

T-10444

T-10444

Name Sam Demanett

Address 83122 Cloverdale Rd  
PO Box 853  
Creswell OR 97426  
541-895-4666

Change in POU USE

Date Filed August 20, 2007

Initial notice date 8-28-2007

DPD issued date

PD issued date

PD notice date

Date of FO 1-22-10 Vol 80 Page 117

C-Date

COBU due date

COBU Received date COBU 10/15/2010

Certificate issued 86039  
6/20/2017 88109

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Bear Creek

Trib. of Coast Fork Willamette River

Use Tree County Lane

Quantity of water (CFS) No. of Acres 10.0

Name of ditch

App # 47905 Per # 535896 Cert # 44515 PR Date 1971

App # Per # Cert # PR Date

| FEES PAID      |               |              |
|----------------|---------------|--------------|
| Date           | Amount        | Receipt #    |
| <u>8-20-07</u> | <u>800.00</u> | <u>89273</u> |

| FEES REFUNDED |        |          |
|---------------|--------|----------|
| Date          | Amount | Receipt# |

Assignments:

Irrigation District

Agent N/A

CWRE Duane Kirby

CC's list Lane County 125 E 8th Ave Eugene OR 97401

- Oversized map - Location

# Mailing List for Transfer Certificate

**Application:** T-10444

## Certificate:

**Certificate/Transfer Holder:** (include copy of map)

SAM AND CYNTHIA DEMANETT  
PO BOX 853  
CRESWELL OR 97426 ✓

### Copies Mailed

By: *MG*  
(SUPPORT STAFF)

on: *6.20.13*  
(DATE)

### Copies of final Certificate to be sent to:

1. Watermaster #02 (Include map) ✓
2. Data Center ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓

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

Duane Kirby, CWRE ✓

### Record Marking(s):

1. Original Application# 47905 ✓
2. Old Certificate# 44515



Oregon

John A. Kitzhaber, MD, Governor

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

**Date Mailed: JUN 20 2013**

## NOTICE OF CERTIFICATE ISSUANCE

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

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

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

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

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SAM AND CYNTHIA DEMANETT  
PO BOX 853  
CRESWELL OR 97426

confirms the right to use the waters of BEAR CREEK, tributary to COAST FORK WILLAMETTE RIVER for POND MAINTENANCE.

This right was perfected under Permit 35896. The date of priority is FEBRUARY 2, 1971. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.013 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:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances   |
|------|-----|-----|-----|-------|-----|--|
| 19 S | 2 W | WM  | 18  | NW NE | 54  | 530 FEET SOUTH AND 1270 FEET EAST FROM N1/4 CORNER, SECTION 18 |

The quantity of water for pond maintenance shall be limited to a rate of diversion not to exceed 0.013 cubic foot per second and shall be further limited to a total quantity not to exceed 2.5 acre feet during the irrigation season of each year.

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

A description of the place of use is as follows:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC |
|------|-----|-----|-----|-------|-----|
| 19 S | 2 W | WM  | 18  | NW NE | 54  |

The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the department.

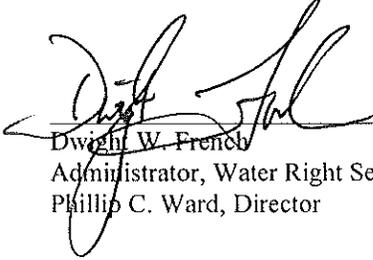
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

**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.

This certificate is issued to confirm a change in PLACE OF USE AND THE CHARACTER OF USE approved by an order of the Water Resources Director entered JANUARY 22, 2010, at Special Order Volume 80, Page 117, approving Transfer Application 10444, and together with Certificate 86039, supercedes Certificate 44515, State record of Water Right Certificates.

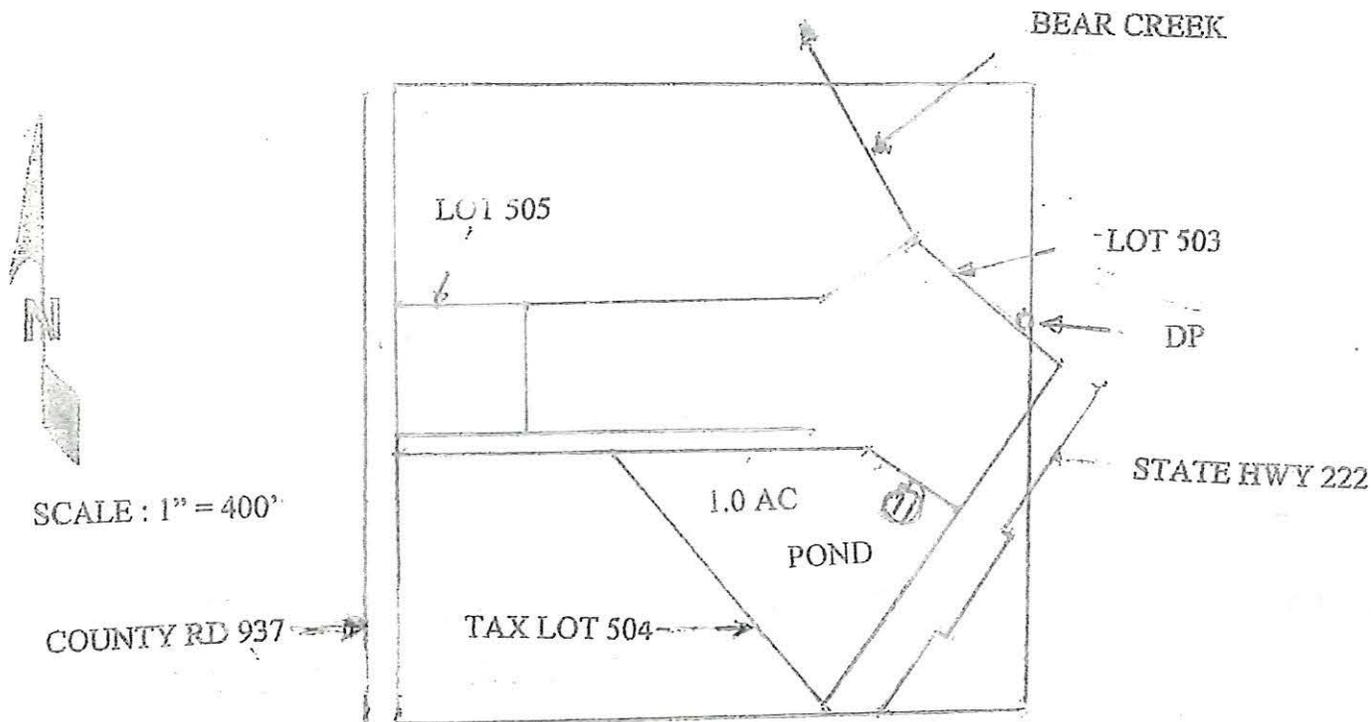
Issued JUN 20 2013

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

**COPY**

CLAIM OF BENEFICIAL USE  
FOR: SAM DEMANETT  
BY: DUANE W. KIRBY  
T19S, R2W WM, SEC 18  
TRANSFER NO. T-10444  
TAX LOT 504

FISH SCREEN IS LOCATED AT THE POD



DIV. PT. 530 FEET SOUTH & 1270 FEET EAST FROM N $\frac{1}{4}$  COR, SEC 18

POND 860 FEET SOUTH & 1070 FEET EAST FROM N $\frac{1}{4}$  COR, SEC 18

POND MAINTENANCE

 1.0 ACRES : LOT 504

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SAM AND CYNTHIA DEMANETT  
PO BOX 853  
CRESWELL OR 97426

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The point of diversion is located as follows:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances   |
|------|-----|-----|-----|-------|-----|--|
| 19 S | 2 W | WM  | 18  | NW NE | 54  | 530 FEET SOUTH AND 1270 FEET EAST FROM N1/4 CORNER, SECTION 18 |

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

A description of the place of use is as follows:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC |
|------|-----|-----|-----|-------|-----|
| 19 S | 2 W | WM  | 18  | NW NE | 54  |

The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the department.

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

**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.

This certificate is issued to confirm a change in PLACE OF USE AND THE CHARACTER OF USE approved by an order of the Water Resources Director entered JANUARY 22, 2010, at Special Order Volume 80, Page 117, approving Transfer Application 10444, and together with Certificate 86039, supercedes Certificate 44515, State record of Water Right Certificates.

Issued \_\_\_\_\_.

---

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

**MEMO**

TO: FILE T-10444 (44515)

FROM: JWB DATE: 4-1, 2013

RE: DETERMINATION OF PROOF

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

Permit  Transfer

FPS  COBU

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Conflict?  No  Yes:

stamped PROPOSED or assign Cert # 88109

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

Water Organization identified using area of interest tool?  No  Yes, cc: \_\_\_\_\_

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

Prepare a mailing list.

Record marking: App \_\_\_\_\_ Cert \_\_\_\_\_

NOTES:

called assessors office, verified ownership.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

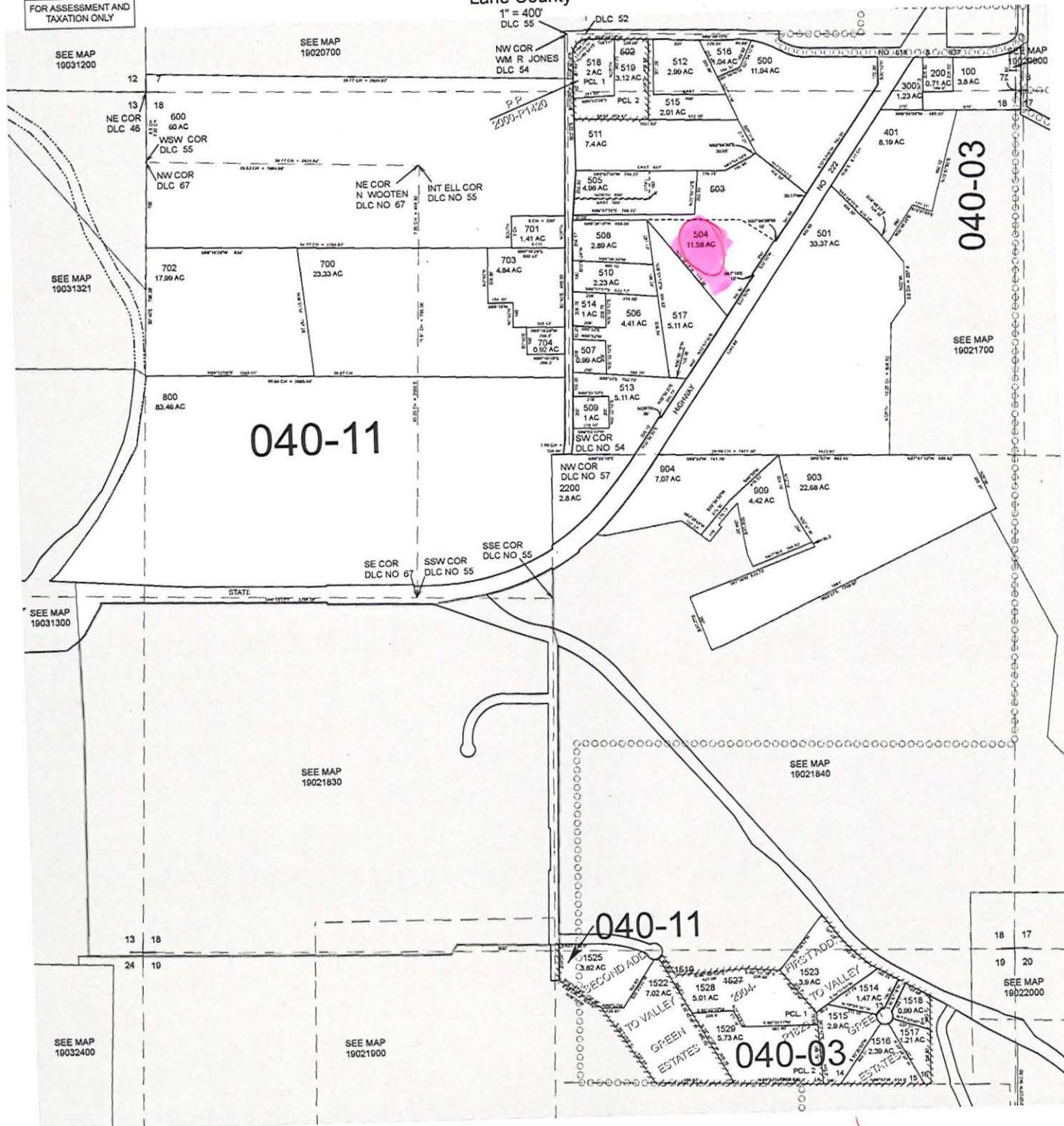
SECTION 18 T.19S. R.2W. W.M.

Lane County

19021800  
CRESWELL

FOR ASSESSMENT AND  
TAXATION ONLY

1" = 400'



GIS DATA  
5/15/2008 2:33:41 PM : kaipg

CANCELLED:

- 1000
- 1100
- 1200
- 1300
- 1301
- 1302
- 1303
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- 902
- 905
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- 908
- 910
- 911
- 912
- 913

REVISIONS  
5/15/2008 - LCAT185 - CONVERT MAP TO GIS

CRESWELL  
19021800



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

January 25, 2010

SAM DEMANETT  
PO BOX 853  
CRESWELL OR 97426

REFERENCE: Transfer Application T-10444

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

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

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

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

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

Sincerely,

Sarah Henderson  
Executive Support  
Field Services Division

cc: Watermaster Dist. #2  
Duane Kirby, CWRE  
Laudie & Elsie Rambousek, Landowners

Enclosure



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

In the Matter of Transfer Application            )  
T-10444, Lane County                            )    **FINAL ORDER APPROVING A PLACE**  
  )    **OF USE, AND CHARACTER OF USE**  
  )    **CHANGE**

**Authority**

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

**Applicant**

SAM DEMANETT  
PO BOX 853  
CRESWELL OR 97426

**Findings of Fact**

**Background**

1. On August 20, 2007, SAM DEMANETT filed an application to change the place of use and to change the character of use under Certificate 44515. The Department assigned the application number T-10444.
2. The portion of the right to be transferred is as follows:

**Certificate:** 44515 in the name of LAUDIE AND ELSIE RAMBOUSEK (confirmed by PERMIT 35896)  
**Use:** IRRIGATION of 1 ACRE  
**Priority Date:** FEBRUARY 2, 1971  
**Rate:** 0.013 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** BEAR CREEK, tributary to the COAST FORK WILLAMETTE RIVER

**Authorized Point of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Survey Coordinates   |
|------|-----|-----|-----|-------|-----|--|
| 19 S | 2 W | WM  | 18  | NW NE | 54  | 530 FEET SOUTH AND 1270 FEET EAST FROM THE N1/4 CORNER OF SECTION 18 |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 19 S       | 2 W | WM  | 18  | NW NE | 54  | 1.00  |

3. Transfer Application T-10444 proposes to change the character of use to POND MAINTENANCE, in a pond evidenced by Permit R-14566.
4. Transfer Application T-10444 also proposes to change the place of use of the right to:

| POND MAINTENANCE |     |     |     |       |     |
|------------------|-----|-----|-----|-------|-----|
| Twp              | Rng | Mer | Sec | Q-Q   | DLC |
| 19 S             | 2 W | WM  | 18  | NW NE | 54  |

5. Notice of the application for transfer was published on AUGUST 28, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. The transfer application included a map where the number of acres remaining on the lands does not match the remaining acres under this water right. A revised map was received on August 25, 2009.
7. On July 27, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10444 to the applicant. The draft Preliminary Determination set forth a deadline of August 26, 2009, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
8. On October 23, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10444 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on October 27, 2009, and in the Creswell Chronicle newspaper on December 3, 7 and 17, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
9. The annual quantity associated with the transfer of one acre of irrigation under this right is limited to no more than 2.5 acre-feet.

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

10. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10444.
12. The proposed changes would not result in enlargement of the right.
13. The proposed changes would not result in injury to other water rights.

**Conclusions of Law**

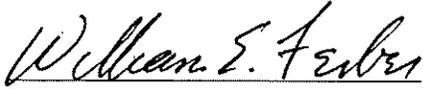
The change in place of use and change in character of use proposed in Transfer Application T-10444 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The change in place of use and change in character of use proposed in Transfer Application T-10444 are 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 44515 and any related decree.
3. Water right Certificate 44515 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. The former place of use of the transferred right shall no longer receive water under the right.
6. The quantity of water for pond maintenance shall be limited to a rate of diversion not to exceed 0.013 cubic foot per second and shall be further limited to a total quantity not to exceed 2.5 acre feet during the irrigation season of each year.
7. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

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

Dated at Salem, Oregon this 22<sup>nd</sup> day of January, 2010.



for Phillip C. Ward, Director

Mailing date: JAN 26 2010

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAUDIE AND ELSIE RAMBOUSEK  
83107 N. BRADFORD RD  
CRESWELL, OR 97426

confirms the right to use the waters of BEAR CREEK, a tributary to the COAST FORK WILLAMETTE RIVER for IRRIGATION of 9 ACRES.

