

Name Steven + Mary Anne McMahan

7563

By \_\_\_\_\_  
Address 4300 Bridgeview / Takilma Rd.  
Cave Junction, OR 97523

DESCRIPTION OF WATER RIGHT

Name of stream E. Fk. Illinois R.  
Trib. of Illinois R. County of Josephine  
Use Irrigation

Change in POD  
Date filed 5/20/96

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Date of hearing \_\_\_\_\_

Name of ditch \_\_\_\_\_

Place of hearing \_\_\_\_\_

Date of priority 1881+1905 <sup>①</sup> Jan. 30, 1920 <sup>②</sup>

✓ Date of order 9-30-96 Vol. 50, page 637

In name of ①+② W.O. (Wallace Osburn) Kohler  
Illinois R. Adjudication, Vol. 13, page 70

Date for application of water 10-1-97

App. No. ② 7034 Per. No. 4449 Cert. No. ① 45764  
② 12312

Proof mailed \_\_\_\_\_

Certificate cancelled \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued Apr. 1 29201 Vol. \_\_\_\_\_, page 87000  
87001

Notation made on record by \_\_\_\_\_

FAD

CBU due 10-1-98

REMARKS

Jonathan Spero, CWRE / no I.D. / 5-28-96 PN  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>5/20/96</u>	<u>335<sup>00</sup></u>	<u>002480</u>
<del>5/20/96</del>		
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
<u>6-7-96</u>	<u>250.00</u>	<u>000878</u>

AS 58

STATE OF OREGON  
 COUNTY OF JOSEPHINE  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STEVEN M AND MARY ANNE MCMAHAN  
 4300 BRIDGEVIEW/TAKILMA RD  
 CAVE JUNCTION OR 97523

confirms the right to use the waters of EAST FORK ILLINOIS RIVER, tributary to ILLINOIS RIVER for IRRIGATION of 1.6 ACRES.

This right was perfected under Permit 4449. The date of priority is JANUARY 30, 1920. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.03 CUBIC FOOT PER SECOND, if available at the authorized points of diversion, 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	Measured Distances
40 S	8 W	WM	2	SE NW	380 FEET NORTH & 245 FEET EAST FROM C-W 1/16 CORNER, SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated.

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

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

Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	8 W	WM	2	SE NW	1.6

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 described as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2	40 S	8 W	WM	2	SE SW	NONE GIVEN
1	40 S	8 W	WM	14	SW NW	NONE GIVEN

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

**NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW**

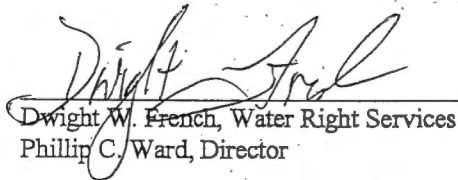
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Regulation will be as surface diversion. If the East Fork of the Illinois River goes dry immediately upstream of the new diversion points, water use will be curtailed.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered September 30, 1996, at Special Order Volume 50, Page 637, approving Transfer Application 7563, and supersedes Certificate 12312, State record of Water Right Certificates.

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.

Issued APR 29 2011



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

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STEVEN M AND MARY ANNE MCMAHAN  
4300 BRIDGEVIEW/TAKILMA RD  
CAVE JUNCTION OR 97523

confirms the right to use the waters of EAST FORK ILLINOIS RIVER, tributary to ILLINOIS RIVER for IRRIGATION of 30 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 1881 FOR TRACT 1, AND 1905 FOR TRACT 2.

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, 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	Measured Distances
40 S	8 W	WM	2	SE NW	380 FEET NORTH & 245 FEET EAST FROM C-W 1/16 CORNER, SECTION 2

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

Tract	Twp	Rng	Mer	Sec	Q-Q	Acres
2	40 S	8 W	WM	2	NE NW	20.0
1	40 S	8 W	WM	2	SE NW	7.0
2	40 S	8 W	WM	2	SE NW	3.0

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 from East Fork Illinois River.

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

**NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Regulation will be as a surface diversion. If the East Fork of the Illinois River goes dry immediately upstream of the new diversion points, water use will be curtailed.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered September 30, 1996, at Special Order Volume 50, Page 637, approving Transfer Application 7563, and supersedes Certificate 45764, State record of Water Right Certificates.

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.

Issued APR 29 2011



Dwight W. French  
Administrator Water Rights and Adjudications, for  
Phillip C. Ward, Director

# FINAL PROOF SURVEY WATER RIGHT TRANSFER

(CHANGE IN POINT OF DIVERSION)

UNDER CERTIFICATES 45764 & 12312  
TRANSFER No. T - 7563

T. 40 S. R.08 W.  
SECTION 2

SURVEYED MARCH 17, 1998

PREPARED BY:  
JONATHAN C. SPERO C.W.R.E. 123  
1002 KINCAID RD./P.O. BOX 16  
WILLIAMS, OREGON 97544  
PH. (541) 846-6845

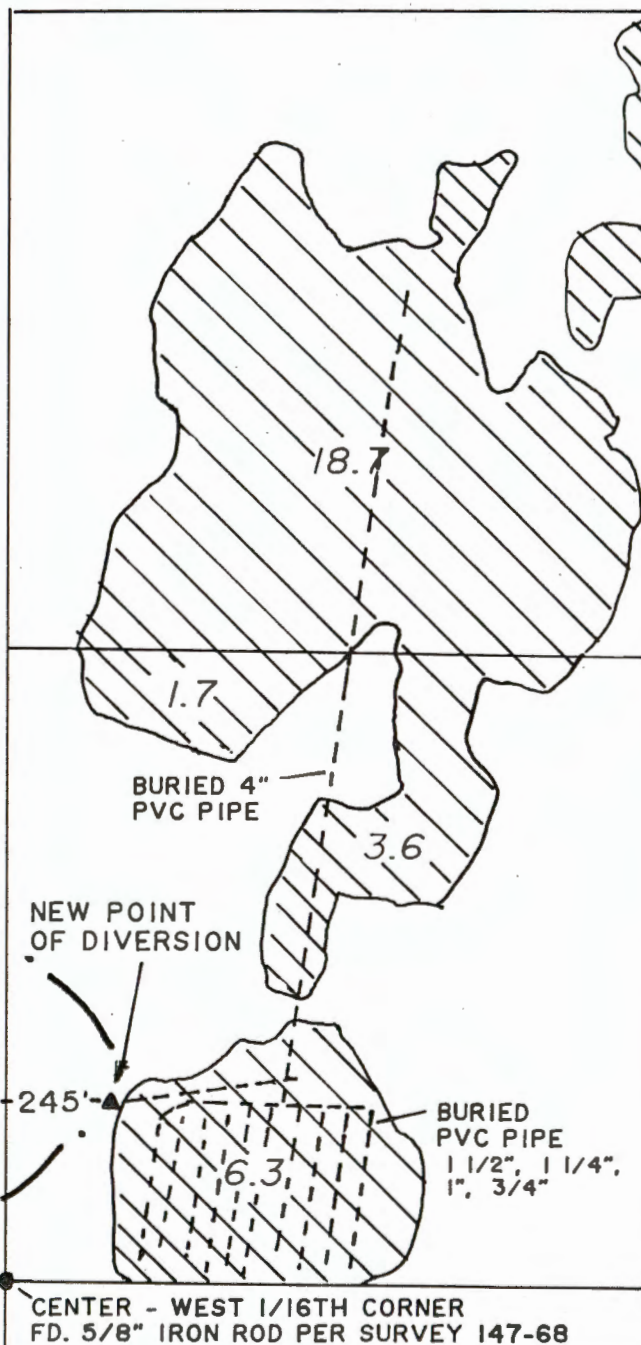
IN NAME OF:  
**STEVEN & MARYANNE MCMAHAN**

THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY, AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

2V

EAST FORK OF  
ILLINOIS RIVER

SCALE: 1" = 400'



NORTH 1/4 CORNER  
FOUND IRON PIPE  
WITH BRASS CAP  
PER JOSEPHINE  
COUNTY 1991

0.5

0.8

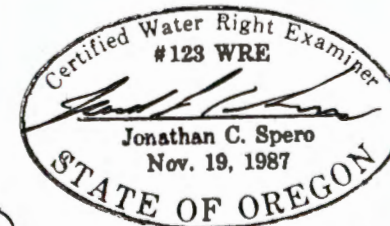
NE 1/4, NW 1/4 SEC. 2  
20.0 ACRES TRACT No. 2  
CERTIFICATE 45764

WATER RESOURCES DEPT.  
SALEM, OREGON

APR - 2 1998

RECEIVED

SE 1/4, NW 1/4 SEC. 2  
7.0 ACRES TRACT No. 1  
CERTIFICATE 45764  
3.0 ACRES TRACT No. 2  
CERTIFICATE 45764  
1.6 ACRES UNDER  
CERTIFICATE 12312



SURVEYOR'S REGISTRATION  
LICENSE RENEWAL DATE:  
JUNE 30, 1998



# Oregon

John A. Kitzhaber, MD, Governor

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

DATE: April 29, 2011

## NOTICE OF CERTIFICATE ISSUANCE

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

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

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

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

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

# Mailing List for Transfer Certificate

Mailing Date:

Application: T-7563 (Cert 45764)

Certificate: 87001

Certificate/Transfer Holder: (include copy of map)

STEVEN M AND MARY ANNE MCMAHAN  
4300 BRIDGEVIEW/TAKILMA RD  
CAVE JUNCTION OR 97523 ✓

<b>Copies Mailed</b>
By: <i>Connie Vance</i> (SUPPORT STAFF)
APR 29 2011 (DATE)

Copies of final Certificate to be sent to:

1. Data Center ✓
2. Water Availability ✓
3. Vault ✓
4. File ✓

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

1. Watermaster #14, Katherine Smith ✓
2. Jonathan C. Spero, CWRE ✓
3. USA Small Farm Investment Group LLC, 110 River Grove Dr, Cave Junction OR 97523 (Current property owners per county records) ✓

Record Markings:

1. Old Certificate: 45764 ✓
2. Decree Name (Volume & Page): Illinois River, Vol 13, Page 70



# Mailing List for Transfer Certificate

Mailing Date:

Application: T-7563 (Cert 12312)

Certificate: 87000

Certificate/Transfer Holder: (include copy of map)

STEVEN M AND MARY ANNE MCMAHAN  
4300 BRIDGEVIEW/TAKILMA RD  
CAVE JUNCTION OR 97523 ✓

<b>Copies Mailed</b>
By: <i>Connie Vance</i> (SUPPORT STAFF)
o <b>APR 29 2011</b> (DATE)

Copies of final Certificate to be sent to:

1. Data Center ✓
2. Water Availability ✓
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Other Persons to receive copies (proposed and/or final certificate: (Include map))

1. Watermaster #14, Katherine Smith ✓
2. Jonathan C. Spero, CWRE ✓
3. USA Small Farm Investment Group LLC, 110 River Grove Dr, Cave Junction OR 97523 (Current property owners per county records) ✓

Record Markings:

1. Original Application: S-7034
2. Old Certificate: 12312

# FINAL PROOF SURVEY WATER RIGHT TRANSFER

(CHANGE IN POINT OF DIVERSION)

UNDER CERTIFICATES 45764 & 12312  
TRANSFER No. T - 7563

T. 40 S. R.08 W.  
SECTION 2

SURVEYED MARCH 17, 1998

PREPARED BY:  
JONATHAN C. SPERO C.W.R.E. 123  
1002 KINCAID RD./P.O. BOX 16  
WILLIAMS, OREGON 97544  
PH. (541) 846-6845

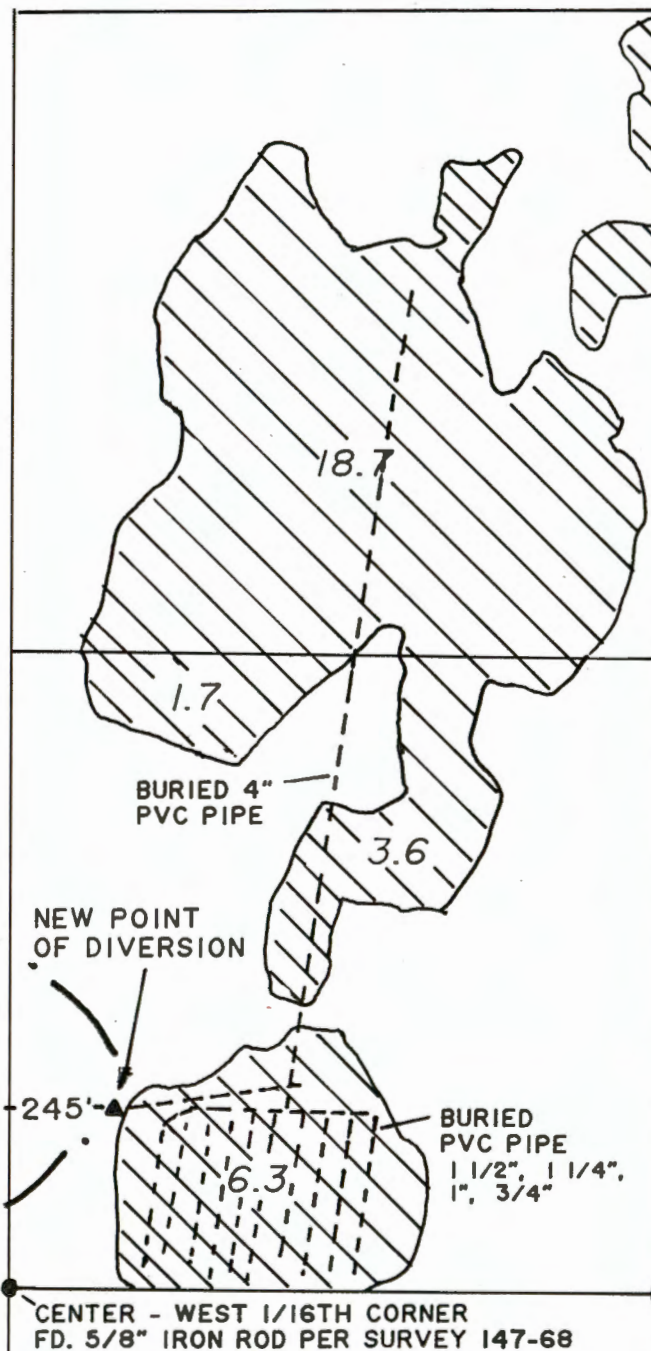
IN NAME OF:  
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WATER RIGHT ONLY, AND IS NOT IN-  
TENDED TO PROVIDE LEGAL DIMEN-  
SIONS OR LOCATIONS OF PROPERTY  
OWNERSHIP LINES.



