

STATE OF OREGON

COUNTY OF DOUGLAS

ORDER APPROVING CHANGES IN USE, PLACE OF USE AND  
POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8493 submitted by

UMPQUA BASIN WATERSHED COUNCIL  
1785 NE AIRPORT ROAD  
ROSEBURG, OREGON 97470.

The FIRST right to be modified, as evidenced by Certificate 76359, was perfected under Permit 8310 with a date of priority of APRIL 5, 1927. The right allows the use of SOUTH MYRTLE CREEK, a tributary of the SOUTH UMPQUA RIVER, for IRRIGATION OF 107.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.3 cubic feet per second, if available at the authorized point of diversion: SE¼ NE¼, SECTION 20, T 29 S, R 3 W, W.M.; NORTH 15 DEGREES WEST 760 FEET FROM THE SE CORNER OF THE SE¼ NE¼ OF SECTION 20, or its equivalent in case of rotation, measured at the point of diversion from the source.

**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 filed within the 60 day time period specified by ORS 183.484(2).**

**Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.**

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

Permit 8310

SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.0	ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	21.3	ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.5	ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.2	ACRES
ALL AS PROJECTED WITHIN CRAIG DLC 37		
LOT 8 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ )	3.3	ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6	ACRES
AS PROJECTED WITHIN CRAIG DLC 37		
LOT 7 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ )	13.1	ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	9.3	ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	9.55	ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.62	ACRES
ABOVE AS PROJECTED WITHIN CRAIG DLC 37		
LOT 6 (SW $\frac{1}{4}$ SE $\frac{1}{4}$ )	12.83	ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.6	ACRES
AS PROJECTED WITHIN CRAIG DLC 37		
LOT 5 (SE $\frac{1}{4}$ SE $\frac{1}{4}$ )	9.5	ACRES
SECTION 19		
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.		

NW¼ SW¼ 20.2 ACRES  
AS PROJECTED WITHIN CRAIG DLC 37  
LOT 4 (NW¼ SW¼) 0.2 ACRES  
SW¼ SW¼ 0.4 ACRES  
AS PROJECTED WITHIN CRAIG DLC 37  
LOT 5 (SW¼ SW¼) 3.3 ACRES  
SECTION 20  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The receiving landowner is:  
ELDONNA R. DYER  
10678 SOUTH MYRTLE ROAD  
MYRTLE CREEK, OREGON 97457.

The authorized place of use is:

LOT 7 (SE¼ SW¼) 0.80 ACRES (TAXLOT 801)  
SECTION 19  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion to:

SE¼ SW¼, SECTION 19, T 29 S, R 3 W, W.M.; 880 FEET  
NORTH AND 1300 FEET WEST OF THE S¼ CORNER, SECTION 19.

The receiving landowner is:  
LINDA M. AND DAVID A. SHEPHERD  
10920 SOUTH MYRTLE ROAD  
MYRTLE CREEK, OREGON 97457

The authorized place of use is:

LOT 7 (SE¼ SW¼) 3.30 ACRES (TAXLOT 1000)  
SECTION 19  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion to:

SW¼ SE¼, SECTION 19, T 29 S, R 3 W, W.M.; 470 FEET  
NORTH AND 40 FEET EAST OF THE S¼ CORNER, SECTION 19.

The receiving landowner is:

JAMES G. AND DOTTIE M. MCKINNEY  
11315 SOUTH MYRTLE ROAD  
MYRTLE CREEK, OREGON 97457

The authorized place of use is:

LOT 5 (SE¼ SE¼) 1.40 ACRES (TAXLOT 1300)  
SECTION 19  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion to:

SE¼ SE¼, SECTION 19, T 29 S, R 3 W, W.M.; 800 FEET  
NORTH AND 800 FEET WEST FROM THE SE CORNER, SECTION 19.

