

Name Nye and Allenby (Partner ship)
 By _____
 Address Box 198, Idleyld Route
Roseburg, Oregon
35 Whistler's Lane

Date filed October 3, 1956
 Priority October 3, 1956
 Action suspended until OK. Post

Returned to applicant _____
 Date of approval January 25, 1957

CONSTRUCTION

Date for beginning January 25, 1958
 Date for completion October 1, 1958
 Extended to _____

Date for application of water October 1, 1959
 Extended to _____

PROSECUTION OF WORK

Form "A" filed March 5, 1957
 Form "B" filed _____
 Form "C" filed March 11, 1959

FINAL PROOF

Blank mailed MARCH 10 1961 MARCH 9 1960
 Proof received _____
 Date certificate issued APRIL 28 1961

Superseding Certificate MARCH 11 1966
3-27-70

Application No. 31153
 Permit No. 24551
 Certificate No. 28559
 Stream Index, Page No. 16-26 A

Superseded by

Cert. No. 33017
 Trs. Sp. Or. V. 14 p. 386

36597

FEES PAID

Date	Amount	Receipt No.
<u>10-3-56</u>	<u>16.05</u>	<u>8610</u>
	B. P. Fee	
<u>4-28-60</u>	\$1 Cert. Fee	<u>25236</u>

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

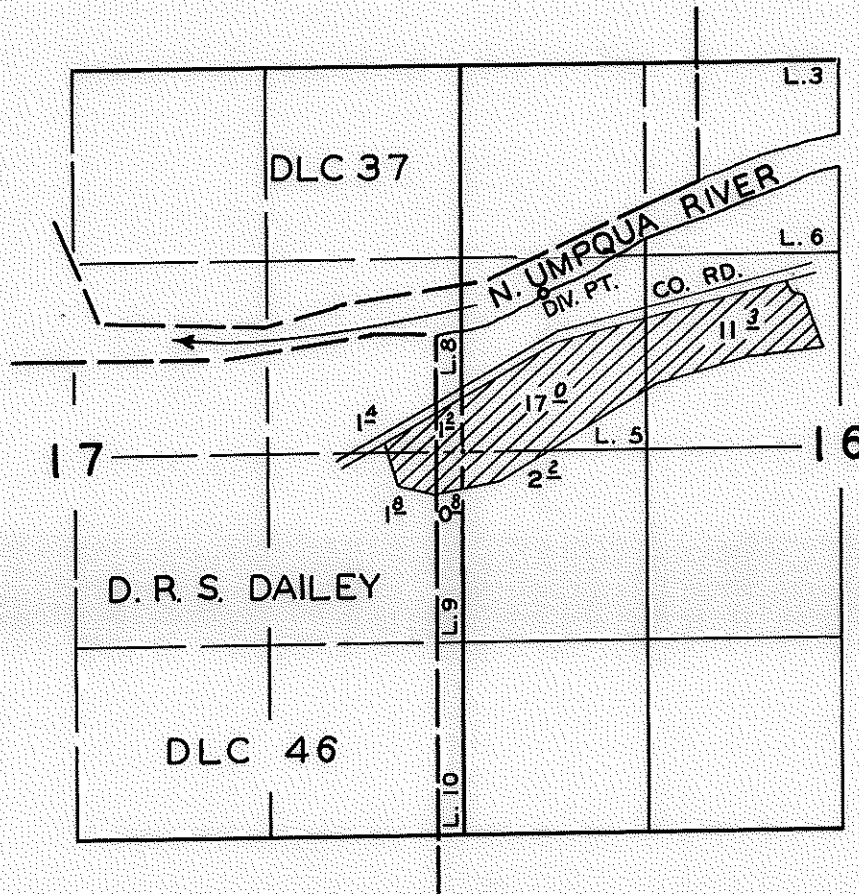
REMARKS

0.33 c.f.s. from North Umpqua River for irrigation of 37.0 acres.

