

4166

Name Irwin B. Holzman

By _____

Address 3729 SW 50th AvePortland, Or. 97221Change in PODDate filed Feb. 28, 1979Date of hearing May 16, 1979Place of hearing MadrasDate of order 5-24-79 Vol. 32, page 146Date for application of water Completed

Proof mailed _____

Proof received _____

Certificate issued JUL 3 1979 Vol. 41, page 48243

DEC 29 1989

68812

DESCRIPTION OF WATER RIGHT

Name of stream North Fork Lake CreekTrib. of _____ County of JeffersonUse irrigationQuantity of water _____ No. of acres 5.1

Name of ditch _____

Date of priority June 1, 1908In name of B. F. MadsenDeschutes Riv. Adjudication, Vol. 9, page 500App. No. _____ Per. No. _____ Cert. No. 13634

Certificate cancelled _____

Notation made on record by _____

OK cert

REMARKS

- finish - 1-25-80

W.R.I.S.

Assembled 4-25-85 by SDH

Entered _____ by _____

Verified _____ by _____

FEES PAID

Date	Amount	Receipt No.
2-28-79	85-	8376 from P-6
4-30-79	< 2.00 >	Trsf. to 58597
	< 11.50 >	
TOTAL . . .		
4-13-79	\$ 2 Cert. Fee	Transferred fr. 8376
The Madras Pioneer \$36.50 pd. 4-30-79 ck #3305		

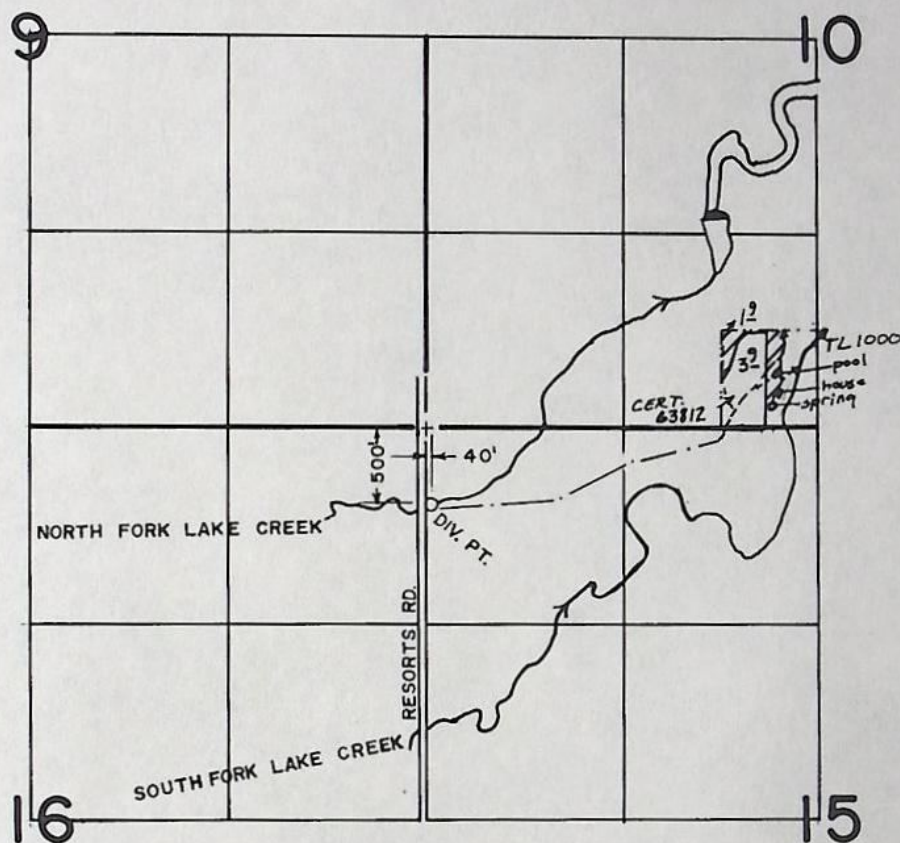
FEES REFUNDED

Date	Amount	Check No.
	- 0 -	

EX 20-
 POD 15-
 Cat 2-
 PON 36.00
 173.50

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

T.13S. R.9E. W.M.



FINAL PROOF SURVEY
UNDER

TRANSEER NO. 4166

Application No. 58597... Permit No. 44211.....
IN NAME OF

.....IRWIN B. HOLZMAN.....

Surveyed APR. 16... 1980., by L.H. NUNN.....

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF IRWIN B. HOLZMAN FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM NORTH FORK LAKE CR.)

ORDER APPROVING
TRANSFER NO. 4166

On February 28, 1979, an application was filed in the office of the Water Resources Director by Irwin B. Holzman for approval of a change in point of diversion of water from North Fork Lake Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 13634, Volume 12, State Record of Water Right Certificates, in the name of B. F. Madsen, describes a right which includes the use of water from North Fork Lake Creek for irrigation of a certain 5.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 13 South, Range 9 East, W.M., with a date of priority of June 1, 1908.

The authorized point of diversion for said right is located 1340 feet South and 1450 feet West from the Northeast Corner of Section 17, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 13 South, Range 9 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom for irrigation of the lands above described, without loss of priority, to an existing point located 500 feet South and 40 feet East from the Northwest Corner of Section 15, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, Township 13 South, Range 9 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Madras Pioneer, a newspaper printed and having general circulation in Jefferson County, Oregon, for a period of three weeks in the issues of March 22 and 29, and April 5, 1979.

