

Records Research Request

Date Requested: 5/6/2016

Information Requested: Water Right Research
(Type of Request)

Requested By: Julie Smith

Mailing Address: cuppercreeklandco@gmail.com

Phone Number: _____ Fax: _____

Property Location: _____

T-R-S T6SR.31E Map 6531C Taxlot: 2000

Additional Properties: _____

Mail to: _____
Address: _____
Phone #(s): _____ Fax: _____

Mail to: _____
Address: _____
Phone #(s): _____ Fax: _____

Date Request was Complete: 6/2/2016


Research Completed By: [Signature]

Comments: _____

Time (hrs / \$): _____
Copies (# / \$): _____
Total Bill (\$): _____

Property Report—160 Acres on North Fork John Day River in Ukiiah

Legend

Feature	Icon	Colors
Boundary		

*These maps and annotations are accurate but not precise and should not be used for legal purposes.

Generated on: June 2, 2016



MOSSY OAK PROPERTIES

Copper Creek Land Company
America's Land Specialists
Julie Mansfield Smith, Broker
541-934-2946
mossyoakproperties.com

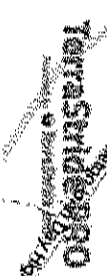
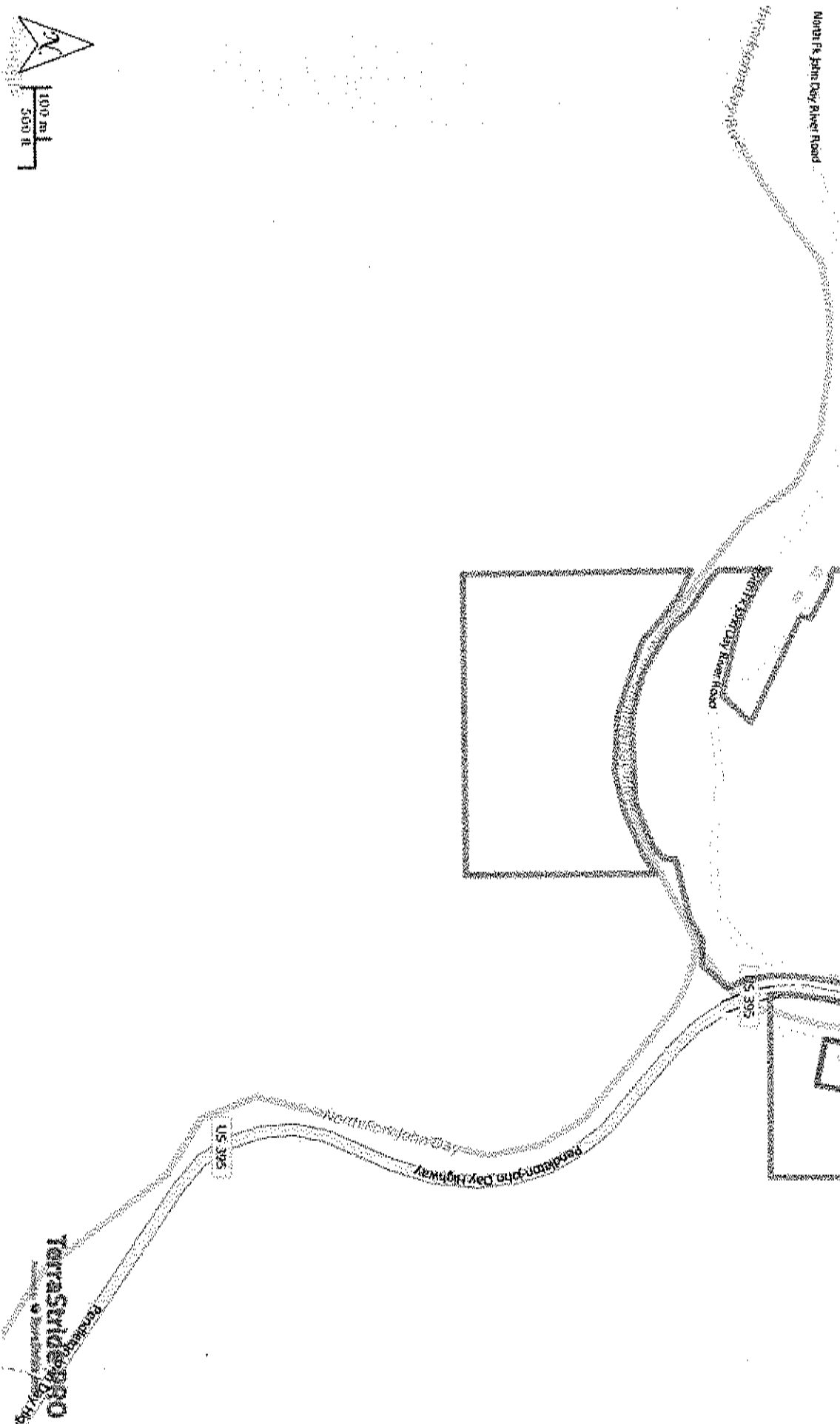
160 Acres on North Fork John Day River in Ukiah Long Creek

