

Name Harlan E. & Harolene Phelps

3980

## DESCRIPTION OF WATER RIGHT

By \_\_\_\_\_

Address Box 192, So. Myrtle Rt.Myrtle Creek, OR 97457Name of stream South Myrtle CreekTrib. of \_\_\_\_\_ County of Douglas

Use \_\_\_\_\_

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

Date of priority Jan 9, 1920In name of A. L. Dyer

\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. 6983 Per. No. 4380 Cert. No. 5594

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

Change in PODDate filed June 20, 1978Date of hearing Sept 19, 1978Place of hearing RoseburgDate of order 11-15-78 Vol. 31 page 421Date for application of water 10-1-80 <sup>Ext</sup> 10-1-81

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued NOV 17 1983 Vol. 46 page 51723

## REMARKS

See T-3977, 3978, 3979, 3981, 3983, 3988 for Balance of right.

CARD FOR C NOV 4 1980

Card for C NOV 20 1981

W.R.I.S.

Assembled 6-12-85 by SWA

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>6-20-78</u>	<u>87-</u>	<u>4166</u>
TOTAL . . .		
	0 Cert. Fee	

The Mail \$17.88 pd 9-29-78 Ok #2625

## FEES REFUNDED

Date	Amount	Check No.
<u>9-29-78</u>	<u>34<sup>12</sup></u>	<u>2626</u>

Ex 20-  
 POD 15-  
 1/2 POD 17<sup>25</sup>  
52<sup>25</sup>

TO BE ENTERED WHERE CHECKED	INDEX CARDS.	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Subject	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Pl. of Div.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Card No.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	C. and TO REM.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	T. & L. Reg.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Inter-vault	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Inter-sec.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Gen. of W/R	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Per. Folder	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Chain Index	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Cross Ref.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Power Claim	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Abstracts	<u>lg</u>	_____

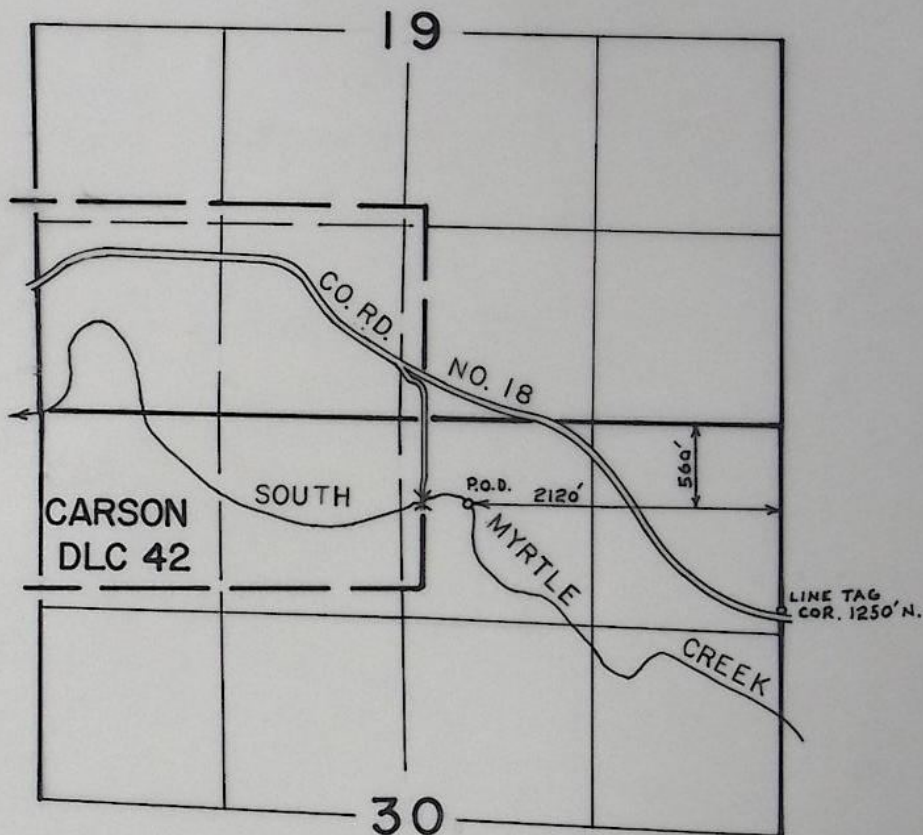


T. 29 S., R. 4 W., W. M.

RECEIVED

MAR 7 1983

WATER RESOURCES DEPT.  
SALEM, OREGON



FINAL PROOF SURVEY  
UNDER

Application No. 6983 Permit No. T-3980  
IN NAME OF

HARLAN E. & HAROLENE PHELPS

Surveyed FEB 28 1983, by DR. HENRY-A.V. CANGIE



# STATE OF OREGON

COUNTY OF DOUGLAS

## CERTIFICATE OF WATER RIGHT

This is to Certify, That

Harlan E. & Harolene Phelps

Box 192, So. Myrtle Rt.

State of Oregon, 97457

of Myrtle Creek, 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 Fork Umpqua River for the purpose of Irrigation of 9.8 acres under Permit No. 4360 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 January 9, 1920;

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 0.122 cubic foot per second; if available at the original point of diversion, SE NE Section 30, T 29 S, R 4 W, W.M.; 1800 feet S & 250' W from the NE corner section 30. The use hereinafter 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 (or, if for other purposes, the place where the water is put to beneficial use), is as follows: Ten (10) acres in the Northwest Quarter of the Northeast Quarter (NW 1/4) (Lot 1), Six (6) acres in the Northeast Quarter of the Northeast Quarter (NE 1/4), and Four (4) acres in the Southeast Quarter of the Northeast Quarter (SE 1/4) of Section Thirty (30), Township Twenty-nine South of Range Four West of the Willamette Meridian, in Douglas County, Oregon, being a total of 20 acres.

9.8 acres Lot 1 (NW 1/4 NE 1/4)  
Section 30  
T 29 S, R 4 W, W.M.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Department entered Nov 15, 1978 and together with certificate of water right recorded at page 49162, 49163, 49164, 49165, 49166 Volumes 42 & 46, State Record of Water Right Certificates, supersedes certificate 5594.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of OR 540.610 pertaining to forfeiture or abandonment.

of December, 1920.

Ben L. Orr,  
State Engineer.

State Record of Water Right Certificates, Volume 42, page 5594.

ms/B

C 51723

R.O.P. Lot 1 (NW 1/4 NE 1/4) Sec 30 T 29 S, R 4 W, W.M., 510' S & 2120' W from NE cor. Sec 30



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION )  
OF HARLAN E. & HAROLENE PHELPS FOR)  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 3980

On June 20, 1978, an application was filed in the office of the Water Resources Director by Harlan E. and Harolene Phelps for 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.

The certificate recorded at page 5594, Volume 6, State Record of Water Right Certificates, in the name of A. L. Dyer, describes a right for the use of not to exceed 0.25 cubic foot per second from South Myrtle Creek with a priority date of January 9, 1920, for irrigation of a certain 20.0 acres in NE $\frac{1}{4}$  of Section 30, Township 29 South, Range 4 West, W.M., tabulating the 20.0 acres as 10.0 acres in Lot 1 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), 6.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 4.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ . The actual location is determined to be 13.0 acres in Lot 1 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), 4.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 3.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 30.

The authorized point of diversion for said right is located 1800 feet South and 250 feet West from the Northeast Corner of Section 30, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, Township 29 South, Range 4 West, W.M.

The applicants herein, owners of a certain 9.8 acres in Lot 1 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of the lands above described, propose to change the point of diversion of water for the irrigation of their lands, without loss of priority, to a point located 530 feet South and 460 feet East from the North Quarter Corner of Section 30, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, Township 29 South, Range 4 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the

1317421



Myrtle Creek Mail, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of July 27; August 3 and 10, 1978.

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, 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 shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.122 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment 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;

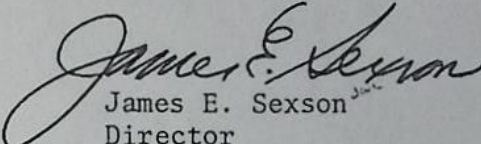
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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, 1980.

The order entered November 15, 1978, approving transfer application No. 3977 provided for cancellation of the certificate recorded at page 5594, Volume 6, State Record of Water Right Certificates; therefore,

It is FURTHER ORDERED that 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 15th day of November, 1978.