Mr. Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

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 under the subject right.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

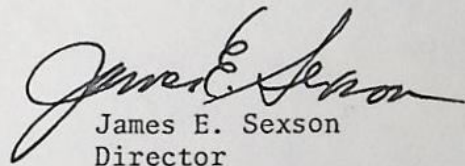
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 13634, Volume 12, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; 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 24th day of May, 1979.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF

JEFFERSON

SUPERSEDED
RECORDED

48242

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

B. F. MADSEN

of Camp Sherman, State of

Oregon

, has a right to the use of

the waters of North Fork Lake Creek

for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 9, at page 362; that the priority of the right thereby confirmed dates from June 1, 1908;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3 acre-feet per acre, measured at the point of diversion from the stream, which may be diverted at a rate not to exceed 1/60th of one cubic foot per second per acre during the irrigation season from May 1 to September 15.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

5.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
 15.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
 5.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 10,
 T. 13 S., R. 9 E. W. M.

AND said right shall be subject to all other conditions and limitations contained in said decree.

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

WITNESS the signature of the State Engineer,

affixed this 1st day

of July, 1940/1.

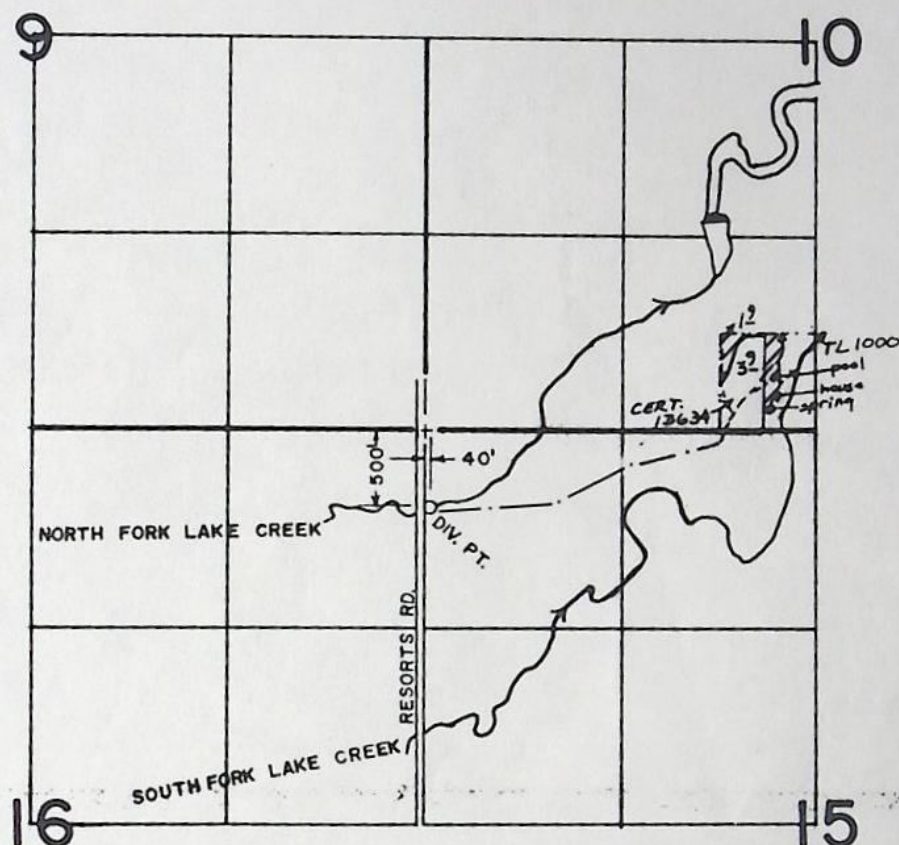
CLAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 12, page 13634.

T-4166

T.13S. R.9E. W.M.



FINAL PROOF SURVEY
UNDER

TRANSER NO. 4166

Application No. 58597... Permit No. 44211.....
IN NAME OF

.....IRWIN B. HOLZMAN.....

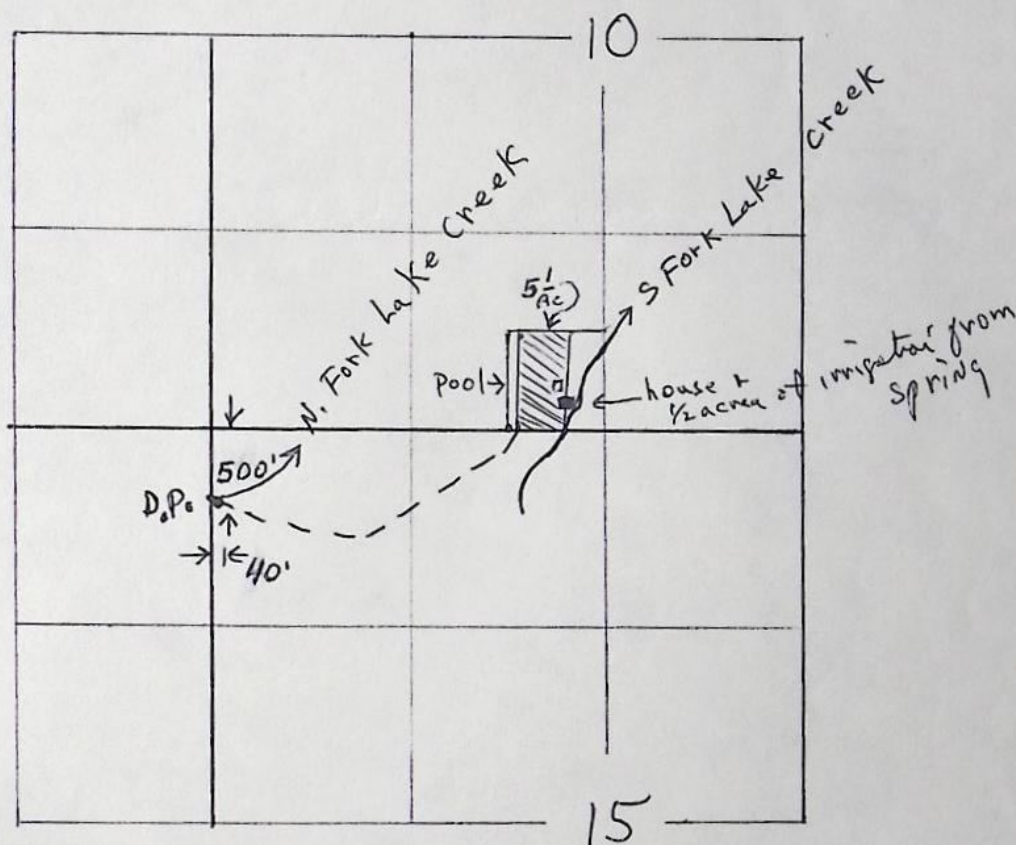
Surveyed APR...16... 1980., by L.H. NUNN.....

