

Name Jean V. Berry
By _____
Address Box 457
Canyonville, OR 97417

Change in POU, POO
Date filed July 25, 1979
Date of hearing Sept. 26, 1979
Place of hearing Roseburg
Date of order 9-27-79 Vol. 32, page 424
Date for application of water 10-1-81
Proof mailed _____
Proof received _____
Certificate issued JAN 21 1980 Vol. 42, page 43869

DEC 4 1984
DEC 4 1984

52544 (A) (9.9/9.9/3.2)
52546 (C) (0.4)✓
Survey

4262
DESCRIPTION OF WATER RIGHT

Name of stream Canyon Creek
Trib. of _____ County of Douglas
Use irrigation
Quantity of water _____ No. of acres 0.4
Name of ditch _____
Date of priority Feb 10, 1912
In name of T.C. Shaw, E.W. Elliot + Mary Olde
_____ Adjudication, Vol. _____, page _____
App. No. 2075 Per. No. 1077 Cert. No. 43745
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>7-25-79</u>	<u>110-</u>	<u>13030</u>
TOTAL . . .		
	Cert. Fee	

The News Review #32.54 pd 9/14/79 CR#3786

FEES REFUNDED

Date	Amount	Check No.
<u>9-14-79</u>	<u>32.46</u>	<u>3787</u>

Ex 20-
POU 10-
POD 15-
PON 32.54
77.54

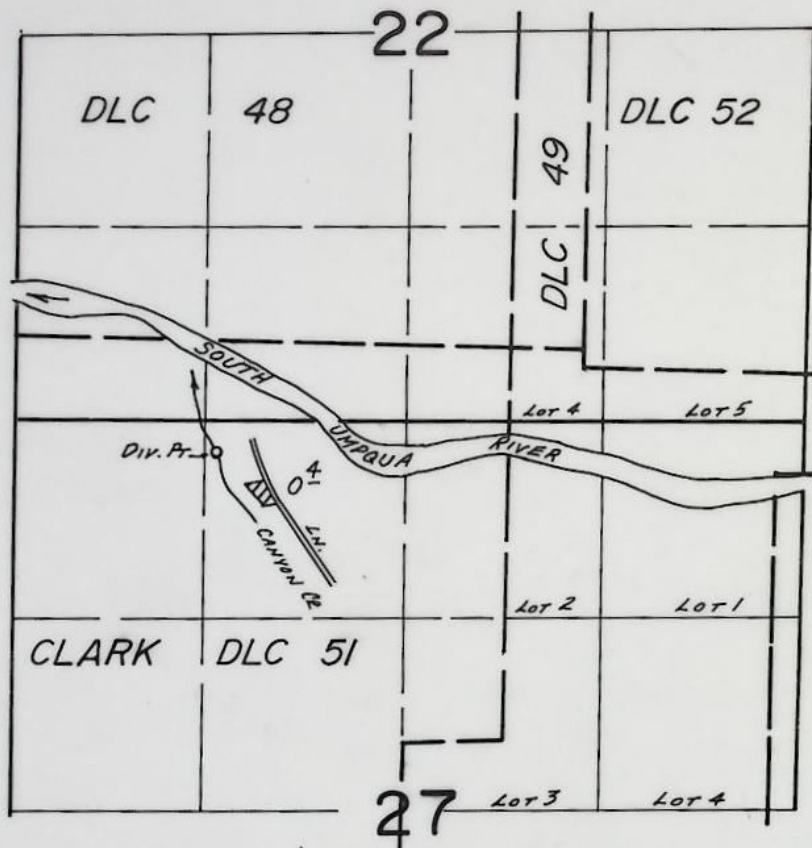
REMARKS

SENT 4255 E 4353 (issue RR 7444 T-4353 is approved)

