

STATE OF OREGON
 COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That JACK P. and JOSEPH H. DENLEY
 of Route 1, Box 424, Sutherlin, State of Oregon, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of
 an unnamed stream, tributary of North Fork of Umpqua River, appropriated under
 Application No. 32695, Permit No. 25889,

for the purposes of

irrigation
 under Reservoir Permit No. R-2207 of the State Engineer, and that said right to store said
 waters has been perfected in accordance with the laws of Oregon; that the priority of the right
 hereby confirmed dates from October 8, 1958,

that the amount of water entitled to be stored each year under such right, for the purposes afore-
 said, shall not exceed 120.0 acre feet.

The reservoir is located in

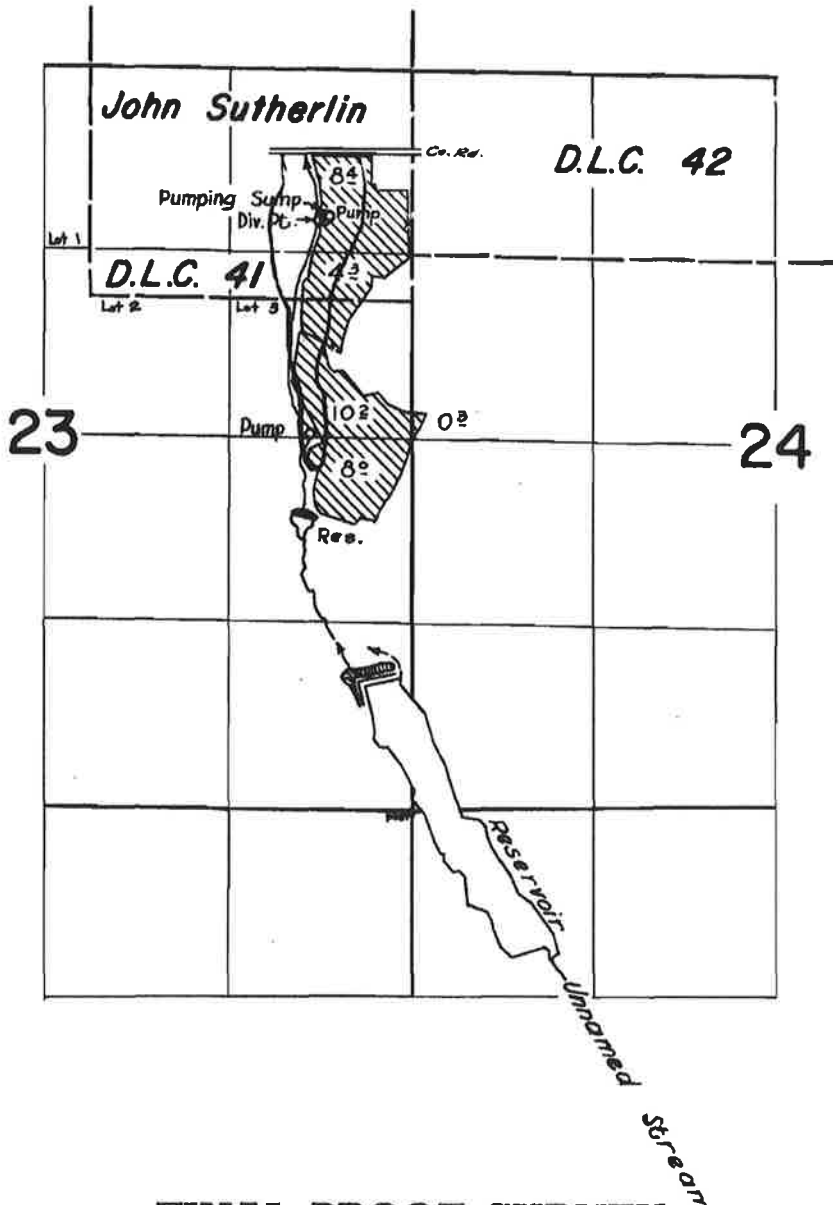
SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 23
 SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 24
 NW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 25
 T. 25 S., R. 5 W., W. M.

WITNESS the signature of the State Engineer, affixed

this date. AUGUST 19 1963

CHRIS L. WHEELER
 State Engineer

T.25S.R.5W.W.M.



FINAL PROOF SURVEY UNDER

R-32694 R-2207
 Application No. 32695 Permit No. 25889
 IN NAME OF

JACK P. & JOSEPH H. DENLEY

Surveyed August 9, 1962, by *R. Johnson*

STATE OF OREGON
 COUNTY OF DOUGLAS
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JACK AND JOSEPH DENLEY
 RT 1 BOX 424
 SUTHERLIN OR 97479

confirms the right to use the waters of the DENLEY BROTHERS RESERVOIR constructed under Application No. R-32694, Permit No. R-2207, a tributary to the NORTH FORK OF UMPQUA RIVER for IRRIGATION of 30.2 ACRES.

