

2522

STATUS OF APPLICATION

Change in Place of Use
 Date filed May 12, 1971
 Date of hearing _____
 Place of hearing _____
 Date of order 5-5-78 Vol. 30, page 570
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued January 18, 1982 Vol. 44, page 50480

8-20-81

to survey 6/78

DESCRIPTION OF WATER RIGHT

Name of stream Mitchell Creek
 Trib. of _____ County of Douglas
 Use Irrigation
 Quantity of water 0.02 cfs No. of acres 1.5
 Name of ditch _____
 Date of priority May 16, 1921
 In name of Charles Mosthaf
 _____ Adjudication, Vol. _____, page _____
 App. No. 7900 Per. No. 5062 Cert. No. 3522
 Certificate cancelled _____
 Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
5-12-71	20.00	23566
4-21-78	5.00	2399
TOTAL . . .		
	\$1 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Exam 15.00

— FINIS —

REMARKS

sent field form with

	INDEX CARDS:	Entered	Checked
✓	Name	lg	
✓	Stream	lg	
✓	Pt. of Div.	lg	
✓	Calendar	lg	
	CHECKED TO RECORD		
✓	Trm. & Rec.	lg	
	Deed-wait		
	Deed-wait		
✓	Cert. of W/R	✓	lg
✓	Per. Folder	lg	
	Ch/index		
	Cross Ref.		
✓	Power Claim		
	Abstracts		

TO BE ENTERED WHERE CHECKED

76-16B-4.
3-12-79
JSD

(NEW OWNERS)
Jim Pickrel
Rt 1 Box 119
Riddle
874-2883

Transfer No. 2522

County DOUGLAS

1. Name Ira Sutton Address Star Rt, Box 13, Canyonville 97417

2. Source of Supply Mitchell Creek, Trib. of COW CREEK

3. Amount of Water 0.02 cfs Priority Date May 16, 1921 ✓

4. Use irrigation of 15 acres.

5. Proposed Point of Diversion _____

6. Place of Use C Date: 10-1-79

[illegible]

21975
39972

39972

Info: Jim ~~xxxxxx~~ Pickrel, who is buying property, showed us what he irrigates. Water is piped by gravity flow to a 1000 gal. concrete tank and he pumps from tank.

Div: Water is piped direct from Mitchell Creek

Pump & Motor: GE 5 hp @ 2940 rpm
Myers CDD 2 1/2 x 2

Pipe: 2100' 3" PVC from div. to tank
340' 3" alum
60' 2" alum

Heads: 2 RB 30 @ 5/32 x 3/32 (both max)

Lift: -10' from div to tank
0 to -15' tank to land

use: Irrigation of pasture

tie: D.C. 76-16B-4

Steve Donaldson
3-12-79 FE

PUMP: $\frac{(5)(6.6)}{101.6 + 0} = 0.32 \text{ cfs.}$

HEADS $\frac{(2)(4.4 + 1.6)}{450} \approx 0.03 \text{ cfs.}$

$\frac{1 \frac{1}{2} \text{ acres}}{80} \approx 0.02 \text{ cfs.}$

3" PVC - 2100'
FALL 10'

