

Name Hubert J. or Ellen Johnson

4149

By

Address No. Myrtle Route, Box 143
Myrtle Creek, OR 97457

Change in POD

Date filed Feb. 6, 1979

Date of hearing

Place of hearing

Date of order 5-31-79 Vol. 32, page 168

Date for application of water Completed

Proof mailed

Proof received

Certificate issued 10-26-79 Vol. 42, page 48650
48 52968
APR 25 1985

DESCRIPTION OF WATER RIGHT

Name of stream North Myrtle Creek

Trib. of _____ County of Douglas

Use

Quantity of water No. of acres 4⁰

Name of ditch N. Myrtle Irrigation 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

FEE PAID

Date	Amount	Receipt No.
2-6-79	55-	8947
TOTAL . . .		
	o Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
6-22-79	20. ⁰⁰	3508

EX 20
POD 15

35

REMARKS

TO BE ENTERED WHERE CHECKED

INDEX CARDS:

Name

Stream

Pt. of Div.

Calendar

CHECKED TO RECORD

Tw. & Rge.

Decree-vault

Decree-safe

Cert. of W/R

Per. Folder

Chainindex

Cross Ref.

Power Claim

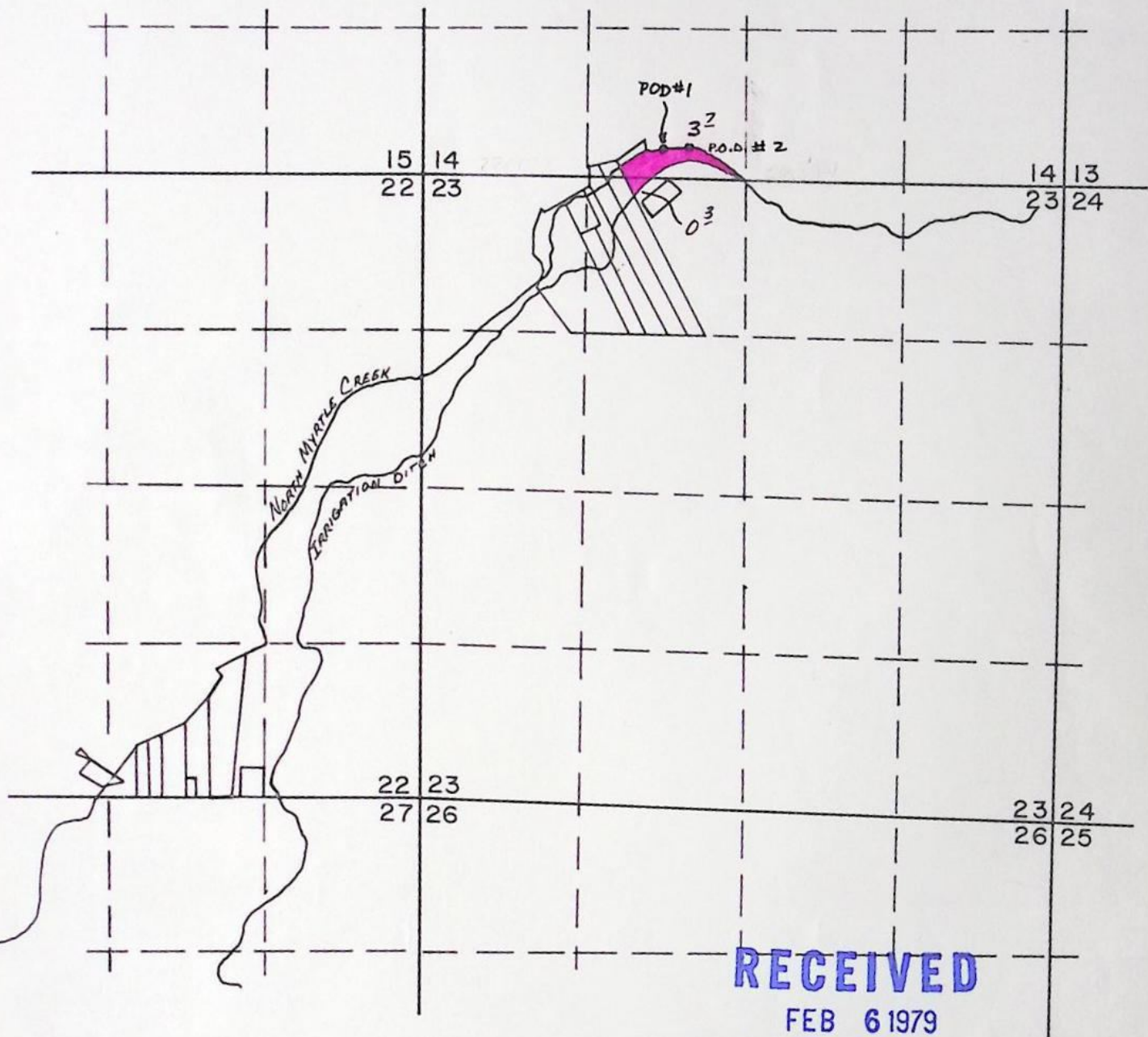
Abstracts

Entered

Checked

T-4149

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



4⁰ Acres

RECEIVED
FEB 6 1979
WATER RESOURCES DEPT.
SALEM, OREGON

Application No. _____ Permit No. 4803
IN NAME OF

Hubert J. or Ellen Johnson

North Myrtle Route Box 143
Myrtle Creek, Oregon 97457

#1 250' N and 2000' E From SW cor. Sec 14.

#2 250' N and 2200' E FROM SW COR. SEC 14 IN SE 1/4 SW 1/4 SEC 14

863-4055

COMMON COR $\frac{15}{22}$ $\frac{14}{23}$

August 18, 1999

Kenneth C. & Melanie R. Roan
2489 N. Myrtle Road
Myrtle Creek, OR. 97457

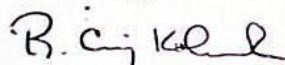
With regard to the Water Right Ownership Update and the associated water rights:

<u>Application #</u>	<u>Permit #</u>	<u>Certificate #</u>
T - 4149	S - 4803	52968

The Water Resources Department has reviewed and accepted the Water Right Ownership letter/form you submitted. A copy of this confirmation letter has been placed in the corresponding application, permit, certificate file in the Water Rights section of our department, along with a copy of the Water Right Ownership letter/form you submitted.

