

3116 Craghton Baxter
Route 1, Box 120
Columbia, Oregon

3116

STATUS OF APPLICATION

Change in placed user point of diversion
Date filed 8-19-74
Date of hearing June 29, 1976
Place of hearing Roseburg
Date of order 7-14-76 Vol. 27, page 314
Date for application of water 10-1-77
Proof mailed _____
Proof received _____
Certificate issued OCT 18 1976 35, page 43747
May 2, 198 42
May 2, 1980 42
49173
49174

DESCRIPTION OF WATER RIGHT

Name of stream Calapooya Creek
Trib. of _____ County of Douglas
Use irrigation
Quantity of water _____ No. of acres 592 A.
Name of ditch _____
Date of priority Sept. 22, 1950
August 12, 1953
In name of L.T. Howard
Mr. & Mrs. Craghton Baxter
Adjudication, Vol. _____, page _____
App. No. 24894 Per. No. 19857 Cert. No. 24527
25295 22474 39218
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
8-19-74	62.00	42551
8-19-74	45.00 P.D.N.	42552
6-18-76	8.98 P.D.N.	53731
TOTAL		
6-18-76	6 Cert. Fee	53732

FEES REFUNDED

Date	Amount	Check No.
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Paid newspaper - 6-25-76
The New-Review
Ch. #661 \$53.98

REMARKS

T-9211 Δ POW/POD v. 56 p. 940

INDEX CARDS:	Entered	Checked
Name	✓	✓
Stream	✓	✓
Pt. of Div.	✓	✓
Calendar	✓	✓
CHECKED TO RECORDS:		
Trp. & Rep.	✓	✓
Decree-void	✓	✓
Decree-safe	✓	✓
Cert. of W/R(2)	✓	✓
Per. Folder(2)	✓	✓
Chairman	✓	✓
Gross Ref.	✓	✓
Power Claims	✓	✓
Abstracts	✓	✓

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CREIGHTON BAXTER, JR.

of Route 1, Box 120, Oakland, State of Oregon 97462, has made proof to the satisfaction of the Water Resources Director of a right to the use of the waters of Calapooya Creek

a tributary of Umpqua River for the purpose of irrigation of 58.5 acres

under Permit No. 19857 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 22, 1950

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 0.73 cubic foot per second, if available at the original point of diversion, NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Green DLC 41, Section 34, T24S, R5W, WM; 520 feet South and 740 feet West from E $\frac{1}{2}$ Corner, Section 34,

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 $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, T24S, R5W, WM; 4,430 feet North and 4,080 feet East from SW Corner, Section 35.

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:

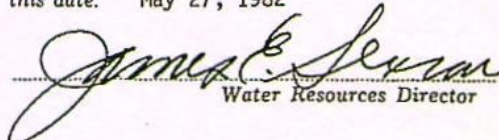
2.2 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.8 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
3.5 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 36
13.8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$	Township 24 South, Range 5 West, WM
36.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$	
1.2 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$	
Section 35	

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 49174, Volume 42, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered December 23, 1981, approving Transfer Application 4781. 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.

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. May 27, 1982


Water Resources Director

T-3116

STATE OF OREGON

COUNTY OF DOUGLAS

ORDER APPROVING AN EMERGENCY USE DROUGHT
TEMPORARY CHANGE IN PLACE OF USE AND POINT OF DIVERSION

Pursuant to ORS 536.750 and OAR 690-19-0055, after finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY DROUGHT TRANSFER 9211 submitted by

OAKLAND SCHOOL DISTRICT
P.O. BOX 390
OAKLAND, OREGON 97462.

The right to be modified, as evidenced by a PORTION of Certificate 50899, was perfected under Permit 19857 with a date of priority of SEPTEMBER 22, 1950. The right allows the use of the CALAPOOYA CREEK, a tributary of the UMPQUA RIVER, for IRRIGATION OF 2.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.025 cubic foot per second, if available at the authorized point of diversion: NE¼ NE¼, SECTION 35, T 24 S, R 5 W, W.M.; 4430 FEET NORTH AND 4080 FEET EAST FROM SW CORNER, SECTION 35, or its equivalent in case of rotation, measured at the point of diversion from the source.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

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.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0 ACRES
SECTION 35
TOWNSHIP 24 SOUTH, RANGE 5 WEST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to TEMPORARILY change the place of use to:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.0 ACRES
SECTION 4
TOWNSHIP 25 SOUTH, RANGE 5 WEST, W.M.

The applicant further proposes to TEMPORARILY change the point of diversion to:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 33, T 24 S, R 5 W, W.M.; 140 FEET
NORTH AND 1360 FEET WEST FROM N $\frac{1}{4}$ CORNER, SECTION 4.

THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

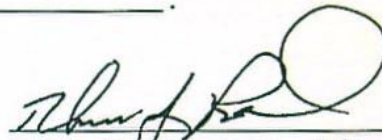
1. These changes are temporary. These changes shall be effective upon issuance of this order.

2. The proposed place of use shall revert to the authorized place of use at the end of the 2002 irrigation season or the end of the Governor's declared drought, whichever occurs first.
3. The proposed point of diversion shall revert to the authorized points of diversion at the end of the 2002 irrigation season or the end of the Governor's declared drought, whichever occurs first.
4. Water shall be acquired from the same surface water source as the original points of diversion.
5. The quantity of water diverted at the new point of diversion, together with the quantity diverted at the authorized point of diversion, shall not exceed the quantity of water lawfully available from the original point of diversion.
6. Water used under Certificate 50899 at the original location together with water used at the proposed location shall not exceed 0.025 cubic foot per second or 5.0 acre-feet during the 2002 irrigation season.
7. The approval of this temporary transfer may be revoked if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.
8. Issuance of this temporary drought transfer order may not protect the person receiving the transfer from liability for improper use of the water under the transfer.

9. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

WITNESS the signature of the Water Resources

Director, affixed AUG 29 2002.


for Paul R. Cleary, Director

Superseded by

Cert. No. 43747

Sp. Cl. 27 3/4
(Tr. 3/16)STATE OF OREGON
COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **Mr. & Mrs. CREIGHTON BAXTER**of **Route 1, Box 120, Oakland**, 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 **Calapooya Creek**a tributary of **Umpqua River**
irrigation of ~~105.0~~ **59.0** acres

for the purpose of

under Permit No. **22474** 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 **August 12, 1953**

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 ~~0.74~~ **1.31** cubic feet per second if available at the original point of diversion, **NE NE Section 35 T. 24S, R. 5W, W.M., 4430 feet North and 4080 feet East from the SW corner**

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, SW 1/4, NE 1/4, Section 35, T. 24 S., R. 5 W., W. M., 4430 feet North and 4080 feet East; 3090 feet North and 2780 feet East both from SW corner, Section 35. 520 feet South and 740 feet West from the E 1/4 corner**
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 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:

~~15.0 acres NE 1/4 NE 1/4
4.0 acres NW 1/4 NE 1/4
24.1 acres SW 1/4 NE 1/4
36.0 acres SE 1/4 NE 1/4
4.0 acres SW 1/4 NW 1/4
15.8 acres SE 1/4 NW 1/4
1.3 acres NE 1/4 SW 1/4
1.2 acres NE 1/4 SE 1/4
1.8 acres NW 1/4 SE 1/4
Section 35
1.8 acres SW 1/4 NW 1/4
Section 36
T. 24 S., R. 5 W., W. M.~~

19.6 acres NE SE
2.0 acres NW SE
2.8 acres SW SE
34.6 acres SE SE

Section 34

all as project within GREEN DEC. 41
T. 24S, R. 5W, W.M.

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 **July 14, 1976** and together with certificate of water right recorded at page **43747**, Volume **35**, SRWRC supersedes certificate of water right recorded on at page **39218**, Volume **31**, SRWRC.

THE ISSUANCE OFS 540.610.

WITNESS the signature of the State Engineer, affixed

this date.

May 31, 1973

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume **31**, page **39218**

Cert 49173

STATE OF OREGON
COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **Mr. & Mrs. CREIGHTON BAXTER**
97462

of **Route 1, Box 120, Oakland**, 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 **Calapooya Creek**

a tributary of **Umpqua River** for the purpose of
irrigation of 105.0 acres
46.0

under Permit No. **22474** 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 **August 12, 1953**

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 **1.31 cubic feet per second**
0.57

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 $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, T. 24 S., R. 5 W., W. M., 4430 feet North and 4080 feet East; 3090 feet North and 2780 feet East both from SW Corner, Section 35.**

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:

12.3	15.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.7	12.3
0.5	4.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$	3.5	0.5
10.3	24.1 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$	13.8	10.3
	36.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$	36.0	
	4.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$		4.0
	15.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$		15.8
	1.3 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$		1.3
	1.2 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.2	
	1.8 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$		1.8
	Section 35		
	1.8 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	1.8	
	Section 36		
	T. 24 S., R. 5 W., W. M.		

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 39218, Volume 31, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 14, 1976, approving transfer application No. 3116.

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

this date.

May 31, 1973

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39218

OK
2M

STATE OF OREGON
COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CREIGHTON BAXTER, JR.
~~L.T. HOWARD~~

of Route 1, Box 120, Oakland, State of Oregon 97462, 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 for the purpose of irrigation of 59.0 acres under Permit No. 19857 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 22, 1950,

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 0.74 cubic foot per second, if available at the original point of diversion, NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within GREEN DLC 41, Section 34, T. 24 S, R. 5 W, W. M. 520 feet South and 740 feet West from the E $\frac{1}{4}$ Corner Section 34

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 $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within W. Green DLC #41, Section 35, Township 24 South, Range 5 West, W. M. 4430 feet ^{North} and 4080 feet EAST from the SW Corner Section 35

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:

19.6 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
2.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
2.8 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
34.6 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 34

All as projected within W. Green DLC #41
Township 24 South, Range 5 West, W. M.

2.7 acres NENE
3.5 acres NW NE
13.8 acres SW NE
36.0 acres SE NE
1.2 acres NE SE

Section 35

1.8 acres SW NW

Section 36

T. 24 S, R. 5 W, W. M.

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the WRD entered July 14 1976 and supersedes certificate of water right recorded on page 24527, Volume 17, SRWRC.

~~THE ISSUANCE~~

OPS 54 @ 610

WITNESS the signature of the State Engineer, affixed

this 17th day of March, 1959.

Lewis A. Stanley

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 24527

Cent 49174

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION }
OF CREIGHTON BAXTER, JR., FOR THE }
APPROVAL OF CHANGES IN POINTS OF }
DIVERSION AND PLACE OF USE OF }
WATER FROM CALAPOOYA CREEK }

ORDER APPROVING
TRANSFER NO. 3116

On August 19, 1974, Creighton Baxter, Jr., filed an application in the office of the Water Resources Director for the approval of changes in points of diversion and 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 L. T. Howard, recorded at Page 24527, Volume 17, State Record of Water Right Certificates, confirms a right to the use of 0.74 cubic foot per second of water from Calapooya Creek for the irrigation of 19.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 2.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 2.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 34.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 24 South, Range 5 West, W.M., with a priority date of September 22, 1950. These lands are irrigated from a point of diversion located 520 feet South and 740 feet West from the East quarter-corner of Section 34, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 24 South, Range 5 West, W.M. The applicant herein, owner of the acreage above described in Section 34, proposes to change the place of use to 2.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 13.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 36.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, and 1.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 24 South, Range 5 West, W.M., and to irrigate these lands from a point of diversion to be located 4430 feet North and 4080 feet East from the Southwest corner of Section 35, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 24 South, Range 5 West, W.M.

