

Name Superior Lumber Co.
By Steven D. Swanson
Address PO Box 250, Sether Ave.
Glendale, OR 97442

4951

DESCRIPTION OF WATER RIGHT

Name of stream Cow Creek
Trib. of _____ County of Douglas
Use Sawmill
Quantity of water _____ No. of acres _____
Name of ditch Sether
Date of priority 1907
In name of Lystol-Lawson Lumber Co.
Cow Creek Adjudication, Vol. 10, page 357
App. No. _____ Per. No. _____ Cert. No. 9651
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
12-10-81	65.00	28809
12-14-81	100	28851
TOTAL		
	Cert. Fee	

Notes Revised #49.14 pd. 1-7-82 LR#4936

FEES REFUNDED

Date	Amount	Check No.
1-7-82	50 ⁸⁶	4935

PA 40-
 PD 26-
 PD 49.14
 118.14
 166.00
 114.14
 50.86

Change in POD
Date filed December 10, 1981
Date of hearing Feb. 10, 1982
Place of hearing Roseburg
Date of order 2-22-82 Vol. 35, page 618
Date for application of water complete
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____
Certificate 98889 issued 1-23-2010
Surveyed 8/27/84

to am 2/82

NO RR

Order Drafted

REMARKS

W.R.I.S.	
Assembled <u>1-15-82</u> by <u>SK</u>	
Entered _____ by _____	
Verified _____ by _____	

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

Called Gary's office 12/16/81.

Is Tunnel Creek still
being used?

Allow Cow Cr. Year round. Justify
quantity used.

Cancel Tunnel Cr. if it is
not used.

Mailing List for Final Transfer Certificate(s)

Copies Mailed
by: TM
(STAFF)
on: JAN 23 2026
(DATE)

Transfer Application: T- 4951

Certificate: 98889
***** (C-9651)

Certificate/Transfer Holder: (include copy of map)

SUPERIOR LUMBER CO.
PO BOX 250
GLENDALE, OR 97442

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES NO

Copies of Final Transfer Certificate(s) to be sent to:

1. Watermaster District #: 15
2. Water Availability
3. Vault
4. File

Other persons to receive copies: (include map):

1. Clay Jordan
2. Norm Daft

Record Marking(s):

1. Original Application# NA – Decree (Cow Creek)
2. Old Certificate# 9651



Oregon

Tina Kotek, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

Date Mailed: IAN 23 2026

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water rights established under the terms of a transfer order issued by this Department.

This certificate is an order in order than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights is required under ORS 536.075 it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Codi Holmes at 503-979-3184.

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SUPERIOR LUMBER CO.
PO BOX 250
GLENDALE OR 97442

confirms the right to the use of waters as limited and conditioned below. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Douglas County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 11, at Page 1.

SOURCE OF WATER: COW CREEK

PURPOSE OR USE: SAWMILL PURPOSES

MAXIMUM RATE: 2.0 CUBIC FEET PER SECOND

DATE OF PRIORITY: 1907

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
32 S	6 W	WM	33	SE SE	POD 2 - 870 FEET NORTH AND 600 FEET WEST FROM SE CORNER, SECTION 33
32 S	6 W	WM	35	SW NE	POD 1 - 870 FEET SOUTH AND 850 FEET WEST FROM NE1/16 CORNER, SECTION 35

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
33 S	6 W	WM	3	NW NW
33 S	6 W	WM	3	SW NW
33 S	6 W	WM	3	SE NW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The quantity of water diverted at the new points of diversion, shall not exceed the quantity of water lawfully available at the original point(s) of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
					TUNNEL CREEK
32 S	6 W	WM	35	NE SW	760 FEET SOUTH AND 960 FEET WEST FROM C1/4, SECTION 35

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 water user is entitled;

That the type and plans of the measuring device as 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.

The right to the use water for the above purpose is restricted to the lands or place of use described and said right shall be subject to all other conditions and limitations contained in the decree.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered February 22, 1982, at Special Order Volume 35, Page 618, approving Transfer Application 4951, supercedes Certificate 9651, State record of Water Right Certificates.

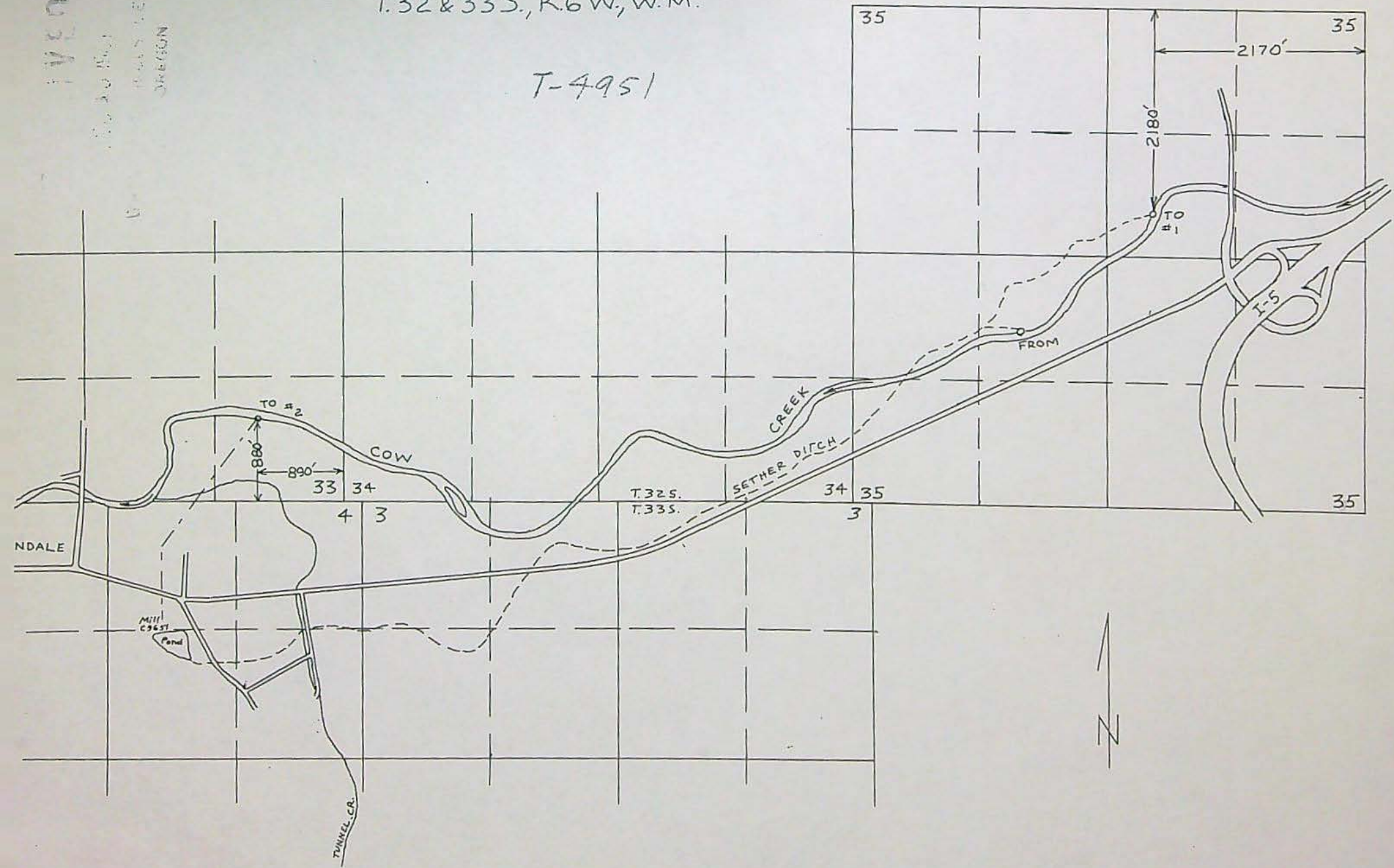
Issued JAN 23 2026.



Katherine Ratcliffe
 Water Right Services Division Administrator, for
 Ivan Gall, Director
 Oregon Water Resources Department

T.32 & 33 S., R.6 W., W.M.