EAST FORK OF  
ILLINOIS RIVER

SCALE: 1" = 400'



NORTH 1/4 CORNER  
FOUND IRON PIPE  
WITH BRASS CAP  
PER JOSEPHINE  
COUNTY 1991

0.5

0.8

NE 1/4, NW 1/4 SEC. 2  
20.0 ACRES TRACT No. 2  
CERTIFICATE 45764

WATER RESOURCES DEPT.  
SALEM, OREGON

APR - 2 1998

**RECEIVED**

SE 1/4, NW 1/4 SEC. 2  
7.0 ACRES TRACT No. 1  
CERTIFICATE 45764  
3.0 ACRES TRACT No. 2  
CERTIFICATE 45764  
1.6 ACRES UNDER  
CERTIFICATE 12312



SURVEYOR'S REGISTRATION  
LICENSE RENEWAL DATE:  
JUNE 30, 1998

2

# FINAL PROOF SURVEY WATER RIGHT TRANSFER

(CHANGE IN POINT OF DIVERSION)

UNDER CERTIFICATES 45764 & 12312  
TRANSFER No. T - 7563

T. 40 S. R.08 W.  
SECTION 2

SURVEYED MARCH 17, 1998

PREPARED BY:  
JONATHAN C. SPERO C.W.R.E. 123  
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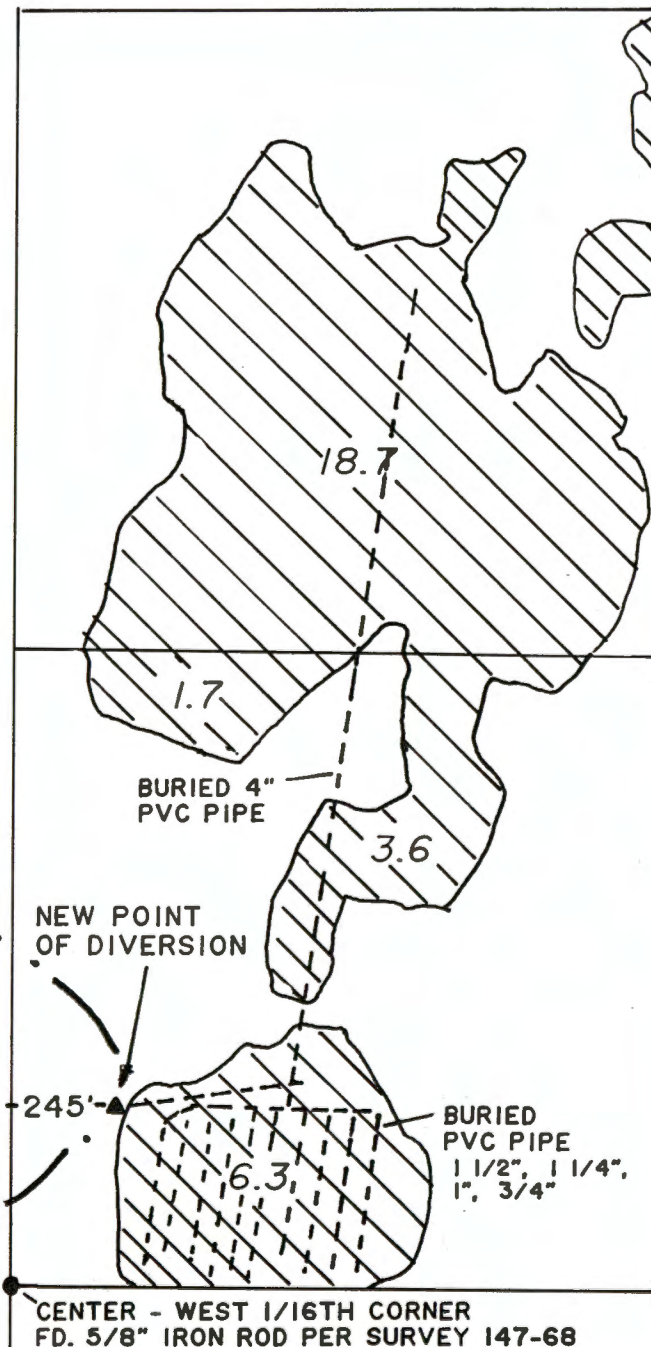
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**2N**

EAST FORK OF  
ILLINOIS RIVER

SCALE: 1" = 400'



NORTH 1/4 CORNER  
FOUND IRON PIPE  
WITH BRASS CAP  
PER JOSEPHINE  
COUNTY 1991

0.5

0.8

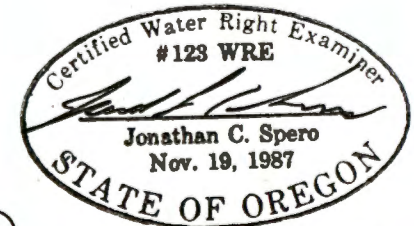
NE 1/4, NW 1/4 SEC. 2  
20.0 ACRES TRACT No. 2  
CERTIFICATE 45764

WATER RESOURCES DEPT.  
SALEM, OREGON

APR - 2 1998

RECEIVED

SE 1/4, NW 1/4 SEC. 2  
7.0 ACRES TRACT No. 1  
CERTIFICATE 45764  
3.0 ACRES TRACT No. 2  
CERTIFICATE 45764  
1.6 ACRES UNDER  
CERTIFICATE 12312



SURVEYOR'S REGISTRATION  
LICENSE RENEWAL DATE:  
JUNE 30, 1998

COPY

STATE OF OREGON

COUNTY OF JOSEPHINE

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7563 submitted by

STEVEN M. AND MARY ANNE McMAHAN  
4300 BRIDGEVIEW/TAKILMA ROAD  
CAVE JUNCTION, OREGON 97523.

The first right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for JOSEPHINE County as evidenced by Certificate 45764. The decree is recorded in the Order Record of the Water Resources Director in Volume 13, at Page 70. The date of priority is 1881 FOR TRACT NO. 1 AND 1905 FOR TRACT NO. 2.

The right allows the use of the EAST FORK ILLINOIS RIVER, a tributary of the ILLINOIS RIVER, for IRRIGATION OF 30 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used 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, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by Certificate 12312, was perfected under Permit 4449 with a date of priority of JANUARY 30, 1920. The right allows the use of the EAST FORK ILLINOIS RIVER, a tributary of the ILLINOIS RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 cubic foot per second, if available at the authorized points of diversion: (#1) SW~~1~~NW~~4~~, SECTION 14 AND (#2) SE~~1~~SW~~4~~, SECTION 2, T 40 S, R 8 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation for Certificate 12312, together with the amount secured under an other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized places of use are located as follows:

Certificate 45764

Tract No. 1

SE $\frac{1}{4}$  NW $\frac{1}{4}$  7.0 acres

Tract No. 2

NE $\frac{1}{4}$  NW $\frac{1}{4}$  20.0 acres

SE $\frac{1}{4}$  NW $\frac{1}{4}$  3.0 acres

Section 2

Township 40 South, Range 8

West, W.M.

Certificate 12312

SE $\frac{1}{4}$  NW $\frac{1}{4}$  1.6 acres

Section 2

Township 40 South, Range 8

West, W.M.

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

The applicant proposes to change the points of diversion to:

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 2, T 40 S, R 8 W, W.M.; 2290 FEET SOUTH AND 1120 FEET WEST FROM THE NORTH  $\frac{1}{4}$  CORNER, SECTION 2.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1997.
2. 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.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Regulation will be as a surface diversion. If the East Fork of the Illinois River goes dry immediately upstream of the new diversion points, water use will be curtailed.

Certificates 12312 and 45764 are cancelled. When satisfactory proof of the completed change is received, a new certificate confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director,  
affixed SEP 30 1996.

  
Martha O. Pagel, Director

STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **WALLACE OSBURN KOHLER** of the County of **JOSEPHINE** State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **East Fork Illinois River, tributary of Illinois River**, a tributary of **Rogue River**, for the purpose of **Irrigation** under Permit No. **4449** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **January 30, 1920**;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.03 cubic foot per second**;

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **(#1) SW 1/4, Section 14; (2) SE 1/4, Section 2,** Township 40 South, Range 8 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated,

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

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

**1.6 acres in the SE 1/4  
Section 2  
Township 40 South, Range 8 West, W. M.**

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

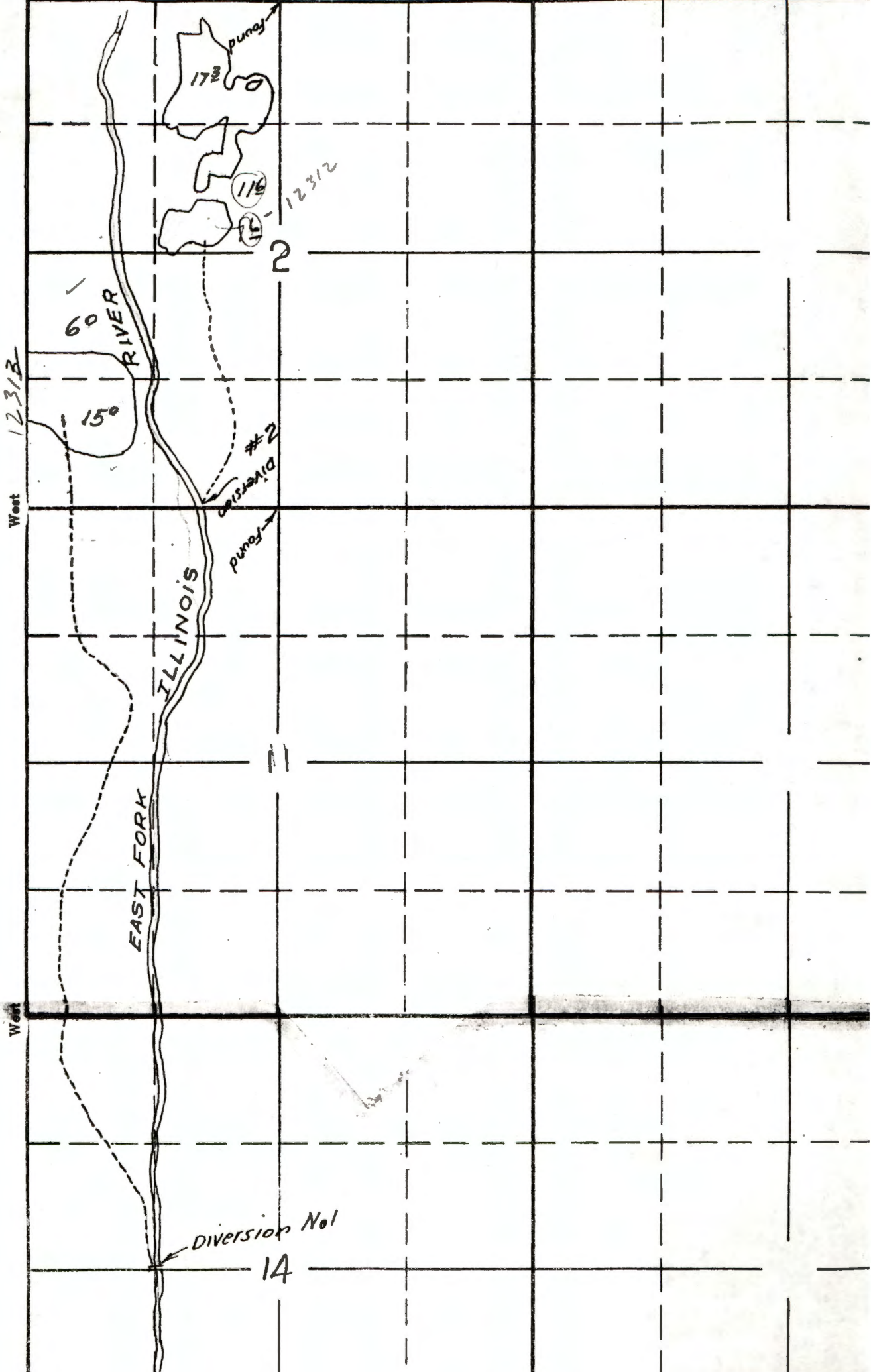
WITNESS the signature of the State Engineer, affixed

this **2nd** day of **April**, 193/40

**CHAS. E. STRICKLIN**  
State Engineer

Recorded in State Record of Water Right Certificates, Volume **11**, page **12312**

VOR T7563



172

116

150

12312

2

ILLINOIS

EAST FORK

60 RIVER

#2 DIVERSION

Found

DIVERSION No 1

14

West 12312

West



7249

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That W. O. KOHLER

of Kerby, State of Oregon, 97531, has a right to the use of the waters of East Fork Illinois River

a tributary of Illinois River for the purpose of irrigation of 30.0 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Josephine County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 13, at page 70; that the priority of the right thereby confirmed dates from 1881 for Tract No. 1 and 1905 for Tract No. 2

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, 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,

The point of diversion is located in the

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

Tract No. 1  
7.0 acres SE 1/4 NW 1/4 ✓

Tract No. 2  
20.0 acres NE 1/4 NW 1/4 ✓  
3.0 acres SE 1/4 NW 1/4 ✓  
Section 2  
T. 40 S., R. 8 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 36485, Volume 28, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on April 24, 1978, approving transfer application No. 2579.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed this date June 9, 1978.

