



Form C

**IMPORTANT**—This form is a notice to the State Engineer that permittee is ready to make **final proof** to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the **final proof** inspection and survey which will be made in response to the filing of this Form C.

**NOTE:** In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated. Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when all of the water has been applied.

Application No. 49450

**NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE**

Rupert Archubeta, the holder of Permit No. 37043

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the approx 10<sup>th</sup> day of June, 1975.

Remarks: I'm not sure about the 1<sup>st</sup> day we used the water. But it was either the very end of May or the very 1<sup>st</sup> part of June. This land was water the year before in the state of matchkovsky. I Archubeta as part of it. Thank you. The other permit was in matchkovsky's name.

IN WITNESS WHEREOF, I have hereunto set my hand this 29<sup>th</sup> day of Feb, 1976.

Rupert Archubeta  
(Signature of Applicant)

295 No. Myrtle Pt. Myrtle Creek, Ore  
(Address)

**RECEIVED**

DEC 10 1975

WATER RESOURCES DEPT.  
SALEM, OREGON

OK AS  
'B'

11-26-75 800

Sirs.

This work was completed by the 1<sup>st</sup> of June 1975 and I sent in the blank that notified you of completion then. I have no idea of what happened to it. If you can send another, we'll fill it in and send it to you again.

Thank you  
Selen Archubeta

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  
Administratr, Water Right Services, for  
Phillip C. Ward, Director

5-49450

**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<br>T 28 S, R 4 W, W.M. |         | Section 23<br>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<br>T 28 S, R 4 W, W.M. |         | Section 23<br>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**

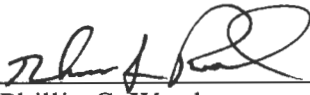
The proposed changes in place of use in applications T-9390 and T-9391 are consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000. The inaccurate descriptions of the points of diversion and places of use in Certificates 50790 and 49241 are as a result of a survey error.

**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 23<sup>rd</sup> 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      |

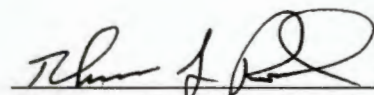
This certificate describes that portion of the water right confirmed by Certificate 50790 , State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 23 2004, approving Transfer Application 9390.

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      |

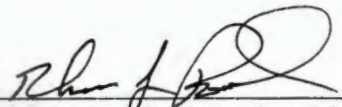
This certificate describes that portion of the water right confirmed by Certificate 49241, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 23 2004, approving Transfer Application 9391.

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 JUN 23, 2004

  
 Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80770

RECEIVED

SP-32056-090

49450

NOV 23 1981

## STATE OF OREGON

COUNTY OF

DOUGLAS

WATER RESOURCES DEPT  
SALEM, OREGON

## Proof of Appropriation of Water

RECEIVED

DEC 22 1981

WALTER M. MATSCHKOWSKY and  
RUPERT A. ARCHULETAWATER RESOURCES DEPT  
SALEM, OREGON

of N. Myrtle Road, Box 296, Myrtle Creek, State of Oregon 97457,  
has applied beneficially 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 the use of said waters has been completed under the  
terms of said permit; that the priority of the right dates from  
July 13, 1972

that the amount of water for the purposes aforesaid, has been actually beneficially used in the  
amount of

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

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, 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

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.

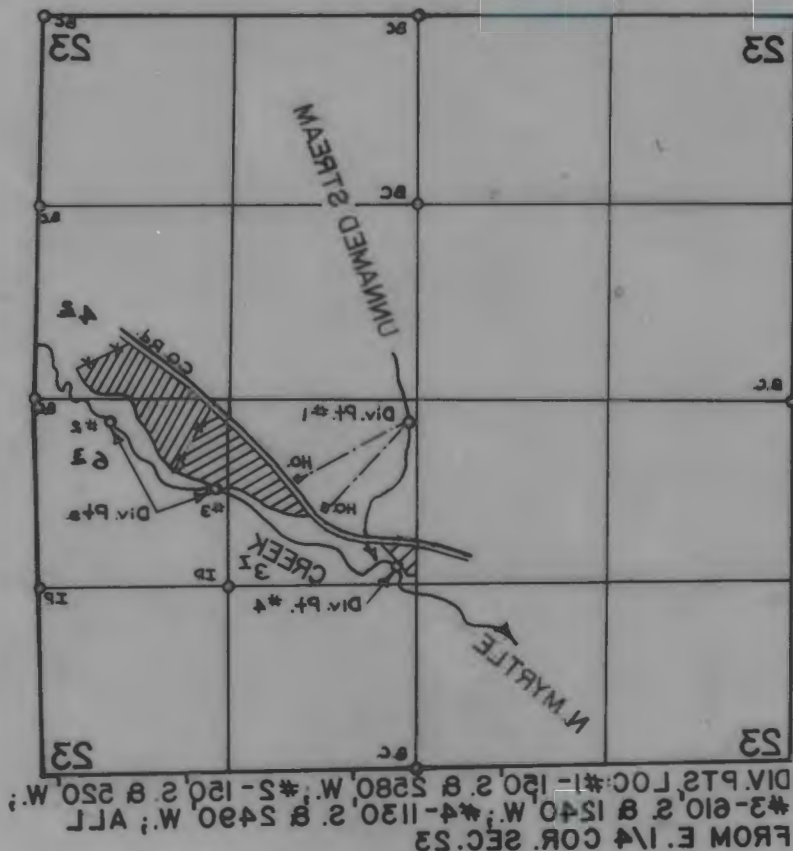
IN WITNESS WHEREOF, I have hereunto set my hand this 19<sup>th</sup> day of NOVEMBER,

1981.

*Walter M. Matschkowsky*  
*Rupert A. Archuleta*

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

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



**FINAL PROOF SURVEY**  
 UNDER

Surveyed Oct. 4, 1977, by D.W. Sparks  
 W.M. MATSCHKOWSKY & R.A. ARCHULETA  
 IN NAME OF  
 Application No. 43450 Permit No. 37043

**James F. Gosson**  
Consulting Engineer

December 15, 1989

Oregon Water Resources Department  
3850 Portland Road, N.E.  
Salem, Oregon 97310

Attention: Wayne Overcash

Re: Permit #37043  
Walter M. Matschkowsky  
Rupert A. Archuleta

Dear Mr. Overcash:

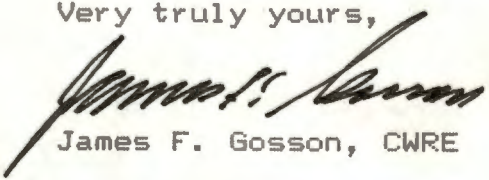
I recently prepared an application map and Application for a Permit to Appropriate Surface Water from Cox Gulch, tributary to North Myrtle Creek, for domestic use in the name of Tony Huerta. The property owned by Mr. Huerta appears to be a portion of that property previously owned by Mr. Matschkowsky and/or Mr. Archuleta.

In the process of preparing the application map, I encountered a discrepancy in terms of the relationship between the county road, irrigated acreage, North Myrtle Creek, and other features shown on the Final Proof Survey map.

I enclose a copy of the application map along with some of the reference material that I utilized in preparing the application map. I anticipate that Mr. Huerta will be submitting his application to your department in the near future.

Please give me a call if you should have any questions.

Very truly yours,



James F. Gosson, CWRE

Enclosures

cc: Tony Huerta

JFG/p

EXHIBIT A

BEGINNING at the East one 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 inch 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 inch iron rod; thence South 48° 14' 11" West 200.19 feet to a 5/8 inch iron rod; thence South 52° 45' 09" West 178.67 feet to a 5/8 inch iron rod; thence leaving said Easterly right of way line South 14° 08' 15" East 468.79 feet to a 1/2 inch iron rod; thence South 20° 27' 29" West 555.89 feet to a 1/2 inch iron rod; thence South 88° 50' 04" East 1155.12 feet to a 5/8 inch 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, 1269.98 feet to the point of beginning, situated in the Southeast one quarter of Section 23, Township 28 South, Range 4 West, Willamette Meridian, Douglas County, Oregon.

Order No. 21208

Yes  
a curve  
Says FP map  
is error  
see attached  
JAB  
3/21/90

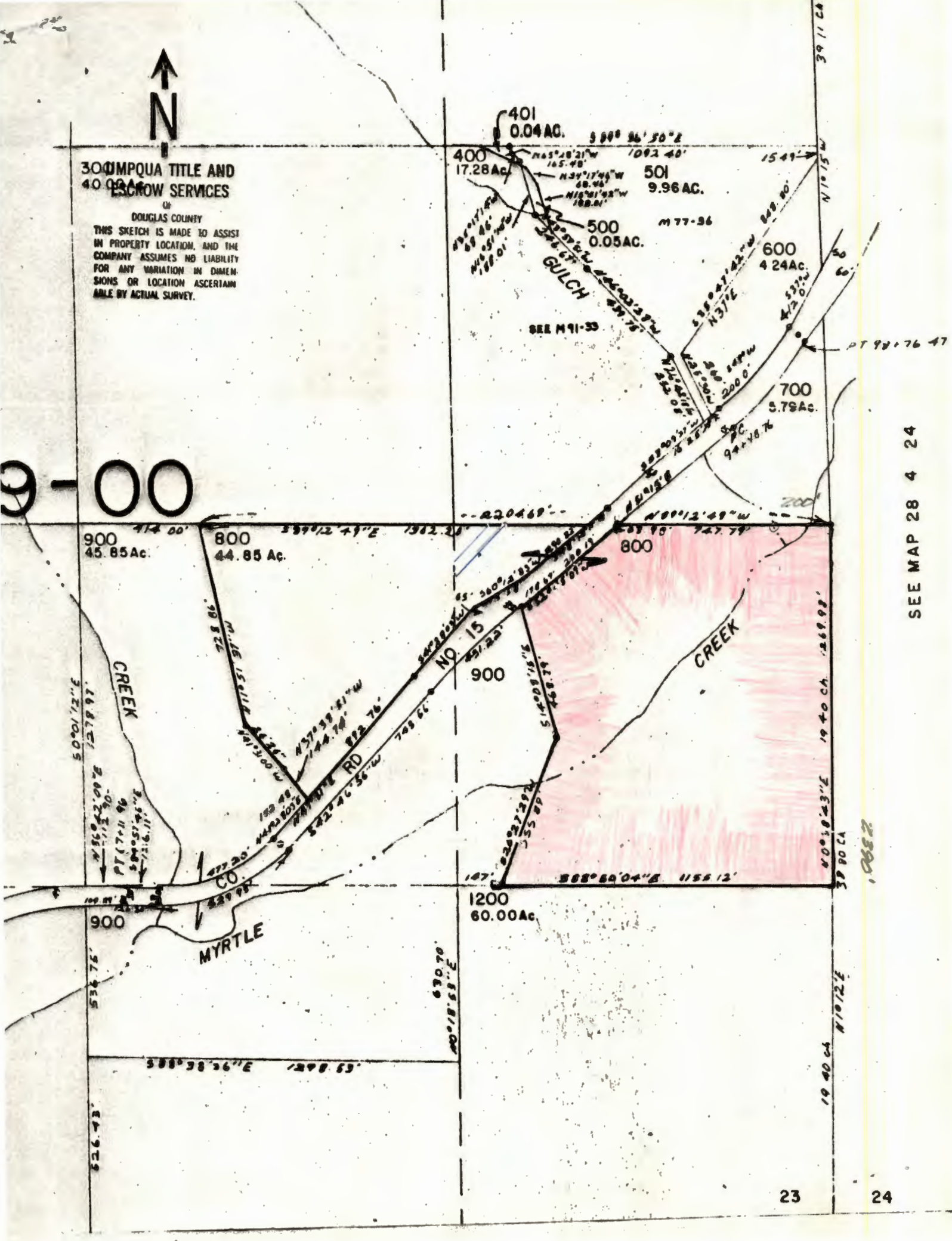


**300 PUMPUA TITLE AND  
400 ESCROW SERVICES**

OF  
DOUGLAS COUNTY

THIS SKETCH IS MADE TO ASSIST  
IN PROPERTY LOCATION, AND THE  
COMPANY ASSUMES NO LIABILITY  
FOR ANY VARIATION IN DIMEN-  
SIONS OR LOCATION ASCERTAIN-  
ABLE BY ACTUAL SURVEY.

9-00

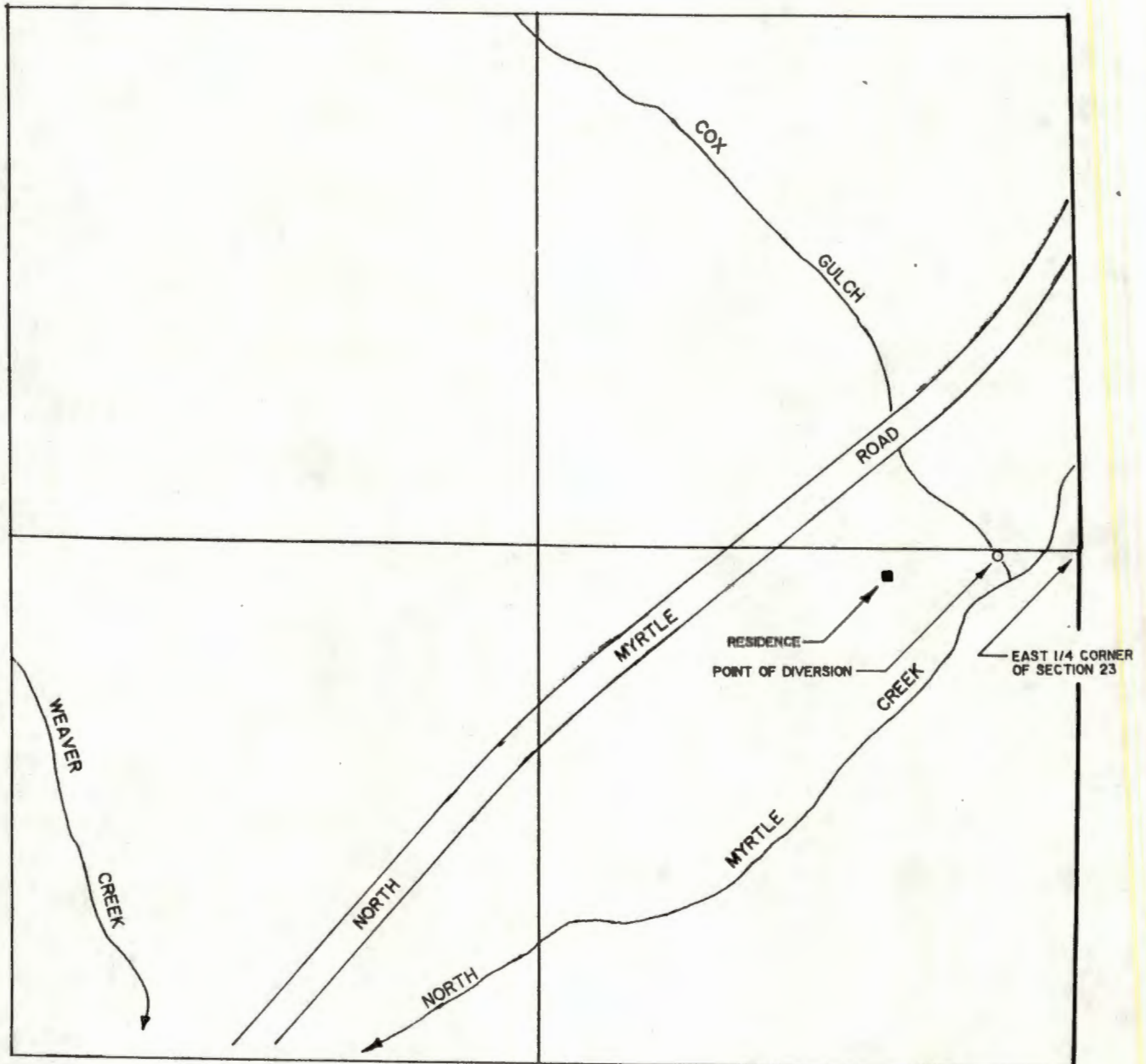


SEE MAP 28 4 24



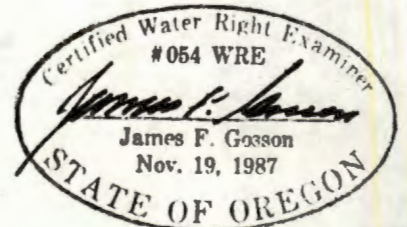
1 INCH = 400 FEET

APPLICATION MAP  
IN THE NAME OF TONY HUERTA  
SECTION 23, T28S, R4W, W.M.

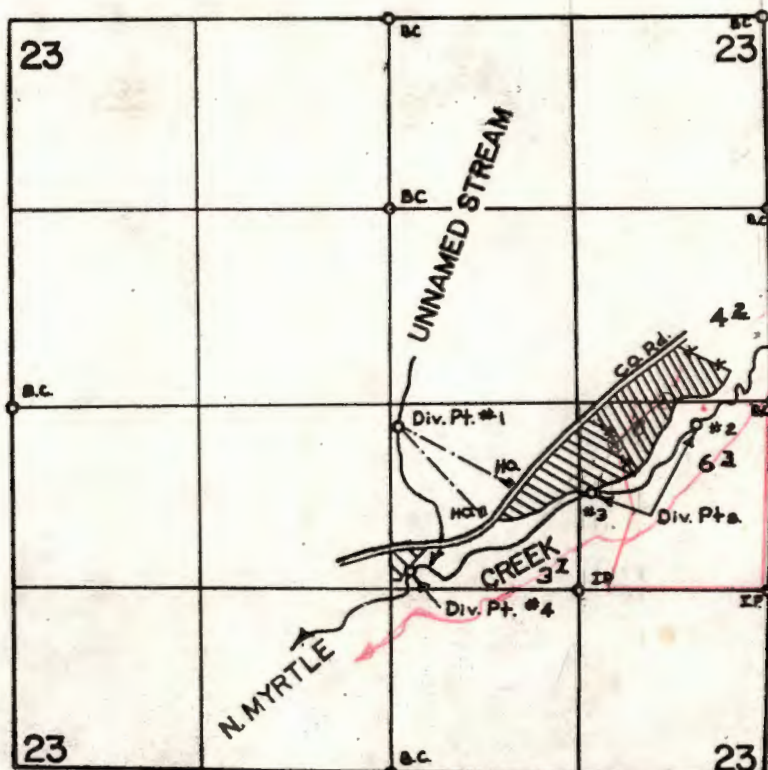


THE POINT OF DIVERSION IS TO BE LOCATED 15 FEET SOUTH AND 200 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 23, BEING WITHIN THE NE 1/4 OF THE SE 1/4 OF SECTION 23, TOWNSHIP 28 SOUTH, RANGE 4 WEST, W. M.

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.