RECEIVED

MAR 8 1979

WATER RESOURCES DEPT.
SALEM, OREGON

T13S, R9E, W.M.



T-4166
RECEIVED RECEIVED

MAR 8 1979

FEB 28 1979

WATER RESOURCES DEPT. WATER RESOURCES DEPT.
SALEM, OREGON SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Irwin B. Holzman
(Name of applicant)
of 3724 SW 50th Ave, Portland
(Mailing address) (City)
State of Oregon, 97221, 233-4481, do hereby make application for change
(Zip Code) (Phone number)
in point of diversion
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No - B. F. Madsen
(If not, give name)

2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings
(Yes or No)

Deschutes River Adjudication Vol 9, P 500 number of certificate 13634

3. Was your water right acquired by Water Right Permit? _____ If so, give number
(Yes or No)

of permit _____ Number of certificate _____

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is North Fork Lake Creek

5. What is the date of priority of your water right? June 1, 1908

6. The authorized point of diversion is located 1340 ft. S and 1450 ft. W from the NE
(N. or S.) (E. or W.)

corner of Sec 17 being within the SW 1/4 NE 1/4 of Section 17 Tp. 13 S R. 9 E W. M.,
(No. N. or S.) (No. E. or W.)

in the county of Jefferson The name of the ditch used is _____

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 500 ft. S and 40 ft. E from the NW
(N. or S.) (E. or W.)

corner of Sec 15 being within the NW 1/4 NW 1/4 of Section 15 Tp. 13 S R. 9 E W. M.,
(No. N. or S.) (No. E. or W.)

in the county of Jefferson The name of the ditch to be used is Holzman Pipeline

RECEIVED
8. The use to which the water is applied is irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
13S	9E	10	SE 1/4 SE 1/4 SW 1/4	5.1

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? yes 4/98, 3/7 is interest for my 3 sons
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? Yes
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are The proposed point is more practical & eliminates about 1 1/2 miles of ditch. It has also been used for over 24 yrs.

15. Construction work will be completed on or before completed { ditch about 1954 pipe line 1978

16. The water will be completely applied to the proposed use on or before has been applied

Remarks _____

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Irwin B. Holzman, 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 17 day of Jan, 1979

Irwin B. Holzman
(Name of applicant)

Subscribed and sworn to before me this 17 day of Jan, 1979

Jaquelyn Guably
NOTARY PUBLIC FOR OREGON

[Notarial Seal]



My commission expires 5/11/82

STATE OF OREGON

COUNTY OF JEFFERSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

B. F. MADSEN

of Camp Sherman, State of Oregon, has
a right to the use of the waters of North Fork Lake Creek

a tributary of Metolius River for the purpose of
irrigation of 20.8 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 9, at page 362; that the priority of the right thereby confirmed dates from June 1, 1908;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3 acre-feet per acre, measured at the point of diversion from the stream, which may be diverted at a rate not to exceed 1/60th of one cubic foot per second per acre during the irrigation season from May 1 to September 15.

The point of diversion is located in the

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

5.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
15.3 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 10,
T. 13 S., R. 9 E., W. M.

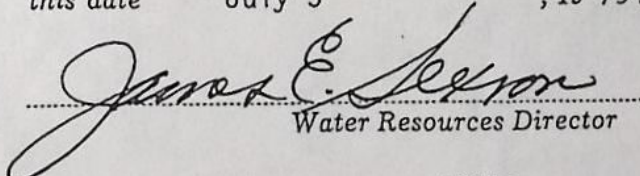
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 13634, Volume 12, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on May 24, 1979, approving transfer application No. 4166.

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

And said right shall be subject to all other conditions and limitations contained in said decree. 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 Water Resources Director, affixed

this date July 3, 1979.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 41, page 48243

STATE OF OREGON

COUNTY OF JEFFERSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

B. F. MADSEN

of Camp Sherman, State of Oregon, has a right to the use of
the waters of North Fork Lake Creek *trib Metolius River*
for the purpose of Irrigation *of 20.8 acres*

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Deschutes County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 9, at page 362; that the priority
of the right thereby confirmed dates from June 1, 1908;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 3 acre-feet per acre,
measured at the point of diversion from the stream, which may be diverted at a
rate not to exceed 1/60th of one cubic foot per second per acre during the irri-
gation season from May 1 to September 15.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,
if for other purposes, the place where such water is put to beneficial use), is as follows:

Uplike Dist.
5.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
15.3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
~~5.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$~~
Section 10,
T. 13 S., R. 9 E. W. M.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 13634, Volume 12, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
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The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

AND said right shall be subject to all other conditions and limitations
contained in said decree.

