

4045

Name Ewell or Faye Hall

By _____

Address No. Myrtle Rt., Box 125-B
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 317

Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued DCI 26 1979 Vol. 42, page 48650

APR 25 1985

48

52964

DESCRIPTION OF WATER RIGHT

Name of stream North Myrtle Creek

Trib. of _____ County of Douglas

Use irrigation

Quantity of water _____ No. of acres 4.2

Name of ditch No. Myrtle Irr. Ditch

Date of priority Sept 25, 1920

In name of North Myrtle Irrigation Co.

Adjudication, Vol. _____, page _____

App. No. 7550 Per. No. 4803 Cert. No. 44017

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
9-12-78	57-	6058
TOTAL . . .		
	Cert. Fee	

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

FEES REFUNDED

Date	Amount	Check No.
6-22-79	12.00	3462

*exam 2042
POD 15-8*

*3540
POD 10-8
45-*

Set T-4039

REMARKS

SEE T-4756 Δ POW & POD
T-4835 Δ POW & POD

See Transfer No 4038 through 4045 & 4052

CARD FOR C NOV 4 1980

W.R.I.S.	
Assembled <u>1-25-85</u> by <u>TM</u>	
Entered _____ by _____	
Verified _____ by _____	

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	✓			
Name	✓		<i>lg</i>	
Stream	✓		<i>lg</i>	
Pt. of Div.	✓			
Calendar	✓		<i>lg</i>	
CHECKED TO RECORDS:				
Twp. & Rge.	✓		<i>SR6</i>	
Decree-vault				
Decree-safe				
Cert. of W/R	✓		<i>lg</i>	
Per. Folder	✓		<i>lg</i>	
Chainindex				
Gross Ref.				
Power Claim	✓		<i>lg</i>	
Abstracts				

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF EWELL & FAYE HALL FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4045

On September 12, 1978, an application was filed in the office of the Water Resources Director by Ewell and Faye Hall 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 0.059 cubic foot per second from North Myrtle Creek for irrigation of a certain 4.7 acres in SW $\frac{1}{4}$ 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 1575 feet South and 175 feet East from the Northwest Corner of Section 23, being within the SW $\frac{1}{4}$ 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

5/1/79

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.

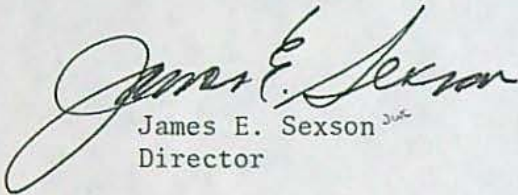
It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

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 Rt Box 125-B

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 2.3 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

0.029

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; SW 1/4, Section 14, T. 29 S., R. 5 W., U. M., 13.09 chains N. & 0.46 chain W. from SW cor Henry Jones D1C 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-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., U. 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 affirmed

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 548650 Vol. 42 SRWRC supersedes certificate of water right recorded at page Vol. SRWRC.

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

5436c

52964

POD SW 1/4 NW 1/4 Sec 23 T29S R5W W4
1575' S & 175' E from NW cor Sec 23

2.3 ac SW NW
5 ac Z3
T29S R5W W4