

2534 Everett M. Shelby,
Rt. 1, Box 117-D,
Riddle, Ore. 97469

STATUS OF APPLICATION

Change in Point of Diversion
Date filed June 14, 1971
Date of hearing _____
Place of hearing _____
Date of order 9-20-71 Vol. 21, page 224
Date for application of water 10-1-72
Proof mailed _____
Proof received _____
Certificate issued FEB 26 1974 Vol. 31, page 39825

DESCRIPTION OF WATER RIGHT

Name of stream Ash Creek
Trib. of - County of Douglas
Use Irrigation
Quantity of water 0.08 cfs No. of acres 5.5
Name of ditch -
Date of priority September 6, 1957
In name of Everett M. Shelby
_____ Adjudication, Vol. _____, page _____
App. No. 31851 Per. No. 25111 Cert. No. 27779
Certificate cancelled _____
Notation made on record by slw

FEES PAID

Date	Amount	Receipt No.
<u>6-14-71</u>	<u>25.00</u>	<u>24053</u>
TOTAL . . .	<u>1.50</u>	
<u>1-31-74</u>	\$1 Cert. Fee	<u>38479</u>

FEES REFUNDED

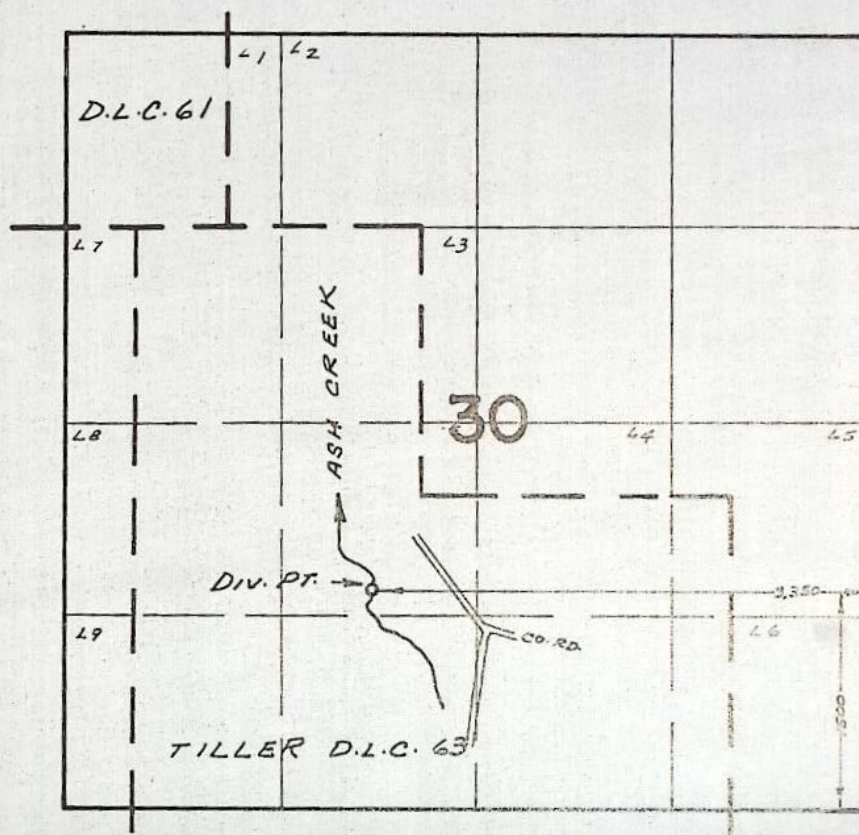
Date	Amount	Check No.

REMARKS

- FINIS -

TO BE ENTERED WILL BE CHECKED	INDEX CARDS:		Entered	Checked
	Name		<u>slw</u>	___
	Stream		<u>slw</u>	___
	Pt. of Div.		-	___
	Calc.		-	___
	CHS		<u>slw</u>	___
	Twp		<u>slw</u>	___
	Dec.		-	___
	Dec.		-	___
	Cert.		<u>slw</u>	___
	Per. Cert.		<u>slw</u>	___
	Chain		-	___
	Cross		-	___
	Pow.		-	___
	Abstracts		-	___

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



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2534
Application No. _____ Permit No. _____
IN NAME OF

_____EVERETT M. SHELBY_____

Surveyed MAY 11, 1972, by R. MUCKEN

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR
CHANGE IN POINT OF DIVERSION OF WATER

DR.
R. G. M.