T-4951



RECEIVED

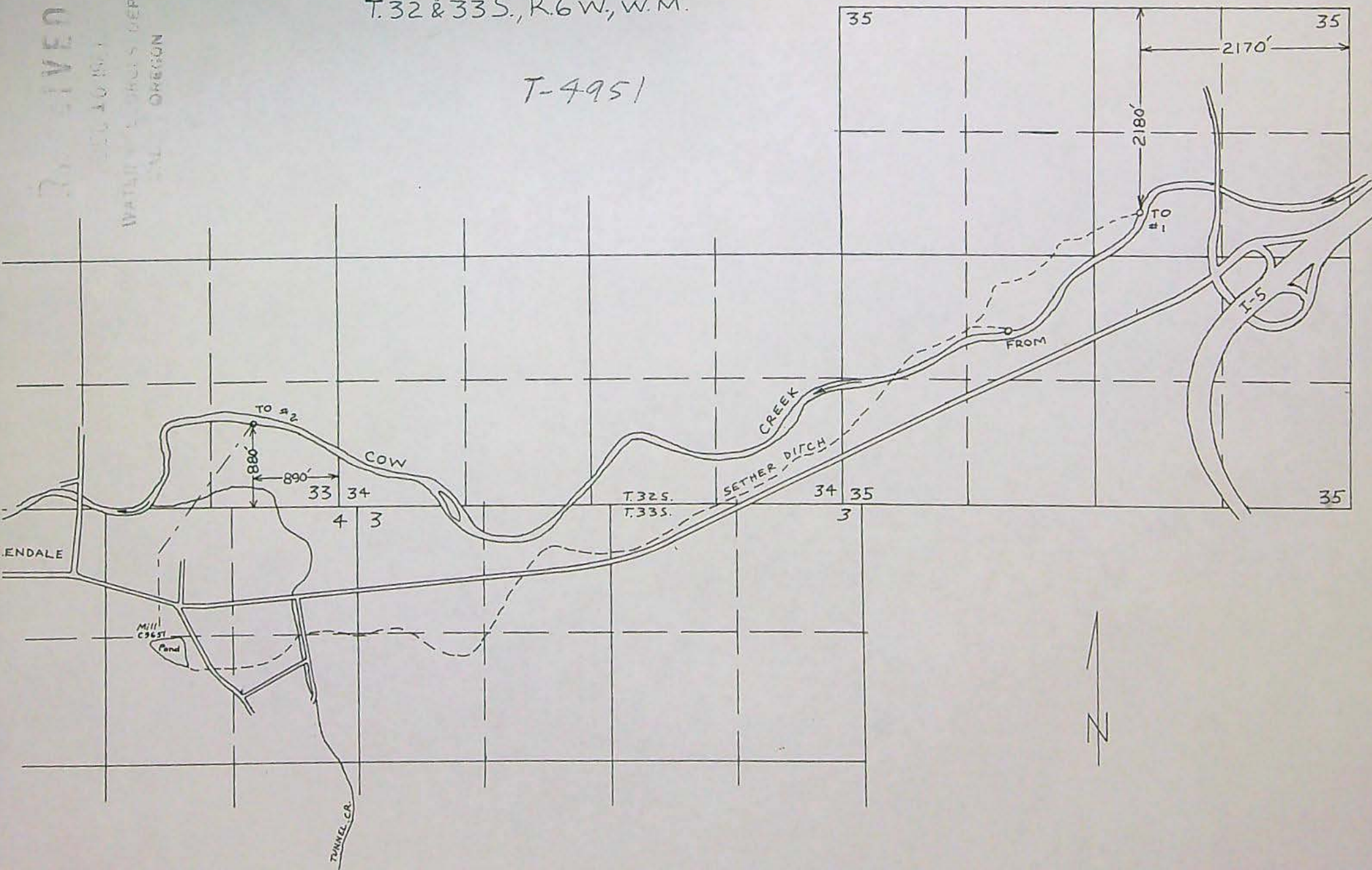
DEC 10 1957

WATER CONTROL DEPT

OR

T.32 & 33S., R.6W., W.M.

T-4951



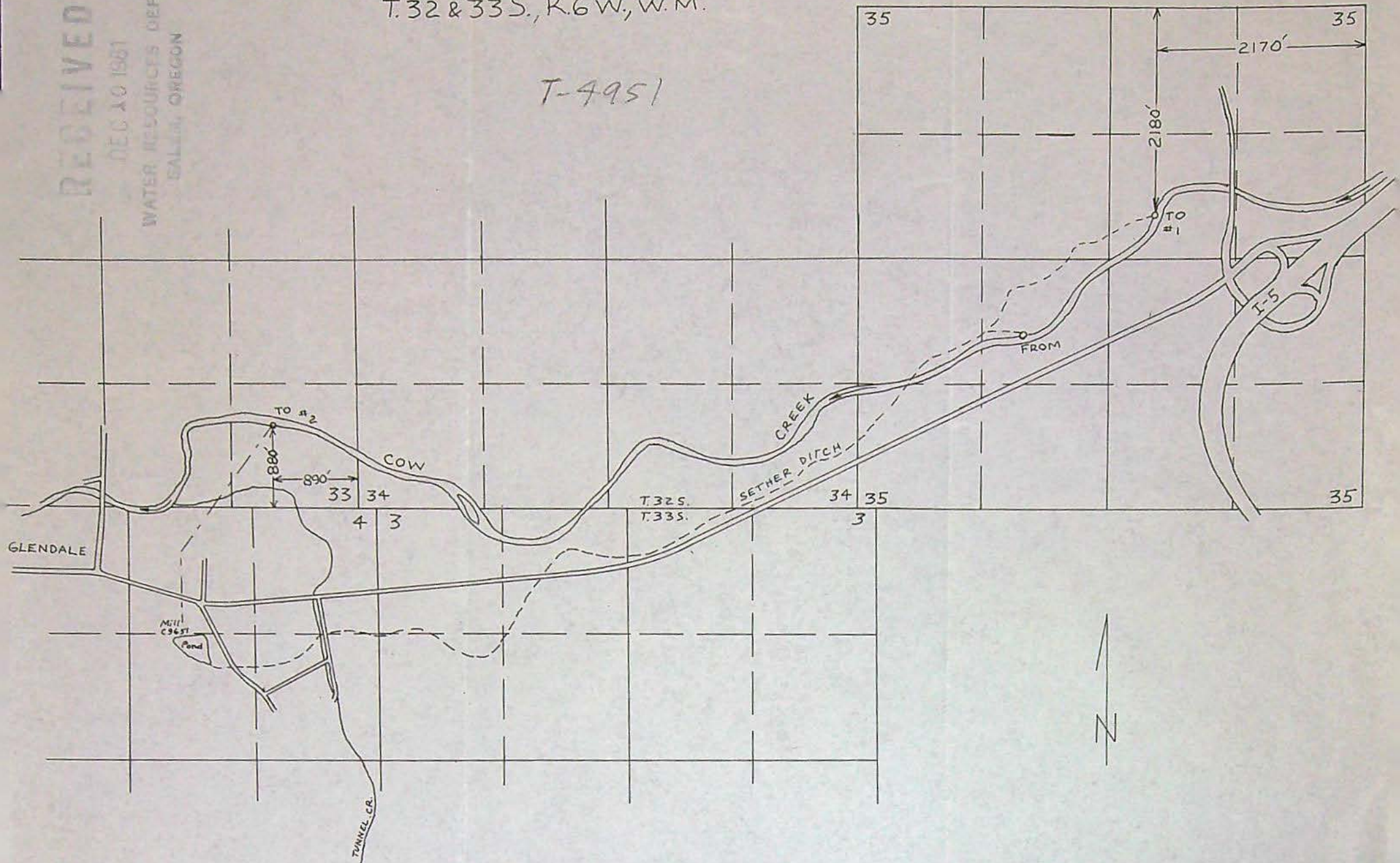
RECEIVED

DEC 10 1961

WATER RESOURCES DEPT
SALMON, OREGON

T. 32 & 33 S., R. 6 W., W. M.

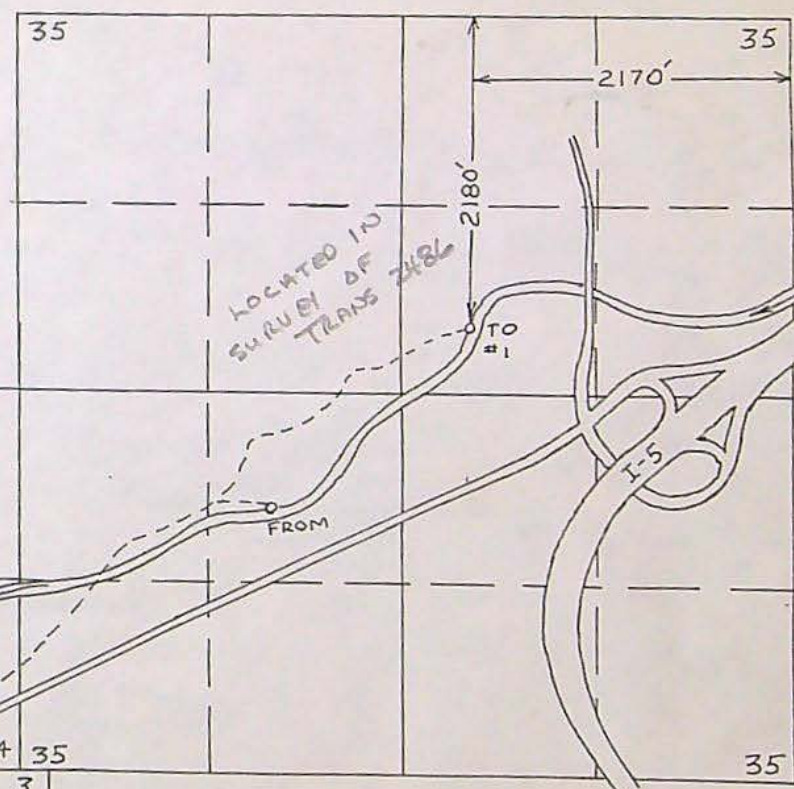
T-4951



T. 32 & 33 S., R. 6 W., W.M.

T-4951

Tommy Sather's land
(located in survey
of TRANS 2486
on 8/10/92
Berkeley DDC @ 2/10/92
Plotted at 175 ppm @ 220 ft HD