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



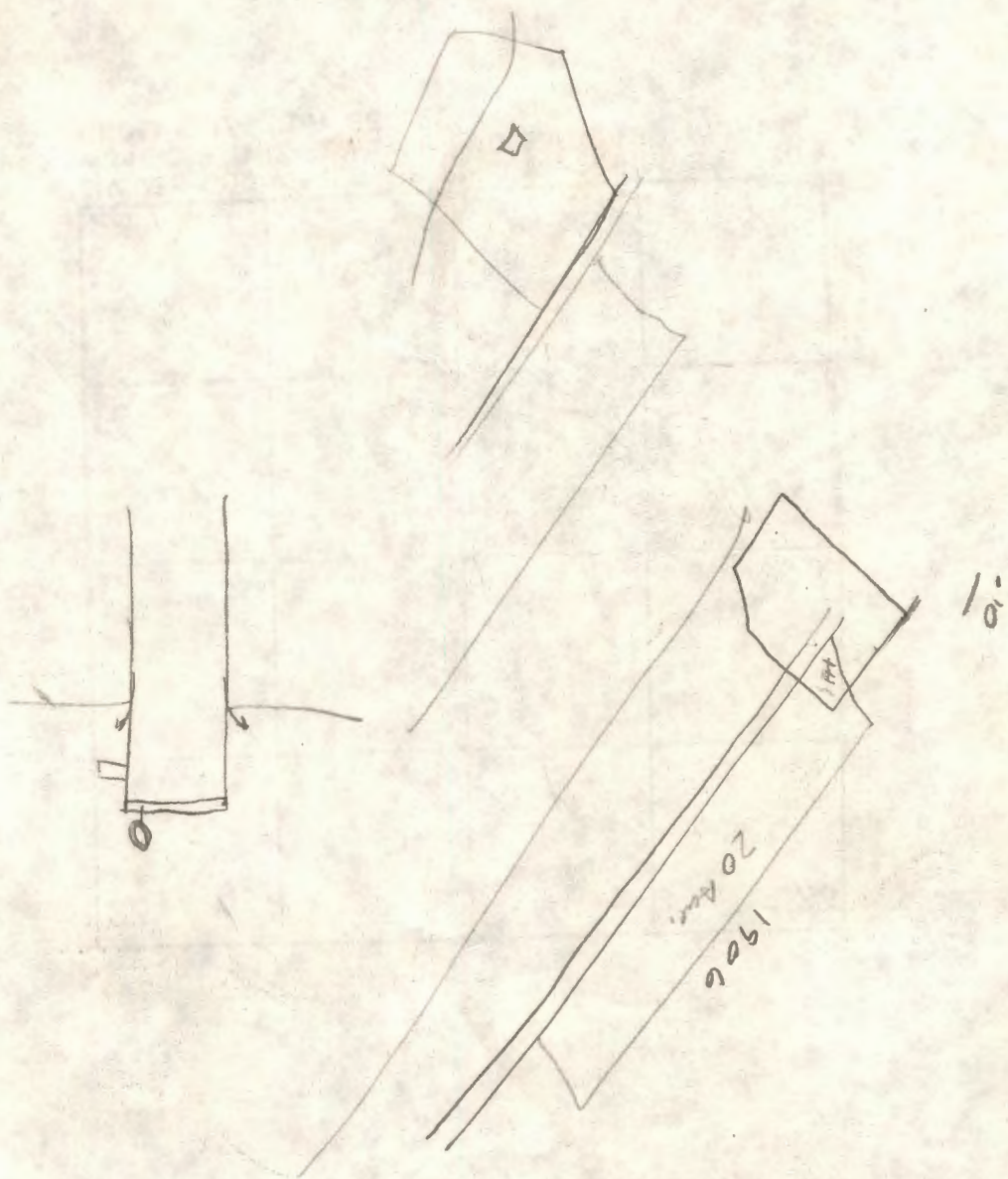
DIV. PTS. LOC: #1- 150' S. & 2580' W.; #2- 150' S. & 520' W.;  
 #3- 610' S. & 1240' W.; #4- 1130' S. & 2490' W.; ALL  
 FROM E. 1/4 COR. SEC. 23

# 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



3-27-80

Tom,  
Larry J. says OK  
Bruce

RECEIVED

MAR 25 1980

WATER RESOURCES DEPT  
SALEM, OREGON

File 49450  
Per 37043  
3-18-80

Bruce

Only one POD requested from Creek but we found three when surveyed. The downstream POD is more than  $\frac{1}{4}$  mile from intent & is below another stream.

Shouldn't we go with intent? They should request additional POD's.

Tom

M. John,

Will these add'l diversion points be a distribution problem? Why 2 so close?

My initial thought would be to disallow the lower field and diversion point unless you have reason not to.

Bruce

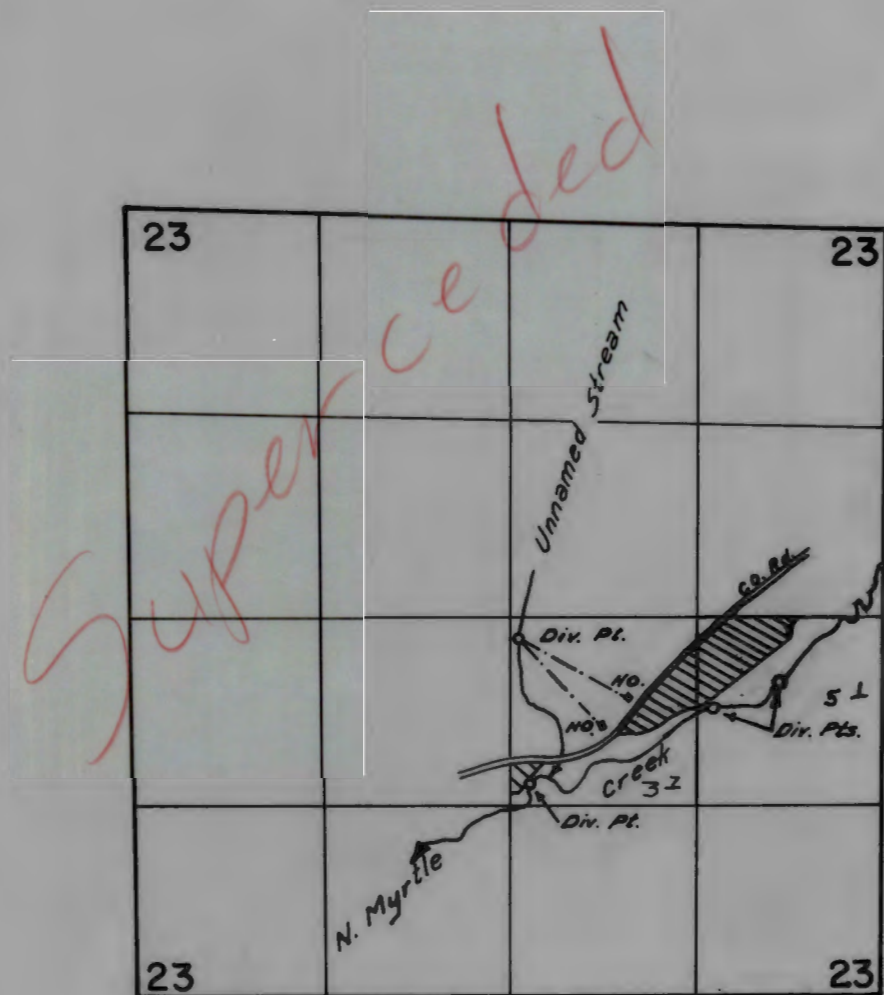
BRUCE E: (3-21-80)

Addition or deletion of P.O.D. + Acreage #4 will Not Pose Any Problems during distribution. Two owners result in Two P.O.D.'s on upper field. I suggest allowing All shown on map if possible.

m/n

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

SUPERSEDED



DIV. PTS. LOC: #1-150' S. & 2490' W.; #2-470' S. & 830' W.; #3-520' S. & 1170' W.; #4-1130' S. & 2410' W.,  
ALL FROM E. 1/4 COR. SEC. 23

**FINAL PROOF SURVEY**  
UNDER

Application No. 49450 Permit No. 37043  
IN NAME OF

**W. M. MATSCHKOWSKY & R. A. ARCHULETA**

Surveyed MAY 26 1977, by D. NORBY

# Abstract of Permit No. 37043

Application No. 49450

Certificate No.

NCR  
Jel

Name

Walter M. Matschkowsky & Rupert A. Archuleta

Address

M. Myrtle Rd., Box 296

Source of water supply

Myrtle Creek, Oregon 97457  
unnamed stream  
North Myrtle Creek & unnamed stream trib Umpqua River

Use

Domestic use for 2 families & irrigation of 8 ACRES

Point of diversion

N. Myrtle Cr. - 800' S. & 900' W. from the 1/4 corner of Sec. 23 & 24;

Number of acres

Unm. Str. - 900' S. & 20' E. of center of Sec. 23, being within, Cr. - SW 1/4 NE 1/4 SE 1/4 Str. - SW 1/4 NW 1/4 SE 1/4 of Sec. 23, T. 28 S., R. 4 W., W.M., in the county of Douglas

unnamed stream - 150' S. & 2500' W. Creek No. 4 - 1180' S. & 2400' W. No. 5 - 150' S. & 520' W. No. 6 - 610' S. & 1240' W.

