5259 BREY

ne G. H. Brey ASSIGNED

By

lress P.O Box 2126
Beaumont, CA 92223

nge in POD

e filed May 2, 1983

e of hearing Thurs June 30, 1983

ce of hearing Roseburg

e of order 7-20-83 Vol. 37, page 390

e for application of water 10-1-85

of mailed

of received

tificate issued DEC 31 1985 Vol. 48, page 53617 RR

10-1-85 SA

7-8-0

5259 Dup Card

DESCRIPTION OF WATER RIGHT

Name of stream North Umpqua River

Trib. of ____ County of Douglas

Use Irrigation

Quantity of water ____ No. of acres ____

Name of ditch —

Date of priority May 13, 1963

In name of G. H. Harrell

— Adjudication, Vol. —, page —

App. No. 38746 SPA Per. No. 28837 SPA Cert. No. 51279 SPA

Certificate cancelled

Notation made on record by RR

FEES PAID

Date	Amount	Receipt No.
5-2-83	165.00	36271
10/2/08	50.00	94428
TOTAL . . .		
	Cert. Fee	

NewsReview $50.70 pd 6-2-83 del # 5518

FEES REFUNDED

Date	Amount	Check No.
6-2-83	49.30	5519

Ex 40-
POD 25-
PON 50.70
115.70

165.00
115.70
49.30

REMARKS

riginal Certificate 25309

-2953, T-3482, T-3626, T-3993, T-4013, T-4026, T-7311, T-4168, T-5054, T-5675

895

See also file 63464

SIGNMENT: 10/3/2008

ROBERT L & DELORES M SMITH
1707 DEL RIO ROAD
ROSEBURG OR 97471

TO BE ENTERED WHERE CHECKED

	INDEX CARDS:	Entered	Checked
✓	Name	Dcj	
✓	Stream	Dcj	
✓	Pt. of Div.		
	Calendar	Dcj	
✓	CHECKED TO RECORDS:		
	Twp. & Rge.	SPA	
	Decree-vault		
✓	Decree-safe		
✓	Cert. of W/R	SPA	Dcj
	Per. Folder	SPA	
	Chaindex		
	Cross Ref.		
✓	Power Claim		
	Abstracts	Dcj	

23B

It appears parcel 800 is the area in Question

Account No 44121-01
44121-02

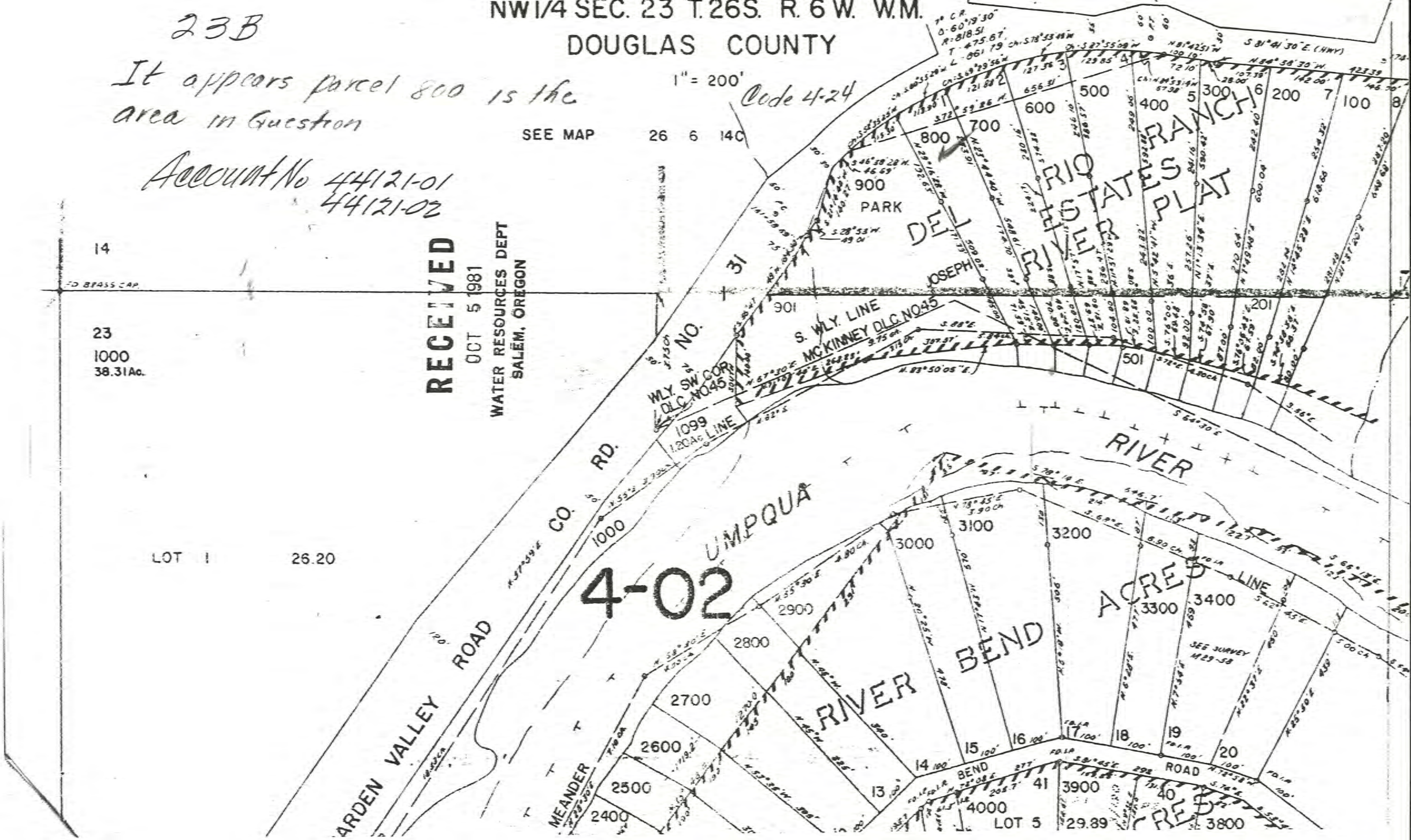
Code 4-24

NW1/4 SEC. 23 T.26S. R.6W. W.M.

DOUGLAS COUNTY

1" = 200'

SEE MAP 26 6 14C



Canceled Sp.Or.Rec.Vol. 31 P. 350
Cancelled - sp. or Rec. Vol. 38 P. 114

STATE OF OREGON

COUNTY OF DOUGLAS

Superseded by
Cert. No. [redacted]

CERTIFICATE OF WATER RIGHT

This Is to Certify, *That* G. H. HARRELL

of Route 2, Box 1415, Roseburg *, State of* Oregon 97470 *, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of* North Umpqua River

a tributary of Umpqua River *for the purpose of* irrigation of ~~123.64~~ 115.34 ~~117.14~~ acres

under Permit No. 28837 *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* May 13, 1963

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 ~~1.543~~ 1.44 cubic feet 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 SW¼ SE¼, as projected within McKinney DLC 45, Section 14, T26S, R6W, WM; 2,550 feet South and 2,620 feet West from E¼ Corner, Section 14.

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 2½ acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right to the use of water is limited to the period when the flow of the North Umpqua River is 525 cfs at its mouth,

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

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

SEE NEXT PAGE

1.543
− 0.011
− 0.076
− 0.016
1.440

06710

T-5675 T-5259

10.00 acres SW¼ NE¼ as projected within McKinney DLC 45
1.20 acres SE¼ NW¼ as projected within McKinney DLC 45
1.20 acres NE¼ SW¼ as projected within McKinney DLC 45
0.10 acre SW¼ SW¼ as projected within McKinney DLC 45
10.31 ~~11.21~~ acres SE¼ SW¼ as projected within McKinney DLC 45
0.40 acre Lot 7 (NE¼ SE¼)
19.00 acres NE¼ SE¼ as projected within McKinney DLC 45
17.40 acres NW¼ SE¼ as projected within McKinney DLC 45
28.49 ~~29.49~~ acres SW¼ SE¼ as projected within McKinney DLC 45
20.20 ~~21.00~~ acres SE¼ SE¼ as projected within McKinney DLC 45
1.30 acres Lot 6 (SE¼ SE¼)
Section 14

~~1.60 acres NE¼ NE¼ as projected within McKinney DLC 45~~
5.74 ~~9.74~~ acres NW¼ NE¼ as projected within McKinney DLC 45
Section 23
Township 26 South, Range 6 West, WM

Cancel
- 0.90 ac 0.011 cfs
- 1.0
- 0.8
- 1.60
- 2.70
- 0.016 cfs

9.74
4.30
5.44

51279 46

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page ~~49000~~, Volume ~~42~~, State Record of Water Right Certificates, NOT modified by the provisions of ~~an~~ orders of the Water Resources Director entered on ~~September 15, 1982~~ July 20, 1983, approving Transfer Application ~~5054~~ 5259, *

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.

1.543 / 123.67 = .016 / 1.34 = 1.527 / 122.34

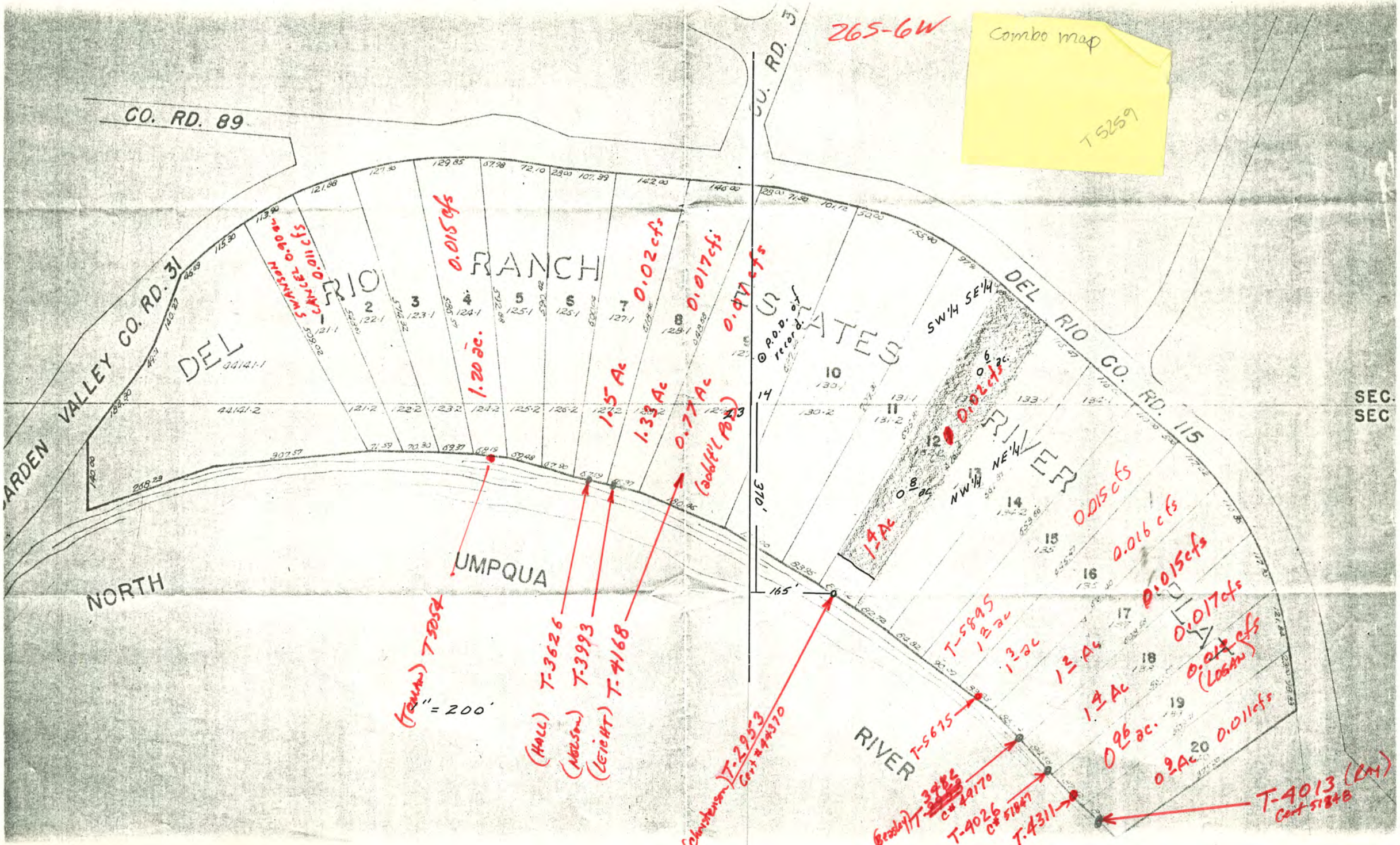
* on July 16, 1984, canceling a portion of the right, and on September 16, 1985, approving Transfer Application 5675.

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. November 22, 1982

James E. Sexson
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46 *, page* ~~51279~~ 53617



26S-6W
Combo map
T 5259
CO. RD. 89
CO. RD. 31
CO. RD. 115
DEL RIO RANCH
DEL RIO STATES
RIVER
NORTH UMPQUA RIVER
GARDEN VALLEY CO. RD. 31
DEL RIO CO. RD. 115
SEC.
SEC
SW1/4 SE1/4
NW1/4 NE1/4
P.O.D. of record
370'
165'
1" = 200'
SWANSON CANCEL 0.90 ac. 0.011 cfs
0.015 cfs
1.20 ac.
1.5 Ac
1.33 Ac
0.77 Ac
(add'l POD)
0.02 cfs
0.017 cfs
0.011 cfs
0.02 cfs
0.015 cfs
0.016 cfs
0.015 cfs
0.017 cfs
0.011 cfs
(LOGAN)
0.011 cfs
1.4 Ac
1.3 ac
1.2 Ac
1.4 Ac
0.96 ac.
0.9 Ac
T-5895
T-5675
T-4026
T-4311
T-4013 (RAY)
(TOLMAN) T-5054
(HALL) T-3626
(NELSON) T-3993
(LEIGHT) T-4168
(Christenson) T-2953
Cert #44370

T-5259

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

March 4, 2009

Robert & Dolores Smith
1707 Del Rio Road
Roseburg, OR 97471

RE: Correcting Order and Certificate

Enclosed is a copy of Special Order Volume 77, Page 296. This order has been issued to correct an error in Special Order Volume 77, Page 139-147.

Also enclosed is a new certificate #85394. This certificate was issued on February 24, 2009 to correct a scrivener's error in the certificate #85120.

If you have any questions, please contact the transfer section at 503-986-0888.

Sincerely,

Sarah Henderson

Sarah Henderson
Executive Support

Cc: Watermaster #15
Susan Douthit, Field Services
Files T-5259

T-5259

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
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Sincerely,

Sarah Henderson

Sarah Henderson
Executive Support

Cc: Watermaster #15
Susan Douthit, Field Services
Files T-5259

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-5259, Douglas County	)))	FINAL ORDER CORRECTING SCRIVENER'S ERRORS IN PLACE OF USE

Applicant

Robert and Dolores Smith
1707 Del Rio Rd.
Roseburg, OR 97471

Findings of Fact

1. On January 23, 2009, the Department issued an order approving the re-description of the place of use associated with Transfer Application T-5259. This order is recorded in Special Order Volume 77 Pages 139-147 and resulted in the issuance of Certificate 85120.

2. Certificate 85120 listed the place of use as follows:

IRRIGATION					
Twp	**Rng**	**Mer**	**Sec**	**Q-Q**	**Acres**
26 S	6 W	WM	14	SW SE	1.62
26 S	6 W	WM	14	SE SE	1.30
26 S	6 W	WM	14	NE NE	2.00
26 S	6 W	WM	14	NW NE	1.70

3. The correct description of the authorized place of use for Certificate 85120 is as follows:

IRRIGATION					
Twp	**Rng**	**Mer**	**Sec**	**Q-Q**	**Acres**
26 S	6 W	WM	14	SW SE	1.62
26 S	6 W	WM	14	SE SE	1.30
26 S	6 W	WM	**23**	NE NE	2.00
26 S	6 W	WM	**23**	NW NE	1.70

Now, therefore, it is ORDERED:

1. Certificate 85120 is cancelled.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

2. Certificate 85394 is issued to supersede Certificate 85120 and to correctly describe the authorized place of use associated with Transfer Application T-5259 entered January 23, 2009, recorded in Special Order Volume 77, Pages 139-147.

3. The order recorded in Special Order Volume 77, Pages 139-147 is corrected to identify the authorized place of use as described in Finding of Fact #3.

4. All other provisions of the order are unchanged.

Dated at Salem, Oregon this 24th day of February, 2009.

William E Ferber

for Phillip C. Ward, Director

Mailing date: MAR 05 2009

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT AND DOLORES SMITH
1707 DEL RIO RD.
ROSEBURG, OR 97471

confirms the right to use the waters of NORTH UMPQUA RIVER, tributary to the UMPQUA RIVER, for IRRIGATION of 6.62 ACRES.

This right was perfected under Permit S-28837. The date of priority is MAY 13, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.076 CUBIC FOOT PER SECOND, (cfs)or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	6 W	WM	14	SW SE	McKinney DLC 45	2550 FEET SOUTH AND 2620 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

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 provided further that the right to the use of water is limited to the period when the flow of the North Umpqua River is 525 cfs at its mouth. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. 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.

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

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	6 W	WM	23	NE NE	2.00
26 S	6 W	WM	23	NW NE	1.70
26 S	6 W	WM	14	SW SE	1.62
26 S	6 W	WM	14	SE SE	1.30

This certificate is issued to correctly identify the authorized place of use and supersedes Certificate 85120. This certificate also incorporates the re-description of this right as authorized by an order of the Water Resources Director entered January 23, 2009, at Special Order Volume 77, Pages 139-147.

WITNESS the signature of the Water Resources Director, affixed FEB 2 4 2009.

William E Farber

for Phillip C. Ward, Director

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-5259, Douglas County	))	FINAL ORDER REVERTING A POINT OF DIVERSION

Applicant

Robert and Delores Smith
1707 Del Rio Rd.
Roseburg, OR 97471

Findings of Fact

1. On May 2, 1983, G. H. Brey filed an application to change the point of diversion under a portion of Certificate 51279. The Department assigned the application number T-5259.

2. On July 20, 1983, the Water Resources Department issued an order approving T-5259. This order was recorded in the Special Order Volume 37, Pages 390 - 391.

3. On September 30, 2008, the Water Resources Department assigned the application from G. H. Brey to Robert L. and Dolores M. Smith.

4. A letter dated September 25, 2008, Robert and Dolores Smith notified the Department that the change authorized through approval of Transfer Application T-5259 would not be completed and requested that the authorized point of diversion revert back to the original point of diversion described in the following table:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	6 W	WM	14	SW SE	McKinney DLC 45	2550 FEET SOUTH AND 2620 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

5. Pursuant to OAR 690-380-6010, if the change in point of diversion is not completed, the point of diversion shall revert to the last authorized point of diversion prior to the transfer.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

Now, therefore, it is ORDERED:

The point of diversion for a portion of the right affected by Transfer Application T-5259 is reverted to the last authorized point of diversion prior to the transfer. A superseding certificate for the portion of the right affected by the transfer shall be issued.

Dated at Salem, Oregon this 23rd day of January, 2009.

William E. Fenbert

for Phillip C. Ward, Director

Mailing date: FEB 05 2009

Oregon
Theodore R. Kulongoski, Governor

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

January 22, 2009

Robert and Dolores Smith
1707 Del Rio Rd.
Roseburg, OR 97471

SUBJECT: Transfer Application T-5259

Dear Mr. and Mrs. Smith,

Enclosed you will find a certificate that describes the water right appurtenant to your property near Del Rio Road in Douglas County.

