

2444 James E. Chambers
Box 387
Siletz, Ore. 97380

2444

STATUS OF APPLICATION

Change in Point of Diversion
Date filed September 8, 1970
Date of hearing November 18, 1970
Place of hearing Newport, Oregon
Date of order 2-23-71 Vol. 20, page 429
Date for application of water Completed
Proof mailed _____
Proof received _____
Certificate issued MAR 29 1971 Vol. 29, page 33
To Survey March 1, 1971

Canceled
Vol. 22 P 113
~~37486~~
~~41629~~

DESCRIPTION OF WATER RIGHT

Name of stream unnamed creek
Trib. of — County of Lincoln
Use Irrigation
Quantity of water 0.16 cfs No. of acres 13¹/₂
Name of ditch —
Date of priority January 22, 1934
In name of D.A. & Paul B. Morton
Adjudication, Vol. _____, page _____
App. No. 15253 Per. No. 11391 Cert. No. 14364
Certificate cancelled _____
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
9-4-70	25.00	20724
9-4-70	30.00 <i>for</i>	20725
TOTAL . . .		
10-12-70	^{\$2} \$1 Cert. Fee	<i>From Pub. J. Not</i>
9-13-74	.50	42921

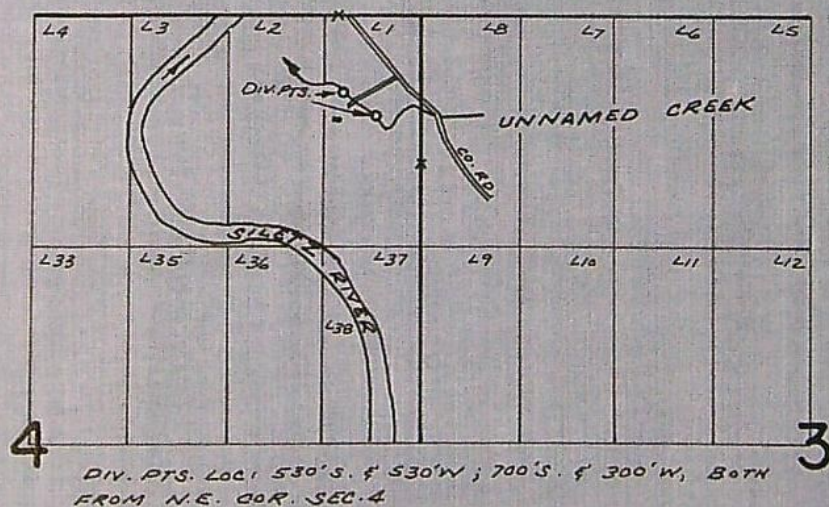
FEES REFUNDED

Date	Amount	Check No.
10-12-70	^{\$2.27} Pub. J. Not	3913

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<i>slu</i>	—
<input checked="" type="checkbox"/>	Stream		<i>slu</i>	—
<input checked="" type="checkbox"/>	Pt. of Div.		<i>slu</i>	—
<input checked="" type="checkbox"/>	Calendar		<i>slu (completed)</i>	—
<input checked="" type="checkbox"/>	CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & sge.		<i>slu</i>	—
<input type="checkbox"/>	Decree vault		—	—
<input type="checkbox"/>	Decree case		—	—
<input checked="" type="checkbox"/>	Cert. of W.R.		<i>slu</i>	—
<input checked="" type="checkbox"/>	Per. Folder		<i>slu</i>	—
<input type="checkbox"/>	Chainindex		—	—
<input type="checkbox"/>	Cross Ref.		—	—
<input type="checkbox"/>	Power Claim		—	—
<input type="checkbox"/>	Abstracts		—	—

T.10S.R.10W.W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER No. 2444
Application No. _____ Permit No. _____
IN NAME OF

JAMES E. CHAMBERS

Surveyed SEPT. 20 1973, by R. MUCKEN

BEFORE THE STATE ENGINEER OF OREGON

Lincoln County

IN THE MATTER OF)
THE CANCELATION)
OF A WATER RIGHT)

O R D E R

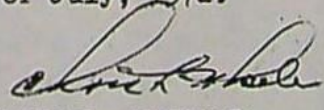
On May 25, 1972, Earl and Shirley Foster submitted an affidavit stating that they are the owners of a water right and the lands to which the right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same to be canceled.

The water right in question is that evidenced by the certificate recorded at page 37486, Volume 29, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.03 cubic foot per second of water from an unnamed creek, with a priority date of January 22, 1934, for the irrigation of 2.1 acres in Lot 8 ($W\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 3, Township 10 South, Range 10 West, W.M.

