

T-8589

Name ED STEVENS
 By _____
 Address P. O. BOX 1566
JACKSONVILLE OR 97530
541-899-2037

Change in APOD
 Date filed 08/30/2000
 Date of hearing _____
 Place of hearing _____
 Date of order 9-1-04 Vol. 61, page 317
 Date for application of water _____
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____
1-23-2000 certificate 98853 issued RR 80938

DESCRIPTION OF WATER RIGHT

Name of stream Apple gate River
 Trib. of Rogue River County of Jackson
 Use Irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority 1876
 In name of Richard L. Brown
 _____ Adjudication, Vol. _____, page _____
 App. No. T-5722 Per. No. D16226 Cert. No. 46396
79835
 Certificate cancelled _____
 Notation made on record by JwDB

FEEES PAID

Date	Amount	Receipt No.
<u>8.30.00</u>	<u>200⁰⁰</u>	<u>40040</u>
TOTAL . . .		
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

REMARKS

No ID/James E. Hibbs CWRE 66
PN 9-5-2000

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **40040**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Edward J L Stevens
BY: _____

APPLICATION	
PERMIT	
TRANSFER	8589

CASH: CHECK: # 96.455 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$

PCA AND OBJECT CLASS _____ VOUCHER # _____

0427 WRD OPERATING ACCT

0407	MISCELLANEOUS			\$
0410	COPY & TAPE FEES			\$
0408	RESEARCH FEES			\$
(New) TC162	MISC REVENUE: (IDENTIFY)			\$
	DEPOSIT LIAB. (IDENTIFY)			\$

PCA #
66111

WATER RIGHTS:

0201	SURFACE WATER	\$	0202	RECORD FEE	\$
0203	GROUND WATER	\$	0204	RECORD FEE	\$
0205	TRANSFER	\$ <u>200.00</u>	0206	RECORD FEE	\$

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302	LOTTERY PROCEEDS	\$
------	------------------	----

0467 HYDRO ACTIVITY

0233	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
	HRDRO APPLICATION		\$

RECEIPT # **40040**

DATED: 8-30-00 BY: S. Henderson

Mailing List for Final Transfer Certificate(s)

Transfer Application: T-8589

Certificate: 98853 (C-79835)

Certificate/Transfer Holder: (include copy of map)
ED STEVENS
PO BOX 1566
JACKSONVILLE, OR 97530

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

Copies of Final Transfer Certificate(s) to be sent to:

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

Other persons to receive copies: (include map):

5. JAMES EDWARD HIBBS, CWRE

Copies Mailed	
by:	<u>TM</u> (STAFF)
on:	<u>JAN 23 2026</u> (DATE)



Oregon

Tina Kotek, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

Date Mailed: JAN 23 2026

NOTICE OF CERTIFICATE ISSUANCE

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

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

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

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

If you have any questions please contact Jonnine Skaug at 503-979-3943.

STATE OF OREGON
 COUNTY OF JACKSON
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ED STEVENS
 PO BOX 1566
 JACKSONVILLE OR 97530

confirms the right to the use of waters as limited and conditioned below. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1.

SOURCE OF WATER: THE APPLGATE RIVER, A TRIBUTARY OF THE ROGUE RIVER

PURPOSE OR USE: IRRIGATING 3.2 ACRES

MAXIMUM RATE: 0.08 CUBIC FOOT PER SECOND

DATE OF PRIORITY: 1876

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	3 W	WM	33	NE NW	1050 FEET SOUTH AND 25 FEET WEST FROM N1/4 CORNER, SECTION 33

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	3 W	WM	33	NE NW	3.2

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

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	3 W	WM	5	SW SW	COMSTOCK DITCH - 1000 FEET NORTH AND 1190 FEET EAST FROM SW CORNER, SECTION 5

The water user shall maintain an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water appropriated.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

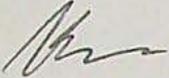
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial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

The water user shall maintain fish screening or fish by-pass device, at the new point of diversion.

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

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered September 1, 2004, at Special Order Volume 61, Page 317, approving Transfer Application T-8589, and together with Certificate 81011, supercedes Certificate 79835, State record of Water Right Certificates.

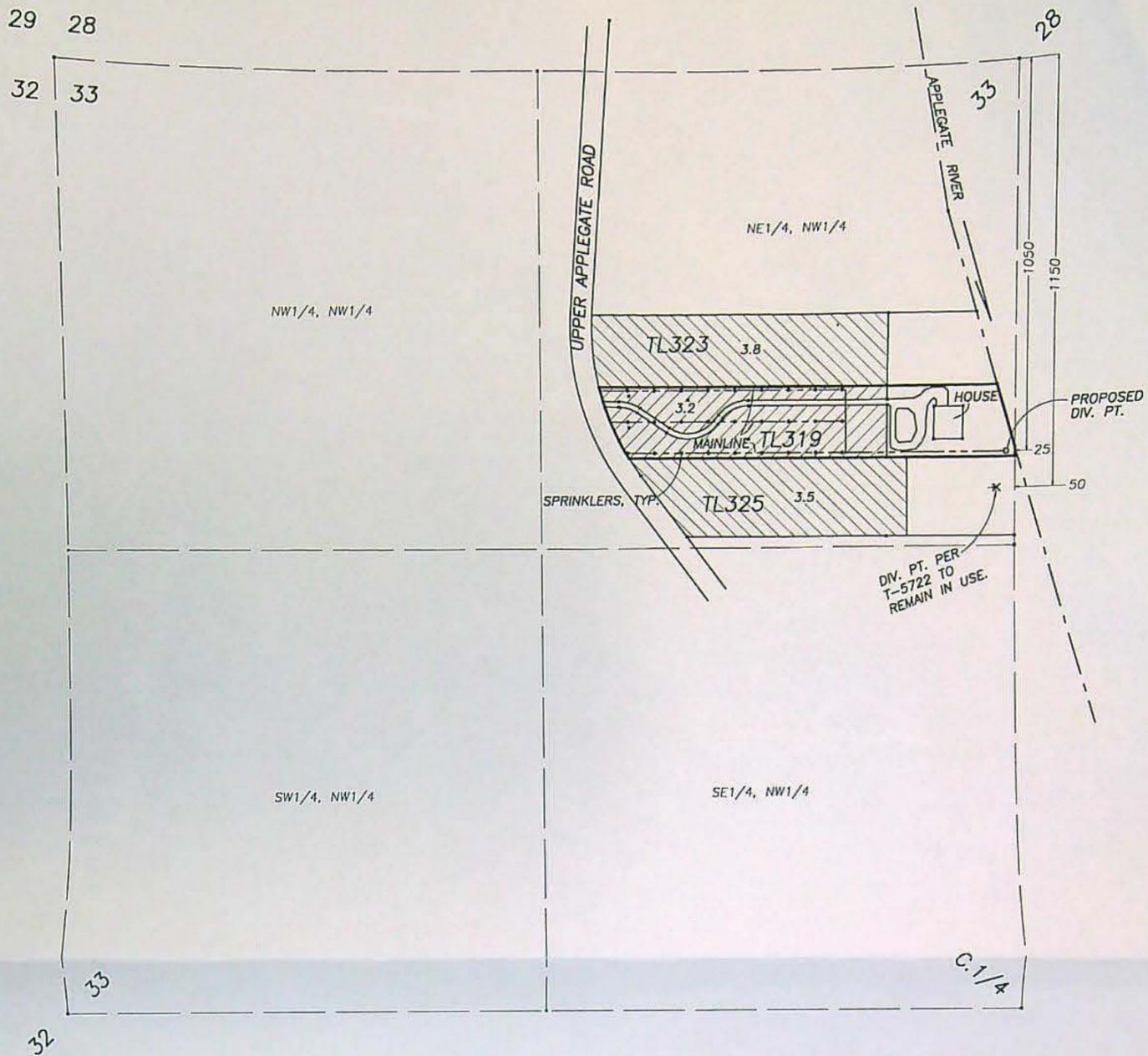
Issued JAN 23 2026.



Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

FINAL PROOF MAP

SECTION 33, T.39S., R.3W., W.M.
JACKSON COUNTY, OREGON
T-8589



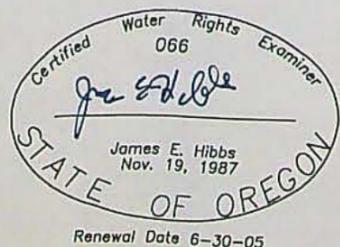
= IRRIG. PER T-5722 UNDER THIS TRANSFER.



= IRRIG. PER T-5722 NOT UNDER THIS TRANSFER.

THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE WATER RIGHT ONLY & HAS NO INTENT TO PROVIDE DIMENSION OR LOCATION OF PROPERTY OWNERSHIP LINES.

Received
JUN 07 2024
OWRD



TITLE:
FINAL PROOF MAP

ASSESSOR'S MAP #:
393W33 TL319

FOR: ED STEVENS
P.O. BOX 1566
JACKSONVILLE, OR 97530
PH: (541) 899-2037



L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS
816 W. 8TH ST., MEDFORD, OR.
(541) 772-2782
lfriar@charter.net

DATE:
2 OCT 2004

SCALE:
1 inch : 400 feet

DRAWN BY: JEH
CHK BY:

ORIGIN:

ROTATION: 0°
JOB#: 98274FM

Sheet 1 of 1.

PR
C 11-19-25

TRANSFER

Memo- Proof to Satisfaction

Transfer App #	T-8589	Date:	Nov 2025
WRD Reviewer (CW)	J Skene	Date:	
WRD Peer Reviewer (PR)		Date:	

ORIGINAL CERT:	CHANGE REQUESTED:				RR Cert:
79035	<input checked="" type="checkbox"/> POU	<input checked="" type="checkbox"/> POD/POA	<input type="checkbox"/> APOD/APOA	<input checked="" type="checkbox"/> USE	80938 Superseded 8101
	<input type="checkbox"/> POU	<input type="checkbox"/> POD/POA	<input type="checkbox"/> APOD/APOA	<input type="checkbox"/> USE	
	<input type="checkbox"/> POU	<input type="checkbox"/> POD/POA	<input type="checkbox"/> APOD/APOA	<input type="checkbox"/> USE	
	<input type="checkbox"/> POU	<input type="checkbox"/> POD/POA	<input type="checkbox"/> APOD/APOA	<input type="checkbox"/> USE	

PREPARATION:

CW	PR	RESEARCH:			
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> CBU Report/Map	<input checked="" type="checkbox"/> Transfer Order Ord Vol Issued Date 9/1/2004	<input type="checkbox"/> Assignment	<input type="checkbox"/> Transfer Extension
		Electronic Folder:			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Create CBU folder	<input checked="" type="checkbox"/> Create Work Packet Folder		
<input type="checkbox"/>	<input type="checkbox"/>	SCAN: Above documents into "CBU Folder"			
<input type="checkbox"/>	<input type="checkbox"/>	SAVE: other documents in "Work Packet Folder"			
		<input checked="" type="checkbox"/> Certificate(s)	<input checked="" type="checkbox"/> Transfer App Maps (To/From)	<input type="checkbox"/>	
		<input checked="" type="checkbox"/> OrMap Tax Lot Map	<input checked="" type="checkbox"/> Ownership Report	<input checked="" type="checkbox"/> BLM Cadastral Survey	<input type="checkbox"/> GW Logs
		<input type="checkbox"/> GW Conditions	<input type="checkbox"/> Mitigation	<input type="checkbox"/> POU Report (conflict) [POU ONLY] N/A	<input type="checkbox"/> Others:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEARCH:			
		<input checked="" type="checkbox"/> Interactive Mapper	<input type="checkbox"/> AOI	<input checked="" type="checkbox"/> Map and Tax Lot ID 319	<input type="checkbox"/> Receiving LO:
				New Landowner: Same	

REVIEW OF CLAIM:

ORDER REQ'D	CERTIFICATE REQ'D	COMPLIED YES/NO	CONDITIONS:	NOTES:
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Fish Condition	Installed 3-2001 - ODFW approved
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Meter/Measuring Device	Installed 8-31-04 (No c date on order)
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Water Use Reporting	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	SWL (Month)	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Dedicated MMS tube	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Well Id	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Other:	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	C-date:	EXT C-Date: no c date claim says 3-2001

REVIEW OF MAP: (Only the changes approved)

CW	PR		Notes:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Verify POA/POD Location (New Only)	
<input type="checkbox"/>	<input type="checkbox"/>	Verify POU (New only)	
<input type="checkbox"/>	<input type="checkbox"/>	POU clearly identified by Use Type/Certificate	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	DLC/GOV'T LOT	
		<input type="checkbox"/> Original Cert Map for unchanged POU/POD/POA (Attached for Peer Reviewer/Data)	<input type="checkbox"/> Note Maps for Reference

POD/POA/APOD/POA ONLY: RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER:

POD/POA-NEW/ADD'T	AUTHORIZED RATE	CLAIM RATE	CALCULATED RATE	NOTES:
	0.08 cfs	38 gpm	= 0.08 cfs	

DETERMINATION:

CW	PR	DOCUMENT	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	LETTER FOR CLARIFICATION	
<input type="checkbox"/>	<input type="checkbox"/>	DRAFT (PLEASE EXPLAIN)	
<input type="checkbox"/>	<input type="checkbox"/>	PROPOSED	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FINAL	<i>made proof</i>
<input type="checkbox"/>	<input type="checkbox"/>	PROPOSED ORDER TO CANCEL	

FINAL CHECKS: Review your document; BEFORE printing proposed for Support

CW	PR	DID YOU CHECK?	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	DATA REVIEW	
		<input type="checkbox"/> POA/POD/DAM TABLES/DESCRIPTIONS	<input type="checkbox"/> PLACE OF USE TABLES, INCLUDING ACRES FOR GOV'T LOTS/DLC
<input type="checkbox"/>	<input type="checkbox"/>	SPELL CHECK DOC	
<input type="checkbox"/>	<input type="checkbox"/>	MAPS: Identified for Reference	
<input type="checkbox"/>		CERT NUMBER ISSUED:	
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #

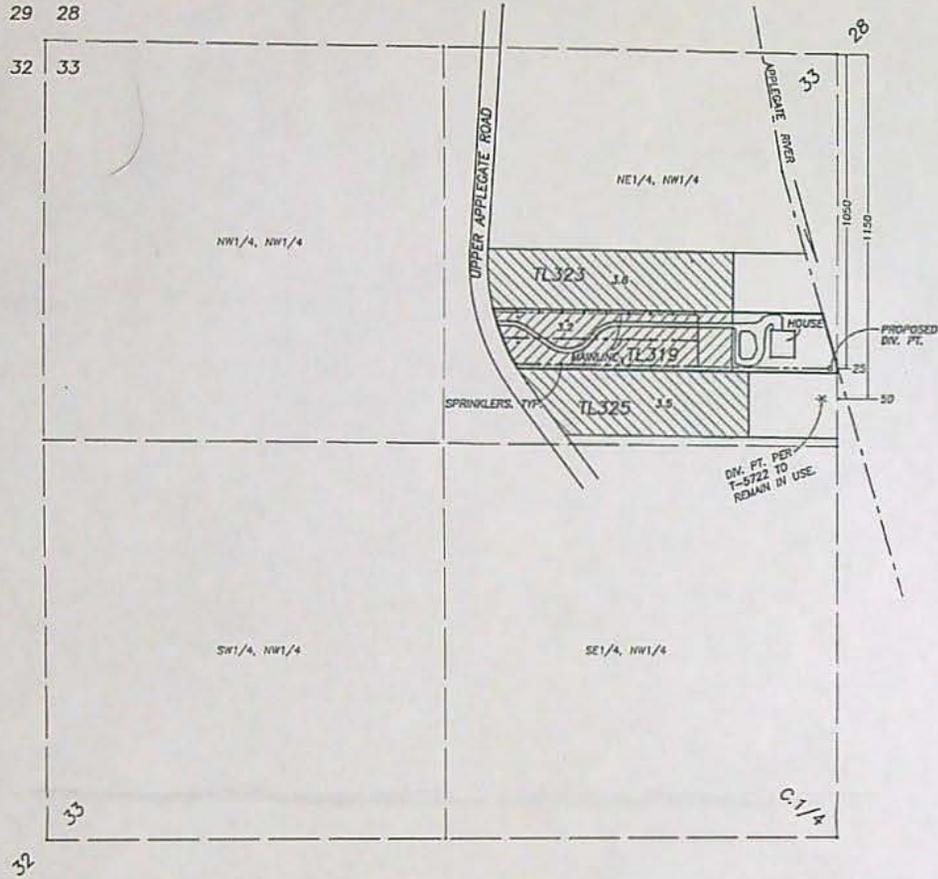
EXTRAS: BEFORE Printing your Final Certificate

CW	PR	DID YOU CHECK?	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	DATA REVIEW COMMENTS UPDATED	
<input type="checkbox"/>	<input type="checkbox"/>	SPELL CHECKED DOC	

CASEWORKER REVIEW COMMENTS:

PEER REVIEWER COMMENTS:

FINAL PROOF MAP
 SECTION 33, T.39S., R.3W., W.M.
 JACKSON COUNTY, OREGON
 T-8589



- = IRRIG. PER T-5722 UNDER THIS TRANSFER.
- = IRRIG. PER T-5722 NOT UNDER THIS TRANSFER.

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Received
 JUN 07 2024
 OWRD



© L.J. FRIAR & ASSOCIATES, P.C. 2004

TITLE: FINAL PROOF MAP	DATE: 2 OCT 2004
ASSESSOR'S MAP #: 393W33 TL319	SCALE: 1 inch : 400 feet
FOR: ED STEVENS P.O. BOX 1566 JACKSONVILLE, OR 97530 PH: (541) 899-2037	DRAWN BY: JEH CHK: JFH
 L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS 816 W. 8TH ST., WEDFORD, OR. (541) 772-2782 lfriar@charter.net	ORIGIN:
	ROTATION: 0° JOB#: 98274FM
Sheet 1 of 1.	

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Tuesday, June 11, 2024 6:00 AM
To: LOVRIEN Corie L * WRD; REECE Nick A * WRD
Subject: CBU received for T-8589?

Good Morning,

I am checking to see if you received a CBU in the mail for T-8589. The realtor mailed it late last week and wants to make sure that it makes it to our office.

The owner is deceased and the CBU was found in their records. Because of the situation, I told the realtor that we would accept the paper map in lieu of a map on polyester film.

When you receive the CBU, please let me know so that I can notify the realtor.

Thanks in advance. Have a great day!

Gerry

Gerry Clark

He/Him/His

Program Analyst, Certificate Section, Water Right Services Division | Phone 503-979-9103

This form is subject to revision. Begin each new claim by checking for a new version of this form and downloading a new one if necessary.

If you have questions regarding the completion of this form, contact:

Steve Brown by e-mail at Stephen.C.BROWN@wrд.state.or.us or by phone at 503-986-0809

Or Gerry Clark by e-mail at Gerald.E.CLARK@wrд.state.or.us or by phone at 503-986-0811

The Department has a new program that allows a permit holder to pay the cost to have a private contractor review of the claim and, if appropriate, prepare a certificate. This new program means a certificate can be issued in about a month. The Department has a list of trained contractors that are selected on a rotating basis. For more information on this program see: <http://www.wrд.state.or.us/programs/index.shtml>.

**This box can be deleted

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271

CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-010(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. A separate form shall be completed for each permit or transfer final order.

I. General Information

1. Application number: T-8589
2. Permit number:
3. County: JACKSON
4. Tax Lot Information:

Tax map number	Tax lot number
393W33	319

5. Date of Site Inspection: OCTOBER 2 , 2004
6. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
ED STEVENS	10-2-04	OWNER & PERMITEE

7. Permittee / Transferee of record (this may not be the current property owner)

a. Individuals

	Individual 1	Individual 2
Name	SAME AS PROPERTY OWNER	
Mailing Address		
City/State/Zip		

b. Businesses/Organizations

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	

8. Property owner (current owner information)

c. Individuals

Name	ED STEVENS	
Mailing Address	P.O. BOX 1566	
City/State/Zip	JACKSONVILLE, OR 97530	
Phone #	541-899-2037	
Fax #		
e-mail address		

d. Businesses/Organizations

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone	
Fax	
e-mail	

If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department.

9. If any property described in the permit or transfer final order is not included in this report, identify the owner of record for that property (ORS 537.230(3)):

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

Name	N/A
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

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Name	
Contact Person and Title	OWRD
Mailing Address	
City/State/Zip	

Phone # _____

II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

1. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
POD FOR THIS TRANSFER		

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

2. Point of diversion/appropriation sources and tributary:

Source	Tributary to
APPLEGATE RIVER	ROGUE RIVER

3. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
NE1/4 OF NW1/4 OF SEC.33, T39S, R3W, WM	1050'S & 25' W OF E. 1/4 COR SEC. 33

4. Use(s), period of use, and rate for each use:

Uses	When water is used	Rate for use
IRRIGATION	SEASONAL	0.08 CFS

Total Quantity of Water

**Received
JUN 07 2024**

OWRD

5. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
		NE NW	33	39S	3W	IRR	3.2	

Total Acres Irrigated 3.2

System Information:

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type	Intake size	Discharge size	Impeller
#1 BERKELEY	01.25TPMS	G260898	CENTRIFUGAL	2"	3"	5.94"
#2 STA-RITE	JHH6-53HL		CENTRIFUGAL	1.5"	1.5"	5.94"

If a performance curve is available, attach to the claim

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
#1 MAGNATEK	10-177825-01	3.0		220
#2 SAT-RITE	K48N2EC15	2.5		220

3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition	Current meter reading	Notes
SENSUS	63868865	NEW		

4. Measurement device description

Device description	Condition	Notes
N/A		

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
0	75	2 MIN	38 GPM

8. Mainline information

Mainline size	Length	Type of pipe
3"	900'	PVC

9. Handline information

Handline size	Length	Type of pipe
1"	100'	PVC

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10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
RAINBIRD		11/64	40	9.0GPM	4	0.08CFS
RAINBIRD		3/8	40	40GPM	1	0.09CFS

III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

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

	Date	Explanation
Begin construction		
Complete construction	March 2001	System completed
Complete application of water	March 2001	Irrigation of property begins

2. Initial Water Level Measurements:

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit an initial static water level measurement? YES NO NA

3. Annual Static Water Level Measurements:

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit annual static water level measurements? YES NO NA

4. Measurement, recording, and reporting conditions:

a. Does the permit or transfer final order require the installation of a meter or approved measuring device?
YES NO **If "NO", items b through g relating to this section can be deleted.

b. Has a meter been installed? YES NO

c. Provide the date the meter was installed:

8-31-04

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

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

Name	Title	Approximate date

f. Is the water user required to report the water use to the Department? YES NO

g. Have the reports been submitted? YES N/A

Received
JUN 07 2024

OWRD

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening and/or By-pass Devices

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? YES NO NA

b. Has the fish screening been installed? YES NO See attached Inspection form.

c. When was the fish screening installed?

Date	By whom
March 2001	FAY & COMPANY

d. Is the **total** diversion rate of all rights at the point of diversion less than 0.5 cfs? YES NO

e. If the diversion rate is less than 0.5 cfs, the water user can self certify the fish screen.

f. Has a self certification form been previously submitted to the Department? YES NO

g. If not, is the self certification form attached to this Claim? YES NO
See ODFW attached Certification form.

h. Has the by-pass device been installed? YES NA

6. Pump Test (typically required for ground water uses prior to issuance of a certificate, but not a requirement of permit development)

a. Has a pump test been submitted and approved by the Department? YES NO NA

7. Other Permit Conditions (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.) NA

IV. Conclusions, Signatures

Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA name or #	Rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	# of acres allowed by permit or transfer final order	# of acres developed
T-8589		N/A	0.08	3.2	3.2

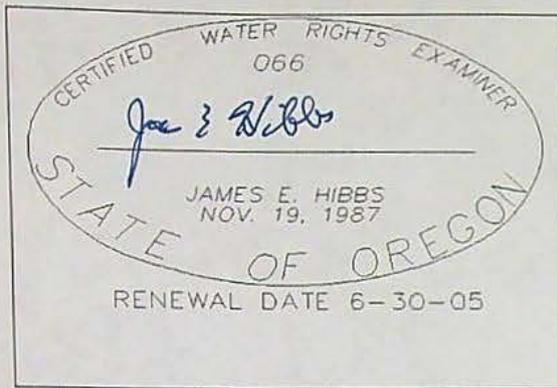
Received
JUN 07 2024
OWRD

Claim of Beneficial Use Map

The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned.

CWRE Statement, Seal and Signature

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



Land Owners Signature or Acknowledgement

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

Edward Stevens
Signature

ED STEVENS
Print or type name

06 October 2004
Date

Received
JUN 07 2024
OWRD

KIRSTEN DAMGAARD, Broker

(541) 899-3299 | kirstentherealtor@gmail.com | www.realestatebykirsten.com

6/5/24

Gerry Clark

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

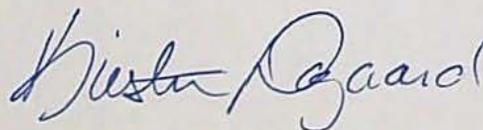
RE: 7813 Upper Applegate Road, Jacksonville, OR 97530

Dear Gerry:

Per our phone conversation last week, I am enclosing the originally signed COBU by Edward Stevens dated October 6, 2004 (who is now deceased) and the original paper Final Proof Map signed by James E. Hibbs. I am also enclosing the signed Fish Screen Inspection Form from OR Department of Fish & Wildlife.

Thank you for your time and processing these documents to perfect the water rights for the property above.

Kind regards,



Kirsten Damgaard

Received
JUN 07 2024

OWRD



OREGON DEPARTMENT OF FISH AND WILDLIFE
OREGON WATER RESOURCES DEPARTMENT

FISH SCREEN INSPECTION FORM

Applicant
Name: Ed Stevens Water Right Number: T-8589 Water Right Amount (cfs) .08

Address: 7813 Upper Applegate Rd Phone (541) 899-2037
P.O. Box 1566 Jacksonville, OR 97530

Diversion
Stream: Applegate River Tributary to: Rogue River

Address (if different than applicants): _____

Diversion Type: pump Location: T _____, R _____, Sec _____

GPS Coordinates: 42.13875 - 123.06327 SATS: 7

Pump Information

Brand: Sta-Rite Horsepower: 2.5 Intake Size: 1 1/2"

Screen Information

Type: Sure-Flo Installed by: Fay & Co. Date Installed: 11-4-98

Date of Inspection: 9-28-04 Inspected by: Rich Kulsane Agency: ODFW

Comments: _____

Screen meets current state criteria for fish protection.

Screen does not meet current state criteria for fish protection.

Another screen inspection should be done before water use begins.

Received
JUN 07 2024

OWRD

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Wednesday, May 29, 2024 2:26 PM
To: Kirsten Damgaard
Subject: RE: 7813 Upper Applegate Road - COBU

Kristen,

Thank you for forwarding me a copy of the Claim for T-8589. I have taken a cursory glance at the Claim and feel that we can work with it. We do reserve the right to reach out a current transfer holder of record to request additional information or clarification if needed.

I have discussed with our Customer Service Group that you will be sending the copy of the Claim and map that you located in your clients documents and that we will be deeming the paper map as acceptable.

Here is a link to the Assignment form that we discussed. The executor of the estate can sign the form as long as the document establishing them as the executor, a copy (not original) of the death certificate, and a copy of the deed and legal description is included with the completed Assignment form:

<https://www.oregon.gov/owrd/WRDFormsPDF/assign.pdf>

Please let me know if you have any additional questions.

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: Kirsten Damgaard <kirstentherealtor@gmail.com>
Sent: Wednesday, May 29, 2024 11:10 AM
To: CLARK Gerald E * WRD <gerald.e.clark@water.oregon.gov>
Subject: Fwd: 7813 Upper Applegate Road - COBU

You don't often get email from kirstentherealtor@gmail.com. [Learn why this is important](#)

----- Forwarded message -----

From: Kirsten Damgaard <kirstentherealtor@gmail.com>
Date: Wed, May 29, 2024 at 11:07 AM
Subject: 7813 Upper Applegate Road - COBU
To: <gerald.e.clark@water.oregon.gove>

--

This form is subject to revision. Begin each new claim by checking for a new version of this form and downloading a new one if necessary.