We appreciate your cooperation with this program. If you have any questions, please contact me at (503) 378-8455 ext.289. The Department's toll free number is 1-800-624-3199.

Sincerely,



R. Craig Kohanek
Technical Services Division

c: Water Rights Section



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

**Oregon Water Resources Department
Water Right Ownership Update Form**

NOTICE TO SELLERS & BUYERS:

Oregon law requires persons selling property with a water right to: 1) Provide evidence of the water right to the buyer and 2) Notify the Water Resources Department of the water right involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a permit ("water right") from the Water Resources Department is needed before using, diverting, or storing any water [ORS 537.130]. However, most domestic wells do not require water rights. A water right stays with the land.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department's Water Rights Information staff at 378-3066.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

Property Seller Information:

Name: WILLIAM K. JOHNSON and MACO V. JOHNSON
Street Address: Hickey Beach 2957 W. Shoup
City: Roseburg State: OR Zip: 97470
Phone: 541-672-4136 (message)

Property Buyer Information:

Name: KENNETH C. ROAN and MELANIE R. ROAN
Street Address: 2489 North Myrtle Rd. (P.O. Box 1458)
City: Myrtle Creek State: OR Zip: 97457
Phone: 541-863-4249

Property Description (attach additional pages if necessary):

County: Douglas Township: 29S Range: 05W Section: 23B

Tax lot number(s): 100

Meets & bounds description (or attach copy of property deed & tax-lot map with the parcels highlighted):

T-4149

Water Right Information (attach copy of water right permit or certificate & final proof map if available):

Application #: T-4149 Permit #: 4803 Certificate #: 52968

Will all the lands associated with this water right be owned by the buyer? Yes ☐ No ☐

Name of individual completing this form: William Johnson Signature: William Johnson
Phone: 541-672-4136 (message) Date: 8/6/99