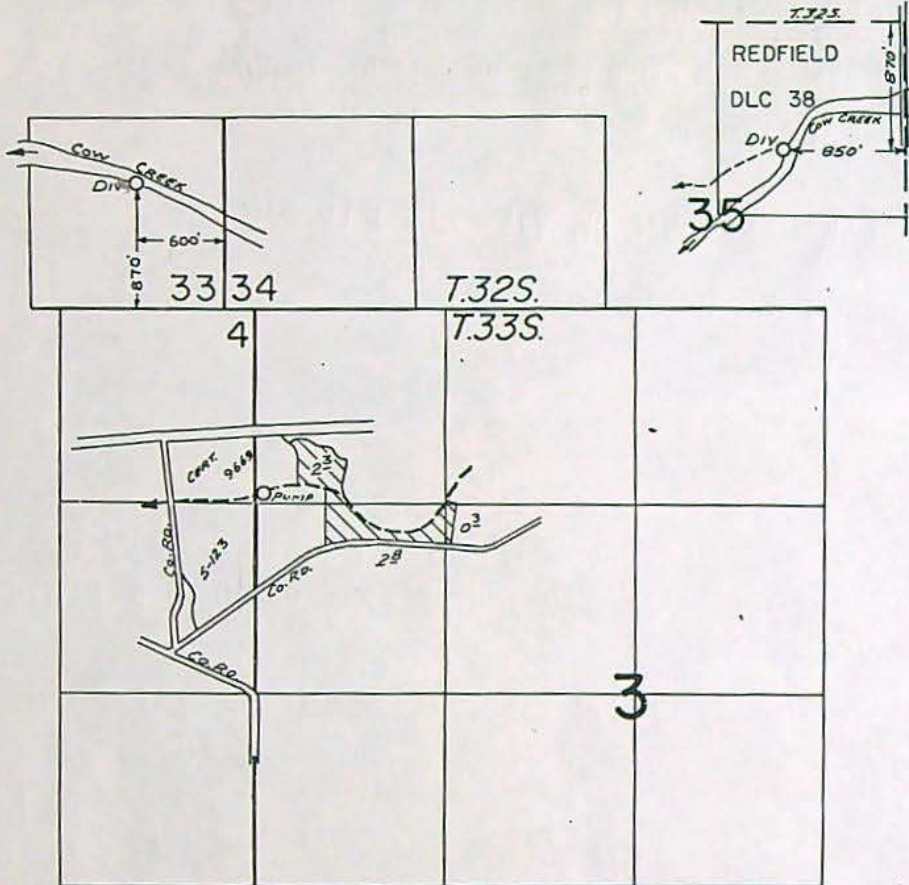
ENDALE

MILL
C9651
Pond

TUNNEL CR.

N

T.32&33S.,R.6W.,W.M.



*Div. Pts.
All Ready Located*

FINAL PROOF SURVEY UNDER

Transfer No. 2486
 Application No. Permit No.
 IN NAME OF

JOHN O. SETHER

Surveyed Aug. 10, 1982., by J. M. TOLL

INFO NEEDED LIFT FROM CONCR. TO LOG DECKS & LIFT FROM SUMP TO LOG DECK
PUMP INFO. LATERAL SIZES

INFO: PLANT SUPERINTENDANT CLIFF LANSDON SHOWED ME THE LOG DECKS. THAT ARE IRRIGATED & THE IRRIGATION EQUIPMENT. MR. LANSDON STATED THAT DURING EVERY YEAR PRIOR TO THIS, (SEE ATT. LOC. SKETCH) AREA "A" WAS IRRIGATED FROM PUMP STA. #1, AREA "B" FROM PUMP STA. #2, & AREA "C" FROM P.O.D. #2. HOWEVER, THIS YEAR THE DITCH WAS NOT OPENED FOR USE BY MR. SETHER & THE POND IS BEING FILLED & ALL IRRIGATING IS BEING DONE FROM P.O.D. #2. POND WAS BEING FILLED WHILE I WAS @ THE SITE.

SOURCE: COW CREEK

DIV. PT.

POD #2 DIRECT SUCTION. P.O.D. IS LOCATED 30' WEST OF SETHER'S PUMP & ON THE WESTERN EDGE OF THE ACCESS ROAD THAT CAN BE SEEN ON THE PHOTO, (SETHER'S PUMP IS LOCATE ON THE EASTERN EDGE OF SAID ACCESS ROAD).

POD #1 GRAVITY FLOW FROM COW CREEK INTO DITCH & ON INTO THE POND
PUMP STA #1: DIRECT SUCTION FROM POND
PUMP STA #2: DIRECT SUCTION FROM 8'X8' SUMP BESIDE DITCH

USE: TO IRRIGATE LOG DECKS, ONLY, PER MR. LANSDON

START OF USE: 6 OR 7 YEARS AGO

AREA OF USE: LOG DECKS

<u>PUMP:</u>	PUMP MOTOR: GENERAL ELECTRIC 15 H.P., 3500 R.P.M.	(.23 cfs)
<u>POD #2</u>	PUMP: 15 HP, 3500 RPM, 175 GPM, MODEL # B27P1, D.D.C. 2 1/2" IN X 2" OUT	
	<u>PUMP STA #1 @ POND:</u> MOTOR: G.E 5HP, 2840 RPM SEE ATT. LOCATION SKETCH PUMP CORNELL RAINFLOW D.D.C. MODEL # ILLISIBLE 2" IN X 1 1/2" OUT	(.34 cfs)
	<u>PUMP STA. #2 @</u> (IN REPAIR SHOP) BERKELEY D.D.C. 1 1/2" IN X 1" OUT M3011 8'X8' SUMP BESIDE DITCH, SEE ATT. LOC. SKETCH NO MOTOR ON PUMP (MILLWRIGHT THINKS IT WAS A 5 H.P.)	(.26 cfs)

