

Name Kip or Casey Morgan

4058

DESCRIPTION OF WATER RIGHT

By _____
Address N. Myrtle Rt., Box 27
Myrtle Creek, OR 97457Change in PODDate filed Sept. 27, 1978Date of hearing July 26, 1979Place of hearing RoseburgDate of order 7-31-79 Vol. 32, page 323Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued OCT 26 1979 Vol. 42, page 48650
APR 25 1985 48- 52966Name of stream North Myrtle CreekTrib. of _____ County of Douglas

Use _____

Quantity of water _____ No. of acres _____

Name of ditch N. Myrtle Irrigation DitchDate of priority Sept 25, 1920In name of No. Myrtle Irr. 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>9-27-78</u>	<u>57-</u>	<u>6411</u>
TOTAL . . .		
	Cert. Fee	

News Review \$10.00 pd 6/24/79 ck# 3455

FEES REFUNDED

Date	Amount	Check No.
<u>6-22-79</u>	<u>12.00</u>	<u>3404</u>

exam 20.00POD 15.0035.00POD 10.0045.00Sec T-4039

REMARKS

CARD FOR C NOV 4 1980

See Transfer No 4039 through 4045 & 4046

W.R.I.S.

Assembled 6-19-85 by SM

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:

TO BE ENTERED WHERE CHECKED	Entered	Checked
☒ Name	<u>fix</u>	_____
☒ Stream	<u>fix</u>	_____
☒ Pt. of Div.	<u>fix</u>	_____
☒ Calendar	<u>fix</u>	_____
☒ CHECKED TO RECORDS		
☒ Twp. & Rge.	<u>5106</u>	_____
☒ Decree-vault	_____	_____
☒ Decree-safe	_____	_____
☒ Cert. of W/R	<u>fix</u>	_____
☒ Per. Folder	<u>fix</u>	_____
☒ Chainindex	_____	_____
☒ Cross Ref.	_____	_____
☒ Power Claim	_____	_____
☒ Abstracts	<u>fix</u>	_____

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF KIP MORGAN & CASEY MORGAN FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4058

On September 27 1978, an application was filed in the office of the Water Resources Director by Kip Morgan and Casey Morgan 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 0.298 cubic foot per second from North Myrtle Creek for irrigation of a certain 17.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 6.9 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, 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 two points located (1) 2700 feet North and 950 feet West; and (2) 1625 feet North and 1330 feet West from the Southeast Corner of Section 22, being within the (1) SE $\frac{1}{4}$ NE $\frac{1}{4}$ and (2) NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, 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.

512A

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 points 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;

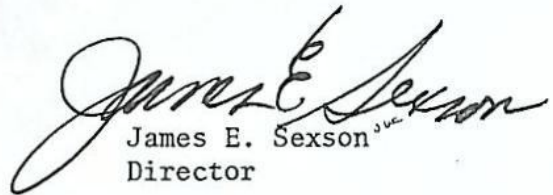
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Oct. 5, 1978.FROM: ** M. John Youngquist, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4058IN THE NAME OF Kip & Casey Morgan**RECEIVED**

OCT 6 1978

WATER RESOURCES DEPT.
SALEM, OREGON

In my opinion the proposed change in point of diversion from No. Myrtle Creek
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY*~~ to an existing water right.

Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? yes
(yes or no)

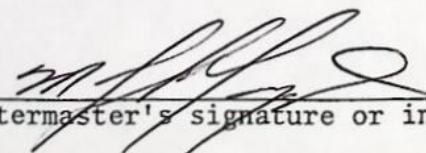
In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

 (1) PRIOR to the diverting of water at the new point of diversion . . .