As previously discussed, the Department has issued a certificate that reverts your point of diversion to the previously authorized location consistent with OAR 690-380-6010. This certificate also documents the re-description that will resolve the long outstanding corrections to water rights in and around your neighborhood. The certificate (#85120) is enclosed as is a copy of the Final Order wherein the re-description of the water rights is more fully explained.

Also, as we've discussed, the issuance of this certificate allows a request for an instream lease to be processed. Please feel free to contact Kody Thurgood (503-986-0892) or your Watermaster, Dave Williams (541-440-4255) about the leasing program.

Sincerely,

Susan Douthit
Water Right Transfer Specialist

enc

Del Rio

cc- Dave Williams, Watermaster District #15

T-5259

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-7683, Douglas County	)	FINAL ORDER APPROVING A CHANGE IN POINT OF DIVERSION AND RE-DESCRIPTION OF PLACES OF USE UNDER TRANSFER APPLICATION T-5259 and CERTIFICATES 56466, 55438, 60003, 81736, 44370, 64851 and 57553

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

Dave Russel
1800 Del Rio Road
Roseburg, OR 97470

Findings of Fact

Background

1. On January 10, 1997, Dave Russel filed an application to change the point of diversion under Certificate 57553 (perfected under Permit S-28837.) The Department assigned the application number T-7683.

2. On May 13, 1963, W. S. Barnes, a registered professional engineer, performed a survey of the water uses from the North Umpqua for the property owned by G. H. Harrell. The 1963 survey identified the general layout of the lands irrigated and described the place of use in relation to Township, Range, Section and Quarter-Quarter lines for the purpose of water right application S-38746 (Permit S-28837).

3. Following development of beneficial use of water under the permit, the Department performed a plane table survey for Permit S-28837 on July 12, 1967 and prepared a Final

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either 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.

Proof map concurrent with issuance of Certificate 35309. The Final Proof map confirmed the general shape of the place of use but described it somewhat differently in relation to Section quarter-quarter and Donation Land Claim (DLC) lines within each quarter-quarter and DLC from the way it was described in Application S-37446 map and Permit S-28837.

4. Subsequent to the Final Proof survey (1967), numerous modifications (transfers and cancellations) to the right were processed as the Del Rio subdivision was developed, resulting in the issuance of Certificate 57553. Transfer Application T-7683 requested further modification to Certificate 57553.

5. In 1993, the Department undertook an investigation of how the 1967 survey and the pending transfer application maps overlaid one another. The analysis showed that the location of the section line between sections 14 and 23 was not consistent between the 1967 survey and other maps due to a rotational error in the 1967 plane table survey; though the footprint of the place of use remains the same.

6. The Department determined that a re-description of the place of use for the entirety of the place of use originally evidenced by Certificate 35309 was needed and prepared a revised map and comparison table of acreage within each section and quarter-quarter.

Twp	Rng	Mer	Sec	Q-Q	Acres based on 1967 survey	Acres based on 1993 investigation
26 S	6 W	WM	14	SW NE	10.0	10.1
26 S	6 W	WM	14	SE NW	1.2	1.1
26 S	6 W	WM	14	NE SW	1.2	1
26 S	6 W	WM	14	SW SW	0.1	0
26 S	6 W	WM	14	SE SW	15.4	15.4
26 S	6 W	WM	14	NE SE	19.4	19.9
26 S	6 W	WM	14	NW SE	17.4	16.8
26 S	6 W	WM	14	SW SE	30.4	25.88
26 S	6 W	WM	14	SE SE	22.3	24.4
26 S	6 W	WM	23	NE NE	1.6	2
26 S	6 W	WM	23	NW NE	15.0	13.3
26 S	6 W	WM	23	NE NW	0.3	1.20
				Total acres:	**134.3**	**134.3**

7. Since the issuance of Certificate 35309 numerous modifications (transfers and cancellations) to this water right occurred, each affecting a portion of the original place of use of the right. This necessitates the need to re-describe the place of use in some of the resulting documents that are not consistent with the 1993 investigation. Transfer Application T-5259,Certificates

56466, 55438, 60003, 81736, 44370, 64851 and 57553 need re-description as further outlined in the tables below:

Transfer Application T-5259

Twp	Rng	Mer	Sec	Q-Q	As authorized	Proposed re-described acres
26 S	6 W	WM	23	NE NE	1.60	2.00
26 S	6 W	WM	14	NW NE	2.70	1.70
26 S	6 W	WM	14	SW SE	1.00	1.62
26 S	6 W	WM	14	SE SE	0.80	1.30

Certificate 56466 (confirming T-5054)

Twp	Rng	Mer	Sec	Q-Q	As issued acres	Proposed re-described acres
26 S	6 W	WM	14	SE SW	1.20	1.17
26 S	6 W	WM	23	NE NW		0.06

Certificate 55438 (confirming T-3626)

Twp	Rng	Mer	Sec	Q-Q	As issued acres	Proposed re-described acres
26 S	6 W	WM	14	SE SW	1.38	1.28
26 S	6 W	WM	23	NE NW	0.12	0.14

Certificate 60003 (confirming T-3993)

Twp	Rng	Mer	Sec	Q-Q	As issued acres	Proposed re-described acres
26 S	6 W	WM	14	SE SW	1.17	0.97
26 S	6 W	WM	14	SW SE	0.06	0.11
26 S	6 W	WM	23	NE NW	0.10	0.18

Certificate 81736 (confirming T-4168)

Twp	Rng	Mer	Sec	Q-Q	As issued acres	Proposed re-described acres
26 S	6 W	WM	14	SE SW	0.44	0.34
26 S	6 W	WM	14	SW SE	0.25	0.54
26 S	6 W	WM	23	NE NW	0.08	0.20

Certificate 44370 (confirming T-2953)

Twp	Rng	Mer	Sec	Q-Q	As issued acres	Proposed re-described acres
26 S	6 W	WM	14	SW SE	0.60	0.70
26 S	6 W	WM	23	NW NE	0.80	0.70

Certificate 64851 (confirming T-5975)

Twp	Rng	Mer	Sec	Q-Q	As issued acres	Proposed re-described acres
26 S	6 W	WM	14	SW SE	0.35	0.25
26 S	6 W	WM	23	NW NE	1.05	1.15

Certificate 57553 (portions of the right not modified)

Twp	Rng	Mer	Sec	Q-Q	GLot	As issued acres	Proposed re-described acres
26 S	6 W	WM	14	SW NE		10.00	10.10
26 S	6 W	WM	14	SE NW		1.20	1.10
26 S	6 W	WM	14	NE SW		1.20	1.00
26 S	6 W	WM	14	SW SW		0.10	0
26 S	6 W	WM	14	SE SW		10.31	10.74
26 S	6 W	WM	14	NE SE	7	0.40	0.70
26 S	6 W	WM	14	NE SE		19.00	19.20*
26 S	6 W	WM	14	NW SE		17.40	16.80
26 S	6 W	WM	14	SW SE		28.14	25.88
26 S	6 W	WM	14	SE SE		20.20	21.10
26 S	6 W	WM	14	SE SE	6	1.30	2.00
26 S	6 W	WM	23	NW NE		3.49	2.79
26 S	6 W	WM	23	NE NW		0	0.62

*This entry includes 0.9 acre that has been cancelled (but erroneously documented) as further described in Finding of Fact #8.

8. On January 25, 1984, an order cancelling 0.9 acre in the NESE, Section 14, T26S 6W, WM, was issued and recorded in Special Order Volume 38, Page 114. However, the resulting document did not reduce the total acres in this quarter-quarter by the above referenced cancellation order. Additionally, all subsequent documents repeated this error which should have been corrected when a superseding certificate was issued.

9. Both the survey and the additional evidence describe the same irrigated land. The differences between the two descriptions result from different bases of bearing and reference points used. The 1993 retracements performed by both the Department and CWRE #80 were based on reference points established or re-established by government land surveyors instead of a retracement of the original survey made by the Department Final Proof survey in 1967 upon which the water right certificate was based. The actual location of the place of use, as found on the ground, remains the same.

10. The portion of the right (as authorized) proposed to be transferred under T-7683 is as follows:

    Certificate: 57553 in the name of G. H. HARRELL (perfected under Permit S-28837)
    Use: IRRIGATION of 1.70 ACRES
    Priority Date: MAY 13, 1963

Rate: 0.02 CUBIC FOOT PER SECOND (cfs)
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre during the irrigation season, provided further that right to the use of water is limited to the period when the flow of the North Umpqua River is more than 525 cfs at its mouth.
Source: NORTH UMPQUA RIVER, tributary to UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
26 S	6 W	WM	14	SW SE	45	2550 FEET SOUTH AND 2620 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
26 S	6 W	WM	14	SW SE		0.15
26 S	6 W	WM	23	NW NE	45	1.55

11. Transfer Application T-7683 proposes to move the authorized point of diversion approximately 360 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Lot	DLC	Survey Coordinates
26 S	6 W	WM	23	NW NE	14	45	600 FEET SOUTH AND 300 FEET EAST FROM THE N¼ CORNER OF SECTION 23

12. During the processing of Transfer Application T-7683 it became apparent that the portion of the water right proposed to be modified did not "match" the existing water right map nor the 1993 revised map. The original transfer map showed the footprint of this portion of the water extending down to the water's edge and shows a total of 1.70 acres of water right within the parcel to be affected by this transfer. The 1967 and 1993 Department's water right maps indicate the water right place of use does not extend down to the water's edge.

13. The following table provides a comparison of the description of the portion of the authorized place of use for Certificate 57553 to be affected by Transfer Application T-7683 and a re-description based on other evidence collected by the Department (including assessor's information, Del Rio Ranch Estates Subdivision PLAT, aerial photographs and information from Janet Lundeen, CWRE #80).

Certificate 57553 Place of Use involved in T-7683	
T-7683 Transfer Map	*Revised* proposed re-description
SW SE 0.15 acre Section 14 NW NE 1.55 acres Section 23 Township 26 South, Range 6 West, W.M.	SW SE 0.13 acre Section 14 NW NE 1.26 acres Section 23 Township 26 South, Range 6 West, W.M.
TOTAL = 1.70 acres	**TOTAL** = 1.39 acres

14. Notice of the application for transfer was published on January 21, 1997, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

15. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

16. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

17. The proposed change would not result in enlargement of the right.

18. An instream water right, Certificate 59939, exists for the reach of the river in which the authorized point of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water right. Thus, the instream water right would be injured as a result of the proposed change in point of diversion.

19. On April 26, 2007, the Department mailed a copy of the *draft* Preliminary Determination proposing to deny Transfer Application T-7683 to the applicant. The cover letter that accompanied the *draft* Preliminary Determination set forth a deadline of May 27, 2007, in which the applicant could respond.

20. On May 18, 2007, the applicant requested that the Department seek a recommendation from ODFW as to whether the Department should consent to injury of the instream water right pursuant to OAR 690-380-4030.

21. On June 20, 2007, the Department issued a Preliminary Determination proposing to deny Transfer Application T-7683 unless ODFW recommended the Department to consent to the injury due to a net benefit that would result from the proposed change. A copy of the Preliminary Determination was mailed to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 26, 2007 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

22. The cover letter that accompanied the Preliminary Determination informed the applicant of the Department's intent to initiate the consent to injury process by seeking a recommendation from ODFW.

23. On June 20, 2007, the Department sent a letter to ODFW requesting a recommendation as to whether the Department should consent to injury of the instream water right (Certificate 59939).

24. On April 9, 2008, ODFW recommended that the Department consent to injury of the instream water right Certificate 59939 because the proposed change would result in a net benefit to the resource. The recommendation concluded that:

a) The movement of the point of diversion to the North Umpqua River, where habitat is a bedrock shelf, is likely better than maintaining the point of diversion at the mouth of Sutherlin Creek, where a deep backwater hole provides better juvenile rearing and adult holding habitat for resident fish.

b) The applicant will limit water use to an average of one-inch-per-week during the irrigation season of each year, adjusted using the Eugene Water and Electric Board's (or other appropriate entity's) evapotranspiration information to compensate for more or less available soil moisture.

c) Native riparian habitat must be maintained and enhanced along the property boundary with the North Umpqua River.

25. Subsequent to the receipt of ODFW's recommendation, the Department noted that some of the information provided to ODFW in the initial request for a recommendation was erroneous. This necessitated another analysis by ODFW of the injury to instream water right Certificate 59939.

26. The initial proposal involved a total of 1.70 acres of irrigation. The amended information reflects a reduction of 0.31 acre leaving 1.39 acres (consistent with the proposed re-description) proposed to be served by the new point of diversion.

27. On August 4, 2008 the Department received the second recommendation from ODFW. This recommendation re-confirmed the initial recommendation and concluded that with the inclusion of the original conditions (as stated in Finding of Fact #25 above) the proposed change would result in a net benefit to the resource.

28. Notice of opportunity to comment on the initial recommendation to consent to injury of instream water right Certificate 59939 was provided to the applicant and all persons who filed comments under OAR 690-380-4030. Additionally, notice of the opportunity to comment was published in the Department weekly notice on June 10, 2008 pursuant to OAR 690-380-5050(4).

29. Furthermore, on September 24, 2008, an email incorporating the second recommendations of ODFW to consent to injury was sent to the applicant. The email asked for either acceptance or disagreement with the conditions suggested by ODFW.

30. On September 24, 2008, the applicant emailed the Department and agreed to the conditions outlined in Finding of Fact #25.

31. On December 10, 2008, the Department issued a *revised* Preliminary Determination proposing to approve Transfer Application T-7683 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's week notice on December 16, 2008 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Conclusions of Law

Based on the recommendation of the Oregon Department of Fish and Wildlife, the Department consents to injury of the instream water right evidenced by Certificate 59939. The proposed change in point of diversion proposed in Transfer Application T-7683, as conditioned, is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and 690-380-5030.

Now, therefore, it is ORDERED:

1. The change in point of diversion proposed in Transfer Application T-7683, as conditioned, is approved.

2. Water right Certificate 57553 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and incorporating the re-description and partial cancellation.

3. The right to 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 57553 and any related decree.

4. The applicant will limit water use to an average of one-inch-per-week during the irrigation season of each year, adjusted using the Eugene Water and Electric Board's (or other appropriate entity's) evapo-transpiration information.

5. Native riparian habitat must be maintained and enhanced along the property boundary with the North Umpqua River.

6. When required by the Department, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

7. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

8. The approved change 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.

9. Superseding certificates and a final order incorporating the re-description (outlined in the table in Finding of Fact #7) will be issued for the following: Transfer Application T-5259, Certificates 56466, 55438, 60003, 81736, 44370, 64851 and 57553.

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

Dated at Salem, Oregon this 23rd day of January, 2009.

William E. Farber

for Phillip C. Ward, Director

Mailing date: FEB 05 2009

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-5259, Douglas County	))	FINAL ORDER REVERTING A POINT OF DIVERSION

Applicant

Robert and Delores Smith
1707 Del Rio Rd.
Roseburg, OR 97471

Findings of Fact

1. On May 2, 1983, G. H. Brey filed an application to change the point of diversion under a portion of Certificate 51279. The Department assigned the application number T-5259.

2. On July 20, 1983, the Water Resources Department issued an order approving T-5259. This order was recorded in the Special Order Volume 37, Pages 390 - 391.

3. On September 30, 2008, the Water Resources Department assigned the application from G. H. Brey to Robert L. and Dolores M. Smith.

4. A letter dated September 25, 2008, Robert and Dolores Smith notified the Department that the change authorized through approval of Transfer Application T-5259 would not be completed and requested that the authorized point of diversion revert back to the original point of diversion described in the following table:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	6 W	WM	14	SW SE	McKinney DLC 45	2550 FEET SOUTH AND 2620 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

5. Pursuant to OAR 690-380-6010, if the change in point of diversion is not completed, the point of diversion shall revert to the last authorized point of diversion prior to the transfer.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

Now, therefore, it is ORDERED:

The point of diversion for a portion of the right affected by Transfer Application T-5259 is reverted to the last authorized point of diversion prior to the transfer. A superseding certificate for the portion of the right affected by the transfer shall be issued.

Dated at Salem, Oregon this 23rd day of January, 2009.

William E. Fenbert

for Phillip C. Ward, Director

Mailing date: FEB 05 2009

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

G. H. HARRELL
ROUTE 2 BOX 1415
ROSEBURG, OR 97470

confirms the right to use the waters of NORTH UMPQUA RIVER, tributary to the UMPQUA RIVER, for IRRIGATION of 109.74 ACRES.

This right was perfected under Permit S-28837. The date of priority is MAY 13, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.380 CUBIC FEET PER SECOND (CFS), or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
26 S	6 W	WM	14	SW SE	MCKINNEY DLC 45	2550 FEET SOUTH AND 2620 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

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, provided further that right to the use of water is limited to the period when the flow of the North Umpqua River is more than 525 cfs at its mouth.

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

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.

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
26 S	6 W	WM	14	SW NE		45	10.10
26 S	6 W	WM	14	SE NW		45	1.10
26 S	6 W	WM	14	NE SW		45	1.00
26 S	6 W	WM	14	SE SW		45	10.74
26 S	6 W	WM	14	NE SE			18.3
26 S	6 W	WM	14	NE SE	7		0.70
26 S	6 W	WM	14	NW SE			16.80
26 S	6 W	WM	14	SW SE			25.75
26 S	6 W	WM	14	SE SE			21.10
26 S	6 W	WM	14	SE SE	6		2.00
26 S	6 W	WM	23	NW NE		45	1.53
26 S	6 W	WM	23	NE NW			0.62

This certificate describes that portion of the water right confirmed by Certificate 57553, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 2 3 2009, approving Transfer Application T-7683. This certificates also corrects a cancellation previously approved under Special Order Volume 38, Page 114 and documents the re-description approved under Special Order Volume 77 Pages 139-147

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.

WITNESS the signature of the Water Resources Director, affixed JAN 2 3 2009.

for William E Fosbr
Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT AND DOLORES SMITH
1707 DEL RIO RD.
ROSEBURG, OR 97471

confirms the right to use the waters of NORTH UMPQUA RIVER, tributary to the UMPQUA RIVER, for IRRIGATION of 6.62 ACRES.

This right was perfected under Permit S-28837. The date of priority is MAY 13, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.076 CUBIC FOOT PER SECOND, (cfs)or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	6 W	WM	23	SW SE	McKinney DLC 45	2550 FEET SOUTH AND 2620 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

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 provided further that the right to the use of water is limited to the period when the flow of the north Umpqua River is 525 cfs at its mouth. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. 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.

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

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	6 W	WM	14	NE NE	2.00
26 S	6 W	WM	14	NW NE	1.70
26 S	6 W	WM	14	SW SE	1.62
26 S	6 W	WM	14	SE SE	1.30

This certificate is issued in accordance with OAR 690-OAR 690-380-6010 to describe the water right for a non-completed change in point of diversion approved by an order of the Water Resources Director entered JAN 2 3 2009, at Special Order Volume 77, Pages 139-147, approving Transfer Application T-5259 and supersedes a portion of Certificate 51279. This certificate also incorporates the re-description of this right as authorized by an order of the Water Resources Director entered JAN 2 3 2009 at Special Order Volume 77, Pages 139-147.

WITNESS the signature of the Water Resources Director, affixed JAN 2 3 2009.

William E. Farber

for Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DENNIS AND REBECCA ONEILL
1850 DEL RIO RD.
ROSEBURG, OR 97470

confirms the right to use the waters of NORTH UMPQUA RIVER, tributary to the UMPQUA RIVER, for IRRIGATION of 1.4 ACRES.