This right was perfected under Permit S-35896. The date of priority is FEBRUARY 2, 1971. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.117 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:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances   |
|------|-----|-----|-----|-------|-----|--|
| 19 S | 2 W | WM  | 18  | NW NE | 54  | 530 FEET SOUTH AND 1270 FEET EAST FROM THE N1/4 CORNER OF SECTION 18 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. 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:

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 19 S       | 2 W | WM  | 18  | NE NE | 54  | 0.4   |
| 19 S       | 2 W | WM  | 18  | NW NE | 54  | 8.6   |

This certificate describes that portion of the water right confirmed by Certificate 44515, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 22 2010 approving Transfer Application T-10444.

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

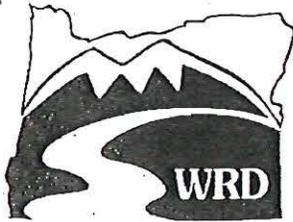
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed January 22, 2010.

*William E. Forbes*  
for Phillip C. Ward, Director

# Completion Checklist for CWRE Claims of Beneficial Use

Application # T10444



Date Received 10/15/2010  
 CWRE Name Diane Kirby Claim Logged yes  
 File Marked yes  
 Oversized Map # \_\_\_\_\_  
 Read the file and attach a copy of the permit or transfer final order. \_\_\_\_\_

## Map Review:

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #; or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- \_\_\_\_\_ Source illustrated if surface water (OAR 690-014-0170(3))
- \_\_\_\_\_ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- \_\_\_\_\_ Point(s) of diversion or appropriation (coordinates)(OAR 690-014(4) & 690-310-0050)
- \_\_\_\_\_ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- \_\_\_\_\_ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4))
- \_\_\_\_\_ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

## Report Review:

- On form or format provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- ~~\_\_\_\_\_ Tax lot information (OAR 690-014)~~
- \_\_\_\_\_ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- \_\_\_\_\_ Source(s) of water (OAR 690-014-0100)
- \_\_\_\_\_ Point of diversion/appropriation location (OAR 690-014-0100)
- \_\_\_\_\_ Use, period of use, and rate for use (OAR 690-014-0100)
- \_\_\_\_\_ Place of use location (OAR 690-014-0100)
- \_\_\_\_\_ Type of use (OAR 690-014-0100)
- \_\_\_\_\_ Extent of use (OAR 690-014-0100)
- \_\_\_\_\_ Rate and Duty (OAR 690-014-0100)
- \_\_\_\_\_ Diversion rate for each use (OAR 690-014-0100)
- \_\_\_\_\_ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- \_\_\_\_\_ System capacity (OAR 690-014-0100)
  - \_\_\_\_\_ Calculated capacity of system (required)
  - \_\_\_\_\_ Measured amount of use (optional)
- \_\_\_\_\_ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
  - \_\_\_\_\_ Time limits
  - \_\_\_\_\_ Initial water level measurements
  - \_\_\_\_\_ Annual static water level measurements
  - \_\_\_\_\_ Measurement, recording, and reporting
    - \_\_\_\_\_ Meter/measuring device
    - \_\_\_\_\_ Water use reporting
  - Fish screening and/or by-pass
  - \_\_\_\_\_ Pump test (ground water)
  - \_\_\_\_\_ Other conditions
- \_\_\_\_\_ \_\_\_\_\_
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient  
 N/A = Not Applicable

# Certificate Issuance Processing Checklist

- \_\_\_\_\_ Map and COBU reviewed
- \_\_\_\_\_ Conflict check (include copy of plat card printout) Any Conflicts? \_\_\_\_\_
- \_\_\_\_\_ Check for ownership

## Staff Recommendations:

- \_\_\_\_\_ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.
- \_\_\_\_\_ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: \_\_\_\_\_
- \_\_\_\_\_ Proof to the Satisfaction has not been established for the following reasons: \_\_\_\_\_  
**Proposed Actions:**  
Send letter requesting the following items/information: \_\_\_\_\_  
Send letter recommending extension to cure deficiencies: \_\_\_\_\_

Can certificate be processed further?

\_\_\_\_\_ Yes

If "Yes":

\_\_\_\_\_ Proposed  
\_\_\_\_\_ Final

Certificate # \_\_\_\_\_

Mailing list:

Proposed:

Final:

# CLAIM OF BENEFICIAL USE for Permits claiming more than 0.1 cfs and All Transfers



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

A fee of \$150 must accompany this form to be accepted for permits  
with a priority date of July 9, 1987, or later. (ORS 536.050(1))

A separate form shall be completed for each permit.

*In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.*

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:  
[http://www.wrd.state.or.us/OWRD/WR/cwre\\_info.shtml#](http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml#).

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see [http://www.wrd.state.or.us/OWRD/mgmt\\_reimbursement\\_authority.shtml](http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml).

## SECTION 1

### GENERAL INFORMATION

1. File Information

|  |                          |                                    |
|--|--------------------------|------------------------------------|
| APPLICATION # (G, R, S OR T)<br><i>T-10444</i> | PERMIT # (IF APPLICABLE) | PERMIT AMENDMENT # (IF APPLICABLE) |
|--|--------------------------|------------------------------------|

2. Property Owner (current owner information)

|  |                    |                                  |                        |  |
|--|--------------------|----------------------------------|------------------------|--|
| APPLICANT/BUSINESS NAME<br><i>Sam Demanett</i> |                    | PHONE NO.<br><i>541 554 6769</i> | ADDITIONAL CONTACT NO. |  |
| ADDRESS<br><i>P.O. Box 853</i>                 |                    |                                  |                        |  |
| CITY<br><i>Creswell</i>                        | STATE<br><i>OR</i> | ZIP<br><i>97426</i>              | E-MAIL                 |  |

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If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. **The COBU must be signed by the permit or transfer holder of record.**

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

YES NO

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

Permit or transfer holder of record (this may, or may not, be the current property owner)

|                                     |       |     |
|-------------------------------------|-------|-----|
| PERMIT OR TRANSFER HOLDER OF RECORD |       |     |
| ADDRESS                             |       |     |
| CITY                                | STATE | ZIP |

Are there additional permit or transfer holders of record?

YES NO

If "NO" the following box may be deleted.

|  |       |     |
|--|-------|-----|
| ADDITIONAL PERMIT OR TRANSFER HOLDER OF RECORD |       |     |
| ADDRESS  |       |     |
| CITY   | STATE | ZIP |

4. Date of Site Inspection: 10-5-2010

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

| NAME         | DATE      | ASSOCIATION WITH THE PROJECT |
|--------------|-----------|------------------------------|
| Sam Demanatt | 10-5-2010 | owner                        |
|              |           |                              |

6. County: Lane

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

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

|                 |       |     |
|-----------------|-------|-----|
| OWNER OF RECORD |       |     |
| ADDRESS         |       |     |
| CITY            | STATE | ZIP |

Are there additional Owners of Record?

YES NO

If "NO" the following box may be deleted.

|                            |       |     |
|----------------------------|-------|-----|
| ADDITIONAL OWNER OF RECORD |       |     |
| ADDRESS                    |       |     |
| CITY                       | STATE | ZIP |

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**SECTION 2**  
**SYSTEM DESCRIPTION**

**A. Points of Diversion/Appropriation**

1. Point of diversion/appropriation name or number:

| POINT OF DIVERSION/APPROPRIATION<br>(POD/POA) NAME OR NUMBER<br>(CORRESPOND TO MAP) | WELL LOG ID #<br>FOR ALL WORK PERFORMED ON THE WELL<br>(IF APPLICABLE) | WELL TAG #<br>(IF APPLICABLE) |
|---|--|-------------------------------|
| 1   | N/A  |                               |

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

2. Point of diversion/appropriation source and, if from surface water, the tributary:

| POD/POA<br>NAME OR NUMBER | SOURCE     | TRIBUTARY                      |
|---------------------------|------------|--------------------------------|
| 1                         | Bear Creek | Coast Fork<br>Willamette River |

3. Developed use(s), period of use, and rate for each use:

| POD/POA<br>NAME OR<br>NUMBER        | USES                | IF IRRIGATION,<br>LIST CROP TYPE | SEASON OR MONTHS<br>WHEN WATER<br>WAS USED | RATE OR VOLUME<br>FOR USE<br>(CFS, GPM, OR AF) |
|-------------------------------------|---------------------|----------------------------------|--|--|
| 1                                   | Pond<br>Maintenance | N/A                              | Summer                                     | 0.013 cfs                                      |
| <b>Total Quantity of Water Used</b> |                     |                                  |  | 0.013 cfs                                      |

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion or appropriation to the place of use:

POD in Bear Creek and pump 8' on bank above creek - 2" buried PVC pipe from pump to pond

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**SECTION 2**

**SYSTEM DESCRIPTION (B through H)**

Are there multiple PODs or POAs?

YES  NO

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

**B. Place of Use**

1. Is the right for municipal use?

YES  NO

If "YES" the table below may be deleted.

| TWP                          | RNG | MER | SEC | Q-Q  | GLOT | DLC | USE              | IF IRRIGATION, # PRIMARY ACRES | IF IRRIGATION, # SUPPLEMENTAL ACRES |
|------------------------------|-----|-----|-----|------|------|-----|------------------|--------------------------------|-------------------------------------|
| 195                          | 2W  | WM  | 18  | NWNE |      | 54  | pond maintenance | 1.0                            | 1.0                                 |
| <b>Total Acres Irrigated</b> |     |     |     |      |      |     |                  |                                |                                     |

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

**C. Diversion and Delivery System Information**

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES NO

If "NO" items 2 through item 6 may be deleted.

**2. Pump Information**

| MANUFACTURER | MODEL  | SERIAL NUMBER | TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE) | INTAKE SIZE | DISCHARGE SIZE |
|--------------|--------|---------------|--|-------------|----------------|
| Berkley      | B82456 | N/A           | centrifugal                                | 2"          | 2"             |

**3. Motor Information**

| MANUFACTURER | HORSEPOWER |
|--------------|------------|
| Berkley      | 2          |

**4. Theoretical Pump Capacity**

| HORSEPOWER | OPERATING PSI | LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING | LIFT FROM PUMP TO PLACE OF USE | TOTAL PUMP OUTPUT (IN CFS) |
|------------|---------------|---|--------------------------------|----------------------------|
| 2          | 50            | 8'  | 0'                             |                            |

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5. Provide pump calculations:

$$\begin{array}{l} \text{pump } 50 \text{ psi} \\ 2 \times 6.61 \\ \hline 8' + 127' = 0.09 \text{ cfs} \end{array}$$

6. Measured Pump Capacity (using meter if meter was present and system was operating)

| INITIAL METER READING | ENDING METER READING | DURATION OF TIME OBSERVED | TOTAL PUMP OUTPUT (IN CFS) |
|-----------------------|----------------------|---------------------------|----------------------------|
|                       |                      |                           |                            |

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES  NO

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

| MAINLINE SIZE | LENGTH | TYPE OF PIPE | BURIED OR ABOVE GROUND |
|---------------|--------|--------------|------------------------|
| 24"           | 450'   | PVC          | Buried                 |
|               |        |              |                        |

9. Lateral or Handline Information

| LATERAL OR HANDLINE SIZE | LENGTH | TYPE OF PIPE | BURIED OR ABOVE GROUND |
|--------------------------|--------|--------------|------------------------|
| N/A                      |        |              |                        |
|                          |        |              |                        |

10. Sprinkler Information

| SIZE | OPERATING PSI | SPRINKLER OUTPUT (GPM) | TOTAL NUMBER OF SPRINKLERS | MAXIMUM NUMBER USED | TOTAL SPRINKLER OUTPUT (CFS) |
|------|---------------|------------------------|----------------------------|---------------------|------------------------------|
| N/A  |               |                        |                            |                     |                              |
|      |               |                        |                            |                     |                              |

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information

| MANUFACTURER | MAXIMUM WETTED RADIUS | OPERATING PSI | TOTAL PIVOT OUTPUT (GPM) | TOTAL PIVOT OUTPUT (CFS) |
|--------------|-----------------------|---------------|--------------------------|--------------------------|
| N/A          |                       |               |                          |                          |
|              |                       |               |                          |                          |

12. Additional notes or comments related to the system:

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D. Groundwater Source Information (Well and Sump)

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

YES  NO

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

2. Describe the access port (type and location) or other means to measure the water level in the well:

3. If well logs are not available, provide as much of the following information as possible:

| CASING DIAMETER | CASING DEPTH | TOTAL DEPTH | COMPLETION DATE OF ORIGINAL WELL | COMPLETION DATES OF ALTERATIONS | WHO THE WELL WAS DRILLED FOR | WELL DRILLED BY |
|-----------------|--------------|-------------|----------------------------------|---------------------------------|------------------------------|-----------------|
|                 |              |             |                                  |                                 |                              |                 |
|                 |              |             |                                  |                                 |                              |                 |

4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

5. Is the appropriation from a dug well (sump)?

YES  NO

If "NO", items 6 through 8 relating to this section may be deleted.

Reminder: Construction standards for sumps can be found in OAR 690-210-0400.

6. If the appropriation involves a **SUMP**, provide the following information for each **SUMP**:

| LENGTH | WIDTH | AVERAGE DIAMETER | MAXIMUM DEPTH | SURFACE AREA (IN ACRES) | VOLUME IN CUBIC FEET OR ACRE FEET |
|--------|-------|------------------|---------------|-------------------------|-----------------------------------|
|        |       |                  |               |                         |                                   |
|        |       |                  |               |                         |                                   |

7. If the sump is curbed constructed with watertight surface curbing, describe the curbing:

| CURBING MATERIAL<br>(CONCRETE, CONCRETE TILES, OR STEEL) | IF CONCRETE,<br>PROVIDE THE THICKNESS OF THE WALL |
|--|---|
|  |   |
|  |   |

8. Provide sump volume calculations:

**E. Storage**

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

YES  NO

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

If "YES" is it a:

Storage Tank

YES NO

Bulge in System / Reservoir

YES NO

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

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**2. Storage Tank:**

| MATERIAL<br>(CONCRETE, FIBERGLASS, METAL, ETC.) | CAPACITY<br>(IN GALLONS) | ABOVE GROUND OR<br>BURIED |
|---|--------------------------|---------------------------|
|   |                          |                           |

**3. Bulge in System / Reservoir:**

| RESERVOIR NAME OR NUMBER<br>(CORRESPOND TO MAP) | APPROXIMATE DAM<br>HEIGHT | APPROXIMATE CAPACITY<br>(IN ACRE FEET) |
|---|---------------------------|--|
|   |                           |  |

**F. Gravity Flow Pipe**

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

YES  NO

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

2. Complete the table:

| PIPE<br>SIZE | PIPE<br>TYPE | "C"<br>FACTOR | AMOUNT OF<br>FALL | LENGTH OF PIPE | SLOPE | COMPUTED RATE OF<br>WATER FLOW (IN CFS) |
|--------------|--------------|---------------|-------------------|----------------|-------|---|
|              |              |               |                   |                |       |   |

3. Provide calculations:

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

| DATE OF<br>MEASUREMENT | WHO MADE THE<br>MEASUREMENT | MEASUREMENT<br>METHOD | MEASURED QUANTITY OF<br>WATER (IN CFS) |
|------------------------|-----------------------------|-----------------------|--|
|                        |                             |                       |  |

Attach measurement notes.

**G. Gravity Flow Canal or Ditch**

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

YES  NO

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

2. Complete the table:

| CANAL OR<br>DITCH TYPE<br>(MATERIAL) | TOP WIDTH<br>OF CANAL<br>OR DITCH | BOTTOM<br>WIDTH OF<br>CANAL OR<br>DITCH | DEPTH | "N"<br>FACTOR | AMOUNT<br>OF FALL | LENGTH<br>OF<br>CANAL /<br>DITCH | SLOPE | COMPUTED<br>RATE<br>(IN CFS) |
|--------------------------------------|-----------------------------------|---|-------|---------------|-------------------|----------------------------------|-------|------------------------------|
|                                      |                                   |   |       |               |                   |                                  |       |                              |

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3. Provide calculations:

|  |
|--|
|  |
|--|

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

| DATE OF MEASUREMENT | WHO MADE THE MEASUREMENT | MEASUREMENT METHOD | MEASURED QUANTITY OF WATER (IN CFS) |
|---------------------|--------------------------|--------------------|-------------------------------------|
|                     |                          |                    |                                     |

Attach measurement notes.

