

Application No. 6480

Permit No. 4255

Certificate No. 6067

FEEES PAID

Date	Amount	Receipt No.
Total		

Name S. H. Riggs

By Grants Pass, Ore.

Address Grants Pass, Ore.

Date filed

Action suspended until

Priority Date: April 8, 1919

Returned to applicant

Date completed

Date of approval

Stream Index, Page No.

Application Record, Book No.

FEEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To whom	Address	Volume	Page

REMARKS

See 6479

Ch. Pt. of Div. Sp. Or. Vol. 10, page 238
T-10794 V. 8 Op. 581

CONSTRUCTION

Date for beginning

Date for completion

Extended to

Date for application of water

Extended to

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

Receipt for recording fee No.

O. S. BLANCHARD
ATTORNEY AND COUNSELOR AT LAW
NASHBURN BUILDING
GRANTS PASS, OREGON

STATE ENGINEER
RECEIVED
APR 22 1920
SALEM, OREGON

April 21 1920.

6480

Percy Cupper,
Salem Ore.,

Dear Sir;

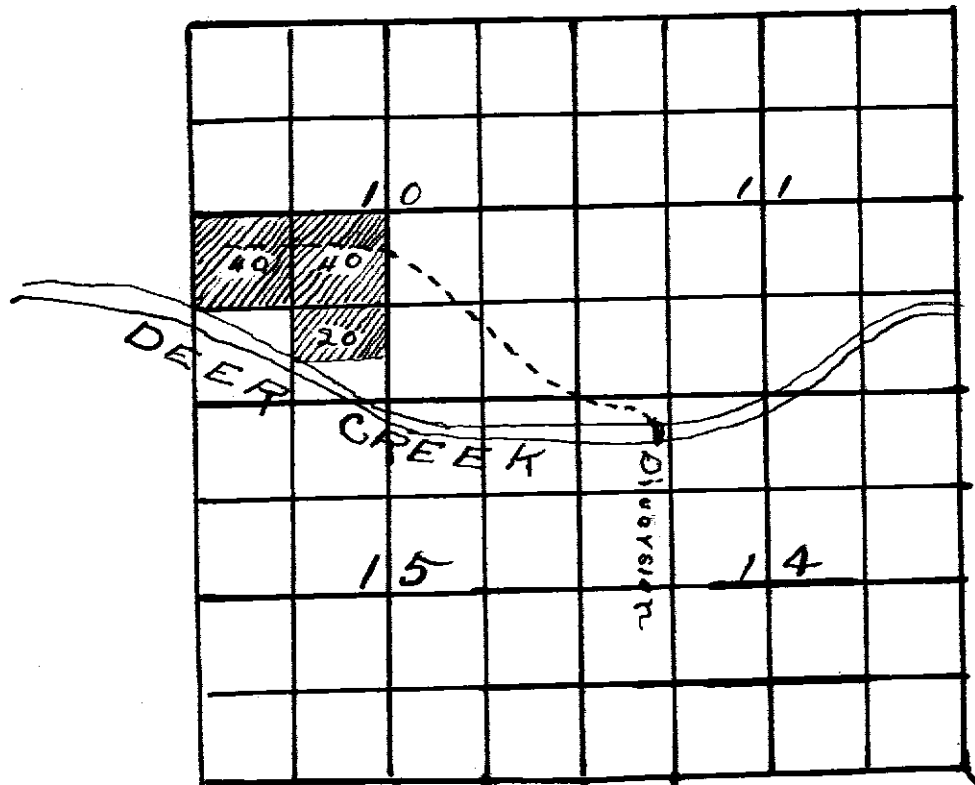
I enclose you herewith an assignment of water right of S.H.Riggs, together with check to cover fees. Kindly file and acknowledge receipt.

Very Truly Yours,

OSB.H.E.