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

WITNESS the signature of the State Engineer,

affixed this 1st day

of July, 1940/1.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 12, page 13634.

48243

T-4166

RECEIVED
JAN 12 1979
WATER RESOURCES DEPT.
SALEM, OREGON

Wayne Overcash.

no p

no maps were
in books.

BEFORE THE STATE ENGINEER OF OREGON

Jefferson County

In the Matter of the Determination of the Relative Rights
to the Waters of Little Lake
North Fork Lake Creek and its tributaries,
a Tributary of Metolium River

STATEMENT AND PROOF OF CLAIM

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

I, the undersigned, of Camp Sherman Oregon, being called as a witness
in support of this statement of claim, and being first duly sworn, testify as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of
incorporation and the authority by which you make this proof.

Belshé Meloy,
Mero, Ore.

A. B. F. Madsen, Camp Sherman Oregon
(If this proof is made by you as agent, or attorney, the written

authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above-named stream or a tributary thereof?
If from a tributary, give its name.

A. Yes, North Fork of Lake Creek

3. Q.—What is the nature of the right or use on which this claim to the waters of said
stream is based?

A. Irrigation
(Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A. Appropriation
(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A. June 1st 1908

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said
right? Answer fully, attaching separate sheet if necessary.

A. Special use permit issued by the
Forest Service to G. W. Updike who
built the necessary ditches for irrigation
the land under consideration

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A. Year of 1909

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most
commonly known, if a ditch is used.

A. Updike ditch

9. Q.—State the interest claimant has in such ditch, with the names of any other water users
interested therein.

A. 65 acres out of 83, B. F. Belshé,
George A. Meloy own remaining 18 a.

Proof No. 28

10. Q.—State the date of the beginning of construction. A.—June 1st 1969

11. Q.—State the date of completion. A.—*Last part of August 1909*

12. Q.—State the dimensions of the ditch as originally constructed, just below the wasteway or headgate.

A.—Width (top) 4 ft feet; width (bottom) 3 ft feet;
depth 10 in feet; grade or fall in feet per 1,000 feet, 2 1/2 feet.

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged.

A. - No enlargement

First enlargement—Width (top) feet; width (bottom) feet;
depth feet; grade, or fall per 1,000 feet, feet.

Second enlargement—Width (top) feet; width (bottom) feet;
depth feet; grade, or fall per 1,000 feet, feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate. A.— 83 acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year. A.—34 acres

16. Q.—How many acres were irrigated each subsequent year up to and including the present year? A.—34 acres

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement?

A.—

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A. —

[illegible]

Total 25.9 acres.

19. Q.—State the character of the soil and kind of crops cultivated.

A.—*gravelly and sandy*
Alfalfa, grain and garden trucking, pasture

20. Q.—When does the irrigating season begin and when does it end, and if water is used for other purposes, during what months is it used?

A.—*May 15th — Oct 1st*

21. Q.—What amount of water do you estimate is necessary for the proper irrigation of the lands which you are irrigating or propose to irrigate, or for any other purpose for which a right is claimed?

A.—*2 second ft.*

*22. Q.—Do you accept the maps prepared by the State Engineer as showing correctly the location of said ditch and the lands irrigated therefrom?

* In case there is objection to the official plat the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the State Engineer a map of said ditch and irrigated lands, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land which is irrigated. Such map should correspond in size to legal cap paper so as to be easily filed with the claim.

A.—*No, I claim slight more acreage.*

†23. Q.—If water is used for power, state the total fall utilized and the theoretical (not actual) horsepower developed.

† Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 3.8 (one cubic foot per second falling 3.8 feet equals one theoretical horsepower).

A.—*None.*

24. Q.—Describe the nature of the works by which the power is to be developed, the place where located, and state whether the water is returned to the stream after use and at what point.

A.—*None*

25. Q.—If for mining purposes, describe the location and character of the mines to be served and state whether after use the water is returned to the stream and at what point.

A.—*None*

26. Q.—If water is used for mining or power purposes, state whether there are any diversions between the point of your diversion and the return of such water to the stream.

A.—*None*

27. Q.—Give description of your land as it appears in your deed. (Attach separate sheet if necessary.)

A.—*NE⁴ SW⁴ Sec. 10 T. 3 S. Range 9 East*
S² S² SE NW 10 13 9
N² SE⁴ of SE⁴ of SW⁴ 10-13-9
W² W² of W² SE⁴ 10-13-9 10 acres

28. Q.—What interest have you in the lands irrigated or place where the water is used?

A.—*6 5/8 acres*

29. Q.—Name at least three witnesses who will substantiate the statements herein made by you. Give their postoffice addresses.

A.—*Dan Heising, Harry Heising,*
Perry Smith — Sisters, Oregon

30. Q.—What additional evidence have you attached hereto or submitted herewith?

A.—

(If the witness finds the space insufficient to properly answer any question, he should attach hereto said answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own should attach to its proof a complete list of the persons owning the lands so supplied with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit should be attached to this proof and marked for identification as Exhibit "A," "B," "C," etc.)

I hereby certify upon oath that the foregoing statement and answers are true as I verily believe.

