

STATUS OF APPLICATION

Change in Place of Use
Date filed June 18, 1973
Date of hearing _____
Place of hearing _____
Date of order 1-2-74 Vol. 24, page 35-36
Date for application of water 10-1-74 10-1-75
Proof mailed _____
Proof received _____
Certificate issued MAY 24 1974 Vol. 32, page 40357

OCT 18 1976 Vol. 35 page 43743

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream CALAPOOYA Creek
Trib. of _____ County of Douglas
Use Irrigation
Quantity of water _____ No. of acres 0.7
Name of ditch _____
Date of priority Sept. 6, 1961
In name of Estate of Mary K. Forster
_____ Adjudication, Vol. _____, page _____
App. No. 37070 Per. No. 27579 Cert. No. 34977
Certificate cancelled _____
Notation made on record by _____

FEES PAID

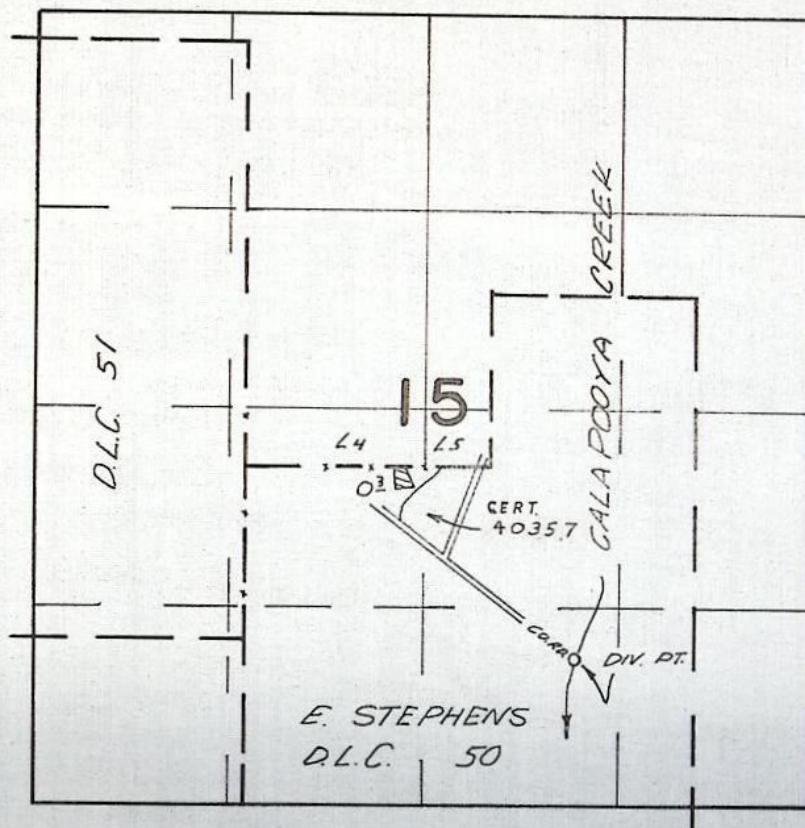
| Date | Amount | Receipt No. |
|----------------|--------------------------|--------------|
| <u>6-18-73</u> | <u>20.00</u> | <u>34829</u> |
| TOTAL . . . | | |
| <u>6-18-73</u> | <u>3.00</u> Cert. Fee | <u>34830</u> |
| <u>9-21-76</u> | <u>2.00</u> | <u>56122</u> |

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
| | | |

| 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>WAC</u> | _____ |
| _____ | Decree-vault | _____ | _____ |
| _____ | Decree-safe | _____ | _____ |
| ✓ _____ | Cert. of W/R | <u>WAC</u> | _____ |
| ✓ _____ | Per. Folder | <u>WAC</u> | _____ |
| _____ | Chainindex | _____ | _____ |
| _____ | Cross Ref. | _____ | _____ |
| _____ | Power Claim | _____ | _____ |
| _____ | Abstracts | _____ | _____ |

T.25S. R.6W. W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2835
Application No. _____ Permit No. _____
IN NAME OF

WALLY MILES

Surveyed SEP. 30 1974, by L.H. NUNN

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

Umpqua Route This Is to Certify, That *Wally Miles*
~~Box 52 A~~ *Libby* ESTATE OF MARY K. FORSTER
~~Box 51 A, Umpqua Star Route, Sutherlin~~ *Oakland, OR* ~~Montanna~~ *97462* 59923
 of ~~Box 51 A, Umpqua Star Route, Sutherlin~~, State of ~~Montanna~~ *Oregon*, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
 Calapooya Creek

a tributary of Umpqua River
~~irrigation of 3.0 acres~~ *3.3*

for the purpose of

irrigating 0.3 acre

under Permit No. 27579 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 September 6, 1961