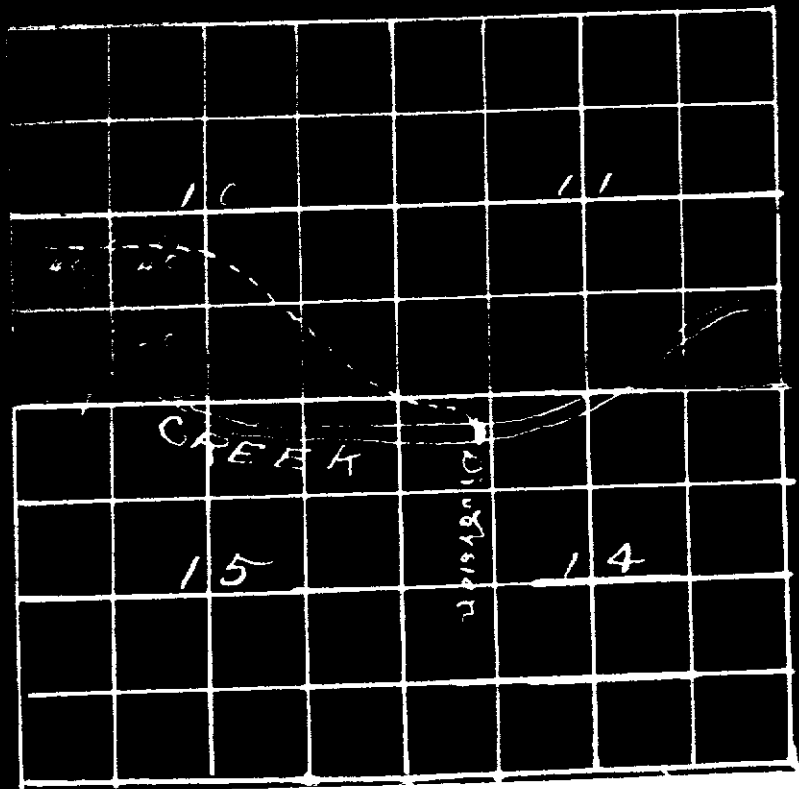
T. 38 S R 8 W



Application No. 6480

Permit No. 4255

325 11 14



NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, N. V. Haberman, the holder of Application No. 6480, being
Stream Permit No. 4255, issued by the State Engineer of the State of Oregon
(Reservoir or Enlargement)
 for the appropriation of 1.22 second-feet of the waters of Deer Creek
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,
 completely applied the water to a beneficial use, on the 1st day of July, 1924,
 being the time limitation as fixed in said permit or extended by the State Water Board for the complete
 application of water to a beneficial use.

Remarks: Through a dry season were unable to
 If all of the water granted in the permit had not been fully applied to beneficial use, you should so state, so that delinquent appropriators may
 have notice.

apply all the water, about 1/4 head for a period of
about 29 days, the ditch running through gravel canons
 a great loss. WHEREOF, I have hereunto set my hand this 15 day of Oct, 1924,
Selma Oregon N. V. Haberman
(Present Address) (Signature of Applicant)

NOTICE OF BEGINNING OF CONSTRUCTION

I, W. O. & H. T. Haberman....., the holder of Application No. 6480....., being

..... Permit No. 4255....., issued by the State Engineer of the State of Oregon
(Reservoir or enlargement)

for the appropriation of 1.25..... second-feet of the waters of Deer Creek.....
 in accordance with the tenor of such permit and the limitations indorsed thereon by the State Engineer,

began the actual construction of the works described therein on the 15th day of June, 1920, 19.....,
 being within the time limitation as fixed in said permit for the beginning of construction work.

~~This work was started by digging the ditch which is now prac-~~
The appropriator should state the manner of beginning construction work, number of men and teams employed, the amount of work completed up to the date of this

~~tically completed. A concrete dam was put in but poorly con-~~
statement, and any additional information which may tend to show the beginning of work in good faith.

~~structed and will have to be rebuilt.~~

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of October, 1920, 19.....

Selma, Oregon.....

(Present address)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon.

W. O. Haberman H. T. Haberman

(Signature of applicant)

By W. O. Haberman

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 C ¹ / ₄ 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.

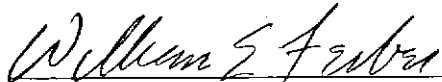
Now, therefore, it is ORDERED:

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


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

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF BENSON J. AND LEONE A.)
BENJAMIN FOR THE APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM DEER CREEK.)

