

3233

STATUS OF APPLICATION

Change in point of diversion
 Date filed 5-22-75
 Date of hearing Jan 27, 1976
 Place of hearing Eugene
 Date of order 1-29-76 Vol. 26, page 317
 Date for application of water 10-1-76
 Proof mailed _____
 Proof received AUG 30 1976
 Certificate issued APR 14 1983 Vol. 35, page 43604
46 51533

DESCRIPTION OF WATER RIGHT

Name of stream Cowl Fork Willamette R.
 Trib. of _____ County of Lane
 Use irrigation
 Quantity of water 0.18 cfs No. of acres 11 2
 Name of ditch _____
 Date of priority April 21, 1959
 In name of Nelson Bernier
 _____ Adjudication, Vol. _____, page _____
 App. No. 33050 Per. No. 26141 Cert. No. 31465
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
5-22-75	30.00	46994
5-22-75	40.00 P.O.N.	46996
1-9-76	9.50 P.O.N.	51016
TOTAL . . .		
1-9-76	4.00 Cert. Fee	51016

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See 33050

INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name	AW	
<input checked="" type="checkbox"/>	Stream	AW	
<input checked="" type="checkbox"/>	Pt. of Div.	WH	
<input checked="" type="checkbox"/>	Calendar		
<input checked="" type="checkbox"/>	CHECKED TO RECORDS:		
<input checked="" type="checkbox"/>	Top & Bgs.	AW	
<input checked="" type="checkbox"/>	Deed-vault		
<input checked="" type="checkbox"/>	Deed-vault		
<input checked="" type="checkbox"/>	Card on W/R	AW	
<input checked="" type="checkbox"/>	Per. folder	AW	
<input checked="" type="checkbox"/>	Children		
<input checked="" type="checkbox"/>	Grouped		
<input checked="" type="checkbox"/>	1. Claim		
<input checked="" type="checkbox"/>	Abstracts		