: ~~POD~~
POU
USE
Add'1 POD

77-4-66

Add '1' POD

County DOUGLAS

1. Name Hubert J. & Ellen Johnson ✓

Address N. Myrtle Rt, Box 143, Myrtle Creek, OR 97457 ✓

2. Source of Supply North Myrtle Creek, Trib of

3. Use irrigation

4. Amount of Water 0.05 cfs Priority Date Sept. 25, 1920

5. Proposed Point of Diversion (1) 250 ft N & 2000 ft E & (2) 250 ft N & 2200 ft E, both
from SW Cor of Sec 14, within SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 14, T 29S, R 5W, WM

6. Completion Date COMPLETED

7. Place of Use:

[illegible]

lots of DLCS ✓

Info: Hubert Johnson said he has used new div. pts for irr. gating
from North Myrtle Creek.

Divi Pumps direct from creek at both ~~po~~ div. pts.

Pump & Motor: A.O. Smith $1\frac{1}{2}$ hp @ 3450 r.p.m.
Sta-Rite CDD 2" x 2"

Pipe: 100' 2" plastic
400' 2" alum

Heads: 4 RB 20's $11/64$
2 RB 30's $5/32 \times 3/32$
4 RB 40's $11/64 \times 5/32$
5 max

Lift: +10'