This right was perfected under Permit S-28837. The date of priority is MAY 13, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.02 CUBIC FOOT PER SECOND (cfs), or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	6 W	WM	23	NW NE	McKinney DLC 45	2980 FEET SOUTH AND 2510 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

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; provided further that the right to use of water is limited to the period when the flow of the North Umpqua River is more than 525 cubic feet per second at its mouth.

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

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

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
26 S	6 W	WM	14	SW SE	McKinney DLC 45	0.70
26 S	6 W	WM	23	NW NE	McKinney DLC 45	0.70

This certificate documents the re-description approved by Special Order Volume 77 Pages 139-147 and supersedes Certificate 44370.

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.

WITNESS the signature of the Water Resources Director, affixed JAN 23 2009

William E. Farber

for Phillip C. Ward, Director

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

IVOR AND HELLENE CHAPMAN
2018 DEL RIO RD.
ROSEBURG, OR 97471

confirms the right to use the waters of the NORTH UMPQUA RIVER, tributary to the UMPQUA RIVER, for IRRIGATION of 1.42 ACRES.

This right was perfected under Permit S-28837. The date of priority is MAY 13, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.02 CUBIC FOOT PER SECOND (cfs), if available at the original point of diversion being, SW SE, as projected within McKinney DLC 45, Section 14, T26S, R6W, WM,; 2550 feet South and 2620 feet West from the E1/4 corner of Section 14; or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	6 W	WM	23	NE NW	McKinney DLC 45	175 FEET SOUTH AND 385 FEET WEST FROM THE NE CORNER OF THE NE NW OF SECTION 23

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, provided further that the right to the use of water is limited to the period when the flow of the North Umpqua River is 525 cfs or more at its mouth. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. 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.

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

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	6 W	WM	14	SE SW	1.28
26 S	6 W	WM	23	NE NW	0.14

This certificate describes the water right confirmed by Certificate 55438, State Record of Water Right Certificates, modified by the provisions of an order of the Water Resources Director entered JAN 2 3 2009, approving a re-description of Certificate 55438.

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.

WITNESS the signature of the Water Resources Director, affixed JAN 2 3 2009.

William E. Farber
for Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
CRAIG E. AND GINA L. TANNER
7942 OSTROM AVE
LAKE BALBOA, CA 91406

confirms the right to use the waters of NORTH UMPQUA RIVER, tributary to UMPQUA RIVER, for IRRIGATION of 1.2 ACRES.

This right was perfected under Permit S-28837. The date of priority is MAY 13, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.015 CUBIC FOOT PER SECOND (cfs), if available at the original point of diversion being, SW SE, as projected within McKinney DLC 45, Section 14 T26S R6W, WM; 2550 feet South and 2620 feet West from the E1/4 corner of Section 24; or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	6 W	WM	23	NW NE	535 FEET SOUTH AND 410 FEET EAST FROM THE N1/4 CORNER OF SECTION 23

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, provided further that the right to the use of water is limited to the period when the flow of the North Umpqua River is more than 525 cfs at its mouth.

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

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	6 W	WM	23	NW NE	1.20

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

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

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

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

This certificate is issued to confirm a CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered March 12, 1987 approving Transfer Application T-5895, and together with Certificate 84207 supersedes Certificate 53617.

WITNESS the signature of the Water Resources Director, affixed JAN 2 3 2009.

for William E. Farber
Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LETTIE M. TOMAN
2100 DEL RIO RD.
ROSEBURG, OR 97470

confirms the right to use the waters of the NORTH UMPQUA RIVER, tributary to the UMPQUA RIVER, for IRRIGATION of 1.23 ACRES.

This right was perfected under Permit S-28837. The date of priority is MAY 13, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.015 CUBIC FOOT PER SECOND (cfs), if available at the original point of diversion, SW SE, as projected within McKinney DLC 45, Section 14, T26S, R6W, WM; 2550 feet South and 2620 feet West from the E1/4 corner of Section 14, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	6 W	WM	23	NW NE	110 FEET SOUTH AND 2200 FEET EAST FROM THE NW CORNER OF SECTION 23

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, provided further that the right to the use of water is limited to the period when the flow of the North Umpqua River is 525 cfs at its mouth.

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

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. 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
26 S	6 W	WM	14	SE SW	McKinney DLC 45	1.17
26 S	6 W	WM	23	NE NW		0.06

This certificate documents the re-description approved by Special Order Volume 77, Pages 139-147 and supersedes Certificate 56466.

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.

WITNESS the signature of the Water Resources Director, affixed JAN 23 2009.

William E. Forbes

for Phillip C. Ward, Director

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GARY AND SONJA LARSON
1986 DEL RIO RD.
ROSEBURG, OR 97471

confirms the right to use the waters of the NORTH UMPQUA RIVER, tributary to the UMPQUA RIVER, for IRRIGATION of 1.26 ACRES.

This right was perfected under Permit S-28837. The date of priority is MAY 13, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.017 CUBIC FOOT PER SECOND (cfs), if available at the original point of diversion or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	6 W	WM	23	NE NW	McKinney DLC 45	2750 FEET SOUTH AND 2920 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

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 provided further that the right to the use of water is limited to the period when the flow of the North Umpqua River is 525 cfs or more at its mouth. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. 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.

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

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
26 S	6 W	WM	14	SE SW	MCKINNEY DLC 45	0.97
26 S	6 W	WM	14	SW SE	MCKINNEY DLC 45	0.11
26 S	6 W	WM	23	NE NW	MCKINNEY DLC 45	0.18

This certificate describes the water right confirmed by Certificate 60003, State Record of Water Right Certificates, modified by the provisions of an order of the Water Resources Director entered JAN 2 3 2009, approving a re-description of Certificate 60003.

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.

WITNESS the signature of the Water Resources Director, affixed JAN 2 3 2009.

William E. Ferber
for Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MAX POST, Trustee
PO BOX 499
SUTHERLIN, OR 97479

confirms the right to use the waters of the NORTH UMPQUA RIVER, a tributary to the UMPQUA RIVER, for IRRIGATION of 1.08 ACRES.

This right was perfected under Permit S-28837. The date of priority is MAY 13, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.01 CUBIC FOOT PER SECOND (cfs) [if available at the original point of diversion located in the SW SE, as projected within DLC 45, Section 14, T26S, R6W, W.M.; 2550 feet south and 2620 feet west from the E1/4 corner of Section 14], or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	6 W	WM	14	SW SE	45	2620 FEET SOUTH AND 2560 FEET WEST FROM THE E1/4 CORNER OF SECTION 14
26 S	6 W	WM	23	NE NW	45	2820 FEET SOUTH AND 2850 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

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.

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. 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
26 S	6 W	WM	14	SE SW	45	0.34
26 S	6 W	WM	14	SW SE	45	0.54
26 S	6 W	WM	23	NE NW	45	0.20

The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water available at the original point of diversion.

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

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

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

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

This certificate documents the re-description approved by Special Order Volume 77 Pages 139-147 and supersedes Certificate 81736.

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.

WITNESS the signature of the Water Resources Director, affixed JAN 23 2009.

for William E. Ferber
Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THEODORE A. KYTOLA
1828 DEL RIO RD.
ROSEBURG, OR 97470

confirms the right to use the waters of NORTH UMPQUA RIVER, tributary to the UMPQUA RIVER, for IRRIGATION of 1.4 ACRES.

This right was perfected under Permit S-28837. The date of priority is MAY 13, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.017 CUBIC FOOT PER SECOND (cfs), or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	6 W	WM	23	NW NE	45	600 FEET SOUTH AND 200 FEET EAST FROM THE N1/4 CORNER OF SECTION 23

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. 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.

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
26 S	6 W	WM	14	SW SE	45	0.25
26 S	6 W	WM	23	NW NE		1.15

This certificate documents the re-description approved by Special Order Volume 77, Pages 139-147 and supersedes Certificate 64851.

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.

WITNESS the signature of the Water Resources Director, affixed JAN 2 3 2009.

William E. Fenbert

for Phillip C. Ward, Director

Oregon
Theodore R. Kulongoski, Governor

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

November 18, 2008

Robert and Dolores Smith
1707 Del Rio Rd.
Roseburg, OR 97471

SUBJECT: Transfer Application T-5259 and clarification to your water right

Dear Mr. and Mrs. Smith,

I wanted to thank you for meeting with me yesterday and to use this opportunity to re-cap our conversation.

As we discussed, the Department intends on issuing a certificate that reverts your point of diversion to the previously authorized location consistent with OAR 690-380-6010. This certificate will also document the re-description that will resolve the long outstanding corrections to water rights in and around your neighborhood. A draft of this certificate is included for your reference as is a Preliminary Determination wherein the re-description of the water rights is more fully explained (your specific water right has been highlighted).

I anticipate having a certificate issued in Spring 2009. Following issuance of this certificate you could then request to have it leased instream.

Again, thank you for the hospitality.

Sincerely,

Susan Douthit
Water Right Transfer Specialist

cc- Dave Williams, Watermaster District #15

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-5259, Douglas County	))	FINAL ORDER REVERTING A POINT OF DIVERSION

Applicant

Robert and Delores Smith
1707 Del Rio Rd.
Roseburg, OR 97471

Findings of Fact

1. On May 2, 1983, G. H. Brey filed an application to change the point of diversion under a portion of Certificate 51279. The Department assigned the application number T-5259.

2. On July 20, 1983, the Water Resources Department issued an order approving T-5259. This order was recorded in the Special Order Volume 371, Pages 390 - 391.

3. On September 30, 2008, the Water Resources Department assigned the application from G. H. Brey to Robert L. and Dolores M. Smith.

4. A letter dated September 25, 2008, Robert and Dolores Smith notified the Department that the change authorized through approval of Transfer Application T-5259 would not be completed and requested that the authorized point of diversion revert back to the original point of diversion described in the following table:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	6 W	WM	14	SW SE	McKinney DLC 45	2550 FEET SOUTH AND 2620 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

5. Pursuant to OAR 690-380-6010, if the change in point of diversion is not completed, the point of diversion shall revert to the last authorized point of diversion prior to the transfer.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

Now, therefore, it is ORDERED:

The point of diversion for a portion of the right affected by Transfer Application T-5259 is reverted to the last authorized point of diversion prior to the transfer. A superseding certificate for the portion of the right affected by the transfer shall be issued.

Dated at Salem, Oregon this _____ day of _____, 2008.

Draft

Phillip C. Ward, Director

*Mailing date:*_____

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT AND DOLORES SMITH
1707 DEL RIO RD.
ROSEBURG, OR 97471

confirms the right to use the waters of NORTH UMPQUA RIVER, tributary to the UMPQUA RIVER, for IRRIGATION of 6.62 ACRES.

This right was perfected under Permit S-28837. The date of priority is MAY 13, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.076 CUBIC FOOT PER SECOND, (cfs)or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	6 W	WM	14	SW SE	McKinney DLC 45	2550 FEET SOUTH AND 2620 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

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 provided further that the right to the use of water is limited to the period when the flow of the north Umpqua River is 525 cfs at its mouth. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. 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.

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

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	6 W	WM	14	NE NE	2.00
26 S	6 W	WM	14	NW NE	1.70
26 S	6 W	WM	14	SW SE	1.62
26 S	6 W	WM	14	SE SE	1.30

This certificate is issued in accordance with OAR 690-OAR 690-380-6010 to describe the water right for a non-completed change in point of diversion approved by an order of the Water Resources Director entered _____, at Special Order Volume __, Page __, approving Transfer Application T-5259 and supersedes a portion of Certificate 51279. This certificate also incorporates the re-description of this right as authorized by an order of the Water Resources Director entered _____ at Special Order Volume __, Page___.

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.

WITNESS the signature of the Water Resources Director, affixed _____.

draft

Phillip C. Ward, Director



BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-7683, Douglas County	)	***REVISED*** PRELIMINARY DETERMINATION PROPOSING APPROVAL OF A CHANGE IN POINT OF DIVERSION AND RE-DESCRIPTION OF PLACES OF USE UNDER TRANSFER APPLICATION T-5259 and CERTIFICATES 56466, 55438, 60003, 81736, 44370, 64851 and 57553

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

Dave Russel
1800 Del Rio Road
Roseburg, OR 97470

Findings of Fact

Background

1. On January 10, 1997, Dave Russel filed an application to change the point of diversion under Certificate 57553 (perfected under Permit S-28837.) The Department assigned the application number T-7683.

2. On May 13, 1963, W. S. Barnes, a registered professional engineer, performed a survey of the water uses from the North Umpqua for the property owned by G. H. Harrell. The 1963 survey identified the general layout of the lands irrigated and described the place of use in relation to Township, Range, Section and Quarter-Quarter lines for the purpose of water right application S-38746 (Permit S-28837).

3. Following development of beneficial use of water under the permit, the Department performed a plane table survey for Permit S-28837 on July 12, 1967 and prepared a Final

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 transfer application and preliminary determination.

Proof map concurrent with issuance of Certificate 35309. The Final Proof map confirmed the general shape of the place of use but described it somewhat differently in relation to Section quarter-quarter and Donation Land Claim (DLC) lines within each quarter-quarter and DLC from the way it was described in Application S-37446 map and Permit S-28837.

4. Subsequent to the Final Proof survey (1967), numerous modifications (transfers and cancellations) to the right were processed as the Del Rio subdivision was developed, resulting in the issuance of Certificate 57553. Transfer Application T-7683 requested further modification to Certificate 57553.

5. In 1993, the Department undertook an investigation of how the 1967 survey and the pending transfer application maps overlaid one another. The analysis showed that the location of the section line between sections 14 and 23 was not consistent between the 1967 survey and other maps due to a rotational error in the 1967 plane table survey; though the footprint of the place of use remains the same.

6. The Department determined that a re-description of the place of use for the entirety of the place of use originally evidenced by Certificate 35309 was needed and prepared a revised map and comparison table of acreage within each section and quarter-quarter.

Twp	Rng	Mer	Sec	Q-Q	Acres based on 1967 survey	Acres based on 1993 investigation
26 S	6 W	WM	14	SW NE	10.0	10.1
26 S	6 W	WM	14	SE NW	1.2	1.1
26 S	6 W	WM	14	NE SW	1.2	1
26 S	6 W	WM	14	SW SW	0.1	0
26 S	6 W	WM	14	SE SW	15.4	15.4
26 S	6 W	WM	14	NE SE	19.4	19.9
26 S	6 W	WM	14	NW SE	17.4	16.8
26 S	6 W	WM	14	SW SE	30.4	25.88
26 S	6 W	WM	14	SE SE	22.3	24.4
26 S	6 W	WM	23	NE NE	1.6	2
26 S	6 W	WM	23	NW NE	15.0	13.3
26 S	6 W	WM	23	NE NW	0.3	1.20
				Total acres:	**134.3**	**134.3**

7. Since the issuance of Certificate 35309 numerous modifications (transfers and cancellations) to this water right occurred, each affecting a portion of the original place of use of the right. This necessitates the need to re-describe the place of use in some of the resulting documents that are not consistent with the 1993 investigation. Transfer Application T-5259 and

Certificates 56466, 55438, 60003, 81736, 44370, 64851 and 57553 need re-description as further outlined in the tables below:

Transfer Application T-5259

Twp	Rng	Mer	Sec	Q-Q	As authorized	Proposed re-described acres
26 S	6 W	WM	23	NE NE	1.60	2.00
26 S	6 W	WM	14	NW NE	2.70	1.70
26 S	6 W	WM	14	SW SE	1.00	1.62
26 S	6 W	WM	14	SE SE	0.80	1.30

Certificate 56466 (confirming T-5054)

Twp	Rng	Mer	Sec	Q-Q	As issued acres	Proposed re-described acres
26 S	6 W	WM	14	SE SW	1.20	1.17
26 S	6 W	WM	23	NE NW		0.06

Certificate 55438 (confirming T-3626)

Twp	Rng	Mer	Sec	Q-Q	As issued acres	Proposed re-described acres
26 S	6 W	WM	14	SE SW	1.38	1.28
26 S	6 W	WM	23	NE NW	0.12	0.14

Certificate 60003 (confirming T-3993)

Twp	Rng	Mer	Sec	Q-Q	As issued acres	Proposed re-described acres
26 S	6 W	WM	14	SE SW	1.17	0.97
26 S	6 W	WM	14	SW SE	0.06	0.11
26 S	6 W	WM	23	NE NW	0.10	0.18

Certificate 81736 (confirming T-4168)

Twp	Rng	Mer	Sec	Q-Q	As issued acres	Proposed re-described acres
26 S	6 W	WM	14	SE SW	0.44	0.34
26 S	6 W	WM	14	SW SE	0.25	0.54
26 S	6 W	WM	23	NE NW	0.08	0.20

Certificate 44370 (confirming T-2953)

Twp	Rng	Mer	Sec	Q-Q	As issued acres	Proposed re-described acres
26 S	6 W	WM	14	SW SE	0.60	0.70
26 S	6 W	WM	23	NW NE	0.80	0.70

Certificate 64851 (confirming T-5975)

Twp	Rng	Mer	Sec	Q-Q	As issued acres	Proposed re-described acres
26 S	6 W	WM	14	SW SE	0.35	0.25
26 S	6 W	WM	23	NW NE	1.05	1.15

Certificate 57553 (portions of the right not modified)

Twp	Rng	Mer	Sec	Q-Q	GLot	As issued acres	Proposed re-described acres
26 S	6 W	WM	14	SW NE		10.00	10.10
26 S	6 W	WM	14	SE NW		1.20	1.10
26 S	6 W	WM	14	NE SW		1.20	1.00
26 S	6 W	WM	14	SW SW		0.10	0
26 S	6 W	WM	14	SE SW		10.31	10.74
26 S	6 W	WM	14	NE SE	7	0.40	0.70
26 S	6 W	WM	14	NE SE		19.00	19.20*
26 S	6 W	WM	14	NW SE		17.40	16.80
26 S	6 W	WM	14	SW SE		28.14	25.88
26 S	6 W	WM	14	SE SE		20.20	21.10
26 S	6 W	WM	14	SE SE	6	1.30	2.00
26 S	6 W	WM	23	NW NE		3.49	2.79
26 S	6 W	WM	23	NE NW		0	0.62

*This entry includes 0.9 acre that has been cancelled as further described in Finding of Fact #8.

8. On January 25, 1984, an order cancelling 0.9 acre in the NESE, Section 14, T26S 6W, WM, was issued and recorded in Special Order Volume 38, Page 114. However, the resulting document did not reduce the total acres in this quarter-quarter by the above referenced cancellation order. Additionally, all subsequent documents repeated this error which should have been corrected when a superseding certificate was issued.

9. Both the survey and the additional evidence describe the same irrigated land. The differences between the two descriptions result from different bases of bearing and reference points used. The 1993 retracements performed by both the Department and CWRE #80 were based on reference points established or re-established by government land surveyors instead of a retracement of the original survey made by the Department Final Proof survey in 1967 upon which the water right certificate was based. The actual location of the place of use, as found on the ground, remains the same.

10. The portion of the right (as re-described) proposed to be transferred under T-7683 is as follows:

    Certificate: 57553 in the name of G. H. HARRELL (perfected under Permit S-28837)
    Use: IRRIGATION of 1.70 ACRES
    Priority Date: MAY 13, 1963

Rate: 0.02 CUBIC FOOT PER SECOND (cfs)
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre during the irrigation season, provided further that right to the use of water is limited to the period when the flow of the North Umpqua River is more than 525 cfs at its mouth.
Source: NORTH UMPQUA RIVER, tributary to UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
26 S	6 W	WM	14	SW SE	45	2550 FEET SOUTH AND 2620 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
26 S	6 W	WM	14	SW SE		0.15
26 S	6 W	WM	23	NW NE	45	1.55

11. Transfer Application T-7683 proposes to move the authorized point of diversion approximately 360 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Lot	DLC	Survey Coordinates
26 S	6 W	WM	23	NW NE	14	45	600 FEET SOUTH AND 300 FEET EAST FROM THE N¼ CORNER OF SECTION 23

12. During the processing of Transfer Application T-7683 it became apparent that the portion of the water right proposed to be modified did not "match" the existing water right map nor the 1993 revised map. The original transfer map showed the footprint of this portion of the water extending down to the water's edge and shows a total of 1.70 acres of water right within the parcel to be affected by this transfer. The 1967 and 1993 Department's water right maps indicate the water right place of use does not extend down to the water's edge.

