East along said right of way line to the place of beginning in the Northeast quarter of the Southwest quarter of Section 9, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon.

Also excepting, beginning at the corner of Sections 8, 9, 17 and 16, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, said point being the Northeast corner of Lot 1, Section 17; thence South 89°59' West 660 feet along the North line of said Lot 1 to the west line of the East half of Lot 1; thence South 1320 feet along said west line to an iron pipe on

Exhibit "A"
Continued

the South line of Lot 1; thence East on the South line of Lot 1, 595.3 feet to an iron pipe; thence North 3°30' East 1322.6 feet to an iron pipe on the section line between Sections 9 and 16, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence West along said section line 16 feet to the place of beginning.

STATE OF OREGON)
COUNTY OF DOUGLAS) SS.

I, DORIS L. WADSWORTH, COUNTY CLERK
AND RECORDER OF CONVEYANCES, IN AND FOR
SAID COUNTY, DO HEREBY CERTIFY THAT THE
WITHIN INSTRUMENT WAS RECORDED THIS DAY:

1985 JUL 31 PM 12: 24

DORIS L. WADSWORTH
DOUGLAS COUNTY CLERK

BY Margaret Seal
DEPUTY
NO. 1 FEE 16.00/c

DOUGLAS COUNTY OFFICIAL RECORDS

RECEIVED

MAR -5 1987

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WATER RESOURCES DEPT.
SALEM, OREGON

FEB 26 1987

Application for Transfer of Water Right WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Tommy M. and Nadean E. Smith
(Name of applicant)

of 10089 Tiller Trailer Highway, Canyonville
(Mailing address) (City)

State of Oregon, 97417, (503)825-3513, do hereby make application for change
(Zip Code) (Phone number)

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

1. Is the water right recorded in your name? W. Frank Brown
(If not, give name)

2. Was your water right determined by Decree of Court? No If so, give title of proceedings
(Yes or No)
..... number of certificate

3. Was your water right acquired by Water Right Permit? Yes If so, give number
(Yes or No)
of permit 7666 / 20288 Number of certificate 24474 / 24218

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

4. The source of water is South Umpqua River

5. What is the date of priority of your water right? 11-16-76 and 4-17-51
N53°55'E. 3309 ft. SW

6. The authorized point of diversion is located 235 ft. S. and 2260 ft. E. from the W¹/₄
NW¹/₄ SE¹/₄ (N. or S.) (E. or W.)
corner of Sec. 9 being within the NE 1/4 SW 1/4 of Section 9 Tp. 30S R. 4W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Douglas The name of the ditch used is

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

7. The proposed point of diversion is located 235 ft. S. and 2260 ft. E. from the W¹/₄
(N. or S.) (E. or W.)
corner of Sec. 9 being within the NE 1/4 SW 1/4 of Section 9 Tp. 30S R. 4W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Douglas The name of the ditch to be used is

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres Irrigated
Permit #20288) 30S	4W	9	NE¼SW¼	8.0
) 30S	4W	9	SE¼SW¼	2.6
				10.6
Permit #7666) 30S	4W	9	NE¼SW¼	4.2
) 30S	4W	9	SE¼SW¼	0.8
				5.0

(If more space required, attach separate sheet)

15.6 Ac. Total

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

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

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

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
30S	4W	9	NW¼SW¼	5.0 (permit #7666)
30S	4W	9	NE¼SW¼	10.2)
30S	4W	9	NW¼SW¼	0.4) Permit #20288

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are to irrigate different lands and to clean up
the record on the diversion point for permit #7666. (Diversion point has been in
use continually for all lands)

15. Construction work will be completed on or before October 1, 1987

16. The water will be completely applied to the proposed use on or before October 1, 1988

Remarks

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

AFFIDAVIT OF APPLICANT

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

In Witness Whereof, I have hereunto set my hand this 18 day of February, 1987

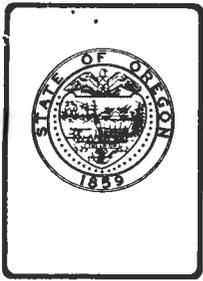
Johnny M. & Madcan E. Smith
(Name of applicant)

Subscribed and sworn to before me this 18 day of February, 1987

[Notarial Seal]

Clair M. Youngquist
NOTARY PUBLIC FOR OREGON

My commission expires 8-4-90



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

February 26, 1987

Tommy M. and Nadean E. Smith
10089 Tiller Trailer Highway
Canvyonville, OR 97417

Dear Mr. and Mrs. Smith:

REFERENCE: Water Right Transfer

Your application for changes in place of use and point of diversion can not be filed as submitted. Each water right to be transferred must be on a separate application, so two applications are needed.