If you have questions regarding the completion of this form, contact:

Steve Brown by e-mail at Stephen.C.BROWN@wrdd.state.or.us or by phone at 503-986-0809

Or Gerry Clark by e-mail at Gerald.E.CLARK@wrdd.state.or.us or by phone at 503-986-0811

The Department has a new program that allows a permit holder to pay the cost to have a private contractor review of the claim and, if appropriate, prepare a certificate. This new program means a certificate can be issued in about a month. The Department has a list of trained contractors that are selected on a rotating basis. For more information on this program see: <http://www.wrdd.state.or.us/programs/index.shtml>.

**This box can be deleted

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271

CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-010(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. A separate form shall be completed for each permit or transfer final order.

I. General Information

1. Application number: T-8589
2. Permit number:
3. County: JACKSON
4. Tax Lot Information:

Tax map number	Tax lot number
393W33	319

5. Date of Site Inspection: OCTOBER 2 , 2004
6. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
ED STEVENS	10-2-04	OWNER & PERMITEE

7. Permittee / Transferee of record (this may not be the current property owner)
 - a. Individuals

	Individual 1	Individual 2
Name	SAME AS PROPERTY OWNER	
Mailing Address		
City/State/Zip		

b. Businesses/Organizations

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	

8. Property owner (current owner information)

c. Individuals

Name	ED STEVENS	
Mailing Address	P.O. BOX 1566	
City/State/Zip	JACKSONVILLE, OR 97530	
Phone #	541-899-2037	
Fax #		
e-mail address		

d. Businesses/Organizations

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone	
Fax	
e-mail	

If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department.

9. If any property described in the permit or transfer final order is not included in this report, identify the owner of record for that property (ORS 537.230(3)):

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

Name	N/A
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	

Phone # _____

II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

1. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
POD FOR THIS TRANSFER		

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

2. Point of diversion/appropriation sources and tributary:

Source	Tributary to
APPLEGATE RIVER	ROGUE RIVER

3. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
NE1/4 OF NW1/4 OF SEC.33, T39S, R3W, WM	1050'S & 25' W OF E. 1/4 COR SEC. 33

4. Use(s), period of use, and rate for each use:

Uses	When water is used	Rate for use
IRRIGATION	SEASONAL	0.08 CFS

Total Quantity of Water

5. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
		NE NW	33	39S	3W	IRR	3.2	

Total Acres Irrigated 3.2

System Information:

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type	Intake size	Discharge size	Impeller
#1 BERKELEY	01.25TPMS	G260898	CENTRIFUGAL	2"	3"	5.94"
#2 STA-RITE	JHH6-53HL		CENTRIFUGAL	1.5"	1.5"	5.94"

If a performance curve is available, attach to the claim

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
#1 MAGNATEK	10-177825-01	3.0		220
#2 SAT-RITE	K48N2EC15	2.5		220

3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition	Current meter reading	Notes
SENSUS	63868865	NEW		

4. Measurement device description

Device description	Condition	Notes
N/A		

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
0	75	2 MIN	38 GPM

8. Mainline information

Mainline size	Length	Type of pipe
3"	900'	PVC

9. Handline information

Handline size	Length	Type of pipe
1"	100'	PVC

10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
RAINBIRD		1 1/64	40	9.0GPM	4	0.08CFS
RAINBIRD		3/8	40	40GPM	1	0.09CFS

III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

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

	Date	Explanation
Begin construction		
Complete construction	March 2001	System completed
Complete application of water	March 2001	Irrigation of property begins

2. Initial Water Level Measurements:

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit an initial static water level measurement? YES NO NA

3. Annual Static Water Level Measurements:

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit annual static water level measurements? YES NO NA

4. Measurement, recording, and reporting conditions:

a. Does the permit or transfer final order require the installation of a meter or approved measuring device?
YES NO **If "NO", items b through g relating to this section can be deleted.

b. Has a meter been installed? YES NO

c. Provide the date the meter was installed:

8-31-04

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

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

Name	Title	Approximate date

f. Is the water user required to report the water use to the Department? YES NO

g. Have the reports been submitted? YES N/A

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening and/or By-pass Devices

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? YES NO NA

b. Has the fish screening been installed? YES NO See attached Inspection form.

c. When was the fish screening installed?

Date	By whom
March 2001	FAY & COMPANY

d. Is the **total** diversion rate of all rights at the point of diversion less than 0.5 cfs? YES NO

e. If the diversion rate is less than 0.5 cfs, the water user can self certify the fish screen.

f. Has a self certification form been previously submitted to the Department? YES NO

g. If not, is the self certification form attached to this Claim? YES NO
See ODFW attached Certification form.

h. Has the by-pass device been installed? YES NA

6. Pump Test (typically required for ground water uses prior to issuance of a certificate, but not a requirement of permit development)

a. Has a pump test been submitted and approved by the Department? YES NO NA

7. Other Permit Conditions (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.) NA

IV. Conclusions, Signatures

Permit and Transfer Final Order Rates and System Rates Comparisons:

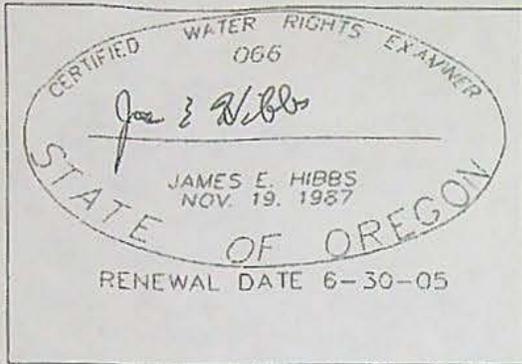
POD or POA name or #	Rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	# of acres allowed by permit or transfer final order	# of acres developed
T-8589		N/A	0.08	3.2	3.2

Claim of Beneficial Use Map

The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned.

CWRE Statement, Seal and Signature

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



Land Owners Signature or Acknowledgement

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

Edward Stevens
Signature

ED STEVENS
Print or type name

06 October 2004
Date



OREGON DEPARTMENT OF FISH AND WILDLIFE
OREGON WATER RESOURCES DEPARTMENT

FISH SCREEN INSPECTION FORM

Applicant
Name: Ed Stevens Water Right Number: T-8589 Water Right Amount (cfs) .08

Address: 7813 Upper Applegate Rd Phone (541) 899-2037
P.O. Box 1566 Sackamouth, OR 97530

Diversion
Stream: Applegate River Tributary to: Rogue River

Address (if different than applicants): _____

Diversion Type: Pump Location: T _____, R _____, Sec. _____

GPS Coordinates: 42.13875 123.06327 SATS: 7

Pump Information

Brand: Sta-Rite Horsepower: 2.5 Intake Size: 1 1/2"

Screen Information

Type: Super Flo Installed by: Fay + Co. Date Installed: 11-4-98

Date of Inspection: 9-28-04 Inspected by: Rich Kulsane Agency: ODFW

Comments: _____

Screen meets current state criteria for fish protection.

Screen does not meet current state criteria for fish protection.

Another screen inspection should be done before water use begins

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DENNIS K. AND KATHLEEN G. COOPER
1983 CRESTVIEW DRIVE
ASHLAND, OREGON 97520

confirms the right to use the waters of the APPLGATE RIVER, a tributary of the ROGUE RIVER, for IRRIGATION OF 7.3 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1876.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.18 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 33, T 39 S, R 3 W, W.M.; 1250 FEET SOUTH AND 30 FEET WEST FROM THE N $\frac{1}{4}$ CORNER OF SECTION 33.

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 $\frac{1}{4}$ NW $\frac{1}{4}$ 7.3 ACRES
SECTION 33

TOWNSHIP 39 SOUTH, RANGE 3 WEST, W.M.

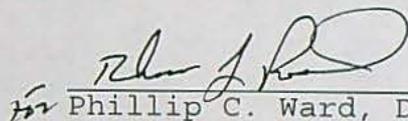
This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

This certificate is issued to correctly describe the authorized quantity of water diverted and describes that portion of the water right confirmed by Certificate 79835, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on September 1, 2004, approving Transfer Application 8589, and supersedes Certificate 80938.

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

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

WITNESS the signature of the Water Resources Director,
affixed NOVEMBER 24, 2004.


for Phillip C. Ward, Director

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

November 22, 2004

To: Phillip C. Ward, Acting Director

From: Kelly Starnes, Northwest Region Transfer Processor

Subject: Certificate 80938 correction.

Certificate 80938 was issued to confirm the remaining right after T-8589 was approved. The certificate contains a scrivener's error in the authorized quantity of water diverted. The certificate says 0.08 cfs whereas the correct quantity is 0.18 cfs.

Certificate 81011 correctly describes the authorized quantity of water allowed to be diverted as 0.18 cfs.

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DENNIS K. AND KATHLEEN G. COOPER
1983 CRESTVIEW DRIVE
ASHLAND, OREGON 97520

confirms the right to use the waters of the APPLGATE RIVER, a tributary of the ROGUE RIVER, for IRRIGATION of 7.3 acres.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1876.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.08 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

7.3
0.18

The point of diversion is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 33, T 39 S, R 3 W, W.M.; 1250 FEET SOUTH AND 30 FEET WEST FROM THE NW $\frac{1}{4}$ CORNER OF SECTION 33.

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 $\frac{1}{4}$ NW $\frac{1}{4}$ 7.3 ACRES
SECTION 33

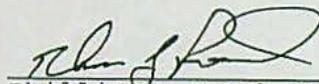
TOWNSHIP 39 SOUTH, RANGE 3 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 79835, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 01 2004, approving Transfer Application 8589.

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

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

WITNESS the signature of the Water Resources Director,
affixed SEPTEMBER 1, 2004.


Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80938.

T-8589.PKS

Page 2 of 2

- Application T-8589 proposes to move the authorized point of diversion approximately 200 feet downstream in the source to:

Township		Range		Meridian	Sec	¼	¼	Lot	DLC	Survey Coordinates
39	S	3	W	W.M.	33	NE	NW			1050 feet South and 25 feet West from the N¼ Corner of Section 33.

- Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

Conclusions of Law:

The change in point of diversion proposed in application T-8589 is consistent with the requirements of 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

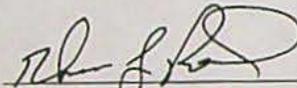
- The change in point of diversion proposed in application T-8589 is approved.
- The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 79835 and any related decree.
- Water right certificate 79835 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer.
- The proposed change shall be completed on or before October 1, 2005.
- A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.

6. The quantity of water diverted at the proposed point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion:

Township		Range		Meridian	Sec	¼	¼	Lot	DLC	Survey Coordinates
40	S	3	W	W.M.	5	SW	SW			Comstock Ditch -1000 feet North and 1190 feet East from the SW Corner of Section 5.

7. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.
9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 1st day of September 2004.


 Phillip C. Ward
 Acting Director

Mailing date: SEP 10 2004



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

942 SW 6th Street
Suite E
Grants Pass, OR 97526
(541) 471-2886
FAX (541) 471-2876

November 27, 2001

Ed Stevens
PO Box 1566
Jacksonville OR 97530

REFERENCE: Transfer 8589

To Dorothy P.

[Handwritten scribble]

From Vern C

Your application for a water right transfer was received by the Salem office of the Oregon Water Resources Department on August 30, 2000. The Grants Pass office received this file on September 7, 2000.

Your transfer application requested a transfer on a inchoate right which is not a transferrable right. The water right appurtenant to a portion of your property was included in Transfer 5722, and was modified by the order approving T-5722. The order approving transfer 5722 canceled the water right certificate recorded at page 51982, Volume 46, State of Oregon Water Right Certificates. The water right appurtenant to your land is not transferrable until proof satisfactory to the director is documented, or a new certificate confirming the water right is signed by the director.

On September 25, 2000, I sent an email to Salem requesting review of the final proof survey submitted for T-5722. On October 30, 2000, I sent another email to Salem regarding T-5722. On November 28, 2000, I sent a memo to Salem requesting a status report on the final proofs for several special orders including T-5722.

In an effort to expedite your transfer when the water right is transferrable. On October 31, 2000 I sent you a letter indicating a notarized statement of use was required before the application could be processed. There were also a number of deficiencies on the application which required correction.

On January 26, 2001 an unsigned letter requesting changes to the application was received by the Grants Pass office. A notarized statement of use was also received. That same day a signed letter was received which had been sent by certified mail.

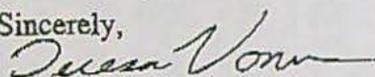
On February 12, 2001, following a 2/7/01 telephone request from you, I sent an email to Salem again requesting a check for proof satisfactory to the director for T-5711. At this time I was informed that due to personnel changes there would not be anyone reviewing such proofs, and I would be informed when that position was again filled. Recently that position has been reactivated.



On November 15, 2001, I discussed T-5722 with Steve Brown, in the Salem office. He assured me that the proposed Certificate confirming T-5722 would be sent to the current owners of the property for which the transfer was submitted in January 2002.

Please be advised that you may continue to exercise your water right as described by a portion of an Order of the Water Resources Director, entered July 29 , 1986, at Special Order Volume 40, Page 230, the order approving Transfer 5722. Larry Mentee, the Jackson County Watermaster, and I will continue to assist you or answer any question that you may have regarding your transfer application.

Sincerely,



Tersesa Vonn

Regional Water Management Specialist

1 375 10 3 22

c:Larry Mentee, Watermaster
Jim Hibbs, CWRE#066
Al Cook, Southwest Regional Manager

SHAUN HARRIS WATER RIGHTS
TRANSFER APPLICATION
JACKSON COUNTY, OREGON

RECEIVED

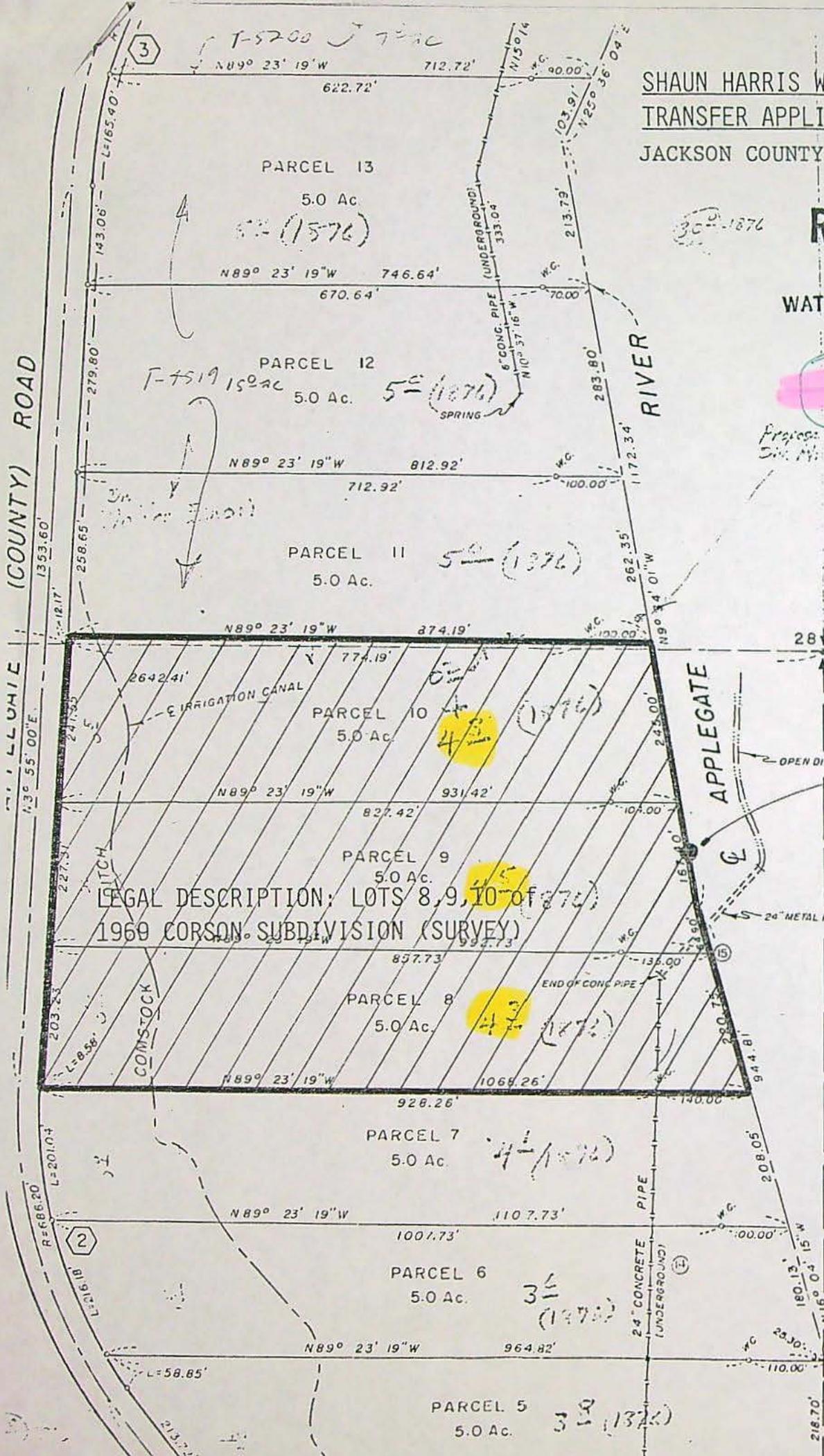
FEB 25 1983

WATER RESOURCES DEPT.
SALEM, OREGON

T-5212

Proposed
Div. Pt. Cert 54630

1/4 SECTION CORNER
FOUND 2 1/2 GALV. IRON PIPE
WITH BR-55 DISK IN BOUND OF STONE
REF. RECORDED SURVEY NO. 3497



PROPOSED DIVERSION POINT:
300 feet South &
210 feet West from
North 1/4 of Section
39S, 3W

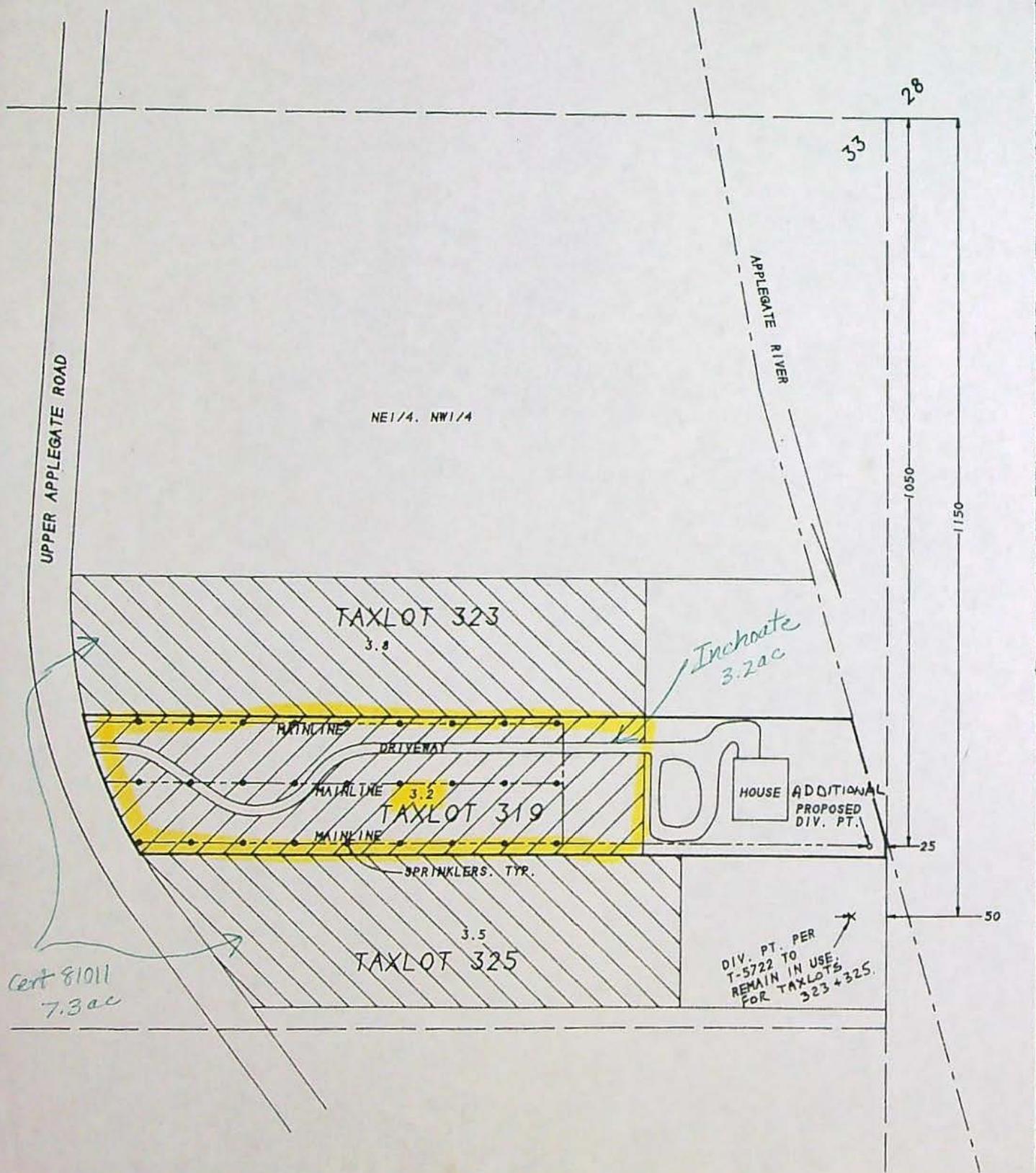
PRESENT DIVERSION POINT:
1000 feet North &
1190 feet East from
SW corner of Sec. E
40S, 3W

LEGAL DESCRIPTION: LOTS 8, 9, 10 of 376
1969 CORSON SUBDIVISION (SURVEY)

T-8589

Inchoate

POINT OF DIVERSION



T-2610

BEFORE THE STATE ENGINEER OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF RICHARD L. BROWN FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF WATER)
FROM APPLGATE RIVER)

ORDER APPROVING
TRANSFER NO. 2610

On March 2, 1972, Richard L. Brown filed an application in the office of the State Engineer for the approval of a change in place of use of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to James F. Corsun and recorded at page 36461, Volume 28, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.53 cubic feet per second of water from Applegate River for the irrigation of, among other lands, 1.7 acres in NE¼ NW¼, Section 33, Township 39 South, Range 3 West, W.M., with a date of priority of 1876.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority to 1.7 acres in NE¼ NW¼, Section 33, Township 39 South, Range 3 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

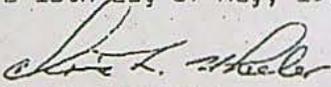
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 1.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, Township 39 South, Range 3 West, W.M., with date of priority of 1876, be severed therefrom and simultaneously and without loss of priority transferred to 1.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, Township 39 South, Range 3 West, W.M.

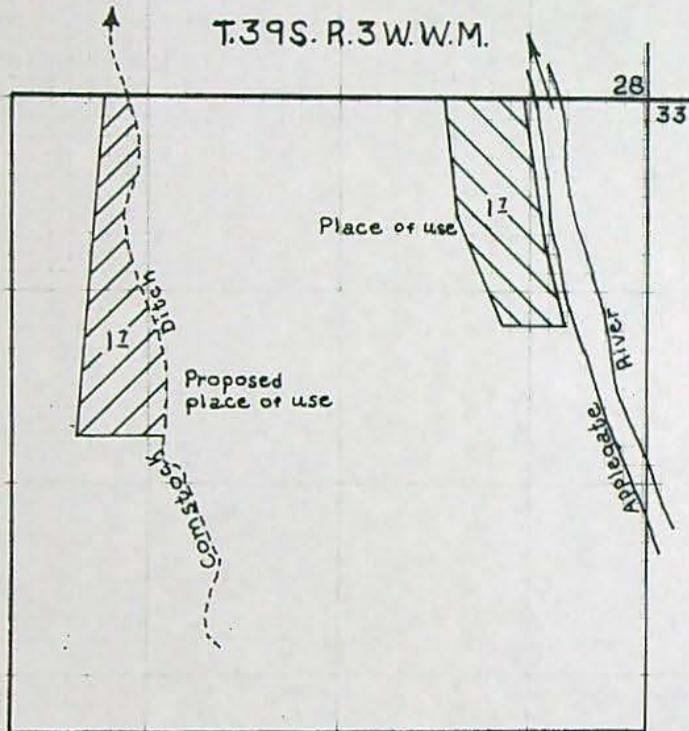
It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

It is FURTHER ORDERED that certificate of water right heretofore issued to James F. Corson and recorded at page 36461, Volume 28, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Richard L. Brown confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 18th day of May, 1972.


CHRIS L. WHEELER
State Engineer

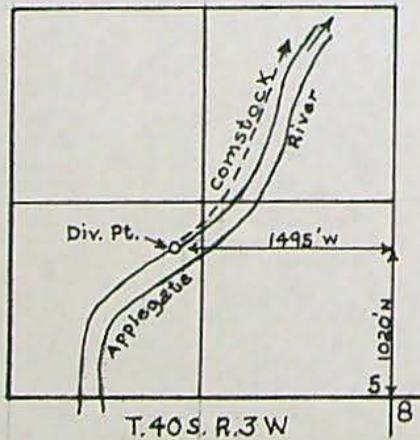
2610



Map to accompany application in the name of Richard Brown for a change in place of use

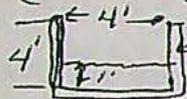
RECEIVED
MAR 2 1972
STATE ENGINEER
SALEM, OREGON

Scale 1" = 400'

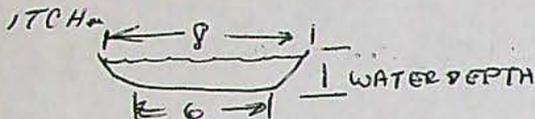


INFO- RICHARD BROWN - SHOWED DIV'S AND USE.
~~USE~~ IRRIGATED TILL ~~7~~ SOME ONE STOLE HIS PUMP
 IN SUMMER '74. HE PUMPED OUT OF DITCH TO IRRIGATION.
 PLANS ON OBTAINING ~~ANOTHER~~ ANOTHER PUMP FOR USE NEXT SEASON

DIV. (INSP) - D. HENDRIX SAID IN SAME LOCATION AS APPLICATION.
 CONCRETE HEAD WORKS OF DITCH (HAS ABILITY TO PUT FLASHBOARD IN THIS WORK)



THERE IS A CONCRETE DAM ACROSS RIVER, BUT UP STREAM ABOUT 20' IS
 ROCK DAM PUSHED UP IN CHANNEL, THAT CHANNELS WATER INTO DITCH.



PUMP UNKNOWN
 2 1/2 H.P. GAS MOTOR AT RE-DIV.

PIPE - 2 400' PLASTIC PIPE USED FOR OPEN DISCHARGE IRR.

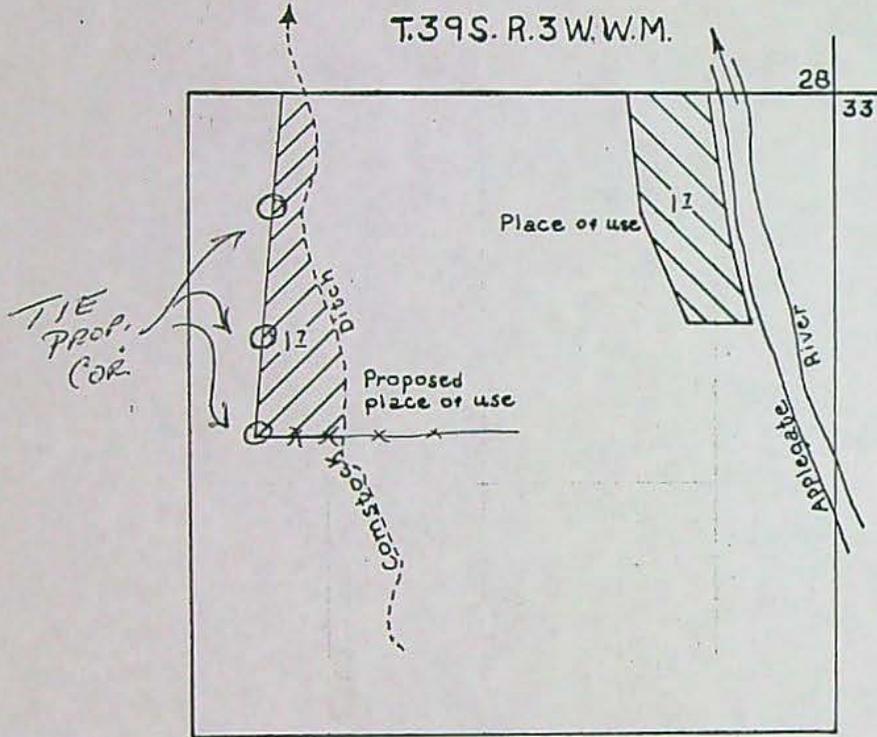
SE - PASTURE (COWS)

FT - 0' to + 10'

E - PROP. COR. LEGAL DISCR.