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
 0.05 cubic foot per second

0.04 0.005

or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Stephens DLC 50,
 Section 15, T. 25 S., R. 6 W., W. M. Diversion point located 1290 feet South
 and 2240 feet East from the most westerly NW Corner, Stephens DLC 50;

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; provided further that the right to
 use of water is limited to the period when the flow of Calapooya Creek is more
 than 12 c.f.s. at its mouth;

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:

0.3 ~~0.0~~ ~~1.0~~ acre NE $\frac{1}{4}$ SW $\frac{1}{4}$
~~2.5~~ ~~3.0~~ acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Both as projected within Stephens DLC 50
 Section 15
 T. 25 S., R. 6 W., W. M.

entered *Jan 2* 19 *74*, approves a change

This certificate is issued to confirm a change in *place of use* approved by an order
 of the State Engineer entered *Jan. 2, 1974* *together w/cert 40357* and supersedes certificate of water
 right issued to *above* and recorded at page *34977*, Volume *27*,
 State Record of Water Right Certificates.

Recorded in State Record of Water Right Certificates, Volume *27*, page *34977*

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ^{Wesley Miles} ESTATE OF MARY K. FORSTER

of ³⁰⁷ Box 51-A, ^{Libby} Umpqua Star Route, ^{Sutherlin} Sutherlin, State of ^{Montanna} Oregon ⁵⁹⁹²³, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Calapooya Creek

a tributary of Umpqua River
irrigation of ~~4.0~~ ^{3.3} acres

for the purpose of

under Permit No. 27579 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 September 6, 1961

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 ~~0.05~~ cubic foot per second

^{0.04}

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW¹ SE¹, as projected within Stephens DLC 50, Section 15, T. 25 S., R. 6 W., W. M. Diversion point located 1290 feet South and 2240 feet East from the most westerly NW Corner, Stephens DLC 50;

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 2½ acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right to use of water is limited to the period when the flow of Calapooya Creek is more than 12 c.f.s. at its mouth;

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:

^{0.8} ~~1.0~~ acre NE¹ SW¹
^{2.5} ~~3.0~~ acres NW¹ SE¹
both as projected within Stephens DLC 50
Section 15
T. 25 S., R. 6 W., W. M.

An order of the State Engineer entered ⁷⁴ Jan 2 19~~75~~, approves a change in Place of use for the irrigation of 0.7 acres. This certificate is issued to confirm the remaining right and supersedes the certificate heretofore issued to ^{Mary} Estate of ~~K.~~ K. Forster and recorded at page 34977, State Record of Water Right Certificates.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 27, page 34977

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION
OF WALLY MILES FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE OF
WATER FROM CALAPOOYA CREEK

ORDER APPROVING
TRANSFER NO. 2835

On June 18, 1973, Wally Miles filed an application in the office of the State Engineer for the approval of a change in place of use of water from Calapooya Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Estate of Mary K. Forster and recorded at page 34977, Volume 27, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.05 cubic foot per second of water from Calapooya Creek for the irrigation of, among other lands, 0.2 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.5 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 25 South, Range 6 West, W.M., with a date of priority of September 6, 1961. These lands are irrigated from a point of diversion located 1290 feet South and 2240 feet East from the most westerly Northwest corner of Stephens D.L.C. #50, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 25 South, Range 6 West, W.M.

The applicant herein, owners of the land above described, proposes to transfer the water right therefrom, without loss of priority to 0.5 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.2 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 25 South, Range 6 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. M. John Youngquist, Watermaster of District No. 15, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

Edward M. Murphy, Contract Seller, has submitted written approval of the proposed change in place of use.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 0.2 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.5 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 25 South, Range 6 West, W.M., with a date of priority of September 6, 1961, be severed therefrom and simultaneously and without loss of priority transferred to 0.5 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.2 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 25 South, Range 6 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

It is FURTHER ORDERED that certificate of water right heretofore issued to Estate of Mary K. Forster and recorded at page 34977, Volume 27, 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 application of water to beneficial use, a certificate of water right shall be issued to Wally Miles confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 2nd day of January, 1974.

/s/ CHRIS L. WHEELER
State Engineer