**H. Reservoir**

1. Does the claim involve a reservoir modified through a transfer?

YES  NO

**Reminder: This section should only be completed if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.**

*If "NO", items 2 through 9 relating to this section may be deleted.*

2. Does the reservoir require the submittal of as-built plans and specifications?

YES  NO

*If "YES", answer items 3; items 4 through 9 relating to this section may be deleted.*

*If "NO", skip items 3; answer items 4 through 9.*

3. Complete the table:

| HAVE THE DOCUMENTS BEEN SUBMITTED?<br>YES OR NO | WHEN WERE THE DOCUMENTS SUBMITTED? | HAVE THEY BEEN APPROVED BY THE DEPARTMENT? | NUMBER OF ACRE FEET STORED |
|---|------------------------------------|--|----------------------------|
|   |                                    |  |                            |

4. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table and items 5 through 9.

| MAXIMUM DEPTH | AVERAGE DEPTH | SURFACE AREA (IN ACRES) | VOLUME (IN ACRE FEET) |
|---------------|---------------|-------------------------|-----------------------|
|               |               |                         |                       |

5. Provide reservoir volume calculations:

|  |
|--|
|  |
|--|

6. Provide the following information concerning the physical characteristics of the dam:

| CREST WIDTH (W) | DAM HEIGHT AT CENTERLINE (H) | DISTANCE FROM DOWNSTREAM TOP OF DAM TO DOWNSTREAM TOE (L) | DISTANCE FROM UPSTREAM TOP OF DAM TO UPSTREAM TOE (U) | WATER LEVEL AT INSPECTION | DOWN-STREAM SLOPE | UP-STREAM SLOPE |
|-----------------|------------------------------|---|---|---------------------------|-------------------|-----------------|
|                 |                              |   |   |                           |                   |                 |

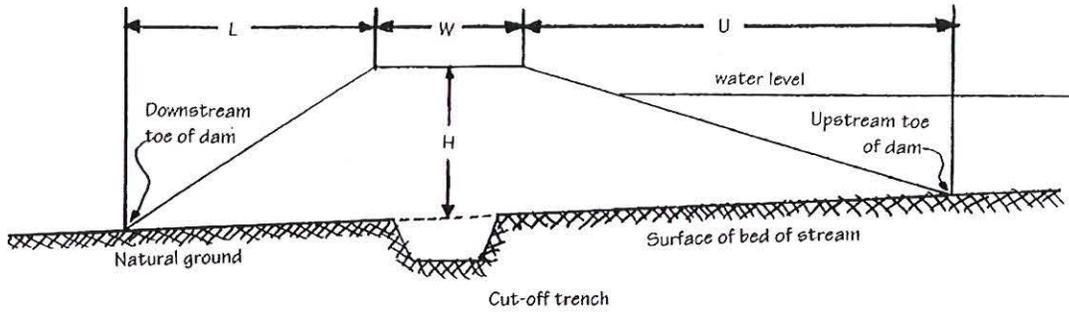
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Example Dam Profile *This box may be deleted from the form*

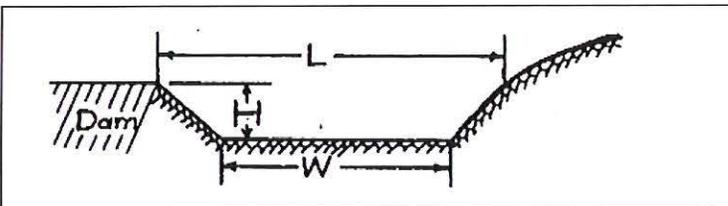


7. Provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.

8. Describe the outlet works (size and type of the outlet conduit and location):

9. Describe the emergency spillway (dimensions and location):

| BOTTOM WIDTH (W) | TOP WIDTH (L) | SPILLWAY DEPTH (H) |
|------------------|---------------|--------------------|
|                  |               |                    |



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## SECTION 3 CONDITIONS

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

**1. Time Limits:**

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

|                                   | DATE FROM PERMIT OR TRANSFER | DATE ACCOMPLISHED* | DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS |
|-----------------------------------|------------------------------|--------------------|---|
| ISSUANCE DATE                     |                              |                    |   |
| BEGIN CONSTRUCTION (A)            |                              |                    |   |
| COMPLETE CONSTRUCTION (B)         |                              |                    |   |
| COMPLETE APPLICATION OF WATER (C) | 10-1-2012                    | 10-1-2010          |   |

\* MUST BE WITHIN PERIOD BETWEEN PERMIT, TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

**2. Is there an extension final order(s)?**

YES  NO

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

**3. If for a transfer extension order, provide the following information:**

| VOLUME | PAGE | DATE EXTENDED TO |
|--------|------|------------------|
|        |      |                  |
|        |      |                  |

**4. Initial Water Level Measurements:**

**a. Was the water user required to submit an initial static water level measurement?**

YES  NO

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

**b. What month was the initial measurement to be taken in?**

**c. Was the measurement submitted to the Department?**

YES  NO

**d. If the initial measurement was not submitted, provide that measurement now, if available:**

| DATE OF MEASUREMENT | MEASUREMENT MADE BY | METHOD | MEASUREMENT |
|---------------------|---------------------|--------|-------------|
|                     |                     |        |             |

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5. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements?

YES  NO

*If "NO", items 5b through 5e relating to this section may be deleted.*

b. Provide the month in which the static water level measurement was to be made:

c. Were the static water level measurements taken in the month required?

YES  NO

d. If "YES", were those measurements submitted to the Department?

YES  NO

e. If the annual measurements were not submitted, provide the measurements now:

| DATE OF MEASUREMENT | MEASUREMENT MADE BY | METHOD | MEASUREMENT |
|---------------------|---------------------|--------|-------------|
|                     |                     |        |             |
|                     |                     |        |             |

6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

a. Did the permit require the submittal of a pump test?

YES  NO

*If "NO", items 6b through 6d relating to this section may be deleted.*

b. Has the pump test been previously submitted to the Department?

YES  NO

c. Is the pump test attached to this claim?

YES  NO

d. Has the pump test been approved by the Department?

YES  NO

7. Measurement Conditions:

a. Does the permit, permit amendment, transfer final order, or any extension final order require the installation of a meter or approved measuring device?

YES  NO

*If "NO", items 7b through 7f relating to this section may be deleted.*

**Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.**

b. Has a meter been installed? *Electrical meter*

YES  NO

c. Meter Information

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

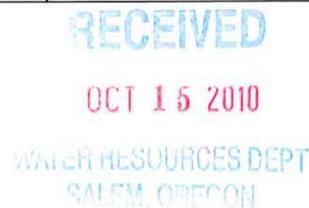
d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department?

YES  NO

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

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

| NAME | TITLE | APPROXIMATE DATE |
|------|-------|------------------|
|      |       |                  |



f. Measurement Device Description

| DEVICE DESCRIPTION | CONDITION<br>(WORKING OR NOT) | DATE INSTALLED |
|--------------------|-------------------------------|----------------|
|                    |                               |                |

8. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

YES  NO

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

b. Have the reports been submitted?

YES  NO

| METHOD OF SUBMITTING REPORT<br>(PAPER OR ELECTRONIC) | WATER USER REPORTING ID |
|--|-------------------------|
|  |                         |

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

9. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

YES  NO

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

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion. *at POP*

b. Has the fish screening been installed?

YES  NO

c. When was the fish screening installed?

| DATE        | BY WHOM             |
|-------------|---------------------|
| <i>3006</i> | <i>Sam Damanett</i> |

d. If the diversion involves a pump and the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs):

- Has the self-certification form previously been submitted to the Department? NA YES  NO
- If not, go to <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>, complete and attach a copy of the self-certification form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does not involve a pump or the total diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted?  NA YES NO
- If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

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10. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

YES  NO

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

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the by-pass device been installed?

YES  NO

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

| DESCRIPTION<br>(I.E. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM. | IF INSTALLED<br>(DATE) | IF INSTALLED, BY WHOM |
|--|------------------------|-----------------------|
|  |                        |                       |

11. Other conditions required by permit, permit amendment final order, extension final order, or transfer final order

a. Were there special well construction standards?

YES  NO

b. Was submittal of a ground water monitoring plan required?

YES  NO

c. Was the water user required to restore the riparian area if it was disturbed?

YES  NO

d. Was a fishway required?

YES  NO

e. Was submittal of a letter from an engineer required prior to storage of water?

YES  NO

f. Was submittal of a water management and conservation plan required?

YES  NO

g. Other conditions?

YES  NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

meter is an electrical and is read once a year by the power co. when the application was sent to Salem information was sent about electrical use.

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SALEM, OREGON

**SECTION 4  
VARIATIONS**

Include a description of variations from the permit, permit amendment final order, extension final order, or transfer final order. (i.e. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

**SECTION 5  
ATTACHMENTS**

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

| ATTACHMENT NAME | DESCRIPTION |
|-----------------|-------------|
|                 |             |
|                 |             |
|                 |             |

**SECTION 6  
CLAIM SUMMARY**

| POD/POA<br>NAME OR # | MAXIMUM<br>RATE<br>AUTHORIZED | CALCULATED<br>THEORETICAL<br>RATE BASED ON<br>SYSTEM | AMOUNT OF<br>WATER<br>MEASURED | USE                 | # OF<br>ACRES<br>ALLOWED | # OF ACRES<br>DEVELOPED |
|----------------------|-------------------------------|--|--------------------------------|---------------------|--------------------------|-------------------------|
| 1                    | 0.013 CFS                     | 0.0979 CFS   |                                | Pond<br>maintenance | 1.0                      | 1.0                     |
|                      |                               |  |                                |                     |                          |                         |

**SECTION 7  
CLAIM OF BENEFICIAL USE MAP**

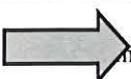
The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

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

*Traverse to property corner  
Assessor map T199 R2W10M sec 18*

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## Map Checklist

Please be sure that the map you submit includes ALL the items listed below.  
(Reminder: Incomplete maps and/or claims may be returned.)

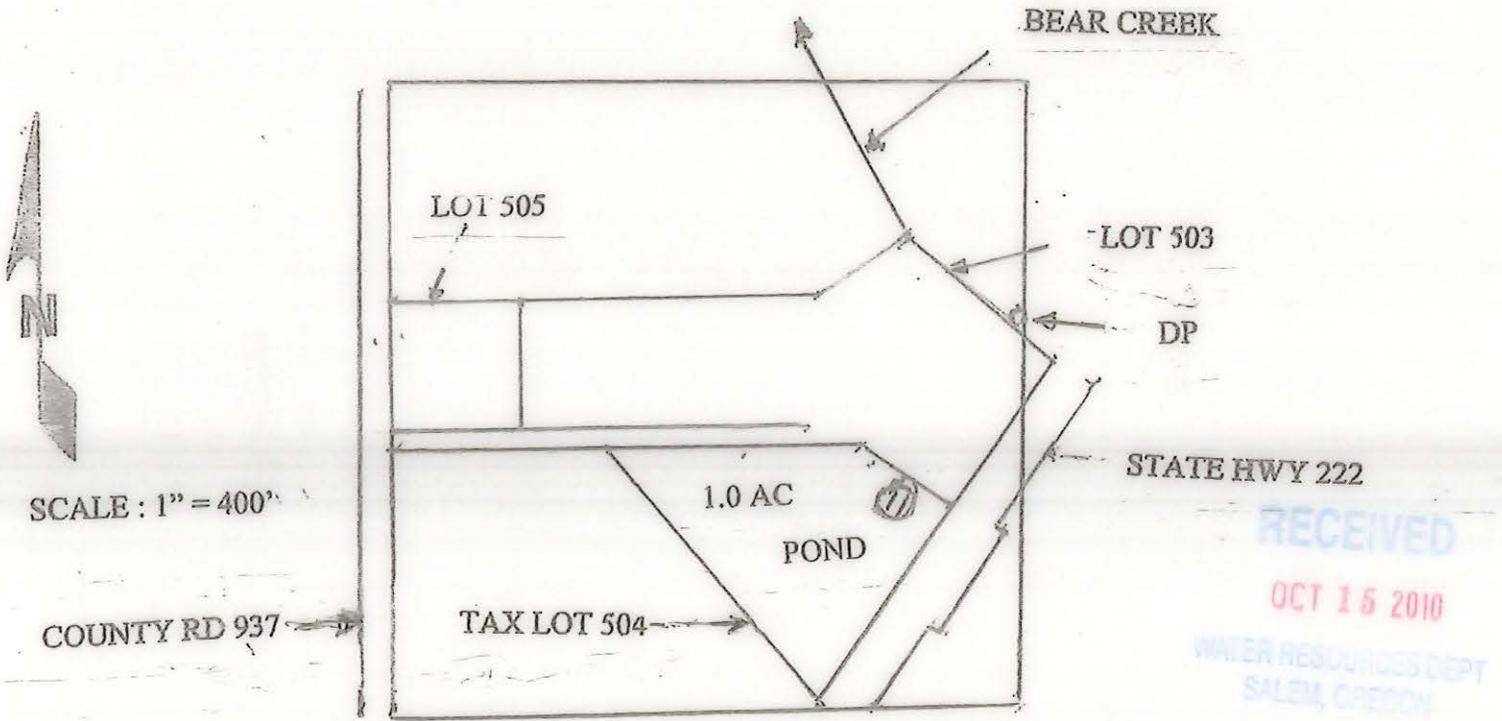
- Map on polyester film.
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens, fish by-pass devices, meters and measuring devices in relationship to point of diversion or appropriation.
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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WATER RESOURCES DEPT  
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CLAIM OF BENEFICIAL USE  
 FOR: SAM DEMANETT  
 BY: DUANE W. KIRBY  
 T19S, R2W WM, SEC 18  
 TRANSFER NO. T-10444  
 TAX LOT 504  
 FISH SCREEN IS LOCATED AT THE POD



DIV. PT. 530 FEET SOUTH & 1270 FEET EAST FROM N $\frac{1}{4}$  COR, SEC 18

POND 860 FEET SOUTH & 1070 FEET EAST FROM N $\frac{1}{4}$  COR, SEC 18

POND MAINTENANCE

① 1.0 ACRES OF LOT 504

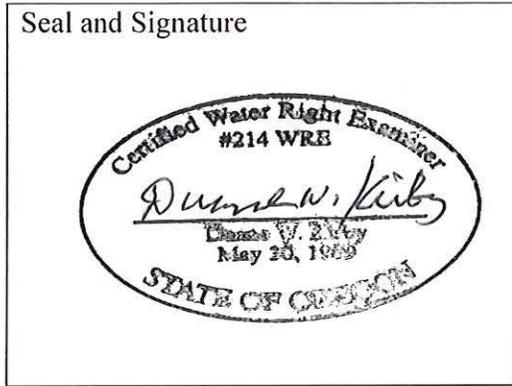
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



**SECTION 8  
SIGNATURES**

CWRE Statement, Seal and Signature

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



|  |                    |                                  |                        |  |
|--|--------------------|----------------------------------|------------------------|--|
| CWRE NAME<br><i>Duane W. Kirby</i>     |                    | PHONE NO.<br><i>541 679 4692</i> | ADDITIONAL CONTACT NO. |  |
| ADDRESS<br><i>8087 Lookingglass Rd</i> |                    |                                  |                        |  |
| CITY<br><i>Roseburg</i>                | STATE<br><i>OR</i> | ZIP<br><i>97471</i>              | E-MAIL                 |  |

Permit or Transfer Holder's of Record Signature or Acknowledgement

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

| SIGNATURE           | PRINT OR TYPE NAME  | DATE            |
|---------------------|---------------------|-----------------|
| <i>Sam Demanett</i> | <i>Sam Demanett</i> | <i>10/13/10</i> |
|                     |                     |                 |

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**OCT 15 2010**  
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SALEM, OREGON



OREGON DEPARTMENT of FISH and WILDLIFE

FISH SCREENING PROGRAM

SMALL PUMP SCREEN SELF CERTIFICATION

As evidence of having met fish screen installation requirements, please provide the information requested below, sign the certification, and send copies to:

Oregon Water Resources Department, and
Water Rights Section,
725 Summer Street NE, Suite A,
Salem, OR 97301-1271.

Rich Kilbane
SW Field Coordinator
Fish Screening and Passage Program
(541) 826-8774 ext. 243

Water right permit/certificate number: T-10444 Amount of water diverted 0.013 CFS
Stream: Bear Creek Tributary to: Coast Fork Willamette R
Location (GPS if available): T19S R2W WM Sec 18 NW NE
Screen Length: 8" Screen Diameter: 2"
Is pump screen self-cleaning: Yes

If screen is not a cylinder shape, please provide a diagram and measurements.

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SALEM, OREGON

Certification: I certify that my small pumped diversion of less than 225 gpm meets fish screening criteria, and that I will maintain it to comply with regulatory criteria. I also understand that should fish screening standards change, I may be required to modify my installation to meet applicable standards.