Larry Toll
 FE
 8/15/75

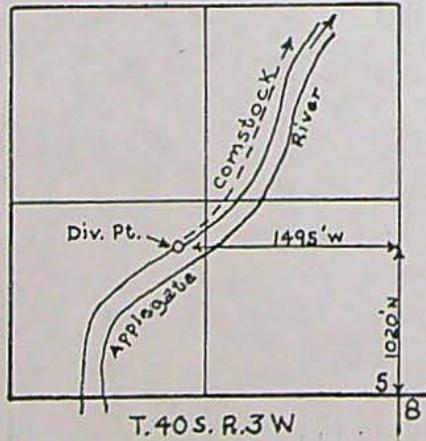
2610



Map to accompany application in the name of Richard Brown for a change in place of use

RECEIVED
MAY 2 1972
STATE ENGINEER
SALM OREGON

Scale 1" = 400'



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
A.G. ATWOOD, JR., FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER 5390

On October 10, 1983, an application was filed in the office of the Water Resources Director by A.G. Atwood, Jr., for approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, a water right was established in the name of Z. Cameron, tabulated in Volume 4, page 22, Order Record of the Water Resources Director, for use of not to exceed 0.14 cubic foot per second from Applegate River for irrigation of, among other lands, a certain 5.7 acres in NE 1/4 SW 1/4, Section 28, Township 39 South, Range 3 West, WM, with a date of priority of 1876, as evidenced by the certificate recorded at page 51584, Volume 46, State Record of Water Right Certificates.

Water for the said right is diverted, through the Comstock Ditch, from a point located 1000 feet North and 1190 feet East from the Southwest Corner of Section 5, being within the SW 1/4 SW 1/4 of Section 5, Township 40 South, Range 3 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 1500 feet North and 5 feet East from the South Quarter Corner of Section 28, being within the NW 1/4 SE 1/4 of Section 28, Township 39 South, Range 3 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of December 20, and 27, 1983 and January 3, 1984.

Bruce R. Sund, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in 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 change in point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.14 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 headgates and measuring devices:

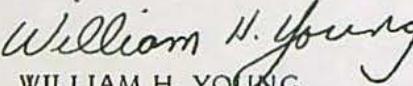
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1985.

It is FURTHER ORDERED that the certificate recorded at page 51584, Volume 46, 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 2nd day of February, 1984.


WILLIAM H. YOUNG
Director

NOTE: The 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.

0334C

Place of Use

Use	P/S	Priority Date	Location (T-R-S-QQ)	DLC/Lot	Acres	Status	Remarks
IR	P	12/31/1876	39.0S-3.0W-28-SESW		0.5	NC	
IR	P	12/31/1876	39.0S-3.0W-33-SESW		7.3	NC	

Water Right Genealogy

- Cert: 16226 OR CN
 - Cert: 36461 CR CN
 - Inchoate: T 2610 [CF] (REG)
 - Cert: 46396 CF *
 - Inchoate: T 2610 [RR] (REG)
 - Order: Vol: 19 Page: 154
 - Cert: 38778 RR CN
 - Inchoate: T 4519 [CF] (REG) *
 - Inchoate: T 4519 [RR] (REG)
 - Cert: 49689 RR CN
 - Inchoate: T 5212 [CF] (REG)
 - Cert: 54630 CF *
 - Inchoate: T 5200 [CF] (REG)
 - Cert: 54629 CF *
 - Inchoate: T 5200 [RR] (REG)
 - Cert: 51584 RR CN
 - Inchoate: T 5390 [CF] (REG) *

T-8589

[View Water Rights in same Family](#)

[Definition of codes and abbreviations](#)

[Report Errors with Water Right Data](#)

[Return to the Water Right Information search screen](#)

COPY

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

In the Matter of Transfer Application)
T-8589, Jackson County, Oregon) **FINAL ORDER**
)

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

Applicant

Ed Stevens
P.O. Box 1566
Jacksonville, Oregon 97530

Findings of Fact

1. Ed Stevens filed an application to transfer the point of diversion under Certificate 79835. The Department assigned the application number T-8589.
2. The portion of the right to be transferred is as follows:

Certificate: 79835 in the name of Dennis K. and Kathleen G. Cooper
Use: Irrigation
Priority Date: 1876
Quantity: 0.08 cubic foot per second
Acres: 3.2 acres
Source: The Applegate River, tributary to the Rogue River
Authorized Point of Diversion:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Lot | DLC | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|--|
| 39 | S | 3 | W | W.M. | 33 | NE | NW | | | 1250 feet South and 30 feet West from the N¼ Corner of Section 33. |

Authorized Place of Use:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Lot | DLC | Acres |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|-------|
| 39 | S | 3 | W | W.M. | 33 | NE | NW | | | 3.2 |

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 must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

3. Application T-8589 proposes to move the authorized point of diversion approximately 200 feet downstream in the source to:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Lot | DLC | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|--|
| 39 | S | 3 | W | W.M. | 33 | NE | NW | | | 1050 feet South and 25 feet West from the N¼ Corner of Section 33. |

4. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

Conclusions of Law:

The change in point of diversion proposed in application T-8589 is consistent with the requirements of 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

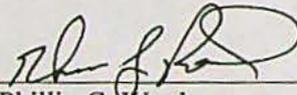
1. The change in point of diversion proposed in application T-8589 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 79835 and any related decree.
3. Water right certificate 79835 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer.
4. The proposed change shall be completed on or before October 1, 2005.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.

6. The quantity of water diverted at the proposed point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Lot | DLC | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|---|
| 40 | S | 3 | W | W.M. | 5 | SW | SW | | | Comstock Ditch -1000 feet North and 1190 feet East from the SW Corner of Section 5. |

7. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.
9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 1st day of September 2004.


 For Phillip C. Ward
 Acting Director

Mailing date: SEP 10 2004

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DENNIS K. AND KATHLEEN G. COOPER
1983 CRESTVIEW DRIVE
ASHLAND, OREGON 97520

confirms the right to use the waters of the APPLGATE RIVER, a tributary of the ROGUE RIVER, for IRRIGATION OF 7.3 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1876.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.18 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 33, T 39 S, R 3 W, W.M.; 1250 FEET SOUTH AND 30 FEET WEST FROM THE N $\frac{1}{4}$ CORNER OF SECTION 33.

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 $\frac{1}{4}$ NW $\frac{1}{4}$ 7.3 ACRES
SECTION 33
TOWNSHIP 39 SOUTH, RANGE 3 WEST, W.M.

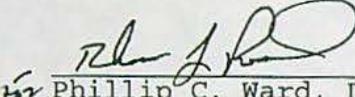
This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

This certificate is issued to correctly describe the authorized quantity of water diverted and describes that portion of the water right confirmed by Certificate 79835, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on September 1, 2004, approving Transfer Application 8589, and supersedes Certificate 80938.

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

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

WITNESS the signature of the Water Resources Director,
affixed NOVEMBER 24, 2004.


for Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81011.

T-8589.PKS

Page 2 of 2

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

Superseded

THIS CERTIFICATE ISSUED TO

DENNIS K. AND KATHLEEN G. COOPER
1983 CRESTVIEW DRIVE
ASHLAND, OREGON 97520

confirms the right to use the waters of the APPLGATE RIVER, a tributary of the ROGUE RIVER, for IRRIGATION of 7.3 acres.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1876.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.08 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 33, T 39 S, R 3 W, W.M.; 1250 FEET SOUTH AND 30 FEET WEST FROM THE N $\frac{1}{4}$ CORNER OF SECTION 33.

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 $\frac{1}{4}$ NW $\frac{1}{4}$ 7.3 ACRES
SECTION 33

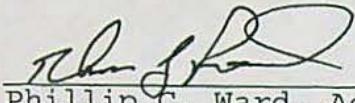
TOWNSHIP 39 SOUTH, RANGE 3 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 79835, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 01 2004, approving Transfer Application 8589.

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

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

WITNESS the signature of the Water Resources Director,
affixed September 1, 2004.


For Phillip C. Ward, Acting Director

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES F. and GLENNA H. CORSON

of Route 2, Box 361, Jacksonville, State of Oregon, has a right to the use of the waters of Applegate River

Rogue River tributary of for the purpose of irrigation of 59.3 acres, domestic and stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1876;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.475 cubic feet per second

The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, T. 40 S., R. 3 W., W. M.

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

| Tract No. 1 | T-4519
Trans | RR |
|--|-----------------|-------------|
| 6.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ | - | 6.0 |
| 22.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 15.0 | 7.4 |
| Section 28 | | |
| 23.6 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ | - | 23.6 |
| 7.3 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ | - | 7.3 |
| Section 33 | 15.0 | 44.3 ac |
| T. 39 S., R. 3 W., W. M. | 0.37 cfs | 1.105 cfs ✓ |

59.3 ac

Certificate of water right issued to James F. and Glenna H. Corson and recorded at page 36461, Volume 28, State Record of Water Right Certificates, confirms the right to the use of water for mining and irrigation of 61.0 acres, domestic and stock. A special order of the State Engineer entered December 9, 1969 canceled the right for mining. A change in the right to the use of water appurtenant to 1.7 acres was approved by order of the State Engineer entered May 18, 1972. This certificate is issued to confirm the remaining right to the use of water for irrigation, domestic, and stock and supersedes the certificate heretofore issued to James F. and Glenna H. Corson.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date January 11, 1973 .

CHRIS L. WHEELER
State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38778

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

RICHARD L. BROWN
C/O MRS. LEE GALLAHER

of 1580 Cady Rd., Jacksonville, State of Oregon, 97530, has
a right to the use of the waters of Applegate River

a tributary of Rogue River for the purpose of
irrigation of 1.2 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Jackson County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the
right thereby confirmed dates from 1876

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 0.03 cubic foot per
second

The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, T. 40 S., R. 3 W., W. M.

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

1.2 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 33
T. 39 S., R. 3 W., W. M.

*Should this be 1.7 ac? - Evidently reduced
at time of proof
for T-2610, but
no discussion or
documentation
in T-2610 file*

This certificate is issued to confirm a change in place of use approved by an order
of the Water Resources Director entered May 18, 1972 and together with certificate
of water right recorded on page 38778, Volume 30, State Record of Water Right
Certificates supersedes certificate of water right recorded on page 36461, Volume
28, State Record of Water Right Certificates

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

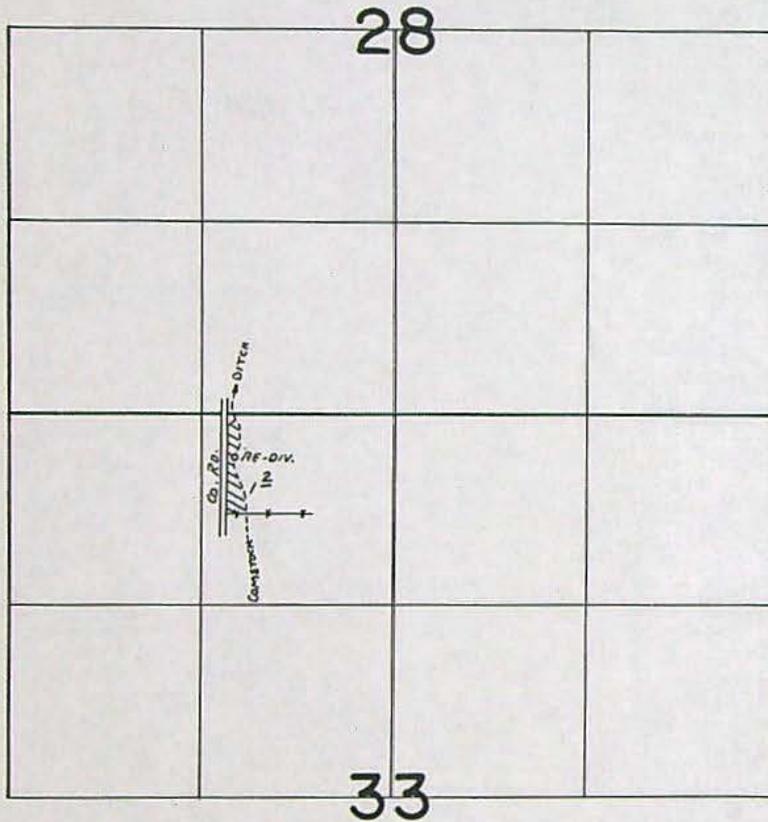
WITNESS the signature of the Water Resources Director, affixed

this date September 15, 1978

James B. Saxon
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 39, page 46396

T.39S.,R.3W.,W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2610 Permit No.
Application No.
IN NAME OF

..... RICHARD L. BROWN

Surveyed Aug. 15, 1975, by L. Tell

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES F. and GLENNA H. CORSON

of Route 2, Box 361, Jacksonville, State of Oregon 97530, has
a right to the use of the waters of
Applegate River

a tributary of Rogue River for the purpose of
irrigation of 44.3 acres, domestic and stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
JACKSON County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the right
thereby confirmed dates from 1876;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 1.105 cubic foot
per second.

The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, T. 40 S., R. 3 W., W.M.;
Comstock Ditch: 1000 feet North and 1190 feet East from SW Corner, Section 5.

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

6.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
7.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 28

23.6 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
7.3 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 33

T. 39 S., R. 3 W., W.M.

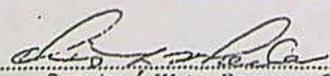
This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 38778, Volume 30, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on August 1, 1980, approving transfer application No. 4519.

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

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein
described.

WITNESS the signature of the Water Resources Director, affixed

this date October 28, 1980.


Deputy Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 43, page 49689

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF JAMES F. AND GLENNA H. CORSON)
FOR APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5200

On February 3, 1983, an application was filed in the office of the Water Resources Director by James F. and Glenna H. Corson for approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of Circuit Court for Jackson County, entered April 26, 1919, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, tabulated at page 22, Volume 4, Order record of the Water Resources Director, a water right was allowed in the name of Z. Cameron and is a portion of the right described by the certificate recorded at page 49689, Volume 43, State Record of Water Right Certificates, in the names of James F. and Glenna H. Corson, and is for the use of not to exceed 0.175 cubic foot per second of water from Applegate River, with a date of priority of 1876, for irrigation of a certain 0.3 acre in NE 1/4 SW 1/4 and 6.7 acres in SE 1/4 SW 1/4, Section 28, Township 39 South, Range 3 West, WM.

Water for the said right is diverted, through the Comstock Ditch, from a point located 1000 feet North and 1190 feet East from the Southwest Corner of Section 5, being within the SW 1/4 SW 1/4 of Section 5, Township 40 South, Range 3 West, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 1050 feet North and 245 feet West from the South Quarter Corner of Section 28, being within the SE 1/4 SW 1/4 of Section 28, Township 39 South, Range 3 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of February 14, 21 and 28, 1983.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

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

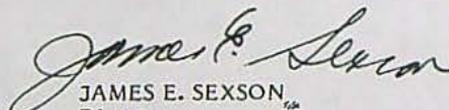
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1984.

It is FURTHER ORDERED that the certificate recorded at page 49689, Volume 43, 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 8th day of April, 1983.


JAMES E. SEXSON
Director

NOTE: The 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.

5868B

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF SHAUN HARRIS FOR APPROVAL)
OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5212

On February 25, 1983, an application was filed in the office of the Water Resources Director by Shaun Harris for approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, tabulated at page 22, Volume 4, Order Record of the Water Resources Director, a water right was allowed in the name of Z. Cameron and is a portion of the right described by the certificate recorded at page 49689, Volume 43, State Record of Water Right Certificates, in the names of James F. and Glenna H. Corson, and is for the use of not to exceed 0.33 cubic foot per second of water from Applegate River, with a date of priority of 1876, for irrigation of a certain 0.2 acre in SE 1/4 SW 1/4, Section 28, and 13.1 acres in NE 1/4 NW 1/4, Section 33, Township 39 South, Range 3 West, WM.

Water for the said right is diverted, through the Comstock Ditch, from a point located 1000 feet North and 1190 feet East from the Southwest Corner of Section 5, being within the SW 1/4 SW 1/4 of Section 5, Township 40 South, Range 3 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 300 feet South and 210 feet West from the North Quarter Corner of Section 33, being within the NE 1/4 NW 1/4, Section 33, Township 39 South, Range 3 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of March 7, 14 and 21, 1983.

Bruce R. Sund, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

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

That the diversion works shall include an in line flow meter, a weir, 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 weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1984.

The order of the Water Resources Director entered April 8, 1983, approving Transfer Application 5200, provided for cancellation of the certificate recorded at page 49684, Volume 43, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; therefore,

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered April 8, 1983, approving Transfer Application 5200; 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 27th day of April, 1983.


JAMES E. SEXSON
Director

NOTE: The 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.

6244B

Superseded by
CERTIFICATE NO. 51982 #
75650

STATE OF OREGON

COUNTY OF JACKSON

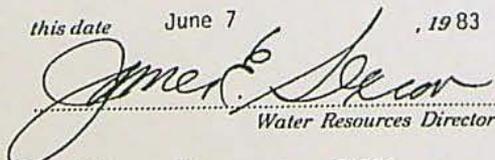
CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES F. and GLENNA H. CORSON

of Route 2, Box 361, Jacksonville, State of Oregon 97530, has
a right to the use of the waters of
Applegate Rivera tributary of Rogue River for the purpose of
irrigation of 24.0 acres, domestic and stockand that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Jackson County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the right
thereby confirmed dates from 1876that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 0.60 cubic foot per
second.The point of diversion is located in the SW $\frac{1}{2}$ SW $\frac{1}{4}$, Section 5, T40S, R3W, WM; Comstock
Ditch - 1000 feet North and 1190 feet East from SW Corner, Section 5.A description of the place of use under the right, and to which such right is appurtenant, is as
follows:5.7 acres NE $\frac{1}{2}$ SW $\frac{1}{4}$
0.5 acre SE $\frac{1}{2}$ SW $\frac{1}{4}$
Section 28
10.5 acres NE $\frac{1}{2}$ NW $\frac{1}{4}$
7.3 acres SE $\frac{1}{2}$ NW $\frac{1}{4}$
Section 33
Township 39 South, Range 3 West, WMThis certificate describes that portion of the water right confirmed by the
prior certificate recorded at page 49689, Volume 43, State Record of Water Right
Certificates, NOT modified by the provisions of orders of the Water Resources
Director entered on April 8, 1983 approving Transfer Application 5200 and on
April 27, 1983 approving Transfer Application 5212.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.And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein
described.

WITNESS the signature of the Water Resources Director, affixed

this date June 7, 1983


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51584

T-5390

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

SHAUN HARRIS

of 7777 Upper Applegate Road, Jacksonville, State of OR 97530, has
a right to the use of the waters of Applegate River

a tributary of Rogue River for the purpose of
irrigation of 13.3 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Jackson County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the right
thereby confirmed dates from 1876;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 0.33 cubic foot
per second

The point of diversion is located in the NE 1/4 NW 1/4, Section 33, T39S, R3W, WM;
300 feet South and 210 feet West from NE 1/4 corner Section 33.

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

0.2 acre SE 1/4 SW 1/4
Section 28

13.1 acres NE 1/4 NW 1/4
Section 33

Township 39 South, Range 3 West, WM.

This certificate is issued to confirm a change in point of diversion approved
by an order of the Water Resources Director entered April 27, 1983, and
together with Certificates of water right recorded at pages 51584 and 54629,
Volumes 46 and 50, State Record of Water Right Certificates, supersedes
certificate 49689.

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.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein
described.

WITNESS the signature of the Water Resources Director, affixed

this date June 27, 1986

...../s/ WILLIAM H. YOUNG.....
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 50, page 54630

4114D/BE
T-5212

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DENNIS K. AND KATHLEEN G. COOPER
1983 CRESTVIEW DRIVE
ASHLAND, OREGON 97520

confirms the right to use the waters of THE APPLIGATE RIVER, a tributary of THE ROGUE RIVER, for IRRIGATING 10.5 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 4, at Page 1. The date of priority is 1876.

The use is limited to 0.26 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 NW 1/4, SECTION 33, T 39 S, R 3 W, W.M.; 1250 FEET SOUTH AND 30 FEET WEST FROM THE N 1/4 CORNER OF SECTION 33.

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

NE 1/4 NW 1/4 10.5 ACRES
SECTION 33
TOWNSHIP 39 SOUTH, RANGE 3 WEST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JULY 29, 1986, and together with Certificate 79834, supersedes Certificate 51982, 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 and is subject to all other conditions and limitations contained in said decree.

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-5722B.DSM

Certificate Number 79835

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES F. and GLENNA H. CORSON

of Route 2, Box 361, Jacksonville, State of Oregon 97530, has a right to the use of the waters of Applegate River

a tributary of Rogue River for the purpose of irrigation of 18.3 acres, domestic and stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1876

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.46 cubic foot per second.

The point of diversion is located in the SW 1/4 SW 1/4, Section 5, T40S, R3W, WM; Comstock Ditch - 1000 feet North and 1190 feet East from SW Corner, Section 5.

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

0.5 acre SE 1/4 SW 1/4 Section 28

10.5 acres NE 1/4 NW 1/4 7.3 acres SE 1/4 NW 1/4 Section 33

Township 39 South, Range 3 West, WM

4.2 proposed to be transferred under T-6902

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 51584, Volume 46, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on February 2, 1984, approving Transfer Application 5390.

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.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date April 19, 1984.

William H. Young Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51982

Handwritten initials and scribbles

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DENNIS K. AND KATHLEEN G. COOPER
53 NORTH SECOND STREET
ASHLAND, OREGON 97520

confirms the right to use the waters of THE APPLGATE RIVER, a tributary of ROGUE RIVER, for IRRIGATING 7.8 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 4, at Page 1. The date of priority is 1876.

The use is limited to 0.20 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:

SW 1/4 SW 1/4, SECTION 5, T 40 S, R 3 W, W.M.; COMSTOCK DITCH
- 1000 FEET NORTH AND 1190 FEET EAST FROM THE SW CORNER OF SECTION 5.

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

SE 1/4 SW 1/4 0.5 ACRE
SECTION 28

SE 1/4 NW 1/4 7.3 ACRES
SECTION 33

TOWNSHIP 39 SOUTH, RANGE 3 WEST, W.M.

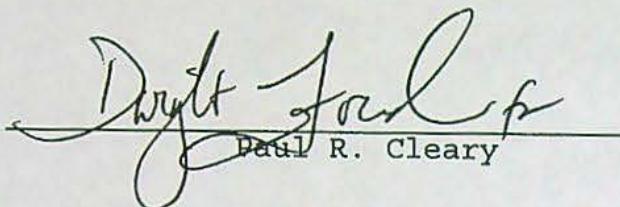
This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 51982, Volume 46, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on JULY 29, 1986.

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.

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.

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

WITNESS the signature of the Water Resources Director, affixed January 10, 2003.


Paul R. Cleary



Recorded in State Record of Water Right Certificates Number 79834.

T-5722A.DSM

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
HIRUSHI WALTER EMORI & HIROMU MORIKONI)
FOR APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4519

On May 27, 1980, an application was filed in the office of the Water Resources Director by Hiroshi Walter Emori & Hiromu Morikoni for approval of a change in point of diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of Circuit Court for Jackson County, entered April 26, 1919, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, tabulated at page 22, Volume 4, Order record of the Water Resources Director, a water right was allowed in the name of Z. Cameron, and is a portion of the right described by the certificate recorded at page 38778, Volume 30, State Record of Water Right Certificates, in the names of James F. & Glenna H. Corson, and is for the use of not to exceed 0.37 cubic foot per second of water from Applegate River, with a date of priority of 1876, for irrigation of a certain 15.0 acres in SE 1/4 SW 1/4, Section 28, Township 39 South, Range 3 West, W.M.

Water for the said right is diverted, through the Comstock Ditch, from a point located 1000 feet North and 1190 feet East from the Southwest Corner of Section 5, being within the SW 1/4 SW 1/4 of Section 5, Township 40 South, Range 3 West, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 10 feet North and 370 feet West from the South Quarter Corner of Section 28, being within the SE 1/4 SW 1/4, Section 28, Township 39 South, Range 3 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of June 5, 12 and 19, 1980.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

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

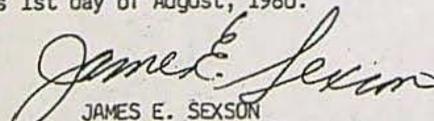
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 38778, Volume 30, 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 1st day of August, 1980.


JAMES E. SEXSON
Director



DRAFT

CLUELESSNESS

What about seeing if owner of 318 will withdraw some of acres based on this evidence.

THERE ARE NO STUPID QUESTIONS, BUT THERE ARE A LOT OF INQUISITIVE IDIOTS.

CLUELESSNESS

Send to Wm first + get him to verify this?

THERE ARE NO STUPID QUESTIONS, BUT THERE ARE A LOT OF INQUISITIVE IDIOTS.

CLUELESSNESS

Have Wm "out" acres" by road

THERE ARE NO STUPID QUESTIONS, BUT THERE ARE A LOT OF INQUISITIVE IDIOTS.

Steve Brown, 10:32 AM 11/15/01 -0800, T-5722

To: Steve Brown <Stephen.C.BROWN@wrd.state.or.us>

From: Teresa Vonn <Teresa.R.VONN@wrd.state.or.us>

Subject: T-5722

Cc:

Bcc:

Attached:

Steve

The address for Ed Stevens (Tax Lot 319), one of the individuals whose water right is affected by the proposed certificate resulting from T- 5722, is: P.O. Box 1566, Jacksonville, OR 97530. I may have previously given you his address. Mr Stevens is particularly anxious to get T-5722 resolved because of a pending transfer he has submitted. He recently visited the District #13 Watermaster Office attempting to further his previous requests for the resolution to T-5722. He was informed that a proposed certificate has been drafted. I am hopeful that this proposed order could be mailed to him before the end of the month.

Steve Emick (Tax Lot 318) has submitted a transfer that potentially claims 0.7 acres of the water right in the NE¼ NW¼, Section 33, T 39 S, R 3 W, W.M., his address is 1010 Easy Street, Oregon Hills, California 95037. His agent is Jim Hibbs 816 West 8th Street, Medford, Oregon 97501. He is an individual you may also want to send the proposed certificate to for review.

The above pertains to the transfer and proposed certificate I called about yesterday.

Teresa

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
DENNIS K. AND KATHLEEN G. COOPER)
FOR APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5722

On November 8, 1985, an application was filed in the office of the Water Resources Director by Dennis K. and Kathleen G. Cooper for approval of a change in Point of Diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, a water right was established in the name of Z. Cameron, tabulated in Volume 4, page 22, Order Record of the Water Resources Director, for use of not to exceed 0.26 cubic foot per second from Applegate River for irrigation of, among other lands, a certain 10.5 acres in NE 1/4 NW 1/4, Section 33, Township 39 South, Range 3 West, WM, with a date of priority of 1876, as evidenced by the certificate recorded at page 51982, Volume 46, State Record of Water Right Certificates.

Water for the said right is diverted, through the Comstock Ditch, from a point located 1000 feet North and 1190 feet East from the Southwest Corner of Section 5, being within the SW 1/4 SW 1/4 of Section 5, Township 40 South, Range 3 West, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom to a point located 1150 feet South and 50 feet West from the North Quarter Corner of Section 33, being within the NE 1/4 NW 1/4 of Section 33, Township 39 South, Range 3 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Mail Tribune, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of January 31, February 7 and 14, 1986.

Bruce R. Sund, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in 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 change in point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.26 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 headgates and measuring devices:

That the diversion works shall include an in-line flow meter, a weir, 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 weir or measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1987.

It is FURTHER ORDERED that the certificate recorded at page 51982, Volume 46, 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 29th day of July, 1986.

William H. Young
WILLIAM H. YOUNG,
Director

NOTE: The 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.

A party may file objections and exceptions to the Proposed Order with the Water Resources Commission. Such objections and exceptions must be filed within 45 days from the date of service (date of mailing) of the Proposed Order on the party. The Commission will provide opportunity for oral argument in support of written objections and exceptions. If no objections and exceptions are filed within the time allowed, the Proposed Order will automatically become the Final Order of the Commission.