The receiving landowner is:

HOWARD KEVIN WHITE, KAREN L. SMITHSON-WHITE, FRANCES WARD WHITE  
95 LAIDLEY STREET  
SAN FRANCISCO, CALIFORNIA 94131

The authorized place of use is:

NW¼ SE¼ 8.00 ACRES (TAXLOT 200)  
SW¼ SE¼ 0.52 ACRES (TAXLOT 200)  
ALL AS PROJECTED WITHIN CRAIG DLC 37

LOT 6 (SW¼ SE¼) 12.83 ACRES (TAXLOT 200)  
           SE¼ SE¼ 0.40 ACRES (TAXLOT 100)  
 AS PROJECTED WITHIN CRAIG DLC 37  
 LOT 5 (SE¼ SE¼) 8.10 ACRES (TAXLOT 100)  
           NE¼ SE¼ 5.60 ACRES (TAXLOT 100)  
 AS PROJECTED WITHIN CRAIG DLC 37  
           SECTION 19  
 TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion to:

SW¼ SE¼, SECTION 19, T 29 S, R 3 W, W.M.; 1160 FEET  
 NORTH AND 1180 FEET EAST; 910 FEET NORTH AND 940 FEET EAST; BOTH  
 FROM THE S¼ CORNER, SECTION 19.

The receiving landowner is:  
 RANDAL AND LORRAINE WALLS  
 1455 HARBISON CANYON ROAD  
 EL CAJON, CALIFORNIA 92019

The authorized place of use is:

          NW¼ SW¼ 1.50 ACRES (TAXLOT 601)  
           SW¼ SW¼ 0.20 ACRES (TAXLOT 601)  
 ALL AS PROJECTED WITHIN CRAIG DLC 37  
 LOT 8 (SW¼ SW¼) 3.30 ACRES (TAXLOT 601)  
 LOT 7 (SE¼ SW¼) 2.50 ACRES (TAXLOT 500,800)  
           SE¼ SW¼ 0.10 ACRES (TAXLOT 500)  
           NE¼ SW¼ 7.30 ACRES (TAXLOT 500,800)  
           NW¼ SE¼ 1.55 ACRES (TAXLOT 500)  
           SW¼ SE¼ 0.10 ACRES (TAXLOT 500)  
 ALL AS PROJECTED WITHIN CRAIG DLC 37  
           SECTION 19  
 TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion to:

SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 19, T 29 S, R 3 W, W.M.; 700 FEET  
NORTH AND 570 FEET WEST FROM THE S $\frac{1}{4}$  CORNER, SECTION 19.

The authorized place of use is:

LOT 7 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ )      6.50 ACRES (TAXLOT 500,800)  
                                 SE $\frac{1}{4}$  SW $\frac{1}{4}$       0.50 ACRES (TAXLOT 500,800)  
                                 NE $\frac{1}{4}$  SW $\frac{1}{4}$       4.00 ACRES (TAXLOT 500,800)  
ALL AS PROJECTED WITHIN CRAIG DLC 37  
                                 SECTION 19  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to diminish this portion of the right to  
SUPPLEMENTAL.

The applicant proposes to change the place of use to:

SUPPLEMENTAL  
                                 SE $\frac{1}{4}$  NW $\frac{1}{4}$       1.00 ACRES (TAXLOT 500)  
                                 NE $\frac{1}{4}$  SW $\frac{1}{4}$       10.00 ACRES (TAXLOT 500,800)  
ALL AS PROJECTED WITHIN CRAIG DLC 37  
                                 SECTION 19  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M

The applicant proposes to change the point of diversion to:

SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 19, T 29 S, R 3 W, W.M.; 700 FEET  
NORTH AND 570 FEET WEST FROM THE S $\frac{1}{4}$  CORNER, SECTION 19.

The authorized place of use is:

                                 SE $\frac{1}{4}$  NW $\frac{1}{4}$       1.00 ACRES (TAXLOT 500)  
                                 NE $\frac{1}{4}$  SW $\frac{1}{4}$       10.00 ACRES (TAXLOT 500,800)  
ALL AS PROJECTED WITHIN CRAIG DLC 37  
                                 SECTION 19  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the place of use to:

LOT 7 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ )      6.50 ACRES (TAXLOT 500,800)  
                                 SE $\frac{1}{4}$  SW $\frac{1}{4}$       0.50 ACRES (TAXLOT 500,800)  
                                 NE $\frac{1}{4}$  SW $\frac{1}{4}$       4.00 ACRES (TAXLOT 500,800)  
ALL AS PROJECTED WITHIN CRAIG DLC 37  
                                 SECTION 19  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion to:

SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 19, T 29 S, R 3 W, W.M.; 700 FEET  
NORTH AND 570 FEET WEST FROM THE S $\frac{1}{4}$  CORNER, SECTION 19.

The receiving landowner is:  
RICHARD M. AND EMMA P. DEAM  
11780 SOUTH MYRTLE ROAD  
MYRTLE CREEK, OREGON 97457

The authorized place of use is:

                                 NW $\frac{1}{4}$  SW $\frac{1}{4}$       4.20 ACRES (TAXLOT 500)  
                                 AS PROJECTED WITHIN CRAIG DLC 37  
LOT 4 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ )      0.20 ACRES (TAXLOT 500)  
                                 SECTION 20  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion to:

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 20, T 29 S, R 3 W, W.M.; 70  
FEET NORTH AND 190 FEET WEST FROM THE C $\frac{1}{4}$  CORNER, SECTION 20; 600  
FEET SOUTH AND 1800 FEET EAST FROM THE W $\frac{1}{4}$  CORNER, SECTION 20.

The authorized place of use is:

SE $\frac{1}{4}$  SE $\frac{1}{4}$  0.20 ACRES (TAXLOT 500)  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  3.70 ACRES (TAXLOT 500)  
ALL AS PROJECTED WITHIN CRAIG DLC 37  
SECTION 19  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

NW $\frac{1}{4}$  SW $\frac{1}{4}$  15.00 ACRES (TAXLOT 500)  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  0.40 ACRES (TAXLOT 500)  
ALL AS PROJECTED WITHIN CRAIG DLC 37  
LOT 5 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) 3.30 ACRES (TAXLOT 500)  
SECTION 20  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the place of use to:

SW $\frac{1}{4}$  NE $\frac{1}{4}$  1.30 ACRES (TAXLOT 201)  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  1.00 ACRES (TAXLOT 500)  
AS PROJECTED WITHIN CRAIG DLC 37  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  4.50 ACRES (TAXLOT 500)  
AS PROJECTED WITHIN CRAIG DLC 37  
LOT 2 (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) 7.80 ACRES (TAXLOT 201)  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  0.40 ACRES (TAXLOT 500)  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  5.50 ACRES (TAXLOT 500)  
ALL AS PROJECTED WITHIN CRAIG DLC 37  
LOT 3 (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) 2.10 ACRES (TAXLOT 500)  
SECTION 20  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion to:

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 20, T 29 S, R 3 W, W.M.; 70 FEET NORTH AND 190 FEET WEST FROM THE C $\frac{1}{4}$  CORNER, SECTION 20; 600 FEET SOUTH AND 1800 FEET EAST OF THE W $\frac{1}{4}$  CORNER, SECTION 20.

The authorized place of use is:

NW¼ SW¼ 0.40 ACRES (TAXLOT 500)  
AS PROJECTED WITHIN CRAIG DLC 37  
SECTION 20  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to diminish this portion of the right to SUPPLEMENTAL.

The applicant proposes to change the place of use to:

SUPPLEMENTAL  
NW¼ SW¼ 0.40 ACRES (TAXLOT 500)  
AS PROJECTED WITHIN CRAIG DLC 37  
SECTION 20  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion to:

SE¼ NW¼, NE¼ SW¼, SECTION 20, T 29 S, R 3 W, W.M.; 70 FEET NORTH AND 190 FEET WEST FROM THE C¼ CORNER, SECTION 20; 600 FEET SOUTH AND 1800 FEET EAST OF THE W¼ CORNER, SECTION 20.

The receiving landowner is:  
MICHAEL G. AND PAULINE R. DANIELLE  
12716 SOUTH MYRTLE ROAD  
MYRTLE CREEK, OREGON 97457

The authorized place of use is:

NW¼ SW¼ 0.60 ACRES (TAXLOT 500)  
AS PROJECTED WITHIN CRAIG DLC 37  
SECTION 20  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the place of use to:

SE¼ NE¼            0.60 ACRES (TAXLOT 100)  
SECTION 20  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The SECOND right to be modified, as evidenced by Certificate 47799, was perfected under Permit 39518 with a date of priority of JUNE 13, 1975. The right allows the use of SOUTH MYRTLE CREEK, a tributary of the SOUTH UMPQUA RIVER, for IRRIGATION OF 43.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.55 cubic foot per second, if available at the authorized point of diversion: SE¼ NE¼, SECTION 20, T 29 S, R 3 W, W.M.; 700 FEET NORTH AND 330 FEET WEST FROM THE E¼ CORNER, SECTION 20, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