Applicant Signature: Sam Demarett Date: 10/13/10 WRD File #: \_\_\_\_\_

Printed Name and Address: Sam Demarett P.O. Box 853 Creswell, OR

Phone: (541) 895-4664 Fax: ( ) \_\_\_\_\_

97426



# 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 18, 2010

Sam Demanett  
PO Box 853  
Creswell OR 97426

RE: Application File T-10444

Dear Sam Demanett:

Governor Theodore Kulongoski signed SB788 on July 23, 2009, which, in part, raised the fee for many of the Department's water right related processes and created fees for processes not previously requiring fees. The Bill created a fee for the submittal of a Claim of Beneficial Use (Claim).

The Department has determined that the Bill did not contain a requirement for a fee to be submitted for transfer Claims; only for Claims for permits having a priority date of July 9, 1987, or later. Thus, the Department is refunding your \$150.00.

Please give Gerry Clark (503-986-0811) a call if you have any questions.

Sincerely,

Gerry Clark  
Water Right Specialist

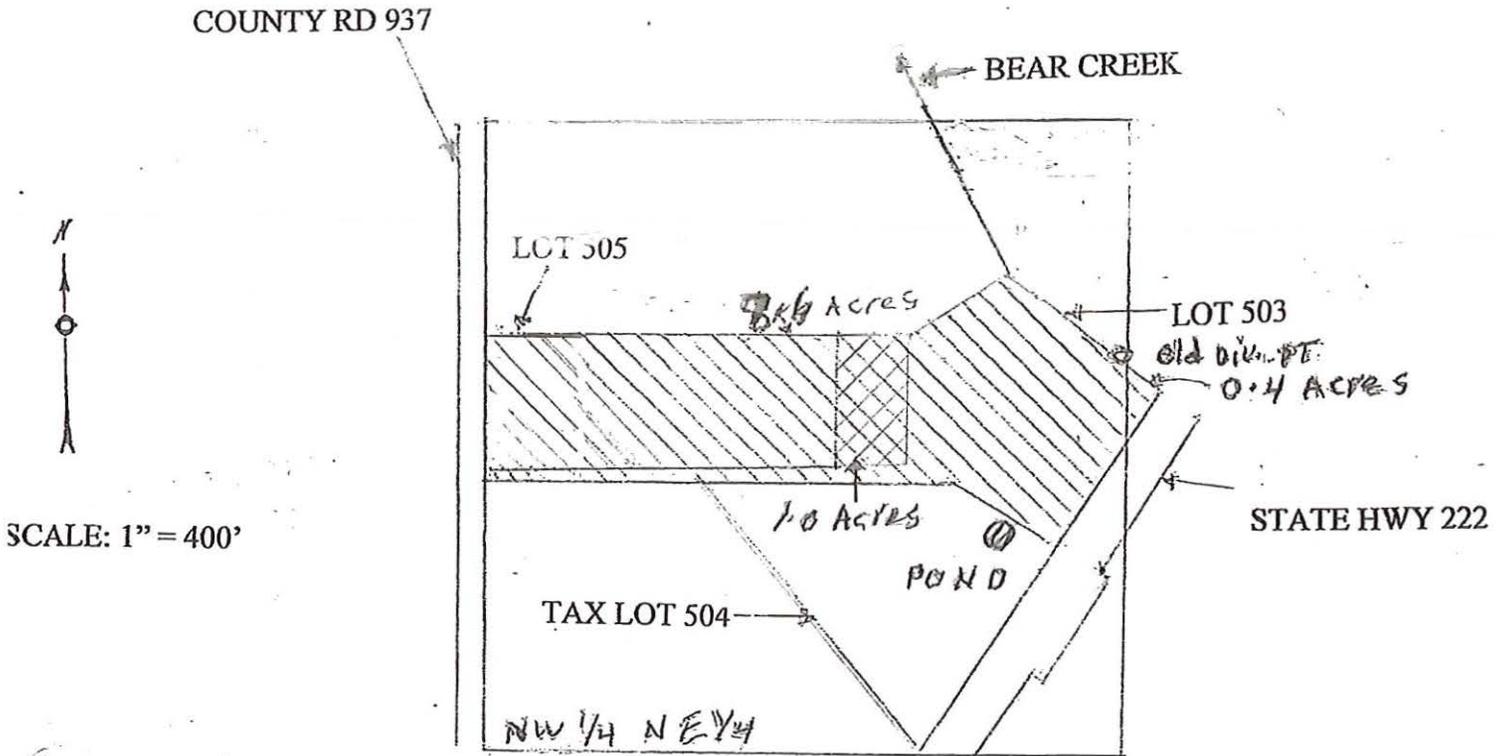
Cc: file

TRANSFER APPLICATION  
 FOR: SAM DEMENWELL  
 BY: DUANE W. KIRBY  
 T19S, R2W, W. M.  
 SECTION 18  
 CERTIFICATE NO 44515  
 TAX LOT 504

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 SALEM, OREGON



EXISTING DIV. PT. 530 FEET SOUTH & 1270 FEET EAST FROM N<sup>1</sup>/<sub>4</sub> COR, SEC 18  
 TO REMAIN

POND 860 FEET SOUTH & 1070 FEET EAST FROM N<sup>1</sup>/<sub>4</sub> COR, SEC 18

-  9.0 ACRES TO REMAIN
-  1.0 ACRES FROM LOT 503
-  1.0 ACRES TO LOT 504

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



**Water Right Transfer Checklist**

Transfer T-10444

Transfer Specialist: NW Region Drawer

Transfer Type: Regular

Applicant Name/Address: Sam Demanett, 83122 Cloverdale Rd, Creswell, OR 97426, PO Box 853

Agent Name/Address: NONE

CWRE Name/Number: Duane Kirby

Rec Landowner Name/Address: NONE

Irr. District Name/Address: NONE

Affected Gov'ts Name/Address: Lane County, 125 E 8<sup>th</sup> Avenue, Eugene, OR 97401

Commentors: Name/Address: NONE

**Water Rights Affected**

| Records Marked                      | Records Copied                      | App File No. or Decree Name | Permit No.     | Certificate No. | RR/CR Needed  | RR/CR Nos.   |
|-------------------------------------|-------------------------------------|-----------------------------|----------------|-----------------|---|--------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>S 47905</u>              | <u>S 35896</u> | <u>44515</u>    | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <u>86039</u> |
| <input type="checkbox"/>            | <input type="checkbox"/>            |                             |                |                 | <input type="checkbox"/> Yes <input type="checkbox"/> No            |              |
| <input type="checkbox"/>            | <input type="checkbox"/>            |                             |                |                 | <input type="checkbox"/> Yes <input type="checkbox"/> No            |              |

**Key Dates & Initial Actions**

|   |  |                               |
|---|--|-------------------------------|
| Rec'd: <u>08/20/07</u>  | Proposed Action(s): <u>POU POD HST APOD USE OTHER: USE/POU</u> |                               |
| Fees Pd: <u>800.00</u>  | WM District: <u>2</u>  | ODFW District: <u>NONE</u>    |
| Initial Notice: <u>08/28/07</u>                                 | WM Review sent: <u>08/31/07 9-4-07</u>                         | ODFW Review sent: <u>NONE</u> |
| Acknowledgement Letter Sent <input checked="" type="checkbox"/> | GW Review sent: <u>NONE</u>                                    |                               |

**Processing Dates & Actions**

Deficiency Contacts: \_\_\_\_\_

Newspaper Pub Affid Due: \_\_\_\_\_

not required

DPD Mailed: \_\_\_\_\_

Affid of Pub Rec'd: \_\_\_\_\_

ODFW contact sheet sent with DPD, or  N/A

Last Day Published: \_\_\_\_\_

PD Mailed: \_\_\_\_\_

Affidavit Reminder Sent: \_\_\_\_\_

PD Weekly Notice: \_\_\_\_\_

Reminder Deadline: \_\_\_\_\_

**Preliminary Determination**

Electronic Files uploaded

Preliminary Determination

PD Cover letter

Fee Refund Due

PD Notice

Remaining Rights

File Assigned/ ModPod updated

| DPD Review (Optional)    | PD Review (Salem)  | Final Order Review (Salem) |
|--------------------------|--------------------|----------------------------|
| Reviewer: <u>DSP</u>     | Reviewer: _____    | Reviewer: _____            |
| Date: <u>7/23/09</u>     | Date: _____        | Date: _____                |
| Coordinator: _____       | Coordinator: _____ | Coordinator: <u>DSP</u>    |
| Date: _____              | Date: _____        | Date: <u>1/20/10</u>       |
| Comments/Special Issues: |                    |                            |

Special Order Volume: Vol 80 Pages 117 Final Order Signature Date: 1-22-10

Notice of FO email'd to processors Dorothy

Application

- The type of change is clearly indicated.
- The application is appropriately signed.
- Appropriate fees were paid.  If overpayment, Refund Request to be sent with FO
- Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- All required attachments received.

Water right subject to transfer

- Certificated right or Proof accepted "to the satisfaction..."
- The right been exercised according to terms & conditions of certificate. *Place of use 1/4 1/4 donor match up 0.4 on certificate*
- Delivery system has the capacity to fully divert the rate/duty of the right.
- No information in record that suggests forfeiture.
- No conflicts identified on the plat cards and plat card reports printed. *Already permit for storage water*
- Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- The map has an original CWRE signature. *Copied but letting it slide*
- The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- Metes and bounds for the POD's/POA's are properly described on the map.
- The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- Map acres match the tabulation on the certificate. *WK 10 acres map 11.58*
- Have final proof maps/decree maps for the rights.  Application map matches certificate FPS.
- Have necessary aerial photos.

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

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

Ownership

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

Evaluation (materials needed for peer reviewer in bold)

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

- Reviews/comments/conditions received?  Watermaster  ODFW  GW
- Headgate  When in the judgment  Prior to diverting  Existing and maintain
- Measuring Devices  When in the judgment  Prior to diverting  Existing and maintain
- Fish Screen Devices

Injury: Y N      Enlargement: Y N

Conditions to avoid enlargement/injury -



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271  
(503) 986-0900  
www.wrd.state.or.us

## Watermaster Review Form: Water Right Transfer

Transfer Application: T-10444

Review Due Date: 09-28-2007

Applicant Name: Sam Demanett

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Mjm

Date of Review: \_\_\_\_\_

1. Do you have information suggesting that the water rights may be subject to forfeiture?  
 Yes  No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: \_\_\_\_\_
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights?  Yes  No Generally characterize the frequency of any regulation or explain why regulation has not occurred:  
\_\_\_\_\_
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right?  If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:  
\_\_\_\_\_
4. Are there upstream water rights that would be affected by the proposed change?  
 Yes  No If "Yes", describe how the rights would be affected and list the rights most affected: \_\_\_\_\_
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach?  If you check the box, describe and, if possible, estimate the losses: \_\_\_\_\_
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?  
 Yes  No If "Yes", explain: \_\_\_\_\_
7. For POU changes, would the original place of use continue to receive water from the same source?  Yes  No  N/A If "Yes", explain: \_\_\_\_\_
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?  Yes  No If "Yes", explain: \_\_\_\_\_
9. Are there other issues not identified through the above questions?  Yes  No If "Yes", explain: \_\_\_\_\_
10. What alternatives may be available for addressing any issues identified above: \_\_\_\_\_

11. Have headgate notices been issued for the source that serves the right?  Yes  No
12. What water control and measurement conditions should be included in the transfer:

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

# STATE OF OREGON

COUNTY OF LANE

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** LAUDIE & ELSIE RAMBOUSEK

of 83107 North Bradford Rd., Creswell, State of Oregon, 97426, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Bear Creek

a tributary of Willamette River for the purpose of irrigation of 10.0 acres

under Permit No. 35896 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 2, 1971

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

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within Wm. R. Jones DLC 54, Section 18, T. 19 S., R. 2 W., W. M., 530 feet South and 1270 feet East from the N $\frac{1}{4}$  Corner, Section 18

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

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

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

|  |      |     |
|--|------|-----|
| 0.4 acre NE $\frac{1}{4}$ NE $\frac{1}{4}$   | TRMS | RR  |
| 9.6 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$  | 10   | 2.4 |
| Both as projected within Wm. R. Jones DLC 54 |      |     |
| Section 18                                   |      |     |
| T. 19 S., R. 2 W., W. M.                     |      |     |

|           |           |
|-----------|-----------|
| 1 ac      | 9 ac      |
| 0.013 cfs | 0.117 cfs |

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

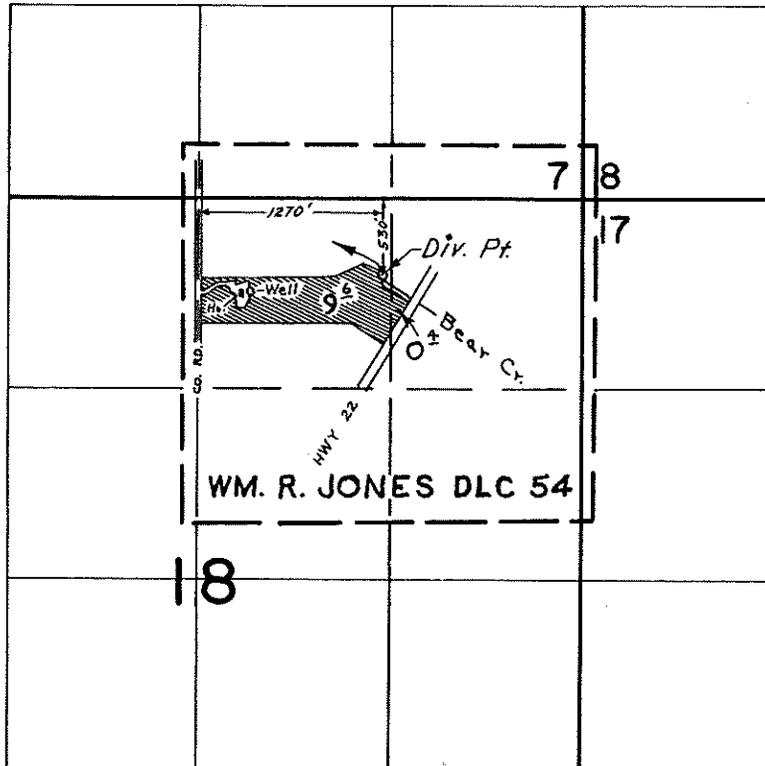
WITNESS the signature of the Water Resources Director, affixed

this date. June 17, 1977

James F. Sexson  
Water Resources Director

T-10444

T.19S. R.2W. W.M.



**FINAL PROOF SURVEY**  
UNDER

Application No. 47905 Permit No. 35896  
IN NAME OF

LAUDIE & ELSIE RAMBOUSEK

Surveyed April 16, 1975, by R. Mucken



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

# Application for Water Right

# COPY

# Transfer

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

## 1. TYPE OF TRANSFER APPLICATION

Please check one

|   |  |
|---|--|
| <input checked="" type="checkbox"/> Permanent Transfer    | <input type="checkbox"/> Instream Transfer |
| <input type="checkbox"/> Temporary Transfer (1 to 5 yrs.) | <input type="checkbox"/> Permanent         |
| • total number of years: _____                            | <input type="checkbox"/> Time-Limited      |
| (begin year: _____)                                       | <input type="checkbox"/> Drought Transfer  |
| (end year: _____)   | <input type="checkbox"/> Other             |

## 2. APPLICANT INFORMATION

Name: Sam Demanett  
First Last

Address: 83122 Cloverdale Rd - PO Box 853  
Croswell OR 97426  
City State Zip

Phone: 541 895 -4666 same  
Home Work Other

Fax: 541 895 -4664 E-Mail address: \_\_\_\_\_

## 3. AGENT INFORMATION

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

Name: \_\_\_\_\_  
First Last

Address: \_\_\_\_\_  
 \_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

Fax: \_\_\_\_\_ E-Mail address: \_\_\_\_\_

- If an agent is listed above, please check one of the following:
  - Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
  - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

**RECEIVED**

AUG 20 2007 FS

WATER RESOURCES DEPT  
 SALEM, OREGON

T 10444

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

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

|    | Application / Decree | Permit / <del>Previous Transfer</del> | Certificate |
|----|----------------------|---------------------------------------|-------------|
| 1. | S-47905              | S-35896                               | 44515       |
| 2. |                      |                                       |             |
| 3. |                      |                                       |             |
| 4. |                      |                                       |             |
| 5. |                      |                                       |             |
| 6. |                      |                                       |             |

- Attach a **separate Supplemental Form A** (Description of Proposed Change(s) to a Water Right) for **each** water right listed above.