380

SECTION 32 T. 22S. R. 3 W. W. M

RECEIVED

MAY 22 1975
STATE ENGINEER
SALEM, OREGON

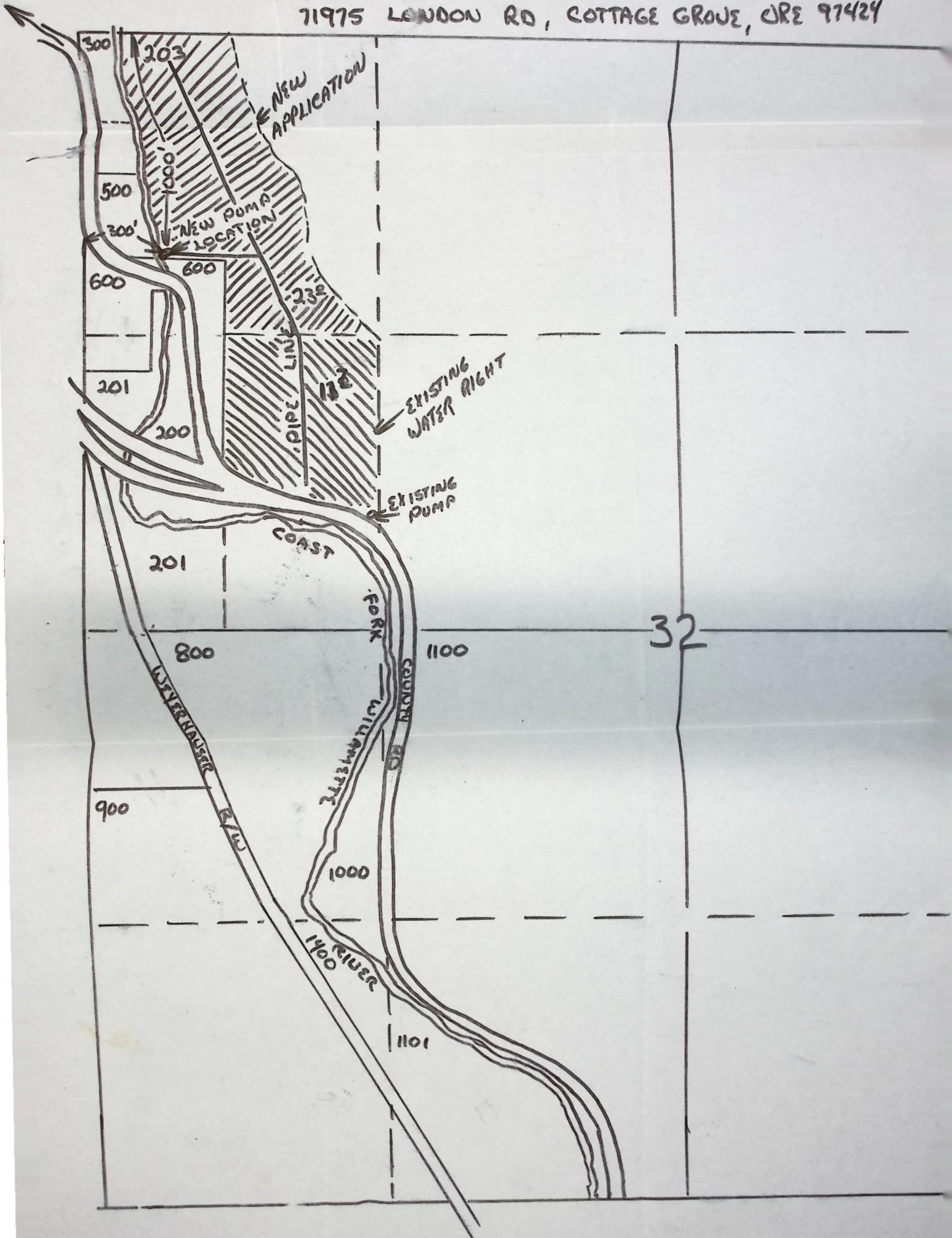
LANE COUNTY

1" = 400'

RECEIVED

MAY 13 1975
STATE ENGINEER
SALEM, OREGON

WATER RIGHT APPLICATION BY
THOMAS H RASMUSSEN
71975 LONDON RD, COTTAGE GROVE, ORE 97424



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Lane County

IN THE MATTER OF THE APPLICATION }
OF THOMAS H. RASMUSSEN }
FOR THE APPROVAL OF A CHANGE }
IN POINT OF DIVERSION OF WATER }
FROM COAST FORK WILLAMETTE RIVER }

ORDER APPROVING
TRANSFER NO. 3233

On May 22, 1975, Thomas H. Rasmussen filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Coast Fork Willamette River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Nelson Bemis and recorded at Page 31465, Volume 23, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.18 cubic foot per second of water from Coast Fork Willamette River for the irrigation of, among other lands, 11.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 22 South, Range 3 West, W.M., with a date of priority of April 21, 1959. These lands are irrigated from a point of diversion located 450 feet North and 1080 feet East from the Southwest corner of the NW $\frac{1}{4}$, Section 32, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 22 South, Range 3 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 1000 feet South and 300 feet East from the Northwest corner of Section 32, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 22 South, Range 3 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 Eugene, Oregon, on January 27, 1976, at 9:30 a.m.

The notice was published in the Eugene Register Guard, a newspaper printed and having general circulation in Lane County, Oregon, for a period of three weeks in the issues of December 2, 9 and 16, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Gene McGinnis, Watermaster of District No. 2, 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 Coast Fork Willamette River, to wit:

From a point located 450 feet North and 1080 feet East from the Southwest corner of NW $\frac{1}{4}$, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 22 South, Range 3 West, W.M.

To a point to be located 1000 feet South and 300 feet East from the Northwest corner of Section 32, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 22 South, Range 3 West, W.M.

for the irrigation of 11.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 22 South, Range 3 West, W.M., with a date of priority of April 21, 1959, 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 0.15 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 the certificate of water right heretofore issued to Nelson Bemis and recorded at Page 31465, Volume 23, 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 Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Thomas H. Rasmussen confirming the change in point of diversion.

Dated at Salem, Oregon, this 29th day of January, 1976.

/s/ JAMES E. SEXSON
Director

Transfer No. 3233

NOTICE OF COMPLETION OF CONSTRUCTION

I, Thomas H Rasmussen, hereby certify

that the construction work has been completed and the change in
point of diversion of water made as set forth in the order of

the State Engineer dated Jan 29th 1976, approving an appli-

cation for a change in point of diversion of water from 450' N.

+ 1080' E. from S.W. CORNER OF N.W. 1/4 BEING WITHIN THE S.W. 1/4 N.W. 1/4 OF
SECTION 32, T22S, R3W, WEST LICKENITTE MERIDIAN

3-15-76

Date

Thomas H Rasmussen

Name

RECEIVED

MAR 17 1976

WATER RESOURCES DEPT/
SALEM, OREGON

GUARD PUBLISHING COMPANY

P. O. BOX 1232

PHONE (503) 345-1551

EUGENE, OREGON 97401

Legal
Notice

9170

Legal Notice Advertising

- State of Oregon
Water Resources Dept.
• 1178 Chemeketa Street NE
Salem, OR 97310

- ☐ Tearsheet Notice
- ☐ Duplicate Affidavit

3233
RECEIVED

DEC 17 1975

AFFIDAVIT OF PUBLICATION

STATE OF OREGON,)
COUNTY OF LANE,) ss.

