

2841 from Dsepian
P.O. Box 199

2841

Hand
R.R. Cert

STATUS OF APPLICATION

Change in Point of Diversion
Date filed June 28, 1973
Date of hearing 2-5-74
Place of hearing Rosburg
✓ Date of order 2-7-74 Vol. 24, page 98-100
Date for application of water 10-11-75
Proof mailed _____
Proof received _____ ✓
Certificate issued AUG 30 1976 Vol. 35, page 43551 ✓
JAN 29 1979 40 Survey 47271
again 11/77

DESCRIPTION OF WATER RIGHT

Name of stream Cow Creek
Trib. of _____ County of Douglas
Use Irrigation
Quantity of water _____ No. of acres 5^e
Name of ditch _____
Date of priority December 22, 1909
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 456 Per. No. 211 Cert. No. 2843
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-28-73</u>	<u>25.00</u>	<u>35193</u>
<u>6-28-73</u>	<u>45.00 P.O.N.</u>	<u>35194</u>
TOTAL . . .		
<u>1-30-74</u>	<u>\$3⁰⁰ Cert. Fee</u>	<u>From P.O.N.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>1-30-74</u>	<u>\$11.07 P.O.N.</u>	<u>5621</u>

REMARKS

6/27/03 David & Jean Jacobson
2398 Azalea Glen Rd
Glendale OR 97442

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

753

pay \$1.00
43551
320L

Superseded by 43551
Cert. No. 320L

I Sp. Or. V. 24, p. 28
(7-28-1)

STATE OF OREGON

WATER DIVISION NO.

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That

Julia Osepian

P.O. Box 199

Azalea

LOUIS F. ANDERSON, o/o Wood, Montague & Matthiessen

of 1310 Yeon Bldg., Portland

, State of

Oregon

97410

, has made proof

to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the

waters of Cow Creek

trib South Umpqua River

, for the purpose of the irrigation of 5.0 acres of land

under Permit No. 211 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1

at page 368, on the 17th day of November, 1920; that the priority of

the right hereby confirmed dates from December 22, 1909; 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 0.063 cubic foot per second, or its equivalent in case of rotation. The use hereunder shall conform to any reasonable rotation system ordered by the proper State Officer.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 5.0 acres in the Northwest quarter of Northeast quarter and 22 acres in the North part of the Northwest quarter of Section Twenty-two, Township Thirty-two South, Range Five West of Willamette Meridian, in Douglas County, Oregon.

5.0 acres NW 1/4 NW 1/4

Sec 22

T32S R5W WM

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered February 7, 1974 and together with certificate of water right recorded on Page 43551, Volume 35, SRWRC supersedes certificate of water right recorded on Page 2841, Volume 4, SRWRC.

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

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CUPPER

State Engineer, President

Attest: R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificates, Volume 4, Page 2843

STATE OF OREGON

WATER DIVISION NO.

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That LOUIS F. ANDERSON, c/o Wood, Montague & Matthiessen

of 1310 Yeon Bldg., Portland, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Cow Creek, ~~XXXXXX~~

, for the purpose of ~~the~~ irrigation of ²⁵ ~~30~~ acres of land.

under Permit No. 211 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1,

at page 368, on the 17th day of November, 1920; that the priority of

the right hereby confirmed dates from December 22, 1909; 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 ^{0.312} ~~0.375~~ cubic feet per second, or its equivalent in case of rotation. The use hereunder shall conform to any reasonable rotation system ordered by the proper State Officer.

^{6/10th} A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: ~~3/4 acres in the Northwest quarter of Northeast quarter and 22 acres in the North part of the Northwest quarter of Section Twenty-two, Township Thirty-two South, Range Five West of Willamette Meridian, in Douglas County, Oregon.~~

seventieth

3 acres in the NW 1/4 NE 1/4
17 acres in the ~~SW 1/4~~ North part of NW 1/4
See 22
T. 32 South, R 5 West, W.M.

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

An order of the ^{S-E} ~~Water Resources Director~~ entered February 7, 1974 approved

a change in point of diversion for the irrigation of ^{5.0} ~~25~~ acres. This certificate is issued to confirm the remaining right not involved in the

change and supersedes the certificate heretofore issued to Louis F. Anderson c/o Wood, Montague & Matthiessen recorded at page ^{Vol. 4,} ~~2843~~, State Record of Water Right Certificates.