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

- Place of Use       Point of Diversion (POD)       Additional Point of Diversion
- Character of Use       Point of Appropriation (POA, or well)       Additional POA
- Instream Transfer       Surface Water POD to Ground Water POA
- Substitution of Supplemental Groundwater right for Primary Surface water right
- Historic POD change       Other

- Reason(s) for change(s): Transfer 1 acre of irrigation  
water to Pond Maintenance

**5. WATER DELIVERY SYSTEM**

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

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.*

Berkley 2 HP cent to hand line system  
3" main line with 8-20 rainbirds

- System capacity: .11 .13 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

50 GPM @ 40 PSI  
60 GPM @ 30 PSI

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**6. EVIDENCE OF BENEFICIAL WATER USE**

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
  - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

**7. AFFECTED DISTRICTS**

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district?  Yes  No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer?  Yes  No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity?  Yes  No

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

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**8. LOCAL GOVERNMENTS**

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Lane County  
125 E 8th Ave  
Eugene OR 97401

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## 11. ATTACHMENTS

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

### Supplemental Form A –

#### Description of Proposed Change(s) to a Water Right

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

### Supplemental Form B –

#### Evidence of Use Affidavit(s)

- At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- The Evidence of Use Affidavit must be accompanied by supporting documentation.

### Map

- Water Right Transfer*  
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

- Temporary Transfer or Historical POD Change*

A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

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

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

### Land Use Information For Proposed Changes:

#### For Instream Transfers:

- Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

#### For All Other Transfers:

- Land Use Information Form is enclosed; *or*
- All of the following criteria are met, therefore a Land Use Information Form is not required:
- ① In EFU zone or irrigation district,
  - ② Change in place of use only,
  - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
  - ④ Irrigation only.

#### Fees:

- Amount enclosed: \$ 800.00  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

### Instream Water Right Transfers, also include:

#### Supplemental Form C – Instream Water Right Transfer

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

### Temporary Transfers, also include:

#### Recorded Deed:

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

#### Affidavit of Consent:

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

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

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

**12. SIGNATURES**

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

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

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

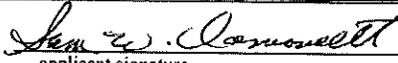
I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

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

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

I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

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

|  |   |                 |
|--|---|-----------------|
| <br>applicant signature | _____<br>name and title if applicable (print) | 8-16-07<br>date |
| _____<br>applicant signature   | _____<br>name and title if applicable (print) | _____<br>date   |

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**Water Right Transfer Supplemental Form A**  
**DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT**

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

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

▪ Certificate Number or other identifying number: 44515

**1. TYPE OF CHANGE(S) PROPOSED**

(Check *all* that apply.)

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

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**2. CURRENT WATER RIGHT INFORMATION**

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

|   |                                    |   |
|---|------------------------------------|---|
| <input checked="" type="checkbox"/> Certificated Right                    | <u>44515</u><br>Certificate Number | <u>S-35896</u><br>Permit Number or Decree Name  |
| <input type="checkbox"/> Adjudicated, Non-certificated Right              | _____<br>Name of Decree            | _____<br>Page Number                            |
| <input type="checkbox"/> Permit for which Proof has been Approved         | _____<br>Permit Number             | _____<br>Date Claim of Beneficial Use Submitted |
| <input type="checkbox"/> Transferred Right for which Proof has been Filed | _____<br>Previous Transfer Number  | _____<br>Date Claim of Beneficial Use Submitted |

- Name on Permit, Certificate, or Decree: Laudie & Elsie Rombousek
- County: Linn
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): Feb 2, 1971

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

- Source(s) of Water to be Affected by Transfer: Bear Creek

Tributary to: Coast FK Willamette River

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

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

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

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

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

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

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▪ Certificate Number or other identifying number: 44515

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

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:** *Not*  
 (i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

| If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L- ) | Source and Priority Date | Township | Range | Mer. | Sec. | ¼¼ | Tax Lot, DLC or Gov't Lot | Survey Coordinates (coordinates from a recognized survey corner) |
|--|--------------------------|----------|-------|------|------|----|---------------------------|--|
|  |                          |          |       |      |      |    |                           |  |
|  |                          |          |       |      |      |    |                           |  |
|  |                          |          |       |      |      |    |                           |  |

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

Yes  No (Surface water source only.)

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

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

or

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

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

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

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

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▪ Certificate Number or other identifying number: 44515

**3. PROPOSED CHANGES TO THE WATER RIGHT**

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

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

*No change*

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

N/A - Instream Water Right Transfer

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

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

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

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

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

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

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

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

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~~Alt Ros~~

and

Transfer to Pond Maint.

## Dear Customer Service Group :

This application has received our assistance here in Watermaster District 2.

by Michael Mattick Phone # 541 682-3620  
(Name)

Please let us know if there is anything else that might be needed.

Assistance was provided in the preparation of the:

- Application
- Map
- Other

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SSMMZ

TRANSFER APPLICATION  
 FOR: SAM DEMENWELL *Demarett*  
 BY: DUANE W. KIRBY  
 T19S, R2W, W. M.  
 SECTION 18  
 CERTIFICATE NO 44515  
 TAX LOT 504

*Pond is 980' E  
 and 900' S From  
 N 1/4 cor. Sec 18*

COUNTY RD 937

*N 1/4 Corner*

BEAR CREEK

LOT 505

*7.6 Acres*

LOT 503

*Old Div. Pt.  
 0.4 Acres*

*1.0 Acres  
 from  
 TO POND*

STATE HWY 222

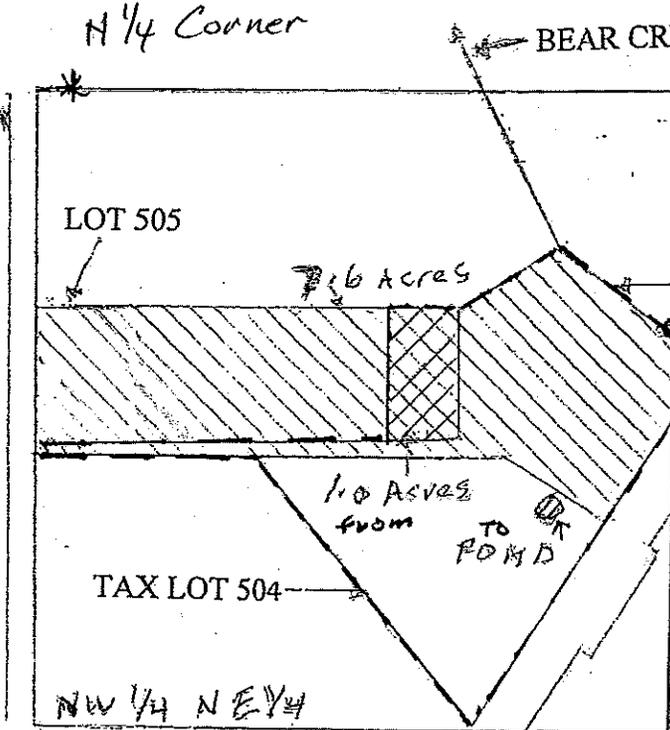
TAX LOT 504

*All on Lot 504*

*NW 1/4 NE 1/4*



SCALE: 1" = 400'



EXISTING DIV. PT. 530 FEET SOUTH & 1270 FEET EAST FROM N 1/4 COR, SEC 18  
 TO REMAIN

POND 860 FEET SOUTH & 1070 FEET EAST FROM N 1/4 COR, SEC 18

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8.0 ACRES TO REMAIN

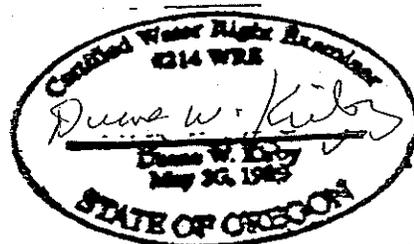


1.0 ACRES FROM LOT 503 *504*



*Pond*  
 1.0 ACRES TO LOT 504

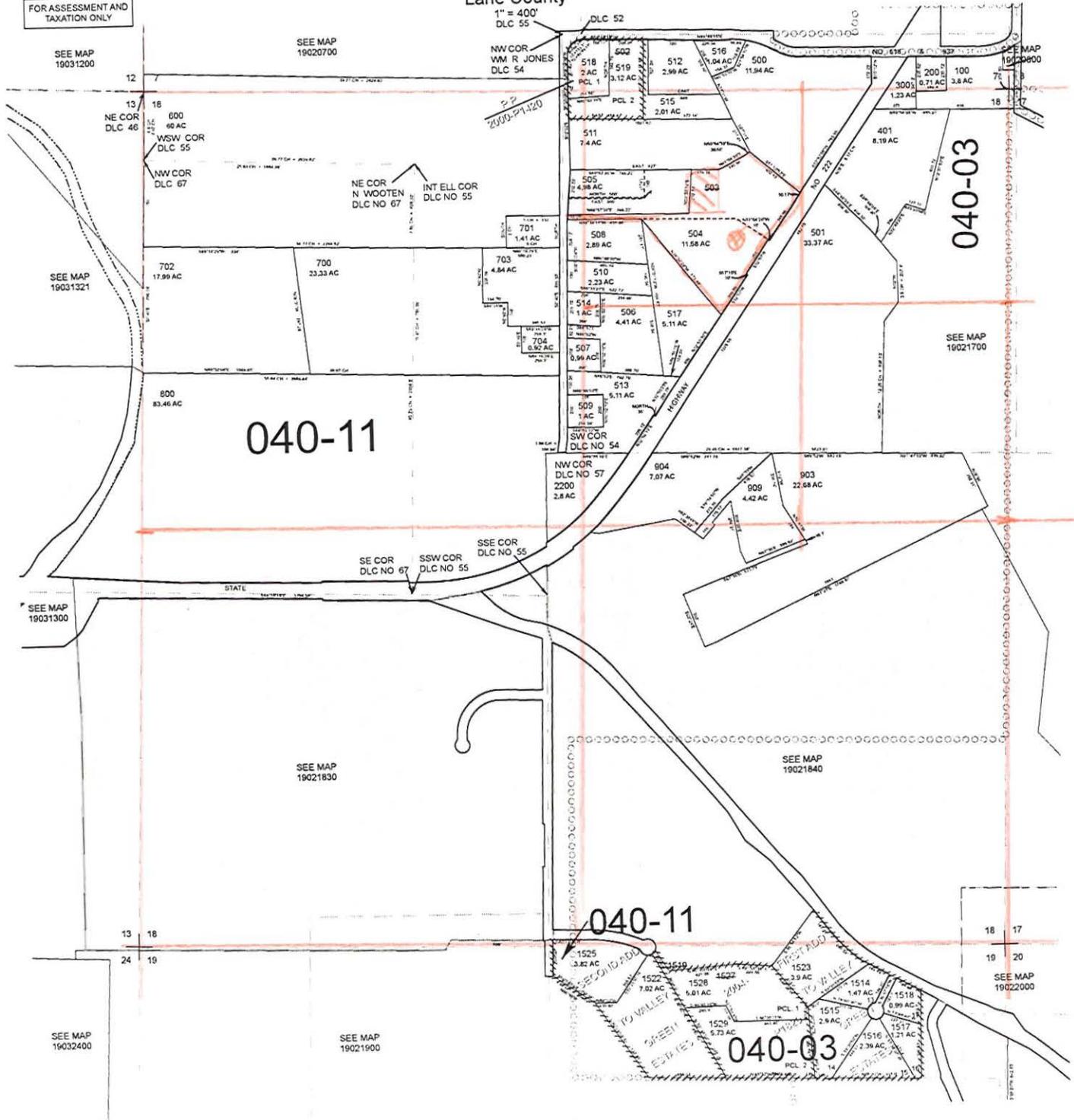
THE PURPOSE OF THIS MAP IS TO  
 IDENTIFY THE LOCATION OF THE  
 WATER RIGHT. IT IS NOT INTENDED  
 TO PROVIDE INFORMATION RELATIVE  
 TO THE LOCATION OF PROPERTY  
 OWNERSHIP BOUNDARY LINES.



SECTION 18 T.19S. R.2W. W.M.  
Lane County

19021800  
CRESWELL

FOR ASSESSMENT AND  
TAXATION ONLY



CANCELLED

- 1000
- 1100
- 1200
- 1300
- 1301
- 1302
- 1303
- 1304
- 1305
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- 1308
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- 1524
- 1526
- 1527
- 1600
- 1700
- 1701
- 1800
- 1900
- 2000
- 2100
- 400
- 502
- 503
- 900
- 901
- 902
- 905
- 906
- 907
- 908
- 910
- 911
- 912
- 913

 FROM (acre)  
 TO (pond)

CRESWELL  
19021800

# Reservoir Permit

STATE OF OREGON

COUNTY OF LANE

## PERMIT TO CONSTRUCT A RESERVOIR AND STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

SAM DEMANETT  
PO BOX 853  
CRESWELL, OR 97426

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-86960

SOURCE OF WATER: UNNAMED STREAM, TRIBUTARY TO BEAR CREEK

STORAGE FACILITY: A RESERVOIR

MAXIMUM VOLUME: 0.05 ACRE FOOT

DATE OF PRIORITY: AUGUST 20, 2007

Water May Be Appropriated During The Period:

| Use              | Period               |
|------------------|----------------------|
| MULTIPLE PURPOSE | NOVEMBER 1 – JUNE 30 |

Dam Location/Authorized Point of Diversion:

| Twp  | Rng | Mer | Sec | Q-Q   | Survey Coordinates  |
|------|-----|-----|-----|-------|---|
| 19 S | 2 W | WM  | 18  | NW NE | 900 FEET SOUTH AND 980 FEET EAST FROM N1/4 CORNER, SECTION 18 |

The Area To Be Submerged:

| Twp  | Rng | Mer | Sec | Q-Q   |
|------|-----|-----|-----|-------|
| 19 S | 2 W | WM  | 18  | NW NE |

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order, and shall allow the watermaster access to the device(s). The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use, and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The permittee shall pass all live flow outside the storage season described above.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is used for out-of-reservoir purposes, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

#### STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
5. This permit does not allow unauthorized inundation of property not under the ownership of the permit holder.
6. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.
7. The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
8. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
9. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2012.
10. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.

11. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
12. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
  - a. the dimensions of the reservoir;
  - b. the maximum capacity of the reservoir in acre-feet; and
  - c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued JANUARY 17, 2008.

*E. Timothy Wall*

for Phillip C. Ward, Director  
Water Resources Department

Alternative Reservoir Application

~~TRANSFER APPLICATION~~

FOR: SAM DEMENWELL *Demarett*

BY: DUANE W. KIRBY

T19S, R2W, W. M.