I, Marcia Leavitt

being first duly sworn, depose and say that I am the Advertising Manager, or his principal clerk, of the Eugene Register-Guard, a newspaper of general circulation as defined in ORS 193.010 and 193.020; published at Eugene in the aforesaid county and state, that the

NOTICE OF FILING APPLICATION-RASMUSSEN

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

December 2, 9, and 16, 1975

Marcia Leavitt

Subscribed and sworn to before me this DEC 16 1975

John A. Crawford

My Commission Expires: June 30, 1979 Notary Public for Oregon

9170 AFFIDAVIT

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is hereby given that Thomas H. Rasmussen has filed an application for the approval of a change in point of diversion of water from Coast Fork Willamette River.

Certificate of water right issued to Nelson Bemis and recorded at page 31465, Volume 23, State Record of Water Right Certificates, confirms a right to the use of 0.18 cubic foot per second from Coast Fork Willamette River for the irrigation of, among other lands, 11.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 22 S., R. 3 W., W.M., with a date of priority of April 21, 1959. Water for this use is diverted from a point located 450 ft. N. and 1080 ft. E. from the SW corner of the NW $\frac{1}{4}$, Sec. 32, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 22 S., R. 3 W., W.M.

The applicant herein, owner of the land above described, proposes to irrigate these lands from a point of diversion to be located 1000 ft. S. and 300 ft. E. from the NW corner of Sec. 32, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 22 S., R. 3 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Eugene, Or., on Jan. 27, 1976, 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 Thomas H. Rasmussen, Cottage Grove, Or., 97424, and one copy filed with the Water Resources Department, Salem, Or., 97310, together with a \$10 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 Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Or., this 24th day of November, 1975.

JAMES E. SEXON

Director

No. 9170—December 16, 1975

NOTICE OF FILING APPLICATION FOR A CHANGE IN
POINT OF DIVERSION OF WATER

Notice is given hereby that Thomas H. Rasmussen has filed an application for the approval of a change in point of diversion of water from Coast Fork Willamette River.

Certificate of water right issued to Nelson Bemis and recorded at page 31465, Volume 23, State Record of Water Right Certificates, confirms a right to the use of 0.18 cubic foot per second from Coast Fork Willamette River for the irrigation of, among other lands, 11.7 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 22 S., R. 3 W., W.M., with a date of priority of April 21, 1959. Water for this use is diverted from a point located 450 ft. N. and 1080 ft. E. from the SW corner of the NW $\frac{1}{4}$, Sec. 32, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 22 S., R. 3 W., W.M.

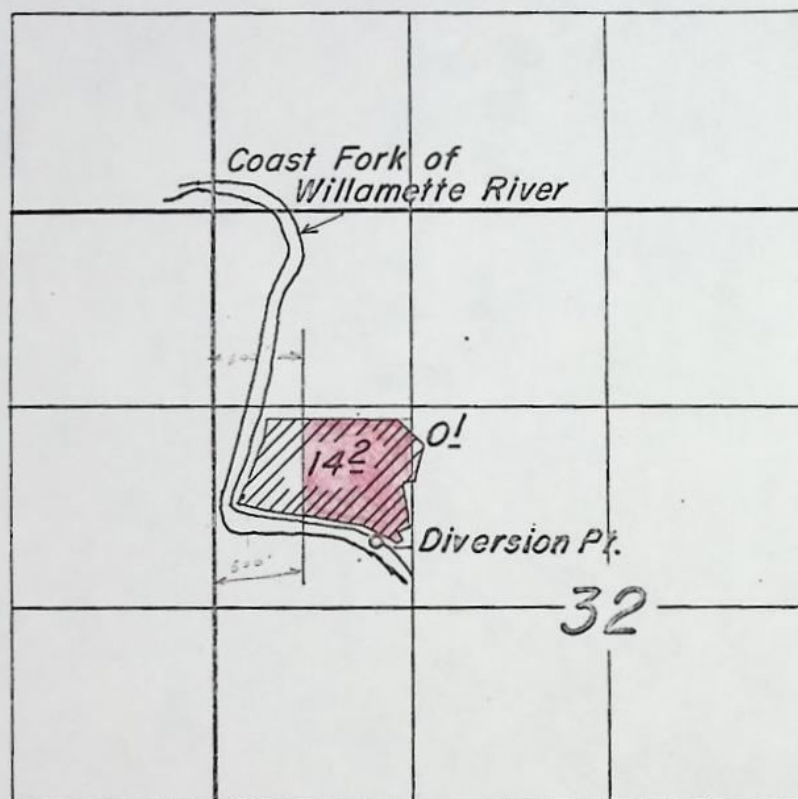
The applicant herein, owner of the land above described, proposes to irrigate these lands from a point of diversion to be located 1000 ft. S. and 300 ft. E. from the NW corner of Sec. 32, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 22 S., R. 3 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Eugene, Or., on Jan. 27, 1976, 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 Thomas H. Rasmussen, Cottage Grove, Or., 97424, and one copy filed with the Water Resources Department, Salem, Or., 97310, together with a \$10 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 Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Or., this 24th day of November, 1975.

