

2788

2788 William Bixby
N. Myrtle St. Box 217
Myrtle Creek, Ore

STATUS OF APPLICATION

Change in place of use
Date filed 4-12-73
Date of hearing _____
Place of hearing _____
Date of order 12-14-77 Vol. 30, page 180
Date for application of water 10-1-79
Proof mailed _____
Proof received _____

RR Certificate issued JAN 31 1978 Vol. 37, page 45148

Confirm " " SEP 13 1979 42 5/48529

DESCRIPTION OF WATER RIGHT

Name of stream N. Myrtle Creek
Trib. of _____ County of Douglas
Use irrigation
Quantity of water _____ No. of acres 2 2
Name of ditch unnamed
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 14327 Per. No. 10360 Cert. No. 9933
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-12-73</u>	<u>20.00</u>	<u>33265</u>
TOTAL . . .	<u>3.00</u>	
<u>4-12-73</u>	Cert. Fee	<u>33266</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See # 14327, 14005

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Pt. of Div.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	CHECKED TO EXAMINE:		
<input checked="" type="checkbox"/>	Typ. & Rep.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Declar. map	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Declar. sale	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Per. Folder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Quindex	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Power Claims	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Abstracts	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sec 5

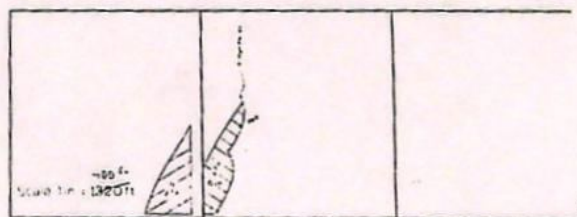
SW SE

	<u>A</u>	<u>C</u>
Dom, 20	14005	10056
20	14327	9933
22	29037	23273
29	54598	

W. G. Williams Bixby
N. Myrtle St Box 217
Myrtle Creek, Ore.

Copy

T29S R 4WWM

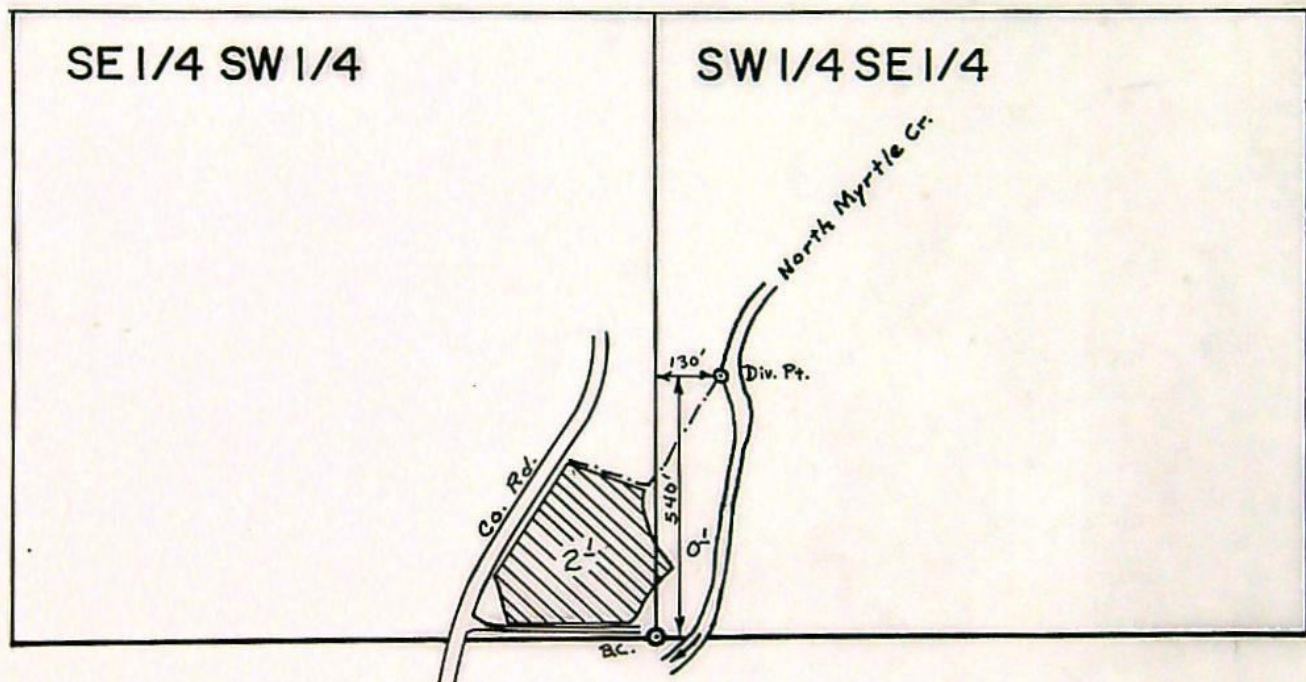


400 ft
Section line 132011
400 ft
Section line 132012

400 ft
Section line 132012

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

Sec. 5



SCALE: 1" = 400'

FINAL PROOF SURVEY
UNDER

Transfer No. 2788

Application No. Permit No.
IN NAME OF

WILLIAM E. & ELEANOR L. BIXBY

Surveyed Nov. 8, 1978, by S. Donaldson

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That OLE JORGENSEN and CATHERINE ELLEN JORGENSEN

of Portland, 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
North Myrtle Creek
a tributary of Myrtle Creek for the purpose of
The Irrigation of 17.8 acres
under Permit No. 10360 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 21, 1931;

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.
0.22

The point of diversion is located in the SW¹SE¹ of Section 5, Township 29S, Range 4W, 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. 2 1/2 A.F.

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:

600' N & 270' E from the S¹/₄ Cor of Sec 5,

#2788
17⁸ - 20 acres in the SW¹SE¹, - 2² ac
Section 5,
Township 29 South, Range 4 West, W. M.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 9933, Volume 9, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on Dec 14, 1977, approving transfer application No. 2788.

The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

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 47-508,
Oregon Code 1930.

WITNESS the signature of the State Engineer,

affixed this 1st day
of March, 1983

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 9, page 9935.

T# 2788

C-45148

SUPERSEDED
CERTIFICATE NO. 45148

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

William E. & Eleanor L. Bixby
 This Is to Certify, That ~~OLE JORGENSEN and CATHERINE ELLEN JORGENSEN~~
 N. Myrtle Route Box 217
 of ~~Portland~~ 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
 North Myrtle Creek
 a tributary of Myrtle Creek for the purpose of
 Irrigation of 2.2 acres
 under Permit No. 10360 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 21, 1931;

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.

The point of diversion is located in the ~~SW 1/4~~ SE 1/4 of Section 5, Township 29S, Range 4W, 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:

2.1 acres in the SE 1/4
 0.1 acres in the SW 1/4 SE 1/4,
 Section 5,
 Township 29 South, Range 4 West, W. M.

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
 provisions of section 47-508,

This certificate is issued to confirm a change in place of use and point
 of diversion approved by an order of the Water Resources Director entered
 Dec 14, 1977 and together with certificate of water right recorded at page
 45148, Volume 37, SRWRC supersedes certificate of water right recorded at
 page 2933, Volume 9, SRWRC.

of March 1978
 CHAS. E. STRICKLIN
 State Engineer

Recorded in State Record of Water Right Certificates, Volume 9, page 2953.

T# 2788

C-48529

78-05168

STATE OF OREGON

COUNTY OF

DOUGLAS

BOOK 669 PAGE 749

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

OLE JORGENSEN & CATHERINE ELLEN JORGENSEN

of Portland, State of Oregon, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
North Myrtle Creek

a tributary of Myrtle Creek for the purpose of
the irrigation of 17.8 acres

under Permit No. 10360 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 21, 1931
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
0.22 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, T. 29 S., R. 4 W., W. M.,
600 feet North and 270 feet East from the S $\frac{1}{4}$ Corner, Section 5

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
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:

17.8 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 5
T. 29 S., R. 4 W., W. M.

