

Name Vanus C. or Barbara Barb
By _____
Address No. Myrtle Route Box 144
Myrtle Creek, OR 97457

Change in POD
Date filed Sept. 12, 1978
Date of hearing July 26, 1979
Place of hearing Roseburg
Date of order 7-31-79 Vol. 32, page 300
Date for application of water 10-1-80
Proof mailed _____
Proof received _____
Certificate issued DEC 26 1979 Vol. 42, page 48650
APR 25 1985 48 52958

4039

DESCRIPTION OF WATER RIGHT

Name of stream North Myrtle Creek
Trib. of _____ County of Douglas
Use irrigation
Quantity of water _____ No. of acres 0⁶
Name of ditch No. Myrtle Irr. Ditch
Date of priority Sept 25, 1920
In name of No. Myrtle Irrigation Co.
_____ Adjudication, Vol. _____, page _____
App. No. 7550 Per. No. 4803 Cert. No. 44047
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>9-12-78</u>	<u>57-</u>	<u>6052</u>
TOTAL . . .		
	Cert. Fee	

News Review #10.00 pd 6/22/74 ck #3455

FEES REFUNDED

Date	Amount	Check No.
<u>6-22-79</u>	<u>12.00</u>	<u>3456</u>

exam 200
POD 15.00
39.00
PON 10.00
49.00

REMARKS

See Transfer No 4040 through 4045 & 4053

W.R.I.S.	
Assembled	<u>6-18-85</u> by <u>SCA</u>
Entered	_____ by _____
Verified	_____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	☒	Name	<u>Scj</u>	_____
	☒	Stream	<u>Scj</u>	_____
	☒	Pt. of Div.	<u>Scj</u>	_____
	☒	Calendar	<u>Scj</u>	_____
	CHECKED TO RECORDS:			
	☒	Twp. & Rge.	<u>Scj</u>	_____
	☐	Decree-vault	_____	_____
	☐	Decree-safe	_____	_____
	☒	Cert. of W/R	<u>Scj</u>	_____
☒	Per. Folder	<u>Scj</u>	_____	
☐	Chaindex	_____	_____	
☐	Cross Ref.	_____	_____	
☒	Power Claim	<u>Scj</u>	_____	
☐	Abstracts	<u>Scj</u>	_____	

STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

Vanus C. or Barbara Barb

This Is to Certify, That
North Myrtle Rt. Box 144

NORTH MYRTLE IRRIGATION COMPANY

composed of H. W. HERMANN, THOMAS LANGHEAD,
W. O. DEMENT, E. FOSDICK, J. H. MORRISON,
A. E. BURTON, JOHN AUSMUS, and R. E. ALLEN

of Myrtle Creek

proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
North Myrtle Creek

a tributary of South Umpqua River
irrigation of 130.67 acres

for the purpose of

under Permit No. 4803

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
September 25, 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
1.624 cubic feet per second, if available at the original point of diversion,
0.007

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 1/4, Section 22; SW 1/4, Section 14, T. 29 S.,
R. 5 W., W. M., 13.09 chains N & 0.46 chain SUSE

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-eighth 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:

4.0 acres SW 1/4 SW 1/4	7.0 acres NE 1/4 NW 1/4	38.0 acres NW 1/4 NE 1/4
Section 14	5.0 acres NW 1/4 NW 1/4	6.0 acres NE 1/4 NW 1/4
17.0 acres SE 1/4 NE 1/4	6.0 acres SW 1/4 NW 1/4	20.54 acres NE 1/4 NW 1/4
6.9 acres NE 1/4 SE 1/4	Section 23	2.0 acres SW 1/4 NE 1/4
17.63 acres SW 1/4 SE 1/4		Section 27
Section 22		T. 29 S., R. 5 W., W. M.

0.6 ac NE NW

Sec 23

T29S R5W WM

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at Page 37360, Volume 29, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the State Engineer
entered on February 25, 1975, approving transfer application No. 3063.

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 certificate is issued to confirm a change in point of diversion approved
by an order of the WRD entered 7-31-79 and together with certificates
of water right recorded at pages Vol. SRWRC supersedes certi-
ficate of water right recorded at page 44047 Vol. SRWRC.

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

52958

5443C

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF VANUS C. OR BARBARA BARB FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4039

On September 12, 1978, an application was filed in the office of the Water Resources Director by Vanus C. and Barbara Barb for approval of a change in point of diversion of water from North Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 44047, Volume 36, State Record of Water Right Certificates, in the name of North Myrtle Irrigation Company, describes a right which includes the use of not to exceed 0.007 cubic foot per second from North Myrtle Creek for irrigation of a certain 0.6 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 29 South, Range 5 West, W.M., with a date of priority of September 25, 1920.