W.R.I.S.	
Assembled	<u>3-11-85</u> by <u>SM</u>
Entered	_____ by _____
Verified	_____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
☒ Name	<u>LCJ</u>	_____
☒ Stream	<u>LCJ</u>	_____
☒ Pt. of Div.	<u>LCJ</u>	_____
☒ Calendar	<u>LCJ</u>	_____
☒ Twp. & Rge.	<u>SR6</u>	_____
☐ Decree-vault	_____	_____
☐ Decree-safe	_____	_____
☒ Cert. of W/R	<u>LCJ</u>	_____
☐ Per. Folder	_____	_____
☐ Chainindex	_____	_____
☐ Cross Ref.	_____	_____
☒ Power Claim	<u>LCJ</u>	_____
☐ Abstracts	_____	_____

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



Div. Pr. Loc.: 200'S. & 1280'W. FROM N¹/₄ COR. SEC. 27.

FINAL PROOF SURVEY
UNDER

Transfer No. 4262
Application No. Permit No.
IN NAME OF

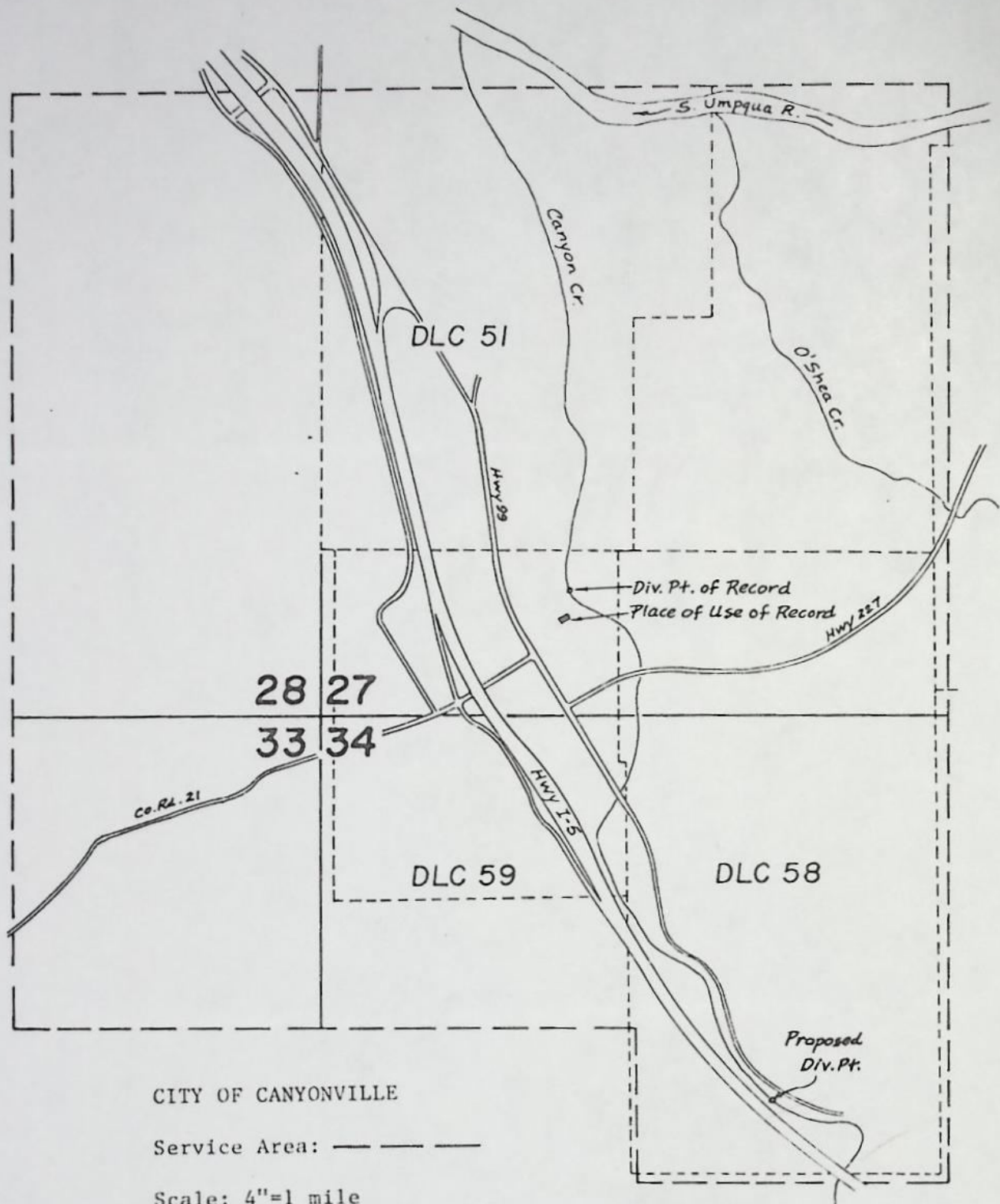
.....JEAN V. BERRY.....