 X (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

**


Watermaster's signature or initials

T-4058

RECEIVED

OCT 25 1978

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

SEP 27 1978

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Kip Morgan or Casey Morgan
(Name of applicant)of N. Myrtle Rt., Box 27, Myrtle Creek
(Mailing address) (City)State of Oregon, 97457, 863-6212, do hereby make application for change
(Zip Code) (Phone number)point of diversion

(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? North Myrtle Irrigation Co.
(If not, give name)2. Was your water right determined by Decree of Court? no If so, give title of proceedings
(Yes or No)

number of certificate

3. Was your water right acquired by Water Right Permit? Yes If so, give number
(Yes or No)
of permit 4803 Number of certificate 44047

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is North Myrtle Creek5. What is the date of priority of your water right? September 25, 19206. The authorized point of diversion is located SE SW ft. 14 and 14 ft. from the SE
(N. or S.) (E. or W.)
corner of Sec. 22 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 Tp. 29S R. 5W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Douglas The name of the ditch used is North Myrtle Irrigation Ditch

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 2700 500 ft. N and 400 950 ft. SE
1625 800 ft. N and 270 130 ft. SE
(N. or S.) (E. or W.)
corner of Sec. 22 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22 Tp. 29S R. 5W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Douglas The name of the ditch to be used is

8. The use to which the water is applied is irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
29S	5W	22	SE NE	17.0
			NE SE	6.9

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.?
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are to place p.o.d.'s upon applicants' property.

15. Construction work will be completed on or before August 1979

16. The water will be completely applied to the proposed use on or before August 1980

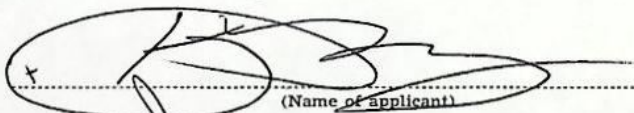
Remarks

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

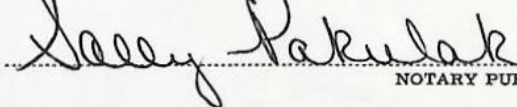
I, Kip Morgan or Casey Morgan, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this day of, 19.....


(Name of applicant)

Subscribed and sworn to before me this 19th day of September, 1978

[Notarial Seal]


NOTARY PUBLIC FOR OREGON

My commission expires 3-27-81

REPORT ON INSPECTION OF TRANSFER
OF WATER RIGHT FOR CHANGE IN:

RECEIVED

NOV 5 1984

POD
POU
USE
Add'l POD

Transfer No. 4058

WATER RESOURCES DEPT.
SALEM, OREGON

County

Douglas

Old Certificate No. 44047

1. Name Kip or Casey Morgan

Address N. Myrtle St, Box 27, Myrtle Cr., OR 97457

2. Source of Water No. Myrtle Creek Trib of _____

3. Use in 123.9 ac

4. Amount of Water 0.298 cfs

5. Priority Date 9/25/1920

6. Proposed Point of Diversion (1) ^{2725'} 2700' N + 950' W + (2) ^{1725'} 1625' N + 1330'

W from SE Cor, S. 22, w/in (1) SE 1/4 NE 1/4 (2) NW 1/4 SE 1/4,
Sec 22, T 29S, R 5W, WM

7. Completion Date 10-1-80

8. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
<u>24S</u>	<u>5N</u>	<u>22</u>		

11/6/84 Telephone discussion with Lynn Cashion: She found a 1977 photo which
shows logs decks in same areas as her 12-20-83 report. She also contacted Kip Morgan & he said
to the best of his recollection, diversion & in place as of 1981. YES
allow #2 only but advise them of nature & POD change of 2

GENERAL COMMENTS
OUT OF THE FOUR P.O.D.S SURVEYED, I HAVE SHOWN
THE TWO P.O.D.S ON THE MAP WHICH WERE
NEAREST TO THE APPLIED FOR P.O.D. LOCATIONS.
(SEE ATTACHED MAP WITH OTHER P.O.D. LOCATIONS)

DRAFTING NOTE
SEC. 22 M&B-10 (D.C.S.O.)
SEC. 23 R.M. 3-52

4/10/19-278
LEC
12-20-83

RECEIVED
WATER RESOURCES DEPT
SALEM, OREGON

Kip Morgan indicated ~~3~~ 4 POD's: #1, 3 for log decks and #2, 4 for field. Stated log deck areas have been in present location for many years. Morgan sharecrops field w/ Orris Nelson who owns gas pump.