[illegible]

INFO: Mrs. Shelby

On. the same area as from last div. just.
Moved div. pt. upstream a ways.

CHANGE IN POINT OF DIVERSION OF WATER

Div. - Bulldozer a small rock dam across cr.

PIPE - 620' - 2" ALUM.

HEADS - 5 - $\frac{3}{16} \times 0$

ALL MAX.

2 - $\frac{1}{4} \times 0$

PUMP - D.D. CENTR. CORNELL $1\frac{1}{2}'' \times 1\frac{1}{4}''$

MOTOR - GE $\frac{1}{2}$ HP @ 34.50 R.P.M.

TIE - N. INTERIOR "2" COR. D.L.C. 63, A B.C.

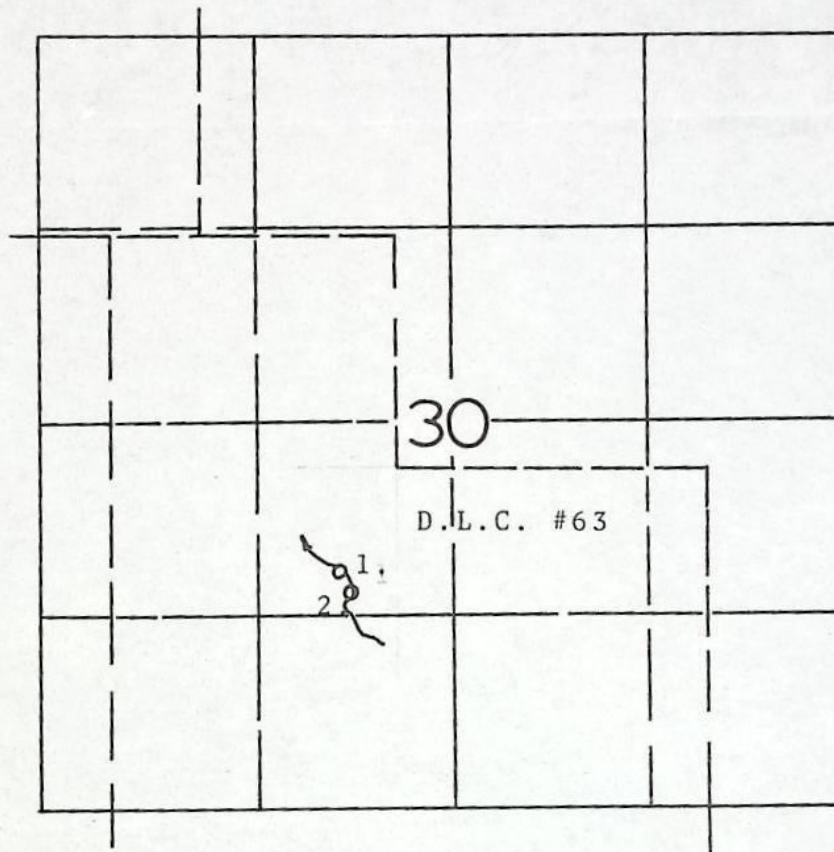
NOTE - DISREGARDED TIE ON THIS
DRAFTED TO AGREE WITH
APPL. 31851 & APPL. 41350

5-11-77

F.L.D. ENCR.

R. S. Mullen

T30S R5W



- 1- Old P.O.D.-690' S. & 360' W.
- 2- New P.O.D.-840' S. & 325' W.

Both from the North interior corner of D.L.C. #63.

