

2833

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed June 12, 1973
 Date of hearing _____
 Place of hearing _____
 Date of order 4-2-75 Vol. 25, page 256-258
 Date for application of water 10-1-76
 Proof mailed _____
 Proof received _____
 Certificate issued AUG 30 1976 Vol. 35, page 43552
Apr: 11, 1980 Survey 9/76 49099

DESCRIPTION OF WATER RIGHT

Name of stream Cala pooya Creek
 Trib. of _____ County of Douglas
 Use Irrigation
 Quantity of water _____ No. of acres 9 31
 Name of ditch _____
 Date of priority MAY 3, 1955
 In name of Mary K. Forster
 _____ Adjudication, Vol. _____, page 41917
 App. No. 29956 Per. No. 23412 Cert. No. 2116
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-12-73</u>	<u>25.00</u>	<u>34584</u>
<u>TOTAL . . .</u>	<u>3.00</u> Cert. Fee	<u>34585</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Form 133 sent APR 17 1980

See 2512

CLK JES per notes

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

STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ROXANA R. ROBERTSON

of Umpqua Star Route, Box 52B, Oakland, State of Oregon 97462, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Calapooya Creek

a tributary of Umpqua River for the purpose of
irrigation of 9.31 acres

under Permit No. 23412 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 May 3, 1955

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 0.12 cubic foot per second, if available at the original point of diversion, SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Stephens DLC 50, Section 15, T. 25 S., R. 6 W., W.M.; South 26 degrees 30 minutes East 1350 feet from the SW Corner of the North *

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Stephens DLC 50, Section 15, T. 25 S., R. 6 W., W.M.; 883 feet North and 1705 feet West from the SE Corner, Section 15

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 be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season 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:

SEE NEXT PAGE

RECEIVED

JUL 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

1.90 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
0.70 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
0.01 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
all as projected within Stephens DLC 50
Section 15
T. 25 S., R. 6 W., W.M.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered April 25, 1975, and together with certificate of water right recorded on Page 43552, Volume 35, State Record of Water Right Certificates supersedes certificate of water right recorded on Page 41917, Volume 33, State Record of Water Right Certificates.

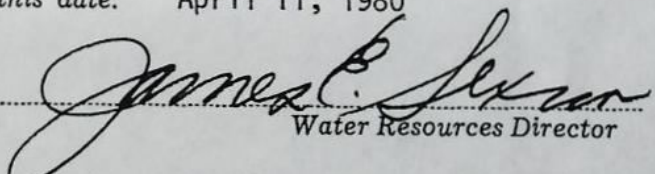
The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

*extension of Stephen DLC 50

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board

WITNESS the signature of the Water Resources Director, affixed

this date. April 11, 1980


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 42 , page 49099

RECEIVED

JUL 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF DOUGLAS

Superseded by
Cert. No. 43552
Sp. Or. 725 p. 236

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ROXANA R. ROBERTSON
MARY K. FORSTER
Umpqua Star Route Box 528 97479
of P.O. Box 365, Sutherlin OAKLAND, State of Oregon 97462 has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Calapooya Creek

a tributary of 9.31 Umpqua River for the purpose of
irrigation of 59.6 acres

under Permit No. 23412 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 May 3, 1955

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
0.74 cubic foot per second if available at the original point of diversion.

0.12
SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Stephen DLC 50, Section 15, T. 25 S., R. 6 W., W.M.,
S 26° 30' E ~~1350~~ feet 1350 feet from the SW Corner of the North extension of Stephen DLC 50
or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Stephens DLC 50,
Section 15, T. 25 S., R. 6 W., W. M. 883 feet North and 1705 feet West
from the SE Corner Section 15

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 be further limited to
a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during
the irrigation season 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:

6.70 ~~17.0~~ acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
1.90 ~~7.0~~ acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
0.70 ~~25.6~~ acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
0.01 ~~10.8~~ acres SW $\frac{1}{4}$ SE $\frac{1}{4}$

All as projected within Stephens DLC 50
Section 15
T. 25 S., R. 6 W., W. M.

This certificate is issued to confirm a change in point of diversion approved
by an order of the WRD entered April 25, 1975 and together with certificate of water right
recorded on Page 43552, Volume 35, SRWRC supersedes certificate of
water right recorded on Page 41917, Volume 33, SRWRC.

