

4043

Name John J. or Frances L. Bryant

By _____

Address P.O. Box 943Myrtle Creek, OR 97457Change in PODDate filed Sept. 12, 1978Date of hearing July 26, 1979Place of hearing RoseburgDate of order 7-31-79 Vol. 32, page 311Date for application of water complete

Proof mailed _____

Proof received _____

Certificate issued OCT 26 1979 Vol. 42, page 48650APR 25 19854852962

DESCRIPTION OF WATER RIGHT

Name of stream No. Myrtle CreekTrib. of _____ County of DouglasUse irrigationQuantity of water _____ No. of acres 1.0Name of ditch N. Myrtle Irr. DitchDate of priority Sept. 25, 1920In name of North Myrtle Irr. Co.

Adjudication, Vol. _____, page _____

App. No. 7550 Per. No. 4823 Cert. No. 41047

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>9-12-78</u>	<u>55-</u>	<u>6056</u>
TOTAL . . .		
	Cert. Fee	

News Review \$10.00 pd 6/22/79 ch# 3455

FEES REFUNDED

Date	Amount	Check No.
<u>6-22-79</u>	<u>10.00</u>	<u>3460</u>

exam 20.00POD 15.00POD 35.00 - See T-4039
45-

REMARKS

See Transfer No 4039 through 4054 4058

W.R.I.S.

Assembled 6-18-85 by SCB

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:

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

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STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

John J. & Frances L. Bryant

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

This Is to Certify, That

PO Box 943

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

State of Oregon, 97457

has made

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
0.012

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 SE 1/4, Section 22; SE 1/4 SW 1/4, Section 14, T. 29 S.,

R. 5 W., W. H., 13.69 chains N. & 0.46 chain W. from SW cor Henry Jones D.C. & B.

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 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. 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 is restricted to the lands or place

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 certificate
of water right recorded at page 48650 Vol. 42 SRWRC supersedes certi-
ficate of water right recorded at page Vol. SRWRC.

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

P.O. NE 1/4 NW 1/4 Sec 23 T29S R5W WM
150' S E 1/4 NW 1/4 from NW cor Sec 23

1.0 ac NE 1/4 NW 1/4
Sec 23
T29S R5W WM

52962

5438C

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF JOHN J. & FRANCES L. BRYANT FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4043

On September 12, 1978, an application was filed in the office of the Water Resources Director by John J. and Frances L. Bryant 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 0.012 cubic foot per second from North Myrtle Creek for irrigation of a certain 1.0 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, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 150 feet South and 1400 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.

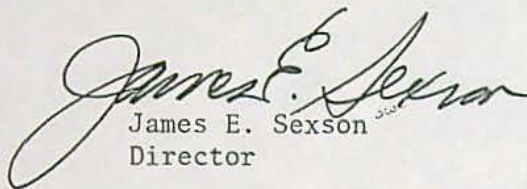
It is FURTHER ORDERED that NO time need be fixed for completion as the change in point of diversion is completed.

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