2486 ~~O. C. & M. L.~~ Sether
Box 6 Tunnel Rd.
Glendale, Ore. 97442

JOHN O. SETHER
BOX 6 TUNNEL RD
GLENDALE, OR 97442

2486

STATUS OF APPLICATION

Change in Place of Use & Add'l Pt. of Div.

Date filed February 12, 1971

Date of hearing Nov 7, 1979

Place of hearing Roseburg

Date of order 11-9-79 Vol. 32, page 488

Date for application of water 10-1-81

Proof mailed AUG 29 1983

Proof received

Certificate issued FEB 1 1980 Vol. 42 & 47, page 48940 & 52537

DEC 4 1984 10-82 (Sether) 9.29

to per 12/80

DESCRIPTION OF WATER RIGHT

Name of stream Cow Creek

Trib. of — County of Douglas

Use Irrigation - Domestic - Stock

Quantity of water No. of acres 3.0

Name of ditch Sether

Date of priority September 17, 1903

In name of Carl J. & Olger Sether

Cow Creek Adjudication, Vol. 10, page 359

App. No. — Per. No. — Cert. No. 36030

Certificate cancelled

Notation made on record by slw

FEES PAID

Date	Amount	Receipt No.
2-12-71	80.00	22668
2-12-71	30.00 POW	22669
10-9-79	15.31	Tmf fr T2909 Rec #37285
TOTAL . . .		
	$1 Cert. Fee	

The News Review $40.31 pd 10/9/79 ck# 3858

FEES REFUNDED

Date	Amount	Check No.

Note #80- available on File No 2909

EX 15-
POU 10-
POD 10-
PON 40.31
75.31

REMARKS

closed
~~See T#2909~~

Order to provide for cert for S 213 - See also S-213 & 2909

CARD FOR C NOV 4 1980

SEE T-5352 & T-5353

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
✓ Name	lcg	—
✓ Stream	lcg	—
Pt. of Div.		—
✓ Calendar	lcg	—
✓ CHECKED TO RECORDS:		
✓ Twp. & Rge.	SRB	—
✓ Decree-vault	lcg	—
✓ Decree-safe	lcg	—
✓ Cert. of W/R	swg	—
Per. Folder	—	—
Chaindex	—	—
Cross Ref.	—	—
Power Claim	—	—
✓ Abstracts	lcg	—

188

SP*44048-119

S-213
2909
2846

Glendale, Ore.
Dec. 30 1976
Box 6 Tunnel Rd.

Water Resouces Dept.
1178 N.E. Chemeketa St.
Salem, Ore. 97310

RECEIVED
JAN - 3 1977
WATER RESOURCES DEPT
SALEM, OREGON

Dear Sirs:

The water Resources Dept. of Douglas County has informed me that the transfer application for a point of diversion has never been completed.

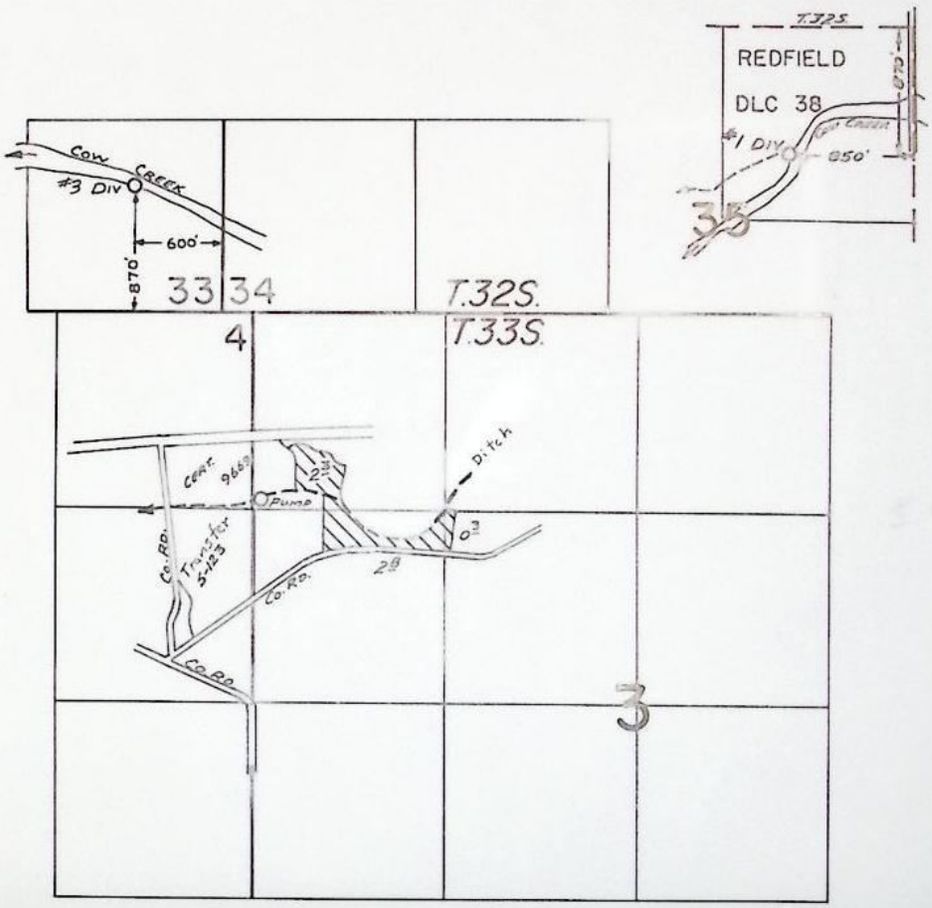
My husband, Olger G. Sether, passed away Oct. 25, 1975. Since I haved turned everything over to my son. I Wish to have his name put on this transfer.

His name and address is John O. Sether Box 6 Tunnel Rd. Glendale, Ore. 97442.

If his name should be on any other documents in your office, Will you please advise us? I would like everything in his name.

Sincerely,
Mildred F. Sether

T.32&33S.,R.6W.,W.M.



FINAL PROOF SURVEY

UNDER

Transfer No. 2486

Application No. ..... Permit No. .....

IN NAME OF

JOHN O. SETHER

Surveyed Aug. 10 1982, by L. M. TOLL

BTR-1111-231
BTR-1111-91
PTS-1982-Y

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN: POD / POU / USE / Add'l POD

after drafting attach copies of diversion to Superior Lumber Co
TRANS. 4951

PHOTOS & PTS 8-10-82 CMT

Transfer No. 2486 County Douglas

Old Certificate No. 36030

1. Name John O. Sether
   Address Box 46, Tunnel Rd, Glendale, OR 97442

2. Source of Supply Cow Creek, Trib of S. Umpqua

3. Use in of 5.4 ac ~~domestic & stock~~ NOT LISTED IN ORDER

4. Amount of Water 1/70th cfs/ac

5. Priority Date 9-17/1903

6. Proposed Point of Diversion see attached

7. Completion Date 10-1-81

8. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
33S	6W	3	NE NW	~~0.2~~ ac
			NW NW	2.3 ~~3.1~~
			SW NW	2.8 ~~1.0~~
			SE NW	0.3 ~~1~~
				5.4

