

2616 Robert Sanders
P.O. Box
Azalea, Ore. 97410

2646

STATUS OF APPLICATION

Change in Place of Use and Point of Diversion
Date filed MAY 18, 1972
Date of hearing May 9, 1973
Place of hearing Roseburg
Date of order June 8, 1973 Vol. 23, page 206
Date for application of water October 1, 1973
Proof mailed MAR 14, 1984
Proof received NOV 21 1973
Certificate issued NOV 21 1973 Vol. 31, page 39588
JUN 14 1979
44a Sub
49262
again
11/77
1-31-84 SR

DESCRIPTION OF WATER RIGHT

Name of stream Caw Creek
Trib. of _____ County of Douglas
Use Irrigation
Quantity of water _____ No. of acres 393
Name of ditch _____
Date of priority November 2, 1927
In name of Oscar Head
_____ Adjudication, Vol. _____, page _____
App. No. 11826 Per. No. 8227 Cert. No. 37361
Certificate cancelled _____
Notation made on record by _____

FEES PAID

| Date | Amount | Receipt No. |
|---------------------|----------------------|--------------|
| <u>5-18-72</u> | <u>20.00</u> | <u>28421</u> |
| <u>8/14/72</u> | <u>10.00</u> | <u>30192</u> |
| <u>12-18-72</u> | <u>45.00 DON.</u> | <u>31786</u> |
| TOTAL <u>5-3-73</u> | <u>1.50 PEN</u> | <u>33622</u> |
| <u>8/14/72</u> | <u>3.00</u> | <u>30192</u> |
| | <u>\$1 Cert. Fee</u> | |

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
|------|--------|-----------|

REMARKS

See also: T-2412
New filing App # 49262

| INDEX CARDS: | Entered | Checked |
|--|-----------|-----------|
| <input checked="" type="checkbox"/> Name | <u>st</u> | <u>st</u> |
| <input checked="" type="checkbox"/> Amount | <u>st</u> | <u>st</u> |
| <input checked="" type="checkbox"/> Pt. of Div. | <u>st</u> | <u>st</u> |
| <input checked="" type="checkbox"/> Calendar | <u>st</u> | <u>st</u> |
| CHANGED TO RECORDS: | | |
| <input checked="" type="checkbox"/> Twp. & Rge. | <u>st</u> | <u>st</u> |
| <input checked="" type="checkbox"/> Decree-vault | <u>st</u> | <u>st</u> |
| <input checked="" type="checkbox"/> Decree-safe | <u>st</u> | <u>st</u> |
| <input checked="" type="checkbox"/> Cert. of W/R | <u>st</u> | <u>st</u> |
| <input checked="" type="checkbox"/> Per. Folder | <u>st</u> | <u>st</u> |
| <input checked="" type="checkbox"/> ChainIndex | <u>st</u> | <u>st</u> |
| <input checked="" type="checkbox"/> Cross Ref. | <u>st</u> | <u>st</u> |
| <input checked="" type="checkbox"/> Power Claim | <u>st</u> | <u>st</u> |
| <input checked="" type="checkbox"/> Abstracts | <u>st</u> | <u>st</u> |

STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ROBERT SANDERS

of Box 43 B, Cow Cr. Rd., Azalea, State of Oregon, 97410, has made
 proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
 Cow Creek

a tributary of South Umpqua River
 irrigation of 39.3 acres

for the purpose of

under Permit No. 8227 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, 1927

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
 0.49 cubic foot per second, if available at the original point of diversion:
 SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, T. 31 S., R. 4 W.,
 W. M.

or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, T. 31 S., R. 4 W., W. M.,
 390 feet North and 590 feet West from the S $\frac{1}{2}$ Corner, Section 27

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
 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:

24.8 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 27

14.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 34

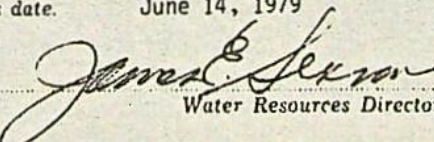
T. 31 S., R. 4 W., W. M.

This certificate is issued to confirm a change in point of diversion and place
 of use approved by an order of the Water Resources Director entered June 8, 1973
 and together with certificate of water right recorded on Page 39588, Volume 31,
 State Record of Water Right Certificates supersedes certificate of water right
 recorded on Page 37361, Volume 29, 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.

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, June 14, 1979


 Water Resources Director

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ROBERT SANDERS
OSCAR HEAD

of ~~Azalia~~ P.O. Box 184, AZALEA, State of Oregon, 17410 has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Cow Creek

a tributary of South Umpqua River for the purpose of irrigation of 39.3 acres

~~415~~ 493 under Permit No. 8227 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, 1927

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 ~~0.68~~ cubic foot per second, if available at the original points of diversion; SW NE SEC 34, 0.49

SE SW, NE SW, NW SW, Sec 27, T31S R4W NM.