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE all from E 1/4 Sec. 23

| Twp. | Range | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |
| 28S  | 4W    | 23   |        |        |        |        |        |        |        |        |        |        |        |        | 15     | 8 1/2  | 15     | 10     |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        | Dom    |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        | SW 1/4 |        | 4 3/4  |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 6 3/4  |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 14 2   |

Priority date

July 13, 1972

Amount of water

0.51 c.f.s., being 0.01 c.f.s. from unnamed stream for domestic use & 0.5 c.f.s. from N. Myrtle Cr. for irrig.

Time limit to begin construction

August 27, 1974 0.18

Time limit to complete construction

10-1-75 extended to

extended to

Time limit to completely apply water

10-1-76 extended to

extended to

Remarks:

This appropriation shall be limited to 1/80 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 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

7723A

INFO- Mrs. Archuleta & Mrs. Matschowsky

SOURCE- Unn. Str. for Domestic  
N. Myrtle Cr. for Irr.

Div. Pr. - Unn. Str. Pipe laying on small natural pool  
both use same div. pt.  
N. Myrtle Cr. - all direct (three points)  
2 1/2" by ones are Archuleta  
Most 2 1/2" by one is Matschowsky

MOTOR - Archuleta 1RR. Matschowsky 1RR. Domestic for both

A.D. Smith

Century

None  
gravity  
system

2 HP @ 3450

5 HP @ 3500

Also 2 HP Gas motor

Sta Rita 2 1/2" x 2

Pump - Sta Rita

Pacific

None

Cent D.D.

Cent DD

2 1/2" x 2

1 1/2" x 2

PIPE - 360' 2" Alum

2000' 3" Alum

2" Plastic

280' 2" Plastic

400' 3" Plastic

260' 1" garden hose

HEADS - 10 RB 30 3/16 x 3/32 15 RB 30 3/16 x 3/32  
(11 max)

LIFT - +10

+10 14# @ houses

use - Pasture

Pasture Hay Dam 2 fam  
Alfalfa

TE - Photo BIR - SHH - 66

$$\frac{(10)(6.6+3.4)}{450} = 0.25$$

$$\frac{(6.6)(2)}{115+10} = 0.11$$

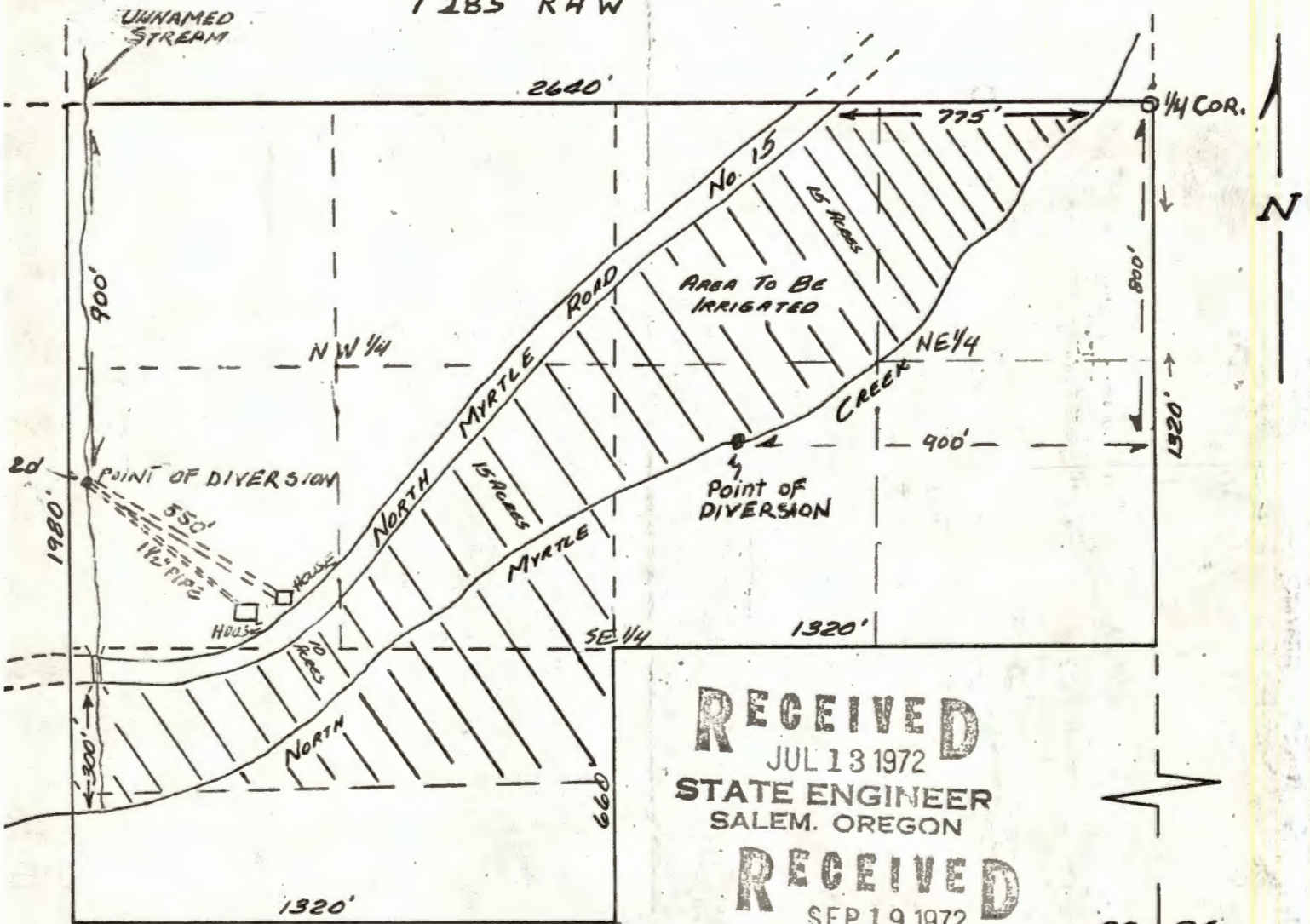
$$\frac{(11)(4.6)}{450} =$$

$$\frac{(6.6)(3)}{115+10} = 0.20$$

David Arby  
FE  
5-26-77

**WATER RIGHTS**  
**FOR**  
**RUPERT ARCHULETA & WALTER MATSCHKOWSKY**  
**T2B5 RHW**

**RECEIVED**  
 FEB 8 1973  
 STATE ENGINEER  
 SALEM, OREGON



**RECEIVED**  
 JUL 13 1972  
 STATE ENGINEER  
 SALEM, OREGON

**RECEIVED**  
 SEP 19 1972  
 STATE ENGINEER  
 SALEM, OREGON

23 | 24  
 26 | 25

**RECEIVED**  
 DEC 1 1972  
 STATE ENGINEER  
 SALEM, OREGON

**Application No. 49450**  
**Permit No. 37043**

SCALE 1" = 400'

Info : Mrs Matschkowsky & Mrs Archuleta They showed  
us the land the irr equip. and Div. Pt. Also the  
Property line between them

Div

Pumps

Motors

Pipe

Heads

Use

lift

Tie

See Norby's Report of 5/26/77  
Everything is the same

10/4/77

F E.