Surveyed JUNE..24. 1980., by J.S. DONALDSON

INS.

BWB

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



CITY OF CANYONVILLE

Service Area: ———

Scale: 4"=1 mile

Proposed Div. Pt: 1754' S. and 1197' E. from the
S.E. corner of D.L.C. No. 59

RECEIVED
APR 30 1979
WATER RESOURCES DEPT.
SALEM, OREGON

T. 30 S. R. 5 W. W.M., Sec. 27

Scale: 1" = 400' (Douglas Co. - 76 17C-1)

P# ~~15003~~

RECEIVED

JUL 25 1979

WATER RESOURCES DEPT
SALEM, OREGON

T-4262

J. G. Clark

DLC 51

Berry
Place of use
of Record
0.4 Ac

Lot 3

Lot 6

Acct. No.	Acreage
80239-0	.26
80239-1	.17
80239-2	.30
80239-3	.10
80239-4	1.17

Berry 80568
80569 0.40

DLC 59

Div. Pt.
of Record

DLC 58

STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This is to certify, That T.C. SHAW, E.W. ELLIOTT, AND
MRS. MARY ODLE

of Canyonville, State of Oregon 97417, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
Canyon Creek

a tributary of Umpqua River for the purpose of
irrigation of 21.2 acres

under Permit No. 1077 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
February 10, 1912

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
0.263 cubic foot 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 SE 1/4 SW 1/4, Section 27, T30S, R5W, WM;
14 rods South and 20 rods West from the NE Corner, J. Roberts DLC 59.

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:

18.0 acres W 1/2 NW 1/4
3.2 acres NE 1/4 SW 1/4
Section 27
Township 30 South, Range 5 West, WM

This certificate describes that portion of the water right confirmed by the
prior certificate recorded at page 48132, Volume 41, State Record of Water
Right Certificates, NOT modified by the provisions of orders of the Water
Resources Director entered December 4, 1979, September 27, 1979 and April 10,
1980, approving Transfer Applications 4258, 4262 and 4353.

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 purposes aforesaid is restricted to the lands or place of use herein
described and is subject to minimum flows established by the Water Policy Review Board with an effective date
prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. December 4, 1984

William N. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 47, page 52544

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
JEAN V. & JOHN J. BERRY FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4262

On July 25, 1979, an application was filed in the office of the Water Resources Director by Jean V. and John J. Berry for approval of changes in place of use and point of diversion of water from Canyon Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 48132, Volume 41, State Record of Water Right Certificates, in the names of T.C. Shaw, E.W. Elliott and Mrs. Mary Odle, describes a right which includes the use of not to exceed 0.005 cubic foot per second from Canyon Creek for irrigation of a certain 0.4 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 30 South, Range 5 West, W.M., with a date of priority of February 10, 1912.

Water for the said right is diverted from a point located 14 rods South and 20 rods West from the Northeast Corner of J. Roberts D.L.C. No. 59, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 30 South, Range 5 West, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 0.4 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, from a point of diversion located 200 feet South and 1210 feet West from the North Quarter Corner of Section 27, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ 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 August 6, 13 and 20, 1979.