O R D E R
APPROVING APPLICATION

On August 14, 1959, Benson J. and Leone A. Benjamin of Selma, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Deer Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to W. O. and H. T. Haberman and recorded at page 6067, Volume 6, State Record of Water Right Certificates, confirms a right under Permit No. 4255 for the use of the waters of Deer Creek for the irrigation of 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 20 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 38 South, Range 8 West, W. M., with a date of priority of April 8, 1919. These lands are irrigated through an unnamed ditch, the point of diversion of said ditch being located 990 feet east and 165 feet south from the northwest corner of Section 14, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 14, Township 38 South, Range 8 West, W. M.

The applicants herein, owners of the lands above described, propose to irrigate said lands by means of two pumping stations, one to be located 360 feet north and 650 feet west from the south quarter corner of Section 10, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 10, Township 38 South, Range 8 West, W. M., and one to be located 1320 feet north and 200 feet east from the southwest corner of Section 10, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 10, Township 38 South, Range 8 West, W. M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at

the county courthouse in Grants Pass, Oregon, on November 12, 1959, beginning at 9:00 o'clock a.m. The notice was published in the Illinois Valley News, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of September 17, 24 and October 1, 1959. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

Mr. George W. Thrasher, Watermaster of District No. 16, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Deer Creek, to-wit:

From a point located 990 feet east and 165 feet south from the northwest corner of Section 14, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 14, Township 38 South, Range 8 West, W. M.,

To a point to be located 360 feet north and 650 feet west from the south quarter corner of Section 10, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 10, Township 38 South, Range 8 West, W. M., and

To a point to be located 1320 feet north and 200 feet east from the southwest corner of Section 10, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 10, Township 38 South, Range 8 West, W. M.,

for the irrigation of 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 20 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 38 South, Range 8 West, W. M., with a date of priority of April 8, 1919, be and the same is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1960 or within such extension of time as may be granted by the State Engineer for good cause shown.

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

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 pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

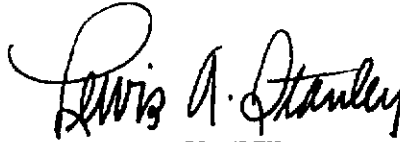
That the plans of the weir or other suitable device be approved by the watermaster of Josephine County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 1st day of December, 1959.

Noted on Cert. # 6067

and App. # 6480

Tranf. B-113



LEWIS A. STANLEY
State Engineer

July 25th, 1922.

Mr. E. T. Haberman,
Selma,
Oregon.

Dear Sir:

Permit No. 4255.

I am in receipt of your letter of recent date making application for a further extension of time within which to complete construction work and apply the water under your application No. 6480, Permit No. 4255, and I will recommend to the State Water Board that an extension of time be granted until June 1st, 1923, within which to complete construction work, and until October 1st, 1923, within which to apply the water under this permit.

In accordance with your request, I am sending blanks upon which the notices of completion of construction and complete application of water may be submitted.

Very respectfully,

Ferey A. Juppel,
State Engineer.

RJS:R
Enclosure.

July 25th, 1922.

Mr. H. T. Haberman,
Selma,
Oregon.

Dear Sir:

Permit No. 4255.

I am in receipt of your letter of recent date making application for an extension of time within which to complete construction work and apply the water to the proposed use under your Application No. 6490, Permit No. 4255, and I will recommend to the State Water Board that a further extension of time be granted until June 1st, 1923, within which to complete construction work, and until October 1st, 1923, within which to apply the water under this permit.

Extension

Very respectfully,

Percy A. Copper,
State Engineer.

R.

May 20th, 1922.

Mr. A. L. Opdycke,
Water Master,
Grants Pass, Oregon.

Dear Sir:

Permit No. 4255.

I am in receipt of your letter of May 19th, making application for an extension of time within which to complete construction work under application No. 6480, Permit No. 4255, in the name of W. O., and H. T. Haberman, and I will recommend to the State Water Board that an extension of time be granted until June 1st, 1922, within which to complete construction work under this permit.

Very respectfully,

Percy A. Capper,
State Engineer.

April 22, 1920

Mr. O S Blanchard,
Grant's Pass,
Oregon.

Dear Sir:-

Herewith please find my official receipt No. 7547,
for \$1.10, which amount was transmitted by your letter of the
21st together with assignment of Application No. 6480, Permit
No. 4255, to be entered upon the Miscellaneous Records of this
office.

This assignment has been accordingly recorded and
the instrument is herewith returned.

Very respectfully

Percy A Cupper,
State Engineer.