0337/G
5608D



LARRY J. FRIAR
JAMES E. HIBBS

PHONE/FAX
541-772-2782

October 29, 2001

Teresa Vonn
Water Resources Department
942 SW 6TH Street, Suite E
Grants Pass, OR 97526

OCT 30 2001

RE: File T-6902

Dear Teresa:

You have my permission to change the application to reflect the following:

Item 2(E). There should be 3.5 acres in the SE1/4,NW1/4 and 0.7 acre in the NE1/4,SE1/4.

I have included a revised Map for your records reflecting comments from your January 12, 2000 letter to Steve Emick and Catherine Rogers.

If you have any questions please call me @ 772-2782.

Sincerely,

James E. Hibbs
James E. Hibbs, OWRE

Copy: File 01-209

T6902

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

FEB 17 1993

Applicant: ELSIE M. GAWLUK
 Mailing Address: 8127 UPPER APPLE GATE RD
JACKSONVILLE OR 97530
City or town State Zip Phone
 Type of change: POINT OF DIVERSION
(In point of diversion; place of use; use heretofore made of the water)

SALEM, OREGON

1. WATER RIGHT

- A) Is the water right in your name? NO If not, list name below:
(Yes, No)
JAMES F. & GLENNA H. CORSON
- B) Was the water right determined by a court decree? YES
(Yes, No)
 1. If yes, list the title of the proceedings: ROGUE RIVER DECREE
 2. Certificate No: 51982
- C) Was the water right acquired by a water permit? NO
(Yes, No)
 1. If yes, list the Permit No: _____
 2. Certificate No: _____
- D) Date of priority right: 1876
- E) What are your reasons for the proposed changes? THE SUPPLY DITCH IS NOT BEING MAINTAINED.
- F) The water will be completely applied to the proposed use on or before: 5/15, 1993

2. LOCATION OF AUTHORIZED USE

- A) What is the source of water (river, stream, well)? APPLEGATE RIVER
- B) Describe the authorized point of diversion:
- | Location in Reference to Survey Corner | 1/4, 1/4 of Section | Section | Township | Range |
|--|---------------------|---------|----------|-------|
| 1000' N & 1190' E FROM S.W. COR S.E. | SW 1/4, SW 1/4 | 5 | 40S | 3W |
| | | | | |
- C) What is the name of the ditch used? CONSTRUCTED
- D) What is the use to which the water is applied? IRRIGATION

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

| Township | Range | Section | 1/4, 1/4 of Section | No. of acres irrigated |
|----------|-------|---------|---------------------|------------------------|
| 39S | 3W | 33 | NE 1/4, NW 1/4 | 4.2 |
| | | | SE 1/4 NW 1/4 | 3.5 |
| | | | NE 1/4 SE 1/4 | 0.9 |
| | | | | |

amended as per October 2001 letter not yet correct on 4/11/02 OK now

- F) Is the land within an irrigation district? Yes _____ No
- If Yes, which district? _____
- G) County JACKSON

3. LOCATION OF PROPOSED USE:

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

A) Describe the proposed point of diversion:

| Location in Reference to Survey Corner | 1/4, 1/4 of Section | Section | Township | Range |
|--|---------------------|---------|----------|-------|
| 1312' S. OF THE N. 1/4 COR. S33 | N.E. 1/4, N.W. 1/4 | 33 | 39S | 3W |
| | | | | |

T6902

COPY

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

PERMIT NO. _____
New Owner: Steve Emick
3050 Hecker Pass Hwy
Gilroy, CA 95020

Applicant: ELSIE M. GAWLUK

Mailing Address: 8127 UPPER APPLE GATE RD

JACKSONVILLE OR 97530
City or town State Zip Phone

Type of change: POINT OF DIVERSION
(In point of diversion; place of use; use heretofore made of the water)

1. WATER RIGHT

A) Is the water right in your name? NO If not, list name below:
(Yes, No)

JAMES F. & GLENNA H. CORSON

B) Was the water right determined by a court decree? YES
(Yes, No)

1. If yes, list the title of the proceedings: ROGUE RIVER DECREE

2. Certificate No: 51982

C) Was the water right acquired by a water permit? NO
(Yes, No)

1. If yes, list the Permit No: _____

2. Certificate No: _____

D) Date of priority right: 1876 18/11

E) What are your reasons for the proposed changes? THE SUPPLY DITCH IS NOT BRING MAINTAINED.

F) The water will be completely applied to the proposed use on or before: 5/15, 1993

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? APPLEGATE RIVER

B) Describe the authorized point of diversion:

| Location in Reference to Survey Corner | 1/4, 1/4 of Section | Section | Township | Range |
|--|---------------------|---------|----------|-------|
| 1000' N & 1190' E FROM S.W. COR. S. 5 | SW 1/4, SW 1/4 | 5 | 40S | 3W |
| | | | | |

C) What is the name of the ditch used? COMSTOCK

D) What is the use to which the water is applied? IRRIGATION

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

| Township | Range | Section | 1/4, 1/4 of Section | No. of acres irrigated |
|----------|-------|---------|---------------------|------------------------|
| 39S | 3W | 33 | NE 1/4, NW 1/4 | 4.2 |
| | | | | |
| | | | | |
| | | | | |

F) Is the land within an irrigation district? Yes _____ No
If Yes, which district? _____

G) County JACKSON

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion. /

A) Describe the proposed point of diversion:

| Location in Reference to Survey Corner | 1/4, 1/4 of Section | Section | Township | Range |
|--|---------------------|---------|----------|-------|
| 1312' S. OF THE N. 1/4 COR. S. 33 | N.E. 1/4, N.W. 1/4 | 33 | 39S | 3W |
| | | | | |

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? _____ (Yes, No)

C) If no, give the description below of existing encumbrances:

| Encumbrance | Held by | Amount |
|-------------|---------|--------|
| | | |
| | | |

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

| Township | Range | Section | 1/4, 1/4 of Section | No. of acres irrigated |
|----------|-------|---------|---------------------|------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

6. REMARKS:

I (we) ROSS S. Rambach + Patricia L. Rambach for Hawaii, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 30 day of Jan, 1993.

Elsie M. Hawaii Ross S. Rambach
 _____ (Signature)
Patricia L. Rambach for Hawaii
 _____ (Signature)

Handwritten note: Clare
as per 6/29/93

Subscribed and sworn to before me on October 6, 1992, by
Ross S. Rambach and Patricia L. Rambach for Hawaii
[Signature]

 Notary Public for Oregon

(Notarial Seal)

My commission expires: 5-22-93

T 6402



L.J. FRIAR AND ASSOCIATES

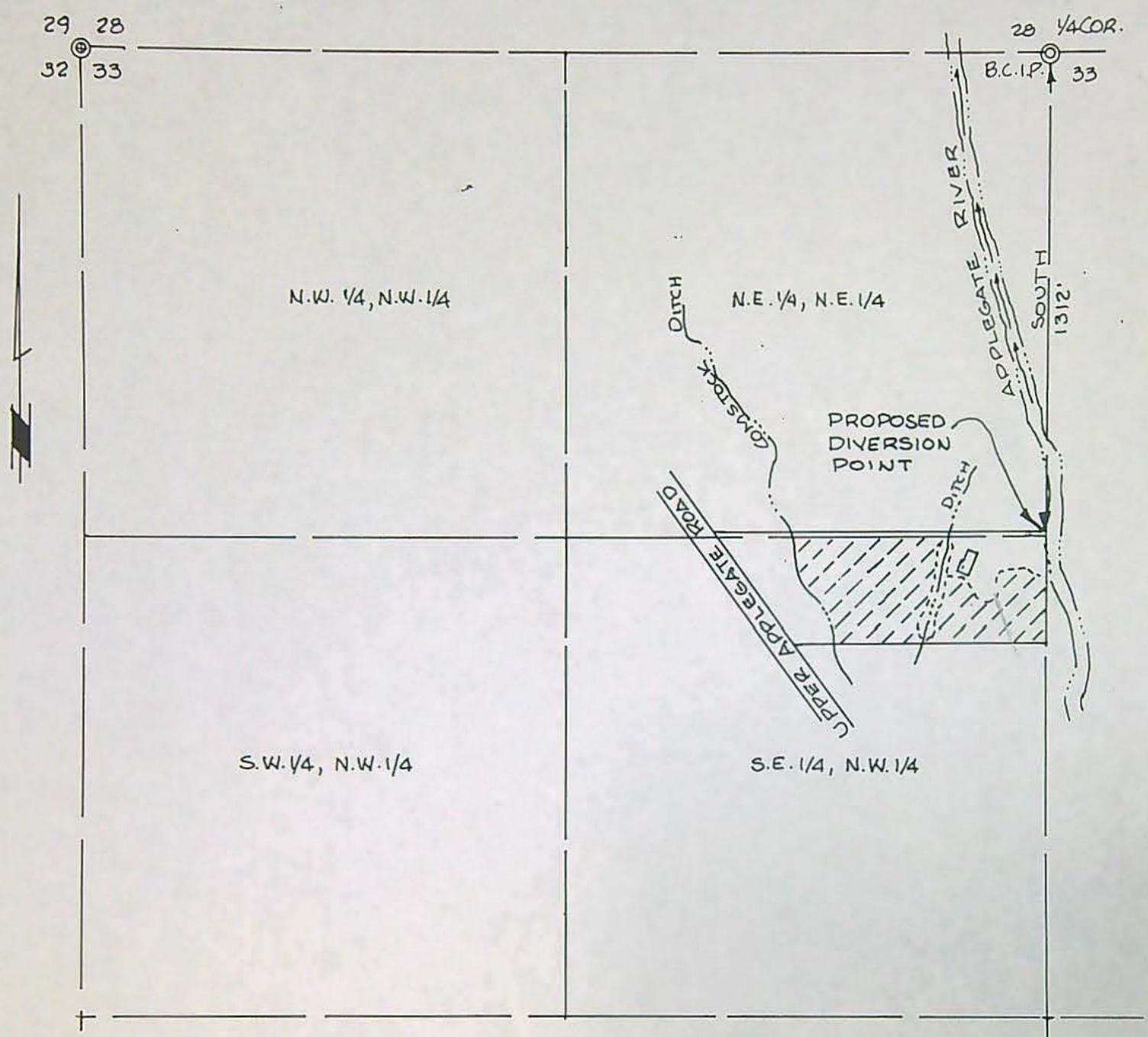
CONSULTING LAND SURVEYORS

304 S. HOLLY ST.
MEDFORD, OREGON 97501

LARRY J. FRIAR
JAMES E. HIBBS

TELEPHONE
503-772-2782

SEC. 33, T. 39S., R. 3W., W.M.

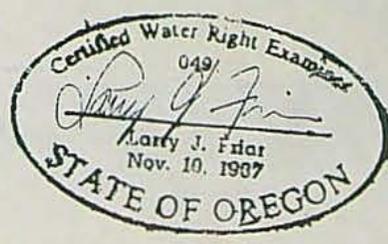


NOTE:

THE PRESENT DIVERSION POINT IS 1000' N. & 1190' E. OF THE S.W. CORNER OF SEC. 5, T. 40S., R. 3W., W.M.

////// IRRIGATED AREA

SCALE: 1" = 400'
DATE: SEPT. 24, 1992



THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE WATER RIGHT ONLY & HAS NO INTENT TO PROVIDE DIMENSION OR LOCATION OF PROPERTY OWNERSHIP LINES.

MAP TO ACCOMPANY
APPLICATION FOR
TRANSFER OF DIVERSION
POINT
FOR
ELSIE M. GAWIUK



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

942 SW 6th Street

Suite E

Grants Pass, OR 97526

(541) 471-2886

FAX (541) 471-2876

November 27, 2001

Ed Stevens
PO Box 1566
Jacksonville OR 97530

REFERENCE: Transfer 8589

Your application for a water right transfer was received by the Salem office of the Oregon Water Resources Department on August 30, 2000. The Grants Pass office received this file on September 7, 2000.

Your transfer application requested a transfer on an inchoate right which is not a transferrable right. The water right appurtenant to a portion of your property was included in Transfer 5722, and was modified by the order approving T-5722. The order approving transfer 5722 canceled the water right certificate recorded at page 51982, Volume 46, State of Oregon Water Right Certificates. The water right appurtenant to your land is not transferrable until proof satisfactory to the director is documented, or a new certificate confirming the water right is signed by the director.

On September 25, 2000, I sent an email to Salem requesting review of the final proof survey submitted for T-5722. On October 30, 2000, I sent another email to Salem regarding T-5722. On November 28, 2000, I sent a memo to Salem requesting a status report on the final proofs for several special orders including T-5722.

In an effort to expedite your transfer when the water right is transferrable. On October 31, 2000 I sent you a letter indicating a notarized statement of use was required before the application could be processed. There were also a number of deficiencies on the application which required correction.

On January 26, 2001 an unsigned letter requesting changes to the application was received by the Grants Pass office. A notarized statement of use was also received. That same day a signed letter was received which had been sent by certified mail.

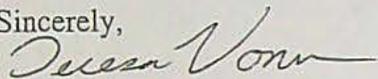
On February 12, 2001, following a 2/7/01 telephone request from you, I sent an email to Salem again requesting a check for proof satisfactory to the director for T-5711. At this time I was informed that due to personnel changes there would not be anyone reviewing such proofs, and I would be informed when that position was again filled. Recently that position has been reactivated.



On November 15, 2001, I discussed T-5722 with Steve Brown, in the Salem office. He assured me that the proposed Certificate confirming T-5722 would be sent to the current owners of the property for which the transfer was submitted in January 2002.

Please be advised that you may continue to exercise your water right as described by a portion of an Order of the Water Resources Director, entered July 29 , 1986, at Special Order Volume 40, Page 230, the order approving Transfer 5722. Larry Menteer, the Jackson County Watermaster, and I will continue to assist you or answer any question that you may have regarding your transfer application.

Sincerely,



Tersesa Vonn

Regional Water Management Specialist

T 395 R 300 33

c:Larry Menteer, Watermaster
Jim Hibbs, CWRE#066
Al Cook, Southwest Regional Manager

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
725 Summer St NE, Ste A
Salem, OR 97301-1266
(503) 986-0800
www.wrd.state.or.us

FAX TRANSMITTAL

TO: Ms. Trevjillo FAX NUMBER: 541.899.2067
DATE: 18 April 05 PAGES: 6, INCLUDING COVER SHEET
FROM: Steve Brown PHONE: (503) 986-0 809
COMMENTS: _____

- WATER RIGHTS**
- Water Rights information
 - Adjudications
 - Hydroelectric
 - Certifications / Final Proofs
 - Hearings / Contested Cases

FAX: (503) 986-0901

- FIELD SERVICES**
- Regional Liaisons
 - Transfers

- TECHNICAL SERVICES**
- Hydrographics
 - Ground Water
 - Information Services
 - GIS/Mapping
 - Dam Safety
 - Enforcement
 - Water Use Reporting

FAX: (503) 986-0902

- NORTHWEST REGION**
- District 16 Watermaster

- DIRECTOR'S OFFICE**
- Water Resources Commission
 - Legislation and Rules
 - Public Information

- ADMINISTRATIVE SERVICES**
- Fiscal / Accounting
 - Human Resources / Personnel
 - Water Development Loan Fund
 - Support Services

FAX: (503) 986-0903



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

April 18, 2005

Laura Trujillo
John L. Scott Real Estate
Fax 541.899.2067

Reference: Certificate 79835 - Tax Lot 325, Section 33, T 39 S, R 3 W, WM

Dear Ms. Trujillo:

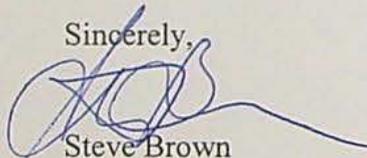
I am still unable to locate the file for the above referenced certificate of water right, however, I believe the location of the point of diversion is located within tax lot 325, referenced above.

A portion of the place of use of the 10.5 acres described by the certificate is appurtenant to tax lots numbers 319 and 323. According to a map in File T-8559, 3.5 acres of Certificate 79835 is appurtenant to Tax Lot 325. A copy of the portion of Transfer T-8559 map is enclosed.

The actual location of the land is shown on a small scale map enclosed. This map is part of the original right and the location of the lands have not changed since the original right was established.

Please feel free to contact me if you have any questions and I will be happy to address any concern you may have. My telephone number is 503.986.0809.

Sincerely,



Steve Brown
Certificates

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DENNIS K. AND KATHLEEN G. COOPER
1983 CRESTVIEW DRIVE
ASHLAND, OREGON 97520

confirms the right to use the waters of THE APPLGATE RIVER, a tributary of THE ROGUE RIVER, for IRRIGATING 10.5 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 4, at Page 1. The date of priority is 1876.

The use is limited to 0.26 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 NW 1/4, SECTION 33, T 39 S, R 3 W, W.M.; 1250 FEET SOUTH AND 30 FEET WEST FROM THE N 1/4 CORNER OF SECTION 33.

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

NE 1/4 NW 1/4 10.5 ACRES
SECTION 33
TOWNSHIP 39 SOUTH, RANGE 3 WEST, W.M.

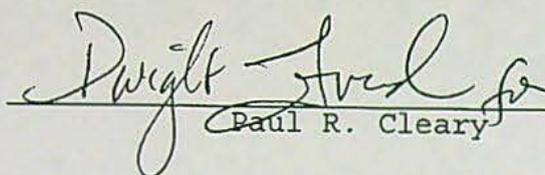
This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JULY 29, 1986, and together with Certificate 79834, supersedes Certificate 51982, State Record of Water Right Certificates.

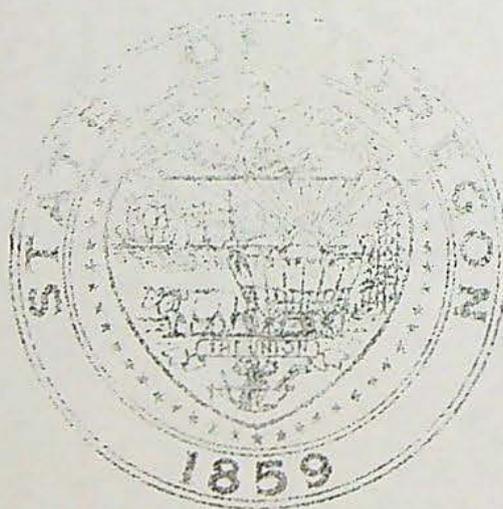
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 and is subject to all other conditions and limitations contained in said decree.

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.

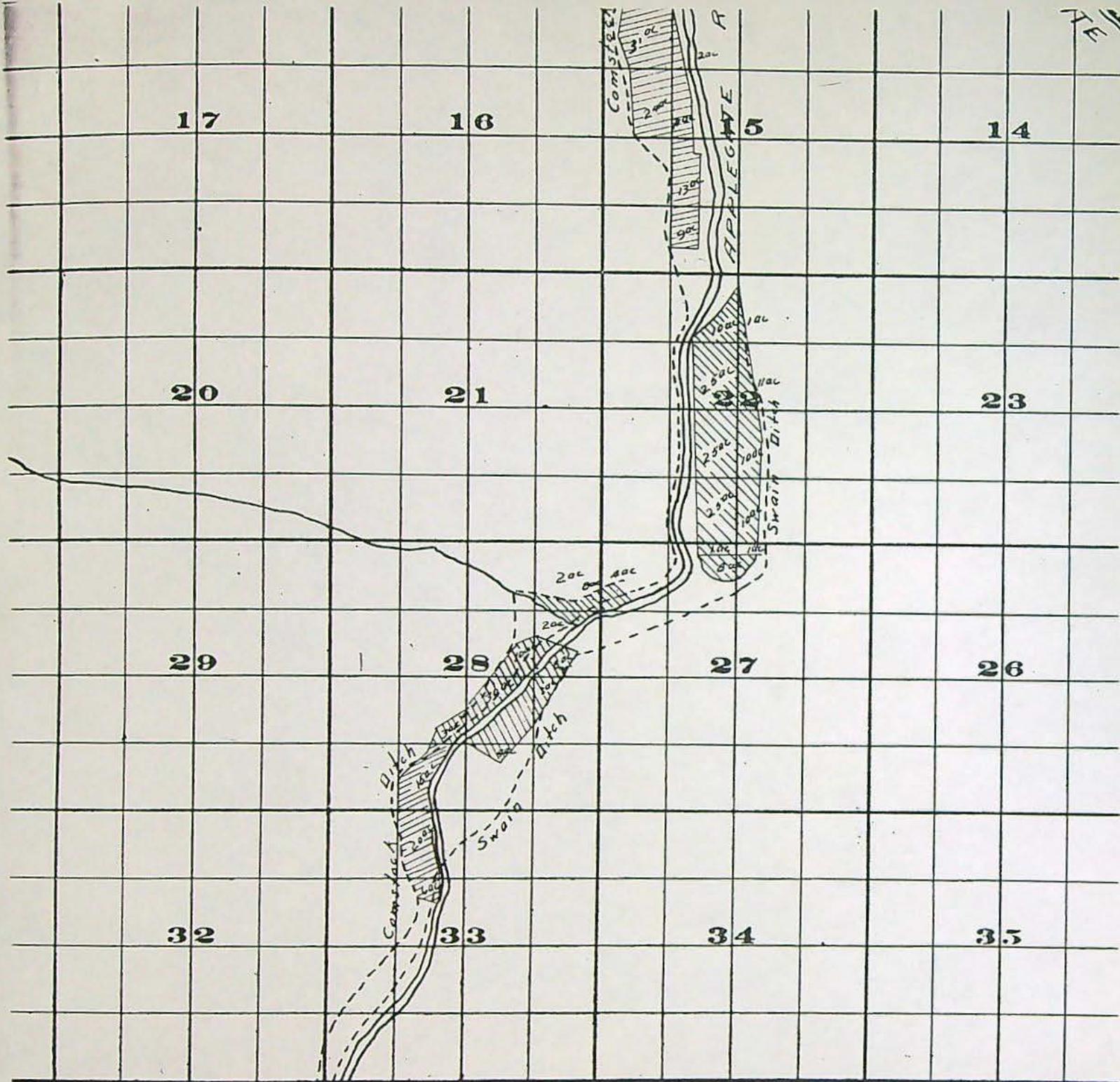
WITNESS the signature of the Water Resources Director, affixed
January 10, 2003.


Paul R. Cleary



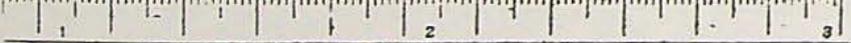
Recorded in State Record of Water Right Certificates Number 79835.

T-5722B.DSM



Survey by J.S. McMahon May 1910. and Rhea Luper Sept 7, 1914.

FROM OFFICE OF THE :



Scale of Feet.

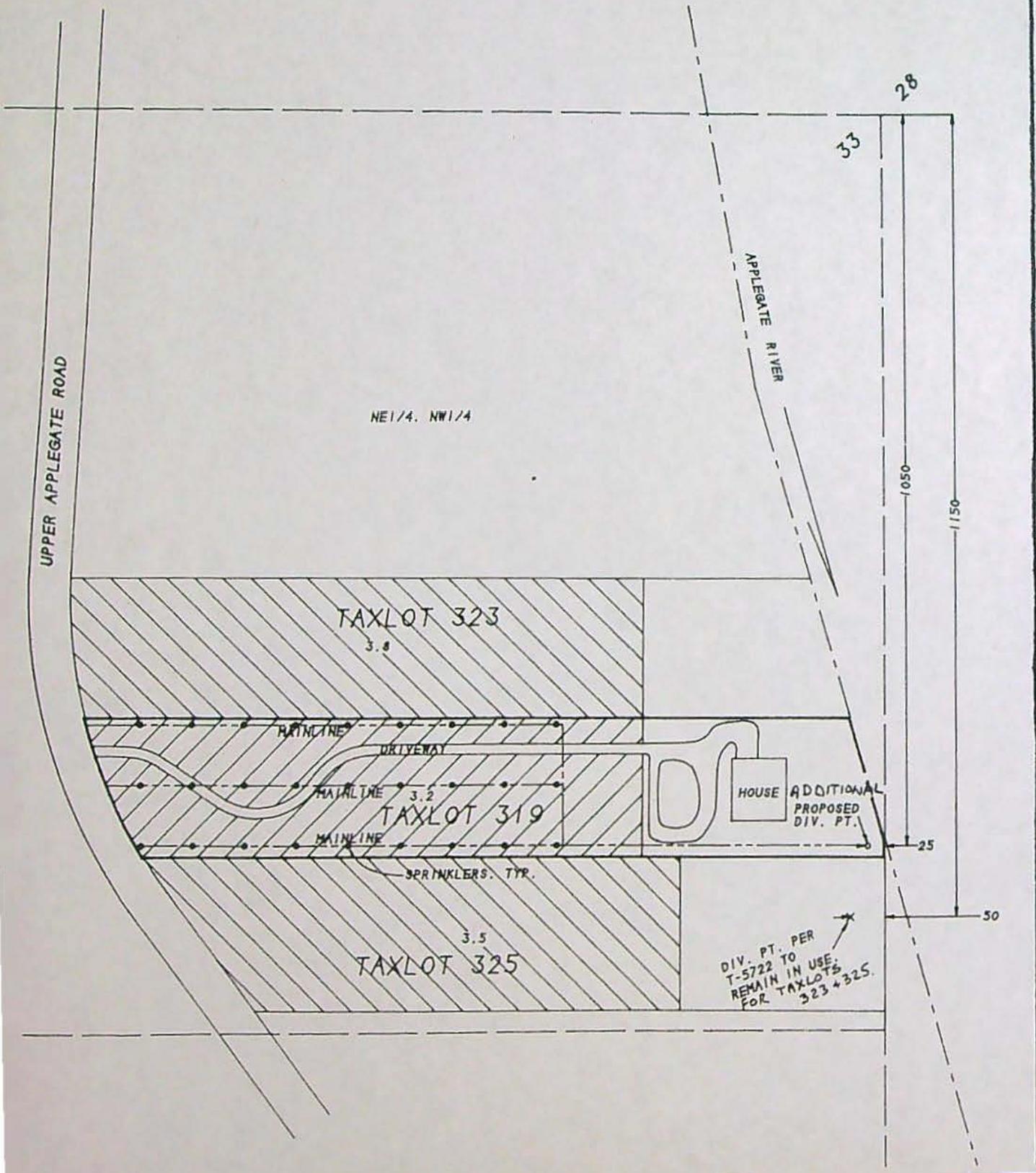
Adjuc
Rogue River
John H. L.

Examined Sept. 18, 1911

Added to file 1/20/28 55

T-8589

POINT OF DIVERSION



NE 1/4. NW 1/4

UPPER APPLIGATE ROAD

APPLIGATE RIVER

TAXLOT 323
3.8

MAINLINE

DRIVEWAY

MAINLINE 3.2

TAXLOT 319

MAINLINE

SPRINKLERS. TYP.

TAXLOT 325
3.5

HOUSE
ADDITIONAL
PROPOSED
DIV. PT.

DIV. PT. PER
T-5722 TO
REMAIN IN USE
FOR TAXLOTS
323 + 325.

28

33

1050

1150

25

50

John L. Scott

REAL ESTATE
SOUTHERN AND CENTRAL OREGON

RECEIVED
APR 15 2005
WATER RESOURCES DEPT
SALEM, OREGON

FaxCoverSheet

Urgent For Review Please Reply

Date: 4-15-05

To: Steve Brown

From: Laura Trujillo

Company: _____

→ Telephone: (541) 899-2030

Fax #: 503-986-0901

→ Toll Free: (866) 739-0868

Fax: (541) 899-2067

Total Pages Including Cover: _____

Comments: 39 3W 33 CA Lot # 325

Thank you!

Laura

The information contained in this facsimile message is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver to the intended recipient, you are hereby notified that any dissemination or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by telephone and return the original facsimile to us at the address below by U.S. Mail. Thank You.

"TOP QUALITY REAL ESTATE SERVICE SINCE 1970!"