use: Irrigation of lawn, garden, pasture

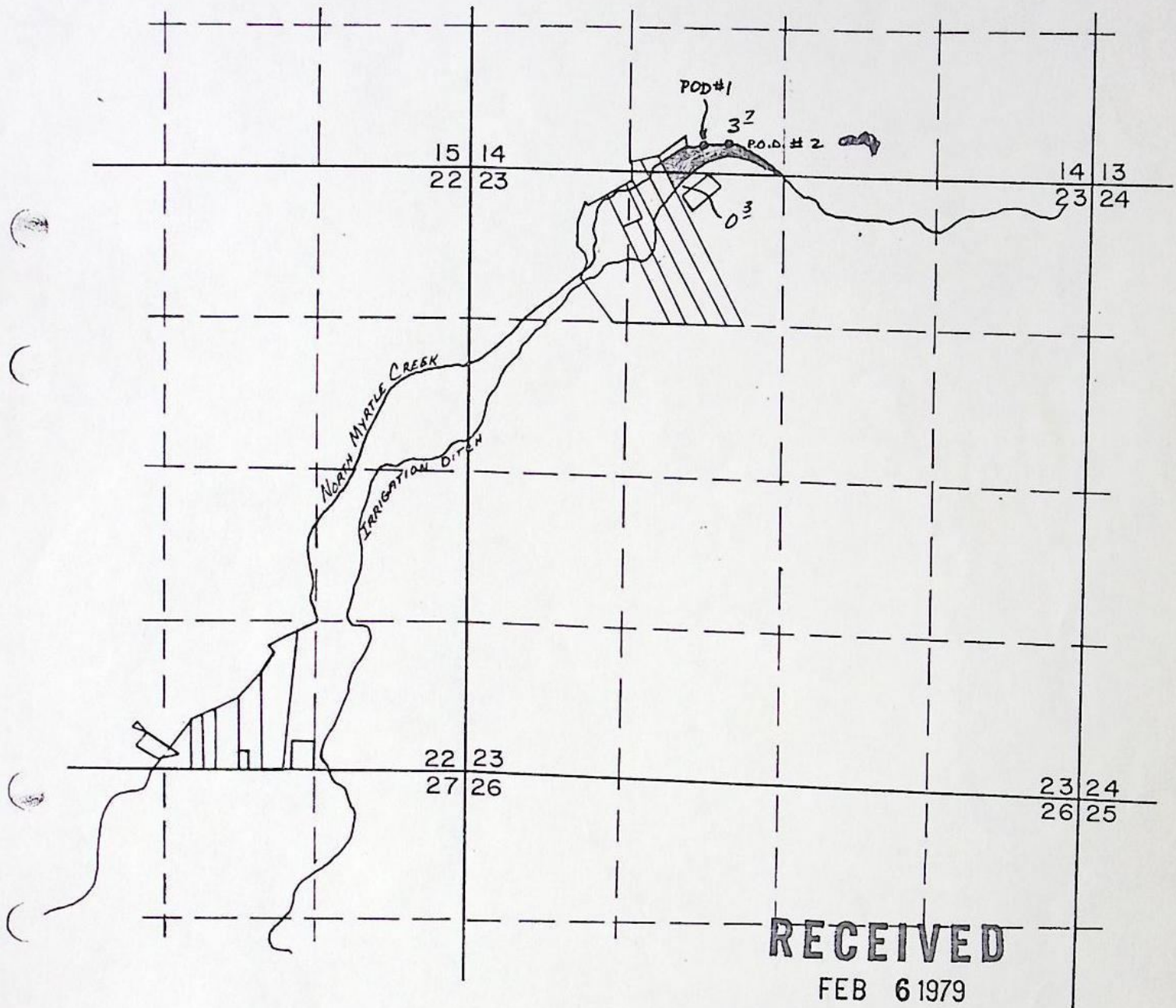
tie: Inspection

Steve Donaldson
6-10-80 FE

1/79

T-4149

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



RECEIVED

FEB 6 1979

WATER RESOURCES DEPT.
SALEM, OREGON

4⁰ Acres

Application No. Permit No. 4803
IN NAME OF

Hubert J. or Ellen Johnson

North Myrtle Route Box 143
Myrtle Creek, Oregon 97457

#1 250' N and 2000' E From SW cor. Sec 14.

#2 250' N and 2200' E FROM SW COR. SEC 14 IN SE 1/4 SW 1/4 SEC 14

863-4055

COMMON COR 151/14
27/25

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-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:

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. 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-4151 T-447 T-448 T-4055 T-4039-74044, 4055 T-3027

378-3066

June 25, 1979

Hubert J. or Ellen Johnson
North Myrtle Route, Box 143
Myrtle Creek, Oregon 97457

RE: File No. T-4149

Dear Mr. and Mrs. Johnson:

The statutory fees and the cost of publication of notice, necessary to your water right transfer application No. 4149, amount to a total of \$35. The total of payments received in connection with the application exceeded this amount by \$20.

Our refund check No. 3508 is enclosed.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj

June 6, 1979

Hubert J. or Ellen Johnson
No. Myrtle Route, Box 143
Myrtle Creek, Oregon 97457

RE: File No. T-4149

Dear Mr. and Mrs. Johnson:

Enclosed is a certified copy of the order of the Water Resources Director approving water right transfer application No. 4149 for a change in point of diversion of water from North Myrtle Creek.

In line with the general practice of this office, a survey will be made at a later date.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj
cc: M. John Youngquist, Watermaster

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF HUBERT J. & ELLEN JOHNSON FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4149

On February 6, 1979, an application was filed in the office of the Water Resources Director by Hubert J. and Ellen Johnson 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 0.05 cubic foot per second from North Myrtle Creek for irrigation of a certain 3.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14 and 0.3 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 of record for said right is located 13.09 chains North and 0.46 chains 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) 250 feet North and 2000 feet East; and (2) 250 feet North and 2200 feet East, both 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.

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, and shall not exceed 0.05 cubic foot per second.

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:

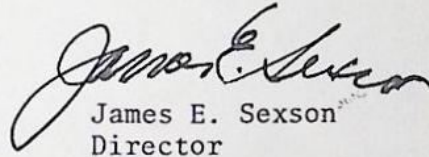
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

It is FURTHER ORDERED that the certificate recorded at page 44047, Volume 36, 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 and other transfer proceedings; 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 applicants herein.

Dated at Salem, Oregon this 31st day of May, 1979.


