

T - 9390

Name Christopher + Laurie Archuleta

By _____

Address 12663 North Myrtle Rd
Myrtle Creek, OR 97457
541-863-3407Change in POUDate filed 4-3-2003

Date of hearing _____

Place of hearing _____

Date of order 6-23-04 Vol. 60, page 365

Date for application of water _____

Proof mailed _____

Proof received FPD 9/25/2006Certificate issued JUN 03 2013 Vol. _____, page 88061
RR 80769
80770

DESCRIPTION OF WATER RIGHT

Name of stream Unnamed StreamTrib. of South Myrtle Creek County of DouglasUse Domestic

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 7-13-1972In name of Walter Matschkowsky / Rupert Archuleta

_____ Adjudication, Vol. _____, page _____

App. No. S-49450 Per. No. S-37043 Cert. No. 50790

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4/3/03</u>	<u>200.00</u>	<u>59132</u>
TOTAL . . .		
		Cert. Fee

FEES REFUNDED

Date	Amount	Check No.

REMARKS

NOIDCWRE #431 : Kenna Clay JordanLandowner: Bob + Virginia Jenkins : 12644 North Myrtle Rd : myrtle creek, OR 97457

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHRISTOPHER AND LOURIE ARCHULETA
12663 N MYRTLE RD
MYRTLE CREEK OR 97457

confirms the right to use the waters of WEAVER CREEK (UNNAMED STREAM), tributary to NORTH MYRTLE CREEK for DOMESTIC USE FOR ONE FAMILY.

This right was perfected under Permit 37043. The date of priority is JULY 13, 1972. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.005 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	4 W	WM	23	NW SE	450 FEET SOUTH & 2580 FEET WEST FROM E1/4 CORNER, SECTION 23

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 is as follows:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot
28 S	4 W	WM	23	NW SE	901

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate is issued to confirm a change in place of use approved by an order of the Water Resources Director entered June 23, 2004, at Special Order Volume 60, Page 365, approving Transfer Applications 9390 and 9391, and together with Certificate 80769, supercedes Certificate 50790, State record of Water Right Certificates.

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

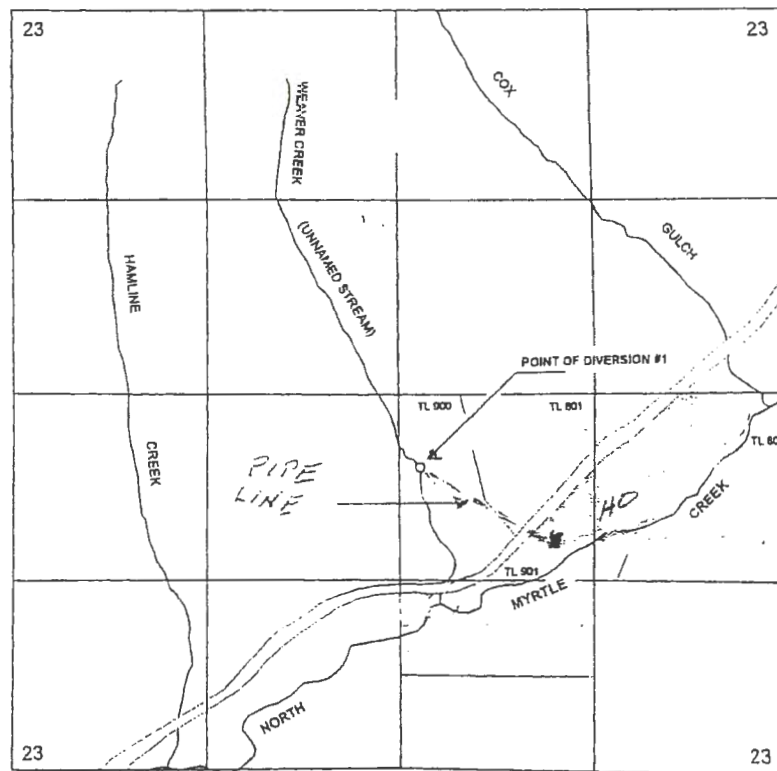
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued JUN 03 2013.

A handwritten signature in black ink, appearing to read "Dwight W. French", is written over a horizontal line.

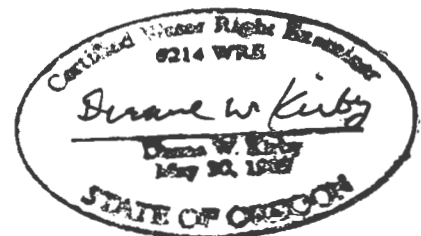
Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director

CLAIM OF BENEFICIAL USE
 FOR: CHRISTOPHER ARCHULETA
 LOURIE ARCHULETA
 BY: DUANE W. KIRBY
 DATE: SEPTEMBER 12, 2006
 T28S, R4W, W.M.
 SECTION 23
 APPLICATION TRANSFER NO T-9390
 SCALE : 1" = 1320'



POD NO 1 450' S AND 2580' W
 FROM E ¼ CORNER, SECTION 23

THE PURPOSE OF THIS MAP IS TO
 IDENTIFY THE LOCATION OF THE
 WATER RIGHT. IT IS NOT INTENDED
 TO PROVIDE INFORMATION RELATIVE
 TO THE LOCATION OF PROPERTY
 OWNERSHIP BOUNDARY LINES.





Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Date Mailed: JUN 03 2013

NOTICE OF CERTIFICATE ISSUANCE

Attached are certificates that confirm the water rights established under the terms of a transfer order issued by this Department.

These certificates are orders in other than a contested case. These orders are subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of these orders. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Transfer Certificate

Application: T-9390

Certificate: 88061

Certificate/Transfer Holder: (include copy of map)

CHRISTOPHER AND LAURIE ARCHULETA
12663 N MYRTLE RD
MYRTLE CREEK OR 97457 ✓

Copies Mailed

By: *Connie Vance*
(SUPPORT STAFF)

on: JUN 03 2013
(DATE)

Copies of final Certificate to be sent to:

1. Watermaster #15 (Include map) ✓
2. Data Center ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓

Other Persons to receive copies (proposed and/or final certificate: (Include map)

Duane Kirby, CWRE ✓

Record Marking(s):

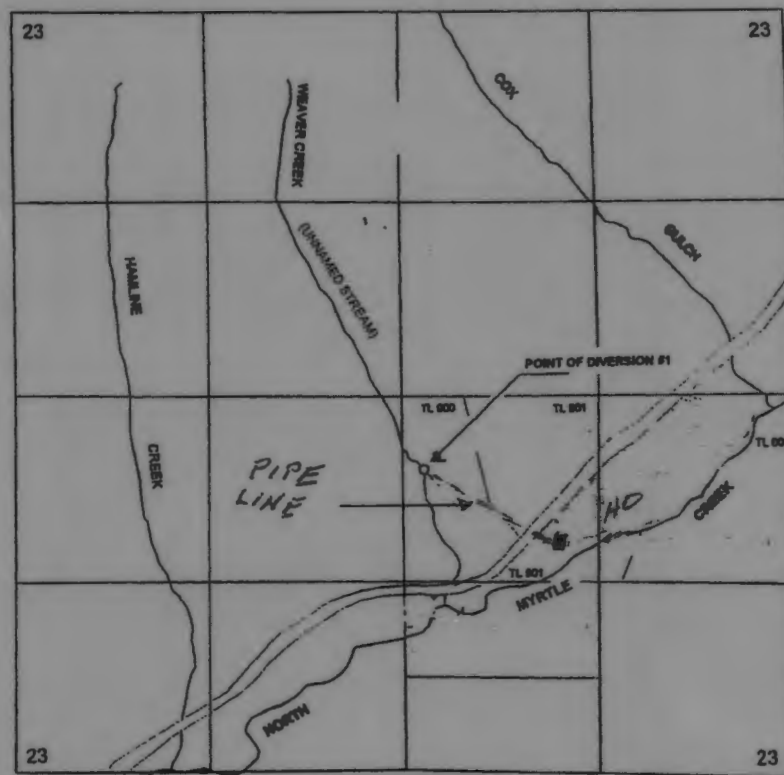
1. Original Application# S-49450 ✓
2. Old Certificate# 50790 ✓

CLAIM OF BENEFICIAL USE
FOR: CHRISTOPHER ARCHULETA
LOURIE ARCHULETA
BY: DUANE W. KIRBY
DATE: SEPTEMBER 12, 2006
T28S, R4W, W.M.
SECTION 23
APPLICATION TRANSFER NO T-9390
SCALE : 1" = 1320'

RECEIVED

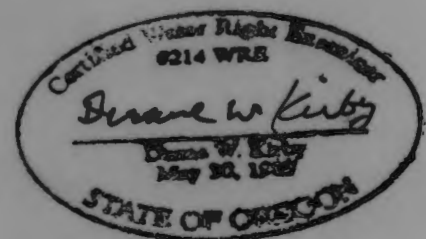
SEP 25 2006

WATER RESOURCES DEPT
SALEM, OREGON



POD NO 1 450' S AND 2580' W
FROM E ¼ CORNER, SECTION 23

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IDENTIFY THE LOCATION OF THE
WATER RIGHT. IT IS NOT INTENDED
TO PROVIDE INFORMATION RELATIVE
TO THE LOCATION OF PROPERTY
OWNERSHIP BOUNDARY LINES.



ORDER AND CERTIFICATE CHECK LIST

RECORD MARKING (Support Staff)

File Folder () ##

T-9390 T-9391
S-49450 S-49236

Permit () ##

Certificate () ✓##

50790 49241

Trans App Register ()

Trans Name Index ()

Sp. OR ()

Decree () Vol _____ Page _____ Vol _____ Page _____

COPIES MADE

Order () Certificate ()

File () () Data Center () () Watermaster () () Applicant () ()

ISWR Liason () () _____ Water Use Reporting () () _____

CWRE () () #431 - Kenney Jordan I.District () () _____

Other () () Bob + Virginia Jenkins Other () () _____

SEND copy of application map to watermaster _____

LETTER TO:

Applicant () CWRE () _____

I.D. () _____ Other () _____

EMAIL PROCESSOR

NWR () NCR () SWR () SCR () ER ()

ENCLOSURES

Special Order () Vol 60 Page 365
() Vol _____ Page _____

Certificate () 80769
() 80770
() _____

DATE SIGNED: 6-23-04

FILE SET-UP

File Number

Set - Up Date

CB4
For Whom

10-1-06

10-1-06

10-1-05

END TO:

Local Section () Other () _____

NOTES: _____

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Correction of Certificates)
50790 and 49241 and Transfer)
Applications T-9390 and T-9391,)
Douglas County, Oregon)

FINAL ORDER

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Christopher and Lourie Archuleta
12663 North Myrtle Road
Myrtle Creek, OR 97457

Findings of Fact

1. Christopher and Lourie Archuleta filed applications to transfer the place of use under Certificate 50790 and the point of diversion and place of use under Certificate 49241. The Department assigned the applications numbers T-9390 and T-9391.
2. The 2003 survey and application maps prepared by a certified water rights examiner for applications T-9390 and T-9391 identified and documented an error in the Department's final proof survey of Permits 37043 and 36902.
3. The Department's 1977 final proof survey of permits 37043 and 36902 incorrectly located places of use and points of diversion because of a survey error. The 1977 final proof survey located the quarter-quarter lines in Section 23, T 28 S, R 4 W, W.M. 300 feet south of the actual location.
4. As a result of the 1977 final proof survey error, Water Right Certificates 50790 and 49241 contained inaccurate descriptions of place of use and points of diversion.
5. The 2003 survey and application maps for T-9390 and T-9391 retraces the original water right and correctly locates place of use and points of diversion in relation to the public land survey for Water Right Certificates 50790 and 49241.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

6. The following table describes the difference in place of use description between the 1977 final proof survey and the 2003 survey and application map for T-9390:

1977 Final Proof Survey		2003 Survey and Application Map	
4.2 Acres Irrigation	SE¼ NE¼	10.4 Acres Irrigation	NE¼ SE¼
6.3 Acres Irrigation	NE¼ SE¼	3.1 Acres Irrigation	NW¼ SE¼
3.7 Acres Irrigation	NW¼ SE¼	Domestic Use	NW¼ SE¼
Domestic Use	NW¼ SE¼	0.7 Acres Irrigation	SW¼ SE¼
Section 23 T 28 S, R 4 W, W.M.		Section 23 T 28 S, R 4 W, W.M.	

7. The following table describes the difference in point of diversion description between the 1977 final proof survey and the 2003 survey and application map for T-9390:

1977 Final Proof Survey			
Source	Legal Description		Location
Unnamed Stream	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	150' south & 2,580' west from the east ¼ corner of section 23
N. Myrtle Creek #2	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	150' south & 520' west from the east ¼ corner of section 23
N. Myrtle Creek #3	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	610' south & 1,240' west from the east ¼ corner of section 23
N. Myrtle Creek #4	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	1,130' south & 2,490' west from the east ¼ corner of section 23
2003 Survey and Application Map			
Source	Legal Description		Location
Weaver Creek (Unnamed Stream)	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	450' south & 2,580' west from the east ¼ corner of section 23
N. Myrtle Creek #2	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	450' south & 520' west from the east ¼ corner of section 23
N. Myrtle Creek #3	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	910' south & 1,240' west from the east ¼ corner of section 23
N. Myrtle Creek #4	SW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	1,430' south & 2,490' west from the east ¼ corner of section 23

8. The following table describes the difference in place of use description between the 1977 final proof survey and the 2003 survey and application map for T-9391:

1977 Final Proof Survey		2003 Survey and Application Map	
Domestic Use	NE¼ SW¼	Domestic Use	NE¼ SW¼
2.8 Acres Irrigation	NE¼ SW¼	7.4 Acres Irrigation	SE¼ SW¼
4.6 Acres Irrigation	SE¼ SW¼		
Section 23 T 28 S, R 4 W, W.M.		Section 23 T 28 S, R 4 W, W.M.	

9. The following table describes the difference in point of diversion description between the 1977 final proof survey and the 2003 survey and application map for T-9391:

1977 Final Proof Survey			
Source	Legal Description		Location
Unnamed Stream	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	2,470' north & 40' east from the south ¼ corner of section 23
N. Myrtle Creek	SE¼ SW¼	Section 23, T 28 S, R 4 W, W.M.	1,140' north & 310' west from the south ¼ corner of section 23
2003 Survey and Application Map			
Source	Legal Description		Location
Weaver Creek (Unnamed Stream)	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	2,170' north & 40' east from the south ¼ corner of section 23
N. Myrtle Creek	SE¼ SW¼	Section 23, T 28 S, R 4 W, W.M.	840' north & 310' west from the south ¼ corner of section 23

10. The portion of the right to be transferred under T-9390 is as follows:

Certificate: 50790 in the name of Walter M. Matschkowsky and Rupert A. Archuleta
Use: Domestic
Priority Date: July 13, 1972
Quantity: 0.005 cfs
Source: Weaver Creek (unnamed stream), tributary to North Myrtle Creek
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
28	S	4	W	W.M.	23	NW SE	450' S & 2,580' W from the E ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	4	W	W.M.	23	NW SE	Domestic

11. The portion of the right to be transferred under T-9391 is as follows:

Certificate: 49241 in the name of Donald Lawrence Fitzpatrick or Elizabeth Alice Fitzpatrick
Use: Irrigation
Priority Date: May 11, 1972
Quantity: 0.01 cfs
Acres: 0.7
Source: North Myrtle Creek, tributary to Myrtle Creek
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
28	S	4	W	W.M.	23	SE SW	840' N & 310' W from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Acres
28	S	4	W	W.M.	23	SE	SW	0.70

12. Application T-9390 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
28	S	4	W	W.M.	23	NW	SE	901	Domestic

13. Application T-9391 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
28	S	4	W	W.M.	23	NW	SE	900	0.70

14. Application T-9391 originally proposed to change the point of diversion. However, the applicant, by letter dated October 2, 2003, modified the application to remove the proposed change in point of diversion.
15. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notices.
16. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
17. A diversion structure, ditch, pump, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
18. The proposed changes would not result in enlargement of the right.
19. The proposed changes would not result in injury to other water rights.

Conclusion of Law

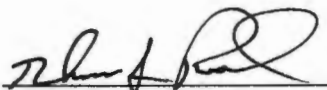
The proposed changes in place of use in applications T-9390 and T-9391 are consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000. The inaccurate descriptions of the points of diversion and places of use in Certificates 50790 and 49241 are as a result of a survey error.

Now, therefore, it is ORDERED:

1. The changes in place of use proposed in applications T-9390 and 9391 are approved.
2. Water right certificates 50790 and 49241 are cancelled. New certificates will be issued to confirm those portions of the rights not involved in this transfer. The certificates will describe the corrected place of use and point of diversion for the rights.

3. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 50790 and 49241.
4. The proposed change shall be completed on or before October 1, 2005.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.
6. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 23rd day of JUNE, 2004.


Phillip C. Ward
Acting Director

Mailing date: JUL 02 2004

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Walter M. Matschkowsky
Rupert A. Archuleta
N Myrtle Road
Myrtle Creek, Or 97457

confirms the right to use the waters of unnamed stream and North Myrtle Creek, a tributary of South Umpqua River, for domestic use for one family and irrigation of 14.2 acres.

This right was perfected under permit S-37043. the date of priority is July 13, 1972. the amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.185 cubic feet per second, being 0.005 cfs from unnamed stream for domestic use and 0.18 cfs from North Myrtle Creek for irrigation of 14.2 acres, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Township		Range		Meridian	Sec	¼ ¼	Location
28	S	4	W	W.M.	23	NW SE	Weaver Creek (unnamed stream) – 450 feet south and 2,580 feet west from the east ¼ corner of Section 23
28	S	4	W	W.M.	23	NE SE	N. Myrtle Creek #2 – 450 feet south and 520 feet west from the east ¼ corner of Section 23
28	S	4	W	W.M.	23	NE SE	N. Myrtle Creek #3 – 910 feet south and 1,240 feet west from the east ¼ corner of Section 23
28	S	4	W	W.M.	23	SW SE	N. Myrtle Creek #4 – 1,430 feet south and 2,490 feet west from the east ¼ corner of Section 23

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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre 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:

Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	4	W	W.M.	23	NE SE	10.4
28	S	4	W	W.M.	23	NW SE	3.1
28	S	4	W	W.M.	23	NW SE	Domestic
28	S	4	W	W.M.	23	SW SE	0.7

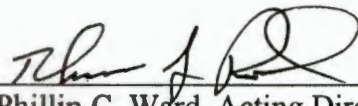
This certificate describes that portion of the water right confirmed by Certificate 50790 , State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 23 2004 , approving Transfer Application 9390.

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.

WITNESS the signature of the Water Resources Director,

affixed JUNE 23, 2004.


Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80769

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Donald Lawrence Fitzpatrick or
Elizabeth Alice Fitzpatrick
N Myrtle Road, Box 294
Myrtle Creek, OR 97457

confirms the right to use the waters of unnamed stream and North Myrtle Creek, a tributary of South Umpqua River, for domestic use for one family including the irrigation of lawn and garden not to exceed $\frac{1}{2}$ acre in area and for irrigation of 6.7 acres.

This right was perfected under Permit S-36902. The date of priority is May 11, 1972. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.09 cubic foot feet per second, being 0.01 cfs from unnamed stream for domestic use and 0.08 cfs from North Myrtle Creek for irrigation of 6.7 acres, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Township		Range		Meridian	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Location
28	S	4	W	W.M.	23	NW SE	Weaver Creek (unnamed stream) - 2,170 feet north and 40 feet east form the south $\frac{1}{4}$ corner of Section 23
28	S	4	W	W.M.	23	SE SW	N. Myrtle Creek - 840 feet north and 310 feet west from the south $\frac{1}{4}$ corner of Section 23

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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre 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:

Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	4	W	W.M.	23	NE SW	Domestic
28	S	4	W	W.M.	23	SE SW	6.7

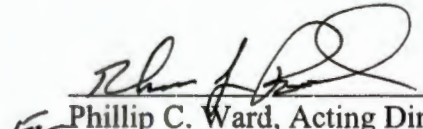
This certificate describes that portion of the water right confirmed by Certificate 49241, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 23 2004, approving Transfer Application 9391.

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.

WITNESS the signature of the Water Resources Director,

affixed June 23, 2004


 Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80770

MEMO

POU

RR Cert -
80769

TO: FILE T-9390

FROM: JWG

DATE: 3-26, 2013

RE: DETERMINATION OF PROOF

I've determined that a PROPOSED / FINAL certificate should be prepared and mailed to the permit holder consistent with:

The Permit/Transfer

The FPS/COBU

As described in the permit/transfer but as clarified by the FPS or COBU

As described in the PERMIT/TRANSFER and FPS or COBU but as further specified below:

/ Conflict check

/ Check area of interest. Irrigation District identified? Y N

Draft certificate(s) are available in the transfer directory.

Check ownership prior to mailing the proposed and/or final cert. If there is a new owner list or attach list from assessor office. Update mailing list with new owner address information.

Prepare a mailing list.

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Correction of Certificates)
50790 and 49241 and Transfer)
Applications T-9390 and T-9391,)
Douglas County, Oregon)

FINAL ORDER

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Christopher and Lourie Archuleta
12663 North Myrtle Road
Myrtle Creek, OR 97457

Findings of Fact

1. Christopher and Lourie Archuleta filed applications to transfer the place of use under Certificate 50790 and the point of diversion and place of use under Certificate 49241. The Department assigned the applications numbers T-9390 and T-9391.
2. The 2003 survey and application maps prepared by a certified water rights examiner for applications T-9390 and T-9391 identified and documented an error in the Department's final proof survey of Permits 37043 and 36902.
3. The Department's 1977 final proof survey of permits 37043 and 36902 incorrectly located places of use and points of diversion because of a survey error. The 1977 final proof survey located the quarter-quarter lines in Section 23, T 28 S, R 4 W, W.M. 300 feet south of the actual location.
4. As a result of the 1977 final proof survey error, Water Right Certificates 50790 and 49241 contained inaccurate descriptions of place of use and points of diversion.
5. The 2003 survey and application maps for T-9390 and T-9391 retraces the original water right and correctly locates place of use and points of diversion in relation to the public land survey for Water Right Certificates 50790 and 49241.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

6. The following table describes the difference in place of use description between the 1977 final proof survey and the 2003 survey and application map for T-9390:

1977 Final Proof Survey		2003 Survey and Application Map	
4.2 Acres Irrigation	SE¼ NE¼	10.4 Acres Irrigation	NE¼ SE¼
6.3 Acres Irrigation	NE¼ SE¼	3.1 Acres Irrigation	NW¼ SE¼
3.7 Acres Irrigation	NW¼ SE¼	Domestic Use	NW¼ SE¼
Domestic Use	NW¼ SE¼	0.7 Acres Irrigation	SW¼ SE¼
Section 23 T 28 S, R 4 W, W.M.		Section 23 T 28 S, R 4 W, W.M.	

7. The following table describes the difference in point of diversion description between the 1977 final proof survey and the 2003 survey and application map for T-9390:

1977 Final Proof Survey			
Source	Legal Description		Location
Unnamed Stream	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	150' south & 2,580' west from the east ¼ corner of section 23
N. Myrtle Creek #2	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	150' south & 520' west from the east ¼ corner of section 23
N. Myrtle Creek #3	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	610' south & 1,240' west from the east ¼ corner of section 23
N. Myrtle Creek #4	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	1,130' south & 2,490' west from the east ¼ corner of section 23
2003 Survey and Application Map			
Source	Legal Description		Location
Weaver Creek (Unnamed Stream)	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	450' south & 2,580' west from the east ¼ corner of section 23
N. Myrtle Creek #2	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	450' south & 520' west from the east ¼ corner of section 23
N. Myrtle Creek #3	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	910' south & 1,240' west from the east ¼ corner of section 23
N. Myrtle Creek #4	SW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	1,430' south & 2,490' west from the east ¼ corner of section 23

8. The following table describes the difference in place of use description between the 1977 final proof survey and the 2003 survey and application map for T-9391:

1977 Final Proof Survey		2003 Survey and Application Map	
Domestic Use	NE¼ SW¼	Domestic Use	NE¼ SW¼
2.8 Acres Irrigation	NE¼ SW¼	7.4 Acres Irrigation	SE¼ SW¼
4.6 Acres Irrigation	SE¼ SW¼		
Section 23 T 28 S, R 4 W, W.M.		Section 23 T 28 S, R 4 W, W.M.	