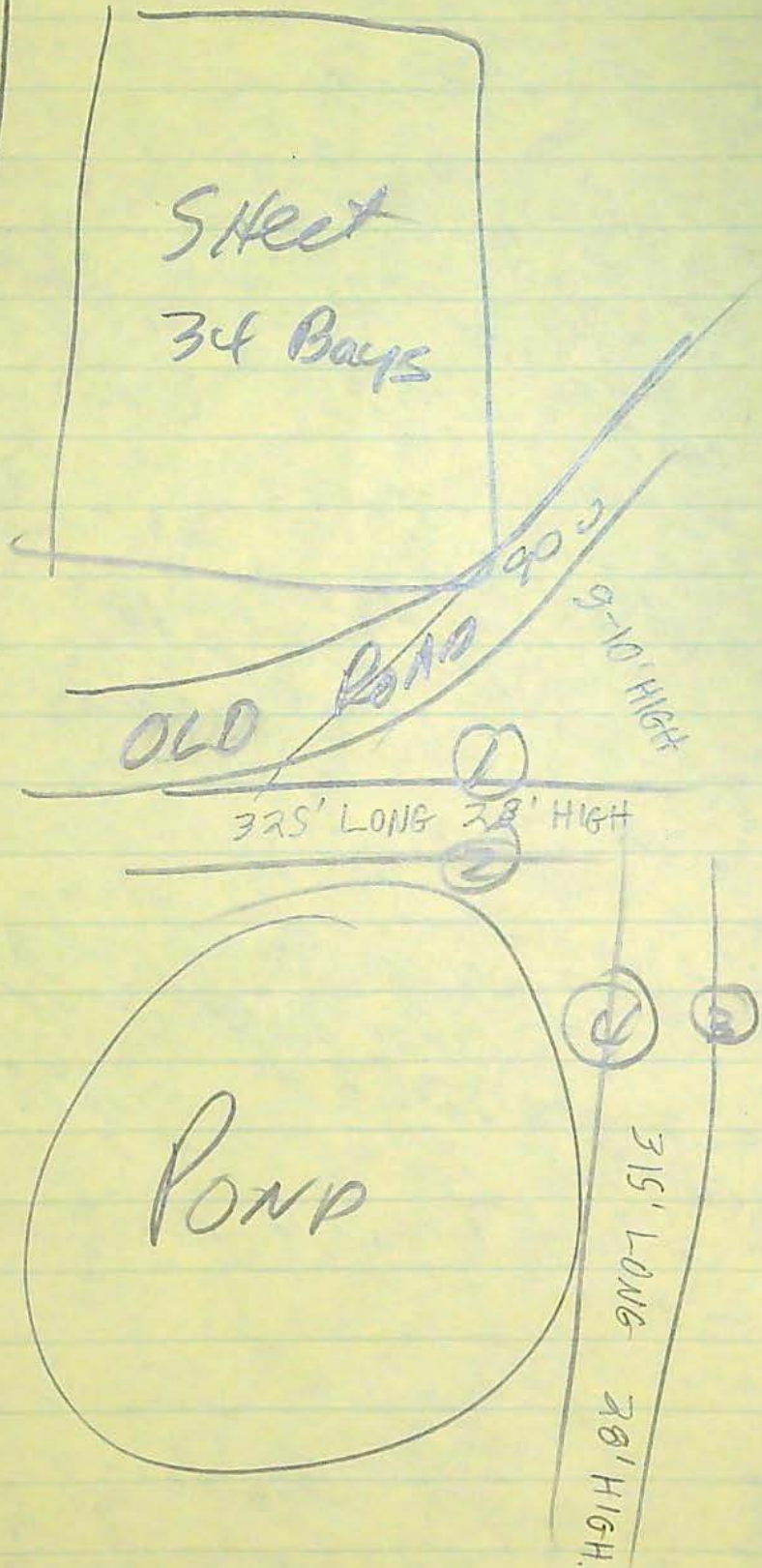
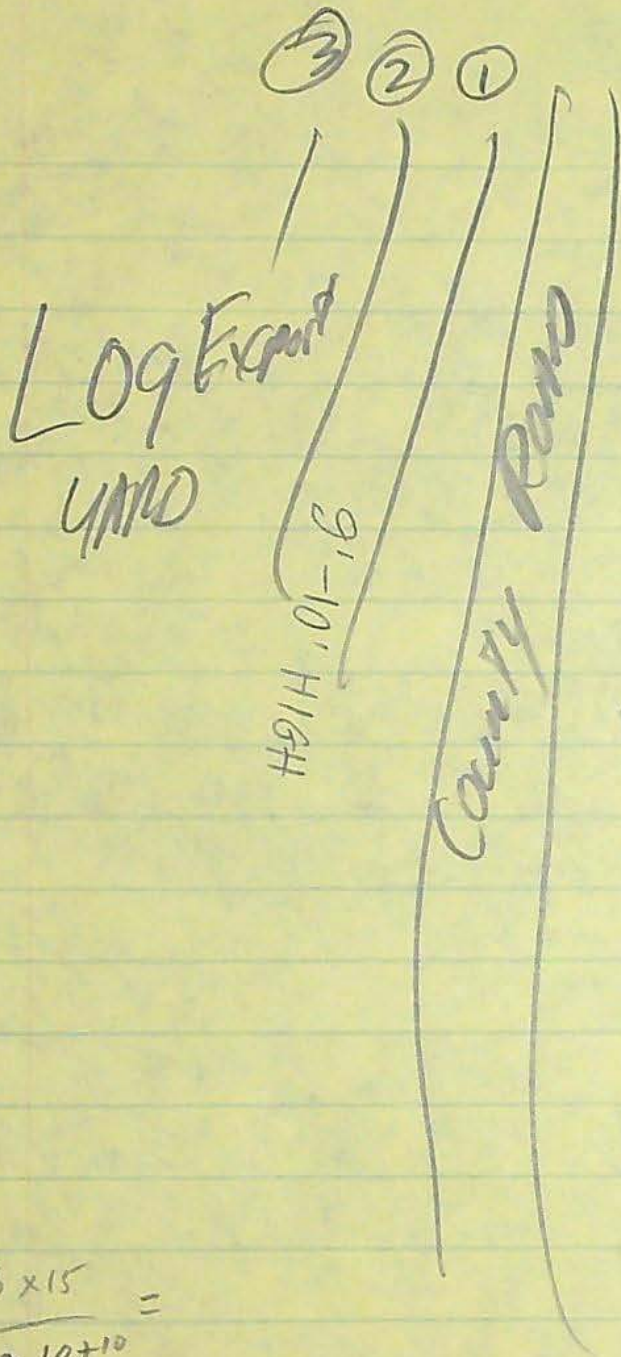
LIFT: POD # 2 TO BOTTOM OF DECKS = 20'
PUMP STA # 1 TO BOTTOM OF DECKS = 10'
PUMP STA # 2 TO BOTTOM OF DECKS = 2'
(SEE ATT. LOC. SKETCH FOR APPROX. DECK HEIGHTS)
PRESSURE AREA "C" = 30 R.S.I.

SPRINKLERS: APPROX. 50% OF SPRINKLERS ARE 1/16 RAINBIRDS & 50% ARE 3/32 RAINBIRDS PER MR. LANSDON
NELSON 0.8" BIG GUN IS USED 4 TIMES A DAY FOR DUST CONTROL IN THE SCALING AREA

PHOTO: 41019-278-124A

PIPE: 4" φ ALUM @ 40' MAINLINE TO COUNTY ROAD
3" φ LATERALS 30 JOINTS ON GROUND BESIDES WHAT IS SET UP

Donald K. Clark 8/27/84



$$\frac{6.6 \times 15}{76.2 \times 10 + 10} =$$

171W

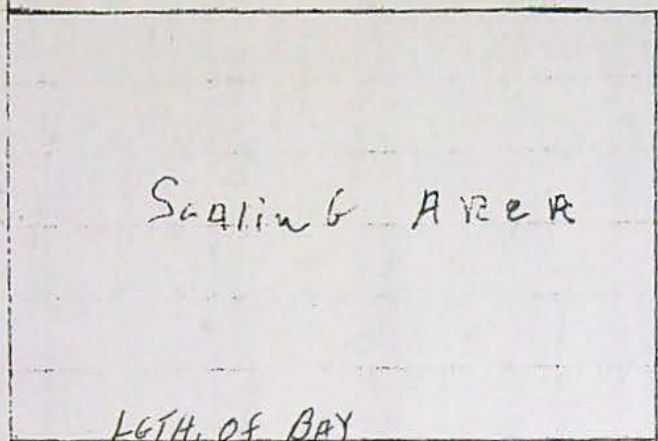
AUG. 2 - 1984

LIFT

HALF-10 NORMAL

HALF-16-20

5'-10' GOOD AVE TO USE



COUNTY ROAD

010 FORTS

LGTH. OF BAY

- 0
- 93' (Full)
- 153 (")
- 195 (")
- 205 (")
- 258 (Full)
- 243 (")
- 210 (")
- 165 (")

- 4
- 6
- 8
- 10
- 12
- 14
- 16
- 18

LGTH. OF BAY

- 1
- 186' (Full)
- 195' (")
- 216 (")
- 210 (Full)
- 108 (1/2 Full - 5/4)
- 294 (Full)
- 309 (")

- 1
- 3
- 5
- 7
- 9
- 11
- 13

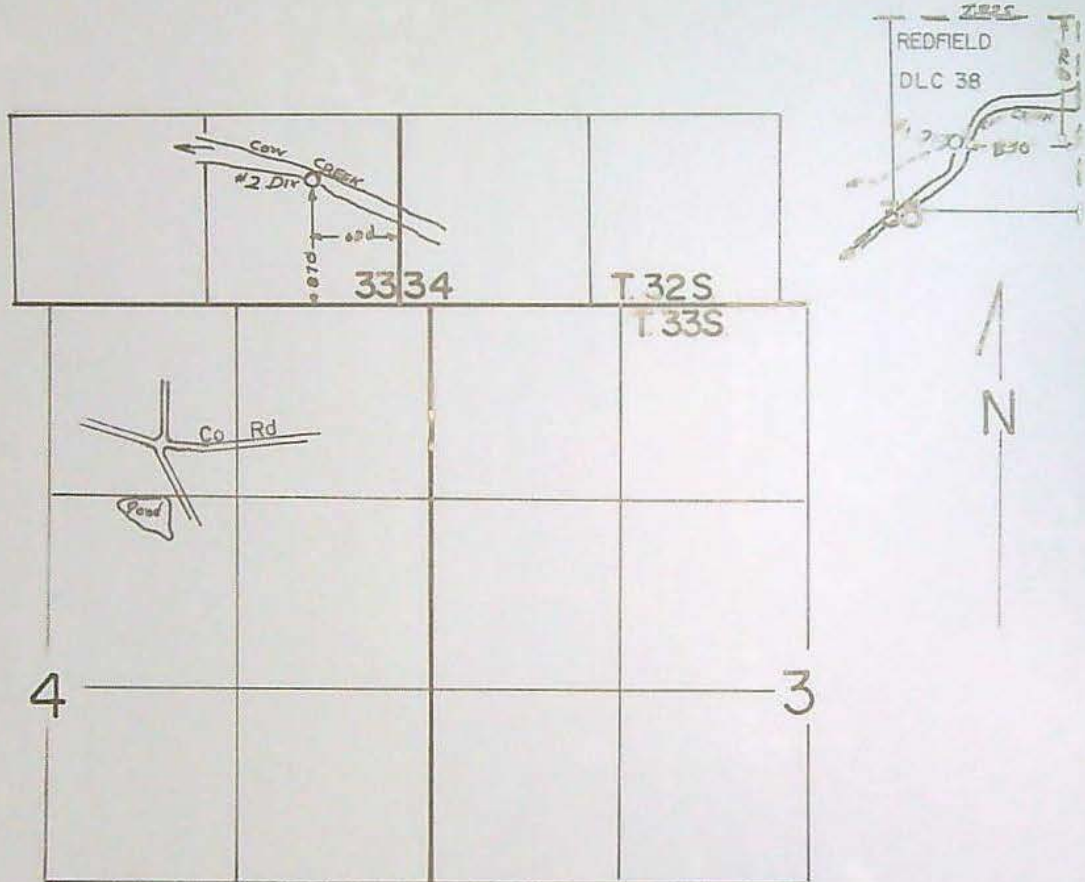
- 1
- 156' (Full)
- 171 (")
- 165 (")
- 186 (")
- 165 (Full)
- 171 (")
- 135 (")
- 125 (Full)

