

5914

Name Tommy M. & Nadean E. Smith
By PO Box 100
Address 10089 Tiller 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 _____ No. of acres 10.6
Name of ditch _____
Date of priority 4-17-51
In name of W. Frank Brown
_____ Adjudication, Vol. _____, page _____
App. No. 25821⁵⁰⁴ Per. No. 20288 Cert. No. 24218⁵⁰⁴
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-5-87</u>	<u>81.00</u>	<u>51644</u>
TOTAL . . .		
	Cert. Fee	

Change in POU
Date filed March 5, 1987
Date of hearing _____
Place of hearing _____
Date of order June 15, 1987 Vol. 41, page 280
Date for application of water 10-1-88
Proof mailed _____
Proof received _____
Certificate issued OCT 26 1987 Vol. 52, page 56461
JUL 22 2004 80548

FEES REFUNDED

Date	Amount	Check No.

REMARKS

To Survey
6-30-87

1/2/93 JS also pull 11184
RR

note number 80548

TO BE ENTERED WHEN CHECKING	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>586</u>	_____
<input type="checkbox"/>	Decree-vault	_____	_____
<input type="checkbox"/>	Decree-safe	_____	_____
<input checked="" type="checkbox"/>	Cert. of W/R	<u>507</u>	_____
<input checked="" type="checkbox"/>	Per. Folder	<u>506</u>	_____
<input type="checkbox"/>	Chaindex	_____	_____
<input type="checkbox"/>	Cross Ref.	_____	_____
<input type="checkbox"/>	Power Claim	_____	_____
<input checked="" type="checkbox"/>	Abstracts	<u>eq</u>	_____

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-	(3-9-87)
GW Report Sent/Date	()
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	
Applicant	(X)
Watermaster Division	(X)
Watermaster	(X)
Folder	(X)
Special Order Book	(X)
Completion Notice	(X)
Survey Form	(X)

TOMMY M. & NADEAN E. SMITH

~~10089 TILLER TRAIL HWY~~

CANYONVILLE OR

De Boy

97417

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 is to certify, That W. FRANK BROWN

of Canyonville, State of OR 97417, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of South Umpqua River

a tributary of Umpqua River for the purpose of irrigation of 5.6 acres

under Permit No. 20288 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 April 17, 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 0.07 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 NE 1/4 SW 1/4, Section 9, T30S, R4W, WM; 235 feet South and 2260 feet East from the W 1/4 corner Section 9.

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 under the right hereby confirmed, and to which such right is appurtenant, is as follows:

5.6 acres NE 1/4 SW 1/4
Section 9
Township 30 South, Range 4 West, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 24218, Volume 17, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on June 15, 1987, approving transfer application 5914.

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 purposes aforesaid is restricted to the lands or place of use herein described and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. October 26, 1987

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 52, page 56461

1697E/SRA
T-5914

Mailing List for Certificate

Mailing Date: 7/22/2004

Application T-5914
Permit -
Certificate 80548

Permit/Certificate Holder: (include copy of map)

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

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

Copies of Final Certificate to be sent to:

1. Watermaster #15: David Williams (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 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 1/4 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

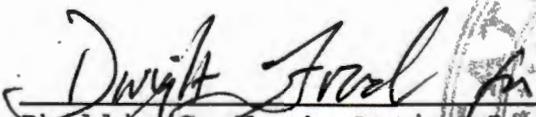
The type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

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.

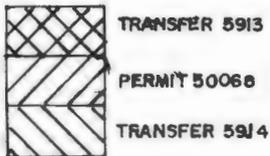
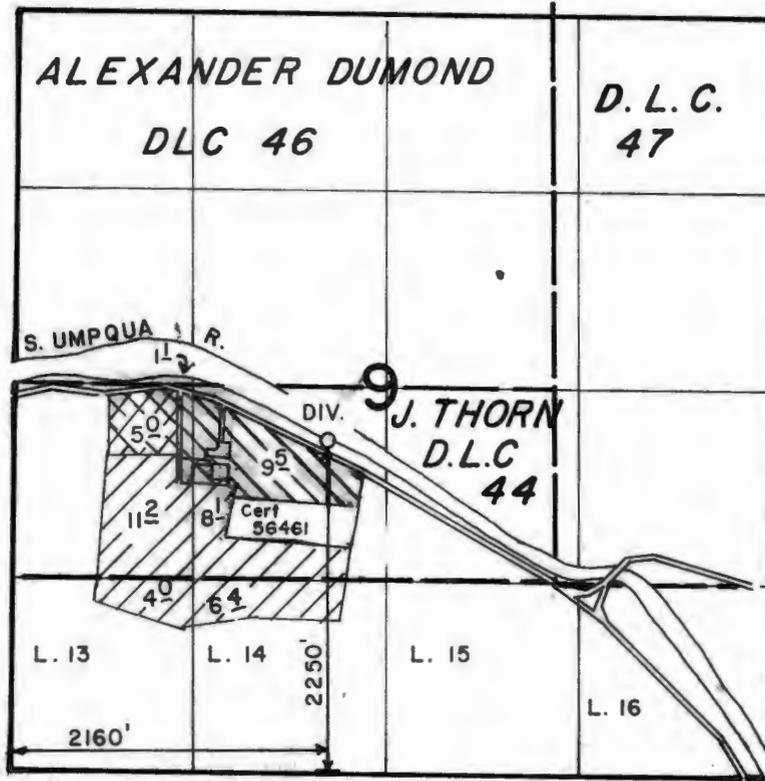
Issued July 22, 2004.


