

4259

Name City of Canyonville

By _____

Address City Hall - P.O. Box 765Canyonville, OR 97417Change in POD/USEDate filed 7-23-79Date of hearing Nov. 7, 1979Place of hearing RoseburgDate of order 1-28-80 Vol. 32, page 678Date for application of water completed

Proof mailed _____

Proof received _____

Certificate issued FEB 25 1980 Vol. 42, page 49062DEC 4 1984 47 52543

DESCRIPTION OF WATER RIGHT

Name of stream Canyon CreekTrib. of _____ County of Douglas

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1947In name of Jahn Hamlin

_____ Adjudication, Vol. _____, page _____

App. No. 22168 Per. No. 17756 Cert. No. 19652

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>7-23-79</u> <u>11-14-79</u>	<u>100-</u> <u>< 00.88 ></u>	<u>12968</u> <u>Trans to 74260</u>
TOTAL . . .		
	Cert. Fee	

Canyon Creek Current \$27.00 Cr #4012 pd 1/16/80

FEES REFUNDED

Date	Amount	Check No.
<u>1-18-80</u>	<u>112</u> <u>EX 20-</u> <u>POD 15-</u> <u>USE 13-</u> <u>50-</u>	<u>4013</u> <u>50</u> <u>POD 27-</u> <u>77-</u> <u>7812</u> <u>77-</u> <u>112</u>

21.88 Trans to 4260

REMARKS

See T- 9212, 9258, 9260

W.R.I.S.

Assembled 3-8-85 by SWD

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
☒	Name	<u>PCJ</u>
☒	Stream	<u>PCJ</u>
☒	Pt. of Div.	<u>PCJ</u>
☒	Calendar	<u>PCJ</u>
☒	CHECKED TO RECORDS	
☒	Twp. & Rge.	<u>5/26</u>
☐	Decree-vault	
☐	Decree-sale	
☒	Cert. of W/R	<u>5/26</u>
☒	Per. Folder	<u>5/26</u>
☐	Chaindex	
☐	Cross Ref.	
☒	Power Claim	<u>PCJ</u>
☒	Abstracts	

153

T.30 S. R.5 W. W.M., Sec. 27

Scale: 1" = 400' (Douglas Co.-76 17C-1)

P#17456
(to city)