9. The following table describes the difference in point of diversion description between the 1977 final proof survey and the 2003 survey and application map for T-9391:

1977 Final Proof Survey			
Source	Legal Description		Location
Unnamed Stream	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	2,470' north & 40' east from the south ¼ corner of section 23
N. Myrtle Creek	SE¼ SW¼	Section 23, T 28 S, R 4 W, W.M.	1,140' north & 310' west from the south ¼ corner of section 23
2003 Survey and Application Map			
Source	Legal Description		Location
Weaver Creek (Unnamed Stream)	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	2,170' north & 40' east from the south ¼ corner of section 23
N. Myrtle Creek	SE¼ SW¼	Section 23, T 28 S, R 4 W, W.M.	840' north & 310' west from the south ¼ corner of section 23

10. The portion of the right to be transferred under T-9390 is as follows:

Certificate: 50790 in the name of Walter M. Matschkowsky and Rupert A. Archuleta

Use: Domestic

Priority Date: July 13, 1972

Quantity: 0.005 cfs

Source: Weaver Creek (unnamed stream), tributary to North Myrtle Creek

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
28	S	4	W	W.M.	23	NW SE	450' S & 2,580' W from the E ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	4	W	W.M.	23	NW SE	Domestic

11. The portion of the right to be transferred under T-9391 is as follows:

Certificate: 49241 in the name of Donald Lawrence Fitzpatrick or Elizabeth Alice Fitzpatrick

Use: Irrigation

Priority Date: May 11, 1972

Quantity: 0.01 cfs

Acres: 0.7

Source: North Myrtle Creek, tributary to Myrtle Creek

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
28	S	4	W	W.M.	23	SE SW	840' N & 310' W from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Acres
28	S	4	W	W.M.	23	SE	SW	0.70

12. Application T-9390 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
28	S	4	W	W.M.	23	NW	SE	901	Domestic

13. Application T-9391 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
28	S	4	W	W.M.	23	NW	SE	900	0.70

14. Application T-9391 originally proposed to change the point of diversion. However, the applicant, by letter dated October 2, 2003, modified the application to remove the proposed change in point of diversion.
15. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notices.
16. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
17. A diversion structure, ditch, pump, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
18. The proposed changes would not result in enlargement of the right.
19. The proposed changes would not result in injury to other water rights.

Conclusion of Law

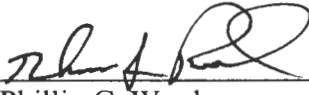
The proposed changes in place of use in applications T-9390 and T-9391 are consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000. The inaccurate descriptions of the points of diversion and places of use in Certificates 50790 and 49241 are as a result of a survey error.

Now, therefore, it is ORDERED:

1. The changes in place of use proposed in applications T-9390 and 9391 are approved.
2. Water right certificates 50790 and 49241 are cancelled. New certificates will be issued to confirm those portions of the rights not involved in this transfer. The certificates will describe the corrected place of use and point of diversion for the rights.

3. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 50790 and 49241.
4. The proposed change shall be completed on or before October 1, 2005.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.
6. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 23rd day of JUNE, 2004.


Phillip C. Ward
Acting Director

Mailing date: JUL 02 2004

Completion Checklist for CWRE Claims of Beneficial Use



Date Received 9/25/2006
CWRE Name Duane Reiber
Claim Logged ✓
File Marked _____
Oversized Map # _____
Read and attach copy of permit or transfer

Application # _____
Permit # _____
Transfer # T9390
Date _____
Reviewer _____

Map Review:

- ☐ Map on polyester film
- ☐ Application & permit #; or transfer #
- ☐ Disclaimer
- ☐ North arrow
- ☐ CWRE stamp and signature
- ☐ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map)
- ☐ Township, range, section, and tax lot numbers
- ☐ Source illustrated if surface water
- ☐ Point(s) of diversion or appropriation (illustrated)
- ☐ Point(s) of diversion or appropriation (coordinates)
- ☐ Conveyance structures illustrated (pump, pipelines, ditches, etc.)
- ☐ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required
- ☐ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot)
- ☐ Checked to legal description

Report Review:

- ☐ On form or format provided by the Department
- ☐ Application & permit #; or transfer #
- ☐ County
- ☐ Tax lot information
- ☐ Date of survey
- ☐ Person interviewed
- ☐ Ownership information
- ☐ Source(s) of water
- ☐ Point of diversion/appropriation location
- ☐ Use, period of use, and rate for use
- ☐ Place of use location
- ☐ Type of use
- ☐ Extent of use
- ☐ Rate and Duty
- ☐ Diversion rate for each use
- ☐ Description of conveyances system (from POD to POU)
- ☐ Diversion works description (pump make, serial model, capacity, and description)
- ☐ System capacity
 - ☐ Calculated capacity of system (required)
 - ☐ Measured amount of use (optional)
- ☐ Permit conditions
 - ☐ Time limits
 - ☐ Initial water level measurements
 - ☐ Annual static water level measurements
 - ☐ Measurement, recording, and reporting
 - ☐ Meter/measuring device
 - ☐ Water use reporting
 - ☐ Fish screening and/or by-pass
 - ☐ Pump test (ground water)
 - ☐ Other conditions

- ☐ CWRE stamp and signature
- ☐ Signature(s) of committee of transfer holder

Certificate Issuance Processing Checklist

☐ Map and COBU reviewed
☐ Conflict check (include copy of plat card printout)
☐ Check current ownership

Any Conflicts? _____

Staff Recommendations:

☐ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

☐ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____

☐ Proof to the Satisfaction has not been established for the following reasons: _____

Proposed Actions:

Send letter requesting the following items/information: _____

Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

☐ Yes

If "Yes":

☐ Proposed
☐ Final

Certificate # _____

Mailing list:

Proposed:

Final:

This form is subject to revision. Begin each new claim by checking for a new version of this form and downloading a new one if necessary.

If you have questions regarding the completion of this form, contact:

Gerry Clark by e-mail at Gerald.E.CLARK@wr.d.state.or.us or by phone at 503-986-0811,

Or Jerry Gainey by e-mail at Jerry.W.GAINEY@wr.d.state.or.us or by phone at 503-986-0812.

The Department has a new program that allows a permit holder to pay the cost to have a private contractor review of the claim and, if appropriate, prepare a certificate. This new program means a certificate can be issued in about a month. The Department has a list of trained contractors that are selected on a rotating basis. For more information on this program see: <http://www.wr.d.state.or.us/programs/index.shtml>.

**This box can be deleted

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. A separate form shall be completed for each permit or transfer final order.

I. General Information

1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
7-9390	

2. Property owner (current owner information)

a. Individuals

Name	Christopher & Laurie Archuleta
Mailing Address	12663 N Myrtle Rd
City/State/Zip	Myrtle Creek, OR 97457
Phone #	541 863-3407
Fax #	
e-mail address	

b. Businesses/Organizations

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone	
Fax	
e-mail	

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If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department. The COBU must be signed by the permit/transfer holder of record.

3. Permittee / Transferee of record (this may, or may not, be the current property owner)

c. Individuals

	Individual 1	Individual 2
Name	Christopher Archuleta	Laurie Archuleta
Mailing Address	12663 N Myrtle Cir	
City/State/Zip	Myrtle Cr OR 97157	

d. Businesses/Organizations

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	

4. Date of Site Inspection: 9-12-06

5. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
christopher	9-12-06	owner

6. County: Douglas

7. Tax Lot Information:

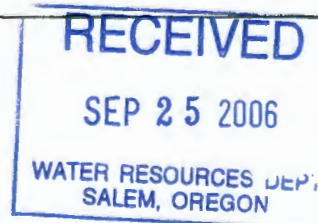
Tax map number	Tax lot number
28-04-23	901

8. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(3)):

**Mark "NA" if there are no owners of property not included in this claim

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	



II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

gravity flow from diversion point to house
2" PVC from Div to N Myrtle Rd, then 1 1/4" PVC
1/2 way then 3/4" PVC the rest of way

2. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
NC 1		

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, and deepening)

3. Point of diversion/appropriation source and, if from surface water, the tributary:

Source	Tributary to
water creek	north Myrtle Cr

4. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
NWSE sec 23 T28S R4W	450' S & 2580' W from the Ely 101 sec 23

5. Actual use(s), period of use, and rate for each use:

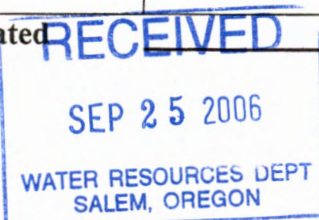
Uses	If irrigation, list crop type	When water is used	Rate for use
Domestic		year round	.005 cfs

Total Quantity of Water _____

6. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
		NWSE	23	28S	4W	Domestic		

Total Acres Irrigated _____



Groundwater Source Information (Well and Sump)

****If the appropriation is not from ground water (well or sump), this section, items 1-5, can be deleted.**

1. Describe the access port (type and location) or other means to measure the water level in the well in the box below:

--

2. If well logs are not available, provide as much of the following information as possible:

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Who the well was drilled for	Well drilled by

In addition to the information requested in item "2" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

--

****If the appropriation is not from a sump, the following section, items 3-4, can be deleted. Construction standards for sumps can be found in OAR 690-210-0400.**

3. If the appropriation involves a **SUMP**, provide the following information for each **SUMP**:

Length	Width	Average diameter	Maximum depth	Surface area (in acres)	Volume in cubic feet or acre feet

4. If the sump is curbed constructed with watertight surface curbing, describe the curbing in the table below:

Curbing material (concrete, concrete tiles, or steel)	If concrete, provide the thickness of the wall

5. Provide sump volume calculations in the box below:

--

Reservoir Data

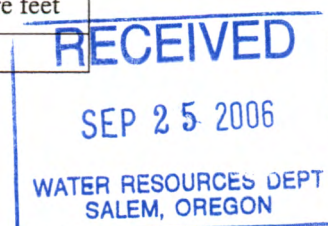
****If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-7, can be deleted.**

1. If the reservoir required the submittal of as-built plans and specifications, complete the table below:

Have the documents been submitted? yes or no	When were the documents submitted	Have they been approved by the Department?

2. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table below.

Maximum depth	Average depth	Surface area (in acres)	Volume in acre feet

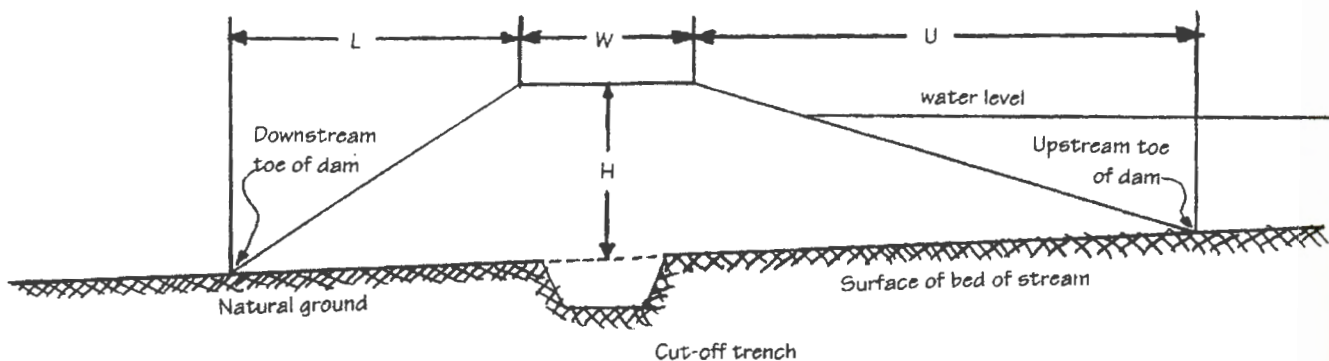


3. Provide reservoir volume calculations in the box below:

4. Provide the following information concerning the physical characteristics of the dam:

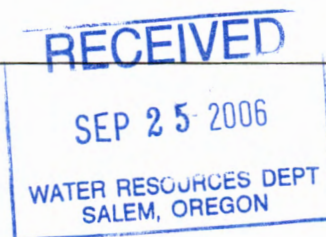
Crest width (W)	Dam height at centerline (H)	Distance from downstream top of dam to downstream toe (L)	Distance from upstream top of dam to upstream toe (U)	Water level at inspection	Downstream slope	Upstream slope

Example Dam Profile **This box can be deleted from the form



5. In the box below, provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.

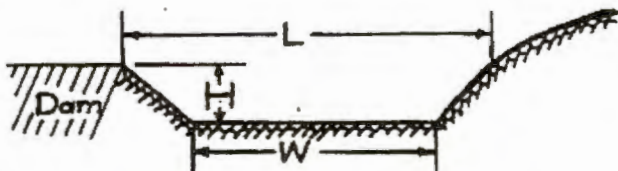
6. Describe the outlet works (size and type of the outlet conduit and location) in the box below:



7. Describe the emergency spillway (dimensions and location) in the box below:

Spillway location	Bottom width (W)	Top width (L)	Spillway depth (H)

Spillway cross section at the spillway crest



Storage tank data

**If this system does not include a storage tank as part of the distribution system, this section, item 1, can be deleted.

1. If the system involved a storage tank, complete the table below:

Material (concrete, fiberglass, metal, etc.)	Capacity in gallons	Above ground or buried

Gravity flow pipe (The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

**If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

1. If the system involves a gravity flow pipe, complete the table below.

Pipe size	Pipe type	"C" factor	Amount of fall	Length of pipe	Slope	Computed rate of water flow
2, 1 1/4, 3/4	PVC		90'	1060'		5 gal per min

2. Provide calculations in the box below:

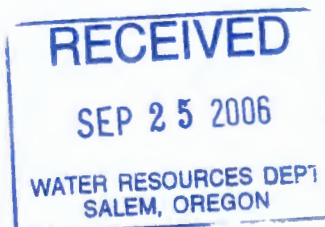
3. If an actual measurement was taken, provide the following:

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water
9-12-06	Dwaine W. Kirby	From faucet	5 gal per minute

Attach measurements notes Christopher Archuleta

Gravity flow canal or ditch (The Department typically uses Manning's formula for canals and ditches)

**If this claim does not rely on a gravity flow canal or ditch to convey the water as part of the distribution system, this section, items 1-3, can be deleted.



1. If the system involves a gravity canal or ditch, complete the table below.

Canal or ditch type (material)	Top width of canal or ditch	Bottom width of canal or ditch	Depth	"N" factor	Amount of fall	Length of canal/ditch	Slope	Computed volume

2. Provide calculations in the box below:

3. If an actual measurement was taken, provide the following:

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water

Attach measurements notes

System Information:

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage

3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes

4. Measurement device description

Device description	Condition (working or not)	Notes

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output

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9. Lateral or handline information

Lateral or handline size	Length	Type of pipe	Buried or above ground

10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output

Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document.

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs}$$

11. Additional notes or comments related to the system:

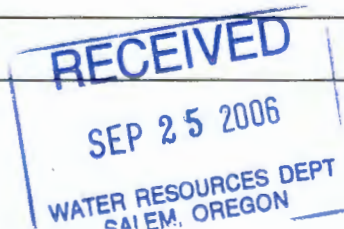
III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

a. Permits or transfer Final Orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or transfer final order:

	Dates from permit or transfer final order	Date accomplished	Description of actions taken by water user to comply with the time limits
Begin construction	7-2-04	8-1-04	
Complete construction	10-1-04	10-1-04	
Complete application of water	10-1-05	10-1-05	



2. Initial Water Level Measurements:

****If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.**

a. Was the water user required to submit an initial static water level measurement? YES NO **NA**

b. What month was the initial measurement to be taken in?

c. Did an authorized individual (as stated in the permit or transfer final order) make the initial static water level measurement in the month required?

YES NO

d. If "YES", was the measurement submitted to the Department? YES NO

e. If the initial measurement not been submitted, provide that measurement now if available:

Date of measurement	Who made measurement	Method	Measurement

3. Annual Static Water Level Measurements:

****If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.**

a. Was the water user required to submit annual static water level measurements? YES NO NA

b. In the box below, provide the month in which the static water level was to be made:

--

c. Were the static water level measurements taken in the month required? YES NO

d. If "YES", were those measurements submitted to the Department? YES NO

e. If the annual measurements were not submitted, provide the measurements now in the box below:

Year	Month	Measurement made by	Measurement

4. Measurement, recording, and reporting conditions:

a. Does the permit or transfer final order require the installation of a meter or approved measuring device?
YES **NO**

If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

****If "NO", items b through g relating to this section can be deleted.**

b. Has a meter been installed? YES NO



c. Provide the date the meter was installed:

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? YES NO

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

Name	Title	Approximate date

f. Is the water user required to report the water use to the Department? YES NO

g. Have the reports been submitted? YES NO

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening and/or By-pass Devices

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? YES NO NA

If fish screening and/or by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

**If "NO", items b through i relating to this section can be deleted

b. Has the fish screening been installed? YES NO

c. When was the fish screening installed?

Date	By whom

d. Is the **total** diversion rate of all rights at the point of diversion less than 0.5 cfs? YES NO

e. If the total diversion rate is less than 0.5 cfs, has the water user self certified the fish screen. YES NO

f. Has a self certification form been previously submitted to the Department? YES NO

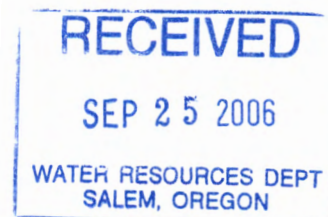
g. If not, is the self certification form attached to this Claim? YES NO

h. If the total diversion rate is greater than 0.5 cfs, has ODFW approved the screening? YES NO

i. Has the water user previously submitted a letter from ODFW approving the screening? YES NO

j. If not, is the approval letter attached to the Claim? YES NO

k. Has the by-pass device been installed? YES NO



1. Describe the by-pass device:

When installed	By whom	Approved by ODFW	Description

6. **Pump Test** (Required for ground permits prior to issuance of a certificate, but not a requirement of permit development)

- a. Did the permit require the submittal of a pump test? YES NO NA
- b. Has the pump test been previously submitted to the Department? YES NO
- c. Has the pump test been approved by the Department? YES NO
- d. If no, is the pump test attached to this Claim? YES NO

7. **Other Permit Conditions** (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

IV. Variations, Attachments, Conclusions, Map and Signatures

Variations

Include a description of variations from the permit or transfer final order

--

Attachments

If you are attaching any documents to this report, provide a list below:

Attachment name	Description

Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
1	1005 cfs	0.011	0.011	domestic		

Claim of Beneficial Use Map

The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320', 1" = 400', or the original full-size scale of the county assessor map for the location.

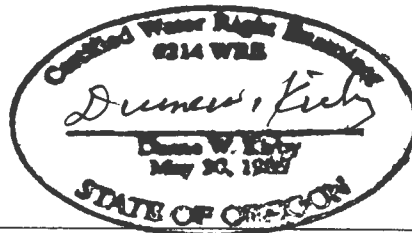
In the following box, provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

Traverse Survey with CPs used
for Elevations

CWRE Statement, Seal and Signature

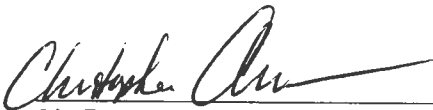
The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

Seal and Signature



Permit or Transfer Holders Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.


Signature

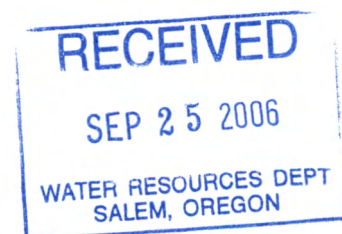
Christopher Archuleta
Print or type name

9-19-06
Date


Signature

Louie Archuleta
Print or type name

9-19-06
Date



STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

WALTER M. MATSCHKOWSKY and
RUPERT A. ARCHULETA

of N. Myrtle Road, Box 296, 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
unnamed stream and North Myrtle Creek

a tributary of South Umpqua River for the purpose of
domestic use for two families and irrigation of 14.2 acres

under Permit No. 37043 and that said right to the use of said waters has been perfected in
accordance with the laws of Oregon; that the right of the rights hereby confirmed dates from
July 13, 1972

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
0.19 cubic foot per second, being 0.01 cfs from unnamed stream for domestic
use and 0.18 cfs from creek for irrigation of 14.2 acres

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NW 1/4 SE 1/4, NE 1/4 SE 1/4, Section 23,
T28S, R4W, WM; unnamed stream - 150 feet South and 2,580 feet West, Creek:
Number 4 - 1,130 feet South and 2,490 feet West, Number 2 - 150 feet South and
520 feet West, Number 3 - 610 feet South and 1,240 feet West, all from E 1/4
Corner, Section 23

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 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.

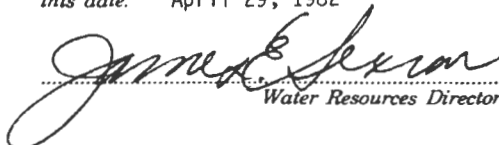
A description of the place of use under the right hereby confirmed, and to which such right
is appurtenant, is as follows:

4.2 acres SE 1/4 NE 1/4
6.3 acres NE 1/4 SE 1/4
Domestic and 3.7 acres NW 1/4 SE 1/4
Section 23
Township 28 South, Range 4 West, WM

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. April 29, 1982


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 45, page 50790

7723A

TRANSFER APPLICATION MAP

IN THE NAME OF CHRISTOPHER AND LOURIE ARCHULETA

PERMIT 37043

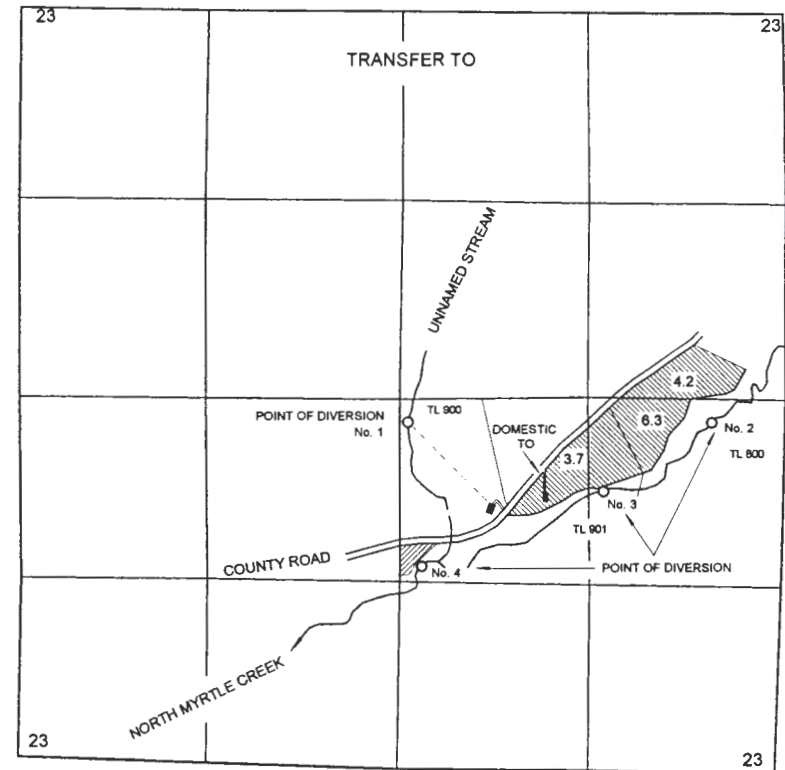
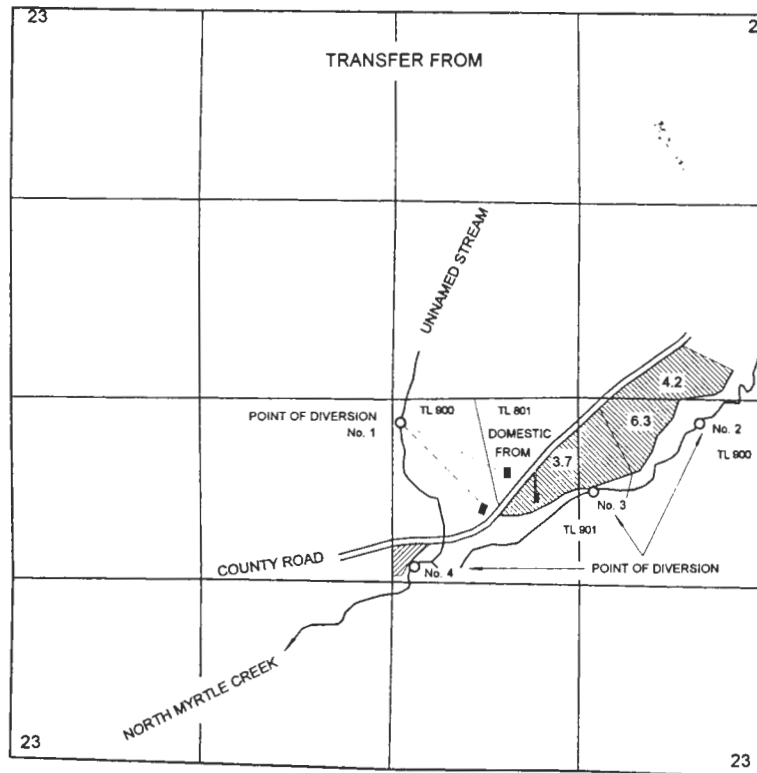
CERTIFICATE 50790

RECEIVED

APR 03 2003

SECTION 23, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.

WATER RESOURCES DEPT.
SALEM, OREGON

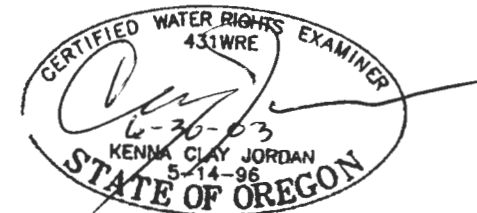


POINTS OF DIVERSION:

- | | |
|-------|---|
| No. 1 | UNNAMED STREAM: 150 FEET SOUTH AND 2580 FEET WEST;
NORTH MYRTLE CREEK: |
| No. 2 | 150 FEET SOUTH AND 520 FEET WEST; |
| No. 3 | 610 FEET SOUTH AND 1240 FEET WEST; |
| No. 4 | 1130 FEET SOUTH AND 2490 FEET WEST; |

ALL FROM THE EAST QUARTER CORNER OF SECTION 23;
BEING WITHIN SECTION 23, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.; DOUGLAS COUNTY.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT.
IT IS NOT INTENDED TO PROVIDE INFORMATION RELEVANT TO PROPERTY BOUNDARY
OWNERSHIP LINES.