38965 North Fork John Day River Road
Long Creek, OR, United States

157.65 acres
\$320,000

Mossy Oak Properties Copper Creek Land Company
Julie Mansfield Smith
(541) 934-2946

coppercreeklandco@gmail.com
<http://www.coppercreeklandcompany.com/>



UMATILLA COUNTY

This map was prepared for assessment purposes

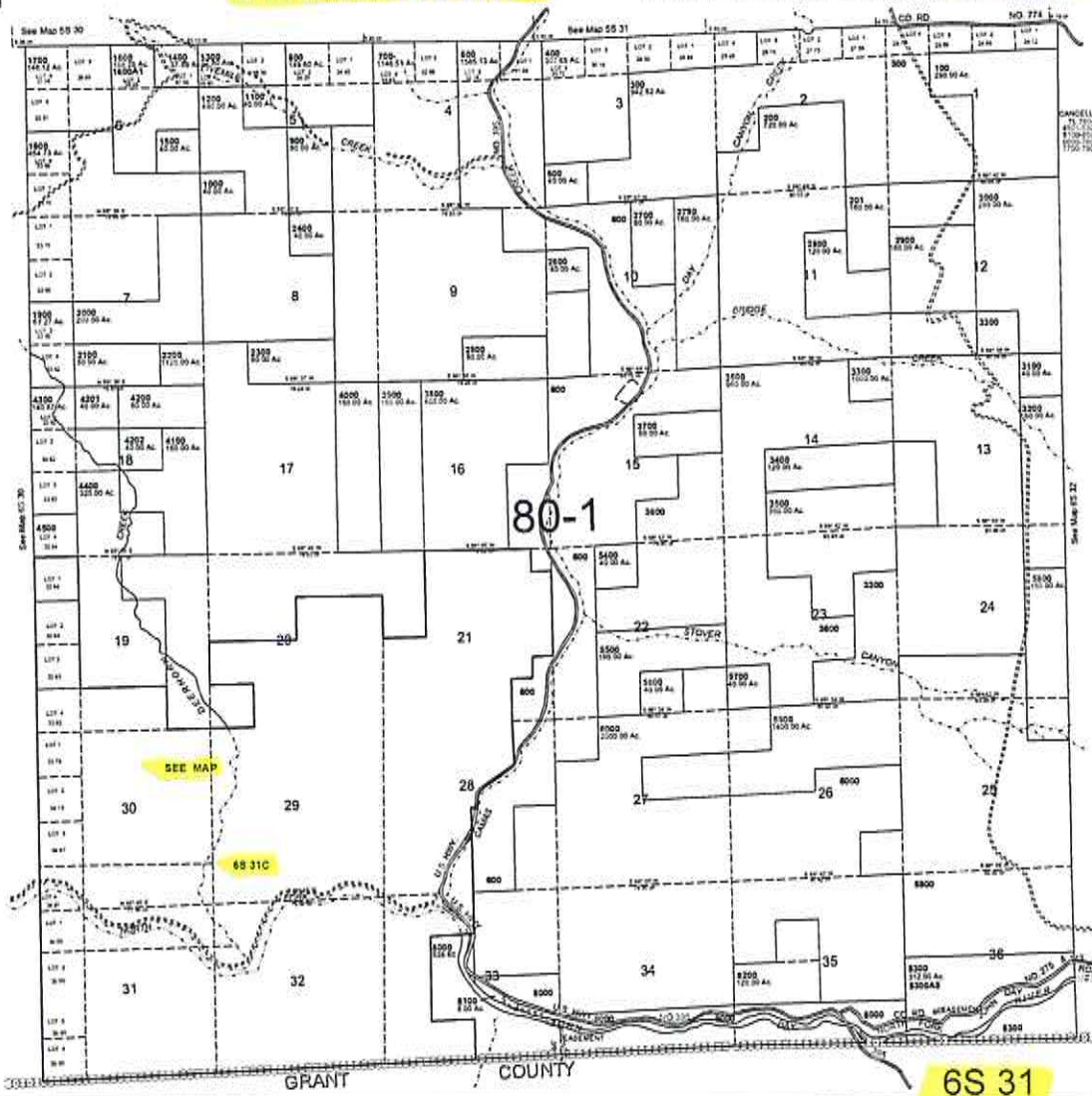
2008

T6S R31E WM
UMATILLA COUNTY

4/11/05

6S 31

AERIAL PHOTO NO. 9P 5-12, 21-28 & 10P 115-123



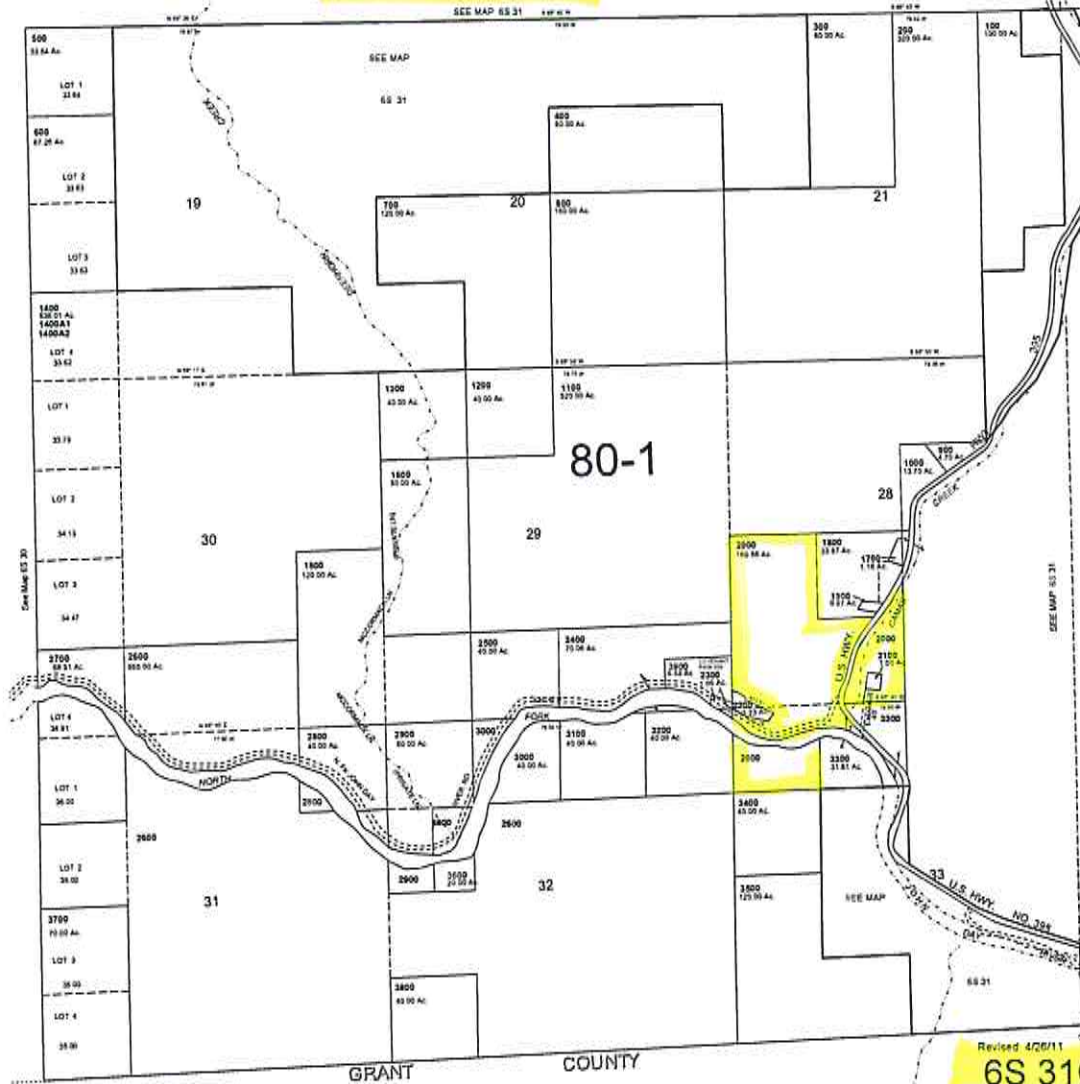
This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.