13. The following table provides a comparison of the description of the portion of the authorized place of use for Certificate 57553 to be affected by Transfer Application T-7683 and a re-description based on other evidence collected by the Department (including assessor's information, Del Rio Ranch Estates Subdivision PLAT, aerial photographs and information from Janet Lundeen, CWRE #80).

Certificate 57553 Place of Use involved in T-7683	
T-7683 Transfer Map	*Revised* proposed re-description
SW SE 0.15 acre Section 14 NW NE 1.55 acres Section 23 Township 26 South, Range 6 West, W.M.	SW SE 0.13 acre Section 14 NW NE 1.26 acres Section 23 Township 26 South, Range 6 West, W.M.
TOTAL = 1.70 acres	**TOTAL** = 1.39 acres

14. Notice of the application for transfer was published on January 21, 1997, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

15. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

16. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

17. The proposed change would not result in enlargement of the right.

18. An instream water right, Certificate 59939, exists for the reach of the river in which the authorized point of diversion would be moved upstream, and streamflows within the reach are frequently below the levels allocated under the instream water right. Thus, the instream water right would be injured as a result of the proposed change in point of diversion.

19. On April 26, 2007, the Department mailed a copy of the *draft* Preliminary Determination proposing to deny Transfer Application T-7683 to the applicant. The cover letter that accompanied the *draft* Preliminary Determination set forth a deadline of May 27, 2007, in which the applicant could respond.

20. On May 18, 2007, the applicant requested that the Department seek a recommendation from ODFW as to whether the Department should consent to injury of the instream water right pursuant to OAR 690-380-4030.

21. On June 20, 2007, the Department issued a Preliminary Determination proposing to deny Transfer Application T-7683 unless ODFW recommended the Department to consent to the injury due to a net benefit that would result from the proposed change. A copy of the Preliminary Determination was mailed to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 26, 2007 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

22. The cover letter that accompanied the Preliminary Determination informed the applicant of the Department's intent to initiate the consent to injury process by seeking a recommendation from ODFW.

23. On June 20, 2007, the Department sent a letter to ODFW requesting a recommendation as to whether the Department should consent to injury of the instream water right (Certificate 59939).

24. On April 9, 2008, ODFW recommended that the Department consent to injury of the instream water right Certificate 59939 because the proposed change would result in a net benefit to the resource. The recommendation concluded that:

a) The movement of the point of diversion to the North Umpqua River, where habitat is a bedrock shelf, is likely better than maintaining the point of diversion at the mouth of Sutherlin Creek, where a deep backwater hole provides better juvenile rearing and adult holding habitat for resident fish.

b) The applicant will limit water use to an average of one-inch-per-week during the irrigation season of each year, adjusted using the Eugene Water and Electric Board's (or other appropriate entity's) evapotranspiration information to compensate for more or less available soil moisture.

c) Native riparian habitat must be maintained and enhanced along the property boundary with the North Umpqua River.

25. Subsequent to the receipt of ODFW's recommendation, the Department noted that some of the information provided to ODFW in the initial request for a recommendation was erroneous. This necessitated another analysis by ODFW of the injury to instream water right Certificate 59939.

26. The initial proposal involved a total of 1.70 acres of irrigation. The amended information reflects a reduction of 0.31 acre leaving 1.39 acres (consistent with the proposed re-description) proposed to be served by the new point of diversion.

27. On August 4, 2008 the Department received the second recommendation from ODFW. This recommendation re-confirmed the initial recommendation and concluded that with the inclusion of the original conditions (as stated in Finding of Fact #25 above) the proposed change would result in a net benefit to the resource.

28. Notice of opportunity to comment on the initial recommendation to consent to injury of instream water right Certificate 59939 was provided to the applicant and all persons who filed comments under OAR 690-380-4030. Additionally, notice of the opportunity to comment was published in the Department weekly notice on June 10, 2008 pursuant to OAR 690-380-5050(4).

29. Furthermore, on September 24, 2008, an email incorporating the second recommendations of ODFW to consent to injury was sent to the applicant. The email asked for either acceptance or disagreement with the conditions suggested by ODFW.

30. On September 24, 2008, the applicant emailed the Department and agreed to the conditions outlined in Finding of Fact #25.

Conclusions of Law

Based on the recommendation of the Oregon Department of Fish and Wildlife, the Department consents to injury of the instream water right evidenced by Certificate 59939. The proposed change in point of diversion proposed in Transfer Application T-7683, as conditioned, is

consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and 690-380-5030.

Now, therefore, it is ORDERED:

1. The change in point of diversion proposed in Transfer Application T-7683, as conditioned, is approved.

2. Water right Certificate 57553 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and incorporating the re-description and partial cancellation.

3. The right to 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 57553 and any related decree.

4. The applicant will limit water use to an average of one-inch-per-week during the irrigation season of each year, adjusted using the Eugene Water and Electric Board's (or other appropriate entity's) evapo-transpiration information.

5. Native riparian habitat must be maintained and enhanced along the property boundary with the North Umpqua River.

6. When required by the Department, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

7. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

8. The approved change 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.

9. Superseding certificates and a final order incorporating the re-description (outlined in the table in Finding of Fact #7) will be issued for the following: Transfer Application T-5259, Certificates 56466, 55438, 60003, 81736, 44370, 64851 and 57553.

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

Dated at Salem, Oregon this _____ day of _____, 2008.

_____
Phillip C. Ward, Director

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

This REVISED Preliminary Determination was prepared by Susan Douthit. If you have any questions about the information in this document, you may reach me at (503) 986-0858 or Susan.M.Douthit@wrd.state.or.us.

Oregon
Theodore R. Kulongoski, Governor

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

November 18, 2008

Robert and Dolores Smith
1707 Del Rio Rd.
Roseburg, OR 97471

SUBJECT: Transfer Application T-5259 and clarification to your water right

Dear Mr. and Mrs. Smith,

I wanted to thank you for meeting with me yesterday and to use this opportunity to re-cap our conversation.

As we discussed, the Department intends on issuing a certificate that reverts your point of diversion to the previously authorized location consistent with OAR 690-380-6010. This certificate will also document the re-description that will resolve the long outstanding corrections to water rights in and around your neighborhood. A draft of this certificate is included for your reference as is a Preliminary Determination wherein the re-description of the water rights is more fully explained (your specific water right has been highlighted).

I anticipate having a certificate issued in Spring 2009. Following issuance of this certificate you could then request to have it leased instream.

Again, thank you for the hospitality.

Sincerely,

Susan Douthit
Water Right Transfer Specialist

cc- Dave Williams, Watermaster District #15

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT AND DOLORES SMITH
1707 DEL RIO RD.
ROSEBURG, OR 97471

confirms the right to use the waters of NORTH UMPQUA RIVER, tributary to the UMPQUA RIVER, for IRRIGATION of 6.62 ACRES.

This right was perfected under Permit S-28837. The date of priority is MAY 13, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.076 CUBIC FOOT PER SECOND, (cfs)or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	6 W	WM	14	SW SE	McKinney DLC 45	2550 FEET SOUTH AND 2620 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

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 provided further that the right to the use of water is limited to the period when the flow of the north Umpqua River is 525 cfs at its mouth. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. 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.

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

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	6 W	WM	14	NE NE	2.00
26 S	6 W	WM	14	NW NE	1.70
26 S	6 W	WM	14	SW SE	1.62
26 S	6 W	WM	14	SE SE	1.30

This certificate is issued in accordance with OAR 690-OAR 690-380-6010 to describe the water right for a non-completed change in point of diversion approved by an order of the Water Resources Director entered _____, at Special Order Volume __, Page __, approving Transfer Application T-5259 and supersedes a portion of Certificate 51279. This certificate also incorporates the re-description of this right as authorized by an order of the Water Resources Director entered _____ at Special Order Volume __, Page___.

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.

WITNESS the signature of the Water Resources Director, affixed _____.

_____

Phillip C. Ward, Director

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-5259, Douglas County	))	FINAL ORDER REVERTING A POINT OF DIVERSION

Applicant

Robert and Delores Smith
1707 Del Rio Rd.
Roseburg, OR 97471

Findings of Fact

1. On May 2, 1983, G. H. Brey filed an application to change the point of diversion under a portion of Certificate 51279. The Department assigned the application number T-5259.

2. On July 20, 1983, the Water Resources Department issued an order approving T-5259. This order was recorded in the Special Order Volume 371, Pages 390 - 391.

3. On September 30, 2008, the Water Resources Department assigned the application from G. H. Brey to Robert L. and Dolores M. Smith.

4. A letter dated September 25, 2008, Robert and Dolores Smith notified the Department that the change authorized through approval of Transfer Application T-5259 would not be completed and requested that the authorized point of diversion revert back to the original point of diversion described in the following table:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	6 W	WM	14	SW SE	McKinney DLC 45	2550 FEET SOUTH AND 2620 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

5. Pursuant to OAR 690-380-6010, if the change in point of diversion is not completed, the point of diversion shall revert to the last authorized point of diversion prior to the transfer.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

Now, therefore, it is ORDERED:

The point of diversion for a portion of the right affected by Transfer Application T-5259 is reverted to the last authorized point of diversion prior to the transfer. A superseding certificate for the portion of the right affected by the transfer shall be issued.

Dated at Salem, Oregon this _____ day of _____, 2008.

_____
Phillip C. Ward, Director

*Mailing date:*_____

Oregon
Theodore R. Kulongoski, Governor

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

November 18, 2008

Robert and Dolores Smith
1707 Del Rio Rd.
Roseburg, OR 97471

SUBJECT: Transfer Application T-5259 and clarification to your water right

Dear Mr. and Mrs. Smith,

I wanted to thank you for meeting with me yesterday and to use this opportunity to re-cap our conversation.

As we discussed, the Department intends on issuing a certificate that reverts your point of diversion to the previously authorized location consistent with OAR 690-380-6010. This certificate will also document the re-description that will resolve the long outstanding corrections to water rights in and around your neighborhood. A draft of this certificate is included for your reference as is a Preliminary Determination wherein the re-description of the water rights is more fully explained (your specific water right has been highlighted).

I anticipate having a certificate issued in Spring 2009. Following issuance of this certificate you could then request to have it leased instream.

Again, thank you for the hospitality.

Sincerely,

Susan Douthit
Water Right Transfer Specialist

cc- Dave Williams, Watermaster District #15

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

October 23, 2008

Robert and Dolores Smith
1707 Del Rio Rd.
Roseburg, OR 97471

SUBJECT: Transfer Application T-5259 and clarification to your water right

Dear Mr. and Mrs. Smith,

I am in receipt of your letter dated September 25, 2008, wherein you indicate that the point of diversion you requested in T-5259 has not been developed. You requested in this letter that the Water Resources Department issue a new certificate "reverting" the point of diversion to the last authorized location.

After your transfer was approved, the Department became aware of certain differences between the original water right survey and other property surveys that had been performed on and around your property.

The Department determined that the best course of action (because of the numerous modifications to the water rights in your area) was to re-describe the place of use of the original water right of which a portion is on your property. The goal of the re-description would be to bring the water right records into better conformity with property records. The Department has concluded its investigation and would like to share with you our findings as you are being directly affected.

We would like to meet with you to explain our findings and how they may affect the way your water right is described. Following is a list of possible dates and times that Department staff is available to discuss this matter. There are several options as to a location for this conversation. Be assured that no change in your right to use water on your property is anticipated. Only the legal description of the place of use is proposed to be updated.

Please contact me via telephone at 503-986-0858, via email at Susan.M.Douthit@wrd.state.or.us or via return mail to schedule a time that best fits your schedule.

November 3 – 4 (Monday – Tuesday)
10 a.m. – 6 p.m.

November 17 – 19 (Monday – Wednesday)
10 a.m. – 7 p.m.

Should none of the above times be conducive to your schedule, please feel free to suggest other dates and times.

I look forward to hearing from you.

Sincerely,

Susan Douthit
Water Right Transfer Specialist

cc- Dave Williams, Watermaster District #15

September 25, 2008

Ms. Susan Douthit
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: T-5259

Dear Susan:

Enclosed is our assignment form for Transfer T-5259. This transfer requested a new point of diversion (pod) from the North Umpqua River for the irrigation of 6.1 acres on our property. This letter is to advise you that we have not used the new pod and therefore ask that a new certificate be issued for those lands described in this transfer allowing for use from the last authorized pod as described in OAR 690-380-6010 (6). Thank you for your assistance in this matter.

Sincerely,

Dsmith
Dolores Dsmith

Robert & Dolores Smith
1707 Del Rio Road
Roseburg, OR 97471
541-672-7061

RECEIVED
OCT 0 2 2008
WATER RESOURCES DEPT.
SALEM, OREGON

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

Request for Assignment

By Proof of Ownership
(If Permit/Transfer Holder is not available)

If for multiple rights, a separate form and fee for each right will be required.

I, Robert L. & Dolores M. Smith
(Name of Party Requesting Assignment)

1707 Del Rio Road — Roseburg — OR — 97471 — 541-672-7061
(Mailing Address) *(City)* *(State)* *(Zip)* *(Phone #)*

☑ ...hereby request assignment of application/permit/transfer;

☐ ...hereby request assignment of a *portion* of application/permit/transfer;
(You must include a map showing the portion of the application/permit/transfer to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application #_____; Permit #_____; Transfer# T-5259
-OR-
GR Statement #_____; GR Certificate of Registration #_____

RECEIVED
OCT 02 2008
WATER RESOURCES DEPT.
SALEM, OREGON

G. H. Brey
(Name of Permit/Transfer Holder of Record)

Not Known
(Mailing Address) *(City)* *(State)* *(Zip)* *(Phone #)*

Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) *Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)*

1) I certify that I am the current owner of the property described in this application, Permit or Certificate of Registration.
2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 30TH day of SEPT., 20 08.

Party Requesting Assignment [signature]

Party Requesting Assignment Dolores Smith

ASSIGN BY PROOF [initials] 10.3.2008

DO NOT WRITE IN THIS BOX

This certified assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt #94428
For Director by Jerry Sauter, Program Analyst in Water Rights Division [signature]

The completed "Request for Assignment form *must* be submitted to the Department along with a recording fee of **$50**.

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 # 94428

INVOICE # _____

RECEIVED FROM: R L & DOLORES M SMITH

BY: _____

APPLICATION	T-5259
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 8002 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 50.00

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)	Assignment	$ 30.00
TC162	DEPOSIT LIAB. (IDENTIFY)		$
0240	EXTENSION OF TIME		$

		EXAM FEE		RECORD FEE
	WATER RIGHTS:			
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$		
	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 (FW/WRD)		$
0231	HYDRO LICENSE FEE (FW/WRD)		$
_____	HYDRO APPLICATION		$

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____ $

DESCRIPTION _____

RECEIPT: 94428 DATED: 10/2/08 BY: _____

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

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

October 6, 2008

Robert L. and Dolores M. Smith
1707 Del Rio Road
Roseburg, Oregon 97471

Reference: Transfer T-5259

The assignment by proof from G.H. Brey to Robert L. and Dolores M. Smith has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 94428 covering the recording fee of $50 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 94428

cc: Watermaster 15
G.H. Brey
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
Sarah Henderson - for Transfers
File

92-00490

BOOK 1165 PAGE 81

When recorded, mail to

Name Robert L. Smith

Address 1707 Del Rio Road

City/State/Zip Code Roseburg, OR 97470

Space above this line for Recorder's use

QUIT CLAIM DEED TO TRUST

(Releasing Real Estate Contract Interest to Trust)

KNOW ALL MEN BY THESE PRESENTS:

That I(we) Robert L. Smith and Dolores M. Smith, Husband and Wife, the undersigned Releasor(s), who is(are) the Trustor(s) under that certain DECLARATION OF TRUST, known as (and hereafter referred to as) Smith Family Trust No. 1, dated December 30, 19 91, do by these presents, hereby release, remise and forever Quit Claim IN TRUST unto Robert L. Smith and Dolores M. Smith Under Smith Family Trust No. 1, as Trustee(s) under said Trust, all of my(our) rights, title and interest in and to that certain Property situated in Douglas County, State of Oregon, and described as: Tax Lot 200, Account No. 7385.74, Tax Lot 201, Account No. 7385.75, Tax Lot 300, Account No. 7385.72, and Tax Lot 300, Account No. 7385.73, Del Rio Ranch Est., According to the Plat of Record in the Office of the Douglas County Recorder, State of Oregon, in Book No. 983, Page 744, Recorder's No. 87-06290.

The Releasor(s) asserts an interest in the aforesaid property pursuant to an agreement(contract) to acquire said property dated May 6th, 19 87, which said agreement(contract) is recorded in the Official Land Records of Douglas County, State of Oregon, in Docket(Book)(Volume) 983 at page(s) 746.

TO HAVE AND TO HOLD the said interest in the above described property unto and to the use of the said Trustee(s) and his(her)(their) successors in interest forever; and that neither I(we) nor my(our) heirs or assigns shall have nor make any claims or demands upon said property interest.

IN WITNESS WHEREOF, I(we) have hereunto set my(our) hand(s) and seal this 31st day of December, 19 91.

Witness (if required under State law)

Witness (if required under State law)

Releasor/Trustor

Co-Releasor/Co-Trustor

© 1991, Alpha Publications of America, Inc. – P.O. Box 13881 – Tucson, Arizona 85732-3881

FORM AT-201

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OCT 0 2 2008
WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon)
) ss
County of Douglas)

ACKNOWLEDGMENT

On this 31st day of December, 19 91, before me, the undersigned Notary Public, personally appeared K.L. Smith and Dolores M. Smith

known to me to be the individual(s) who executed the foregoing instrument and acknowledged the same to be his(her)(their) free act and deed.

My Commission Expires: 8-28-94

Nancy J. Rosebrough
Notary Public

OFFICIAL SEAL
NANCY J. ROSEBROUGH
NOTARY PUBLIC - OREGON
COMMISSION NO. 000315
MY COMMISSION EXPIRES AUG 28, 1991

EXHIBIT "A"

BOOK 983 PAGE 745

PARCEL 1

The following described property in Sections 14 and 23, Township 26 South, Range 6 West, W. M., Douglas County, Oregon: Beginning at a 3/4" iron rod on the Westerly line of the James E. Lewis and Orlena Lewis property as described in Instrument No. 69-13237 of Douglas County records from which the section corner common to Sections 13, 14, 23 and 24, Township 26 South, Range 6 West, W. M., bears South 84° 43' 49" East 842.72 feet; thence North 67° 08' 50" West 323.42 feet to a 3/4" iron rod; thence South 37° 52' 06" West 617.13 feet to a 3/4" iron rod on the Easterly right of way line of County Road No. 115 being on P.O.C. on a 786.2 foot radius curve to the right; thence along said right of way line on the arc of said curve 212.51 feet to the P.T., the chord of which bears South 14° 56' 58" East 211.81 feet; thence continuing along said right of way South 9° 38' 35" East 193.78 feet and South 46° 54' 30" East 7.00 feet to a 3/4" iron rod on the Westerly line of said Lewis property; thence North 37° 29' 45" East along the Westerly line of said Lewis property 960.47 feet to the point of beginning.