  
James E. Sexson  
Director



## STATE OF OREGON

COUNTY OF DOUGLAS

## CERTIFICATE OF WATER RIGHT

This is to Certify, That A. L. Dyer

of 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 South Myrtle Creek

a tributary of South Fork Umpqua River for the purpose of Irrigation under Permit No. 4380 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 January 9, 1920;

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;

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 (or, if for other purposes, the place where the water is put to beneficial use), is as follows: Ten (10) acres in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ ) (Lot 1), Six (6) acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ), and Four (4) acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section Thirty (30), Township Twenty-nine South of Range Four West of the Willamette Meridian, in Douglas County, Oregon, being a total of 20 acres.

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,

affixed this 4th day

of December, 1925.

Rhea Luper,

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 6, page 5594.

T# 3977, 3978, 3979, 3980, 3981



**NOTICE OF WATER RIGHT TRANSFER**

**APPLICATIONS NO. 3980 & 3981**

Notice is given hereby that applications have been filed in the office of the Water Resources Director by Harlan E. & Harolene Phelps and by Alvin Goff for approval of changes in points of diversion of water from South Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 5594, Volume 6, State Record of Water Right Certificates, in the name of A.L. Dyer, describes a right which includes the use of not to exceed 0.148 cubic foot per second of S. Myrtle Cr. for irrigation of 11.9 ac in NE¼ of Sec 30, T 29S, R 4W, WM, with a date of priority of Jan. 9, 1920.

The authorized point of diversion of record is located 1800 ft S & 250 ft W from the NE Corner of Sec 30, being within the SE¼NE¼ of Sec 30, T 29S, R 4W, WM.

By application No. 3980, Harlan E. & Harolene Phelps, owners of 9.8 ac of the lands above described, propose to change point of diversion for their lands, without loss of priority, to a point located 530 ft S & 460 ft E from the N¼ Corner of Sec 30, being within the NW¼ NE¼ of Sec 30, T 29S, R 4W, WM.

By application No. 3981, Alvin Goff, owner of 2.1 ac of the lands above described, proposes to change the point of diversion for his lands, without loss of priority, to a point located 1200 ft S & 990 ft E from the N¼ Corner of Sec 30, being within the NW¼ NE¼ of Sec 30, T 29S, R 4W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Roseburg, Oregon, on September 19, 1978 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 of objections to application No. 3980 to be served on Harlan E. & Harolene Phelps, S. Myrtle Rt., Box 192, Myrtle Creek, OR 97457; and/or one copy of objections to application No. 3981 to be served on Alvin Goff, S. Myrtle Rt., Box 193, Myrtle Creek, OR 97457; and one copy of each filed with the Water Resources Department, 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 18th day of July, 1978.

James E. Sexson  
Director

## Affidavit of Publication

STATE OF OREGON

COUNTY OF DOUGLAS

SS.

I, Sharon W. or Robert F. Scherer, being first duly sworn, say that I am the owner of the MYRTLE CREEK MAIL.

That said Myrtle Creek Mail is a weekly newspaper published and issued weekly and regularly at Myrtle Creek, Douglas County, State of Oregon, and is of general circulation in said county and state; that said Myrtle Creek Mail is made up of four pages, or more, of six columns each and with type matter of a depth of twenty-one inches, and has more than 200 bona fide subscribers living within Douglas County, Oregon; that said Myrtle Creek Mail has been established and regularly and uninterruptedly published in Douglas County, Oregon, at least once a week during a period of more than twelve consecutive months immediately preceding the first publication of the

*Notice of Water Right Transfer*  
hereinafter referred to, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues:

*July 27, Aug. 3 & 10, 1978*

That the said Notice was published in the regular and entire issue of said newspaper during the period and times of publication, and was published in the newspaper proper and not a supplement.

That the fee actually charged by such newspaper for such publication is \$ 35.76.

*Sharon W Scherer*  
Sharon W. or Robert F. Scherer

SUBSCRIBED AND SWORN TO before me this 29 day of

*Aug*, 19 78

*Carol S Antk*  
Notary Public for Oregon

My Commission Expires: 11-21-79