*[Signature]* DEPUTY  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 38, page 45764

13884

Order Rec  
Vol. 13 p. 70

T 7563 J RR

RECEIVED

APR 18 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

# WATER RIGHT TRANSFER APPLICATION MAP

T. 40 S. R.08 W.  
SECTION 2

TRANSFER No. \_\_\_\_\_



SCALE: 1" = 400'

**OWNER / APPLICANT:**  
**STEVEN MICHAEL McMAHAN**  
4300 TAKILMA ROAD  
CAVE JUNCTION, OR 97523

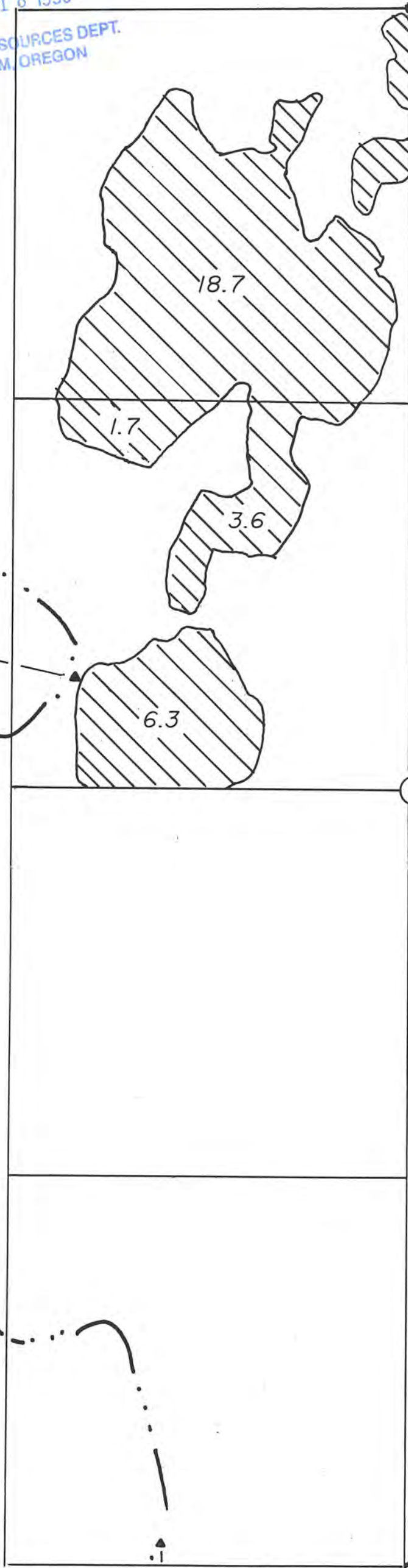
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PH. (541) 846-6845



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IDENTIFYING THE LOCATION OF THE  
WATER RIGHT ONLY, AND IS NOT  
INTENDED TO PROVIDE LEGAL DIMEN-  
SIONS OR LOCATIONS OF PROPERTY  
OWNERSHIP LINES.

PROPOSED POINT OF  
DIVERSION IS LOCATED  
2290 FEET SOUTH AND  
1120 FEET WEST FROM  
THE NORTH 1/4 CORNER  
FOR SECTION 2.

EAST FORK  
ILLINOIS RIVER



NORTH 1/4 CORNER  
FOUND IRON PIPE  
WITH BRASS CAP  
PER JOSEPHINE  
COUNTY 1991

0.5

0.8

NE 1/4, NW 1/4 SEC. 2  
20.0 ACRES TRACT No. 2  
CERTIFICATE 45764

SE 1/4, NW 1/4 SEC. 2  
7.0 ACRES TRACT No. 1  
CERTIFICATE 45764  
3.0 ACRES TRACT No. 2  
CERTIFICATE 45764  
1.6 ACRES UNDER  
CERTIFICATE 12312

2

SOUTH 1/4  
CORNER

EXISTING POINT OF  
DIVERSION IS LOCATED  
ABOUT 70 FEET NORTH  
AND 820 FEET WEST FROM  
THE SOUTH 1/4 CORNER  
FOR SECTION 2  
(LOCATED BY SCALE  
FROM EXISTING MAPS).

T-7563

PREPARED: MARCH 20, 1996

# FINAL PROOF SURVEY WATER RIGHT TRANSFER

(CHANGE IN POINT OF DIVERSION)

UNDER CERTIFICATES 45764 & 12312  
TRANSFER No. T - 7563

T. 40 S. R.08 W.  
SECTION 2

SURVEYED MARCH 17, 1998

PREPARED BY:  
JONATHAN C. SPERO C.W.R.E. 123  
1002 KINCAID RD./P.O. BOX 16  
WILLIAMS, OREGON 97544  
PH. (541) 846-6845

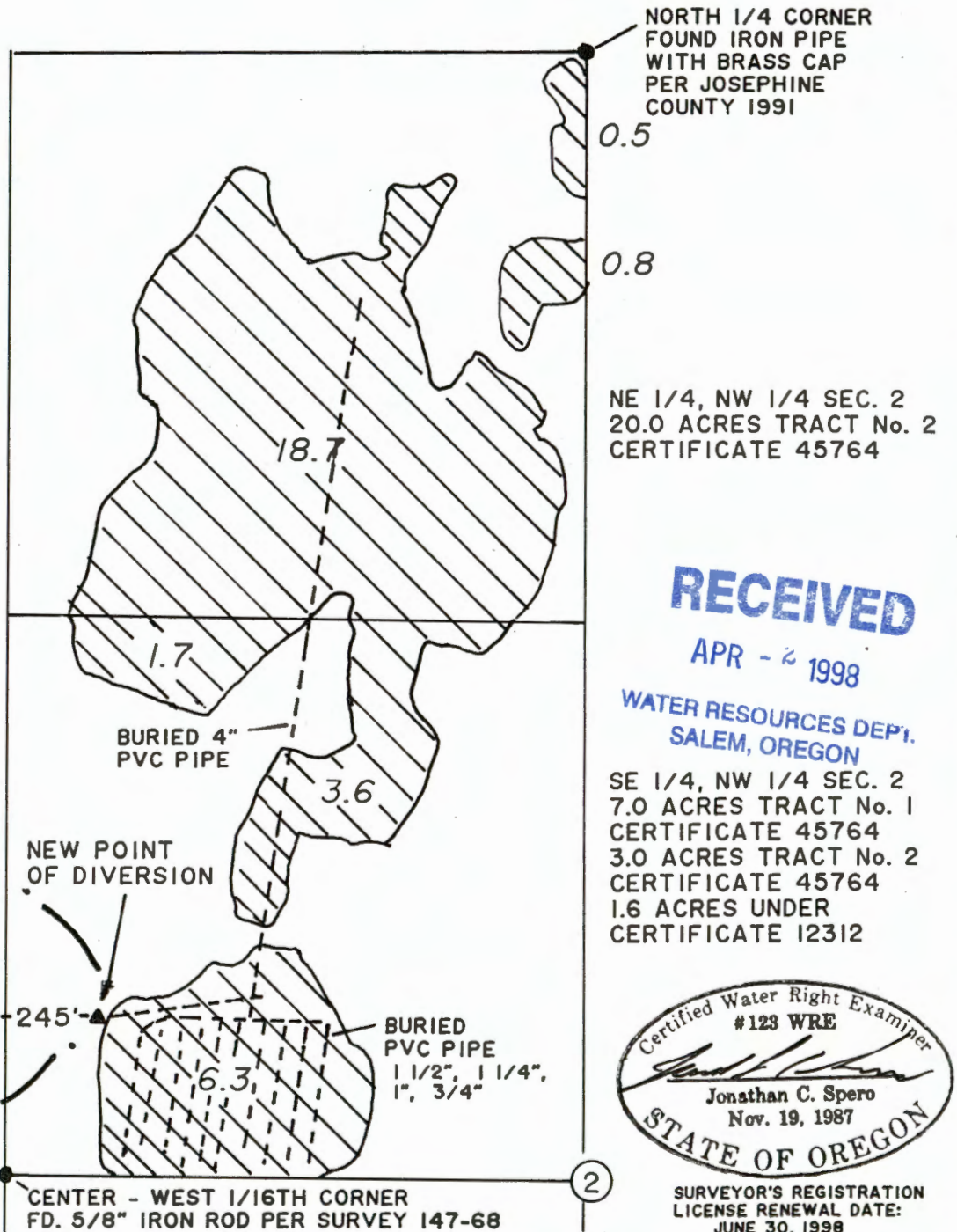
IN NAME OF:  
**STEVEN & MARYANNE MCMAHAN**

THIS MAP IS FOR THE PURPOSE OF  
IDENTIFYING THE LOCATION OF THE  
WATER RIGHT ONLY, AND IS NOT IN-  
TENDED TO PROVIDE LEGAL DIMEN-  
SIONS OR LOCATIONS OF PROPERTY  
OWNERSHIP LINES.



EAST FORK OF  
ILLINOIS RIVER

SCALE: 1" = 400'



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APR - 2 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

SE 1/4, NW 1/4 SEC. 2  
7.0 ACRES TRACT No. 1  
CERTIFICATE 45764  
3.0 ACRES TRACT No. 2  
CERTIFICATE 45764  
1.6 ACRES UNDER  
CERTIFICATE 12312



SURVEYOR'S REGISTRATION  
LICENSE RENEWAL DATE:  
JUNE 30, 1998

# FINAL PROOF SURVEY WATER RIGHT TRANSFER

(CHANGE IN POINT OF DIVERSION)

UNDER CERTIFICATES 45764 & 12312  
TRANSFER No. T - 7563

T. 40 S. R.08 W.  
SECTION 2

SURVEYED MARCH 17, 1998

PREPARED BY:  
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WILLIAMS, OREGON 97544  
PH. (541) 846-6845

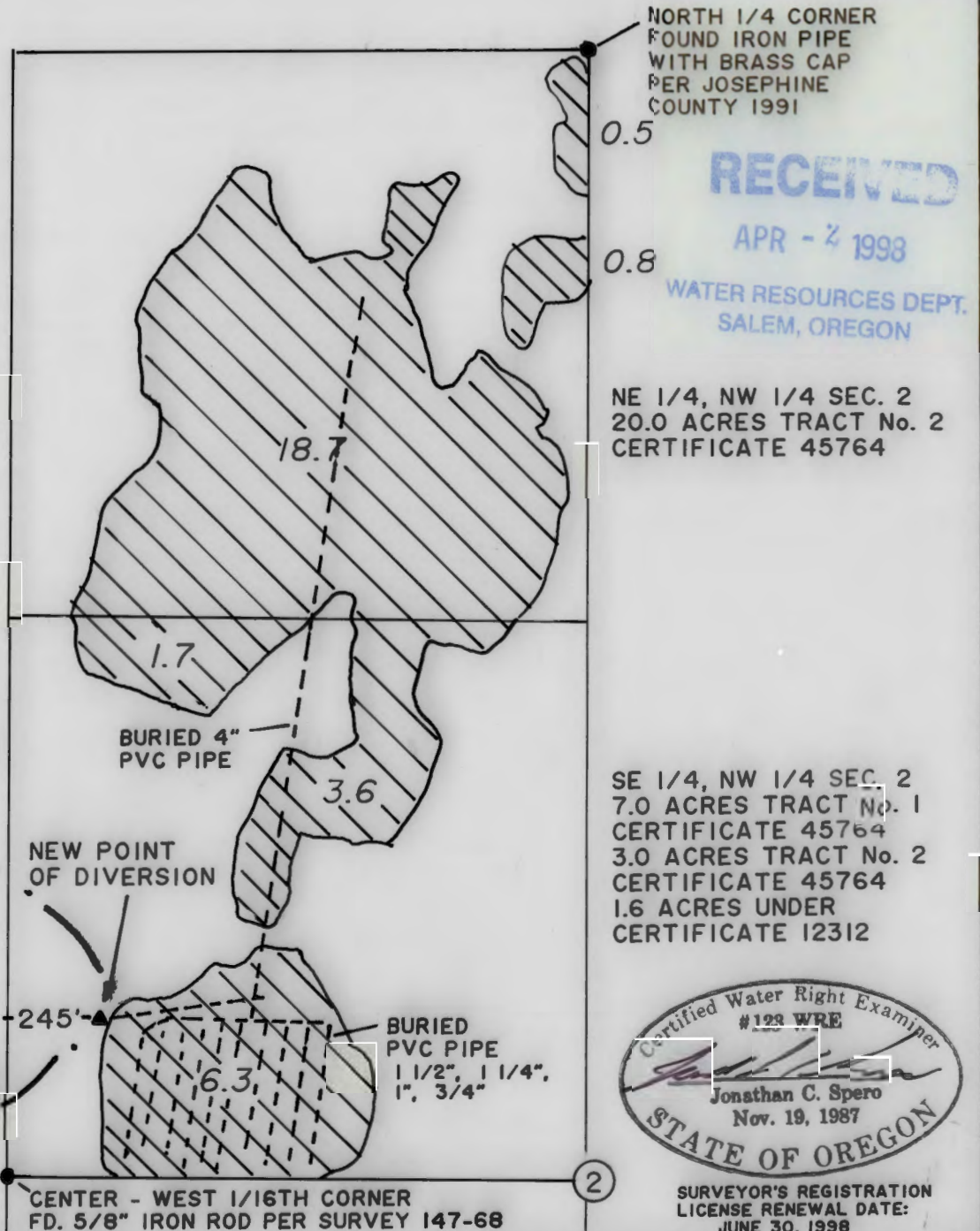
IN NAME OF:  
**STEVEN & MARYANNE MCMAHAN**

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EAST FORK OF  
ILLINOIS RIVER

SCALE: 1" = 400'