T-4259

RECEIVED

AUG 15 1979

WATER RESOURCES DEPT
SALEM, OREGON

Alan Peters/Nelson Brinkerhoff

J.G. Clark

DLC 51

Div. Pt.
of Record

10 Ac.

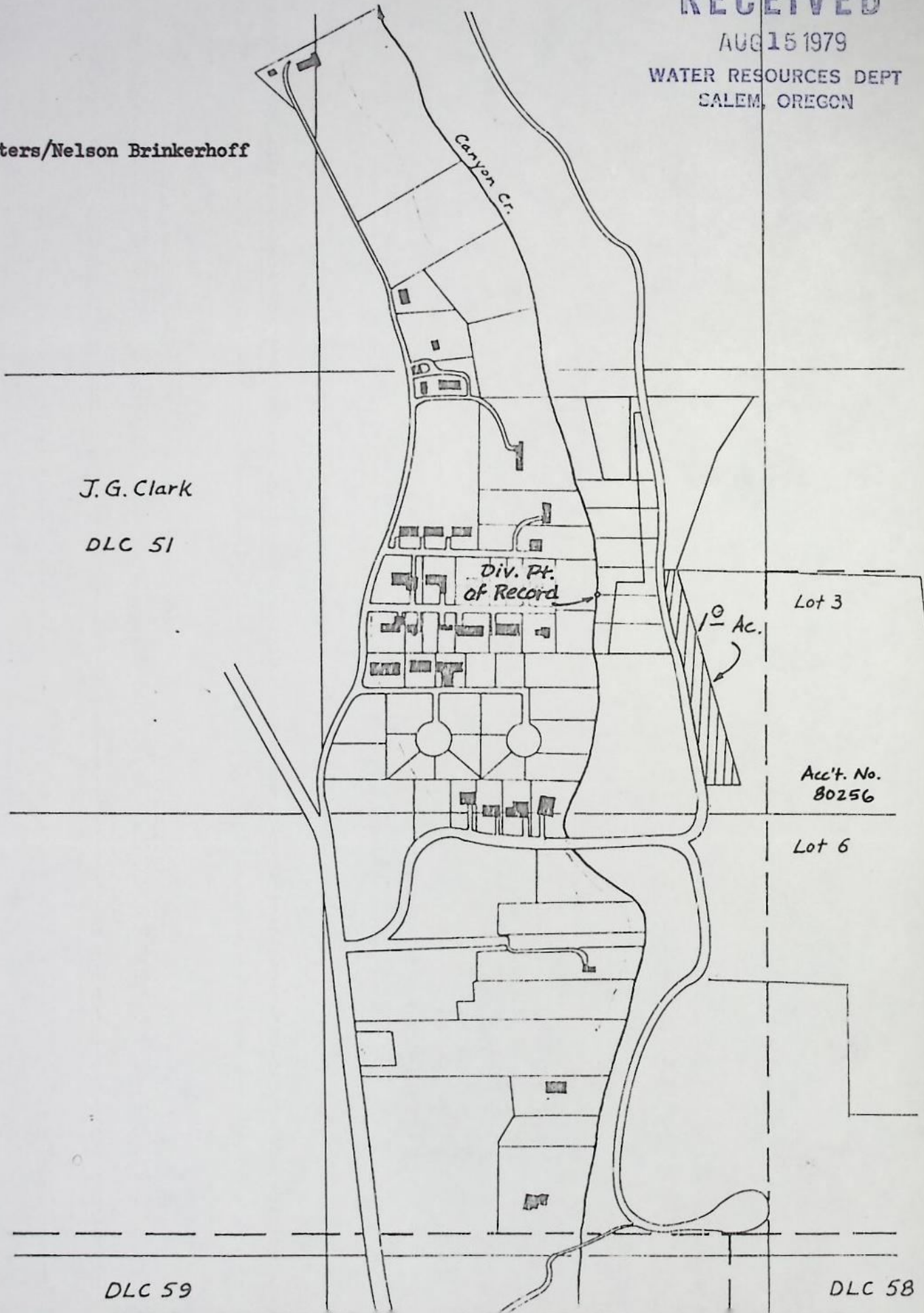
Lot 3

Acc't. No.
80256

Lot 6

DLC 59

DLC 58



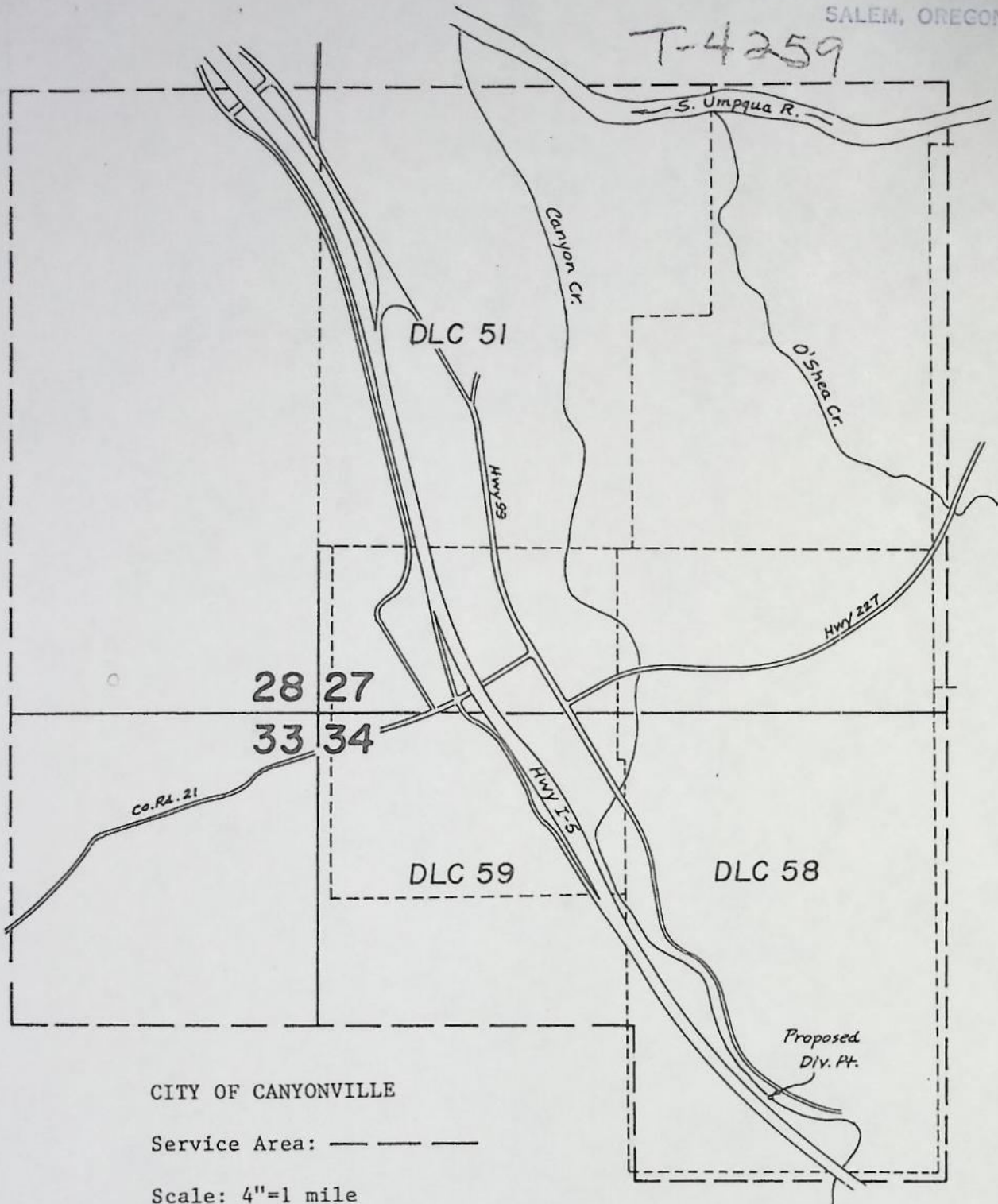
RECEIVED

JUL 23 1979

WATER RESOURCES DEPT
SALEM, OREGON

T. 30 S. R. 5 W. W.M.

T-4259



CITY OF CANYONVILLE

Service Area: — — —

Scale: 4"=1 mile

Proposed Div. Pt: 1754' S. and 1197' E. from the
S.E. corner of D.L.C. No. 59

2/80
Inspection
6-24-80
JSD

R

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN: POD
POU
USE
Add'l POD

Transfer NO. 4259 County DOUGLAS

Old Certificate NO. 48343

1. Name City of Canyonville
Address P.O. Box 765, Canyonville, OR 97417

2. Source of Supply Canyon Creek, Trib of S Umpqua River

3. Use from irrigation to municipal

4. Amount of Water 0.015 c.f.s Priority Date January 2, 1947

5. Proposed Point of Diversion 1754' S & 1197' E from SE Cor of J. Roberts DLC #59,
within NW $\frac{1}{4}$ SE $\frac{1}{4}$, S 34, T 30S, R 5W, WM

6. Completion Date COMPLETED

7. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
30S	5W	27	(all)	<u>municipal</u>
		28	E $\frac{1}{2}$	"
		33	NE $\frac{1}{4}$	"
		34	N $\frac{1}{2}$	"
		34	N $\frac{1}{2}$ SE $\frac{1}{4}$	"

Transfer No's. 4212
4258
4259
4260

Info: Dean Hunt, water treatment plant superintendent, ~~the~~
water is ~~the~~ pumped from canyon creek, through
water treatment plant, to a million gallon reservoir
and the gravity flow back to city

Div: ~~the~~ Concrete structure in Canyon Creek with
headgate ~~the~~ at intake & fish ladder

Pumps & Motors: US 30 hp @ 3515 rpm } booster pump to
Pacific CDD 4" x 4" } circulate water
rate @ 400 gpm w/ 210' hd } through treatment plant

3- GE 20 hp @ 1750 rpm } pumps water
Johnston Turbines 6" discharge } from treatment
all max at one time - usually run one or two at } plant to reservoir
a time.

Pipe: ~~the~~ 3100' - 10" steel suction line from div to pumps
at water treatment plant.