Log decks watered w/ firehose and 6 sprinklers max @ one time (per Morgan)

RECEIVED

APR 24 1984

WATER RESOURCES DEPT
SALEM, OREGON

Lynn Cashion
WRE

Dec 20, 1983

Morgan uses two extra POD's (see last page for location) as a matter of convenience. He filed on 2.

T-4058

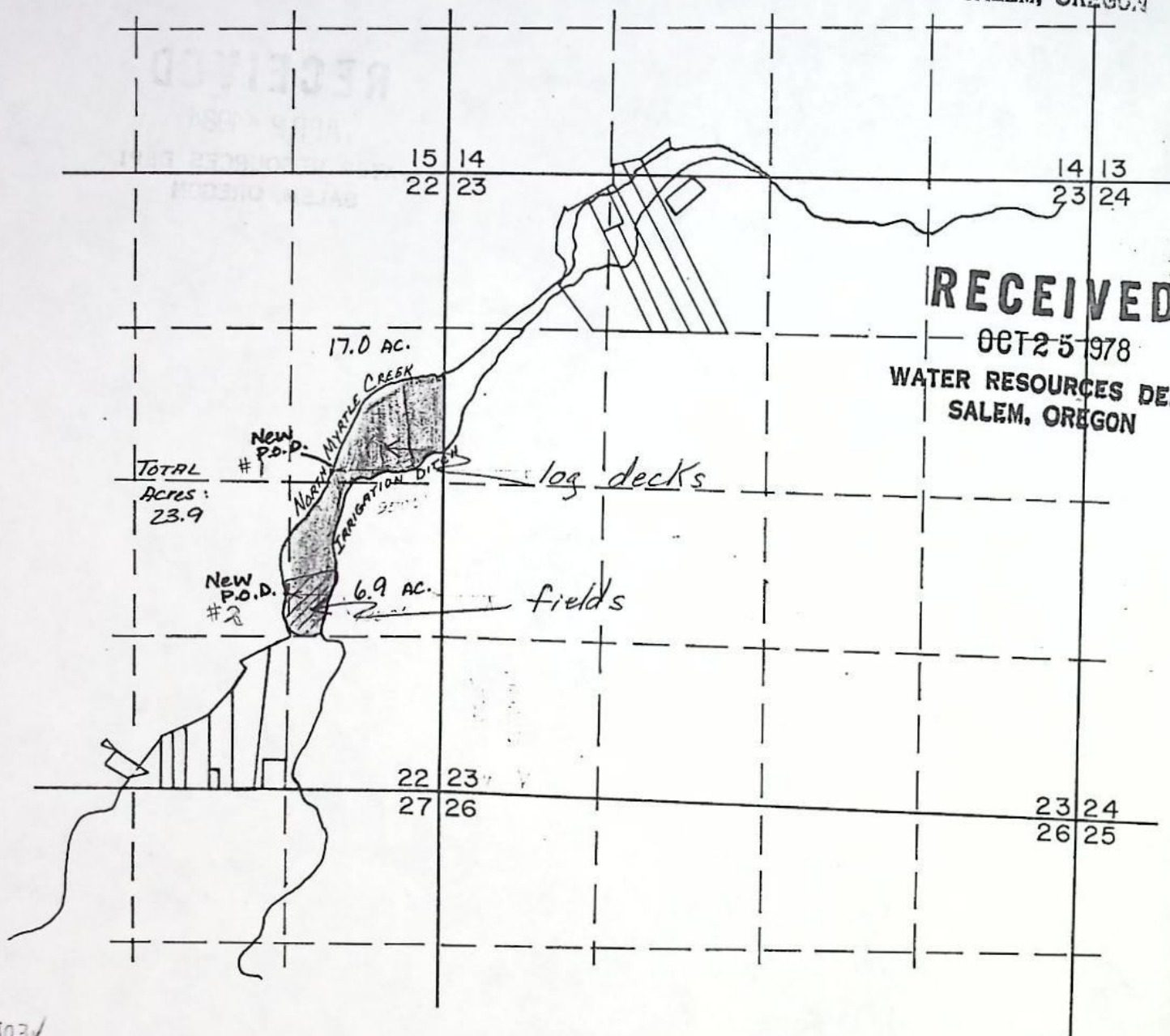
WATER RESOURCES DEPT.
SALEM, OREGON

T. 29 S., R. 5 W., W. IV. SALEM, OREGON

RECEIVED

SEP 27 1978

WATER RESOURCES DEPT.
SALEM, OREGON



1909 / P. O.

Surveyed _____ 19____, by _____

POSSIBLE
P.O.D. CONFLICT

POSSIBLE
P.O.D. CONFLICT