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.

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:

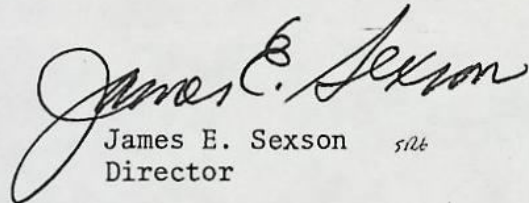
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1981.

It is FURTHER ORDERED that the certificate recorded at page 48132, Volume 41, 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 applicants herein.

Dated at Salem, Oregon this 27th day of September, 1979.


James E. Sexson 5126
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAMES OF JEAN V. AND)
JOHN J. BERRY)

O R D E R

On August 6, 1979, Jean V. and John J. Berry submitted an affidavit that they are the owners of a certain water right and the lands to which the water right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same be canceled.

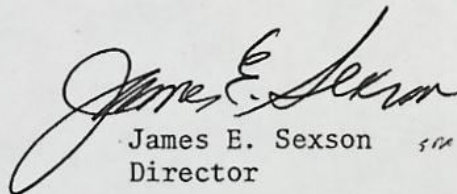
The water right in question is a portion of the right described by the certificate recorded at page 47598, Volume 40, State Record of Water Right Certificates, in the names of Jean V. and John J. Berry, and is for the use of not to exceed 0.005 cubic foot per second of water from Canyon Creek, with a date of priority of June 4, 1975, for irrigation of a certain 0.4 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 30 South, Range 5 West, W.M., being the southerly 0.4 acre of that certain 2.5 acres evidenced by said certificate.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 47598, Volume 40, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that the said certificate of water right is canceled, and in lieu thereof a new certificate be issued to describe the balance of the water right NOT involved in this proceeding.

Dated at Salem, Oregon this 27th day of September, 1979.


James E. Sexson
Director

CANYON CR

IIR T-0982-C1

*** 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. T000042621 PERMIT NO. 001077 CERTIF. NO. 0052546
 ORIG. NO. A000020751 PREV. NO. A000020751 SUPER. NO.
NAME: JEAN V. BERRYADDRESS: Box 457CITY/STATE/ZIP/COUNTY: CANYONVILLE, OR 97417 10STREAM-ID 16 1250 0090 0440

RIV. MI.

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

CANCEL YEAR--->

CONSTR. COMPLT---> 02 20 1980YR. LAST USED-----> NEXT ACTION DUE--> PRIORITY-----> 02 10 1912PUT TO USE-----> 02 20 1980LAST TRANS. DATE--> LAST TRANS. TYPE--> APPLICATION---> 07 25 1979SURVEYED-----> 06 24 1980EXAM. FEE-----> 20.00RECORDING FEE-----> 25.00PERMIT ISSUE--> 09 27 1979CONCURRENCE-----> 12 04 1984CYCLE STATUS-----> REPORTED FLAG-----> CONSTR. STRT.--> 09 27 1979CERTIFIED-----> 12 04 1984CORRES. INIT.-----> CORRES. DATE----->
 POINT-OF-DIVERSION DATA;
 TWP/SP RGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

 ** REMARKS; - - - - ->
 ** DATED-->

3005 050W 27 B A 16 1250 0090 0440

0.005

V

P

 ** POD: 200'S & 1280' W FM NYT
 ** COR S 27. CHANGES POW & POD PART
 ** OF C-98132. RD C-52544.

 PLACE-OF-USE DATA:
 TWP/SP RGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

3005 050W 27 B A 10 12 100 0.40

V P

 **----->
 **----->
 **----->
 **----->

52544

W.R.I.S.