1- 10" steel & 1- 10" AC pipelines from treatment plant to
reservoir

use: Municipal

tie: Inspection

Steve Donaldson
6-24-00 FE

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF CITY OF CANYONVILLE FOR APPROVAL)
OF CHANGES IN POINT OF DIVERSION)
AND USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4259

On July 23, 1979, an application was filed in the office of the Water Resources Director by City of Canyonville for approval of changes in point of diversion and use heretofore made of water from Canyon Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 48343, Volume 41, State Record of Water Right Certificates, in the name of John Hamlin, describes a right which includes the use of not to exceed 0.015 cubic foot per second from Canyon Creek for irrigation of a certain 1.0 acre in SE $\frac{1}{4}$ N $\frac{1}{4}$ W of Section 27, as projected within James G. Clark D.L.C. No. 51, Township 30 South, Range 5 West, W.M., with a date of priority of January 2, 1947.

Water for the said right is diverted from a point located 110 feet South and 420 feet West from the interior "L" Corner of James G. Clark D.L.C. No. 51, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 30 South, Range 5 West, W.M.

The applicant herein proposes to change the point of diversion therefrom, without loss of priority, to a point located 1754 feet South and 1197 feet East from the Southeast Corner of Joseph Roberts D.L.C. No. 59, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 30 South, Range 5 West, W.M. The applicant also proposes to transfer the water right from the lands above described and use heretofore made of water, without loss of priority, to municipal use for the City of Canyonville within Section 27, E $\frac{1}{2}$ Section 28, NE $\frac{1}{4}$ Section 33 and N $\frac{1}{2}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 34, Township 30 South, Range 5 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Canyon Creek Current, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of September 13, 20 and 27, 1979.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed changes in point of diversion and use heretofore made of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in point of diversion and use of water, as described herein, without loss of priority, are 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, and shall be further limited to use only during the irrigation season of each year.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

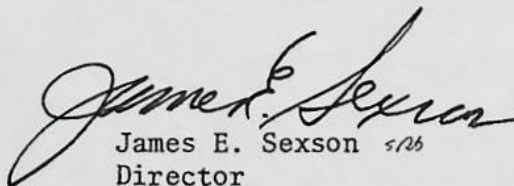
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the changes in point of diversion and use of water are completed.

It is FURTHER ORDERED that the certificate recorded at page 48343, Volume 41, 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 28th day of January, 1980.


James E. Sexson 5/26
Director

YES, I vote for the levy.
☐ NO, I vote against the levy.

OK SA

9-13-79
19902

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4259

The Water Resources Director has received and filed an application by City of Canyonville for approval, without loss of priority, of changes in point of diversion and use of water under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 48343, Volume 41, State Record of Water Right Certificates, in the name of John Hamlin, and is for the use of not to exceed 0.015 cubic foot per second from Canyon Creek, under a priority date of Jan. 2, 1947, for irrigation of a certain 1.0 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within James G. Clark DLC #51, Sec 27, T 30S, R 5W, WM.

The authorized point of diversion for said right is located 110 ft. S & 420 ft. W from the Interior "L" Corner of James G. Clark DLC #51, being within the SE $\frac{1}{4}$ NW $\frac{1}{2}$ of Sec 27, T 30S, R 5W, WM.

The applicant herein proposes to change the point of diversion therefrom, without loss of priority, to a point located 1754 ft. S & 1197 ft. E from the SE Corner of Joseph Roberts DLC #59, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 34, T 30S, R 5W, WM. The applicant also proposes to transfer the water right from the lands above described and the use heretofore made of water, without loss of priority, to municipal use for the City of Canyonville within Sec 27, E $\frac{1}{2}$ Sec 28, NE $\frac{1}{4}$ of Sec 33, and N $\frac{1}{2}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec 34, T 30S, R 5W, WM.

Pursuant to ORS 540.520 (2), a hearing is scheduled for 9:30 a.m. on Wednesday, November 7, 1979, at the Douglas County Courthouse, Roseburg, Oregon. Any objections to the proposed changes must be prepared in writing: one copy to be served on the applicant at City Hall, P.O. Box 765, Canyonville, OR 97417; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 7th day of September, 1979.

James E. Sexson, Director

WATER RESOURCES DEPT.
SALEM, OREGON

My Commission Expires:

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4259

The Water Resources Director has received and filed an application by City of Canyonville for approval, without loss of priority, of changes in point of diversion and use of water under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 48343, Volume 41, State Record of Water Right Certificates, in the name of John Hamlin, and is for the use of not to exceed 0.015 cubic foot per second from Canyon Creek, under a priority date of Jan. 2, 1947, for irrigation of a certain 1.0 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within James G. Clark DLC #51, Sec 27, T 30S, R 5W, WM.