B. F. Madsen
Signature of Claimant, or Agent Making Proof.

Subscribed and sworn to before me this 9th day of Nov., 1923

R. L. Letten
954 - 76 State Engineer.

Filed: Nov. 9, 1923

Fees paid: 25.90, \$ 4.90

Oliver Luper
State Engineer

AUTHORIZATION OF AGENT

We, O. L. Belshe & Geo. A. Meloy, of Moro,
State of Oregon, do hereby make and appoint B. F. Madsen
of Camp Sherman, ^{our} agent
and attorney for ^{us} ~~me~~ and in my name, place and stead, to make and submit ^{our separate} ~~the within~~ Statement
and Proof of Claim.*

And I hereby designate said agent as the proper party upon whom lawful and valid service may be made of all process and notices in any contest commenced by or against me, in the within entitled matter, and said agent is hereby duly authorized to appear in any and all such contests as my true and lawful agent and attorney, giving and granting unto my said attorney full power and authority to do and perform all and every act necessary and requisite to be done in the premises, as fully as I might or could do if personally present, hereby ratifying and confirming all my said agent shall lawfully do by virtue of this power.

O. L. Belshe
Geo. A. Meloy
Signature of Claimant.

* Claimant should cross out the second paragraph of the Authorization if he does not desire the agent to appear for him in the proceeding after the filing of this claim.

NOTICE OF WATER RIGHT TRANSFER APPLICATION

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Irwin B. Holzman for approval of a change in point diversion of water from North Fork Lake Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 13634, Volume 12, State Record of Water Right Certificates, in the name of B. F. Madsen, describes a right which includes the use of water from N.Fk. Lake Cr. for irrigation of a certain 5.1 ac in SE¼ SW¼ of Sec 10, T 13S, R 9E, WM, with a date of priority of June 1, 1908.

The authorized point of diversion for said right is located 1340 ft S & 1450 ft W from the NE Corner of Sec 17, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 17, T 13S, R 9E, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom for irrigation of the lands above described, without loss of priority, to an existing point located 500 ft S & 40 ft E from the NW Corner of Sec 15, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 15, T 13S, R 9E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Madras, Oregon on May 16, 1979 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 Irwin B. Holzman, 3724 SW 50th Avenue, Portland, OR 97221; 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 Dept. upon request.

Dated at Salem, Oregon
this 14th day of March, 1979.

James E. Sexson
Director

Publish: March 22, 29,
April 5, -1979

I, Arthur G. Statt, being first

duly sworn, depose and say that I am the publisher of THE MADRAS PIONEER, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Madras in the aforesaid county and state:

that the Notice of Water Right Transfer Application

_____, a printed copy of which is hereto

annexed, was published in the entire issue of said newspaper for 3

successive and consecutive weeks in the following issues:_____

March 22, 29, April 5, 1979

Subscribed and sworn to before me this 5 day of

April 19 79

Notary Public of Oregon.

My Commission Expires September 19, 1980
day of _____, 19____

My commission expires _____ day of _____, 19____

Affidavit of Publication

State of Oregon
County of Jefferson ss.

I, Arthur G. Statt, being first

duly sworn, depose and say that I am the publisher of THE MADRAS PIONEER, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Madras in the aforesaid county and state;

that the Notice of Water Right Transfer Application

_____, a printed copy of which is hereto
annexed, was published in the entire issue of said newspaper for 3

successive and consecutive weeks in the following issues:_____

March 22, 29, April 5, 1979

Arthur G. Stall

Subscribed and sworn to before me this 5 day of

April 19 79

Notary Public of Oregon.

My Commission Expires September 19, 1980
day of _____, 19

My commission expires _____ day of _____, 19____



RECEIVED

APR 12 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

ok
JCS

378-3066

May 2, 1979

The Madras Pioneer
Box W
Madras, Oregon 97741

RE: File No. T-4166

Gentlemen:

Enclosed is our check No. 3305 in the amount of
\$36.50 in payment of your statement.

Please receipt the enclosed statement and return
it to this office. Thank you.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE

378-3066

March 14, 1979

Pioneer
P.O. Box W
Madras, Oregon 97741

RE: File No. T-4166

Gentlemen:

Enclosed is a notice for publication in the March 22 and 29 and April 5, 1979, issues of your newspaper.

If, for any reason, the notice cannot be published on the three dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication and statement for this service to this office.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj

cc: Irwin B. Holzman

cc: Robert F. Main, Jr.

Mr. Holzman: Enclosed, as requested, is the application form you may complete for the use of water for irrigation of the additional 2.2 acres. A print of the map supporting your transfer application and an instruction booklet are also enclosed.

WJO.



Personal Loans
Sales Financing
Real Estate Loans

Reliable Credit Association, Inc.

P.O. Box 42205
1195 S.E. Powell Boulevard
PORTLAND, OREGON 97242
233-4481

March 7, 1979

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MAR 8 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

Investments
Lease Financing
Insurance

Mr. Wayne Overcash
Watterights Engineer
Water Resources Dept.
555 13th St. NE
Salem, OR

Re: File #T4166

Dear Mr. Overcash:

In reference to your letter of March 5, I have corrected the map as you have requested indicating 5.1 acres in the SE quarter of the SE quarter of the SW quarter of Section 10. I have also indicated in a solid area the one-half acres irrigation from the spring.

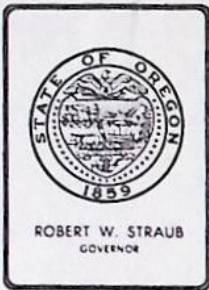
The additional ~~2.2~~ acres that has been irrigated for the last 30 some years under our two watterights it seems is not fully covered. Based on this I think that it would be advisable for us to also file a watterright to cover the full 7.2 acres that we have been irrigating. I would appreciate it if you would forward an application for us for this additional 2.2 acres (approximately) so that we are fully covered with watterights for the full property that is being irrigated and that has been irrigated.