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

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 date. March 27, 1975

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41917

C-49099

Superseded by

Cert. No. _____

STATE OF OREGON
COUNTY OF DOUGLAS

Sp. Or. V. 25, p. 256

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MARY K. FORSTER

of P. O. Box 365, Sutherlin, State of Oregon, 97479, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Calapooya Creek

a tributary of Umpqua River for the purpose of irrigation of ~~59.6~~ ^{50.29} acres

under Permit No. 23412 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 May 3, 1955

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 ~~0.74~~ ^{0.62} 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Stephens DLC 50, Section 15, T. 25 S., R. 6 W., 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 be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season 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:

10.3 ~~17.0~~ acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
5.1 ~~7.0~~ acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
24.9 ~~25.6~~ acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
9.99 10.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$

All as projected within Stephens DLC 50
Section 15
T. 25 S., R. 6 W., W. M.

An order of the ^{S-E} Water Resources Director entered April 2, 1975 approved a change in point of diversion for the irrigation of ^{9.31 acres} ~~9.4 acres~~. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to Mary K. Forster recorded at page 41917, ^{Vol. 331} State Record of Water Right Certificates.

WITNESS the signature of the State Engineer, affixed

this date. March 27, 1975

Chris L. Wheeler

State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION }
OF ROXANA R. ROBERTSON FOR THE }
APPROVAL OF A CHANGE IN POINT OF }
DIVERSION OF WATER FROM CALAPOOYA }
CREEK }

ORDER APPROVING
TRANSFER NO. 2833

On June 12, 1973, Roxana R. Robertson filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Calapooya Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Mary K. Forster and recorded at page 41917, Volume 33, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.87 cubic foot per second of water from Calapooya Creek for the irrigation of, among other lands, 6.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.9 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.7 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 0.01 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 25 South, Range 6 West, W.M., with a date of priority of May 3, 1955. These lands are irrigated from a point of diversion located South 26° 30' East, 1350 feet from the Southwest corner of the North Extension of Stephens D.L.C. No. 50, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 25 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 883 feet North and 1705 feet West from the Southeast corner of Section 15, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 25 South, Range 6 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said Section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. M. John Youngquist, Watermaster of District No. 15, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

Stults, Jayne, Murphy & Anderson, attorneys for and on behalf of Paulus M. McKee and the Estate of Earl D. Stonerod, Trustees, who are the vendors under a sales contract, have submitted written approval of the proposed change in point of diversion.

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

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

From a point located South $26^{\circ} 30'$ East, 1350 feet from the Southwest corner of the North extension of Stephens D.L.C. No. 50, being within the $SW\frac{1}{4}$ $SE\frac{1}{4}$ of Section 15, Township 25 South, Range 6 West, W.M.

To a point to be located 883 feet North and 1705 feet West from the Southeast corner of Section 15, being within the $SW\frac{1}{4}$ $SE\frac{1}{4}$ of Section 15, Township 25 South, Range 6 West, W.M.

for the irrigation of 6.7 acres in $NE\frac{1}{4}$ $SW\frac{1}{4}$, 1.9 acres in $SE\frac{1}{4}$ $SW\frac{1}{4}$, 0.7 acre in $NW\frac{1}{4}$ $SE\frac{1}{4}$, and 0.01 acre in $SW\frac{1}{4}$ $SE\frac{1}{4}$, Section 15, Township 25 South, Range 6 West, W.M., with a date of priority of May 3, 1955, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1976.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.12 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Mary K. Forster and recorded at page 41917, Volume 33, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Roxana R. Robertson confirming the change in point of diversion.

Dated at Salem, Oregon, this 2nd day of April, 1975.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

MARY K. FORSTER

of P.O. Box 365, Sutherlin, State of Oregon, 97479, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Calapooya Creek

a tributary of Umpqua River
irrigating 50.29 acres

for the purpose of

under Permit No. 23412 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 May 3, 1955 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 0.62 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Stephens DLC 50, Section 15, T. 25 S., R. 6 W., 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 be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season 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:

10.3 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
5.1 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
24.9 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
9.99 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$

All projected within Stephens DLC 50
Section 15
T. 25 S., R. 6 W., W. M.

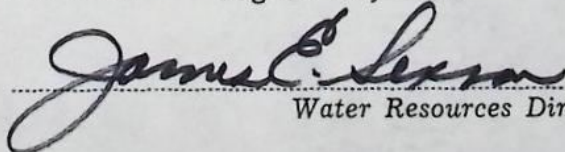
An order of the State Engineer entered April 2, 1975 approved a change in point of diversion for the irrigation of 9.31 acres. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to Mary K. Forster recorded at Page 41917, Volume 33, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date.

August 30, 1976



Water Resources Director

200 pd.

CERTIFICATE OF
WATER RIGHT

STATE OF OREGON

to

STATE OF OREGON,

County of DOUGLAS

} ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume
of Record of Water Right Certificates, at 10:09 A.M.
page on the 29th day
of September, 19 76

DORIS L. WADEWORTH

County Clerk

Freda Hudson Deputy