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 1/4 NE 1/4, Section 34; SE 1/4 SW 1/4, NE 1/4 SW 1/4, NW 1/4 SW 1/4, Section 27, T. 31 S., R. 4 W., W. M., No. 3-

390' N x 590' W FROM S 1/4 COR. SEC. 27

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-eighth of one cubic foot per second per acre, or its equivalent for each acre irrigated,

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:

4.4 acres SW 1/4 NW 1/4

9.6 acres NW 1/4 SW 1/4

5.6 acres NE 1/4 SW 1/4

24.8 acres SE 1/4 SW 1/4

Section 27

6.8 acres SW 1/4 NE 1/4

0.6 acre SE 1/4 NW 1/4

0.2 acres NE 1/4 NW 1/4

2.2 acres NW 1/4 NE 1/4

Section 34

T. 31 S., R. 4 W., W. M.

24.8 ACRES SE SW
SEC. 27

14.5 ACRES NE NW
SEC. 34

Certificate of water right issued to Robert Sanders

This certificate is issued to confirm a change in point of diversion, approved by an order of the WRD entered JUNE 8, 1973 and together with certificate of water right recorded on Page 39588, Volume 31, SRWRC supersedes certificate of water right recorded on Page 37361, Volume 29, SRWRC.

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

WITNESS the signature of the State Engineer, affixed

this date. February 26, 1971

CHRIS L. WHIDLER

State Engineer

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That OSCAR HEAD

of Azalia, State of ⁹⁷⁴¹⁰ Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Cow Creek

a tributary of South Umpqua River for the purpose of irrigation of ~~54.2~~ ^{14.9} acres

under Permit No. 8227 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, 1927

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 ~~0.68~~ ^{0.19} 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 $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34; SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, T. 31 S., R. 4 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 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:

4.4 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
6.5 ~~9.6~~ acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
5.6 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
24.8 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 27

4.0 6.8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
0.6 acre SE $\frac{1}{4}$ NW $\frac{1}{4}$
0.2 acre NE $\frac{1}{4}$ NW $\frac{1}{4}$
2.2 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 34

T. 31 S., R. 4 W., W. M.

Certificate of water right issued to Oscar Head and recorded at page 37361,

Volume 29, State Record of Water Right Certificates, confirms the right to the use of

water for irrigation of 54.2 acres. A change in the right to the use of water

appurtenant to 39.3 acres was approved by order of the State Engineer entered June 8,

1973. This certificate is issued to confirm the remaining right to the use of water for

irrigation and supersedes the certificate heretofore issued to Oscar Head.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37361

PUBLIC NOTICE

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION AND PLACE OF USE OF WATER

Notice is given hereby that Robert Sanders has filed an application for the approval of a change in point of diversion and place of use of water from Cow Creek.

Certificate of water right issued to Oscar Head and recorded at page 37361 Volume 29, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.68 cubic foot per second from Cow Creek for the irrigation of, among other lands, 5.6 acres in NE 1/4 SW 1/4 and 3.1 acres in NW 1/4 SW 1/4, 24.8 acres in SE 1/4 SW 1/4, Section 27, and 2.2 acres in NW 1/4 NE 1/4, 2.8 acres in SW 1/4 NE 1/4, and 0.2 acre in NE 1/4 NW 1/4, and 0.6 acre in SE 1/4 NW 1/4 Section 34, Township 31 South, Range 4 West, W.M. with a date of priority of November 2, 1927.

These lands are irrigated from points of diversion located 1400 feet West and 1930 feet North of the South 1/4 corner of Section 27, being within the NW 1/4 SW 1/4, Section 27; 950 feet West and 1680 feet North of the South 1/4 corner of Section 27, being within the NE 1/4 SW 1/4, Section 27; 450 feet West and 1270 feet North of the South 1/4 corner of Section 27, being within the SE 1/4 SW 1/4, Section 27; 940 feet West and 170 feet North of the South 1/4 corner of Section 27, being within the SE 1/4 SW 1/4, Section 27; 230 feet East and 1620 feet South of the South 1/4 corner of Section 27, being with the SW 1/4 NE 1/4, Section 34, all being in Township 31 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use for the irrigation of 14.5 acres of these lands to the irrigation of 14.5 acres in NE 1/4 NW 1/4, Section 34, Township 31 South, Range 4 West, W.M. and to irrigate this 14.5 acres together with the balance of the above lands from a point of diversion to be located 350 feet North and 610 feet West from the South 1/4 of Section 27, being within the SE 1/4 SW 1/4, Section 27, Township 31 South, Range 4 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Roseburg, Oregon, on May 9, 1973, 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 Robert Sanders, P.O. Box 184, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 8th day of March, 1973.