new

29465

33-6

3 - 29465

V. 10, P. 359 (9669) 36030

S-213

T-2486

4- ~~33026~~

S-213

51172

T-2486

32-6

33 - ~~410~~

~~14585~~

~~50098~~

~~50533~~

51172

34- 29465

~~410~~

TRANSFERS 5-213 AND 2486

INFO- JOHN SETHER

DITCH DIMENSIONS 12' TOP - 3½' DEEP - 1½' WATER DEPTH 8' WATER SURFACE WIDTH

DIV #1 - GRAVEL DAM PUSHED UP WITH CAT TO DIRECT WATER TO DITCH DITCH ALONG NORTHSIDE OF CREEK

DIV #2 & #3 - PUMP DIRECT FROM CREEK CROSSES CREEK IN 18" PIPE

DIV #2 AND PUMPSITE ON DITCH

PUMP - PACIFIC DDC 2X1½

MOTOR - CENTURY 7½ H.P. @ 3500 RPM

DIV #3

PUMP - PACIFIC DDC 4X3

MOTOR - RELIANCE 30 H.P. @ 3530

PIPE - 1040' 6" ALUM MAIN

1200' 4" ALUM MAIN

1240' 4" ALUM LAT

2040' 3" ALUM LAT

HEADS - 82 RB 30 11/64 X 3/32 (7½ H.P. - 23 MAX, 30 H.P. - 70 MAX)

USE - CLOVER & GRASS FOR PASTURE & HAY

LIFT - SEE QUAD

TIE - BTR-1HH-231

BTR-1HH-91

DOUG. CO. - 76-3B-1

DOUG. CO. 76-4-35

PTS 1982-Y

(OVER)

PTS OF LAND SOUTH OF ROAD TO GLENDALE MATCHES TO PHOTO. INSP. OF LAND NORTH OF ROAD TO GLENDALE. PTS SURVEYS UP TO FENCE ON BOTH SIDES OF ROAD TO GLENDALE AND TUNNEL ROAD

ON ATTACHED MAP - AREAS SHADED IN GREEN CAN BE FLOODED IRRIGATED

INSPECTION OF ~~LAND~~ EAST TWO FIELDS

PUMP- ~~DIV~~ DIVERSIONS LOCATED ON BTR-1HH-91

DIV DAM- PTS AND BTR-1HH-231

THE FIELD SOUTH OF THE ROAD TO GLENDALE AND WEST OF TUNNEL ROAD. ENTIRE FIELD AS SHOWN ON PHOTO WAS IRRI. ~~AF~~ ON PTS HAVE LOCATED FENCE WHICH WAS BOUNDARY OF IRRI. LAST YEAR. ALL LAND NOW SOLD TO SUPERIOR LUMBER CO. IS BEING TURNED INTO LOG DECK. IN AGREEMENT TO SELL SUPERIOR LUMBER HAS AGREED TO ALOW SETHER TRANSFER ~~THESE~~ WATER RIGHT. APPLICATION IS BEING WORKED UP BY GARY BALL.

Gary Ball
WRE
8/10/82

NOTE: NO STOCK OR DOMESTIC SURVEYED NOT LISTED IN ORDER. ~~AND~~ DID NOT HAVE FIELD FORM. SURVEYED AT REQUEST OF WATERMASTER AND GOT INFO FROM ORDER

NO USE OF P.O.D. #2 NO DIV. HERE, ONE UPSTREAM APPROX. 1/2 MILE USED ON FIELDS THERE.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION) OF JOHN O. SETHER FOR APPROVAL OF) CHANGES IN PLACE OF USE & POINT) OF DIVERSION OF WATER)	ORDER APPROVING TRANSFER NO. 2486

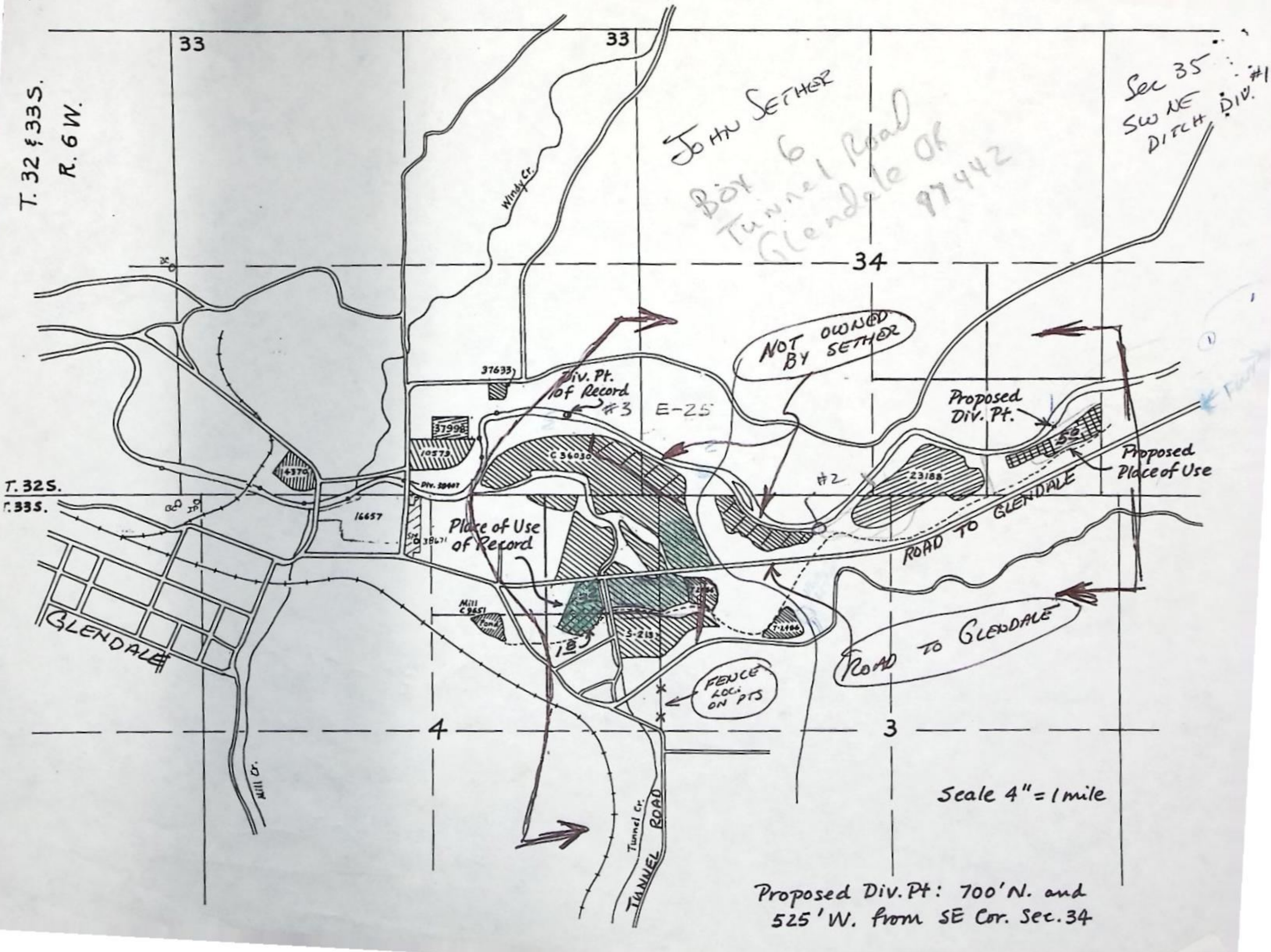
- - - - - - - - - - - - - - - - - -

On February 12, 1971, an application was filed in the office of the Water Resources Director by John O. Sether for approval of changes in place of use and point of diversion of water from springs and a stream tributary to Cow Creek and Cow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