Assembled 3-11-85 by SMAEntered by Verified by

Add'l POD

County Douglas

Address Bx 457, Canyonville OR 97417 ✓

3. Use irrigation of 0.4 ac.

4. Amount of Water 0.005 cts ✓ Priority Date 2/10/1912

5. Proposed Point of Diversion 200'S + ~~1200~~ 1200' W from NE 1/4 Cor. of Sec
27, w/in NE 1/4 NW 1/4, Sec 27, T.30S, R.5W, W.M.
AS PROJECTED w/in CLARK D.L.C. 51

6. Completion Date 10-1-81

7. Place of Use:

[illegible]

Info: Jean Berry ~~at~~ land has been irrigated from
New div. pt. from Canyon Creek as applied on

Div: Pumps direct from Canyon Creek

Pump & Motor: GE 2 hp @ 3450 r.p.m.
Berkeley CDD ~~1 1/2~~ 2" x 1 1/2"

Pipe: 600' 2" alum
50' 2" plastic

Heads: 1-RB 20 3/16" x 0
1-RB 29B 11/64" x 0
1-RB 30 3/16" x 0
1-RB 35 5/32" x 0
1-RB 40 7/32" x 3/16"
(all 5 max)

Lift: +10'

use: Irrigation of pasture, lawn, garden

tie: Inspection

Steve Donaldson
6-24-80 FE

RECEIVED
FEB 20 1980
WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

place of use & point of diversion of water from Canyon Creek

PURSUANT TO TRANSFER APPLICATION NO. 4262

I, Jim V. Berry, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by Sept. 1, 1979.

