

PHONE CALL

2006

FOR 240N FD DATE 8 14 TIME AM
 M DIANE COWDEN
 OF _____
 PHONE/MOBILE (541) 432 9785 FAX _____
 MESSAGE _____
APR 68737
PER 49675
 SIGNED 541 432-9785 1154

TELEPHONED
 RETURNED YOUR CALL
 PLEASE CALL 10 95
 WILL CALL AGAIN
 CAME TO SEE YOU
 WANTS TO SEE YOU

Form C (690-9-77)

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make **final proof** to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the **final proof** inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. 68737

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

Diane K. Cowden, the holder of Permit No. 49675

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 26th day of December, 1986

Remarks: _____

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of December, 1986

Diane K. Cowden
 (Signature of Applicant)

P.O. Box 336, Joseph, OR 97858
 (Address)

RECEIVED

JAN 2 1987

WATER RESOURCES DEPT
 SALEM, OREGON

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DIANE COWDEN
PO BOX 336
JOSEPH OR 97846

confirms the right to use the waters of WALLOWA LAKE, a tributary of WALLOWA RIVER, for DOMESTIC FOR ONE HOUSEHOLD INCLUDING THE IRRIGATION OF NOT TO EXCEED ONE-HALF ACRE LAWN AND NON-COMMERICAL GARDEN.

This right was perfected under Permit S-49675. The date of priority is MAY 30, 1986. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.005 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

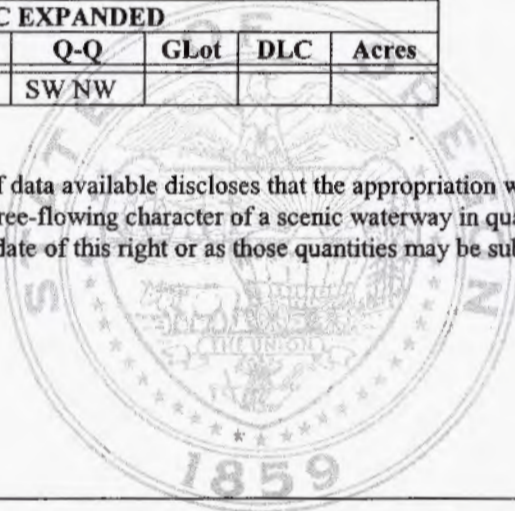
The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
3 S	45 E	WM	5	SE NW			773 FEET NORTH & 1411 FEET EAST FROM W1/4 CORNER, SECTION 5

A description of the place of use to which this right is appurtenant is as follows:

DOMESTIC EXPANDED							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
3 S	45 E	WM	5	SW NW			

This use may be regulated if analysis of data available discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of this right or as those quantities may be subsequently reduced.



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 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Date Mailed August 04, 2006

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

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.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. 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 any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Certificate Scheduled Mailing Date:

Application: S-68737

Permit: S-49675

Certificate: 82118

Permit/Certificate Holder:

DIANE COWDEN ✓
PO BOX 336
JOSEPH OR 97846

Copies Mailed
by: <u>Connie base</u> (STAFF)
on: <u>8/4/2006</u> (DATE)

Copies of Final Certificate to be sent to:

1. Watermaster #6 : —
2. Data Center —
3. Water Availability —
4. Vault ✓
5. File ✓

Other persons to receive copies: (include map):

- 1.

AL
3

Abstract of Permit

This is to certify that I have examined APPLICATION 68737 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to Diane Cowden of PO Box 816, Joseph, Oregon, phone 426-4657, for the use of the waters of Wallowa Lake, a tributary of Wallowa River,

for the PURPOSE of Domestic for one family including the irrigation of not to exceed one-half acre lawn and noncommercial garden

that the PRIORITY OF THE RIGHT dates from May 30, 1986

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.005 cubic foot per second

The POINT OF DIVERSION is to be LOCATED: 773 feet North and 1411 feet East from the West quarter corner of Section 5, being within the SE 1/4 NW 1/4 Section 5, Township 3 South, Range 45 East, WM, in the County of Wallowa.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 3 South, Range 45 East, WM Section 5 SW 1/4 NW 1/4 Domestic for one family including the irrigation of not to exceed one-half acre lawn and noncommercial garden

*Jezezi subm 1/2 hp @ 7.1 rpm
10 gpm @ 40 psi per letter fr JD Bano who installed
1" galv pipe pump -> home
FOR 230-ft home in lake*

RECEIVED
DEC 30 1994
WATER RESOURCES DEP
SALEM, OREGON

Actual construction work shall begin on or before July 17, 1987, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1988.