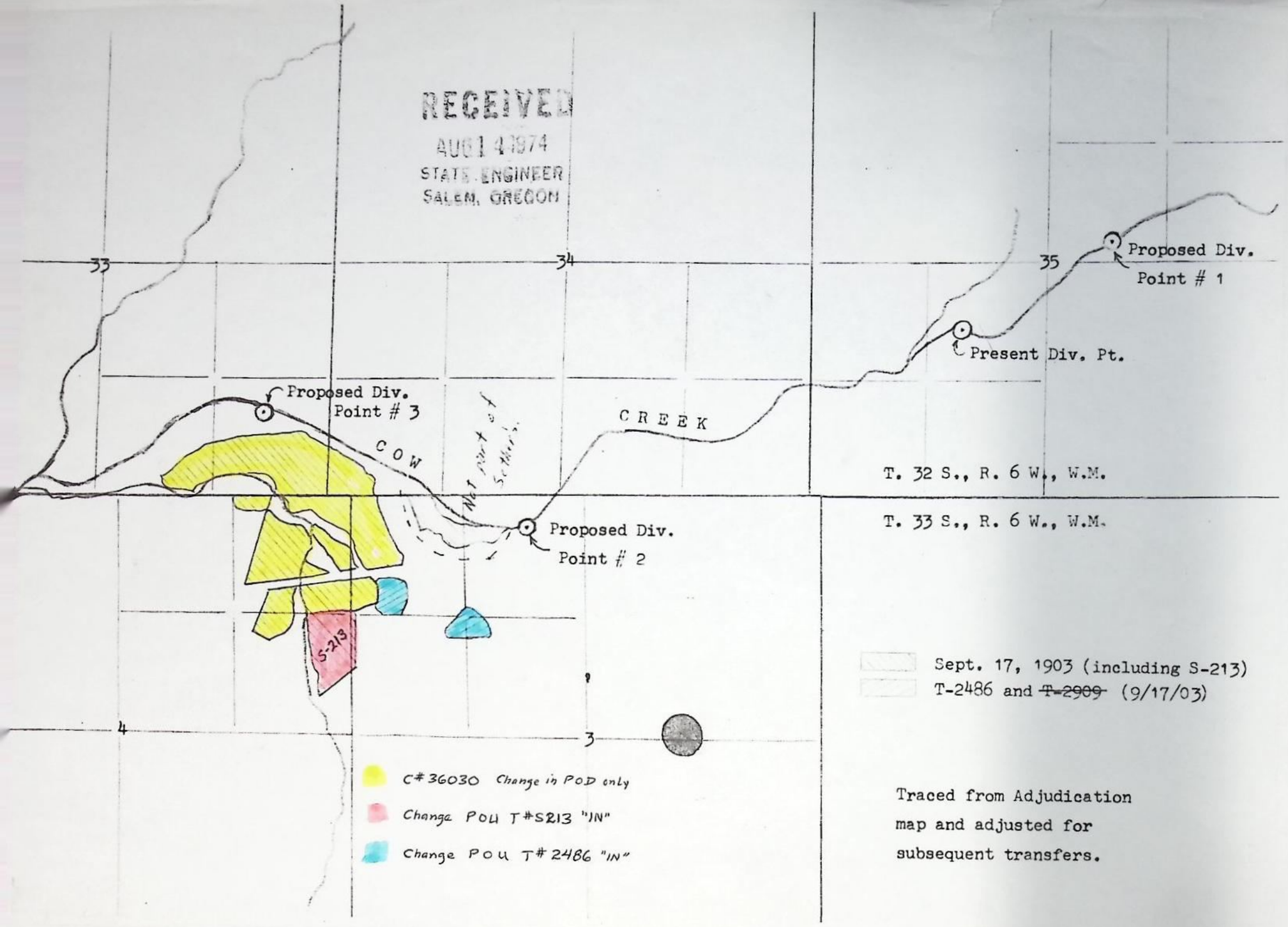
The affected water right is a portion of the right described by the certificate recorded at page 36030, Volume 28, State Record of Water Right Certificates, in the names of Carl J. and Olger Sether, and is for the use of not to exceed 1/70th cubic foot per second per acre from springs and stream tributary to Cow Creek and Cow Creek, under a priority date of September 17, 1903, for irrigation of a certain 11.4 acres in NW¼ NW¼, Section 3; 30.5 acres in NE¼ NE¼, 2.4 acres in SE¼ NE¼, Section 4, Township 33 South, Range 6 West, W.M.; 4.5 acres in SW¼ SW¼, Section 34, 7.0 acres in SW¼ SE¼ and 14.5 acres in SE¼ SE¼, Section 33, Township 32 South, Range 6 West, W.M.

The authorized point of diversion is located 860 feet South and 1450 feet East from the West Quarter Corner of Section 35, being within the NE¼ SW¼ of Section 35, Township 32 South, Range 6 West, W.M. (Sether Ditch).

The applicant proposes to sever the right from a certain 0.8 acre in NW¼ NW¼, Section 3; 4.0 acres in NE¼ NE¼ and 0.6 acre in SE¼ NE¼, Section 4, Township 33 South, Range 6 West, W.M., and to irrigate in lieu thereof a certain 0.2 acre in NE¼ NW¼, 3.1 acres in NW¼ NW¼, 1.0 acre in SW¼ NW¼ and 1.1 acres in SE¼ NW¼, Section 3, Township 33 South, Range 6 West, W.M., together with the balance of said lands described above, from points of diversion located (1) 870 feet South and 850 feet West from the Northeast Corner of the SW¼ NE¼ of Section 35, being within the SW¼ NE¼ of Section 35, Township 32 South, Range 6 West, W.M.; (2) 225 feet South and 655 feet West from the North Quarter Corner of Section 3, being within the NE¼ NW¼ of Section 3, Township 33 South, Range 6 West, W.M.; and (3) 960 feet North and 700 feet West from the Southeast Corner of Section 33, being within the SE¼ SE¼ of Section 33, Township 32 South, Range 6 West, W.M.