PARCEL 2

The following described property in Sections 14 and 23, Township 26 South, Range 6 West, W. M., Douglas County, Oregon: Beginning at a 3/4" iron rod from which the section corner common to Sections 13, 14, 23 and 24, Township 26 South, Range 6 West, W. M., bears South 79° 52' 43" East 1155.16 feet; thence North 67° 08' 50" West 550.00 feet to a 3/4" iron rod on the Easterly right of way line of Clearview Drive; thence South 22° 51' 10" West along said right of way line 200.00 feet to a 3/4" iron rod at the P.C. of a 410.0 foot radius curve right; thence continuing along said right of way line on the arc of said curve 128.85 feet to the P.T., the long chord of which bears South 31° 51' 21" West 128.32 feet to a 3/4" iron rod; thence continuing along said right of way line South 40° 51' 32" West 7.00 feet to a 3/4" iron rod at the P.C. of a 55 foot radius curve to the left; thence along the arc of said curve, 86.36 feet to the P.T.; the long chord of which bears South 4° 07' 30" East 77.76 feet to a 3/4" iron rod at the intersection of said Easterly right of way line of Clearview Drive with the Northerly right of way line of County Road No. 115; thence along the Northerly line of said County Road No. 115 on the following courses: South 49° 06' 14" East 83.00 feet, South 50° 01' 32" East 76.65 feet and South 42° 02' 47" East 105.32 feet to a 3/4" iron rod at a P.O.C. of a 786.2 foot radius curve to the right; thence along said curve on the arc of said curve 162.27 feet, the chord of which bears South 29° 08' 51" East 161.96 feet to a 3/4" iron rod; thence leaving said right of way line and running North 37° 52' 06" East 617.13 feet to the point of beginning.

EXCEPTING THEREFROM a 10 foot wide utility easement along the Westerly and Southwesterly lines of the above described property, beginning at the Northwest corner and extending 415.2 feet.

ALSO EXCEPTING THEREFROM that part sold to Robert C. Rand, et ux, as more particularly described in instrument recorded in Book 464, records of Douglas County, Oregon, Recorder's No. 71-4210.

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OCT 02 2000
WATER RESOURCES DEPT.
SALEM, OREGON

Page 7

AMENDED

92-00490

STATE OF OREGON, COUNTY OF DOUGLAS } SS.
I, GAY FIELDS, COUNTY CLERK AND RECORDER OF CONVEYANCES, DO HEREBY CERTIFY THAT THIS INSTRUMENT WAS RECORDED
1992 JAN 10 PM 1:06
GAY FIELDS
DOUGLAS COUNTY CLERK
IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY
BY _____ DEPUTY
FEE 30.00

Screen Print from AbleTerm session(TSG) 09:44 AM 09/25/2008

* - - Property Data Selection Menu - -

Prop ID : R49860 (7385.74)
Map Tax Lot: 26-06W-23A-00200
Legal : ACRES 1.17, (1) UNREC DEL RIO RANCH EST (2) (PT LOT 46) PT M&B*

Owner: SMITH, ROBERT L & DOLORES M
(25245) SMITH FAMILY TRUST #1
1707 DEL RIO RD
ROSEBURG, OR 97471

Situs : 0 DEL RIO RD
ROSEBURG, OR 97471
Name(s) :
Code Area : 00424
Sale Info : 12/01/91 $0
Deed Type :
Instrument: 1992-490
2007 Tax Status * No Taxes Due *
Current Levied Taxes : 42.43
Special Assessments :
2009-10 SB125 Taxes :

Year Built :
Living Area:

2008 Roll Values

RMV Land	$	7,956	(+)
RMV Improvements	$	0	(+)
RMV Total	$	7,956	(=)
Total Exemptions	$	0	
M5 Net Value	$	7,956	
M50 Assd Value	$	4,074	

(AD) Alt Disp	(Y) primarY	(SE)condary	(L)and/Impr
(O)wnership	(H)istory	(W) Spec Assmt	(.) More

Enter Option from Above or <RET> to Exit: __

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OCT 0 2 2008
WATER RESOURCES DEPT.
SALEM, OREGON

* - - Property Data Selection Menu - -

Prop ID : R49867 (7385.75)
Map Tax Lot: 26-06W-23A-00201
Legal : ACRES 4.49, (1) UNREC DEL RIO RANCH EST (2) (PT L 46) PT M&B INST*

Owner: SMITH, ROBERT L & DOLORES M
(25245) SMITH FAMILY TRUST #1
1707 DEL RIO RD
ROSEBURG, OR 97470

Situs : 1707 DEL RIO RD
ROSEBURG, OR 97470
Name(s) :
Code Area : 00402
Sale Info : 12/01/91 $0
Deed Type :
Instrument: 1992-490
2007 Tax Status * No Taxes Due *
Current Levied Taxes : 1,959.56
Special Assessments : 56.00
2008-09 SB125 Taxes :

Year Built : 1973
Living Area: 1638

2007 Roll Values

RMV Land	$	143,732	(+)
RMV Improvements	$	147,733	(+)
RMV Total	$	291,465	(=)
Total Exemptions	$	0	
M5 Net Value	$	291,465	
M50 Assd Value	$	192,693	

(AD) Alt Disp	(Y) primarY	(SE)condary	(L)and/Impr
(O)wnership	(H)istory	(W) Spec Assmt	(.) More

Enter Option from Above or <RET> to Exit: __

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WATER RESOURCES DEPT.
SALEM, OREGON

Screen Print from AbleTerm session(TSG) 10:23 AM 03/04/2008

* - - Property Data Selection Menu - -

Prop ID : R49846 (7385.72)
Map Tax Lot: 26-06W-23A-00300
Legal : ACRES 1.54, (1) UNR DEL RIO RANCH ESTATES (2) PT L 45 PT INST 71-8005*

Owner: SMITH, ROBERT L & DOLORES M
(25245) SMITH FAMILY TRUST #1
1707 DEL RIO RD
ROSEBURG, OR 97470

Situs : 0 DEL RIO RD
ROSEBURG, OR 97470
Name(s) :
Code Area : 00424
Sale Info : 12/01/91 $0
Deed Type :
Instrument: 1992-490
2007 Tax Status * No Taxes Due *
Current Levied Taxes : 71.20
Special Assessments :
2008-09 SB125 Taxes :

Year Built :
Living Area:

2007 Roll Values

RMV Land	$	13,090	(+)
RMV Improvements	$	0	(+)
RMV Total	$	13,090	(=)
Total Exemptions	$	0	
M5 Net Value	$	13,090	
M50 Assd Value	$	6,637	

(AD) Alt Disp	(Y) primarY	(SE)condary	(L)and/Impr
(O)wnership	(H)istory	(W) Spec Assmt	(.) More

Enter Option from Above or <RET> to Exit: __

RECEIVED
OCT 02 2008
WATER RESOURCES DEPT.
SALEM, OREGON

* - - Property Data Selection Menu - -

Prop ID : R49853 (7385.73)
Map Tax Lot: 26-06W-23A-00300
Legal : ACRES 1.37, (1) PT M&B INST 71-8005 (2) (PT L 45 UNREC DEL RIO*

Owner: SMITH, ROBERT L & DOLORES M
(25245) SMITH FAMILY TRUST #1
1707 DEL RIO RD
ROSEBURG, OR 97470

Situs : 0 DEL RIO RD
ROSEBURG, OR 97470
Name(s) :
Code Area : 00402
Sale Info : 12/01/91 $0
Deed Type :
Instrument: 1992-490
2007 Tax Status * No Taxes Due *
Current Levied Taxes : 47.23
Special Assessments :
2008-09 SB125 Taxes :

Year Built :
Living Area:

2007 Roll Values

RMV Land	$	9,316	(+)
RMV Improvements	$	0	(+)
RMV Total	$	9,316	(=)
Total Exemptions	$	0	
M5 Net Value	$	9,316	
M50 Assd Value	$	4,645	

(AD) Alt Disp	(Y) primarY	(SE)condary	(L)and/Impr
(O)wnership	(H)istory	(W) Spec Assmt	(.) More

Enter Option from Above or <RET> to Exit: __

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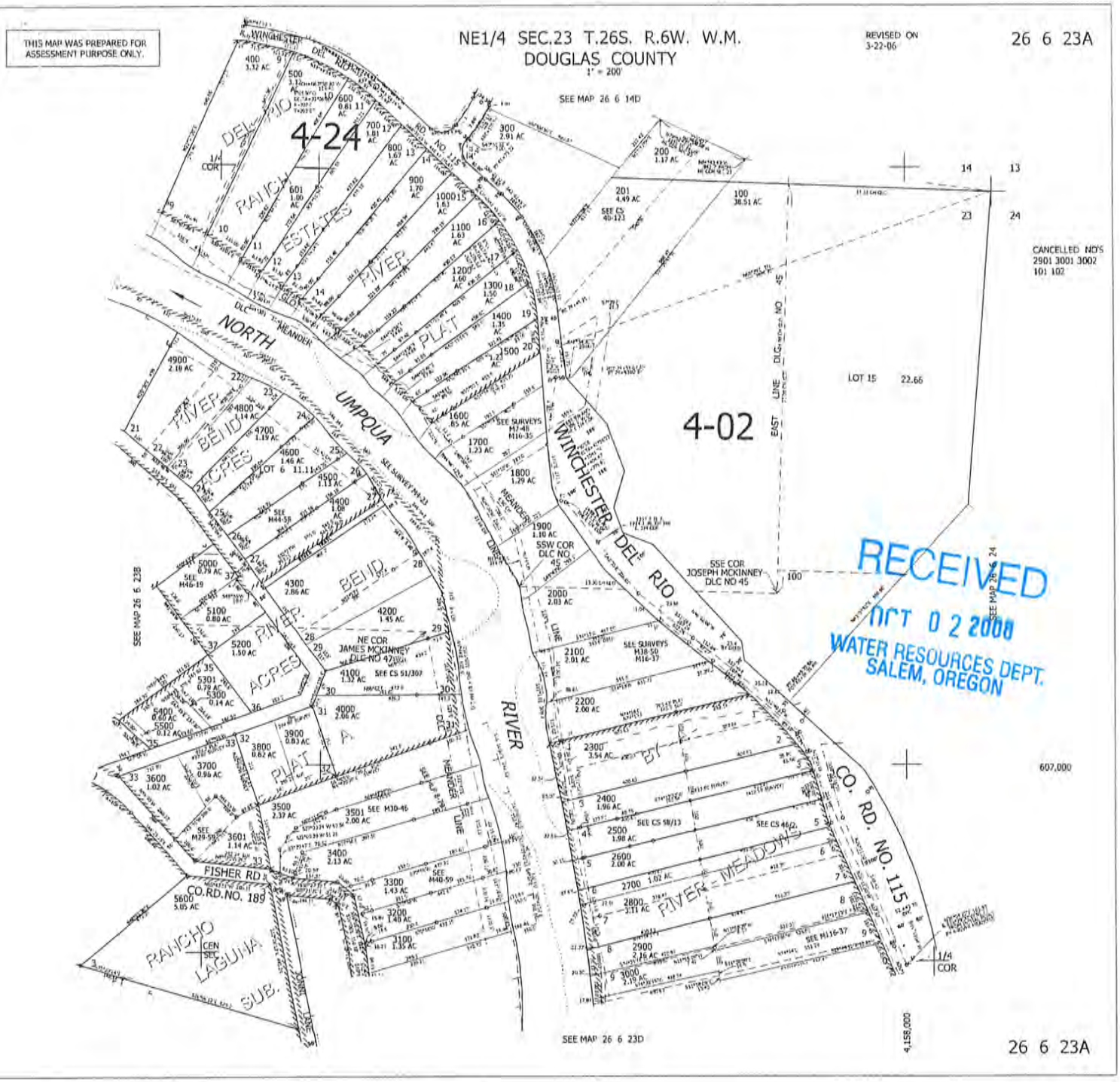
WATER RESOURCES DEPT.
SALEM, OREGON


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.
NE1/4 SEC.23 T.26S. R.6W. W.M.
DOUGLAS COUNTY
1" = 200'
REVISED ON 3-22-06
26 6 23A
SEE MAP 26 6 14D
4-24
4-02
CANCELLED NO'S 2901 3001 3002 101 102
LOT 15 22.66
NORTH UMPQUA RIVER
WINCHESTER DEL RIO
RIVER MEADOWS
CO. RD. NO. 115
FISHER RD
CO.RD.NO. 189
RANCHO LAGUNA SUB.
SEE MAP 26 6 23D
SEE MAP 26 6 23B
SEE MAP 26 6 24
607,000
4,158,000
RECEIVED
OCT 0 2 2008
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
OCT 0 2 2008
WATER RESOURCES DEPT.
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF G.H. BREY FOR APPROVAL OF A CHANGE IN POINT OF DIVERSION OF WATER	))))	ORDER APPROVING TRANSFER 5259

On May 2, 1983, an application was filed in the office of the Water Resources Director by G.H. Brey for approval of a change in point of diversion of water from North Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 51279, Volume 46, State Record of Water Right Certificates, in the name of G.H. Harrell, describes a right which includes the use of not to exceed 0.076 cubic foot per second from North Umpqua River, for irrigation of 1.0 acre in SW 1/4 SE 1/4, 0.8 acre in SE 1/4 SE 1/4, Section 14, 1.6 acres in NE 1/4 NE 1/4 and 2.7 acres in NW 1/4 NE 1/4, Section 23, Township 26 South, Range 6 West, WM with a date of priority of May 13, 1963.

Water for the said right is diverted from a point located 2550 feet South and 2620 feet West from the East quarter Corner of Section 14, being within the SW 1/4 SE 1/4 of Section 23, Township 26, Range 6 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, to a point located 3420 feet South and 2090 feet West from the East quarter Corner of Section 14, being within the NW 1/4 NE 1/4 of Section 23, Township 26 South, Range 6 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The News Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of May 10, 17 and 24, 1983.

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

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right and shall not exceed 0.076 cfs.

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

> That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;
>
> That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

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

It is FURTHER ORDERED that the certificate recorded at page 51279, Volume 46, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 20th day of July, 1983.

CHRIS L. WHEELER
Deputy Director

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

7471B

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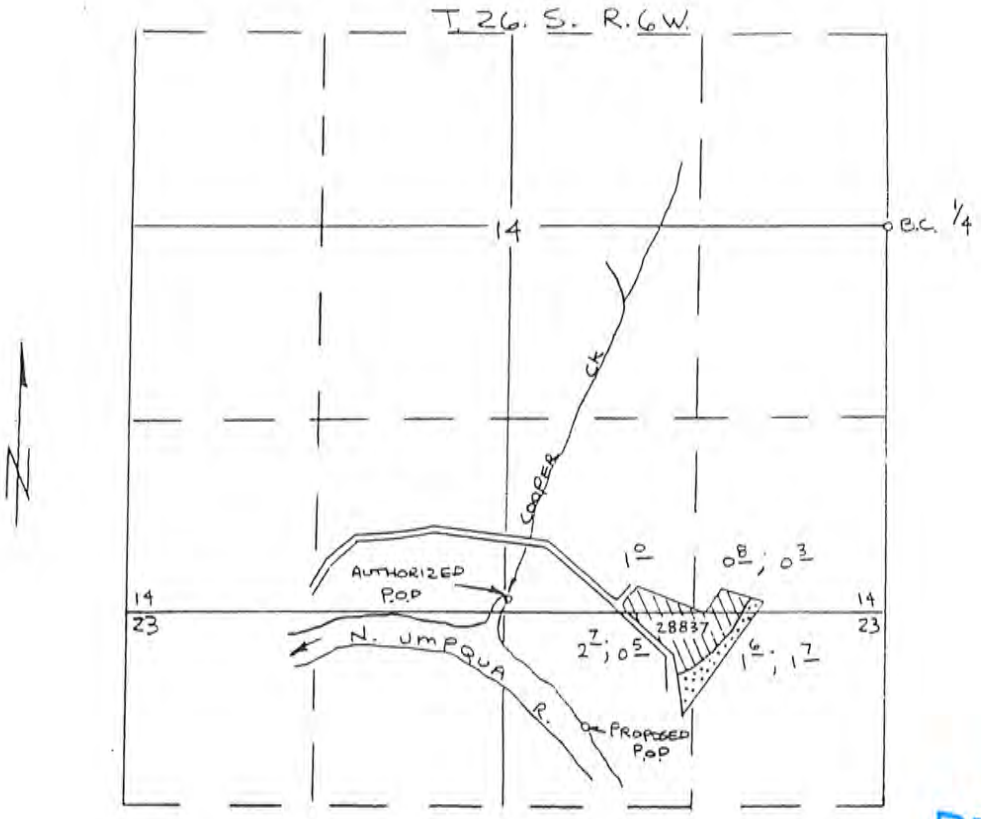
WATER RESOURCES DEPT.
SALEM, OREGON



4" = 1 MILE

AUTHORIZED P.O.D = 2550 S. & 2620 W. } FROM 1/4 14 • 13

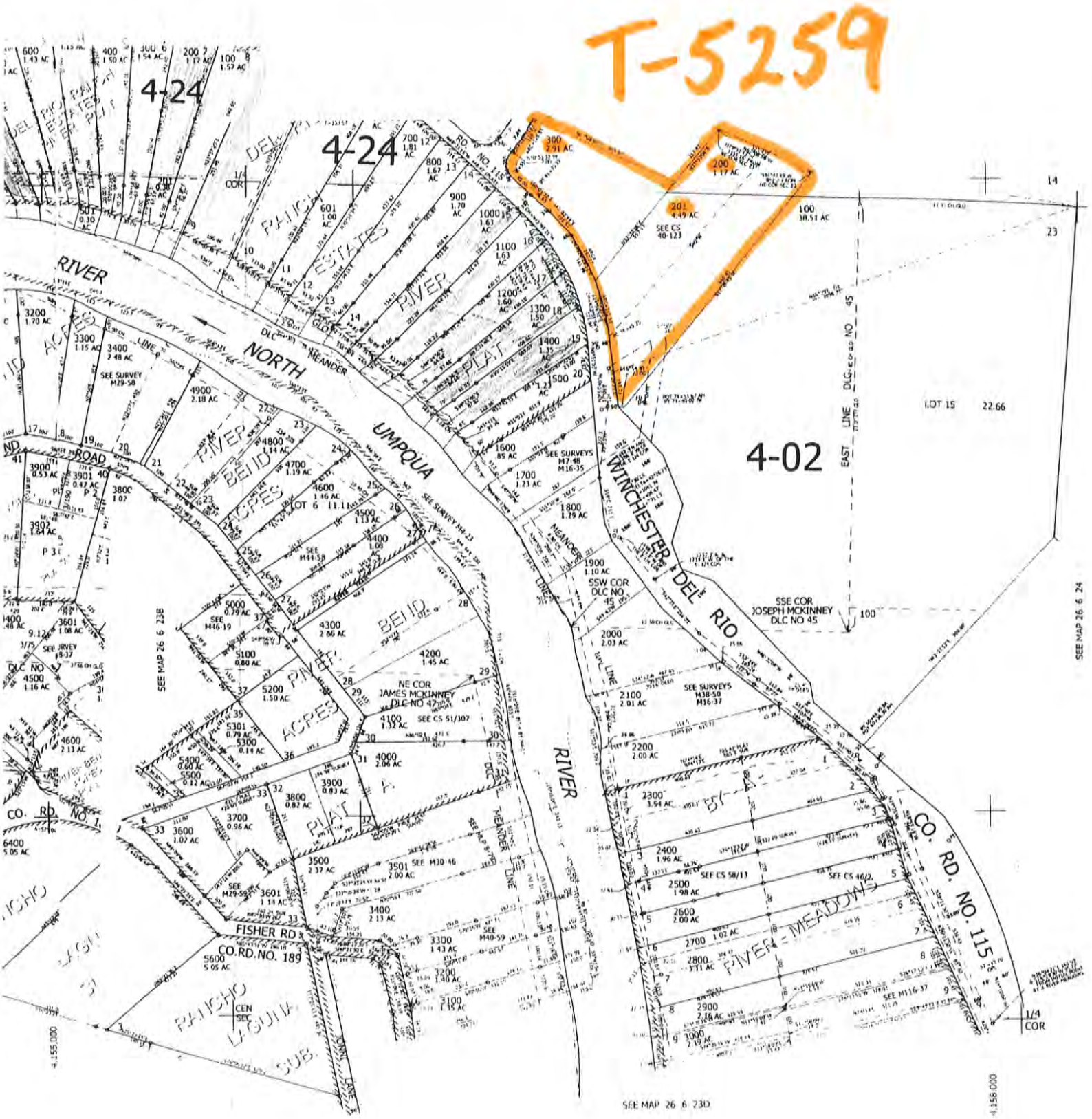
PROPOSED P.O.D = 3420 S. & 2090 W. }

▨ = NEW FILING (SUPERCEDING APP. # 63464)