Thank you very much.

Very truly yours,

Irwin B. Holzman

IBH:eh
Encl.



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

March 5, 1979

Irwin B. Holzman
3724 SW 50th Avenue
Portland, Oregon 97221

RE: File No. T-4166

Dear Mr. Holzman:

Your water right transfer application for approval of a change in point of diversion of water on North Fork Lake Creek, together with supporting maps, was received February 28, 1979. The fees of \$85 previously submitted have been credited to your application which has been filed as number 4166.

It will be necessary for you to correct your supporting map and item No. 8 on your application by showing and listing not more than 5.1 acres. Your map presently shows an area of about 7 acres and part of the shaded area on it is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, T 13S, R 9E, W.M.

Also as mentioned in my earlier correspondence, 0.5 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 10 has a primary right to use of water from a spring for irrigation purposes. Although use of water from the spring is not involved in your proposed transfer, it would be best at this time to illustrate the area receiving water solely from the spring for primary irrigation.

I am returning your transfer application and one of your supporting maps for completion.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lčj



Personal Loans
Sales Financing
Real Estate Loans

Reliable Credit Association, Inc.

P.O. Box 42205
1195 S.E. Powell Boulevard
PORTLAND, OREGON 97242
233-4481

Investments
Lease Financing
Insurance

2-26-79

RECEIVED

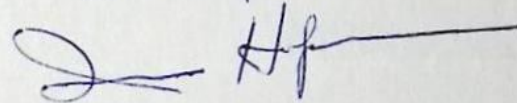
FEB 28 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

Water Resources Dept
State of Ore
Salem Ore
ATTN: Mr Overcash

Re: Change in Point of Diversion

Dear Mr Overcash,
Enclosed is the completed form as you suggested along with
maps to show the diversion point.
Thank you for completing the change & if you have
any questions please give me a call at the above number.

Sincerely,




Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

January 16, 1979

Irwin B. Holzman
3724 SW 50th Avenue
Portland, Oregon 97221

RE: File No. 29530 *& T-4166*

Dear Mr. Holzman:

Your water right transfer application for approval of a change in point of diversion from North Fork Lake Creek received January 5, 1979, was not clear in defining the portions of the water rights to be involved; therefore, it was not filed. The fees of \$85 you submitted have been placed in a pending account. Our receipt No. 8376 is enclosed.

If use of water from North Fork Lake Creek for use in the swimming pool, as allowed under the terms of permit No. 23211, was perfected by the diversion of water from the point located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, T 13S, R 9E, W.M., in 1954, as indicated in items No. 14 and 15 of your transfer application, use from said point would have been within the terms of the permit and would be the present, authorized point of diversion for diverting water to the swimming pool. However, if the use of water was originally perfected from the point in Section 17 and, after the time limits of the permit expired, water was taken from the point in Section 15, it will be necessary to apply for a change. The dates of completion of construction work and complete application of water were October 1, 1956 and October 1, 1957, respectively.

As mentioned in our recent telephone discussion, it will be necessary to apply for a change in point of diversion for that part of the earlier right described by certificate 13634 appurtenant to your property. I am enclosing another transfer application form with penciled entries describing the intended change for the earlier right. If you agree with these entries, they should be redone in ink or type and the affidavit of applicant section completed.

I am also enclosing a print of our final proof map of the survey made in July, 1967, showing the point of diversion on North Fork Lake Creek, spring, pool, two houses and acreage found irrigated from the spring. Of the 3.7 acres illustrated, 3.2 acres have a supplemental supply from the spring and 0.5 acre has a primary supply from the spring. The map to support your application must show the acreage you claim to irrigate by use of water from North Fork Lake

Holzman
File No. 29530
page 2

Creek and it would also be best to illustrate at this time the location of the 0.5 acre area receiving water solely from the spring for primary irrigation.

I am returning your original transfer application and supporting map. Please refer any correspondence to file No. 29530.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj
cc: Duane Clark, Assistant Watermaster



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

May 30, 1979

Irwin B. Holzman
3724 SW 50th Avenue
Portland, Oregon 97221

RE: File No. T-4166

Dear Mr. Holzman:

Enclosed is a certified copy of the order of the Water Resources Director approving water right transfer application No. 4166 for a change in point of diversion of water from North Fork Lake Creek.

In line with the general practice of this office, a survey will be made at a later date.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj

cc: Robert F. Main, Jr., Watermaster

N. F. LAKE CR → METOLIVUS R.

WR T-0982-01

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***
*** WATER RIGHT DATA INPUT FORM ***

PAGE 1
RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. T000041661 PERMIT NO. 009500 CERTIF. NO.
ORIG. NO. C000136341 PREV. NO. C000136341 SUPER. NO.

NAME: IRWIN B. HOLZMAN

ADDRESS: 3724 SW 50TH AV

CITY/STATE/ZIP/COUNTY: PORTLAND, OR 97221

STREAM-ID 05 1980 1160 0520

RIV. MI.

WM. DIST. 11 W.R. TYPE SC STATUS V

CANCEL YEAR--->	CONSTR. COMPLT--->	<u>05 24 1979</u>	YR. LAST USED----->	---	NEXT ACTION DUE-->	---	
PRIORITY----->	<u>06 01 1908</u>	PUT TO USE----->	<u>05 24 1979</u>	LAST TRANS. DATE-->	---	LAST TRANS. TYPE-->	---
APPLICATION--->	<u>02 28 1979</u>	SURVEYED----->	EXAM. FEE----->	<u>20.00</u>	RECORDING FEE----->	<u>15.00</u>	
PERMIT ISSUE-->	<u>05 24 1979</u>	CONCURRENCE----->	CYCLE STATUS----->	---	REPORTED FLAG----->	---	
CONSTR. STRT.-->	<u>05 24 1979</u>	CERTIFIED----->	CORRES. INIT.----->	---	CORRES. DATE----->	---	

POINT-OF-DIVERSION DATA:
TWNSP RNGE SECT QTR/QTR STREAM-ID

1305 090E 15 B B 05 1980 1160 0520

RIV. MI.