T. 32 & 33 S.
R. 6 W.
33
33
34
4
3
Sec 35
SW NE
DITCH DIV. #1
JOHN SETHER
BOX 6
Tunnel Road
Glendale OR
97442
Windy Cr.
NOT OWNED BY SETHER
37633
Div. Pt. of Record
#3
E-25
37998
10573
C 36030
#2
23188
Proposed Div. Pt.
Proposed Place of Use
T. 32 S.
T. 33 S.
4370
Div. 38407
16657
38671
Place of Use of Record
ROAD TO GLENDALE
Mill C9651
S-213
T-2406
GLENDALE
FENCE LOC. ON PTS
ROAD TO GLENDALE
Mill Cr.
Tunnel Cr.
TUNNEL ROAD
Scale 4" = 1 mile
Proposed Div. Pt: 700' N. and 525' W. from SE Cor. Sec. 34

RECEIVED
AUG 14 1974
STATE ENGINEER
SALEM, OREGON



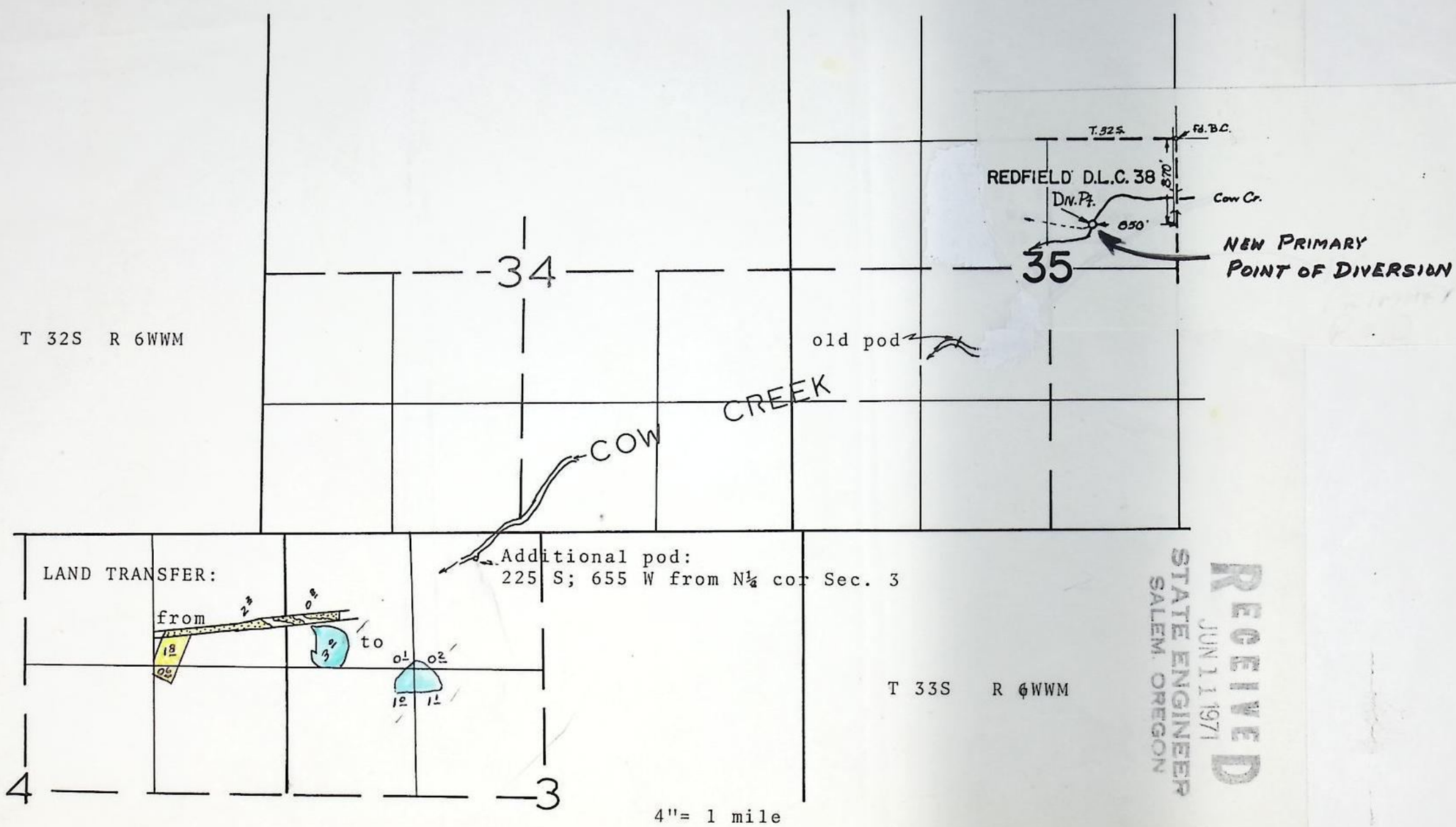
T. 32 S., R. 6 W., W.M.

T. 33 S., R. 6 W., W.M.

Sept. 17, 1903 (including S-213)
T-2486 and ~~T-2909~~ (9/17/03)

Traced from Adjudication map and adjusted for subsequent transfers.

T-2486



RECEIVED
JUN 11 1971
STATE ENGINEER
SALEM, OREGON

Permit A-5M-1-75

Transfer 2486

RECEIVED SP*32956-690
SEP 7 1983
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF DOUGLAS

Proof of Appropriation of Water

Name: John O. Sether

Address: Glendale Valley Road, Glendale, OR 97442

Source of Supply: Cow Creek

Permit: ______ Transfer: #2486

Tributary of: South Umpqua River

Amount of Water: 1/70th cfs per acre irrigated

Priority Date: September 17, 1903

Use: Irrigation of 70.3 acres

Location and Point of Diversion: SW¼ NE¼, NE¼ SW¼, Section 35, SE¼ SE¼, Section 33 T32S, R6W, WM; Diversion 1 - 870 feet South, & 850 feet West from NE corner SW¼ NE¼ Section 35, Sether Ditch, & Diversion 3 - 870 feet North & 600 feet West from SE corner Section 33.

The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

Place of Use & Point of Diversion
2.3 acres NW¼ NW¼
2.8 acres SW¼ NW¼
0.3 acre SE¼ NW¼
Section 3

12.9

Point of Diversion Only
10.6 acres NW¼ NW¼
Section 3
26.5 acres NE¼ NE¼
1.8 acres SE¼ NE¼
Section 4
Township 33 South, Range 6 West, WM

4.5 acres SW¼ SW¼
Section 34
7.0 acres SW¼ SE¼
14.5 acres SE¼ SE¼
Section 33
Township 32 South, Range 6 West, WM

I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change of * approved by the order of the Water Resources Director entered Nov. 9, 1979; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 6 day of Sept 1983.

* place of use and point of diversion.

John O. Sether
Legal owner of the above described lands

2641A

RECEIVED
FEB 12 1971
STATE ENGINEER
SALEM, OREGON

RECEIVED
JUN 11 1971
STATE ENGINEER
SALEM, OREGON

RECEIVED
AUG 14 1974
STATE ENGINEER
SALEM, OREGON

T-2486

RECEIVED
JUL 28 1978
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
OCT 26 1973
STATE ENGINEER
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, O. G. and Mildred F. Sether (Name of applicant)

of Box 6, Tunnel Road (Postoffice) Glendale, County of Douglas,

State of Oregon, do hereby make application for change in place of use and an additional point of diversion (In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Cow Creek (Name of stream)

2. The use to which the water is applied is irrigation, domestic, and stock (Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Sether Ditch

O.G.S.

4. The point of diversion is located 860 ft. S. (N. or S.) and 1450 ft. E (E. or W.) from the West quarter corner of Section 35 (Section or subdivision) being within the NE¼ SW¼ of Section 35 Tp. 32S (No. N. or S.) R. 6W. (No. E. or W.) W. M., in the County of Douglas

O.G.S.

