

3634  
McKENZIE

3634

STATUS OF APPLICATION

Change in P.O.D  
Date filed 4-19-77  
Date of hearing 10-11-77  
Place of hearing Bald Beach, OR  
Date of order 10-17-77 Vol. 29, page 464  
Date for application of water 10-1-79  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued May 25, 1990 Vol. \_\_\_\_\_, page 64334

DESCRIPTION OF WATER RIGHT

Name of stream Floras Creek  
Trib. of \_\_\_\_\_ County of Curry  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 820<sup>c</sup>  
Name of ditch \_\_\_\_\_  
Date of priority \_\_\_\_\_  
In name of \_\_\_\_\_  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 39763 Per. No. 29772 Cert. No. 36860  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>4-19-77</u>	<u>95.40</u>	<u>59827</u>
TOTAL . . .		
No Cert. Fee		
<u>PD, Post Oxford Press ch. #1475 (\$46.50)</u> <u>8/31/77</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>8/31/77</u>	<u>\$13.90</u>	<u>1474</u>
Rec'd <u>95.40</u>		
Exam - <u>20</u>		
POD - <u>15</u>		
PEN - <u>46.50</u> ✓		

to survey 3/70

REMARKS

CARD FOR C DEC 26 1979

Certificate 98372 issued 5-2-2025

INDEX CARDS:	Entered	Checked
Name	<u>lg</u>	_____
Stream	<u>lg</u>	_____
Pt. of Div.	_____	_____
Calendar	<u>lg</u>	_____
CHECKED TO RECORDS:		
Twp. & Rge.	_____	_____
Decree-vault	_____	_____
Decree-safe	_____	_____
Cert. of W/R	<u>✓</u>	_____
Per. Folder	<u>✓</u>	_____
Chaindex	_____	_____
Cross Ref.	_____	_____
Power Claim	_____	_____
Abstracts	<u>lg</u>	_____

37



## STATE OF OREGON

## COUNTY OF CURRY

## CERTIFICATE OF WATER RIGHT

## THIS CERTIFICATE ISSUED TO

RODERICK A. McKENZIE  
94427 SIXES RIVER ROAD  
PORT ORFORD, OREGON 97465

confirms the right to use the waters of FLORAS CREEK, A TRIBUTARY of the PACIFIC OCEAN for the purpose of IRRIGATING 340.3 ACRES.

The right has been perfected under Permit S-29772. The date of priority is APRIL 21, 1964. The right is limited to not more than 2.94 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
31 S	15 W	WM	3	NW SW	POD 1 (ORIGINAL) - 330 FEET SOUTH AND 4060 FEET WEST FROM E1/4 CORNER, SECTION 3
31 S	15 W	WM	3	NW SW	POD 2 (ORIGINAL) - 1230 FEET SOUTH AND 4720 FEET WEST FROM E1/4 CORNER, SECTION 3
31 S	15 W	WM	5	SE SE	POD 3 (NEW) - 1100 FEET NORTH AND 160 FEET WEST FROM SE 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right 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, and to which such right is appurtenant, is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
31 S	15 W	WM	3	NE NW	3	7.0
31 S	15 W	WM	3	NW NW	4	33.5
31 S	15 W	WM	3	SW NW		38.4
31 S	15 W	WM	3	SE NW		32.1
31 S	15 W	WM	3	NE SW		14.6
31 S	15 W	WM	3	NW SW		28.9
31 S	15 W	WM	4	NE NE	1	16.6
31 S	15 W	WM	4	SW NE		21.0
31 S	15 W	WM	4	NE SW		19.4
31 S	15 W	WM	4	SE SW		25.3
31 S	15 W	WM	4	NE SE		38.0
31 S	15 W	WM	4	NW SE		40.0
31 S	15 W	WM	4	SW SE		25.5

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.

