

4046

Briggs

Name Garry Briggs

By 3852

Address Rt. 1, Box 304 4422 GAZLEY ROAD

Myrtle Creek, OR 97457

Change in POU, POD

Date filed Sept 13, 1978

Date of hearing Dec 28, 1978

Place of hearing Roseburg

Date of order 1-3-79 Vol. 31, page 541

Date for application of water 10-1-80

Proof mailed

Proof received _____

Certificate issued FLB 28 1979 Vol. 40, page 47504
2/12/91 65233

to survey

REMARKS

~FINIS~

4046

DESCRIPTION OF WATER RIGHT

Name of stream South Umpqua River

Trib. of County of Douglas

Use irrigation

Quantity of water No. of acres 12⁵

Name of ditch

Date of priority Oct. 31, 1952

In name of A.L. Matthews

..... Adjudication, Vol., page

App. No. 27787 Per. No. 21874 Cert. No. 24138

Certificate cancelled

Notation made on record by

FEES PAID

Date	Amount	Receipt No.
9-13-78	108-	6090
TOTAL . . .	2 Cert. Fee	6090

News Review #35.96 pgs 12-14-78 LHF 2982

FEES REFUNDED

Date	Amount	Check No.
12-14-78	27 ⁰⁶ / ₁₀₀	2981

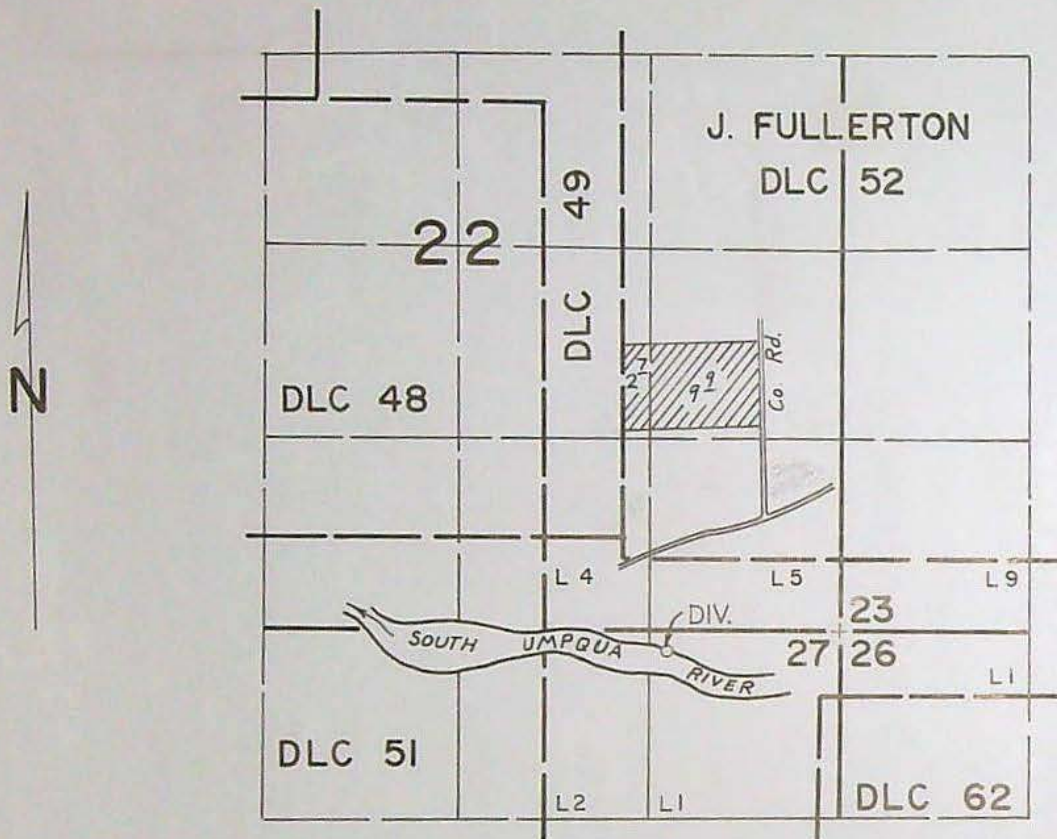
EX	20	-
POU	10	-
POD	15	-
CRT	2	-
PON	35	94
	<hr/>	
	82	94

INDEX CARDS:

INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	Ray	
<input checked="" type="checkbox"/> Stream	Ray	
<input checked="" type="checkbox"/> Pl. or Div.	Ray	
<input checked="" type="checkbox"/> Cause	Ray	
<input checked="" type="checkbox"/> Sent TO RECORDS:	Ray	
<input type="checkbox"/>	Ray	
<input type="checkbox"/>	Ray	
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<input type="checkbox"/>	Ray	
<input checked="" type="checkbox"/>	Ray	

58

T. 30S., R. 5W., W.M.



DIV. LOCATION 150' S. & 1200' W. from NE CORNER
SEC 27

SCALE: 4" = 1 mile

FINAL PROOF SURVEY UNDER

T-4046

Application No. Permit No.
IN NAME OF

GERALD E. BRIGGS

Surveyed MAY 31, 1984, by *L.E. Cashion*

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GERALD E. BRIGGS
ROUTE 1, BOX 304
MYRTLE CREEK, OREGON 97457

confirms the right to use the waters of the SOUTH UMPQUA RIVER , a tributary of the UMPQUA RIVER, for IRRIGATING 12.6 ACRES.