LOT 2 (SE¼ NW¼) 12.00 ACRES  
SW¼ NE¼ 3.30 ACRES  
SE¼ NW¼ 9.00 ACRES  
NE¼ SW¼ 13.00 ACRES  
NW¼ SE¼ 6.40 ACRES  
ALL AS PROJECTED WITHIN CRAIG DLC 37  
SECTION 19  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The receiving landowner is:  
Randal and Lorraine Walls  
1455 Harbison Canyon Road  
El Cajon, California 92019

The authorized place of use is located as follows:

NE¼ SW¼ 13.00 ACRES  
NW¼ SE¼ 6.40 ACRES  
ALL AS PROJECTED WITHIN CRAIG DLC 37  
SECTION 19  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion to:

SE¼ SW¼, SECTION 19, T 29 S, R 3 W, W.M.; 700 FEET  
NORTH AND 570 FEET WEST FROM THE S¼ CORNER, SECTION 19.

An affidavit was received from Randal and Lorraine Walls, owners of certain land and the water rights appurtenant to it. One of the water rights has been abandoned and is requested to be canceled.

The abandoned water right is the right described by a portion of Certificate 47799, State Record of Water Right Certificates. The abandoned water right is for the use of 0.31 cubic foot per second of water from South Myrtle Creek, a tributary of the South Umpqua River. The date of priority is June 13, 1975. The abandoned right is for irrigation of 24.3 acres.

A description of the place of use of the abandoned right is as follows:

LOT 2 (SE¼ NW¼) 12.00 ACRES  
SW¼ NE¼ 3.30 ACRES  
SE¼ NW¼ 9.00 ACRES  
ALL AS PROJECTED WITHIN CRAIG DLC 37  
SECTION 19  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the Commission shall enter an order canceling the water right."

The THIRD right to be modified, as evidenced by Certificate 7070, was perfected under Permit 6786 with a date of priority of MAY 1, 1925. The right allows the use of EAST CRAIG CREEK, a tributary of SOUTH MYRTLE CREEK, a tributary of the SOUTH UMPQUA RIVER, for IRRIGATION OF 11.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.15 cubic foot per second, if available at the authorized point of diversion, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent in case of rotation.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE $\frac{1}{4}$  SW $\frac{1}{4}$  4.00 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  7.00 ACRES  
SECTION 19  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The receiving landowner is:  
RANDAL AND LORRAINE WALLS  
1455 HARBISON CANYON ROAD  
EL CAJON, CALIFORNIA

The applicant proposes to change the place of use to:

SE $\frac{1}{4}$  NW $\frac{1}{4}$  1.00 ACRES (TAXLOT 500)  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  10.00 ACRES (TAXLOT 500,800)  
ALL AS PROJECTED WITHIN CRAIG DLC 37  
SECTION 19  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion to:

NE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 19, T 29 S, R 3 W, W.M.; 930 FEET SOUTH AND 400 FEET WEST FROM THE N $\frac{1}{4}$  CORNER, SECTION 19.

The FOURTH right to be modified, as evidenced by a portion of Certificate 10837, was perfected under Permit 9729 with a date of priority of JULY 3, 1930. The right allows the use of LETITIA CREEK, a tributary of SOUTH MYRTLE CREEK, for IRRIGATION OF 30.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.38 cubic foot per second, if available at the authorized point of diversion: NE¼ SW¼, SECTION 17, T 29 S, R 3 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre, or its equivalent in case of rotation.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

SW¼ NE¼	6.50 ACRES
NE¼ NW¼	0.30 ACRES
SE¼ NW¼	19.50 ACRES
NE¼ SW¼	4.00 ACRES
NW¼ SW¼	0.40 ACRES

SECTION 20

TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The receiving landowner is:  
RICHARD M. AND EMMA P. DEAM  
11780 SOUTH MYRTLE ROAD  
MYRTLE CREEK, OREGON 97457

The applicant proposes to change the place of use to:

SE $\frac{1}{4}$  SE $\frac{1}{4}$  0.20 ACRES  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  3.70 ACRES  
ALL AS PROJECTED WITHIN CRAIG DLC 37  
SECTION 19  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

NW $\frac{1}{4}$  SW $\frac{1}{4}$  15.60 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  0.40 ACRES  
ALL AS PROJECTED WITHIN CRAIG DLC 37  
LOT 5 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) 3.30 ACRES  
SECTION 20  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion to:

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 20, T 29 S, R 3 W, W.M.; 920 FEET  
NORTH FROM THE C $\frac{1}{4}$  CORNER, SECTION 20.