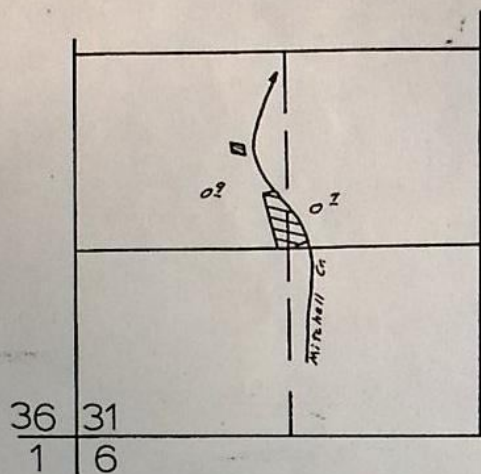
$\frac{2100}{100} = 21$

$\frac{21}{10'} = 2.1 \text{ FALL PER 100' PIPE}$

CAP. 3" PIPE @ 2.1' FALL PER 100' = 60 GPM OR $\approx 0.13 \text{ cfs.}$

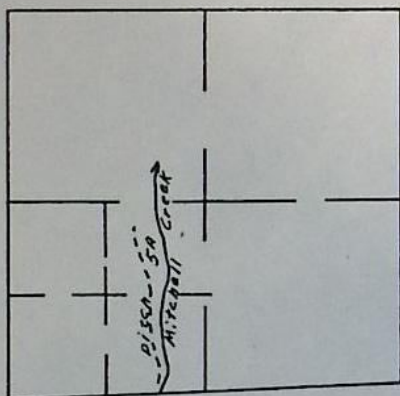
T 30S R 5WWM
SECTION 31

T-2522



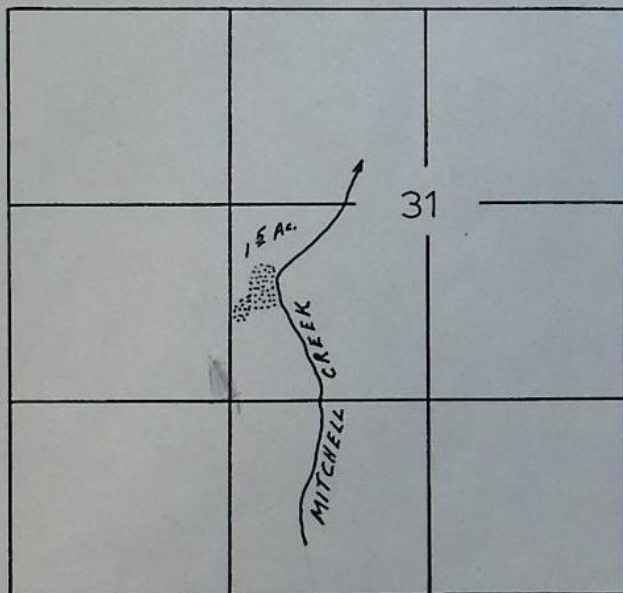
As shown on the Cow Cr. Adjudication map - Surveyed November 4,5, 1926.

Scale: 1"= 1320'



As shown on the original map for Permit no. 5062.

Scale: 1"= 40 chains



Proposed location of lands to be irrigated.

Scale: 1"= 1320'

RECEIVED
MAY 12 1971
STATE ENGINEER
SALEM, OREGON

1
PTS
THIS MAP DRAFTED USING 1969-B
FOR TIE TO W $\frac{1}{4}$ COR, SEC. 31 AND
DIV. PT AS LOCATED BY DON BUELL
ON JUNE 24, 1969 FOR PER. 29742.
AS NO P.O.D. TRANSFER APP. WAS
FILED, AND THIS LOCATION DIFFERS
FROM ONE AS SURVEYED BY DONALDSON
IN 1979, A QUESTION ARISES AS TO
THE ACTUAL LOCATION. THE LAND
IS AS SURVEYED BY DONALDSON AFTER
RECONCILING DOUG. Co. PHOTO 76-16B-4
TO 1"=400' AND THEN TO 4"=1 MILE USING
ZOOM TRANSFER SCOPE & XEROX.