Dul Spoken

September 28, 1973

Walter M Matschkowsky  
and Rupert A. Archuleta  
N. Myrtle Rt. Box 295  
Myrtle Creek, OR 97457

49450

49450, permit No. 37043 with a map print.

49450

February 7, 1973

Walter M. Matschkowsky and  
Rupert A. Archuleta  
N. Myrtle Route, Box 295  
Myrtle Creek, OR 97457

Gentlemen:

This will acknowledge your corrected application numbered  
49450 and a reproducible map.

Your application is now in satisfactory form for approval  
by the issuance of a permit.

Very truly yours,

THOMAS E. SHOOK  
Assistant

TES:bjs

49450

December 6, 1972

Walter M. Matschkowsky  
Rupert A. Archuleta  
N. Myrtle Route, Box 295  
Myrtle Creek, OR 97457

Gentlemen:

We have recently received your application numbered 49450 and the reproducible map and a print. Thank you for sending the legal description of your property.

Please delete "No Name Spring" from item 1 of the application since your source of water is an unnamed stream, and insert "unnamed stream".

The description of the location of each diversion point must be shown on the map as it is given in item 4 of the application. It is also necessary to list, in item 4, the quarter-quarter section within which the diversion point from North Myrtle Creek is located. Please note that the information given within the space provided for remarks does not agree with the distances given in item 4.

I am returning the reproducible map and your application for correction and completion. Your application is endorsed so that in order to retain its priority date, it must be received in this office on or before February 6, 1973.

Very truly yours,

THOMAS E. SHOOK  
Assistant

TES:bjs  
Enclosures

49450

October 12, 1972

Walter M. Matschkowsky  
Rupert A. Archuleta  
N. Myrtle Route, Box 295  
Myrtle Creek, OR 97457

Gentlemen:

This will acknowledge application numbered 49450, a reproducible map, and the fees of \$11.50 for which our receipt numbered 30754 is enclosed.

The application names an unnamed spring as the source of water, but the map is apparently not in agreement with this. A spring is the point where the water first arises from the ground and if there is some type of collection basin at this point so that the water can be conveyed to the place of use by a pipeline or a ditch, the designation "spring" is correct. On the other hand, if you divert the water from a natural channel some distance from the spring, as your map indicates, then the source should be designated as "an unnamed stream".

If your source of water for domestic supply is the unnamed stream, item 4 will have to be amended to show this.

Regarding the information given in item 6(c), please give us the approximate number of feet that the pump will be moved upstream and downstream on North Myrtle Creek because portable pumping is generally not accepted and it might be necessary that you more fully describe the location of each diversion point.

Based on the information shown on the map, the place of use for domestic purposes is located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 23. If you agree, it will be necessary to insert "domestic" in item 8 next to the appropriate quarter-quarter section.

October 12, 1972

49450

If the source of water is not a spring, it will be necessary to delete this from item 10(b).

The description of each diversion point must be shown on the map as it is described in item 4 of the application.

You must submit a legal description of the property upon which the water will be used.

I am returning the reproducible map and the application for correction and completion. The application is endorsed so that in order to retain its priority date, it must be received in this office on or before December 11, 1972.

Very truly yours,

Thomas E. Shook  
Assistant

TES:bjs  
Enclosures

August 17, 1972

49450

Mr. Walter M. Matschkowsky  
Mr. Rupert A. Archuleta  
N. Myrtle Route, Box 295  
Myrtle Creek, OR 97457

Dear Mr. Matschkowsky & Mr. Archuleta:

This will acknowledge an application for a permit to appropriate 0.51 cubic foot of water per second for irrigation and domestic purposes being 0.50 cubic foot of water per second from North Myrtle Creek and 0.01 cubic foot of water per second from an unnamed spring, a reproducible map, and the fees of \$20 for which our receipt numbered 29616 is enclosed.

This application has been filed and numbered 49450.

The description of the location of the spring must be given in item 4 of the application. Each diversion point must be further described as being located within a quarter-quarter section of a section, township, and range.

If water is being pumped from the spring as well as from North Myrtle Creek, it will be necessary to describe each pump in item 6C. On the other hand, if you have a gravity flow system from the spring, please complete item 7C of the application.

As prepared, the application requires an examination fee of \$15 in addition to a domestic recording fee of \$10 and an irrigation recording fee for 40 acres of \$6.50. Although the \$20 has been applied to your application, it will be necessary to submit an additional \$11.50 to complete the recording fees for the application.

A legal description of the property upon which the water will be used must accompany the application. This can be copied from your deed, title insurance policy or sales contract.

Mr. Matschkowsky & Mr. Archuleta

-2-

For clarification, the township and range must be shown on the map along with the general direction of flow of the spring water and the pipeline from the spring to each house. The description of each point of diversion will have to be shown on the map as it is described in item 4 of the application. Although, I think your intent is to irrigate 10 acres within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 23, perhaps it would be more clear if the "10 acres" shown on the map were moved to be totally within the described quarter-quarter section.

I am returning the reproducible map and application for correction and completion. The application is endorsed so that in order to retain its priority date, it must be received in this office on or before October 16, 1972.

Very truly yours,

THOMAS E. SHOOK  
Assistant

TES:krc  
Enclosures



KNOW ALL MEN BY THESE PRESENTS, That

Paul L. Richardson and Cloy Lucille Richardson, husband and wife, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Walter M. Matschkowsky and Sigrid Matschkowsky, husband and wife 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 \_\_\_\_\_, State of Oregon, described as follows, to-wit:

The North  $\frac{1}{2}$  of the Southeast quarter, and the North  $\frac{1}{2}$  of the Southwest quarter of the Southeast quarter  $\frac{1}{4}$  situated in Section 23, Township 28 South, Range 4 West, Willamette Meridian.

RECEIVED  
DEC 1 1972  
STATE ENGINEER  
SALEM OREGON

Application No. 49450  
Permit No. 37043

Application No. 49450  
Permit No. 37043

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 \$ 4,000.

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which).<sup>①</sup>

In construing this deed the singular includes the plural as the circumstances may require.

Witness grantor's hand this 16th day of February, 1971.

Paul L. Richardson  
Cloy Lucille Richardson

California  
STATE OF OREGON, County of ALAMEDA ) ss. February 16, 1971  
Personally appeared the above named Paul L. Richardson and Cloy Lucille Richardson

and acknowledged the foregoing instrument to be their voluntary act and deed.

