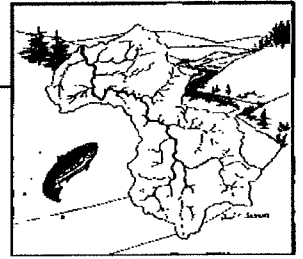




Illinois Valley Soil and Water Conservation District

Illinois Valley Watershed Council
102 S. Redwood Hwy-P.O. Box 352
Cave Junction, OR 97523
Phone: 541-592-3731
Fax: 541-592-3425
ivwc@cavenet.com



Illinois Valley Watershed Council

441-8801

September 3, 2004

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

RECEIVED

SEP 09 2004

WATER RESOURCES DEPT
SALEM, OREGON

Dear Transfer Specialist,

Attached is a water right transfer application and check for Paul W. Coots (6418 Holland Loop Rd., Cave Junction, OR 97523) for your review and action.

The Oregon Watershed Enhancement Board is funding a project to improve fish passage and irrigation along Sucker Creek in Josephine County. Mr. Coots's application for transfer represents an integral part of this project. The Illinois Valley Watershed Council is coordinating this project.

It is my understanding of your agency's fee schedule in relation to this application that ORS541.375 enables the Director to waive \$100 or 50 percent of the application fee, whichever is greater. Enclosed with the application is check number 1514 in the amount of \$175 to cover the application fee.

Please feel free to contact me if you have any questions.

Sincerely,

Kevin S. O'Brien
Coordinator, Illinois Valley Watershed Council

cc: Norm Daft, Southwest Region
Harold Center, CWRE
Moser Ditch project file

7-9781

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

RECEIVED

SEP 09 2004

WATER RESOURCES DEPT
SALEM, OREGON

THIS CERTIFICATE ISSUED TO

ESTATE OF MARY ELLEN LEONARD
KIRBY, OREGON 97531

confirms the right to use the waters of SUCKER CREEK, a tributary of the EAST FORK ILLINOIS RIVER, for IRRIGATION OF 32.0 ACRES, DOMESTIC AND STOCK FOR TRACT #2, IRRIGATION OF 13.0 ACRES FOR TRACT #3, AND IRRIGATION OF 3.25 ACRES FOR TRACT #4.

This right was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 1 AND 5, at Page 252 AND 397. The date of priority is 1865 FOR TRACT # 2, 1889 FOR TRACT #3 AND 1908 FOR TRACT #4.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.64 CUBIC FOOT PER SECOND (CFS) FOR TRACT #2, AND 0.24 CFS FOR TRACT #3, AND 0.04 CFS FOR TRACT #4 or its equivalent in case of rotation, measured at the points of diversion from the source, and that the use of said water for irrigation purposes shall be confined to the irrigation season April 1 to October 31 each year.

The point of diversion for TRACT #2 is located as follows:

1000' * NW¼ SE¼, SECTION 29, T 39 S, R 7 W, W.M.; 1580 FEET NORTH AND 100 FEET EAST FROM THE S¼ CORNER OF SECTION 29.

The point of diversion for TRACTS #3 AND #4 is located as follows:

NE¼ NW¼, SECTION 32, T 39 S, R 7 W, W.M.; 250 FEET SOUTH AND 100 FEET WEST FROM THE N¼ CORNER OF SECTION 32.

T-9781

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

Tract #2

SW¼ NW¼ 18.0 ACRES
NW¼ SW¼ 14.0 ACRES

SECTION 32

TOWNSHIP 39 SOUTH, RANGE 7 WEST, W.M.

TRACT #3

SW¼ NE¼ 8.0 ACRES
SW¼ SE¼ 5.0 ACRES

SECTION 28

TOWNSHIP 39 SOUTH, RANGE 7 WEST, W.M.

RECEIVED

SEP 09 2004

WATER RESOURCES DEPT
SALEM, OREGON

TRACT #4

SW¼ NE¼ 3.25 acres

SECTION 28

TOWNSHIP 39 SOUTH, RANGE 7 WEST, W.M.

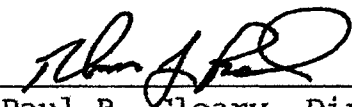
This certificate describes that portion of the water right confirmed by Certificate 7139, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 18 2003, approving Transfer Applications 8620, 8471, 8918, 9047 and 9048.

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

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

WITNESS the signature of the Water Resources Director,

affixed APR 18 2003.


for Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 79996.

7-9781



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

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a". Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

APPLICATION FOR:

Please check one		
<input checked="" type="checkbox"/> Water Right Transfer	<input type="checkbox"/> Temporary Transfer (# of years _____)	<input type="checkbox"/> Drought Transfer
<input type="checkbox"/> Permit Amendment		<input type="checkbox"/> Government Action Point of Diversion

RECEIVED

SEP 09 2004

1. APPLICANT INFORMATION

Name: PAUL W. COOTS, JR
First Last

Address: 6418 HOLLAND LOOP ROAD
CAVE JUNCTION OR. 97523
City State Zip

Phone: 541-592-3034
Home Work Other

*Fax: _____ *E-Mail address: _____

WATER RESOURCES DEPT
 SALEM, OREGON

*Optional information

2. AGENT INFORMATION

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

Name: _____
First Last

Address: _____

Phone: _____
City State Zip

*Fax: _____ *E-Mail address: _____

*Optional information

T-9781

3. TYPE OF CHANGE

- Use
- Place of Use
- Point of Diversion
- Point of Appropriation
- Historic Point of Diversion
- Substitution
- Surface Water to Ground Water

Reason for change: ELIMINATE NEED FOR IN-STREAM DAM DUE TO ENVIRONMENTAL RESTRICTIONS

4. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

Is the affected water right located within or served by an irrigation or other water district?

- Yes
- No

Will the affected water right be located within or served by an irrigation or other water district after the proposed transfer?

- Yes
- No

If yes for either, list the name and mailing address of each district:

RECEIVED

SEP 09 2004

WATER RESOURCES DEPT
SALEM, OREGON

Attach the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, tribal governments)

5. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: ESTATE OF MARY ELLEN LEONARD

Decree: _____

Not applicable

Permit Number: _____ Certificate Number: 79996

Not applicable

Not applicable

Claim of Beneficial Use - Date Submitted: _____

Requesting the Department to determine if the requirement for proof has been met.]

Permit Amendment Only -

Completion Date of Permit: _____

Priority Date: 12/31/1865 Authorized Use: IRRIGATION

Source of Water: SUCKER CREEK County: JOSEPHINE

Are there other sources listed on the water right? Yes No

T-9781

Location of Authorized Point(s) of Diversion or Point(s) of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
1580 FT. NORTH & 1000 FT. EAST FROM S 1/4 COR. SEC. 29 *	NW SE	29	39	7W

* CERTIFICATE 79996 INDICATES P.O.D. 1580 FT. NORTH AND 100 FT. EAST FROM S 1/4 COR. SEC. 29. - SEE NOTE ON CWRE MAP

Location of Authorized Place of Use: (Only list portion of water right subject to transfer)

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
39	7W	32	-	SW 1/4 NW 1/4	300	18.00
39	7W	32	-	NW 1/4 SW 1/4	300	14.00

Are there other lands described in the water right? Yes No

Are there other water rights or permits associated with this land? Yes No

Describe the current water delivery system (n/a Permit Amendment). The description must demonstrate that the applicant is ready, willing, and able to exercise the right. Include information on the capacity of any pumps, canals, and pipelines used to divert and convey the water to the authorized place of use.

EXISTING SYSTEM IS A "TEMPORARY PUSH-UP" DAM PLACED IN SUCKER CREEK, WATER IS DIVERTED INTO A OPEN DITCH AND FLOWS BY GRAVITY TO THE PLACE OF USE AND STORED IN HOLDING SUMP/POND, PUMPED FROM POND AND SPRINKLED BY MECHANICAL WHEEL LINE UNIT.

System capacity (in cfs): 0.64 (287.23 GPM)

RECEIVED

SEP 09 2004

WATER RESOURCES DEPT
SALEM, OREGON

T-9781

6. PROPOSED CHANGES TO THE WATER RIGHT

- Change in Character of Use:** (n/a Permit Amendment) *N/A*
- Proposed Use: Irrigation Municipal Quasi-municipal
 Commercial Industrial Other _____
 Domestic (indicate number of households) _____

- Change in Point of Diversion or Point of Appropriation:**
- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Change
Old point of diversion or point of appropriation will not be used for this portion of the water right. | <input type="checkbox"/> Additional
Both old and new points of diversion or points of appropriation will be used for this portion of the water right. | <input type="checkbox"/> Surface Water to Ground Water
New point of appropriation will be used in the place of the old point of diversion. This is not an additional point of appropriation. |
|--|--|---|

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

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
1017 FT. NORTH AND 456 FT. EAST FROM WEST 1/4 COR. SEC. 32	SW 1/4 NW 1/4	32	39	7W

- Change in Place of Use:** *N/A*

Location of Proposed Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)

Remarks: _____

1-9781

RECEIVED

SEP 09 2004

WATER RESOURCES DEPT
 SALEM, OREGON

7. LAND OWNERSHIP

Answer only if for change in **Character of Use** or **Place of Use**.