NOTE: THE LAND SHOWN IS TAKEN DIRECTLY FROM THE FINAL PROOF SURVEY
MAP FILED WITH THE OREGON WATER RESOURCES DEPARTMENT.

T-9390

STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

WALTER M. MATSCHKOWSKY and
RUPERT A. ARCHULETA

of N. Myrtle Road, Box 296, 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 unnamed stream and North Myrtle Creek

a tributary of South Umpqua River for the purpose of domestic use for two families and irrigation of 14.2 acres

under Permit No. 37043 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 rights hereby confirmed dates from July 13, 1972

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 0.19 cubic foot per second, being 0.01 cfs from unnamed stream for domestic use and 0.18 cfs from creek for irrigation of 14.2 acres

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 SE 1/4, NE 1/4 SE 1/4, Section 23, T28S, R4W, WM; unnamed stream - 150 feet South and 2,580 feet West, Creek: Number 4 - 1,130 feet South and 2,490 feet West, Number 2 - 150 feet South and 520 feet West, Number 3 - 610 feet South and 1,240 feet West, all from E 1/4 Corner, Section 23

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 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:

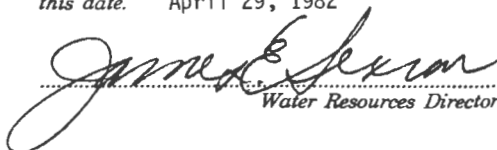
4.2 acres SE 1/4 NE 1/4
6.3 acres NE 1/4 SE 1/4
Domestic and 3.7 acres NW 1/4 SE 1/4
Section 23
Township 28 South, Range 4 West, WM

RR
4.2
6.3
3.7

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. April 29, 1982


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 45, page 50790

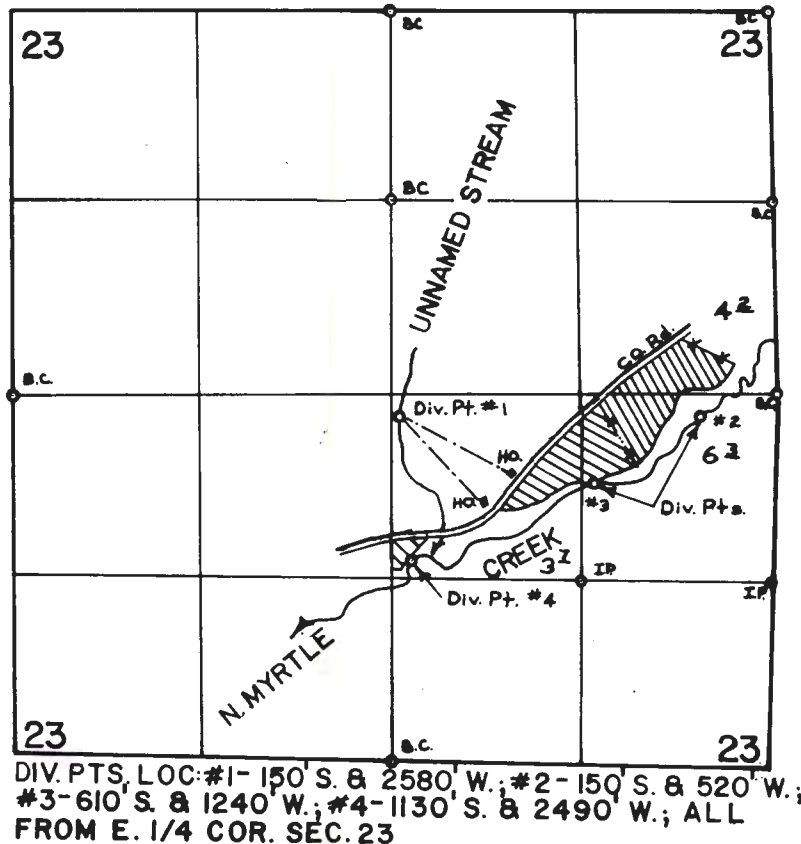
7723A

T-7590 AS POU (DIVIS)

9/17/02 the location of the
section lines are in error.
Please see Gossion, info.

[Signature]

T.28S.,R.4W.,W.M.



FINAL PROOF SURVEY
UNDER

Application No. 49450..... Permit No. 37043.....
IN NAME OF

W. M. MATSCHKOWSKY & R. A. ARCHULETA

Surveyed OCT. 4..... 1977, by D. W. SPARKS.....

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Donald Lawrence Fitzpatrick or
Elizabeth Alice Fitzpatrick
N Myrtle Road, Box 294
Myrtle Creek, OR 97457

confirms the right to use the waters of unnamed stream and North Myrtle Creek, a tributary of South Umpqua River, for domestic use for one family including the irrigation of lawn and garden not to exceed ½ acre in area and for irrigation of 6.7 acres.

This right was perfected under Permit S-36902. The date of priority is May 11, 1972. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.09 cubic foot per second, being 0.01 cfs from unnamed stream for domestic use and 0.08 cfs from North Myrtle Creek for irrigation of 6.7 acres, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Township		Range		Meridian	Sec	¼ ¼		Location
28	S	4	W	W.M.	23	NW	SE	Weaver Creek (unnamed stream) – 2,170 feet north and 40 feet east from the south ¼ corner of Section 23
28	S	4	W	W.M.	23	SE	SW	N. Myrtle Creek – 840 feet north and 310 feet west from the south ¼ corner of Section 23

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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre 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:

Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	4	W	W.M.	23	NE SW	Domestic
28	S	4	W	W.M.	23	SE SW	6.7

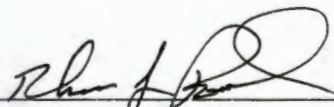
This certificate describes that portion of the water right confirmed by Certificate 49241, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 23 2004, approving Transfer Application 9391.

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.

WITNESS the signature of the Water Resources Director,

affixed JUN 23, 2004


 Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80770

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Walter M. Matschkowsky
Rupert A. Archuleta
N Myrtle Road
Myrtle Creek, Or 97457

confirms the right to use the waters of unnamed stream and North Myrtle Creek, a tributary of South Umpqua River, for domestic use for one family and irrigation of 14.2 acres.

This right was perfected under permit S-37043. the date of priority is July 13, 1972. the amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.185 cubic feet per second, being 0.005 cfs from unnamed stream for domestic use and 0.18 cfs from North Myrtle Creek for irrigation of 14.2 acres, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Township		Range		Meridian	Sec	¼ ¼	Location
28	S	4	W	W.M.	23	NW SE	Weaver Creek (unnamed stream) – 450 feet south and 2,580 feet west from the east ¼ corner of Section 23
28	S	4	W	W.M.	23	NE SE	N. Myrtle Creek #2 – 450 feet south and 520 feet west from the east ¼ corner of Section 23
28	S	4	W	W.M.	23	NE SE	N. Myrtle Creek #3 – 910 feet south and 1,240 feet west from the east ¼ corner of Section 23
28	S	4	W	W.M.	23	SW SE	N. Myrtle Creek #4 – 1,430 feet south and 2,490 feet west from the east ¼ corner of Section 23

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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre 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:

Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	4	W	W.M.	23	NE SE	10.4
28	S	4	W	W.M.	23	NW SE	3.1
28	S	4	W	W.M.	23	NW SE	Domestic
28	S	4	W	W.M.	23	SW SE	0.7

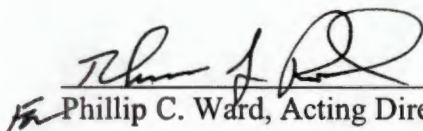
This certificate describes that portion of the water right confirmed by Certificate 50790 , State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 23 2004, approving Transfer Application 9390.

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.

WITNESS the signature of the Water Resources Director,

affixed JUNE 23, 2004.


Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80769



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

April 7, 2003

Jim Brick
Oregon Department of Fish and Wildlife
4192 N Umpqua Hwy
Roseburg, OR 97470

Reference: Transfer # **9390**

Enclosed for your review is a copy of a water right transfer application from **Unnamed Stream**, tributary of **South Myrtle Creek**.

North

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

This transfer is not for a permanent or historic change in a point of diversion. Therefore, the provisions of ORS 540.525 and 540.532 related to requirements for fish screens or by-pass devices do not apply.

We must receive your response in our Grants Pass office

Attention: Teresa Vonn
Water Resources Department
942 SW 6th Street, Suite E
GRANTS PASS OR 97526

by May 9, 2003 in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

If you have questions, please call (541)471-2886 ext 228.

Enclosure

cc: Wm # 15, David Williams
Applicant

T-9390

Sec. 22 - Teresa

T - 9390

me Christopher & Laurie Archuleta

By
12663 North Myrtle Rd
Myrtle Creek, OR 97457
541-863-3407

age in Poil
e filed 4-3-2003
e of hearing
ce of hearing
e of order Vol. , page
e for application of water
of mailed
of received
tificate issued Vol. , page

DESCRIPTION OF WATER RIGHT

Name of stream Unnamed Stream
Trib. of North Myrtle Creek County of Douglas
Use Domestic
Quantity of water No. of acres
Name of ditch
Date of priority 7-13-1972
In name of Walter Matsukewsky / Robert Archuleta
Adjudication, Vol. , page
App. No. S-49450 Per. No. S-37043 Cert. No. 50790
Certificate cancelled
Notation made on record by

FEES PAID

Date	Amount	Receipt No.
4/3/03	200.00	59132
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

ID

12663 North Myrtle Rd

owner: Bob & Virginia Jenkins : 12644 North Myrtle Rd : Myrtle Creek, OR 97457

Send to: GW - Teresa
Watermaster #: 45
ODFW# 1
GW Yes No



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

April 7, 2003

Christopher & Lourie Archuleta
12663 North Myrtle Road
Myrtle Creek, Oregon 97457

REFERENCE: Transfer 9390

On 04-03-2003 we received your water right transfer application requesting a **change in Place of Use** for use of water from **Unnamed Stream**. The application was accompanied by \$ 200.00. Our receipt 59132 is enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. If you have a specific reason why your application should be examined ahead of other applications, please send us a letter describing your reason. We may be able to examine your application ahead of others.

You may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)378-3739.

cc: Watermaster #15, Dave Williams
CWRE #431, Kenna Clay Jordan
Bob & Virginia Jenkins, Landowner

enclosure

ORDER AND CERTIFICATE CHECK LIST

RECORD MARKING (Support Staff)

File Folder () ##

T-9390 T-9391
S-49450 S-49236

Permit () ##

Certificate () ✓##

50790 49241

Trans App Register ()

Trans Name Index ()

Sp. OR ()

Decree () Vol _____ Page _____ Vol _____ Page _____

COPIES MADE

Order () Certificate ()

File () () Data Center () () Watermaster () () Applicant () ()

ISWR Liason () () _____ Water Use Reporting () () _____

CWRE () () #431 - Kenna Jordan I.District () () _____

Other () () Bob + Virginia Jenkins Other () () _____

SEND copy of application map to watermaster _____

LETTER TO:

Applicant () CWRE () _____

I.D. () _____ Other () _____

EMAIL PROCESSOR

NWR () NCR () SWR () SCR () BR ()

ENCLOSURES

Special Order () Vol 60 Page 365
() Vol _____ Page _____

Certificate () 80769
() 80770
() _____

DATE SIGNED: 6-23-04

FILE SET-UP

File Number

Set - Up Date

CB4
For Whom

10-1-06
10-1-05

10-1-06

SEND TO:

Fiscal Section () Other () _____

NOTES: _____

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Correction of Certificates)
50790 and 49241 and Transfer)
Applications T-9390 and T-9391,)
Douglas County, Oregon)

FINAL ORDER

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Christopher and Lourie Archuleta
12663 North Myrtle Road
Myrtle Creek, OR 97457

Findings of Fact

1. Christopher and Lourie Archuleta filed applications to transfer the place of use under Certificate 50790 and the point of diversion and place of use under Certificate 49241. The Department assigned the applications numbers T-9390 and T-9391.
2. The 2003 survey and application maps prepared by a certified water rights examiner for applications T-9390 and T-9391 identified and documented an error in the Department's final proof survey of Permits 37043 and 36902.
3. The Department's 1977 final proof survey of permits 37043 and 36902 incorrectly located places of use and points of diversion because of a survey error. The 1977 final proof survey located the quarter-quarter lines in Section 23, T 28 S, R 4 W, W.M. 300 feet south of the actual location.
4. As a result of the 1977 final proof survey error, Water Right Certificates 50790 and 49241 contained inaccurate descriptions of place of use and points of diversion.
5. The 2003 survey and application maps for T-9390 and T-9391 retraces the original water right and correctly locates place of use and points of diversion in relation to the public land survey for Water Right Certificates 50790 and 49241.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

6. The following table describes the difference in place of use description between the 1977 final proof survey and the 2003 survey and application map for T-9390:

1977 Final Proof Survey		2003 Survey and Application Map	
4.2 Acres Irrigation	SE¼ NE¼	10.4 Acres Irrigation	NE¼ SE¼
6.3 Acres Irrigation	NE¼ SE¼	3.1 Acres Irrigation	NW¼ SE¼
3.7 Acres Irrigation	NW¼ SE¼	Domestic Use	NW¼ SE¼
Domestic Use	NW¼ SE¼	0.7 Acres Irrigation	SW¼ SE¼
Section 23 T 28 S, R 4 W, W.M.		Section 23 T 28 S, R 4 W, W.M.	

7. The following table describes the difference in point of diversion description between the 1977 final proof survey and the 2003 survey and application map for T-9390:

1977 Final Proof Survey			
Source	Legal Description		Location
Unnamed Stream	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	150' south & 2,580' west from the east ¼ corner of section 23
N. Myrtle Creek #2	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	150' south & 520' west from the east ¼ corner of section 23
N. Myrtle Creek #3	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	610' south & 1,240' west from the east ¼ corner of section 23
N. Myrtle Creek #4	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	1,130' south & 2,490' west from the east ¼ corner of section 23
2003 Survey and Application Map			
Source	Legal Description		Location
Weaver Creek (Unnamed Stream)	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	450' south & 2,580' west from the east ¼ corner of section 23
N. Myrtle Creek #2	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	450' south & 520' west from the east ¼ corner of section 23
N. Myrtle Creek #3	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	910' south & 1,240' west from the east ¼ corner of section 23
N. Myrtle Creek #4	SW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	1,430' south & 2,490' west from the east ¼ corner of section 23

8. The following table describes the difference in place of use description between the 1977 final proof survey and the 2003 survey and application map for T-9391:

1977 Final Proof Survey		2003 Survey and Application Map	
Domestic Use	NE¼ SW¼	Domestic Use	NE¼ SW¼
2.8 Acres Irrigation	NE¼ SW¼	7.4 Acres Irrigation	SE¼ SW¼
4.6 Acres Irrigation	SE¼ SW¼		
Section 23 T 28 S, R 4 W, W.M.		Section 23 T 28 S, R 4 W, W.M.	

9. The following table describes the difference in point of diversion description between the 1977 final proof survey and the 2003 survey and application map for T-9391:

1977 Final Proof Survey			
Source	Legal Description		Location
Unnamed Stream	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	2,470' north & 40' east from the south ¼ corner of section 23
N. Myrtle Creek	SE¼ SW¼	Section 23, T 28 S, R 4 W, W.M.	1,140' north & 310' west from the south ¼ corner of section 23
2003 Survey and Application Map			
Source	Legal Description		Location
Weaver Creek (Unnamed Stream)	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	2,170' north & 40' east from the south ¼ corner of section 23
N. Myrtle Creek	SE¼ SW¼	Section 23, T 28 S, R 4 W, W.M.	840' north & 310' west from the south ¼ corner of section 23

10. The portion of the right to be transferred under T-9390 is as follows:

Certificate: 50790 in the name of Walter M. Matschkowsky and Rupert A. Archuleta

Use: Domestic

Priority Date: July 13, 1972

Quantity: 0.005 cfs

Source: Weaver Creek (unnamed stream), tributary to North Myrtle Creek

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
28	S	4	W	W.M.	23	NW SE	450' S & 2,580' W from the E ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	4	W	W.M.	23	NW SE	Domestic

11. The portion of the right to be transferred under T-9391 is as follows:

Certificate: 49241 in the name of Donald Lawrence Fitzpatrick or Elizabeth Alice Fitzpatrick

Use: Irrigation

Priority Date: May 11, 1972

Quantity: 0.01 cfs

Acres: 0.7

Source: North Myrtle Creek, tributary to Myrtle Creek

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
28	S	4	W	W.M.	23	SE SW	840' N & 310' W from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Acres
28	S	4	W	W.M.	23	SE	SW	0.70

12. Application T-9390 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
28	S	4	W	W.M.	23	NW	SE	901	Domestic

13. Application T-9391 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
28	S	4	W	W.M.	23	NW	SE	900	0.70

14. Application T-9391 originally proposed to change the point of diversion. However, the applicant, by letter dated October 2, 2003, modified the application to remove the proposed change in point of diversion.
15. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notices.
16. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
17. A diversion structure, ditch, pump, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
18. The proposed changes would not result in enlargement of the right.
19. The proposed changes would not result in injury to other water rights.

Conclusion of Law

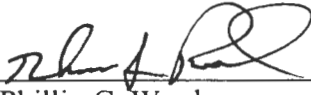
The proposed changes in place of use in applications T-9390 and T-9391 are consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000. The inaccurate descriptions of the points of diversion and places of use in Certificates 50790 and 49241 are as a result of a survey error.

Now, therefore, it is ORDERED:

1. The changes in place of use proposed in applications T-9390 and 9391 are approved.
2. Water right certificates 50790 and 49241 are cancelled. New certificates will be issued to confirm those portions of the rights not involved in this transfer. The certificates will describe the corrected place of use and point of diversion for the rights.

3. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 50790 and 49241.
4. The proposed change shall be completed on or before October 1, 2005.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.
6. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 23rd day of JUNE, 2004.


Phillip C. Ward
Acting Director

Mailing date: JUL 02 2004

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Walter M. Matschkowsky
Rupert A. Archuleta
N Myrtle Road
Myrtle Creek, Or 97457

confirms the right to use the waters of unnamed stream and North Myrtle Creek, a tributary of South Umpqua River, for domestic use for one family and irrigation of 14.2 acres.

This right was perfected under permit S-37043. the date of priority is July 13, 1972. the amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.185 cubic feet per second, being 0.005 cfs from unnamed stream for domestic use and 0.18 cfs from North Myrtle Creek for irrigation of 14.2 acres, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Township		Range		Meridian	Sec	¼ ¼	Location
28	S	4	W	W.M.	23	NW SE	Weaver Creek (unnamed stream) – 450 feet south and 2,580 feet west from the east ¼ corner of Section 23
28	S	4	W	W.M.	23	NE SE	N. Myrtle Creek #2 – 450 feet south and 520 feet west from the east ¼ corner of Section 23
28	S	4	W	W.M.	23	NE SE	N. Myrtle Creek #3 – 910 feet south and 1,240 feet west from the east ¼ corner of Section 23
28	S	4	W	W.M.	23	SW SE	N. Myrtle Creek #4 – 1,430 feet south and 2,490 feet west from the east ¼ corner of Section 23

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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre 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:

Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	4	W	W.M.	23	NE SE	10.4
28	S	4	W	W.M.	23	NW SE	3.1
28	S	4	W	W.M.	23	NW SE	Domestic
28	S	4	W	W.M.	23	SW SE	0.7

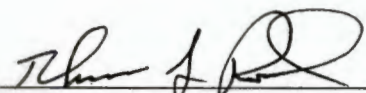
This certificate describes that portion of the water right confirmed by Certificate 50790 , State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 23 2004 , approving Transfer Application 9390.

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.

WITNESS the signature of the Water Resources Director,

affixed June 23, 2004.


Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80769

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Donald Lawrence Fitzpatrick or
Elizabeth Alice Fitzpatrick
N Myrtle Road, Box 294
Myrtle Creek, OR 97457

confirms the right to use the waters of unnamed stream and North Myrtle Creek, a tributary of South Umpqua River, for domestic use for one family including the irrigation of lawn and garden not to exceed ½ acre in area and for irrigation of 6.7 acres.

This right was perfected under Permit S-36902. The date of priority is May 11, 1972. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.09 cubic foot feet per second, being 0.01 cfs from unnamed stream for domestic use and 0.08 cfs from North Myrtle Creek for irrigation of 6.7 acres, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Township		Range		Meridian	Sec	¼ ¼		Location
28	S	4	W	W.M.	23	NW	SE	Weaver Creek (unnamed stream) – 2,170 feet north and 40 feet east form the south ¼ corner of Section 23
28	S	4	W	W.M.	23	SE	SW	N. Myrtle Creek – 840 feet north and 310 feet west from the south ¼ corner of Section 23

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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre 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:

Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	4	W	W.M.	23	NE SW	Domestic
28	S	4	W	W.M.	23	SE SW	6.7

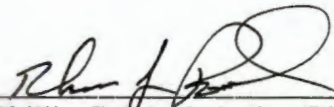
This certificate describes that portion of the water right confirmed by Certificate 49241, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 23 2004, approving Transfer Application 9391.

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.

WITNESS the signature of the Water Resources Director,

affixed JUNE 23, 2004


 For Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80770



State of Oregon
Water Resources Department
 158 12th Street NE, Salem, OR 97310
 (503)378-8455 • (800)624-3199
 www.wrd.state.or.us

Application for Water Right Transfer

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

RECEIVED

APR 03 2003

WATER RESOURCES DEPT
 SALEM, OREGON

APPLICATION FOR:

Please check one

- ☒ Water Right Transfer
 ☐ Temporary Transfer
 ☐ Permit Amendment
☐ Historic Point of Diversion Change
 ☐ Government Action Point of Diversion

1. APPLICANT INFORMATION

Name: Christopher and Lourie Archuleta
First Last

Address: 12663 North Myrtle Road

Myrtle Creek OR 97457
City State Zip

Phone: 541 863-3407
Home Work Other

*Fax: _____ *E-Mail address: _____

*Optional information

2. TYPE OF CHANGE

- ☐ Use
 ☒ Place of Use
 ☐ Point of Diversion
 ☐ Point of Appropriation

Reason for change: The original house on the Permit has a well and I need
the water for my use.

Is the land within an irrigation or other water district? ☐ Yes ☒ No

If yes, include district name: _____

For Department Use

App. No. _____ Permit No. _____ Date _____

T 9390

3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: W.M. Matschkowski and R.A. Archuleta

Decree: _____

☒ Not applicable

Permit Number: 37043 Certificate Number: 50790

☐ Not applicable

☐ Not applicable

Priority Date: July 13, 1972 Authorized Use: Domestic and Irrigation

Source of Water: Unnamed Stream & County: Douglas

North Myrtle Creek

Are there other sources listed on the water right? ☐ Yes ☒ No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
150'S. and 2580'W. from E $\frac{1}{4}$ Cor. Sect. 23	NW $\frac{1}{4}$ SE $\frac{1}{4}$	23	28S.	4W.

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
28S.	4W.	23		NW $\frac{1}{4}$ SE $\frac{1}{4}$	801	Domestic

Are there other lands described in the water right? ☒ Yes ☐ No

Are there other water rights or permits associated with this land? ☐ Yes ☐ No

If yes, include a copy of all rights or permits.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):

Gravity Flow - water piped from Unnamed stream to household
2 1/2" pipe from Unnamed stream to house.

System capacity (in cfs): 0.02 c.f.s.

Transfer Application/ 2

T9390

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APR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

4. PROPOSED CHANGES TO THE WATER RIGHT

☐ **Change in Use:**

Proposed use: _____

☐ **Change in Point of Diversion or Point of Appropriation:**

☐ Change

Old point of diversion or point of appropriation will not be used for this portion of the water right.

☐ Additional

Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

Location of Proposed Point of Diversion or Point of Appropriation

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range

XX Change in Place of Use:

Location of Proposed Place of Use

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
28S,	4W.	23		NW ¹ / ₄ SE ¹ / ₄	901	Domestic

Remarks: _____

T 9390

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APR 03 2008

WATER RESOURCES DEPT.
SALEM, OREGON

5. LAND OWNERSHIP

Answer only
if for change
in **Use** or
Place of Use.

Use/Place of Use

Are the lands free of encumbrances? ☒ Yes ☐ No

If no, name of encumbrance holder: _____

If no, application must include written permission for the transfer from the encumbrance holder.

Answer only
if applicant
is **not** the
landowner.

Landowners

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.

Landowners: Bob and Virginia Jenkins

(List all landowners shown on deed.)

Address(es): North Myrtle Road

Myrtle Creek
City

OR 97457
State Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Answer only
if the receiving
landowner is
not the original
landowner or
the applicant.

Receiving Landowner

Name: _____

Address: _____

City State Zip

- ☐ The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.
- ☐ Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

RECEIVED

APR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Transfer Application/ 4

T 9390

RECEIVED

APR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

6. EXHIBITS

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

- ☒ Enclosed
- ☐ Not needed: (must meet the following four requirements)
- ① In EFU zone or irrigation district.
 - ② Change in place of use only.
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures.
 - ④ Irrigation only.
- ☐ List all affected governments (city, county, state, tribal, federal):
- _____
- _____

Map:

- ☒ Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- ☐ All others: *Need not be prepared by a Certified Water Right Examiner.*

Deed:

- ☒ Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

- ☒ Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

Water Well Reports:

- ☐ If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

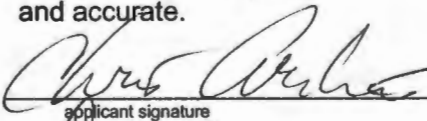
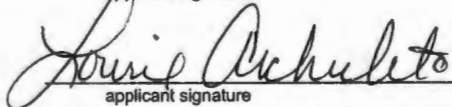
Fees:

- ☐ Amount enclosed \$ 200.00

See instruction book for fee schedule.

7. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

 applicant signature	<u>Chris Archuleta</u> name (print)	<u>3/30/03</u> date
 applicant signature	<u>Laurie Archuleta</u> name (print)	<u>3/30/03</u> date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

T 9390

TRANSFER APPLICATION MAP

IN THE NAME OF CHRISTOPHER AND LOURIE ARCHULETA

PERMIT 37043

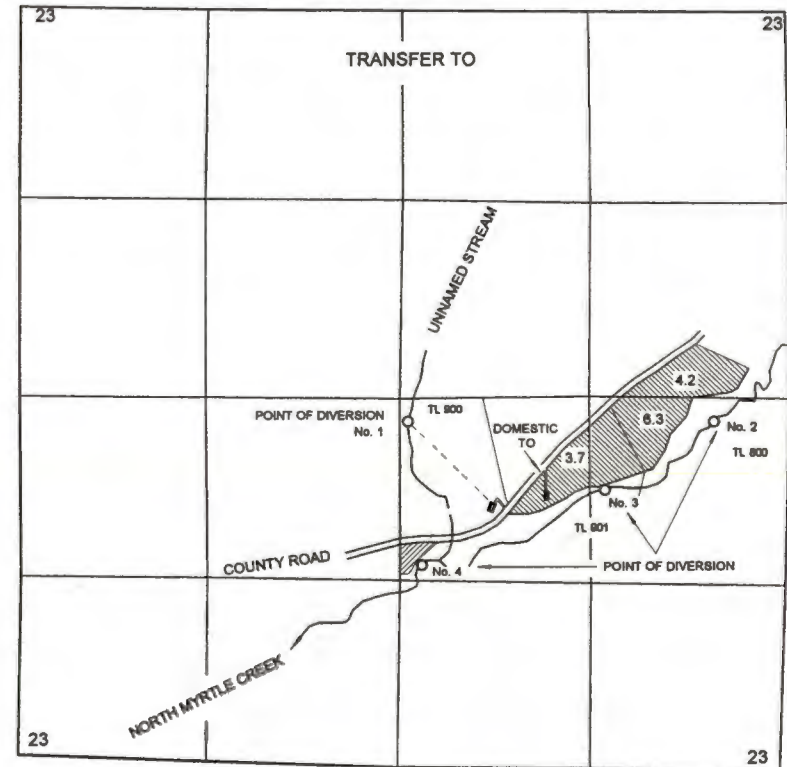
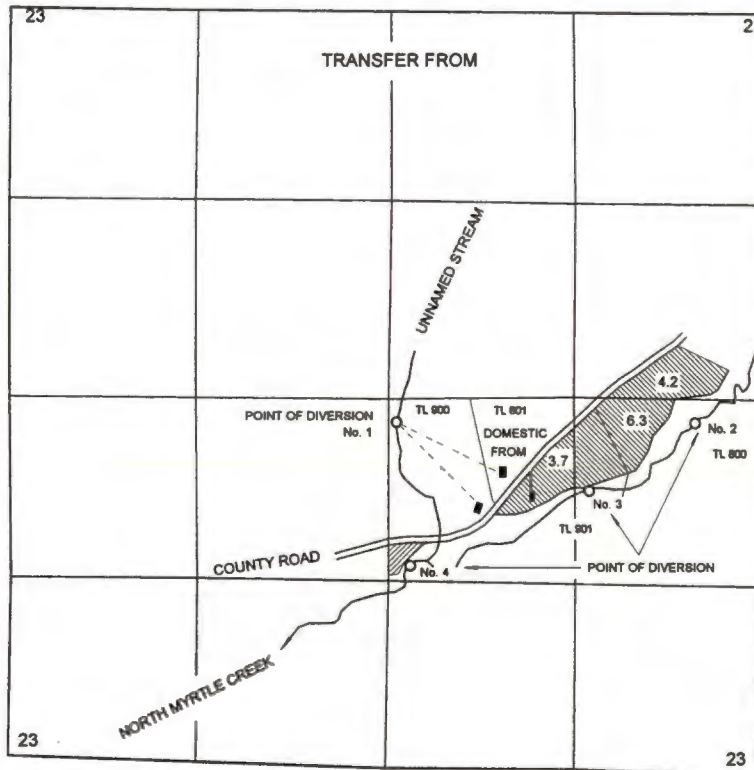
CERTIFICATE 50790

RECEIVED

APR 03 2003

SECTION 23, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.

WATER RESOURCES DEPT.
SALEM, OREGON

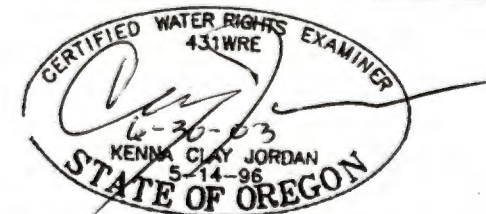


POINTS OF DIVERSION:

- No. 1 UNNAMED STREAM: 150 FEET SOUTH AND 2580 FEET WEST;
NORTH MYRTLE CREEK:
- No. 2 150 FEET SOUTH AND 520 FEET WEST;
- No. 3 610 FEET SOUTH AND 1240 FEET WEST;
- No. 4 1130 FEET SOUTH AND 2490 FEET WEST;

ALL FROM THE EAST QUARTER CORNER OF SECTION 23;
BEING WITHIN SECTION 23, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.; DOUGLAS COUNTY.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT.
IT IS NOT INTENDED TO PROVIDE INFORMATION RELEVANT TO PROPERTY BOUNDARY
OWNERSHIP LINES.



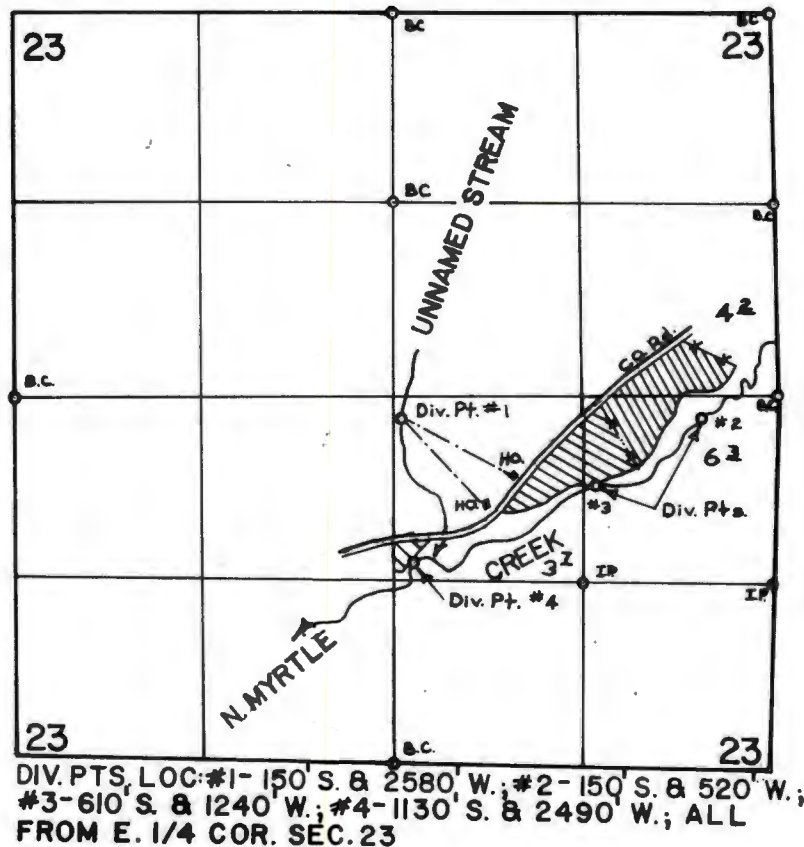
NOTE: THE LAND SHOWN IS TAKEN DIRECTLY FROM THE FINAL PROOF SURVEY
MAP FILED WITH THE OREGON WATER RESOURCES DEPARTMENT.

T-9390

9/17/02 the location of the
section lines are in error.
Please see Gossion, info.

[Signature]

T.28S.,R.4W.,W.M.



FINAL PROOF SURVEY
UNDER

Application No. 49450..... Permit No. 37043.....
IN NAME OF

W. M. MATSCHKOWSKY & R. A. ARCHULETA

Surveyed OCT. 4..... 1977, by D. W. SPARKS.....

STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

WALTER M. MATSCHKOWSKY and
RUPERT A. ARCHULETA

of N. Myrtle Road, Box 296, 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 unnamed stream and North Myrtle Creek

a tributary of South Umpqua River for the purpose of domestic use for two families and irrigation of 14.2 acres

under Permit No. 37043 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 rights hereby confirmed dates from July 13, 1972

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 0.19 cubic foot per second, being 0.01 cfs from unnamed stream for domestic use and 0.18 cfs from creek for irrigation of 14.2 acres

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 SE 1/4, NE 1/4 SE 1/4, Section 23, T28S, R4W, WM; unnamed stream - 150 feet South and 2,580 feet West, Creek: Number 4 - 1,130 feet South and 2,490 feet West, Number 2 - 150 feet South and 520 feet West, Number 3 - 610 feet South and 1,240 feet West, all from E 1/4 Corner, Section 23

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 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.

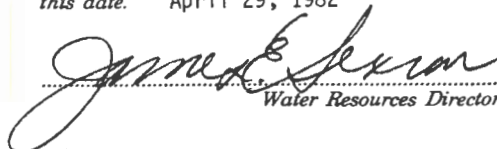
A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

4.2 acres SE 1/4 NE 1/4
6.3 acres NE 1/4 SE 1/4
Domestic and 3.7 acres NW 1/4 SE 1/4
Section 23
Township 28 South, Range 4 West, WM

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. April 29, 1982


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 45, page 50790

7723A

T-9590 AS 1200 (Div 15)



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

June 30, 2004

**CHRISTOPHER & LOURIE ARCHULETA
12663 NORTH MYRTLE ROAD
MYRTLE CRE OR 97457**

Reference: Transfer **9390 & 9391**

Enclosed is a copy of the order approving your water right transfer applications.

Times to complete the transfers are given in the order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

Doug Parrow
Natural Resource Specialist

DP:sh

cc: Dave Williams, Watermaster #15
Kenna clay Jordan, CWRE
Bob & Virginia Jenkins, Landowners

Enclosure

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Correction of Certificates)
50790 and 49241 and Transfer)
Applications T-9390 and T-9391,)
Douglas County, Oregon)

FINAL ORDER

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Christopher and Lourie Archuleta
12663 North Myrtle Road
Myrtle Creek, OR 97457

Findings of Fact

1. Christopher and Lourie Archuleta filed applications to transfer the place of use under Certificate 50790 and the point of diversion and place of use under Certificate 49241. The Department assigned the applications numbers T-9390 and T-9391.
2. The 2003 survey and application maps prepared by a certified water rights examiner for applications T-9390 and T-9391 identified and documented an error in the Department's final proof survey of Permits 37043 and 36902.
3. The Department's 1977 final proof survey of permits 37043 and 36902 incorrectly located places of use and points of diversion because of a survey error. The 1977 final proof survey located the quarter-quarter lines in Section 23, T 28 S, R 4 W, W.M. 300 feet south of the actual location.
4. As a result of the 1977 final proof survey error, Water Right Certificates 50790 and 49241 contained inaccurate descriptions of place of use and points of diversion.
5. The 2003 survey and application maps for T-9390 and T-9391 retraces the original water right and correctly locates place of use and points of diversion in relation to the public land survey for Water Right Certificates 50790 and 49241.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

6. The following table describes the difference in place of use description between the 1977 final proof survey and the 2003 survey and application map for T-9390:

1977 Final Proof Survey		2003 Survey and Application Map	
4.2 Acres Irrigation	SE¼ NE¼	10.4 Acres Irrigation	NE¼ SE¼
6.3 Acres Irrigation	NE¼ SE¼	3.1 Acres Irrigation	NW¼ SE¼
3.7 Acres Irrigation	NW¼ SE¼	Domestic Use	NW¼ SE¼
Domestic Use	NW¼ SE¼	0.7 Acres Irrigation	SW¼ SE¼
Section 23 T 28 S, R 4 W, W.M.		Section 23 T 28 S, R 4 W, W.M.	

7. The following table describes the difference in point of diversion description between the 1977 final proof survey and the 2003 survey and application map for T-9390:

1977 Final Proof Survey			
Source	Legal Description		Location
Unnamed Stream	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	150' south & 2,580' west from the east ¼ corner of section 23
N. Myrtle Creek #2	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	150' south & 520' west from the east ¼ corner of section 23
N. Myrtle Creek #3	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	610' south & 1,240' west from the east ¼ corner of section 23
N. Myrtle Creek #4	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	1,130' south & 2,490' west from the east ¼ corner of section 23
2003 Survey and Application Map			
Source	Legal Description		Location
Weaver Creek (Unnamed Stream)	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	450' south & 2,580' west from the east ¼ corner of section 23
N. Myrtle Creek #2	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	450' south & 520' west from the east ¼ corner of section 23
N. Myrtle Creek #3	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	910' south & 1,240' west from the east ¼ corner of section 23
N. Myrtle Creek #4	SW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	1,430' south & 2,490' west from the east ¼ corner of section 23

8. The following table describes the difference in place of use description between the 1977 final proof survey and the 2003 survey and application map for T-9391:

1977 Final Proof Survey		2003 Survey and Application Map	
Domestic Use	NE¼ SW¼	Domestic Use	NE¼ SW¼
2.8 Acres Irrigation	NE¼ SW¼	7.4 Acres Irrigation	SE¼ SW¼
4.6 Acres Irrigation	SE¼ SW¼		
Section 23 T 28 S, R 4 W, W.M.		Section 23 T 28 S, R 4 W, W.M.	

9. The following table describes the difference in point of diversion description between the 1977 final proof survey and the 2003 survey and application map for T-9391:

1977 Final Proof Survey			
Source	Legal Description		Location
Unnamed Stream	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	2,470' north & 40' east from the south ¼ corner of section 23
N. Myrtle Creek	SE¼ SW¼	Section 23, T 28 S, R 4 W, W.M.	1,140' north & 310' west from the south ¼ corner of section 23
2003 Survey and Application Map			
Source	Legal Description		Location
Weaver Creek (Unnamed Stream)	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	2,170' north & 40' east from the south ¼ corner of section 23
N. Myrtle Creek	SE¼ SW¼	Section 23, T 28 S, R 4 W, W.M.	840' north & 310' west from the south ¼ corner of section 23

10. The portion of the right to be transferred under T-9390 is as follows:

Certificate: 50790 in the name of Walter M. Matschkowsky and Rupert A. Archuleta

Use: Domestic

Priority Date: July 13, 1972

Quantity: 0.005 cfs

Source: Weaver Creek (unnamed stream), tributary to North Myrtle Creek

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Location
28	S	4	W	W.M.	23	NW	SE	450' S & 2,580' W from the E ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Acres
28	S	4	W	W.M.	23	NW	SE	Domestic

11. The portion of the right to be transferred under T-9391 is as follows:

Certificate: 49241 in the name of Donald Lawrence Fitzpatrick or Elizabeth Alice Fitzpatrick

Use: Irrigation

Priority Date: May 11, 1972

Quantity: 0.01 cfs

Acres: 0.7

Source: North Myrtle Creek, tributary to Myrtle Creek

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Location
28	S	4	W	W.M.	23	SE	SW	840' N & 310' W from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Acres
28	S	4	W	W.M.	23	SE	SW	0.70

12. Application T-9390 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
28	S	4	W	W.M.	23	NW	SE	901	Domestic

13. Application T-9391 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
28	S	4	W	W.M.	23	NW	SE	900	0.70

14. Application T-9391 originally proposed to change the point of diversion. However, the applicant, by letter dated October 2, 2003, modified the application to remove the proposed change in point of diversion.
15. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notices.
16. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
17. A diversion structure, ditch, pump, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
18. The proposed changes would not result in enlargement of the right.
19. The proposed changes would not result in injury to other water rights.

Conclusion of Law

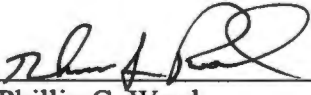
The proposed changes in place of use in applications T-9390 and T-9391 are consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000. The inaccurate descriptions of the points of diversion and places of use in Certificates 50790 and 49241 are as a result of a survey error.

Now, therefore, it is ORDERED:

1. The changes in place of use proposed in applications T-9390 and 9391 are approved.
2. Water right certificates 50790 and 49241 are cancelled. New certificates will be issued to confirm those portions of the rights not involved in this transfer. The certificates will describe the corrected place of use and point of diversion for the rights.

3. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 50790 and 49241.
4. The proposed change shall be completed on or before October 1, 2005.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.
6. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 23rd day of JUNE, 2004.


For Phillip C. Ward
Acting Director

Mailing date: JUL 02 2004

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Walter M. Matschkowsky
Rupert A. Archuleta
N Myrtle Road
Myrtle Creek, Or 97457

confirms the right to use the waters of unnamed stream and North Myrtle Creek, a tributary of South Umpqua River, for domestic use for one family and irrigation of 14.2 acres.

This right was perfected under permit S-37043. the date of priority is July 13, 1972. the amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.185 cubic feet per second, being 0.005 cfs from unnamed stream for domestic use and 0.18 cfs from North Myrtle Creek for irrigation of 14.2 acres, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Township		Range		Meridian	Sec	¼ ¼	Location
28	S	4	W	W.M.	23	NW SE	Weaver Creek (unnamed stream) – 450 feet south and 2,580 feet west from the east ¼ corner of Section 23
28	S	4	W	W.M.	23	NE SE	N. Myrtle Creek #2 – 450 feet south and 520 feet west from the east ¼ corner of Section 23
28	S	4	W	W.M.	23	NE SE	N. Myrtle Creek #3 – 910 feet south and 1,240 feet west from the east ¼ corner of Section 23
28	S	4	W	W.M.	23	SW SE	N. Myrtle Creek #4 – 1,430 feet south and 2,490 feet west from the east ¼ corner of Section 23

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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre 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:

Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	4	W	W.M.	23	NE SE	10.4
28	S	4	W	W.M.	23	NW SE	3.1
28	S	4	W	W.M.	23	NW SE	Domestic
28	S	4	W	W.M.	23	SW SE	0.7

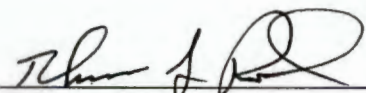
This certificate describes that portion of the water right confirmed by Certificate 50790 , State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 23 2004, approving Transfer Application 9390.

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.

WITNESS the signature of the Water Resources Director,

affixed June 23, 2004.


Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80769

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Donald Lawrence Fitzpatrick or
Elizabeth Alice Fitzpatrick
N Myrtle Road, Box 294
Myrtle Creek, OR 97457

confirms the right to use the waters of unnamed stream and North Myrtle Creek, a tributary of South Umpqua River, for domestic use for one family including the irrigation of lawn and garden not to exceed $\frac{1}{2}$ acre in area and for irrigation of 6.7 acres.

This right was perfected under Permit S-36902. The date of priority is May 11, 1972. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.09 cubic foot feet per second, being 0.01 cfs from unnamed stream for domestic use and 0.08 cfs from North Myrtle Creek for irrigation of 6.7 acres, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Township		Range		Meridian	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Location
28	S	4	W	W.M.	23	NW SE	Weaver Creek (unnamed stream) – 2,170 feet north and 40 feet east form the south $\frac{1}{4}$ corner of Section 23
28	S	4	W	W.M.	23	SE SW	N. Myrtle Creek – 840 feet north and 310 feet west from the south $\frac{1}{4}$ corner of Section 23

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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre 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:

Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	4	W	W.M.	23	NE SW	Domestic
28	S	4	W	W.M.	23	SE SW	6.7

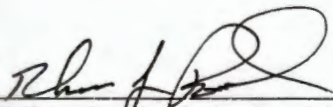
This certificate describes that portion of the water right confirmed by Certificate 49241, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 23 2004, approving Transfer Application 9391.

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.

WITNESS the signature of the Water Resources Director,

affixed JUNE 23, 2004


 For Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80770

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

50790
corrected
P
RR

THIS CERTIFICATE ISSUED TO

Walter M. Matschkowsky
Rupert A. Archuleta
N Myrtle Road
Myrtle Creek, Or 97457

confirms the right to use the waters of unnamed stream and North Myrtle Creek, a tributary of South Umpqua River, for domestic use for ~~two families~~ ^{one family} and irrigation of 14.2 acres.

This right was perfected under permit S-37043. the date of priority is July 13, 1972. the amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.19⁸⁵ cubic feet per second, being 0.01⁸⁵ cfs from unnamed stream for domestic use and 0.18 cfs from North Myrtle Creek for irrigation of 14.2 acres, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Township		Range		Meridian	Sec	¼ ¼	Location
28	S	4	W	W.M.	23	NW SE	Weaver Creek (unnamed stream) – 450 feet south and 2,580 feet west from the east ¼ corner of Section 23
28	S	4	W	W.M.	23	NE SE	N. Myrtle Creek #2 – 450 feet south and 520 feet west from the east ¼ corner of Section 23
28	S	4	W	W.M.	23	NE SE	N. Myrtle Creek #3 – 910 feet south and 1,240 feet west from the east ¼ corner of Section 23
28	S	4	W	W.M.	23	SW SE	N. Myrtle Creek #4 – 1,430 feet south and 2,490 feet west from the east ¼ corner of Section 23

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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre 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:

Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	4	W	W.M.	23	NE SE	10.4
28	S	4	W	W.M.	23	NW SE	3.1
28	S	4	W	W.M.	23	NW SE	Domestic
28	S	4	W	W.M.	23	SW SE	0.7

This certificate describes that portion of the water right confirmed by Certificate 50790 , State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _____, approving Transfer Application 9390.

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.

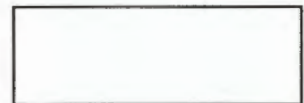
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director,

affixed _____.

Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered _____.



T-_____.____



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

May 12, 2004

Christopher and Lourie Archuleta
12663 North Myrtle Road
Myrtle Creek, OR 97457

Rupert and Helen Archuleta
12530 North Myrtle Road
Myrtle Creek, OR 97457

SUBJECT: Applications T-9390 & 9391

Please find enclosed a copy of the Preliminary Determination for applications T- T-9390 & 9391, which recommends approval of the transfer contingent upon successful completion of the public notice process described below. In finalizing the Preliminary Determination, we corrected erroneous references on page 2 that located the points of diversion as being referenced to the south 1/4 corner of section 23. The diversions are now referenced to the east 1/4 corner of section 23 as shown on the maps.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the Preliminary Determination or a standing statement supporting it. As the applicant, you do not need to file a standing statement supporting the Preliminary Determination.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

Sincerely,

Doug Parrow
Field Services Division

cc: District 15 Watermaster
CWRE #431

enc

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Correction of Certificates)
50790 and 49241 and Transfer)
Applications T-9390 and T-9391,)
Douglas County, Oregon)

PRELIMINARY DETERMINATION

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Christopher and Lourie Archuleta
12663 North Myrtle Road
Myrtle Creek, OR 97457

Findings of Fact

1. Christopher and Lourie Archuleta filed applications to transfer the place of use under Certificate 50790 and the point of diversion and place of use under Certificate 49241. The Department assigned the applications numbers T-9390 and T-9391.
2. The 2003 survey and application maps prepared by a certified water rights examiner for applications T-9390 and T-9391 identified and documented an error in the Department's final proof survey of Permits 37043 and 36902.
3. The Department's 1977 final proof survey of permits 37043 and 36902 incorrectly located places of use and points of diversion because of a survey error. The 1977 final proof survey located the quarter-quarter lines in Section 23, T 28 S, R 4 W, W.M. 300 feet south of the actual location.
4. As a result of the 1977 final proof survey error, Water Right Certificates 50790 and 49241 contained inaccurate descriptions of place of use and points of diversion.
5. The 2003 survey and application maps for T-9390 and T-9391 retraces the original water right and correctly locates place of use and points of diversion in relation to the public land survey for Water Right Certificates 50790 and 49241.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this transfer application and preliminary determination.

6. The following table describes the difference in place of use description between the 1977 final proof survey and the 2003 survey and application map for T-9390:

1977 Final Proof Survey		2003 Survey and Application Map	
4.2 Acres Irrigation	SE¼ NE¼	10.4 Acres Irrigation	NE¼ SE¼
6.3 Acres Irrigation	NE¼ SE¼	3.1 Acres Irrigation	NW¼ SE¼
3.7 Acres Irrigation	NW¼ SE¼	Domestic Use	NW¼ SE¼
Domestic Use	NW¼ SE¼	0.7 Acres Irrigation	SW¼ SE¼
Section 23 T 28 S, R 4 W, W.M.		Section 23 T 28 S, R 4 W, W.M.	