OFFICIAL SEAL  
JAMES A. PEARSON  
NOTARY PUBLIC - CALIFORNIA  
ALAMEDA COUNTY

Before me: Samuel A. Pearson  
Notary Public for Oregon California  
My commission expires 2/9/74

NOTE—The sentence "My Commission Expires Feb. 9, 1974" should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

## Bargain and Sale Deed

TO

AFTER RECORDING RETURN TO

(DON'T USE THIS SPACE: RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

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 \_\_\_\_\_ on page \_\_\_\_\_ Record of Deeds of said County.

Witness my hand and seal of County affixed.

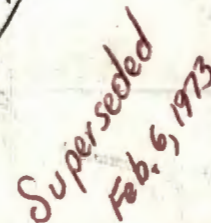
Title.

By \_\_\_\_\_ Deputy.

DEC 1 1972

# WATER RIGHTS FOR

UNNAMED  
STREAM



JUL 13 1972

RECEIVED  
SEP 10 1939

SEP 19 1972

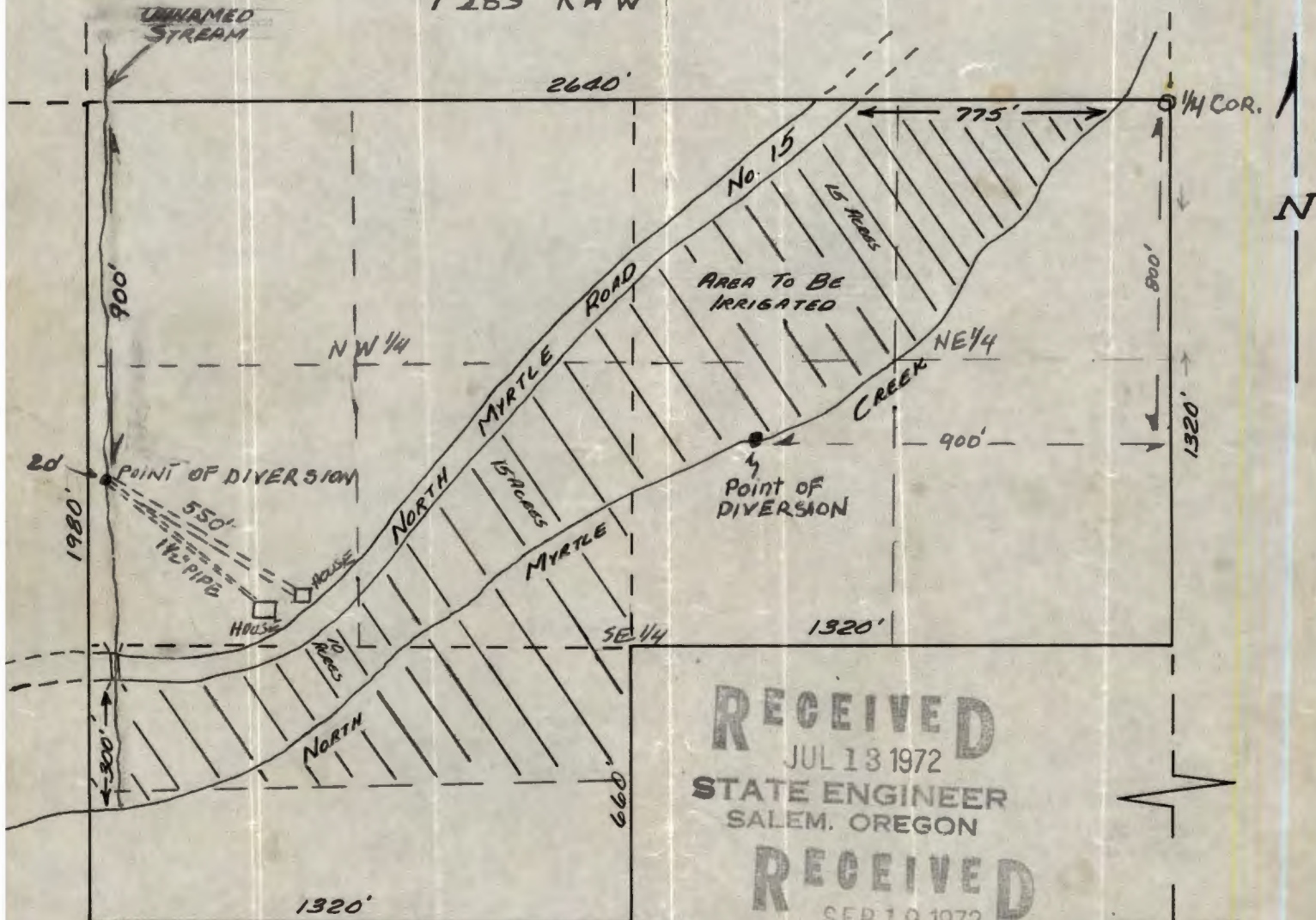
|           |   |           |
|-----------|---|-----------|
| <u>23</u> | 0 | <u>24</u> |
| 26        |   | 25        |

SCALE 1" = 400'

|           |   |           |
|-----------|---|-----------|
| <u>23</u> | 0 | <u>24</u> |
| 26        |   | 25        |