This right was perfected under Permit S-25889. The date of priority is DECEMBER 22, 1958. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 116.0 ACRE FEET, or its equivalent in case of rotation, measured at the point(s) of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q
25 S	5 W	WM	23	SE SE

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 2.5 acre feet per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 116.0 acre feet per year. 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:

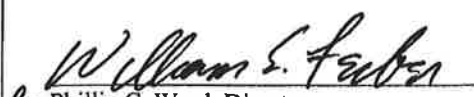
IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
25 S	5 W	WM	23	NE NE		41	8.40
25 S	5 W	WM	23	SE NE	3		10.20
25 S	5 W	WM	23	SE NE		41	4.30
25 S	5 W	WM	23	NE SE			7.00
25 S	5 W	WM	24	SW NW			0.30

This certificate describes that portion of the water right confirmed by Certificate 31147, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEB 26 2010, approving Transfer Application T-10545.

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

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

WITNESS the signature of the Water Resources Director, affixed February 26, 2010.


 For Phillip C. Ward, Director

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

In the Matter of Transfer Application)
T-10545, Douglas County)
)
) FINAL ORDER APPROVING A
) CHANGE IN PLACE OF USE AND
) PARTIAL CANCELLATION OF
) WATER RIGHT CERTIFICATE 973

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

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

Applicant

RANDY DENLEY
1521 PLAT I ROAD
SUTHERLIN, OR 97479

Findings of Fact

Background

1. On February 21, 2008, RANDY DENLEY filed an application to change the place of use under Certificate 31147. The Department assigned the application number T-10545.
2. The portion of the first right to be transferred is as follows:
 - Certificate:** 31147 in the name of JACK P. and JOSEPH H. DENLEY (perfected under Permit S-25889)
 - Use:** IRRIGATION of 1 ACRE
 - Priority Date:** DECEMBER 22, 1958
 - Rate:** 4.0 ACRE FEET
 - Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion

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

of 2.5 acre feet per acre, or its equivalent for each acre irrigated, and shall be further limited to a total diversion of not to exceed 120.0 acre feet per year.

Source: DENLEY BROTHERS RESERVOIR, tributary to the NORTH FORK UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
25 S	5 W	WM	23	SE SE

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
25 S	5 W	WM	23	NE SE	102	1.00

- Application T-10545 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
25 S	5 W	WM	23	NE SE	100	1.00

- Notice of the application for transfer was published on March 4, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On August 28, 2009, the Department contacted the applicant by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by September 29, 2009. No response was received from the applicant.
- On October 1, 2009, the Department sent an additional letter to the applicant outlining the deficiencies in the application. The letter set a deadline of November 2, 2009, for the applicant to respond.
- On October 29, 2009, the applicant contacted the Department by telephone requesting additional time to provide the requested information. The Department verbally informed the applicant that an extension would be granted if the applicant submitted the partial cancellation form. On November 2, 2009, the applicant verbally notified the Department that he would send the partial cancellation that week.
- On November 23, 2009, the applicant submitted an Affidavit for the Partial Cancellation of a Water Right Certificate for Certificate 973.
- On December 10, 2009, the Department mailed to the applicant a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10545. The draft Preliminary Determination cover letter set forth a deadline of January 14, 2009, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

10. On January 13, 2009, the applicant submitted an Affidavit Consenting to the Proposed Water Right Transfer from the adjoining land owner.
11. On January 15, 2010, the Department issued a Preliminary Determination proposing to approve Transfer T-10545 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on January 26, 2010, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

12. Water has been used within the five-year period prior to submittal of the transfer application on the lands described in Finding of Fact # 2 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10545.
14. The proposed change would not result in enlargement of the right.
15. The proposed change would not result in injury to other water rights.

Partial Cancellation of a Water Right

16. A Department investigation revealed water right Certificate 973 covers a portion of the lands involved in this transfer.
17. On November 23, 2009, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Randy and Vicki Denley. The right to be cancelled is as follows:

Certificate: 973 in the name of J.F. LUSE CO. (perfected under Permit E-89, S-553)
Use: IRRIGATION of 2.87 ACRES AND DOMESTIC
Priority Date: MARCH 30, 1911
Rate: 0.007 CUBIC FOOT PER SECOND
Source: SMITH CANYON CREEK, tributary to the CALAPOOYA CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
25 S	4 W	WM	9	SW SE

Authorized Place of Use to be Cancelled:

IRRIGATION AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	5 W	WM	23	NE SE	2.87

Conclusions of Law

The change in place of use proposed in Transfer Application T-10545 is consistent with the requirements of with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-10545 is approved. The portion of the right that has been abandoned is cancelled.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 31147 and any related decree.
3. Water right certificate 31147 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. Water right certificate 973 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and cancellation, when the Department deems it necessary for further processing.
5. The Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each point of diversion. If the Director notifies the water user to install totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.
6. The former place of use of the transferred right shall no longer receive water under the right.
7. Prior to diversion of water, a series of posts or stakes shall be placed around the perimeter of the field in Tax Lot 102 delineating the area of allowed irrigation.
8. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