La

6480

October 30, 1919.

Mr. S H Higgs,
Grants Pass, Josephine Co.,
Oregon.

Dear Sir:- Herewith you will find Application No. 6480, being Permit No. 4255,
together with tracing. This application has been approved and recorded in this
office.

October 22, 1919.

Mr. M. L. Opdycke,
Grants Pass
Oregon.

Dear Sir:

I am in receipt of your letter of the 21st instant, returning application No. 6480 in the name of S. H. Riggs, which had been returned for completion. I am also in receipt of two tracings. This application will be taken up for approval as soon as same can be reached and you will be further advised.

Very respectfully,

Percy A. Capper,

State Engineer.

ES-R.

WATER MASTER

DISTRICT No. 16
STATE OF OREGON

GRANTS PASS
OREGON

corrected 6480

October 21, 1919.

Mr. Percy A. Cupper,
State Engineer,
Salem, Oregon.

Dear Sir:

Enclosed find two new applications with maps, and checks covering them.

Also find the corrected application of S. H. Riggs, together with corrected maps. I trust you will find this latter complete enough.

Yours very truly,

M. J. Cupper

Rec'd of 6480

W. H. Brown

October 20, 1919

Mr. M L Opdycke,
Grants Pass,
Oregon.

Dear Sir:-

Enclosed please find my official receipt No. 7025 for \$15.⁰⁰, which amount was transmitted with your letter of the 18th, as balance of fees on Application No. 6480.

In accordance with your request I am returning Application No. 6480 for completion and such change as you wish to make in the names of the appropriators and the area to be irrigated. I am returning blue print and two tracings.

In order to retain its original date of priority this application, accompanied by maps must be returned to this office on or before November 20th.

Very respectfully

Percy A. Cupper,

State Engineer.

RJS-LA

WATER MASTER

DISTRICT No. 16
STATE OF OREGON

GRANTS PASS
OREGON

October 18, 1919.

Mr Percy A. Cupper,
State Engineer,
Salem, Oregon.

Dear Sir:

Some time since I sent you a filing for S. H. Riggs and W. L. Gilkey, but the filing was held up awaiting the action of Mr. Gilkey, who was in France. However, the Gilkey ranch has been sold and Mr. Riggs desires to go through with his part of the application, which will necessitate the changing of the application and the plats filed with the same.

The point of diversion, line of ditch, etc. remain the same, but the land to be irrigated is as follows:

40 acres in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$; 40 acres in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and 20 acres in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, all in Section 10, Township 38 S, Range 8 W. W.M., making a total of 100 acres.

If this change can be made without making out a new application and new maps it will facilitate matters materially, but if not let me know and I will have a new application made out and new plats made.

check for

Enclosed find \$15.00 to cover the acreage cost and the land now be be irrigated under the application is that of Mr. Riggs.

Yours very truly,

M. L. Cupper

January 29, 1926.

W. O. & H. T. Haberman,
Grants Pass, Oregon.

Gentlemen:

Final proof of appropriation of water and the one dollar recording fee have been received under your Permit No. 4255.

Official receipt number 3496 is enclosed covering the above amount.

The proof appears to be in proper form and will be taken up for approval and issuance of certificate soon.

Yours respectfully,

H.
Enclosure.

Rhea Luper,
State Engineer.

November 25, 1924.

Mr. H. T. Haberman,
Selma, Oregon.

Dear Sir:

Blanks for making final proof of appropriation of water under Permit No. 4255, in your name and that of W. O. Haberman, have been forwarded to Mr. Fred N. Cummings, water master for your district, who will make an inspection and assist in completing the proof.

When the proof has been carefully filled out and signed before a notary, it should be returned to this office, accompanied by \$1.00 for the purpose of recording the final water right certificate in the county records.

Yours respectfully,

Rhea Luper,
State Engineer.

H.

June 30, 1924.

Mr. Tom R. Pearce,
Assistant Water Master,
Grants Pass, Oregon.

Dear Sir:

In accordance with your request of June 27th, I am enclosing blanks upon which to notify this office of completion of construction under Permit No. 4255, by W. C. and H. T. Haberman.