- 20
- 22
- 24
- 26
- 28
- 30
- 32
- 34

- 330' (Full - 1/2 S/L - 1/4 BEAR.)
- 327' (Full)
- 333 (")
- 306 (")
- 30' (JUST STARTED)
- 0

2321

T. 32 & 33 S., R. 6 W., W.M.



SCALE: 1" = 1320'

FINAL PROOF SURVEY
UNDER

TRANSFER NO 4951

Application No. Permit No.
IN NAME OF

SUPERIOR LUMBER CO.

Surveyed AUG. 27.. 1984., by D.K. CLARK.....

STATE OF OREGON
COUNTY OF DOUGLAS
PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SUPERIOR LUMBER CO.
P.O. BOX 250 SETHER AVENUE
GLENDALE, OREGON 97442

confirms the right to use the waters of COW CREEK , a tributary of, SOUTH UMPQUA RIVER for the purpose of SAWMILLING PURPOSES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for DOUGLAS County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 10, at page 357. The date of priority is 1907.

The right is limited to not more than 1.0 CUBIC FOOT PER SECOND, WHEN AVAILABLE AT THE ORIGINAL POINT OF DIVERSION: NE 1/4 SW 1/4, SECTION 35, T 32 S, R 6 W, W.M.; COW CREEK - 760 FEET SOUTH AND 960 FEET FROM THE CENTER 1/4 CORNER OF SECTION 35.

The points of diversion are located as follows:

1 - SW 1/4 NE 1/4, AS PROJECTED WITHIN DLC 38, SECTION 35, T 32 S, R 6 W, W.M.; 870 FEET SOUTH AND 850 FEET WEST FROM THE NE CORNER OF SW 1/4 NE 1/4, SECTION 35.

2 - SE 1/4 SE 1/4, SECTION 33, T 32 S, R 6 W, W.M.; 870 FEET NORTH AND 630 FEET WEST FROM THE SE CORNER OF SECTION 33.

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

W 1/2 NE 1/4
SECTION 4
TOWNSHIP 33 SOUTH, RANGE 6 WEST, W.M.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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

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.

SEE NEXT PAGE

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered FEBRUARY 22, 1982, and supersedes Certificate 9651, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed this date .

Recorded in State Record of Water Right Certificates numbered T-4951

STATE OF OREGON
COUNTY OF DOUGLAS
PROPOSED CERTIFICATE OF WATER RIGHT

*Cut back
to 1cf
from cut*

THIS CERTIFICATE ISSUED TO

SUPERIOR LUMBER CO.
P.O. BOX 250 SETHER AVENUE
GLENDALE, OREGON 97442

confirms the right to use the waters of COW CREEK , a tributary of,
SOUTH UMPQUA RIVER for the purpose of SAWMILLING PURPOSES.

The right has been confirmed by decree of the Circuit Court of the State
of Oregon for DOUGLAS County. The decree is of record at Salem, in the
Order Record of the WATER RESOURCES DIRECTOR, in Volume 10, at page 357.
The date of priority is 1907.

The right is limited to not more than 1.0 CUBIC FOOT PER SECOND, WHEN
AVAILABLE AT THE ORIGINAL POINT OF DIVERSION: NE 1/4 SW 1/4, SECTION
35, T 32 S, R 6 W, W.M.; COW CREEK - 760 FEET SOUTH AND 960 FEET FROM
THE CENTER 1/4 CORNER OF SECTION 35.

The points of diversion are located as follows:

1 - SW 1/4 NE 1/4, AS PROJECTED WITHIN DLC 38, SECTION 35, T
32 S, R 6 W, W.M.; 870 FEET SOUTH AND 850 FEET WEST FROM THE NE CORNER
OF SW 1/4 NE 1/4, SECTION 35.

2 - SE 1/4 SE 1/4, SECTION 33, T 32 S, R 6 W, W.M.; 870 FEET
NORTH AND 630 FEET WEST FROM THE SE CORNER OF SECTION 33.

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

W 1/2 NE 1/4
SECTION 4
TOWNSHIP 33 WEST RANGE 6 WEST, W.M.

SOUTH

When in the judgment of the Watermaster it becomes necessary to install
headgates and measuring devices:

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

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.

SEE NEXT PAGE

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered FEBRUARY 22, 1982, and supersedes Certificate 9651, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed this date .

Recorded in State Record of Water Right Certificates numbered T-4951

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF SUPERIOR LUMBER COMPANY FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 4951

On December 10, 1981, an application was filed in the office of the Water Resources Director by Superior Lumber Company for approval of a change in point of diversion of water from Cow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

6/14/1930
Vol
10
P 357 -
364

By Decree of the Circuit Court for Douglas County, Oregon, entered October 14, 1930, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Cow Creek and Its Tributaries, a water right was established in the name of Lystol-Lawson Lumber Company, tabulated in Volume 10, page 357, Order Record of the Water Resources Director, for use of 2.0 cubic feet of water per second from Cow Creek and Tunnel Creek for sawmilling purposes in W 1/2 NE 1/4, Section 4, Township 33 South, Range 6 West, WM, with a date of priority of 1907, as evidenced by the certificate recorded at page 9651, Volume 9, State Record of Water Right Certificates.

Water for the said right is diverted from Cow Creek, through the Sether Ditch, from a point located 760 feet South and 960 feet West from the Center of Section 35, being within the NE 1/4 SW 1/4 of Section 35, Township 32 South, Range 6 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, cancel the point of diversion from Tunnel Creek, and without loss of priority, to divert water from Cow Creek from two points located 1) 2,180 feet South and 2,170 feet West from the Northeast Corner of Section 35, being within the SW 1/4 NE 1/4 of Section 35, and 2) 880 feet North and 890 feet West from the Southeast Corner of Section 33, being within the SE 1/4 SE 1/4 of Section 33, both Township 32 South, Range 6 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of December 21 and 28, 1981 and January 4, 1982.

Gary L. Ball, 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 points of diversion from Cow Creek shall not exceed the quantity of water available at the old Cow Creek point of diversion under the subject right, and shall not exceed 2.0 cubic feet per second.

It is FURTHER ORDERED that the point of diversion from Tunnel Creek is canceled.

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:

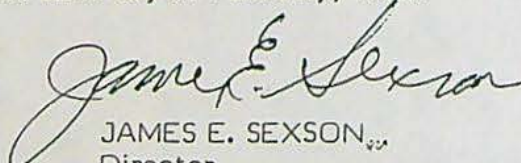
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 change in point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 9651, Volume 9, 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 22nd day of February, 1982.


JAMES E. SEXSON,
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

1/29/12

Transfer # 4951 - Water Rate Calculation

POD # 2

15 hp - Pump rated @ 175 gpm @ 220 TDH.

Report claimed 30 psi @ max "C" w/ 20' lift to bottom of Deck

$$\frac{(6.60)(15)}{(76.2) + 20 + 10} = .93 \text{ cfs max}$$

Pump Sta #1 (1 1/2" Disch)

$$\frac{(6.6)(5)}{(76.2) + 10 + 10} = .34 \text{ cfs}$$

Pump Sta #2 - (1" disch)

$$\frac{(6.6)(5)}{(114.3) + 10 + 2} = .26 \text{ cfs}$$

1.53 cfs total

Sprinklers - 140 $\frac{3}{32}$ " } $\frac{1}{16}$ " RB's @ 30 psi (1/2 each)
(140)(1.4 + 1) / 2 = 168 gpm
(Big gun run separately)
18" @ 50 psi = 130 gpm

D. Jewett

Even @ 2 gpm per sprinkler, use is 280 gpm = 0.622 cfs
Pond maintenance = .38 for a total of 1.0 cfs

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This is to Certify, That LYSTOL-LAWSON LUMBER COMPANY,

of Glendale, , State of Oregon, has a right to the use of
the waters of Tunnel Creek, tributary of Cow Creek, and Cow Creek,
for the purpose of Sawmilling purposes,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Douglas County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 11 , at page 1 ; that the priority
of the right thereby confirmed dates from 1907;

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 2.0 cubic feet per
second of time.

