

2873

2873 Chester Chamberlain
Box 24
South Myrtle Route, Myrtle

STATUS OF APPLICATION

Change in Point of Diversion & Place of Use
Date filed August 2, 1923
Date of hearing _____
Place of hearing _____
Date of order 11-9-79 Vol. 32, page 482
Date for application of water complete
Proof mailed JUN 11 1986
Proof received _____
Certificate issued OCT 13 1986 Vol. 50, page 54895

DESCRIPTION OF WATER RIGHT

Name of stream South Myrtle Creek
Trib. of _____ County of Douglas
Use Irrigation & Domestic
Quantity of water _____ No. of acres 12
Name of ditch _____
Date of priority November 12, 1925
In name of J.S. Davis
~~_____~~ Adjudication, Vol. _____, page _____
App. No. 10474 Per. No. 7030 Cert. No. 7791
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8-2-23</u>	<u>40.00</u>	<u>35900</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See # 10474, 34806

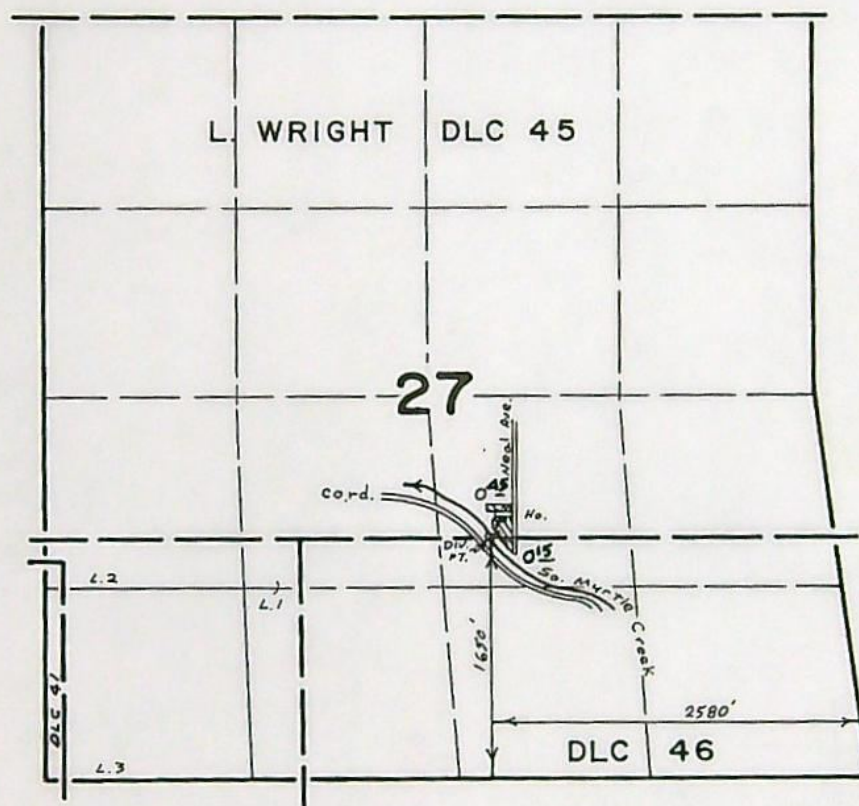
FILE#: T 2873

U.S. SISKIYOU NATIONAL FOREST
PO BOX 440
GRANTS PASS, OR 97526

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>LCJ</u>
<input checked="" type="checkbox"/>	Stream	<u>LCJ</u>
<input checked="" type="checkbox"/>	Pt. of Div.	<u>LCJ</u>
<input checked="" type="checkbox"/>	Calendar	<u>LCJ</u>
<input checked="" type="checkbox"/>	CHECKED TO RECORDS:	
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>SRB</u>
<input checked="" type="checkbox"/>	Decree-vault	<u>LCJ</u>
<input checked="" type="checkbox"/>	Decree-safe	<u>LCJ</u>
<input checked="" type="checkbox"/>	Cert. of W/R	<u>LCJ</u>
<input checked="" type="checkbox"/>	Per. Folder	<u>LCJ</u>
<input checked="" type="checkbox"/>	Chaindex	<u>LCJ</u>
<input checked="" type="checkbox"/>	Cross Ref.	<u>LCJ</u>
<input checked="" type="checkbox"/>	Power Claim	<u>LCJ</u>
<input checked="" type="checkbox"/>	Abstracts	<u>LCJ</u>

To Survey 11-79

T.29S., R.5 W., W.M.