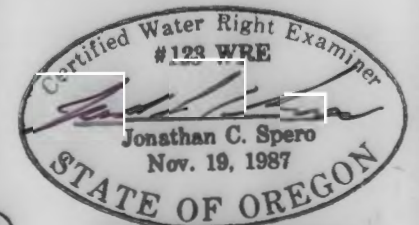
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APR - 2 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

NE 1/4, NW 1/4 SEC. 2  
20.0 ACRES TRACT No. 2  
CERTIFICATE 45764

SE 1/4, NW 1/4 SEC. 2  
7.0 ACRES TRACT No. 1  
CERTIFICATE 45764  
3.0 ACRES TRACT No. 2  
CERTIFICATE 45764  
1.6 ACRES UNDER  
CERTIFICATE 12312



2  
SURVEYOR'S REGISTRATION  
LICENSE RENEWAL DATE:  
JUNE 30, 1998

# Completion Checklist for Claims of Beneficial Use

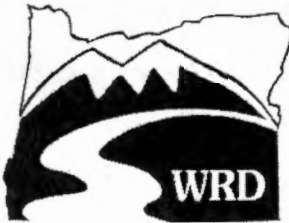
Application # \_\_\_\_\_

Permit # \_\_\_\_\_

Transfer # 7563

Date 10-11-10

Reviewer Jwg



*PRS-2004*

## Map Review:

- Permanent quality map (mylar or linen)
- CWRE stamp and signature
- Disclaimer
- Application & permit #; or transfer #
- North arrow
- Township, range and section
- Appropriate scale (1" = 1320', 1" = 400', or scale of assessor's map)
- Source
- Point(s) of diversion
- Point(s) of diversion (coordinates)
- Conveyances (pump, pipelines, ditches, etc.)
- Place of use (1/4 1/4, DLC, or Gov Lot; if irrigation, # of acres in each subdivision)

## Report Review:

- Application & permit #; or transfer #
- CWRE stamp and signature
- Permittee's signature
- Time limits
- Date of survey
- Type of use
- Extent of use
- Source(s) of water
- Rate and Duty
- Diversion rate for each use
- Description of conveyances system (from POD to POU)
- Diversion works description (pump make, serial model, capacity, and description)
- System capacity
  - Calculated capacity of system
- OR
- \_\_\_\_\_ Measured amount of use
- \_\_\_\_\_ Permit conditions
  - \_\_\_\_\_ Fish screening
  - \_\_\_\_\_ Meter/measuring device
  - \_\_\_\_\_ Water use reporting
  - \_\_\_\_\_ Other conditions

# Certificate Issuance Processing Checklist

- Map and COBU reviewed
- NCR* Conflict check (include copy of plat card printout) *per viewing plat card on screen*
- Check current ownership

Can certificate be processed further?

Yes

No

If "No" why? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If "Yes":

Proposed

Final

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

Mailing list:

Proposed:

Final:

40 8 2  
TL 1403

## Pump Capacity Calculator

using Department designed formula:

---

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

**Data Entry (fill in underlined blanks)**

---

HP = 15  
Efficiency = 6.61  
Lift = 10  
PSI = 50

### Results Calculated

---

(hp)(efficiency) = 99.15  
Head based on psi = 127.0  
Total dynamic head = 137.0  
(head + lift)

**Pump Capacity = 0.724 cubic feet per second**

*Entered by  
who staff*

## Sprinkler Capacity Calculator

---

### Data Entry (fill in underlined blanks)

---

Sprinkler group 1      Nozzle size = 5/32 inch      (type an apostrophe before the size)

   Pressure = 50 PSI

   Number of heads = 51

Sprinkler group 2      Nozzle size = 7/64 inch      (type an apostrophe before the size)

(if applicable)            Pressure = 40 PSI

   Number of heads = 105

Sprinkler group 3      Nozzle size =            inch      (type an apostrophe before the size)

(if applicable)            Pressure =            PSI

   Number of heads =           

### Results calculated

---

Sprinkler group 1 capacity =                    255 gpm, or            0.568 cfs

Sprinkler group 2 capacity =                    231 gpm, or            0.515 cfs

Sprinkler group 3 capacity =                    0 gpm, or            0.000 cfs

**Total sprinkler capacity =                    486 gpm, or            1.083 cfs**

Note: If entered values return a result of 0 gpm or "#N/A", then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.

A rough alternate calculation can be made using this formula:

$28.93 \times (\text{orifice size in decimal, squared}) \times (\text{square root of pressure})$

(Source: rainbird.com)



Rainbird Nozzle Size Reference

<u>Nozzle #</u>	<u>Size (in)</u>
4	1/16
5	5/64
6	3/32
7	7/64
8	1/8
9	9/64
10	5/32
11	11/64
12	3/16
13	13/64
14	7/32
15	15/64
16	1/4
17	17/64
18	9/32
20	5/16
22	11/32
24	3/8
26	13/32
28	7/16
30	15/32
32	1/2
34	17/32
36	9/16
40	5/8
44	11/16

R345362 - USA SMALL FARM INVESTMENT GROUP LLC

MAPNUMX: 4008020000140300  
MAPNUM: 40080200001403  
ACCOUNT: R345362  
TWN: 40  
RNG: 08  
SEC: 02  
QQ: 00  
TAXLOT: 001403

IMP\_VALUE: 95,280  
LAND\_APPR: 7,450  
LAND\_MKT: 108,500  
RMV: 203,780  
ACREAGE: 5.00  
LEGAL\_ACRE: 105.08  
PROP\_CLASS: 581  
BLDG\_CLASS: 121

TL: 001403  
TYPE: 00  
LOC\_DESC: RIVER GROVE SUBDIVISION  
LOT: 1

CODE: 04;05  
MAINT: B  
NBHD: 1900  
YR\_BLT: 2002  
SQ\_FT: 1200  
LIVING\_AREA: 1200  
BEDRMS: 2  
ZONE: EF  
SPTB\_CODES: SFP SFPI  
MH\_VALUE: 0  
TAXES: 773.61  
SALE\_PRICE: 0  
DEED\_TYPE: BS  
INST\_NO: 08-007128

NAME: USA SMALL FARM INVESTMENT  
GROUP LLC  
ADDRESS: 110 RIVER GROVE DR  
ADDR1: 110 RIVER GROVE DR  
CITY: CAVE JUNCTION  
STATE: OR  
ZIP: 97523  
CSZ: CAVE JUNCTION, OR 97523

SITUS: 110 RIVER GROVE DR  
ST\_NO: 110  
ST\_NAME: RIVER GROVE  
ADDRESS: 110 RIVER GROVE DR

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500 NW 6th Street  
Grants Pass, OR 97526  
**Phone:** (541) 474-5260  
**Contact:** Connie Roach  
**Email:** [assessor@co.joseph.](mailto:assessor@co.joseph.)

**Hours:** 8:00AM - 5:00PM Mon - Fri (Open on lunch hours)

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- [Veterans Service Office](#)

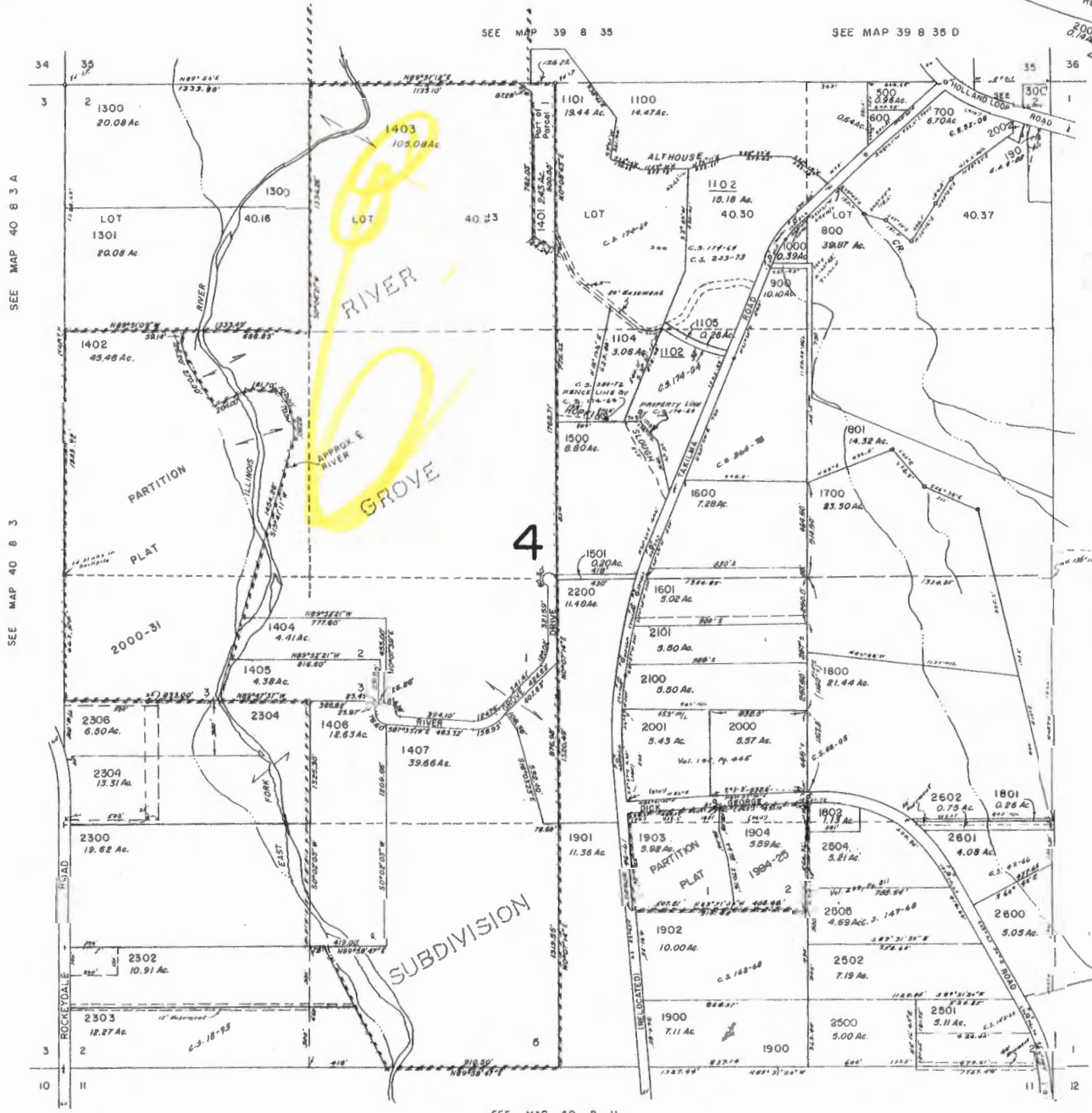
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JOSEPHINE COUNTY

1"=400'

This map was prepared for assessment purpose only.



- CANCELLED T.L.
- 2301
  - 2401
  - 2402
  - 2590
  - 1890
  - 2390
  - 2503
  - 1001
  - 191
  - 192-80
  - 193
  - 194-90
  - 195
  - 196-90
  - 197
  - 2305
  - 1900-30
  - 1900-30
  - 400
  - 1200
  - 890
  - 1400
  - 2400
  - 001

SEE MAP 40 8 3 A

SEE MAP 40 8 3

SEE MAP 40 8 1

SEE MAP 39 8 35

SEE MAP 39 8 35 D

SEE MAP 40 8 11

JONATHAN C. SPERO

OREGON R.L.S. # 2309  
OREGON C.W.R.E. # 123  
CALIFORNIA R.L.S. # 5566

1002 KINCAID RD./P.O. BOX 16  
WILLIAMS, OREGON 97544  
Phone: (541) 846-6845

REGISTERED PROFESSIONAL LAND SURVEYOR

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APR - 2 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

CLAIM OF BENEFICIAL USE AND SITE REPORT

UNDER CERTIFICATES 45764 AND 12312

TRANSFER T - 7563

INFORMATION:

PERMITEES and CURRENT LAND OWNERS:

STEVEN and MARYANNE McMAHAN  
4300 Bridgeview - Takilma Road  
Cave Junction OR 97523

(541) 592-6013

This inspection and survey were conducted on March 17, 1998  
by Jonathan C. Spero C.W.R.E. # 123 together with Steven  
McMahan.

The SOURCE of water is the East Fork of the Illinois River as  
per the Transfer Order.

The USE of water is IRRIGATION as per the Transfer Order.

The PLACE OF USE is T.40 S. R.08 W. W.M. Section 2  
SE 1/4, NW 1/4 11.6 acres and NE 1/4, NW 1/4 20.0 acres as  
per the Transfer Order. This is

Certificate 45674	Tract 1 SE 1/4, NW 1/4	7.0 acres
	Tract 2 SE 1/4, NW 1/4	3.0 acres
	NE 1/4, NW 1/4	20.0 acres
Certificate 12312	SE 1/4, NW 1/4	1.6 acres

Applicants have completed the Transfer (Change in Point of  
Diversion), have complied with the conditions stated in the  
Transfer Order, have done so within the time limits stated on  
the Transfer Order.

The project was completed as per the Application Map and the  
Transfer Order. In the accompanying Final Proof Survey the  
diversion structure as constructed was tied by measurement to  
the Center - West 1/16th corner for Section 2 rather than the  
North 1/4 corner (as shown on the Application Map and stated  
on the Transfer Order) as this survey monument is closer to  
the new diversion.

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APR 02 1998

Page 2 WATER RESOURCES DEPT  
SALEM, OREGON

SOURCE: The East Fork of the Illinois River. This is the primary source of supply.

DIVERSION POINT: This Claim is to document the new Point of Diversion. The new Diversion structure is an Infiltration Gallery along the edge of the East Fork of the Illinois River. The structure consists of a 36" diameter galvanized corrugated metal pipe, 13 feet long, placed vertically, and extending roughly 2 feet above ordinary high water. Under this is a 10" diameter lateral infiltration pipe, 40 feet long (per the owner). From the infiltration lateral, a 5" diameter suction pipe extends 17' vertically and then 19' horizontally to the pump and motor.

MOTOR: BALDOR brand, 15 horse power, 230 volt, 36 amp, 60 hz, 3 phase electric motor with 3450 max R.P.M.'s.

PUMP: PACO brand, Type "L", centrifugal pump with 2" intake and 2" discharge.

PIPE:

Buried, PVC Pipe:

4" diameter mainline	2020 feet
1 1/2" diameter pipe	320 feet
1 1/4" diameter pipe	1060 feet
1" diameter pipe	1280 feet
3/4" diameter pipe	1720 feet

Buried, 1" diameter black poly pipe: 1000 feet +/-

The 4" mainline has 3" diameter risers at 120 foot spacings. Above Ground Hand Line aluminum pipe:

7,	3" diameter X 40' long
2,	3" diameter X 20' long
60,	3" diameter X 30' long

HEADS:

The system uses the following sprinkler heads:

70, RAINBIRD Model 30 sprinklers with 5/32" nozzles  
The maximum number normally used at once is 51 of these.  
Per the owner, these run at about 50 PSI and disperse about 5 G.P.M. each.

105, RAINBIRD steel head sprinklers with 7/64" square nozzles. All of these are normally used at once. Per the owner, these run at about 55 PSI and disperse about 2.6 G.P.M. each.

Continued on Page 3

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APR 02 1998

Page 3

WATER RESOURCES DEPT  
SALEM OREGON

HEADS, (continued from preceding page):

26, LEGO brand sprinkler heads with 1/8" diameter nozzles. Per the owner, these run at about 50 PSI and disperse about 3.2 G.P.M. each. These are normally all run at once and sometimes run in conjunction with the other sprinklers described above.

As irrigation season has not yet begun, no actual test was made of operating pressure during this inspection.

USE: IRRIGATION

The South field is planted in blueberries. The Middle field was used in 1997 as a commercial truck garden. Crops included watermelon, cantaloupe, corn, tomatoes, garlic, artichokes and squash. The East edge of the large, North field is currently in a cover crop. The owner plans to plant asparagus in 1998. The remainder of the North field is planted in Alfalfa for hay. The small fields in the Northeast corner are used for cattle pasture.

LIFT:

On the date of this inspection, the water level in the vertical pipe was about 1.5 feet below the top of the pipe. The fields range in elevation from about 5 feet above, to about 4 feet below the top of the pipe. The mean elevation of the field is about level with the top of the pipe.

SURVEY TIE:

The new Point of Diversion was tied by measurements made during this inspection to the Center - West 1/16th corner for Section 2 (T.40 S. R.08 W. W.M.) which corner is monumented with a 5/8" diameter iron rod and bearing trees per Survey # 147-68 (Josephine County Surveyor's records).

No SPECIAL CONDITIONS, related to this inspection, are listed on the Transfer Order.

REMARKS: The Owner - and Permittee, Steven McMahan, has completed the Transfer (Change in Point of Diversion) and is irrigating the land shown on the accompanying Final Proof Survey Map for beneficial use.

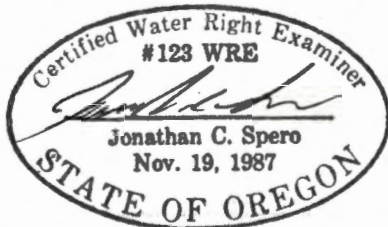
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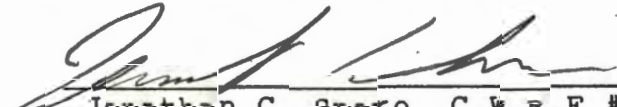
APR 02 1998

WATER RESOURCES DEPT  
SALEM OREGON

page 4

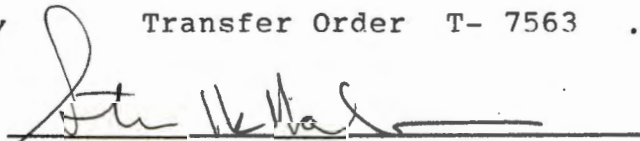
The Final Proof Survey and inspection of the use as found to be completed under the terms and conditions of Transfer Order T- 7563 was completed by me on March 17, 1998 , and the facts contained in this report and accompanying Final Proof Map are correct to the best of my knowledge.



  
Jonathan C. Spero C.W.R.E.# 123

License Registration Renewal  
date: June 30, 1998

I, Steven McMahan agree to the findings of the C.W.R.E. and do submit this site report and map as my Claim of Beneficial use of the water as provided under the terms and conditions of my Transfer Order T- 7563 .

  
\_\_\_\_\_





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

April 3, 1998

STEVEN AND MARYANNE McMAHAN  
4300 BRIDGEVIEW - TAKILMA ROAD  
CAVE JUNCTION, OR 97523

REFERENCE: File T-7563

This will acknowledge that your claim of beneficial use and map in the name of STEVEN AND MARYANNE MCMAHAN were received on APRIL 2, 1998. These will be reviewed in the future to insure they are complete and correct.

Please contact me if you have any questions.

Sincerely,

*Don Knauer* tcb

DON KNAUER  
Program Representative

DEK:tcb

cc: JONATHAN C. SPERO, CWRE #123



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

November 20, 1997

STEVEN & MARYANNE MCMAHAN  
4300 BRIDGEVIEW/TAKILMA RD  
CAVE JUNCTION OR 97523

REFERENCE: File T-7563

This will acknowledge receipt of your notice that complete application of water has been made under Transfer 7563.

You are required to hire a certified water right examiner (CWRE) to complete a Claim of Beneficial Use which must be submitted to this department by **October 1, 1998**. The Claim of Beneficial Use must include a map and site report prepared by the CWRE and signed by both the CWRE and the land owner. Enclosed is a list of CWRE's. Also enclosed is a copy of the order which approved Transfer 7563 and the application map for your CWRE's use.

You may claim only the beneficial use authorized and developed within the terms of the order. Any part of the use that was not completed will be excluded from the certificate of water right which will ultimately be issued.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

In the meantime, the transfer order will be evidence of your right to the use of water provided you continue to use the water for the purpose authorized.

Sincerely,

LARRY H. NUNN  
Senior Water Rights Specialist

LHN:jh

enclosures

cc: Bruce Sund, Watermaster  
Jonathan Spero, CWRE

**RECEIVED**

NOV 19 1997

WATER RESOURCES DEPT.  
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN  
place of use of water  
point of diversion of water  
use heretofore made of water

OK gh

Under the Terms of TRANSFER APPLICATION T-7563

I, Steve McMahon, USED the water as provided by the  
(print name)

order of the Water Resources Director approving said water right transfer application  
BY October 1, 1997.

Description of the land on which I use water: 40-8-2 Taxlot 1200 & 1400

11-17-97  
(date)

[Signature]  
(signature)

4200 Takilma Rd. Cave Junction  
(address)

(Mail to the Water Resources Department, Salem, Oregon 97310)

9163A

Water Resources Department  
158 12th Street NE  
Salem, OR 97310

T7563

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5-16-96  
MAY 20 1996

ANITA  
WATER RESOURCES DEPT.  
SALEM, OREGON

FUNDS TO  
BEGIN McMAHON'S  
DIVERSION PROJECT.  
PAPERWORK RECEIVED  
BY YOUR DEPT.  
WITHOUT CHECK.

THANK YOU FOR  
YOUR PATIENCE.

MIRIAM  
HSWC



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

October 22, 1997

STEVEN & MARYANNE MCMAHAN  
4300 BRIDGEVIEW-TAKILMA RD  
CAVE JUNCTION OR 97523

REFERENCE FILE: T- 7563

The date for the completion of your transfer was October 1, 1997.

If the project was completed, you should promptly submit the notice of completion, which was enclosed with the transfer order. If you were unable to complete the project within the time allowed, you may wish to request an extension of the time limits. A form will be furnished upon request.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed change. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the order, whichever occurs first. Accordingly, the claim of beneficial use must be received in this office on or before **October 1, 1998**.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

If you are no longer interested in the project, please let us know. We will provide forms for you to authorize the cancellation of the right.

If you have any questions, please contact me at extension 275 at 503-378-3739 or toll-free 1-800-624-3199.

Sincerely,

LARRY H. NUNN  
Transfer Section

LHN:jh

cc: Watermaster  
CWRE

October 1, 1996

---

WATER  
RESOURCES  
DEPARTMENT

---

STEVEN & MARY ANNE MCMAHAN  
4300 BRIDGEVIEW/TAKILMA RD  
CAVE JUNCTION OR 97523

REFERENCE: File T-7563

Enclosed is a copy of the order approving your water right transfer application T-7563.

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

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

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

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the completion date authorized in the transfer. A list of CWRE's will be sent to you when we receive your notice that the project is complete and beneficial use of the water has been made.

Sincerely,

LARRY H. NUNN  
Water Rights Specialist

LHN:jh

Enclosures

cc: Bruce Sund, Watermaster  
Jonathan Spero, CWRE  
GWEB



---

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

Order for  
sign  
9/4

ORDER and CERTIFICATE CHECK LIST

STEPS COMPLETED:

Order prepared, date, volume and page number assigned, order signed. Certificate prepared, date and number assigned, certificate signed.

STEPS TO BE COMPLETED:

RECORD MARKING (transfer section)

plat cards  other \_\_\_\_\_ other \_\_\_\_\_

RECORD MARKING (support services)

file folder  No. T-7563 permit ( ) No. \_\_\_\_\_  
7034

certificate  No. 45764 Trans App Reg   
12312 Trans Name Index   
Trans Stream Index ( )

decree  Vol. 13, Page 70 Vol. \_\_\_\_\_, Page \_\_\_\_\_

COPIES MADE order  certificate ( )

file  ( ) Data Center  ( ) ( ) Watermaster  ( )

applicant  ( ) other GWRE  ( )

other GWEB  ( ) other \_\_\_\_\_ ( ) ( )

LETTER TO:

applicant  ( ) other ( ) \_\_\_\_\_

other ( ) \_\_\_\_\_ other ( ) \_\_\_\_\_

ENCLOSURES:

copy of order  Vol. \_\_\_\_\_, Page \_\_\_\_\_ original certificate ( ) \_\_\_\_\_

copy of order ( ) Vol. \_\_\_\_\_, Page \_\_\_\_\_ remaining certificate ( ) \_\_\_\_\_

refund check ( ) No. \_\_\_\_\_ Completion Notice

<u>FILE SET-UPS</u>	<u>FILE NUMBER</u>	<u>SET-UP DATE</u>	<u>FOR WHOM</u>
	<u>T-7563</u>	<u>C-97</u>	

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

August 26, 1996

To: Martha Pagel, Director  
From: Kelly Starnes, Water Right Inspector  
Subject: Transfer 7563

The transfer applicant is participating in the push-up dam removal program in the Illinois River basin and is requesting a change in point of diversion as a part of this program.

Notice of the transfer was published in the local paper and no comments/protests were received.

The Watermaster has said the change could be made without injury to other water rights. The transfer should be approved.

*Note: GW Section said this is a SW diversion, but requested  
Condition 4 to insure no GW is diverted.*

*OK Jlu*

*9-30*



95 SEP 15 PM 2:43

V185 P1723

95-15611

-oOo- BARGAIN AND SALE DEED -oOo-

KNOW ALL MEN BY THESE PRESENTS, That Evelyn Anna Grimmett Emmert, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Steven Michael McMahan hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Josephine, State of Oregon, described as follows, to-wit:

An undivided 1/2 interest in and to the following:

ITEM #1

The North half of the Northeast Quarter of the Southwest Quarter, and the South one half of the Northwest Quarter and the North half of the Northwest Quarter of the Southwest Quarter Section 2, Township 40 South, Range 8 West of the Willamette Meridian, situated in the County of Josephine, State of Oregon.

ITEM #2

Lot #11 of the Mary Warren homestead, situated in Section 35, Township 39 South, Range 8 West, Willamette Meridian, County of Josephine, State of Oregon, and the Northeast Quarter of the Northwest Quarter of Section 2, Township 40 South, Range 8 West of the Willamette Meridian, situated in the County of Josephine, State of Oregon.

ITEM #3

A 20 foot easement from east to west along the north property line of the lot described as: West of the Bridgeview and Takilma county road right-of-way in the Northwest Quarter of the Southeast Quarter of Section 2, Township 40 South, Range 8 West of the Willamette Meridian, situated in the County of Josephine, State of Oregon.

WATER RESOURCES DEPT.  
SALEM, OREGON

AUG - 9 1996

RECEIVED

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$63,450.00.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 5<sup>th</sup> day of September, 1995; if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

Until a change is requested, all tax statements shall be sent to Grantee, Steven Michael McMahan, 4300 Takilma Road, Cave Junction, Oregon 97523.

IN WITNESS WHEREOF, the parties have caused this Contract to be executed in duplicate as of the day and year written.

GRANTEE:

Steven Michael McMahan  
4300 Takilma Road  
Cave Junction, OR 97523

Steven Michael McMahan  
STEVEN MICHAEL MCMAHAN

9-15-95 1995.  
DATED

GRANTOR:

Evelyn Anna Grimmer Emmert  
3783 W. Buena Vista  
Fresno, CA 93711

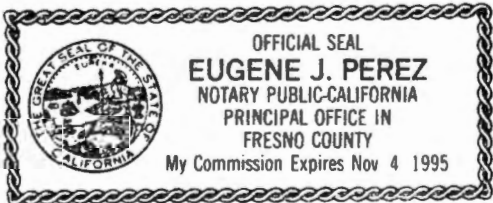
Evelyn Anna Grimmer Emmert  
EVELYN ANNA GRIMMET EMMERT

September 5 1995.  
DATED

ACKNOWLEDGEMENTS

STATE OF CALIFORNIA )  
 ) ss.  
County of Fresno )

This instrument was acknowledged before me on 9/5/  
15, 1995 by EVELYN ANNA GRIMMET EMMERT.