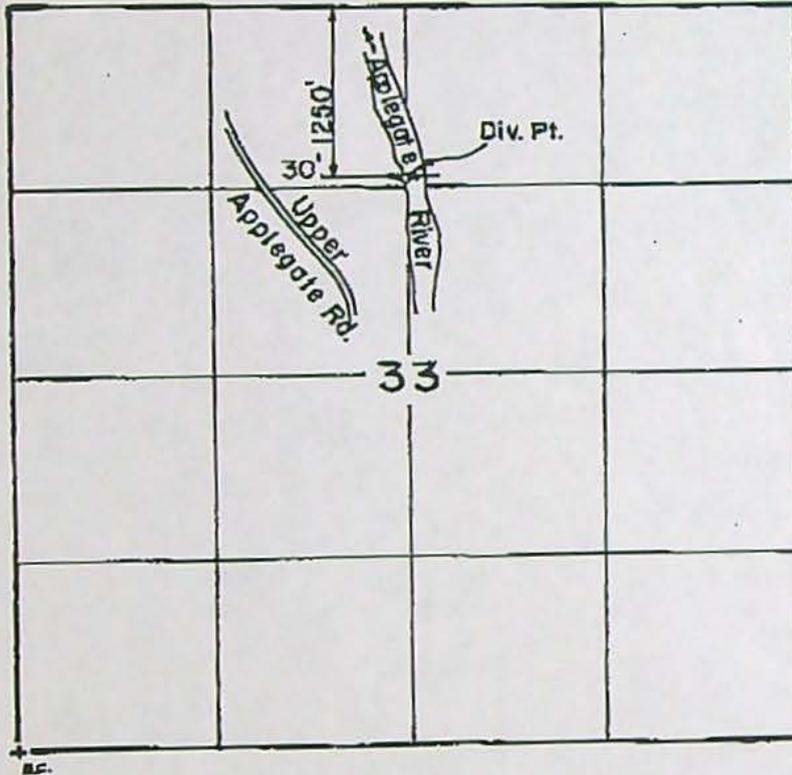
310 E. California St., Jacksonville, OR 97530

FROM:

FAX NO. :5418991703

Mar. 28 2005 09:48AM P1

T. 39 S., R. 3 W., W. M.



Scale: 1" = 1320'

RECEIVED
 APR 15 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

FINAL PROOF SURVEY UNDER

TRANSFER NO. 5722
 Application No. Permit No.
 IN NAME OF

DENNIS..... &..... KATHLEEN COOPER

Surveyed OCT. 24. 1991., by L.M. JOACHIMS

F-137

T-845 P.003/003

+9-77220101

From John L Scott Real Estate

15-Apr-2005 11:49

9-46

895.47'

874.19'

328
 49-46: 5.00 Ac
 49-16: 0.92 Ac
 CS 13189

307
 3.17 Ac
 PT. OF PAR. 1
 369.05'

313
 2.55 AC.
 P.3
 380.96'

320
 11.94 AC.

315
 2.00 AC.
 10
 289.97'

200
 1.60 AC.

PART P.1
PLAN P-30-1991

327
 1.00 AC.
 P.2

CS 12460

1068.26'

305
 4.03 AC.

321
 1.00 AC.
 208.50'

323
 5.00 AC.

319
 5.00 AC.

325
 5.00 AC.

300
 5.00 AC.

CS 5150

317
 3.47 AC.
 CS 4798

318
 5.61 AC.

303
 3.70 AC.
 CS 5168

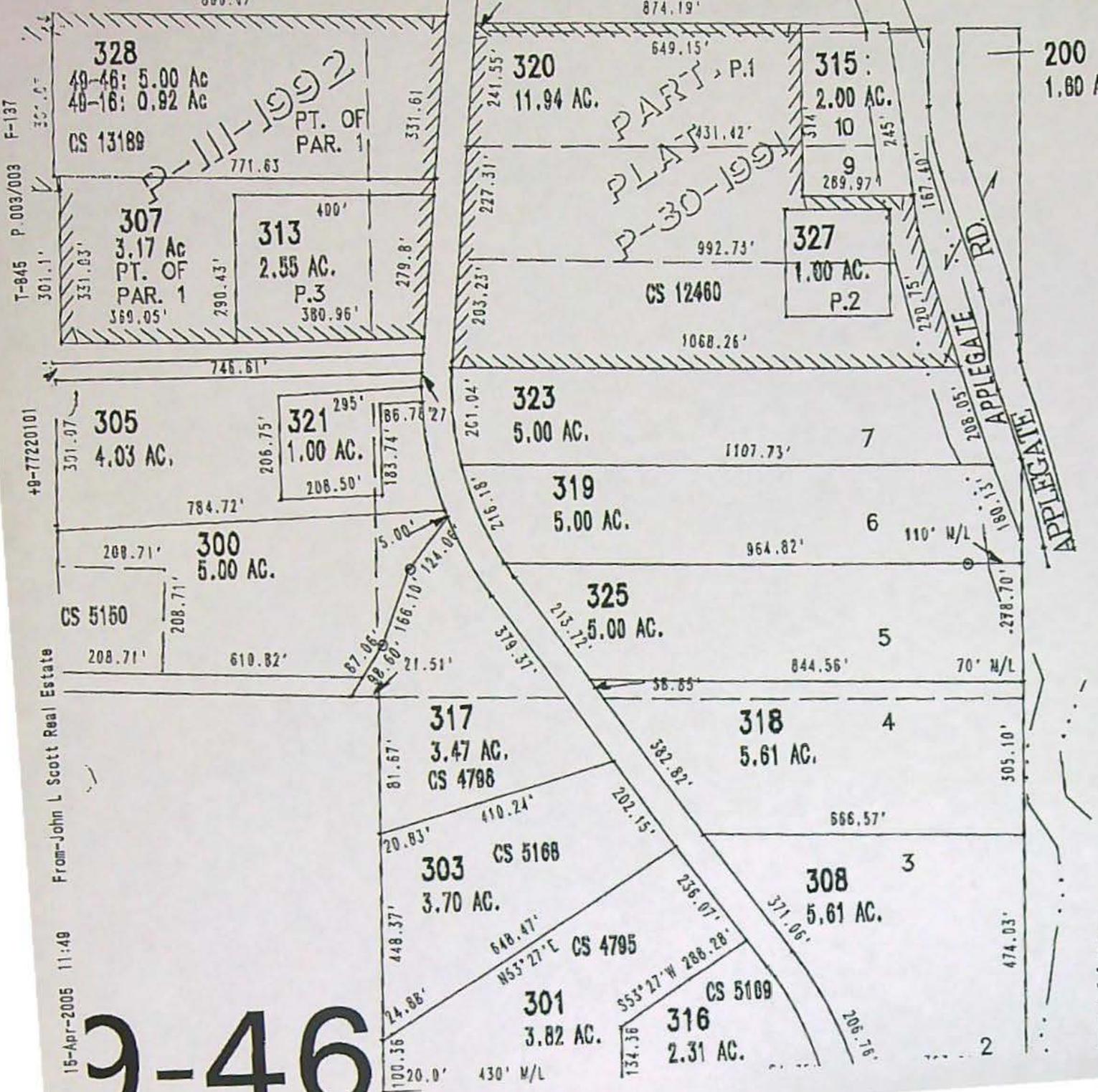
308
 5.61 AC.

301
 3.82 AC.

316
 2.31 AC.
 CS 5109

RECEIVED
 APR 15 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

APPLEGATE RD.
 APPLEGATE RD.





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

October 11, 2004

Ed Stevens
P.O. Box 1566
Jacksonville, OR 97530

Dear Mr. Stevens:

Thank you for your inquiry to the Governor's office about the time necessary to complete your water right transfer. I have been asked to respond to your questions. The time taken to review and approve your water right transfer application was longer than we would like. I apologize for any hardships the delay may have caused you.

As the need for new water supply increases in Oregon, the number of water right transfer applications submitted each year increases. Under this backdrop of increasing workload, the state's budget climate has precluded the Department from maintaining sufficient staffing levels. As a result, large workloads have developed in several of our program areas. Generally, Department staff can process a water right transfer in 90 to 120 days once we begin work on that file. However, because of the significant workload, it takes us too long to begin that work.

Unfortunately, your transfer application was also delayed because of the need to confirm a previous transfer on the same water right. We originally received your application for a water right transfer in August 2000. However, before we could process the transfer we needed to confirm a previous transfer on the same water right through the review of a claim of beneficial use and issuance of a water right certificate. Unfortunately, our backlog of requests for water right certificates precluded us from issuing the needed water right certificate until January 2003.

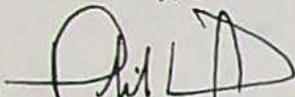
We understand and appreciate the difficulties created for water users by these delays. Last year, we were able to add two additional temporary staff to work on water right transfers. We have also made a number of changes in our transfer review to streamline processing. Finally, we have implemented a program that allows the Department and an applicant to enter into an agreement to expedite processing through the use of pre-qualified private sector contractors. Under these agreements, the applicant pays the cost of the contract services.

Now that your transfer has been approved it is extremely important that you take the necessary steps to complete the process so that a water right certificate confirming the change can be issued to you. Under the transfer order, work on the new point of diversion must be completed by October 1, 2005 and you must file a claim of beneficial use with the Department by October 1, 2006. You may, of course, file the claim earlier if you are able to complete the project prior to the deadline.

Ed Stevens
October 11, 2004
Page 2

I regret we were unable to process your transfer in a more timely fashion. We will continue our efforts to improve our transfer processing and to use technology to do more with the resources we have available. Please do not hesitate to contact staff member Doug Parrow at 503-986-0881 if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip C. Ward". The signature is stylized with a large initial "P" and a long horizontal stroke.

Phillip C. Ward
Acting Director

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DENNIS K. AND KATHLEEN G. COOPER
1983 CRESTVIEW DRIVE
ASHLAND, OREGON 97520

confirms the right to use the waters of THE APPLGATE RIVER, a tributary of THE ROGUE RIVER, for IRRIGATING 10.5 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 4, at Page 1. The date of priority is 1876.

The use is limited to 0.26 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 NW 1/4, SECTION 33, T 39 S, R 3 W, W.M.; 1250 FEET SOUTH AND 30 FEET WEST FROM THE N 1/4 CORNER OF SECTION 33.

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

NE 1/4 NW 1/4 10.5 ACRES
SECTION 33
TOWNSHIP 39 SOUTH, RANGE 3 WEST, W.M.

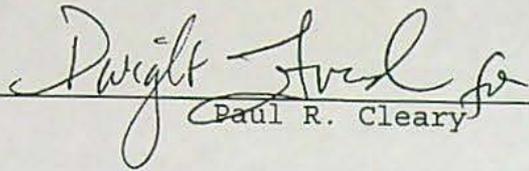
This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JULY 29, 1986, and together with Certificate 79834, supersedes Certificate 51982, State Record of Water Right Certificates.

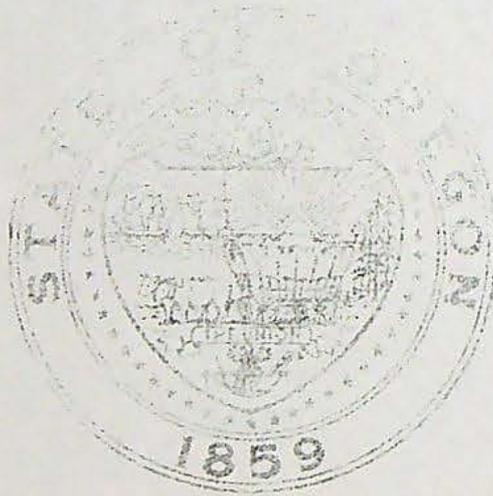
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 and is subject to all other conditions and limitations contained in said decree.

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.

WITNESS the signature of the Water Resources Director, affixed
January 10, 2003.


Paul R. Cleary



Recorded in State Record of Water Right Certificates Number 79835.

T-5722B.DSM

ORDER AND CERTIFICATE CHECK LIST

RECORD MARKING (Support Staff)

File Folder () ## T-8589

Permit () ## _____

Certificate ## 79835

Trans App Register ()
Trans Name Index ()

Sp. OR ()
Decree () Vol _____ Page _____ Vol _____ Page _____

COPIES MADE Order () Certificate ()

File () () Data Center () () Watermaster () () Applicant () ()

ISWR Liason () () _____ Water Use Reporting () () _____

CWRE () () James Hibbs I.District () () _____

Other () () _____ Other () () _____

SEND copy of application map to watermaster _____

*Send cert to:
Dannis & Kathleen
Cooper*

LETTER TO:

Applicant () CWRE () _____

I.D. () _____ Other () _____

EMAIL PROCESSOR

NWR () NCR () SWR () SCR () ER ()

ENCLOSURES

Special Order () Vol 61 Page 317
() Vol _____ Page _____

Certificate () 80938
() _____
() _____

*Not
Signed*

DATE SIGNED: 9-1-04

FILE SET-UP

| <u>File Number</u> | <u>Set - Up Date</u> | <u>For Whom</u> |
|--------------------|----------------------|-----------------|
| _____ | <u>10.1.05</u> | <u>10.1.06</u> |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

SEND TO:

Fiscal Section () Other () _____

NOTES: _____

- Application T-8589 proposes to move the authorized point of diversion approximately 200 feet downstream in the source to:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Lot | DLC | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|--|
| 39 | S | 3 | W | W.M. | 33 | NE | NW | | | 1050 feet South and 25 feet West from the N¼ Corner of Section 33. |

- Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

Conclusions of Law:

The change in point of diversion proposed in application T-8589 is consistent with the requirements of 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

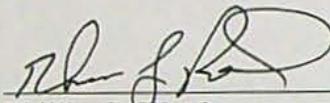
- The change in point of diversion proposed in application T-8589 is approved.
- The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 79835 and any related decree.
- Water right certificate 79835 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer.
- The proposed change shall be completed on or before October 1, 2005.
- A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.

6. The quantity of water diverted at the proposed point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion:

| Township | | Range | | Meridian | Sec | ¼ ¼ | Lot | DLC | Survey Coordinates |
|----------|---|-------|---|----------|-----|-------|-----|-----|---|
| 40 | S | 3 | W | W.M. | 5 | SW SW | | | Comstock Ditch -1000 feet North and 1190 feet East from the SW Corner of Section 5. |

7. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.
9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 1st day of September 2004.


 Phillip C. Ward
 Acting Director

Mailing date: SEP 10 2004

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DENNIS K. AND KATHLEEN G. COOPER
1983 CRESTVIEW DRIVE
ASHLAND, OREGON 97520

confirms the right to use the waters of the APPLGATE RIVER, a tributary of the ROGUE RIVER, for IRRIGATION of 7.3 acres.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1876.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.08 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 33, T 39 S, R 3 W, W.M.; 1250 FEET SOUTH AND 30 FEET WEST FROM THE N $\frac{1}{4}$ CORNER OF SECTION 33.

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 $\frac{1}{4}$ NW $\frac{1}{4}$ 7.3 ACRES
SECTION 33

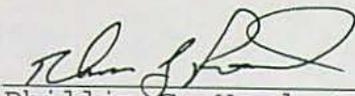
TOWNSHIP 39 SOUTH, RANGE 3 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 79835, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 01 2004, approving Transfer Application 8589.

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

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

WITNESS the signature of the Water Resources Director,
affixed SEPTEMBER 1, 2004.


For Phillip C. Ward, Acting Director



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

September 8, 2004

ED STEVENS
PO BOX 1566
JACKSONVILLE OR 97530

Reference: Transfer 8589

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

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

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

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

Sincerely,

Sarah Henderson

Doug Parrow
Natural Resource Specialist

for

DP:sh

cc: Larry Menteer, Watermaster #13
James Hibbs, CWRE
Dennis & Kathleen Cooper

Enclosure

- Application T-8589 proposes to move the authorized point of diversion approximately 200 feet downstream in the source to:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Lot | DLC | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|--|
| 39 | S | 3 | W | W.M. | 33 | NE | NW | | | 1050 feet South and 25 feet West from the N¼ Corner of Section 33. |

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- Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.
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Conclusions of Law:

The change in point of diversion proposed in application T-8589 is consistent with the requirements of 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

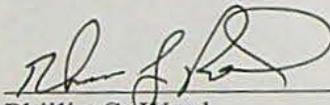
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| Township | | Range | | Meridian | Sec | ¼ ¼ | | Lot | DLC | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|---|
| 40 | S | 3 | W | W.M. | 5 | SW | SW | | | Comstock Ditch -1000 feet North and 1190 feet East from the SW Corner of Section 5. |

7. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.
9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 1st day of September 2004.


 Phillip C. Ward
 Acting Director

Mailing date: SEP 10 2004

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
DENNIS K. AND KATHLEEN G. COOPER
1983 CRESTVIEW DRIVE
ASHLAND, OREGON 97520

confirms the right to use the waters of the APPLGATE RIVER, a tributary of the ROGUE RIVER, for IRRIGATION of 7.3 acres.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1876.

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NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 33, T 39 S, R 3 W, W.M.; 1250 FEET SOUTH AND 30 FEET WEST FROM THE N $\frac{1}{4}$ CORNER OF SECTION 33.

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 $\frac{1}{4}$ NW $\frac{1}{4}$ 7.3 ACRES
SECTION 33

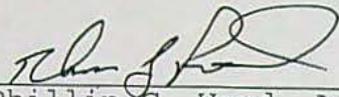
TOWNSHIP 39 SOUTH, RANGE 3 WEST, W.M.

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

WITNESS the signature of the Water Resources Director,
affixed SEPTEMBER 1, 2004.


Phillip C. Ward, Acting Director

COPY

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

T-8589

Applicant: Ed Stevens
Mailing Address: P.O. Box 1566
Jacksonville OR 97530 (541) 899-2037
City or town State Zip Phone
Type of change: Point of Diversion
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

A) Is the water right in your name? NO If not, list name below:
(Yes, No)

B) Was the water right determined by a court decree? YES
(Yes, No)

1. If yes, list the title of the proceedings: Rogue River Decree
2. Certificate No: D-16226 (T-5722)

C) Was the water right acquired by a water permit? NO
(Yes, No)

1. If yes, list the Permit No: _____
2. Certificate No: _____

D) Date of priority right: 1876 19__

E) What are your reasons for the proposed changes? Existing diversion point is on adjoiners property & is too hard to coordinate watering

F) The water will be completely applied to the proposed use on or before: October 31 ~~XX~~ 2000

2. LOCATION OF AUTHORIZED USE:

A) What is the source of water (river, stream, well)? Applegate River

B) Describe the authorized point of diversion:

| Location in Reference to Survey Corner | 1/4, 1/4 of Section | Section | Township | Range |
|--|---------------------|---------|----------|-------|
| 1150' S & 50' W of N1/4 Cor | NE 1/4, NW 1/4 | 33 | 39S | 3W |
| | | | | |

C) What is the name of the ditch used? I

D) What is the use to which the water is applied? Irrigation of pasture & garden

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

| Township | Range | Section | 1/4, 1/4 of Section | No. of acres irrigated |
|----------|-------|---------|---------------------|------------------------|
| 39E | 3W | 33 | NE 1/4, NW 1/4 | 10.5 |
| | | | | |
| | | | | |
| | | | | |

RECEIVED

AUG 30 2000

WATER RESOURCES DEPT.
SALEM, OREGON

F) Is the land within an irrigation district? Yes ___ No X

If Yes, which district? _____

G) County Jackson

3. LOCATION OF PROPOSED USE:

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

A) Describe the proposed point of diversion:

| Location in Reference to Survey Corner | 1/4, 1/4 of Section | Section | Township | Range |
|--|---------------------|---------|----------|-------|
| 1050' S & 25' W of N 1/4 cor | NE 1/4, NW 1/4 | 33 | 39S | 3W |
| | | | | |

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? _____ (Yes, No)

C) If no, give the description below of existing encumbrances:

| Encumbrance | Held by | Amount |
|-------------|---------|--------|
| | | |
| | | |

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

| Township | Range | Section | 1/4, 1/4 of Section | No. of acres irrigated |
|----------|-------|---------|---------------------|------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

6. REMARKS: See attached cover memo dated August 25, 2000/es

I (we) Ed Stevens applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 13th day of November 1998.

Edward J. Stevens
(Signature)

(Signatures)



(Notarial Seal)

Subscribed and sworn to before me

Karen L. Lafitte
Notary Public for Oregon

My commission expires: March 20, 2002

August 25, 2000

State of Oregon
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97301-4172

T-8589

Regard: Application for Transfer of Water Right (Change in Point of Diversion)
Applicant: Ed Stevens

Gentlemen:

This cover memo is simply to assist you in your review of the attached application for the Transfer of Water Right (Change in Point of Diversion).

Please find enclosed our check #1897 in the amount of \$200.00 for review and processing of the enclosed application.

Please find enclosed four (4) copies of the map pertaining to the enclosed application.

In reference to the attached map for this application, the additional proposed diversion point will effect and be applied only to tax lot 319. The existing diversion point per T-5722 will remain in use for Tax Lots 323 and 325.

An irrigation contractor who is licensed under the rules and regulations of the State of Oregon will do the design and installation of the system for this P.O.D. change.

The design will be such that only the rightful proportionate share of water that Tax Lot 319 is currently entitled to from the existing point of diversion will now be delivered through the additional point of diversion to Tax Lot 319.

This design will be such that the electrical panel is above the 100 year flood zone.

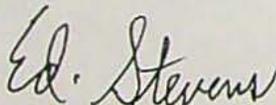
There will be no removal or change in the land features within the stream or riparian zone.

There will be no removal of the vegetation within the riparian zone.

There will be an Oregon Department of Fish and Wildlife approved fish screen on the pump.

Thank you in advance for your review and consideration of this application.

Best regards,



Edward J.L. Stevens

RECEIVED

AUG 30 2000

WATER RESOURCES DEPT.
SALEM, OREGON

T-8589

SCHEDULE C

The land referred to in this Policy is described as follows:

Beginning at a 5/8" iron pin situated on the easterly right-of-way line of the realignment of the County road (Upper Applegate), said pin bears South 1081.32 feet and East 1567.51 feet from the northwest corner of Section 33 in Township 39 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon; thence along said right-of-way line following the arc of a 686.20 foot radius curve concave to the right, 216.18 feet (the long chord bears North 22°36'39" West 215.29 feet) to a 5/8" iron pin; thence leaving said right-of-way, South 89°23'19" East 1007.73 feet to a 5/8" iron pin, Witness Corner to the average centerline of the Applegate River; thence continue South 89°23'19" East 100.00 feet, more or less, to intersect said average river centerline; thence along said average river centerline following upstream, South 16°04'15" East 180.13 feet, more or less, to intersect the north-south centerline of said Section 33; thence Southerly, along said centerline, 25.30 feet, more or less, to a point that bears South 89°23'19" East from the point of beginning; thence North 89°23'19" West 110.00 feet, more or less, to a 5/8" iron pin, Witness Corner; thence continue North 89°23'19" West 964.82 feet to the point of beginning.

(Code 49-16, Account #1-48084-6, Map #393W33, Tax Lot #319)

RECEIVED

AUG 30 2000

WATER RESOURCES DEPT
SALEM, OREGON

February 9, 1999

T-8589

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th Street NE
Salem, OR 97310-0210

Attention: Water Resources Department

Re: Application for Transfer of Water Right

Applicant: Ed Stevens – Tax Lot I.D. 39S 3W 33 - TL319

This letter is being provided to the Oregon Water Resources Department to provide evidence that the water right has been used within the last five years on the property and at the location identified above.

My name is Linda Hulse. My husband and I grazed our cattle on the property listed above and in the attached application. We grazed our cattle on this property for several years including the years of 1995, 1996, and 1997. During those years, this property was irrigated as pasture for the cattle we were grazing.

I hope that this letter is useful for your purpose. If you should need any additional information, I may be reached at the following address and phone number:

Linda Hulse
7824 Upper Applegate Rd.
Jacksonville, OR 97530

Phone number: (541) 899-8347

Sincerely,

Linda Hulse
Linda Hulse

RECEIVED
AUG 30 2000
WATER RESOURCES DEPT.
SALEM, OREGON

X-Ironport-AV: i="3.84,122,1091419200";
d="scan'217,208"; a="248868967:sNHT19360968"
From: "Ed Stevens" <edstevens13@charter.net>
To: <Patrick.K.STARNES@wrд.state.or.us>
Cc: <edstevens13@charter.net>
Subject: Application T-8589
Date: Wed, 1 Sep 2004 11:55:27 -0700
X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
X-Mailer: Microsoft Outlook Express 6.00.2900.2180
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=2.8 required=5.0 tests=FORGED_OUTLOOK_TAGS,
FROM_ENDS_IN_NUMS,HTML_30_40,HTML_MESSAGЕ autolearn=no version=2.63
X-Spam-Level: **

01 September 2004

Kelly Starnes
NW Region Transfer Processor

Dear Mr. Starnes:

I am sending this E-mail to you as you requested in your August 23, 2004 letter to me. In the letter that you sent to me, you also attached the Preliminary Determination for Application T-8589. Further, you directed me to review and comment on the Preliminary Determination for application T-8589.

In compliance with your directive, I have reviewed the Preliminary Determination document for application T-8589. My review of the Preliminary Determination document which you sent to me appears to be consistent with my intent in seeking the transfer and proposed action in my application T-8589.

Mr. Starnes, as we discussed during our phone conversation this A.M., please send me a confirming E-mail.

In that E-mail please comment on the following:

1. Please, comment on the fact that you have received my E-mail.
2. Additionally, (as respects the issuance of the Final Determination In the Matter of Transfer Application T-8589, Jackson County, Oregon) please tell me if there is any additional action that I am responsible for in order to have the Final Determination issued.
3. Finally, if I have done all that I need to do, kindly state that in your confirming E-mail to me.

Mr. Starnes, thank you so much for the attention you have given to this very long pending application.

- Application T-8589 proposes to move the authorized point of diversion approximately 200 feet downstream in the source to:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Lot | DLC | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|--|
| 39 | S | 3 | W | W.M. | 33 | NE | NW | | | 1050 feet South and 25 feet West from the N¼ Corner of Section 33. |

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- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

Conclusions of Law:

The change in point of diversion proposed in application T-8589 is consistent with the requirements of 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

- The change in point of diversion proposed in application T-8589 is approved.
- The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 79835 and any related decree.
- Water right certificate 79835 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer.
- The proposed change shall be completed on or before October 1, 2005.
- A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.

6. The quantity of water diverted at the proposed point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Lot | DLC | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|---|
| 40 | S | 3 | W | W.M. | 5 | SW | SW | | | Comstock Ditch -1000 feet North and 1190 feet East from the SW Corner of Section 5. |

7. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.
9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this ____ day of _____, 2004.

 Phillip C. Ward
 Acting Director

Mailing date: _____

Oregon Water Resources Department



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A, Salem, OR. 97301-1271
Phone: 503-986-0900
<http://www.wrd.state.or.us>

FAX TRANSMITTAL

To: Ed Stevens

Fax Number: 541-899-9918

Date: 8/23/04

Pages: 5, including cover sheet

From: Kelly Starnes

Phone: 503-986-0886

Comments:

Originals to follow in mail (postal)

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Ground Water
- Information Services
- GIS/Mapping
- Water Use Reporting

Fax: 503-986-0902

WATER RIGHTS

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-986-0901

Fax: 503-986-0903 or
503-986-0904

- Application T-8589 proposes to move the authorized point of diversion approximately 200 feet downstream in the source to:

| Township | | Range | | Meridian | Sec | ¼ ¼ | Lot | DLC | Survey Coordinates |
|----------|---|-------|---|----------|-----|-------|-----|-----|--|
| 39 | S | 3 | W | W.M. | 33 | NE NW | | | 1050 feet South and 25 feet West from the N¼ Corner of Section 33. |

- Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The proposed change in point of diversion in application T-8589 appears to be consistent with the requirements of 540.505 to 540.580 and OAR 690-380-5000 and will be approved provided that protests are not filed pursuant to OAR 690-380-4030.

If approved, the change and subsequent use of water shall be subject to the following conditions:

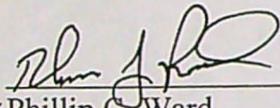
- The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 79835 and any related decree.
- The proposed change shall be completed on or before October 1, 2005.
- A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.

4. The quantity of water diverted at the proposed point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Lot | DLC | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|---|
| 40 | S | 3 | W | W.M. | 5 | SW | SW | | | Comstock Ditch -1000 feet North and 1190 feet East from the SW Corner of Section 5. |

5. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
6. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Dated at Salem, Oregon this 23rd day of August, 2004.



Phillip C. Ward
Acting Director

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271

This preliminary determination was prepared by Kelly Starnes. If you have any questions about the information in this preliminary determination, you may reach me at (503) 986-0886 or Patrick.K.STARNES@ wrd.state.or.us.

- Application T-8589 proposes to move the authorized point of diversion approximately 200 feet downstream in the source to:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Lot | DLC | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|--|
| 39 | S | 3 | W | W.M. | 33 | NE | NW | | | 1050 feet South and 25 feet West from the N¼ Corner of Section 33. |

- Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The proposed change in point of diversion in application T-8589 appears to be consistent with the requirements of 540.505 to 540.580 and OAR 690-380-5000 and will be approved provided that protests are not filed pursuant to OAR 690-380-4030.