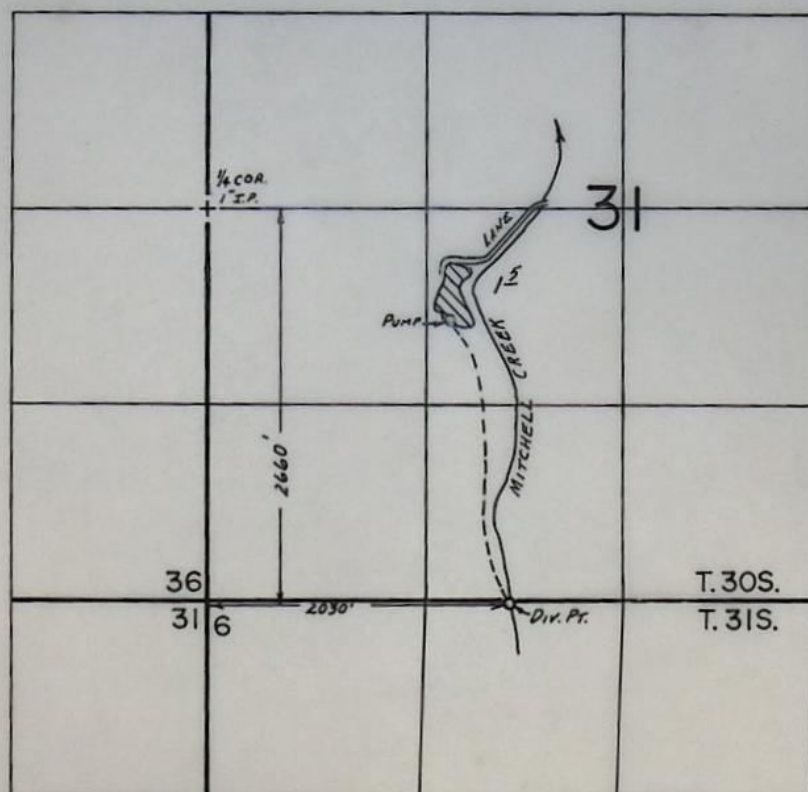
If no other dir pl. use this
placement.

Ⓔ

Phone call from M. John 16 Jun 81. He
says only one POP. but it moves some each
year depending on streambed changes. He LIT
2660's OK

Ⓔ

T. 30 & 31 S., R. 5 W., W.M.



FINAL PROOF SURVEY UNDER

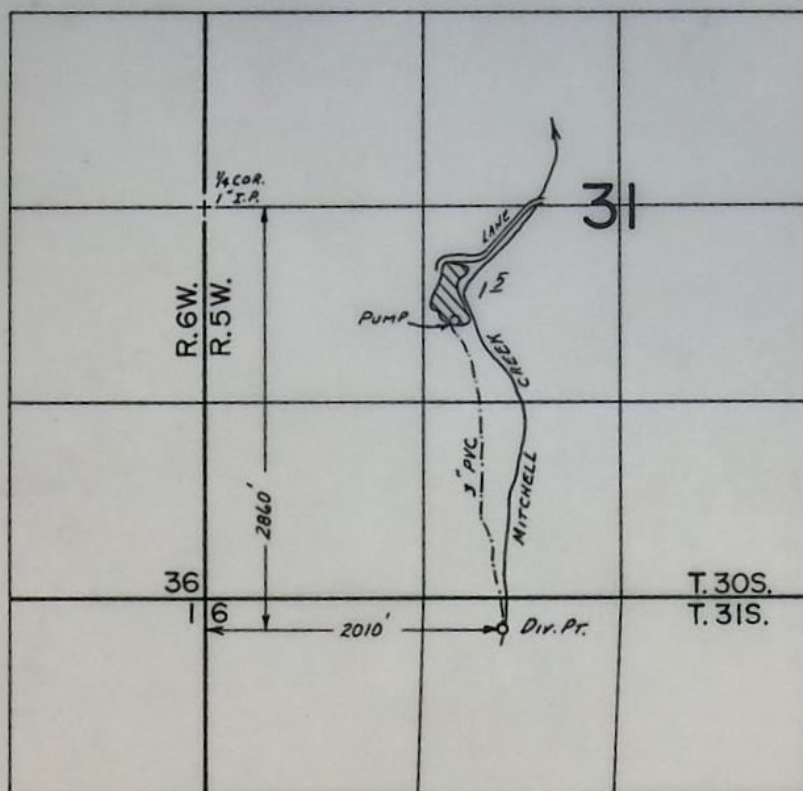
Transfer No. 2522
Application No. Permit No.
IN NAME OF

.....
Surveyed Mar. 12, 1979, by J.S. DONALDSON
(DIV. PT) June 24 1969 D.R. BUELL