OCT 14 1958 CARD FOR

Transfer N-29

T. 26S. R. 4W. W.M.



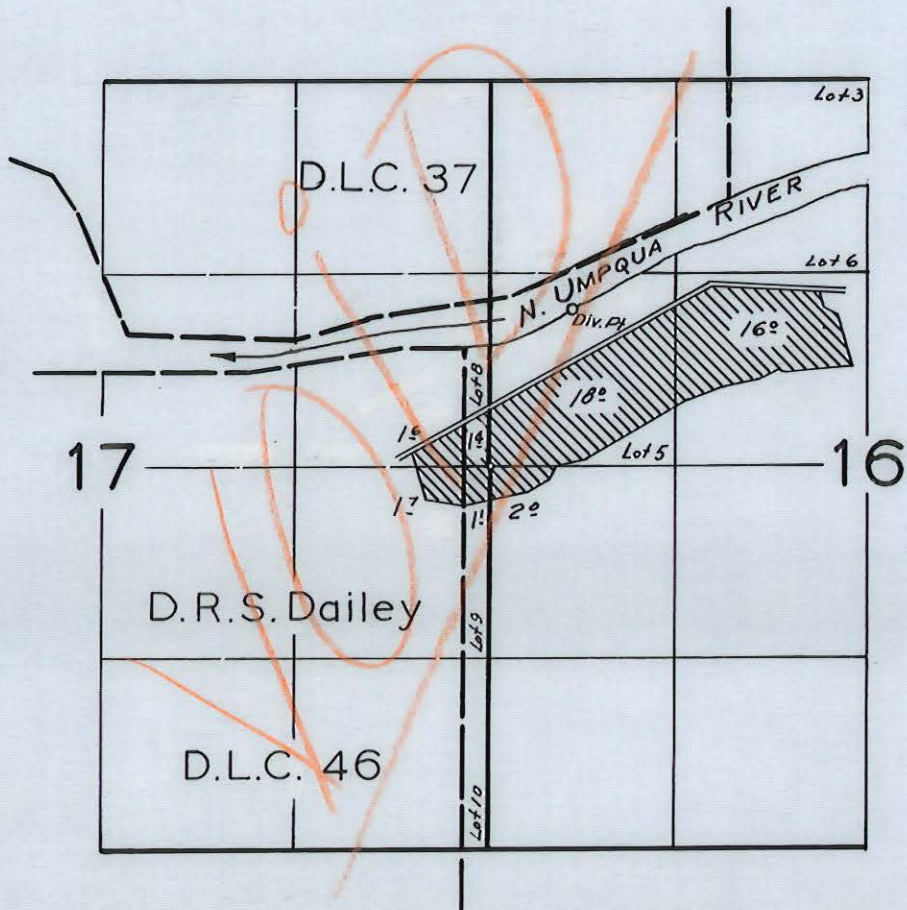
FINAL PROOF SURVEY
UNDER

Application No. 31153 Permit No. 24551
IN NAME OF

NYE & ALLENBY

Surveyed JUNE 23 59 by R. H. JACKSON
AUG. 26 1960, by C. O. BARTELS

T. 26 S. R. 4 W. W. M.



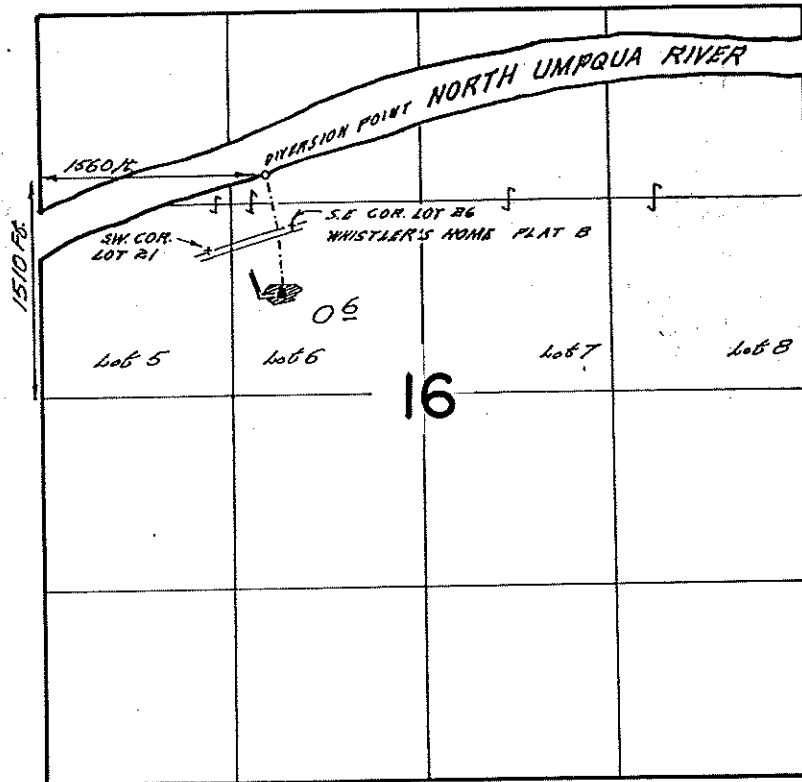
FINAL PROOF SURVEY
UNDER

Application No. 31153..... Permit No. 24551.....
IN NAME OF

NYE & ALLENBY

Surveyed June 23 1959, by *R. Jackson*

T. 26 S. R. 4 W. W. M.



FINAL PROOF SURVEY
UNDER

TRANSFER N-29
Application No. Permit No. 24551
IN NAME OF

NYE & ALLENBY

Surveyed June 28 1968, by W. d. Ruppert

✓

Certificate No. 36597

36597

Nye and Allenby
87 Whistler's Lane
Roseburg, Oregon

Roseburg, Oregon

North Umpqua River, trib. Umpqua River

Irrigation

1510' N. & 1560' E. from W $\frac{1}{2}$ cor. Sec. 16, being within Lot 6 (NE $\frac{1}{2}$ NW $\frac{1}{2}$), Sec. 16, T. 26 S., R. 4 W., W. M., county of

Douglas

1001

October 3, 1956

0.01 c.f.s.

extended to

extended to

Basin 16, Vol.

[illegible]

Card #2

SECTION 16

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICAT NUMBER
NE	NW	SE		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
																50829	37140	Cancel
																49708	37234	Cancel
			0.6													50510	38142	56711
						1.20										50342	38004	44589
						0.5										51010	38503	45640
						Sp. Or. U. 34 pg. 490										52777	39843	Cancel
																52670	39686	49007
					1.1											49247	36910	42730
						0.02	0.20									56127	42287	53942
0.50																55528	41847	51754
1.2																59420	44701	65821
	6.0				5.2											65331	47698	56613
			2.8													67105	48181	56743
0.8	0.5															67956	48305	57790

Card # 1

TOWNSHIP 26S. RANGE 4W, W. M.

SECTION 16

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER	
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																			
						40 16	30 5					7				Trans. No. N-29	31153	24551	33017
						05											39764	29570	34871
																	39743	29561	33913
						54 21						7				Trans. No. N-29	31153	24551	33017
																	44225	33034	37201
						06											45279	33812	38432
						07											43337	32393	36194
							16										31153	24551	36597
						05	12										46829	35017	40182
X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	46925	35104	
25																	46789	34989	42632
						1/2 Decm											48256	36233	43041
1-7 Decm						03											49076	36815	42729

Abstract of Permit No. Trans. No. N-29

A- 31153
 Application No. P- 24551 Certificate No. 33017

Name Nye and Allenby
 Address 87 Whistler's Lane
 Roseburg, Oregon

Source of water supply North Umpqua River

Use Irrigation

Point of diversion 1500' N. & 1560' E. from W $\frac{1}{4}$ cor. Sec. 16, being within
 NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 26 S., R. 4 W., W. M., county of Douglas

Number of acres
 14.75

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
26S	4W	16							6.54	8.21								

Priority date October 3, 1956 ✓

Amount of water 0.136 c.f.s.

Time limit to begin construction

Time limit to complete construction extended to extended to

Time limit to completely apply water extended to extended to

Remarks: Special Order Volume 14, page 386. Date of Order - December 27, 1965

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
							Don									65307	47932	56616
							1/2 Don	Sp. Or. U. 39 pg. 216								67519	48249	Cancel
		1/2 Don														65594	48003	60535
						1/2 Don		Sp. Or. U. 44 pg 302								67515	48202	Cancel
						1/2 Don										69218	50120	62537
		429														70965	51266	

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
						0.3										44675	33447	39953
						0.014										44676	33448	36997
				0.1		1.1										45306	33826	38532
																44969	33612	37117
		.40														45963	34331	38434
X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	46925	35104	
																48003	36001	Cancel
						1/2										48386	36324	42725
		14														50303	37981	45630
		STK														53146	38777	52187
X	X	X	X	X	X			X	X	X	X	X	X	X	X	51597	42561	
																63685	46874	Cancel
		13				2.2										70879	50884	Cancel

NE			NW			SW			SE			APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES														
												18962	14562	Cancel
												31153	24551	33017
												R-34267	R-2469	29121
												34268	26966	29122
												34426	27038	32071
												38007	28331	35441
												38161	28447	32081
												38554	28684	33508
												38676	28778	Cancel
												41093	30611	Cancel
												41285	30785	40540
												42101	31530	35328
												42955	32091	35734

Permit No. 24551Application No. 31153County Douglas

Proof of Appropriation of Water

1. Name Nye and Allenby 2. Address 35 Whistler's Lane - Roseburg, Ore.
3. Source of supply N. Umpqua River
Tributary of - Umpqua R -
4. Amount of water 0.33 c.f.s. 5. Priority date October 3, 1956
1+35.72
6. Use irrigation - 1/80th and 2 1/2 a.f. and shall be still further limited to a div. of not to exceed 0.33 cfs. lot 5
7. Location of point of diversion (SW 1/4 NW 1/4) Sec. 16, Twp. 26 S, Range 4 W, W. M.
(Legal Subdivision)
8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use.

Township	Range	Section	Legal Subdivision	No. Acres Actually Irrigated	
26 S	4 W	16 (1)	lot 5 (SW 1/4 NW 1/4)	15.6	17.0
		(2)	SE 1/4 NW 1/4	10.5	11.3
		(3)	NW 1/4 SW 1/4	1.8	2.2
		17 (7)	lot 9 (NE 1/4 SE 1/4)	6.4	9.8
		17 (6)	NE 1/4 SE 1/4 w/in Dailey Dec 46	2.7	1.8
		(4)	lot 8 (SE 1/4 NE 1/4)	2.7	1.2
		(5)	SE 1/4 NE 1/4 w/in Dailey Dec 46	37.0	1.4
					35.7

I have read the above and foregoing proof of appropriation of water; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this day of

19.....

Plane Table Survey 1959-0
 June 23, 1959
 Re-Surveyed
 1960-W August 26, 1960
 W. H. H.

Drafted
 1/28/60
 P. J.

9

REPORT OF PERSON MAKING INSPECTION

Description of works:

Diverts directly from North Umpqua River

Pump: Myers 1 1/2" x 2" Cent. Direct Drive

Motor: General Electric 15 hp @ 3480 RPM - 3 phase

Pipe: 1280° x 5" Alum., 1120° x 3" Alum.

Heads: 28 Rain Bird #30, 3/16"

Lift: Maximum 140°

Crop: Pasture

Information: Mr. Allenby

Tied to W. 1/4 COR. 16 (Brass cap)

I, *R. H. Jackson*, do hereby certify that I have made an inspection of the works described herein and in Permit No. *24551*, on the *23* day of *June*, 19*59*, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of
(Quantity of water in second-feet or acre-feet)
and I recommend the issuance of water right certificate for this amount.