Complete application of the water to the proposed use shall be made on or before October 1, 1989.

Witness my hand this 17th day of July, 19 86.

WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION 68737

allow .005 cfs

PERMIT

49675

NR 12/9

*41063-179-4L
10-5-90 KK
Inspected
6/14/86*

OA

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That RUTH G. KESSLER

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Diane C. Cowden and Diane C. Cowden, husband and wife,

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Wallowa and State of Oregon, described as follows, to-wit:

A tract of land within Lot 6, Section 5, Township 3 South, Range 45 East of the Willamette Meridian, Wallowa County, Oregon described as follows, to-wit: Beginning at a point which bears North 810.11 feet and East 1061.02 feet from the West quarter corner of Section 5, Township 3 South, Range 45 East; of the Willamette Meridian; thence North 15°17' East, 45.38 feet; thence North 24°50'30" East, 22.80 feet; thence South 88°39' East, 137.31 feet to the high water mark of Wallowa Lake; thence South 9°05' West, 76.95 feet along said high water mark of Wallowa Lake; thence North 84°15' West, 147.41 feet to the place of beginning.

SUBJECT to a 20 foot easement for a roadway over and across the above described premises.

ALSO SUBJECT to right of way deed to Associated Ditch Co., as recorded in Book 35 of Deeds, page 178.

ALSO SUBJECT to easement to Pacific Power & Light Company as shown by Deed recorded in Book 59 of Deeds, page 648.

ALSO SUBJECT to Easement to West Coast Telephone Co., as shown by Deed recorded in Book 65 of Deeds, page 285.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

Application No. 68737
Permit No. 49675

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 21st day of March, 19 86; if a corporate grantor, it has caused its name to be signed and seal, affixed by its officers, duly authorized thereto by order of its board of directors.

Ruth G. Kessler
Ruth G. Kessler

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

OFFICIAL SEAL
JOY BEAR
NOTARY PUBLIC - CALIFORNIA
SAN DIEGO COUNTY
My commission expires AUG 21 1987
STATE OF California)
County of San Diego) ss.
On March 21, 19 86
Personally appeared the above named
RUTH G. KESSLER
and acknowledged the foregoing instrument to be HER voluntary act and deed.
Before me:
Joy Bear
Notary Public for CALIFORNIA
My commission expires: 8-21-87

STATE OF OREGON, County of) ss.
, 19
Personally appeared and
who, being duly sworn,
each for himself and not one for the other, did say that the former is the
president and that the latter is the
secretary of
a corporation,
and that the seal affixed to the foregoing instrument is the corporate seal
of said corporation and that said instrument was signed and sealed in be-
half of said corporation by authority of its board of directors; and each of
them acknowledged said instrument to be its voluntary act and deed.
Before me:
Notary Public for Oregon
My commission expires:
(OFFICIAL SEAL)
(If executed by a corporation, affix corporate seal)

Ruth G. Kessler
1730 Avenida Del Mundo

STATE OF OREGON,

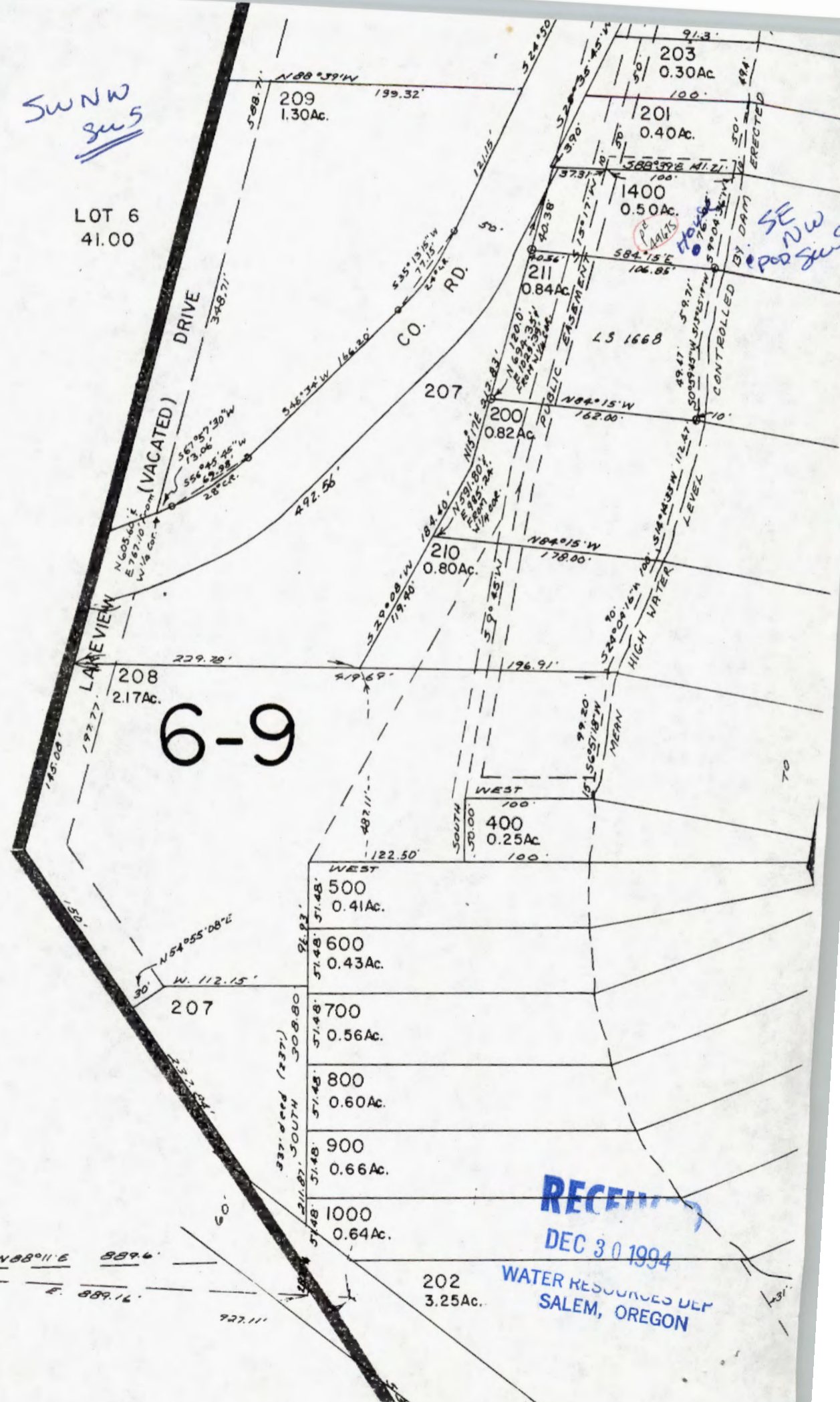
Assessors office maps - what was 61844
 Under s-11 owner of TX lot 1400. P# U7675.
 P#47625 Sec 5 T3S R4S
 Lot 1400.
 SW 1/4 NW 1/4 Sec 5
 T3S R4S E.

SW NW
Sec 5

LOT 6
41.00

SEE MAP 3S 45

6-9



SE NW
POD Sec 5

RECEIVED
 DEC 30 1994
 WATER RESOURCES DEPT
 SALEM, OREGON

W 1/4 COR.
 SEC. 5
 N 88° 11' E 889.6'
 E. 889.16'

Pump Capacity Calculation Sheet

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 0.5
Efficiency = 6.61
Lift = 10
PSI = 40

Results Calculated

(hp)(efficiency) = 3.305
Head based on psi = 101.6
Total dynamic head = 111.6
(head + lift)

Pump Capacity = 0.03 feet per second

NCR

Platcard Report

Township 3S Range 45E Section 5

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i	G13274 01/28/1993	G12193 -		CN					DO CN	DO CN												
i	G16129 11/10/2003	G15688 -								MU												
i	G16532 09/09/2005	-								OM												
i	R4057 01/09/1915	R347 9310																				
	01/09/1915																					
i	R43692 06/05/1967	R5018 -		xfr#: T7634																		
i	S28697 10/10/1953	S23263 34929		lot: 8																DO		
i	S43118 06/15/1967	S32218 51097		lot: 8																DO		
i	S47834 01/04/1971	S35855 47654		lot: 3		DO																
	01/04/1971			lot: 3		2.3 IR																

Page:1 [2](#) [3](#) [Next](#) [Last](#)

[Return to Platcard Query Screen](#)

Run Time: 0 seconds

Platcard Report

Township 3S Range 45E Section 5

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i	S47834 01/04/1971	S35855 47654		lot: 4					0.5 IR													
i	S55341 02/23/1977	S41493 53494		lot: 3		DO																
	02/23/1977			lot: 3		1.9 IR																
i	S68737 05/30/1986	S49675 -										DN										
i	S71890 09/30/1991	S52435 -										DN										
i	S72000 11/19/1991	S52453 -										DN										
i	S72102 12/30/1991	S52419 -										DN										
i	S72198 01/31/1992	S51960 -										DN										
i	S73363 04/29/1993	S52588 -										HC										
i	S73738 10/14/1993	S52585 -										DO										

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[Return to Platcard Query Screen](#)

Run Time: 1 seconds

Platcard Report

Township 3S Range 45E Section 5

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLIC	
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
1	S75674 12/20/1994	S52146 -												DO									
1	S75852 07/25/1995	S52955 -													HC								
1	S83537 08/25/1997	S53560 -								MU													

Page: [First](#) [Previous](#) [1](#) [2](#) [3](#)

[Return to Platcard Query Screen](#)

Run Time: 1 seconds

STATE OF OREGON

COUNTY OF WALLOWA

PRELIMINARY
SUBJECT TO REVISION

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DIANE COWDEN
P.O. BOX 336
JOSEPH, OREGON 97846

PRELIMINARY
SUBJECT TO REVISION

confirms the right to use the waters of WALLOWA LAKE, a tributary of WALLOWA RIVER, for DOMESTIC USE FOR ONE FAMILY INCLUDING THE IRRIGATION OF NOT TO EXCEED ONE-HALF ACRE LAWN AND NON-COMMERCIAL GARDEN.

This right was perfected under Permit 49675. The date of priority is MAY 30, 1986. This right is limited to 0.005 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NW 1/4, SECTION 5, T 3 S, R 45 E, W.M., 773 FEET NORTH AND 1411 FEET EAST FROM THE WEST QUARTER CORNER OF SECTION 5.

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

A description of the place of use to which this right is appurtenant is as follows:

SW 1/4 NW 1/4
SECTION 5
TOWNSHIP 3 SOUTH, RANGE 45 EAST, W.M.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

PRELIMINARY
SUBJECT TO REVISION

Water Res. Dept.
3850 Portland Rd. NE
Salem, OR 97310

378-3066

Re: File 68737, Permit 49675
July 31, 1986

Attn: Diane Cowden
P.O. Box 336
Joseph, OR 97846
H. Young

REFERENCE: File 68737

question regarding Form C -
I am writing in response to your letter, in which you question the appropriate time to file your "Form C".

do I understand when the pump has been hooked up to the residence is
Statutes state that when the water has been put to beneficial use to the extent allowed in the permit, the form should be filed. It is not necessary that you live in the house on a continual basis.

water on a regular basis? Thanks for clarifying this for me.
If the system is in and has been used one or more times, the form can be returned at any time.

If you have further questions, please feel free to contact us.

Sincerely,

RALPH H. JACKSON
Supervisor
Application/Permit Section
Sincerely,

RHJawpc
5925D

*Diane Cowden
P.O. Box 336
Joseph, OR 97846
432-3332*

Water Res. Dept.
3850 Portland Rd. NE
Salem, OR 97310

Re: File 68737, Permit 49675

Attn: Wm. H. Young

I have a question regarding Form C -
do I return it when the pump has
been hooked up to the residence & is
workable or when we actually begin
living in the house & using the
water on a regular basis? Thanks
for clarifying this for me.

Sincerely,

Deane Cowden
P.O. Box 336
Joseph, OR 97846
432-3332

July 22, 1986

Diane Cowlen
PO Box 336
Joseph, OR 97846

68737

49675

86, I have
e the point
corner.

the group

RECEIVED
JUL - 7 1986
WATER RESOURCES DEPT
SALEM, OREGON

July 5, 1986

RE: File 68737

Please update your record
to indicate our change of
address:

P.O. Box 336

Joseph, OR 97844

Thank you.

Mrs. R. E. Cowden

RECEIVED

JUL - 7 1986

**WATER RESOURCES DEPT
SALEM, OREGON**

JACK BURRIS LAND SURVEYING

210 W. Main P.O. Box 63

ENTERPRISE, OREGON 97828

1(503) 426-4562

June 25, 1986

RECEIVED

JUN 30 1986

WATER RES 378-3066 DEPT
SALEM, OREGON

July 2, 1986

Water Resources Department
Jack Burris
Jack Burris Land Surveying
PO Box 63 N.E.
Enterprise, OR 97828

Dear Mr. Burris:

Senior Water Rights Examiner

Dear Wayne:

The Application 68737 you submitted for Diane Cowden describing the proposed use of 0.01 cubic foot per second from Wallowa Lake for domestic use for one family; together with the map, deed copy, and statement by Donald L. Hough, President of the Associated Ditch Company; has been reviewed. Thank you for bringing to my attention the error in distance for the point of diversion on my map for Mrs. Cowden.

Our Receipt 49440 covering the \$300 submitted was sent to Diane Cowden in our earlier correspondence of June 3, 1986.

This should read....."Point of Diversion 773' NORTH and 1411 East...."

Pursuant to your letter of June 30, 1986, transmitting a corrected copy of the supporting map, and our telephone discussion of July 1, 1986, I have amended the original map and Item 2 of the application to locate the point of diversion 773 feet North and 1411 feet East from the reference corner.

Attached is a copy of the map with the distance shown in ink.

The application is now in satisfactory form and will be placed with the group to be considered for approval.

Sincerely,

Sincerely,

Jack

File: 8 WAYNE J. OVERCASH
Senior Water Rights Examiner

WJOwpc

5447D

JACK BURRIS LAND SURVEYING

210 W. Main P. O. Box 63

ENTERPRISE, OREGON 97828

1(503) 426-4562

June 25, 1986

RECEIVED

JUN 30 1986

WATER RESOURCES DEPT
SALEM, OREGON

Water Resources Department
Mill Creek Office Park
555 13th Street, N.E.
Salem, Oregon 97310

Mr. Wayne Overcash
Senior Water Rights Examiner

Dear Wayne:

Thank you for bringing to my attention the error in distance for the point of diversion on my map for Mrs. Cowden.

This should read....."Point of Diversion 773' NORTH and 1411 East...."

Would you be so kind as to make this correction on the original map and amend item No. 2 on the application to read the same?

Attached is a copy of the map with the distance shown in ink.

Sincerely,

Jack

File: 86-13



OR ATIYEH
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

May 22, 1986

PHONE 378-3066

RECEIVED
MAY 26 1986
WATER RESOURCES DEPT
SALEM, OREGON

Water Resource Department

3850 Portland Road NE

Salem, OR 97310

June 3, 1986

Dear Mr. Young:

Diane Cowden

PO Box 816

Joseph, OR

REFERENCE: File 68737

We have received your application for use of water for domestic use for one family along with the supporting data and fees. Our Receipt 49440 is enclosed. Your application has been filed and assigned number 68737.

Applications which are received in proper form for a permit, including maps, supporting data and fees, will be considered for approval shortly after the mandatory 30-day waiting period. Applications which are defective, conflict with existing rights or require additional information will be reviewed in detail and will be returned for completion or correction within 45 days.

If your application is approved, the project described in the application will be subject to the Water Resources Commission's Basin Program statements, existing minimum flows and demands of prior rights during periods of low water.

Sincerely,

RALPH H. JACKSON, Supervisor
Application/Permit Section

RHJ:wpc

enclosure
0003/X
4988D

Sincerely,

Diane K. Cowden

Diane K. Cowden

Application No.
Permit No.

Application No.
Permit No.
68737

May 22, 1986

JACK BURRIS LAND SURVEYING,

2701 N. Main, P.O. Box 63
Enterprise, Oregon 97828
(503) 425-4502

May 22, 1986

RECEIVED

MAY 30 1986

WATER RESOURCES DEPT
SALEM, OREGON

Mr. Wm. Young, Director
Water Resource Department
3850 Portland Road NE
Salem, OR 97310

Water Resource Department

Dear Mr. Young: Park
555 13th Street, N.E.

Salem, I am asking that you waive the usual 30-day waiting period for water rights. The reasons for this request are as follows.

Senior About 4 years ago, my husband and I purchased a piece of residential property on Wallowa Lake. The 2-year old water system consisted of a submersible pump, lines and pressure tank. (It is a well-known fact that residents of the northwest, north, and northeast shorelines pump lake water for household use and have done so for approximately 40 years.)

W.R. Our plans are to rebuild our cabin and retire there after October of this year. Just recently, it was brought to our attention that it was a good idea to obtain water rights. Therefore, we are submitting the attached application in order to legalize what has been common practice on Wallowa Lake for almost half a century.

Ideally, we'd prefer to have the water rights before we begin our project. A 30-day waiting period would leave less than minimal construction time, considering Wallowa County's uncertain weather conditions and would create a definite hardship for us.

Your decision to waive the 30-day requirement would be very instrumental in our progress as well as our peace of mind. Since using lake water is and has been a common practice, it is extremely unlikely that such a time period is necessary in this case.

Sincerely, We are hopeful you'll agree to our request and will process the application as soon as possible.

Jack A. Burris
Jack A. Burris

Sincerely,

Diane K. Cowden
Diane K. Cowden

cc: Diane Cowden
file: 88-13

Application No.
Permit No.

Application No. 68737
Permit No.

JACK BURRIS LAND SURVEYING,

210 W. Main P.O. Box 63
ENTERPRISE, OREGON 97828
1(503) 426-4562

May 22, 1986

RECEIVED
MAY 30 1986
WATER RESOURCES DEPT
SALEM, OREGON

Water Resources Department
Mill Creek Office Park
555 13th Street, N.E.
Salem, Oregon 97310

Mr. Wayne Overcash
Senior Water Rights Examiner

Dear Mr. Overcash:

On behalf of Mrs. Diane Cowden, I submit the following items for consideration for water right in a portion of Lot 6(SE¼NW¼) in Section 5, T.3 S., R. 45E., W.M.;

1. Original map for water right.
2. Original State of Oregon Water Resources Department Application for Permit to appropriate Surface Water,
3. Copy of deed showing ownership.
4. A check in the amount of \$300.00-

(a) Application fee.....	\$200.00
(b) Domestic (one household)....	100.00
Total.....	\$300.00

Payable to: 'Oregon Water Resources Department'

5. Ditch Co. Permit

Sincerely,

Jack W. Burris
Jack W. Burris

cc: Diane Cowden
file: 86-13

Application No. 68737
Permit No.

RECEIVED

MAY 30 1986

WATER RESOURCES DEPT
SALEM, OREGON

William H. Young, Director
Water Resources Dept.
555 13th St. NE
Salem, Oregon 97310

Applicant Diane & Bob Cowden

I, Donald L. Hough, President of the Associated Ditch Companies,
after conferring with the Board of Directors hereby agree to ^{ALLOW USE OF} ~~transport~~ the waters of
WALLOWA LAKE to the lands of the above named applicant under the
terms of the Oregon State Water Laws and our Bylaws.

FOR RESIDENTIAL USE ONLY. Proposed acreage Signed Donald L. Hough

Application No. 68737
Permit No. 49675

5-30-86

5-30-86

Name Diane Cowden P.O. Box 336

Address PO Box 316, Joseph, OR 97846

Assigned _____

Address _____

Beginning construction JUL 17 1987

Completion of construction OCT 1 1988

Extended to _____

Complete application of water OCT 1 1988

Extended to _____

Application No. 68737

Permit No. 49675

Form 111

Application No. 68737

Permit No.