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
33S	6W	4	4.0			0.6												
		3						0.8			Lands to be transfered See attached sheet							

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

30.5 16.2

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? yes (If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes

8. What is the date of priority of your water right? September 17, 1903

9. Was your water right acquired by State Engineer's Permit? no (Yes or No) If so, give number of permit

Form 113—2M—8-63

11.28

10. Do you hold a water right certificate? yes (Yes or No) If so, give number of certificate 36030

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

yes (Yes or No) If so, give title of proceedings Cow Cr. Adjudication

12. Is the water right recorded in your name? ~~yes~~ Carl J. Sether & Olger Sether (If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
33S	6W	3					0.2	3.1	1.0	1.1								

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

D.G.S.

New Primary POD: 870' S & 850' W from the NE Cor. of the SW¼ NE¼ of Sec. 35 being within SW¼ NE¼ of Section 35

14. The proposed (ADDITIONAL) point of diversion is located 225 (2nd.) 960 ft. So No. (N. or S.) and 655 700 ft. W W (E. or W.) from the N¼ SE corner of Sec. 3 Sec. 33 being within the NE¼ NW¼ SE¼ SE¼ (Smallest legal subdivision) of Section 3 33 Tp. 33S 32S (No. N. or S.) R. 6W 6W (No. E. or W.) W. M., G.O.S.

in the county of Douglas The name of the ditch to be used is Sether Ditch

15. Are you the owner of the land on which the proposed point of diversion is to be located? yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? yes - see remarks

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? yes (Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are 1: Land change: There will be a new County road constructed in 1971 over the existing lands. 2: P.O.D. change: To provide water in the ditch when impracticable to have dam across Cow Cr. Water will be pumped from Cow Cr. into ditch at point shown on map.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,
County of Douglas } ss.

I, O. G. Sether and Mildred F. Sether, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 9 day of February, 19 71.

O. G. Sether
(Name of applicant)
Mildred F. Sether

Subscribed and sworn to before me this 9 day of February, 19 71.

[Notarial Seal]

M. John Yager
NOTARY PUBLIC FOR OREGON

My commission expires April 18, 1972

Remarks There is one point of diversion between the existing point of diversion and the additional proposed one. It is for A#29465 Which I own and hold.

#20 Continued: The application also includes a change in the location of the primary point of diversion. This change was completed several years ago when the ditch also served Mr. C.O. Garrett who has already filed for a completed change in point of diversion for his right. The additional point of diversion is needed during the early irrigation season and the last month of the irrgiation season because in most years the flows of Cow Creek during this period are too heavy to install & maintain our summer diversion dam across Cow Creek at our primary point of diversion. We anticipate using the additional point of diversion almost every year.

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

O.G.S.

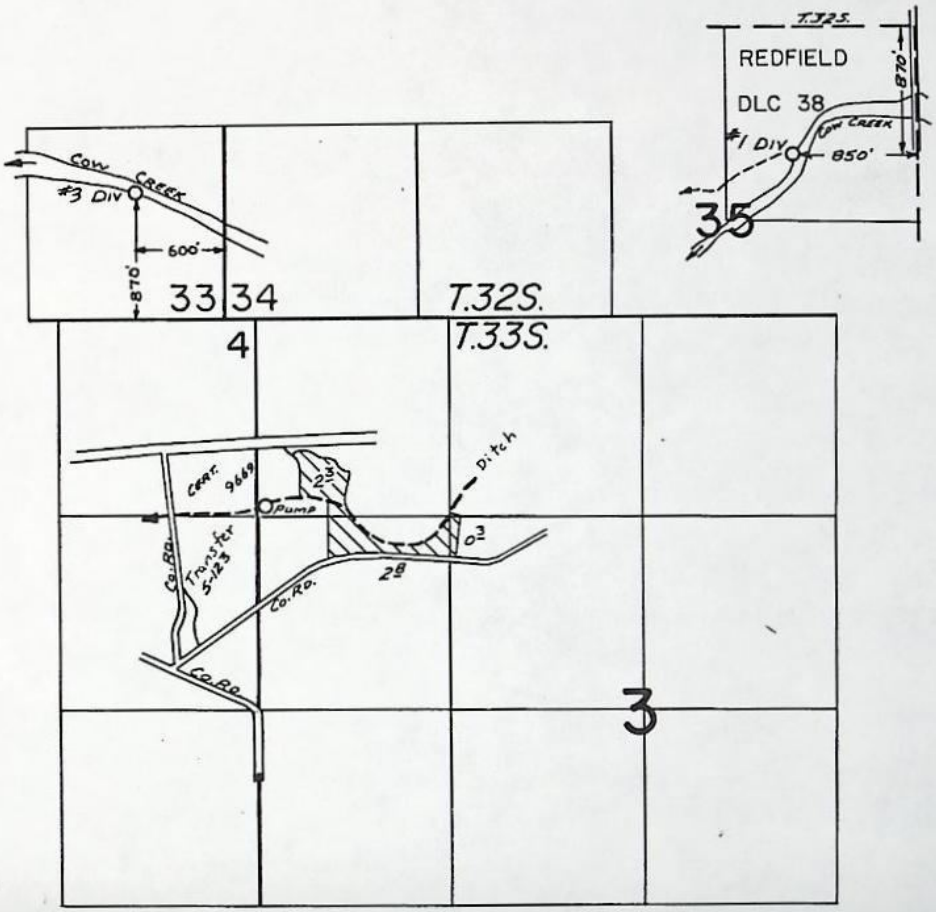
Twp.	Range	Sec.	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼
			CHANGE IN PLACE OF USE AND POINT OF DIVERSION															
33 S	6 W	3						0.8										
		4	4.0			0.6												
			CHANGE IN POINT OF DIVERSION ONLY															
32 S	6 W	33															7.0	14.5
		34											4.5					
33 S	6 W	3					0.2 ~~2.0~~	10.6 ~~15.4~~	Ltr. 6-27-74 LMT									
		3							0.1**									
		4	26.5			1.8												
		4	0.2**			8.3**												
			(** Acreage to be allowed after Transfer S-213)															
			PLACE OF USE AFTER COMPLETION OF CHANGES															
32 S	6 W	33															7.0	14.5
		34											4.5					
33 S	6 W	3					0.2 ~~2.0~~	13.7 ~~18.4~~	1.0	1.1								
		3							0.1**									
		4	26.5			1.8												
		4	0.2**			8.3**												
			(** Acreage allowed after Transfer S - 213)															

Ltr. 6-27-74 LMT

RECEIVED
MAR 1 1973
STATE ENGINEER
SALEM OREGON

RECEIVED
JUL 28 1978
WATER RESOURCES DEPT.
SALEM, OREGON

T.32&33S.,R.6W.,W.M.



