

ASSIGNED
 Name J.H. Pomeroy
 By Deer Creek Ranch
 Address Selma, Oregon

Application No. 82760
 Permit No. 17867
 Certificate No. 18720

FEEES PAID

Date	Amount	Receipt No.
8/18/47	\$30.90	337.2
	B. P. Fee	
7/11/51	\$1 Cert. Fee	12555

Stream Index, Page No. 15-56C

FEEES REFUNDED

Date	Amount	Check No.

Date filed August 15, 1947
 Priority August 15, 1947
 Action suspended until Wm

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
6-8-51	Nora Pomeroy Plant	Selma, Oregon	3	550

Returned to applicant
 Date of approval September 30, 1947

CONSTRUCTION

Date for beginning September 30, 1948
 Date for completion October 1, 1949
 Extended to
 Date for application of water October 1, 1950
 Extended to

REMARKS

4.16 cfs from Deer Creek (Illinois River) for the irrigation and supplemental irrig. of 208 acres.
 OCT 6 1950 CARD FOR C
 T-10794 v. 80 p. 581

PROSECUTION OF WORK

Form "A" filed December 2, 1947
 Form "B" filed January 3, 1949
 Form "C" filed October 11, 1950

FINAL PROOF

Blank mailed December 27, 1950
 Proof received
 Date certificate issued JAN 31 1952

W.R.I.S.	
Assembled	<u>9.4.85</u> by <u>[Signature]</u>
Entered	_____ by _____
Verified	_____ by _____

NOTICE OF BEGINNING OF CONSTRUCTION

I, J.H. Pomeroy, the holder of Permit No. 17867 to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 10 day of July, 1947

Remarks: Installed 770' 12" Steel Pipe Conduits 450' Wood flume 20" Dia 22" wide. Installed 10" Pump. 4 men employed on job.

IN WITNESS WHEREOF, I have hereunto set my hand this 10 day of September, 1947 J.H. Pomeroy Selma Oregon

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when construction work is begun.

STATE PRINTING DEPT.

NOTICE OF COMPLETION OF CONSTRUCTION

I, J.H. Pomeroy, the holder of Permit No. 17867 to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 30 day of December, 1948

Remarks: If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of December, 1948 J.H. Pomeroy Selma Oregon

State Engineer, Salem, Oregon, when construction work is completed.

IMPORTANT—This form is a notice to the State Engineer that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated. Fill out, detach, and mail to the State Engineer, Salem, Oregon, when all of the water has been applied.

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, J.H. Pomeroy, the holder of Permit No. 17867 to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 1 day of August, 1950

Remarks: Work completed and water applied during season of 1950

IN WITNESS WHEREOF, I have hereunto set my hand this 1 day of October, 1950 J.H. Pomeroy

(Address)

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

In the Matter of Transfer Application T-10794, Josephine County)))))	FINAL ORDER APPROVING CHANGES IN POINT OF DIVERSION, CHANGE IN PLACE OF USE AND PARTIAL CANCELLATION OF WATER RIGHTS
--	-----------	--

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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

DEER CREEK CENTER FOR FIELD RESEARCH AND EDUCATION
KAREN PLEASANT, AGENT
PO BOX 207
SELMA OR 97538

Findings of Fact

Background

1. On February 26, 2009, KAREN PLEASANT, AGENT FOR DEER CREEK CENTER FOR FIELD RESEARCH AND EDUCATION, filed an application to change the place of use under Certificate 19720. The Department assigned the application number T-10794.
2. On June 25, 2009, the applicant added Certificates 6067 and 13831 to transfer T-10794 and requested a change in point of diversion for all rights included in the transfer.
3. On August 31, 2009 the applicant’s CWRE submitted revised maps, for certificates 19720 and 6067 and page 4 Supplemental Form A for certificate 19720 clarifying there will be no remaining rights as a result of Transfer T-10794 for the listed certificates.

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

4. On October 5, 2009, the applicant's CWRE e-mailed modifications to Transfer Application T-10794, removing 0.5 acre under Certificate 19720 in the NE/SE, Section 10, T38S, R8W, W.M., as it is not owned by the applicant, and submitted a revised map showing that 0.5 acre as remaining unaffected by the transfer. An affidavit requesting cancellation of 3.0 acres located in the NE/SE, Section 9, T38S, R8W, WM. was also submitted.
5. On December 4, 2009, Certificate 6067 was superseded by Certificate 85951, to confirm a change in point of diversion authorized by order of the State Engineer approving Transfer Application B-113 and recorded in Special Order Volume 10, pages 238-240.
6. On January 8, 2010, the applicant submitted revisions to page 2 of the transfer application and a revised Supplemental Form A to reflect superseding Certificate 85951 rather than canceled Certificate 6067. The applicant also submitted a revised transfer map and revised partial cancellation affidavit for Certificate 85951.