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for Permit to Appropriate Surface Water

RECEIVED
MAY 30 1986
WATER RESOURCES DEPT
SALEM, OREGON

I, Diane Cowden (Name of Applicant)

of P.O. Box 816 (Mailing Address), Joseph (City)

State of Oregon (Zip Code), Phone No. (503) 426-4657 do hereby

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is Wallowa Lake

, a tributary of Wallowa River

2. The point of diversion is to be located 773 ft. North and 1411 ft. East

from the W 1/4 corner of Sec. 5 (Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the SE 1/4 of the NW 1/4 of

Sec. 5 Tp. 3S R. 45E, W. M., in the county of Wallowa

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

Table with 5 columns: Township, Range, Section, List 1/4 1/4 of Section, List use and/or number of acres to be irrigated. Row 1: 3S, 45E, 5, Portion Lot 6 (SW1/4NW1/4) (Formerly Lot 4 of Wallowa Lake Heights Subdivision-vacated), Domestic.

Form 690-1-0-1-77

54830

200
100
300

4. The amount of water which the applicant intends to apply to beneficial use is01.....
cubic feet per second.....
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is Domestic

6. **DESCRIPTION OF WORKS**

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

..... Existing 1/2 HP-230 Volt Submersible pump with 230 feet of galvanized.....
iron pipe (1 inch) to house site.

If for domestic use state number of families to be supplied one

7. Construction work will begin on or before Water works are existing

8. Construction work will be completed on or before do do

9. The water will be completely applied to the proposed use on or before December, 1986

Application No. 68737

Permit No.

Application No. 68737

Permit No. PG WA

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.005 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Wallawa Lake

The use to which this water is to be applied is Domestic

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated

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

The priority date of this permit is May 30, 1986

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19

Complete application of the water to the proposed use shall be made on or before October 1, 19

WITNESS my hand this day of, 19

Water Resources Director

Handwritten initials/signature

OA

WARRANTY DEED

RECEIVED
MAY 30 1986
WATER RESOURCES DEPT
SALES

KNOW ALL MEN BY THESE PRESENTS, That RUTH G. KESSLER

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Robert E Cowden and Diane C. Cowden, husband and wife,

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Wallowa and State of Oregon, described as follows, to-wit:

A tract of land within Lot 6, Section 5, Township 3 South, Range 45 East of the Willamette Meridian, Wallowa County, Oregon described as follows, to-wit: Beginning at a point which bears North 810.11 feet and East 1061.02 feet from the West quarter corner of Section 5, Township 3 South, Range 45 East; of the Willamette Meridian; thence North 15°17' East, 45.38 feet; thence North 24°50'30" East, 22.80 feet; thence South 88°39' East, 137.31 feet to the high water mark of Wallowa Lake; thence South 9°05' West, 76.95 feet along said high water mark of Wallowa Lake; thence North 84°15' West, 147.41 feet to the place of beginning.

SUBJECT to a 20 foot easement for a roadway over and across the above described premises.

ALSO SUBJECT to right of way deed to Associated Ditch Co., as recorded in Book 35 of Deeds, page 178.

ALSO SUBJECT to easement to Pacific Power & Light Company as shown by Deed recorded in Book 59 of Deeds, page 648.

ALSO SUBJECT to Easement to West Coast Telephone Co., as shown by Deed recorded in Book 65 of Deeds, page 285.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

Application No. 68737
Permit No. 49675

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols ©, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 21st day of March, 19 86; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Ruth G. Kessler
Ruth G. Kessler

STATE OF California)
County of San Diego) ss.
March 21, 19 86

Personally appeared the above named
RUTH G. KESSLER

and acknowledged the foregoing instrument to be HER voluntary act and deed.

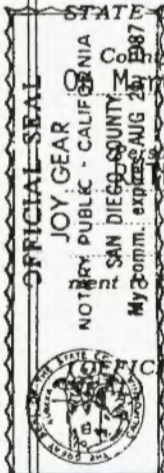
Before me:
[Signature]
Notary Public for CALIFORNIA
My commission expires: 8-21-87

STATE OF OREGON, County of) ss.
, 19

Personally appeared and who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:
Notary Public for Oregon
My commission expires:
(OFFICIAL SEAL)
(If executed by a corporation, affix corporate seal)



grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

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Ruth G. Kessler
Ruth G. Kessler

STATE OF California)
County of San Diego) ss.
March 21, 19 86

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RUTH G. KESSLER

and acknowledged the foregoing instru-
ment to be HER voluntary act and deed.