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

Dated at Salem, Oregon this 26th day of February 2010.


for Phillip C. Ward, Director

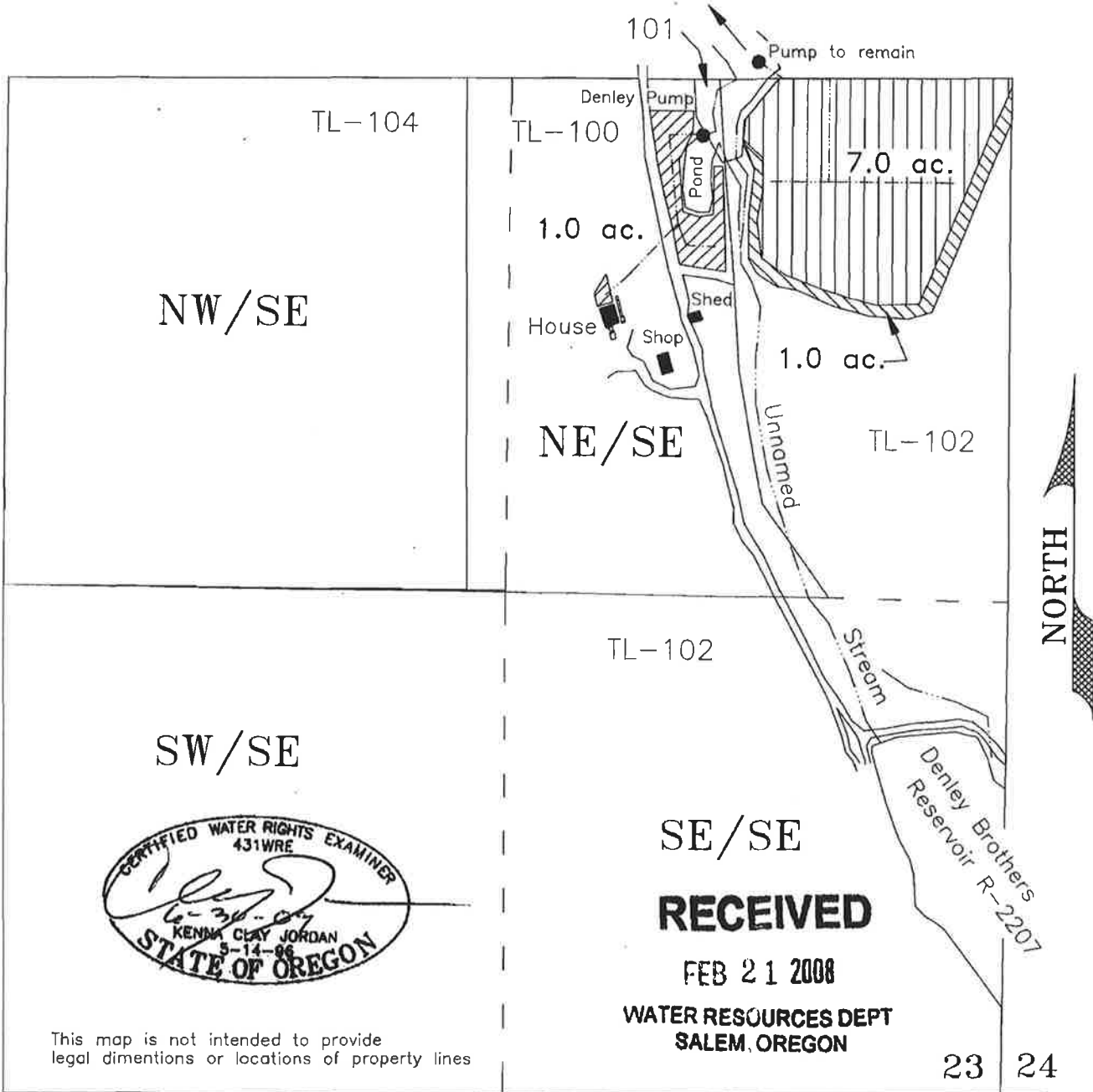
Mailing Date: MAR 05 2010

APPLICATION FOR TRANSFER CHANGE IN PLACE OF USE

CERTIFICATE 31147

PERMIT 25889

SE 1/4 SECTION 23, TOWNSHIP 25 SOUTH, RANGE 5 WEST, W.M.
DOUGLAS COUNTY



Authorized Point of Diversion - SE/SE Section 23, T-25S, R5W, W.M. - No Change

Denley Pump - 2500 ft. north & 800 ft. west from the SE Corner Section 23

- Transfer FROM (1.0 ac.)
- Transfer TO (1.0 ac.)
- Remaining Right (7.0 ac.)

APPLICANT:
Randy Denley
1521 Plat I Road
Sutherlin, OR 97479

Scale 1 inch = 400 feet

JORDAN ENGINEERING
460 JORDAN LANE
ROSEBURG, OR 97470
(541) 673-1931

Revised 12/6/2007 n.e.d.

T 10545

23	24
26	25