WATER RIGHTS  
FOR  
RUPERT ARCHULETA & WALTER MATSCHKOWSKY  
T2B5 RHW

RECEIVED  
FEB 6 1973  
STATE ENGINEER  
SALEM, OREGON



RECEIVED  
JUL 13 1972  
STATE ENGINEER  
SALEM, OREGON

RECEIVED  
SEP 19 1972  
STATE ENGINEER  
SALEM, OREGON

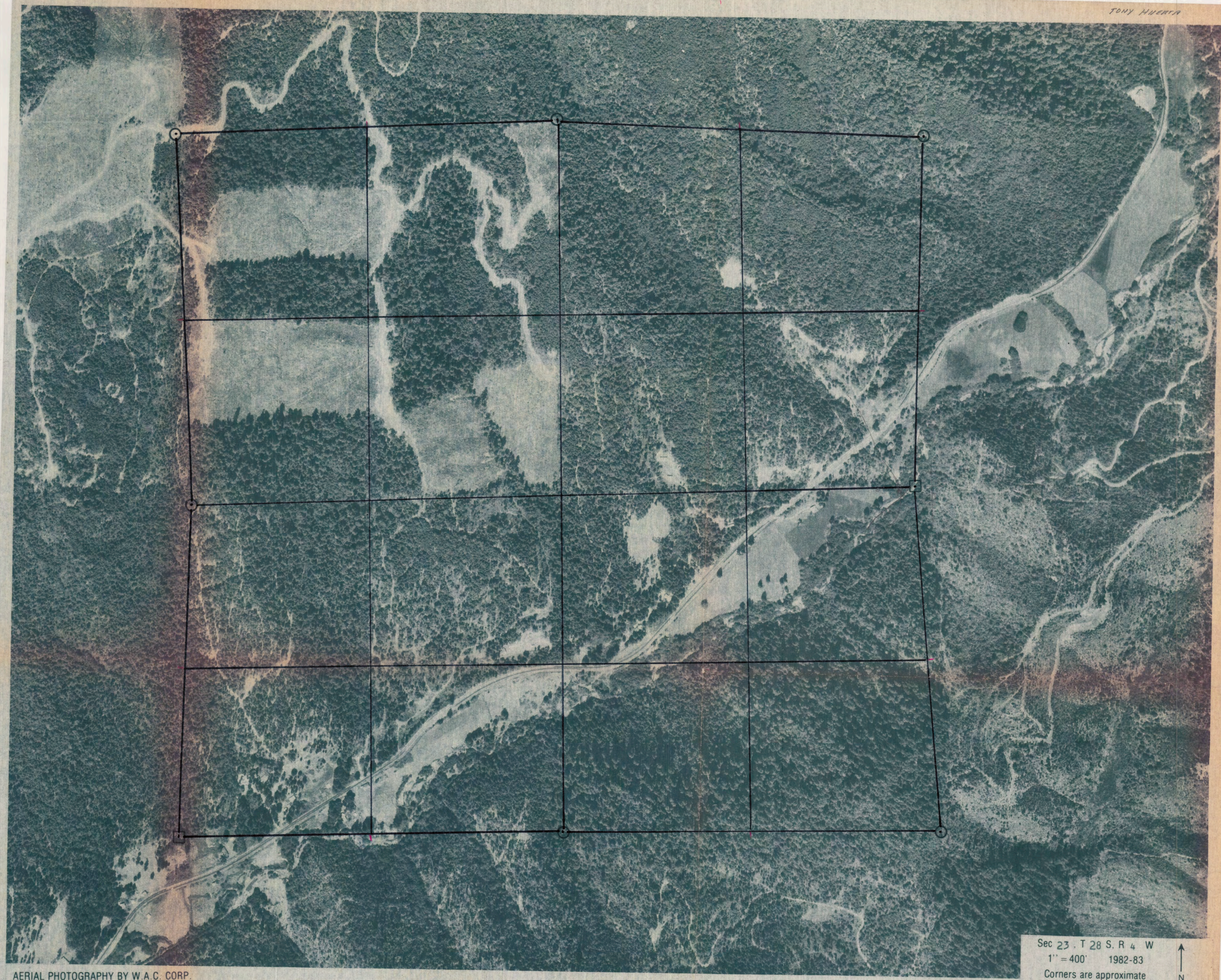
23 24  
26 25

Application No. 49450  
Permit No. 37043

SCALE 1" = 400'

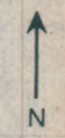
RECEIVED  
DEC 1 1972  
STATE ENGINEER  
SALEM, OREGON

Tony Huerfano



AERIAL PHOTOGRAPHY BY W.A.C. CORP.

Sec 23, T 28 S, R 4 W  
1" = 400' 1982-83  
Corners are approximate



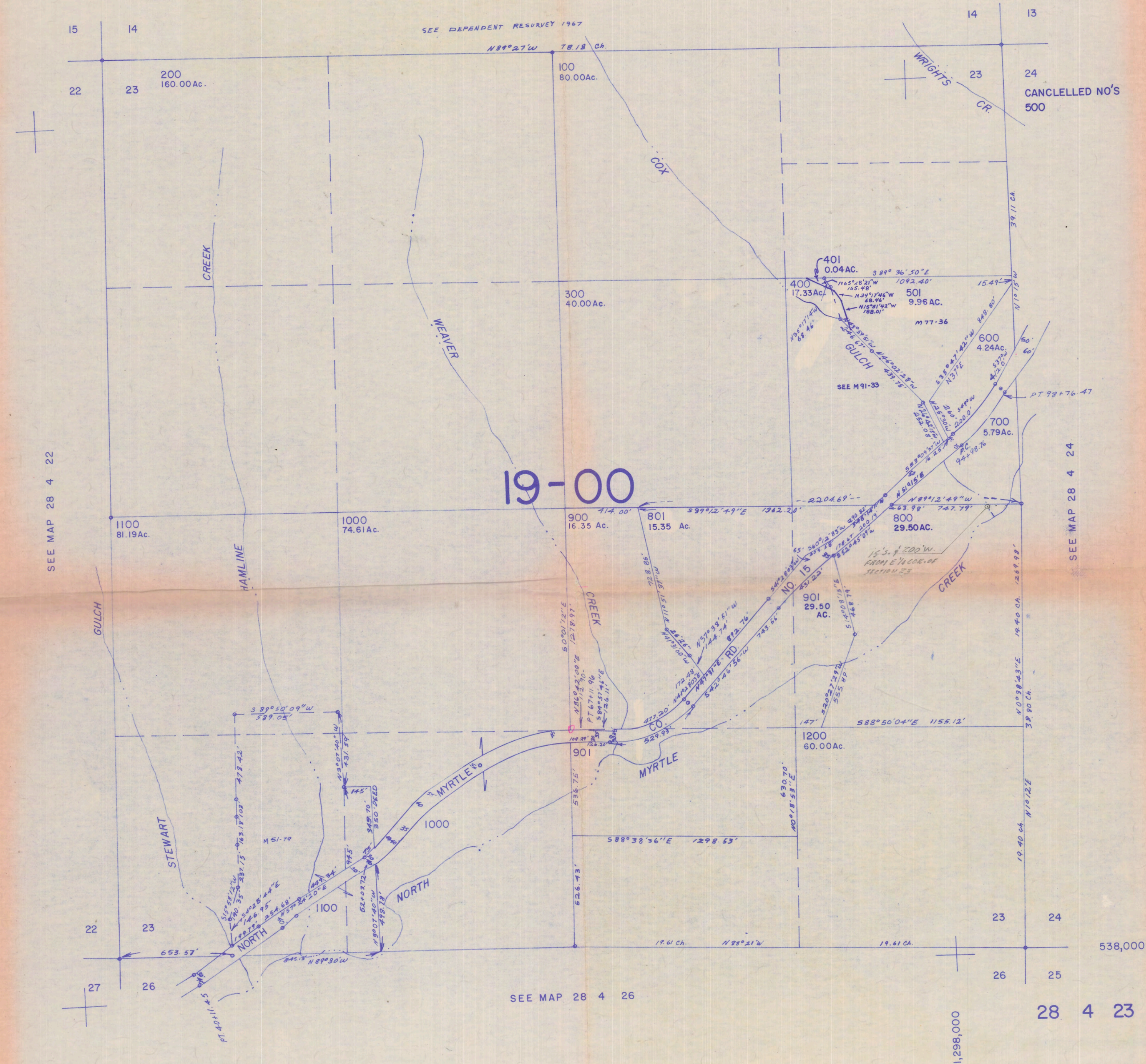
TONY HUERTA

SECTION 23 T.28S. R. 4 W.W.M.  
DOUGLAS COUNTY  
1" = 400'

28 4 23

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY.

SEE MAP 28 4



| FINAL<br>SURVEY | BY | DATE |
|-----------------|----|------|
| SURVEYED        |    |      |
| PLOTTED         |    |      |
| TEMPLATE        |    |      |
| AREAS           |    |      |
| CHECKED         |    |      |
| NO.             |    |      |