Phillip C. Ward, Acting Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80548.

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.

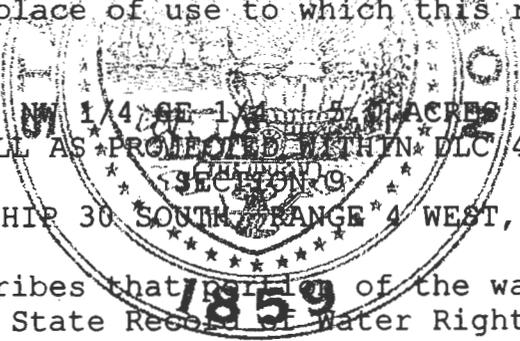
This right was perfected under Permit 7666. The date of priority is November 16, 1926. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.065 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point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

The seal of the State of Oregon is visible in the background, featuring a plow, a sheaf of wheat, and a ship, surrounded by the words "SEAL OF THE STATE OF OREGON" and "1859".
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

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.

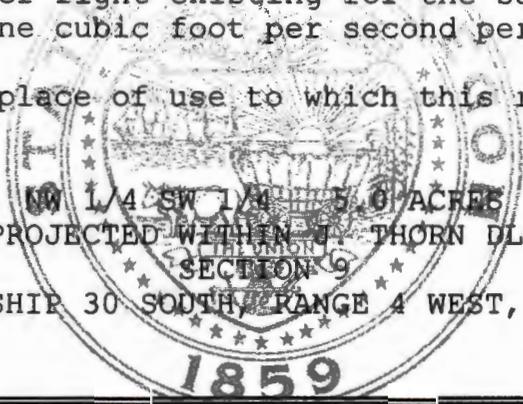
This right was perfected under Permit 7666. The date of priority is November 16, 1926. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.065 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point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



NE 1/4 SW 1/4, SECTION 9, 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.

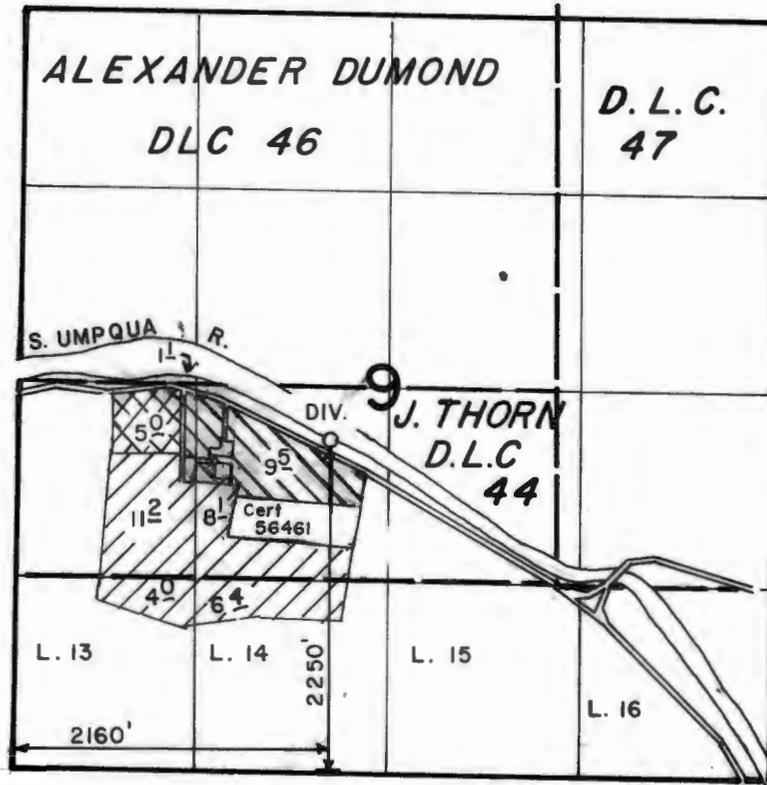

~~Phillip C. Ward, Acting Director~~
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80548.