THIS MAP DRAFTED BY RECONCILING
DOUG. CO. PHOTO 76-16B-4 TO 1"=400'
ON ZOOM TRANSFER SCOPE,
REDUCING TRACING TO APPROX. 4"=1 MILE
ON XEROX & RECONCILING THIS TO
4"=1 MILE ON ZTS. TIE TO W 1/4 COR
TAKEN FROM PTS 1969-B, SURVEYED
BY DON BUELL ON JUNE 24, 1969. DIV
PT SHOWN IS AS SURVEYED BY
DONALDSON ON MAR. 12, 1979 ON DOUG.
CO. PHOTO 76-16B-4. THIS PHOTO IS
NOT TO OUR STANDARD SCALE AND
ALTHOUGH SCALE WAS RUN IN THE
FIELD, INSUFFICIENT SCALE OF PHOTO
IN AREA OF SURVEY CAUSES DOUBT
AS TO DIV. PT LOCATION.

Douglas Co. Photo 1"=424' more than 1 mile north
of this location. Div point at southern edge
of paper photo.

T.30&31S., R.5W., W.M.



Super sedal

FINAL PROOF SURVEY UNDER

Transfer No..... 2522
Application No. Permit No.
IN NAME OF

.....
Surveyed Mar. 12.... 19.79, by J.S. DONALDSON.

RECONCILIATION TO 1"=400'
OF TR. 2522 AS
SURVEYED BY J.S. DONALDSON
ON DOUG CO. PHOTO 76-16B-4
LAYOUT BY L.D.

HO. Pond

3" PVC

MITCHELL CR.

1"=400'

FINAL PROOF SURVEY
UNDER

DIV. PT

Application No. Permit No.
IN NAME OF

.....
Surveyed 19....., by

RECEIVED
JUN 1 1978
WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

place of use from Mitchell Creek

PURSUANT TO TRANSFER APPLICATION NO. 2522

I, Ira A. Sutton, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by May, 1974.

May 30, 1978
Date

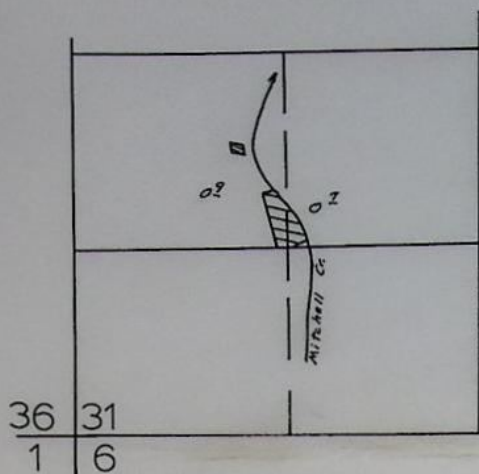
Ira A. Sutton
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

ok
lin

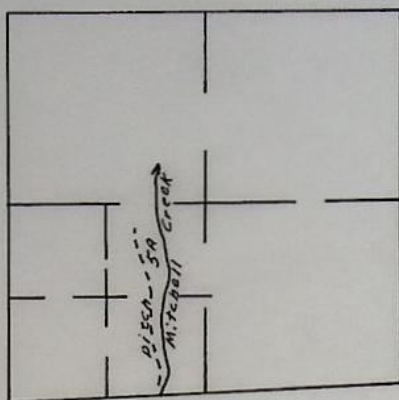
T 30 S R 5 W W M
SECTION 31

T-2522



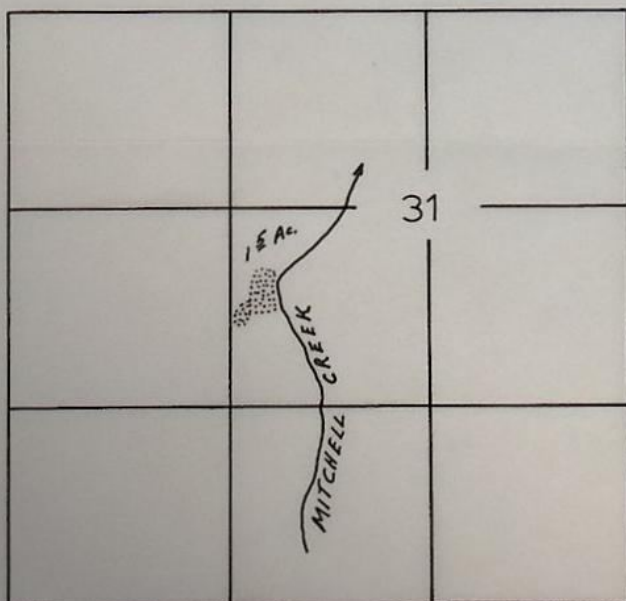
As shown on the Cow Cr. Adjudication map - Surveyed November 4, 5, 1926.