RECEIVED
JUN 14 1971
STATE ENGINEER
SALEM, OREGON

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF EVERETT M. SHELBY FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM ASH CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. 2534

On June 14, 1971, Everett M. Shelby filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Ash Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Everett M. Shelby and recorded at page 27779, Volume 20, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.08 cubic foot per second of water from Ash Creek for the irrigation of 5.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.3 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 30 South, Range 5 West, W.M., with a date of priority of September 6, 1957. These lands are irrigated from a point of diversion located 690 feet south and 360 feet west from the north interior corner of DLC No. 36 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, 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 840 feet south and 325 feet west from the north interior corner of DLC No. 36 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 30 South, Range 5 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. M. John Youngquist, Watermaster of District No. 15, has filed a report to the effect that the proposed change in point of diversion 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 proposed change in point of diversion of water from Ash Creek, to-wit:

From a point located 690 feet south and 360 feet west from the north interior corner of DLC No. 36 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 30 South, Range 5 West, W.M.

To a point to be located 840 feet south and 325 feet west from the north interior corner of DLC No. 36 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 30 South, Range 5 West, W.M.

for the irrigation of 5.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.3 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 30 South, Range 5 West, W.M., with a date of priority of September 6, 1957, 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, 1972.

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 0.08 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 Everett M. Shelby and recorded at page 27779, Volume 20, State Record of Water Right Certificates, is canceled 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 Everett M. Shelby confirming the change in point of diversion.

Dated at Salem, Oregon, this 20th day of September, 1971.

/s/ CHRIS L. WHEELER
State Engineer



**STATE
ENGINEER**

RECEIVED
SEP 17 1971
STATE ENGINEER
SALEM OREGON

WATER RESOURCES DEPARTMENT

1144 S. E. DOUGLAS AVENUE • ROSEBURG, OREGON 97470 • PHONE 672-3311

TOM McCALL
GOVERNOR

CHRIS L. WHEELER
State Engineer

September 15, 1971

FILE NO. 2534

Chris L. Wheeler
State Engineer
1178 N.E. Chemeketa St.
Salem, Oregon 97310

Attention: Trevor Jones, Assistant

Dear Mr. Jones:

Everett M. Shelby can make the proposed change in point of diversion without injury to existing rights.

I feel that provision number two as stated in the Watermaster's Manual concerning measuring devices should be incorporated into the order.

Yours truly,

M. John Youngquist
Watermaster

MJY:ey

RECEIVED
JUN 14 1971
STATE ENGINEER
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Everett M. Shelby (Name of applicant)
of Route 1, Box 117-D Riddle 97469 (Postoffice), County of Douglas,
State of Oregon, do hereby make application for change in point of diversion

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Ash (Mitchell) Creek (Name of stream)
2. The use to which the water is applied is Irrigation (Irrigation; Mining; Power; Manufacturing; etc.)
3. The name of the ditch, canal or pipe line is No Name
4. The point of diversion is located 690 ft. S. and 360 ft. W. from the North Interior (N. or S.) (E. or W.)
corner of D.L.C. #36 being within the NE 1/4 SW 1/4 (Section or subdivision)
of Section 30 Tp. 30 S. R. 5 W. W. M., in the County of Douglas (No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

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
30S	5W.	30									5.2			0.3				

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes (If not owner, explain your interest)
7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes
8. What is the date of priority of your water right? September 6, 1957
9. Was your water right acquired by State Engineer's Permit? Yes If so, give number of permit 25111 (Yes or No)

10. Do you hold a water right certificate? Yes If so, give number of certificate 2.7.7.79
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? Yes
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

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

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 840 ft. S. and 325 ft. W. from the North Interior corner of D.L.C. #36 being within the NE 1/4 SW 1/4 of Section 30 Tp. 30S. R. 5W. W. M.,
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)
in the county of Douglas The name of the ditch to be used is No Name

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

.....
.....
.....

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? (Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are I have had trouble in the past with my neighbors about my diversion point. Wish to move the diversion point upstream to a point where I own on both sides of the creek.

RECEIVED
JUL 18 1979
DIVISION OF WATER RESOURCES
STATE ENGINEER
SALT LAKE CITY, UTAH

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Douglas

} ss.

I, Everett M. Shelby, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 11th day of June, 1971.

Everett M. Shelby
(Name of applicant)

Subscribed and sworn to before me this 11th day of June, 1971.

[Notarial Seal]

[Signature]
NOTARY PUBLIC FOR OREGON

My commission expires 4-18-72

Remarks _____

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.