RECEIVED
OCT 0 2 2008
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
MAY 2 1983
WATER RESOURCES DEPT.
SALEM, OREGON

T-5259


T-5259
4-24
4-24
4-02
RIVER
NORTH
UMPQUA
RIVER
WINCHESTER DEL RIO
CO. RD. NO. 115
FISHER RD
CO.RD.NO. 189
RIVER MEADOWS
SEE MAP 26 6 23B
SEE MAP 26 6 23D
SEE MAP 26 6 24
SSE COR
JOSEPH MCKINNEY
DLC NO 45
NE COR
JAMES MCKINNEY
DLC NO 47
SSW COR
DLC NO 45
EAST LINE DLC NO 45
LOT 15 22.66
SEE CS 40-123
SEE CS 51/307
SEE CS 58/13
SEE CS 46/2
SEE M30-46
SEE M40-59
SEE M116-37
SEE SURVEY M29-58
SEE SURVEYS M7-48 M16-35
SEE SURVEYS M38-50 M16-37
SEE M44-58
SEE M46-19
SEE M29-59
4,155,000
4,158,000

Property Details for Property ID: R49867

Owner Information :

Owner Name:	SMITH, ROBERT L & DOLORES M TRS		
Owner Address #1:	SMITH FAMILY TRUST #1		
Owner Address #2:	1707 DEL RIO RD		
Owner Address # 3:		Alternate Account #:	7385.75
Owner City/State/Zip:	ROSEBURG, OR 97470	Account Status:	A

Property Information :

Township:	26	Situs Address:	1707 DEL RIO RD ROSEBURG, OR 97470
Range:	06W	Map ID:	260623A00201
Section:	23	County Property Class:	101
Quarter:	A	Legal Acreage:	4.49
Sixteenth:		Code Area:	00402
Maintenance Area:	5	Neighborhood Code:	KR
Year Built:	1973	Living Area:	1638
Bedrooms:	3	Baths:	BATH2\L.TUB
Exemption Code:		Exemption Desc.:	
MFD Home ID:			

Value Information :

Improvement Appr. Value:	$147,733.00	Total Appr. Value:	$291,465.00
Land Appr. Value:	$143,732.00	Exemption Value:	$0.00
Land Market Value:	$143,732.00	Total Assessed Value:	$192,693.00
Total Real Market Value:	$291,465.00	Taxes Imposed:	$2,015.56

Sales Information :

Deed No:	1992-490		
Sale Price:	$0.00	Sale Date:	12/1/1991

Property Details for Property ID: R49860

Owner Information :

Owner Name:	SMITH, ROBERT L & DOLORES M TRS		
Owner Address #1:	SMITH FAMILY TRUST #1		
Owner Address #2:	1707 DEL RIO RD		
Owner Address # 3:		Alternate Account #:	7385.74
Owner City/State/Zip:	ROSEBURG, OR 97470	Account Status:	A

Property Information :

Township:	26	Situs Address:	0 DEL RIO RD ROSEBURG, OR 97470
Range:	06W	Map ID:	260623A00200
Section:	23	County Property Class:	101
Quarter:	A	Legal Acreage:	1.17
Sixteenth:		Code Area:	00424
Maintenance Area:	5	Neighborhood Code:	KR
Year Built:		Living Area:	0
Bedrooms:		Baths:	
Exemption Code:		Exemption Desc.:	
MFD Home ID:			

Value Information :

Improvement Appr. Value:	$0.00	Total Appr. Value:	$7,956.00
Land Appr. Value:	$7,956.00	Exemption Value:	$0.00
Land Market Value:	$7,956.00	Total Assessed Value:	$3,956.00
Total Real Market Value:	$7,956.00	Taxes Imposed:	$42.43

Sales Information :

Deed No:	1992-490		
Sale Price:	$0.00	Sale Date:	12/1/1991

Property Details for Property ID: R49846

Owner Information :

Owner Name:	SMITH, ROBERT L & DOLORES M TRS		
Owner Address #1:	SMITH FAMILY TRUST #1		
Owner Address #2:	1707 DEL RIO RD		
Owner Address # 3:		Alternate Account #:	7385.72
Owner City/State/Zip:	ROSEBURG, OR 97470	Account Status:	A

Property Information :

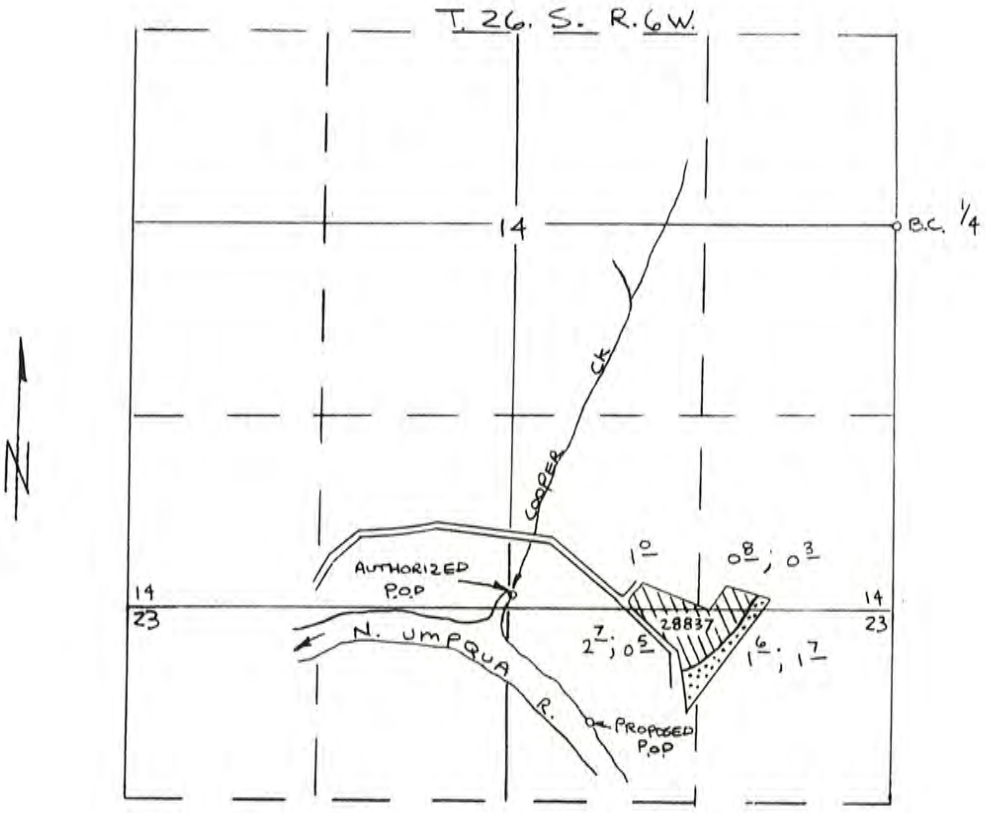
Township:	26	Situs Address:	0 DEL RIO RD ROSEBURG, OR 97470
Range:	06W	Map ID:	260623A00300
Section:	23	County Property Class:	101
Quarter:	A	Legal Acreage:	1.54
Sixteenth:		Code Area:	00424
Maintenance Area:	5	Neighborhood Code:	KR
Year Built:		Living Area:	0
Bedrooms:		Baths:	
Exemption Code:		Exemption Desc.:	
MFD Home ID:			

Value Information :

Improvement Appr. Value:	$0.00	Total Appr. Value:	$13,090.00
Land Appr. Value:	$13,090.00	Exemption Value:	$0.00
Land Market Value:	$13,090.00	Total Assessed Value:	$6,637.00
Total Real Market Value:	$13,090.00	Taxes Imposed:	$71.20

Sales Information :

Deed No:	1992-490		
Sale Price:	$0.00	Sale Date:	12/1/1991



4" = 1 MILE

AUTHORIZED P.O.D = 2550 S. & 2620 W. } FROM 1/4 14 • 13

PROPOSED P.O.D = 3420 S. & 2090 W. }

▨ = NEW FILING (SUPERCEDING APP. # 63464)

RECEIVED
MAY 2 1983
WATER RESOURCES DEPT.
SALEM, OREGON

T-5259

T-5259

RECEIVED
MAY 2 1983
WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, G.H. BREY (Name of applicant)

of P.O. BOX 2126 (Mailing address), BEAUMONT (City),

State of CA., 92223 (Zip Code), 714.845-3971 (Phone number), *do hereby make application for change*

IN POINT of DIVERSION

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

1. Is the water right recorded in your name? G.H. HARRELL (If not, give name)

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

3. Was your water right acquired by Water Right Permit? YES (Yes or No) If so, give number of permit 28837 Number of certificate 51279

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

4. The source of water is N. UMPQUA RIVER

5. What is the date of priority of your water right? 5/13/63

6. The authorized point of diversion is located 2550 ft. S (N. or S.) and 2620 ft. W. (E. or W.) from the E. 1/4 corner of Sec. 14 being within the SW ¼ SE ¼ of Section 14 Tp. 26S. (No. N. or S.) R. 6W. (No. E. or W.) W. M., in the county of DOUGLAS The name of the ditch used is .....

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

7. The proposed point of diversion is located 3420 ft. S. (N. or S.) and 2090 ft. W (E. or W.) from the E. 1/4 corner of Sec 14 being within the NW ¼ NE ¼ of Section 23 Tp. 26S. (No. N. or S.) R. 6W. (No. E. or W.) W. M., in the county of DOUGLAS The name of the ditch to be used is .....

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres Irrigated
T. 26 S.	R. 6 W.	14	SW¼ SE¼	1.0
"	"	"	SE¼ SE¼	0.8
T. 26 S.	R. 6 W.	23	NE¼ NE¼	1.6
"	"	"	NW¼ NE¼	2.7
				6.1 AC
				0.076 cfs

(If more space required, attach separate sheet)

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

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

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

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are ACCESS TO DIVERSION

15. Construction work will be completed on or before OCT. 1, 1984

16. The water will be completely applied to the proposed use on or before OCT 1, 1984

Remarks #100.00 ENCLOSED FOR ADVERTISING

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

AFFIDAVIT OF APPLICANT

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

In Witness Whereof, I have hereunto set my hand this 28 day of April, 1983.

G.H. Brey
(Name of applicant)

Subscribed and sworn to before me this 28th day of April, 1983.

[Notarial Seal]

Marlene E. Chandler
NOTARY PUBLIC FOR OREGON

OFFICIAL SEAL
MARLENE E. CHANDLER
NOTARY PUBLIC - CALIFORNIA
NOTARY BOND FILED IN
RIVERSIDE COUNTY
My Commission Expires January 3, 1985

My commission expires January 3, 1985

TO T-5259

DATE 10/11 TIME

ACCESS 800

CALLED

OF

PHONE

MESSAGE While in Roseburg, S. Brown to check current ownership of lands under orig. Cert 35309 (38746). If multiple, will not pursue changes for RR Cert this transfer.

CALL BACK ON S.P.A.N.

TAKEN BY

81-125-800

SP 35293-125

R

Transfer No. 5259

County DOUGLAS

Name G. H. Brey

Date for Completion 10-1-85

Extended to

Completion Report Received

To Survey 1-7-86

Comments:

VICTOR ATIYEH
GOVERNOR

Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310 PHONE 378-3066

July 23, 1984

Garry F. Swanson
2174 Del Rio Road
Roseburg, OR 97470

REFERENCE: File 38746

Enclosed is a copy of the order entered July 16, 1984, canceling a part of the water right evidenced by Certificate 51279, as authorized by your affidavit.

Our records have been changed and the part of the water right evidenced by the certificate will be of no further force or effect.

Sincerely,

Samuel R Allison

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:wpc

cc: Gary L. Ball, Watermaster

enclosure

0056/1
3652C

VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310 PHONE 378-3066

November 14, 1983

G. H. Brey
PO Box 2126
Beaumont, CA 92223

REFERENCE: File T-5259

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

A time to complete the transfer is given in the order. A form for reporting completion is enclosed for your convenience.

YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed, or within an extension thereof, will be lost. An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

In line with the general practice of this office, a survey will be made at a later date.

Sincerely,

Samuel R Allison

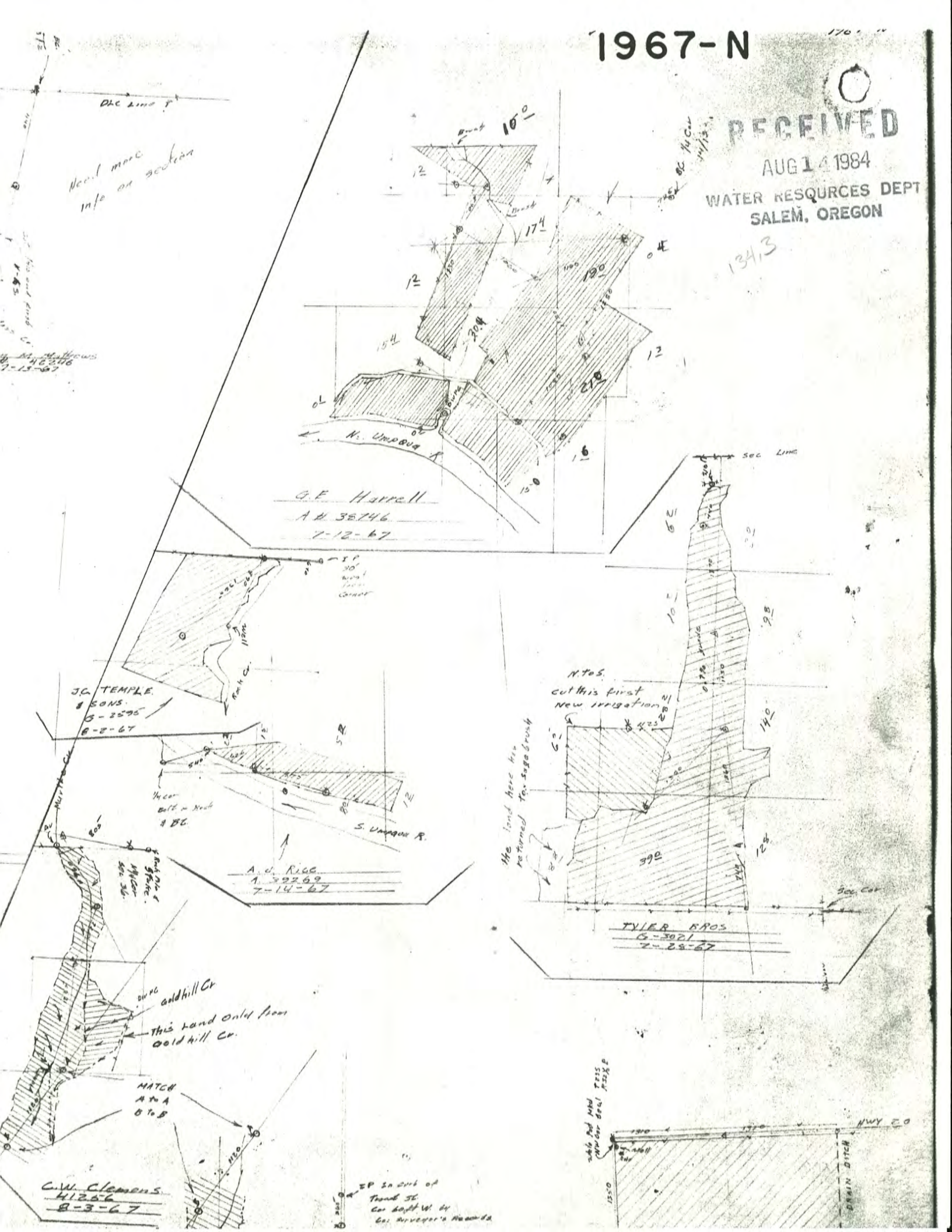
SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:lcj
cc: Watermaster

1967-N

RECEIVED
AUG 14 1984
WATER RESOURCES DEPT
SALEM, OREGON

1343



Permit A-43[illegible]-T-67

SP*41033-119

Superseded by 44370
Cert. No. 43554
Sp. Or. V 24 p 148

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That G. R. HARRELL

of Route 2, Box 1415, Roseburg, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of North Umpqua River

a tributary of Umpqua River for the purpose of irrigation of 134.3 acres

under Permit No. 28337 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 13, 1963

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 1.68 cubic feet 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 SW¼ SE¼, as projected within McKinney DLC 45, Section 14, T. 26 S., R. 6 W., W. M. Diversion point located 2550 feet South and 2620 feet West from E¼ Corner, Section 14.

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 2½ acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right to use of water is limited to the period when the flow of the North Umpqua River is more than 525 c.f.s. at its mouth;

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:

10.0 acres SW¼ NE¼ as projected within McKinney DLC 45
1.2 acres SE¼ NW¼ as projected within McKinney DLC 45
1.2 acres NE¼ SW¼ as projected within McKinney DLC 45
0.1 acre SW¼ SW¼ as projected within McKinney DLC 45
15.4 acres SE¼ SW¼ as projected within McKinney DLC 45
0.4 acre Lot 7 (NE¼ SE¼)
19.0 acres NE¼ SE¼ as projected within McKinney DLC 45
17.4 acres NW¼ SE¼ as projected within McKinney DLC 45
30.4 acres SW¼ SE¼ as projected within McKinney DLC 45
21.0 acres SE¼ SE¼ as projected within McKinney DLC 45
1.3 acres Lot 6 (SE¼ SE¼)
Section 14

1.6 acres NE¼ NE¼ as projected within McKinney DLC 45
15.0 acres NW¼ NE¼ as projected within McKinney DLC 45
0.3 acre NE¼ NW¼ as projected within McKinney DLC 45
Section 23
T. 26 S., R. 6 W., W. M.

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

WITNESS the signature of the State Engineer, affixed this date. September 30, 1968

CHRIS L. WHEELER
State Engineer

Recorded in State Record of Water Right Certificates, Volume 27, page 35309

378-3066

November 4, 1985

G.H. Brey
PO Box 2126
Beaumont, CA 92223

REFERENCE: File T-5259

Under the terms of the order of the Water Resources Director approving Water Right Transfer 5259 for a change in change in place of use, point of diversion and/or use heretofore made of water, the time for completion expired on October 1, 1985.

If the authorized change was completed within the time allowed, fill out and return the enclosed Notice of Completion.

If the change was not completed, but has been prosecuted with reasonable diligence, fill out and return the enclosed Application for Extension of Time, together with the $100 filing fee.