FINAL PROOF SURVEY
UNDER

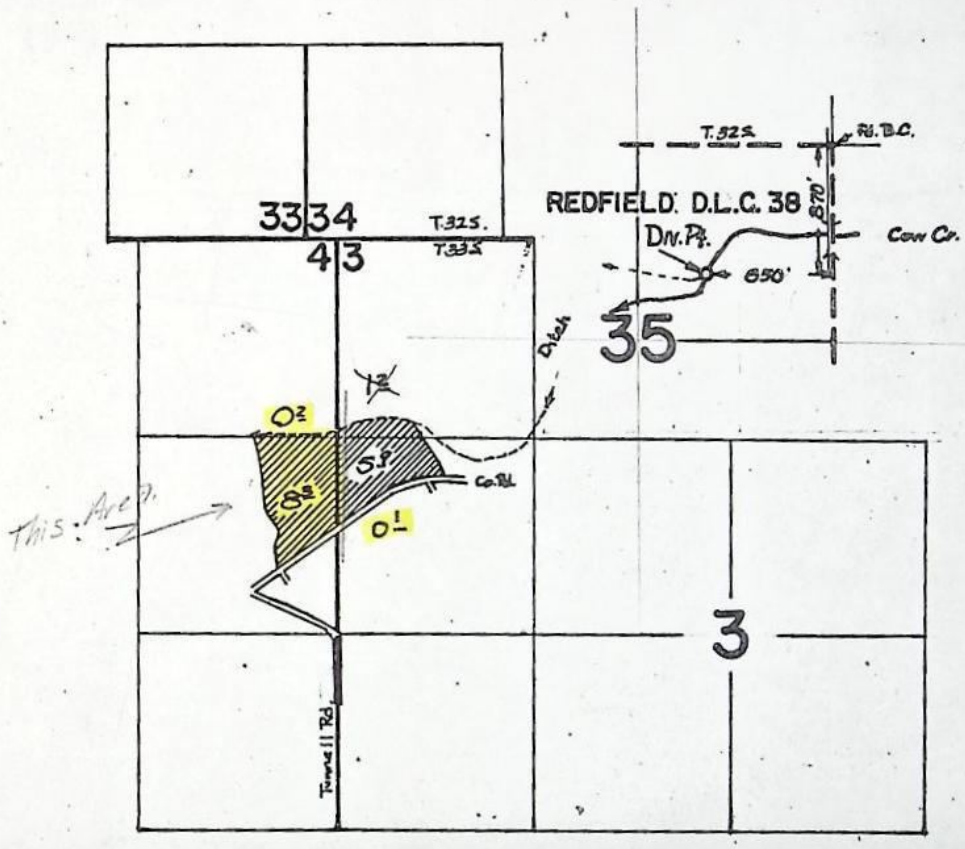
Transfer No. 2486
Application No. ..... Permit No. .....
IN NAME OF