SCALE 4" = 1 mile

FINAL PROOF SURVEY
UNDER

Transfer no. 2873

Application No. Permit No.
IN NAME OF

.....CHESTER.....CHAMBERLIN.....

Surveyed Dec. 12.. 1979, by S. Donaldson....

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF CHESTER CHAMBERLIN FOR APPROVAL)
OF CHANGES IN PLACE OF USE & POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 2873

An application has been filed in the office of the Water Resources Director by Chester Chamberlin for approval of changes in place of use and point of diversion of water from South Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 7791, Volume 7, State Record of Water Right Certificates, in the name of J. S. Davis, describes a right for the use of water from South Myrtle Creek under a priority date of November 17, 1925, for domestic use for one family and irrigation of a certain 1.0 acre of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 29 South, Range 5 West, W.M.

The authorized point of diversion of water for the said right is located 1905 feet North and 2840 feet West from the Southeast Corner of Section 27, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 27.

The applicant proposes to change from the said place of use and point of diversion and, without loss of priority, to divert water from South Myrtle Creek at a point located 1560 feet North and 2150 feet West from the Southeast Corner of Section 27, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27, for domestic use for one family and irrigation of a certain 1.0 acre of land in the said NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

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 under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

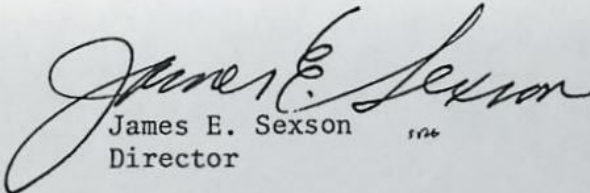
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the changes in place of use and point of diversion are completed.

It is FURTHER ORDERED that the certificate recorded at page 7791, Volume 7, State Record of Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 9th day of November, 1979.


James E. Sexson
Director

T-2873

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

Chester Chamberlin
 This is to Certify, That *J. S. Davis*
 Box 24 *South Myrtle Road*
 of *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* of *0.6* *myrtle creek* for the purpose of
Irrigation and domestic of *0.6* *acre*
 under Permit No. 7050 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 *November 17, 1925*;

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
0.10 cubic foot per second; if available at the original point of diversion,
0.01

The point of diversion is located in the *NE 1/4* of Section 27, Township 29S Range 5W W.M., *1705' N & 2840' W from SE*
 The use hereunder for irrigation shall conform to such reasonable rotation system as may be
 ordered by the proper state officer. *see Sec 27*

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such
 right is appurtenant (if for irrigation or any other purpose), is as follows: *1 acre in the*
NE 1/4, Section 27, Township 29 South, Range 5 East of the Willamette Meridian,
in Douglas County, Oregon.

0.45 acre bd w/in L. WRIGHT DLC 45

0.15 " bd w/in JOSEPH CORNELISONS DLC 46

sec 27

T29 S R5W W.M.

This certificate is issued to confirm a change in ^{place of use &} point of diversion approved
 by an order of the Water Resources Director entered *Nov. 9, 1979* and
 supersedes certificate of water right recorded at page *7791*,
 Volume *7*, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of
 the water right in regard to the provisions of ORS 540.610 pertaining to
 forfeiture or abandonment.

WITNESS the signature of the State Engineer,

affixed this 28th day

of November, 19 28

Eben Layer

State Engineer.

Record of Water Right Certificates, Volume 7, page *7791*
54895

62321

POD bd w/in L. Wright DLC 45, Sec 27 T29 S R5W W.M.
 1650' N & 2580' W from SE cor Sec 27

act. BC.

STATE OF OREGON
COUNTY OF DOUGLAS

RECEIVED

OCT 26 1979

WATER RESOURCES DEPT
SALEM, OREGON

CERTIFICATE OF WATER RIGHT

This is to Certify, That J. S. Davis

of 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 and Domestic under Permit No. 7030 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 November 17, 1925;

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 0.10 cubic foot per second;

The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 29S, Range 5W, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: 1 acre in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 29 South, Range 5 West of the Willamette Meridian, in Douglas County, Oregon.

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 28th day

of November, 19 28

Rhea Luper

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 7, page 7791