Info: ~~own observation~~, Kip Morgan

Source: N. Myrtle Creek

Div Pt: directly from creek

Photo: 41019-278 220 C

Use: irrigation of fields & log decks

RECEIVED

APR 24 1984

WATER RESOURCES DEPT
SALEM, OREGON

Pump: Master ^{motor} (~~? - brand very difficult to read~~) 3 HP @ 1750 RPM

POD #1,3 Old pump CDD
No name visible on pump 2" x 1 1/2" ID
(Used for log decks)

POD #2,4 Briggs & Stratton 3 HP gas pump
(per Morgan)

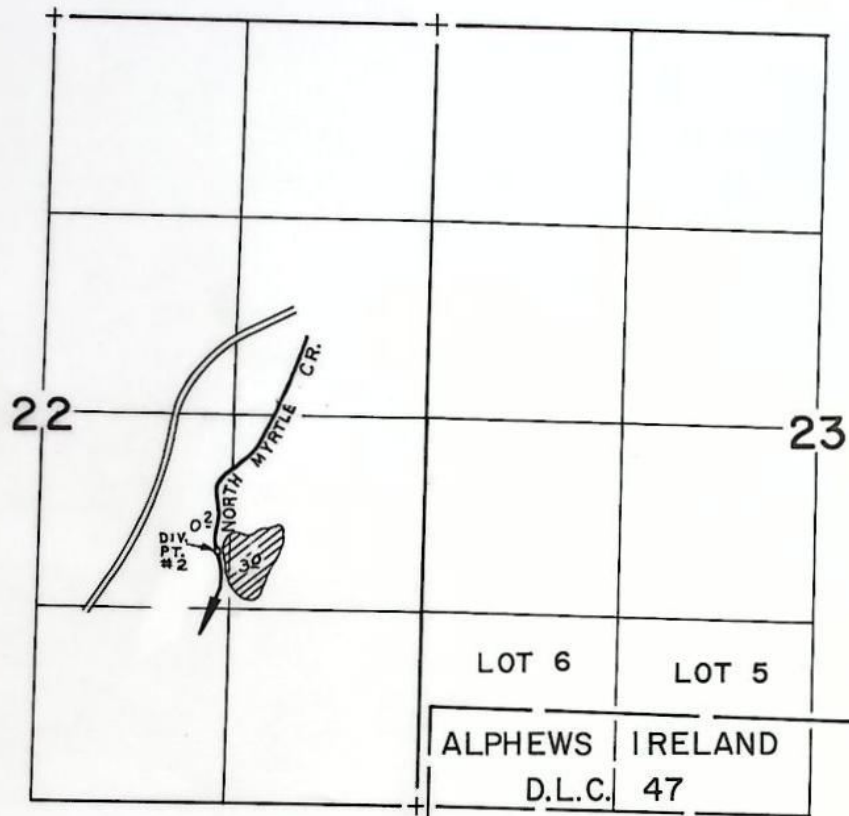
Pipe: 1 - 1 3/4" @ 20' alum } used for irrigating
6 - 1 3/4" @ 30' } field
415' - 1 3/4" firehose }