JAMES E. SEXSON
Director

T. 22 S. R. 3 W. W. M.



FINAL PROOF SURVEY
UNDER

Application No. 33050 Permit No. 26141
IN NAME OF

Nelson Bemis

Surveyed June 21, 1963, by C. Baker

WITNESSETH, That said mortgagor, in consideration of SIXTY-THREE THOUSAND THREE HUNDRED AND NO/100 (\$63,300.00) Dollars, to him paid by said mortgagee, does hereby grant, bargain, sell and convey unto said mortgagee, his heirs, executors, administrators and assigns, that certain real property situated in Lane County, State of Oregon, bounded and described as follows, to-wit:

STATE ENGINEER

SALEM, OREGON

Beginning at the North one-quarter corner of Section 32, Township 22 South, Range 3 West of the Willamette Meridian, thence West along the North line of said Section 32, 2470.0 feet more or less, to the center of the channel of the Coast Fork of the Willamette River; thence following up the center of the channel of said River, to its point of intersection with the North line of tract of land conveyed to Frank Guesinger by instrument recorded May 4, 1953, Reception No. 2972, Lane County Oregon Deed Records; thence East along the North line of said tract 300.0 feet more or less, to its Northeast corner; thence South along the East line up said tract and its Southerly extension thereof to the Northerly right-of-way line of relocated County Road No. 1232; thence Southeasterly along said right-of-way line 300.0 feet; thence South and parallel with the West line of said Section 32, to the center of the channel of the Coast Fork of the Willamette River; thence following up the center of said River to its point of intersection with the East-West centerline of said Section 32; thence East along said centerline to the centerline of the County Road; thence Northerly along the centerline of the County Road to a point 60.0 feet North of the East-West centerline of Section 32; thence East parallel with the East-West centerline of Section 32 to the North-South centerline of said Section 32; thence North along the North-South centerline of said Section 2580.0 feet more or less, to the Point of Beginning all in Lane County, Oregon;

EXCEPT THEREFROM any portion lying within the boundaries of County Road No. 1232, in Lane County, Oregon;

ALSO EXCEPT THEREFROM the following described tract of land: A parcel of land to be used as a graveyard located in the Southeast one-quarter of the Northwest one-quarter of Section 32, Township 22 South, Range 3 West, of the Willamette Meridian; said parcel more particularly described as follows: Beginning at a point which bears North 662.0 feet and East 1666.67 feet from the one-quarter corner between Sections 31 and 32 in said Township 22 South, Range 3 West; said point being the Southwest corner of this said graveyard; thence from said Southwest corner North 208.50 feet to the Northwest corner thereof; thence East 208.5 feet to the Northeast corner thereof; thence South 208.5 feet to the Southeast corner thereof; thence West 208.5 feet to the point of beginning, in Lane County, Oregon.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and which may hereafter thereto belong or appertain, and the rents, issues and profits therefrom, and any and all fixtures upon said premises at the time of the execution of this mortgage or at any time during the term of this mortgage.

TO HAVE AND TO HOLD the said premises with the appurtenances unto the said mortgagee, his heirs, executors, administrators and assigns forever.

This mortgage is intended to secure the payment of one promissory note, of which the following is a substantial copy:

\$ 63,300.00 Cottage Grove, Oregon, September 20, 1974
ON OR BEFORE DECEMBER 31, 1975, after date, each of the undersigned promises to pay to the order of NELSON S. DEMIS and JUANITA BEMIS, husband and wife, and upon the death of any of them, then to the order of the survivor of them, at Cottage Grove, Oregon ----- SIXTY-THREE THOUSAND THREE HUNDRED AND NO/100 (\$63,300.00) ----- DOLLARS, without interest

T-3233

LANE COUNTY

1" = 400'

See Map 22 03 29

SE Corner
C. Johnston
D.L.C. No. 41

80.74 ch.