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

Certificate: 19720 in the name of NORA POMEROY PLANT (perfected under Permit S-17867)

Use: IRRIGATION of 20.0 ACRES and SUPPLEMENTAL IRRIGATION of 147.3 ACRES

Priority Date: AUGUST 15, 1947

Rate: 3.35 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated throughout the irrigation season from April 1st to November 1st of each year; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

Source: DEER CREEK, tributary to the ILLINOIS RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
38 S	8 W	WM	10	SE SW

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed changes
38 S	8 W	WM	10	SE SW	2.4	POD only
38 S	8 W	WM	10	NE SE	4.5	POD & POU
38 S	8 W	WM	10	NE SE	4.4	POD only
38 S	8 W	WM	10	NW SE	1.4	POD & POU
38 S	8 W	WM	10	NW SE	7.3	POD only

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed changes
38 S	8 W	WM	9	NE SE	12.0	POD only
38 S	8 W	WM	10	NE SW	38.5	POD only
38 S	8 W	WM	10	NW SW	31.2	POD only
38 S	8 W	WM	10	SE SW	15.6	POD only
38 S	8 W	WM	10	NE SE	24.0	POD only
38 S	8 W	WM	10	NW SE	26.0	POD only

8. Certificate 19720 does not describe the location of the point of diversion, however information is available from the transfer application map and permit application map for permit S-17867, indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
38S	8W	WM	10	SESW	360 FEET NORTH AND 650 FEET WEST FROM THE S1/4 CORNER OF SECTION 10

9. Transfer Application T-10794 proposes to move the authorized point of diversion approximately 0.1 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38S	8W	WM	10	SESW	750 FEET NORTH AND 1120 FEET WEST FROM THE S1/4 CORNER OF SECTION 10

10. Application T-10794 also proposes to change the place of use of 5.9 acres of the right identified above to the following location in Tax Lot 700:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	11	NW SW	5.9

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

Certificate: 85951 in the name of BENSON J. and LEONE A. BENJAMIN (perfected under Permit S-4255)

Use: IRRIGATION of 85.3 ACRES

Priority Date: APRIL 8, 1919

Rate: 1.07 CUBIC FEET PER SECOND

Limit/Duty: The amount of water for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH cfs per acre, or its equivalent in case of rotation.

Source: DEER CREEK, tributary to the ILLINOIS RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
38S	8W	WM	10	SESW	360 FEET NORTH AND 650 FEET WEST FROM THE S1/4 CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	10	NE SW	38.5
38 S	8 W	WM	10	NW SW	31.2
38 S	8 W	WM	10	SE SW	15.6

12. Transfer Application T-10794 proposes to move the authorized point of diversion approximately 0.1 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38S	8W	WM	10	SESW	750 FEET NORTH AND 1120 FEET WEST FROM THE S1/4 CORNER OF SECTION 10

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

Certificate: 13831 in the name of ED BECHTEL AND MAYBELLE BECHTEL
(confirmed by Illinois River (F) decree)

Use: IRRIGATION of 54.7 ACRES

Priority Date: 1885 and July 7, 1932

Rate: 1.665 CUBIC FEET PER SECOND (CFS), being 1.094 cfs at priority date 1885 and 0.571 cfs at priority date July 7, 1932

Limit/Duty: ONE-FIFTIETH cfs per acre during the irrigation season from April 1 to November 1 of each year

Source: DEER CREEK, tributary to the ILLINOIS RIVER

Authorized Point of Diversion: NONE GIVEN

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	10	NE SE	25.4
38 S	8 W	WM	10	NW SE	29.3

14. Certificate 13831 does not describe the location of the point of diversion, however information is available from the decree map and transfer application map, indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
38S	8W	WM	11	NWSE	1150 FEET SOUTH AND 920 FEET EAST FROM THE C¼ CORNER OF SECTION 11

15. Transfer Application T-10794 proposes to move the authorized point of diversion approximately 1.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38S	8W	WM	10	SESW	750 FEET NORTH AND 1120 FEET WEST FROM THE S1/4 CORNER SECTION 10