Certificate of water right issued to Mr. and Mrs. Creighton Baxter, recorded at Page 39218, Volume 31, State Record of Water Right Certificates, confirms a right to the use of 1.31 cubic feet per second of water from Calapooya Creek for the irrigation of, among other lands, 2.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 13.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 36.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, and 1.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 24 South, Range 5 West, W.M., with a priority date of August 12, 1953. These lands are irrigated from a point of diversion located 4430 feet North and 4080 feet East from the Southwest corner of Section 35, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 24 South, Range 5 West, W.M. The applicant herein, owner of the acreage above described in Sections 35 and 36, proposes to change the place of use to 19.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 2.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 2.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 34.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 24 South, Range 5 West, W.M., and to irrigate these lands from a point of diversion to be located 520 feet South and 740 feet West from the East quarter-corner of Section 34, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 24 South, Range 5 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 place of use and points of diversion of water, if any there were, namely: at the county courthouse in Roseburg, Oregon, on June 29, 1976, at 9:30 a.m. The notice was published in the Roseburg News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of May 6, 13 and 20, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

The Federal Land Bank Association of Roseburg, mortgagee of the lands from which Creighton Baxter, Jr., proposes to transfer the water rights, has submitted written approval of the change in place of use.

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

No objection having been filed and it appearing that the proposed changes in points of diversion and 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 19.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 2.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 2.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 34.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 24 South, Range 5 West, W.M., with a date of priority of September 22, 1950, be severed therefrom and simultaneously and without loss of priority transferred to 2.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 13.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 36.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, and 1.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 24 South, Range 5 West, W.M., and the water right hereinbefore described as appurtenant to 2.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 13.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 36.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, and 1.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 24 South, Range 5 West, W.M., with a date of priority of August 12, 1953, be severed therefrom and simultaneously and without loss of priority transferred to 19.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 2.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 2.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 34.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 24 South, Range 5 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Calapooya Creek, to wit:

From a point located 520 feet South and 740 feet West from the East quarter-corner of Section 34, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 24 South, Range 5 West, W.M.

To a point to be located 4430 feet North and 4080 feet East from the Southwest corner of Section 35, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 24 South, Range 5 West, W.M.

for the irrigation of 2.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 13.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 36.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, and 1.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 24 South, Range 5 West, W.M., with a date of priority of September 22, 1950, is approved.

It is FURTHER ORDERED that the change in point of diversion of water from Calapooya Creek, to wit:

From a point located 4430 feet North and 4080 feet East from the Southwest corner of Section 35, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 24 South, Range 5 West, W.M.

To a point to be located 520 feet South and 740 feet West from the East quarter-corner of Section 34, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 24 South, Range 5 West, W.M.

for the irrigation of 19.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 2.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 2.8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 34.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 24 South, Range 5 West, W.M., with a date of priority of August 12, 1953, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in place of use and points of diversion of water made on or before October 1, 1977.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.74 cubic foot per second under the priority date of September 22, 1950, and 0.74 cubic foot per second under the priority date of August 12, 1953.

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 certificates of water right heretofore issued to L. T. Howard, recorded at Page 24527, Volume 17, and issued to Mr. and Mrs. Creighton Baxter, recorded at Page 39218, Volume 31, State Record of Water Right Certificates, are canceled, and in lieu of the certificate recorded at Page 39218, a new certificate be issued covering the balance of the right not involved in this proceedings, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in points of diversion and place of use, two certificates of water right shall be issued to Creighton Baxter, Jr., confirming the change in points of diversion and the extent to which water has been applied beneficially.

Dated at Salem, Oregon, this 14th day of July, 1976.

/s/JAMES E. SEXSON
Director

Affidavit of Publication
The News-Review
Roseburg, Oregon

ISSUED DAILY EXCEPT SUNDAY

STATE OF OREGON }
COUNTY OF DOUGLAS } ss.

I, Marie Schlotfeldt, being
first duly sworn, depose and say that I am the Bus-
iness Manager, of The News-Review, a newspaper of
general circulation, as defined by ORS 193.010 and
193.020; printed and published at Roseburg in the
aforesaid county and state; that the Notice of

Filing Application for a Change in Place of
Use and Point of Diversion of Water

a printed copy of which is hereto annexed, was pub-
lished in the entire issue of said newspaper for three
successive and consecutive weeks in the following issues:
May 6, 13, 20, 1976

The fee actually charged by such newspaper for
such publication is \$ 53.98

Marie Schlotfeldt

Subscribed and sworn to before me this 20th day of

May, 19 76

Emile Martin

Notary Public of Oregon

My Commission expires 25 day of Jul, 19 77

**NOTICE OF FILING
APPLICATION FOR A
CHANGE IN PLACE
OF USE AND POINT
OF DIVERSION OF WATER**

Notice is given hereby that
Creighton Baxter, Jr., has filed an
application for the approval of a
change in place of use and point of
diversion from Calapooya Creek.

Certificate of water right issued
to L. T. Howard, recored at Page
24572, Vol. 17, State Record of Wa-
ter Right Certificates, confirms
a right to the use of 0.74 cubic foot
per second of water from
Calapooya Creek for the irrigation
of 59.0 acres in SE $\frac{1}{4}$ of Sec. 34, T.
24 S., R. 5 W., W.M., with a priority
date of September 22, 1950. These
lands are irrigated from a point of
diversion located 520 ft. S. and 740
ft. W. from the E $\frac{1}{4}$ corner of Sec.
34, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of
Sec. 34, T. 24 S., R. 5 W., W.M. The
applicant herein, owner of the
acreage above described in Sec.
34, proposes to change the place of
use to 59.0 acres in NE $\frac{1}{4}$ and NE $\frac{1}{4}$
SE $\frac{1}{4}$ of Sec. 35, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of
Sec. 36, T. 24 S., R. 5 W., W.M.,
and irrigate these lands from a
point of diversion to be located 4430
ft. N. and 4080 ft. E. from the SW
corner of Sec. 35, being within the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 35, T. 24 S., R. 5
W., W.M.

Certificate of water right issued
to Mr. and Mrs. Creighton Baxter,
recorded at Page 39218, Vol. 31,
State Record of Water Right Cer-
tificates, confirms a right to the
use of 1.31 cubic foot per second of
water from Calapooya Creek for
the irrigation of, among other
lands, 59.0 acres in NE $\frac{1}{4}$ and NE $\frac{1}{4}$
SE $\frac{1}{4}$ of Sec. 35, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of
Sec. 36, T. 24 S., R. 5 W., W.M.,
with a priority date of August 12,
1953. These lands are irrigated
from a point of diversion located
4430 ft. N. and 4080 ft. E. from the
SW corner of Sec. 35, being within
the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 35, T. 24 S.,
R. 5 W., W.M. The applicant
herein, owner of the acreage above
described in Sections 35 and 36,
propose to change the place of use
to 59.0 acres in SE $\frac{1}{4}$ of Sec. 34, T.
24 S., R. 5 W., W.M., and irrigate
these lands from a point of diver-
sion to be located 520 ft. S and 740
ft. W. from the E $\frac{1}{4}$ corner of Sec.
34, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of
Sec. 34, T. 24 S., R. 5 W., W.M.

All persons interested are
notified hereby that a hearing will
be held at the county courthouse at
Roseburg, Oregon, on June 29,
1976, 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 Creighton Baxter,
Jr., Route 1, Box 120, Oakland,
Oregon 97462, and one copy filed
with the Water Resources
Department, Salem, Oregon 97310,
together with a \$10 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 Water Resources
Director without a hearing. Ad-
ministrative rules pertaining to
the filing of a protest will be fur-
nished by the Water Resources
Department upon request.

Dated at Salem, Oregon, this
28th day of April, 1976.

JAMES E. SEXSON
DIRECTOR

Invoice No. 1998

Publication Dates: May 6, 13, 20,
1976