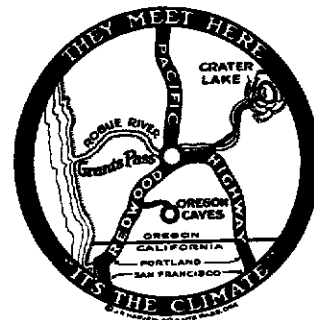
According to the terms of this permit construction work was required to be completed on or before June 1st, 1924, and the water applied to the proposed use on or before October 1st, 1924.

Yours respectfully,

H.
Enclosure.

Rhea Luper,
State Engineer.

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



June 27, 1924

Mr. Rhea Luper,
State Engineer,
Salem, Oregon.

Dear Sir:-

Messrs. W. O. and H. T. Haberman of Murphy, Oregon..
have lost their blank, Permit No. 4255, upon which to
notify your office of the completion of their work.
Would you please supply another?

Thanking you I am

Yours very truly,

Tom R. Pearce Per *[Signature]*
Assistant Water Master District #16

WR/TP

STATE ENGINEER
RECEIVED

JUN 28 1924

SALEM, OREGON

September 29, 1923.

Mr. H. L. Oplycke,
Water Master,
Grants Pass, Oregon.

Dear Sir:

I am in receipt of your letter of September 27th making application for an extension of time within which to complete construction work, and apply the water to the proposed use under Permit No. 4255, in the name of W. C. and H. T. Haberman.

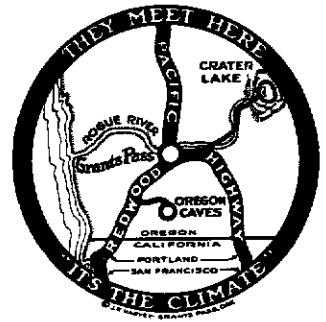
This matter has been given careful consideration and you will be allowed until June 1st, 1924 within which to complete construction work, and until October 1st, 1924 within which to apply the water under this permit.

Very respectfully,

Rhea Luper,
State Engineer.

H.

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



September 27, 1923.

Mr. Rhea Luper,
State Engineer,
Salem, Oregon.

Dear Sir:

Relative to the water permit of W. O. and E. T. Haberman, the same being Application No. 6480, Permit No. 4255, they have asked me to write to you to have their time extended to the application of the water to the land. This land is all cleared and ready for water, the dam was constructed and the ditch dug, but owing to the fact that the ditch goes through a field that is underlaid with gravel it was impossible to get water through the ditch sufficient to cover all the land in question. It is the intention of the applicants to work on this ditch this winter in these gravelly places and puddle them with clay and by next season hope to have it in shape to carry water sufficient to irrigate their land as applied for in the permit.

I am familiar with the conditions relative to this ditch and know that the water seeps away in this gravelly field, and also know that the applicants have worked hard to comply with the terms of the permit. The granting of an extension of time will in no way interfere with any other applicant or water user, as there are no water users on the stream below them and all rights above are prior, and would recommend that the extension be granted.

Yours very truly,

June 27, 1923.

Mr. H. T. Haberman,
Kerby, Oregon.

Dear Sir:

I am returning herewith notice of completion of construction under your permit number 4255.

According to our records the time for the completion of construction was extended until June 1st, 1923 and you will note the notice states that construction work was completed on the 22nd day of June, 1923.

Unless the work was completed prior to June 1st, 1923, you should make application for an extension of time setting forth the reasons for failure to complete construction.

Very respectfully,

RJS:H
Enc.

Percy A. Capper,
State Engineer.

July 25th, 1922.

Mr. H. T. Haberman,
Selma,
Oregon.

Dear Sir:

Permit No. 4255.

I am in receipt of your letter of recent date making application for a further extension of time within which to complete construction work and apply the water under your application No. 6480, Permit No. 4255, and I will recommend to the State Water Board that an extension of time be granted until June 1st, 1923, within which to complete construction work, and until October 1st, 1923, within which to apply the water under this permit.

Extension

In accordance with your request, I am sending blanks upon which the notices of completion of construction and complete application of water may be submitted.

Very respectfully,

Percy A. Cupper,
State Engineer.

RJS:R
Enclosure.

July 25th, 1922.

Mr. H. T. Haberman,
Selma,
Oregon.

Dear Sir:

Permit No. 4255.