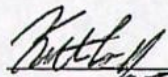


The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

This certificate is issued to correct a scrivener's error in the description of the points of diversion and supersedes certificate 64324, State Record of Water Right Certificates.

Issued MAY 02 2025.

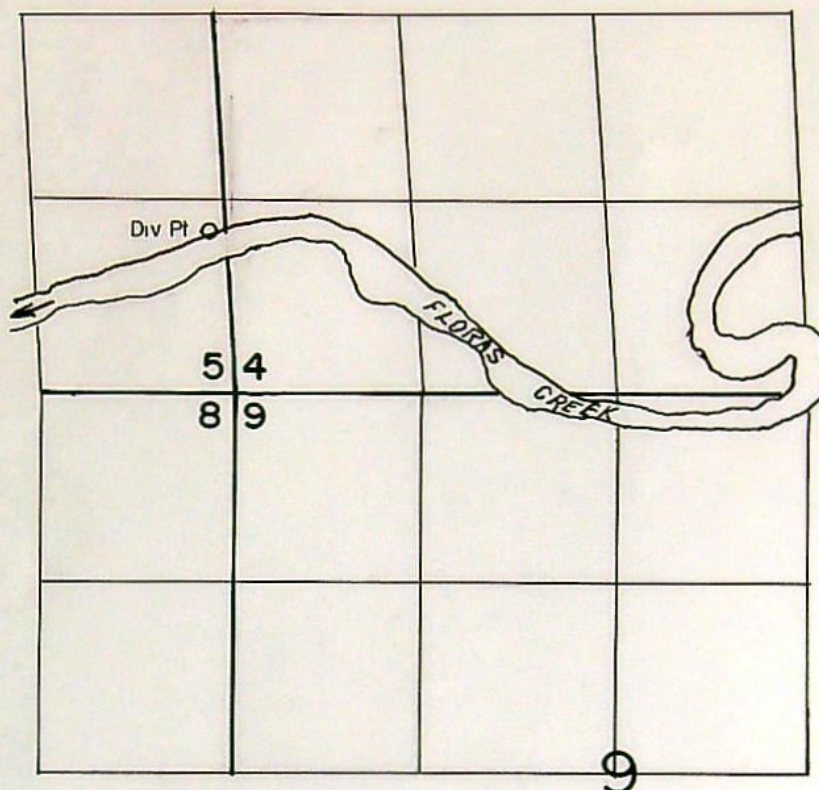


Katherine Ratcliffe

Water Right Services Division Administrator, for  
Ivan Gall, Director  
Oregon Water Resources Department



T.31S., R.15W., W.M.



Div Pt Located 1100' N & 160' W From The SW Corner Of Section 4

SCALE: 1" = 132.0'

# **FINAL PROOF SURVEY** UNDER

TRANSFER NO. 3634

Application No. .... Permit No. ....  
IN NAME OF

.....RODERICK A. McKENZIE.....

Surveyed AUG. 2, 1989, by B.S. JAMES.....



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CURRY COUNTY

IN THE MATTER OF THE APPLICATION )  
OF RODERICK A. MCKENZIE FOR AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM FLORAS )  
CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 3634

On April 19, 1977, an application was filed in the office of the Water Resources Director by Roderick A. McKenzie for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 36860, Volume 28, State Record of Water Right Certificates, in the name of Roderick T. McKenzie, describes a right for the use of not to exceed 2.94 cubic feet per second from Floras Creek, with a date of priority of April 21, 1964, for irrigation of a certain 340.3 acres being:

7.0 acres	Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ )	16.6 acres	Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ )
33.5 acres	Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ )	21.0 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$
38.4 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$	19.4 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
32.1 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$	25.3 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$
14.6 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	38.0 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$
28.9 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 3	25.5 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$
			Section 4

Township 31 South, Range 15 West, W.M.

Water for the said right is diverted from three points located (1) 330 feet South and 4060 feet West, (2) 1230 feet South and 4720 feet West and (3) 1340 feet South and 6250 feet West from the East quarter corner of Section 3, being within the (1) and (2) NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 3 and (3) SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 4, Township 31 South, Range 15 West, W.M.