RATE

STATUS S OR P

0.085

V

P

** REMARKS: - - - - ->
** DATED-->
** POD: 500'S & 40'E FM NW COR S 15.
** CHANGES POD PART OF C-13634.
** R.R.C-48243.

PLACE-OF-USE DATA:
TWNSP RNGE SECT QTR/QTR CNTY

1305 090E 10 C D 16 IR 100 5.10

USE % CNSMTV ACRES STATUS S OR P

V P

**-----
**-----
**-----
**-----

48243

W.R.I.S.

Assembled 4-25-85 by SAD

Entered _____ by _____

Verified _____ by _____



STATE OF OREGON

INTEROFFICE MEMO

TO: *Leslie Olson*

DATE: *8-19-86*

FROM: *Steve A.*

SUBJECT: *Holzman - Permit 44211 & Trans. 4466*

Recheck please to determine all lands irr. by Holzman, both from N.F.R. (?) Lake Cr. & from the spring under permit 23211.

It appears that LHN did not take the spring filing into account, nor did he survey all the land irr from Lake Cr. ? ASH.



```

:   POD
    POU
    USE
Add'1 POD

```

County JEFFERSON

Address 3724 SW 50th Ave, Portland, OR 97221

5. Proposed Point of Diversion 500 ft S & 40 ft E from NW Cor of Sec 15, within
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 15, T 13S, R 9E, WM.

7. Place of Use:

[illegible]

Info: Mr. Holman

Source: N. Fk Lake Co. (on Rth. Bank)

Dr: Log dam across creek to raise the water level, then a
catch basin (concrete 3'x4') into a 12" PVC pipe

Use: irrigation & filling swimming pool.