The application, supporting data and check for \$121 are enclosed. I am also enclosing two blank forms for your use. You can use the same map, as long as the irrigated lands and points of diversion are clearly shown. Please include a copy of the deed showing you as owners of the property involved.

The fee for changes in place of use and point of diversion for the right under Certificate 24474 will be \$115. The fee for just a change in place of use under Certificate 24218 will be \$81.

Sincerely,

SAMUEL R. ALLISON
Transfer Section

SRA:lgc

Enclosure

cc: Gary L. Ball, Watermaster, District 15

RECEIVED

FEB 26 1987

Application for Transfer of Water Right WATER RESOURCES DEPT SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Tommy M. and Nadean E. Smith (Name of applicant)

of 10089 Tiller Trailer Highway, Canyonville (Mailing address) (City)

State of Oregon, 97417, (503)825-3513, do hereby make application for change (Zip Code) (Phone number)

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

1. Is the water right recorded in your name? W. Frank Brown (If not, give name)

2. Was your water right determined by Decree of Court? No (Yes or No) If so, give title of proceedings number of certificate

3. Was your water right acquired by Water Right Permit? Yes (Yes or No) If so, give number of permit 7666 / 20288 Number of certificate 24474 / 24218

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

4. The source of water is South Umpqua River

5. What is the date of priority of your water right? 11-16-76 and 4-17-51 N53°55'E. 3309 ft.

6. The authorized points of diversion is located 235 ft. S. and 2260 ft. E. from the SW 1/4 corner of Sec. 9 being within the NE 1/4 SW 1/4 of Section 9 Tp. 30S R. 4W W. M., in the county of Douglas The name of the ditch used is

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

7. The proposed point of diversion is located 235 ft. S. and 2260 ft. E. from the SW 1/4 corner of Sec. 9 being within the NE 1/4 SW 1/4 of Section 9 Tp. 30S R. 4W W. M., in the county of Douglas The name of the ditch to be used is

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres Irrigated
Permit #20288) 30S	4W	9	NE¼SW¼	8.0
) 30S	4W	9	SE¼SW¼	2.6
				<u>10.6</u>
Permit #7666) 30S	4W	9	NE¼SW¼	4.2
) 30S	4W	9	SE¼SW¼	0.8
				<u>5.0</u>

(If more space required, attach separate sheet)

15.6 Ac. Total

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

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

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

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
30S	4W	9	NW¼SW¼	5.0 (permit #7666)
30S	4W	9	NE¼SW¼	10.2)
30S	4W	9	NW¼SW¼	0.4) Permit #20288

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are to irrigate different lands and to clean up the record on the diversion point for permit #7666. (Diversion point has been in use continually for all lands)

15. Construction work will be completed on or before October 1, 1987

16. The water will be completely applied to the proposed use on or before October 1, 1988

Remarks

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

AFFIDAVIT OF APPLICANT

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

In Witness Whereof, I have hereunto set my hand this 18 day of February, 1987

Jeremy M. & Madelon E. Smith (Name of applicant)

Subscribed and sworn to before me this 18 day of February, 1987

[Notarial Seal]

Clair M. Youngquist NOTARY PUBLIC FOR OREGON

My commission expires 8-4-90

Order No. 61195

RECEIVED

FEB 26 1987

EXHIBIT "A"

WATER RESOURCES DEPT
SALEM, OREGON

Beginning at a point 30 chains East of the Northwest corner of Donation Land Claim No. 44, Section 8, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, and running thence East to intersection of northern boundary of said claim with the middle of channel of South Umpqua River; thence in a Southeasterly direction along the middle of said channel to the Southeast corner of Section 9, said township and range; thence West 80 chains to the Southwest corner of said Section 9; thence South 20 chains; thence West 10 chains; thence North 60 chains to the place of beginning. Also, the North half of the Northwest quarter of Section 16, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon.

Excepting therefrom the following: Beginning at a point 20 chains North and 2.95 chains East from the quarter section corner between Sections 9 and 16, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence North $9^{\circ}30'$ East 12.40 chains to the center of South Umpqua River; thence following center of South Umpqua River upstream, South $59^{\circ}45'$ East 14.04 chains; thence South $9^{\circ}30'$ West 25.70 chains to the line between Sections 9 and 16; thence West with section line, 12.03 chains; thence North $9^{\circ}30'$ East 20.27 chains to the place of beginning.

Also excepting, beginning at section corner common to Sections 8, 9, 16 and 17, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence South $89^{\circ}59'$ West 660 feet; thence North 2511.4 feet to the center of South Umpqua River; thence following center of said river, North $74^{\circ}05'$ East 297.9 feet, North $72^{\circ}58'$ East 479.7 feet and South $89^{\circ}51'$ East 25.9 feet; thence South $0^{\circ}20'$ West 2729.2 feet; thence South $89^{\circ}59'$ West 16.5 feet to the place of beginning.

Excepting, beginning at the Southwest corner of Donation Land Claim No. 47, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence South $44^{\circ}56'$ East 1924.8 feet to section corner common to Sections 9, 10, 15 and 16, said township and range, said point being in the South Umpqua River; thence North $89^{\circ}53'$ West 2041.8 feet along the section line between Sections 9 and 16; thence North $10^{\circ}39'$ East 1706.6 feet to center of South Umpqua River; thence South $59^{\circ}45'$ East 427.4 feet upstream of South Umpqua River to West line of Donation Land Claim No. 47; thence South 100 feet to place of beginning.

Also, excepting, beginning at an iron bolt which bears North 1°44' East 2561.6 feet and East 16.5 feet from the section corner common to Sections 8, 9, 16 and 17, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence North 77°47' East 284.8 feet; thence South 77°51' East 355.5 feet; thence South 1°44' West 664.6 feet; thence North 88°16' West 626 feet to a point 16.5 feet East of the section line between Sections 8 and 9; thence North 1°44' East 660.2 feet to the place of beginning.

Also, excepting, beginning at a point which is South 89°58' West 39.22 feet and North 9°30' East 1124.2 feet of the quarter section corner between Sections 9 and 16, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence North 87°28' West 313.1 feet to a 2 inch iron pipe; thence North 9°30' East 1188.0 feet to the center of the South Umpqua River; thence South 59°45' East along centerline of said river to a point from which the point of beginning bears South 9°30' West; thence South 9°30' West 1035.0 feet to the place of beginning, all in Douglas County, Oregon.

Also excepting, beginning at the quarter corner on the South line of Section 9, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, said corner being marked by a 1 1/4 inch iron bar; thence North 3°15' East 213.5 feet along the North and South center line of Section 9 to a 1 inch iron pipe; thence North 9°55' East 911.8 feet following fence line to a 1 inch iron pipe; thence South 87°28' East 55.6 feet; thence South 9°30' West 1124.2 feet to an iron pipe on the south line of Section 9; thence South 89°58' West 39.2 feet to the place of beginning.

Also excepting, beginning at an iron pipe in the south right of way line of Canyonville-Trail State Secondary Highway No. 227, from which the quarter corner between Sections 9 and 16, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, bears South 1°58' West 2074.6 feet; thence South 9°30' West 259.0 feet along the property line between the properties of Frank Brown and C. D. Farmer; thence North 59°45' West 8.0 feet parallel to above mentioned right of way line; thence North 9°30' East 259.0 feet parallel to said property line to said right of way line; thence South 59°45' East along said right of way line to the place of beginning in the Northeast quarter of the Southwest quarter of Section 9, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon.

Also excepting, beginning at the corner of Sections 8, 9, 17 and 16, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon, said point being the Northeast corner of Lot 1, Section 17; thence South 89°59' West 660 feet along the North line of said Lot 1 to the west line of the East half of Lot 1; thence South 1320 feet along said west line to an iron pipe on

Exhibit "A"
Continued

the South line of Lot 1; thence East on the South line of Lot 1, 595.3 feet to an iron pipe; thence North 3°30' East 1322.6 feet to an iron pipe on the section line between Sections 9 and 16, Township 30 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence West along said section line 16 feet to the place of beginning.

STATE OF OREGON)
COUNTY OF DOUGLAS) SS.

I, DORIS L. WADSWORTH, COUNTY CLERK
AND RECORDER OF CONVEYANCES, IN AND FOR
SAID COUNTY, DO HEREBY CERTIFY THAT THE
WITHIN INSTRUMENT WAS RECORDED THIS DAY:

1995 JUL 31 PM 12: 24

DORIS L. WADSWORTH
DOUGLAS COUNTY CLERK

BY Maryel Seal
DEPUTY
NO. 7 FEE 16.00 q/c

DOUGLAS COUNTY OFFICIAL RECORDS