The applicant herein, owner of the lands above described, proposes to maintain diversion points Nos. (1) and (2) and to change diversion point No. (3) therefrom, without loss of priority, to a point located 1250 feet North and 225

U29  
P46d-466



feet East from the Southwest corner of Section 4, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4, Township 31 South, Range 15 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Port Orford News, a newspaper printed and having general circulation in Curry County, Oregon, for a period of three weeks in the issues of August 18 and 25, and September 1, 1977.

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

No objections 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 requested change in point of diversion from Floras Creek, 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 points of diversion, shall not exceed the quantity of water available at the old points of diversion under the subject right, and shall not exceed 2.94 cubic feet 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 head-gates 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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Roderick T. McKenzie and recorded at page 36860, Volume 28, 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 17th day of October, 1977.

/s/ James E. Sexson  
Director



Public Notice

NOTICE OF WATER RIGHT  
TRANSFER APPLICATION  
NO. 3634

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Roderick A. McKenzie for approval of a change in point of diversion from Floras Creek.

The certificate recorded at page 36860, Volume 28, State Record of Water Right Certificate, in the name of Roderick McKenzie, describes a right for the use of not to exceed 2.94 cubic feet per second from Floras Creek for irrigation of a certain 340.3 acres in the NW 1/4 and N 1/2 SW 1/4 of Section 2, E 1/2 NE 1/4, E 1/2 SW 1/4 and SE 1/4 of Section 4, Township 31 South, Range 15 West, WM, with a date of priority of April 12, 1964.

Water for the said right is diverted from three points located (1) 330 ft. S and 4060 ft. W, (2) 1230 ft. S and 4720 ft. W and (3) 1340 ft. S and 6250 ft. W from the E 1/4 corner of Section 3, being within the (1) & (2) NW 1/4 SW 1/4 of Sec. 3 and (3) SE 1/4 SE 1/4 of Sec. 4, T 31 S, R 15 W, WM.

The applicant herein, owner of the lands above described, proposes to change point of diversion No. (3) therefrom, without loss of priority, to a point located 1250 ft. N and 225 ft. E from the SW corner of Sec. 4, being within the SW 1/4 SW 1/4 of Sec. 4, T 31 S, R 15 W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Gold Beach, Oregon, on October 11, 1977, 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 Roderick A. McKenzie, Box 274, Langlois, OR 97450 and one copy filed with the Water Resources Director, Salem, OR 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. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 9th day of August, 1977.

JAMES E. SEXSON  
Director

Publish: 8-18, 25; 9-1-77

Affidavit of Publication

STATE OF OREGON }  
COUNTY OF CURRY } ss.

I, ..... Laurie T. Wilson .....

being first duly sworn, depose and say that I am the

.....Accounts Manager.....

of the Port Orford News, a newspaper of general circu-

lation, as defined by sections 1-509, 1-510, Oregon Code;

and published at Port Orford in the aforesaid county

and state; that the ....Notice of Water.....

...Right Transfer Application.....

...Number 3634.....

a printed copy of which is hereto annexed, was published

in the entire issue of said newspaper for.....three (3)

successive and consecutive weeks in the following issues:

August 18 & 25, September 1, 1977

Signed ..... Laurie T. Wilson .....



Subscribed and sworn to before me this

19th day of September 1977

Mary D. Lerner  
Notary Public of Oregon

(My Commission expires 11-3-79)



RECEIVED

AUG 22 1977

WATER RESOURCES DEPT  
SALEM, OREGON

No. ....

In the ..... Court of the

STATE OF OREGON  
COUNTY OF CURRY

In the Matter of

**Affidavit of Publication**  
of

Filed ....., 19.....

.....  
Clerk

By .....  
Deputy

From the Office of

Attorney for .....