Eugene J. Perez  
NOTARY PUBLIC FOR CALIFORNIA  
My commission expires: 11/4/95

STATE OF OREGON )  
 ) ss:  
County of Josephine )

This instrument was acknowledged before me on September  
15, 1995 by STEVEN MICHAEL MCMAHAN.



De Ann Richardson  
NOTARY PUBLIC FOR OREGON  
My commission expires: 8-24-96

WATER RESOURCES DEPT.  
SALEM, OREGON

AUG - 9 1996

95-15611  
State of Oregon, ) ss. NO. ....  
County of Josephine, )  
I, County Clerk and ex-officio Recorder of  
Conveyances, in and for said County, do here-  
by certify that the within instrument was  
received for record and recorded  
At Page 1725-1726 of Vol. 185  
Book of Records, Josephine County, Oregon.  
GEORGE BROWN, COUNTY CLERK  
By: [Signature] Deputy  
Fee \$ 55  
Hand Returned  Mailed  Hold

352

95 SEP 15 PM 2:44

V185 P1730

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$63,450.00.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 14 day of September, 1995; if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

Until a change is requested, all tax statements shall be sent to Grantee, Steven Michael McMahan, 4300 Takilma Road, Cave Junction, Oregon 97523.

IN WITNESS WHEREOF, the parties have caused this Contract to be executed in duplicate as of the day and year written.

Page 2 of 3

WATER RESOURCES DEPT.  
SALEM, OREGON

AUG - 9 1996

RECEIVED

T-7563

RECEIVED

APR 18 1996

COPY

State of Oregon  
WATER RESOURCES DEPARTMENT  
APPLICATION FOR TRANSFER OF WATER RIGHT

WATER RESOURCES DEPT.  
SALEM, OREGON

Applicant: Steven M. McMahan & Mary Anne McMahan  
Mailing Address: 4300 Bridgeview/Takilma Rd.  
Cave Junction OR 97523 (541) 592-6013  
City or town State Zip Phone  
Type of change: Point of Diversion  
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

- A) Is the water right in your name? no If not, list name below:  
(Yes, No)  
Wallace Osburn (W.O.) Kohler
- B) Was the water right determined by a court decree? Yes  
(Yes, No)
  - 1. If yes, list the title of the proceedings: Illinois River Decree
  - 2. Certificate No: 45764
- C) Was the water right acquired by a water permit? Yes  
(Yes, No)
  - 1. If yes, list the Permit No: 4449
  - 2. Certificate No: 12312
- D) Date of priority right: Tract 1 1881 Tract 2 1905 Tract 3 January 30, 1921
- E) What are your reasons for the proposed changes? To refrain from construction of instream diversion structure
- F) The water will be completely applied to the proposed use on or before: 10/01, 19 96

2. LOCATION OF AUTHORIZED USE

- A) What is the source of water (river, stream, well)? East Fork Illinois River  
Tributary of Illinois River
- B) Describe the authorized point of diversion:
 

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
70 feet North and 820 feet West from the South 1/4 corner for section 2	SE 1/4 - SW 1/4	2	40S	8W
- C) What is the name of the ditch used? Private (none)
- D) What is the use to which the water is applied? Irrigation

No RR

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
40S	8W	2	SE 1/4 NW 1/4	7.0
40S	8W	2	NE 1/4 NW 1/4	20.0
40S	8W	2	SE 1/4 NW 1/4	3.0
40S	8W	2	SE 1/4 NW 1/4	1.6

- F) Is the land within an irrigation district? Yes \_\_\_ No ✓  
If Yes, which district? \_\_\_\_\_
- G) County Josephine

3. LOCATION OF PROPOSED USE:

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

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
2390 feet south and 1120 feet West from the north 1/4 corner section 2	SE 1/4 NW 1/4	2	40S	8W

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? \_\_\_\_\_ (Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount

D) What is the use to which the water will be applied? \_\_\_\_\_

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

6. REMARKS: This land has been in my families ownership since 1904  
the water rights have to my knowledge been used for beneficial use  
within every 5 year period since issued.

I (we) Steven M. McMahan, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 22 day of March, 1996.

Steven M. McMahan  
(Signature)  
\_\_\_\_\_  
(Signature)



(Notarial Seal)

Subscribed and sworn to before me

De Ann Richardson  
Notary Public for Oregon

My commission expires: 8-24-96

COPY

# Affidavit of Publication

STATE OF OREGON, }  
County of Josephine } ss.

I, Robert R. Rodriguez, being first duly sworn, depose and say I am the publisher of the Illinois Valley News, a newspaper of general circulation printed and published at Cave Junction in the aforesaid county and state, as defined in Section 58 Oregon Laws, that Notice of Water Right Transfer 7563 Steven & Mary Anne McMahan a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three successive and consecutive three issues on the following dates: June 19, 26, July 3, 1996

Robert R. Rodriguez  
By: Virginia L. Sullivan, Office Manager

Subscribed and sworn to before me this July 3 day

of July, 1996

James E. Frick  
Notary Public for Oregon

(My Commission expires 4/2/99).

**RECEIVED**

AUG - 9 1996



WATER RESOURCES DEPT.  
SALEM, OREGON

## LEGAL NOTICE

### NOTICE OF WATER RIGHT TRANSFER 7563

Steven and Mary Anne McMahan filed an application with the Water Resources Department for a change in point of diversion of water as provided by ORS 540.510 to 540.530.

Certificate 45764, in the name of W.O. Kohler, includes a right limited to 1.00 cubic foot per second for each 50 acres of land irrigated from the East Fork Illinois River, with a priority date of 1881 for Tract #1 and 1905 for Tract #2 for irrigation of 30.0 acres.

The points of diversion for this right is the Brady Ditch and an Unnamed Ditch.

Certificate 12312, in the name of Wallace Osburn Kohler, includes a right limited to 0.03 cubic foot per second from the East Fork Illinois River, with a priority date of January 30, 1920 for irrigation.

The point of diversion for this right is in the SE1/4 SW1/4, Section 2, T. 40 S., R. 8 W., W.M.

The applicant proposes to change the point of diversion to SE1/4 NW1/4, Section 2, T. 40 S., R. 2 W., W.M.; 2290 feet South and 1120 feet West from the N1/4 corner for Section 2.

Protests may be filed by persons who think their water right may be injured by this change. Additional information or forms and rules for filing protests are available from the Water Resources Department by phoning (503)-378-8455. If a protest is filed a hearing may be held.

The last date of publication is July 3, 1996. IF NO PROTEST IS FILED BY (30 days after last publication), THE CHANGE MAY BE APPROVED WITHOUT A HEARING.

Publish: June 19, 26, July 3, 1996

**WATER RESOURCES DEPARTMENT**  
**REQUEST FOR DISTRIBUTION OF FUNDS**

TO: Fiscal Services Section

DATE: 6-5-96

FROM: Kelly Starnes (File Examiner)

PHONE: x309 FAX: \_\_\_\_\_

SUBJECT: TRANSFER FILE - Request for Payment or Refund

TRANSFER FILE #: 7563

RECEIPT #: 002480

Please prepare payment in the amount of \$ 250.00, made payable to:

Name: Illinois Valley Watershed Council

Address: P.O. Box 352

City: Cave Junction ST: OR Zip: 97523

These funds are being paid or refunded as a result of (check one):

- File being Rejected / Withdrawn / Misfiled
- Excess fees were collected for application / PON
- Payment of PON
- Protest filing fee
- Other: \_\_\_\_\_

TRANSFER FILE #: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_

Please prepare payment in the amount of \$ \_\_\_\_\_, made payable to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

These funds are being paid or refunded as a result of (check one):

- File being Rejected / Withdrawn / Misfiled
- Excess fees were collected for application / PON
- Payment of PON
- Protest filing fee
- Other: \_\_\_\_\_

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: Kelly Starnes Date: 6-5-96



Name Steven + Mary Anne McMahan  
 By \_\_\_\_\_  
 Address 4300 Bridgeview / Takilma Rd.  
Cave Junction, OR 97523  
 \_\_\_\_\_  
 Change in POD  
 Date filed 5/20/96  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_  
 Date for application of water \_\_\_\_\_  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

7563

DESCRIPTION OF WATER RIGHT

Name of stream E. Fk. Illinois R.  
 Trib. of Illinois R. County of Josephine  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch \_\_\_\_\_  
 Date of priority 1881+1905 <sup>①</sup> Jan. 30, 1920 <sup>②</sup>  
 In name of ①+② W.O. (Wallace Osburn) Kohler  
Illinois R. Adjudication, Vol. 13, page 70  
 App. No. ② 7034 Per. No. 4449 Cert. No. ① 45764  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

FEES PAID		
Date	Amount	Receipt No.
<u>5/20/96</u>	<u>335.00</u>	<u>002480</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED		
Date	Amount	Check No.
<u>6-7-96</u>	<u>250.00</u>	<u>000878</u>

TPE

REMARKS

Jonathan Spero, CWRE / no I.D. / 5-28-96 PN

COPY

T-7563

RECEIVED

APR 18 1996

State of Oregon  
WATER RESOURCES DEPARTMENT  
APPLICATION FOR TRANSFER OF WATER RIGHT

WATER RESOURCES DEPT.  
SALEM, OREGON

Applicant: Steven M. McMahan & Mary Anne McMahan  
Mailing Address: 4300 Bridgeview/Takilma Rd.  
Cave Junction OR 97523 (541) 592-6013  
City or town State Zip Phone  
Type of change: Point of Diversion  
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

- A) Is the water right in your name? no If not, list name below:  
(Yes, No)  
Wallace Osbon (w.o.) Kahler
- B) Was the water right determined by a court decree? Yes  
(Yes, No)  
1. If yes, list the title of the proceedings: Illinois River Decree  
2. Certificate No: 45764
- C) Was the water right acquired by a water permit? Yes  
(Yes, No)  
1. If yes, list the Permit No: 4449  
2. Certificate No: 12312
- D) Date of priority right: Tract 1 1881 Tract 2 1905 Tract 3 January 30, 1920
- E) What are your reasons for the proposed changes? To refrain from construction of instream diversion structure
- F) The water will be completely applied to the proposed use on or before: 10/01, 19 96

2. LOCATION OF AUTHORIZED USE

- A) What is the source of water (river, stream, well)? East Fork Illinois River  
Tributary of Illinois River
- B) Describe the authorized point of diversion:
- | Location in Reference to Survey Corner   | 1/4, 1/4 of Section    | Section  | Township   | Range     |
|--|------------------------|----------|------------|-----------|
| <u>70 feet North and 820 feet west from the south 1/4 corner for section 2</u> | <u>SE 1/4 - SW 1/4</u> | <u>2</u> | <u>40S</u> | <u>8W</u> |
- C) What is the name of the ditch used? Private (none)
- D) What is the use to which the water is applied? Irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>40S</u>	<u>8W</u>	<u>2</u>	<u>SE 1/4 NW 1/4</u>	<u>7.0</u>
<u>40S</u>	<u>8W</u>	<u>2</u>	<u>NE 1/4 NW 1/4</u>	<u>20.0</u>
<u>40S</u>	<u>8W</u>	<u>2</u>	<u>SE 1/4 NW 1/4</u>	<u>3.0</u>
<u>40S</u>	<u>8W</u>	<u>2</u>	<u>SE 1/4 NW 1/4</u>	<u>1.6</u>

- F) Is the land within an irrigation district? Yes \_\_\_ No   
If Yes, which district? \_\_\_\_\_
- G) County Josephine

3. LOCATION OF PROPOSED USE:

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

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>2290 feet south and 1120 feet West from the north 1/4 corner section 2</u>	<u>SE 1/4 NW 1/4</u>	<u>2</u>	<u>40S</u>	<u>8W</u>

COPY

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? \_\_\_\_\_ (Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount

D) What is the use to which the water will be applied? \_\_\_\_\_

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

6. REMARKS: This Land has been in my families ownership since 1904  
the water rights have to my knowledge been used for beneficial use  
within every 5 year period since issued.

I (we) Steven M. McMahan, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 22 day of March, 1996.