2-19-80

Date

John J. Berry
Jim V. Berry
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

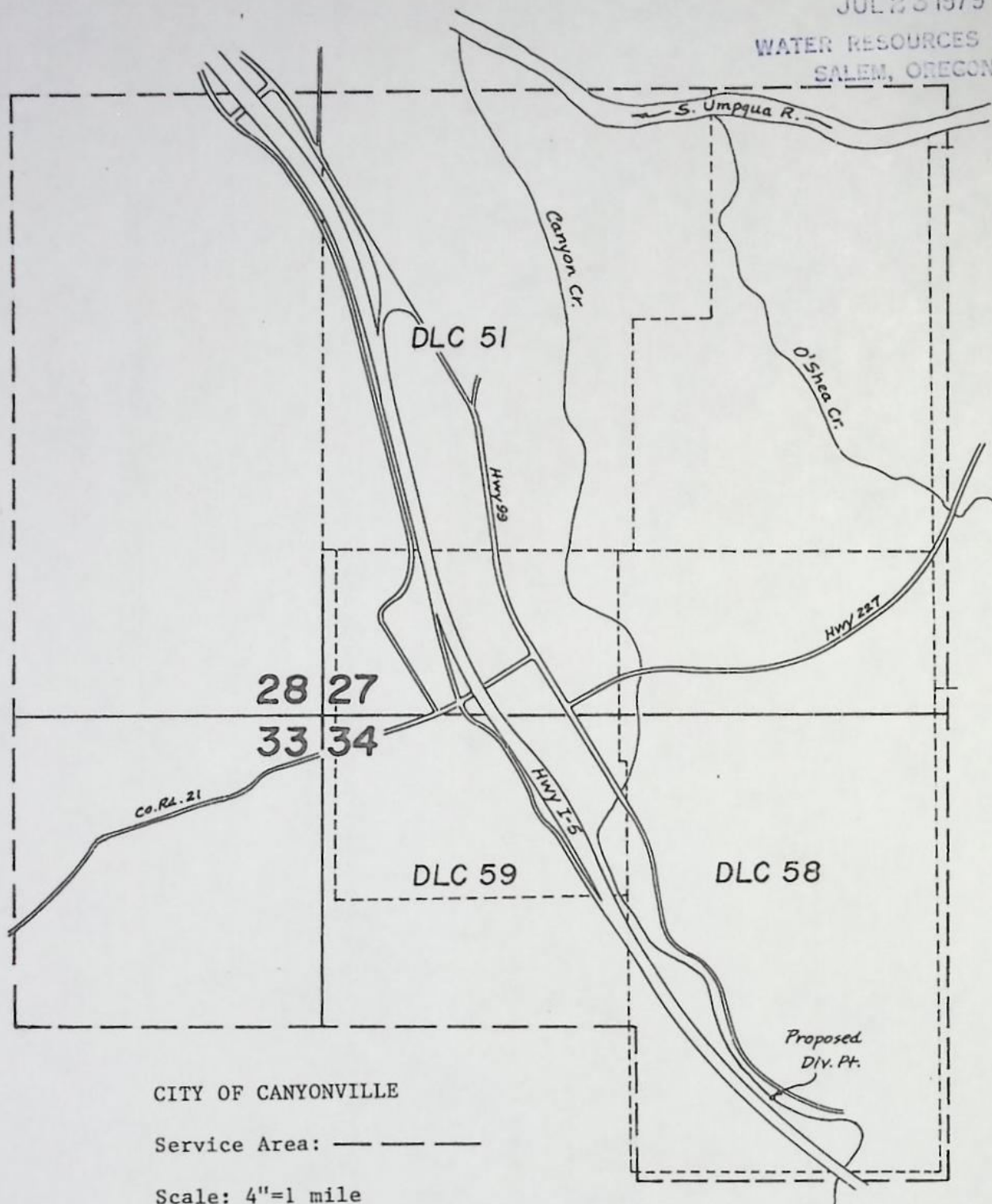
ok
Lij

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

RECEIVED

JUL 23 1979

WATER RESOURCES DEPT
SALEM, OREGON



CITY OF CANYONVILLE

Service Area: ————

Scale: 4"=1 mile

Proposed Div. Pt: 1754' S. and 1197' E. from the
S.E. corner of D.L.C. No. 59

39481

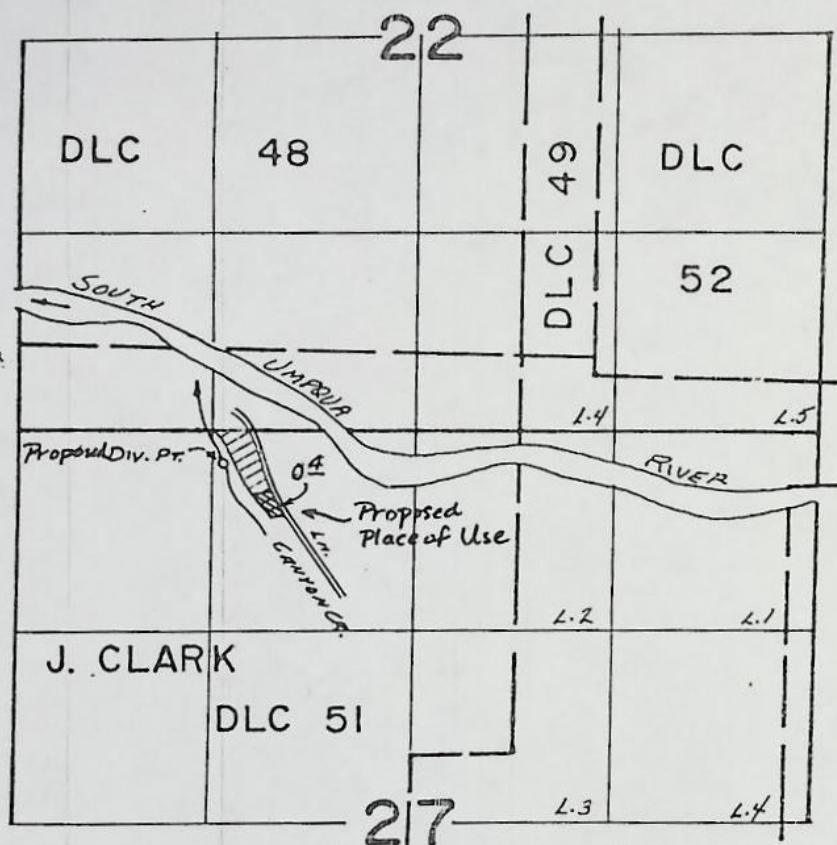
RECEIVED

JUL 25 1979

WATER RESOURCES DEPT
SALEM, OREGON

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

T-4262



DIV. PT. LOC. - 200' S & 1300' W FROM N 1/4 COR. SEC. 27

FINAL PROOF SURVEY
UNDERApplication No. 53205 Permit No. 39481...
IN NAME OF

JEAN V. & JOHN J. BERRY

Surveyed MAY 19, 1977, by D.M. NORBY

BTR 344-21 600

T-4262
RECEIVED
JUL 25 1979
WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Jean V. Berry (Name of applicant)
of Box 457 Canyonville, Ore. (Mailing address) Canyonville (City)
State of _____ (Zip Code) _____ (Phone number), do hereby make application for change
IN POINT OF DIVERSION + PLACE OF USE
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? NO - T.C. SHAW, E.W. ELLIOT & MARY OLDE 506
(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 1077 Number of certificate 43745 replaced by 78132

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 CANYON CREEK

5. What is the date of priority of your water right? Feb. 10, 1912

6. The authorized point of diversion is located 231 ft. S and 330 ft. W from the NE
(N. or S.) (E. or W.)
corner of DLC 59 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27 Tp. 30S R. 5W W. M.,
(No. N. or S.) (No. E. or W.)
in the county of DOUGLAS The name of the ditch used is N/A

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

7. The proposed point of diversion is located 200 ft. S and 1210 ft. W from the N $\frac{1}{4}$
(N. or S.) (E. or W.)
corner of S. 27 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27 Tp. 30S 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 N/A

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
T30S	R5W	27	SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.4 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.? Yes
(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
(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
T30S	R5W	27	NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.4 ac.

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are TO HAVE DIVERSION AND IRRIGATION
ON BEST LAND

15. Construction work will be completed on or before 10-1-80

