

Application No. 8237

Permit No. 5364

Certificate No. 8601 ²⁰²³⁶ ~~20237~~ 58504

Ch. Pt. of Div. & Place of Use - Sp. Dr. Vol. 7 p 190

Ch. Pt. of Div. & Place of Use - Sp. Dr. Vol. 10 p 380

Stream Index, Page No. _____

Application Record, Book No. _____

FEES PAID

Date	Amount	Receipt No.
Total		

FEES REFUNDED

Date	Amount	Check No.

Name Smith Bros.

By _____

Address Glendale, Ore.

Date filed _____

Action suspended until OK

Returned to applicant _____

Date completed _____

Date of approval _____

ASSIGNMENTS

Date	To whom	Address	Volume	Page

REMARKS

1.29 sec. ft. from Cow Crk. for irr. 10.3 acres
3-6-30-102
1017

CONSTRUCTION

Date for beginning March 8, 1923

Date for completion June 1, 1924

Extended to _____

Date for application of water Oct. 1, 1926

Extended to _____

PROSECUTION OF WORK

Form "A" filed March 9, 1923

Form "B" filed May 14, 1924

Form "C" filed Nov. 5, 1926

FINAL PROOF

Blank mailed Jan. 28, 1927

Proof received _____

Date certificate issued NOV 28 1928

Receipt for recording fee No. 11610



Oregon

John A. Kitzhaber, MD, Governor

S8237

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

August 15, 2014

CHESTER A SMITH, JR
1137 AUTUMN LANE
GLENDALE, OR 97442

REFERENCE: Transfer Application T-11627

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed 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(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Kelly Starnes, by telephone at (503) 986-0886 or by e-mail at Patrick.K.Starnes@ wrd.state.or.us.

Sincerely,

Codi Holmes

Water Right Services Support

Transfers and Conservation Section

cc: Dave S. Williams, Watermaster Dist. #15 (via email)

Enclosure

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **RALPH C. HURST**

of **Star Route, Glendale**, State of **Oregon**, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Cow Creek,
a tributary of **Umpqua River** for the purpose of
irrigation
under Permit No. **5364** of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from **January 9, 1922**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.15 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the **NE $\frac{1}{4}$ NW $\frac{1}{4}$** , Section 30, Township 32 South, Range 5
West, W. M.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second
per acre,

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

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

10.3 acres in **NE $\frac{1}{4}$ NW $\frac{1}{4}$**
1.5 acres in **SE $\frac{1}{4}$ NW $\frac{1}{4}$**
Section 30,
T. 32 S., R. 5 W., W. M.

NOTE: This certificate is issued to confirm a change in point of diversion and
place of use of water approved by an order of the State Engineer entered May 28, 1951,
pursuant to the provisions of Section 116-606, O. C. L. A., and said certificate,
together with certificate recorded at Page 20237, Volume 14, State Record of Water
Right Certificates, supersedes Certificate of Water Right heretofore issued to
Smith Brothers, and recorded at Page 8601, Volume 8, State Record of Water Right
Certificates.

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 State Engineer, affixed

this 7th day of December, 1953.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 20236.

August 19, 1929

Smith Brothers,
Glendale,
Oregon.

Gentlemen:

Enclosed herewith find new final proof
blanks under permit No. 5364.

Answer all questions and return to this
office with the usual \$1.00 fee for recording your
certificate of water right.

Yours very truly,

NEHA LUPAR,
State Engineer,

By
Assistant.

ER

STATE OF OREGON

STATE ENGINEER

SALEM

August 3, 1929

C. E. STRICKLIN
ASSISTANT STATE ENGINEER

L. A. STANLEY
OFFICE ASSISTANT

Smith Brothers,
Glandale,
Oregon.
Gentlemen:

The records of this office indicate that the blank for making final proof in connection with your Permit No. 5364 was mailed to you on January 23, 1927. The proof was never submitted to this office so it has not been possible for us to confirm your water right under this permit by the issuance of a certificate.

You are requested to submit this proof immediately or to give your reasons for failure to do so. If the blank which was previously mailed has been lost, we will be glad to furnish a new one on request.

When the proof is submitted, it should be accompanied by the fee of \$1.00 for recording your water right certificate.

Yours very truly,

Rhea Luper
RHEA LUPER
State Engineer.

STATE ENGINEER
RECEIVED
AUG 19 1929
SALEM, OREGON

*We have never received
the blanks for making final
proof on Permit No. 5364
Will you please send us one.
Smith Bros.*

5364

Smith Brothers
Blendale - Ore

App. 8237

1.29 sect from Cow Ck for irrig. 103 acres.

March 8-1923

June 1-1924

Oct 1-1926

A filed

B "

4-12-24 - see letter enclosed.

C filed & ack.