21000

SW1/4 T6S R31E WM UMATILLA COUNTY

6S 31C

AERIAL PHOTO NO. 9P 5-12, 21-28 & 10P 115-123



Revised 4/26/11

6S 31C

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

This Is to Certify, That H. B. LONGLEY

of Pendleton, 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 two springs

a tributary of Camas Creek for the purpose of irrigation and domestic use

under Permit No. 12428 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 November 2, 1936;

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 0.225 c.f.s, being 0.135 c.f.s from Spring No. 1, and 0.09 c.f.s from Spring No. 2, being 0.215 c.f.s. for irrigation and 0.01 c.f.s. for domestic, measured at the point of diversion from the stream,

or its equivalent in case of rotation.

The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 6 South, Range 51 East, 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-fortieth of one cubic foot per second per acre, for each acre irrigated prior to June 1st, and thereafter 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be limited to a diversion of not to exceed one acre-foot per acre for each acre irrigated during any month prior to June 1st, and shall be further limited to a total diversion of not to exceed 4 acre-feet per acre for each acre irrigated from April 1st to September 30th of each year, 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:

2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28 and domestic
2 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28 and domestic
5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33 and domestic

Township 6 South, Range 51 East, 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.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years' notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 47-508, Oregon Code 1980.

WITNESS the signature of the State Engineer, affixed

this 31st day of January, 1989.