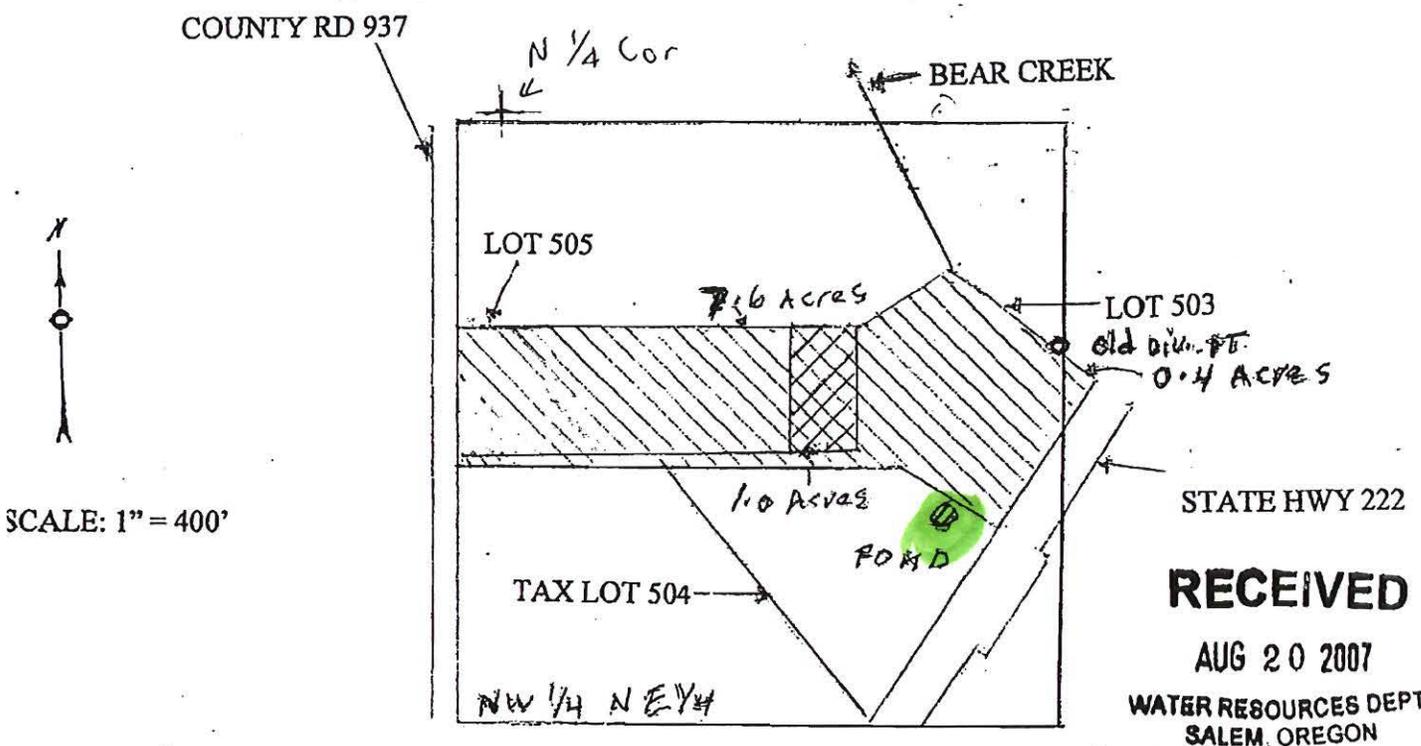
SECTION 18

CERTIFICATE NO 44515

TAX LOT 504

Pond is 980' E  
and 900' S from  
N 1/4 cor Sec. 18

50



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EXISTING DIV. PT. 530 FEET SOUTH & 1270 FEET EAST FROM N 1/4 COR, SEC 18  
TO REMAIN

POND 860 FEET SOUTH & 1070 FEET EAST FROM N 1/4 COR, SEC 18

- 8.0 ACRES TO REMAIN
- 1.0 ACRES FROM LOT 503
- 1.0 ACRES TO LOT 504

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



appno R-86960

# Water Rights Platcard Report

Meridian: Willamette Township: 19 South Range: 2 West Section: 18 Records per Page: 10 Search

New Platcards Maps! [Learn about](#) \* [Mapped by Type](#)

| Water Right   | Changing Xfers | Priority   | Use              | Use Status | DLC | Gov't Lot | QQ(40) Q(160) | NE NE | NW NE | SW NE | SE NE | NE NW | NW NW | SW NW | SE NW | NE SW | NW SW | SW SW | SE SW | NE SE | NW SE | SW SE | SE SE | Unkown QQ |  |
|---|----------------|------------|------------------|------------|-----|-----------|---------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-----------|--|
| Select Cert:37006 OR *  |                | 10/18/1966 | FISH CULTURE     |            | 54  |           |               | *     |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Additional Info: HEINRICH WAECHTER App: G3705 Permit: G3505 Cert: 37006         |                |            |                  |            |     |           |               |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Select Cert:11953 CR *  |                | 8/20/1921  | IRRIGATION       |            |     |           |               | 20    |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Additional Info: J.T. GILFRY App: S8057 Permit: S5221 Cert: 11953               |                |            |                  |            |     |           |               |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Select Cert:28343 OR *  |                | 4/3/1958   | IRRIGATION       |            | 55  |           |               |       |       |       |       | 5.5   | 8.4   |       |       |       |       |       |       |       |       |       |       |           |  |
| Additional Info: WAYNE E/MARGEY BOWERS App: S32228 Permit: S25426 Cert: 28343   |                |            |                  |            |     |           |               |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Select Cert:28343 OR *  |                | 4/3/1958   | IRRIGATION       |            | 67  |           |               |       |       |       |       | 14    |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Additional Info: WAYNE E/MARGEY BOWERS App: S32228 Permit: S25426 Cert: 28343   |                |            |                  |            |     |           |               |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Select Cert:44515 OR *  | T10444         | 2/2/1971   | IRRIGATION       |            | 54  |           |               | 0.4   | 9.6   |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Additional Info: LAUDIE & ELSIERAMBOUSEK App: S47905 Permit: S35896 Cert: 44515 |                |            |                  |            |     |           |               |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Select Cert:10202 OR CN   |                | 5/10/1933  | LIVESTOCK        | CN         |     |           |               | *     |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Additional Info: ELVA A HOEFLEIN App: S14924 Permit: S10879 Cert: 10202         |                |            |                  |            |     |           |               |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Select Cert:24472 CF *  |                | 5/10/1933  | LIVESTOCK        |            | 54  |           |               | *     |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Additional Info: VERNON CHITWOOD App: S14924 Permit: S10879 Cert: 24472         |                |            |                  |            |     |           |               |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Select Permit:R 14566 *   |                | 8/20/2007  | MULTIPLE PURPOSE |            |     |           |               | *     |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Additional Info: SAM DEMANETT App: R86960 Permit: R14566                        |                |            |                  |            |     |           |               |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Select Cert:68532 CF CN   | T9825          | 8/26/1949  | MUNICIPAL USES   | CN         |     |           |               | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *         |  |
| Additional Info: CITY OF CRESWELL App: S24060 Permit: S18957 Cert: 68532        |                |            |                  |            |     |           |               |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |
| Select Inchoate: T 9825 CF (REG) *  |                | 8/26/1949  | MUNICIPAL USES   |            |     |           |               | (*)   | (*)   | (*)   | (*)   | (*)   | (*)   | (*)   | (*)   | (*)   | (*)   | (*)   | (*)   | (*)   | (*)   | (*)   | (*)   | (*)       |  |
| Additional Info: CITY OF CRESWELL App: S24060 Permit: S18957                    |                |            |                  |            |     |           |               |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |           |  |

Acreage Legend: 12.25 Regular acreage    ±2.25 Acreage is on a canceled right    (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)    [12.25] Acreage has been suspended    \* Acreage is not specified

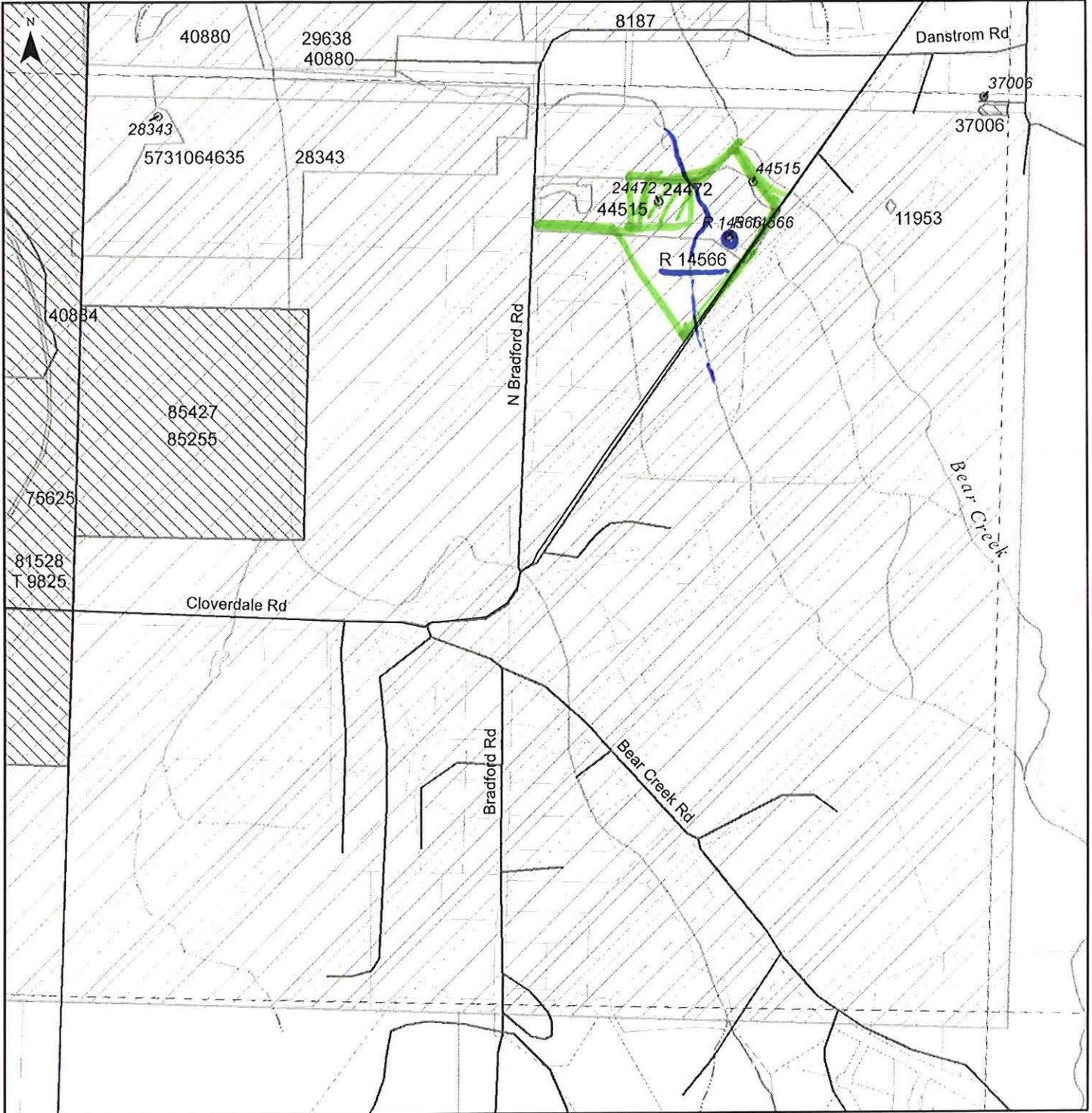
# Water Rights Platcard Report

Meridian: Willamette Township: 19 South Range: 2 West Section: 18 Records per Page: 10 Search

New Platcards Maps! Learn about \* Mapped by Type

| Water Right  | Channing Xfers | Priority  | Use                                   | Use Status | DLC | Gov't Lot | QQ(40): Q(160) | NE NE | NW NE | SW NE | SE NE | NE NW | NW NW | SW NW | SE NW | NE SW | NW SW | SW SW | SE SW | NE SE | NW SE | SW SE | SE SE | Unkwn QQ |
|--|----------------|-----------|---------------------------------------|------------|-----|-----------|----------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|----------|
| <a href="#">Select</a> Cert:81528 RR *   |                | 8/26/1949 | MUNICIPAL USES                        |            |     |           |                | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     |          |
| Additional Info:<br>CITY OF CRESWELL<br>App: S24060<br>Permit: S18957<br>Cert: 81528 |                |           |                                       |            |     |           |                |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |          |
| <a href="#">Select</a> App:S 87330 *   |                | 11/5/2008 | MUNICIPAL USES                        |            |     |           |                | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     |          |
| Additional Info:<br>JEFF DEMERS<br>App: S87330                                       |                |           |                                       |            |     |           |                |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |          |
| <a href="#">Select</a> Cert:85255 OR *   |                | 12/1/1988 | MUNICIPAL USES                        |            |     |           |                | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     |          |
| Additional Info:<br>CITY OF CRESWELL<br>App: G11874<br>Permit: G10903<br>Cert: 85255 |                |           |                                       |            |     |           |                |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |          |
| <a href="#">Select</a> Cert:85427 OR *   |                | 8/10/1989 | MUNICIPAL USES                        |            |     |           |                | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     |          |
| Additional Info:<br>CITY OF CRESWELL<br>App: S70032<br>Permit: S50836<br>Cert: 85427 |                |           |                                       |            |     |           |                |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |          |
| <a href="#">Select</a> Permit:G 5350 CN  |                | 2/2/1971  | SUPPLEMENTAL CN IRRIGATION (Suppl'mt) |            |     |           |                | 0-2   | ±0-0  |       |       |       |       |       |       |       |       |       |       |       |       |       |       |          |
| Additional Info:<br>LAUDIE RAMBOUSEK<br>App: G5421<br>Permit: G5350                  |                |           |                                       |            |     |           |                |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |          |

Acreege Legend: 12.25 Regular acreage ±2.25 Acreege is on a canceled right (12.25) Acreege is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreege has been suspended \* Acreege is not specified



0 1,000 Feet

For more information:  
<http://www.wrd.state.or.us>  
 and  
<http://apps2.wrd.state.or.us/apps/wr/wrinfo/>

This map is for informal purposes only.  
 It is not intended for legal, engineering or  
 surveying purposes.

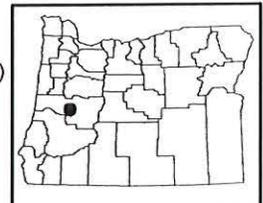
- Points of Diversion**
- 75030
  - 24883
  - 24883

- Places of Use**
-  75030 Storage water
  -  24883 Surface water
  -  24883 Ground water

◇ Water Rights - Outline to be determined. (Applies to all colors)

Water right labels indicate certificate number or permit letter(s) and number.

**Index Map**



# AFFIDAVIT OF PUBLICATION

State of Oregon, County of Lane-SS

I, Helen Hollyer, being the first duly sworn depose and say that I am the Publisher of the Creswell Chronicle, a newspaper of general circulation, published at Creswell, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

WATER RIGHT TRANSFER T-10444

a copy of which is hereto annexed, was published in the entire issue of said newspaper for

3

successive and consecutive weeks in the following issues:

December 3, 2009

December 10, 2009

December 17, 2009

*Helen Hollyer*

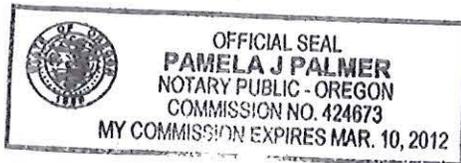
Helen Hollyer (Publisher)

Subscribed and sworn to before me this  
December 17, 2009

*Pamela J Palmer*

NOTARY PUBLIC FOR OREGON

My commission expires March 10, 2012



NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-10444. T-10444 filed by SAM DEMANETT, PO BOX 853, CRESWELL, OR 97426 proposes a change in place of use and a change in character of use under Certificate 44515. The right allows the use of 0.013 CUBIC FOOT PER SECOND (priority date FEBRUARY 2, 1971), from the BEAR CREEK in Sec. 18, T 19 S, R 2 W, W.M. for IRRIGATION in Sec. 18. The applicant proposes to change the place of use to Sec. 18, T 19 S, R 2 W, W.M.; and to change the character of use to POND MAINTENANCE. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000. Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is December 17, 2009. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.  
C2475 Pub Dec 3, 10, 17, 2009

RECEIVED

JAN 08 2010

WATER RESOURCES DEPT  
SALEM, OREGON

The Creswell Chronicle  
 PO Box 428, Creswell, OR 97426  
 541-895-2197 • 541-895-2361 (fax)

# Invoice

|          |             |
|----------|-------------|
| Date     | Invoice No. |
| 12/03/09 | 8547        |

|   |
|---|
| <b>Bill To:</b><br>Sam Demanett<br>PO Box 853<br>Creswell, OR 97426 |
|---|

| P.O. Number | Terms | Due Date | End Date | Our Project # | Your Project # |
|-------------|-------|----------|----------|---------------|----------------|
|             |       | 12/03/09 | 12/17/09 | DEMANETT      | T-10444        |

| Item         | Description             | Quantity | Rate                 | Amount         |
|--------------|-------------------------|----------|----------------------|----------------|
| Legal Notice | Legal Notices Published | 3        | 22.00                | 66.00          |
|              |                         |          | <b>RECEIVED</b>      |                |
|              |                         |          | JAN 08 2010          |                |
|              |                         |          | WATER RESOURCES DEPT |                |
|              |                         |          | SALEM, OREGON        |                |
|              |                         |          | <b>Total</b>         | <b>\$66.00</b> |



# Oregon

Theodore R. Kulongoski, Governor

October 20, 2009

## Water Resources Department

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

SAM DEMANETT  
PO BOX 853  
CRESWELL OR 97426

SUBJECT: Transfer Application T-10444

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10444. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Because there is a change in character of use, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original affidavit of publication to me at the address shown in the letterhead, by **December 7, 2009**.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0898 or [Nichole.M.Hendricks@wrdd.state.or.us](mailto:Nichole.M.Hendricks@wrdd.state.or.us).