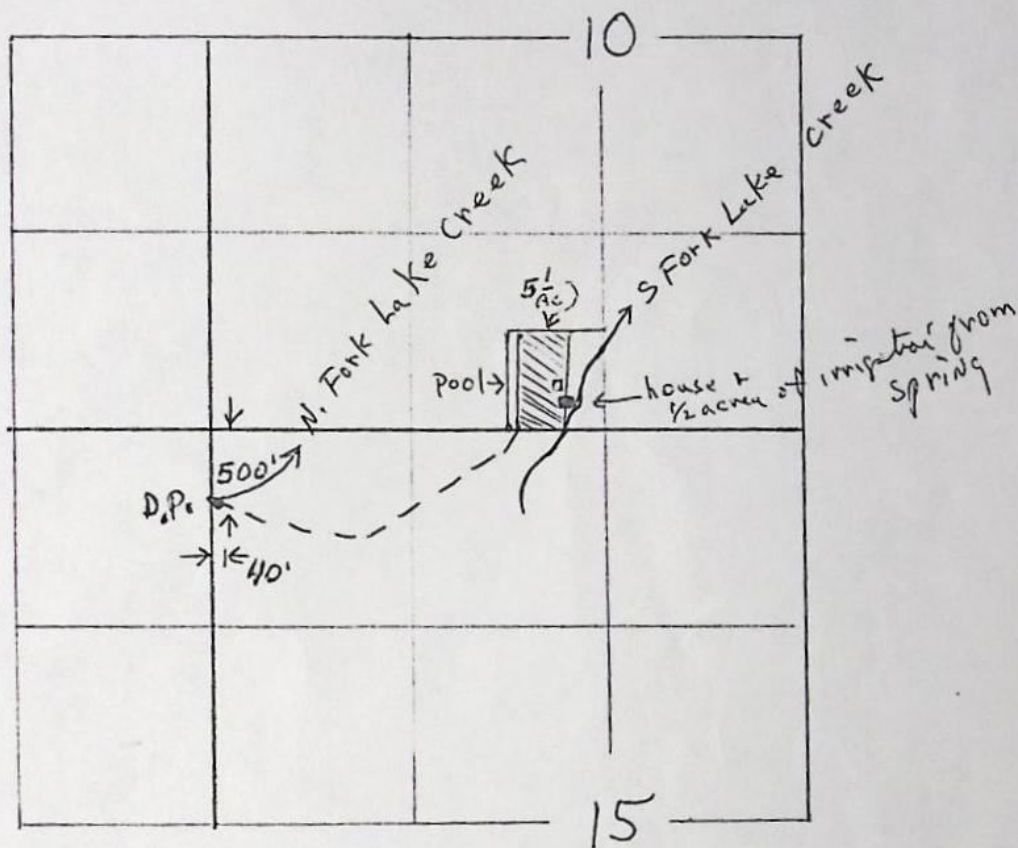
Tic: DOU - 24 - 117

4-16-80
Lawrence H. Jann
Field Engineer

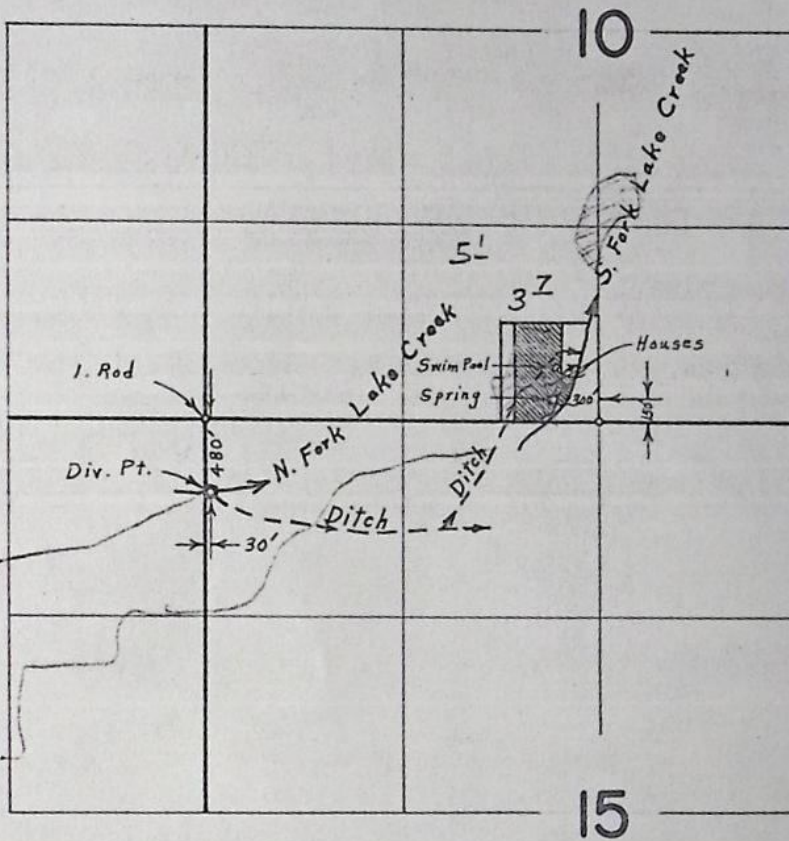
RECEIVED

WATER RESOURCES DEPT.
SALEM, OREGON

T13S, R9E, W.M.



T.13 S.R.9 E.W.M.



Dec.
Cart 13634-
5200.

3² Suppl on
Card for P23211

Permit 23211
Proposed div. Pt.
for Creek in
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 17

FINAL PROOF SURVEY

UNDER

Application No. 29530 Permit No. 23211
IN NAME OF

JEROME L. & LENA K. HOLZMAN

Surveyed July 10, 1967, by L. E. Gould

RECEIVED

MAR 8 1979

WATER RESOURCES DEPT.

SALEM, OREGON

RECEIVED

FEB 28 1979

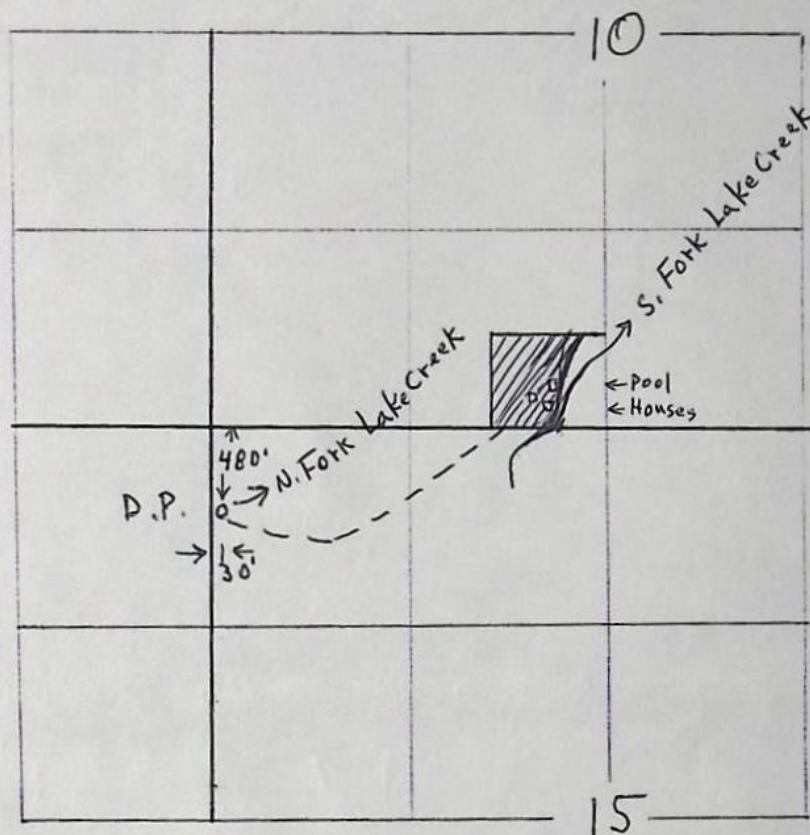
WATER RESOURCES DEPT.

SALEM, OREGON

SALEM, OREGON

*Superseded
March 8, 1979*

T 13 S. R 9 E. W. M.





STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 4/10, 1979FROM: ** Robert F. Main, Jr., Watermaster**RECEIVED**

APR 12 1979

WATER RESOURCES DEPT.
SALEM, OREGONSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4166IN THE NAME OF Irwin B. Holzman

In my opinion the proposed change in point of diversion from North Fork Lake Creek.
MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which serves this right.

If for change in point of diversion, is there any intervening point of diversion between the authorized and the proposed points of diversion? yes
(yes or no)

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- ✓ (1) PRIOR to the diverting of water at the new point of diversion . . .
_____ (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water rights because _____

Note: In my opinion, the North Fork of Lake Cr. is a ditch, and all rights from it should have their prod. at the point where the N. Fork splits off from the main stem. I realize that the decree refers to "North Fork of Lake Cr", but all water entering it is capable of control

**

Robert Main
Watermaster's signature or initials