16. Notice of the application for transfer was published on March 10, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
17. On June 2, 2009, the Department contacted the applicant by written correspondence to notify the applicant and applicant's agent that the transfer application and map did not state coordinates for authorized diversion consistently with the map of record for the right (in this case, the permit map). The Department requested that the deficiencies be resolved by July 3, 2009, and if the applicant proposed a change in point of diversion as well as a change in place of use, that the application be amended to add a change in point of diversion and additional fees be submitted.
18. On June 25, 2009, the applicant's agent responded and provided the requested information, fees and revised maps.
19. 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.
20. On February 1, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10794 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 3, 2010, for the applicant to respond. The applicant's agent emailed comments, identifying scrivener's errors and questions, and requested that the Department proceed with issuance of a Preliminary Determination. The applicant had previously provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
21. On February 11, 2010, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10794 and mailed a copy to the applicant.
22. On February 22, 2010, a letter was received from Karen Pleasant, calling attention to proposed corrections to the draft Preliminary Determination (which had been included in the Preliminary Determination) and requesting additional time for completion of the changes. More than one year may be needed to allow ample time in this economic climate to acquire funding through grants, coordinate with agencies such as ODFW which is experiencing budget cuts, and complete the work using students, volunteers and donations to get much of

the work done. The letter requested the date of completion be moved up to 2015. The Department considers this request reasonable, so the additional time is granted.

23. The rate allowed for the transferred portion of the right evidenced by Certificate 13831 has been adjusted in Finding of Fact #13, based on Department review of the T-10794 transfer documents prior to signature of this order.
24. Notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 16, 2010, and in the Grants Pass Daily Courier newspaper on February 22, March 1 and March 8, 2010, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

25. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610
26. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-10794.
27. The proposed changes would not result in enlargement of the rights.
28. The proposed changes would not result in injury to other water rights.

Partial Cancellation of Water Rights

29. On February 26, 2009, October 5, 2009 and January 8, 2010, affidavits certifying that portions of two water rights have been abandoned and requesting cancellation of the rights, were received from Karen Pleasant, agent and Associate Director for Deer Creek Center for Field Research and Education. The portions of the rights to be cancelled are as follows:
30. The portion of the first right to be canceled is as follows:

Certificate: 19720 in the name of NORA POMEROY PLANT (perfected under Permit S-17867)
Use: IRRIGATION of 12.5 ACRES and SUPPLEMENTAL IRRIGATION of 17.7 ACRES
Priority Date: AUGUST 15, 1947
Rate: 0.60 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated throughout the irrigation season from April 1st to November 1st of each year; provided further that the amount of water allowed herein, together with the amount secured under any other right

existing for the same lands shall not exceed the limitation allowed herein, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

Source: DEER CREEK, tributary to the ILLINOIS RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
38 S	8 W	WM	10	SE SW

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	10	NE SE	2.6
38 S	8 W	WM	10	NW SE	1.3
38 S	8 W	WM	10	SE SW	1.6
38 S	8 W	WM	10	SW SW	7.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	9	NE SE	3.0
38 S	8 W	WM	10	NE SW	1.5
38 S	8 W	WM	10	NW SW	8.8
38 S	8 W	WM	10	SE SW	4.4

31. The portion of the second right to be canceled is as follows:

Certificate: 85951 in the name of BENSON J. and LEONE A. BENJAMIN (perfected under Permit S-4255)

Use: IRRIGATION of 14.7 ACRES

Priority Date: APRIL 8, 1919

Rate: 0.18 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH cfs per acre, or its equivalent in case of rotation.

Source: DEER CREEK, tributary to ILLINOIS RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
38S	8W	WM	10	SESW	360 FEET NORTH AND 650 FEET WEST FROM THE S1/4 CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	10	NE SW	1.5
38 S	8 W	WM	10	NW SW	8.8
38 S	8 W	WM	10	SE SW	4.4

Conclusions of Law

The change in points of diversion and change in place of use proposed in Transfer Application T-10794 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned portions of rights should be cancelled.

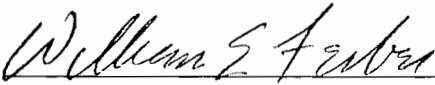
Now, therefore, it is ORDERED:

1. The change in points of diversion and change in place of use proposed in application T-10794 are approved. The portions of the rights that have been abandoned are cancelled.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 19720, 85951, 13831 and any related decree.
3. Water right Certificates 19720, 85951 and 13831 are cancelled. New certificates will be issued describing the portions of the rights not affected by this transfer and cancellations.
4. The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the new point of diversion.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by 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 former place of use of the transferred rights shall no longer receive water under the rights.
9. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2015**. 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 changes and full beneficial use of the water.
10. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 8th day of April 2010.


for Phillip C. Ward, Director

Mailing date: APR 12 2010

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ED BECHTEL AND MAYBELL BECHTEL
SELMA OR 97538

confirms the right to use the waters of DEER CREEK, a tributary to the ILLINOIS RIVER, for IRRIGATION of 21.7 ACRES.