CHAS. E. STRICKLIN

State Engineer

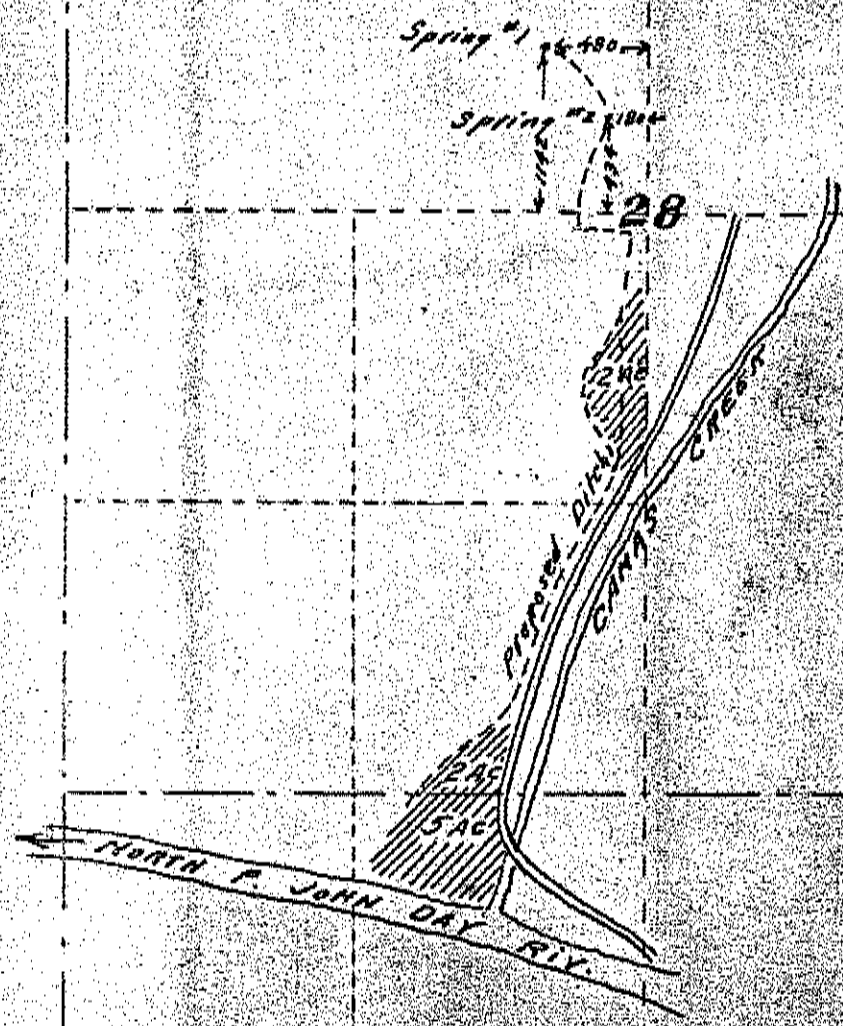
Recorded in State Record of Water Right Certificates, Volume 11, page 12163

Basin

X

Per 12428
12163

MAP TO ACCOMPANY
PERMIT
of
H. B. LONGLEY
Scale 800 ft = 1 in



Application No. 16658
Permit No. 12428

T. G. S. 31E

6-5-1658



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

MEMO

Tuesday, March 29, 2016

Subject: Irrigation season for water rights in the John Day Basin

“The Irrigation season of the John Day River and its tributaries is hereby fixed as the period from April 1st to September 30th of each year.”

John Day Basin Decree, Paragraph 106, Page 80

Irrigation that is authorized outside of the dates of April 1st through September 30th of each year is only allowed if the individual water right specifies a different period of time. If the certificate of water right in question does not list a time frame for an authorized irrigation season the default season is set by the John Day Basin Decree as April 1st through September 30th of each year. Please read your certificate of water right for clarification of your allowed irrigation season.

Violation of Oregon Water Law or Oregon Water Resources Department Administrative Rules may be subject to enforcement action and may include fines and or civil penalties as allowed under law.

If you have any questions concerning your water rights please do not hesitate to contact the local Watermaster Office for assistance.

Thank You

Eric W. Julsrud
Watermaster District 4
Oregon Water Resources Dept.

FORFEITURE OF WATER RIGHTS

540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities.

(1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.

(2) Upon a showing of failure to use beneficially for five successive years, the appropriator has the burden of rebutting the presumption of forfeiture by showing one or more of the following:

(a) The water right is for use of water, or rights of use, acquired by cities and towns in this state, by appropriation or by purchase, for all reasonable and usual municipal purposes.

