

Name Dr Donald E. Poage

3848

DESCRIPTION OF WATER RIGHT

By _____

Address 1120 Juniper Ave.Coos Bay, OR 97420Change in PODDate filed Dec. 8, 1977

Date of hearing _____

Place of hearing _____

Date of order 5-11-78 Vol. 30, page 579Date for application of water completedProof mailed FEB 28 1986

Proof received _____

Certificate issued 4-9-86 Vol. 49, page 54136Name of stream SpringTrib. of Ten Mile Lake County of CoosUse Dom. (1)Quantity of water 0.005 No. of acres _____

Name of ditch _____

Date of priority Feb. 3, 1972

In name of _____

_____ Adjudication, Vol. _____, page _____

App. No. 48979 Per. No. 35726 Cert. No. 38940

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>12-8-77</u>	<u>\$ 35-</u>	<u>166</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

W.R.I.S.

Assembled 6-28-85 by 824

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:	Entered	Checked
Name	<u>lg</u>	
Stream	<u>lg</u>	
Pt. of Div.	<u>lg</u>	
Calendar	<u>lg</u>	
CHECKED TO RECORDS:		
Top. & Rec.		
Deed-rec'd		
Deed-rec'd		
Cert. of W/R	<u>lg</u>	
Per. & Rec.	<u>lg</u>	
Calendar		
Cross Ref.		
Power Chain		
Abstracts	<u>lg</u>	

Same spring source as for permit No. 36822 (A#49087)

Donald F. & Virginia L. Hutcheson

priority: March 22, 1972.

Form 100 sent Feb. 23, 1976

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

COOS COUNTY

IN THE MATTER OF THE APPLICATION)
OF DR. DONALD E. POAGE FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM A SPRING)

ORDER APPROVING
TRANSFER NO. 3848

On December 8, 1977, an application was filed in the office of the Water Resources Director by Dr. Donald E. Poage for approval of a change in point of diversion from a spring-stream, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 38940, Volume 30, State Record of Water Right Certificates, in the name of Dr. Donald E. Poage, describes a right for the use of not to exceed 0.005 cubic foot per second from a spring for domestic use for one family in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 23 South, Range 12 West, W.M., with a date of priority of February 3, 1972.

Water for the said right is diverted from a point located South 67 degrees 36 minutes East, 983 feet from the Center Corner of Section 17, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 23 South, Range 12 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 399.87 feet South and 865.12 feet East from the Center Corner of Section 17, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 23 South, Range 12 West, W.M.

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 0.005 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:

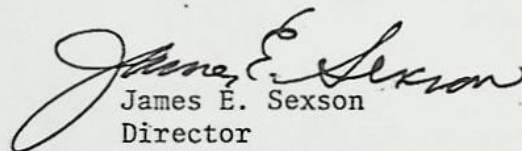
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Dr. Donald E. Poage and recorded at page 38940, Volume 30, 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 11th day of May, 1978.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That DR. DONALD E. POAGE

57420

of 1120 Juniper Avenue, Coos Bay, 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 a spring (a point in an intermittent stream approx. 30 feet below the spring as previously located) a tributary of Termile Lake for the purpose of domestic use for one family

under Permit No. 35726 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 February 3, 1972

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 0.005 cubic foot per second, and shall not exceed the quantity of water which would have been available at the original diversion from the spring located

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T. 23 S., R. 12 W., W. M., South 67 deg. 36' East 983 feet from the Center, Section 17.

South 65 degrees 11 minutes 34 seconds East 953.06 feet from the center
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 ----- of one cubic foot per second per acre, Section 17

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:

NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 17
T. 23 S., R. 12 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 Water Resources Director entered May 11, 1978 and together with certificate of water right recorded at page _____, Volume _____, State Record of Water Right Certificates, supersedes certificate of water right recorded at page 38940, Volume 30, State Record of Water Right Certificates.

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.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38940 54136

2377D

T#3843

STATE OF OREGON
COUNTY OF COOS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That DR. DONALD E. POAGE

of 1120 Juniper Avenue, Coos Bay, 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 a spring

a tributary of Termile Lake for the purpose of domestic use for one family

under Permit No. 35726 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 February 3, 1972

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 0.005 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 NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, T. 23 S., R. 12 W., W. M., South 67 deg. 36' East 983 feet from the Center, Section 17.

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----- of one cubic foot per second per acre,

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:

NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 17
T. 23 S., R. 12 W., W. M.

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 date. February 28, 1973

CHRIS L. WHEELER

State Engineer