

4013

Name Donald Ray & Bessie Larena Bretz
By _____
Address 1422 W. Del Rio Road 145B Del Rio Rd,
Roseburg, OR 97470

Change in POD
Date filed Aug 3, 1978
Date of hearing Oct 4, 1978
Place of hearing Roseburg
Date of order 10-6-78 Vol. 31, page 302

Date for application of water 10-1-80
Proof mailed _____
Proof received _____
Certificate issued DEC 21 1978 Vol. 40, page 47058 (RR)
FEB 10 1984 46 51848

to survey 6/79

DESCRIPTION OF WATER RIGHT

Name of stream North Umpqua River
Trib. of _____ County of Douglas
Use _____
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority May 13, 1963
In name of G.H. Harrell
_____ Adjudication, Vol. _____, page 25495
App. No. 38746 Per. No. 28837 Cert. No. 4370
Certificate cancelled _____
Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
<u>83-78</u>	<u>85-</u>	<u>5238</u>
TOTAL . . .		
	Cert. Fee	
<u>The News-Review \$33.99 7d 9-29-78 ck # 2631</u>		

FEEES REFUNDED

Date	Amount	Check No.
<u>9-29-78</u>	<u>16⁰¹</u>	<u>2630</u>

EX 20-
POD 15-
POD 3323
68 11

REMARKS

Transfer T-3993 canceled Cat # 45495
also see T-4036

finis

W.R.I.S.	
Assembled	<u>6-17-85</u> by <u>SM</u>
Entered	_____ by _____
Verified	_____ by _____

	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lij</u>	_____
<input checked="" type="checkbox"/> Stream	<u>lij</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	_____	_____
<input checked="" type="checkbox"/> Calendar	<u>lij</u>	_____
CHECKED TO RECORDS		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>lij</u>	_____
<input checked="" type="checkbox"/> Decree-vault	_____	_____
<input checked="" type="checkbox"/> Decree-safe	_____	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>lij</u>	<u>lij</u>
<input checked="" type="checkbox"/> Per. Folder	<u>lij</u>	_____
<input checked="" type="checkbox"/> Chainindex	_____	_____
<input checked="" type="checkbox"/> Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim	_____	_____
<input checked="" type="checkbox"/> Abstracts	<u>lij</u>	_____

STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

DONALD RAY and BESSIE LARENA BRETZ

of 1658 Del Rio Road, Roseburg, State of Oregon 97470, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of North Umpqua River

a tributary of Umpqua River
irrigation of 0.9 acre

for the purpose of

under Permit No. 28837 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 May 13, 1963

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 0.011 cubic foot per second, if available at the original point of diversion SW 1/4 SE 1/4, as projected within McKinney DLC 45, Section 14, T26S, R6W, WM, 2,550 feet South and 2,620 feet West from E 1/4 Corner, Section 14.

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 1/4 NE 1/4, as projected within McKinney DLC 45, Section 23, T26S, R6W, WM, 840 feet South and 2,050 feet West from NE Corner, Section 23

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 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right to the use of water is limited to the period when the flow of the North Umpqua River is 525 cfs or more at its mouth

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:

0.9 acre NW 1/4 NE 1/4 as projected within McKinney DLC 45
Section 23
Township 26 South, Range 6 West, WM

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered October 6, 1978 and together with Certificate 47058, Certificate 51847, and Transfer Application 3993 supersedes Certificate of Water Right recorded at page 45495, Volume 37, 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.

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 Water Resources Director, affixed

this date. February 10, 1984

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51848

7824A

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
DONALD RAY & BESSIE LaRENA BRETZ FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4013

On August 3, 1978, an application was filed in the office of the Water Resources Director by Donald Ray and Bessie LaRena Bretz for approval of a change in point of diversion from North Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 45495, Volume 37, State Record of Water Right Certificates, in the name of G. H. Harrell, describes a right which includes the use of not to exceed 0.011 cubic foot per second from North Umpqua River for irrigation of 0.9 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within McKinney D.L.C. No. 45, Section 23, Township 26 South, Range 6 West, W.M., with a date of priority of May 13, 1963.

The authorized point of diversion of record for said right is located 2550 feet South and 2620 feet West from the East Quarter Corner of Section 14, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 26 South, Range 6 West, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 840 feet South and 2050 feet East from the Southeast Corner of Section 14, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 26 South, Range 6 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of August 11, 18 and 25, 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.

V31, P302

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.