Steven M. McMahan  
(Signature)  
\_\_\_\_\_  
(Signature)



(Notarial Seal)

Subscribed and sworn to before me

De Ann Richardson  
Notary Public for Oregon

My commission expires: 8-24-96

RECEIVED

APR 18 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

# WATER RIGHT TRANSFER APPLICATION MAP

T. 40 S. R.08 W.  
SECTION 2

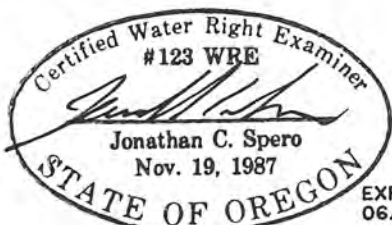
TRANSFER No. \_\_\_\_\_



SCALE: 1" = 400'

**OWNER / APPLICANT:**  
**STEVEN MICHAEL McMAHAN**  
4300 TAKILMA ROAD  
CAVE JUNCTION, OR 97523

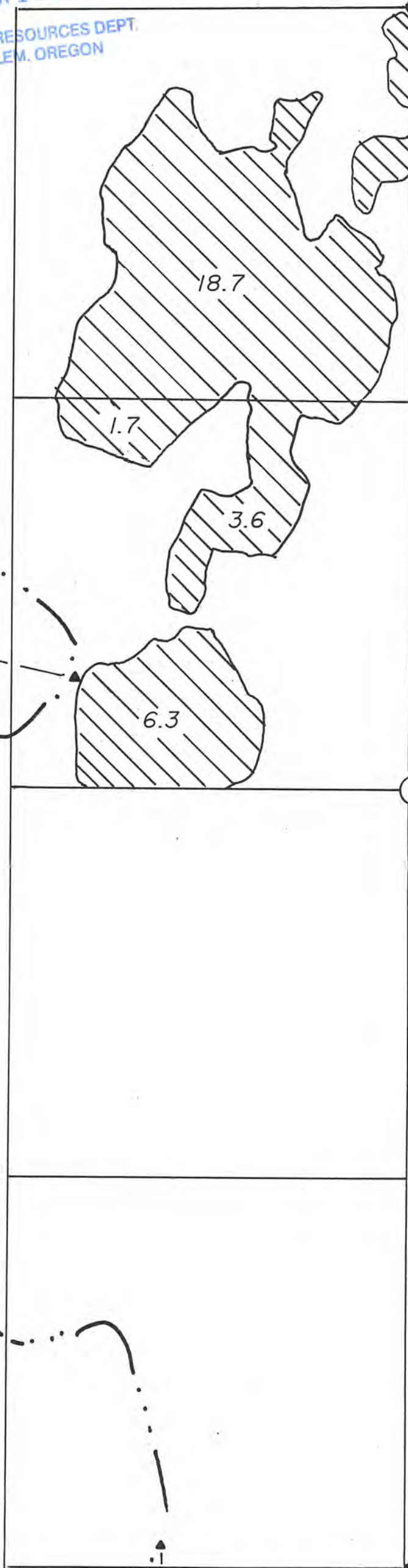
PREPARED BY:  
JONATHAN C. SPERO C.W.R.E. 123  
1002 KINCAID RD./P.O. BOX 16  
WILLIAMS, OREGON 97544  
PH. (541) 846-6845



THIS MAP IS FOR THE PURPOSE OF  
IDENTIFYING THE LOCATION OF THE  
WATER RIGHT ONLY, AND IS NOT  
INTENDED TO PROVIDE LEGAL DIMEN-  
SIONS OR LOCATIONS OF PROPERTY  
OWNERSHIP LINES.

PROPOSED POINT OF  
DIVERSION IS LOCATED  
2290 FEET SOUTH AND  
1120 FEET WEST FROM  
THE NORTH 1/4 CORNER  
FOR SECTION 2.

EAST FORK  
ILLINOIS RIVER



NORTH 1/4 CORNER  
FOUND IRON PIPE  
WITH BRASS CAP  
PER JOSEPHINE  
COUNTY 1991

0.5

0.8

NE 1/4, NW 1/4 SEC. 2  
20.0 ACRES TRACT No. 2  
CERTIFICATE 45764

SE 1/4, NW 1/4 SEC. 2  
7.0 ACRES TRACT No. 1  
CERTIFICATE 45764  
3.0 ACRES TRACT No. 2  
CERTIFICATE 45764  
1.6 ACRES UNDER  
CERTIFICATE 12312

2

SOUTH 1/4  
CORNER

EXISTING POINT OF  
DIVERSION IS LOCATED  
ABOUT 70 FEET NORTH  
AND 820 FEET WEST FROM  
THE SOUTH 1/4 CORNER  
FOR SECTION 2  
(LOCATED BY SCALE  
FROM EXISTING MAPS).

T 7563

PREPARED: MARCH 20, 1996

3

W.O. Kohler

2<sup>2</sup>

3<sup>2</sup>

E.F. Crowch

8<sup>2</sup> 4<sup>4</sup>

2

Geo. Hawk

21

10

Witness trees

181  
245  
36  
Guy Fetterly  
06

15

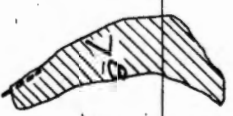
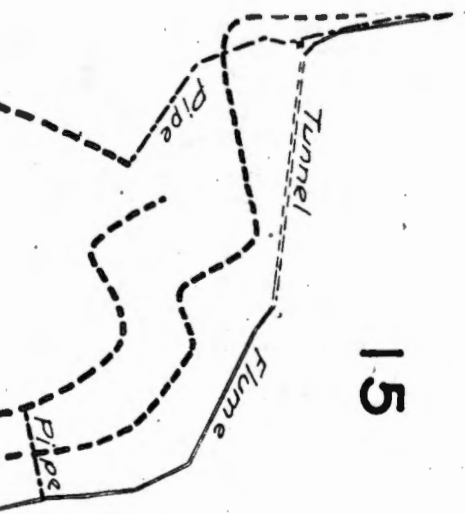
14

ILLINOIS RIVER

Bennett Ditch

EAST FORK

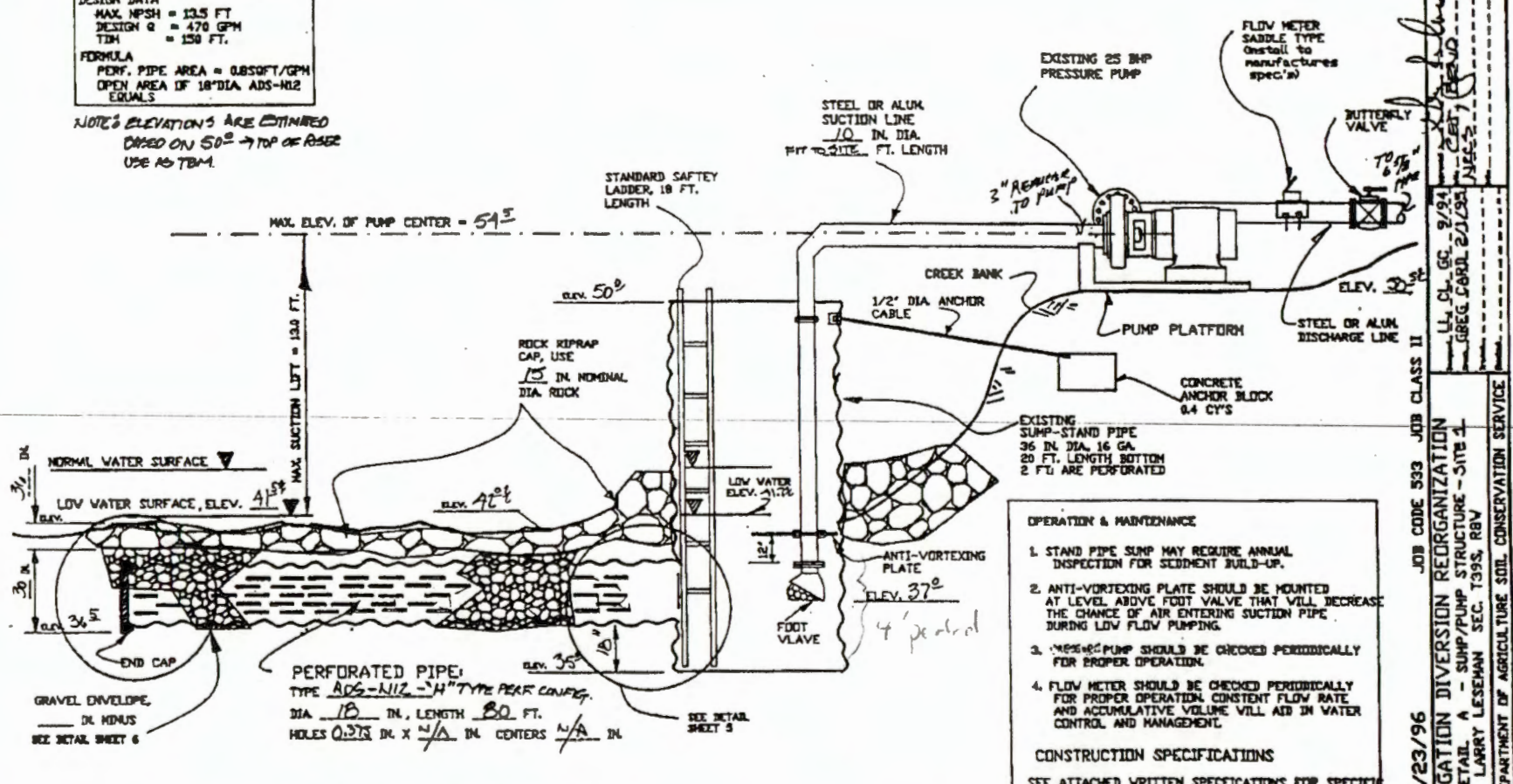
3-1



47

DESIGN DATA  
 MAX NPISH = 13.5 FT  
 DESIGN Q = 470 GPM  
 TDH = 150 FT.  
 FORMULA  
 PERF. PIPE AREA = 0.850FT<sup>2</sup>/GPM  
 OPEN AREA OF 18" DIA ADS-N12  
 EQUALS

NOTE: ELEVATIONS ARE ESTIMATED  
 BASED ON 50' → TOP OF ROSE  
 USE AS TBM.



TYPICAL SUMP & INFILTRATION X-SECTION  
 NOT TO SCALE

PERTINENT DATA  
 1. CONTRACTOR AND/OR OWNER SHALL  
 SECURE ALL STATE & LOCAL  
 PERMITS BEFORE CONSTRUCTION  
 BEGINS.

- OPERATION & MAINTENANCE
1. STAND PIPE SUMP MAY REQUIRE ANNUAL INSPECTION FOR SEDIMENT BUILD-UP.
  2. ANTI-VORTEXING PLATE SHOULD BE MOUNTED AT LEVEL ABOVE FOOT VALVE THAT WILL DECREASE THE CHANCE OF AIR ENTERING SUCTION PIPE DURING LOW FLOW PUMPING.
  3. PUMP SHOULD BE CHECKED PERIODICALLY FOR PROPER OPERATION.
  4. FLOW METER SHOULD BE CHECKED PERIODICALLY FOR PROPER OPERATION. CONSTANT FLOW RATE AND ACCUMULATIVE VOLUME WILL AID IN WATER CONTROL AND MANAGEMENT.
- CONSTRUCTION SPECIFICATIONS
- SEE ATTACHED WRITTEN SPECIFICATIONS FOR SPECIFIC DETAILS DURING CONSTRUCTION.
- COLLECTION PIPE (PERFORATED ADS-N12) SHALL BE INSTALLED TO THE LINES AND GRADES SHOWN ON THESE DRAWINGS.
- THE GRAVEL ENVELOPE MATERIAL AND ROCK RIPRAP CAP MATERIAL WILL BE APPROVED BY THE DVS/CD INSPECTOR PRIOR TO INSTALLATION.

REVISED 1/23/96  
 JOB CODE 533 JOB CLASS II  
 IRRIGATION DIVERSION REORGANIZATION  
 DETAIL A - SUMP/PUMP STRUCTURE - SITE 1  
 LARRY LESEMAN SEC. 139S, RBV  
 U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE  
 3 / 6

July 24, 1996

Illinois Valley  
Soil & Water Conservation District  
ATTN: Corky Lockard  
P.O. Box 352  
Cave Junction, OR 97523

REF: Transfer Applications 7528, 7563

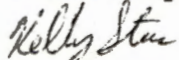
We have determined, after reviewing the design of the new diversion intakes with our groundwater section, that these transfers are of a surface water to surface water type and therefore are not required to have a licensed geologist report.

The new diversion intakes under the stream bed will be considered as being part of the design of a surface diversion as long as they are buried in a graded gravel envelope which is in direct contact with surface water.

You should also be aware that there will be a provision in the Final Order/Certificates stating that if the stream goes dry immediately upstream from these new intakes, they will be considered as taking groundwater and will be turned off.

If you have any further questions, please call me at (503)-378-8455 ext. 309.

Sincerely,



Kelly Starnes  
Water Right Inspector

cc: Tom Paul, Northwest Region Manager  
Al Cook, Southwest Region Manager  
Transfer Files



ILLINOIS VALLEY SOIL AND WATER CONSERVATION DISTRICT  
102 S. Redwood Highway ~ P.O. Box 352 ~ Cave Junction, OR 97523 ~ (541) 592-3731

Project No. \_\_\_\_\_

COOPERATIVE AGREEMENT

Steven & Mary Anne McMahan  
4300 Takilma Road  
Cave Junction, OR 97523

RECEIVED  
AUG 19 1996

I. The undersigned landowners, hereinafter called the COOPERATORS, the Illinois Valley Soil and Water Conservation District, hereinafter called the DISTRICT, and the Illinois Watershed Council, hereinafter called the COUNCIL, on this 15 day of August 1996, do enter into this COOPERATIVE AGREEMENT, hereinafter called the AGREEMENT, to accomplish: improvements in water quality, water conservation, sedimentation control, bank stabilization, elimination of fish barriers, fish protection and project monitoring.

II. The land involved is located in Josephine County, Oregon, Tax Lot No. 1400, Section 2, Township 40S, Range 08 West, Willamette Meridian.

III. It is mutually agreed that development of the project shall be shared as follows:

A. COOPERATORS will:

1. Provide project design and review assistance;
2. Pay electric costs for pumping water;
3. Pay costs of project maintenance;
4. Provide logs with root wads attached and transportation to project site;
5. Provide equipment and labor to trench and bury approximately 850' of electrical wire;
6. Provide labor for installation of pump and appurtenances, including concrete slab and miscellaneous equipment as necessary.

B. COUNCIL will:

1. Provide funding for:
  - a. Infiltration gallery supplies & materials;
  - b. Stand pipe, pump & appurtenances;
  - c. Electrical installation (materials & labor);
  - d. Equipment and operators;
  - e. Boulders, root wads and other stabilization materials and transportation;
  - f. Plant materials and labor;
  - g. Miscellaneous supplies such as, rebar, glue, cable, augers, twine and labor;



- h. Project professional and technical assistance, and administration;
- i. Monitoring for five (5) years after project completion.

B. DISTRICT will:

1. Provide and/or secure the services of professional and technical serves as needed;
2. Provide services to secure and administer project contracts;
3. Provide services to secure materials and supplies;
4. Provide personnel for project labor through other grant programs
5. Set-up and provide monitoring services for a period of five (5) years after project completion.