1/4 Cor.

N 8° 55' W

VACINITY MAP
SCALE 1" = 400'

30 29

31 32

300

200

100

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1200

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33050

Transfer No. 3233 County Lane

1. Name Thomas H. Rasmussen Address 71975 London Road, Cottage Grove 97424

2. Source of Supply Coast Fork Willamette River, Trib. of _____

3. Amount of Water 0.15 c.f.s. Priority Date April 21, 1959

4. Use irrigation

5. Proposed Point of Diversion 1000 ft. S. and 300 ft. E. from the NW corner of
Sec. 32, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 32, T. 22 S., R. 3 W., W.M.

6. Place of Use DATE FOR APPLICATION OF WATER: 10/1/76

[illegible]

Info: Ed. Rasmussen, father. Land is irr. from new d.p. as applied.

Source: Coast Fk. Willamette R. Div. div, through 4" suction

pump - GE $7\frac{1}{2}$ HP @ 3525 RPM

CDD $2\frac{1}{4} \times 1\frac{3}{4}$

Use: Irr. of corn, hay crop, and pasture

Equip: pipe - 4" main - 1340'

3" main - 1520'

6" main - 240'

3" laterals - 780'

heads - 21 Greenfarm 200: (12 GPM) max

Lift: +40

Tire: OBG-6H-179

Chris Hughes

FE
6/18/80

SECTION 32 T. 22S. R. 3 W. 1

RECEIVED

MAY 22 1975
STATE ENGINEER
SALEM, OREGON

LANE COUNTY

1" = 400'

RECEIVED

MAY 1 1975
STATE ENGINEER
SALEM, OREGON

WATER RIGHT APPLICATION BY
THOMAS H RASMUSSEN
71975 LONDON RD, COTTAGE GROVE, ORE



RECEIVED
MAY 13 1975
STATE ENGINEER
SALEM, OREGON

RECEIVED
MAY 22 1975
STATE ENGINEER
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Thomas H Rasmussen
(Name of applicant)

of COTTAGE GROVE, County of LANE
(Postoffice)

State of ORE, do hereby make application for change IN POINT OF

DIVERSION ~~NUMBER OF ACRES~~
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is COAST FORK WILLAMETTE
(Name of stream)

2. The use to which the water is applied is IRRIGATION
(Irrigation; Mining; Power; Manufacturing; etc.)

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

4. The point of diversion is located 450 ft. N and 1080 ft. E from the SW
(N. or S.) (E. or W.)

corner of THE N.W. 1/4 SECTION 32 being within the SW 1/4 NW 1/4
(Section or subdivision)

of Section 32 Tp. 22 S R. 3 W W. M., in the County of LANE
(No. N. or S.) (No. E. or W.)

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			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
22S	3W	32							18.7									

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

(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? APR. 21, 1959

9. Was your water right acquired by State Engineer's Permit? YES If so, give number
(Yes or No)
of permit 26141

CERTIFICATE, LOST AT THIS TIME

10. Do you hold a water right certificate? Yes If so, give number of certificate 31465
(Yes or No)

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

Yes If so, give title of proceedings _____
(Yes or No)

12. Is the water right recorded in your name? No NELSON BEMIS
(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			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
<u>22S</u>	<u>3</u>	<u>32</u>							<u>23</u>	<u>13</u>								

(Attach separate sheet if necessary)

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

14. The proposed point of diversion is located 1000 ft. S and 300 ft. W from the N.W. corner of Sec. 32 being within the NW 1/4 of Section 32 Tp. 22S R. 3W W. M.,
(N. or S.) (E. or W.)
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of LANE. The name of the ditch to be used is COAST FORK WILLAMETTE

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? No

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.? No
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
<u>MORTGAGE</u>	<u>DEPT VETERANS AFFAIRS</u>	<u>\$7600</u>

20. Reasons for the proposed changes are BETTER LOCATION FOR PUMA TO IRRIGATE PRESENT LAND PLUS ADDITIONAL BEING APPLIED FOR

AFFIDAVIT OF APPLICANT

STATE OF OREGON,
County of Lane } ss.

I, Thomas H Rasmussen, 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 21 day of May, 1975.

Thomas H Rasmussen
(Name of applicant)

Subscribed and sworn to before me this 21st day of May, 1975.

[Notarial Seal]

[Signature]
NOTARY PUBLIC FOR OREGON

My commission expires 8-14-76

Remarks PUBLIC NOTICE TO BE MADE IN THE 'REGISTER GUARD'

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.