CHRIS L. WHEELER
State Engineer

46-3c

Affidavit of Publication

STATE OF OREGON

COUNTY OF DOUGLAS

ss.

Notar.
I, Hal W. Schiltz, being first duly sworn, say that I am the owner of the MYRTLE CREEK MAIL.

That said Myrtle Creek Mail is a weekly newspaper published and issued weekly and regularly at Myrtle Creek, Douglas County, State of Oregon, and is of general circulation in said county and state; that said Myrtle Creek Mail is made up of four pages, or more, of seven columns each and with type matter of a depth of twenty inches, and has more than 200 bona fide subscribers living within Douglas County, Oregon; that said Myrtle Creek Mail has been established and regularly and uninterruptedly published in Douglas County, Oregon, at least once a week during a period of more than twelve consecutive months immediately preceding the first publication of the

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

Nov. 15, 22, 29, 1973

That the said Notice was published in the regular and entire issue of said newspaper during the period and times of publication, and was published in the newspaper proper and not a supplement.

That the fee actually charged by such newspaper for such publication is
\$ *46.50*

Hal W. Schiltz
Hal W. Schiltz

SUBSCRIBED AND SWORN TO before me this *2nd* day of

April, 19 *73*
Carol S. Antis
Notary Public for Oregon

My Commission Expires: *11-21-75*

st
RECEIVED
APR 4 1973
STATE ENGINEER
SALEM, OREGON

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION OF ROBERT SANDERS FOR THE APPROVAL OF A CHANGE IN PLACE OF USE AND POINT OF DIVERSION OF WATER FROM COW CREEK)
-----)

ORDER APPROVING
TRANSFER NO. 2646

On May 18, 1972, Robert Sanders filed an application in the office of the State Engineer for the approval of a change in place of use and 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 Oscar Head and recorded at page 37361, Volume 29, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.68 cubic foot per second from Cow Creek for the irrigation of, among other lands, 5.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 24.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, and 2.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 2.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 0.2 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.6 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 31 South, Range 4 West, W.M., with a date of priority of November 2, 1927.

These lands are irrigated from points of diversion located 1400 feet West and 1930 feet North of the South $\frac{1}{4}$ corner of Section 27, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27; 950 feet West and 1680 feet North of the South $\frac{1}{4}$ corner of Section 27, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27; 450 feet West and 1270 feet North of the South $\frac{1}{4}$ corner of Section 27, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27; 940 feet West and 170 feet North of the South $\frac{1}{4}$ corner of Section 27, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27; 230 feet East and 1620 feet South of the South $\frac{1}{4}$ corner of Section 27, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, all being in Township 31 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use for the irrigation of 14.5 acres of these lands to the irrigation of 14.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 31 South, Range 4 West, W.M., and to irrigate this 14.5 acres together with the balance of the above lands from a point of diversion to be located 350 feet North and 610 feet West from the South $\frac{1}{4}$ corner of Section 27, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 31 South, Range 4 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 May 9, 1973 at 9:30 a.m. The notice was published in Myrtle Creek Mail, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of March 15, 22, and 29, 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 place of use of water is approved and the water right hereinbefore described as appurtenant to 5.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 3.1 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, and 2.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 2.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.6 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 31 South, Range 4 West, W.M., with a date of priority of November 2, 1927, be severed therefrom and simultaneously and without loss of priority

transferred to 14.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 31 South, Range 4 West, W.M.

It is FURTHER ORDERED that the changes in points of diversion of water from Cow Creek, to-wit:

From points located 1400 feet West and 1930 feet North of the South $\frac{1}{4}$ corner of Section 27, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27; 950 feet West and 1680 feet North of the South $\frac{1}{4}$ corner of Section 27, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27; 450 feet West and 1270 feet North of the South $\frac{1}{4}$ corner of Section 27, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27; 940 feet West and 170 feet North of the South $\frac{1}{4}$ corner of Section 27, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27; 230 feet East and 1620 feet South of the South $\frac{1}{4}$ corner of Section 27, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, all being in Township 31 South, Range 4 West, W.M.

To a point to be located 350 feet North and 610 feet West from the South $\frac{1}{4}$ corner of Section 27, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 31 South, Range 4 West, W.M.

for the irrigation of 24.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, and 14.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 31 South, Range 4 West, W.M., with a date of priority of November 2, 1927, 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, 1973.

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 0.49 cubic feet 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 inline 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

Gibralter Onion Skin
MILLERS FALLS

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 Oscar Head and recorded at page 37361, Volume 29, 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 application of water to beneficial use and completion of the authorized changes in points of diversion, a certificate of water right shall be issued to Robert Sanders confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 8th day of June, 1973.

/s/ CHRIS L. WHEELER
State Engineer

Gibralter Onion Skin
MILLERS FALLS
APPENDIX