16. The water will be completely applied to the proposed use on or before 10-1-81

Remarks We hereby authorize the cancellation of 0.4 Ac. from
our Application No. 53205 and Permit No. 39841.

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, Jean V. and John J. Berry, 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 23rd day of July, 1979.

John J. Berry
Jean V. Berry
(Name of applicant)

Subscribed and sworn to before me this 23rd day of July, 1979.

[Notarial Seal]

Gary L. Ball
NOTARY PUBLIC FOR OREGON

My commission expires Aug. 20, 1982

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4262

The Water Resources Director of Oregon has received and filed an application by Jean V. and John J. Berry for approval, without loss of priority, of changes in place of use and point of diversion of water under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 48132, Volume 41, State Record of Water Right Certificates, in the names of T.C. Shaw, E.W. Elliott, & Mary Odle, and is for the use of not to exceed 0.005 cubic foot per second from Canyon Creek, under a priority date of February 10, 1912, for irrigation of a certain 0.4 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 27, T 30S, R 5W, WM.

The authorized point of diversion is located 14 rods S & 20 rods W from the NE Corner of J. Roberts DLC #59, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 27, T 30S, R 5W, WM.

The applicants propose to change the place of use & point of diversion therefrom and to irrigate in lieu thereof a certain 0.4 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 27, from a point of diversion located 200 ft S & 1210 ft W from the N $\frac{1}{4}$ Corner of Sec 27, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 27, T 30S, R 5W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Wednesday, September 26, 1979, at the Douglas County Courthouse, Roseburg, Oregon. Any objection to the proposed changes must be prepared in writing: one copy to be served on the applicants at PO Box 457, Canyonville, OR 97417; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

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

James E. Sexson, Director



STATE OF OREGON

INTEROFFICE MEMO AUG 6 - 1979

WATER RESOURCES DEPT
SALEM, OREGON

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: August 2, 1979.FROM: ** M. John Youngquist, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4262IN THE NAME OF Jean V. & John J. Berry

In my opinion the proposed changes in place of use & point of diversion of water from
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~* to an existing water right. Canyon CR.

