

U.S. Daniel R. or Robert M. Damm
Schmittlet. Box 174-A
Myrtle Creek, Or. 97457

3083

STATUS OF APPLICATION

Change in point of diversion
Date filed 7-3-74
Date of hearing _____
Place of hearing _____
Date of order 4-2-76 Vol. 26, page 498
Date for application of water 10-1-77
Proof mailed _____
Proof received _____
Certificate issued OCT 18 1976 Vol. 35, page 43746
FEB 28 1979 40 Survey 47502

DESCRIPTION OF WATER RIGHT

Name of stream South Myrtle Creek
Trib. of _____ County of Douglas
Use irrigation
Quantity of water _____ No. of acres 3.1
Name of ditch _____
Date of priority April 20, 1942
In name of Howard L. Brownson
_____ Adjudication, Vol. _____, page _____
App. No. 19671 Per. No. 15252 Cert. No. 14729
Certificate cancelled _____
Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
<u>7-3-74</u>	<u>15.00</u>	<u>41802</u>
<u>4-19-76</u>	<u>15.00</u>	<u>54610</u>
TOTAL . . .		
<u>4-19-76</u>	<u>4</u> Cert. Fee	<u>54611</u>

FEEES REFUNDED

Date	Amount	Check No.

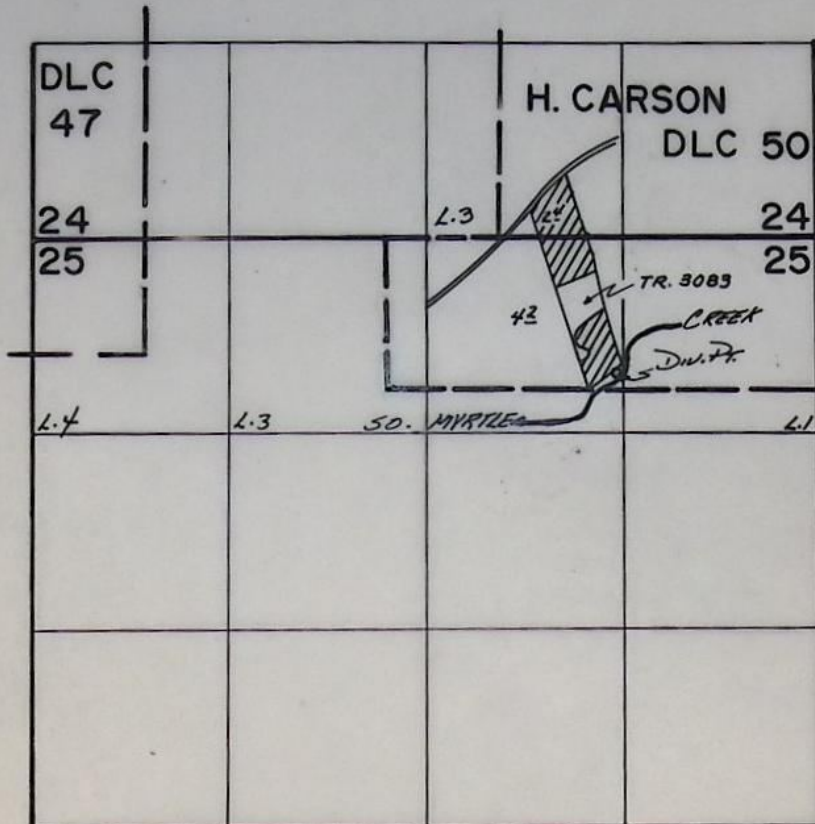
REMARKS

See 52150
19671

INDEX CARDS:		Entered	Classified
IF NO INDEX CARDS WHERE CHECKED	<u>WN</u> Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>WN</u> Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>WN</u> Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Checked to Records	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Twp. & Rge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Decree-vault	<input type="checkbox"/>	<input type="checkbox"/>
	Decree-safe	<input type="checkbox"/>	<input type="checkbox"/>
	Cert. of W/E	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Per. Folder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<u>AW</u>	<input type="checkbox"/>
		<u>AW</u>	<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

cert

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



DIV. PT. LOC. - 940'S & 1380'W FROM NE COR. SEC. 25

FINAL PROOF SURVEY
UNDER

Transfer No. 3083
Application No. 52150.... Permit No. 40595...
IN NAME OF

.....DONALD...&...ROBERT M. DEAM.....

Surveyed MAY...20 1977., by ..D.M. NORBY.....

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION
OF DONALD R. DEAM OR ROBERT M. DEAM
FOR THE APPROVAL OF A CHANGE IN POINT
OF DIVERSION OF WATER FROM SOUTH
MYRTLE CREEK

ORDER APPROVING
TRANSFER NO. 3083

On July 3, 1974, Donald R. and Robert M. Deam filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from South Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Howard L. Brownson and recorded at Page 14729, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.23 cubic foot per second of water from South Myrtle Creek for the irrigation of, among other lands, 3.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, Township 29 South, Range 5 West, W.M., with a date of priority of April 20, 1942. These lands are irrigated from a point of diversion located 1150 feet South and 575 feet East from the North quarter-corner of Section 25, being within Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 25, Township 29 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 940 feet South and 1380 feet West from the Northeast corner of Section 25, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 29 South, Range 5 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there is no intervening diversion.