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:

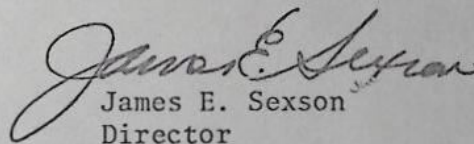
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered July 27, 1978, approving transfer application No. 3993; 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 applicants herein.

Dated at Salem, Oregon this 6th day of October, 1978.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That G. H. HARRELL

of Rt. 2 Box 1415, Roseburg, State of Oregon, 97470, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of North Umpqua River

a tributary of Umpqua River
irrigation of 130.2 acres

for the purpose of

under Permit No. 28837 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 May 13, 1963

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 1.625 cubic feet per second

1.614

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within McKinney DLC 45, Section 14, T. 26 S., R. 6 W., W. M., 2550 feet South and 2620 feet West from the E $\frac{1}{4}$ corner of Section 14.

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, provided further that the right to the use of water is limited to the period when the flow of the North Umpqua River is 525 c.f.s. or more at its mouth;

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:

SEE NEXT PAGE

T-4013

10.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

1.2 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

1.2 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$

0.1 acre SW $\frac{1}{4}$ SW $\frac{1}{4}$

14.02 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$

All as projected within McKinney DLC 45

0.4 acre Lot 7 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)

19.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$

17.4 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

29.8 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$

21.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

All as projected within McKinney DLC 45

1.3 acres Lot 6 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)

Section 14

1.6 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$

~~13.0~~ acres NW $\frac{1}{4}$ NE $\frac{1}{4}$

0.18 acre NE $\frac{1}{4}$ NW $\frac{1}{4}$

All as projected within McKinney DLC 45

Section 23

T. 26 S., R. 6 W., W. M.

129⁰⁰

09

0.011 cfs

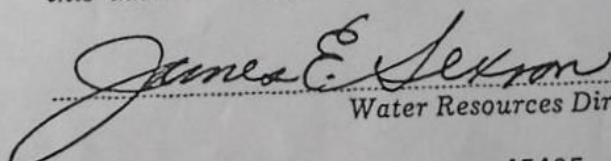
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 43554, Volume 35, State Record of Water Right Certificates, NOT modified by the provisions of orders of the Water Resources Director entered on February 15, 1977, approving transfer application No. 3482 and on October 10, 1977, approving transfer application No. 3626.

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

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. May 1, 1978


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume. 37 , page 45495

T-4026 T-4013 T-3993

Affidavit of Publication

The News-Review

Roseburg, Oregon

ISSUED DAILY EXCEPT SUNDAY

STATE OF OREGON }
COUNTY OF DOUGLAS } ss.

I, Elsille Martin, being
first duly sworn, depose and say that I am the Office
Manager, of The News-Review, a newspaper of general
circulation, as defined by ORS 193.010 and 193.020;
printed and published at Roseburg in the aforesaid
county and state; that the

Notice of Water Right

Transfer Application

a printed copy of which is hereto annexed, was publish-
ed in the entire issue of said newspaper for 3
successive and consecutive weeks in the following issues:

August 11, 18, 25, 1978

The fee actually charged by such newspaper for such
publication is \$ 33.99

Elsille Martin

Subscribed and sworn to before me this 25 day of

August, 1978

Babara Brown
Notary Public of Oregon

My Commission expires 10th day of October, 1980

**NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 4013**

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Donald Ray & Bessie La Rena Bretz for approval of a change in point of diversion from North Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 45495, Volume 37, State Record of Water Right Certificates, in the name of G.H. Harrell, describes a right which includes the use of water to exceed 0.011 cubic foot per second from N. Umpqua R. for irrigation of 0.9 ac in NW 1/4 NE 1/4, as projected within McKinney DLC #45, Sec 23, T 26S, R 6W, WM, with a date of priority of May 13, 1963.

The authorized point of diversion of record for said right is located 2550 ft S & 2620 ft W from the E 1/4 Corner of Sec 14, being within the SW 1/4 SE 1/4 of Sec 14, T 26S, R 6W, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 840 ft S & 2050 ft E from the SE Corner of Sec 14, being within the NW 1/4 NE 1/4 of Sec 23, T 26S, R 6W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Roseburg, Oregon on October 4, 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 to be served on Donald Ray and Bessie La Rena Bretz, 1422 W Del Rio Rd, Roseburg, OR 97470; and one copy 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 8th day of August, 1978.

James E. Sexson
Director

Invoice No. 4430, Publication
Dates: August 11, 18, 25, 1978