

2812 Frank Guido
Rt. 3, Box 449
Kasane, Ore. 97470

2812

STATUS OF APPLICATION

Change in Place of Use
Date filed MAY 14, 1973
Date of hearing _____
Place of hearing _____
Date of order 12-21-73 Vol. 23, page 481-2
Date for application of water 10-1-74
Proof mailed _____
Proof received _____
Certificate issued OCT 18 1976 Vol. 35, page 43742

DESCRIPTION OF WATER RIGHT

Name of stream South Umpqua River
Trib. of _____ County of Douglas
Use Irrigation
Quantity of water _____ No. of acres 38[±]
Name of ditch _____
Date of priority MAR. 24, 1955
In name of Busenbark Bros.
_____ Adjudication, Vol. _____, page _____
App. No. 29833 Per. No. 23462 Cert. No. 28555
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-14-73</u>	<u>21.35</u>	<u>33788</u>
TOTAL . . .		
<u>9-20-76</u>	<u>\$2</u> Cert. Fee	<u>56103</u>

FEES REFUNDED

Date	Amount	Check No.

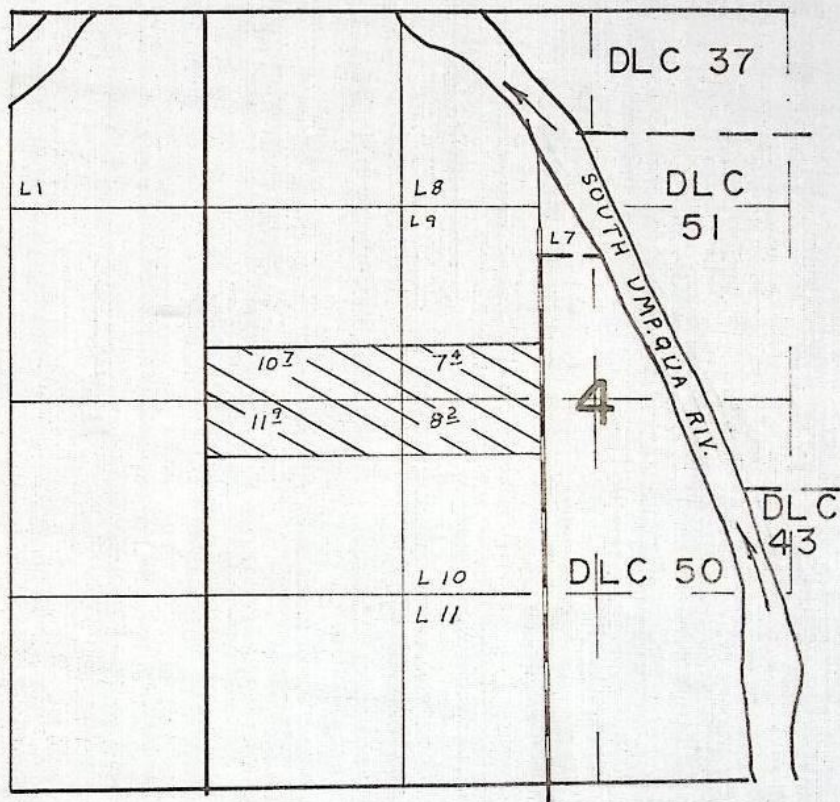
REMARKS

proof mailed SEP 16 1976

INDEX CARDS:		Entered	Checked
	Name	<u>WH</u>	
	Stream	<u>WH</u>	
	Pt. of Div.		
	Calendar	<u>WH</u>	
CHECKED TO RECORDS:			
	Top. & Rge.	<u>WAC</u>	
	Deed-vault		
	Deed-vault		
	Cert. or W/R	<u>WAC</u>	
	Per. folder	<u>WAC</u>	
	Chaindex		
	Cross Ref.		
	Power Claim		
	Abstracts		

704

T.27S. R.6W. W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2812

Application No. _____ Permit No. _____
IN NAME OF

FRANK GUIDO

Surveyed SEP. 30 1975, by L.H. NUNN

Superseded by

Cert. No.

Spec. Or. V. 23, 41

STATE OF OREGON
COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **FRANK GUIDO**

~~c/o Dale Busenbark~~ **BUSENBARK BROS.**
of Rt. 3, Box 470, ⁵⁹⁵ Roseburg, State of Oregon ⁹⁷⁴⁷⁰, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
South Umpqua River

a tributary of Umpqua River
~~the~~ irrigation of 54.9 acres

for the purpose of

under Permit No. 23462 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 March 24, 1955

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
0.69 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 8 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 4, T. 27 S., R. 6 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:

27.4 SWNW	2.2 acres Lot 8 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
7.4 Lot 9 (SE NW)	3.2 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
8.2 Lot 10 (NE SW)	29.8 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
11.9 NW SW	19.7 acres Lot 9 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
	Section 4
	T. 27 S., R. 6 W., W.M.

38 $\frac{1}{2}$ ac. first

This certificate is issued to confirm a change in place of use of water from the South
Umpqua River ^{SE} as well as
approved by an order of the Water Resources Director entered Dec 21, 1973 including
the balance of the right not involved in this proceeding
and supersedes certificate of water right issued to ABOVE
and recorded at Page 28535, Volume 20, State Record of Water Right Certificates.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 20, page 28555

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION
OF FRANK GUIDO FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE OF
WATER FROM SOUTH UMPQUA RIVER

ORDER APPROVING
TRANSFER NO. 2812

On May 14, 1973, Frank Guido filed an application in the office of the State Engineer for the approval of a change in place of use of water from South Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Busenbark Bros. and recorded at page 28555, Volume 20, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.69 cubic foot per second of water from South Umpqua River for the irrigation of, among other lands, 2.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 3.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 13.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 19.7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 27 South, Range 6 West, W.M., with a date of priority of March 24, 1955. These lands are irrigated from a point of diversion located 1310 feet South and 2380 feet East from the Northwest corner of Section 4, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 27 South, Range 6 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 10.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 7.1 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 8.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 11.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 27 South, Range 6 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. J. John Youngquist, Watermaster of District No. 15, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

The Federal Land Bank Association of Roseburg, Oregon, as mortgagee, has submitted written approval of the proposed change in place of use.

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

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 2.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 3.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 13.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 19.7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 27 South, Range 6 West, W.M., with a date of priority of March 24, 1955, be severed therefrom and simultaneously and without loss of priority transferred to 10.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 7.1 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 3.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 11.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 27 South, Range 6 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

It is FURTHER ORDERED that certificate of water right heretofore issued to Busenbark Bros. and recorded at page 28555, Volume 20, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Frank Guido confirming the extent to which the water has been applied beneficially, and including the balance of the right not involved in this proceeding.

Dated at Salem, Oregon, this 21st day of December, 1973.

/s/ CHRIS L. WHEELER
State Engineer