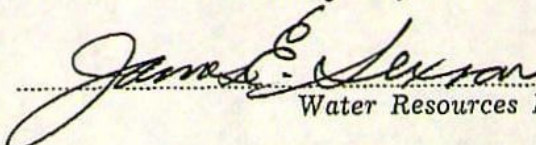
This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 9933, Volume 9, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on December 14, 1977, approving transfer application No. 2788.

The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place
of use herein described. and is subject to the existing minimum flow policies
established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. January 31, 1978


Water Resources Director

CERTIFICATE OF
WATER RIGHT

STATE OF OREGON

to

STATE OF OREGON,

County of

ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume
of Record of Water Right Certificates, at
page on the day
of, 19.....

County Clerk

BOOK 669 PAGE 750

STATE OF OREGON)
COUNTY OF DOUGLAS) ss.

I, DORIS L. WADSWORTH, COUNTY CLERK
AND RECORDER OF CONVEYANCES, IN AND FOR
SAID COUNTY, DO HEREBY CERTIFY THAT THE
WITHIN INSTRUMENT WAS RECORDED THIS DAY:

1979 MAR 21 PM 2 27

DOUGLAS COUNTY CLERK

BY

DEPUTY

NO.

78-05168

FEE

24⁰⁰

DOUGLAS COUNTY OFFICIAL RECORDS

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGALS COUNTY

IN THE MATTER OF THE APPLICATION)
OF WILLIAM F. AND ELEANOR L. BIXBY)
FOR APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER)

ORDER APPROVING
TRANSFER NO. 2788

On April 12, 1973, an application was filed in the office of the Water Resources Director by William F. and Eleanor L. Bixby for approval of a change in place of use from North Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 9933, Volume 9, State Record of Water Right Certificates, in the names of Ole and Catherine Ellen Jorgensen, describes a right which includes the use of not to exceed 0.03 cubic foot per second from North Myrtle Creek for irrigation of a certain 2.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 29 South, Range 4 West, W.M., with a date of priority of September 21, 1931.

Water for the said right is diverted from a point located 600 feet North and 270 feet East from the South Quarter Corner of Section 5, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 5.

The applicants herein, owners of the lands above described, propose to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 2.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 5.

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

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.

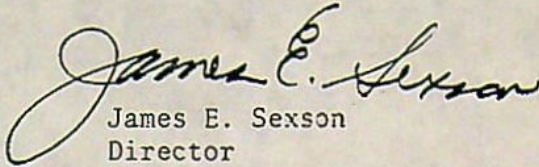
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Ole and Catherine Ellen Jorgensen and recorded at page 9933, Volume 9, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, 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 applicants herein.

Dated at Salem, Oregon, this 14th day of December, 1977.


James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION

OF William F. & Eleanor L. Bixby

ORDER APPROVING

FOR APPROVAL OF A CHANGE IN

TRANSFER NO. 2788

POU OF WATER

FROM North Myrtle Creek

On April 12, 1973, an application was filed in the office of the Water Resources Director by _____ for a change in POU under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530 537.705.

The certificate recorded at page 9933, Volume 9, State Record of Water Right Certificates, in the name of Ole & Catherine Ellen Jorgensen, describes a right ~~for~~ which includes the use of not to exceed 0.03 cubic foot per second from North Myrtle Creek for irr of a certain 2² ac in SW⁴SE⁴ of

Sec. 5, T 29S, R 4W, WM, with a date of priority of Sept. 21, 1931.

Water for the said right is diverted, through the _____ Ditch, from a point located 600' N & 270' E from the S¹/₄ Cor of Sec 5, being within the SW⁴SE⁴ of said of Sec. 5, T _____, R _____, WM.

The applicants herein, owners of the lands above described, propose to change the POU therefrom, and without loss of priority to irr in lieu thereof a certain 2² ac in SE⁴SW⁴ of ~~3~~ said Sec. 5.

Notice of the application, pursuant to ORS 540.510, was published in the _____, a newspaper printed and having general circulation in _____ County, Oregon, for a period of three weeks in the issues of _____.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed change in POU may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in POU, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed _____ cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 19__.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Ole & Catherine Ellen Jorgensen and recorded at page 9933, Volume 9, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, 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 _____ day of _____, 19__.