Sincerely,

Nikki Hendricks  
Transfer Specialist

cc: Michael J. Mattick, District 2 Watermaster  
Duane Kirby, CWRE

encs



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

In the Matter of Transfer Application            )  
T-10444, Lane County                            )  
  )  
  )    PRELIMINARY DETERMINATION  
  )    PROPOSING APPROVAL FOR A  
  )    PLACE OF USE, AND CHARACTER  
  )    OF USE CHANGE

**Authority**

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

**Applicant**

SAM DEMANETT  
PO BOX 853  
CRESWELL OR 97426

**Findings of Fact**

*Background*

1. On August 20, 2007, SAM DEMANETT filed an application to change the place of use and to change the character of use under Certificate 44515. The Department assigned the application number T-10444.
2. The portion of the right to be transferred is as follows:

**Certificate:** 44515 in the name of LAUDIE AND ELSIE RAMBOUSEK (confirmed by PERMIT 35896)  
**Use:** IRRIGATION of 1 ACRE  
**Priority Date:** FEBRUARY 2, 1971  
**Rate:** 0.013 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** BEAR CREEK, tributary to the COAST FORK WILLAMETTE RIVER

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

**Authorized Point of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Survey Coordinates   |
|------|-----|-----|-----|-------|-----|--|
| 19 S | 2 W | WM  | 18  | NW NE | 54  | 530 FEET SOUTH AND 1270 FEET EAST FROM THE N1/4 CORNER OF SECTION 18 |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 19 S       | 2 W | WM  | 18  | NW NE | 54  | 1.00  |

- Transfer Application T-10444 proposes to change the character of use to POND MAINTENANCE, in a pond evidenced by Permit R-14566.
- Transfer Application T-10444 also proposes to change the place of use of the right to:

| POND MAINTENANCE |     |     |     |       |     |
|------------------|-----|-----|-----|-------|-----|
| Twp              | Rng | Mer | Sec | Q-Q   | DLC |
| 19 S             | 2 W | WM  | 18  | NW NE | 54  |

- Notice of the application for transfer was published on AUGUST 28, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- The transfer application included a map where the number of acres remaining on the lands does not match the remaining acres under this water right. A revised map was received on August 25, 2009.
- On July 27, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10444 to the applicant. The draft Preliminary Determination set forth a deadline of August 26, 2009, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- The annual quantity associated with the transfer of one acre of irrigation under this right is limited to no more than 2.5 acre-feet.

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

- Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10444.
- The proposed changes would not result in enlargement of the right.

12. The proposed changes would not result in injury to other water rights.

### **Determination and Proposed Action**

The change in place of use and change in character of use proposed in Transfer Application T-10444 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-10444 is approved, the final order will include the following:*

1. *The change in place of use and change in character of use proposed in Transfer Application T-10444 are 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 44515 and any related decree.*
3. *Water right certificate 44515 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*
5. *The former place of use of the transferred right shall no longer receive water under the right.*
6. *The quantity of water for pond maintenance shall be limited to a rate of diversion not to exceed 0.013 cubic foot per second and shall be further limited to a total quantity not to exceed 2.5 acre feet during the irrigation season of each year.*
7. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
8. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 23<sup>rd</sup> day of October, 2009.



Phillip C. Ward, Director *PCW*

This Preliminary Determination was prepared by by Nikki Hendricks. If you have questions about the information in this document, you may reach me at 503-986-0898 or [Nichole.M.Hendricks@wrд.state.or.us](mailto:Nichole.M.Hendricks@wrд.state.or.us).

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

**Notice of Preliminary Determination for  
Water Right Transfer T-10444**

T-10444 filed by SAM DEMANETT, PO BOX 853, CRESWELL OR 97426 proposes a change in place of use and a change in character of use under Certificate 44515. The right allows the use of 0.013 CUBIC FOOT PER SECOND (priority date FEBRUARY 2, 1971) from the BEAR CREEK in Sec. 18, T 19 S, R 2 W, W.M. for IRRIGATION in Sec. 18. The applicant proposes to change the place of use to Sec. 18, T 19 S, R 2 W, W.M.; and to change the character of use to POND MAINTENANCE. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

10-12-09

To: Mikki Hendricks

From: Sam Demanett

Re: Water Right Transfer # T-10444

This letter is to confirm that I agree with the terms of the water right transfer and that the map of usage is correct.

I will post the notice of transfer in the local paper upon receipt of notice from you.

Sincerely,

Sam W. Demanett

Sam W. Demanett

**RECEIVED**

OCT 19 2009

WATER RESOURCES DEPT  
SALEM, OREGON

CT-2056

9561909

EXHIBIT "A"

PROPERTY DESCRIPTION

Beginning at a point on the East right of way line of County Road 937, said point being 12.55 feet North 89° 55' 10" East of the Southwest corner of the H.R. Jones Donation Land Claim No. 54, in Township 19 South, Range 2 West, Willamette Meridian; thence North 89° 55' 10" East, 405.49 feet to a point on the westerly right of way line of the Creswell-Springfield Highway; thence along a spiral curve to the left, the chord of which bears North 32° 51' 20" East, 39.06 feet to a point; thence continuing along said right of way line as follows; North 32° 50' 30" East, 225.12 feet to a point; thence South 57° 09' 30" East, 10.00 feet to a point; thence North 32° 50' 30" East, 749.97 feet to a 5/8 inch iron pin marking the true point of beginning of this description; thence leaving said westerly right of way line North 39° 49' 49" West, 773.98 feet to a point marked by a 1/2 inch iron pipe; thence North 89° 49' 25" East, 587.60 feet to a point marked by a 5/8 inch iron pin; thence South 56° 58' 18" East, 236.15 feet to a 1/2 inch iron pipe set on the westerly right of way line of the Creswell-Springfield Highway; thence along said westerly right of way line as follows; thence South 32° 50' 30" West, 249.85 feet to a point marked by a "P.K." nail set in concrete; thence South 57° 09' 30" East, 10.00 feet to a point marked by a "P.K." nail set in concrete; thence South 32° 50' 30" West, 300.09 feet to a point of beginning, all in Lane County, Oregon;

EXCEPT that portion, if any, that lies within that tract of land described in deed to Laudie Rambousek, and wife, recorded December 18, 1970, Reel No. 510, Reception No. 70466, Lane County Official Records.

RECEIVED

OCT 19 2009

WATER RESOURCES DEPT  
SALEM, OREGON

State of Oregon  
County of Lane ss.  
I, the County Clerk, in and for the said County, do hereby certify that the within instrument was received for record at

30 OCT 29 11 03

Reel: 2109R

Lane County OFFICIAL RECORDS  
Lane County Clerk

By: Donal A. Sackett  
County Clerk

(50)(66) (8-19-21)

CT 203655-6

After recording return to:  
**CASCADE TITLE CO.** "RETURN TO CASCADE TITLE CO."  
 1075 OAK ST  
 EUGENE, OR 97401  
 NAME, ADDRESS, ZIP

Until a change is requested, mail all tax statements to:  
**SAM W. DEMANETT**  
 831 ~~20~~ CLOVERDALE ROAD  
 CRESWELL, OR 97426  
 NAME, ADDRESS, ZIP

9561909

**BARGAIN & SALE DEED**

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 use.

100-30-

**SAM W. DEMANETT, ALSO KNOWN AS SAMMY W. DEMANETT**

Grantor

grant, bargain, sell and convey to **SAM W. DEMANETT AND CYNTHIA L. DEMANETT, HUSBAND AND WIFE**

Grantee, the following described real property:

EXHIBIT "A" ATTACHED

222001 30'95H01SEC 10.00  
 222002 30'95H01PFUND 10.00  
 222003 30'95H01AAT FUND 20.00

WATER RESOURCES DEPT  
 SALEM, OREGON  
 OCT 19 2009  
 RECEIVED



IF INSUFFICIENT SPACE, CONTINUE DESCRIPTION ON ADDITIONAL PAGE

True consideration for this conveyance is \$1.1.00  
 Dated **OCTOBER 24, 19 95**

*Sam W. Demanett*  
**SAM W. DEMANETT**

STATE OF OREGON, County of Lens, ss.  
**SAM W. DEMANETT**

Personally appeared the above named

and acknowledged the foregoing instrument to be **HIS** voluntary act and deed. Before me:  
 Dated **OCTOBER 24, A.D. 19 95**  
 My Commission Expires: 5/3/96

*Shannon Loux*  
 Notary Public for Oregon

**CASCADE TITLE COMPANY**



1075 Oak Street, Eugene

Form No. 109



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

July 27, 2009

SAM DEMANETT  
PO BOX 853  
CRESWELL OR 97426

SUBJECT: Water Right Transfer Application T-10444

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-10444. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

At this time, you must submit a report of landownership for the lands to which the water right is appurtenant (the FROM lands) that has been prepared within the last three months by a title company. You will need to submit a notarized statement of consent from any landowner listed in the report who is not already included in the transfer application.

In addition to the required material above, the review of your application maps show an error in the number of acres remaining on the 'from' lands. Certificate 44515 shows a total of 10 irrigated acres and the transfer is proposing to remove one acre, leaving a total of nine acres for irrigation. For map requirements the Department needs a revised map illustrating the correct number of remaining acres.

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

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership information. If we do not receive your response and the report by **August 26, 2009**, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at, 503-986-0898, if I may be of assistance.

Sincerely,

Nikki M. Hendricks  
NW REGION

cc: T-10444  
Michael J. Mattick, District 2 Watermaster  
Duane Kirby, CWRE

encs



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

In the Matter of Transfer Application  
T-10444, Lane County

)  
)  
)  
)  
)

**D R A F T**  
PRELIMINARY DETERMINATION  
PROPOSING APPROVAL FOR A  
PLACE OF USE, AND CHARACTER  
OF USE CHANGE

**Authority**

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

**Applicant**

SAM DEMANETT  
PO BOX 853  
CRESWELL OR 97426

**Findings of Fact**

**Background**

1. On August 20, 2007, SAM DEMANETT filed an application to change the place of use and to change the character of use under Certificate 44515. The Department assigned the application number T-10444.

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

**Certificate:** 44515 in the name of LAUDIE AND ELSIE RAMBOUSEK (confirmed by PERMIT 35896)  
**Use:** IRRIGATION of 1 ACRE  
**Priority Date:** FEBRUARY 2, 1971  
**Rate:** 0.013 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** BEAR CREEK, tributary to the COAST FORK WILLAMETTE RIVER

**Authorized Point of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   | DLC | Survey Coordinates   |
|------|-----|-----|-----|-------|-----|--|
| 19 S | 2 W | WM  | 18  | NW NE | 54  | 530 FEET SOUTH AND 1270 FEET EAST FROM THE N1/4 CORNER OF SECTION 18 |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 19 S       | 2 W | WM  | 18  | NW NE | 54  | 1.00  |

- Transfer Application T-10444 proposes to change the character of use to POND MAINTENANCE, in a pond evidenced by Permit R-14566.
- Application T-10444 also proposes to change the place of use of the right to:

| POND MAINTENANCE |     |     |     |       |     |
|------------------|-----|-----|-----|-------|-----|
| Twp              | Rng | Mer | Sec | Q-Q   | DLC |
| 19 S             | 2 W | WM  | 18  | NW NE | 54  |

- Notice of the application for transfer was published on AUGUST 28, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- The transfer application included a map where the number of acres remaining on the lands does not match the remaining acres under this water right.
- The annual quantity associated with the transfer of one acre of irrigation under this right is limited to no more than 2.5 acre-feet.

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

- Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10444.
- The proposed changes would not result in enlargement of the right.
- The proposed changes would not result in injury to other water rights.

**Determination and Proposed Action**

The change in place of use and change in character of use proposed in Transfer Application T-10444 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-

380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If application T-10444 is approved, the final order will include the following:*

- 1. The change in place of use and change in character of use proposed in application T-10444 are approved.*
- 2. Water right certificate 44515 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 44515 and any related decree.*
- 4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*
- 5. The former place of use of the transferred right shall no longer receive water under the right.*
- 6. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
- 7. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 27 day of July, 2009.

**D R A F T**

---

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by by Nikki Hendricks. If you have questions about the information in this document, you may reach me at 503-986-0898 or [Nichole.M.Hendricks@wrд.state.or.us](mailto:Nichole.M.Hendricks@wrд.state.or.us).



# Oregon

Theodore R. Kulongoski, Governor

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

August 30, 2007

SAM DEMANETT  
PO BOX 853  
CRESWELL OR 97426

Reference: Transfer 10444

On August 20, 2007 we received your water right transfer application. The application was accompanied by \$800.00. Our receipt 89273 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. A number of other transfer applications are also awaiting review. As a result, it may be some time before we are able to process your application. If you wish to have your application processed more quickly, you may want to consider use of the Department's reimbursement authority. Under this authority an applicant may receive expedited review by paying the full cost for a pre-qualified contractor to process the applications. For more information on the Reimbursement Authority program, see our website at [http://www.wrd.state.or.us/OWRD/mgmt\\_reimbursement.shtml](http://www.wrd.state.or.us/OWRD/mgmt_reimbursement.shtml) or call the transfer section.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the application or map are required.

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

cc: Watermaster #2  
Duane Kirby, CWRE

enclosure





# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

**Notice of Application for  
Water Right Transfer, Temporary Transfer, or Permit Amendment  
08/28/2007**

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: LANE  
Transfer: 10444  
Water Right: CERT 44515  
Priority Date: 1971  
Name: SAM DEMANETT  
Address: PO BOX 853, CRESWELL OR 97426  
Change: USE/POU  
Source: BEAR CREEK  
Authorized POU: T19S R2W 18  
Proposed POU: T19S R2W 18  
Authorized USE: IRRIGATION  
Proposed USE: POND MAINT.

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

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

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

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

# **ORIGINALS**

**Transfer Application and Map**

**Amendments/Revisions to Appl & Map**

**Receipt**

**Deed or Lot Book Report**

**Notarized Consent**

**Evidence of Use Affidavit**

**Land Use Information Form**

**Lien Holder Notification *(if applicable)***

**Report of Ownership and Lien Info *(if applicable)***

**&**

**Other Supporting Documentation**

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

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

RECEIPT # **89273**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Sam or Cynthia Demarett  
 BY: \_\_\_\_\_

|             |         |
|-------------|---------|
| APPLICATION |         |
| PERMIT      |         |
| TRANSFER    | T-10444 |

CASH:  CHECK:#  2457 OTHER: (IDENTIFY)

TOTAL REC'D \$ 800.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

|                   |                            |                  |
|-------------------|----------------------------|------------------|
| 0407 COPIES       | \$                         |                  |
| OTHER: (IDENTIFY) | \$                         |                  |
| 0243 I/S Lease    | 0244 Muni Water Mgmt. Plan | 0245 Cons. Water |

**4270 WRD OPERATING ACCT**

| MISCELLANEOUS                  |           |          |             |
|--------------------------------|-----------|----------|-------------|
| 0407 COPY & TAPE FEES          |           |          | \$          |
| 0410 RESEARCH FEES             |           |          | \$          |
| 0408 MISC REVENUE: (IDENTIFY)  |           |          | \$          |
| TC162 DEPOSIT LIAB. (IDENTIFY) |           |          | \$          |
| 0240 EXTENSION OF TIME         |           |          | \$          |
| WATER RIGHTS:                  |           | EXAM FEE | RECORD FEE  |
| 0201 SURFACE WATER             | \$        | 0202     | \$          |
| 0203 GROUND WATER              | \$        | 0204     | \$          |
| 0205 TRANSFER                  | \$ 800.00 |          |             |
| WELL CONSTRUCTION              |           | EXAM FEE | LICENSE FEE |
| 0218 WELL DRILL CONSTRUCTOR    | \$        | 0219     | \$          |
| LANDOWNER'S PERMIT             |           | 0220     | \$          |
| OTHER (IDENTIFY)               |           |          |             |

**0536 TREASURY 0437 WELL CONST. START FEE**

|                           |    |        |  |
|---------------------------|----|--------|--|
| 0211 WELL CONST START FEE | \$ | CARD # |  |
| 0210 MONITORING WELLS     | \$ | CARD # |  |
| OTHER (IDENTIFY)          |    |        |  |

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

|                                |  |    |
|--------------------------------|--|----|
| 0233 POWER LICENSE FEE (FWWRD) |  | \$ |
| 0231 HYDRO LICENSE FEE (FWWRD) |  | \$ |
| HYDRO APPLICATION              |  | \$ |

**TREASURY OTHER / RDX**

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

RECEIPT: **89273**

DATED: 8-20-07 BY: L. Pawlik

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



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

# Application for Water Right Transfer

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

## 1. TYPE OF TRANSFER APPLICATION

Please check one

|   |  |
|---|--|
| <input checked="" type="checkbox"/> Permanent Transfer    | <input type="checkbox"/> Instream Transfer |
| <input type="checkbox"/> Temporary Transfer (1 to 5 yrs.) | <input type="checkbox"/> Permanent         |
| • total number of years: _____                            | <input type="checkbox"/> Time-Limited      |
| (begin year: _____)                                       | <input type="checkbox"/> Drought Transfer  |
| (end year: _____)   | <input type="checkbox"/> Other             |

## 2. APPLICANT INFORMATION

Name: Sam Demanett  
First Last

Address: 83122 Cloverdale Rd - PO Box 853  
Croswell OR 97426  
City State Zip

Phone: 541 895-4666 Sam  
Home Work Other

Fax: 541 895-4664 E-Mail address: \_\_\_\_\_

## 3. AGENT INFORMATION

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

Name: \_\_\_\_\_  
First Last

Address: \_\_\_\_\_  
 \_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

Fax: \_\_\_\_\_ E-Mail address: \_\_\_\_\_

- If an agent is listed above, please check one of the following:
  - Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
  - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

T 10444

**RECEIVED**  
 AUG 20 2007 FS  
 WATER RESOURCES DEPT  
 SALEM, OREGON

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

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

|    | Application / Decree | Permit / Previous Transfer | Certificate |
|----|----------------------|----------------------------|-------------|
| 1. | S-47905              | S-35896                    | 44515       |
| 2. |                      |                            |             |
| 3. |                      |                            |             |
| 4. |                      |                            |             |
| 5. |                      |                            |             |
| 6. |                      |                            |             |

- Attach a **separate Supplemental Form A** (Description of Proposed Change(s) to a Water Right) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
  - Place of Use       Point of Diversion (POD)       Additional Point of Diversion
  - Character of Use       Point of Appropriation (POA, or well)       Additional POA
  - Instream Transfer       Surface Water POD to Ground Water POA
  - Substitution of Supplemental Groundwater right for Primary Surface water right
  - Historic POD change       Other

Reason(s) for change(s): Transfer 1 acre of irrigation  
water to Pond Maintenance

**5. WATER DELIVERY SYSTEM**

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

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.*

Berkley 2 HP cent to hand line system  
3" main line with 8-20 rainbirds

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

50 GPM @ 40 PSI  
60 GPM @ 30 PSI

T 10444

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**AUG 20 2007<sup>FS</sup>**  
**WATER RESOURCES DEPT**  
**SALEM, OREGON**

**6. EVIDENCE OF BENEFICIAL WATER USE**

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
  - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

**7. AFFECTED DISTRICTS**

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district?  Yes  No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer?  Yes  No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity?  Yes  No

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

---



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**8. LOCAL GOVERNMENTS**

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Lane County

---

125 E 8th Ave

---

Eugene OR 97401

---

**RECEIVED**

AUG 20 2007

**WATER RESOURCES DEPT  
SALEM, OREGON FS**

T 10444



## 11. ATTACHMENTS

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

### Supplemental Form A –

#### Description of Proposed Change(s) to a Water Right

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

### Supplemental Form B –

#### Evidence of Use Affidavit(s)

- At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- The Evidence of Use Affidavit must be accompanied by supporting documentation.