Scale: 1" = 1320'



As shown on the original map for Permit no. 5062.

Scale: 1" = 40 chains



Proposed location of lands to be irrigated.

Scale: 1" = 1320'

RECEIVED
MAY 12 1971
STATE ENGINEER
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF IRA SUTTON FOR APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER NO. 2522

On May 12, 1971, an application was filed in the office of the Water Resources Director by Ira Sutton for approval of a change in place of use from Mitchell Creek, pursuant to ORS 540.510 to 540.530.

The certificate recorded at page 3522, Volume 4, State Record of Water Right Certificates, in the name of Charles Mosthaf, describes a right for the use of not to exceed 0.02 cubic foot per second from Mitchell Creek for irrigation of a certain 1.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 30 South, Range 5 West, W.M., with a date of priority of May 16, 1921.

Water for the said right is diverted from a point located 2.07 chains South and 30.7 chains East from the Southwest Corner of Section 31, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 31 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom, without loss of priority, and to irrigate in lieu thereof a certain 1.5 acres in W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 30 South, Range 5 West, W.M.

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.

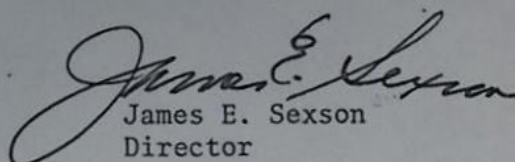
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use as described herein, without loss of priority, is approved.

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 Charles Mosthaf and recorded at page 3522, Volume 4, 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 5th day of May, 1978.


James E. Sexson
Director

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Ira Sutton
(Name of applicant)
Star Route Box 13 Canyonville
of Route 1, Box 119, Riddle, County of Douglas
(Postoffice)
State of Oregon 97417, do hereby make application for change in place of use

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Mitchell Creek
(Name of stream)
2. The use to which the water is applied is irrigation
(Irrigation; Mining; Power; Manufacturing; etc.)
3. The name of the ditch, canal or pipe line is no name
4. The point of diversion is located 2.07 chains S., 30.7 chains East from the
ft. and ft. from the SW
(N. or S.) (E. or W.)
corner of Section 31 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$
(Section or subdivision)
of Section 6 Tp. 31S. R. 5W. W. M., in the County of Douglas
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
30S.	5W.	31									1.5							

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes, but there are
(If not owner, explain your interest)
2 mortgages against the place.
7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes
8. What is the date of priority of your water right? May 16, 1921
9. Was your water right acquired by State Engineer's Permit? Yes If so, give number
(Yes or No)
of permit 5062

10. Do you hold a water right certificate? YES If so, give number of certificate 3522 ✓
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

NO If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? Charles Mosthaf ✓
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
30S.	5W.	31									1.5							

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)
corner of being within the of Section Tp. R. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of The name of the ditch to be used is

15. Are you the owner of the land on which the proposed point of diversion is to be located?

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion?

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? No
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Mortgages	Fed. Land Bank	826 44
	Farmers Home Adm.	4788 85

20. Reasons for the proposed changes are to irrigate the new location of the
1.5 acre garden and lawn area.....

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Douglas

ss.

I,

Ira Sutton

the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this

11th

day of

May

1971

Ira A. Sutton
by Lisa D. Sutton
(Name of applicant)

Subscribed and sworn to before me this

11th

day of

May

1971

Colleen Thomas

NOTARY PUBLIC FOR OREGON

[Notarial Seal]

My commission expires

My commission expires

June 7, 1974

Remarks

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: MAY 03, 1978.FROM: M. John Youngquist, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 2522IN THE NAME OF Ira Sutton

RECEIVED
MAY 5 1978
WATER RESOURCES DEPT.
SALEM, OREGON

In my opinion the proposed change in place of use from Mitchell Creek
may be made without injury ~~would result in injury*~~ to existing water rights.