Heads: 2 broken (appear similar to Nelson described below)
(fields) 4 Nelson 1/8" single port (on standpipes)
1 Nelson 3/16" x 1/8"

Lift: 10'

Remarks: Area indicated on photo is irrigated for crops.
Rest of area shown on application map is used
as an area for log storage (cold decks).
This area is watered using the pump
for POD #1,3. (See application map w/
this field form for an approximation
indication of fields vs log decks). POD
~~#2,4~~ #2,4 used for irrigation of fields.
OVER

T.29S. R.5W. W.M.



DIV. PT. #2 LOCATED 1,690' N. & 1,380' W. FROM S.E. CORNER SEC. 22

SCALE: 4" = 1 mile

FINAL PROOF SURVEY
UNDER

Application No. Permit No. T. 4058..
IN NAME OF

KIP & CASEY MORGAN

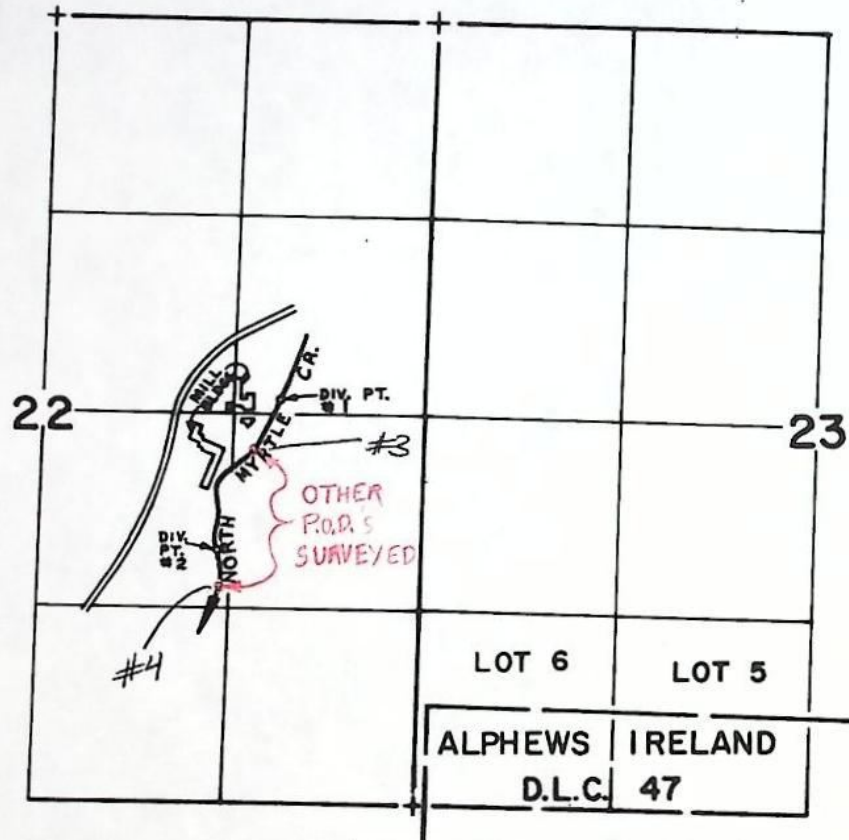
Surveyed DEC. 20, 1983, by L. CASHION..

RECEIVED

NOV 5 1984

WATER RESOURCES DEPT.
SALEM, OREGON

T.29S. R.5W. W.M.