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 _____

See letter

**

M. John Youngquist
Watermaster's signature or initials



STATE OF OREGON

INTEROFFICE MEMO

RECEIVED

AUG 6 - 1979

WATER RESOURCES DEPT
SALEM, OREGON

TO: Sam Allison

DATE: August 3, 1979

FROM: M. John Youngquist, Watermaster
District 15 *mjy gf*

SUBJECT: Water Right Transfer 4262 in the name of Jean and John Berry

The acreage being transferred across the creek by Mr. and Mrs. Berry may not have been irrigated within the past five years. The lands in question have been irrigated partially from the city and, perhaps, partially from the creek water. However, I am not in a position to determine actual usage from Canyon Creek on the land in question. I assume at this time we would have to take the validity of the right at face value unless someone objects during the time of advertising.

If you have any questions or comments please do not hesitate to contact me.

MJY/gf
Enclosure

Affidavit of Publication

The News-Review

Roseburg, Oregon

ISSUED DAILY EXCEPT SUNDAY

STATE OF OREGON }
COUNTY OF DOUGLAS } ss.

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

Transfer Application No. 4262

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:

August 6, 13, 20, 1979

The fee actually charged by such newspaper for such
publication is \$ 32.54

Elsille Martin

Subscribed and sworn to before me this 20th day of

August, 19 79

Barbara Brown

Notary Public of Oregon

My Commission expires 10th day of October, 19 80

RECEIVED

AUG 21 1979

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 4262

The Water Resources Director of
Oregon has received and filed an
application by Jean V. and John J.
Berry for approval, without loss of
priority, of changes in place of use
and point of diversion of water
under a certain water right.
The affected water right is:

Portion of the right described by
the certificate recorded at page
48132, Volume 41, State Record of
Water Right Certificates, in the
names of T.C. Shaw, E.W. Elliott,
& Mary Odle, and is for the use of
not to exceed 0.005 cubic foot per
second from Canyon Creek, under
a priority date of February 10,
1912, for irrigation of a certain 0.4
ac in SE 1/4 NW 1/4 of Sec 27, T 30S, R
5W, WM.

The authorized point of diversion
is located 14 rods S & 20 rods W
from the NE Corner of J. Roberts
DLC #59, being within the SE 1/4
SW 1/4 of Sec 27, T 30S, R 5W, WM.

The applicants propose to change
the place of use & point of
diversion therefrom and to ir-
rigate in lieu thereof a certain 0.4
ac in NE 1/4 NW 1/4 of Sec 27, from a
point of diversion located 200 ft S &
1210 ft W from the N 1/4 Corner of
Sec 27, being within the NE 1/4
NW 1/4 of Sec 27, T 30S, R 5W, WM.

Pursuant to ORS 540.520(2), a
hearing is scheduled for 9:30 a.m.
on Wednesday, September 26, 1979,
at the Douglas County Courthouse,
Roseburg, Oregon. Any objection
to the proposed changes must be
prepared in writing; one copy to be
served on the applicants at PO Box
457, Canyonville, OR 97417; and
one copy filed in the office of the
Water Resources Director, Salem,
OR 97310, together with a \$10 filing
fee, at least 10 days prior to the
date set for hearing. Rules for
filing objections will be furnished
upon request.

IF NO OBJECTIONS ARE
FILED, THE APPLICATION
MAY BE APPROVED BY THE
WATER RESOURCES
DIRECTOR WITHOUT A HEAR-
ING.

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

James E. Sexson, Director

Invoice No. 5531

Publication Dates: August 6, 13,
20, 1979