Headgate notices ~~have~~ have not been issued for diversions from the source
which serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? —
(yes or no)

In my opinion the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion...
X (2) When in the judgement of the watermaster it becomes necessary...

* The approval of this transfer application would result in injury to other
water rights because _____

Canyonville, Ore.
4/19/78

Water Resources Dept.
Salem, Ore.

RECEIVED

APR 21 1978

Mr. James W. Corver Jr. WATER RESOURCES DEPT.
SALEM, OREGON

I am enclosing a letter from the Federal Land Bank in answer to your letter of April 13, 1978. The Federal Land Bank is now the only mortgage holder on place. I also charged on the application the amount of the mortgage left. If there is any further information please let me know. I just don't know how I overlooked this matter.

Yours respectfully
La G. Suttor
Star Rte Box 13
Canyonville,
Ore. 97417

FEDERAL LAND BANK ASSOCIATION OF ROSEBURG

2222 N.W. KLINE P. O. BOX 1549 ROSEBURG, OREGON 97470

TELEPHONE: (503) 672-6694



GAREY D. FRITZ, MANAGER

April 19, 1978

162,448-8 - Sutton

RECEIVED

APR 21 1978

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department
Mill Creek Office Park
555 13th Street N.E.
Salem, OR 97310

Attention: James W. Carver, Jr.

RE: File No. T-2522

Gentlemen:

The Federal Land Bank of Spokane does not object to Mr. Ira Sutton's proposed transfer of use of irrigation water.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Garey D. Fritz".

Garey D. Fritz
Manager

GDF:mjt



SERVING DOUGLAS, JACKSON, JOSEPHINE, COOS, AND CURRY COUNTIES

T-2522

June 11, 1971

Ira Sutton
Rt. 1, Box 119
Riddle, Oregon 97469

Dear Ms. Sutton:

This will acknowledge your application for change in place of use of water from Mitchell Creek, a map and the fee of \$20 for which our receipt No. 23566 is enclosed. Your application has been filed as transfer No. T-2522.

Item No.19 on the application indicates that the Federal Land Bank and the Farmers Home Administration hold mortgages against the land in question. Therefore, the State Engineer will require written statements from these agencies indicating that they have no objection to your proposed change.

Further action on your transfer application will be withheld pending the submission of this information.

Very truly yours,

LARRY W. JEBOUSEK
Assistant

LWJ:klh
Enclosure

Application for Transfer of Water Right

RECEIVED

APR 21 1978

WATER RESOURCES DEPT.
SALEM, OREGON

To the STATE ENGINEER OF OREGON:

I, Ira Sutton

(Name of applicant)

of Route 1, Box 119, Riddle
(Postoffice)

County of Douglas

State of Oregon

do hereby make application for change in place of use

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Mitchell Creek

(Name of stream)

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3. The name of the ditch, canal or pipe line is no name

2.07 chains S., 30.7 chains East from the

4. The point of diversion is located ft. and ft. from the SW
(N. or S.) (E. or W.)

corner of Section 31

(Section or subdivision)

being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 6 Tp. 31S.

(No. N. or S.)

R. 5W.

(No. E. or W.)

W. M., in the County of Douglas

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
30S.	5W.	31									1.5							

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes, but there are

(If not owner, explain your interest)

4 mortgages against the place.

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes

8. What is the date of priority of your water right? May 16, 1921

9. Was your water right acquired by State Engineer's Permit? yes If so, give number

(Yes or No)

of permit 5062

10. Do you hold a water right certificate? YES If so, give number of certificate 3522
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

no If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? Charles Mosthaf
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
30S.	5W.	31									1.5							

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located _____ ft. _____ and _____ ft. _____ from the _____
(N. or S.) (E. or W.)
corner of _____ being within the _____ of Section _____ Tp. _____ R. _____ W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of _____ The name of the ditch to be used is _____

15. Are you the owner of the land on which the proposed point of diversion is to be located? _____

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17. Are there any diversions between your present point of diversion and the proposed point of diversion? _____

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18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? No
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Mortgages	Fed Land Bank	826 ⁴⁴
"	Farmers Home Adm.	4788 ⁸⁵
"	Fed Land Bank	14,363 ⁰⁰

20. Reasons for the proposed changes are _____ to irrigate the new location of the
_____ 1.5 acre garden and lawn area _____

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Douglas

ss.

RECEIVED

APR 21 1978

WATER RESOURCES DEPT.
SALEM, OREGON

I,

Ira Sutton

the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this

11th

day of

May

19*71*

Ira A. Sutton
by Lisa D. Sutton
(Name of applicant)

Subscribed and sworn to before me this

11th

day of

May

19*71*

Colleen Thomas
NOTARY PUBLIC FOR OREGON

[Notarial Seal]

My commission expires

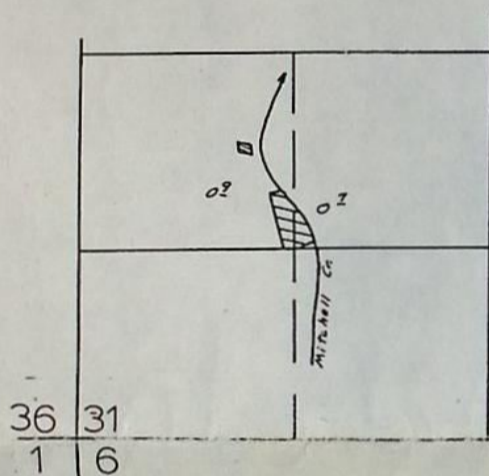
My commission expires

June 7, 1974

Remarks

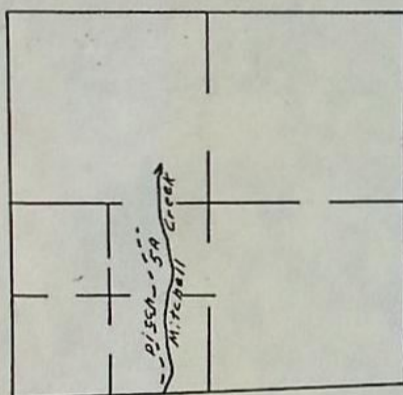
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T 30 S R 5 W W M
SECTION 31



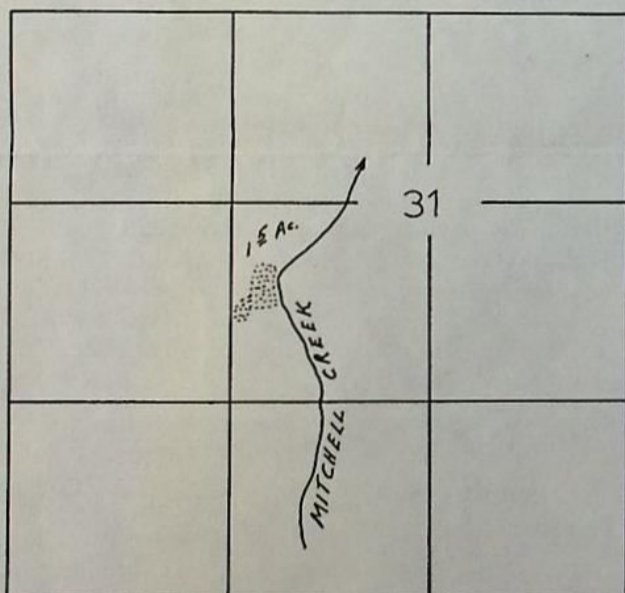
As shown on the Cow Cr. Adjudication
map - Surveyed November 4,5, 1926.

Scale: 1"= 1320'



As shown on the original map for
Permit no. 5062.

Scale: 1"= 40 chains



Proposed location of lands to be
irrigated.

Scale: 1"= 1320'

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STATE ENGINEER
SALEM, OREGON