Use/Place of Use

Are there any lien holders identified in the Lot Book Report? Yes No

If yes, list the name and address of lien holder: _____

If yes, the applicant must provide written notification of the proposed transfer to each lien holder.

Answer only if the applicant is **not** the landowner.

Landowners

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.

Landowners: _____
(List all landowners shown on deed.)

Address(es): _____

_____ City State Zip

The application must include notarized statements granting permission for the transfer from each landowner listed on the Lot Book Report. Attach extra sheets as necessary.

Answer only if the receiving landowner is **not** the original landowner or the applicant.

Receiving Landowner

Name: _____

Address: _____

_____ City State Zip

The Department's records should be changed to show this landowner is responsible for completion of the changes. This includes perfection of the changes after the final order is issued. All notices and correspondence should be sent to this landowner.

The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant.

7-9781

RECEIVED

SEP 09 2004

8. EXHIBITS

Application may be rejection if all appropriate exhibits are not enclosed.

Land Use Information Form:

- Enclosed
- Not needed (must meet the following four requirements):
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, and
 - ④ Irrigation only.

Map:

- Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- All others: *Need not be prepared by a Certified Water Right Examiner.*

Lot Book Report:

- (n/a Permit Amendment)
- A lot book report for the land to which the water right is appurtenant prepared by a title company. If the applicant is not the landowner as shown by the lot book report, the applicant shall provide a notarized and signed statement from the landowner authorizing the change.

Evidence of use within last five years, or not subject to forfeiture:

- (n/a Permit Amendment)
- Evidence that the water has been used over the past five years in accordance with the terms and conditions of the right or that the right is not subject to forfeiture under ORS 540.610.

Water Well Reports:

- If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

Fees:

- Amount enclosed: \$ _____
- See department Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.*

9. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

Paul W. Coats Jr.
applicant signature

Paul W. Coats Jr
name (print)

8-30-04
date

applicant signature

name (print)

date

Before you submit your application, be sure you have:

- Answered each question completely.
- Attached a legible map, which includes township, range, section, quarter/quarter and tax lot number.
- Include the necessary exhibits.
- Include a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's Fee Schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

RECEIVED

SEP 09 2004

WATER RESOURCES DEPT
SALEM, OREGON

7.9781

Transfer Application/6

**WATER RIGHT TRANSFER
AFFIDAVIT ATTESTING TO THE USE OF WATER DURING THE PREVIOUS FIVE YEARS**

State of Oregon)
) ss
County of JOSEPHINE)

I PAUL W. COOTS, JR., in my capacity as LANDOWNER / FARMER,
mailing address 6418 HOLLAND LOOP ROAD,
telephone number 541-592-3034, being first duly sworn depose and say:

1. I attest that water was used during the previous five years on the entire authorized place of use of the water right subject to transfer as described by the accompanying transfer application. My knowledge of the exercise of the water right is based on (check one):

- Personal observation
 Professional expertise

2. My knowledge is specific to the use of water at the following location(s):

Sw ¼ NW ¼
NW¼ SW ¼
_____ ¼ _____ ¼

Section _____

Township 39 N(S) Range 7 E(W)

RECEIVED

SEP 09 2004

WATER RESOURCES DEPT
SALEM, OREGON

3. The water right was exercised for the authorized purposes and is described as follows:

IRRIGATION OF PASTURE AND HAY CROPS. HAY FED TO
LIVESTOCK.

4. The water delivery system used to apply water as authorized by the water right is described as follows:

MOSEB DITCH FROM SUCKER CREEK TO PLACE OF USE,
FIELDS IRRIGATED BY FLOOD IRRIGATION AND WHEEL LINE
SPRINKLERS, WATER PUMPED FROM SUMP.

(continues on reverse side)

PLEASE PRINT LEGIBLY OR TYPE. PLEASE BE AS SPECIFIC AS POSSIBLE. ATTACH ADDITIONAL PAGES IF YOU NEED MORE SPACE. SUPPORTING DOCUMENTATION MUST BE ATTACHED.

June 2003

1-9781

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

- Copy of a water right certificate which has been issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- If the right has not been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2), or
- Other: RECEIPTS FROM SALE OF LIVESTOCK

Paul W. Coats R.
Signature of Affiant

8-30-04
Date

Subscribed and Sworn to Before Me this 30th day of August, 2004.



Harold L. Center
Notary Public for Oregon

My Commission Expires 3/24/08

RECEIVED

SEP 09 2004

WATER RESOURCES DEPT
SALEM, OREGON

PLEASE PRINT LEGIBLY OR TYPE. PLEASE BE AS SPECIFIC AS POSSIBLE. ATTACH ADDITIONAL PAGES IF YOU NEED MORE SPACE. SUPPORTING DOCUMENTATION MUST BE ATTACHED.

June 2003

T-9781