JOHN O. SETHER

Surveyed Aug. 10 1982., by L. M. TOLL

BTR-1HH-231
BTR-1HH-91
PTS-1982-Y

T. 32 & 33 S. R. 6 W. W. M.



FINAL PROOF SURVEY

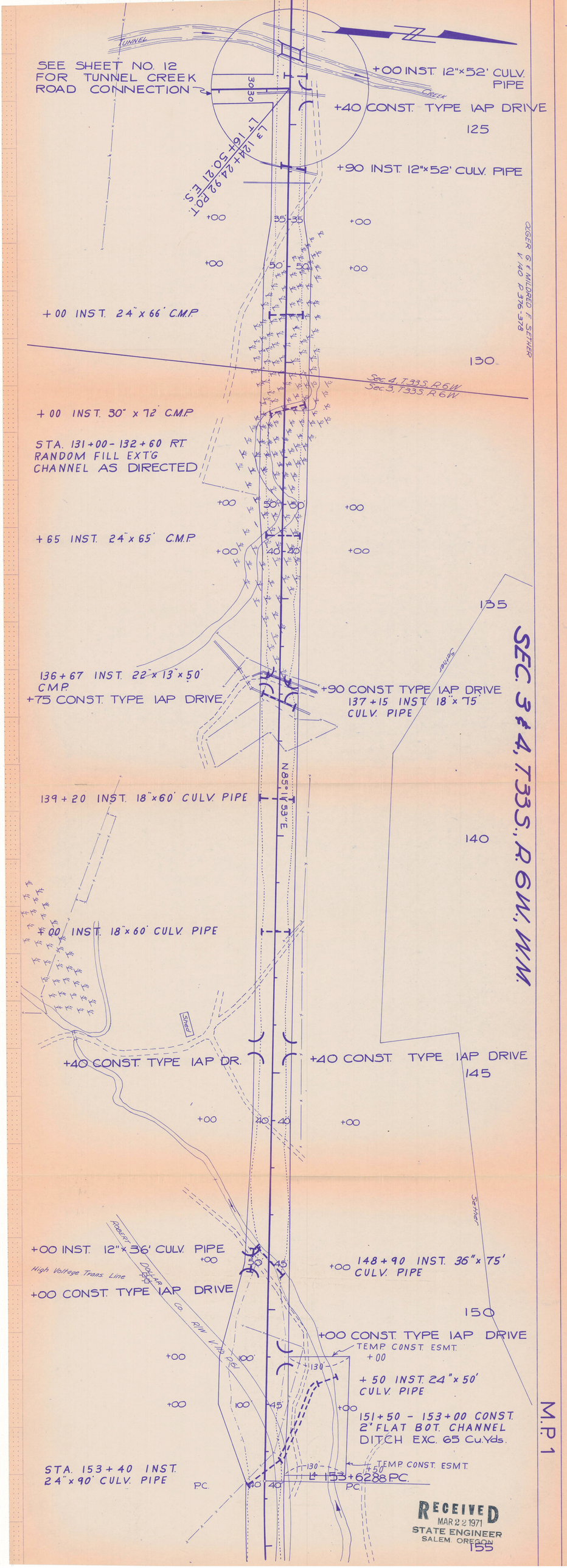
UNDER

Application No. X-FER Permit No. S-213

IN NAME OF

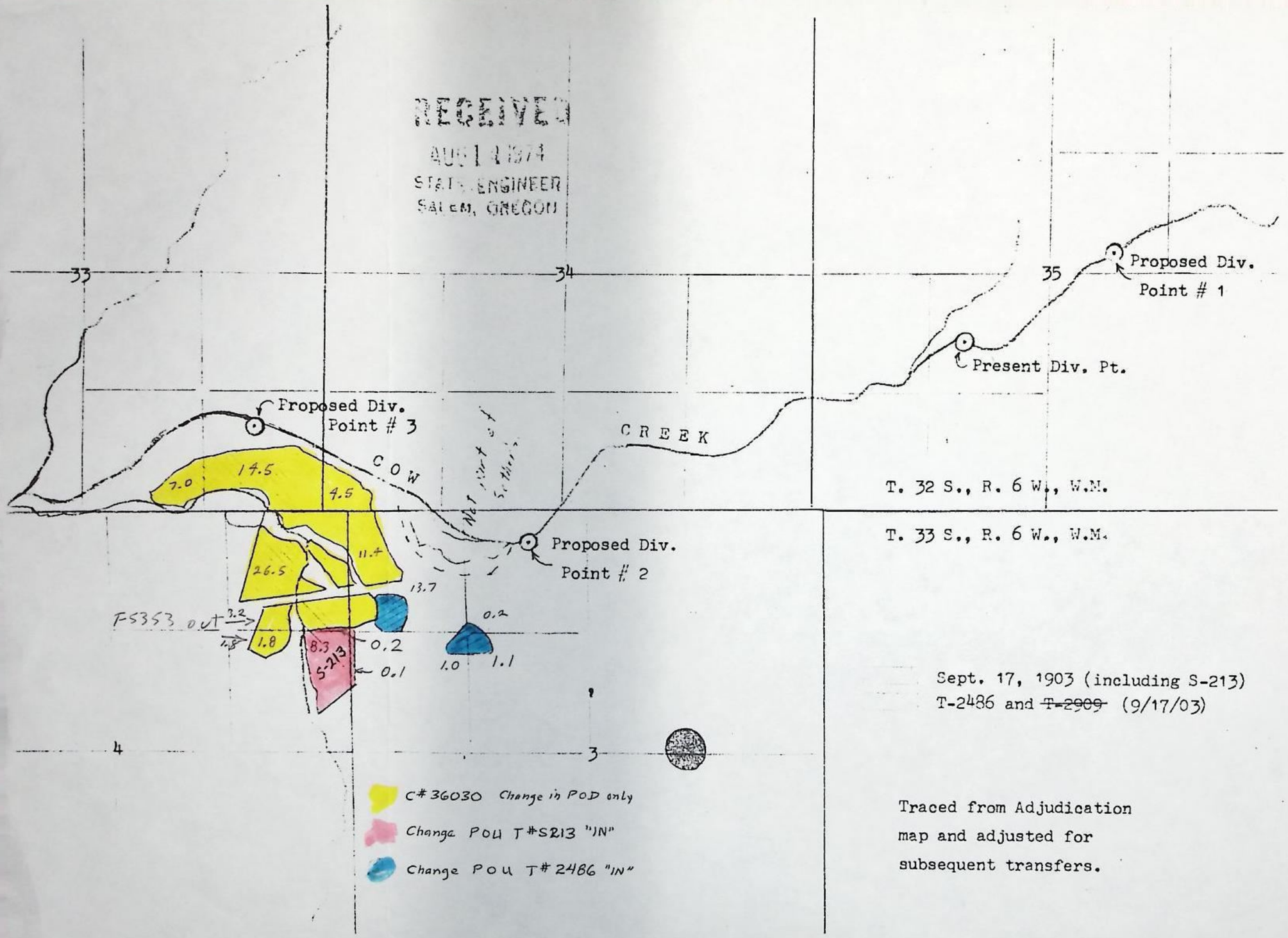
O. G. SETHER

Surveyed 4 JUNE 1970, by D. R. BUELL



RECEIVED
MAR 22 1971
STATE ENGINEER
SALEM, OREGON

RECEIVED
AUG 1 3 1974
STATE ENGINEER
SALEM, OREGON



Sept. 17, 1903 (including S-213)
T-2486 and ~~T-2909~~ (9/17/03)

Traced from Adjudication map and adjusted for subsequent transfers.

Affidavit of Publication

The News-Review

Roseburg, Oregon

ISSUED DAILY EXCEPT SUNDAY

STATE OF OREGON }
COUNTY OF DOUGLAS } ss.

I, Elsille Martin, being first duly sworn, depose and say that I am the Office Manager, of The News-Review, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Roseburg in the aforesaid county and state; that the Notice of Water Right Transfer

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues:

OK

September 13, 20, 27, 1979

The fee actually charged by such newspaper for such publication is $ 40.31

Elsille Martin

Subscribed and sworn to before me this 27th day of September 19 79

Barbara Brown
Notary Public of Oregon

My Commission expires 10th day of October, 19 80

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 2486

The Water Resources Director of Oregon has received and filed an application by John O. Sether for approval, without loss of priority, of changes in place of use & point of diversion of water under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 36030, Volume 28, State Record of Water Right Certificates, in the names of Carl J. & Olger Sether, and is for the use of not to exceed 1/70th cubic foot per second per acre from springs & stream tributary to Cow Cr. & Cow Cr., under a priority date of Sept. 17, 1903, for irrigation of a certain 11.4 ac in NW¼ NW¼, Sec 3; 30.5 ac in NE¼ NE¼, 2.4 ac in SE¼ NE¼, Sec 4, T 33S, R 6W, WM; 4.5 ac in SW¼ SW¼, Sec 34, 7.0 ac in SW¼ SE¼ & 14.5 ac in SE¼ SE¼, Sec 33, T 32S, R 6W, WM.

The authorized point of diversion is located 860 ft S & 1450 ft E from the W¼ Corner of Sec 35, being within the NE¼ SW¼ of Sec 35, T 32S, R 6W, WM (Sether Ditch).

The applicant proposes to sever the right from a certain 0.8 ac in NW¼ NW¼, Sec 3; 4.0 ac in NE¼ NE¼ & 0.6 ac in SE¼ NE¼, Sec 4, T 33S, R 6W, WM, and to irrigate in lieu thereof a certain 3.1 ac in NW¼ NW¼, 0.2 ac in NE¼ NW¼, 1.0 ac in SW¼ NW¼ & 1.1 ac in SE¼ NW¼, Sec 3, T 33S, R 6W, WM, together with the balance of said lands described above, from points located (1) 870 ft S & 850 ft W from the NE Corner of the SW¼ NE¼ of Sec 35, being within the SW¼ NE¼, Sec 35, T 32S, R 6W, WM; (2) 225 ft S & 655 ft W from the N¼ Corner of Sec 3, being within the NE¼ NW¼ of Sec 3, T 33S, R 6W, WM; and (3) 960 ft N & 700 ft W from the SE Corner of Sec 33, being within the SE¼ SE¼ of Sec 33, T 32S, R 6W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Wednesday, November 7, 1979, at the Douglas County Courthouse, Roseburg, Oregon. Any objections to the proposed changes must be prepared in writing; one copy to be served on the applicant at Box 6, Tunnel Rd, Glendale, OR 97442; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a $10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 7th day of September, 1979.

James E. Sexson, Director

Invoice No. 5639

Publication Dates: September 13, 20, 27, 1979

OK

RECEIVED
SEP 28 1979
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

INTEROFFICE MEMO

RECEIVED
SEP 13 1979
WATER RESOURCES DEPT
SALEM, OREGON

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Sept. 10, 1979.

FROM: ** M. John Youngquist, Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 2486

IN THE NAME OF John O. Sether

In my opinion the proposed changes in place of use & point of diversion from springs, streams & Cow Creek MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~* to an existing water right.

Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the sources which serves this right.

If for change in point of diversion, is there any intervening point of diversion between the authorized and the proposed points of diversion? Yes
(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 . . .

y (2) When in the judgment of the watermaster it becomes necessary . . .

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

** M. John Youngquist
Watermaster's signature or initials

81-125-1387

STATE OF OREGON

INTEROFFICE MEMO

TO: James W. Carver, Jr.

DATE: July 27, 1978

FROM: M. John Youngquist, Watermaster, District 15

RECEIVED
JUL 28 1978
WATER RESOURCES DEPT.
SALEM, OREGON

SUBJECT: Transfer Application Number 2486

Gary Ball recently met again with John Sether in the field and I believe this transfer is now complete. Referring to your letter of January 6, 1977, the letter from Mildred S. Sether was correct in that after the passing away of her husband, Olger Sether, she wishes this transfer to be placed in the name John O. Sether.

You are correct in that there is probably little need for transfer #2909 as the lands for that transfer belong to a Mr. Ortman who is still using the ditch and does not wish to apply for transfer of water right at this time.

We have added P.O.D. #3 as shown on the map and the addition has been initialed by John Sether. The reason for each change in P.O.D. is as follows:

P.O.D. #1: To move the original ditch diversion upstream to where it now exists.