7. The following table describes the difference in point of diversion description between the 1977 final proof survey and the 2003 survey and application map for T-9390:

1977 Final Proof Survey			
Source	Legal Description		Location
Unnamed Stream	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	150' south & 2,580' west from the east ¼ corner of section 23
N. Myrtle Creek #2	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	150' south & 520' west from the east ¼ corner of section 23
N. Myrtle Creek #3	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	610' south & 1,240' west from the east ¼ corner of section 23
N. Myrtle Creek #4	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	1,130' south & 2,490' west from the east ¼ corner of section 23
2003 Survey and Application Map			
Source	Legal Description		Location
Weaver Creek (Unnamed Stream)	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	450' south & 2,580' west from the east ¼ corner of section 23
N. Myrtle Creek #2	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	450' south & 520' west from the east ¼ corner of section 23
N. Myrtle Creek #3	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	910' south & 1,240' west from the east ¼ corner of section 23
N. Myrtle Creek #4	SW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	1,430' south & 2,490' west from the east ¼ corner of section 23

8. The following table describes the difference in place of use description between the 1977 final proof survey and the 2003 survey and application map for T-9391:

1977 Final Proof Survey		2003 Survey and Application Map	
Domestic Use	NE¼ SW¼	Domestic Use	NE¼ SW¼
2.8 Acres Irrigation	NE¼ SW¼	7.4 Acres Irrigation	SE¼ SW¼
4.6 Acres Irrigation	SE¼ SW¼		
Section 23 T 28 S, R 4 W, W.M.		Section 23 T 28 S, R 4 W, W.M.	

9. The following table describes the difference in point of diversion description between the 1977 final proof survey and the 2003 survey and application map for T-9391:

1977 Final Proof Survey			
Source	Legal Description		Location
Unnamed Stream	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	2,470' north & 40' east from the south ¼ corner of section 23
N. Myrtle Creek	SE¼ SW¼	Section 23, T 28 S, R 4 W, W.M.	1,140' north & 310' west from the south ¼ corner of section 23
2003 Survey and Application Map			
Source	Legal Description		Location
Weaver Creek (Unnamed Stream)	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	2,170' north & 40' east from the south ¼ corner of section 23
N. Myrtle Creek	SE¼ SW¼	Section 23, T 28 S, R 4 W, W.M.	840' north & 310' west from the south ¼ corner of section 23

10. The portion of the right to be transferred under T-9390 is as follows:

Certificate: 50790 in the name of Walter M. Matschkowsky and Rupert A. Archuleta

Use: Domestic

Priority Date: July 13, 1972

Quantity: 0.01 cfs

Source: Weaver Creek (unnamed stream), tributary to North Myrtle Creek

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Location
28	S	4	W	W.M.	23	NW	SE	450' S & 2,580' W from the E ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Acres
28	S	4	W	W.M.	23	NW	SE	Domestic

11. The portion of the right to be transferred under T-9391 is as follows:

Certificate: 49241 in the name of Donald Lawrence Fitzpatrick or Elizabeth Alice Fitzpatrick

Use: Irrigation

Priority Date: May 11, 1972

Quantity: 0.01 cfs

Acres: 0.7

Source: North Myrtle Creek, tributary to Myrtle Creek

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Location
28	S	4	W	W.M.	23	SE	SW	840' N & 310' W from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Acres
28	S	4	W	W.M.	23	SE	SW	0.70

12. Application T-9390 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
28	S	4	W	W.M.	23	NW	SE	901	Domestic

13. Application T-9391 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
28	S	4	W	W.M.	23	NW	SE	900	0.70

14. Application T-9391 originally proposed to change the point of diversion. However, the applicant, by letter dated October 2, 2003, modified the application to remove the proposed change in point of diversion.
15. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notices.
16. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
17. A diversion structure, ditch, pump, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
18. The proposed changes would not result in enlargement of the right.
19. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The inaccurate descriptions of the points of diversion and places of use will be corrected on issuance of certificates for the portions of the rights not involved in the transfers.

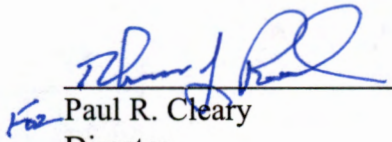
The proposed changes in place of use in applications T-9390 and T-9391 appear to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000 and will be approved provided that protests are not filed pursuant to OAR 690-380-4030.

If approved, the change and subsequent use of water shall be subject to the following conditions:

1. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 50790 and 49241.

2. The proposed change shall be completed on or before October 1, 2005.
3. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.
4. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this 12th day of May, 2004.


Paul R. Cleary
Director

Protests should be addressed to the attention of Enforcement Section, Water Resources Department, 725 Summer St. NE, Salem, OR 97301-1271

Mailing date: **MAY 13 2004**

This preliminary determination was prepared by Doug Parrow. If you have any questions about the information in this preliminary determination, you may reach me at (503) 986-0881 or Douglas.M.Parrow@wrdd.state.or.us.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

March 30, 2004

Christopher and Lourie Archuleta
12663 North Myrtle Road
Myrtle Creek, OR 97457

Rupert and Helen Archuleta
12530 North Myrtle Road
Myrtle Creek, OR 97457

SUBJECT: Applications T-9390 & 9391

Enclosed find a draft of our Preliminary Determination regarding transfer applications T-9390 and T-9391. The draft Preliminary Determination reflects the Department's conclusion that, based on the information currently available, the inaccuracies in the existing rights would be corrected and the transfers would be approved.

This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the Preliminary Determination carefully to evaluate whether the document is consistent with your intent in seeking the transfer and whether you agree with the proposed action.

Issuance of the Preliminary Determination will occur shortly after we receive your approval to proceed, or on May 5, whichever occurs first. You may provide your comments or approval to proceed in writing or via e-mail.

Please do not hesitate to contact me at 503-986-0881 or Douglas.M.Parrow@wrp.state.or.us if you have questions.

Sincerely,

Douglas M. Parrow
Field Services Division

cc: Dave Williams, District 15 Watermaster

enc

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Correction of Certificates)
50790 and 49241 and Transfer)
Applications T-9390 and T-9391,)
Douglas County, Oregon)

D R A F T
PRELIMINARY DETERMINATION

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Christopher and Lourie Archuleta
12663 North Myrtle Road
Myrtle Creek, OR 97457

Findings of Fact

1. Christopher and Lourie Archuleta filed applications to transfer the place of use under Certificate 50790 and the point of diversion and place of use under Certificate 49241. The Department assigned the applications numbers T-9390 and T-9391.
2. The 2003 survey and application maps prepared by a certified water rights examiner for applications T-9390 and T-9391 identified and documented an error in the Department's final proof survey of Permits 37043 and 36902.
3. The Department's 1977 final proof survey of permits 37043 and 36902 incorrectly located places of use and points of diversion because of a survey error. The 1977 final proof survey located the quarter-quarter lines in Section 23, T 28 S, R 4 W, W.M. 300 feet south of the actual location.
4. As a result of the 1977 final proof survey error, Water Right Certificates 50790 and 49241 contained inaccurate descriptions of place of use and points of diversion.
5. The 2003 survey and application maps for T-9390 and T-9391 retraces the original water right and correctly locates place of use and points of diversion in relation to the public land survey for Water Right Certificates 50790 and 49241.
6. The following table describes the difference in place of use description between the 1977 final proof survey and the 2003 survey and application map for T-9390:

1977 Final Proof Survey		2003 Survey and Application Map	
4.2 Acres Irrigation	SE¼ NE¼	10.4 Acres Irrigation	NE¼ SE¼
6.3 Acres Irrigation	NE¼ SE¼	3.1 Acres Irrigation	NW¼ SE¼
3.7 Acres Irrigation	NW¼ SE¼	Domestic Use	NW¼ SE¼
Domestic Use	NW¼ SE¼	0.7 Acres Irrigation	SW¼ SE¼
Section 23 T 28 S, R 4 W, W.M.		Section 23 T 28 S, R 4 W, W.M.	

7. The following table describes the difference in point of diversion description between the 1977 final proof survey and the 2003 survey and application map for T-9390:

1977 Final Proof Survey			
Source	Legal Description		Location
Unnamed Stream	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	150' south & 2,580' west from the east ¼ corner of section 23
N. Myrtle Creek #2	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	150' south & 520' west from the south ¼ corner of section 23
N. Myrtle Creek #3	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	610' south & 1,240' west from the south ¼ corner of section 23
N. Myrtle Creek #4	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	1,130' south & 2,490' west from the south ¼ corner of section 23
2003 Survey and Application Map			
Source	Legal Description		Location
Weaver Creek (Unnamed Stream)	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	450' south & 2,580' west from the east ¼ corner of section 23
N. Myrtle Creek #2	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	450' south & 520' west from the south ¼ corner of section 23
N. Myrtle Creek #3	NE¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	910' south & 1,240' west from the south ¼ corner of section 23
N. Myrtle Creek #4	SW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	1,430' south & 2,490' west from the south ¼ corner of section 23

8. The following table describes the difference in place of use description between the 1977 final proof survey and the 2003 survey and application map for T-9391:

1977 Final Proof Survey		2003 Survey and Application Map	
Domestic Use	NE¼ SW¼	Domestic Use	NE¼ SW¼
2.8 Acres Irrigation	NE¼ SW¼	7.4 Acres Irrigation	SE¼ SW¼
4.6 Acres Irrigation	SE¼ SW¼		
Section 23 T 28 S, R 4 W, W.M.		Section 23 T 28 S, R 4 W, W.M.	

9. The following table describes the difference in point of diversion description between the 1977 final proof survey and the 2003 survey and application map for T-9391:

1977 Final Proof Survey			
Source	Legal Description		Location
Unnamed Stream	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	2,470' north & 40' east from the south ¼ corner of section 23
N. Myrtle Creek	SE¼ SW¼	Section 23, T 28 S, R 4 W, W.M.	1,140' north & 310' west from the south ¼ corner of section 23
2003 Survey and Application Map			
Source	Legal Description		Location
Weaver Creek (Unnamed Stream)	NW¼ SE¼	Section 23, T 28 S, R 4 W, W.M.	2,170' north & 40' east from the south ¼ corner of section 23
N. Myrtle Creek	SE¼ SW¼	Section 23, T 28 S, R 4 W, W.M.	840' north & 310' west from the south ¼ corner of section 23

10. The portion of the right to be transferred under T-9390 is as follows:

Certificate: 50790 in the name of Walter M. Matschkowsky and Rupert A. Archuleta

Use: Domestic

Priority Date: July 13, 1972

Quantity: 0.01 cfs

Source: Weaver Creek (unnamed stream), tributary to North Myrtle Creek

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
28	S	4	W	W.M.	23	NW SE	450' S & 2,580' W from the E ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
28	S	4	W	W.M.	23	NW SE	Domestic

11. The portion of the right to be transferred under T-9391 is as follows:

Certificate: 49241 in the name of Donald Lawrence Fitzpatrick or Elizabeth Alice Fitzpatrick

Use: Irrigation

Priority Date: May 11, 1972

Quantity: 0.01 cfs

Acres: 0.7

Source: North Myrtle Creek, tributary to Myrtle Creek

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Location
28	S	4	W	W.M.	23	SE	SW	840' N & 310' W from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Acres
28	S	4	W	W.M.	23	SE	SW	0.70

12. Application T-9390 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
28	S	4	W	W.M.	23	NW	SE	901	Domestic

13. Application T-9391 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
28	S	4	W	W.M.	23	NW	SE	900	0.70

14. Application T-9391 originally proposed to change the point of diversion. However, the applicant, by letter dated October 2, 2003, modified the application to remove the proposed change in point of diversion.
15. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notices.
16. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
17. A diversion structure, ditch, pump, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
18. The proposed changes would not result in enlargement of the right.
19. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The inaccurate descriptions of the points of diversion and places of use will be corrected on issuance of certificates for the portions of the rights not involved in the transfers.

The proposed changes in place of use in applications T-9390 and T-9391 appear to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000 and will be approved provided that protests are not filed pursuant to OAR 690-380-4030.

If approved, the change and subsequent use of water shall be subject to the following conditions:

1. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 50790 and 49241.
2. The proposed change shall be completed on or before October 1, 2005.
3. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.
4. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this ____ day of _____, 2004.

Paul R. Cleary
Director

This preliminary determination was prepared by Doug Parrow. If you have any questions about the information in this preliminary determination, you may reach me at (503) 986-0881 or Douglas.M.Parrow@wrd.state.or.us.

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Correction of Certificates)
50790 and 49241 and Transfer)
Applications T-9390 and T-9391,)
Douglas County, Oregon)

PRELIMINARY DETERMINATION

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

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5. The 2003 survey and application maps for T-9390 and T-9391 retraces the original water right and correctly locates place of use and points of diversion in relation to the public land survey for Water Right Certificates 50790 and 49241.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this transfer application and preliminary determination.

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Acres: 0.7

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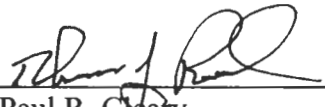
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Dated at Salem, Oregon this 12th day of May, 2004.

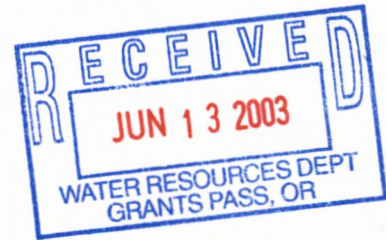

For Paul R. Cleary
Director

Protests should be addressed to the attention of Enforcement Section, Water Resources Department, 725 Summer St. NE, Salem, OR 97301-1271

Mailing date: MAY 13 2004

This preliminary determination was prepared by Doug Parrow. If you have any questions about the information in this preliminary determination, you may reach me at (503) 986-0881 or Douglas.M.Parrow@wrdd.state.or.us.

**District 15
Watermaster's Office
OREGON WATER RESOURCES DEPARTMENT
Douglas County Courthouse
1036 SE Douglas, Room 306
Roseburg, Oregon 97470
541-440-4255
Fax: 541-440-6264**



INTEROFFICE MEMO

Date: June 10, 2003
To: Teresa Vonn
From: Dave Williams
Re: Transfer T-9390

We still need another correction affidavit for this transfer. I will forward upon receipt.
Thanks, DsW.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

INTEROFFICE MEMO

FORWARD TO:

Teresa Vonn

DATE: 4-7-03

FIELD PROCESSOR WORKING ON THIS TRANSFER

FROM:

✓ WATERMASTER, DISTRICT # 15
GROUNDWATER SECTION

(SIGNATURE)

David S. Williams
signed by injury reviewer

date signed 5-20-2003

SUBJECT: WATER RIGHT TRANSFER # 9390

A change in: POU POD POA USE of water.

In the name(s) of Christopher & Lourie Archuleta

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY
right.

WOULD RESULT IN INJURY* to an existing water

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

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) NOT APPLICABLE

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 . . .

✓ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.

**District 15
Watermaster's Office
OREGON WATER RESOURCES DEPARTMENT
Douglas County Courthouse
1036 SE Douglas, Room 306
Roseburg, Oregon 97470
541-440-4255
Fax: 541-440-6264**

INTEROFFICE MEMO

Date: May 20, 2003
To: Teresa Vonn
From: Dave Williams
Re: Transfer T-9390

My review of the above transfer revealed the following:

- 1) Page 2 - The last name of the first certificate holder should be spelled Matschkowsky.
- 2) Page 2 - A certificate correction will be required to describe the location of the authorized pod's for this right. The correction will also need to show the proper location for the 14.2 acres of remaining right. A correction is needed because the final proof map located the forty lines 300' south of their actual location. The correction map and appropriate landowner affidavits are included for your review. As the result of these changes, the location of the authorized pod should be 450' south of the E $\frac{1}{4}$ corner of section 23. The applicant's have initialed this change on page 2 of their application.
- 3) Page 2 - An amended transfer map reflecting the above certificate corrections is attached for your reference.
- 4) Page 2 - There are not other rights associated with these lands.

There are no conflicting rights associated with this transfer.

* 30 day
may be
rejected unless
correction and
is received
w/ in

9390
Still need
1 correction
affidavit
~~as per DFW?~~

3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: W.M. Matschkowski and R.A. Archuleta

Decree: _____

☒ Not applicable

Permit Number: 37043 Certificate Number: 50790

☐ Not applicable

☐ Not applicable

Priority Date: July 13, 1972 Authorized Use: Domestic and Irrigation

Source of Water: Unnamed Stream & County: Douglas

North Myrtle Creek

Are there other sources listed on the water right? ☐ Yes ☒ No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
<u>450'S</u> <u>150'S. and 2580'W. from E$\frac{1}{4}$ Cor.</u> <u>Sect. 23</u>	<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>23</u>	<u>28S.</u>	<u>4W.</u>

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
<u>28S.</u>	<u>4W.</u>	<u>23</u>		<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>801</u>	<u>Domestic</u>

Are there other lands described in the water right? ☒ Yes ☐ No

Are there other water rights or permits associated with this land? ☐ Yes ☐ No

If yes, include a copy of all rights or permits.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):

Gravity Flow - water piped from Unnamed stream to household
2 1/2" pipe from Unnamed stream to house.

System capacity (in cfs): 0.02 c.f.s.

RECEIVED

APR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Transfer Application/ 2

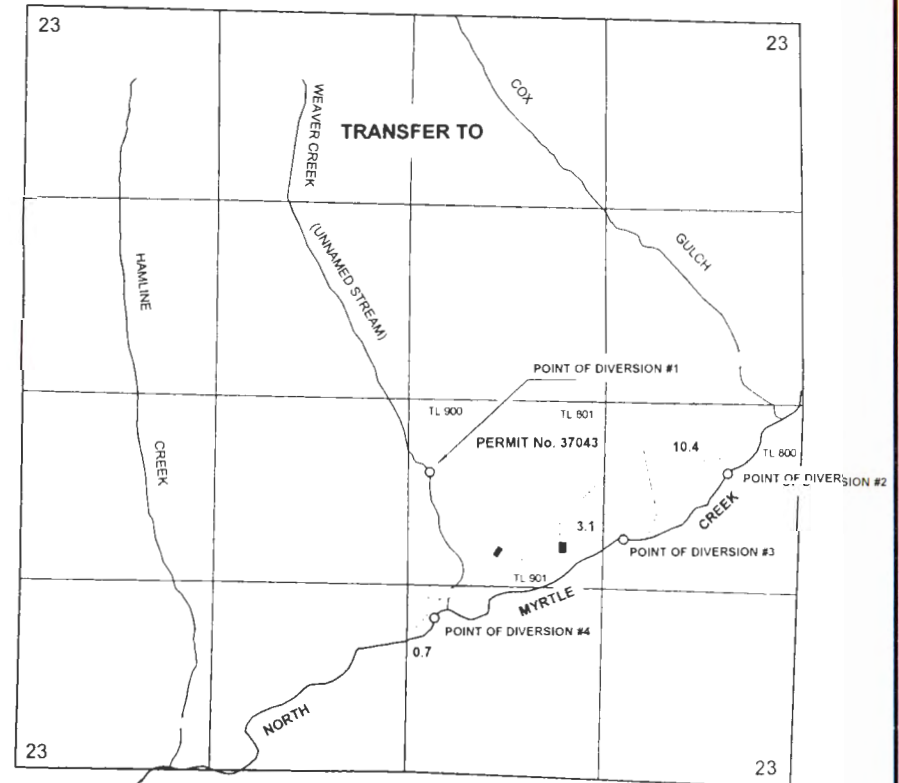
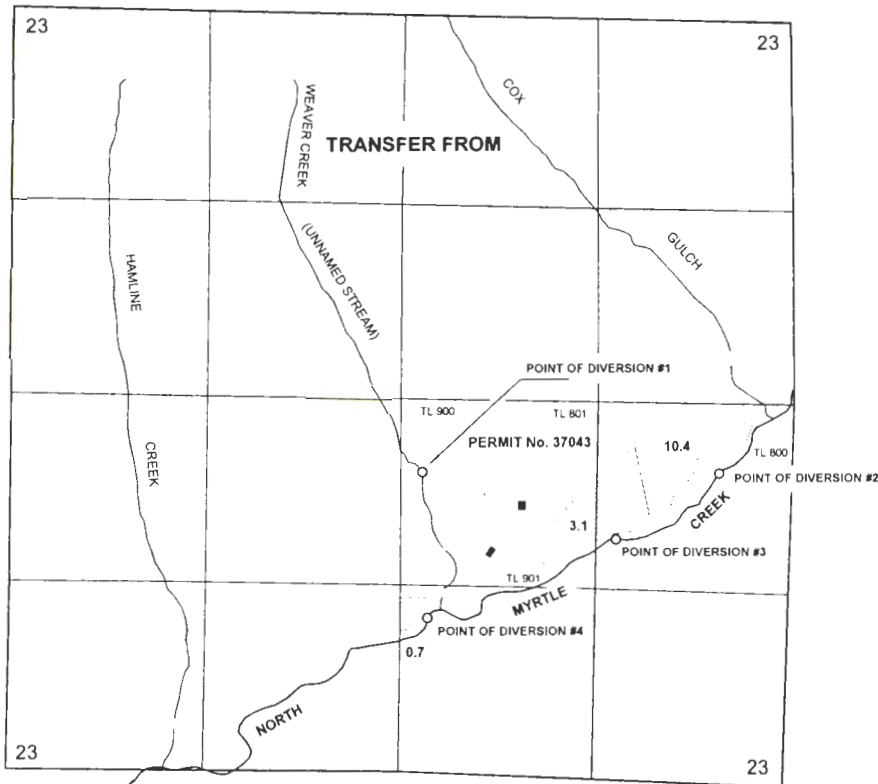
T9390

TRANSFER APPLICATION MAP IN THE NAME OF CHRISTOPHER AND LOURIE ARCHULETA

PERMIT 37043

CERTIFICATE 50790

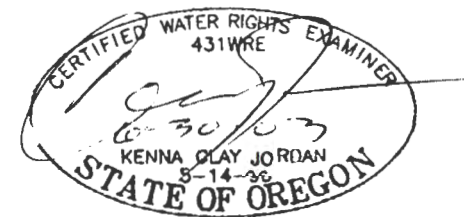
SECTION 23, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.



1 INCH = 1320 FEET

POD #1: 450 FEET SOUTH AND 2580 FEET WEST (WEAVER CREEK);
POD #2: 450 FEET SOUTH AND 520 FEET WEST (No. MYRTLE CREEK);
POD #3: 910 FEET SOUTH AND 1240 FEET WEST (No. MYRTLE CREEK); AND
POD #4: 1430 FEET SOUTH AND 2490 FEET WEST (No. MYRTLE CREEK);
ALL FROM THE EAST QUARTER CORNER OF SECTION 23.

ALL POINTS OF DIVERSION ARE WITHIN SECTION 23, TOWNSHIP 28 SOUTH,
RANGE 4 WEST, W.M.; DOUGLAS COUNTY.



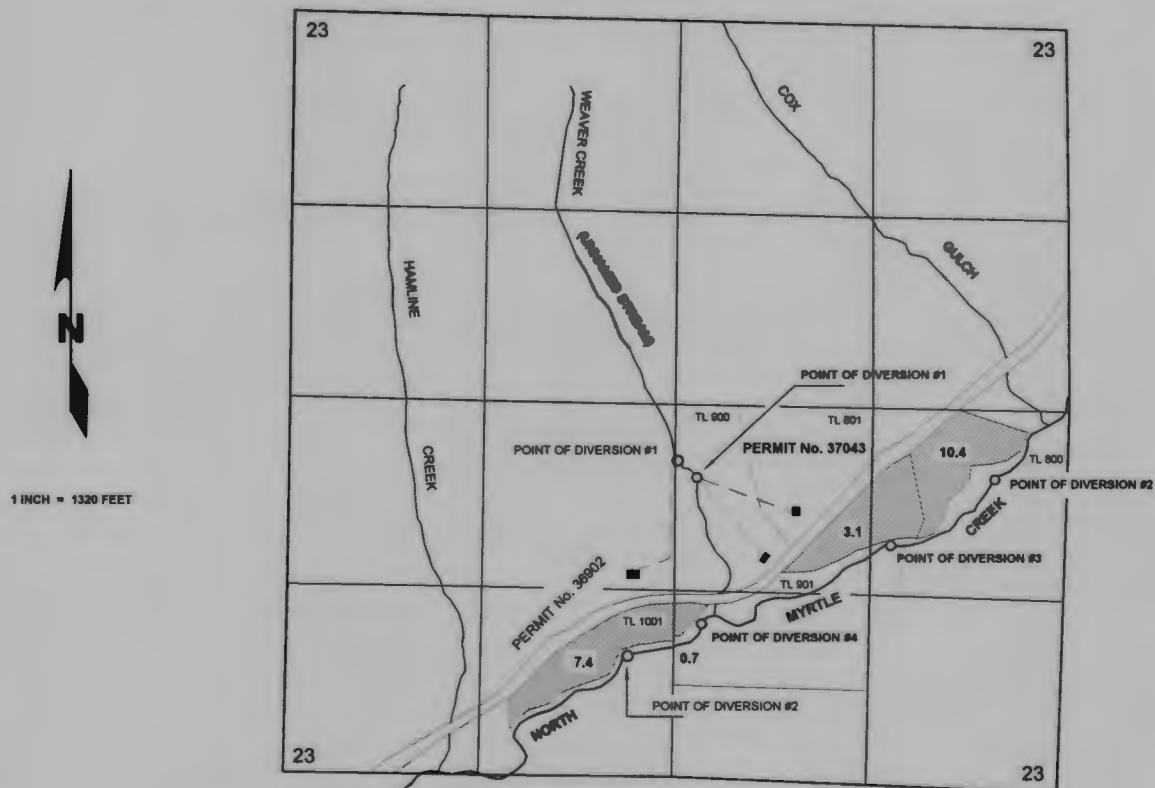
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT.
IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION
OF PROPERTY OWNERSHIP BOUNDARY LINES.

