

3978

Name Mike + Marie Matovich

By _____

Address Box 195, So. Myrtle Rt.
Myrtle Creek, OR 97457Change in PODDate filed June 20, 1978

Date of hearing _____

Place of hearing _____

Date of order 11-15-78 Vol. 31, page 417Date for application of water Completed

Proof mailed _____

Proof received _____

Certificate issued May 2, 1980 Vol. 42, page 19163

DESCRIPTION OF WATER RIGHT

Name 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 _____

FEES PAID

Date	Amount	Receipt No.
<u>6-20-78</u>	<u>37-</u> <u><2.00></u>	<u>4164</u>
TOTAL . . .		
<u>11-17-78</u>	<u>\$2 Cert. Fee</u>	<u>Tent. fr. 4164</u>

FEES REFUNDED

Date	Amount	Check No.

Exam 20
POD 15
35

REMARKS

See T-3977, 3979, 3980, 3981, 3983, 3988 for balance of right.
Surveyed 2-28-79

W.R.I.S.

Assembled 6-12-85 by SMH

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:

Entered

Checked

TO BE ENTERED WHERE CHECKED	✓	Name	<u>fig</u>	_____
	✓	Stream	<u>fig</u>	_____
	✓	Pt. of Div.	<u>fig</u>	_____
	✓	Calendar	<u>fig</u>	_____
	✓	Twp. & Rge.	<u>fig</u>	_____
	✓	Decree-vault	<u>fig</u>	_____
	✓	Decree-safe	<u>fig</u>	_____
	✓	Cert. of W/R	<u>fig</u>	_____
	✓	Per. Folder	<u>fig</u>	_____
	✓	Chairdex	<u>fig</u>	_____
	✓	Cross Ref.	<u>fig</u>	_____
	✓	Power Claim	<u>fig</u>	_____
	✓	Abstracts	<u>fig</u>	_____

Cert B

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This is to Certify, That MIKE AND MARIE MATOVICHBox 195 S. MYRTLE Routeof Myrtle Creek, State of Oregon 97457, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of South Myrtle Creeka tributary of South Fork Umpqua River for the purpose of Irrigation of 1.9 acres 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 0.024 cubic foot per second; if available at the original point of diversion, SE NE, Section 30 T.29S, R.4W, W.M., 1800 feet South and 250 feet West from the NE corner, Section 30. 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.

0.9 acre NENE
1.0 acre Lot 1 (NW NE)
Section 30
T.29S, R.4W, W.M.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered Nov. 15, 1978 and together with certificate of water right recorded on Page (A E D E), Volume , SRWRC supersedes and together with orders of the WRD entered Nov. 15, 1978 supersedes certificate of water right recorded on Page 5594, Volume 6, SRWRC.

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

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, 192 5.

Rhea Luper,
 State Engineer.

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

Lot 1
 R.O.D. - (NW NE) Section 30 T.29S, R.4W, W.M.
 1320 feet South and 1200 feet East from NW corner Section 30

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF MIKE & MARIE MATOVICH FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3978

On June 20, 1978, an application was filed in the office of the Water Resources Director by Mike and Marie Matovich 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 1.0 acre in Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 0.9 acre in NE $\frac{1}{4}$ 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 1320 feet South and 1200 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.

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

131 P. 17

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 0.024 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;

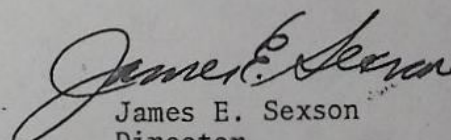
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in point of diversion of water is completed.

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