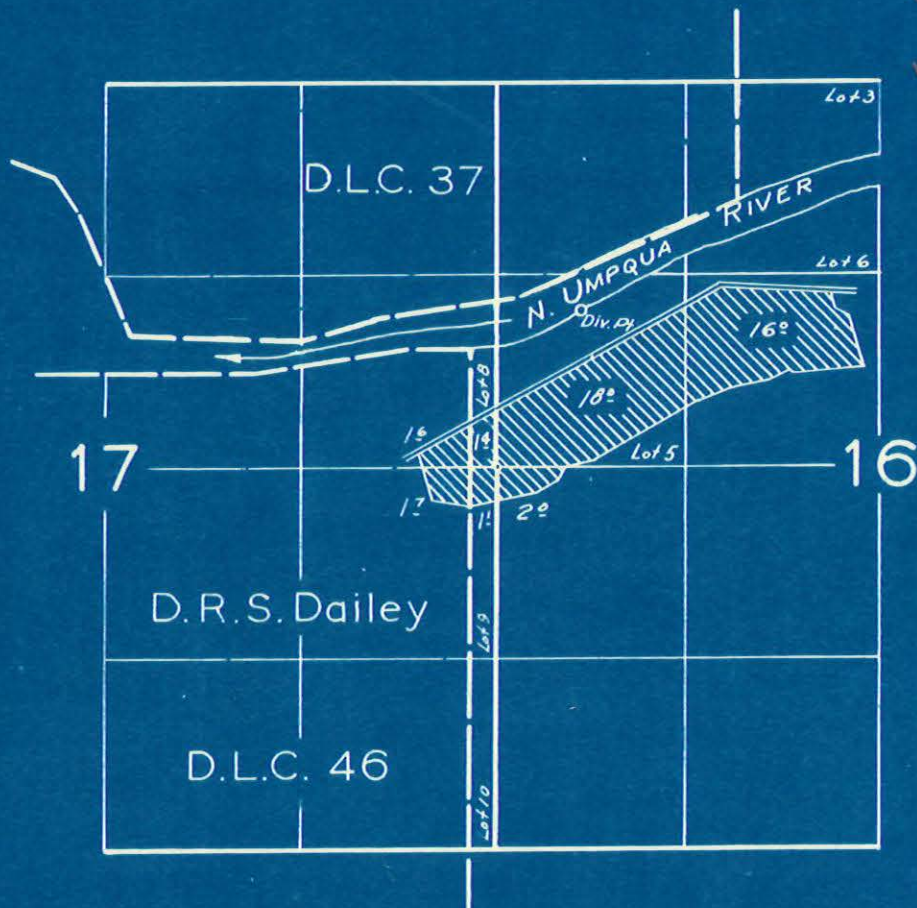
NOTICE TO INSPECTORS

If conditions do not justify the above report by you, please return this form without your signature, with a full report by letter.

[Signature]
(Name)
[Signature]
(Title)

T. 26 S. R. 4 W. W. M.

Chion



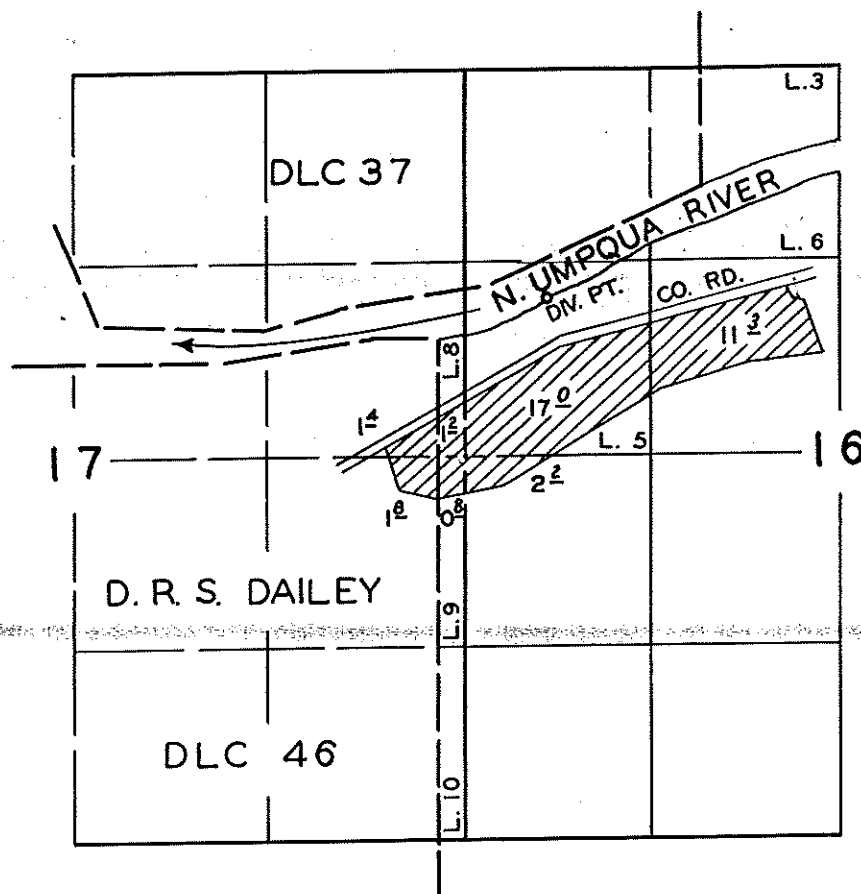
FINAL PROOF SURVEY
UNDER

Application No. 31153 Permit No. 24551
IN NAME OF

NYE & ALLENBY

Surveyed June 23 1959, by *R. Jackson*

T. 26S. R. 4W. W.M.



FINAL PROOF SURVEY
UNDER

Application No. 31153 Permit No. 24551
IN NAME OF

NYE & ALLENBY

Surveyed JUNE 23 59 R. H. JACKSON
AUG. 26 1960. by C. O. BARTELS

1959-0 & 1960-W *SH*



STATE OF OREGON

RECEIVED

APR 13 1993

INTEROFFICE MEMO

WATER RESOURCES DEPT
SALEM, OREGON

TO: Jake Szramek

DATE: 04/12/93

FROM: Gary Ball, Watermaster *JB*

SUBJECT: A# 31153, P# 24551, C#'s 28559, 33017, 36597; V. 14, P.386

While investigating this right, I began to wonder just what the status of the right is. I have enclosed everything in our records pertaining to the right.

Our plat cards make no mention of C# 28559, and it is not in our abstract volume either. For some reason, C# 33017 is lined out as though it were canceled on the plat cards, but it is not stamped as canceled in our abstract volume. The special order approving Transfer No. N-29 indicates that the transfer is for 14.75 acres and that a certificate would be reissued for the balance of the right not involved in the transfer. It does not appear that the remaining right certificate was ever issued. Also, it would appear that the 0.6 acres of C# 36597 is contained within the acreage of C# 33017.

Just what is going on here, anyway?

There is no hurry on this - - this right does not appear to be appurtenant to the property I was researching. However, it appears some resolution is necessary.

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

Vol 14 p. 386

RECEIVED

APR 13 1993

WATER RESOURCES DEPT
SALEM, OREGON

IN THE MATTER OF THE APPLICATION }
OF NYE AND ALLENBY FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM NORTH UMPQUA RIVER }

ORDER APPROVING
TRANSFER NO. N-29

On September 30, 1965, Nye and Allenby of Roseburg, Oregon, filed an application in the office of the State Engineer for a change in point of diversion of water from North Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Nye and Allenby and recorded at page 28559, Volume 20, State Record of Water Right Certificates, confirms a right to the use of the waters of North Umpqua River for the irrigation of, among other lands, 6.54 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 8.21 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 26 South, Range 4 West, W.M., with a date of priority of October 3, 1956.