T-5914.SB

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

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 29.7 ACRES.

This right was perfected under Permit 50068. The date of priority is FEBRUARY 19, 1987. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.37 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, AS PROJECTED WITHIN J. THORN DLC 44, SECTION 9, 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, **being further limited during the period July 15 through September 30 of each year to the irrigation of a non-commercial garden not to exceed one-half acre in area.**

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

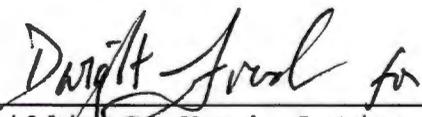
This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

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

NE 1/4 SW 1/4 8.1 ACRES
NW 1/4 SW 1/4 11.2 ACRES
BOTH AS PROJECTED WITHIN J. THORN DLC 44
LOT 13 (SW 1/4 SW 1/4) 4.0 ACRES
LOT 14 (SE 1/4 SW 1/4) 6.4 ACRES
SECTION 9
TOWNSHIP 30 SOUTH, RANGE 4 WEST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. 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 E. Ward, Acting Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80809.

69016.SB

TOMMY M. & NADEAN E. SMITH
~~10089 TILLER TRAIL HWY~~
CANYONVILLE OR 97417
DC Box

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

1-5914

RECEIVED

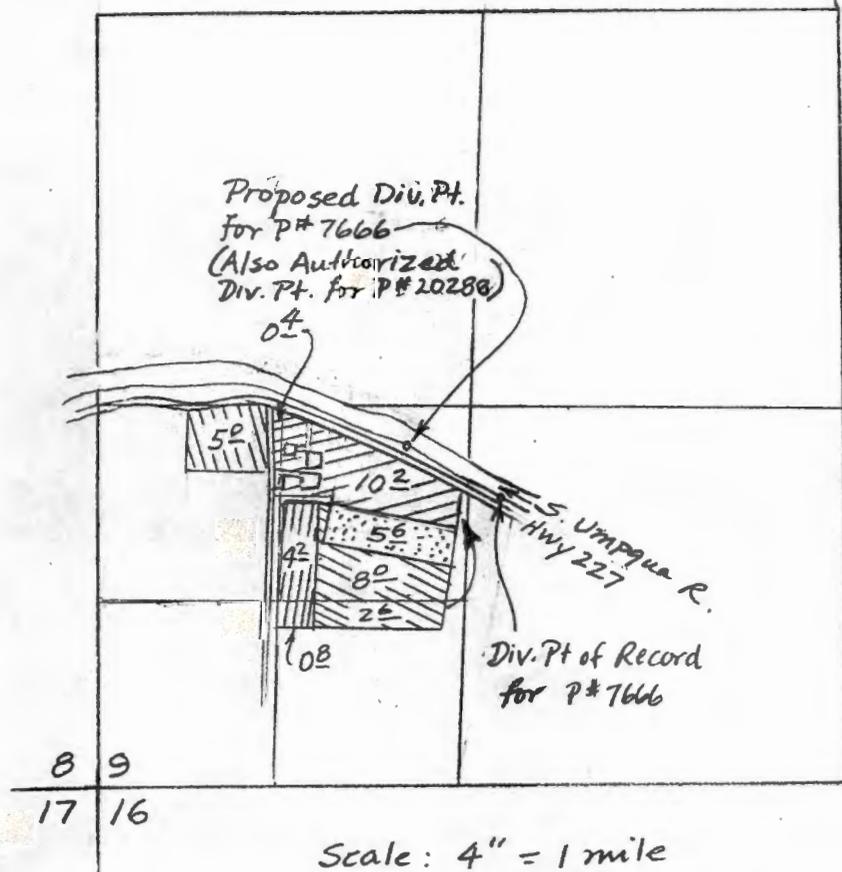
FEB 26 1987

WATER RESOURCES DEPT.
SALEM, OREGON
RECEIVED

MAR -5 1987

WATER RESOURCES DEPT.
SALEM, OREGON

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

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
TOMMY M. AND NADEAN E. SMITH) ORDER APPROVING
FOR APPROVAL OF A CHANGE IN) TRANSFER 5914
PLACE OF USE OF WATER)

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 a change in place of use of water from South Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 24218, Volume 17, State Record of Water Right Certificates, in the name of W. Frank Brown, describes a right which includes the use of not to exceed 0.13 cubic foot per second from South Umpqua River, for irrigation of 8.0 acres in NE 1/4 SW 1/4 and 2.6 acres in SE 1/4 SW 1/4, Section 9, Township 30 South, Range 4 West, WM with a date of priority of April 17, 1951.