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:

PLACE OF USE: The W $\frac{1}{2}$ of NE $\frac{1}{4}$,
Section 4;
Twp. 33 South, Range 6 West, W.M.

T-4951 NO RR

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 22nd day
of April, , 193 2.

CHAS. B. STRICKLER

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 9 , page 9651 .

T-4951

← COW

CHESH

POD #2

LOCATION SKETCH

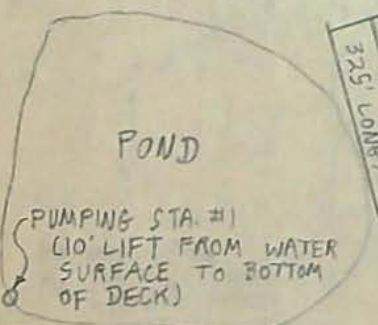
215' LONG / 10' HIGH / 6 SPR. HDS.
215' LONG / 10' HIGH / 6 SPR. HDS.
215' LONG / 10' HIGH / 6 SPR. HDS.

AREA "C" COUNTY RD.

											APPROX. NO. SPRINKLER HEADS	APPROX. HEIGHT	LENGTH OF BAY	
4	6	6	6	5	6	7	8	8	8	7	8	7		
9'	18'	9'	18'	9'	18'	9'	18'	9'	18'	9'	18'	9'		
185'	195'	215'	210'	215'	250'	310'	320'	330'	330'	310'	310'	310'		

SCALING AREA
(BIG GUN USED HERE) NELSON 0.8 ORIFICE

MILL AREA



315' LONG / 28' HIGH / 9 SPR. HDS.
315' LONG / 28' HIGH / 9 SPR. HDS.

AREA "A"

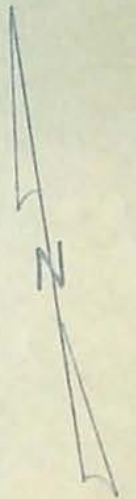
ROAD													LENGTH OF BAY	APPROX. HEIGHT	APPROX. NO. SPRINKLER HEADS			
95'	95'	155'	195'	205'	205'	245'	210'	165'	155'	170'	165'	165'	170'	155'	125'			
18'	9'	18'	9'	18'	9'	18'	9'	18'	9'	18'	9'	18'	9'	18'	9'			
4	3	5	6	6	8	7	6	5	5	5	6	5	5	4	4			

AREA "B"

PUMP STA. #2

OLD ROAD

SETH'S DITCH



NO SCALE

R
Transfer No. 4951

County DOUGLAS

Name Superior Lumber Co.

Date for Completion completed

Extended to _____

Completion Report Received _____

To Survey 2/82

Comments:

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF SUPERIOR LUMBER COMPANY FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 4951

On December 10, 1981, an application was filed in the office of the Water Resources Director by Superior Lumber Company for approval of a change in point of diversion of water from Cow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Douglas County, Oregon, entered October 14, 1930, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Cow Creek and Its Tributaries, a water right was established in the name of Lystol-Lawson Lumber Company, tabulated in Volume 10, page 357, Order Record of the Water Resources Director, for use of 2.0 cubic feet of water per second from Cow Creek and Tunnel Creek for sawmilling purposes in W 1/2 NE 1/4, Section 4, Township 33 South, Range 6 West, WM, with a date of priority of 1907, as evidenced by the certificate recorded at page 9651, Volume 9, State Record of Water Right Certificates.

Water for the said right is diverted from Cow Creek, through the Sether Ditch, from a point located 760 feet South and 960 feet West from the Center of Section 35, being within the NE 1/4 SW 1/4 of Section 35, Township 32 South, Range 6 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, cancel the point of diversion from Tunnel Creek, and without loss of priority, to divert water from Cow Creek from two points located 1) 2,180 feet South and 2,170 feet West from the Northeast Corner of Section 35, being within the SW 1/4 NE 1/4 of Section 35, and 2) 880 feet North and 890 feet West from the Southeast Corner of Section 33, being within the SE 1/4 SE 1/4 of Section 33, both Township 32 South, Range 6 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of December 21 and 28, 1981 and January 4, 1982.

Gary L. Ball, 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 points of diversion from Cow Creek shall not exceed the quantity of water available at the old Cow Creek point of diversion under the subject right, and shall not exceed 2.0 cubic feet per second.

It is FURTHER ORDERED that the point of diversion from Tunnel Creek is canceled.

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:

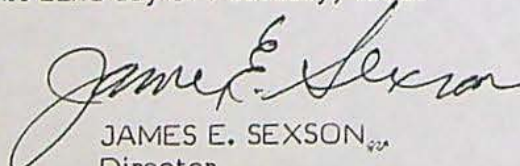
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 change in point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 9651, Volume 9, 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 22nd day of February, 1982.


JAMES E. SEXSON,
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

COW CREEK

WF 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. T000049511 PERMIT NO. 010357 CERTIF. NO.
ORIG. NO. C000096511 PREV. NO. C000096511 SUPER. NO.

NAME: SUPERIOR LBR CO
ADDRESS: PO BOX 250
CITY/STATE/ZIP/COUNTY: GLENDALE, OR 97442

STREAM-ID 16 1750 0900 0400

RIV. MI.

WM. DIST. 15 W.R. TYPE S C STATUS V

10

CANCEL YEAR---->

CONSTR. COMPLT--> 02 22 1982

YR. LAST USED-----> _____

NEXT ACTION DUE--> _____

PRIORITY-----> 12 31 1987

PUT TO USE-----> 02 22 1982

LAST TRANS. DATE--> _____

LAST TRANS. TYPE--> _____

APPLICATION-----> 12 10 1981

SURVEYED-----> 08 27 1989

EXAM. FEE-----> 40.00

RECORDING FEE-----> 25.00

PERMIT ISSUE--> 02 22 1982

CONCURRENCE-----> _____

CYCLE STATUS-----> _____

REPORTED FLAG-----> _____

CONSTR. STRT.--> 02 22 1982

CERTIFIED-----> _____

CORRES. INIT.-----> _____

CORRES. DATE-----> _____

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

RIV. MI.

RATE

STATUS S OR P

3205 060W 35 A C 16 1750 0900 0400

2.000

V

P

| | 33 D D | | | |

** REMARKS: - - - - -
** DATED-->

** POD: 1) 2180'S & 2170'W FM
** NE COR S 35; 2) 880' N & 890'W
** FM SE COR S 33;

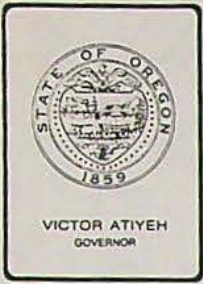
PLACE-OF-USE DATA:
TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

3305 060W 04 A B 10 1M 100 - V P

| | A C | | | |

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

W.R.S.
APPROVED: 1-15-85
EVALUATED: _____
VERIFIED: _____



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066 or
1+800+452-7813
(message)

February 23, 1982

Superior Lumber Company
Steven D. Swanson
PO Box 250, Sether Avenue
Glendale, Oregon 97442

REFERENCE: File T-4951

Enclosed is a certified copy of the order of the Water Resources Director approving your water right transfer application.

~~A time limit to complete the transfer is given in the order. A form for reporting completion is enclosed for your convenience.~~

YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed, or within an extension thereof, will be lost. An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

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

Sincerely,

Samuel R. Allison

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:lcj
cc: Watermaster

T-4951

RECEIVED

JAN 13 1982

A F F I D A V I T WATER RESOURCES DEPT. SALEM, OREGON

I, Steven D. Swanson, being first duly sworn, depose and say that Superior Lumber Company is the owner of a water right and the land to which it is appurtenant, which is for the use of not to exceed 2.0 cubic feet per second of water from Tunnel Creek and Cow Creek for sawmill purposes in W 1/2 NE 1/4, Section 4, Township 33 South, Range 6 West, WM, under a priority date of 1907 as evidenced by the certificate recorded at page 9651, Volume 9, State Record of Water Right Certificates; that Superior Lumber Company has abandoned any and all interest in and to the diversion point from Tunnel Creek and requests the same be canceled. Cow Creek will be the sole source of water for said sawmill purposes.

IN WITNESS WHEREOF, I have hereunto set my hand this 12 day of

January, 1982

Steven D. Swanson - ASST GEN. MGR. SIGNATURE and TITLE

Subscribed and sworn to before me this 12th day of January, 1982,

Marge E. Sether Notary Public for Oregon

My Commission expires: 11-5-84



IN ACCOUNT WITH

The News-Review

P. O. Box 1248 • 345 N. E. WINCHESTER STREET
ROSEBURG, OR 97470 • PHONE (503) 672-3321

DATE January 4, 1982

Water Resources Department
Mill Creek Office Park
555 13th Street NE
Salem, OR 97310

Invoice #8176

Invoice #8176

Notice of Water Right Transfer Application 4951

\$49.14

*pd
1/12/82
J. Reeder*

RECEIVED

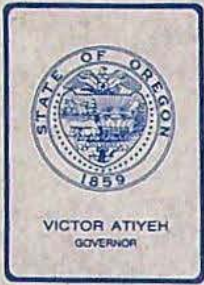
JAN 1 8 1982

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JAN 7 1982

WATER RESOURCES DEPT.
SALM. OREGON



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

January 12, 1982

Superior Lumber Company
Steven D. Swanson
PO Box 250, Sether Avenue
Glendale, Oregon 97442

REFERENCE: File T-4951

The statutory fees and the cost of publication of notice, necessary to your water right transfer application 4951, amount to a total of \$114.14. The total of payments received in connection with the application exceeded this amount by \$50.86.