James E. Sexson
Director

T-4149

Application for Transfer of Water Right

RECEIVED

FEB 6 1979

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Hubert J. or Ellen Johnson
(Name of applicant)
of North Myrtle Route, Box 143, Myrtle Creek
(Mailing address) (City)
State of Oregon 97457 863-4055, do hereby make application for change
(Zip Code) (Phone number)
in 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? No. North Myrtle Irrigation Company
(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 Creek
5. What is the date of priority of your water right? September 25, 1920
6. The authorized point of diversion is located 13.09 chains N. & 0.46 chains W.
SE SW (N. or S.) 14 (E. or W.) from the SW
corner of Henry Jones D.L. # 48 being within the SW 1/4 SE 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 #1: 250 ft. N. and 2000 ft. E.
#2: 250 ft. N and 2200 ft. E from the SW
(N. or S.) (E. or W.)
corner of Sec. 14 being within the SE 1/4 SW 1/4 of Section 14 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	23	NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.3 ac.
		14	SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.7 ac.

(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 put point of diversion within boundaries
of applicant's property.

15. Construction work will be completed on or before completed

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

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

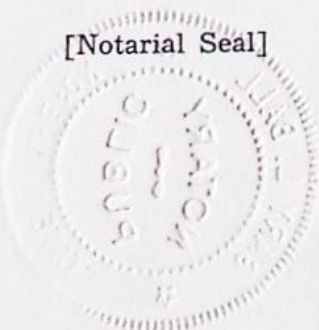
I, Hubert J. or Ellen Johnson, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 1st day of February, 1979

X Hubert Johnson
(Name of applicant)

Subscribed and sworn to before me this 1st day of February, 1979

[Notarial Seal]



Gary L. Ball
NOTARY PUBLIC FOR OREGON

My commission expires Aug. 20, 1982



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: _____, 19____.

FROM: ** M. JOHN YOUNGQUISTSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. T-4149
IN THE NAME OF HUBERT JOHNSON

In my opinion the proposed change in POINT OF DIVERSION
may be made without injury ~~would result in injury*~~ to existing water rights.

Headgate notices ~~have~~ have not been issued for diversions from the source
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? NO
(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 judgement of the watermaster it becomes necessary...

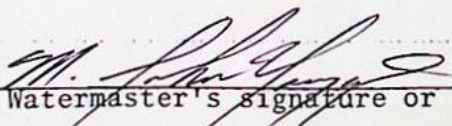
* The approval of this transfer application would result in injury to other
water rights because _____

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FEB 6 1979

WATER RESOURCES DEPT.
SALEM, OREGON

**


Watermaster's signature or initials



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

May 1, 1979

M. John Youngquist
Watermaster, District #15
Justice Building, Room 104
Roseburg, Oregon 97470

RE: Files Nos. T-4039 thru T-4045, T-4056, T-4058,
T-4117, T-4149, T-4151

Dear John:

We have been withholding action on the twelve (12) transfer applications proposing changes in points of diversion from North Myrtle Creek pending receipt of your reply to my letter dated March 1, 1979 relative to the change proposed by transfer No. 4151 in the name of Barbara D. Clark. A copy of my earlier letter is enclosed.

Upon receipt of your reply, we can proceed with the processing of the applications.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj

4/50
↑
4/64



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

May 1, 1979

M. John Youngquist
Watermaster, District #15
Justice Building, Room 104
Roseburg, Oregon 97470

RE: Files Nos. T-4039 thru T-4045, T-4056, T-4058,
T-4117, T-4149, T-4151

Dear John:

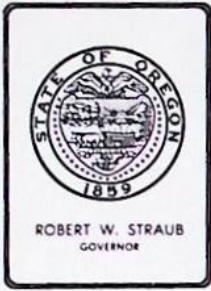
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Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 3783-066

February 8, 1979

Hubert J. and Ellen Johnson
North Myrtle Route, Box 143
Myrtle Creek, Oregon 97457

RE: File No. T-4149

Dear Mr. and Mrs. Johnson:

Your water right transfer application for approval of a change in point of diversion of water from North Myrtle Creek, together with supporting data and payment of fees in the amount of \$55, was received on February 6, 1979. Our receipt No. 8947 is enclosed.

When examination of the application and supporting data has been completed, you will be advised of any matters requiring your further attention prior to consideration of the application for approval.

Please refer any correspondence to file No. T-4149.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj
cc: M. John Youngquist, Watermaster

Transfer No. 4149

Name Hubert J. & Ellen Johnson

Expiration date for completion completed

Extended to

Proof to survey 6/79

O. K. for certificate

Ditch company or irrigation district involved is