If you do not respond within 60 days, a survey will be scheduled to determine the actual use of water.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:wpc

0331/L
1073D

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF G.H. BREY FOR APPROVAL OF A CHANGE IN POINT OF DIVERSION OF WATER	ORDER APPROVING TRANSFER 5259

On May 2, 1983, an application was filed in the office of the Water Resources Director by G.H. Brey for approval of a change in point of diversion of water from North Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 51279, Volume 46, State Record of Water Right Certificates, in the name of G.H. Harrell, describes a right which includes the use of not to exceed 0.076 cubic foot per second from North Umpqua River, for irrigation of 1.0 acre in SW 1/4 SE 1/4, 0.8 acre in SE 1/4 SE 1/4, Section 14, 1.6 acres in NE 1/4 NE 1/4 and 2.7 acres in NW 1/4 NE 1/4, Section 23, Township 26 South, Range 6 West, WM with a date of priority of May 13, 1963.

Water for the said right is diverted from a point located 2550 feet South and 2620 feet West from the East quarter Corner of Section 14, being within the SW 1/4 SE 1/4 of Section 23, Township 26, Range 6 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, to a point located 3420 feet South and 2090 feet West from the East quarter Corner of Section 14, being within the NW 1/4 NE 1/4 of Section 23, Township 26 South, Range 6 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The News Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of May 10, 17 and 24, 1983.

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

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right and shall not exceed 0.076 cfs.

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

> That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;
>
> That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

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

It is FURTHER ORDERED that the certificate recorded at page 51279, Volume 46, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 20th day of July, 1983.

CHRIS L. WHEELER
Deputy Director

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

7471B

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT) ORDER
IN THE NAME OF G.H. HARRELL)

On July 9, 1984, Garry F. and Sandra K. Swanson submitted an affidavit that they are the owners of a certain water right and the lands to which the water right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same be canceled.

The water right in question is a portion of the right described by the certificate recorded at page 51279, Volume 46, State Record of Water Right Certificates, in the name of G.H. Harrell, and is for the use of not to exceed 0.011 cubic foot per second of water from North Umpqua River, with a date of priority of May 13, 1963, for irrigation of 0.90 acre in SE 1/4 SW 1/4, Section 14, Township 26 South, Range 6 West, WM.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 51279, Volume 46, State Record of Water Right Certificates, is canceled.

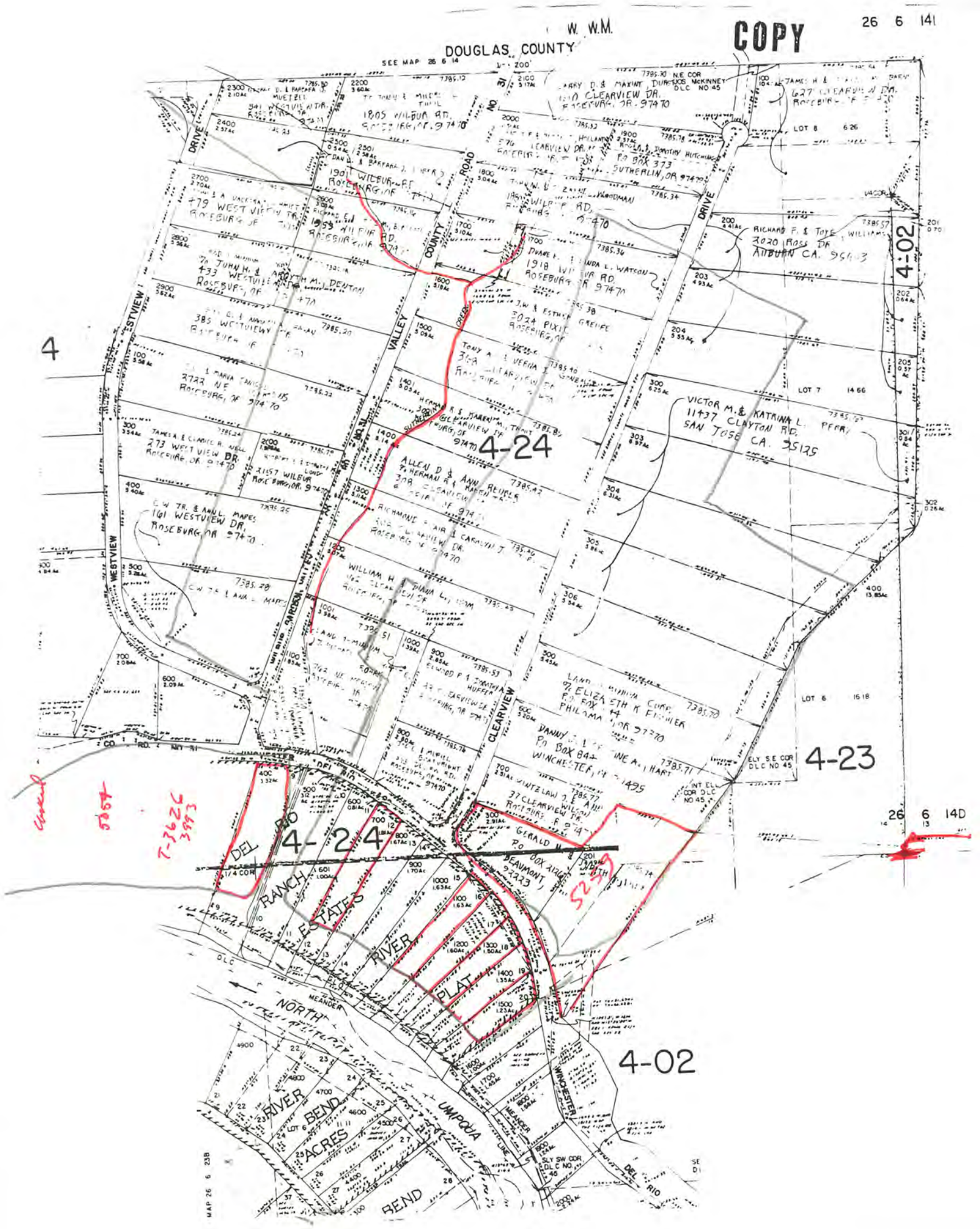
It is FURTHER ORDERED that a new certificate be issued to describe the balance of water right NOT involved in this proceeding, and not modified by provisions of orders of the Water Resources Director entered on July 20, 1983 and January 25, 1984.

Dated at Salem, Oregon, this 16th day of July, 1984.

William H. Young

WILLIAM H. YOUNG
Director

0056/r
3541C



W. W.M.
COPY
26 6 14
DOUGLAS COUNTY
SEE MAP 26 6 14
4
4-24
4-23
4-02
4-02
4-24
DEL RIO
RANCH
ESTATES
RIVER
PLAT
NORTH
UMPQUA
RIVER
BEND
ACRES
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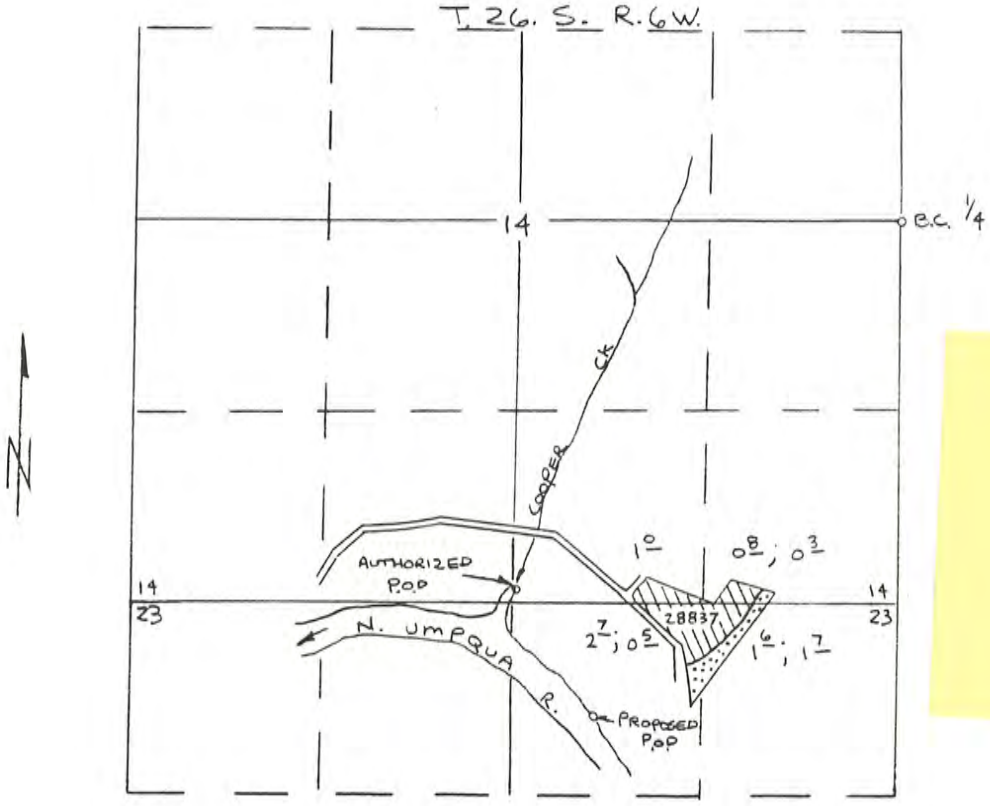
WESTVIEW
DRIVE
VALLEY
COUNTY
ROAD
CLEARVIEW
WINCHESTER
DEL RIO
MAP 26 6 23B



4" = 1 MILE

AUTHORIZED P.O.D = 2550 S. & 2620 W. } FROM 1/4 14 | 13

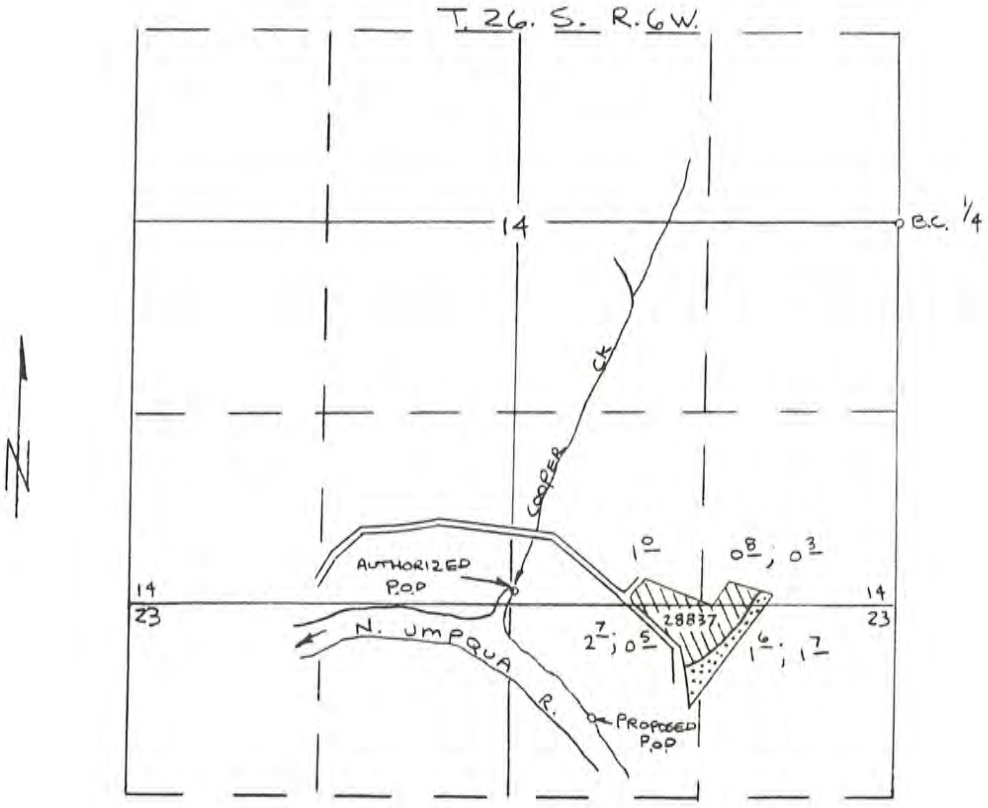
PROPOSED P.O.D = 3420 S. & 2090 W. }

▨ = NEW FILING (SUPERCEEDING APP. # 63464)

from app 63464-T

RECEIVED
MAY 2 1983
WATER RESOURCES DEPT.
SALEM, OREGON

T-5259



4" = 1 MILE

AUTHORIZED P.O.D = 2550 S. & 2620 W. } FROM 1/4 14 | 13

PROPOSED P.O.D = 3420 S. & 2090 W. }

▨ = NEW FILING (SUPERCEEDING APP. # 63464)

RECEIVED
MAY 2 1983
WATER RESOURCES DEPT.
SALEM, OREGON

T-5259

STATE OF OREGON

INTEROFFICE MEMO

TO: Water Resources Bookkeeper

DATE: May 26, 1983

FROM: C Jensen
Authorizing Examiner

SUBJECT: Request for Refund Check

Please refund $ 49.30 to G. H. Brey

file no. T-5259 receipt no. 3271. These funds are refunded due to:

Please pay PON $50.70.

____ Application rejected
____ Application withdrawn
__X__ Excess fees collected for application
____ File closed
____ Other: _____

VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066 or
1-700-452-7813
(message line)

June 2, 1983

The News-Review
PO Box 1248
345 N.E. Winchester Street
Roseburg, OR 97470

REFERENCE: File T-5259

Enclosed is our Check 5518 in the amount of $50.70 in payment of your statement.

Please receipt the enclosed statement and return it to this office.

Thank you.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:jvm

enclosure

VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066 or
1-800-452-7813
(message line)

June 2, 1983

G. H. Brey
P.O. Box 2126
Beaumont, CA 92223

Dear Mr. Brey:

REFERENCE: File T-5259

The statutory fees and the cost of publication of notice, necessary to your Water Right Transfer Application T-5259, amount to a total of ~~$50.70~~ $115.70. The total payments received in conection with the application exceeded this amount by $49.30.

Our Refund Check 5519 is enclosed.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:jvm

enclosure

IN ACCOUNT WITH

The News-Review

P. O. Box 1248 • 345 N. E. Winchester Street
Roseburg, OR 97470 • Phone (503) 672-3321

Date ~~May 24, 1983~~

Water Resources Department
Mill Creek Office Park
555 13th Street NE
Salem, OR 97310

Invoice #9860

Invoice #9860

Notice of Water Right Transfer Application 5259

$50.70

ok to Pay
SRH

RECEIVED
MAY 25 1983
WATER RESOURCES DEPT.
SALEM, OREGON

pd 6/3/83
J Reeler

RECEIVED
JUN 6 1983
WATER RESOURCES DEPT.
SALEM, OREGON

Affidavit of Publication

The News-Review

Roseburg, Oregon

ISSUED DAILY EXCEPT SUNDAY

STATE OF OREGON }
COUNTY OF DOUGLAS } ss.

I, Elsille Martin, being first duly sworn, depose and say that I am the Office Manager, of The News-Review, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Roseburg in the aforesaid county and state; that the Notice of Water Right Transfer Application 5259

a printed 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: May 10, 17, 24, 1983

The fee actually charged by such newspaper for such publication is $ 50.70

Elsille Martin

Subscribed and sworn to before me this 24th day of May, 19 83

Georgene Reuber
Notary Public of Oregon

My Commission expires 26 day of June, 1984

RECEIVED
MAY 25 1983
WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF WATER RIGHT TRANSFER APPLICATION 5259

On May 2, 1983, an application was filed in the office of the Water Resorces Director by G.H. Brey for approval of a change in point of diversion of water from North Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 51279, Volume 46, State Record of Water Right Certificates, in the name of G.H. Harrell, describes a right which includes the use of not to exceed 0.076 cubic foot per second from North Umpqua River, for irrigation of a certain 1.0 ac in SW ¼ SE ¼ & .08 ac in SE ¼ SE ¼, Sec 14; 1.6 ac in NE ¼ NE ¼ & 2.7 ac in NW ¼ NE ¼, Sec 23, T26S, R6W, WM, with a date of priority of May 13, 1963.

Water for said right is diverted from a point located 2550' S & 2620' W from the E ¼ Cor of Sec 14, being within the SW ¼ SE ¼ of Sec 14, T26S, R6W, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 3420' S & 2090' W from the E ¼ Cor of Sec 14, being within the NW ¼ NE ¼ of Sec 23, T26S, R6W, WM.

Purusant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, June 30, 1983, at the Douglas County Courthouse, Roseburg, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicant at PO Box 2126, Beaumont, CA 92223; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a $10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 5th day of May, 1983.

JAMES E. SEXSON, Director

Inv. #9860. Pub. dates: May 10, 17, 24, 1983

OIC
5/24

NOTICE OF WATER RIGHT TRANSFER APPLICATION 5259

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The certificate recorded at page 51279, Volume 46, State Record of Water Right Certificates, in the name of G.H. Harrell, describes a right which includes the use of not to exceed 0.076 cubic foot per second from North Umpqua River, for irrigation of a certain 1.0 ac in SW 1/4 SE 1/4 & 0.8 ac in SE 1/4 SE 1/4, Sec 14; 1.6 ac in NE 1/4 NE 1/4 & 2.7 ac in NW 1/4 NE 1/4, Sec 23, T26S, R6W, WM, with a date of priority of May 13, 1963.

Water for said right is diverted from a point located 2550' S & 2620' W from the E 1/4 Cor of Sec 14, being within the SW 1/4 SE 1/4 of Sec 14, T26S, R6W, WM.

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IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 5th day of May 1983.

JAMES E. SEXSON, Director

STATE OF OREGON

RECEIVED
MAY 19 1983
WATER RESOURCES DEPT.
SALEM, OREGON

INTEROFFICE MEMO

TO: TRANSFER SECTION, WATER RIGHTS DIVISION DATE: May 16, 1983

FROM: WATERMASTER, DISTRICT NO. 15

(signature) Gary L. Ball

SUBJECT: Water Right Transfer Application 5259 for change in POU (POD) Use of water

In the name~~(s)~~ of G H Brey

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

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

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

The existing right may not be valid because _____

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

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

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

_____ (1) PRIOR to the diverting of water at the new point of diversion ... .

✓ (2) WHEN IN the judgment of the watermaster it becomes necessary ... .

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

Contains Recycled Materials
81-125-1387

378-3066
or
1-800-452-7813
(message line)

May 16, 1983

G.H. Brey
PO Box 2126
Beaumont, CA 92223

REFERENCE: Files 63464 and T-5259

This is to acknowledge your superseding Application 63464 now describing the proposed use of 0.041 cubic foot per second of water from the North Umpqua River, being 0.031 cfs for the irrigation of 2.5 acres and 0.01 cfs for stock use. This application now appears to be in satisfactory form to be considered for approval. However, we will hold action towards considering an approval of the application pending conclusion of the matter regarding the transfer application filed as T-5259 you submitted.

In response to your question regarding the price, the $165 you submitted covers the fees needed for the processing of your transfer application and the $85 you originally submitted are still needed for your superseding Application 63464.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc
6475B

VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310 PHONE 378-3066
or
1-800-452-7813
(message line)

May 5, 1983

G.H. Brey
PO Box 2126
Beaumont, CA 92223

REFERENCE: File T-5259

Your Water Right Transfer Application, together with supporting data and fees in the amount of $165, was received on May 2, 1983. Our Receipt 36271 is enclosed.

Oregon Water Law, ORS 540.520(2), requires that notice of your proposed water right transfer be published once each week for three consecutive weeks in a newspaper that is printed and has general circulation in the county where the water right is located.

The newspaper publication dates and date for hearing on your proposed transfer are given on the attached sheets.

If no protests are filed, a hearing will not be held, and the transfer will be considered for approval within 30 days from the date set for hearing.

If protests are filed and a hearing is held, a determination by the Water Resources Director will be made and the transfer approved or denied within 60 days from the date the hearing is held.

Until such time as an order is issued approving the transfer, you are not authorized to appropriate water for the proposed use.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SF A:wpc
cc: Gary L. Ball, Watermaster
0949B
6379B

COPY

VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066
or
1-800-452-7813
(message line)

May 5, 1983

News-Review
PO Box 1248
Roseburg, OR 97470

REFERENCE: File T-5259

Enclosed is a notice for publication in the May 10, 17, and 24, 1983 issues of your newspaper.

If, for any reason, the notice cannot be published on the three dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication and statement for this service to this office.

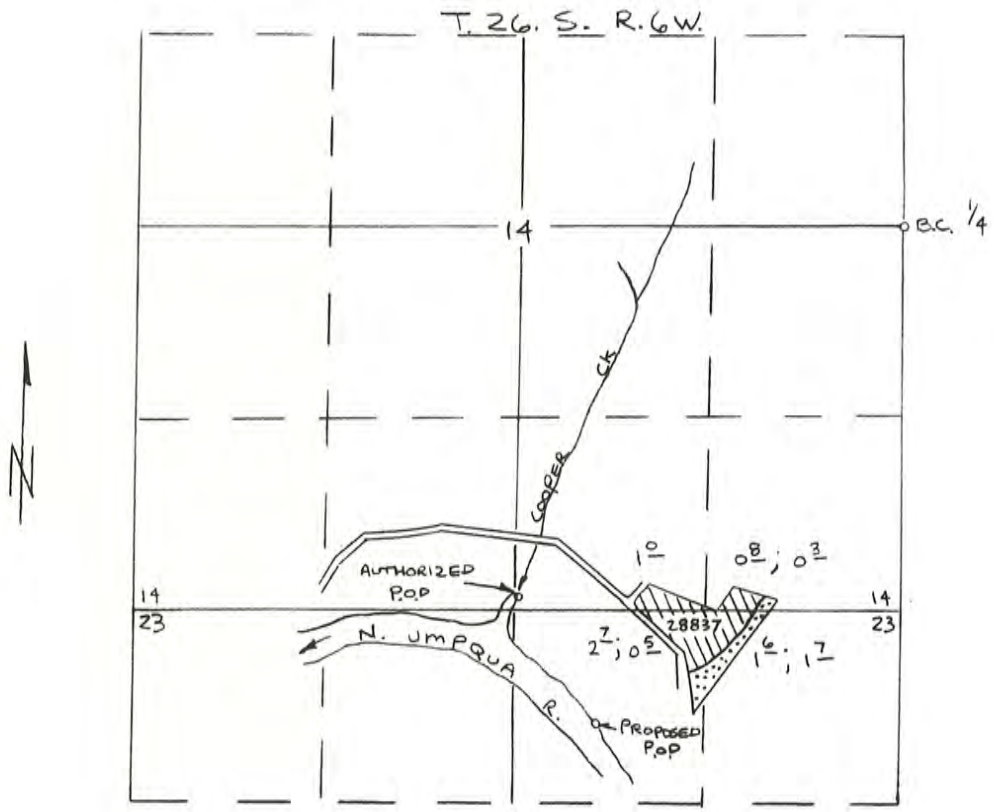
Sincerely,

Samuel R Allison

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:wpc
cc: G.H. Brey
Gary L. Ball, Watermaster

enclosure
0435A
6379B



4" = 1 MILE

AUTHORIZED P.O.D = 2550 S. & 2620 W. } FROM 1/4 14 | 13

PROPOSED P.O.D = 3420 S. & 2090 W. }

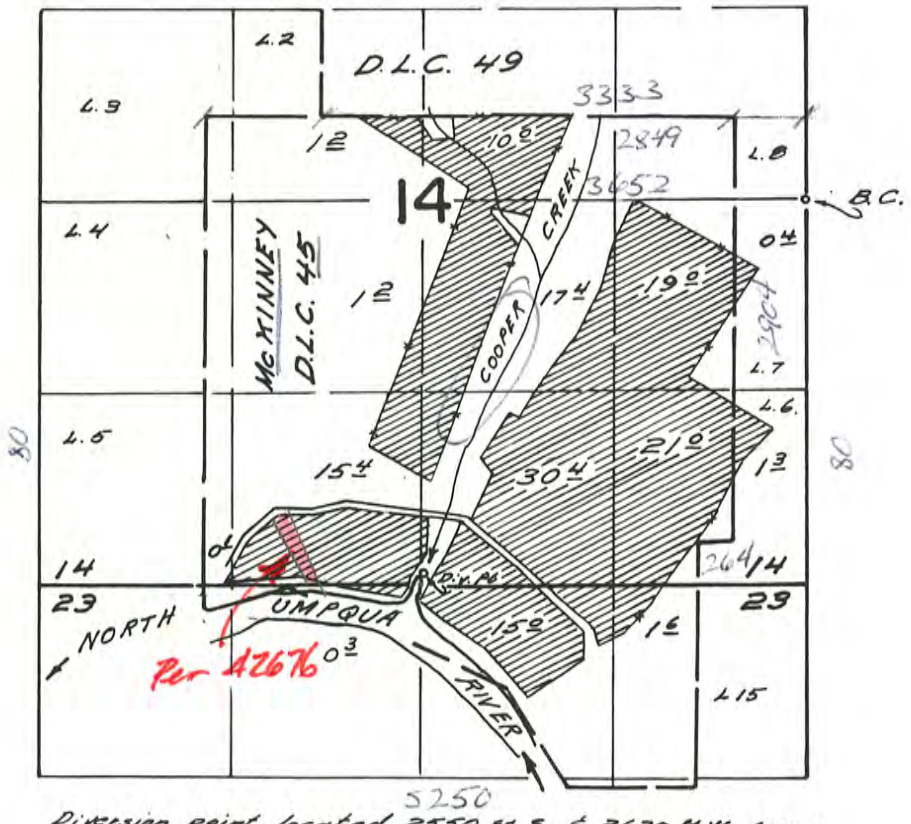
= NEW FILING (SUPERCEEDING APP. # 63464)

RECEIVED
MAY 2 1983
WATER RESOURCES DEPT.
SALEM, OREGON

T-5259

Sutherlin Creek

T. 26 S. R. 6 W. W. M



Diversion point located 2550 ft. S. & 2620 ft. W from E. ¼ Cor Sec. 14.

FINAL PROOF SURVEY
UNDER

Application No. 38746 Permit No. 28837
IN NAME OF

G.H. Harrell

Surveyed July 12, 1967, by W.A. Ruppert

RECEIVED
AUG 14 1984
WATER RESOURCES DEPT
SALEM, OREGON

1967-N

T-5259

BREY electric

Residential - Commercial - Industrial

408 Elm Avenue
Post Office Box 2126
Phone 845-3971
Beaumont, Calif. 92223

april 28, 1983

Mr. Wayne Overcash
Water Resources Dept.
555 13th St. N.E.
Salem, Or. 97310

RECEIVED
MAY 2 1983
WATER RESOURCES DEPT.
SALEM, OREGON

Dear Mr. Overcash,

Enclosed are applications for water rights and transfer. also check in the amount of $165.00, $65.00 for transfer and $100.00 advertisment deposit. also, a copy of my check to you for my original application. my question is. can that $85.00 be credited toward these costs.

Thank you for your time and consideration.

Sincerely

Gerry Brey

P.O. BOX 1325
ROSEBURG, OREGON 97470

EXHIBIT "A" BOOK 789 PAGE 949

PARCEL 1:
The following described property in Sections 14 and 23, Township 26 South, Range 6 West, Willamette Meridian, Douglas County, Oregon: Beginning at a 3/4" iron rod on the westerly line of the James E. Lewis and Orlena Lewis property as described in Instrument No. 69-13237 of Douglas County records from which the section corner common to Sections 13, 14, 23 and 24, Township 26 South, Range 6 West, W.M., bears South 84° 43' 49" East 842.72 feet; thence North 67° 08' 50" West 323.42 feet to a 3/4" iron rod; thence South 37° 52' 06" West 617.13 feet to a 3/4" iron rod on the easterly right of way line of County Road No. 115 being on P.O.C. on a 786.2 foot radius curve to the right; thence along said right of way line on the arc of said curve 212.51 feet to the P.T., the chord of which bears South 14° 56' 58" East 211.81 feet; thence continuing along said right of way South 9° 38' 35" East 193.78 feet and South 46° 54' 30" East 7.00 feet to a 3/4" iron rod on the westerly line of said Lewis property; thence North 37° 29' 45" East along the westerly line of said Lewis property 960.47 feet to the point of beginning.

PARCEL 2:
The following described property in Sections 14 and 23, Township 26 South, Range 6 West, Willamette Meridian, Douglas County, Oregon: Beginning at a 3/4" iron rod from which the section corner common to Sections 13, 14, 23 and 24, Township 26 South, Range 6 West, Willamette Meridian, bears South 79° 52' 43" East 1155.16 feet; thence North 67° 08' 50" West 550.00 feet to a 3/4" iron rod on the Easterly right of way line of Clearview Drive; thence South 22° 51' 10" West along said right of way line 200.00 feet to a 3/4" iron rod at the P.C. of a 410.0 foot radius curve right; thence continuing along said right of way line on the arc of said curve 128.85 feet to the P.T., the long chord of which bears South 31° 51' 21" West 128.32 feet to a 3/4" iron rod; thence continuing along said right of way line South 40° 51' 32" West 7.00 feet to a 3/4" iron rod at the P.C. of a 55 foot radius curve to the left; thence along the arc of said curve, 86.36 feet to the P.T.; the long chord of which bears South 4° 07' 30" East 77.76 feet to a 3/4" iron rod at the intersection of said Easterly right of way line of Clearview Drive with the Northerly right of way line of County Road No. 115; thence along the Northerly line of said County Road No. 115 on the following courses: South 49° 06' 14" East 85.00 feet, South 50° 01' 32" East 76.65 feet and South 42° 02' 47" East 105.32 feet to a 3/4" iron rod at a P.O.C. of a 786.2 foot radius curve to the right; thence along said curve on the arc of said curve 162.27 feet, the chord of which bears South 29° 08' 51" East 161.96 feet to a 3/4" iron rod; thence leaving said right of way line and running North 37° 52' 06" East 617.13 feet to the point of beginning.

EXCEPTING THEREFROM a 10 foot wide utility easement along the Westerly and Southwesterly lines of the above described property, beginning at the Northwest corner and extending 415.2 feet.

ALSO EXCEPTING THEREFROM that part sold to Robert C. Rand, et ux, as more particularly described in Instrument recorded in Book 464, records of Douglas County, Oregon, Recorder's No. 71-4210.

T-5259

RECEIVED
MAY 2 1983
WATER RESOURCES DEPT.
SALEM, OREGON

TOWNSHIP 26 S. RANGE 6 W. W. M. #1 SECTION 14

NE				NW				SW				SE				Application Number	Permit Number	Certificate Number
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
		Stock 0.8	stock													37898	28366	31856
		10.0					1.2	1.2		0.1	15.4	19.4	17.4	30.4	22.3	38746	28837	35309
																42167	31555	
								0.6		0.7	Dom 0.6					50260	37915	46383
										0.2	1.7					50450	38104	49105
		1.0	4.0													52813	39861	
																R-52907		
														Dom		52908	39954	46168
		10.0					1.2	1.2		0.1	15.4	19.4	17.4	29.8	22.3	Tr. 2953	V.24, P.118	43554
														0.6		Tr. 2953	V.24, P.118	44370
														Stk. 1.5		55094	41327	
		10					1.2	1.2		0.1	14.02	19.4	17.4	29.8	22.3	T-3626 Tr. 3482	C-43554 V.28 P.304	45495
											0.25					56814	42676	
											1.38					T-3626	C-43554	

TOWNSHIP 26S RANGE 6W W. M. SECTION 14

NE				NW				SW				SE				Application Number	Permit Number	Certificate Number
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
																T3993	(C45495)	
		10.0					1.2	1.2		0.1	12.83	19.4	17.4	29.74	22.3	T-3993 T-4013 T-4026	(C45495)	47058
1.4																57760	43490	4
				← [illegible] →												57927	43898	
											0.5			1.8		58381	43986	2
			2.57													58720	44293	
											0.44			0.25		T-4168	(C-47058)	
		10					1.2	1.2		0.1	11.41 12.41	19.4	17.4	29.49	22.3	T-4168	(C-47058)	51279 49000
											1.16					62993	Withdrawn (11-4-82)	
														1.7	1.1	63464		2
											1.20					T-5054	(C-49000)	
														1.0	0.8	T-5259		

SP*35621-690

TOWNSHIP 26S RANGE 6W W. M. #1 SECTION 23

NE	NW	SW	SE	Application Number	Permit Number	Certificate Number
Lot 15 — DLC 47 — Lot 11	Lot 1 Lot 2 — DLC 47	DLC 47 — Lot 14 Lot 13	Lot 10 — DLC 47 — Lot 17 Lot 19			
				16263	12086	14607
				21957	17273	17337
				22896	18000	17371
				23657	18652	RA CANCELED
			7	25636	20158	22030
		6 55		25652	20117	22031
				27229	21423	22380
		4 00		29290	23024	21764
				29911	23624	22254
	0 52 0 44			30898	24673	21638
				32796	25873	28833
				32913	26019	CANCELED

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 26S RANGE 6W W. M. Card #4 SECTION 23

NE	NW	SW	SE	Application Number	Permit Number	Certificate Number
Acreage in lot or legal subdivision as shown on government plat, if other than 40 acres						
				505796	38238	
		0 41 0 42		51133	38651	48807
	1 32	0 32		51562	38900	48858
1 16	14 32	0 32		51947	39164	51244
	0 80			Tr. 2953	V. 24, P. 118	43554
1 16	13	0 80		Tr. 2953 Tr. 3626	V. 24, P. 118 C-43554	44370
	12			Tr. 3482	V. 28, P. 304	45495
				Tr 3482	V. 28, P. 304	49170
				56814	47670	
		0 12		T-3626	C-43554	
				T3993	(C-45492)	
1 16	10 2	0 03		T-3993, T-4013 T-4026	(C-45492)	47058
	12			T-4013	(C-45495)	
	14			T-4026	(C-45495)	

TOWNSHIP 26S RANGE 6W W. M. #2 SECTION 23

NE	NW	SW	SE	Application Number	Permit Number	Certificate Number
Acreage in lot or legal subdivision as shown on government plat, if other than 40 acres						
	Lots 1					
	0 64			33526	26515	31452
	24			33662	26595	31953
	1 16			34342	26990	30079
	1 96	0 80		35524 T-4837	27547	30461
		16		37877	28229	32648
	0 30			38016	28376	32541
			14	38247 T-4821	28504	35307
	3 35 1.5	0 80		38475	28711	30338 32544
1 16 15 00	0 30			38746	28837	35309
	2 00			38822	28863	33409
	Dom			37521	29105	33410
			Ind. Ind.	40102	29682	37167
				42167	31555	
	10			42570	31656	CANCELED

TOWNSHIP 26S RANGE 6W W. M. #5 SECTION 23

NE	NW	SW	SE	Application Number	Permit Number	Certificate Number
Acreage in lot or legal subdivision as shown on government plat, if other than 40 acres						
Gurnee Addn.			Gurnee Addn.	57927	43898	197
0				58381	43986	
1 23				58453	44071	
				T-4168	(C-47058)	
0 28				T-4311	(C-47058)	
1 16 0 74				T-4311	C-47058	51273 49000
1 56				60925	45402	
		0 64		60944	45404	
	0 13 0 06			61930	46273	
	0 80			60551	46114	
				62993	WITHDRAWN	
	0 52			T-4821	(C-32549)	
		14 24	24	63422	46773	
2 1 34.4 35				63464		

SP*33621-690

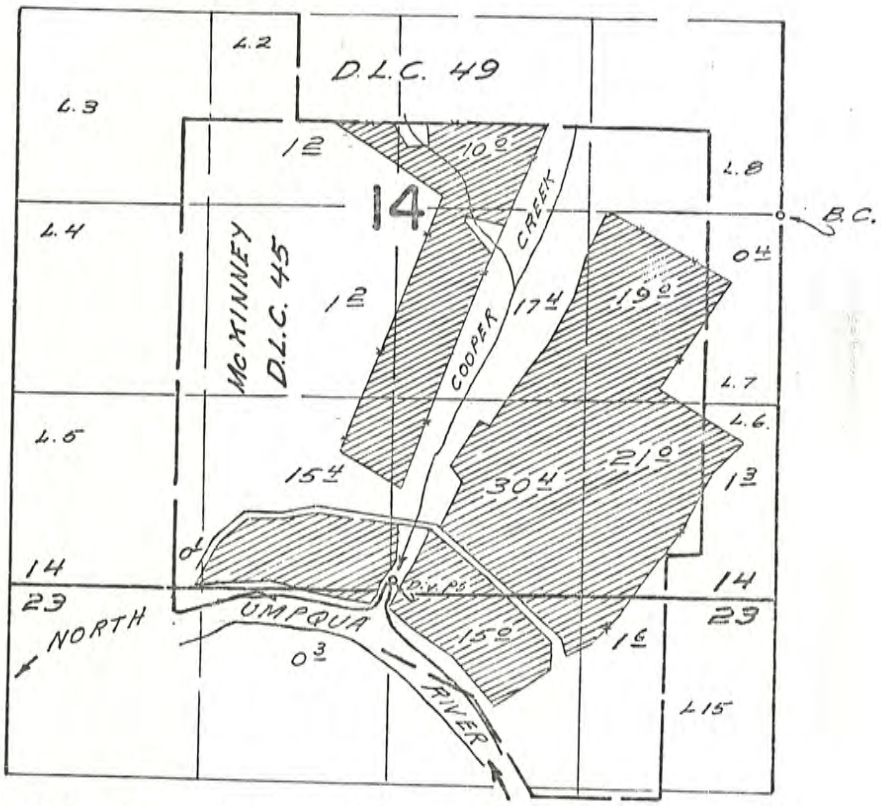
TOWNSHIP 26S RANGE 6W W. M. Card #3 SECTION 23

NE	NW	SW	SE	Application Number	Permit Number	Certificate Number
Acreage in lot or legal subdivision as shown on government plat, if other than 40 acres						
				42735	32044	CANCELED
				42747	32061	CANCELED
		2 00		43366	32411	35960
	29			43419	32462	36282
1 0				42994	31873	
			0 80	43828	32765	36196
	0 90			46019	34370	49254
	0 05			46503	34748	38693
4 00			0 40	46594	34821	44284
	1 00			47564	35612	48784
			0 30	47618	35641	39749
			0 30 Lot 19	48057	36035	44060
			Lot 19 0 20 0 20	48274	36257	42917
				50551	38167	

TOWNSHIP 26S RANGE 6W W. M. Card #6 SECTION 23

NE	NW	SW	SE	Application Number	Permit Number	Certificate Number
Acreage in lot or legal subdivision as shown on government plat, if other than 40 acres						
		16 30 3 00	1 00 2 20	63536	46851	
		3 40 0 40		63559	46836	
		2 20		64792	47363	
1 16 0 7				T-5259		

T. 26 S. R. 6 W. W. M



Diversion point located 2550 ft. S. & 2620 ft. W from E. 1/4 Cor Sec. 14.

FINAL PROOF SURVEY
UNDER

Application No. 38746 Permit No. 28937
IN NAME OF

G.H. Harrell

Surveyed July 12, 1967, by W. d. Ruppert

1967