Final Proof Mailed 1/28/27

NOTICE OF BEGINNING OF CONSTRUCTION

I, Chester A Smith of Smith Bros., the holder of Application No. 8237, being
Ditch (new construction) Permit No. 5364, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement)
 for the appropriation of 1.29 second-feet of the waters of Cow Creek
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,
 began the actual construction of the works described therein on the 5 day of March, 1923,
 being within the time limitation as fixed in said permit for the beginning of construction work.

Cleared entire right of way and plowed 800 feet of
 The appropriator should state the manner of beginning construction work, number of men and teams employed, the amount of work completed up to the date of this
ditch ready for Fresno work. Used three men and
 statement, and any additional information which may tend to show the beginning of work in good faith.
one team

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of March, 1923,

Glenlake, Oregon
 (Present Address)

Smith Bros.
 (Signature of Applicant)
by Chester A Smith

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon.

OFFICE OF STATE WATER BOARD
RECEIVED

MAR 9 1923

SALEM, . OREGON.

NOTICE OF COMPLETION OF CONSTRUCTION

We, Smith Bros., the holder of Application No. 8237, being

Ditch

(Reservoir or Enlargement)

Permit No. 5364, issued by the State Engineer of the State of Oregon

for the appropriation of 1.29 second-feet of the waters of Cow Creek
in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,

have completed the construction of the works described therein the 5 day of May, 1924,
being within the time limitation as fixed in said permit or extended by the State Water Board for the
completion of construction work.

Remarks:

If the works have a less capacity than as described in the permit, or you have definitely abandoned your plan of irrigating any of the lands described

in your permit, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 12 day of May, 1924,

Gladale Oregon

(Present Address)

Smith Bros. (Chestnut Smith)

(Signature of Applicant)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon. Form D should be used in reporting progress of work if more than one year has been allowed for completion.

STATE ENGINEER
RECEIVED

MAY 14 1924

SALEM, OREGON

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Smith Bros. By Chester A Smith, the holder of Application No. 8237, being
Ditch Permit No. 5364, issued by the State Engineer of the State of Oregon
 (Reservoir or Enlargement)

for the appropriation of 1.29 second-feet of the waters of Cow Creek
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,
 completely applied the water to a beneficial use, on the 3 day of July, 1925,
 being the time limitation as fixed in said permit or extended by the State Water Board for the complete
 application of water to a beneficial use.

Remarks:

We have never been able to get the amount
 of water allotted to us, as prior rights took most
 of the water in the creek, but have used what we could get.

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of Oct, 1926,

Glendale, Oregon
 (Present Address)

Smith Bros. By Chester A Smith
 (Signature of Applicant)

STATE ENGINEER
RECEIVED

NOV 5 1926

SALEM.

OREGON

June 12, 1924.

Smith Brothers,
Glendale,
Oregon.

Gentlemen:

I have your letter of June 9th with reference to the diversion of water from Cow Creek and note your request that the diversion of water by rights subsequent to yours be brought to the attention of the water master.

The water rights on Cow Creek and its tributaries have not been adjudicated and therefore the water master has no authority to take charge of the distribution of the water between the various users.

We hope that this stream can be taken up and the rights adjudicated next season but I do not feel that we are authorized to interfere at this time.

Yours respectfully,

RL:R

Ehea Luper,
State Engineer.

Glenade, Oregon
June 7 '24

State Engineer
Salem, Oregon.

Dear Sir:-

I write you regarding water permit No. 5364 for appropriation of water from Cow Creek. My permit is recorded in Book no. 19 at page 5364. I find that my dam raises the water higher than the dam of the Cow Creek irrigation Co. and since they have no headgate practically all the water goes in their ditch. There is also a water right a short distance above me which was issued since

mine, which is taking the full allowance at the present time. My permit calls for 1.29 second feet, while I am able to get but about 20 miners inches.

Will you please take this up with the water master of the district.

Respectfully
Smith Bros.
by Chester A Smith

8237
January 9th, 1922.

Smith Brothers,
Glendale, Douglas Co.,
Oregon.

Gentlemen:-

Enclosed please find my official receipt No. 6975 for \$9.00, which amount was transmitted with your Application for permit to appropriate water. I am also in receipt of map. This application has been numbered 8237 and is returned herewith for correction.

The map you have prepared is not satisfactory, as it does not show the number of acres to be irrigated within each 40 acre tract. I am enclosing a thin township plat which may be used for map.

Under Question No. 9 of the application should be listed the number of acres to be irrigated within each 40 acre tract, and should correspond to the map.

The fees on the application are a \$3 examination fee, and 15 cts. for each acre to be irrigated up to 100 acres, and 5 cts. per acre in excess of 100 acres up to 1000 acres.

In order to retain its original date of priority this application completed and accompanied by the required maps should be returned to this office on or before February 9th.

Very respectfully,

Percy A. Cupper,

State Engineer.

RJS-LA