IV. It is mutually agreed that supervision, management and maintenance of the project shall be as follows:

A. COOPERATORS will:

1. Permit DISTRICT, COUNCIL, or their authorized agents to enter onto the COOPERATOR'S land for the purposes of: implementing the project; examining the condition of structures; repairing as necessary; monitoring activities; demonstrating project results to landowners, engineers and other parties who are have an interest in designing and implementing similar projects. The DISTRICT, COUNCIL, or their authorized agents shall schedule all such visits with the COOPERATORS prior to entering their land;
2. Maintain improvements for a minimum of five years provided funding is available;
3. Allow placement of Watershed Health signs at the project site.

B. DISTRICT and COUNCIL will:

1. Implement project in coordination with COOPERATORS;
2. Repair or replace damages to structures resulting from flood or other natural causes provided restoration funding is available.
3. Provide vegetative material and seed, including labor, in areas with less than 50% survival provided funding is available.

V. DISTRICT, COUNCIL or their authorized agents will not be held liable for any damages, accidental harm or death of COOPERATORS, their employees or representatives.

VI. COOPERATORS or their authorized agents will not be held liable for any damages, accidental harm or death of DISTRICT'S or COUNCIL'S employees or representatives.

VII. It is further agreed that after completion of the project, improvement will become the property of the COOPERATORS.

VIII. This AGREEMENT shall remain in full force and effect for the duration of five (5) years, unless terminated by mutual consent of the parties or is terminated by either party after due notice, in writing, because of violation of any terms of this agreement.

IX. The estimated time of completion of this project shall be September, 1996.

**THIS AGREEMENT SPECIFICALLY EXCLUDES ANY AND ALL CLAIMS TO THE COOPERATORS' LAND BY THE STATE OF OREGON, THE ILLINOIS VALLEY SOIL AND WATER CONSERVATION DISTRICT, THE ILLINOIS WATERSHED COUNCIL, THEIR AGENTS OR REPRESENTATIVES.**

**LANDOWNERS:**

STATE OF OREGON )  
 ) ss.  
County of Josephine )

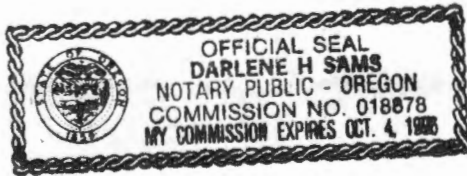
Steven McMahon 8-15-96  
STEVEN McMAHAN, Landowner date

Mary Anne McMahon 8-17-96  
MARY ANNE McMAHAN, Landowner date

Personally appeared the above named STEVEN McMAHAN and MARY ANNE McMAHAN and acknowledged the foregoing instrument to be their voluntary act and deed.

date 8-15-96

Darlene H. Sams  
Notary Public for Oregon  
My commission expires: 10-4-96



**ILLINOIS VALLEY SOIL & WATER CONSERVATION DISTRICT:**

STATE OF OREGON )  
 ) ss.  
County of Josephine )

Walt Freeman 8/15/96  
IVSWCD date

Personally appeared the above named Walt Freeman and acknowledged the foregoing instrument to be his voluntary act and deed.

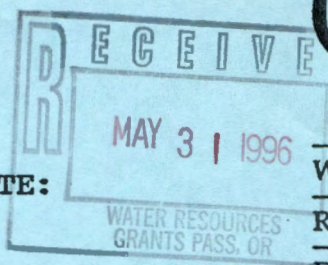
date 8-15-96

Marleen B. Hutt  
Notary Public for Oregon  
My commission expires: 8-15-99



INTEROFFICE MEMO

Oregon



WATER  
RESOURCES  
DEPARTMENT

TO: TRANSFER SECTION

DATE:

FROM: WATERMASTER, DISTRICT # 14  
GROUNDWATER SECTION  
(SIGNATURE) Norman E. Duff, ASST. W.M.

SUBJECT: WATER RIGHT TRANSFER # 7563

A change in POU POD POA USE of water.

In the name(s) of Steven + Mary Anne McMahan.

In my opinion (assuming the right is valid), the proposed change MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY\* to an existing water right.

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

The existing right may not be valid because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

- \*  (1) PRIOR to the diverting of water at the new point of diversion....
- (2) WHEN IN the judgement of the watermaster it becomes necessary....

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



1317W

3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130

\* I UNDERSTAND A METER WILL BE REQUIRED AS PART OF A WATERSHED HEALTH PROJECT.

May 29, 1996

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WATER  
RESOURCES  
DEPARTMENT

---

Steven & Mary Anne McMahan  
4300 Bridgeview / Takilma Rd.  
Cave Junction, OR 97523

REFERENCE: Transfer 7563

We have received your Transfer Application requesting approval of a change in Point of Diversion for use of water from E. Fk. Illinois River for irrigation. The application was received with supporting data, map and fees of \$335. Our receipt 002480 is enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to other water rights by approval of your application.

Due to the unusually high number of applications received over the past two years, we are unable to complete the examination for your application at this time. Applications are normally examined in the order they are received. We will try to complete the examination as soon as possible.

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

If you have any questions, please call the Water Rights Section, (503) 378-3739.

Sincerely,

LARRY H. NUNN  
Senior Water Rights Specialist

LHN:jg

enclosure

cc: Bruce Sund, Watermaster #14  
Jonathan Spero, CWRE



---

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

БЛОК 11

БЛОК 10  
Сейма, Орег.  
Нобле, М. В.

БЛОК 80  
Керби, Орег.  
Нобле, М. В.

McMullen Mining Company  
Proof 60 (Continued)

(NOTE: The use of water for mining is restricted to the period from October 15 to June 20 of the following year.)

10 acres in NE 1/4 NW 1/4  
10 acres in NE 1/4 NW 1/4  
10 acres in SE 1/4 SW 1/4  
10 acres in NW 1/4 SE 1/4  
10 acres in SE 1/4 SW 1/4  
Section 22  
T. 40 S., R. 8 W., W.M.

SWNW Sect. 22

8892  
Jones, Geo. T.  
Kirk, Ore.  
Proof 152

1897

9

Irrigation

Clark Ditch

McMullen Creek

9 acres in NW 1/4 NW 1/4  
Section 32,  
T. 38 S., R. 7 W., W.M.

8883  
Jones, Walter S.  
Kerby, Ore.  
Proof 75

May, 1887

4

Irrigation

Kerbyville Milling & Irrigation Co. Ditch

East Fork Illinois River

2.5 acres in NW 1/4 SE 1/4  
1.5 acres in SW 1/4 SE 1/4  
Section 21,  
T. 39 S., R. 8 W., W.M.

Khoeery, K. J.  
Takilma, Ore.  
Proof 76

(NOTE: Rights acquired under State Engineer's Permit No. 1322.)

8894  
36485 44883  
Kohler, W. O. 36485  
Kerby, Ore. 45764  
Proof 77 54957

1881

7

Irrigation

Brady Ditch

East Fork Illinois River

7 acres in SE 1/4 NW 1/4  
Section 2,  
T. 40 S., R. 8 W., W.M.

(Findings, Paragraph 16  
Page 18) ← original Pgs

T-2579 APOD 2.2ac  
T-7563 Δ POD

1905

23

Irrigation

Unnamed ditch

East Fork Illinois River

20 acres in NE 1/4 NW 1/4  
3 acres in SE 1/4 NW 1/4  
Section 2,  
T. 40 S., R. 8 W., W.M.

1907

5.2

Irrigation

Unnamed ditch

East Fork

2.2 acres in NW 1/4 SW 1/4  
3.0 acres in SW 1/4 SW 1/4

T-7563

RECEIVED

APR 18 1996

State of Oregon  
WATER RESOURCES DEPARTMENT  
APPLICATION FOR TRANSFER OF WATER RIGHT

WATER RESOURCES DEPT.  
SALEM, OREGON

Applicant: Steven M. McMahan & Mary Anne McMahan  
Mailing Address: 4300 Bridgeview/Takilma Rd.  
Cave Junction OR 97523 (541) 592-6013  
City or town State Zip Phone  
Type of change: Point of Diversion  
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

- A) Is the water right in your name? no If not, list name below:  
(Yes, No)  
Wallace Osbon (w.o.) Kohler
- B) Was the water right determined by a court decree? Yes  
(Yes, No)  
1. If yes, list the title of the proceedings: Illinois River Decree  
2. Certificate No: 45764
- C) Was the water right acquired by a water permit? Yes  
(Yes, No)  
1. If yes, list the Permit No: 4449  
2. Certificate No: 12312
- D) Date of priority right: Tract 1 1881 Tract 2 1905 Tract 3 January 30, 1920
- E) What are your reasons for the proposed changes? To refrain from construction of instream diversion structure
- F) The water will be completely applied to the proposed use on or before: 10/01, 19 96

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? East Fork Illinois River  
Tributary of Illinois River

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
70 feet North and 820 feet west from the south 1/4 corner for section 2	SE 1/4 - SW 1/4	2	40S	8W

- C) What is the name of the ditch used? Private (none)
- D) What is the use to which the water is applied? Irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
40S	8W	2	SE 1/4 NW 1/4	7.0
40S	8W	2	NE 1/4 NW 1/4	20.0
40S	8W	2	SE 1/4 NW 1/4	3.0
40S	8W	2	SE 1/4 NW 1/4	1.6

F) Is the land within an irrigation district? Yes \_\_\_ No   
If Yes, which district? \_\_\_\_\_

G) County Josephine

3. LOCATION OF PROPOSED USE:

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

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
2290 feet south and 1120 feet West from the north 1/4 corner section 2	SE 1/4 NW 1/4	2	40S	8W

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? \_\_\_\_\_ (Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount

D) What is the use to which the water will be applied? \_\_\_\_\_

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

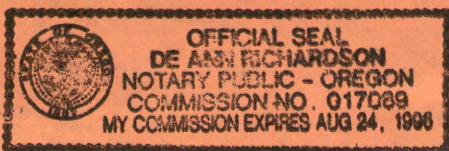
5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

6. REMARKS: This Land has been in my families ownership since 1904  
the water rights have to my knowledge been used for beneficial use  
within every 5 year period since issued.

I (we) Steven M. McMahan, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 22 day of March, 1996.

Steven M. McMahan  
(Signature)

\_\_\_\_\_  
(Signature)



(Notarial Seal)

Subscribed and sworn to before me

De Ann Richardson  
Notary Public for Oregon

My commission expires: 8-24-96

T 7563

Land Use Information Form: Permits, Hydroelectric Licenses,  
Water Uses in Addition to Classified Uses

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

RECEIVED

APR 18 1996

Applicant's Name: Steven M. McMahan  
Address: 4300 Bridgeview Takilma Rd.  
City: Cave Junction State: OR Zip: 97523 Day Phone: (541) 592-6013

WATER RESOURCES DEPT.  
SALEM, OREGON

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
1400	EFU	✓	✓	✓
1700	EFU		✓	✓

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed.

=====  
For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 64-020(A). Go to section b) on reverse side.
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table on the reverse of this form. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

=====  
Receipt for Request for Land Use Information

WRD Applicant Name: \_\_\_\_\_

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: \_\_\_\_\_  
Staff Contact: \_\_\_\_\_ Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date of Information Request: \_\_\_\_\_



(for Local Use Continued)

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: Terri Dilkerson Date: 3.25.96

Title: Planner Phone: 474-5421

Signature: *Terri Dilkerson*

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

Additional Comments:

*The use of the river for agriculture, irrigation, or suitable recreation is as outright permitted use.*

*No commercial use.*

*JH*

T7563

Oregon

**NOTE TO LOCAL GOVERNMENTS**

**RECEIVED**

**WATER  
RESOURCES  
DEPARTMENT**

APR 18 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed land use form or the signed, dated receipt stub detached from the bottom of the land use information form.

You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by both the applicant and WRD. If you have questions concerning the form, please contact WRD at 378-3739.



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

## Description of Water Use

**Use to Applicant:** This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

**Use to Local Planning Officials:** Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Steven M. McMahan  
 Address: 4300 Bridgerview/Takilma Rd.  
Cave Junction OR 97523  
 Phone: (541)-592-6013

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

Irrigation (crop type, golf course, nursery or greenhouse): Garlic, Blueberry, Grass Hay

Livestock (type of livestock, feedlot, slaughterhouse): \_\_\_\_\_

Residential (# units, single or multi-family, # lots if partition or subdivision): \_\_\_\_\_

Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): \_\_\_\_\_

Industrial (i.e., factory, pulp mill, research and development, processing, etc.): \_\_\_\_\_

Institutional (i.e., school, library, etc.): \_\_\_\_\_

Mining (aggregate, metal, open pit, placer, etc.): \_\_\_\_\_

Recreation (park, campsite, pond, etc.): \_\_\_\_\_

Fish and Wildlife (pond, hatchery, etc.): \_\_\_\_\_

Hydropower (dam, reservoir, power generating or transmitting facilities): \_\_\_\_\_

Other (Name and list key characteristics): \_\_\_\_\_

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>East Fork Illinois River</u>	<u>.632</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

T7563

# Oregon

WATER  
RESOURCES  
DEPARTMENT

April 26, 1996

Steven and Mary Anne McMahon  
4300 Bridgeview/Takilma Rd.  
Cave Junction, OR 97523

Dear Mr. and Mrs. McMahon:

I have tried several times to reach you by phone, but have had no luck. The reason I'm trying to contact you is that we have received your application for a transfer of water rights, the map and supporting documents. However, the application was not accompanied by any fees.

The examination fee for a transfer application is \$50. The examination fee must be paid at the time of filing. There are additional fees, including recording fees of \$35, but that fee is not required at time of filing.

Please remit payment so that we can begin processing your transfer request.

If you have any questions, feel free to give me a call at 1-800-624-3199 extension 273.

Sincerely,

Anita McCloud  
Water Rights Specialist  
Water Rights Section

*Steph Miriam Rindley  
a new ck.  
put step on 1st ck.*

*Corley Lode and IV. S. WC Dist.  
(541) 592-3731*



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130