Before me:
Joy Bear
Notary Public for CALIFORNIA
My commission expires: 8-21-87

OFFICIAL SEAL
JOY BEAR
NOTARY PUBLIC - CALIFORNIA
SAN DIEGO COUNTY
My Comm. expires: AUG 26 1987

STATE OF OREGON, County of.....) ss.
19.....

Personally appeared and
..... who, being duly sworn,
each for himself and not one for the other, did say that the former is the
..... president and that the latter is the
..... secretary of

....., a corporation,
and that the seal affixed to the foregoing instrument is the corporate seal
of said corporation and that said instrument was signed and sealed in be-
half of said corporation by authority of its board of directors; and each of
them acknowledged said instrument to be its voluntary act and deed.

Before me:
..... (OFFICIAL SEAL)
Notary Public for Oregon
My commission expires:
(If executed by a corporation, affix corporate seal)

Ruth G. Kessler
1730 Avenda Del Mundo
Coronado, Ca 92118
GRANTOR'S NAME AND ADDRESS

Robert E. Cowden
964 Cypress Lane
Davis, Ca 95616
GRANTEE'S NAME AND ADDRESS

After recording return to:
.....
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.
grantee
.....
NAME, ADDRESS, ZIP

STATE OF OREGON,) ss.
County of
I certify that the within instru-
ment was received for record on the
..... day of, 19.....,
at o'clock M., and recorded
in book/reel/volume No..... on
page or as fee/file/instru-
ment/microfilm/reception No.....,
Record of Deeds of said county.
Witness my hand and seal of
County affixed.

By Deputy

INDEXED
SPACE RESERVED FOR RECORDER'S USE

Ruth G. Kessler

3-24-86 10429

OA

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That RUTH G. KESSLER

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Robert E Cowden and Diane C. Cowden, husband and wife.

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Wallowa and State of Oregon, described as follows, to-wit:

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To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

No. 68939 Permit No. 49675

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 21st day of March, 19 86; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Ruth G. Kessler Ruth G. Kessler

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Official Seal of Notary Public Joy Gear for San Diego County, California. My commission expires August 21, 1987. Includes signature of Joy Gear and text: Personally appeared the above named RUTH G. KESSLER and acknowledged the foregoing instrument to be HER voluntary act and deed. Before me: Joy Gear Notary Public for CALIFORNIA My commission expires: 8-21-87

STATE OF OREGON, County of...) ss. ... 19... Personally appeared ... and ... who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of ... a corporation, and that the seal allixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed. Before me: (OFFICIAL SEAL) Notary Public for Oregon My commission expires: (If executed by a corporation, affix corporate seal)

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Application No. 68737
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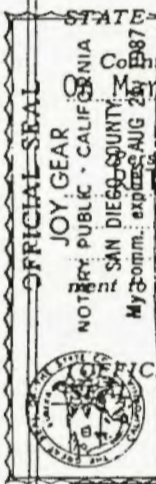
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Ruth G. Kessler
Ruth G. Kessler



STATE OF California)
County of San Diego) ss.
On March 21, 19 86

Personally appeared the above named
RUTH G. KESSLER

and acknowledged the foregoing instru-
HER voluntary act and deed.

Before me:
[Signature]
Notary Public for CALIFORNIA
My commission expires: 8-21-87

STATE OF OREGON, County of) ss.
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My commission expires:
(OFFICIAL SEAL)
(if executed by a corporation, affix corporate seal)

Ruth G. Kessler
1730 Avenda Del Mundo
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GRANTOR'S NAME AND ADDRESS

Robert E. Cowden
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County of)
I certify that the within instru-
ment was received for record on the
day of , 19 ,
at o'clock M., and recorded
in book/reel/volume No. on
page or as fee/tile/instru-
ment/microfilm/reception No.,
Record of Deeds of said county.
Witness my hand and seal of
County affixed.
NAME TITLE
By Deputy

INDEXED
SPACE RESERVED FOR RECORDER'S USE
[Signature]

3-24-86 10424

William H. Young, Director
Water Resources Dept.
555 13th St. NE
Salem, Oregon 97310

Applicant Blake & Bob Cowden

I, Donald L. Hough, President of the Associated Ditch Companies
after conferring with the Board of Directors hereby agree to ^{ALLOW USE OF} ~~transport~~ the waters of
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Application No. 6-0737
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