These lands are irrigated from a point of diversion located 1070 feet north and 560 feet east from the west quarter corner of Section 16, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 16, Township 26 South, Range 4 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands by means of a point of diversion to be located 1500 feet north and 1560 feet east from the west quarter corner of Section 16, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 16, Township 26 South, Range 4 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. W. J. Ruppert, Watermaster of District No. 15, has filed a report to the effect that the proposed change in point of diversion of water

No objections having been filed and it appearing the proposed change in point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from North Umpqua River, to-wit:

From a point located 1070 feet north and 560 feet east from the west quarter corner of Section 16, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 16, Township 26 South, Range 4 West, W.M.

To a point to be located 1500 feet north and 1560 feet east from the west quarter corner of Section 16, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 16, Township 26 South, Range 4 West, W.M.

for the irrigation of 6.54 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 8.21 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 26 South, Range 4 West, W.M., with a date of priority of October 3, 1956, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1966.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion.

It is FURTHER ORDERED that the following provision shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

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

It is FURTHER ORDERED that certificate of water right heretofore issued to Nye and Allenby and recorded at page 28559, Volume 20, State

Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Nye and Allenby confirming said change in point of diversion.

Dated at Salem, Oregon, this 27th day of December, 1965.

/s/ CHRIS L. WHEELER
State Engineer

April 10, 1961

Nye and Allenby
35 Whistler's Lane
Roseburg, Oregon

Gentlemen:

On March 24, 1960 we sent you a draft of the proposed certificate in connection with your permit number 24551. This draft and accompanying map has changed from that previously sent you because of the error which you called to our attention last year.

So we may issue the confirming certificate as described in the new draft, it should be signed at the place indicated under "Final Proof" and returned to this office. The certificate recording fee was paid in April, 1960, so no further fee is required.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:kr

30

April 28, 1960

Nye and Allenby
35 Whistler's Lane
Roseburg, Oregon

Gentlemen:

This will acknowledge receipt of the draft of the proposed certificate in connection with your Permit No. 24551 and the accompanying letter.

After re-examination of this, I agree that our map must be in error. Apparently you do not irrigate to the westerly edge of the land shown on the application map or we would prepare a draft of the certificate to agree with the application map. I think it best that we ignore the draft copy which you signed and after we have rechecked our survey we will prepare another map and draft. I appreciate your calling this to our attention and apologize for the inconvenience caused you.

Our Receipt No. 25236 covering the certificate recording fee of \$1 is enclosed.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:bks

Enc:1

121

251 FINANCE BUILDING
170 12TH STREET S. E.



STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

REFER TO
FILE NO. 31153

April 25, 1960

Nye and Allenby
35 Whistler's Lane
Roseburg, Oregon

Gentlemen:

On March 24, 1960, we mailed you a copy of a draft of the certificate in connection with the incomplete water right represented by your permit number 24551 granting a right to the use of 0.33 c.f.s. from North Umpqua River for irrigation, together with the instructions that the affidavit be signed at the bottom of the page and the copy be returned to this office accompanied by the certificate recording fee in the amount of \$1.

To date this form has not been received nor has any correspondence regarding it. This is to notify you that unless we receive the signed draft form and the certificate recording fee within thirty days from the date of this letter, we will be required to take steps toward the cancellation of this permit.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By *Trevor Jones*
Trevor Jones
Assistant

Dlf.

Sirs: The form was mailed 4/23/60 — you should have had it in your office on the 25th. We did forget to enclose the recording fee which we hereby enclose.
Nye & Allenby
Elizabeth M. Allenby

35 Whistler's Lane
Roseburg, Oregon

April 22, 1960

RECEIVED
APR 25 1960

STATE ENGINEER
SALEM, OREGON

Sirs:

Enclosed is our signed Final Proof of Water Right, File No. 31153. We are also returning the Final Proof Survey. We wish to call your attention to the fact that our preliminary survey is a more accurate description of the area than the survey submitted by your office.

Yours sincerely,

Nye and Allenby

by Bert L. Allenby

April 25, 1960

Nye and Allenby
35 Whistler's Lane
Roseburg, Oregon

Gentlemen:

On March 24, 1960, we mailed you a copy of a draft of the certificate in connection with the incomplete water right represented by your permit number 24551 granting a right to the use of 0.33 c.f.s. from North Umpqua River for irrigation, together with the instructions that the affidavit be signed at the bottom of the page and the copy be returned to this office accompanied by the certificate recording fee in the amount of \$1.

To date this form has not been received nor has any correspondence regarding it. This is to notify you that unless we receive the signed draft form and the certificate recording fee within thirty days from the date of this letter, we will be required to take steps toward the cancellation of this permit.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones
Assistant

Dlf.

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

REFER TO
FILE NO. 31153

March 12, 1959

Nye & Allenby
35 Whistler's Lane
Roseburg, Oregon
.

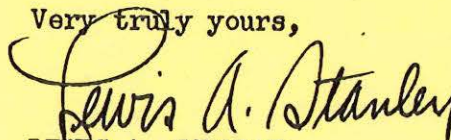
Gentlemen:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under Permit No. 24551.

Pursuant to your report and in line with the general practice of this office a survey will be made at a later date. After this survey, proof may be made and certificate issued covering the actual use of water as found by the engineer. In case of irrigation, any lands described in the permit that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the permit which you hold will be valid evidence of the water right in question so long as you continue to use the water.

Very truly yours,



LEWIS A. STANLEY
State Engineer

Form 128
Dlf.



STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

REFER TO
FILE NO. 31153

March 2, 1959

Nye and Allenby
c/o Elizabeth N. Allenby
35 Whistler's Lane
Roseburg, Oregon

Gentlemen:

With reference to your letter of February 25, 1959, in regard to your Permit No. 24551 if you have irrigated all of the land that you intended to cover within the near future you could correctly submit notice of complete application of water to beneficial use in which case a final proof survey of your project would be scheduled by this office. A certificate of water right would be issued in evidence of a right for that portion of the project you have completed.

Very truly yours,

LEWIS A. STANLEY
State Engineer

RECEIVED
MAR 11 1959
STATE ENGINEER
SALEM, OREGON

By *James W. Carver, Jr.*
James W. Carver, Jr.
Assistant

JWC:lk

Sir: Form C enclosed.

*Nye & Allenby
by Elizabeth N. Allenby*

March 2, 1959

Nye and Allenby
c/o Elizabeth N. Allenby
35 Whistler's Lane
Roseburg, Oregon

Gentlemen:

With reference to your letter of February 25, 1959, in regard to your Permit No. 24551 if you have irrigated all of the land that you intended to cover within the near future you could correctly submit notice of complete application of water to beneficial use in which case a final proof survey of your project would be scheduled by this office. A certificate of water right would be issued in evidence of a right for that portion of the project you have completed.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr.
Assistant

JWC:lk

35 Whistler's Lane
Roseburg, Oregon
February 25, 1959

RECEIVED
FEB 27 1959
STATE ENGINEER
SALEM, OREGON

James W. Carver, Jr., Assistant
Office of State Engineer
Salem, Oregon

Re: File # 31153

Dear Mr. Carver,

This is in reply to your letter of January 29
in reference to our permit No. 24551.

We did not have on hand on October 1, 1958,
all of the irrigation pipe and sprinklers required
under the permit.

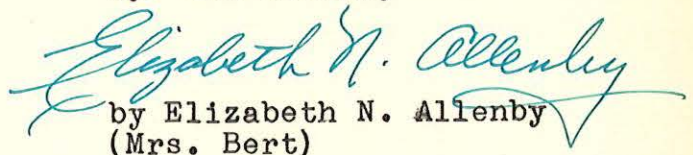
There are about 5 acres at the Eastern end of
the field that have not been cleared to date. There is
some possibility that this acreage may be sold within
the near future, and, too, since we have not had the
money to spend on the additional pipe and sprinklers,
we have not taken the time and money required to clear
that acreage.