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The applicant herein proposes to change the point of diversion therefrom, without loss of priority, to a point located 1754 ft S & 1197 ft E from the SE Corner of Joseph Roberts DLC #59, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 34, T 30S, R 5W, WM. The applicant also proposes to transfer the water right from the lands above described and the use heretofore made of water, without loss of priority, to municipal use for the City of Canyonville within Sec 27, E $\frac{1}{2}$ Sec 28, NE $\frac{1}{4}$ of Sec 33, and N $\frac{1}{2}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec 34, T 30S, R 5W, WM.

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IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 7th day of September, 1979.

James E. Sexson, Director



STATE OF OREGON

RECEIVED INTEROFFICE MEMO

SEP 13 1979

WATER RESOURCES DEPT

SALEM, OREGON

TO: TRANSFERS, WATER RIGHTS DIVISION DATE: _____, 19__.

FROM: ** M. John Youngquist, Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4259

IN THE NAME OF City of Canyonville

In my opinion the proposed changes in point of diversion & use of water from Canyon Cr. 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)

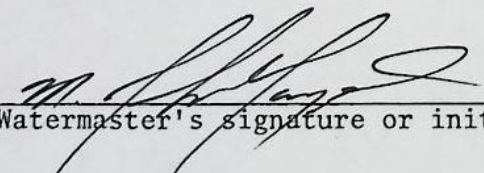
In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- X (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: Measuring devices have been installed at the new water treatment plant.

**


Watermaster's signature or initials



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

July 31, 1979

City of Canyonville
P.O. Box 765
Canyonville, Oregon 97417

RE: File No. T-4259

Gentlemen:

The water right transfer application in the name of City of Canyonville for approval of changes in point of diversion and use heretofore made of water from Canyon Creek, together with supporting data and fees in the amount of \$100, was received on July 23, 1979. Our receipt No. 12968 is enclosed.

The maps submitted are not adequate for us to determine just which parcel is being divested of water right. Please send us copies of a map which will accurately locate this parcel.

Please refer any correspondence to file No. T-4259.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

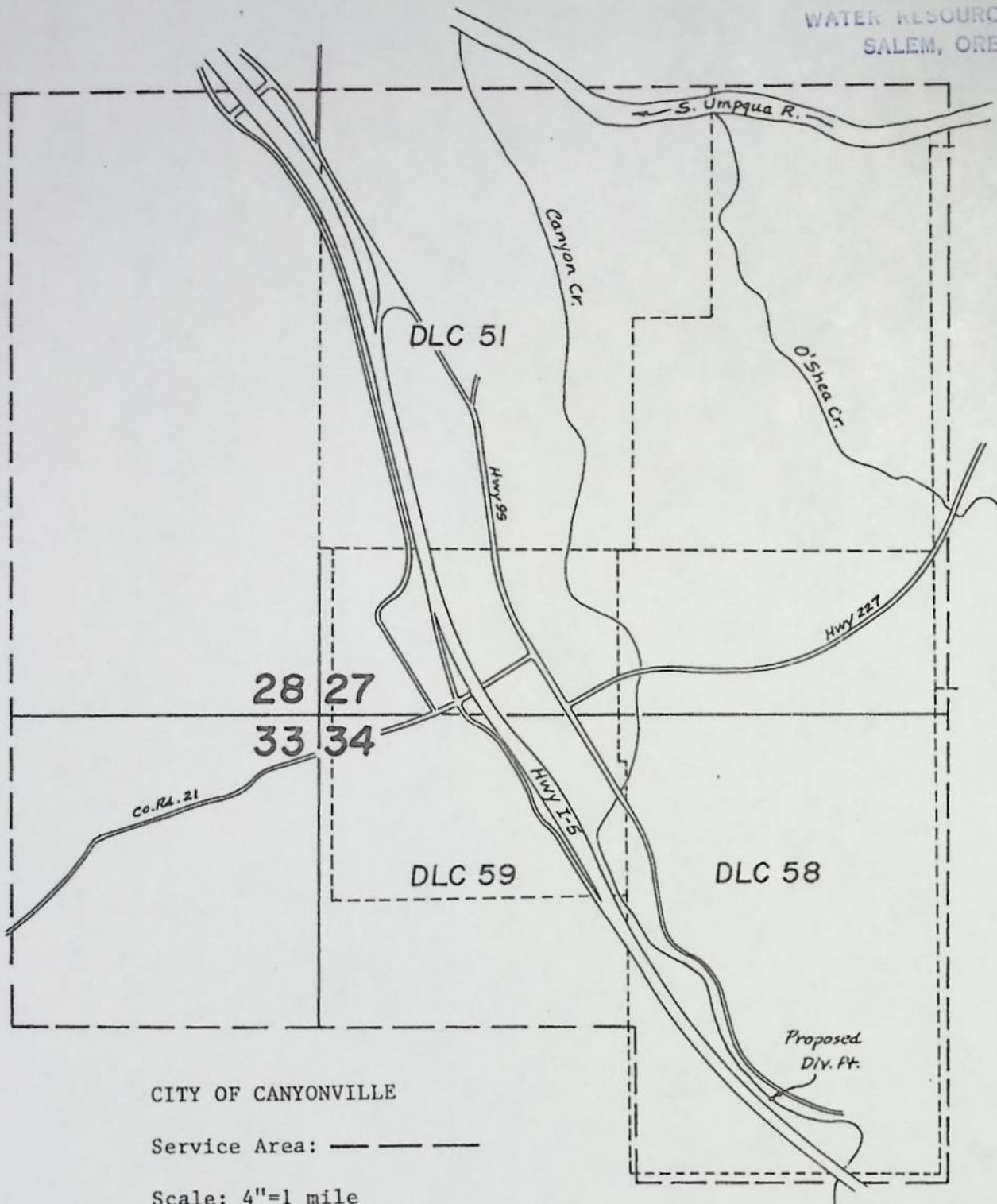
SRA:lcj
cc: M. John Youngquist, Watermaster

T. 30 S. R. 5 W. W.M.

RECEIVED

JUL 23 1979

WATER RESOURCES DEPT
SALEM, OREGON



CITY OF CANYONVILLE

Service Area: — — — —

Scale: 4"=1 mile

○ Proposed Div. Pt: 1754' S. and 1197' E. from the
S.E. corner of D.L.C. No. 59

T-4259

RECEIVED

JUL 23 1979

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, City of Canyonville
(Name of applicant)
of City Hall - P.O. Box 765, Canyonville
(Mailing address) (City)
State of Oregon, 97417, 839-4680, do hereby make application for change
(Zip Code) (Phone number)
in point of diversion and use heretofore made of the water
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No. John Hamlin.
(If not, give name)

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

3. Was your water right acquired by Water Right Permit? Yes. If so, give number
(Yes or No)
of permit 17456 Number of certificate 19652

A 22168

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 Canyon Creek.

5. What is the date of priority of your water right? January 2, 1947

6. The authorized point of diversion is located 110 ft. S and 420 ft. W from the Interior
J. Clark (N. or S.) (E. or W.) "L"
corner of DLC 51 being within the SE 1/4 NW 1/4 of Section 27 Tp. 30S R. 5W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Douglas 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 1754 ft. S and 1197 ft. E from the SE
(N. or S.) (E. or W.)
corner of DLC NO. 59 being within the NW 1/4 SE 1/4 of Section 34 Tp. 30S R. 5W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Douglas The name of the ditch to be used is

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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
30S	5W	27	SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.0 acre

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? No. Lands owned by Alan J. & Winona I. Peters and Nelson & Betty B. Brinkerhoff.
(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.?
(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 municipal
(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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
30S	5W	27	A11	Municipal
		28	E $\frac{1}{2}$	Municipal
		33	NE $\frac{1}{4}$	Municipal
		34	N $\frac{1}{2}$ & N $\frac{1}{2}$ SE $\frac{1}{4}$	Municipal

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are to have municipal rights not subject to the
minimum flows.

15. Construction work will be completed on or before completed.

16. The water will be completely applied to the proposed use on or before October 1, 1979.

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, Gynn O. Deaton, Recorder for the City of Canyonville, 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 13th day of July, 19 79

CITY OF CANYONVILLE

By: Gynn O. Deaton City Recorder
(Name of applicant)

Subscribed and sworn to before me this 13th day of July, 19 79.

[Notarial Seal]

Albert J. Pritchett
NOTARY PUBLIC FOR OREGON

My commission expires 9-24-80

WATER RESOURCES DEPT
SALEM, OREGON

Peter Pollaczek
Notary Public for Oregon
My Commission Expires: 12/18/81

Tax Acct. No 80256

Exhibit "A"

BOOK 675 PAGE 718

All of the following property lying West of Hanlin Drive, also south of the south line of Canyon Creek Estates, Douglas County, Oregon.

Beginning at a 1 1/2 inch iron pipe, being the interior "L" corner of Donation Land Claim No. 51, Township 30 South, Range 5 West, Willamette Meridian, Douglas County, Oregon; thence South 7.50 feet to a point; thence South 88° 46' 46" East 461.67 feet along the Severtson property as described in Deed, Recorder's No. 75-1519, Records of Douglas County, Oregon, to a point on the westerly line of the Esther I. Falk property as described in Instrument No. 70-9856, in the Deed Records of Douglas County, Oregon; thence along said westerly line of said Falk property South 7° 14' East 1638.6 feet to a point marked by a 1 inch iron pipe on the north line of the Walter J. Doxsee property, thence West 261.1 feet along the Doxsee property line to a 1 1/4 inch iron pipe; thence continuing West 189.12 feet along the Doxsee property line to a point on an easterly line of the School District No. 8 property as described in Instrument No. 231845, in the Deed Records of Douglas County, Oregon; thence along said easterly line and a northerly line of said School District property, respectively, North 0° 24' East 384 feet to a point and North 86° 51' West 415.8 feet to a point; thence North 7° 30' West to a point which bears North 88° 46' 46" West of the point of beginning; thence South 88° 46' 46" East 310 feet, more or less, to the point of beginning, situated in Section 27, Township 30 South, Range 5 West, Willamette Meridian, Douglas County, Oregon

Together with a non-exclusive easement for sewer line, over and across the South 5 feet of Lot 2 of Canyon Creek Estates, Douglas County, Oregon.

-continued-

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JUL 23 1979

WATER RESOURCES DEPT
SALEM, OREGON

BOOK 675 PAGE 719

EXHIBIT "A" CONTINUED

All of the following property lying East of Hamlin Drive: Beginning at a 1 1/2 inch iron pipe, being the interior "L" corner of Donation Land Claim No. 51, Township 30 South, Range 5 West, Willamette Meridian, Douglas County, Oregon; thence South 7.50 feet to a point; thence South 88° 46' 46" East 461.67 feet along the Severtson property as described in Deed, Recorder's No. 75-1519, Records of Douglas County, Oregon, to a point on the westerly line of the Esther I. Falk property as described in Instrument No. 70-9856, in the Deed Records of Douglas County, Oregon; thence along said westerly line of said Falk property South 7° 14' East 1638.6 feet to a point marked by a 1 inch iron pipe on the north line of the Walter J. Dorse property; thence West 201.1 feet along the Dorse property line to a 1 1/4 inch iron pipe; thence continuing West 189.12 feet along the Dorse property line to a point on an easterly line of the School District No. 8 property as described in Instrument No. 231845, in the Deed Records of Douglas County, Oregon; thence along said easterly line and a northerly line of said School District property, respectively, North 0° 24' East 384 feet to a point and North 86° 51' West 415.8 feet to a point; thence North 7° 30' West to a point which bears North 88° 46' 46" West of the point of beginning; thence South 88° 46' 46" East 310 feet, more or less, to the point of beginning, situated in Section 27, Township 30 South, Range 5 West, Willamette Meridian, Douglas County, Oregon.

SUBJECT TO:

1. Roads and highways and the rights of the public therein, and right of way to The California Oregon Power Company.
2. Easement, including the terms and provisions thereof, granted to Pacific Telephone and Telegraph Company, by Recorder's No. 61768, Records of Douglas County, Oregon.

STATE OF OREGON)
COUNTY OF DOUGLAS) ss.

I, DORIS L. WADSWORTH, COUNTY CLERK
AND RECORDER OF CONVEYANCES, IN AND FOR
SAID COUNTY, DO HEREBY CERTIFY THAT THE
WITHIN INSTRUMENT WAS RECORDED THIS DAY:

1973 MAY 9 AM 11 24

BY Mary J. Seal
DEPUTY
NO 78-08898 FEE 12.00

DOUGLAS COUNTY OFFICIAL RECORDS