

Cont D LUMBER Co.

STATUS OF APPLICATION

Change in Use and place of Use
Date filed 2-28-77
Date of hearing 6-22-77
Place of hearing Roseburg
Date of order 8-3-77 Vol. 29, page 170
Date for application of water 10-1-78
Proof mailed _____
Proof received _____
Certificate issued NOV 17 1983 Vol. 46, page 51

Survey 8/77

DESCRIPTION OF WATER RIGHT

Name of stream Judd Creek
Trib. of _____ County of Douglas
Use irrigation
Quantity of water _____ No. of acres 1.0
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 22100 Per. No. 17372 Cert. No. 17330
Certificate cancelled _____
Notation made on record by _____
F.P. MAP IN FILE T-3558

FEES PAID

Date	Amount	Receipt No.
2-28-77	100.00	58635
TOTAL . . .	No Cert. Fee	
THE MAIL 6-10-77	\$29.26	Part 17 Ch. II 1361

FEES REFUNDED

Date	Amount	Check No.
6-10-77	\$ 2074	Part # 1362
See T-3558	Exam 20-	
	POD 15-	
	Use 15-	
	<u>50-</u>	
	PON 29 ²⁶	
	<u>79²⁶</u>	

REMARKS

W.R.I.S.

Assembled 7-9-85 by SOB

Entered _____ by _____

Verified _____ by _____

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

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

C & D Lumber Company

This Is to Certify, That Roy Adsit

of P. O. Box 8, Riddle, State of Oregon 97469, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Judd Creek, a tributary of South Umpqua River, for the purpose of ~~irrigation, domestic use for one family and poultry~~ general mill use under Permit No. 17372 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 18, 1916

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 0.023 ~~0.024~~ cubic foot per second, being ~~0.013 c.f.s. for irrigation, 0.01 c.f.s. for domestic and 0.001 c.f.s. for poultry~~ with 0.013 cfs restricted to use during the irrigation season of each year

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on Wm. W. Judd D. L. C. 51, Section 13, Township 30 South, Range 6 West, W. M., 850' S & 300' W from NE cor. D.L.C. 51

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:

- 0.2 acre in Lot 4 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
- 0.3 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected on Wm. W. Judd D. L. C. No. 51
Section 12
- 0.2 acre in Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
- 0.3 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected on Wm. W. Judd D. L. C. No. 51
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13
T. 30 S., R. 6 W., W. M.

Property on which water is to be used is a part of that more explicitly described by appropriator as follows: Beginning at the southwest corner of the R. A. Cowles DEC. NO. 37 in sec. 13 T. 30 S., R. 6 W., W.M., in Douglas County Oregon; Thence North 15 chs. to Railroad right of way Thence S 47 $\frac{1}{2}$ ° W 8 chs.; Thence S 35 $\frac{1}{2}$ ° W 5.50 chs.; Thence S 23 $\frac{1}{2}$ ° W 4 chs.; thence S 67° E 6.77 chs.; Thence North 1.34 chs. Thence East 4.36 chs. to the place of beginning containing 9.04 acres more or less.

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

This certificate is issued to confirm a change in use of water approved by an order of the WRD entered Aug 3, '77 and together with the same order which canceled a portion of the right superseded certificate of water right recorded at page 17336 volume 14 SRWRC.

The issuance etc.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
C & D LUMBER COMPANY FOR APPROVAL)
OF A CHANGE IN USE HERETOFORE MADE)
OF WATER FROM JUDD CREEK)

ORDER APPROVING
TRANSFER NO. 3557

On February 28, 1977, an application was filed in the office of the Water Resources Director by C & D Lumber Company for a change in use heretofore made of water under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 17336, Volume 14, State Record of Water Right Certificates, in the name of Roy Adsit, describes a right for the use of not to exceed 0.01 cubic foot per second from Judd Creek for domestic use and 0.013 cubic foot per second from Judd Creek for irrigation of 0.5 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, and 0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 30 South, Range 6 West, W.M., with a date of priority of November 18, 1946.

Water for the said right is diverted from a point located 850 feet South and 300 feet West from the Northeast corner of DLC No. 51, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 30 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the use heretofore made and, without loss of priority, to hereafter use the water appropriated for general mill use within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, Township 30 South, Range 6 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Myrtle Creek Mail, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of May 5, 12, and 19, 1977.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed change in use heretofore made may be made without injury to

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existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in use of 0.013 cubic foot per second heretofore made, as described herein, from irrigation to general mill use within the irrigation season of each year, without loss of priority, is approved.

It is FURTHER ORDERED that the requested change in use heretofore made of 0.01 cubic foot per second for domestic use to general mill use, without loss of priority, is approved.

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 said water so transferred shall be applied to beneficial use on or before October 1, 1978.

The applicant herein, as owner of the lands above described and the water right appurtenant thereto, has authorized by affidavit, the cancelation of that portion of the right described by the certificate recorded at page 17336, Volume 14, State Record of Water Right Certificates, for the use of not to exceed 0.001 cubic foot per second from Judd Creek for poultry use.

It is FURTHER ORDERED that the said right to use water for poultry be, and the same is hereby, canceled.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Roy Adsit and recorded at page 17336, Volume 14, State Record of Water Right Certificates, is canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 3rd day of August, 1977.

/s/ James E. Sexson
Director

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON

NOTICE OF WATER RIGHT TRANSFER
APPLICATION NO. 3557

Notice is given hereby that C & D Lumber Company has filed an application in the office of the Water Resources Director for the Approval of a change in use of water from Judd Creek.

The certificate recorded at Page 17336, Volume 14, State Record of Water Right Certificates, in the name of Roy Adsit, describes a right for the use of not to exceed 0.023 c.f.s. from Judd Creek for domestic use and irrigation of 0.5 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, and 0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 13, T. 30 S., R. 6 W., W.M., with a date of priority of Nov. 18, 1946.

Water for the said right is diverted from a point located 850 ft. S. and 300 ft. W. from the NE corner of DLC No. 51, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 13, T. 30 S., R. 6 W., W.M.

The applicant herein, owner of the lands above described, proposes to change the use heretofore made, and without loss of priority to hereafter use the water appropriated for general mill use within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 13, T. 30 S., R. 6 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Roseburg, Oregon, on June 22, 1977, 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 C & D Lumber Co., P.O. Box 27, Riddle, Oregon 97469, and one copy filed with the Water Resources Department, Salem, Oregon, 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS 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, Oregon, this 18th day of April, 1977.

JAMES E. SEXSON
Director

Affidavit of Publication

STATE OF OREGON
COUNTY OF DOUGLAS

ss.

I, Sharon W. or Robert F. Scherer, 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 eight columns each and with type matter of a depth of twenty-one 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

*Notice of Water Right Transfer Application
No. 3557*

hereinafter referred to, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for3..... successive and consecutive weeks in the following issues:

May 5, 12, & 19, 1977

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

\$29.26

Sharon W. Scherer
Sharon W. or Robert F. Scherer

SUBSCRIBED AND SWORN TO before me this24..... day of

May, 19 *77*

Joan E. Cooper
Notary Public for Oregon

My Commission Expires: *1-26-79*

RECEIVED
MAY 26 1977
WATER RESOURCES DEPT
SALEM, OREGON