

3745

Name Roger E. Johnston

By _____

Address Rt 1 Box 83Yoncolla, Or 97499Change in POUDate filed Aug. 5, 1977

Date of hearing _____

Place of hearing _____

Date of order 12-16-77 Vol. 30, page 195Date for application of water 10-1-79

Proof mailed _____

Proof received _____

Certificate issued 12/15/2006 Vol. _____, page 82861
82862

DESCRIPTION OF WATER RIGHT

Name of stream Elk CreekTrib. of _____ County of DouglasUse Irr

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority _____

In name of Gerald Johnson

_____ Adjudication, Vol. _____, page _____

App. No. 17814 Per. No. 13488 Cert. No. 14635

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8-5-77</u>	<u>36 00</u>	<u>63011</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

CARD FOR C DEC 26 1979

W.R.I.S.

Assembled 6-20-85 by SEA

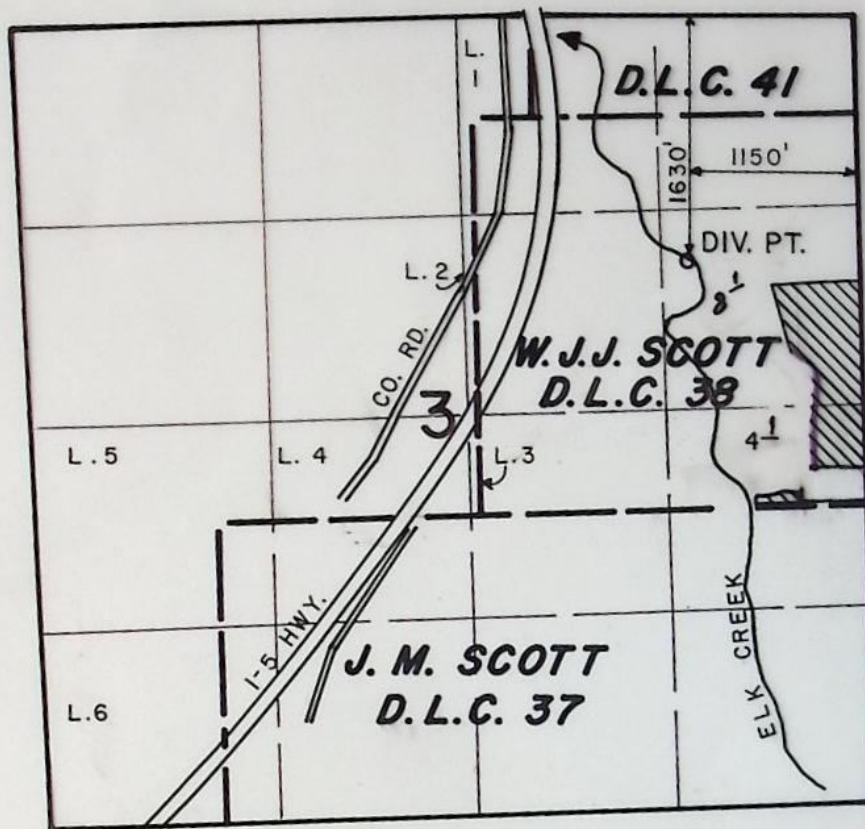
Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHEN CHECKED	INDEX CARDS:	
	Entered	Checked
☒ Name	<u>leg</u>	
☒ Stream	<u>leg</u>	
☒ Pt. of Div.	<u>leg</u>	
☒ Calendar	<u>leg</u>	
☒ Twp. & Rec.	<u>leg</u>	
☒ District	<u>leg</u>	
☒ Decree	<u>leg</u>	
☒ Cert. of W/R	<u>IWC</u>	
☒ Per. Power	<u>IWC</u>	
☒ Onindex	<u>leg</u>	
☒ Gross Ref.		
☒ Power Claim		
☒ Abstracts	<u>leg</u>	

T. 22 S., R. 4 W., W. M.

SECTION 31



SCALE: 4" = 1 MILE

FINAL PROOF SURVEY
UNDER

TRANSFER NUMBER 3745

IN NAME OF

ROGER E. JOHNSTON

Surveyed AUG. 11, 1988, by J. M. SCHMORDE

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GERALD JOHNSTON
YONCOLLA, OREGON 97499

confirms the right to use the waters of ELK CREEK, tributary of the UMPQUA RIVER for IRRIGATION OF 24.07 ACRES.

This right was perfected under Permit 13488. The date of priority is FEBRUARY 16, 1939. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.30 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 as follows:

NE 1/4 SE 1/4, SE 1/4 NE 1/4, SW 1/4 NE 1/4, NW 1/4 NE 1/4 AS
PROJECTED WITHIN W. J. J. SCOTT DLC 38, SECTION 31, TOWNSHIP 22
SOUTH, RANGE 4 WEST, W.M

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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.

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 NE 1/4	4.60 ACRES
NW 1/4 NE 1/4	4.00 ACRES
SW 1/4 NE 1/4	7.17 ACRES
SE 1/4 NE 1/4	2.90 ACRES
NE 1/4 SE 1/4	5.40 ACRES

ALL AS PROJECTED WITHIN W. J. J. SCOTT DLC 38
SECTION 31

TOWNSHIP 22 SOUTH, RANGE 4 WEST, W.M.

Land on which water is to be used is a part of the property more explicitly described by appropriator as follows:

Beginning at the Southwest corner of the William J. J. Scott donation land claim, being Claim No. 38 in Section 31 Township 22 South, Range 4 East of the Willamette Meridian, and running thence East 40 chains; thence North 40 chains; thence West 40 chains and thence South 40 chains to the place of beginning, containing 160 acres.