Our refund Check 4935 is enclosed.

Sincerely,

LUCILLE C. JENSEN
Secretary
Transfer Section

lcj

COPY



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

January 11, 1982

The News-Review
PO Box 1248
Roseburg, Oregon 97470

REFERENCE: File T-4951

Enclosed is our Check 4936 in the amount of \$49.14
in payment of your statement.

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

Sincerely,

LUCILLE C. JENSEN
Secretary
Transfer Section

lcj

COPY

A F F I D A V I T

I, Steven D. Swanson, being first duly sworn, depose and say that Superior Lumber Company is the owner of a water right and the land to which it is appurtenant, which is for the use of not to exceed 2.0 cubic feet per second of water from Tunnel Creek and Cow Creek for sawmill purposes in W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 4, Township 33 South, Range 6 West, WM, under a priority date of 1907 as evidenced by the certificate recorded at page 9651, Volume 9, State Record of Water Right Certificates; that Superior Lumber Company has abandoned any and all interest in and to the diversion point from Tunnel Creek and requests the same be canceled. Cow Creek will be the sole source of water for said sawmill purposes.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 1981.

SIGNATURE and TITLE

Subscribed and sworn to before me this ____ day of _____, 1981.

Notary Public for Oregon

My Commission expires:

NOTICE OF WATER RIGHT TRANSFER APPLICATION 4951

The Water Resources Director of Oregon has received and filed an application by Superior Lumber Co. for approval, without loss of priority, of a change in point of diversion under a certain water right.

The affected water right is described by the certificate recorded at page 9651, Vol. 9, State Record of Water Right Certificates, in the name of Lystol-Lawson Lumber Co., and is for the use of water from Cow Creek under a priority date of 1907 for sawmilling purposes within the $W\frac{1}{2}$ $NE\frac{1}{4}$, Sec 4, T33S, R6W, WM.

The authorized point of diversion is located 760'S & 960'W from the Center of Sec 35, being within the $NE\frac{1}{4}$ $SW\frac{1}{4}$ of Sec 35, T32S, R6W, WM (Sether Ditch).

The applicant proposes to change the point of diversion therefrom to two points located 1) 2180'S & 2170'W from the NE Corner of Sec 35, being within the $SW\frac{1}{4}$ $NE\frac{1}{4}$ of Sec 35, and 2) 880'N & 890'W from the SE Corner of Sec 33, being within the $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Sec 33, T32S, R6W, WM (1 = Sether Ditch).

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Wednesday, February 10, 1982, at the Douglas County Courthouse, Roseburg, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicant at PO Box 250, Sether Ave., Glendale, OR 97442; 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 14th day of December, 1981.

JAMES E. SEXSON, Director _{5/10/81}



STATE OF OREGON

INTEROFFICE MEMO

RECEIVED

DEC 18 1981

WATER RESOURCES DEPT
SALMON, OREGON

TO: TRANSFER SECTION, WATER RIGHTS DIVISION

DATE: Dec. 14, 1981

FROM: WATERMASTER, DISTRICT NO. 15
(signature) Gary L Ball

SUBJECT: Water Right Transfer Application 4751 for change in POU POD Use of water
In the name(s) of Superior Lumber Co.

In my opinion (assuming the water right is valid), the proposed change
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~* to an existing water right.

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

The existing right may not be valid because _____

Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) of diversion between the authorized and 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 enclosed copy of the transfer application and map(s) is for your records.



Contains Recycled Materials

Affidavit of Publication

The News-Review

Roseburg, Oregon

ISSUED DAILY EXCEPT SUNDAY

STATE OF OREGON }
COUNTY OF DOUGLAS } ss.

I, Elsilie Martin, being first duly sworn, depose and say that I am the Office Manager, of The News-Review, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Roseburg in the aforesaid county and state; that the

Notice of Water Right Transfer

Application 4951

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:

December 21, 28, 1981

January 4, 1982

The fee actually charged by such newspaper for such publication is \$ 49.14

[Signature]

Subscribed and sworn to before me this 4th day of

January, 19 82

[Signature]
Notary Public of Oregon

My Commission expires 26 day of June, 1984

RECEIVED

JAN 7 1982

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF WATER RIGHT TRANSFER APPLICATION 4951

The Water Resources Director of Oregon has received and filed an application by Superior Lumber Co. for approval, without loss of priority, of a change in point of diversion under a certain water right.

The affected water right is described by the certificate recorded at page 9651, Vol. 9, State Record of Water Right Certificates, in the name of Lystol-Lawson Lumber Co., and is for the use of water from Cow Creek under a priority date of 1907 for sawmilling purposes within the W 1/2, NE 1/4, Sec 4, T33S, R6W, WM.

The authorized point of diversion is located 760'S & 960'W from the Center of Sec 35, being within the NE 1/4 SW 1/4 of Sec 35, T32S, R6W, WM (Sether Ditch).

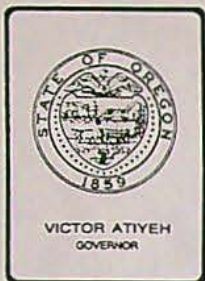
The applicant proposes to change the point of diversion therefrom to two points located 1) 2180'S & 2170'W from the NE Corner of Sec 35, being within the SW 1/4 NE 1/4 of Sec 35, and 2) 880'N & 890'W from the SE Corner of Sec 33, being within the SE 1/4 SE 1/4 of Sec 33, T32S, R6W, WM (Sether Ditch).

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Wednesday, February 10, 1982, at the Douglas County Courthouse, Roseburg, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicant at PO Box 250, Sether Ave., Glendale, OR 97442; 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 14th day of December, 1981.
JAMES E. SEXSON, Director
Inv. #8176; Pub. Dates: Dec. 21, 28, 1981, Jan. 4, 1982.

ok in



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

December 17, 1981

Steven D. Swanson
Superior Lumber Company
PO Box 250, Sether Avenue
Glendale, Oregon 97442

REFERENCE: File T-4951

Enclosed is an affidavit authorizing cancellation of the Tunnel Creek diversion point for the old Lystol-Lawson water right. This will allow us to remove the abandoned Tunnel Creek reference from our records.

Upon approval of Transfer 4951, Cow Creek at the new point requested will be the sole source of water for the mill; Tunnel Creek need not be used.

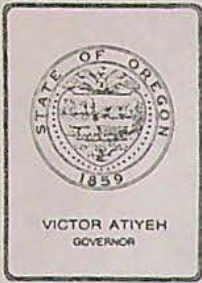
Please sign the affidavit before a notary and return it to me.

Sincerely,

Samuel R Allison

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:lcj



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

December 14, 1981

The News-Review
PO Box 1248
Roseburg, Oregon 97470

REFERENCE: File T-4951

Enclosed is a notice for publication in the December 21 and 28, 1981 and January 4, 1982 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.

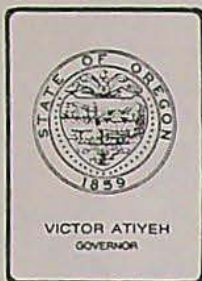
Upon completion, please forward an affidavit of publication and statement for this service to this office.

Sincerely,

Samuel R. Allison

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:lcj
cc: Superior Lumber Co.
Gary L. Ball, Watermaster



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

December 11, 1981

Steven D. Swanson
Superior Lumber Company
PO Box 250
Glendale, Oregon 97442

REFERENCE: File T-4951

Your water right transfer application for approval of a change in point of diversion of water from Cow Creek, together with supporting data and fees in the amount of \$65, was received on December 10, 1981. Our Receipt 28809 is enclosed.

The proposed change in point of diversion will move the diversion point more than one-fourth mile along the stream; therefore, it is necessary that notice of the proposed change be published at least once each week for three consecutive weeks in a newspaper that is printed and has general circulation in the county where the water right is located. Please submit a deposit of \$100 for this purpose and tell us which newspaper you prefer that we use. Any difference between the deposit and the actual cost will be settled with you upon completion of publication of the notice.

By copy of this letter, we are asking the Watermaster for his usual report regarding the proposed change.

When examination of the application and supporting data has been completed, you will be advised of any matters requiring your further attention prior to consideration of the application for approval.

Please refer any correspondence to File T-4951.