The authorized point of diversion for said right is located 13.09 chains North and 0.46 chains West from the Southwest Corner of Henry Jones D.L.C. No. 48, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 29 South, Range 5 West, W.M.

The applicants herein, contract purchasers of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 50 feet South and 1525 feet East from the Northwest Corner of Section 23, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 29 South, Range 5 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 June 4, 11 and 18, 1979.

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.

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:

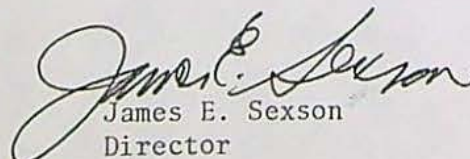
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 certificate recorded at page 44047, Volume 36, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this and other current transfer proceedings; 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 31st day of July, 1979.


James E. Sexson
Director

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

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:

June 4, 11, 18, 1979

The fee actually charged by such newspaper for such publication is \$ 101.01

Subscribed and sworn to before me this 18th day of

June, 19 79

Barbara Brown
Notary Public of Oregon

My Commission expires 10th day of October, 19 80

NOTICE OF WATER RIGHT TRANSFER APPLICATIONS

NOS. 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4056, 4058 & 4117
Notice is given hereby that applications have been filed in the office of the Water Resources Director by Vanus C. & Barbara Barb, A.E. & Dedie Buckingham, Jesse James & Anna Mae Haltom, Lee R. & Ora L. Bryan, John J. & Frances L. Bryant, Alvin & Evelyn B. Hylton, Ewell & Faye Hall, Vernon & Annalee Frenz, Kip & Casey Morgan, and Paul & Juanette Blaser for approval of changes in place of use & points of diversion of water from North Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 44047, Volume 36, State Record of Water Right Certificates, in the name of North Myrtle Irrigation Company, describes a right which includes the use of not to exceed 0.553 cubic foot per second from No. Myrtle Cr. for irrigation of a certain 0.1 ac in SE 1/4 SW 1/4 of Sec 14; 17.0 ac in SE 1/4 NE 1/4, 6.9 ac in NE 1/4 SE 1/4, 7.3 ac in SW 1/4 SE 1/4 of Sec 22; 4.4 ac in NE 1/4 NW 1/4, 4.0 ac in NW 1/4 NW 1/4, and 4.7 ac in SW 1/4 NW 1/4 of Sec 23, T 29S, R 5W, WM, with a date of priority of Sept. 25, 1920.

The authorized point of diversion of record for irrigation of a certain 4.8 ac of said 7.3 ac in SW 1/4 SE 1/4 of Sec 22 is located 850 ft N & 900 ft E from the S 1/4 Corner of Sec 22, being within the SW 1/4 SE 1/4 of Sec 22, T 29S, R 5W, WM.

By transfer application No. 4117, Paul & Juanette Blaser, PO Box 286, Myrtle Creek, OR 97457, owners of the aforesaid 4.8 ac in SW 1/4 SE 1/4 of Sec 22, propose to change the point of diversion therefrom, without loss of priority, to a point located 1200 ft N & 1400 ft W from the SE Corner of Sec 22, being within the SW 1/4 SE 1/4 of Sec 22, T 29S, R 5W, WM.

The authorized p.o.d. of record for the irrigation of the balance of the lands above described is located 13.09 ch N & 0.46 ch W from the SW Corner of Henry Jones DLC #48, being within the SW 1/4 SE 1/4 of Sec 14, T 29S, R 5W, WM.

By transfer application No. 4039, Vanus C & Barbara Barb, N Myrtle Rt, Box 144, Myrtle Creek, OR 97477, contract purchasers of a certain 0.6 ac in NE 1/4 NW 1/4 of Sec 23 of the lands above described, propose to change from the p.o.d. described above, without loss of priority, to a point located 50 ft S & 1525 ft E from the NW Corner of Sec 23, being within the NE 1/4 NW 1/4 of Sec 23, T 29S, R 5W, WM.

By transfer application No. 4040, A.E. & Dedie Buckingham, Box 1213, Myrtle Creek, OR 97457, propose changes in place of use & p.o.d., without loss of priority, by severing the right from a certain 0.1 ac in SE 1/4 SW 1/4 of Sec 14 & 0.2 ac in NE 1/4 NW 1/4 of Sec 23 of the lands above described, and in lieu thereof to irrigate a certain 0.3 ac in SE 1/4 SW 1/4 of Sec 14, T 29S, R 5W, WM, from a p.o.d. located 25 ft N & 1550 ft E from the SW Corner of Sec 14, being within the SE 1/4 SW 1/4 of Sec 14, T 29S, R 5W, WM.

By transfer application 4041, Jesse James & Anna Mae Haltom, PO Box 317, Myrtle Creek, OR 97457, owners of a certain 3.2 ac in NW 1/4 NW 1/4 & 1.2 ac in NE 1/4 NW 1/4 of Sec 23 of the lands above described, propose to change from the p.o.d. described above, without loss of priority, to a point located 325 ft N & 1075 ft E from the NW Corner of Sec 23, being within the NW 1/4 NW 1/4 of Sec 23, T 29S, R 5W, WM.

By transfer application No. 4042, Lee R. & Ora L. Bryan, N. Myrtle Rt, Box 142, Myrtle Creek, OR

PUBLIC NOTICE

97457, owners of a certain 1.0 ac in NE 1/4 NW 1/4 of Sec 23 of the lands above described, propose to change from the p.o.d. described above, without loss of priority, to a point located 50 ft S & 1500 ft E from the NW Corner of Sec 23, being within the NE 1/4 NW 1/4 of Sec 23, T 29S, R 5W, WM.

By transfer application No. 4043, John J. & Frances L. Bryant, PO Box 943, Myrtle Creek, OR 97457, owners of a certain 1.0 ac in NE 1/4 NW 1/4 of Sec 23 of the lands above described, propose to change from the p.o.d. described above, without loss of priority, to a point located 150 ft S & 1400 ft E from the NW Corner of Sec 23, being within the NE 1/4 NW 1/4 of Sec 23, T 29S, R 5W, WM.

By transfer application No. 4044, Alvin & Evelyn B. Hylton, N Myrtle Rt, Box 141, Myrtle Creek, OR 97457, owners of a certain 0.4 ac in NE 1/4 NW 1/4 & 0.8 ac in NW 1/4 NW 1/4 of Sec 23 of the lands above described, propose to change from the p.o.d. described above, without loss of priority, to a point located 150 ft S & 1350 ft E from the NW corner of Sec 23, being within the NW 1/4 NW 1/4 of Sec 23, T 29S, R 5W, WM.

By transfer application No. 4045, Ewell & Faye Hall, N Myrtle Rt, Box 125B, Myrtle Creek, OR 97457, owners of a certain 4.7 ac in SW 1/4 NW 1/4 of Sec 23 of the lands above described, propose to change from the p.o.d. described above, without loss of priority, to a point located 1575 ft S & 175 ft E from the NW Corner of Sec 23, being within the SW 1/4 NW 1/4 of Sec 23, T 29S, R 5W, WM.

By transfer application No. 4056, Vernon & Annalee Frenz, 981 NE Division, Myrtle Creek, OR 97457, owners of a certain 2.5 ac in SW 1/4 SE 1/4 of Sec 22 of the lands above described, propose to change from

the p.o.d. described above, without loss of priority, to a point located 550 ft N & 2100 ft W from the SE Corner of Sec 22, being within the SW 1/4 SE 1/4 of Sec 22, T 29S, R 5W, WM.

By transfer application No. 4058, Kip & Casey Morgan, N Myrtle Rt, Box 27, Myrtle Creek, OR 97457, owners of a certain 17.0 ac in SE 1/4 NE 1/4 & 6.9 ac in NE 1/4 SE 1/4 of Sec 22 of the lands above described, propose to change from the p.o.d. described above, without loss of priority, to two points located (1) 2700 ft N & 950 ft W; and (2) 1625 ft N & 1330 ft W both from the SE Corner of Sec 22, being within the (1) SE 1/4 NE 1/4 & (2) NW 1/4 SE 1/4 of Sec 22, T 29S, R 5W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Roseburg, Oregon on July 26, 1979 at 9:30 a.m. All objections to the proposed changes, if any there are, will be heard at said time and place. Any and all objections to any aforesaid application shall be prepared in writing; one copy to be served on the applicant to the address given; 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 Dept. upon request.

Dated at Salem, Oregon this 29th day of May, 1979.

James E. Sexson, Director

Invoice No. 5335

Publication Dates: June 4, 11, 18, 1979