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 13, at Page 70. The date of priority is 1885 for 0.434 CUBIC FOOT PER SECOND (cfs).

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE CUBIC FOOT PER SECOND for each 50 acres of land irrigated during the irrigation season from April 1 to November 1 of each year and shall be subject to all other conditions and limitations contained in said decree.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	10	NE SE	0.6
38 S	8 W	WM	10	NW SE	1.0
38 S	8 W	WM	10	SW SE	7.9
38 S	8 W	WM	10	SE SE	7.8
38 S	8 W	WM	11	NW SW	2.4
38 S	8 W	WM	11	SW SW	2.0

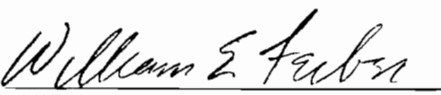
NOTE: 0.226 cfs is awarded for the irrigation of the above described land with a date of priority of July 7, 1932, in addition to that allowed above.

This certificate describes that portion of the water right confirmed by Certificate 13831, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 08 2010, approving Transfer Application T-10794 and the provisions of a partial cancellation order recorded at Special Order Volume 13, Page 492.

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 April 8, 2010



For Phillip C. Ward, Director
T-10794.ra-dip

STATE OF OREGON
 COUNTY OF JOSEPHINE
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NORA POMEROY PLANT
 DEER CREEK RANCH
 SELMA OR 97538

confirms the right to use the waters of DEER CREEK, a tributary to the ILLINOIS RIVER, for IRRIGATION of 0.5 ACRE.

This right was perfected under Permit S-17867. The date of priority is AUGUST 15, 1947. 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, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q
38 S	8 W	WM	10	SE SW

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-FIFTIETH of one cubic foot per second, or its equivalent for each acre irrigated throughout the irrigation season from April 1st to November 1st of each year; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	8 W	WM	10	NE SE	0.5

This certificate describes that portion of the water right confirmed by Certificate 19720, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 08 2010, approving Transfer Application T-10794.

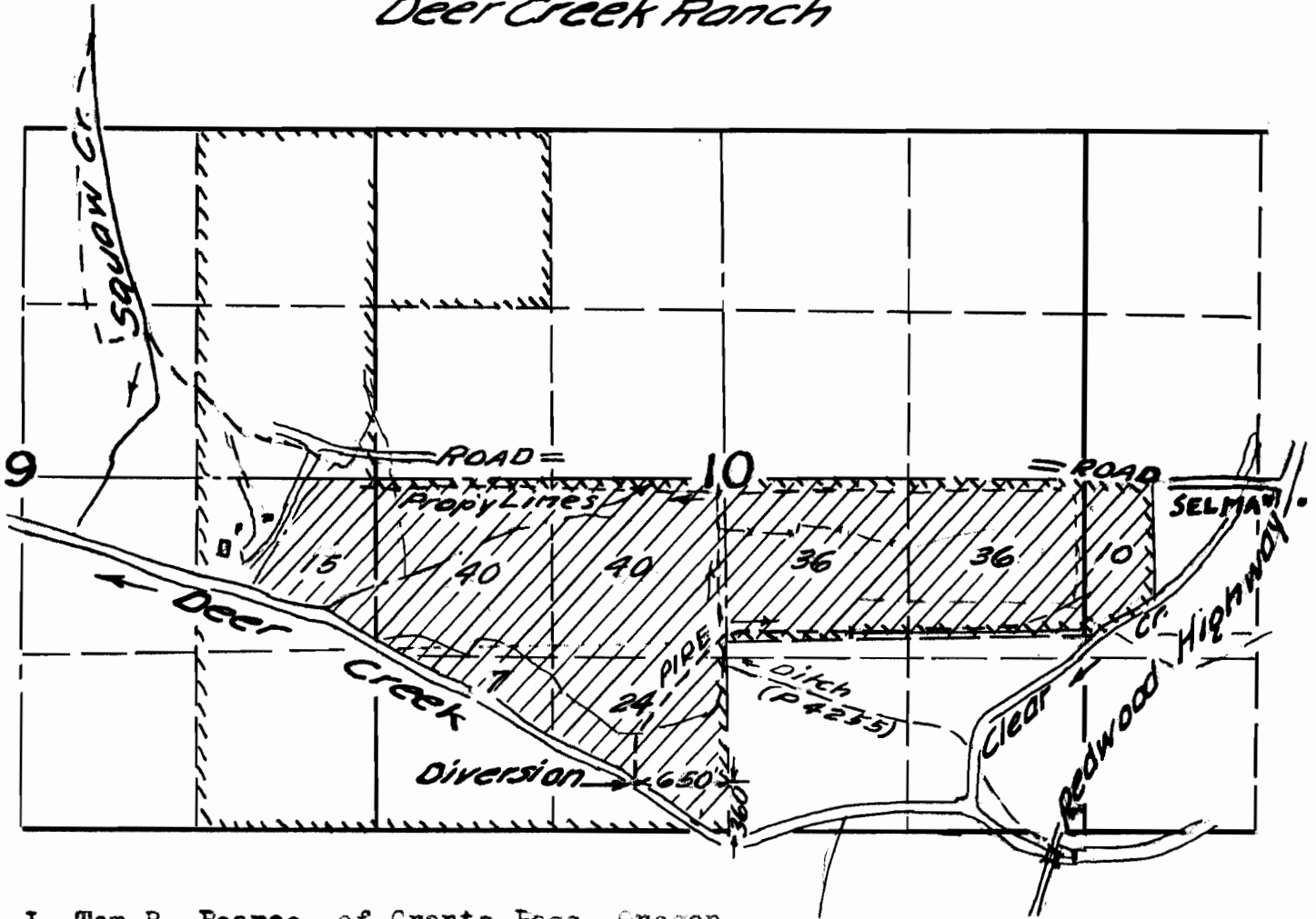
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