Water for the said right is diverted from 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.

The applicant herein, owner of the lands above described, proposes to transfer the right therefrom to a certain 10.2 acres in NE 1/4 SW 1/4 and 0.4 acre in NW 1/4 SW 1/4, Section 9, Township 30 South, Range 4 West, WM.

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

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use is 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 subject water right is hereby severed from the place of use described in Certificate 24218, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 24218, 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 applicant herein.

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

William H. Young
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/F
0323E

INFO: SEE T-5913 FOR REPORT

ed 11/87 Mike Schmidt
VIRE

PHOTO 3E/S E 4W NW

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
TOMMY M. AND NADEAN E. SMITH) ORDER APPROVING
FOR APPROVAL OF A CHANGE IN) TRANSFER 5914
PLACE OF USE OF WATER)

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 a change in place of use of water from South Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 24218, Volume 17, State Record of Water Right Certificates, in the name of W. Frank Brown, describes a right which includes the use of not to exceed 0.13 cubic foot per second from South Umpqua River, for irrigation of 8.0 acres in NE 1/4 SW 1/4 and 2.6 acres in SE 1/4 SW 1/4, Section 9, Township 30 South, Range 4 West, WM with a date of priority of April 17, 1951.

Water for the said right is diverted from 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.

The applicant herein, owner of the lands above described, proposes to transfer the right therefrom to a certain 10.2 acres in NE 1/4 SW 1/4 and 0.4 acre in NW 1/4 SW 1/4, Section 9, Township 30 South, Range 4 West, WM.

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

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use is 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 subject water right is hereby severed from the place of use described in Certificate 24218, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 24218, 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 applicant herein.

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


WILLIAM H. YOUNG ⁵¹²⁶
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/F
0323E

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 A CHANGE IN)
PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER 5914

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 a change in place of use of water from South Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 24218, Volume 17, State Record of Water Right Certificates, in the name of W. Frank Brown, describes a right which includes the use of not to exceed 0.13 cubic foot per second from South Umpqua River, for irrigation of 8.0 acres in NE 1/4 SW 1/4 and 2.6 acres in SE 1/4 SW 1/4, Section 9, Township 30 South, Range 4 West, WM with a date of priority of April 17, 1951.

Water for the said right is diverted from 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.

The applicant herein, owner of the lands above described, proposes to transfer the right therefrom to a certain 10.2 acres in NE 1/4 SW 1/4 and 0.4 acre in NW 1/4 SW 1/4, Section 9, Township 30 South, Range 4 West, WM.

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

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use is 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 subject water right is hereby severed from the place of use described in Certificate 24218, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 24218, 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 applicant herein.

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

William H. Young
WILLIAM H. YOUNG⁵⁰⁶
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/F
0323E