### Map

- Water Right Transfer*  
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

*Temporary Transfer or Historical POD Change*

A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

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

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

### Land Use Information For Proposed Changes:

#### For Instream Transfers:

- Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

#### For All Other Transfers:

- Land Use Information Form is enclosed; *or*
- All of the following criteria are met, therefore a Land Use Information Form is not required:
- ① In EFU zone or irrigation district,
  - ② Change in place of use only,
  - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
  - ④ Irrigation only.

#### Fees:

- Amount enclosed: \$ 800<sup>00</sup>  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

#### Instream Water Right Transfers, also include:

### Supplemental Form C –

#### Instream Water Right Transfer

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

#### Temporary Transfers, also include:

#### Recorded Deed:

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

#### Affidavit of Consent:

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

**RECEIVED**

AUG 20 2007

WATER RESOURCES DEPT  
SALEM, OREGON

FS

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

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

**12. SIGNATURES**

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

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

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

I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

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

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

I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

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

|  |   |                        |
|--|---|------------------------|
| <br>applicant signature | _____<br>name and title if applicable (print) | <u>8-16-07</u><br>date |
| _____<br>applicant signature   | _____<br>name and title if applicable (print) | _____<br>date          |

T 10444

Last revised: 7/27/2007

Transfer Application/6

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WATER RESOURCES DEPT  
SALEM, OREGON

FS

**Water Right Transfer Supplemental Form A**  
**DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT**

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

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

▪ Certificate Number or other identifying number: 44515

**1. TYPE OF CHANGE(S) PROPOSED**

(Check *all* that apply.)

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

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SALEM, OREGON

**2. CURRENT WATER RIGHT INFORMATION**

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

|   |                                    |   |
|---|------------------------------------|---|
| <input checked="" type="checkbox"/> Certificated Right                    | <u>44515</u><br>Certificate Number | <u>S-35896</u><br>Permit Number or Decree Name  |
| <input type="checkbox"/> Adjudicated, Non-certificated Right              | _____<br>Name of Decree            | _____<br>Page Number                            |
| <input type="checkbox"/> Permit for which Proof has been Approved         | _____<br>Permit Number             | _____<br>Date Claim of Beneficial Use Submitted |
| <input type="checkbox"/> Transferred Right for which Proof has been Filed | _____<br>Previous Transfer Number  | _____<br>Date Claim of Beneficial Use Submitted |

- Name on Permit, Certificate, or Decree: Laudie & Elsie Rombousek
- County: Linn
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): Feb 2, 1971

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

- Source(s) of Water to be Affected by Transfer: Bear Creek

Tributary to: Coast FK Willamette River

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

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

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

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

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

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

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T 10444

▪ Certificate Number or other identifying number: 44515

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

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:** *Not*  
 (i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

| If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___) | Source and Priority Date | Township | Range | Mer | Sec | ¼ ¼ | Tax Lot, DLC or Gov't Lot | Survey Coordinates (coordinates from a recognized survey corner) |
|--|--------------------------|----------|-------|-----|-----|-----|---------------------------|--|
|  |                          |          |       |     |     |     |                           |  |
|  |                          |          |       |     |     |     |                           |  |
|  |                          |          |       |     |     |     |                           |  |

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

Yes      No (Surface water source only.)

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

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

or

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

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

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

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

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▪ Certificate Number or other identifying number: 44515

**3. PROPOSED CHANGES TO THE WATER RIGHT**

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

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

*No change*

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

N/A - Instream Water Right Transfer

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

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

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

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

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

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

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

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

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~~Alt Ros~~  
and  
Transfer to Pond Maint.

## Dear Customer Service Group :

This application has received our assistance here in Watermaster District 2.

by Michael Mattick Phone # 541 682-3620  
(Name)

Please let us know if there is anything else that might be needed.

Assistance was provided in the preparation of the:

- Application
- Map
- Other

T 10444

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# Oregon

Theodore R. Kulongoski, Governor

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

July 27, 2009

SAM DEMANETT  
PO BOX 853  
CRESWELL OR 97426

SUBJECT: Water Right Transfer Application T-10444

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-10444. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

At this time, you must submit a report of landownership for the lands to which the water right is appurtenant (the FROM lands) that has been prepared within the last three months by a title company. You will need to submit a notarized statement of consent from any landowner listed in the report who is not already included in the transfer application.

In addition to the required material above, the review of your application maps show an error in the number of acres remaining on the 'from' lands. Certificate 44515 shows a total of 10 irrigated acres and the transfer is proposing to remove one acre, leaving a total of nine acres for irrigation. For map requirements the Department needs a revised map illustrating the correct number of remaining acres.

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

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership information. If we do not receive your response and the report by August 26, 2009, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at, 503-986-0898, if I may be of assistance.

Sincerely,

Nikki M. Hendricks  
NW REGION

cc: T-10444  
Michael J. Mattick, District 2 Watermaster  
Duane Kirby, CWRE

encs

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Here is a revised map showing  
9.0 Acres Remaining

D. Kirby

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That LAUDIE & ELSIE RAMBOUSEK

of 83107 North Bradford Rd., Creswell, State of Oregon, 97426, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Bear Creek

a tributary of Willamette River for the purpose of irrigation of 10.0 acres

under Permit No. 35896 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 2, 1971 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.13 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 NE 1/4, as projected within Wm. R. Jones DLC 54, Section 18, T. 19 S., R. 2 W., W. M., 530 feet South and 1270 feet East from the NE Corner, Section 18

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

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

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

0.4 acre NE 1/4 NE 1/4
9.6 acres NW 1/4 NE 1/4
Both as projected within Wm. R. Jones DLC 54
Section 18
T. 19 S., R. 2 W., W. M.

Transfer Remaining
0.4
9.6
9 acres / .117 cfs

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

WITNESS the signature of the Water Resources Director, affixed

this date. June 17, 1977

James F. Sexson
Water Resources Director

T 10444



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

Irrigate for Hay and Pasture

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

2 H.P. Bertiley Pump - 50 GPM @ 40 lbs. pressure  
3" Main Irrigation line with 8-20 sprinklers  
(Rainbird)

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

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Other: \_\_\_\_\_

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Sam W. Comstock  
Signature of Affiant

8-29-06  
Date  
8-29-06

Sam W. Comstock

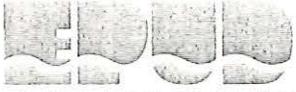
Signed and sworn to (or affirmed) before me this 29<sup>th</sup> day of August, 2006.



Angelika McVea  
Notary Public for Oregon

My Commission Expires: Aug. 9, 2008

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



**COPY**

|                |          |
|----------------|----------|
| ACCOUNT NUMBER | DUE DATE |
| [REDACTED]     | 11/08/04 |

EMERALD PEOPLE'S UTILITY DISTRICT

33733 Seavey Loop Road  
Eugene, Oregon 97405-9814  
(541) 746-1583  
1-800-422-4086 - Oregon  
www.epud.org

548

**\*\* CLOSING BILL \*\***

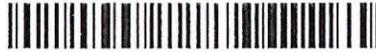
|           |
|-----------|
| TOTAL DUE |
| 79.07     |

YES - I want to "Round-Up" for Helping Hand.

LAUDIE RAMBOUSEK  
897 S ST  
SPRINGFIELD OR 97477-2383

AGR PUMPING SERVICE 41A

|                 |
|-----------------|
| OFFICE USE ONLY |
|                 |



PLEASE RETURN THE ABOVE STUB WITH PAYMENT

EMERALD PEOPLE'S UTILITY DISTRICT

ACCOUNT NUMBER: [REDACTED]  
NAME: RAMBOUSEK, LAUDIE  
METER NUMBER: 23459125  
FOR SERVICE AT: 83107 BRADFORD RD N CR  
PUMP-IRRIGATION

PREVIOUS BALANCE 40.31  
PAYMENTS 40.31 CR  
BALANCE FORWARD .00

| SERVICE DATES | DAYS | PREVIOUS METER READ | CURRENT METER READ | MULT | UNITS USED | AMOUNT |
|---------------|------|---------------------|--------------------|------|------------|--------|
|               |      | 1                   | 331                | 1    | 330        |        |

DISTRIBUTION & FRANCHISE 2.350 CENTS PER KWH X 330 = 7.76  
ENERGY CHARGE 2.430 CENTS PER KWH X 330 = 8.02  
BPA ADJ. OF ENERGY RELATED CHARGES @ 41% 3.29  
MONTHLY BASIC SERVICE 10.00

BASIC CHARGE 50.00

TOTAL DUE 79.07

*This is for season 2003 + 204  
I bought the property from this man in 2004. Used very little in 2005. I Am using now in 2006*

*-----  
79.07  
- 30.00  
= 49.07*

EMERALD HAS 0% LOANS AVAILABLE FOR HOME WEATHERIZATION, HEAT PUMPS & SOLAR WATER HEATERS. CALL US TODAY.

THIS IS A HISTORY OF YOUR ELECTRIC USAGE DURING THE PAST YEAR.

| SERVICE TO | DAYS | TEMP | KWH USED | AVG. KWH/DAY |
|------------|------|------|----------|--------------|
| 1/15/04    |      | 37   | 698      |              |
| 10/11/04   |      | 59   | 330      |              |

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T 10444

BILLING DATE - 2/28/07



EMERALD PEOPLE'S UTILITY DISTRICT

33733 Seavey Loop Road  
Eugene, Oregon 97405-9614  
(541) 746-1583  
1-800-422-4086 - Oregon  
www.epud.org

48 \*\* CLOSING BILL \*\*

|                |           |
|----------------|-----------|
| ACCOUNT NUMBER | DUE DATE  |
| [REDACTED]     | TOTAL DUE |

|           |
|-----------|
| TOTAL DUE |
| 72.38     |

YES - I want to "Round-Up" for Helping Hand.

SAM W DEMANETT  
PO BOX 853  
CRESWELL OR 97426-0853

AGR PUMPING SERVICE 41A

|                 |
|-----------------|
| OFFICE USE ONLY |
|                 |

00745307000007238

EMERALD PEOPLE'S UTILITY DISTRICT

PLEASE RETURN THE ABOVE STUB WITH PAYMENT

ACCOUNT NUMBER: [REDACTED]  
NAME: DEMANETT, SAM W  
METER NUMBER: 23459125  
FOR SERVICE AT: 83107 BRADFORD RD N CR  
PUMP-IRRIGATION

PREVIOUS BALANCE 72.38  
PAYMENTS .00  
BALANCE FORWARD 72.38

| SERVICE DATES | DAYS | PREVIOUS METER READ | CURRENT METER READ | MULT | UNITS USED | AMOUNT |
|---------------|------|---------------------|--------------------|------|------------|--------|
|               |      |                     |                    |      |            |        |

PAST DUE 72.38

TOTAL DUE 72.38

*Pd 3-2-07*

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EMERALD HAS 0% LOANS AVAILABLE FOR HOME WEATHERIZATION, HEAT PUMPS & SOLAR WATER HEATERS. CALL US TODAY.

THIS IS A HISTORY OF YOUR ELECTRIC USAGE DURING THE PAST YEAR.

| SERVICE TO | DAYS | TEMP | KWH USED | AVG. KWH/DAY |
|------------|------|------|----------|--------------|
| 2/28/06    | 10   |      |          |              |
| 3/31/06    | 10   | 45   |          |              |
| 5/01/06    | 10   | 50   |          |              |
| 5/31/06    | 10   |      |          |              |
| 6/30/06    | 10   | 63   |          |              |
| 7/31/06    | 10   | 69   |          |              |
| 8/30/06    | 10   | 66   |          |              |
| 9/28/06    | 10   | 62   |          |              |
| 11/22/06   | 10   | 48   | 1120     | 112          |
| 12/29/06   |      | 40   |          |              |
| 1/30/07    |      | 37   |          |              |

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SEE REVERSE SIDE FOR IMPORTANT INFORMATION



## 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: Sam Demarett

Address: PO Box 853

City: Creswell State: OR Zip: 97426 Day Phone: \_\_\_\_\_

#### B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

| Tax Lot I.D.  | Plan Designation (e.g. Rural Residential/RR-5) | Water to be: (check all that apply)          |  |  |
|---------------|--|--|--|--|
| <u>190218</u> |  | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |
| <u>72504</u>  |  | <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. LANE

#### 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): TO STORE WINTER RUN OFF AND MAINTAIN

Briefly describe: The pond for Aesthetics, fire protection  
fish life = Multiple Purposes

#### D. Source

Indicate the source for the proposed water use:

Reservoir/Pond    Ground Water    Surface Water Unnamed Stream and Bear Creek  
(source)

#### E. Quantity

Indicate the estimated quantity of water the use will require:

5 ac ft @ 5.6 gpm    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  
(503)378-8455

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T 10444

**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): CG 16.220(2)(L) 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<br>(e.g. plan amendments, rezones,<br>conditional use permits, etc.) | Cite Most Significant, Applicable<br>Plan Policies & Ordinance<br>Section References | Check the item that applies:<br>Land Use Approval:                   |  |
|---|--|--|--|
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><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: JERRY KENDALL Date: 8-16-07  
 Title: ASSC. PLANNER Phone: 541-682-4057  
 Signature: J. Kendall

**C. Additional Comments**

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Note:** If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD 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: \_\_\_\_\_

superseded 8/25/09

TRANSFER APPLICATION  
FOR: SAM DEMENWELL *Demarett*  
BY: DUANE W. KIRBY  
T19S, R2W, W. M.  
SECTION 18  
CERTIFICATE NO 44515  
TAX LOT 504

Pond is 980' E  
and 900' S From  
N 1/4 cor. Sec 18

COUNTY RD 937

N 1/4 Corner

BEAR CREEK

LOT 505

7.6 ACRES

LOT 503

Old Div. Pt.

0.4 ACRES

STATE HWY 222

1.0 ACRES  
from  
TO POND

All on Lot 504

TAX LOT 504

NW 1/4 NE 1/4



SCALE: 1" = 400'

EXISTING DIV. PT. 530 FEET SOUTH & 1270 FEET EAST FROM N 1/4 COR, SEC 18  
TO REMAIN

POND 860 FEET SOUTH & 1070 FEET EAST FROM N 1/4 COR, SEC 18

RECEIVED

AUG 20 2007

WATER RESOURCES DEPT  
SALEM, OREGON



8.0 ACRES TO REMAIN



1.0 ACRES FROM LOT 503 <sup>504</sup>



1.0 <sup>Pond</sup> ACRES TO LOT 504

T 10444

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