**CORRECTED FINAL PROOF SURVEY MAP
APPLICABLE TO
CERTIFICATE No. 49241 AND CERTIFICATE No. 50790**

APPLICATION No. 49236
APPLICATION No. 49450

PERMIT No. 36902
PERMIT No. 37043

SECTION 23, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.



PERMIT 37043:

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PERMIT 36902:

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POD #2: 840 FEET NORTH AND 310 FEET WEST (No. MYRTLE CREEK);
BOTH FROM THE SOUTH QUARTER CORNER OF SECTION 23.

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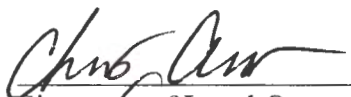


AFFIDAVIT FOR CERTIFICATE CORRECTION

State of Oregon)
) ss
County of Douglas)

We, Christopher & Lourie Archuleta, 12663 North Myrtle Road, Myrtle Creek, Oregon 97457, phone number 541-863-3407, being first duly sworn, depose and say:

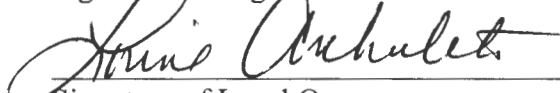
1. We are the legal owners of the property described as Tax Lot 901, Section 23, Township 28 S., Range 4 W., of the Willamette Meridian, in Douglas County, Oregon as shown on the attached map and described in the attached deed and legal description and made part of this affidavit.
2. Water right certificate number 50790 issued to Walter M. Matschkowsky and Rupert A. Archuleta with a date of priority of July 13, 1972 includes the right to irrigate 4.2 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.3 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.7 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 28 S, Range 4 W, W.M..
3. Based on a new survey completed in conjunction with transfer T-9390, I believe there are 10.4 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 3.1 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.7 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 28 S, Range 4 W, W.M. as shown on the attached map and made part of this affidavit.
4. We request that certificate 50790 be corrected to reflect the actual location of the acres described in (3) above. We also request that certificate 50790 be corrected to show the actual points of diversions for this right as listed on the correction map.



Signature of Legal Owner

5/29/03

Date

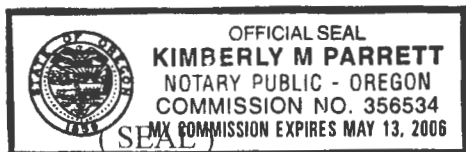


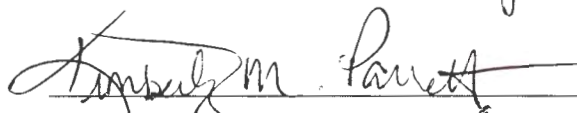
Signature of Legal Owner

5/29/03

Date

Sworn to and subscribed before me this 29th day of May, 2003.





Notary Public for the State of Oregon

My commission expires: 5/13/06

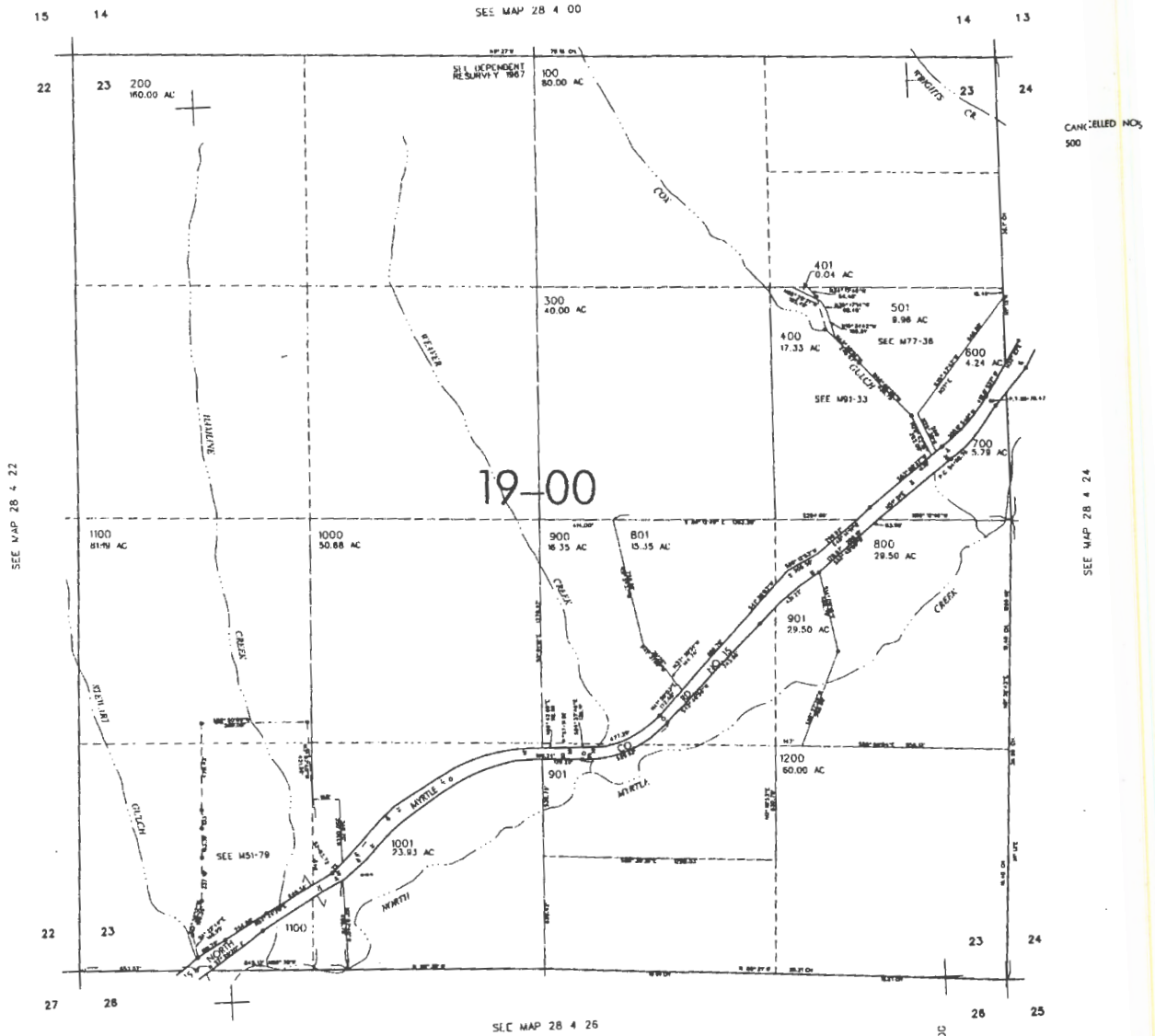
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SEC. 23 T.28S. R.4 W. W.M.
DOUGLAS COUNTY

1" = 400'

REVISED ON
12-3-98

28 4 23



8,000

28 4 23

NA

97-01508

BARGAIN AND SALE DEED

BOOK 1452 PAGE 419

KNOW ALL MEN BY THESE PRESENTS, That Rupert A. Archuleta and Helen V.M. Archuleta hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto CHRISTOPHER A. ARCHULETA and LOURIE ARCHULETA hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Douglas, State of Oregon, described as follows, to-wit:

PLEASE SEE ATTACHED EXHIBIT "A"

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 19,144.37.

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this _____ day of _____, 19____; if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930

STATE OF OREGON, County of Douglas, ss.

This instrument was acknowledged before me on January 26, 1997, by Rupert A. Archuleta & Helen V.M. Archuleta

This instrument was acknowledged before me on _____, 19____, by _____



Laura Prochaska
Notary Public for Oregon
My commission expires 2/23/97

STATE OF OREGON,

County of _____, ss.

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/tile/instrument/microfilm/reception No. _____, Record of Deeds of said County.

Witness my hand and seal of County affixed.

By _____ NAME _____ TITLE _____ Deputy

Grantor's Name and Address

Grantee's Name and Address

After recording return to (Name, Address, Zip):

HANDED

Until requested otherwise send all tax statements to (Name, Address Zip):

Christopher & Lourie Archuleta
12463 N. Myrtle Rd.
Myrtle Creek, Ore. 97457

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON)
 COUNTY OF DOUGLAS) ss.
 I, _____, COUNTY CLERK AND RECORDER OF
 CONVEYANCES, DO HEREBY CERTIFY THAT THIS
 INSTRUMENT WAS RECORDED

97 JAN 28 AM 10:15

DOUGLAS COUNTY CLERK

IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY *Vernon R. Dauvergne*
 DEPUTY

32
 33

ALSO:

Beginning at a 5/8" iron rod on the North - South center line of Section 23, Township 28 South, Range 4 West W.M., from which the South one-quarter corner of said Section 23, bears S 0°01'12" E 626.43 feet; thence S 88°38'36" E 1298.53 feet to a 5/8" iron rod; thence N 0°18'53" E 630.70 feet to a 5/8" iron rod; thence S 88°50'04" E 147.00 feet to a 1/2" iron rod; thence N 20°27'29" E 555.89 feet to a 1/2" iron rod; thence N 14°08'15" W 468.79 feet to a 5/8" iron rod on the Southeasterly R/W line of the North Myrtle County Road; thence along said Southeasterly R/W line on an arc of a 2829.79 foot radius curve left (the long chord of which bears S 46°46'04" W) 431.22 feet to a 5/8" iron rod; thence S 42°46'56" W 743.56 feet to a 5/8" iron rod; thence along an arc of a 602.96 foot radius curve right (the long chord of which bears S 67°34'15" W) 529.93 feet to a 5/8" iron rod; thence N 89°31'08" W 126.20 feet to a 5/8" iron rod; thence along an arc of a 1110.92 foot radius curve left (the long chord of which bears S 89°55'51" W) 109.29 feet to a 1/2" iron rod on the North - South center line of said Section 23; thence S 0°01'12" E along said North - South center line 536.75 feet to the point of beginning, situated in the Southeast one-quarter of Section 23, Township 28 South, Range 4 West W.M., Douglas County, Oregon, containing 29.5 acres, more or less 97-01508

STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

WALTER M. MATSCHKOWSKY and
RUPERT A. ARCHULETA

of N. Myrtle Road, Box 296, 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 unnamed stream and North Myrtle Creek

a tributary of South Umpqua River for the purpose of domestic use for two families and irrigation of 14.2 acres

under Permit No. 37043 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 rights hereby confirmed dates from July 13, 1972

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 0.19 cubic foot per second, being 0.01 cfs from unnamed stream for domestic use and 0.18 cfs from creek for irrigation of 14.2 acres

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 SE 1/4, NE 1/4 SE 1/4, Section 23, T28S, R4W, WM; unnamed stream - 150 feet South and 2,580 feet West, Creek: Number 4 - 1,130 feet South and 2,490 feet West, Number 2 - 150 feet South and 520 feet West, Number 3 - 610 feet South and 1,240 feet West, all from E 1/4 Corner, Section 23

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 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.

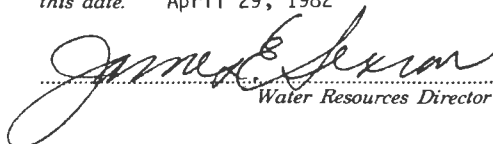
A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

4.2 acres SE 1/4 NE 1/4
6.3 acres NE 1/4 SE 1/4
Domestic and 3.7 acres NW 1/4 SE 1/4
Section 23
Township 28 South, Range 4 West, WM

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. April 29, 1982

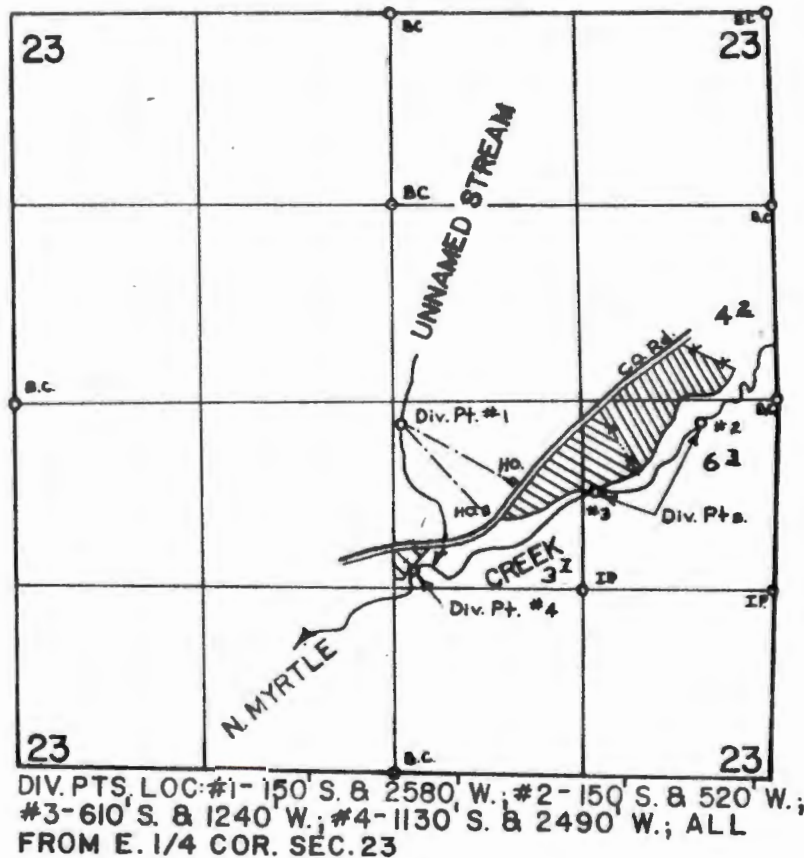

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 45, page 50790

7723A

N. Myrtle Cr. & N. Myrtle Cr. Misc.
Book 16 Vol. 3

T.28S.,R.4W.,W.M.



FINAL PROOF SURVEY
UNDER

Application No. 49450... Permit No. 37043...
IN NAME OF

W. M. MATSCHKOWSKY & R. A. ARCHULETA

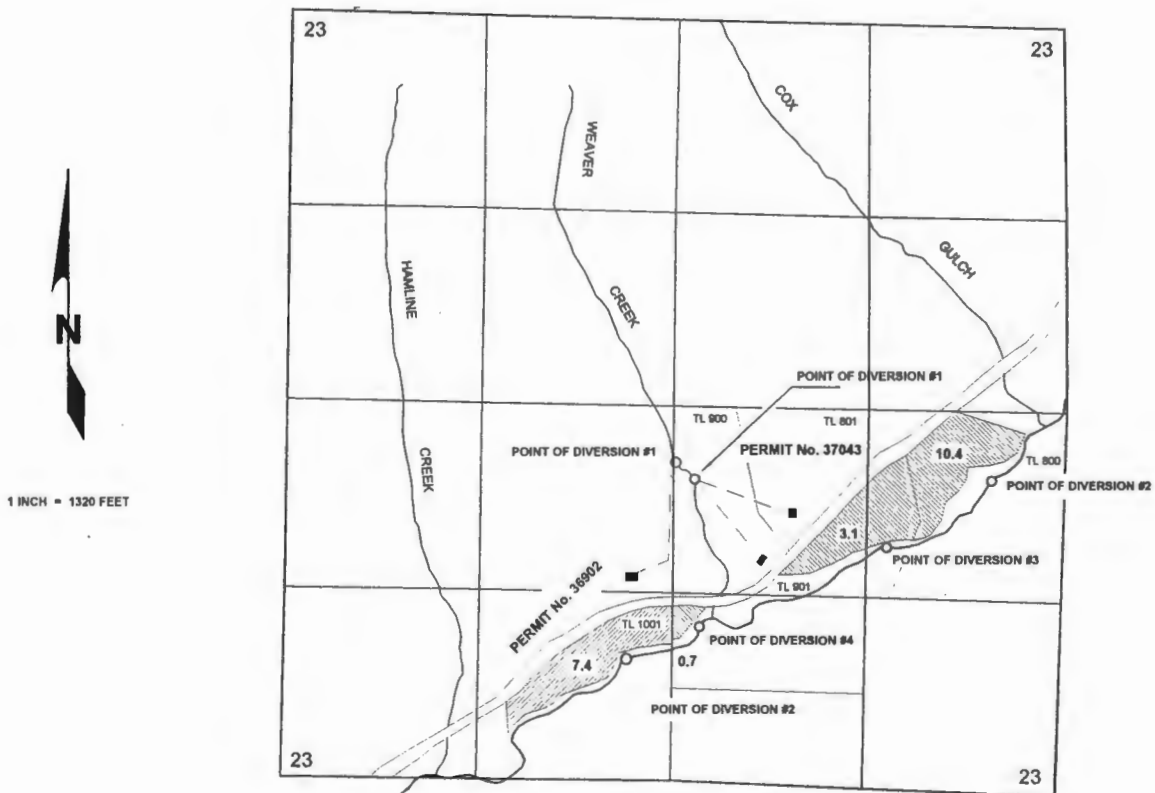
Surveyed OCT. 4... 1977, by D. W. SPARKS...

**CORRECTED FINAL PROOF SURVEY MAP
IN THE NAME OF
CHRISTOPHER AND LOURIE ARCHULETA**

APPLICATION No. 49236
APPLICATION No. 49450

PERMIT No. 36902
PERMIT No. 37043

SECTION 23, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.



PERMIT 37043:

POD #1: 450 FEET SOUTH AND 2580 FEET WEST (WEAVER CREEK);
POD #2: 450 FEET SOUTH AND 520 FEET WEST (No. MYRTLE CREEK);
POD #3: 910 FEET SOUTH AND 1240 FEET WEST (No. MYRTLE CREEK); AND
POD #4: 1430 FEET SOUTH AND 2490 FEET WEST (No. MYRTLE CREEK);
ALL FROM THE EAST QUARTER CORNER OF SECTION 23.

PERMIT 36902:

POD #1: 2170 FEET NORTH AND 40 FEET EAST (WEAVER CREEK); AND
POD #2: 840 FEET NORTH AND 310 FEET WEST (No. MYRTLE CREEK);
BOTH FROM THE SOUTH QUARTER CORNER OF SECTION 23.

ALL POINTS OF DIVERSION ARE WITHIN SECTION 23, TOWNSHIP 28 SOUTH,
RANGE 4 WEST, W.M.; DOUGLAS COUNTY.



Oregon

Department of Fish and Wildlife

Umpqua Watershed District Office

4192 N Umpqua Hwy.

Roseburg, OR 97470

(541) 440-3353

FAX (541) 673-0372

July 26, 2002

Teresa Vonn
Water Resource Department
942 S.W. 6th St. #E
Grants Pass, OR 97526



Re: Transfer 9390, 9391

Dear Teresa,

The Oregon Department of Fish and Wildlife has reviewed both proposed water right transfers and offers the following comments.

T9390 does not propose to move the POD, only a change in the place of use. Based upon our assessment of the application we do not believe any injury to instream water rights will occur.

T9391 proposes to move the POD upstream and will require some form of mitigation. ORS 540.530 allows the Water Resources Department (WRD) to consent to injury only if the agency who applied for the in-stream water right recommends that the WRD consent to the injury. For the recommendation and consent to injury to occur the agency that requested the in-stream water right must find that the transfer will result in a net benefit to the resource. The upstream water transfer will require a net benefit to occur. We request transfer 9391 replace "lost" water in the form of a 1:1 ratio between the old and new POD's. Additionally, a net benefit will need to be realized. An additional form of mitigation will need to be in place, such as replacement with an infiltration gallery, stream bank protection, conservation easements, etc. We would be happy to explore any proposed mitigation plans with the applicants.

Transfer 9391, will result in injury to instream flows and negatively impact native fish species. Decreasing the amount of instream water results in a decrease of usable stream habitat thus negatively impacting all aquatic species.

Feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Brick".

Jim Brick

Umpqua Basin Habitat Protection Biologist



State of Oregon
Water Resources Department
 158 12th Street NE, Salem, OR 97310
 (503)378-8455 • (800)624-3199
 www.wrd.state.or.us

Application for Water Right Transfer

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

RECEIVED

APR 03 2003

WATER RESOURCES DEPT
 SALEM, OREGON

APPLICATION FOR:

Please check one

- ☒ Water Right Transfer
 ☐ Temporary Transfer
 ☐ Permit Amendment
☐ Historic Point of Diversion Change
 ☐ Government Action Point of Diversion

1. APPLICANT INFORMATION

Name: Christopher and Lourie Archuleta
First Last

Address: 12663 North Myrtle Road
Myrtle Creek OR 97457
City State Zip

Phone: 541 863-3407
Home Work Other

*Fax: _____ *E-Mail address: _____

*Optional information

2. TYPE OF CHANGE

- ☐ Use
 ☒ Place of Use
 ☐ Point of Diversion
 ☐ Point of Appropriation

Reason for change: The original house on the Permit has a well and I need
the water for my use.

Is the land within an irrigation or other water district? ☐ Yes ☒ No

If yes, include district name: _____

For Department Use

App. No. _____ Permit No. _____ Date _____

T 9390

3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: W.M. Matschkowski and R.A. Archuleta

Decree: _____

☒ Not applicable

Permit Number: 37043 Certificate Number: 50790

☐ Not applicable

☐ Not applicable

Priority Date: July 13, 1972 Authorized Use: Domestic and Irrigation

Source of Water: Unnamed Stream & County: Douglas

North Myrtle Creek

Are there other sources listed on the water right? ☐ Yes ☒ No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
150'S. and 2580'W. from E $\frac{1}{4}$ Cor. Sect. 23	NW $\frac{1}{4}$ SE $\frac{1}{4}$	23	28S.	4W.

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
28S.	4W.	23		NW $\frac{1}{4}$ SE $\frac{1}{4}$	801	Domestic

Are there other lands described in the water right? ☒ Yes ☐ No

Are there other water rights or permits associated with this land? ☐ Yes ☐ No

If yes, include a copy of all rights or permits.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):

Gravity Flow - water piped from Unnamed stream to household

2 1/2" pipe from Unnamed stream to house.

System capacity (in cfs): 0.02 c.f.s.

Transfer Application/ 2

T9390

RECEIVED

APR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

4. PROPOSED CHANGES TO THE WATER RIGHT

☐ **Change in Use:**

Proposed use: _____

☐ **Change in Point of Diversion or Point of Appropriation:**

☐ **Change**

Old point of diversion or point of appropriation will not be used for this portion of the water right.

☐ **Additional**

Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

Location of Proposed Point of Diversion or Point of Appropriation

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range

XX Change in Place of Use:

Location of Proposed Place of Use

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
28S,	4W.	23		NW $\frac{1}{4}$ SE $\frac{1}{4}$	901	Domestic

Remarks: _____

T 9390

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APR 03 2008

WATER RESOURCES DEPT.
SALEM, OREGON

5. LAND OWNERSHIP

Answer only
if for change
in **Use** or
Place of Use.

Use/Place of Use

Are the lands free of encumbrances? ☒ Yes ☐ No

If no, name of encumbrance holder: _____

If no, application must include written permission for the transfer from the encumbrance holder.

Answer only
if applicant
is **not** the
landowner.

Landowners

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.

Landowners: Bob and Virginia Jenkins

(List all landowners shown on deed.)

Address(es): North Myrtle Road

Myrtle Creek
City

OR 97457
State

Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Answer only
if the receiving
landowner is
not the original
landowner or
the applicant.

Receiving Landowner

Name: _____

Address: _____

City

OR
State

Zip

- ☐ The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.
- ☐ Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

RECEIVED

APR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Transfer Application/ 4

T 9390

RECEIVED

APR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

6. EXHIBITS

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

- ☒ Enclosed
- ☐ Not needed: (must meet the following four requirements)
- ① In EFU zone or irrigation district.
 - ② Change in place of use only.
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures.
 - ④ Irrigation only.
- ☐ List all affected governments (city, county, state, tribal, federal):
- _____
- _____

Map:

- ☒ Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- ☐ All others: *Need not be prepared by a Certified Water Right Examiner.*

Deed:

- ☒ Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

- ☒ Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

Water Well Reports:

- ☐ If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

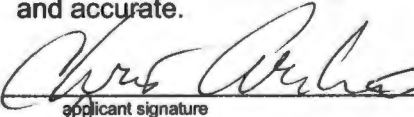
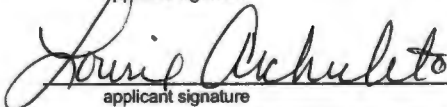
Fees:

- ☐ Amount enclosed \$ 200.00

See instruction book for fee schedule.

7. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

 applicant signature	<u>Chris Archuleta</u> name (print)	<u>3/30/03</u> date
 applicant signature	<u>Laurie Archuleta</u> name (print)	<u>3/30/03</u> date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

T 9390

TRANSFER APPLICATION MAP

IN THE NAME OF CHRISTOPHER AND LOURIE ARCHULETA

PERMIT 37043

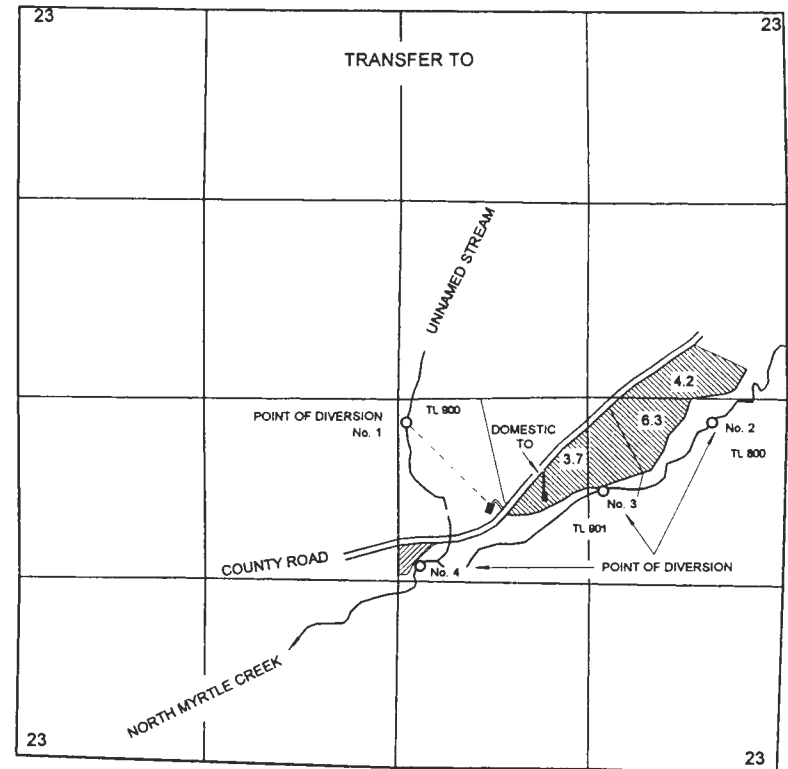
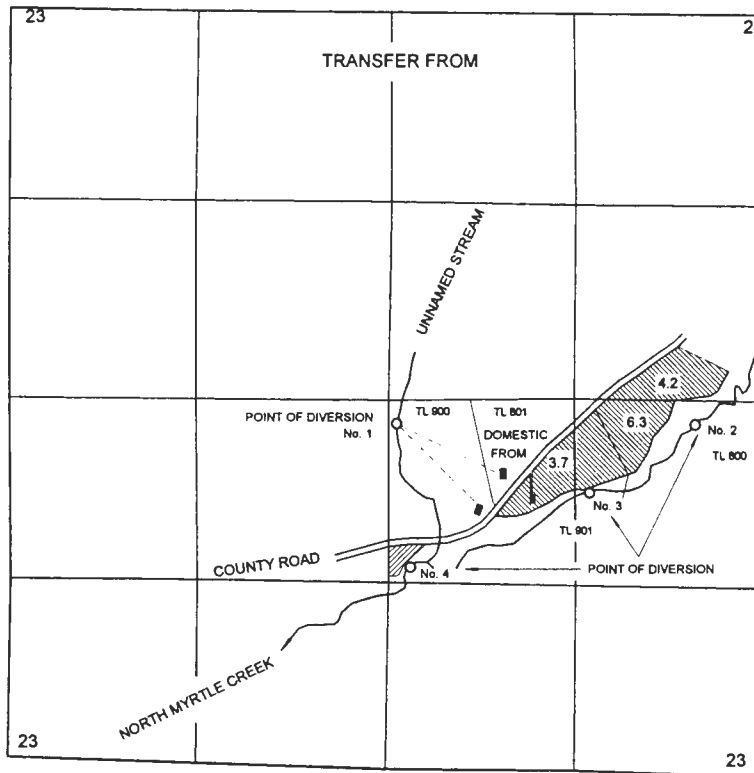
CERTIFICATE 50790

RECEIVED

APR 03 2003

SECTION 23, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.

WATER RESOURCES DEPT.
SALEM, OREGON

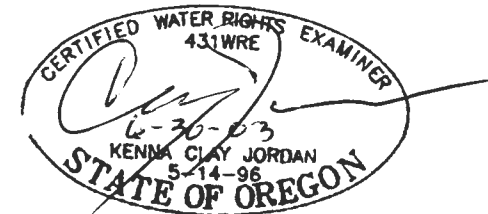


POINTS OF DIVERSION:

- No. 1 UNNAMED STREAM: 150 FEET SOUTH AND 2580 FEET WEST;
NORTH MYRTLE CREEK:
- No. 2 150 FEET SOUTH AND 520 FEET WEST;
- No. 3 610 FEET SOUTH AND 1240 FEET WEST;
- No. 4 1130 FEET SOUTH AND 2490 FEET WEST;

ALL FROM THE EAST QUARTER CORNER OF SECTION 23;
BEING WITHIN SECTION 23, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.; DOUGLAS COUNTY.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT.
IT IS NOT INTENDED TO PROVIDE INFORMATION RELEVANT TO PROPERTY BOUNDARY
OWNERSHIP LINES.



NOTE: THE LAND SHOWN IS TAKEN DIRECTLY FROM THE FINAL PROOF SURVEY
MAP FILED WITH THE OREGON WATER RESOURCES DEPARTMENT.

79390

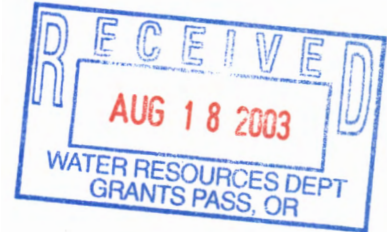
District 15
Watermaster's Office
OREGON WATER RESOURCES DEPARTMENT
Douglas County Courthouse
1036 SE Douglas, Room 306
Roseburg, Oregon 97470
541-440-4255
Fax: 541-440-6264

INTEROFFICE MEMO

Date: /
To: 1
From: 1
Re: 1

Here is t

Post-it® Fax Note 7671		Date <u>8/15/03</u>	# of pages
To	<u>Greg Nelson</u>	From	<u>Teresa Vonn</u>
Co./Dept.	<u>Helen A. Colette</u>	Co.	<u>Colette</u>
Phone #	<u>541-863-5371</u>	Phone #	
Fax #		Fax #	



hanks, DsW.

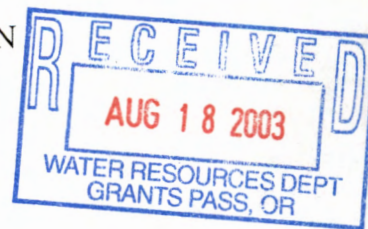
Post-it® Fax Note 7671		Date <u>8/18/03</u>	# of pages
To	<u>Greg Nelson</u>	From	<u>Teresa Vonn</u>
Co./Dept.		Co.	
Phone #		Phone #	<u>93902</u>
Fax #		Fax #	<u>93913</u>

RECEIVED

AUG 21 2003

WATER RESOURCES DEPT.
SALEM, OREGON

AFFIDAVIT FOR CERTIFICATE CORRECTION



State of Oregon)
) ss
 County of Douglas)

I, Ronald D. Rivera, 12841 North Myrtle Road, Myrtle Creek, Oregon 97457, being first duly sworn, depose and say:

1. I am the legal owner of the property described as Tax Lot 800, Section 23, Township 28 S., Range 4 W., of the Willamette Meridian, in Douglas County, Oregon as shown on the attached map and described in the attached deed and legal description and made part of this affidavit.
2. Water right certificate number 50790 issued to Walter M. Matschkowsky and Rupert A. Archuleta with a date of priority of July 13, 1972 includes the right to irrigate 6.3 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 28 S, Range 4 W, W.M..
3. Based on a new survey completed in conjunction with transfer T-9390, I believe there are 10.4 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 28 S, Range 4 W, W.M. as shown on the attached map and made part of this affidavit.
4. I request that certificate 50790 be corrected to reflect the actual location of the 10.4 acres described in (3) above. I also request that certificate 50790 be corrected to show the actual location for point of diversion Number 2 as listed on the correction map.

Ronald D. Rivera
 Signature of Legal Owner

8/12/03
 Date

Sworn to and subscribed before me this 12 day of August, 2003.



(SEAL)

Margaret A. Malone
 Notary Public for the State of Oregon
 My commission expires: June 23, 2005

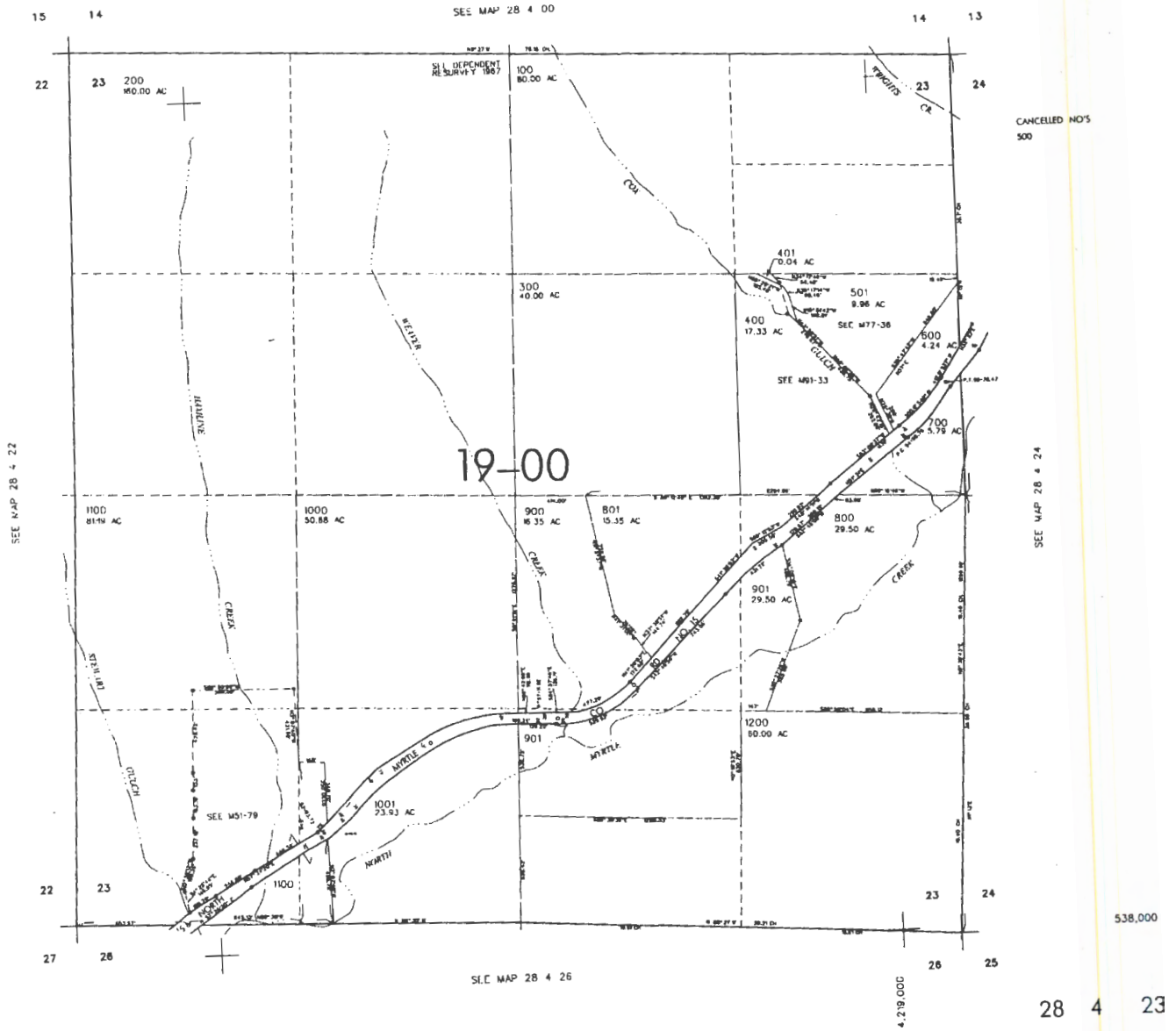
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SEC. 23 T.28S. R.4 W W.M.
DOUGLAS COUNTY

1" = 400'

REVISED ON
12-3-98

28 4 23



22-37551

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2003-010532



\$28.00

04/21/2003 03:08:29 PM

DEED-MD Cnt=1 Str=18 RECORDINGDESK
\$10.00 \$11.00 \$8.00

After Recording Return To:
Key Title Company
609 E. Central
Sutherlin OR 97479

Send Tax Statements To:
Ronald D. Rivera
12841 North Myrtle Road
Myrtle Creek OR 97457

Title Order No. 22-37551
Escrow No. 22-37551

Tax Account No. R30553



WARRANTY DEED
(ORS 93.850)

Tony Huerta and Yvonne Huerta, as tenants by the entirety, Grantor, conveys and warrants to Ronald D. Rivera, an estate in fee simple, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit 'A' attached hereto and by reference made a part hereof.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.830.

The true consideration for this conveyance is \$305,000.00.

Dated this 15 day of April, 2003.

Tony Huerta
Tony Huerta

Yvonne Huerta
Yvonne Huerta

State of OR, County of Douglas)ss.

This instrument was acknowledged before me on April 15, 2003
by Tony Huerta and Yvonne Huerta.

R. Kennedy
Notary Public

My commission expires: 10/24/05



EXHIBIT 'A'**Legal Description:**

Beginning at the East quarter corner of Section 23, Township 28 South, Range 4 West, Willamette Meridian; thence North 89°12'49" West along the East-West Center of said Section 23, 747.79 feet to a 1/2" iron rod on the Easterly right of way line of the North Myrtle County Road; thence South 51°34'38" West along said Easterly right of way line 63.98 feet to a 5/8" iron rod; thence South 48°14'11" West 200.19 feet to a 5/8" iron rod; thence South 52°45'09" West 178.67 feet to a 5/8" iron rod; thence leaving said Easterly right of way line South 14°06'15" East 488.79 feet to a 1/2" iron rod; thence South 20°27'29" West 555.89 feet to a 1/2" iron rod; thence South 88°50'04" East 1155.12 feet to a 5/8" iron rod, being the South 1/16 corner of said Section 23; thence North 0°38'43" East along the section line common to Sections 23 and 24, said township and range, 1289.98 feet to the point of beginning, situated in the Southeast quarter of Section 23, Township 28 South, Range 4 West, Willamette Meridian, Douglas County, Oregon.

Subject to:

The assessment roll and tax roll discloses that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the land was subject to the special land use assessment.

Limited from farm use, as disclosed by the Douglas County Tax Assessment.

The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.

The following matters are excluded from the coverage of the policy based on the proximity of the property to South Myrtle Creek.

- a. Rights of the public and governmental bodies for commerce, fishing and navigation as to that portion of the premises lying below the high water mark of South Myrtle Creek.
- b. Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the South Myrtle Creek or has been formed by accretion to such portion.

An Easement created by instrument, including the terms and provisions thereof,

In favor of:	Pacific Power and Light Company
For:	Public Utilities
Recorded:	June 15, 1977
Book:	638 Page: 732, Recorder's No. 77-11089
In Douglas County, Oregon.	

Resource Management Easement, including the terms and provisions thereof,

Recorded:	January 2, 1990
Book:	1066 Page: 93, Recorder's No. 90-00021
Records of Douglas County, Oregon.	

END OF DOCUMENT

STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

WALTER M. MATSCHKOWSKY and
RUPERT A. ARCHULETA

of N. Myrtle Road, Box 296, 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 unnamed stream and North Myrtle Creek

a tributary of South Umpqua River for the purpose of domestic use for two families and irrigation of 14.2 acres

under Permit No. 37043 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 rights hereby confirmed dates from July 13, 1972

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 0.19 cubic foot per second, being 0.01 cfs from unnamed stream for domestic use and 0.18 cfs from creek for irrigation of 14.2 acres

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 SE 1/4, NE 1/4 SE 1/4, Section 23, T28S, R4W, WM; unnamed stream - 150 feet South and 2,580 feet West, Creek: Number 4 - 1,130 feet South and 2,490 feet West, Number 2 - 150 feet South and 520 feet West, Number 3 - 610 feet South and 1,240 feet West, all from E 1/4 Corner, Section 23

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 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.

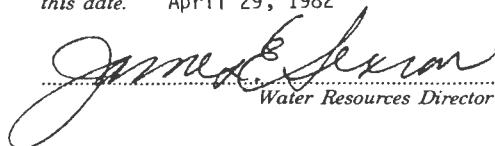
A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

4.2 acres SE 1/4 NE 1/4
6.3 acres NE 1/4 SE 1/4
Domestic and 3.7 acres NW 1/4 SE 1/4
Section 23
Township 28 South, Range 4 West, WM

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. April 29, 1982


Water Resources Director

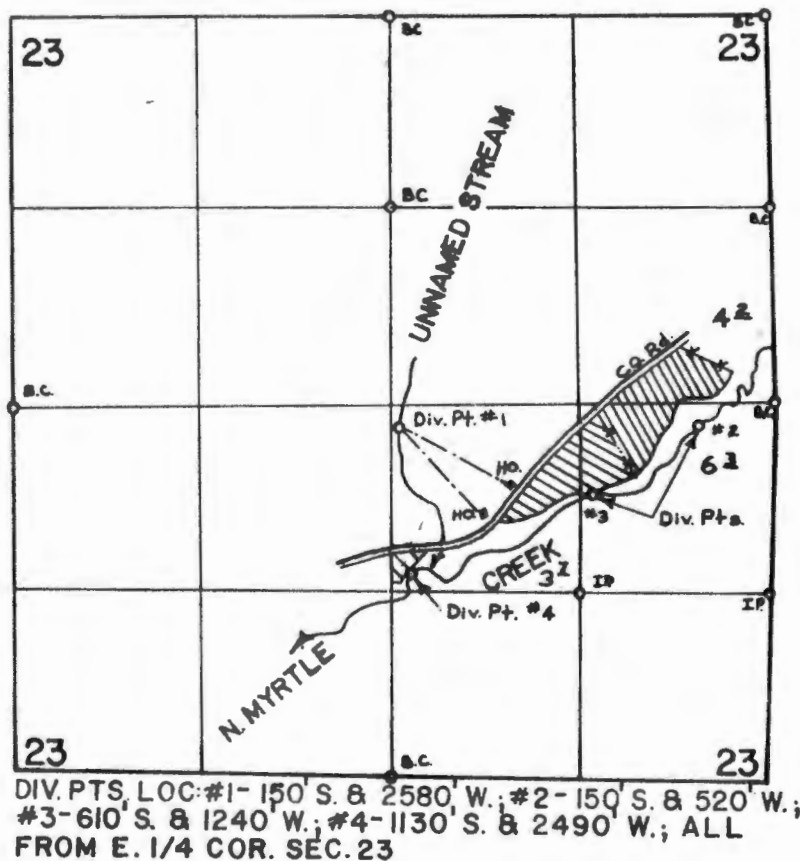
Recorded in State Record of Water Right Certificates, Volume 45, page 50790

7723A

Book 16 Vol 3 N. Myrtle Cr. & N. Myrtle Cr. Misc.

A# 49450

T.28S.,R.4W.,W.M.



FINAL PROOF SURVEY
UNDER

Application No. 49450... Permit No. 37043...
IN NAME OF

W. M. MATSCHKOWSKY & R. A. ARCHULETA

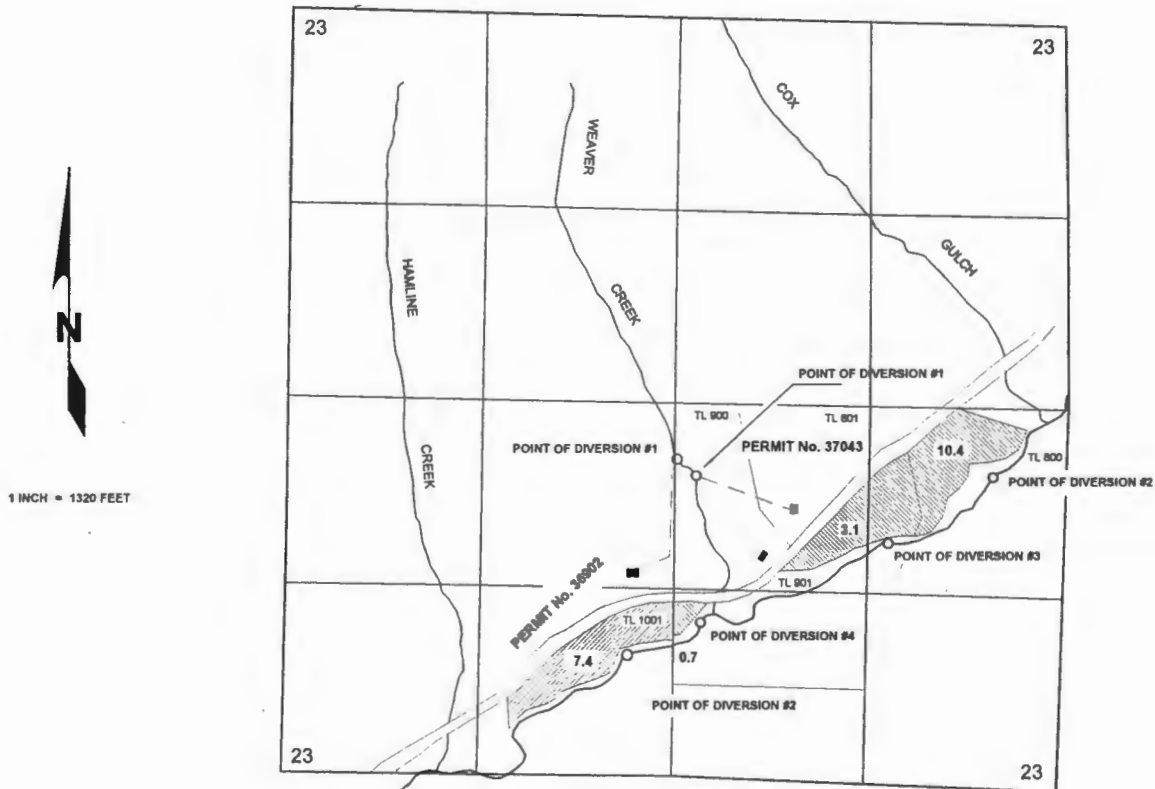
Surveyed OCT. 4... 1977, by D.W. SPARKS...

**CORRECTED FINAL PROOF SURVEY MAP
IN THE NAME OF
CHRISTOPHER AND LOURIE ARCHULETA**

APPLICATION No. 49236
APPLICATION No. 49450

PERMIT No. 36902
PERMIT No. 37043

SECTION 23, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.



PERMIT 37043:

POD #1: 450 FEET SOUTH AND 2580 FEET WEST (WEAVER CREEK);
POD #2: 450 FEET SOUTH AND 520 FEET WEST (No. MYRTLE CREEK);
POD #3: 910 FEET SOUTH AND 1240 FEET WEST (No. MYRTLE CREEK); AND
POD #4: 1430 FEET SOUTH AND 2490 FEET WEST (No. MYRTLE CREEK);
ALL FROM THE EAST QUARTER CORNER OF SECTION 23.

PERMIT 36902:

POD #1: 2170 FEET NORTH AND 40 FEET EAST (WEAVER CREEK); AND
POD #2: 840 FEET NORTH AND 310 FEET WEST (No. MYRTLE CREEK);
BOTH FROM THE SOUTH QUARTER CORNER OF SECTION 23.

ALL POINTS OF DIVERSION ARE WITHIN SECTION 23, TOWNSHIP 28 SOUTH,
RANGE 4 WEST, W.M.; DOUGLAS COUNTY.

Application for Water Right Transfer

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WATER RESOURCES DEPT.
SALEM, OREGON

Please check one

☒ Water Right Transfer ☐ Temporary Transfer ☐ Permit Amendment
☐ Historic Point of Diversion Change ☐ Government Action Point of Diversion

Name: Christopher and Lourie Archuleta
First Last

Address: 12663 North Myrtle Road

Myrtle Creek OR 97457

Phone: 541 863-3407

*Fax: _____ *E-Mail address: _____

**Optional information*

☐ Use ☒ Place of Use ☐ Point of Diversion ☐ Point of Appropriation

Reason for change: The original house on the Permit has a well and I need
the water for my use.

Is the land within an irrigation or other water district? ☐ Yes ☒ No

If yes, include district name: _____

For Department Use

App. No. _____ Permit No. _____ Date _____

T 9390

3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: W.M. Matschkowski and R.A. Archuleta

Decree: _____

☒ Not applicable

Permit Number: 37043 Certificate Number: 50790

☐ Not applicable

☐ Not applicable

Priority Date: July 13, 1972 Authorized Use: Domestic and Irrigation

Source of Water: Unnamed Stream & County: Douglas

North Myrtle Creek

Are there other sources listed on the water right? ☐ Yes ☒ No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
<u>150'S. and 2580'W. from E$\frac{1}{4}$ Cor. Sect. 23</u>	<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>23</u>	<u>28S.</u>	<u>4W.</u>

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
<u>28S.</u>	<u>4W.</u>	<u>23</u>		<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>801</u>	<u>Domestic</u>

Are there other lands described in the water right? ☒ Yes ☐ No

Are there other water rights or permits associated with this land? ☐ Yes ☐ No

If yes, include a copy of all rights or permits.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):

Gravity Flow - water piped from Unnamed stream to household
3 1/2" pipe from Unnamed Stream to house.

System capacity (in cfs): 0.02 c.f.s.

Transfer Application/ 2

T9390

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APR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

4. PROPOSED CHANGES TO THE WATER RIGHT

☐ **Change in Use:**

Proposed use: _____

☐ **Change in Point of Diversion or Point of Appropriation:**

☐ Change

Old point of diversion or point of appropriation will not be used for this portion of the water right.