T-5914

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

RECEIVED

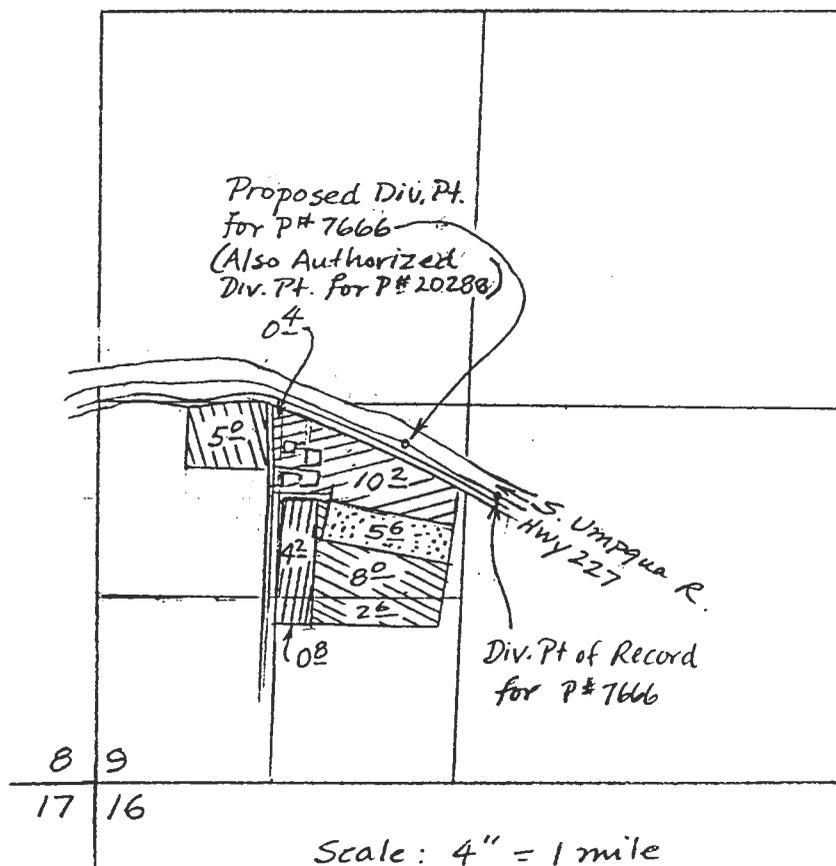
FEB 26 1987

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

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. Smith:

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

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-5914

I, TOMMY E 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 FIELD

Description of the land on which I use water: CROPS

10-24-87
(date)

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

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

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

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
SRAwpc

Enclosures

cc: Gary L. Ball, Watermaster, District 15

0331/G

0505E

RECEIVED

MAR - 5 1987

T-5914

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

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Jorunna M Smith & Madean E. Smith (Name of applicant) of 10089 Miller Trail Hwy, Canyonville (Mailing address) (City) State of Oregon, 97417, 835-3513 (Zip Code) (Phone number), do hereby make application for change 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? 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 20288 Number of certificate 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 S. Unp:

5. What is the date of priority of your water right? 4/17/51

6. The authorized point of diversion is located 235 ft. S (N. or S.) and 2260 ft. E (E. or W.) from the NW 1/4 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 ft. and ft. from the corner of being within the 1/4 1/4 of Section Tp. R. W. M., (No. N. or S.) (No. E. or W.) in the county of 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	8.0
"	"	1	SE ¼ SW ¼	2.6

(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
(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	NE ¼ SW ¼	10.2
"	"	"	NW ¼ SW ¼	0.4

(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. & 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. & Nadean E. Smith
(Name of applicant)

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

[Notarial Seal]

Jaryl Ball
NOTARY PUBLIC FOR OREGON

My commission expires 8/20/90



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



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-5914 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? N/A
(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

01-125-1387

SP*75683-125

378-3066

March 9, 1987

Tommy M. and Nadean E. Smith
10089 Tiller Trall 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 5913 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

9141D

STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This is to certify, That W. FRANK BROWN

of Canyonville, State of OR 97417, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of South Umpqua River

a tributary of Umpqua River for the purpose of irrigation of 5.6 acres

under Permit No. 20288 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 April 17, 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 0.07 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 NE 1/4 SW 1/4, Section 9, T30S, R4W, WM; 235 feet South and 2260 feet East from the W 1/4 corner Section 9.

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 under the right hereby confirmed, and to which such right is appurtenant, is as follows:

5.6 acres NE 1/4 SW 1/4
Section 9
Township 30 South, Range 4 West, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 24218, Volume 17, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on June 15, 1987, approving transfer application 5914.

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 purposes aforesaid is restricted to the lands or place of use herein described and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed this date. October 26, 1987

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 52, page 56461

1697E/SRA
T-5914

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That W. FRANK BROWN 97417

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 of 16.8 acres under Permit No. 5-620288 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 April 17, 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 0.20 cubic foot per second,

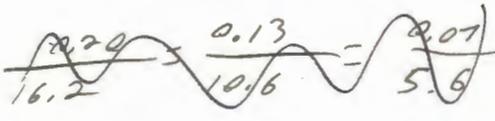
0.07

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 SW 1/4, Section 9, Township 30 South, Range 4 West, W.M., 238 FT S of 2260 FT E from the W 1/4 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, 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 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:



5.6 ~~13.6~~ acres NE 1/4 SW 1/4 - 8.0
2.6 acres SE 1/4 SW 1/4 - 2.6
Section 9
Township 30 South, Range 4 West, W.M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 24218, Volume 17, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on June 15, 1987, approving transfer application No. 5914.

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

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 24218 56461

16978

T-5914