Since there is the possibility that those acres
might be sold, would it be possible to exclude them from
the permit? If there is that possibility, we could then
sign a completion of permit and be done with it.

Thank you.

Sincerely,

Nye and Allenby


by Elizabeth N. Allenby
(Mrs. Bert)

ENA/b

January 29, 1959

Nye and Allenby
35 Whistler's Lane
Roseburg, Oregon

Gentlemen:

This will acknowledge your letter of January 19 in reference to permit No. 24551.

Since the clearing of land is necessary to dry land farming as well as irrigated farming, it is not considered to be construction towards use of water. Therefore, if you had on hand as of October 1, 1958, the irrigation equipment necessary to the use of water on all of the land described by the permit, you should submit notice of completion of construction work.

In the event that you did not have the necessary equipment within the time limits of the permit, I am enclosing an application form for extension of the time limits. For the State Engineer to approve an application for extension of time limits, it is necessary that the applicant show that reasonable diligence has been exercised in the prosecution of the project. Therefore, the form should be filled out carefully and completely.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh
enclosure

35 Whistler's Lane
Roseburg, Oregon
January 19, 1959

State Of Oregon
Office of the State Engineer
Salem, Oregon

RECEIVED
JAN 20 1959
STATE ENGINEER
SALEM, OREGON
Attention: L.A. Stanley,
State Engineer

Re: Permit # 24551

Additional no. on notice card:

3/153

Dear Mr. Stanley,

Your card reminding us to notify you of the completion of our permit or otherwise was inadvertently mislaid and just came to light. We hope that this isn't too late.

We do request an extension of time on the above permit. The work is about 80% complete. It is necessary to do some land clearing before the project is fully completed. And, to date, we have not had the money to spend on the land clearing. However, we do expect to get it done, and, we hope, to get it done this year.

We hope that this will be satisfactory.

Yours very truly,

Nye and Allenby

Elizabeth N. Allenby
by Elizabeth N. Allenby
(Mrs. Bert L.)

Formerly:
Box 198 Idleyld Rt.

Address change is due to moving of
the mail-box, not the people!

March 5, 1957

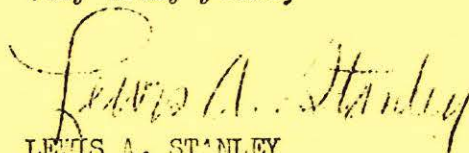
Nye & Allenby (Partnership)
Box 198, Idleyld Route
Roseburg, Oregon
•

Gentlemen:

This acknowledges receipt of Form A, being notice of the beginning of construction under Permit No. 24551.

The report has been filed with other matter pertaining to the permit, which is in good standing until October 1, 1958, when, under its terms, construction should be completed.

Very truly yours,



LEWIS A. STANLEY
State Engineer

Form 118

mb

January 25, 1957

Nye and Allenby
Box 198, Idleyld Route
Roseburg, Oregon

Gentlemen:

Enclosed find Application No 31153, permit No. 24551 and print.

PLEASE READ CAREFULLY THE FOLLOWING INSTRUCTIONS

Your permit has been recorded in this office but you should hold the original permit as evidence of your water right. If the land is sold an assignment to the new owner should be recorded in this office. Assignment blanks will be furnished upon request.

The permit, which appears on the last page of the application, limits the time within which you may begin and complete construction of your project. According to the law you must begin actual construction work within one year from the date of issuance of the permit or your right will be lost. The State Engineer is authorized to extend the time for completion of the project on proper showing but has no authority to extend the time limit for beginning of construction work.

Forms are attached to the permit for your convenience in submitting notice when construction begins, when it is completed and when the water has been completely applied to the proposed use, unless you have already submitted such information.

If your use of water is for irrigation, proof can be made and certificate issued only after you have actually irrigated ALL of the land described in the permit which you intend to irrigate at any time.

Whenever a measuring device becomes necessary for the proper distribution of water, the permittee will be required to install one to the satisfaction of the State Engineer as provided by ORS 540.310 and 540.330.

In connection with your proposed appropriation, please be advised that the late summer flow in most of the streams is required to satisfy existing rights and your permit as provided by law, grants a right to use water only when there is a surplus in the source involved over and above that required to satisfy prior rights.

Very truly yours,

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

November 2, 1956

Mye & Allenby
Box 198, Idleyld Route
Roseburg, Oregon

Gentlemen:

This will acknowledge receipt of your application for a permit to appropriate $1/3$ of a cubic foot of water per second from the North Umpqua River for the irrigation of 37 acres, the accompanying tracing and two prints, legal description, and fees in the amount of \$16.05, for which our receipt No. 8610 is enclosed.

The application has been examined, given file No. 31153, and appears to be in satisfactory form.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Chris L. Wheeler
Assistant

CLW:gw
enc: receipt

October 18, 1956

California-Oregon Power Co.
Medford
Oregon

Gentlemen:

This is to advise you that an application, in the names of Nye and Allenby, has been filed for a permit to appropriate 1/3rd of a cubic foot of water per second from the North Umpqua River for the irrigation of 37 acres.

The point of diversion is described as being located 1201.3 feet North 31°25' East from the quarter corner common to Sections 16 and 17 of T. 26 S., R. 4 W.

Unless we hear from you within 30 days we will assume that you have no objection to the proposed appropriation.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr.
Assistant

JWC:gw

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **WEE AND ALLENBY**

of **35 Whistler's Lane, Roseburg**, State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **N. Umpqua River** a tributary of **Umpqua River** for the purpose of irrigation of **35.7 acres**

under Permit No. **24551** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon, that the priority of the right hereby confirmed dates from **October 3, 1956**

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 **0.33 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 16, T. 26 S., R. 4 W., W.M.**

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **2 $\frac{1}{2}$ acre feet per acre** for each acre irrigated during the irrigation season of each year,

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

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

17.0 acres Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
 11.3 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
 2.2 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 16
 1.2 acres Lot 8 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
 1.4 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Bailey DLC h6
 1.8 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Bailey DLC h6
 0.8 acre Lot 9 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
 Section 17
 T. 26 S., R. 4 W., W.M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

THIS IS A DRAFT OF WATER RIGHT CERTIFICATE

See other side for instructions and final proof to be executed by permittee.

251 FINANCE BUILDING
170 12TH STREET S.E.

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

March 10, 1961

REFER TO
FILE NO. 31153

Nye and Allenby
35 Whistler's Lane
Roseburg, Oregon

Gentlemen:

On the reverse side of this paper is a copy of a draft of water right certificate to confirm the right under Permit No.24551..... You are requested to examine this draft and if you find it correctly describes the appropriation of water made, execute the following certificate. You should return this paper, along with a fee of \$1.00 for recording your water right certificate, when issued, in the office of the County Clerk.

Very truly yours,

LEWIS A. STANLEY
State Engineer

Return this paper to the State Engineer. Do not record in County Clerk's office.

FINAL PROOF

I have read the draft of water right certificate shown on the reverse side of this paper and as final proof of appropriation of water I hereby certify that the water has been used as described in said draft.

April 11, 1961
(Date)

Nye & Allenby
Bert F. Allenby
(Signature)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that VILAS J. PHILIPPI and GENEVIEVE M. PHILIPPI, his wife, in consideration of TEN DOLLARS (\$10.00) and other valuable consideration to them paid by HARRIS T. NYE and CHARLOTTE E. NYE, Husband and Wife, as to an undivided one-half interest, and BERT L. ALLENBY and C. ELIZABETH ALLENBY, Husband and Wife, as to an undivided one-half interest, do hereby grant bargain, sell and convey unto the said Harris T. Nye and Charlotte E. Nye, and Bert L. Allenby and C. Elizabeth Allenby, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Douglas, State of Oregon, bounded and described as follows:

The Donation Land Claim of Joshua Dixon, Notification No. 420, and Certificate No. 673, and designated according to Government Surveys as Lots 5 and 6, and the Southwest quarter ($SW\frac{1}{4}$) of Section 16, and the West half ($W\frac{1}{2}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section 21, containing 317.60 acres. Also, Lot 8 of Section 17, containing 3.25 acres. The Donation Land Claim of D R S Dailey, Notification No. 540, Claim No. 46, Certificate No. 1164, situate in Sections 17 and 20, containing 320.72 acres; also, Lots 5, 6, 11, 12, 13, and 14, of Section 17, containing 212.47 acres. Also, the Donation Land Claim of A. A. Mathews, Notification No. 491, Claim No. 45, Certificate No. 832, and situate in Sections 17, 18, 19 and 20, and containing 321.74 acres. Also, Lots 8 and 9 of Section 18, containing 24.52 acres. Also all that portion of the Donation Land Claim of E. F. Whistler, Notification No. 513, being Claim No. 44, Certificate No. 198, in Sections 7 and 18, Township 26 South, Range 4 West, W.M. lying North of the North Umpqua River as said river flows through said Claim, being the North part of said Claim and containing 70 acres, more or less. Also, Lots 1, 2, 3, 7, and 8, and the Southwest quarter ($SW\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$), and the fractional South half ($S\frac{1}{2}$) of Section 19, containing 456 acres. Also Lots 1, 2, 3 and 4 of Section 20, containing 44.86 acres; the South half ($S\frac{1}{2}$) of Section 20, containing 320 acres; the Northeast quarter ($NE\frac{1}{4}$), the East half ($E\frac{1}{2}$) of the Northwest quarter ($NW\frac{1}{4}$), and the South half ($S\frac{1}{2}$) of Section 21, containing 560 acres, all in Township 26 South, Range 4 West of the Willamette Meridian, Douglas County, Oregon.

EXCEPTING THEREFROM the following: All of that part of Section 21, Township 26 South, Range 4 West, Willamette Meridian, lying East of the North Umpqua Highway as laid out and constructed by the Oregon State Highway Dept., the centerline of which is more particularly described as follows, to-wit:

Beginning at the intersection of the centerline of the North Umpqua Highway and the South line of Sec. 21, Township 26 South, Range 4 West, Willamette Meridian, which intersection is N 89° 39' West 1491.ft. (approx) from the $\frac{1}{4}$ section corner between sections 21 and 28 of said township and range, said intersection being designated as Engineer Station 599 + 40.

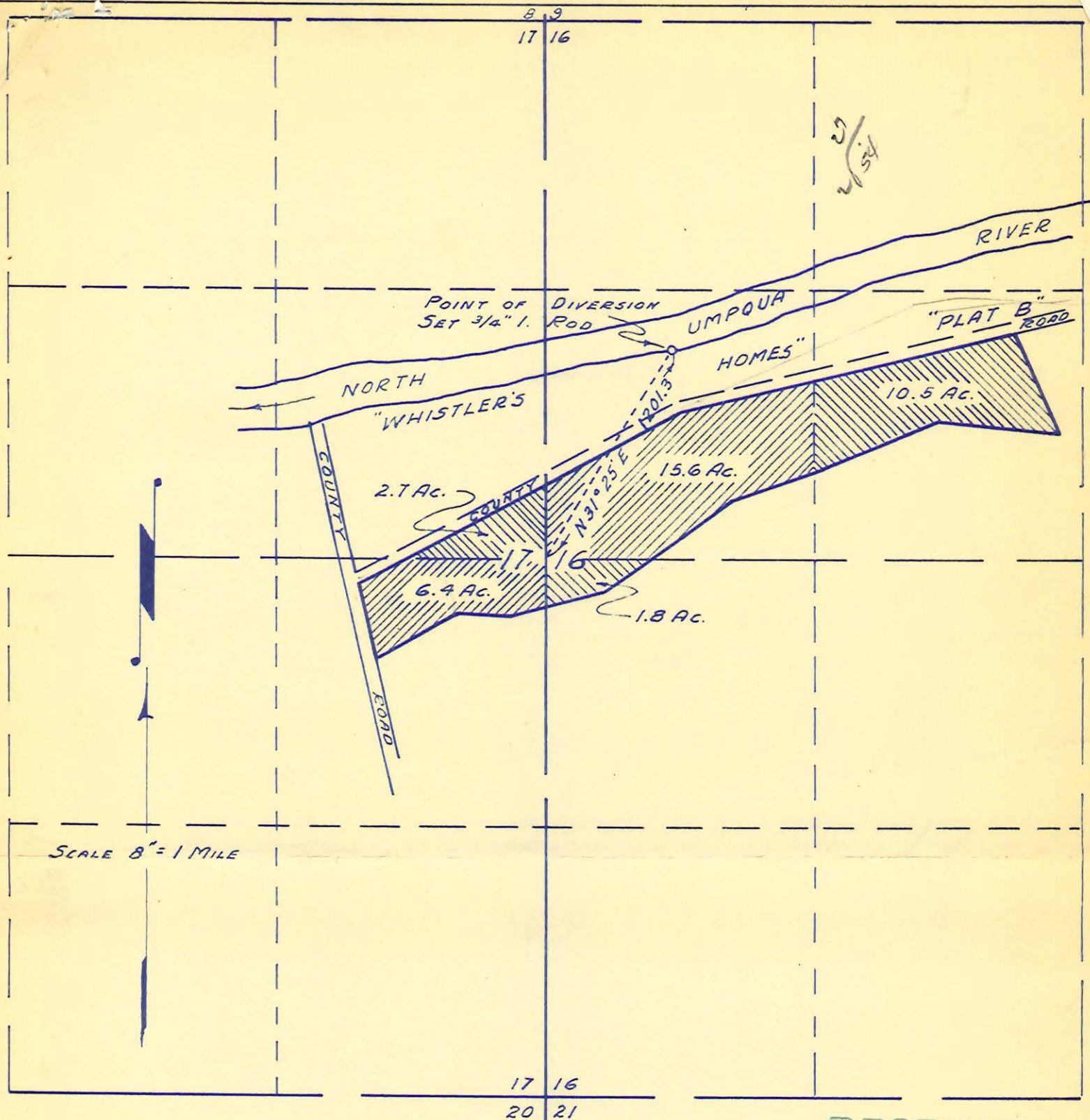
Thence along a 0° 30' curve left 849 ft. (Right of way line 40 ft. right of said centerline) to station 607+89.05 the PSC; thence 400 ft. along a spiral left S 1° 00' to station 611+89.05 the end of said curve; thence N 11° 03' E 2110.95 ft. to station 629+00 at which point the right of way line changes to 50 ft. right of the highway centerline; thence N 11° 03' E 1985.27 ft. to station 648+85.27 the beginning of a spiral; thence 400 ft. along a spiral right S 3° 30' to station 652+85.27 the PSC; thence 414.73 ft. along a 1° 45' curve right to station 657+00 at which point the right of way line changes to 70 ft. right of the highway centerline; thence continuing 400 ft. along said 1° 45' curve right to station 661+00 where the right of way line changes to 40 ft. from the centerline of said highway; thence continuing about 250 ft. along said 1° 45' curve right to the intersection of the centerline of said highway with the North line of said Section 21 a point N 89° 50' W 563 ft. (approx.) from the NE corner of said Section 21. Said part of Section 21, Township 26 South, Range 4 West, Willamette Meridian, lying East of the North Umpqua Highway containing 329 acres, more or less, in Douglas County, Oregon.

ALSO EXCEPTING Whistlers Homes, Plat A, Whistlers Homes, Plat B, and Philippi Acres, all as platted and of record in Douglas County, Oregon.

RESERVING, however, to the grantor, Vilas J. Philippi, his heirs and assigns, an undivided one-half interest in and to all mineral and oil rights in and to said premises and the subsoil with the right to enter upon said premises to prospect for mineral and oil and to remove said products from the premises. Said rights, however, shall be subject to the paramount right of the grantees to the surface of the soil for all farming and purposes incidental thereto.

TO HAVE AND TO HOLD the above described and granted premises unto the said Harris T. Nye and Charlotte E. Nye, and Bert L. Allenby and C. Elizabeth Allenby, their heirs and assigns forever.

The grantors above named do covenant to and with the above named grantees, their heirs and assigns that they are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances, except reservations, if any, in United States patents, reservations in deeds from Oregon & California Railroad Company, Roads and Highways and the rights of the public therein, including but not limited to the right of ingress and egress over the granted property for the benefit of the owners of property within said Whistlers Homes, Plat A and said Whistlers Homes, Plat B, and right of way granted to The California Oregon Power Company, and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever, except as aforesaid.



I, FRED M. DARBY, OF ROSEBURG, ORE.
DO HEREBY CERTIFY THAT THIS MAP WAS MADE
FROM NOTES TAKEN DURING AN ACTUAL SURVEY
MADE UNDER MY IMMEDIATE SUPERVISION ON
JUNE 7, 1956; THAT THE MONUMENT SHOWN
ON THIS MAP CONSISTING OF A 3/4" IRON ROD
IS N 31° 25' E 1201.3 FT. FROM 1/4 COR. COM-
MON TO SECTIONS 16, 17, T26S, R4W, W.M.

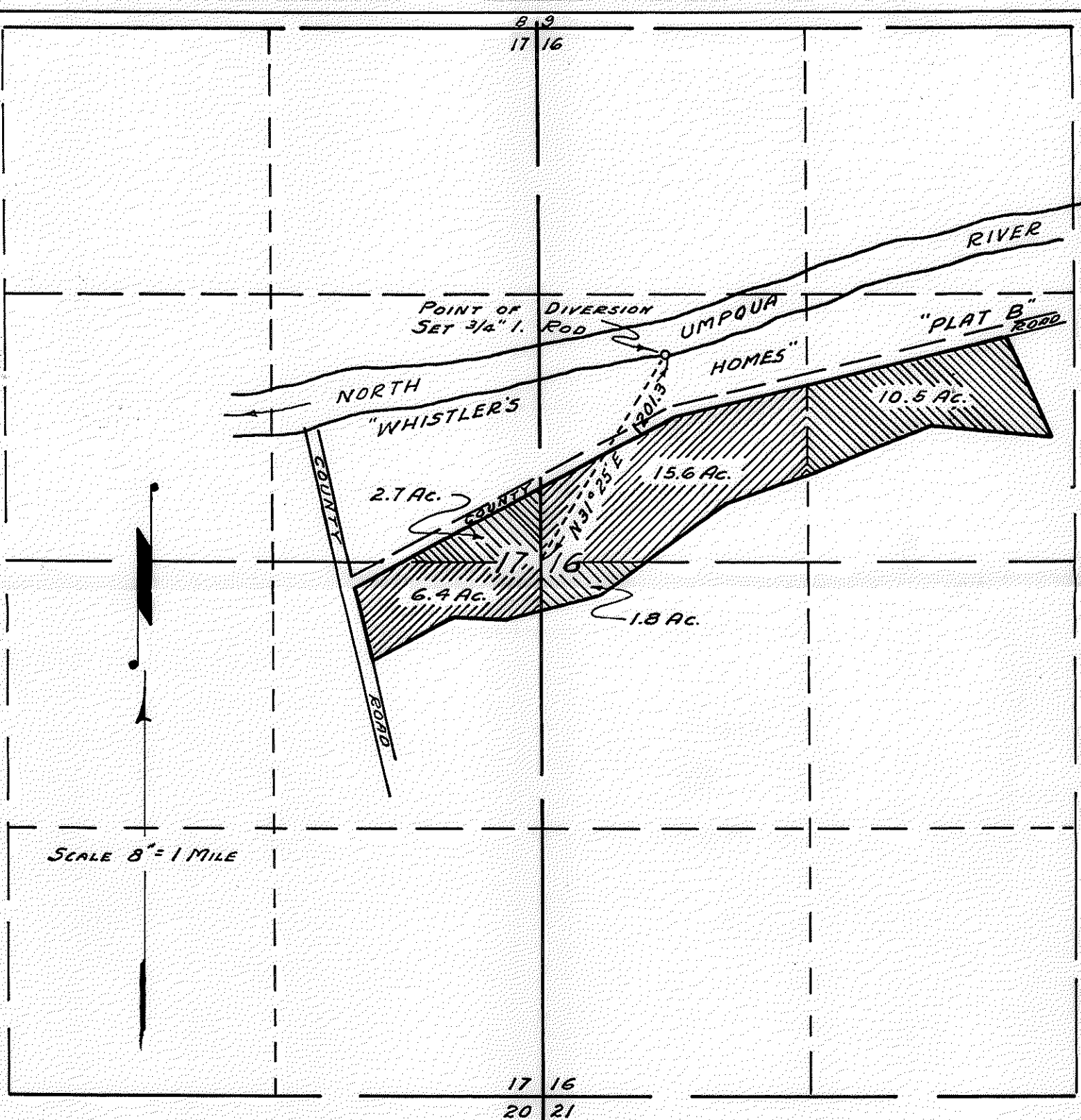
Fred M. Darby

RECEIVED
OCT 3 1956
STATE ENGINEER
SALEM, OREGON

Application No. 31153
Permit No. 24551

WATER RIGHT
FOR
H.T. NYE & B.L. ALLENBY
SECTIONS 16, 17, T26S, R4W, W.M.

OFFICE OF
FRED M. DARBY
COUNTY SURVEYOR, DOUGLAS COUNTY
ROSEBURG, OREGON



I, FRED M. DARBY, of ROSEBURG, ORE.
DO HEREBY CERTIFY THAT THIS MAP WAS MADE
FROM NOTES TAKEN DURING AN ACTUAL SURVEY
MADE UNDER MY IMMEDIATE SUPERVISION ON
JUNE 7, 1956; THAT THE MONUMENT SHOWN
ON THIS MAP CONSISTING OF A 3/4" IRON ROD
IS N 31° 25' E 1201.3 FT. FROM 1/4 COR. COM-
MON TO SECTIONS 16, 17, T26S, R4W, W.M.

Fred M. Darby.

RECEIVED
JUN 13 1956
COUNTY CLERK
ROSEBURG, OREGON

Application No. 31153
Permit No. 24551

WATER RIGHT
FOR
H.T. NYE & B.L. ALLENBY
SECTIONS 16, 17, T26S, R4W, W.M.

OFFICE OF
FRED M. DARBY
COUNTY SURVEYOR, DOUGLAS COUNTY
ROSEBURG, OREGON

251 FINANCE BUILDING
170 12TH STREET S.E.

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

March 10, 1961

REFER TO
FILE NO. 31153

Nye and Allenby
35 Whistler's Lane
Roseburg, Oregon

Gentlemen:

On the reverse side of this paper is a copy of a draft of water right certificate to confirm the right under Permit No. 24551. You are requested to examine this draft and if you find it correctly describes the appropriation of water made, execute the following certificate. You should return this paper, along with a fee of \$1.00 for recording your water right certificate, when issued, in the office of the County Clerk.

Very truly yours,

LEWIS A. STANLEY
State Engineer

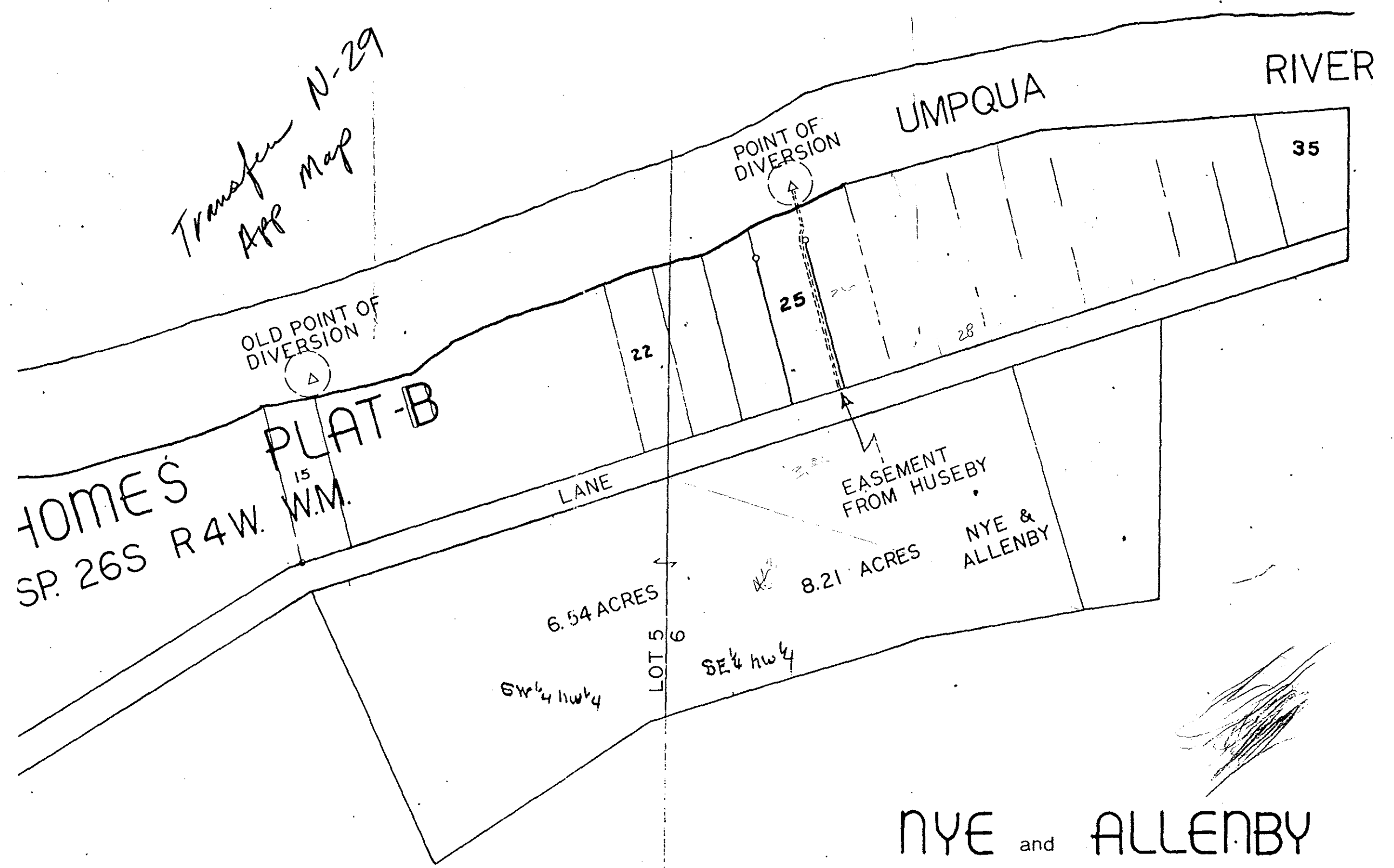
Return this paper to the State Engineer. Do not record in County Clerk's office.

FINAL PROOF

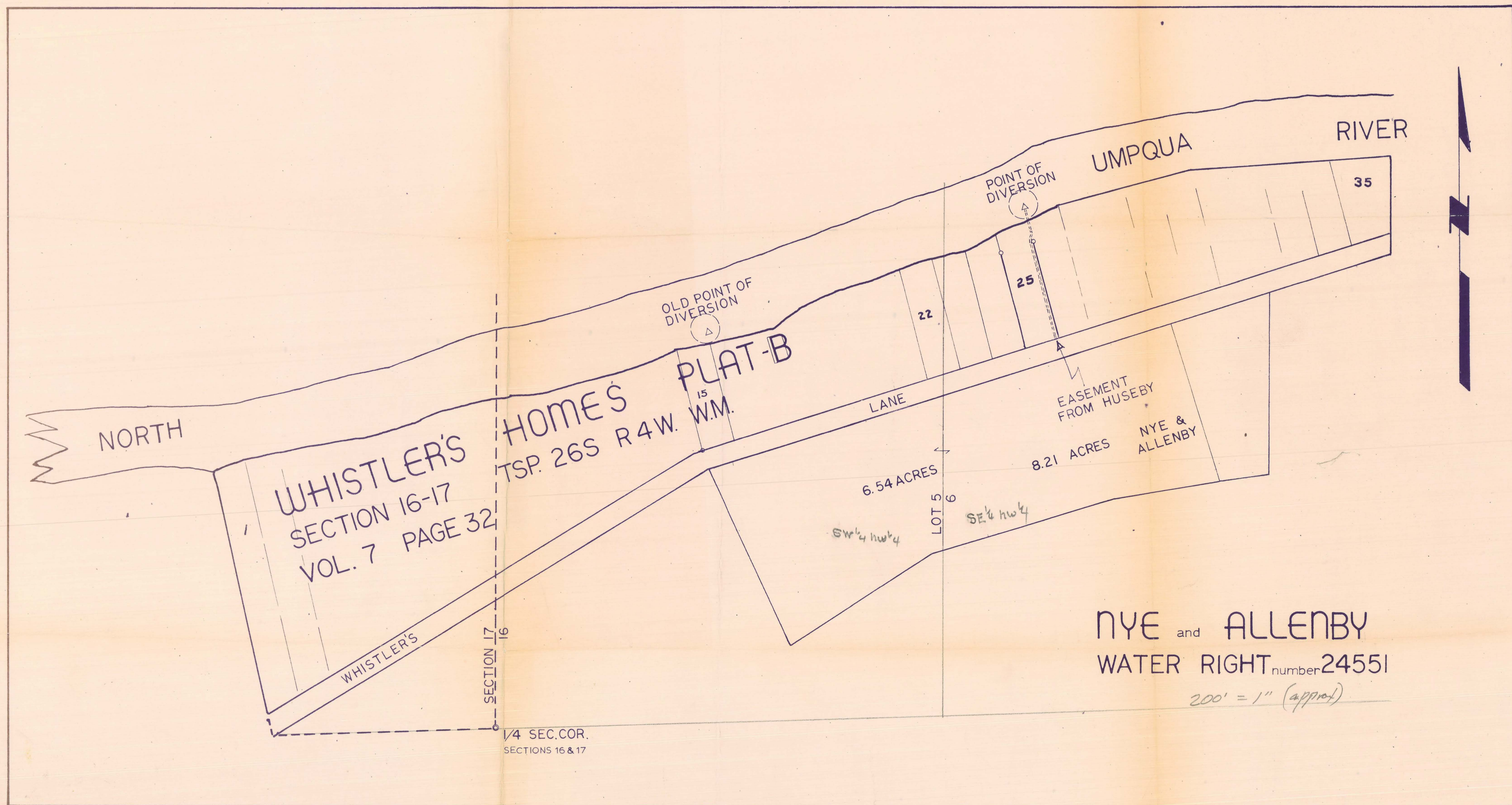
I have read the draft of water right certificate shown on the reverse side of this paper and as final proof of appropriation of water I hereby certify that the water has been used as described in said draft.

April 11, 1961
(Date)

Nye & Allenby
Bert L. Allenby
(Signature)



NYE and ALLENBY
WATER RIGHT number 24551



RECEIVED
SEP 30 1965
STATE ENGINEER
SALEM OREGON