

4040 Buckingham

Name A.E. or Dedie Buckingham

4040

DESCRIPTION OF WATER RIGHT

By _____

Address Box 1213

Myrtle Creek, OR 97457

Name of stream North Myrtle Creek

Trib. of _____ County of Douglas

Use irrigation

Quantity of water _____ No. of acres 0.3

Name of ditch N. 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 _____

Change in POU, 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 302

Date for application of water complete

Proof mailed _____

Proof received _____

Certificate issued OCT 26 1979 Vol. 42, page 48650

APR 25 1985 48 52959

REMARKS

500 Transfers No 4039 through 4058 & 4059

W.R.I.S.	
Assembled <u>6-17-83</u>	by <u>SM</u>
Entered _____	by _____
Verified _____	by _____

FEES PAID

Date	Amount	Receipt No.
9-12-78	82 -	6053
TOTAL . . .		
	Cert. Fee	

News Review \$11.01 pd 6/22/79 cl# 3455

FEES REFUNDED

Date	Amount	Check No.
6-22-79	25 ⁹⁹	3457

POU 11 cl - Set T-4039
56 01

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

527

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

George Hessler

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

This Is to Certify, That

North Myrtle Rt 142-A

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 ~~130.07~~ 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 0.004*

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 $\frac{1}{4}$, Section 22; ~~SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, T. 29 S., R. 5 W., W. H., 13.00 chains N & 0.46 chain W~~ *from SW cor Henry Jones DCC 48*

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.

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:

*0.3 ac SE $\frac{1}{4}$ SW $\frac{1}{4}$
SEC 14
T24S R5W WM*

4.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$	38.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 14	5.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$	6.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
17.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.54 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
6.9 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 23	2.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
17.63 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$		Section 27
Section 22		T. 29 S., R. 5 W., W. H.

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

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 7-31-79 and together with certificates of water right recorded at pages , Volume , State Record of Water Right Certificates, supersedes certificate of water right recorded at 44047 page , Volume , 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.

52959

5412C

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF A.E. & DEDIE BUCKINGHAM FOR)
APPROVAL OF CHANGES IN PLACE OF)
USE & POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4040

On September 12, 1978, an application was filed in the office of the Water Resources Director by A. E. and Dedie Buckingham for approval of changes in place of use and 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 0.004 cubic foot per second from North Myrtle Creek for irrigation of a certain 0.1 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14 and 0.2 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 chain 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 propose to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 0.3 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, Township 29 South, Range 5 West, W.M., from a point of diversion located 25 feet North and 1550 feet East from the Southwest Corner of Section 14, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, 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 changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, without loss of priority, are 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.

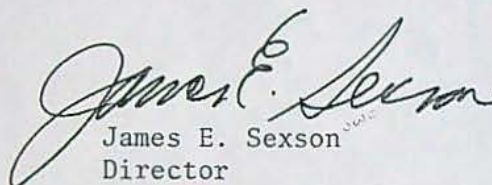
It is FURTHER ORDERED that NO time need be fixed for completion as the changes in place of use and point of diversion are completed.

The order of the Water Resources Director entered July 31, 1979, approving transfer application No. 4039, provided for cancellation of the certificate recorded at page 44047, Volume 36, State Record of Water Right Certificates, and issuance of a

new certificate covering the balance of the right NOT involved in the transfer proceeding and other current transfer proceedings; 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 31st day of July, 1979.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

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, State of Oregon, 97457, has made
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 for the purpose of
irrigation of 130.07 acres

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

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 $\frac{1}{4}$, Section 22; SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, T. 29 S.,
R. 5 W., 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-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 SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$	38.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
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17.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.54 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
6.9 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 23	2.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
17.63 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$		Section 27
Section 22		T. 29 S., R. 5 W., W. M.

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 date. January 18, 1977

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 36, page 44047

T-4037-74047

T-3027