If approved, the change and subsequent use of water shall be subject to the following conditions:

- The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 79835 and any related decree.
- The proposed change shall be completed on or before October 1, 2005.
- A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.

4. The quantity of water diverted at the proposed point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Lot | DLC | Survey Coordinates |
|----------|---|-------|---|----------|-----|-----|----|-----|-----|---|
| 40 | S | 3 | W | W.M. | 5 | SW | SW | | | Comstock Ditch -1000 feet North and 1190 feet East from the SW Corner of Section 5. |

5. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
6. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Dated at Salem, Oregon this ____ day of _____, 2004.

 Phillip C. Ward
 Acting Director

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271

This preliminary determination was prepared by Kelly Starnes. If you have any questions about the information in this preliminary determination, you may reach me at (503) 986-0886 or Patrick.K.STARNES@ wrd.state.or.us.



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

August 23, 2004

Ed Stevens
P.O. Box 1566
Jacksonville, Oregon 97530

SUBJECT: Application T-8589

Please find enclosed a copy of the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-8589.

The Preliminary Determination is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the Preliminary Determination carefully to evaluate whether the document is consistent with your intent in seeking the transfer and whether you agree with the proposed action.

If you have no objections to the Preliminary Determination, the Department will issue a Final Order consistent with the Preliminary Determination. You may provide your comments or approval to proceed in writing or via e-mail at Patrick.K.STARNES@wrд.state.or.us.

Please do not hesitate to contact me at 503-986-0886 if you have questions.

Sincerely,

Kelly Starnes
NW Region Transfer Processor

enc

ADDITIONAL POINT OF DIVERSION

COPY

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

T-8589

Applicant: Ed Stevens
Mailing Address: P.O. Box 1566
Jacksonville OR 97530 (541) 899-2037
City or town State Zip Phone

Point of Diversion
(In point of diversion: place of use; use heretofore made of the water)

RIGHT
water right in your name? NO If not, list name below:
(Yes, No)

water right determined by a court decree? YES
(Yes, No)

If yes, list the title of the proceedings: Rogue River Decree

Certificate No: D-16226 (T-5722)

water right acquired by a water permit? NO
(Yes, No)

yes, list the Permit No:

Certificate No:

priority right: 1876 19

your reasons for the proposed changes? Existing diversion point is
on private property & is too hard to coordinate watering

The water will be completely applied to the proposed use on or before: October 31, 2000

2. LOCATION OF PROPOSED USE:
AUTHORIZED USE:
Place of water (river, stream, well)? Applegate River

Authorized point of diversion:

| Survey Corner | 1/4, 1/4 of Section | Section | Township | Range |
|---------------|---------------------|---------|----------|-------|
| W of N1/4 Cor | NE 1/4, NW 1/4 | 33 | 39S | 3W |

If the ditch used? _____
In which the water is applied? Irrigation of pasture & garden

The authorized area irrigated or place of use other than for irrigation:

| Section | 1/4, 1/4 of Section | No. of acres irrigated |
|---------|---------------------|------------------------|
| 33 | NE 1/4, NW 1/4 | 10.5 <i>3.2</i> |

RECEIVED
AUG 30 2000

WATER RESOURCES DEPT.
SALEM, OREGON

F) Is the land within an irrigation district? Yes _____ No X
If Yes, which district? _____

G) County Jackson

3. LOCATION OF PROPOSED USE:

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

A) Describe the proposed point of diversion:

| Location in Reference to Survey Corner | 1/4, 1/4 of Section | Section | Township | Range |
|--|---------------------|---------|----------|-------|
| 1050' S & 25' W of N 1/4 cor | NE 1/4, NW 1/4 | 33 | 39S | 3W |

① application map must be amended to indicate new PoD Not additional
② Change direction of stream

cancelation
When we get back to it - application needs to cancel Road way if Road had been in place 75 years.

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? (Yes, No)

C) If no, give the description below of existing encumbrances:

| Encumbrance | Held by | Amount |
|-------------|---------|--------|
| | | |
| | | |

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

| Township | Range | Section | 1/4, 1/4 of Section | No. of acres irrigated |
|----------|-------|---------|---------------------|------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- A copy of the current recorded deed to the subject lands.
- Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT: _____

6. REMARKS: See attached cover memo dated Aug 25, 2000/es

I (we) Ed Stevens applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 13th day of November 1998.

Edward J. Stevens
(Signature)

(Signature)



(Notarial Seal)

Subscribed and sworn to before me
Karen L. Lafitte
Notary Public for Oregon

My commission expires: March 20, 2002

August 25, 2000

T-8589

State of Oregon
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97301-4172

Regard: Application for Transfer of Water Right (Change in Point of Diversion)
Applicant: Ed Stevens

Gentlemen:

This cover memo is simply to assist you in your review of the attached application for the Transfer of Water Right (Change in Point of Diversion).

Please find enclosed our check #1897 in the amount of \$200.00 for review and processing of the enclosed application.

Please find enclosed four (4) copies of the map pertaining to the enclosed application.

In reference to the attached map for this application, the additional proposed diversion point will effect and be applied only to tax lot 319. The existing diversion point per T-5722 will remain in use for Tax Lots 323 and 325.

An irrigation contractor who is licensed under the rules and regulations of the State of Oregon will do the design and installation of the system for this P.O.D. change.

The design will be such that only the rightful proportionate share of water that Tax Lot 319 is currently entitled to from the existing point of diversion will now be delivered through the additional point of diversion to Tax Lot 319.

This design will be such that the electrical panel is above the 100 year flood zone.

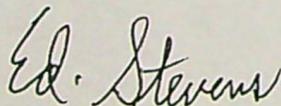
There will be no removal or change in the land features within the stream or riparian zone.

There will be no removal of the vegetation within the riparian zone.

There will be an Oregon Department of Fish and Wildlife approved fish screen on the pump.

Thank you in advance for your review and consideration of this application.

Best regards,



Edward J.L. Stevens

RECEIVED

AUG 30 2000

WATER RESOURCES DEPT.
SALEM, OREGON

T-8589

SCHEDULE C

The land referred to in this Policy is described as follows:

Beginning at a 5/8" iron pin situated on the easterly right-of-way line of the realignment of the County road (Upper Applegate), said pin bears South 1081.32 feet and East 1567.51 feet from the northwest corner of Section 33 in Township 39 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon; thence along said right-of-way line following the arc of a 686.20 foot radius curve concave to the right, 216.18 feet (the long chord bears North 22°36'39" West 215.29 feet) to a 5/8" iron pin; thence leaving said right-of-way, South 89°23'19" East 1007.73 feet to a 5/8" iron pin, Witness Corner to the average centerline of the Applegate River; thence continue South 89°23'19" East 100.00 feet, more or less, to intersect said average river centerline; thence along said average river centerline following upstream, South 16°04'15" East 180.13 feet, more or less, to intersect the north-south centerline of said Section 33; thence Southerly, along said centerline, 25.30 feet, more or less, to a point that bears South 89°23'19" East from the point of beginning; thence North 89°23'19" West 110.00 feet, more or less, to a 5/8" iron pin, Witness Corner; thence continue North 89°23'19" West 964.82 feet to the point of beginning.

(Code 49-16, Account #1-48084-6, Map #393W33, Tax Lot #319)

RECEIVED
AUG 30 2000
WATER RESOURCES DEPT
SALEM, OREGON

February 9, 1999

T-8589

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th Street NE
Salem, OR 97310-0210

Attention: Water Resources Department

Re: Application for Transfer of Water Right
Applicant: Ed Stevens – Tax Lot I.D. 39S 3W 33 - TL319

This letter is being provided to the Oregon Water Resources Department to provide evidence that the water right has been used within the last five years on the property and at the location identified above.

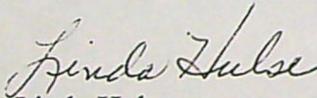
My name is Linda Hulse. My husband and I grazed our cattle on the property listed above and in the attached application. We grazed our cattle on this property for several years including the years of 1995, 1996, and 1997. During those years, this property was irrigated as pasture for the cattle we were grazing.

I hope that this letter is useful for your purpose. If you should need any additional information, I may be reached at the following address and phone number:

Linda Hulse
7824 Upper Applegate Rd.
Jacksonville, OR 97530

Phone number: (541) 899-8347

Sincerely,


Linda Hulse

RECEIVED
AUG 30 2000
WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

942 SW 6th Street
Suite E
Grants Pass, OR 97526
(541) 471-2886
FAX (541) 471-2876

November 27, 2001

Ed Stevens
PO Box 1566
Jacksonville OR 97530

REFERENCE: Transfer 8589

Your application for a water right transfer was received by the Salem office of the Oregon Water Resources Department on August 30, 2000. The Grants Pass office received this file on September 7, 2000.

Your transfer application requested a transfer on a inchoate right which is not a transferrable right. The water right appurtenant to a portion of your property was included in Transfer 5722, and was modified by the order approving T-5722. The order approving transfer 5722 canceled the water right certificate recorded at page 51982, Volume 46, State of Oregon Water Right Certificates. The water right appurtenant to your land is not transferrable until proof satisfactory to the director is documented, or a new certificate confirming the water right is signed by the director.

On September 25, 2000, I sent an email to Salem requesting review of the final proof survey submitted for T-5722. On October 30, 2000, I sent another email to Salem regarding T-5722. On November 28, 2000, I sent a memo to Salem requesting a status report on the final proofs for several special orders including T-5722.

In an effort to expedite your transfer when the water right is transferrable. On October 31, 2000 I sent you a letter indicating a notarized statement of use was required before the application could be processed. There were also a number of deficiencies on the application which required correction.

On January 26, 2001 an unsigned letter requesting changes to the application was received by the Grants Pass office. A notarized statement of use was also received. That same day a signed letter was received which had been sent by certified mail.

On February 12, 2001, following a 2/7/01 telephone request from you, I sent an email to Salem again requesting a check for proof satisfactory to the director for T-5711. At this time I was informed that due to personnel changes there would not be anyone reviewing such proofs, and I would be informed when that position was again filled. Recently that position has been reactivated.

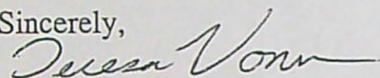
mailed 11/27/01



On November 15, 2001, I discussed T-5722 with Steve Brown, in the Salem office. He assured me that the proposed Certificate confirming T-5722 would be sent to the current owners of the property for which the transfer was submitted in January 2002.

Please be advised that you may continue to exercise your water right as described by a portion of an Order of the Water Resources Director, entered July 29 , 1986, at Special Order Volume 40, Page 230, the order approving Transfer 5722. Larry Menteer, the Jackson County Watermaster, and I will continue to assist you or answer any question that you may have regarding your transfer application.

Sincerely,



Tersesa Vonn

Regional Water Management Specialist

c:Larry Menteer, Watermaster
Jim Hibbs, CWRE#066
Al Cook, Southwest Regional Manager



JACKSON COUNTY

Oregon

WATERMASTER'S OFFICE
10 South Oakdale, Rm. 106
Medford, Oregon 97501-2952
(541) 774-6880 • FAX (541) 774-6187

FAX TRANSMITTED TO: Teresa Vonn

DATE: 10/26/99

FAX NO. 541-471-2876

COMPANY NAME: _____

ATTN: _____

FROM: JACKSON COUNTY - WATERMASTER'S OFFICE

MESSAGE: Re: T5722 & Map

Does this fill the bill?

PAGES TRANSMITTED (INCLUDING THIS PAGE) 4

*Regards,
Phil*

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
 DENNIS K. AND KATHLEEN G. COOPER)
 FOR APPROVAL OF A CHANGE IN POINT)
 OF DIVERSION OF WATER)

ORDER APPROVING
 TRANSFER 5722

On November 8, 1985, an application was filed in the office of the Water Resources Director by Dennis K. and Kathleen G. Cooper for approval of a change in Point of Diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, a water right was established in the name of Z. Cameron, tabulated in Volume 4, page 22, Order Record of the Water Resources Director, for use of not to exceed 0.26 cubic foot per second from Applegate River for irrigation of, among other lands, a certain 10.5 acres in NE 1/4 NW 1/4, Section 33, Township 39 South, Range 3 West, WM, with a date of priority of 1876, as evidenced by the certificate recorded at page 51982, Volume 46, State Record of Water Right Certificates.

Water for the said right is diverted, through the Comstock Ditch, from a point located 1000 feet North and 1190 feet East from the Southwest Corner of Section 5, being within the SW 1/4 SW 1/4 of Section 5, Township 40 South, Range 3 West, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom to a point located 1150 feet South and 50 feet West from the North Quarter Corner of Section 33, being within the NE 1/4 NW 1/4 of Section 33, Township 39 South, Range 3 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Mail Tribune, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of January 31, February 7 and 14, 1986.

Bruce R. Sund, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in 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 change in point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.26 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 headgates and measuring devices:

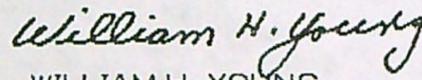
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1987.

It is FURTHER ORDERED that the certificate recorded at page 51982, Volume 46, 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 29th day of July, 1986.


WILLIAM H. YOUNG₅₀₄
Director

NOTE: The 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.

A party may file objections and exceptions to the Proposed Order with the Water Resources Commission. Such objections and exceptions must be filed within 45 days from the date of service (date of mailing) of the Proposed Order on the party. The Commission will provide opportunity for oral argument in support of written objections and exceptions. If no objections and exceptions are filed within the time allowed, the Proposed Order will automatically become the Final Order of the Commission.

0337/G
5608D

3.8
3.2
3.5
10.5

**OREGON
WATER
RESOURCES
DEPARTMENT**



To: Teresa

Date: 9/18/00

Page 1 of 5

Fax #: 14

From: gloria

Comments: _____

Water Resources Department
Commerce Building
158 12th Street NE
Salem OR 97301-4172

Fax. 503-378-8130

Field Services
Transfers

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
DENNIS K. AND KATHLEEN G. COOPER)
FOR APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5722

On November 8, 1985, an application was filed in the office of the Water Resources Director by Dennis K. and Kathleen G. Cooper for approval of a change in Point of Diversion of water from Applegate River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, a water right was established in the name of Z. Cameron, tabulated in Volume 4, page 22, Order Record of the Water Resources Director, for use of not to exceed 0.26 cubic foot per second from Applegate River for irrigation of, among other lands, a certain 10.5 acres in NE 1/4 NW 1/4, Section 33, Township 39 South, Range 3 West, WM, with a date of priority of 1876, as evidenced by the certificate recorded at page 51982, Volume 46, State Record of Water Right Certificates.

Water for the said right is diverted, through the Comstock Ditch, from a point located 1000 feet North and 1190 feet East from the Southwest Corner of Section 5, being within the SW 1/4 SW 1/4 of Section 5, Township 40 South, Range 3 West, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom to a point located 1150 feet South and 50 feet West from the North Quarter Corner of Section 33, being within the NE 1/4 NW 1/4 of Section 33, Township 39 South, Range 3 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Mail Tribune, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of January 31, February 7 and 14, 1986.

Bruce R. Sund, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in 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 change in point of diversion is approved, without loss of priority.

Send E
mail to
Steve Brown
Requesting
Prof Sub to Director

Needs
Reviewed
Statement
amendments to add

RR
8.5

Reentry
Landowner

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.26 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 headgates and measuring devices:

That the diversion works shall include an in-line flow meter, a weir, 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 weir or measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1987.

It is FURTHER ORDERED that the certificate recorded at page 51982, Volume 46, 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 29th day of July, 1986.

William H. Young
WILLIAM H. YOUNG⁵²⁴
Director

NOTE: The 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.

A party may file objections and exceptions to the Proposed Order with the Water Resources Commission. Such objections and exceptions must be filed within 45 days from the date of service (date of mailing) of the Proposed Order on the party. The Commission will provide opportunity for oral argument in support of written objections and exceptions. If no objections and exceptions are filed within the time allowed, the Proposed Order will automatically become the Final Order of the Commission.

0337/G
5608D

STATE OF OREGON

COUNTY OF JACKSON

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DENNIS K. AND KATHLEEN G. COOPER
53 NORTH SECOND STREET
ASHLAND, OREGON 97520

confirms the right to use the waters of THE APPLGATE RIVER, a tributary of THE ROGUE RIVER, for IRRIGATING 10.5 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JACKSON County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 4, at Page 1. The date of priority is 1876.

The use is limited to 0.26 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 NW 1/4, SECTION 33, T 39 S, R 3 W, W.M.; 1250 FEET SOUTH AND 30 FEET WEST FROM THE N 1/4 CORNER OF SECTION 33.

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

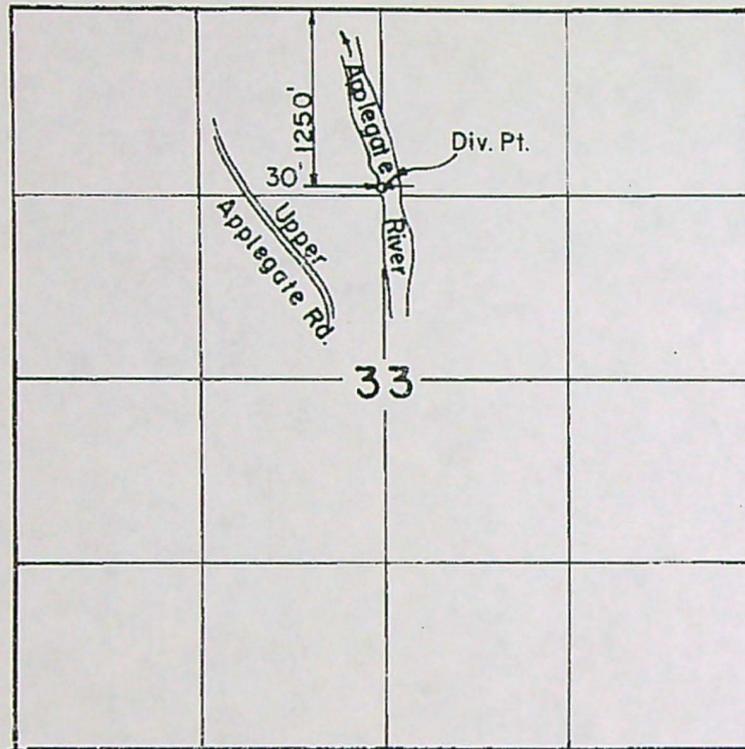
NE 1/4 NW 1/4 10.5 ACRES
SECTION 33
TOWNSHIP 39 SOUTH, RANGE 3 WEST, W.M.

This certificate is issued to confirm a change in PLACE OF DIVERSION approved by an order of the Water Resources Director entered JULY 29, 1986, and together with Certificate , supersedes Certificate , 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 and is subject to all other conditions and limitations contained in said decree.

T. 39 S., R. 3 W., W. M.



Scale: 1" = 1320'

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 5722

Application No. Permit No.
IN NAME OF

DENNIS & KATHLEEN COOPER

Surveyed OCT. 24. 1991., by L.M. JOACHIMS

X-Sender: nelsongl@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 4.3.2
Date: Mon, 12 Feb 2001 10:17:19 -0800
To: Teresa Vonn <Teresa.R.VONN@wrd.state.or.us>
From: Greg Nelson <Greg.L.NELSON@wrd.state.or.us>
Subject: Re: T-8589

I checked with Steve, and he hasn't gotten to it yet. Also, I should warn you that there are some personnel changes brewing in water rights that would shift duties. Steve has informed me he will be doing initial revues on water right applications for a while. I don't know when exactly this will begin. Nor do I know what the plans are for reviewing proof -- who else might be assigned those duties. So, while I could be wrong, it may not get done in short order. Then again, it might. I'll try and keep you posted.

At 02:19 PM 2/9/01 -0800, you wrote:

Greg, I hate to bother you again about the "proof Satisfactory to the Director" for T-5722 but I received a call on 2/7/01 from Mr. Stevens who is checking on the status of his transfer. It seems there is some concern about his safety since the authorized point of diversion is on a neighbors property that "...has... demonstrated angry and aggressive behavior towards us and other ex-neighbors. In short it is unsafe for us to use the existing point of diversion." I know Steve is swamped but can you check on the status of the transfer. Thanks, Teresa

Teresa Vonn
Regional Water Management Specialist
Oregon Water Resources Department
942 SW 6th Street, Suite E
Grants Pass, OR 97526
Phone (541) 471-2886, ext. 228 Fax (541) 471-2876

Greg Nelson, Field Services Division
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97301-4172
(503) 378-8455, ext. 285
(503) 378-8130 (FAX)
1-800-624-3199, ext. 285 (Toll free in Oregon)

To: Greg Nelson <Greg.L.NELSON@wrd.state.or.us>
From: Teresa Vonn <Teresa.R.VONN@wrd.state.or.us>
Subject: T-8589
Cc:
Bcc:
Attached:

Greg, I hate to bother you again about the "proof Satisfactory to the Director" for T-5722 but I received a call on 2/7/01 from Mr. Stevens who is checking on the status of his transfer. It seems there is some concern about his safety since the authorized point of diversion is on a neighbors property that "...has... demonstrated angry and aggressive behavior towards us and other ex-neighbors. In short it is unsafe for us to use the existing point of diversion." I know Steve is swamped but can you check on the status of the transfer.

To: Steve Brown <Stephen.C.BROWN@wrд.state.or.us>
From: Teresa Vonn <Teresa.R.VONN@wrд.state.or.us>
Subject: T-5722
Cc: Bernadette Williams <Bernadette.N.WILLIAMS@wrд.state.or.us>, Dwight French
Bcc:
Attached:

Please review the final proof survey for T-5722 to determine if proof satisfactory to the director has been provided. Thank you, Teresa



STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

Date: 11/27/2000

TO: Greg Nelson

FROM: Teresa Vonn

SUBJECT: Acceptable Final Proof

Please check on the status of my requests for review of files to determine if proof satisfactory to the director has been received for the following:

T-5891 which includes lands proposed for T-8274 submitted 5/99. I discussed the review with Larry Nunn and followed up with an e-mail on 2/2/2000, and a subsequent follow up with Steve Brown on 7/3/2000 and 8/23/2000.

12/12
working
on

Permit 50793, Application 69923, this permit is involved with three transfers. T-7812 Snow submitted 7/1997, T-7813 Markham submitted 7/1997, T-8243 Duncan submitted 4/1999. I requested review of these files in an e-mail to Larry Nunn on 3/10/2000. A note in the file from Steve Brown, May 7, 1998, indicated satisfactory proof of fish screening had not yet been received. Has such proof been received?

Permit
condition

Send in proof of fish screen

T-5722 which includes lands involved in T-8589. This request was submitted by e-mail to Bernadette Williams on 9/25/2000.

This list is a summary of the outstanding requests submitted. Please discuss this with the appropriate parties and let me know the status so I may process the transfer or notify the applicants with an estimate of processing time.

Sincerely,

Teresa Vonn

Regional Water Management Specialist

c: Al Cook

Reviewed and filed 11/28/2000

*Barbara, Please Review
Thankx Teresa*



STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

Date: 11/27/2000

TO: Greg Nelson

FROM: Teresa Vonn

SUBJECT: Acceptable Final Proof

Please check on the status of my ~~previous~~ requests for review of files to determine if proof satisfactory to the director has been received for the following:

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This list is a summary of the outstanding requests submitted. Please discuss this with the appropriate parties and let me know the status so I may process the transfer or notify the applicants with an estimate of processing time.

Teresa Vonn

Regional Water Management Specialist

c: Al Cook

A1 / Draft - Please Review Files



STATE OF OREGON
WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

Date: 11/14/2000

TO: Tom Paul *Greg Nelson*

FROM: Teresa Vonn

SUBJECT: Acceptable Final Proof

Please check on the status of my previous requests for review of files to determine if proof satisfactory to the director has been received for the following:

T-5891 which includes lands proposed for T-8274 submitted 5/99. I discussed the review with Larry Nunn and followed up with an e-mail on 2/2/2000, and a subsequent follow up with Steve Brown on 7/3/2000 and 8/23/2000.

Permit 50793 Application 69923, this permit is involved with three transfers. T-7812 Snow submitted 7/1997, T-7813 Markham submitted 7/1997, T-8243 Duncan submitted 4/1999. I requested review of these files in an e-mail to Larry Nunn on 3/10/2000. A note in the file from Steve Brown, May 7, 1998, indicated satisfactory proof of fish screening had not yet been received. Has such proof been received?

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This list is a summary of the outstanding requests submitted. Please discuss this with the appropriate parties and let me know the status so I may process the transfer or notify the applicants with an estimate of processing time.

Teresa Vonn

Regional Water Management Specialist

c: Al Cook

X-Sender: williabn@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 4.3.2
Date: Mon, 06 Nov 2000 10:25:58 -0800
To: Patrick.K.STARNES@wrd.state.or.us, Teresa.R.VONN@wrd.state.or.us,
Benjamin.W.BISHOP@wrd.state.or.us, Carrie.R.JONES@wrd.state.or.us
From: Bernadette Williams <Bernadette.N.WILLIAMS@wrd.state.or.us>
Subject: Proof Satisfactory to the Director
Cc: Thomas.J.PAUL@wrd.state.or.us, Dwight.W.FRENCH@wrd.state.or.us,
Stephen.C.BROWN@wrd.state.or.us, Greg.L.NELSON@wrd.state.or.us

Transfer Gang!

I have been asked to clarify the process by which we request "Proof Satisfactory to the Director" for a water right being transferred. In the past, these requests were sent directly to Steve Brown in the Certificates Section. We will no longer do this. The new process is as follows:

1. Send requests for proof to either Greg Nelson or myself (as is appropriate).
2. Include a description of the water right needing proof and an explanation of why proof is needed. Also include any reasons why the request should be expedited.
3. Greg or I will pull the file and make a determination. The request will either be sent back to you or passed along to Tom Paul.
4. Tom Paul will then forward the file and request to Dwight French to dispense.

This procedure is effective immediately. If you have any questions or need clarification, please give me a call or e-mail me. Thanks!!

Bernie

X-Sender: frenchdw@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 4.3.2
Date: Tue, 10 Oct 2000 07:50:24 +0000
To: Teresa Vonn <Teresa.R.VONN@wrđ.state.or.us>
From: Dwight W French <Dwight.W.FRENCH@wrđ.state.or.us>
Subject: Re: T-8101

you are welcome.

4

Please feel free to make requests to either myself or Steve or both - as you see fit.

Dwight

At 08:57 AM 10/9/2000 -0700, you wrote:

Thank -you for checking into this for me. The information I received from Steve was just what I needed. I can inform the applicant of his options, and outline his responsibilities if he chooses to follow through with a certificate correction request. I appreciate the quick response. Dwight, in the future, would you prefer me to direct requests such as these to you or to Steve?

Teresa

At 07:58 AM 10/06/2000 +0000, you wrote:

Teresa,

If you don't think things are happening fast enough here in Salem, please let me know so I can help.

Dwight

At 12:00 PM 10/5/2000 -0700, you wrote:

I am reviewing transfer 8101 received October 5, 1998. A note in the file indicates a request for certificate correction was forwarded to Don Knauer. I spoke with Don and he referred me to you. I need to know the status of the certificate correction for Certificate 43548, Permit 785, a result of transfer 2674. The applicant has requested a meeting with me in Roseburg, October 25th, to discuss the transfer. One of the items he wishes to discuss is the corrected certificate. Any information you can give me in this matter would be appreciated. Thank You, Teresa

Teresa Vonn
Regional Water Management Specialist
Oregon Water Resources Department
942 SW 6th Street, Suite E
Grants Pass, OR 97526
Phone (541) 471-2886, ext. 228 Fax (541) 471-2876

=====
Dwight French
Water Rights Section Manager, Water Rights Division
Oregon Water Resources Department
158 12th ST NE, Salem Oregon 97301-1724

To: Steve Brown
From: Teresa Vonn <Teresa.R.VONN@wrд.state.or.us>
Subject: T-7723
Cc: Dwight French, dave Williams, Bernadette Williams
<Bernadette.N.WILLIAMS@wrд.state.or.us>
Bcc:
Attached:

⑤ Please review the final proof survey for T-7723 to determine if proof satisfactory to the director has been provided. Thank you, Teresa

Douglas
County
8354

X-Sender: frenchdw@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 4.3.2
Date: Mon, 30 Oct 2000 14:48:48 +0000
To: Teresa.R.VONN@wrđ.state.or.us
From: Dwight W French <Dwight.W.FRENCH@wrđ.state.or.us>
Subject: Re: T-5722
Cc: Thomas.J.PAUL@wrđ.state.or.us, Stephen.C.BROWN@wrđ.state.or.us

Teresa,

Requests like this need to come to me (Dwight) from Tom Paul.