By PERCY A. CUPPER
State Engineer, President

Attest: R. W. POTTER
Secretary

Recorded in State Record of Water Right Certificates, Volume 4, Page 2843

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION
OF SAM OSEPIAN FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION
OF WATER FROM COW CREEK

ORDER APPROVING
TRANSFER NO. 2841

On June 28, 1973, Sam Osepian filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Cow Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Louis F. Anderson and recorded at page 2843, Volume 4, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.375 cubic foot per second of water from Cow Creek for the irrigation of, among other lands, 5.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 32 South, Range 5 West, W.M., with a date of priority of December 22, 1909. These lands are irrigated by means of A. H. Anderson ditch from a point of diversion located 30.74 chains East from the N $\frac{1}{4}$ corner of Section 22, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Township 32 South, Range 5 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 735 feet South and 925 feet East from the Northwest corner of Section 22, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 32 South, Range 5 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Roseburg, Oregon on February 5, 1974 at 9:30 a.m. The notice was published in the News Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks

in the issues of December 12, 19 and 26, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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.

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 Cow Creek, to wit:

From a point located 30.74 chains East from the North $\frac{1}{4}$ corner of Section 22, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 32 South, Range 5 West, W.M.

To a point to be located 735 feet South and 925 feet East from the Northwest corner of Section 22, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 32 South, Range 5 West, W.M.

for the irrigation of 5.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 32 South, Range 5 West, W.M., with a date of priority of December 22, 1909, 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, 1975.

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 0.063 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 headgates 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 Louis F. Anderson and recorded at page 2843, Volume 4, 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 Sam Osepian confirming the change in point of diversion.

Dated at Salem, Oregon, this 7th day of February, 1974.

/s/ CHRIS L. WHEELER
State Engineer

Affidavit of Publication

ISSUED **The News-Review**

Roseburg, Oregon

RECEIVED

JAN 29 1974

STATE

STATE OF OREGON

COUNTY OF DOUGLAS

ISSUED DAILY EXCEPT SUNDAY

Wednesday, December 26, 1973—The News-Review, Roseburg, Oregon, Page 21

**APPLICATION FOR A CHANGE
IN POINT OF DIVERSION
OF WATER**

Notice is given hereby that Sam Osepian has filed an application for the approval of a change in point of diversion of water from Cow Creek.

Certificate of water right issued to Louis F. Anderson and recorded at page 2843, Volume 4, State Record of Water Right Certificates, confirms a right to the use of 0.375 cubic foot per second from Cow Creek for the irrigation of, among other lands, 5 acres in the NW 1/4 NE 1/4, Sec. 22, T. 32 S., R. 5 W., W.M., with a date of priority of December 22, 1909.

These lands are irrigated by means of a ditch from a point of diversion located 30.74 chains East from the N 1/4 of Sec. 22, being within the NE 1/4 NE 1/4 of Sec. 22, T. 32 S., R. 5 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by pump from a point of diversion to be located 735 feet South and 925 feet East from the NW corner of Sec. 22, being within the NW 1/4 NW 1/4 of Sec. 22, T. 32 S., R. 5 W., W.M.

All persons interested are notified hereby that a hearing will be held at the Douglas County Courthouse, Roseburg, on February 5, 1974 at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Sam Osepian, P.O. Box 199, Azalea, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 7th day of December, 1973.

CHRIS L. WHEELER

State Engineer

Publication dates: December 12, 1973 & 26, 1973

STATE OF OREGON }
COUNTY OF DOUGLAS } ss.

I, Marie Schlotfeldt, being first duly sworn, depose and say that I am the Business 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 Filing Application for

A Change in Point of Diversion of Water

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

December 12, 19, 26, 1973

The fee actually charged by such newspaper for such publication is \$30.93

Marie Schlotfeldt

Subscribed and sworn to before me this 26th day of

December, 19 73

Emilia J. Jantzen

Notary Public of Oregon

My Commission expires 25th day of Feb, 1977