P.O.D. #2: Immediately above P.O.D. #2 there is a flume crossing Cow Creek. On certain years the water is too swift to install this flume yet irrigation is needed. The applicant proposes, at times, to pump water from Cow Creek into the ditch until he can install the flumes.

P.O.D. #3: During the latter part of the summer, the applicant has found it convenient to utilize the ditch solely for the transportation of water to the upper fields and, in part, to supply Superior Lumber Company who has the Lystol Lawson right on the original ditch.

P.O.D. #3 is a pumping point which allows the lower field and, at times, the field immediately above the roadway, to be irrigated. Mr. Sether for example in 1977, during the extremely short water year, ceased to use the ditch completely, pumping only what water that was barely needed from P.O.D. #3 to minimize his effect on the stream. This is to allow more water to flow downstream for the City of Glendale. Glendale's water right is quite new and the only water they receive on extremely short years, such as 1973 and 1977, is return flow from the Sether Ditch or Superior Lumber Company. By utilizing P.O.D. #3 in the extremely dry years the Sethers can cut their water consumption well below the legal limits under their right of record.

Mr. Sether has indicated the News Review would be a suitable publication for the advertising on this transfer.

Should you have any questions or comments please do not hesitate to contact me.

MJY/gf

STATE OF OREGON

INTEROFFICE MEMO

TO: John Youngquist, Watermaster

DATE: January 6, 1977

FROM: James W. Carver, Jr.

SUBJECT: Transfer application No. 2486

We recently received a letter from Mildred F. Sether advising that her husband, Olger G. Sether, passed away in October of 1975, and requesting that any pending water right matters be put in the name of John O. Sether. I checked the files and found three transfer applications that are pending in one status or another.

Transfer No. S-213, changing the place of use for 8.6 acres under the right evidenced by prior certificate No. 9669, has had the final proof survey made, but the certificate confirming the change has not yet been issued because these lands are involved in pending transfer No. 2486.

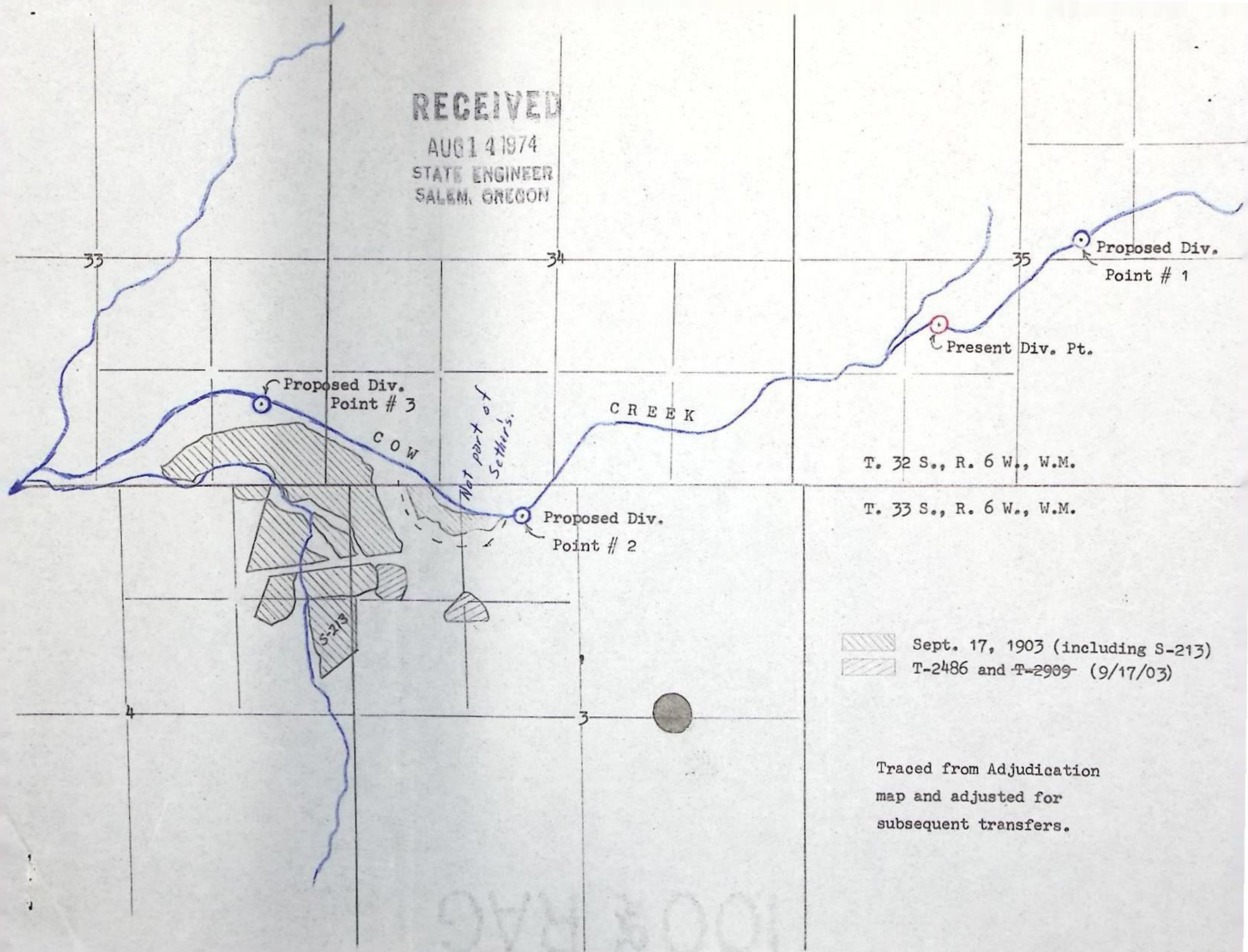
Said transfer No. 2486 also covers other lands evidenced by certificate No. 36030 which supercedes certificate No. 9669.

The third pending transfer application, being transfer No. 2909, was for a change in point of diversion for the water right evidenced by certificate No. 996 from Cow Creek with the priority date of November 18, 1909. Since all of the lands under certificate No. 996 are located north of Cow Creek and with reference to the enclosed copy of your memo of August 13, 1974, and the attached map, it appears that transfer No. 2909 should be withdrawn and any unearned fees returned to the Sethers.

With reference to transfer No. 2486, which is also enclosed together with maps and a marked copy of certificate No. 36030, I would appreciate it if you could go over the transfer application with John Sether and determine if it accurately described the changes in place of use and point of diversion that have been or will be made by the Sethers. If you will then return the application with any appropriate amendments and tell us which newspaper John Sether would like for us to use for publication of notice, we will proceed on this matter.

It is noted that the application proposes to relocate the point of diversion and to also establish one additional point of diversion. However, one of the maps enclosed indicates a proposed point of diversion No. 3. We would appreciate it if you could clerify this for us also.

RECEIVED
AUG 14 1974
STATE ENGINEER
SALEM, OREGON



Traced from Adjudication map and adjusted for subsequent transfers.

Tunnel Creek Road
Glendale, Oregon
June 27, 1974

RECEIVED
AUG 14 1974
STATE ENGINEER
SALEM, OREGON

To Whom It May Concern:

2486
Regarding T-2909

I hereby authorize you to delete all lands presently owned by a Mr. Ortman (the Carl Sether Right), from the attached transfer application.

Yours truly,

Olger G. Sether

Olger G. Sether