This right was perfected under Permit 21874. The date of priority is OCTOBER 31, 1952. This right is limited to 0.16 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 1 (NE 1/4 NE 1/4), SECTION 27, T 30 S, R 5 W, W.M.; 150 FEET SOUTH AND 1200 FEET WEST FROM THE NE CORNER OF SECTION 27.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

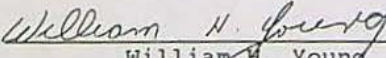
NE 1/4 SE 1/4 9.9 ACRES
NW 1/4 SE 1/4 2.7 ACRES
BOTH AS PROJECTED WITHIN DLC 52
SECTION 22
TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

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 JANUARY 3, 1979, and together with Certificate 47504, supersedes Certificate 24138, 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 above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 12, 1991.


William H. Young

Recorded in State Record of Water Right Certificates numbered 65233.

T-4046.VRG

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF GERRY BRIGGS FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4046

On September 13, 1978, an application was filed in the office of the Water Resources Director by Gerry Briggs for approval of changes in place of use and point of diversion of water from South Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 24138, Volume 17, State Record of Water Right Certificates, in the name of A. L. Matthews, describes a right which includes the use of not to exceed 0.16 cubic foot per second from South Umpqua River for irrigation of a certain 2.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7; and 2.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.6 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 30 South, Range 5 West, W.M., with a date of priority of October 31, 1952.

Water for the said right is diverted from a point located 1800 feet South and 250 feet East from the West Quarter Corner of Section 7, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 30 South, Range 5 West, W.M.

The applicant herein proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 10.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 0.1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.4 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 30 South, Range 5 West, W.M., from a point of diversion located 250 feet South and 1100 feet West from the Northeast Corner of Section 27, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 30 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 November 6, 13 and 20, 1978.

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.

V31, P 544

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:

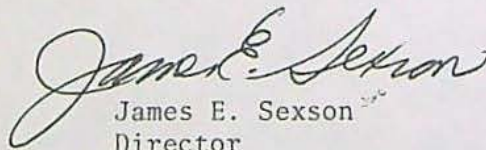
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 24138, Volume 17, 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 proceeding; 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 applicant herein.

Dated at Salem, Oregon this 3rd day of January, 1979.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That A. L. MATTHEWS

of Myrtle Creek, State of Oregon 97457, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of South Umpqua River a tributary of Umpqua River for the purpose of irrigation of 31.7 acres under Permit No. 21874 of the State Engineer, 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 October 31, 1952,

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 ~~0.55~~ cubic foot per second, 0.39

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 $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Weaver DLC #42, Section 7, Township 30 South, Range 5 West, W.M.; 1800'S & 250'E from the W $\frac{1}{4}$ cor Sec 7

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,

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:

8.8 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
~~10 $\frac{1}{2}$ 12.8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$~~
~~12 $\frac{1}{2}$ 19.8 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$~~
 Section 7
~~0 $\frac{1}{2}$ 2.3 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$~~
~~0.6 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$~~

Section 18

Township 30 South, Range 5 West, W.M.

All as projected within John W. Weaver DLC #42

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 24138, Volume 17, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Jan-3, 1979, approving transfer application No. 4046.

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

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 24138

T4046

Affidavit of Publication

The News-Review

Roseburg, Oregon

ISSUED DAILY EXCEPT SUNDAY

STATE OF OREGON }
COUNTY OF DOUGLAS } ss.

RECEIVED
NOV 21 1978
WATER RESOURCES DEPT.
SALEM, OREGON

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

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:

November 6, 13, 20, 1978

The fee actually charged by such newspaper for such
publication is \$ 35.94

Elsille Martin

Subscribed and sworn to before me this 20 day of

November, 1978

Barbara Brown
Notary Public of Oregon

My Commission expires 10th day of October, 1980

**NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 4046**

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Gerry Briggs for approval of changes in place of use & point of diversion from South Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 24138, Volume 17, State Record of Water Right Certificates, in the name of A. L. Matthews, describes a right which includes the use of not to exceed 0.16 cubic foot per second from S. Umpqua R. for irrigation of 2.4 ac in SE¹/₄ SW¹/₄, 7.5 ac in SW¹/₄ SE¹/₄ of Sec 7; 2.1 ac in NW¹/₄ NE¹/₄ & 0.6 ac in NE¹/₄ NW¹/₄ of Sec 18, T30S, R5W, WM, with a date of priority of Oct. 31, 1952.

Water for the said right is diverted from a point located 1800 ft S & 250 ft E from the W¹/₄ Corner of Sec 7, being within the SW¹/₄ SW¹/₄ of Sec 7, T30S, R5W, WM.

The applicant herein proposes to change the place of use & point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 10.2 ac in NE¹/₄ SE¹/₄, 1.9 ac in NW¹/₄ SE¹/₄, 0.1 ac in SW¹/₄ SE¹/₄ and 0.4 ac in SE¹/₄ SE¹/₄ of Sec 22, T30S, R5W, WM, from a point of diversion located 250 ft S & 1100 ft W from the NE Corner of Sec 27, being within the NE¹/₄ NE¹/₄ of Sec 27, T20S, R5W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Roseburg, Oregon, on December 28, 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 Gerry Briggs, R11, Box 304, Myrtle Creek, OR 97457 and one copy to be 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 1st day of November, 1978.

James E. Sexson
Director

Invoice No. 4663

Publication Dates: November 6, 13, 20, 1978