WITNESS the signature of the Water Resources Director, affixed April 8, 2010.


 Phillip C. Ward, Director

T. 38 S., R. 8 W., W. M.
 Scale 4" = 1 Mile. July 1947
 Deer Creek Ranch



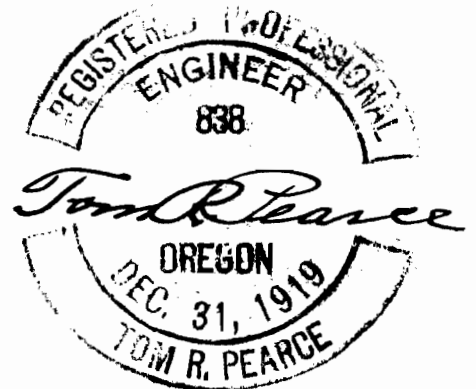
I, Tom R. Pearce, of Grants Pass, Oregon do hereby certify that this map was made from notes taken during an actual survey made by me on August 5, 1947; that the monument shown on this map consisting of 2" pipe and foundation structures is 360 feet North and 650 feet West from the South Quarter corner of Section 10 T38South R8West Willamette Meridian.

22760
 15-560

RECEIVED

DEPARTMENT OF AGRICULTURE
 OREGON

22760
 17867



J. H. Fomeroy

Application No.
 Permit No.

Permit No. 17867

Application No. 22760

County JOSEPHINE

Proof of Appropriation of Water

Nora Pomeroy Plant ~~9 D.N. Plant~~, Deer Creek Ranch, Selma, Ore.

1. Name J. M. Pomeroy 2. Address Deer Creek Ranch - Selma, Oregon

3. Source of supply Deer Creek

Tributary of Illinois River

4. Amount of water 3.96 ~~4.16~~ cfs. 5. Priority date August 15, 1947

6. Use irrigation and supplemental irrigation

RECEIVED
JUN 8 1951
STATE ENGINEER
SALEM, OREGON

7. Location of point of diversion, SE 1/4 SW 1/4 Sec. 10, Twp. 38 S., Range 8 W., W. M.
(Legal Subdivision)

8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use.

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated		
38 S	8 W	9	NE 1/4 SE 1/4	15 Supplemental	15 <i>supp</i>		
			NE 1/4 SE 1/4	12	12 <i>new</i>		
		10	NE 1/4 SE 1/4	24 Supplemental	24 <i>supp</i>		
			NW 1/4 SE 1/4	10	10 <i>new</i>		
		10	NW 1/4 SE 1/4	26 Supplemental	26 <i>supp</i>		
			NE 1/4 SW 1/4	40 Supplemental	40 <i>supp</i>		
		10	NW 1/4 SW 1/4	40 Supplemental	40 <i>supp</i>		
			SE 1/4 SW 1/4	4	4 <i>new</i>		
		10	SE 1/4 SW 1/4	20 Supplemental	20 <i>supp</i>		
			SW 1/4 SW 1/4	7	7 <i>new</i>		
		11	NW 1/4 SW 1/4	10	0		
		Total				208	198

DESCRIPTION

The East 1/2 of the East 1/2 of Section 9, and the Northwest 1/4 of the Northwest 1/4, and the Southwest 1/4 of Section 10, all in Township 38 South, Range 8 West, of the Willamette Meridian, Oregon, containing 360 acres more or less.