I would suggest you let Tom Paul know why this one is a priority, then, if he thinks it is ok, he can forward to me and I'll talk to Steve about it. We have many more requests for expedited processing than we can accomodate. This procedure helps us get to the situations that need the most attention.

thanks,
Dwight

6

Stevens 8589

At 01:20 PM 10/30/2000 -0800, you wrote:

Please review the final proof survey for T-5722 to determine if proof satisfactory to the director has been provided. Thank you, Teresa

Teresa Vonn
Regional Water Management Specialist
Oregon Water Resources Department
942 SW 6th Street, Suite E
Grants Pass, OR 97526
Phone (541) 471-2886, ext. 228 Fax (541) 471-2876

=====
Dwight French
Water Rights Section Manager, Water Rights Division
Oregon Water Resources Department
158 12th ST NE, Salem Oregon 97301-1724
1 800 624-3199 ext. 268 or 503 378-8455 x268
FAX: 503 378-6203

January 25, 2001

Water Resources Department
924 SW 6th Street
Suite E
Grants Pass, OR 97526

Attention: Teresa Vonn
Regional Water Management Specialist

REFERENCE: Transfer 8589

Dear Ms. Vonn

In reply to you letter dated October 30, 2000 (copy enclosed) please take note of the following responses:

1.) **Statement of Use:**

Herewith the original Statement of Use is being resubmitted with the required notary public seal.

2.) **Point of Diversion:**

We wish only to establish a new point of diversion for Tax Lot 319 not an additional point of diversion.

Tax Lot 319 proposes to no longer use the original point of diversion.

Further, Tax Lot 319 accepts the fact that its proportionate share of water under the original water right will remain unchanged.

3.) **Urgency:**

The most urgent reasons, that this request is being made, are the following:

- a.) It is safer and more convenient than entering our neighbor's posted property to access the controls to operate the existing pump at its current location on their property Tax Lot 325.
- b.) Our neighbor, on whose property the existing point of diversion exists, has, on many occasions, demonstrated angry and aggressive behavior toward us and other ex-neighbors. In short it is unsafe for us to use the existing point of diversion.

Tax Lots 325 and 323 will continue to use the original point of diversion. Tax Lot 323 will continue to access this original point of diversion through an already and long established underground pipeline traversing Tax Lot 319 and connecting to the original point of diversion located on Tax Lot 325.

In short, approval of the pending transfer application is not intended nor is there any evidence that it would cause harm to any of the water rights of any of the parties involved. To the contrary, approval of this application would be more convenient and safer for all parties concerned.

4.) **“Fast Track”**: Finally, if there is any way that you could put this on a **“Fast Track”** for approval so that we could use the new point of diversion for the upcoming year 2001 irrigation season, we would be most appreciative.

Ms. Vonn, we wish to thank you for all your help on this issue.

Best Regards,

Edward J.L. Stevens

February 9, 1999

T-8589

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th Street NE
Salem, OR 97310-0210

Attention: Water Resources Department

Re: Application for Transfer of Water Right
Applicant: Ed Stevens – Tax Lot I.D. 39S 3W 33 - TL319

This letter is being provided to the Oregon Water Resources Department to provide evidence that the water right has been used within the last five years on the property and at the location identified above.

My name is Linda Hulse. My husband and I grazed our cattle on the property listed above and in the attached application. We grazed our cattle on this property for several years including the years of 1995, 1996, and 1997. During those years, this property was irrigated as pasture for the cattle we were grazing.

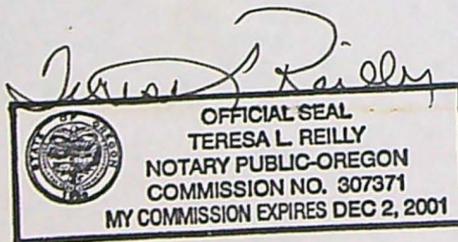
I hope that this letter is useful for your purpose. If you should need any additional information, I may be reached at the following address and phone number:

Linda Hulse
7824 Upper Applegate Rd.
Jacksonville, OR 97530

Phone number: (541) 899-8347

Sincerely,

Linda Hulse
Linda Hulse



RECEIVED
AUG 30 2000
WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

942 SW 6th Street
Suite E
Grants Pass, OR 97526
(541) 471-2886
FAX (541) 471-2876

October 30, 2000

Ed Stevens
PO Box 1566
Jacksonville OR 97530

REFERENCE: Transfer 8589

Enclosed is the statement of use submitted with your transfer application. This statement needs to be notarized and submitted to the Grants Pass Regional Office.

The transfer application and map indicates a request for an additional point of diversion. During our telephone conversation you stated that you did not wish to continue to utilize the authorized point of diversion. If you intend to request a new point of diversion for your parcel please submit a statement requesting your application be amended.

If you have any questions please call (541) 471-2886.

Sincerely,

Teresa Vonn
Regional Water Management Specialist

enc

c: James Hibbs, CWRE #66
Larry Mentee, Watermaster, District #13





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

942 SW 6th Street
Suite E
Grants Pass, OR 97526
(541) 471-2886
FAX (541) 471-2876

October 30, 2000

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PO Box 1566
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If you have any questions please call (541) 471-2886.

Sincerely,

Teresa Vonn
Regional Water Management Specialist

enc

c: James Hibbs, CWRE #66
Larry Mentee, Watermaster, District #13

Mailed 10/31/2000



January 25, 2001

Water Resources Department
924 SW 6th Street
Suite E
Grants Pass, OR 97526

Attention: Teresa Vonn
Regional Water Management Specialist

REFERENCE: Transfer 8589

Dear Ms. Vonn

In reply to you letter dated October 30, 2000 (copy enclosed) please take note of the following responses:

1.) **Statement of Use:**

Herewith the original Statement of Use is being resubmitted with the required notary public seal.

2.) **Point of Diversion:**

We wish only to establish a new point of diversion for Tax Lot 319 not an additional point of diversion.

Tax Lot 319 proposes to no longer use the original point of diversion.

Further, Tax Lot 319 accepts the fact that its proportionate share of water under the original water right will remain unchanged.

3.) **Urgency:**

The most urgent reasons, that this request is being made, are the following:

- a.) It is safer and more convenient than entering our neighbor's posted property to access the controls to operate the existing pump at its current location on their property Tax Lot 325.
- b.) Our neighbor, on whose property the existing point of diversion exists, has, on many occasions, demonstrated angry and aggressive behavior toward us and other ex-neighbors. In short it is unsafe for us to use the existing point of diversion.

This is the same letter, originally sent on January 25, 2001. It has been amended only as follows:

- 1) A post script containing three items has been added.**
- 2) The letter has been signed by the applicant. (the applicant had Neglected to sign the original letter)**

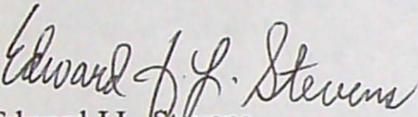
Tax Lots 325 and 323 will continue to use the original point of diversion. Tax Lot 323 will continue to access this original point of diversion through an already and long established underground pipeline traversing Tax Lot 319 and connecting to the original point of diversion located on Tax Lot 325.

In short, approval of the pending transfer application is not intended nor is there any evidence that it would cause harm to any of the water rights of any of the parties involved. To the contrary, approval of this application would be more convenient and safer for all parties concerned.

- 4.) **“Fast Track”**: Finally, if there is any way that you could put this on a “Fast Track” for approval so that we could use the new point of diversion for the upcoming year 2001 irrigation season, we would be most appreciative.

Ms. Vonn, we wish to thank you for all your help on this issue.

Best Regards,

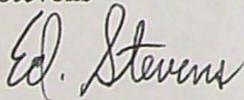

Edward J.L. Stevens

Post Script:
Dated 02-16-01

Ms. Vonn: Per our phone conversation and your recommendations, please amend the captioned application as follows:

- 1.) Amend the captioned application, on page 1 item 2. E), to read 3.2 ac. Instead of 10.5 ac.
- 2.) Change the captioned application, on page 1 item B) 2., to remove D-16226 from the application.
- 3.) Finally, be assured that the new point of diversion for our property (Tax Lot 319) is down stream from the existing point of diversion on Tax Lot 325.

Ed. Stevens



To: Bernadette Williams <Bernadette.N.WILLIAMS@wrд.state.or.us>
From: Teresa Vonn <Teresa.R.VONN@wrд.state.or.us>
Subject: T-5722
Cc:
Bcc:
Attached:

Bernadette, I am processing Transfer 8589 and it appears that the land included in this transfer was affected by T-5722. As Larry Nunn had previously instructed me to do, I am sending a request to determine if acceptable final proof has been submitted for transfer 5722. He then forwarded the request to the appropriate people(Tom, Dwight, Steve). If you have a different process you would like me to follow just let me know. Thanks, Teresa

see 16226
Rogue River
decree #28

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

RICHARD L. BROWN
C/O MRS. LEE GALLAHER

of 1580 Cady Rd., Jacksonville, State of Oregon, 97530, has
a right to the use of the waters of Applegate River

a tributary of Rogue River for the purpose of
irrigation of 1.2 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Jackson County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the
right thereby confirmed dates from 1876

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 0.03 cubic foot per
second

The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, T. 40 S., R. 3 W., W. M.

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

1.2 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 33
T. 39 S., R. 3 W., W. M.

This certificate is issued to confirm a change in place of use approved by an order
of the Water Resources Director entered May 18, 1972 and together with certificate
of water right recorded on page 38778, Volume 30, State Record of Water Right
Certificates supersedes certificate of water right recorded on page 36461, Volume
28, State Record of Water Right Certificates

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date September 15, 1978.

James B. Selson
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 39, page 46396

T-8589

~~ADDITIONAL POINT OF DIVERSION~~

amended as per
Jan 26, 2001 letter

T-8589

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

Applicant: Ed Stevens
Mailing Address: P.O. Box 1566
Jacksonville OR 97530 (541) 899-2037
City or town State Zip Phone
Type of change: ^{New} Point of Diversion
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

- A) Is the water right in your name? NO If not, list name below:
(Yes, No)

- B) Was the water right determined by a court decree? YES
(Yes, No)
 - 1. If yes, list the title of the proceedings: Rogue River Decree
 - 2. Certificate No: D-16226 (T-5722)

- C) Was the water right acquired by a water permit? NO
(Yes, No)
 - 1. If yes, list the Permit No: _____
 - 2. Certificate No: _____

- D) Date of priority right: 1876 19____

- E) What are your reasons for the proposed changes? Existing diversion point is on adjoiners property & is too hard to coordinate watering

- F) The water will be completely applied to the proposed use on or before: October 31 ~~19~~ 2000

2. LOCATION OF AUTHORIZED USE

- A) What is the source of water (river, stream, well)? Applegate River

- B) Describe the authorized point of diversion:

| Location in Reference to Survey Corner | 1/4, 1/4 of Section | Section | Township | Range |
|--|---------------------|---------|----------|-------|
| 1150' S & 50' W of N1/4 Cor | NE 1/4, NW 1/4 | 33 | 39S | 3W |
| | | | | |

- C) What is the name of the ditch used? T

- D) What is the use to which the water is applied? Irrigation of pasture & garden

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

| Township | Range | Section | 1/4, 1/4 of Section | No. of acres irrigated |
|----------|-------|---------|---------------------|----------------------------|
| 39E | 3W | 33 | NE 1/4, NW 1/4 | 10.5 <u>3.2</u> |
| | | | | |
| | | | | |
| | | | | |

amended as per Jan 25, 01 letter
RECEIVED
AUG 30 2000

- F) Is the land within an irrigation district? Yes _____ No X
If Yes, which district? _____

- G) County Jackson

3. LOCATION OF PROPOSED USE:

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

A) Describe the proposed point of diversion:

| Location in Reference to Survey Corner | 1/4, 1/4 of Section | Section | Township | Range |
|--|---------------------|---------|----------|-------|
| 1050' S & 25' W of N 1/4 cor | NE 1/4, NW 1/4 | 33 | 39S | 3W |
| | | | | |

WATER RESOURCES DEPT.
SALEM, OREGON

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? _____ (Yes, No)

C) If no, give the description below of existing encumbrances:

| Encumbrance | Held by | Amount |
|-------------|---------|--------|
| | | |
| | | |

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

| Township | Range | Section | 1/4, 1/4 of Section | No. of acres irrigated |
|----------|-------|---------|---------------------|------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

6. REMARKS: See attached cover memo dated Aug. 25, 2000/es

I (we) Ed Stevens, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 13th day of November, 1998.

Edward J. Stevens
(Signature)

(Signature)



(Notarial Seal)

Subscribed and sworn to before me

Karen L. Lafitte
Notary Public for Oregon

My commission expires: March 20, 2002

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES F. and GLENNA H. CORSON

of Route 2, Box 361, Jacksonville, State of Oregon 97530, has a right to the use of the waters of Applegate River

a tributary of Rogue River for the purpose of irrigation of 18.3 acres, domestic and stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1876

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.46 cubic foot per second.

Handwritten notes: 18.3, 0.025, 1/40

The point of diversion is located in the SW 1/4 SW 1/4, Section 5, T40S, R3W, WM; Comstock Ditch - 1000 feet North and 1190 feet East from SW Corner, Section 5.

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

| | | |
|-------------------------------------|----------|-----------------|
| 0.5 acre SE 1/4 SW 1/4 | 0.5 | |
| Section 28 | RR | Tran |
| 10.5 acres NE 1/4 NW 1/4 | 9.8 | 0.7 |
| 7.3 acres SE 1/4 NW 1/4 | 3.8 | 3.5 |
| Section 33 | | |
| Township 39 South, Range 3 West, WM | 14.1 | 4.2 -> 0.11 cfs |
| | 0.35 cfs | |

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 51584, Volume 46, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on February 2, 1984, approving Transfer Application 5390.

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.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date April 19, 1984.

William H. Young Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51982

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES F. and GLENNA H. CORSON

of Route 2, Box 361, Jacksonville, State of Oregon 97530, has
a right to the use of the waters of
Applegate River

a tributary of Rogue River for the purpose of
irrigation of 24.0 acres, domestic and stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Jackson County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the right
thereby confirmed dates from 1876

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 0.60 cubic foot per
second.

The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, T40S, R3W, WM; Comstock
Ditch - 1000 feet North and 1190 feet East from SW Corner, Section 5.

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

5.7 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
0.5 acre SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 28
10.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
7.3 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 33
Township 39 South, Range 3 West, WM

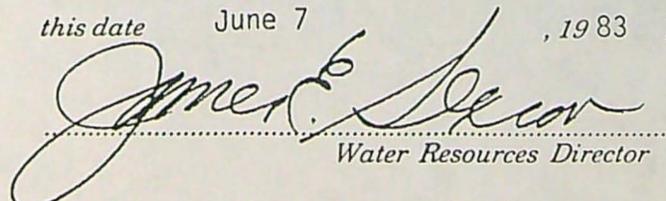
This certificate describes that portion of the water right confirmed by the
prior certificate recorded at page 49689, Volume 43, State Record of Water Right
Certificates, NOT modified by the provisions of orders of the Water Resources
Director entered on April 8, 1983 approving Transfer Application 5200 and on
April 27, 1983 approving Transfer Application 5212.

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.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein
described.

WITNESS the signature of the Water Resources Director, affixed

this date June 7, 1983


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51584

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES F. and GLENNA H. CORSON

of Route 2, Box 361, Jacksonville, State of Oregon 97530, has
a right to the use of the waters of
Applegate River

a tributary of Rogue River for the purpose of
irrigation of 44.3 acres, domestic and stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
JACKSON County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the right
thereby confirmed dates from 1876;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 1.105 cubic foot
per second.

The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, T. 40 S., R. 3 W., W.M.;
Comstock Ditch: 1000 feet North and 1190 feet East from SW Corner, Section 5.

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

| | | |
|--|---------|-----------|
| | T-5200 | T-5212 |
| 6.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ | - 0.376 | |
| 7.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ | - 6.726 | - 0.2086 |
| Section 28 | | |
| 23.6 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ | | - 12.1086 |
| 7.3 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ | | |
| Section 33 | | |
| T. 39 S., R. 3 W., W.M. | | |

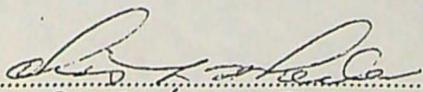
This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 38778, Volume 30, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on August 1, 1980, approving transfer application No. 4519.

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

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein
described.

WITNESS the signature of the Water Resources Director, affixed

this date October 28, 1980


Deputy Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 43, page 49689

Superseded by
Cert. No. 4968.9

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES F. and GLENNA H. CORSON

of Route 2, Box 361, Jacksonville, Applegate River, State of Oregon, has a right to the use of the waters of

Rogue River, a tributary of, for the purpose of irrigation of 59.3 acres, domestic and stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1876;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.475 cubic feet per second

The point of diversion is located in the SW 1/4 SW 1/4, Section 5, T. 40 S., R. 3 W., W. M.

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

Tract No. 1

6.0 acres NE 1/4 SW 1/4
22.4 acres SE 1/4 SW 1/4
Section 28

23.6 acres NE 1/4 NW 1/4
7.3 acres SE 1/4 NW 1/4
Section 33

T. 39 S., R. 3 W., W. M.

Certificate of water right issued to James F. and Glenna H. Corson and recorded at page 36461, Volume 28, State Record of Water Right Certificates, confirms the right to the use of water for mining and irrigation of 61.0 acres, domestic and stock. A special order of the State Engineer entered December 9, 1969 canceled the right for mining. A change in the right to the use of water appurtenant to 1.7 acres was approved by order of the State Engineer entered May 18, 1972. This certificate is issued to confirm the remaining right to the use of water for irrigation, domestic, and stock and supersedes the certificate heretofore issued to James F. and Glenna H. Corson.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date January 11, 1973

CHRIS L. WHEELER
State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38778

T-4517 C, R

STATE OF OREGON

Supersedes by
Cert. No. 38778 & 4639
S.C. v 22 p 41

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES F. and GLENNA H. CORSON

of Route 2, Box 361, Jacksonville, State of Oregon, has a right
to the use of the waters of Applegate Rivera tributary of Rogue River for the purpose of
irrigation of 61.0 acres, domestic and stock use in Tract No. 1, and Placer *
and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Jackson County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby
confirmed dates from 1876;that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 1.53 cubic feet per
second for Tract No. 1, and 6.67 cubic feet per second for Tract No. 2The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, T. 40 S., R. 3 W., W. M.A description of the place of use under the right, and to which such right is appurtenant, is as
follows:Tract No. 16.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
22.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 28
25.3 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
7.3 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 33
T. 39 S., R. 3 W., W. M.Tract No. 2Placer Mines in E $\frac{1}{2}$ SW $\frac{1}{4}$
Section 28
and E $\frac{1}{2}$ NW $\frac{1}{4}$
Section 33
T. 39 S., R. 3 W., W. M.Tract 2
Cancelled-sp. or Rec. Vol. 19 P. 154

*mining in Tract No. 2

This certificate supersedes the certificate recorded at page 16226, Volume 13,
State Record of Water Right Certificates, issued to Z. Cameron and describes the
right as corrected by a Decree and Order of the Circuit Court for Jackson County,
entered September 17, 1969.And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place
of use herein described.

WITNESS the signature of the State Engineer, affixed

this date October 28, 1969.

CHRIS L. WHEELER
State Engineer

Recorded in State Record of Water Right Certificates, Volume 28, page 36461

STATE OF OREGON

Superseded by
Cert. No. 38778/4639
SPC V22741

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES F. and GLENNA H. CORSON

of Route 2, Box 361, Jacksonville, State of Oregon, has a right to the use of the waters of Applegate River

a tributary of Rogue River for the purpose of irrigation of 61.0 acres, domestic and stock use in Tract No. 1, and Placer * and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1876;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.53 cubic feet per second for Tract No. 1, and 6.67 cubic feet per second for Tract No. 2

The point of diversion is located in the SW 1/4 SW 1/4, Section 5, T. 40 S., R. 3 W., W. M.

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

Tract No. 1

6.0 acres NE 1/4 SW 1/4
22.4 acres SE 1/4 SW 1/4
Section 28
25.3 acres NE 1/4 NW 1/4
7.3 acres SE 1/4 NW 1/4
Section 33
T. 39 S., R. 3 W., W. M.

Tract No. 2

Placer Mines in E 1/2 SW 1/4
Section 28
and E 1/2 NW 1/4
Section 33
T. 39 S., R. 3 W., W. M.

Tract 2
Cancelled-sp. or Rec. Vol. 19 P. 154

*mining in Tract No. 2

This certificate supersedes the certificate recorded at page 16226, Volume 13, State Record of Water Right Certificates, issued to Z. Cameron and describes the right as corrected by a Decree and Order of the Circuit Court for Jackson County, entered September 17, 1969.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date October 28, 1969.

CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Z. Cameron

97501

of Medford, State of Oregon, has a right to the use of the waters of Applegate River, a tributary of Rogue River

for the purpose of irrigation of 61 acres, and Domestic and Stock use in Tract No. 1, and Placer mining in Tract No. 2. and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1876;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.53 cubic feet per second for Tract No. 1, and 6.67 cubic feet per second for Tract No. 2.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

Tract No. 1

9 acres in NE 1/4 SW 1/4
30 acres in SE 1/4 SW 1/4
Section 28,
22 acres in NE 1/4 NW 1/4
Section 33,
T. 39 S., R. 3 W., W. M.

Amended by Decree of Circuit Court Vol. 17, P. 15

Tract No. 2

Placer Mines in E 1/2 SW 1/4
Section 28,
and E 1/2 NW 1/4
Section 33,
T. 39 S., R. 3 W., W. M.

Cert. No. 36461

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed this 30 day of September, 19 49.

CHAS. E. STRICKLIN State Engineer

Ed.

no conflicting rights
Page 1 of 4

Plat Card Report for: Township: 39S, Range: 3W Section: 33

| Application | Permit | Certificate | Status lot/dlc | NE | | | | NW | | | | SW | | | | SE | | | | Gov't Lot | dlc | |
|-------------|-----------|---------------|----------------|----|----|----|----|------------------------|----|----|----|----|----|-------------|-----------------------|----|----|----|----|-----------|-----|--|
| | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | |
| 12/31/1876 | D 16226 * | 16226 | Cncl'd | | | | | MI
Cncl'd | | | | | | | | | | | | | | |
| 12/31/1876 | D 16226 * | 16226 | Cncl'd | | | | | 22.000
IR
Cncl'd | | | | | | | MI
Cncl'd | | | | | | | |
| 12/31/1876 | D 16226 * | 36461 | Cncl'd | | | | | MI
Cncl'd | | | | | | | MI
Cncl'd | | | | | | | |
| 12/31/1876 | D 16226 * | 36461 | Cncl'd | | | | | 25.300
I*
Cncl'd | | | | | | | 7.300
I*
Cncl'd | | | | | | | |
| 12/31/1876 | D 16226 * | 38778 | Cncl'd | | | | | 23.600
I*
Cncl'd | | | | | | | 7.300
I*
Cncl'd | | | | | | | |
| 12/31/1876 | D 16226 * | 49689 | Cncl'd | | | | | 23.600
I*
Cncl'd | | | | | | | 7.300
I*
Cncl'd | | | | | | | |
| 12/3/1876 | D 16226 * | 51584 | Cncl'd | | | | | 10.500
I*
Cncl'd | | | | | | | 7.300
I*
Cncl'd | | | | | | | |
| 12/31/1908 | D 32829 * | 32829 | | | | | | | | | | | | 4.500
IR | | | | | | | | |
| 1/3/1950 | GR 613 | GR 583 | | | | | | | | | | | | | | | | | | | | |
| 12/31/1876 | T 2610 | D 16226 46396 | | | | | | 1.200
IR | | | | | | | | | | | | | | |

Go to 39S, 3W, 33 page: 1 2 3 4 Next >>

[Return to Plat Card Search Page.](#)

NOTE: Please read the disclaimer before using this information. Frequently asked questions are discussed in our Plat Card FAQ.

Plat Card Report for: Township: 39S, Range: 3W Section: 33

| Application | Permit | Certificate | Status
lot/dlc | NE | | | | NW | | | | SW | | | | SE | | | | Gov't
Lot | dlc | |
|-----------------------|----------|-------------|-------------------|----|----|----|----|----------------------|----|----|----|---------------------|----|-------------|----|----|----|----|----|--------------|---------------------|--|
| | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | |
| T 5212
12/31/1876 | D 16226 | 54630 | | | | | | 13.100
IR | | | | | | | | | | | | | | |
| T 5390
12/31/1876 | D 16226 | 51982 | Cncl | | | | | 10.500
I*
Cncl | | | | 7.300
I*
Cncl | | | | | | | | | | |
| T 5722
12/31/1876 | RD 16226 | | | | | | | | | | | 7.300
I* | | | | | | | | | | |
| G 6634
8/23/1974 | G 6203 | | Cncl | | | | | 5.100
IR
Cncl | | | | | | | | | | | | | | |
| G 6655
9/11/1974 | G 6214 | | Cncl | | | | | 5.000
IR
Cncl | | | | | | | | | | | | | | |
| G 9863
8/1/1980 | G 9081 | 57933 | | | | | | 2.600
IR | | | | | | | | | | | | | | |
| G 9905
8/26/1980 | G 9087 | | Cncl | | | | | 5.100
IR
Cncl | | | | | | | | | | | | | | |
| G 13911
12/15/1994 | G 12809 | | | | | | | 7.450
IR | | | | | | | | | | | | | | |
| S 16157
11/20/1935 | S 11972 | 11988 | | | | | | | | | | | | 3.000
IR | | | | | | | | |
| S 37020
8/22/1961 | S 27705 | 33920 | Cncl | | | | | | | | | | | | | | | | | | 0.500
ID
Cncl | |

Go to 39S, 3W, 33 page: <<Previous 1 2 3 4 Next >>

[Return to Plat Card Search Page.](#)

NOTE: Please read the disclaimer before using this information. Frequently asked questions are discussed in our Plat Card FAQ.

Plat Card Report for: Township: 39S, Range: 3W Section: 33

| Application | Permit | Certificate | Status
lot/dlc | NE | | | | NW | | | | SW | | | | SE | | | | Gov't
Lot | dlc | |
|-----------------------|---------|-------------|-------------------|----|----|----|----|----|-----------------|----|----|----|----|----|----|-----------------|----|----|----|--------------|-----|--|
| | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | |
| S 67697
10/13/1983 | S 48206 | 57935 | | | | | | | 2.600
IR (s) | | | | | | | | | | | | | |
| S 68297
3/13/1985 | S 49401 | 66795 | | | | | | | | | | | | | | 9.000
IR (s) | | | | | | |

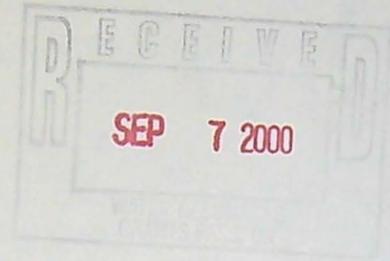
Go to 39S, 3W, 33 page: <<Previous [1](#) [2](#) [3](#) [4](#)

[Return to Plat Card Search Page.](#)

NOTE: Please read the [disclaimer](#) before using this information. Frequently asked questions are discussed in our Plat Card [FAQ](#).

Division 15 Transfers must have

- ✓ 1. Completely filled out and signed application ✓
- ✓ 2. CWRE map ✓
- ✓ 3. Signed land use form ✓
- ✓ 4. Copy of current deed ✓
5. Affidavits from any other landowners or encumbrance holders with interest in original right ✓
- ✓ 6. Notorized statement that water has been used within past five years ✓ *Not Notorized*
- ✓ 7. Money as shown on fee schedule ✓



Temporary Transfers must have

1. Completely filled out and signed application marked **temporary**
2. A map showing location of present and proposed POD....
Authorized and proposed places of use....
Lands from existing right not subject to transfer, if any
3. Copy of current deed
4. Affidavits from any other landowners w/interest in original WR stating no objection to transfer
5. Notorized statement that water has been used within past five years
6. Money as shown on fee schedule

Permit Amendments must have (cannot be in certificate stage)

1. Completely filled out and signed application marked **permit amendment**
2. A map showing location of present and proposed POD...
Authorized and proposed places of use....
Lands from existing right not subject to transfer, if any
3. Money as shown on fee schedule

10/30/98glo

entered in excel 9/7/00



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department ⁹⁻⁵⁻⁰⁰
Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

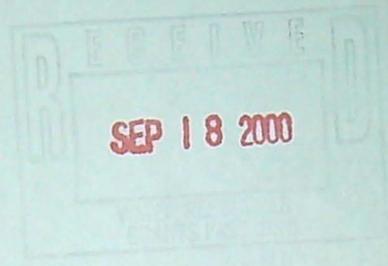
INTEROFFICE MEMO

FORWARD TO: Teresa Vonn
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 9-15-00

FROM: WATERMASTER, DISTRICT # 13
 GROUNDWATER SECTION

(SIGNATURE) [Signature]
signed by injury reviewer



SUBJECT: WATER RIGHT TRANSFER # 8589

A change in: POU APOD POA USE of water.