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

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

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from South Myrtle Creek, to wit:

From a point located 1150 feet South and 575 feet East from the North quarter-corner of Section 25, being within Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 25, Township 29 South, Range 5 West, W.M.,

To a point to be located 940 feet South and 1380 feet West from the Northeast corner of Section 25, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 29 South, Range 5 West, W.M.

for the irrigation of 3.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, Township 29 South, Range 5 West, W.M., with a date of priority of April 20, 1942, is approved.

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, 1977.

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, and shall not exceed 0.04 cubic foot per second.

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 the certificate of water right heretofore issued to Howard L. Brownson and recorded at Page 14729, Volume 12, 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 receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Donald R. Deam and Robert M. Deam confirming the change in point of diversion.

Dated at Salem, Oregon, this 2nd day of April, 1976.

/s/ JAMES E. SEXSON
Director

STATE OF OREGON

COUNTY OF Douglas

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HOWARD L. BROWNSON

of Myrtle Creek, Oregon, 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, Irrigating ~~14.9~~ 14.9 acres for the purpose of, under Permit No. 15252 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 April 20, 1942

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 0.19 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 Lot 2 (NW₁ NE₁), Section 25, Township 29 South, Range 5 West, W. M.

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-eighth 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:

8.9 ~~12.0~~ acres in the NW₁ NE₁ as projected on D.L.C. 50,
2.8 acres in Lot 2 (NW₁ NE₁),
2.0 acres in the NE₁ NE₁ as projected on D.L.C. 50,
1.2 acres in the SW₁ NE₁,
 Section 25,
 T. 29 S., R. 5 W., W. M.

~~Land on which water is to be used is a part of the property more explicitly described~~

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 14729, Volume 12, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on April 2, 1976, approving transfer application No. 3083.

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

along the center of the County Road 3.20 chains to west line of "L" in said claim; thence South along West line of said claim to "D" corner 74 links; thence East along the North line of "L", 63 links to center of County Road; thence South 49 degrees West along the center of road 10.50 chains; thence South 57 degrees West 4 chains to the West line of said claim; thence South along the said West line 5.78 chains to place of beginning, except the rights reserved by the William P. Johnson Lumber Company, by deed recorded in Volume 49, page 574, records of Douglas County Oregon; in Township 29 South, Range 5 West of the Willamette Meridian;

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

WITNESS the signature of the State Engineer, affixed

this ~~22nd~~ day of ~~March~~, 193~~7~~⁴⁵

~~CHAS. H. STICKLER~~

State Engineer

STATE OF OREGON

COUNTY OF Douglas

CERTIFICATE OF WATER RIGHT

Donald & Robert M. DeamThis Is to Certify, That South MYRTLE R4. Box 174-Aof 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 ofa tributary of South Umpqua Riverirrigation of 3.1 Acres

for the purpose of,

under Permit No. 15252 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 April 20, 1942that 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 0.04 cubic foot per second,0.04or 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 Sec 25, Township 29 South, Range 5 West, R. M.NW 1/4 & W/4 IN CARSON D.L.C. 50940' S & 1380' W. FROM NE. COR. SEC. 25The 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-eighth 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:

3.1 ACRES NW 1/4 NE 1/4 W/4 IN CARSON D.L.C. 502.8 acres in the NW 1/4 NE 1/4 as projected on D.L.C. 50,2.8 acres in Lot 2 (NW 1/4 NE 1/4),2.0 acres in the NE 1/4 NW 1/4 as projected on D.L.C. 50,1.2 acres in the SW 1/4 NE 1/4,

Section 25,

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

Land on which water is to be used is a part of the

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered APRIL 2, 1976 and together with certificate of water right recorded on Page 43746, Volume 35, SRWRC supersedes certificate of water right recorded on Page 14729, Volume 12, SRWRC.

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

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

along the center of the County Road 3.20 chains to west line of "L" in said claim; thence South along West line of said claim to "L" corner 74 links; thence East along the North line of "L", 63 links to center of County Road; thence South 49 degrees West along the center of road 10.50 chains; thence South 57 degrees West 1 chain to the West line of said claim; thence South along the said West line 5.00 chains to place of beginning, except the rights reserved by the William P. Johnson Lumber Company, by deed recorded in Volume 49, page 574, records of Douglas County Oregon; Township 29 South, Range 5 West of the Willamette Meridian;

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

WITNESS the signature of the State Engineer, affixed

this ~~25th~~ day of ~~March~~, 193~~4~~⁵

~~CHAS. E. STICKLER~~

State Engineer