I am in receipt of your letter of recent date making application for an extension of time within which to complete construction work and apply the water to the proposed use under your Application No. 6480, Permit No. 4255, and I will recommend to the State Water Board that a further extension of time be granted until June 1st, 1923, within which to complete construction work, and until October 1st, 1923, within which to apply the water under this permit.

Very respectfully,

R.

F Percy A. Dwyer,
State Engineer.

Selma Ore,

Percy A. Cusper
State Engineer.
Salem

STATE ENGINEER
RECEIVED

JUL 25 1922

SALEM, OREGON

Dear Sir -

In regard to application No 6480 Permit 4255
I was very much surprised that the
extension you granted me has expired
the Ditch is complete but am not running
water this summer. Mr S. H. Piggs who filed
on this Permit was out in the spring and
we talked of changing the Dam site which
we supposed it would require a new filing
have been in search for application no 6480
and have not been able to find it

It would be greatly appreciated if you will
grant me an extension and send me
the blanks - so I can fill out proper notice
and mail to you

The reason of the change of Dam site was to get better grade, but later we surveyed the right-of-way and ditch and found that we had enough grade at the old Dam site.

Hope to hear a favorable answer and an extension. Granted

Very Resp yours
A. J. Haberman

May 20th, 1922.

Mr. H. L. Gwynn,
Water Master,
Gaults Pass, Oregon.

Dear Sir:

Permit No. 4224.

I am in receipt of your letter of May 19th, making application for an extension of time within which to complete construction work under application No. 6480, Permit No. 4224, in the name of W. O., and E. T. Haberman, and I will recommend to the State Water Board that an extension of time be granted until June 1st, 1922, within which to complete construction work under this permit.

Very respectfully,

Percy A. Jagger,
State Engineer.

OFFICE OF
WATER MASTER
DISTRICT No. 16
STATE OF OREGON
GRANTS PASS
OREGON

May 19, 1921.

Mr. Percy L. Cupper,
State Engineer,
Salem, Oregon.

Dear Sir:

Messrs. Haberman Bros. were in today and asked for an extension of time for the completion of their irrigation project on Deer Creek, the same being Application No. 6480, Permit No. 4255.

They have constructed their ditch but want more time for the construction of their concrete dam. The reason for this is that the county and State are building a new bridge across Deer Creek near the point of dam construction and a temporary bridge will have to be constructed above the new bridge to be built and the construction of the dam would interfere with the bridge construction as it would back the water up where the temporary bridge would have to be built.

Knowing the conditions existing in this case, the desire of the county in this case, and the thoroughness with which the applicants wish to construct their project, I would recommend that the extension be granted.

Yours very truly,



8. During what months is water beneficially used? *April 15 to Sept 15*
9. State the character of the soil and kind of crops raised *Gravelly loam
Hay and grain. Garden*
10. Does the accompanying blue print of the map filed with your permit show correctly the location of diverting works and area of land where water is used?
11. If not, wherein is such map in error *yes*
12. If the dimensions of your ditch or dam do not correspond to those described in your permit, state what changes have been made, giving dimensions of ditch (or other distributing works)
13. If water is used for power, mining, domestic, municipal, storage, manufacturing, or any other purpose than irrigation, give the extent and method of such use

STATE OF OREGON,

County of *Josephine* } ss.

I, *A. J. Haberman*, 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 *27th* day of *January*, 192*6*.

Subscribed and sworn to before me this *27th* day of *January*, 192*6*.

A. J. Haberman
[Signature]
 Notary Public for Oregon

(Notarial Seal)

NOTARY PUBLIC FOR OREGON
 My commission expires **FEB. 25, 1929**

AFFIDAVIT OF WITNESSES

We, _____, and _____,
of _____, 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. _____; 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 appropria-
tion, 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 _____ day of _____, 192_____

(Notarial Seal)

Notary Public for Oregon

My commission expires _____

July 26 - 1926

*This is to certify that I have examined the
land and construction work described in this
application and found that the work has
been performed and water applied as designated.*

I recommend that proof be given

Tom R. Pearce

Water master Dist. #16

PROOF OF APPROPRIATION

Permit No. 4255.....

Recording fee paid

Receipt No. 3496.....

Priority date: April 8, 1919.....

SEARCHED INDEXED
SERIALIZED FILED

APR 28 1919

SALEM -- OREGON