Sincerely,

Samuel R. Allison

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:lcj
cc: Gary L. Ball, Watermaster

GARY: please check Proof #51 to see if there is a split in amount of water allowed from each source.

tnx,

sam

65.00
L.D.
COMPLETE

T-495)

RECEIVED

DEC 10 1981

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Superior Lumber Co (Name of applicant)
 of P.O. Box 250, Sether Ave (Mailing address), Genevieve (City),
 State of OREGON (Zip Code), (Phone number), do hereby make application for change
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? LYSTOL-LAWSON LUMBER CO.
(If not, give name)
2. Was your water right determined by Decree of Court? YES If so, give title of proceedings
(Yes or No)
10-14-1930
COW CR. ADJUDICATION V10, P. 357 number of certificate 9651
3. Was your water right acquired by Water Right Permit? (Yes or No) If so, give number 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 COW CR
5. What is the date of priority of your water right? 1907
6. The authorized point of diversion is located 760 ft. S and 960 ft. W from the CENTER
(N. or S.) (E. or W.)
 corner of SEC 35 being within the NE 1/4 SW 1/4 of Section 35 Tp. 32S R. 6W W. M.,
(No. N. or S.) (No. E. or W.)
 in the county of DOUGLAS The name of the ditch used is SETHER DITCH

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

7. The proposed point of diversion is located #1 2180 ft. S and 2170 ft. W from the NE
#2 880 ft. N and 890 ft. W from the SE
SEC 35 SW NE (N. or S.) 35 (E. or W.)
 corner of SEC 33 being within the SE 1/4 SE 1/4 of Section 33 Tp. 32S R. 6W W. M.,
(No. N. or S.) (No. E. or W.)
 in the county of DOUGLAS The name of the ditch to be used is #1 SETHER DITCH

8. The use to which the water is applied is GENERAL MILL USE
(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
33 S.	6 W.	4	NW NE	MILL
			SW NE	MILL

(If more space required, attach separate sheet)

* 9. Are you the legal owner of the above described lands? yes
(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
(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 to get better use
of existing water

15. Construction work will be completed on or before OCT 1 1982 Completed

16. The water will be completely applied to the proposed use on or before OCT 1 1983 IN USE

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, ASSISTANT GENERAL Manager of Superior Lumber Co, 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 9th day of December, 1981.

Steve O Swanson
(Name of applicant)

Subscribed and sworn to before me this 9th day of December, 1981.

[Notarial Seal]

Marge E Sether
NOTARY PUBLIC FOR OREGON

My commission expires 11-5-84



Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
9648 Kaufman, John F. & Sons 1103 American Bank Bldg., Portland, Ore. (Proof #48-A)	Sept. 1901		60.0	Irrigation	Cow Creek Irrigation Co. Ditch	Cow Creek	5.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 14.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 11.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 15.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T. 32 S., R. 6 W., W.M.
				(NOTE: See Findings, pp. 13, page 11.)			
Kaufman, John F. & Sons 1103 American Bank Bldg., Portland, Ore. (Proof #49)				(Rights acquired under State Engineer's Permit No. 211, Certificate No. 3201.)			
9649 Kruse, Frank (Successor to J.E. Hartle) Glendale, Oregon (Proof #31)	1861		7.6	Irrigation, Domestic & Stock	Clear Creek Ditch	Clear Creek	7.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, T. 32 S., R. 5 W., W.M.
9650 Lystol, John O. & N. E. Stuvland Glendale, Oregon (Proof #50)	1890		26.8	Irrigation	Woodford Ditches	Springs, trib. of Woodford Creek, & Woodford Creek	0.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, 0.5 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 13.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 2.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, 1.1 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T. 32 S., R. 5 W., W.M.
9651 Lystol-Lawson Lumber Company, Glendale, Oregon (Proof #51)	1907	2.0		Saw Mill pur- poses	Lystol- Lawson Ditch from Tunnel Creek & Sether Ditch from Cow Creek	Tunnel Creek trib. of Cow Creek & Cow Creek	Place of Use: W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 4, T. 33 S., R. 6 W., W.M.
							T-4951 A PAD from Cow Creek
9652 Miller, Mrs. Stephen R., Estate By Ada F. Miller, Admr., 411 West D. St., Grants Pass, Ore. (Proof #53)	1903		15	Irrigation	Hill Ditch	Applegate Creek	6.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 9.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T. 32 S., R. 3 W., W.M.
9653 (Proof #54)	1906		10	Irrigation	Miller Ditch	Applegate Creek	5.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.7 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T. 32 S., R. 3 W., W. M.

COW CREEK -21-

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

In the Matter of the Determination of the Relative Rights
to the Waters of Cow Creek
and its Tributaries,
a Tributary of Umpqua 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 Glendale, 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.

A.—Lysdal-Lawson Lumber Company, incorporated in Oregon in 1923.
(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.—Tunnel Creek tributary of Cow Creek, and Cow Creek, tributary of Umpqua River.

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

A.—For saw mill purposes, including water for steam boilers, fire protection, and for maintaining log ponds.
(Irrigation, power, mining, domestic, stock, etc.)

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

A.—By appropriation, diversion and use.
(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.—1907

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.—by constructing dam and ditches, and by appropriating and using the water.

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

A.—1907

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.—By means of dam and ditch from Tunnel Creek tributary known as the Lysdal-Lawson ditch, and through the Sether ditch from Cow Creek.

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

A.—Owner of the ditch from the Tunnel Creek tributary, and have sufficient interest in the Sether Ditch for the conveyance of the water to which claimant is entitled, and recognize the rights of the Sether Brothers to use said ditch.

[Proof No. 51]

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

A.—

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.— Water used for entire year for saw mill purposes. From May 1st to Dec. from Cow Creek, and remainder of year from Funnell Creek.

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 feet

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?

NOTE—In case there is objection to the official plat or a part thereof 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 covering the part objected to, with affidavit of surveyor showing date of survey. Such map should be on tracing linen, preferably on a scale of four inches to the mile (32 chains to one inch), and should have marked thereon, within each 2-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.— yes.

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

NOTE—Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 2.5 (one cubic foot per second falling 2.5 feet equals one theoretical horsepower).

A.—

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

A.—

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

A.—

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.—

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

A.— 25.89 Acres in the W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 4, T. T 33 S. R. 6 W.

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

A.— Owner.

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

A.— none

(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.

Lystol-Lawton Lumber Company

by

John O. Sutherland Pres
Signature of Claimant, or Agent Making Proof.

Subscribed and sworn to before me this 6th day of July, 1928.

Robert J. Simpson
(or)

Notary Public for Oregon.

My commission expires Apr 26, 1931

AUTHORIZATION OF AGENT

I, _____, of _____, State of _____, do hereby make and appoint _____, of _____, my agent and attorney for me and in my name, place and stead, to make and submit 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.

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.

Filed July 22, 1928.

Fees paid:

Irrigation	_____ acres,	\$ _____
Power,	_____ H. P.,	\$ _____
Other use,	_____ mill, _____ s. f.,	\$ 6.00
Recording certificates,	-	\$ 1.00
Total,		\$ 7.00

Rhea Super
State Engineer

Receipt # 747

TOWNSHIP 33 S RANGE 6 W W.M. Card No. 1 SECTION 4

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES				40 ² 40 ²				40 ² 40 ²										
Municipal																Findings, Vol 10 Page 354		9628
4																Findings, Vol 10 Page 355		9635
Mia Mia																10	357	9651
0 ³ 0 ²																Findings, Vol 10 Page 359		9661
0 ¹ 1 ⁵																Findings, Vol 10 Page 359		9662
31 ⁶ 6 ⁶ 0 ² 2 ⁴																Findings, Vol 10 Page 359		9664
Mia																12134	8518	CANCELLED
Municipal for Glendale																7413	4704	10848
12 ⁵																15734	11600	11430
(Municipal) City of Glendale																12181	8576	12011
1 ¹ 2 ⁵																18774	14370	14684
																19723	15295	14733

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 33 S RANGE 6 W W.M. Card No. 2 SECTION 4

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
Pond																20914	16380	15498
8 ⁰																21255	16657	19672
2.5																22022	17305	CANCELLED
0 ⁸																29281	23021	23367
2 ⁴																30377	23878	23726
30 ⁵ 2 ¹																33026	26111	30780
5 ⁵																33579	26609	32069
Dem. Dem.																5-213	X-18, P-185	36030
21 ⁶																5-213	X-18, P-185	
5 ²																47733	35755	39983
																48116	36131	42810
																50137	37910	47395

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 33 S RANGE 6 W W.M. Card #3 SECTION 4

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER	
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																			
0 ³																50629	38257	47795	
																25	51274	38721	46034
																25	67681	6-5745	46013
0 ¹ 0 ²																51104	38553	48126	
																51168	38671		
Res																R-51171	R-6210	45910	
9																51172	38674	45911	
Mun																50868	38407	45383	
0 ¹																T-3103	X-26, P-254	43560	
																T-3103	X-26, P-254	47272	
26 ⁵ 1 ⁸																T-2486	(C-36030)		
																59328	44643		