An affidavit was received from Richard M. and Emma P. Deam, owners of certain land and the water rights appurtenant to it. One of the water rights has been abandoned and is requested to be canceled.

The abandoned water right is the right described by a portion of Certificate 10837, State Record of Water Right Certificates. The abandoned water right is for the use of 0.09 cubic foot per second of water from Letitia Creek, a tributary of South Myrtle Creek. The date of priority is July 3, 1930. The abandoned right is for irrigation of 7.5 acres.

A description of the place of use of the abandoned right is as follows:

SE¼ NW¼	2.60 ACRES
NE¼ NW¼	0.30 ACRES
SW¼ NE¼	4.60 ACRES

SECTION 20

TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the Commission shall enter an order canceling the water right."

The FIFTH right to be modified, as evidenced by a portion of Certificate 19663, was perfected under Permit 14876 with a date of priority of APRIL 19, 1941. The right allows the use of SOUTH MYRTLE CREEK, a tributary of the SOUTH UMPQUA RIVER, for IRRIGATION OF 11.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.15 cubic foot per second, if available at the authorized point of diversion: SE¼ NE¼, SECTION 20, T 29 S, R 3 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is:

	SW¼ NE¼	0.80 ACRES
LOT 2	(SE¼ NW¼)	6.20 ACRES
	SE¼ NW¼	1.80 ACRES
	NE¼ SW¼	3.00 ACRES

ALL AS PROJECTED WITHIN CRAIG DLC 37  
SECTION 20  
TOWNSHIP 29 SOUTH, RANGE, 3 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The receiving landowner is:  
RICHARD M. AND EMMA P. DEAM  
11780 SOUTH MYRTLE ROAD  
MYRTLE CREEK, OREGON 97457

The authorized place of use is as follows:

	LOT 2 (SE¼ NW¼)	6.20 ACRES
	SE¼ NW¼	1.80 ACRES
	NE¼ SW¼	3.00 ACRES

ALL AS PROJECTED WITHIN CRAIG DLC 37  
SECTION 20  
TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to diminish this portion of the right to SUPPLEMENTAL.

The applicant proposes to change the place of use to:

SUPPLEMENTAL

LOT 5 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) 3.30 ACRES (TAXLOT 500)  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  7.30 ACRES (TAXLOT 500)  
AS PROJECTED WITHIN CRAIG DLC 37  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  0.40 ACRES (TAXLOT 500)  
AS PROJECTED WITHIN CRAIG DLC 37

SECTION 20

TOWNSHIP 29 SOUTH, RANGE 3 WEST, W.M.

The applicant proposes to change the point of diversion:

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 20, T 29 S, R 3 W, W.M.; 70  
FEET NORTH AND 190 FEET WEST FROM THE C $\frac{1}{4}$  CORNER, SECTION 20; 600  
FEET SOUTH AND 1800 FEET EAST OF THE W $\frac{1}{4}$  CORNER, SECTION 20.

The receiving landowner is:

MICHAEL G. AND PAULINE R. DANIELLE  
12716 SOUTH MYRTLE ROAD  
MYRTLE CREEK, OREGON 97457

The authorized place of use is located as follows:

SW $\frac{1}{4}$  NE $\frac{1}{4}$  0.80 ACRES

SECTION 20

TOWNSHIP 29 SOUTH, RANGE, 3 WEST, W.M.

The applicant proposes to change the place of use to:

SE $\frac{1}{4}$  NE $\frac{1}{4}$  0.80 ACRES (TAXLOT 100)

SECTION 20

TOWNSHIP 29 SOUTH, RANGE, 3 WEST, W.M.

THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2001.
2. The quantity of water diverted at the new points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
3. The water users shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same surface water source as the original points of diversion.
5. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificates 76359, 47799, 7070, ,10837, 19663 are canceled. New certificates will be issued to confirm the portions of the rights NOT involved in this transfer. When satisfactory proof of the

completed changes are received, new certificates will be issued to each landowner for their portion of the rights described in the order.

WITNESS the signature of the Water Resources Director,  
affixed 8/30/00.

*for* Meg Reeves  
Paul R. Cleary, Director