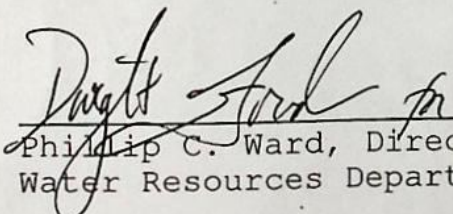
This certificate describes that portion of the water right confirmed by Certificate 14635, Volume 12, State Record of Water Right certificates, NOT modified by the provisions of an order of the Water Resources Director entered DECEMBER 16, 1977, approving Transfer 3745.

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 use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed

DEC 15 2006


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 82862.

T-3745-rr.JWG

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROGER E. JOHNSTON
RT 1, BOX 83
YONCOLLA, OREGON 97499

confirms the right to use the waters of ELK CREEK, tributary of the UMPQUA RIVER for IRRIGATION OF 12.2 ACRES.

This right was perfected under Permit 13488. The date of priority is FEBRUARY 16, 1939. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.15 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The points of diversion are located as follows:

SE 1/4 NE 1/4, AS PROJECTED ON DLC 38, SECTION 31, T 22 S, R 4 W, W.M; 1775 FEET SOUTH AND 1600 EAST FROM N 1/4 CORNER, SECTION 31

SE 1/4 NE 1/4, AS PROJECTED ON DLC 38, SECTION 31, T 22 S, R 4 W, W.M; 2600 FEET SOUTH AND 1900 EAST FROM N 1/4 CORNER, SECTION 31

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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.

A description of the place of use to which this right is appurtenant is as follows:

SE 1/4 NE 1/4 8.1 ACRES
NE 1/4 SE 1/4 4.1 ACRES
BOTH AS PROJECTED WITHIN W. J. J. SCOTT DLC 38
SECTION 31
TOWNSHIP 22 SOUTH, RANGE 4 WEST, W.M.

Land on which water is to be used is a part of the property more explicitly described by appropriator as follows:

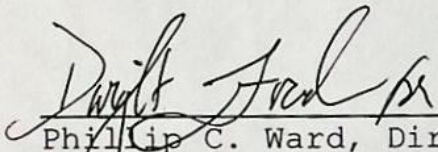
Beginning at the Southwest corner of the William J. J. Scott donation land claim, being Claim No. 38 in Section 31 Township 22 South, Range 4 East of the Willamette Meridian, and running thence East 40 chains; thence North 40 chains; thence West 40 chains and thence South 40 chains to the place of beginning, containing 160 acres.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered DECEMBER 16, 1977, approving Transfer Application 3745, and supersedes Certificate 14635, State Record of Water Right Certificates.

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

WITNESS the signature of the Water Resources Director, affixed

DEC 15 2006


Philip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 82861.

T-3745.JWG

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROGER E. JOHNSTON FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM ELK CREEK)

ORDER APPROVING
TRANSFER NO. 3745

On August 5, 1977, an application was filed in the office of the Water Resources Director by Roger E. Johnston for approval of a change in place of use from Elk Creek, pursuant to ORS 540.510 to 540.530.

The certificate recorded at page 14635, Volume 12, State Record of Water Right Certificates, in the name of Gerald Johnson, describes a right which includes the use of not to exceed 0.17 cubic foot per second from Elk Creek for irrigation of a certain 0.23 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 13.50 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 22 South, Range 4 West, W.M., with a date of priority of February 16, 1939.

Water for the said right is diverted from points located (1) 1775 feet South and 1600 feet East and (2) 2600 feet South and 1900 feet East from the North Quarter Corner of Section 31, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 8.80 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 4.93 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31.

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

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

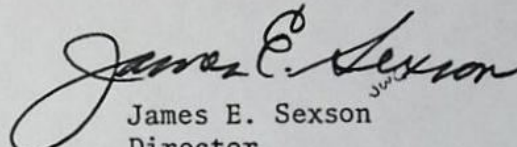
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

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 the certificate of water right heretofore issued to Gerald Johnson and recorded at page 14635, Volume 12, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued to the applicant herein.

Dated at Salem, Oregon this 16th day of December, 1977.


James E. Sexson
Director

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That GERALD JOHNSON

of Yoncalla, 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
Elk Creek
a tributary of Umpqua River for the purpose of
Irrigation
under Permit No. 13483 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 16, 1939.

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
0.48 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 NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected on
D.L.C. 38, Section 31, Township 22 South, Range 4 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-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 $\frac{1}{2}$ 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:

4.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected on Wm. J. J. Scott D.L.C. No. 38,	
4.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected on Wm. J. J. Scott D.L.C. No. 38,	
7.4 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected on Wm. J. J. Scott D.L.C. No. 38,	0.23
16.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected on Wm. J. J. Scott D.L.C. No. 38,	13.50 8.80
5.4 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected on Wm. J. J. Scott D.L.C. No. 38,	4.93
Section 31,	
T. 22 S., R. 4 W., W. M.	13.73 13.73

Land on which water is to be used is a part of the property more explicitly described by
appropriator as follows:

Beginning at the Southwest corner of the William J. J. Scott donation land claim, being
Claim No. 38 in Section 31 Township 22 South, Range 4 West of the Willamette Meridian, and
running thence East 40 chains; thence North 40 chains; thence West 40 chains and thence South
40 chains to the place of beginning, containing 160 acres.

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 31st day of March, 1945.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 12, page 14635

T#3745