DIV. PT. #1 LOCATED 2,725' N. & 910' W. FROM S.E. CORNER SEC. 22
DIV. PT. #2 LOCATED 1,715' N. & 1,340' W. FROM S.E. CORNER SEC. 22

SCALE: 4" = 1 mile

FINAL PROOF SURVEY
UNDER

Application No. Permit No. T. 4058..
IN NAME OF

KIP & CASEY MORGAN

Surveyed DEC. 20, 1983, by L. CASHION

I
DOUGLAS

KIP AND CASEY MORGAN

North Myrtle Rt., Box 27, Myrtle Creek

Oregon 97457

North Myrtle Creek

South Umpqua River
irrigation of 23.9 acres

4803

September 25, 1920

0.298 cubic foot per second, if available at the original point of diversion,
SW 1/4 SE 1/4, Section 14, T29S, R5W, WM; 13.09 chains North and 0.46 chains
West from SW Corner Henry Jones DLC 48.

NW 1/4 SE 1/4, Section 22, T29S, R5W, WM;
Diversion 2 - 1690 feet North and 1380 feet West from SE Corner, Section 22.

one-eightieth

SEE NEXT PAGE

5443-C

52966

17.0 acres SE 1/4 NE 1/4
6.9 acre NE 1/4 SE 1/4
Section 22
Township 29 South, Range 5 West, WM

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered July 31, 1979 and together with Certificate of Water Right recorded at page 48650, Volume 42, and certificates of water right recorded at pages A, B, C, D, E, F, G, H, J, K, L, M, N, Volume 47, State Record of Water Right Certificates supersedes certificate 44047.

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.

N. MYRTLE CR

WRJT-0982-01

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

 PAGE 1
 RUN ON: 3/20/81 AT: 9:08

 WATER RIGHT NO. ⁵⁸¹10000 ~~40391~~ PERMIT NO. ⁶⁶004803 CERTIF. NO. ⁶⁶0052958
 ORIG. NO. A000075501 PREV. NO. C00044047 SUPER. NO.

 NAME: ~~VANUS & BARBARA BARB~~ ^{KIP & CASEY MORGAN}

 ADDRESS: N. MYRTLE RT, BOX ~~144~~ ²⁷

CITY/STATE/ZIP/COUNTY: MYRTLE CREEK, OR 97457 10

STREAM-ID 16 1250 0900 0350 010

RIV.MI.

WM.DIST. 15 W.R.TYPE SA STATUS V

CANCEL YEAR---->

CONSTR.COMPLT--> 10 01 1980

YR.LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 09 25 1920

PUT TO USE-----> 10 01 1980

LAST TRANS.DATE-->

LAST TRANS.TYPE-->

 APPLICATION--> 09 ²⁷~~12~~ 1978

SURVEYED-----> 12 20 1983

EXAM.FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE--> 07 31 1979

CONCURRENCE-----> 12 20 1983

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR.STRT.--> 07 31 1979

CERTIFIED-----> 04 25 1985

CORRES.INIT.----->

CORRES.DATE----->

 POINT-OF-DIVERSION DATA:
 TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV.MI.

RATE

STATUS S OR P

** REMARKS: - - - - -

** DATED--> 1690'N & 1390'W SE

** POD: 50'S & 152' E FM NW COR

 ** S ²²~~27~~. CHANGES POD PART OF

** C-44047. RRC-48650. ORIGINAL

** POD 13.09 CH N & 0.46 CH W FM

 ** SW COR DLC 48. SEE T-40³⁹~~40~~ -

** T-4045 & T-4056 & T-4058.

** - - - - -

 PLACE-OF-USE DATA:
 TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES

STATUS S OR P

 2905 050W ²²~~23~~ ^{DA}~~DB~~ A 10 1R 100 0.60
 17.00
 DA 6.90

48650

W.R.I.S.	
Assembled	6-19-85 by SM
Entered	by
Verified	by