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

NOW, THEREFORE, it hereby is ORDERED that the water right for the use of 0.03 cubic foot per second of water from an unnamed creek, for the irrigation of 2.1 acres in Lot 8 ($W\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 3, Township 10 South, Range 10 West, W.M., with a priority date of January 22, 1934, as evidenced by the certificate recorded at page 37486, Volume 29, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon this 19th day of July, 1972.


CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF LINCOLN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That James E. Chambers~~D. A. and PAUL B. MORTON~~

of ³⁸⁷ Box ~~83~~, Siletz, State of ⁹⁷³⁸⁰ Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of ~~Unnamed Spring and Unnamed Creek~~ a tributary of Siletz River for the purpose of Irrigation of 13.1 acres under Permit No. 11391 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 22, 1934

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 ~~0.19~~ cubic foot per second,

0.16

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot ~~8~~ (~~E₂ NE₂ NE₂~~), Section ~~4~~, Township 10 South, Range 10 West, W. M. 530 ft. S x 530 ft. W; 700 ft. S x 300 ft. W. both from NE Cor. Sec. 4

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, or its equivalent for each acre irrigated,

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:

0.2 ~~2.3~~ acres in Lot 8 (~~W₂ NW₂ NW₂~~),
Section 3,
12.0 acres in Lot 1 (~~E₁ NE₁ NE₁~~)
0.9 acre in Lot 2 (~~W₂ NE₁ NE₁~~),
Section 4,
T. 10 S., R. 10 W., W. M.

This certificate is issued to confirm a change in PT. of Div. approved by an order of the State Engineer entered Feb 23, 1971, and ^{Together w 37986 Vol 29} supersedes certificate of water right heretofore issued to D.A. & Paul B. Morton, and recorded at page 14364, Volume 12, State Record of Water Right Certificates.

this 15th day of July, 1943.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 12, page 14364.

STATE OF OREGON

COUNTY OF LINCOLN TO YUJOCO

CERTIFICATE OF WATER RIGHT

This Is to Certify, That D. A. and PAUL B. MORTON

of Box 83, Siletz, 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 Unnamed Spring and Unnamed Creek a tributary of Siletz River for the purpose of Irrigation of 2.1 acres under Permit No. 11391 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 22, 1934

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 0.03 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 Lot 8 (W $\frac{1}{2}$ NW $\frac{1}{2}$ NW $\frac{1}{2}$), Section 3, Township 10 South, Range 10 West, W. M.

Div. Pl. no

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, or its equivalent for each acre irrigated,

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:

2.1 ~~2.1~~ acres in Lot 8 (W $\frac{1}{2}$ NW $\frac{1}{2}$ NW $\frac{1}{2}$),
Section 3,
12.0 acres in Lot 1 (E $\frac{1}{2}$ NE $\frac{1}{2}$ NE $\frac{1}{2}$),
0.9 acres in Lot 2 (W $\frac{1}{2}$ NE $\frac{1}{2}$ NE $\frac{1}{2}$),
Section 4,
T. 10 S., R. 10 W., W. M.

Certificate of water right issued to D. A. & Paul B. Morton and recorded at page 14364.

Volume 12, State Record of Water Right Certificates, confirms the right to the use of

water for irrigation of 15.2 acres. Subsequently, the point of diversion for the

appurtenant to irrigation of 13.1 acres was ^{approved} changed by order of the State Engineer entered Feb. 23.

19 71. This certificate is issued to confirm the remaining right to the use of water for Irrigation and supersedes the certificate heretofore issued to D. A. & Paul B. Morton.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 12, page 14364.

0.19 : 0.026 : 0.164
15.2 : 2.1 : 13.1

No mention of Spr. in Sp. ors. ok w/ T.J. ok
in remaining rt. & leave out Spr. in confirming Cart

BEFORE THE STATE ENGINEER OF OREGON

Lincoln County

IN THE MATTER OF THE APPLICATION)
OF JAMES E. CHAMBERS FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM AN UNNAMED)
CREEK)

ORDER APPROVING
TRANSFER NO. 2444

On September 4, 1970, James E. Chambers filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from an unnamed creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to D. A. and Paul B. Morton and recorded at page 14364, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.19 cubic foot per second of water from an unnamed creek for the irrigation of, among other lands, 0.2 acre in Lot 8 (W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 3, 12.0 acres in Lot 1 (E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), and 0.9 acre in Lot 2 (W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 4, Township 10 South, Range 10 West, W.M., with a date of priority of January 22, 1934. These lands are irrigated from a point of diversion located 740 feet south and 450 feet east from the NW corner of Section 3 being within Lot 8 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 3, Township 10 South, Range 10 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from points of diversion to be located 685 feet south and 320 feet west and 605 feet south and 560 feet west from the NE corner of Section 4 being within Lot 1 (E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 4, Township 10 South, Range 10 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there

were, namely: at the county courthouse in Newport, Oregon, on November 18, 1970, at 9:30 a.m. The notice was published in the Newport News and Times, a newspaper printed and having general circulation in Lincoln County, Oregon, for a period of three weeks in the issues of September 24, October 1 and 8, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Vestal R. Garner, Watermaster of District No. 2, has filed a report 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 proposed change in point of diversion of water from an unnamed creek, to-wit:

From a point located 740 feet south and 450 feet east from the NW corner of Section 3 being within Lot 8 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 3, Township 10 South, Range 10 West, W.M.

To a point to be located 685 feet south and 320 feet west from the NE corner of Section 4 being within Lot 1 (E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 4, Township 10 South, Range 10 West, W.M.

To a point to be located 605 feet south and 560 feet west from the NE corner of Section 4 being within Lot 1 (E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 4, Township 10 South, Range 10 West, W.M.

for the irrigation of 0.2 acre in Lot 8 (W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 3, 12.0 acres in Lot 1 (E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), and 0.9 acre in Lot 2 (W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 4, Township 10 South, Range 10 West, W.M., with a date of priority of January 22, 1934, is approved.

It is FURTHER ORDERED that no time need be fixed for completion as the change in point of diversion is completed and the new diversion in operation.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed 0.16 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 certificate of water right heretofore issued to D. A. and Paul B. Morton and recorded at page 14364, Volume 12, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to James E. Chambers confirming the change in point of diversion.

Dated at Salem, Oregon, this 23rd day of February, 1971.

/s/ CHRIS L. WHEELER
State Engineer

Legal Notices

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that James E. Chambers has filed an application for the approval of a change in point of diversion of water from an unnamed creek.

Certificate of water right issued to D. A. and Paul B. Morton and recorded at page 14364, Volume 12, State Record of Water Right Certificates, confirms a right to the use of 0.19 cubic foot per second of water from an unnamed creek for the irrigation of, among other lands, 0.2 acre in Lot 8 (W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 3, 12.0 acres in Lot 1 (E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), and 0.9 acre in Lot 2 (W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 4, T. 10 S., R. 10 W., W.M., with a date of priority of January 22, 1934. These lands are irrigated from a point of diversion located 740 ft. S and 450 ft. E from the NW corner of Sec. 3 being within Lot 8 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 3, T. 10 S., R. 10 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from points of diversion to be located 685 ft. S and 320 ft. W and 605 ft. S and 560 ft. W from the NE corner of Sec. 4 being within Lot 1 (E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 4, T. 10 S., R. 10 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Newport, Oregon, on November 18, 1970, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on James E. Chambers, Box 387, Siletz, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 14th day of September, 1970.

CHRIS L. WHEELER
State Engineer
N-41

PROOF OF PUBLICATION

THE NEWS-TIMES, Newport, Oregon

COUNTY OF LINCOLN }

SS.

STATE OF OREGON }

I, Walter C. Taylor, being duly sworn, depose and say that I am an authorized employee of THE NEWS-TIMES, a newspaper of general circulation printed and published at Newport Oregon, in the aforesaid county and

state, as defined in ORS 193.010 and 193.020 that

Notice of Filing Application

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:

September 24, October 1 and 8, 1970

Walter C. Taylor

Subscribed and sworn to before me this

9th day of

October, 1970, 19

Betty J. Taylor
Notary Public of Oregon.

(My Commission expires August 30, 1973, 19)

RECEIVED
OCT 12 1970
STATE ENGINEER
SALEM, OREGON

STATE OF OREGON
COUNTY OF LINCOLN
CERTIFICATE OF WATER RIGHT

This Is to Certify, That D. A. and PAUL B. MORTON

of Box 83, Siletz, 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 Unnamed Spring and Unnamed Creek

a tributary of Siletz River for the purpose of irrigation of 2.1 acres

under Permit No. 11391 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 22, 1934

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 0.03 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 Lot 8 (W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 3, T. 10 S., R. 10 W., 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, **or its equivalent for each acre irrigated,**

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:

2.1 acres Lot 8 (W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 3
T. 10 S., R. 10 W., W. M.

Certificate of water right issued to D. A. and Paul B. Morton and recorded at page 14364, Volume 12, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 15.2 acres. A change in the right to the use of water appurtenant to 13.1 acres was approved by order of the State Engineer entered February 23, 1971. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to D. A. and Paul B. Morton.

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 date. March 29, 1971

CHRIS L. WHEELER

State Engineer