☐ Additional

Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

Location of Proposed Point of Diversion or Point of Appropriation

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range

☒ **Change in Place of Use:**

Location of Proposed Place of Use

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
28S,	4W.	23		NW $\frac{1}{4}$ SE $\frac{1}{4}$	901	Domestic

Remarks: _____

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SALEM, OREGON

5. LAND OWNERSHIP

Answer only
if for change
in **Use** or
Place of Use.

Use/Place of Use

Are the lands free of encumbrances? ☒ Yes ☐ No

If no, name of encumbrance holder: _____

If no, application must include written permission for the transfer from the encumbrance holder.

Answer only
if applicant
is **not** the
landowner.

Landowners

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.

Landowners: Bob and Virginia Jenkins
(List all landowners shown on deed.)

Address(es): North Myrtle Road

Myrtle Creek OR 97457
City State Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Answer only
if the receiving
landowner is
not the original
landowner or
the applicant.

Receiving Landowner

Name: _____

Address: _____

City State Zip

- ☐ The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.
- ☐ Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

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SALEM, OREGON

6. EXHIBITS

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

☒ Enclosed

- ☐ Not needed: (must meet the following four requirements)
- ① In EFU zone or irrigation district.
 - ② Change in place of use only.
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures.
 - ④ Irrigation only.
- ☐ List all affected governments (city, county, state, tribal, federal):
- _____
- _____

Map:

- ☒ Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- ☐ All others: *Need not be prepared by a Certified Water Right Examiner.*

Deed:

- ☒ Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

- ☒ Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

Water Well Reports:

- ☐ If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

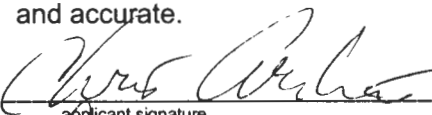
Fees:

- ☐ Amount enclosed \$ 200.00

See instruction book for fee schedule.

7. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

	Chris Archuleta	3/30/03
applicant signature	name (print)	date
	Laurie Archuleta	3/30/03
applicant signature	name (print)	date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

T 9390

TRANSFER APPLICATION MAP

IN THE NAME OF CHRISTOPHER AND LOURIE ARCHULETA

PERMIT 37043

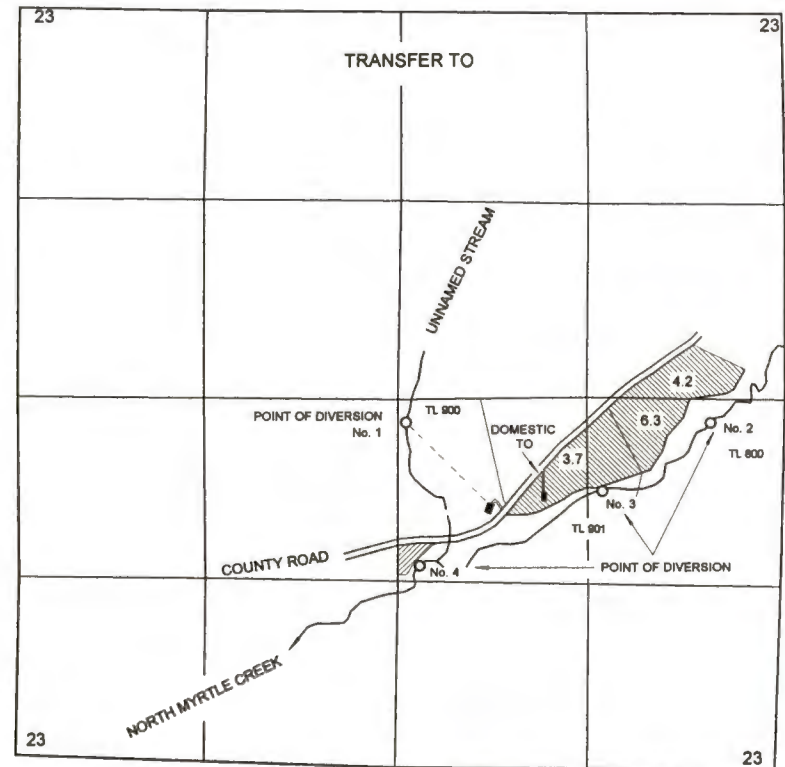
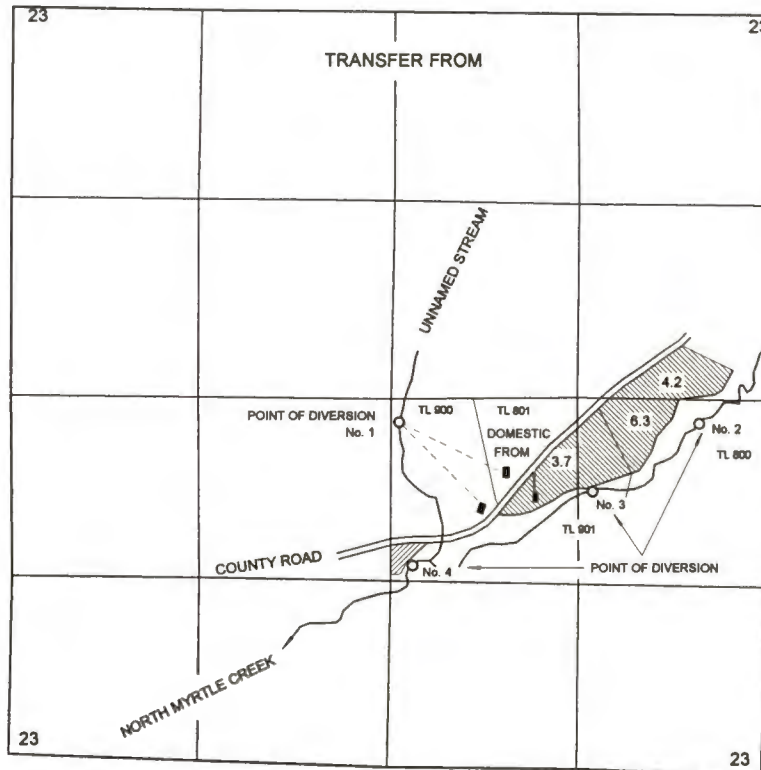
CERTIFICATE 50790

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SECTION 23, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.

WATER RESOURCES DEPT.
SALEM, OREGON

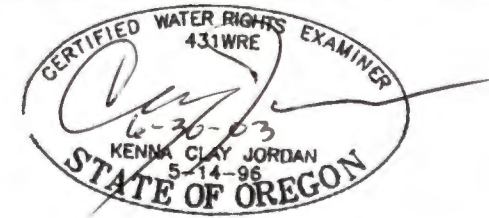


POINTS OF DIVERSION:

- No. 1 UNNAMED STREAM: 150 FEET SOUTH AND 2580 FEET WEST;
NORTH MYRTLE CREEK:
- No. 2 150 FEET SOUTH AND 520 FEET WEST;
- No. 3 610 FEET SOUTH AND 1240 FEET WEST;
- No. 4 1130 FEET SOUTH AND 2490 FEET WEST;

ALL FROM THE EAST QUARTER CORNER OF SECTION 23;
BEING WITHIN SECTION 23, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W.M.; DOUGLAS COUNTY.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT.
IT IS NOT INTENDED TO PROVIDE INFORMATION RELEVANT TO PROPERTY BOUNDARY
OWNERSHIP LINES.



NOTE: THE LAND SHOWN IS TAKEN DIRECTLY FROM THE FINAL PROOF SURVEY
MAP FILED WITH THE OREGON WATER RESOURCES DEPARTMENT.

79390

W/52003-233

\$20.⁰⁰

Rcpt. # 6694

NOTE TO LOCAL GOVERNMENTS

Oregon

WATER

RESOURCES

DEPARTMENT

The person presenting the attached request for land use information is applying for a transfer of water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do no result in land uses that would violate your comprehensive plan.

You will receive notice once the applicant formally submits his or her request to WRD. Please complete this form and *return it to the applicant for inclusion with their application*. Your attention to this request for information is greatly appreciated by the Department. If you have questions concerning the form, please contact us at 378-3739.

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WATER RESOURCES DEPT.
SALEM, OREGON



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

T 9390

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Rupert & Helen Archuleta
 Address: Box 12530 North Myrtle Road
Myrtle Creek, Oregon 97457
 Phone: (541) 863 - 5871

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☒ Irrigation (crop type, golf course, nursery or greenhouse): irrigation of lawn and garden
Water to be moved from field for this purpose
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☒ Residential (# units, single or multi-family, # lots if partition or subdivision): domestic for one family
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel service, etc): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc): _____
- ☐ Institutional (i.e., school, library, etc): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☐ Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below	Indicate the estimated quantity of water the use will require
☒ Surface water Name sources: <u>Domestic - Unnamed Stream</u> <u>Irrigation: North Myrtle Cr.</u>	<u>0.02</u> Cubic feet per second _____ Gallons per minute _____ Acre-feet
☐ Reservoir or pond	
☐ Ground Water	

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APR 03 2003

Water Resources Department
 Commerce Building
 158 12th Street NE
 Salem, OR 97310-0210

WATER RESOURCES DEPT.
 SALEM, OREGON

T 9390

Land Use Information Form: Water Right Transfers, Use of Conserved Water, Exchanges

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. **DO NOT FILL OUT THIS FORM IF:** 1) Water is to be diverted, conveyed, and or used only on federal lands; or 2) if **ALL OF THE FOLLOWING APPLY:** a) the application is for a change in the place of use, b) there are no structural changes, c) the use is irrigation, and d) the use is located in irrigation districts or exclusive farm use zones.

Applicant's Name: Rupert and Helen Archuleta
 Address Box 12530 North Myrtle Road
 City: Myrtle Cr. State: OR Zip: 97457 Day Phone (541) 863 - 5871

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

Township 28 South, Range 4 West, Sec. 23 (CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
R30561 900	Farm Forest (FF)	X	X	X
30577 901	Farm Forest (FF) + Farm Grazing (FG)	X	X	X

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed.

=====

For Local Government Use Only

Local government planning officials are to complete the remainder of the form and return it to the applicant for inclusion in the application.

a) Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan.
 Cite applicable ordinance section(s); Section 1.090. Go to section b) on reverse side.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. Plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

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SALEM, OREGON

6/97

T9390

b) Please provide printed name and written signature.

Name: Jeff Lehrbach Date: 3/4/03
Title: Planner Phone: (541) 440-4289
Signature: Jeff Lehrbach

Local governments are invited to express special land use concerns or make recommendation to the Department regarding this proposed use of water below, or on a separate sheet.

Additional Comments:

DOUGLAS COUNTY PLANNING DEPARTMENT
ROOM 106, JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470

Water Resources Department
158 12th Street NE
Salem, OR 97310
(503) 378-3739

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APR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

6/97

T 9390

AFFIDAVIT FOR EVIDENCE OF USE OF AN ENTIRE
WATER RIGHT CERTIFICATE

State of Ore)
) ss
County of Douglas)

I/We, Dennis & Sherese Frazier,
residing at 12644 N. Myrtle Rd Myrtle Ck, Ore
phone number 541-863-4192, being first duly sworn, depose and say:

1. I/We are the legal owner(s) of the property(s) described as Tax Lot R 30569,
Section 23, Township 28 S., Range 4 W., of the
Willamette Meridian, in Douglas County, Oregon as shown on the attached map and
described in the attached deed and legal description and made part of this affidavit.
2. Water right certificate number 37043 issued to Walter Matschkowsky + Rupert Archuleta
with a date of priority of 7/13/1972 for the use of 0.01 cubic foot per
second of water from Unnamed Stream for the
purpose of for domestic use ~~of irrigation~~ on _____ acre(s) is appurtenant to the property
heretofore described.
3. I/We have used water to the full extent of the terms and conditions of the water right
certificate heretofore described, within the past five years.

Dennis & Sherese Frazier
Signature of Legal Owner

9-23-2002
Date

Sworn to and subscribed before me this 23rd day of September, 2002

Lou Ann Osborn
Notary Public for the State of Oregon

(SEAL)

My commission expires: 9-13-2005

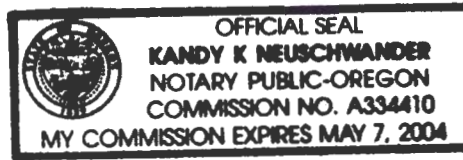


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APR 03 2003
WATER RESOURCES DEPT.
SALEM, OREGON

T 9390

AFFIDAVIT

STATE OF OREGON)
)
County of Douglas) ss.



I, Virginia & Robert Jenkins, being first duly sworn, depose and say that we have no objections to the transfer filed by Rupert and Helen Archuleta to move the irrigated lands and one domestic as shown on the attached Transfer Application Map.

IN WITNESS WHEREOF, I have hereunto set my hand this 13 day of March, 2003.

Robert Jenkins

Virginia A Jenkins

Subscribed and sworn to before me this 13 day of March, 2003.

Kandy K Neuschwander
Notary Public

Seal

My commission expires May 7, 2004

RECEIVED

APR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

T 9390

WARRANTY DEED (INDIVIDUAL)

DOUGLAS COUNTY TITLE COMPANY

Dennis N. Frazier and Sheree A. Frazier, as tenants by the entirety, hereinafter called grantor, convey(s) to Robert L. Jenkins and Virginia A. Jenkins, as tenants by the entirety, hereinafter called grantee, all that real property situated in the County of DOUGLAS, State of Oregon, described as:

See Exhibit A attached hereto and made a part hereof.

and covenant(s) that grantor is the owner of the above described property free of all encumbrances except Subject to Exhibit "A" attached

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$151,500.00

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

Dated this 23rd day of September, 2002

Dennis N. Frazier
Dennis N. Frazier

Sheree A. Frazier
Sheree A. Frazier

STATE OF OREGON, County of Douglas) ss.

On 9-23-02, personally appeared the above named Dennis N. Frazier and Sheree A. Frazier and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:



OFFICIAL SEAL
DONALD L. COOPER
NOTARY PUBLIC - OREGON
COMMISSION NO. 339674
MY COMMISSION EXPIRES JAN. 16, 2006

Donald L. Cooper
Notary Public for Oregon
My commission expires:

The dollar amount should include cash plus all encumbrances existing against the property to which the property remains subject or which the purchaser agrees to pay or assume.

WARRANTY DEED (INDIVIDUAL)

Dennis N. Frazier and Sheree A. Frazier, as tenants by the entirety

TO

Robert L. Jenkins and Virginia A. Jenkins, as tenants by the entirety

After Recording Return to:
Douglas County Title Company
629 S.E. Main Street
Roseburg, OR 97470

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

Robert L. Jenkins
12644 N. Myrtle Rd.
Myrtle Creek, OR 97457

NAME, ADDRESS, ZIP

STATE OF OREGON,)
) ss.
County of _____)

I certify that the within instrument was received for record on the _____ day of _____, at _____ o'clock _____ M. and recorded in book _____ on page _____ Records of Deeds of said County.

Witness my hand and seal of County affixed.

Title
By _____ Deputy

RECEIVED

APR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

T 9390

Beginning at the east quarter corner of Section 23, Township 28 South, Range 4 West, Willamette Meridian, Douglas County, Oregon; thence North 89° 12' 48" West along the east-west centerline of said Section 23, 842.49 feet to a 1/2 inch iron rod on the westerly right of way line of the North Myrtle Road, being the true point of beginning; thence South 51° 07' 22" West along said westerly right of way line 290.82 feet to a 5/8 inch iron rod; thence South 60° 12' 23" West 205.58 feet to a 5/8 inch iron rod; thence South 41° 28' 03" West 892.76 feet to a 1/2 inch iron rod; thence leaving said westerly right of way line North 37° 38' 51" West 144.74 feet to a 1/2 inch iron rod; thence North 41° 31' 00" West 192.92 feet to a 1/2 inch iron rod; thence North 11° 51' 37" West 728.86 feet to a 1/2 inch iron rod on the east-west center line of said Section 23; thence along the said east-west center line South 89° 12' 49" East 1362.20 feet to the true point of beginning, situated in the Southeast quarter of Section 23, Township 28 South, Range 4 West, Willamette Meridian, Douglas County, Oregon.

T28S, R4W, Sec. 23, TL 801

RECEIVED

APR 03 2003

WATER RESOURCES DEPT.
SALEM, OREGON

SUBJECT TO:

1. Roads and highways and the rights of the public therein.
2. 2002-2003 taxes are a lien, but not yet payable.
3. As disclosed by the tax roll the premises herein described are classified as forest lands. In the event of declassification, said premises will be subject to additional taxes and interest pursuant to the provisions of ORS Chapter 321.
4. Right of way, including the terms and provisions thereof, granted by John Dinsmoor, to The California Oregon Power Company, recorded November 9, 1951, in Volume 200, Recorder's No. 131125, Deed Records of Douglas County, Oregon.
5. Right of way, including the terms and provisions thereof, granted by Robert L. Yonker, et ux, to Pacific Power and Light Company, recorded July 2, 1968, in Book 411, Recorder's No. 68-7099, Records of Douglas County, Oregon.
6. Easement for roadway, including the terms and provisions thereof, granted to Ray Choate, recorded September 30, 1974, in Book 556, Recorder's No. 74-13419, Records of Douglas County, Oregon.
7. Right of way, including the terms and provisions thereof, granted by Walter M. Matschkowsky, et al, to Pacific Power and Light Company, recorded June 15, 1977, in Book 638, Page 732, Recorder's No. 77-11089, Records of Douglas County, Oregon.

STATE OF OREGON }
COUNTY OF DOUGLAS } SS
I, DOYLE CHAYER JR., COUNTY CLERK AND
RECORDER OF CONVEYANCES, DO HEREBY CERTIFY
THAT THIS INSTRUMENT WAS RECORDED

02 SEP 26 PM 2:16

DOYLE CHAYER JR.
DOUGLAS COUNTY CLERK

IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY Deane Adair
DEPUTY

DET

21 12
5 12
26 12

2002-25274

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **59132**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Rupert Archuleta

BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T9390</u>

CASH: ☐ CHECK: # 2717 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 200.00

0401 TREASURY 0417 WRD MISC CASH ACCT

0407	COPIES		\$
_____	OTHER: (IDENTIFY)	_____	\$
_____	OTHER: (IDENTIFY)	_____	\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	_____	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME		\$

WATER RIGHTS:

0201	SURFACE WATER		\$
0203	GROUND WATER		\$
0205	TRANSFER		\$ <u>100.00</u>

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR		\$
	LANDOWNER'S PERMIT		\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	
_____	OTHER (IDENTIFY)	_____		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)		\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
_____	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND	_____	TITLE	_____
OBJ. CODE	_____	VENDOR #	_____
DESCRIPTION	_____		\$

RECEIPT: **59132**

DATED: 4/3/03 BY: Connie Unice

T-9390

S/- transfers/corrections /
Archuletta finding

Archuletta findings re: corrections

1. A 2003 survey and application map prepared by a certified water rights examiner for Transfer Application T-9390 identified and documented an error in the Department's final proof survey of Permit 37043.
2. The Department's 1977 final proof survey of permit 37043 incorrectly located place of use and points of diversion because of a survey error. The 1977 final proof survey located the quarter-quarter lines in Section 23, Township 28 South, Range 4 West of the Willamette Meridian 300 feet south of their actual location.
3. As a result of the 1977 final proof survey error, Water Right Certificate 50790 contained inaccurate descriptions of place of use and points of diversion.
4. The 2003 survey and application map for T-9390 retraces the original water right and correctly locates place of use and points of diversion in relation to the public land survey for Water Right Certificate 50790.
5. The following table describes the difference in place of use description between the 1977 final proof survey and the 2003 survey and application map for T-9390.

1977 Final Proof Survey		2003 Survey and Application Map	
4.2 Acres Irrigation	SE $\frac{1}{4}$ NE $\frac{1}{4}$	10.4 Acres Irrigation	NE $\frac{1}{4}$ SE $\frac{1}{4}$
6.3 Acres Irrigation	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.1 Acres Irrigation	NW $\frac{1}{4}$ SE $\frac{1}{4}$
3.7 Acres Irrigation	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Domestic Use	NW $\frac{1}{4}$ SE $\frac{1}{4}$
Domestic Use	NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.7 Acres Irrigation	SW $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 23		Section 23
	T28S R4W, W.M.		T28S R4W, W.M.

6. The following table describes the difference in point of diversion description between the 1977 final proof survey and the 2003 survey and application map for T-9390.

1977 Final Proof Survey			
Source	Legal Description		Location
Unnamed Stream	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 23, T28S, R4W, W.M.	150' south & 2,580' west from the east $\frac{1}{4}$ corner of section 23
N. Myrtle Creek #2	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 23, T28S, R4W, W.M.	150' south & 520' west from the south $\frac{1}{4}$ corner of section 23
N. Myrtle Creek #3	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 23, T28S, R4W, W.M.	610' south & 1,240' west from the south $\frac{1}{4}$ corner of section 23
N. Myrtle Creek #4	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 23, T28S, R4W, W.M.	1,130' south & 2,490' west from the south $\frac{1}{4}$ corner of section 23
2003 Survey and Application Map			
Source	Legal Description		Location
Weaver Creek (Unnamed Stream)	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 23, T28S, R4W, W.M.	450' south & 2,580' west from the east $\frac{1}{4}$ corner of section 23
N. Myrtle Creek #2	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 23, T28S, R4W, W.M.	450' south & 520' west from the south $\frac{1}{4}$ corner of section 23
N. Myrtle Creek #3	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 23, T28S, R4W, W.M.	910' south & 1,240' west from the south $\frac{1}{4}$ corner of section 23
N. Myrtle Creek #4	SW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 23, T28S, R4W, W.M.	1,430' south & 2,490' west from the south $\frac{1}{4}$ corner of section 23

PN 4-15-03

COUNTY:	DOUGLAS
TRANSFER:	9390
CERTIFICATE:	50790
PRIORITY DATE:	07/13/1972
NAME:	CHRISTOPHER & LOURIE ARCHULETA
ADDRESS:	12663 NORTH MYRTLE RD; MYRTLE CREEK, OR 97457
CHANGE:	POU
SOURCE:	UNNAMED STREAM
AUTHORIZED POU:	T28S R4W 23
PROPOSED POU:	T28S R4W 23



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

April 7, 2003

Christopher & Lourie Archuleta
12663 North Myrtle Road
Myrtle Creek, Oregon 97457

REFERENCE: **Transfer 9390**

On **04-03-2003** we received your water right transfer application requesting a **change in Place of Use** for use of water from **Unnamed Stream**. The application was accompanied by \$ **200.00**. Our receipt **59132** is enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. If you have a specific reason why your application should be examined ahead of other applications, please send us a letter describing your reason. We may be able to examine your application ahead of others.

You may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503) 378-3739.

cc: Watermaster #15, Dave Williams
CWRE #431, Kenna Clay Jordan
Bob & Virginia Jenkins, Landowner

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

April 7, 2003

Jim Brick
Oregon Department of Fish and Wildlife
4192 N Umpqua Hwy
Roseburg, OR 97470

Reference: Transfer # **9390**

Enclosed for your review is a copy of a water right transfer application from **Unnamed Stream**, tributary of **South Myrtle Creek**.

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

This transfer is not for a permanent or historic change in a point of diversion. Therefore, the provisions of ORS 540.525 and 540.532 related to requirements for fish screens or by-pass devices do not apply.

We must receive your response in our Grants Pass office

Attention: Teresa Vonn
Water Resources Department
942 SW 6th Street, Suite E
GRANTS PASS OR 97526

by May 9, 2003 in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

If you have questions, please call (541)471-2886 ext 228.

Enclosure

cc: Wm # **15**, David Williams
Applicant

TRANSFER CHECK OFF LIST

TRANSFER FILE #

9390

DATE RECEIVED

4-3-03

DATE MONEY SLIPPED

4-3-03

DATE RECEIPTED

4-3-03

VALID WATER RIGHT?

☒ Yes ☐ NoTEMP ALT AC (Greg) IRR DIST (Greg) PERM AMEND (Kelly) DIV 15 ☒ (Bernie Assigns)TEMP Div 15 (Bernie) ISWR Bernie COPIES TO LIAISONLETTER FROM ATTORNEY YES (PUT INFO ON FRONT COVER) ☒ NO

FOLDER FILLED OUT*

☒

INDEX CARD

☒

ENTERED IN DB

☒

TYPE BLACK BOOK

☒

(And color code)

RECORD MONEY/RECEIPT #

☒

CONTENTS MARKED

☒

COLOR CODED

☒ Yes

4 COPIES MADE & STAMPED

☒

CERTIFICATE MARKED

☒

CERTIFICATE COPIED

☒

PULL APPLICATIONS

☒

APP FOLDER MARKED

☒

FINAL PROOF MAP COPIED

☒

PERMIT MARKED

☒

PERMIT COPIED

☒

PERMIT MAP COPIED

☒

DECREE MARKED

☒

DECREE COPIED

☒

ADJUDICATION MAP COPIED

☒

ENTRIES CHECKED

CHECKED BY INIT FOLDER

PUBLIC NOTICE DATE

4-15-03

(PREPARED & COPIED) ☒

LETTER SENT

☒Irrigation District ☒ (copy of app & map)

COPY TO WM

☒

BLUE FORM TO WM

☒

Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Act/pink his

COPY TO GW

☒

POA, APOA, or [SW TO GW ONLY(as POD)]

BLUE FORM TO GW

☒

Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Act/pink his

COPY TO CWRE

☒

LETTER TO ODFW

☒

ALL Surface water POU/USE (POD and APOD FISH SCREENS)

TRANSFER SENT TO:

Hereso

SW NCR SCR ER

*SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER