

Katherine H. Shoemaker  
2212 P.O. Box 56

2913

STATUS OF APPLICATION

Change in Point of Diversion  
Date filed November 2, 1973  
Date of hearing 3-19-74  
Place of hearing Roseburg  
Date of order 3-19-74 Vol. 24, page 189  
Date for application of water 10-1-74  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued OCT 18 1976 Vol. 35, page 43745  
NOV 23 1976 36 43955

DESCRIPTION OF WATER RIGHT

Name of stream CANYON Creek  
Trib. of \_\_\_\_\_ County of Douglas  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 0.5  
Name of ditch \_\_\_\_\_  
Date of priority February 10, 1912  
In name of T.C. Shaw, E.W. Elliott & Mrs. Mary Dole  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 2075 Per. No. 1077 Cert. No. 1306  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEEES PAID

Date	Amount	Receipt No.
<u>11-2-73</u>	<u>30.00</u>	<u>37282</u>
<u>11-2-73</u>	<u>45.00 P.O.N.</u>	<u>37283</u>
TOTAL . . .		
<u>2-14-74</u>	<u>\$300 Cert. Fee</u>	<u>From P.O.N.</u>

FEEES REFUNDED

Date	Amount	Check No.
<u>2-14-74</u>	<u>\$1300 P.O.N.</u>	<u>5659</u>

REMARKS

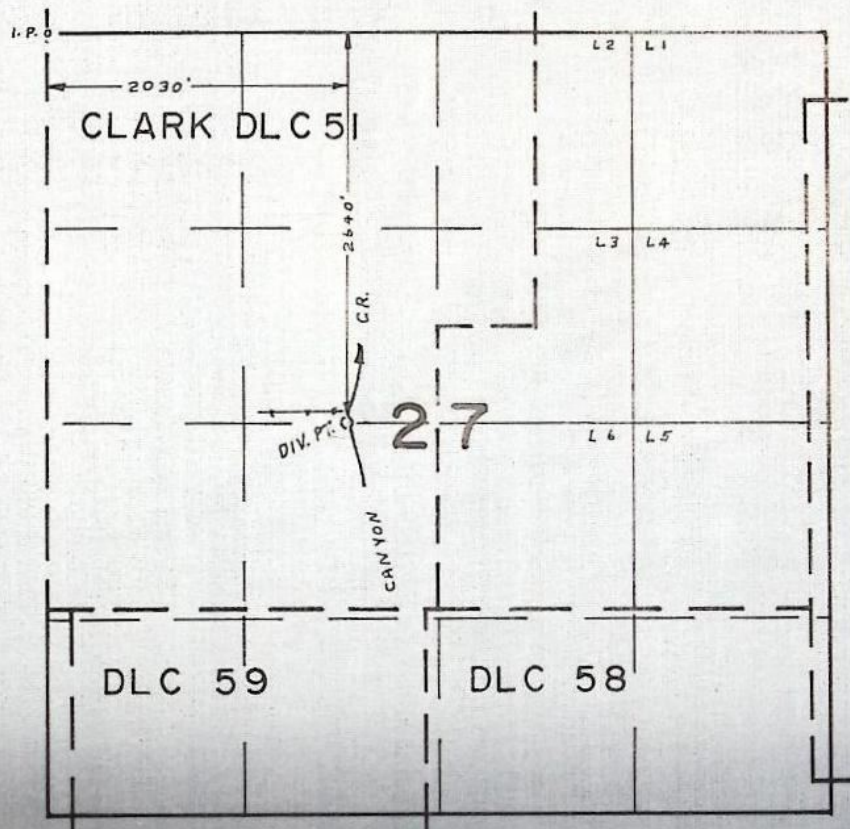
Property purchased by Owen Downhill, Jr. P.O. Box 859, Canyonville,  
see Youngquist ltr 8/16/74

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>WH</u>	_____
<input checked="" type="checkbox"/>	Stream	<u>WH</u>	_____
<input checked="" type="checkbox"/>	Pt. of Div.	<u>WH</u>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Calendar	<u>WH</u>	_____
<input checked="" type="checkbox"/>	CHECKED TO RECORDS:		
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>WH</u>	_____
<input type="checkbox"/>	Decree-vault	_____	_____
<input type="checkbox"/>	Decree-sale	_____	_____
<input checked="" type="checkbox"/>	Cert. of v. R.	<u>WH</u>	_____
<input checked="" type="checkbox"/>	Per. Folder	<u>WH</u>	_____
<input type="checkbox"/>	Chaindex	_____	_____
<input type="checkbox"/>	Cross Ref.	_____	_____
<input type="checkbox"/>	Power Claim	_____	_____
<input type="checkbox"/>	Abstracts	_____	_____

801



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



## FINAL PROOF SURVEY UNDER

Transfer No. 2913

Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

OWEN DOWNHILL, JR.

Surveyed OCT. 21 1975, by LH NUNN



76-18330

STATE OF OREGON

BOOK 616 PAGE 43

COUNTY OF

DOUGLAS

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

T. C. SHAW, E. W. ELLIOTT, AND  
MRS. MARY ODLE

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

a tributary of Umpqua River  
irrigation of 23.5 acres

for the purpose of

under Permit No. 1077 and that said right to the use of said waters has been perfected in  
accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from  
February 10, 1912  
that the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed  
0.294 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 SW $\frac{1}{4}$ , Section 27, T. 30 S., R. 5 W., W. M., 14  
rods S. 20 rods W. from the NE Corner, J. Roberts DLC 59.

The amount of water used for irrigation, together with the amount secured under any other  
right existing for the same lands, shall be limited to of one cubic foot per second  
per acre,

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

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

18.0 acres W $\frac{1}{2}$  NW $\frac{1}{4}$   
2.0 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$   
3.5 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 27  
T. 30 S., R. 5 W., W. M.

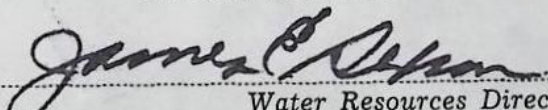
This certificate describes that portion of the water right confirmed by the prior  
certificate recorded at Page 1306, Volume 2, State Record of Water Right  
Certificates, NOT modified by the provisions of an order of the State Engineer  
entered on March 19, 1974.

The issuance of this superseding certificate does not confirm the status of the  
water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place  
of use herein described, and is subject to the existing minimum flow policies established  
by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. October 18, 1976

  
Water Resources Director



2<sup>nd</sup>CERTIFICATE OF  
WATER RIGHT

STATE OF OREGON

to

STATE OF OREGON,

County of DOUGLAS ss.

I CERTIFY, that the within was received  
and duly recorded by me in Volume .....  
of Record of Water Right Certificates, at  
page ..... on the 10th day  
of Nov., 1976.

11:37 AM

DORIS L. WADSWORTH

County Clerk

Mary L. Seal Deputy



STATE OF OREGON

WATER DIVISION NO.

1

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

*Owen Downhill Jr.*  
*PO Box 859,*  
This is to Certify, That ~~W. C. SHAW, E. T. ELLIOTT and MRS. MARY ODLE~~  
of Canyonville, State of Oregon *97417*, has made proof  
to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the  
waters of Canyon Creek, a tributary of Umpqua River

, for the purpose of ~~the irrigation of 24 acres of land~~ *0.5*

under Permit No. 1077 of the State Engineer, and that said right to  
the use of said waters has been perfected in accordance with the laws of Oregon and  
duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1,

at page 236, on the 8th day of February, 1917; that the priority of

the right hereby confirmed dates from February 10, 1912; that the amount of  
water to which such right is entitled and hereby confirmed, for the purposes aforesaid,  
is limited to an amount actually beneficially used for said purposes, and shall not

*0.006*  
exceed ~~0.30~~ cubic feet per second, or its equivalent in case of rotation. The use  
under shall conform to any reasonable rotation system ordered by the proper State Officer.  
A description of the lands under such right, and to which the water hereby  
confirmed is appurtenant, or, if for other purposes, the place where such water is put  
to beneficial use, is as follows: 4 acres in the North half of Northeast quarter of  
Southwest quarter; 19 acres in the West half of Northwest quarter and 2 acres in the  
Southwest quarter of Southeast quarter of Northwest quarter of Section Twenty-seven  
Township Thirty (30) South, Range Five (5) West of Willamette Meridian, in Douglas  
County, Oregon.

*Div Pt.*

*NESW Sec 27 T30S R5W WM  
2640' N & 2030' E NW COR 27*

*0.5 acre NE SW*

*Sec 27  
T 30 S R 5 W WM*

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

the use of water for power purposes are limited to a period of forty  
as herein set forth, subject to a preference  
of the right for

This certificate is issued to confirm a change in *pt of div* approved by an order  
of the State Engineer entered *March 19, 1974* *together w/cert. 43745*, and supersedes certificate of water  
right heretofore issued to *above*, and recorded at page *1306*, Volume  
*2*, State Record of Water Right Certificates.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS  
State Engineer, President

Attest: M. F. MERS  
Secretary

Recorded in State Record of Water Right Certificates, Volume 2, Page 1306



BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION }  
OF KATHARINE A. SHOEMAKER FOR THE }  
APPROVAL OF A CHANGE IN POINT OF }  
DIVERSION OF WATER FROM CANYON }  
CREEK }

ORDER APPROVING  
TRANSFER NO. 2913

On November 2, 1973, Katharine A. Shoemaker filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Canyon Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to T. C. Shaw, E. W. Elliott, and Mrs. Mary Odle and recorded at page 1306, Volume 2, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.30 cubic foot per second of water from Canyon Creek for the irrigation of, among other lands, 0.5 acre in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 27, Township 30 South, Range 5 West, W.M., with a date of priority of February 10, 1912. These lands are irrigated from a point of diversion located 1200 feet South and 200 feet West from the center of Section 27, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 27, Township 30 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 85 feet South and 530 feet West from the center of Section 27, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 27, Township 30 South, Range 5 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Roseburg, Oregon on March 19, 1974 at 9:30 a.m.



The notice was published in the Myrtle Creek Mail, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of January 24, 31 and February 7, 1974. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. M. John Youngquist, Watermaster of District No. 15, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Canyon Creek, to wit:

From a point located 1200 feet South and 200 feet West from the center of Section 27, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 27, Township 30 South, Range 5 West, W.M.

To a point to be located 85 feet South and 530 feet West from the center of Section 27, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 27, Township 30 South, Range 5 West, W.M.

for the irrigation of 0.5 acre in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 27, Township 30 South, Range 5 West, W.M., with a date of priority of February 10, 1912, 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, 1974.

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, and shall not exceed 0.006 cubic foot per second.



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

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

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

It is FURTHER ORDERED that certificate of water right heretofore issued to T. C. Shaw, E. W. Elliott and Mrs. Mary Odle and recorded at page 1306, Volume 2, 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 Katharine A. Shoemaker confirming the change in point of diversion.

Dated at Salem, Oregon this 19th day of March, 1974.

/s/ CHRIS L. WHEELER  
State Engineer



RECEIVED

FEB 13 1974

STATE ENGINEER  
SALEM, OREGON

**NOTICE OF FILING  
APPLICATION FOR CHANGE  
IN POINT OF DIVERSION**

Notice is given hereby that Katharine A. Shoemaker has filed an application for the approval of a change in point of diversion of water from Canyon Creek.

Certificate of water right issued to T. C. Shaw, E. W. Elliott and Mrs. Mary Olde and recorded at page 1306, Volume 2, State Record of Water Right Certificates, confirms a right to the use of 0.30 cubic foot per second of water from Canyon Creek for the irrigation of, among other lands, 0.5 acre in the NE 1/4 SW 1/4, Sec. 27, Tp. 30 S., R. 5 W., W.M., with a date of priority of February 8, 1917. Water for this use is diverted from a point located 1200 ft. S. and 200 ft. W. from the center of Sec. 27, being within NE 1/4 SW 1/4, Sec. 27, Tp. 30 S., R. 5 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate 0.5 acre from a point of diversion to be located 85 ft. S. and 520 ft. W. from the center corner of Sec. 27, being within the NE 1/4 SW 1/4, Sec. 27, Tp. 30 S., R. 5 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse in Roseburg, Oregon on March 19, 1974 at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Katharine A. Shoemaker, P.O. Box 56, Canyonville, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 11th day of January, 1974.

CHRIS L. WHEELER  
State Engineer

39-3c

**Affidavit of Publication**

STATE OF OREGON

COUNTY OF DOUGLAS

ss.

I, Hal W. Schiltz, being first duly sworn, say that I am the owner of the MYRTLE CREEK MAIL.

That said Myrtle Creek Mail is a weekly newspaper published and issued weekly and regularly at Myrtle Creek, Douglas County, State of Oregon, and is of general circulation in said county and state; that said Myrtle Creek Mail is made up of four pages, or more, of seven columns each and with type matter of a depth of twenty inches, and has more than 200 bona fide subscribers living within Douglas County, Oregon; that said Myrtle Creek Mail has been established and regularly and uninterruptedly published in Douglas County, Oregon, at least once a week during a period of more than twelve consecutive months immediately preceding the first publication of the

*Notice of Filing*

hereinafter referred to, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues:

*Jan. 24, 31, Feb. 7, 1974*

That the said Notice was published in the regular and entire issue of said newspaper during the period and times of publication, and was published in the newspaper proper and not a supplement.

That the fee actually charged by such newspaper for such publication is

\$ *29-*

*Hal W. Schiltz*  
Hal W. Schiltz

SUBSCRIBED AND SWORN TO before me this 11th day of

*February*, 19 *74*

*Harold E. Antell*  
Notary Public for Oregon

My Commission Expires: *11-11-75*