

2587 Verna J. Livel
South Myrtle Creek, Ore. 97451

2587

STATUS OF APPLICATION

Change in Point of Diversion
Date filed November 18, 1971
Date of hearing _____
Place of hearing _____
Date of order 1-9-74 Vol. 24, page 67-69
Date for application of water 10-1-74
Proof mailed _____
Proof received _____
Certificate issued JAN 18 1977 Vol. 36, page 44045
MAR 9 1977 Vol. 36 44168

DESCRIPTION OF WATER RIGHT

Name of stream South Myrtle Creek
Trib. of _____ County of Douglas
Use Irrigation
Quantity of water _____ No. of acres 40
Name of ditch _____
Date of priority February 11, 1952
In name of William E. Williams
_____ Adjudication, Vol. _____, page _____
App. No. 26852 Per. No. 21088 Cert. No. 22704
Certificate cancelled _____
Notation made on record by slw

FEES PAID

Date	Amount	Receipt No.
<u>11-18-71</u>	<u>25.00</u>	<u>26169</u>
TOTAL . . .	<u>3.00</u>	
<u>8-2-73</u>	<u>\$* Cert. Fee</u>	<u>35902</u>

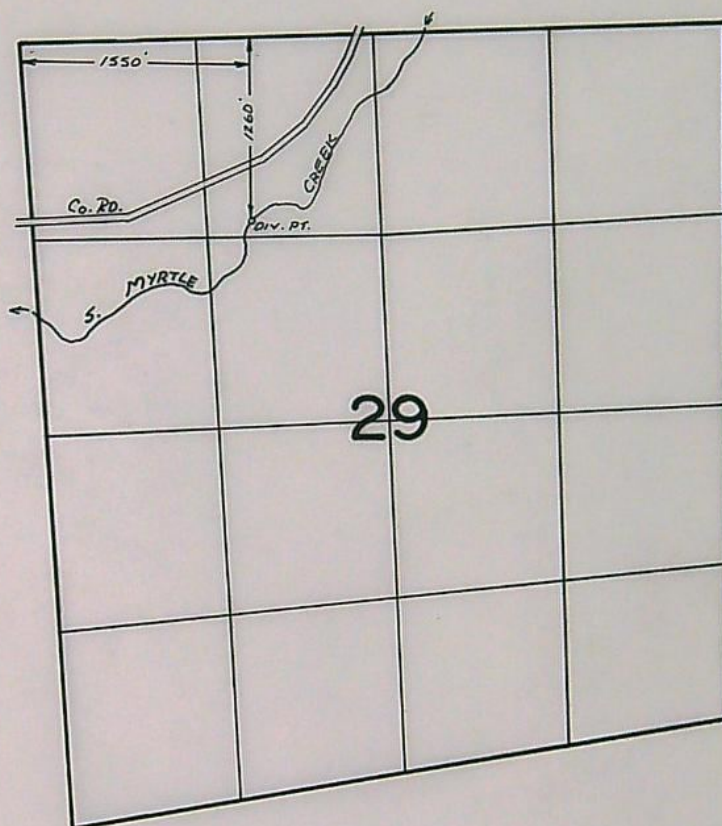
FEES REFUNDED

Date	Amount	Check No.

REMARKS

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

T.29S.,R.4W.,W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2587
Application No. Permit No.
IN NAME OF

VERN J. LIVELY

Surveyed July 24 1975, by L. E. Gould

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

Vern J. Lively~~WILLIAM E. WILLIAMS~~

of South Myrtle Cr. Rt. ^{Box 208} Myrtle Creek, State of Oregon ⁹⁷⁴⁵⁷, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of South Myrtle Creek

a tributary of South Umpqua River for the purpose of the irrigation of 2.6 ac under Permit No. 21038 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 February 11, 1952

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 0.25 cubic foot per second
0.03

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 29, Township 29 South, Range 4 West, W. M., 1260' S of 1550' E from the NW cor Sec 29

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 be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be still further limited to a diversion of not to exceed 0.25 cfs,

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:

2.52 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
15.4 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$
0.1 ac NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 29
Township 29 South, Range 4 West, W. M.

This certificate is issued to confirm a change in p.o.d.

approved by an order of the Water Resources Director entered Jan 9, 1974,
together with cert 44045
and supersedes certificate of water right issued to 22704

and recorded at Page _____, Volume _____, State Record of Water Right Certificates.

this 12th day of June, 19 57.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 22704

253

STATE OF OREGON
COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That WILLIAM E. WILLIAMS, ~~Edwin W. & Helen L. Fisher~~

of South Myrtle Cr. Rt., Myrtle Creek, 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 South Myrtle Creek

a tributary of South Umpqua River for the purpose of irrigation of ~~21.0 acres~~ 18.4 ac under Permit No. 21038 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 February 11, 1952

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 0.25 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 1/4 NW 1/4, Section 29, Township 29 South, Range 4 West, W. M., 650' S & 2530' W

~~Div. Pt. located 2530 ft. W. & 650 ft. S. from NE Cor~~ Section 29

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 be further limited to a diversion of not to exceed $2\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be still further limited to a diversion of not to exceed 0.25 cfs,

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:

- | | | |
|---|----------------------------|----------------------|
| ① | 0.9 ac. | NE 1/4 NE 1/4 |
| ⑤ | 0.1 ac. | NW 1/4 NW 1/4 |
| ④ | 2.3 5.2 acres | in the NE 1/4 NW 1/4 |
| ② | 14.8 15.1 acres | in the NW 1/4 NE 1/4 |
| ③ | 0.4 acres | in the SW 1/4 NE 1/4 |
- Section 29
Township 29 South, Range 4 West, W. M.

This Cert. is issued to supersede ~~the~~ the Cert. issued to William E. Williams and recorded at page 22704 Vol. 16 SR of WRC, so as to correctly describe the lands irrigated & to describe that portion of the water right not modified by the provisions of the order entered Jan 9, 1974 approving trans 2507. 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 12th day of June, 19 57.

LEWIS A. STANLEY

State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION
OF VERN J. LIVELY FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION
OF WATER FROM SOUTH MYRTLE CREEK

ORDER APPROVING
TRANSFER NO. 2587

On November 18, 1971, Vern J. Lively filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from South Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to William E. Williams and recorded at page 22704, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic foot per second of water from South Myrtle Creek for the irrigation of 5.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 15.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 0.4 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 29 South, Range 4 West, W.M., with a date of priority of February 11, 1952. These lands are irrigated from a point of diversion located 650 feet South and 2530 feet West from the Northeast corner of Section 29, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 29 South, Range 4 West, W.M.

The final proof survey was in error and a resurvey correctly located these lands as being 0.9 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 14.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.4 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.1 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 29 South, Range 4 West, W.M.

The applicant herein, owner of 2.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.1 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 29 South, Range 4 West, W.M., proposes to irrigate these lands from a point of diversion to be located 1320 feet South and 1550 feet East from the Northwest corner of Section 29, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 29 South, Range 4 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said Section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. M. John Youngquist, Watermaster of District No. 15, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from South Myrtle Creek, to wit:

From a point located 650 feet South and 2530 feet West from the Northeast corner of Section 29, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 29 South, Range 4 West, W.M.

To a point to be located 1320 feet South and 1550 feet East from the Northwest corner of Section 29, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 29 South, Range 4 West, W.M.

for the irrigation of 2.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.1 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 29 South, Range 4 West, W.M., with a date of priority of February 11, 1952, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1974.

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 0.03 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 William E. Williams and recorded at page 22704, Volume 16, 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 Vern J. Lively confirming the change in point of diversion.

Dated at Salem, Oregon, this 9th day of January, 1974.

ALL COTTON /s/ CHRIS L. WHEELER
State Engineer