In the name(s) of Ed Stevens

In my opinion (assuming the 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.

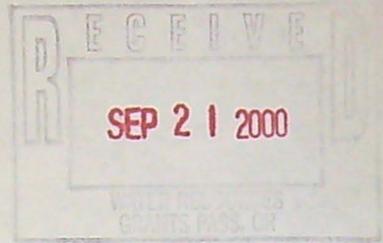
If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) 2

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 judgement of the watermaster it becomes necessary . . .

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



Oregon Department of Fish and Wildlife
Transfer Comment Form

Reference: Transfer # 8589

We have reviewed the application for transfer and provide the following comments:

Please check one of the boxes related to potential injury to water rights.

There does not appear to be a potential for injury to instream or other water rights as a result of the transfer.

We believe that the transfer would injure the instream or other water right(s) on _____, tributary to _____. The nature of the injury is as follows: _____

(Please attach any available supporting information.)

Please check one of the boxes related to requiring a fish screen or by-pass device.

- Pursuant to ORS 540.525 or 540.532, a condition should be included in any order approving the transfer to require the installation of a fish screen or by-pass device to prevent fish from leaving (source) and entering the diversion. The existing point of diversion is:
 - Equipped with an appropriate fish screening or by-pass device; or
 - Included on the priority list of screening projects established pursuant to section 8, chapter 933, Oregon Laws 1989.

The applicant should contact the following person to obtain additional information on the plans and specifications for the required fish screen or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices:

ODFW staff name: Rich Kilbane
 Address: 1495 E. Gregory Rd
 City/State/Zip: Central Point, OR 97502
 Phone: (541) 826-8774

A fish screen or by-pass device should not be required as a condition of approval of the transfer.

Gerald F. Vogt Jr.
 Signature
Gerald F. Vogt Jr.
 Printed Name
Assistant District Fish Biologist
 Title

Please return this form to Teresa Vonn, Water Resources Department, 942 SW 6th Street, Suite E, GRANTS PASS OR 97526 by October 7, 2000.

February 9, 1999

T-8589

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th Street NE
Salem, OR 97310-0210

Attention: Water Resources Department

Re: Application for Transfer of Water Right
Applicant: Ed Stevens – Tax Lot I.D. 39S 3W 33 - TL319

This letter is being provided to the Oregon Water Resources Department to provide evidence that the water right has been used within the last five years on the property and at the location identified above.

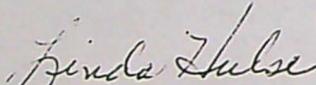
My name is Linda Hulse. My husband and I grazed our cattle on the property listed above and in the attached application. We grazed our cattle on this property for several years including the years of 1995, 1996, and 1997. During those years, this property was irrigated as pasture for the cattle we were grazing.

I hope that this letter is useful for your purpose. If you should need any additional information, I may be reached at the following address and phone number:

Linda Hulse
7824 Upper Applegate Rd.
Jacksonville, OR 97530

Phone number: (541) 899-8347

Sincerely,


Linda Hulse

RECEIVED
AUG 30 2000
WATER RESOURCES DEPT.
SALEM, OREGON

T-8589

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

Applicant: Ed Stevens
Mailing Address: P.O. Box 1566
Jacksonville OR 97530 (541) 899-2037
City or town State Zip Phone
Type of change: Point of Diversion
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

- A) Is the water right in your name? NO If not, list name below:
(Yes, No)

- B) Was the water right determined by a court decree? YES
(Yes, No)
 - 1. If yes, list the title of the proceedings: Rogue River Decree
 - 2. Certificate No: D-16226 (T-5722)

- C) Was the water right acquired by a water permit? NO
(Yes, No)
 - 1. If yes, list the Permit No: _____
 - 2. Certificate No: _____

- D) Date of priority right: 1876, 19__

- E) What are your reasons for the proposed changes? Existing diversion point is on adjoiners property & is too hard to coordinate watering

- F) The water will be completely applied to the proposed use on or before: October 31, ~~19~~ 2000

2. LOCATION OF AUTHORIZED USE:

- A) What is the source of water (river, stream, well)? Applegate River

- B) Describe the authorized point of diversion:

| Location in Reference to Survey Corner | 1/4, 1/4 of Section | Section | Township | Range |
|--|---------------------|---------|----------|-------|
| 1150' S & 50' W of N1/4 Cor | NE 1/4, NW 1/4 | 33 | 39S | 3W |
| | | | | |

- C) What is the name of the ditch used? I
- D) What is the use to which the water is applied? Irrigation of pasture & garden

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

| Township | Range | Section | 1/4, 1/4 of Section | No. of acres irrigated |
|----------|-------|---------|---------------------|------------------------|
| 39E | 3W | 33 | NE 1/4, NW 1/4 | 10.5 |
| | | | | |
| | | | | |
| | | | | |

RECEIVED
AUG 30 2000

WATER RESOURCES DEPT.
SALEM, OREGON

- F) Is the land within an irrigation district? Yes ___ No X
If Yes, which district? _____
- G) County Jackson

3. LOCATION OF PROPOSED USE:

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

A) Describe the proposed point of diversion:

| Location in Reference to Survey Corner | 1/4, 1/4 of Section | Section | Township | Range |
|--|---------------------|---------|----------|-------|
| 1050' S & 25' W of N 1/4 cor | NE 1/4, NW 1/4 | 33 | 39S | 3W |
| | | | | |

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? (Yes, No)

C) If no, give the description below of existing encumbrances:

| Encumbrance | Held by | Amount |
|-------------|---------|--------|
| | | |
| | | |

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

| Township | Range | Section | 1/4, 1/4 of Section | No. of acres irrigated |
|----------|-------|---------|---------------------|------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- A copy of the current recorded deed to the subject lands.
- Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT: _____

6. REMARKS: See attached cover memo dated Aug. 25, 2000/es

I (we) Ed Stevens applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 13th day of November, 1998.

Edward J. Stevens
(Signature)

(Signatures)



(Notarial Seal)

Subscribed and sworn to before me
Karen L. Lafitte
Notary Public for Oregon

My commission expires: March 20, 2002

TRANSFER CHECK OFF LIST

TRANSFER FILE # 8589

DATE RECEIVED 8-30-00

DATE MONEY SLIPPED 8-30-00

DATE RECEIPTED 8-31-00 POD

VALID WATER RIGHT? Yes No

TEMP ALT AC ___ (Greg) IRR DIST ___ (Greg) PERM AMEND ___ (Kelly) DIV 15 (TBA)

TEMP Div 15 ___ (Bernie) ISWR Bernie COPIES TO LIAISON _____

LETTER FROM ATTORNEY _____ YES (PUT INFO ON FRONT COVER) NO

FOLDER FILLED OUT* 9-1-00

INDEX CARD 9-1-00

ENTERED IN DB 9-1-00

TYPE BLACK BOOK 9-1-00 (And color code)

RECORD MONEY/RECEIPT # 8-31-00

CONTENTS MARKED 8-31-00

COLOR CODED Yes

4 COPIES MADE & STAMPED 9-5-00

CERTIFICATE MARKED 9-1-00

CERTIFICATE COPIED 9-1-00

PULL APPLICATIONS _____

APP FOLDER MARKED _____

FINAL PROOF MAP COPIED _____

PERMIT MARKED _____

PERMIT COPIED _____

PERMIT MAP COPIED _____

DECREE MARKED _____

DECREE COPIED _____

ADJUDICATION MAP COPIED _____

ENTRIES CHECKED 9-1-00 CHECKED BY Bernie INIT FOLDER

PUBLIC NOTICE DATE 9-5-00 (PREPARED & COPIED) _____

LETTER SENT 9-5-00 Irrigation District _____ (copy of app & map)

COPY TO WM 9-5-00

BLUE FORM TO WM 9-5-00 Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink hist

COPY TO GW _____ POA, APOA, or [SW TO GW ONLY(as POD)]

BLUE FORM TO GW _____ Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink hist

COPY TO CWRE 9-5-00

LETTER TO ODFW 9-5-00 ALL Surface water POU/USE (POD and APOD FISH SCREENS)

TRANSFER SENT TO: sw Jerusalem SW --- NCR --- SCR --- ER

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



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

September 5, 2000

Ed Stevens
P. O. Box 1566
Jacksonville, OR 97530

REFERENCE: Transfer 8589

On 08-30-2000 we received your water right transfer application requesting a change in APOD for use of water from Applegate River. The application was accompanied by \$ 200.00. Our receipt 40040 is enclosed.

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

In the future please do NOT use the very old application form submitted for this transfer.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. If you have a specific reason why your application should be examined ahead of other applications, please send us a letter describing your reason. We may be able to examine your application ahead of others.

You may not use water from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (800) 624-3199 or (503) 378-3739.

cc: Watermaster #13, Larry Menteeer
CWRE #066, James E. Hibbs

enclosure





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

September 5, 2000

John Thiebes
Oregon Department of Fish and Wildlife
1495 East Gregory Rd.
Central Point, OR 97502

Reference: Transfer # **8589**

Enclosed for your review is a copy of a water right transfer application from **APPLEGATE RIVER**, tributary of **ROGUE RIVER**.

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

ORS 540.525 and 540.532 require that we consult with you to determine if a fish screen or by-pass device should be required in conjunction with a permanent or historic change in a point of diversion. If you request a fish screen or by-pass device, we will include such a condition in the transfer order and the applicant will be eligible to participate in ODFW's cost sharing program for screening and by-pass devices.

We must receive your response in our Grants Pass office

Attention: Teresa Vonn
Water Resources Department
942 SW 6th Street, Suite E
GRANTS PASS OR 97526

by October 7, 2000 in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

If you have questions, please call (541)471-2886 ext 228 .

Enclosure

cc: Wm # 13, Larry Mentee
Applicant



| | |
|-----------------|------------------------------------|
| County: | JACKSON |
| Transfer: | 8589 |
| Certificate: | 46396 |
| Priority Date: | 1876 |
| Name: | ED STEVENS |
| Address: | P. O. BOX 1566, JACKSONVILLE 97530 |
| Change: | APOD |
| Source: | APPLEGATE RIVER |
| Authorized POD: | 39S 3W 33 |
| Proposed POD: | 39S 3W 33 |



T-8589

GRANTS PASS MAIN OFFICE

PO BOX 2020 / GRANTS PASS, OREGON 97528 / (541) 479-3351

August 15, 2000

Water Resources Department
State of Oregon
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

RE: Application for Transfer of Water Right
Applicant: Ed Stevens; Jackson County Map and Tax Lot: 39S 3W 33 TL#319

Greetings:

This shall serve as an affidavit provided to you by Evergreen Federal Savings and Loan Association pursuant to question number 4. C) on the application for transfer of water right as referenced above.

As a mortgagee/encumbrance holder on the above cited property, Evergreen Federal Savings and Loan Association has an interest in said property. Evergreen Federal Savings and Loan Association does hereby state and attest that it has no objection to the Transfer of Water Right or the change in its Point of Diversion as requested in the above cited application.

If you have comments, questions or require further information, please contact me at 800-275-6148.

ATTESTED TO THIS 15TH DAY OF AUGUST, 2000.

EVERGREEN FEDERAL SAVINGS AND LOAN ASSOCIATION

By: Robert B. Moore
Robert B. Moore, Vice President

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AUG 30 2000
WATER RESOURCES DEPT.
SALEM, OREGON

page two - Water Resources Department
August 15, 2000

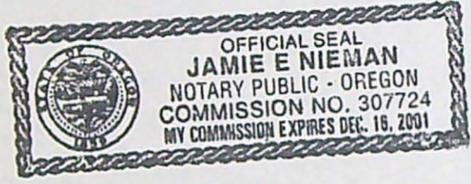
T-8589

STATE OF Oregon
COUNTY OF Josephine

Before me, Jamie E. Nieman, a Notary Public for said County and State, personally appeared ROBERT B. MOORE, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged HIMSELF to be VICE PRESIDENT of EVERGREEN FEDERAL SAVINGS AND LOAN ASSOCIATION, a corporation that executed the within instrument, and known to me to be the person(s) who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to the provisions of the Articles of Incorporation of said corporation.

Before me:

Jamie E. Nieman My commission expires: 12-16-01
NOTARY PUBLIC



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AUG 30 2000

WATER RESOURCES DEPT.
SALEM, OREGON

T-8589

SCHEDULE C

The land referred to in this Policy is described as follows:

Beginning at a 5/8" iron pin situated on the easterly right-of-way line of the realignment of the County road (Upper Applegate), said pin bears South 1081.32 feet and East 1567.51 feet from the northwest corner of Section 33 in Township 39 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon; thence along said right-of-way line following the arc of a 686.20 foot radius curve concave to the right, 216.18 feet (the long chord bears North 22°36'39" West 215.29 feet) to a 5/8" iron pin; thence leaving said right-of-way, South 89°23'19" East 1007.73 feet to a 5/8" iron pin, Witness Corner to the average centerline of the Applegate River; thence continue South 89°23'19" East 100.00 feet, more or less, to intersect said average river centerline; thence along said average river centerline following upstream, South 16°04'15" East 180.13 feet, more or less, to intersect the north-south centerline of said Section 33; thence Southerly, along said centerline, 25.30 feet, more or less, to a point that bears South 89°23'19" East from the point of beginning; thence North 89°23'19" West 110.00 feet, more or less, to a 5/8" iron pin, Witness Corner; thence continue North 89°23'19" West 964.82 feet to the point of beginning.

(Code 49-16, Account #1-48084-6, Map #393W33, Tax Lot #319)

RECEIVED

AUG 30 2000

WATER RESOURCES DEPT
SALEM, OREGON

August 25, 2000

T-8589

State of Oregon
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97301-4172

Regard: Application for Transfer of Water Right (Change in Point of Diversion)
Applicant: Ed Stevens

Gentlemen:

This cover memo is simply to assist you in your review of the attached application for the Transfer of Water Right (Change in Point of Diversion).

Please find enclosed our check #1897 in the amount of \$200.00 for review and processing of the enclosed application.

Please find enclosed four (4) copies of the map pertaining to the enclosed application.

In reference to the attached map for this application, the additional proposed diversion point will effect and be applied only to tax lot 319. The existing diversion point per T-5722 will remain in use for Tax Lots 323 and 325.

An irrigation contractor who is licensed under the rules and regulations of the State of Oregon will do the design and installation of the system for this P.O.D. change.

The design will be such that only the rightful proportionate share of water that Tax Lot 319 is currently entitled to from the existing point of diversion will now be delivered through the additional point of diversion to Tax Lot 319.

This design will be such that the electrical panel is above the 100 year flood zone.

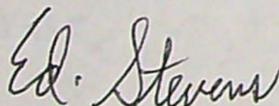
There will be no removal or change in the land features within the stream or riparian zone.

There will be no removal of the vegetation within the riparian zone.

There will be an Oregon Department of Fish and Wildlife approved fish screen on the pump.

Thank you in advance for your review and consideration of this application.

Best regards,



Edward J.L. Stevens

RECEIVED

AUG 30 2000

WATER RESOURCES DEPT.
SALEM, OREGON



T-8589

Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Ed Stevens

Address: P.O. Box 1566

City: Jacksonville State: OR Zip: 97530 Day Phone: 541-899-2037

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

39S3W33TL319

| Tax Lot I.D. | Plan Designation (e.g. Rural Residential/RR-5) | Water to be: (check all that apply) | | |
|--------------|--|--|--|--|
| 39S3W33TL319 | EFU | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |
| | | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used |
| | | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used |

List counties and cities where water is proposed to be diverted, conveyed, or used. Jackson County

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Irrigation of pasture & garden

Briefly describe: Pump @ river pumps into buried mainline into sprinklers scattered throughout property.

RECEIVED

AUG 30 2000

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water Applegate River
(source)

WATER RESOURCES DEPT.
SALEM, OREGON

E. Quantity

Indicate the estimated quantity of water the use will require:

0.08 CFS GPM Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210 97301-4172
(503)378-8455

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 254.040 (8). Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

| Type of Land Use Approval Needed
(e.g. plan amendments, rezones,
conditional use permits, etc.) | Cite Most Significant, Applicable
Plan Policies & Ordinance
Section References | Check the item that applies:
Land Use Approval: | |
|---|--|--|--|
| | | <input type="checkbox"/> Obtained
<input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued
<input type="checkbox"/> Not being pursued |
| | | <input type="checkbox"/> Obtained
<input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued
<input type="checkbox"/> Not being pursued |
| | | <input type="checkbox"/> Obtained
<input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued
<input type="checkbox"/> Not being pursued |
| | | <input type="checkbox"/> Obtained
<input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued
<input type="checkbox"/> Not being pursued |
| | | <input type="checkbox"/> Obtained
<input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued
<input type="checkbox"/> Not being pursued |

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Michael Sava Date: 8-17-2000
 Title: Planner II (541) 774-6909
 Signature: [Handwritten Signature]

City Planning files this out

C. Additional Comments

Local governments are invited to express concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Riparian vegetation must remain consistent with LKO section 280.060.
All electrical utilities must be elevated at least one foot above the base flood elevation for a 100-year flood event at that location along the Applegate River. An elevation certificate must be provided verifying all electrical services are @ least one ft. above (BFE).
 → You also need to contact ODFW & DSE.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

95-10313

JACKSON COUNTY TITLE DIVISION 19
CONTINENTAL LANDERS TITLE COMPANY
502 W. Main Street (P. O. Box 218) Medford, OR 97501 (503) 779-2811

L-60484-25
10.00
10.00
20.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that ,

T-8589

JESS R. COOPER, CORI COOPER BACKEN, and GARRETT W. COOPER

hereinafter called the Grantor, for the consideration hereinafter stated, to Grantor paid by

EDWARD J. L. STEVENS AND REBECCA B. STEVENS, Trustees of the Edward / Rebecca Stevens Family Trust Dated 6-1-93

hereinafter called the Grantee, does hereby grant, bargain, sell and convey unto the said Grantee and Grantee's heirs, successors and assigns, that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of JACKSON , State of Oregon, described as follows to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the same unto the said Grantee and Grantee's heirs, successors and assigns forever.

And Grantor hereby covenants to and with Grantees and the heirs of the survivor and their assigns, that Grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, EXCEPT

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

and that Grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whatsoever, except those claiming under the above described encumbrances.

THE TRUE AND ACTUAL CONSIDERATION paid for this transfer, stated in terms of dollars is \$ 76,000.00

WHERE THE CONTEXT SO REQUIRES, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to individuals and to corporations.

IN WITNESS WHEREOF, the grantor has executed this instrument this 14th day of April, 1995.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS PROVIDED IN ORS 30.930.

Jess R. Cooper by Linda Anne Stokes
Cori Cooper Backen by Linda Anne Stokes
Garrett W. Cooper by Linda Anne Stokes
JESS R. COOPER
CORI COOPER BACKEN
GARRETT W. COOPER

Cori Cooper Backen by Linda Anne Stokes
CORI COOPER BACKEN

STATE OF OREGON
COUNTY OF urry

The foregoing instrument was acknowledged before me this 14th day of April, 1995,

by LINDA ANNE STOKES as attorney in fact for JESS R. COOPER, CORI COOPER BACKEN, and GARRETT W. COOPER

SPACE FOR RECORDER'S USE

RECEIVED

AUG 30 2000

J. M. Rooth
Notary Public for Oregon
My commission expires 6-6-97

Mail Tax Statements to:
Grantee
PO BOX GJ
LOS GATOS CA 95031



WATER RESOURCES DEPT.
SALEM, OREGON

95-10313

EXHIBIT A

T -8589

Beginning at a 5/8" iron pin situated on the easterly right-of-way line of the realignment of the County road (Upper Applegate), said pin bears South 1081.32 feet and East 1567.51 feet from the northwest corner of Section 33 in Township 39 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon; thence along said right-of-way line following the arc of a 686.20 foot radius curve concave to the right, 216.18 feet (the long chord bears North 22°36'39" West 215.29 feet) to a 5/8" iron pin; thence leaving said right-of-way, South 89°23'19" East 1007.73 feet to a 5/8" iron pin, Witness Corner to the average centerline of the Applegate River; thence continue South 89°23'19" East 100.00 feet, more or less, to intersect said average river centerline; thence along said average river centerline following upstream, South 16°04'15" East 180.13 feet, more or less, to intersect the north-south centerline of said Section 33; thence Southerly, along said centerline, 25.30 feet, more or less, to a point that bears South 89°23'19" East from the point of beginning; thence North 89°23'19" West 110.00 feet, more or less, to a 5/8" iron pin, Witness Corner; thence continue North 89°23'19" West 964.82 feet to the point of beginning.

(Code 49-16, Account #1-48084-6, Map #393W33, Tax Lot #319)

SUBJECT TO:

1. 1994-95 Property taxes, a lien not yet payable.
2. The premises herein described have been zoned or qualified for "Farm Use" tax assessment. At such time as said land is disqualified for such "Farm Use", the property will be subject to additional taxes and interest, and possible statutory penalty.
3. The premises herein described are within the Applegate Valley Irrigation District, notice of which is given by instrument recorded December 13, 1968 as No. 68-12013 of the Official Records of Jackson County, Oregon, and are subject to statutory powers, including the power of assessment.
4. Right of way for enlarging the ditch known as the Comstock Ditch, granted to F.C. Preston by deed recorded March 11, 1919, in Volume 120 page 199 of the Deed Records of Jackson County, Oregon.
5. Right of way and easement for the purpose of constructing, reconstructing, maintaining, using and operating thereon an irrigation lateral and pipe line facility, and rights in connection therewith, granted The Swayna Ditch, by instrument dated August 14, 1969 and recorded October 21, 1969 as No. 69-09916 of the Official Records of Jackson County, Oregon. Corrected by instrument recorded March 28, 1973 as No. 73-04494 said Official Records.
6. Declaration of restrictive covenants, conditions and agreements, as set forth in instrument dated August 13, 1969 and recorded December 8, 1969 as No. 69-11209 of the Official Records of Jackson County, Oregon.
7. Underground concrete pipe as shown on Survey filed June 25, 1970 as Survey No. 4264 in the Office of the Jackson County Surveyor.
8. Right of way for the transmission and distribution of electricity, and for other purposes, granted to Pacific Power & Light Company, a corporation, by instrument recorded November 15, 1973 as No. 73-17271 of the Official Records of Jackson County, Oregon.
9. Terms and provisions of easement for irrigation system and pump as reserved in Deed recorded December 7, 1990 as No. 90-30573 of the Official Records of Jackson County, Oregon.
10. Easement for irrigation system and pump, subject to the terms and provisions thereof, reserved in Deed recorded December 7, 1990 as No. 90-30573 of the Official Records of Jackson County, Oregon.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

2:10 APR 19 1995 P M
KATHLEEN S. BECKETT
CLERK and RECORDER
[Signature] Deputy

RECEIVED

AUG 30 2000

WATER RESOURCES DEPT.
Salem, Oregon

T-8589

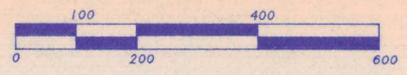
MAP TO ACCOMPANY APPLICATION FOR CHANGE IN POINT OF DIVERSION

SECTION 33, T.39 S., R.3 W., W.M.
JACKSON COUNTY, OREGON

IN THE NAME OF:

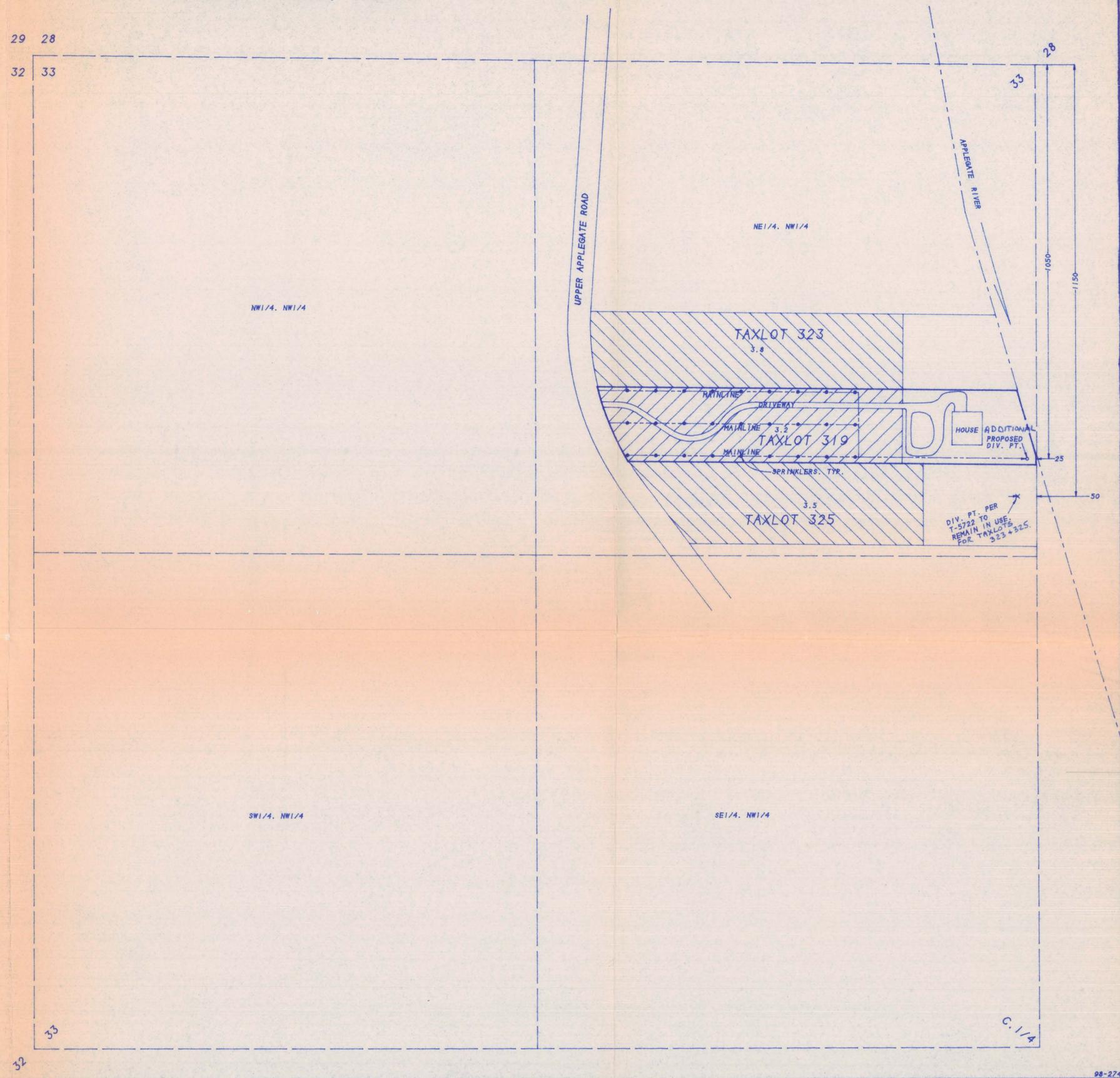
ED STEVENS
P.O. BOX 1566
JACKSONVILLE, OR 97530
PH: (541) 899-2037

BY: L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS
816 WEST EIGHTH STREET
MEDFORD, OR 97501
PH: 772-2782



-  - IRRIG. PER T-5722 UNDER THIS TRANSFER.
-  - IRRIG. PER T-5722 NOT UNDER THIS TRANSFER.

THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE WATER RIGHT ONLY & HAS NO INTENT TO PROVIDE DIMENSION OR LOCATION OF PROPERTY OWNERSHIP LINES.



T-8589

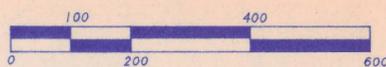
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