Also: Beginning at the Northwest corner of the Southwest Quarter of Section 11, in Township 38 South, Range 8 West of the Willamette Meridian, Oregon, and running thence East 195 feet, thence South 825 feet, more or less, to the center line of Clear Creek, thence following the center line of Clear Creek in a Southwesterly direction to its intersection with the East line of the Southeast Quarter of Section 10 of said Township and Range; thence North 50 feet to a point which is 1200 feet South of the Northeast corner of the Southeast Quarter of said Section 10; thence West 2640 feet, more or less, to the West line of the Southeast Quarter of said Section 10; thence North 1200 feet to the Northwest corner of the Southeast Quarter of said Section 10; thence East 2640 feet, more or less, to the place of beginning, containing 86 acres, more

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, **none** ft.; length on top, **none** ft.; length on bottom, **none** ft.; material used and character of construction, **none**

(b) Give description of headgate: Width, **none** ft.; depth, **none** ft.; material used and character of construction, **none**

(c) Size of canal: Width on top (at waterline), **none** ft.; width on bottom, **none** ft.; depth of water, **none** ft.; grade, **none** ft. fall per 1,000 ft. Actual capacity, **none** sec.-ft.

Give general description: **none**

(d) Pipe line: Description of intake, **12" flexible steel pipe inserted into Green**

Length of pipe, **500** ft.; size at intake, **12** in.; size at 1000 ft. from intake, **14** in.; size at place of use, **14** in. Difference in elevation between intake and place of use, **25** ft.

Is grade uniform? **yes** Actual capacity of pipe line, **5.5** sec.-ft.

Give general description: **Combination steel and corrugated pipe**
(Material: Steel, wrought, cast iron, wood stave, etc.)
with aluminum pipe laterals

(e) Pumping plant: Give size and type of pump, **12" centrifugal pump**

Suction lift, **8** ft.; discharge lift, **17** ft. Type of motor used **Diesel-gas**
Horsepower rating, **40** H. P. Actual capacity of pump, **5.5** sec.-ft.

10. During what months is water beneficially used? **April 1 to Oct. 1**

11. State character of soil **Gravelly loam**

Kind of crops raised **Clover, grass, with permanent pasture and alfalfa**

12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? **yes**

13. If not, wherein is such map in error? **none**

14. Domestic use: Give number of families actually using water at this time **none**

15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use **none**

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of Josephine

} ss.

I, Nora Pomeroy Plant, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of May, ~~195~~ 51

Subscribed and sworn to before me this 29th day of May, 195 51

Nora Pomeroy Plant
James M. Bewe
Notary Public for Oregon
My commission expires Feb. 13, 1954

[NOTARIAL SEAL]

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of Josephine

} ss.

We, D. N. Plant, and Tom Kennedy of Selma, Oregon, being first duly sworn, depose and say that

we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. 17867; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this 29th day of May, 195 51

D. N. Plant
Tom Kennedy
James M. Bewe
Notary Public for Oregon
My commission expires Feb. 13, 1954

[NOTARIAL SEAL]

REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I, Tom R. Pearce, do hereby certify that I have made an inspection of the works described herein and in Permit No. 17867, on the 17th day of April, 1985, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of 3.96 c.f.s. and I recommend the issuance of water right certificate for this amount.

(Quantity of water in second-foot or acre-foot)

Tom R. Pearce

(Name)

Watermaster District No. 16

(Title)

If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

NOTICE TO INSPECTORS

PROOF OF APPROPRIATION

Permit No.

Recording fee paid

Receipt No.

AFFIDAVIT OF APPROPRIATOR

CALIFORNIA

STATE OF ~~OREGON~~ /
City and County of San Francisco } ss.

I, J. H. Pomeroy, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of May, 1951.

J H Pomeroy

Subscribed and sworn to before me this 14th day of May, 1951

Stella M. Stengel for Oregon
Notary Public for Oregon

[Notarial Seal]

My commission expires June 10, 1953
Dec 18th 1953

AFFIDAVIT OF WITNESSES

~~STATE OF CALIFORNIA~~
STATE OF OREGON,
City and County of ~~San Francisco~~

We, *D. N. Plant B. M. Plant*, and *Tom Kennedy*

of ~~San Francisco, California~~, being first duly sworn, depose and say that

we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. *17867*; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

D. N. Plant
Tom Kennedy

Subscribed and sworn to before me this 28th day of May, 1951

Stella M. Stengel
Notary Public for Oregon

[Notarial Seal]

My commission expires *Dec 18th 1953*

REPORT OF PERSON MAKING INSPECTION

(For use by Representative of State Engineer)

I, **Tom R. Fearing**, do hereby certify that I have made

an inspection of the works described herein and in Permit No. **17867**, on the **17th** day

of **April**, 19**51**, and found the foregoing statements and descriptions of works to

be accurate. In my opinion the appropriation has been completed to the extent of **3.96 c.f.s.**

(Quantity of water in second-foot or acre-foot)

and I recommend the issuance of water right certificate for this amount.