(b) A finding of forfeiture would impair the rights of such cities and towns to the use of water, whether acquired by appropriation or purchase, or heretofore recognized by act of the legislature, or which may hereafter be acquired.

(c) The use of water, or rights of use, are appurtenant to property obtained by the Department of Veterans' Affairs under ORS 407.135 or 407.145 for three years after the expiration of redemptions as provided in ORS 18.568 to 18.598 while the land is held by the Director of Veterans' Affairs, even if during such time the water is not used for a period of more than five successive years.

(d) The use of water, or rights of use, under a water right, if the owner of the property to which the right is appurtenant is unable to use the water due to economic hardship as defined by rule by the Water Resources Commission.

(e) The period of nonuse occurred during a period of time within which land was withdrawn from use in accordance with the Act of Congress of May 28, 1956, chapter 327 (7 U.S.C. 1801-1814; 1821-1824; 1831-1837), or the Federal Conservation Reserve Program, Act of Congress of December 23, 1985, chapter 198 (16 U.S.C. 3831-3836, 3841-3845). If necessary, in a cancellation proceeding under this section, the water right holder rebutting the presumption under this paragraph shall provide documentation that the water right holder's land was withdrawn from use under a federal reserve program.

(f) The end of the alleged period of nonuse occurred more than 15 years before the date upon which evidence of nonuse was submitted to the commission or the commission initiated cancellation proceedings under ORS 540.631, whichever occurs first.

(g) The owner of the property to which the water right was appurtenant is unable to use the water because the use of water under the right is discontinued under an order of the commission under ORS 537.775.

(h) The nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing water right.

(i) The nonuse occurred during a period of time within which the water right holder was reusing water through land application as authorized by ORS 537.141 (1)(i) or 537.545 (1)(g) in lieu of using water under an existing water right.

(j) The owner or occupant of the property to which the water right is appurtenant was unable to make full beneficial use of the water because water was not available. A water right holder rebutting the presumption under this paragraph shall provide evidence that the water right holder was ready, willing and able to use the water had it been available.

(k) The holder of a water right is prohibited by law from using the water. If the prohibition is subject to remedial action that would allow the use of the water, the water right holder shall provide evidence that the water right holder is conducting the remedial action with reasonable diligence.

(l) The nonuse occurred during a period of time within which the exercise of all or part of the water right was not necessary due to climatic conditions, so long as the water right holder had a facility capable of handling the full allowed rate and duty, and was otherwise ready, willing and able to use the entire amount of water allowed under the water right.

(m) The nonuse occurred during a period of time within which the water was included in a transfer application pending before the Water Resources Department.

(3) Notwithstanding subsection (1) of this section, if the owner of a perfected and developed water right uses less water to accomplish the beneficial use allowed by the right, the right is not subject to forfeiture so long as:

(a) The user has a facility capable of handling the entire rate and duty authorized under the right; and

(b) The user is otherwise ready, willing and able to make full use of the right.

(4) The right of all cities and towns in this state to acquire rights to the use of the water of natural streams and lakes, not otherwise appropriated, and subject to existing rights, for all reasonable and usual municipal purposes, and for such future reasonable and usual municipal purposes as may reasonably be anticipated by reason of growth of population, or to secure sufficient water supply in cases of emergency, is expressly confirmed.

(5) After a water right is forfeited under subsection (1) of this section, the water that was the subject of use shall revert to the public and become again the subject of appropriation in the manner provided by law, subject to existing priorities. [Amended by 1985 c.689 §5; 1987 c.339 §4; 1989 c.699 §1; 1989 c.833 §61a; 1991 c.370 §6; 1995 c.356 §2; 1995 c.366 §1; 1997 c.42 §5; 1997 c.244 §5; 1997 c.283 §1; 1999 c.335 §3; 1999 c.804 §§3.4]