NOTICE TO INSPECTORS

If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

.....
(Name) **Tom R. Fearing**

.....
(Title) **Watermaster District No. 16**

Item 8 continued

or less;

Less and Excepting a strip of land 15 feet in width described as follows, to-wit: Beginning at a point which is 1200 feet South and 950 feet East of the center of Section 10 in said Township and Range, and run thence East to the center of Clear Creek; thence North 15 feet; thence West to a point directly north of the point of beginning; thence South 15 feet to beginning.

✓ If for irrigation, this appropriation shall be limited to $1/50$ th of one cubic foot per second or its equivalent for each acre irrigated throughout the irrigation season from April 1st to November 1st of each year; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

RECEIVED
JUN 8 1951
STATE ENGINEER
SALEM, OREGON

June 26, 1975

53054
22760
T-3213

W. B. Thayer
Deer Cr. Ranch
P.O. Box 446
Selma, OR 97538

Dear Sir:

After our telephone conversation of June 23, I located your transfer application, which was filed as No. T-3213. You will be advised of the action to be taken on your transfer application through separate correspondence.

I did notice that your transfer application only involves the right to the use of water from Squaw Creek evidenced by the certificate recorded at Page 13854.

If the supplemental right to the use of water from Deer Creek evidenced by the certificate recorded at Page 19720 is to be abandoned rather than transferred with the primary right, it will be necessary to clear our records of the existing supplemental right involved before your application No. 53054 can be considered for approval.

Therefore, will you please advise us of the action to be taken on that portion of the supplemental right to the use of water from Deer Creek involved.

Very truly yours,

Wayne J. Overcash
Assistant

WJ:db

June 8, 1951

Nora Pomeroy Plant
Deer Creek Ranch
Selma, Oregon

Dear Mrs. Pomeroy:

I wish to acknowledge receipt through the office of Tom R. Pearce, Watermaster District No. 16, Grants Pass, Oregon, assignment of the interests of J. H. Pomeroy in Permit No. 17867 to Nora Pomeroy Plant, together with remittance in the amount of \$1.00 as the statutory assignment recording fee for which State Engineer's Receipt No. 12347 is enclosed herewith. Said assignment has been recorded in the Miscellaneous Records of the State Engineer, the permit now stands in your name and the assignment is being returned herewith for your records.

Receipt is also acknowledged of Proof of Appropriation of Water under Permit No. 17867, which appears to be satisfactory. If you will now submit the statutory certificate recording fee of \$1.00 for recording the certificate, when issued, in the County Records of Josephine County, the matter of issuance of a certificate confirming the rights under this permit will be given further attention.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Geo. V. Naderman, Assistant

GVN:RN
INCL.
cc: Mr. Tom R. Pearce

WATER RESOURCES DEPARTMENT

ALL COMMUNICATIONS TO
D. PEARCE, ENGINEER
COURT HOUSE
GRANTS PASS, OREGON

STATE OF OREGON
OFFICE OF
WATER DISTRICT NO. 16
GRANTS PASS OREGON

WATERMASTER DISTRICT NO. 16
OREGON REGISTERED ENGINEER NO. 838
CALIFORNIA LICENSED SURVEYOR NO. 2301

June 7th, 1951

Mr. Chas. E. Stricklin,
State Engineer,
Salem, Oregon.

Dear Mr. Stricklin:

Enclosed is form for Proof of Appropriation
of water under Permit No. 17867.

After submitting Proof, we find that Mr.
Fomeroy had transferred the property to his daughter,
Nora Fomeroy Plant. Enclosed is the assignment, to-
gether with \$1.00 in currency, for recording fee.
Also we have attached a sheet to the Proof form, with
Affidavit of Appropriator signed in the name of Nora
Fomeroy Plant.

Yours very truly,



Watermaster District No. 16

April 20, 1951

Mr. J. H. Pomeroy
% D. N. Plant
Deer Creek Ranch
Selma, Oregon

Dear Mr. Pomeroy:

Proof of appropriation of water under permit No. 17867 bearing the report of Mr. Tom R. Pearce, Watermaster of District No. 16, is enclosed herewith for your approval. The figures on the proof indicate the extent and limit of the rights thereunder and if satisfactory to the permittee, the affidavit of appropriator should be executed and signed by each permittee and notarized. The affidavit of witnesses must also be executed and signed before a notary. The proof should then be returned to this office accompanied by the statutory certificate recording fee of \$1 for recording the certificate, when issued, in the county records of Josephine County.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

EKH:dlh

WATER RESOURCES DEPARTMENT

COMMUNICATIONS TO
PEARCE, ENGINEER
COURT HOUSE
GRANTS PASS, OREGON

STATE OF OREGON
OFFICE OF
WATER DISTRICT NO. 16
GRANTS PASS, OREGON

WATERMASTER DISTRICT NO. 16
OREGON REGISTERED ENGINEER NO. 838
CALIFORNIA LICENSED SURVEYOR NO. 2301

April 19th, 1951

Mr. Chas. E. Stricklin,
State Engineer,
Salem, Oregon.

Dear Mr. Stricklin:

Enclosed is four forms for completion of
Proof of Appropriation of Water, in the names of
W.S.Stire, Permit No.16972
E.L.Crouse, Permit No.17589
J.H.Pomeroy, Permit No.17867
Raymond Glen Evans & Margaret Frances Evans, Permit
No.12535.

Affidavit of Appropriators has not been
signed.

Yours very truly,



Watermaster District no.16

December 27, 1950

Mr. Tom R. Pearce
Watermaster, District No. 16
Grants Pass, Oregon

Dear Mr. Pearce:

I am enclosing blanks for making final proof
under Permits No.:

17588
17653
17775
17847
17867
18094
18161
18484
19136

You are requested to make your usual inspec-
tions at your convenience and submit the proofs to this
office with the \$1.00 certificate recording fees.

Very truly yours,

CHAR. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:dlh

Enclosures: 9

November 14, 1950

Mr. J. H. Pomeroy
Deer Creek Ranch
Selma, Oregon

Dear Mr. Pomeroy:

This will acknowledge receipt of your Form C, being notice of the complete application of water under your Permit No. 17867.

Pursuant to your report and in line with the general practice of this office, a survey will be made at a later date for the purpose of checking the acreage **actually irrigated**. After this survey, proof may be made by you and certificate issued covering the lands which the survey shows to have been irrigated, and any lands described in your permit that have not been irrigated will be automatically eliminated from your water right.

In the meantime, the permit which you hold, will be valid evidence of your water right.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:dlh

August 19, 1947

Mr. Tom R. Pearce
Watermaster, District #16
Grants Pass, Oregon

Dear Mr. Pearce:

This will acknowledge receipt of your letter of August 7 with which you submitted an application in the name of J. H. Pomeroy for a permit to appropriate 4.2 second-foot of water from Deer Creek for supplemental irrigation, together with your remittance in the amount of \$30.90, for which Receipt No. 3372 is enclosed.

The application, which has been checked over, has been filed and given No. 22760. It appears to be in satisfactory form and is being placed in line for approval and issuance of a permit.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:mjo

Enc.

WATER RESOURCES DEPARTMENT

WATERMASTER
No. 16
REGISTERED ENGINEER NO. 838
REGISTERED SURVEYOR No. 2301

STATE OF OREGON
OFFICE OF
WATER DISTRICT NO. 16
GRANTS PASS, OREGON
August 7, 1947

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

RECEIVED
AUG 15 1947
STATE ENGINEER
SALEM, OREGON

Mr. Chas. E. Stricklin
State Engineer
Salem, Oregon

Dear Sir:

Enclosed is an application for a permit
to appropriate water in the name of J.
H. Fomeroy.

Also enclosed please find my check for
\$30.90 for filing fee.

Very truly yours,

Tom R. Fearce
Tom R. Fearce, Watermaster
District 16

December 3, 1947

Mr. J. H. Pomeroy
Deer Creek Ranch
Selma, Oregon

Dear Mr. Pomeroy:

This acknowledges receipt of Form A, being notice of the beginning of construction under Permit No. **17867** in the name of **J. H. Pomeroy**.

This report has been filed with other matter pertaining to the water right, and the permit is in good standing until October 1, 19**49**, when under its terms, construction should be completed.

Very truly yours,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

December 3, 1947

Mr. J. H. Pomeroy
Deer Creek Ranch
Selma, Oregon

Dear Mr. Pomeroy:

This acknowledges receipt of Form A, being notice of the beginning of construction under Permit No. 17867 in the name of J. H. Pomeroy.

This report has been filed with other matter pertaining to the water right, and the permit is in good standing until October 1, 1949, when under its terms, construction should be completed.

Very truly yours,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer