

3421 William Bart  
Star Route Box 10  
Ellettsville, Oregon

3421

STATUS OF APPLICATION

Change in point of diversion  
Date filed 6-9-76  
Date of hearing 9-7-76  
Place of hearing Roseburg  
Date of order 9-7-76 Vol. 28, page 390  
Date for application of water 10-1-77  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued JUN 17 1977 Vol. 36, page 44464

DESCRIPTION OF WATER RIGHT

Name of stream Umpqua River  
Trib. of \_\_\_\_\_ County of Douglas  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 5 4  
Name of ditch \_\_\_\_\_  
Date of priority March 12, 1951  
In name of P. W. George  
Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 25701 Per. No. 20139 Cert. No. 40356  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>6-9-76</u>	<u>35.00</u>	<u>5-3293</u>
<u>6-9-76</u>	<u>2.00 POW</u>	<u>5-3294</u>
<u>6-24-76</u>	<u>43.00 POW</u>	<u>53902</u>
TOTAL		<u>53295</u>
<u>6-9-76</u>	<u>2 Cert. Fee</u>	<u>5-3295</u>

FEES REFUNDED

Date	Amount	Check No.
<u>8-26-76</u>	<u>5.89</u>	<u>765</u>
<u>9/26/76</u>	<u>2.00</u>	<u>863</u>
	<u>Cert. Rec. Fee</u>	

REMARKS

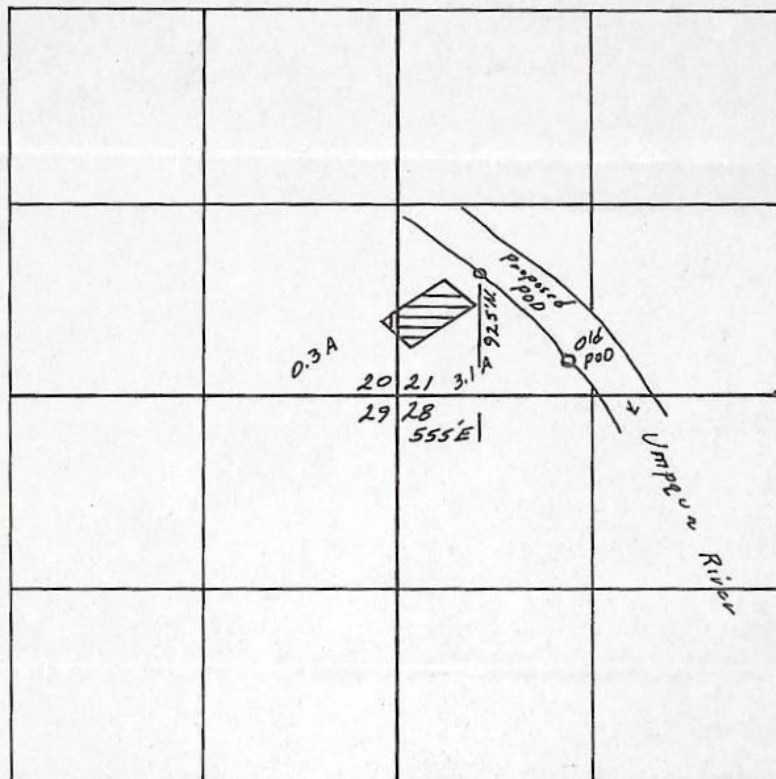
See T-3345  
T-3383  
T-3323  
T-3180  
T-2893  
3443

TO BE ENTERED WHEN CHECKED

INDEX CARDS:	Entered	Checked
<u>WA</u> Name	<u>✓</u>	<u>✓</u>
<u>WA</u> Stream	<u>✓</u>	<u>✓</u>
<u>WA</u> Pt. of Div.	<u>✓</u>	<u>✓</u>
<u>WA</u> Calendar	<u>✓</u>	<u>✓</u>
✓ Twp. & Rge.	<u>WA</u>	<u>✓</u>
Decree-vault	<u>WA</u>	<u>✓</u>
Decree-safe	<u>WA</u>	<u>✓</u>
✓ Cert. of W/R	<u>WA</u>	<u>✓</u>
✓ Per. Folder	<u>WA</u>	<u>✓</u>
Chaindex	<u>WA</u>	<u>✓</u>
Cross Ref.	<u>WA</u>	<u>✓</u>
Power Claim	<u>WA</u>	<u>✓</u>
Abstracts	<u>WA</u>	<u>✓</u>



T. 23 S. R. 7 W. W. M.  
Scale 1" = 1320'



RECEIVED

JUN - 9 1976

WATER RESOURCES DEPT  
SEASIDE, OREGON

THIS MAP PREPARED BY: Francis P. Cogswell  
FROM INFORMATION FURNISHED BY THE  
ADJUTANT

T-3421

DB

REPORT ON INSPECTION UNDER TRANSFER  
OF WATER RIGHT FOR CHANGE IN: (PO

: POD  
POU  
USE  
Add'l POD

NO ONE ON PLACE NO PAGE #  
8-20-79  
JED  
ADVERSE REPORT  
9/13/90  
BWB

LEFT CARD 8/21/86

Transfer NO. 3421

County Douglas

Old Certificate NO. 40356

- Name William Bart  
Address Star Pt., Box 80, Clifton, 97436
- Source of Supply Umpqua River, Trib of \_\_\_\_\_
- Use irrigation
- Amount of Water 0.04 c.f.s. Priority Date March 21, 1951
- Proposed Point of Diversion 925 ft N + 55.5 ft E from SW Cor. of  
Sec 21, w/i SW SW, Sec 21, T 23 S, R 7 W, W.M.
- Completion Date 10-1-77
- Place of Use:  
1983 GIESER

[illegible]

③-3

BTR-2HH-287  
23-7-5W



INFO: PERSONAL OBSERVATION AND TONY GIESER, NEIGHBOR  
SINCE 1983. NO POWER TO SITE, LAND OVERGROWN IN WEEDS  
AND BLACKBERRYS. MR. GIESER STATED THAT THERE HAD  
BEEN NO IRRIGATION ON THIS PIECE OF GROUND SINCE  
HE HAS LIVED IN THE AREA, THIS IS A BARE PIECE  
OF GROUND. NO CROPS EVIDENT. BANK OF RIVER AT  
PROPOSED DIV. PT. IN HEAVY BRUSH. NO EVIDENT PUMP  
SITE.

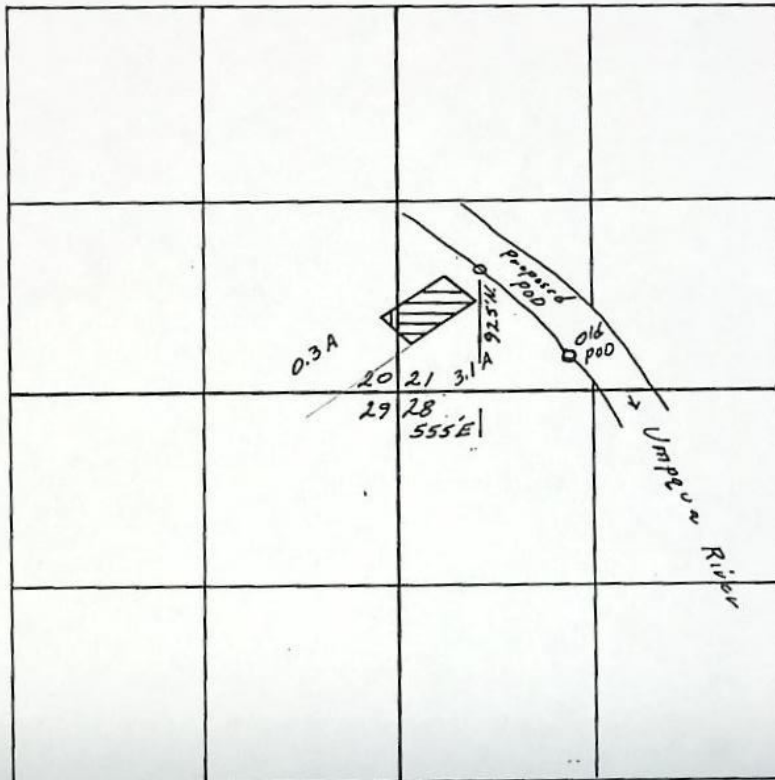
ADVERSE REPORT

9/13/90

Benjamin W. Bishop  
F.I.

T. 23 S. R. 7 W. W. M.

Scale 1" = 1320'



RECEIVED

JUN - 9 1976

WATER RESOURCES DEPT  
SEASIDE, OREGON

THIS MAP PREPARED BY: Francis P. Cogswell  
FROM INFORMATION FURNISHED BY THE  
LAND DISTRICT

T-3421



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION )  
OF WILLIAM BART FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM UMPQUA RIVER )  
-----

ORDER APPROVING  
TRANSFER NO. 3421

On June 9, 1976, William Bart filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion under an existing right of record to appropriate not to exceed 0.04 cubic foot per second of water from Umpqua River, with a date of priority of March 12, 1951, at a point of diversion located 250 feet North and 1150 feet East from the Southwest corner of Section 21, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, Township 23 South, Range 7 West, W.M., for the irrigation of 0.3 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, and 3.1 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 23 South, Range 7 West, W.M., being a portion of the right evidenced by the certificate recorded at Page 40356, Volume 32, State Record of Water Right Certificates.

The applicant, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 925 feet North and 555 feet East from the Southwest corner of Section 21, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, Township 23 South, Range 7 West, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Roseburg News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of July 13, 20 and 27, 1976.

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



No objection 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 requested change in point of diversion 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, 1977.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water diverted at the old point of diversion, and shall not exceed 0.04 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 head-gates 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 the portion of the right involved in the change authorized here in NOT be included in the new certificate to be issued as provided by the order entered December 5, 1975, approving transfer application No. 3180, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized herein, a certificate of water right shall be issued to William Bart confirming the change in point of diversion.

Dated at Salem, Oregon, this 7th day of September, 1976.

/s/ JAMES E. SEXSON  
Director



RECEIVED  
JUN - 9 1976  
WATER RESOURCES DEPT.  
SALEM, OREGON

T-3421

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, William Bart

(Name of applicant)

of Star Route Box 80, Elkton  
(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 Umpqua River

(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

4. The point of diversion is located 250 ft. N. and 1150 ft. E. from the SW  
(N. or S.) (E. or W.)

corner of Section 21

(Section or subdivision)

being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$

of Section 21 Tp. 23S. R. 7W. 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 $\frac{1}{4}$	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 $\frac{1}{4}$
23S.	7W.	20																0.3
		21											3.1					

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? contract purchaser

(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? March 12, 1951

9. Was your water right acquired by State Engineer's Permit? yes If so, give number

(Yes or No)

of permit 20139

C 40356 V32



10. Do you hold a water right certificate? yes If so, give number of certificate 40356  
(Yes or No) 22196

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? No - P.W. George  
(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 $\frac{1}{4}$	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 $\frac{1}{4}$

(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 925 ft. N. and 555 ft. E. from the SW  
(N. or S.) (E. or W.)  
corner of Sec. 21 being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21 Tp. 23S. R. 7W. W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of Douglas The name of the ditch to be used is

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.? No  
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Contract	U.S. National Bank	\$15,000.

20. Reasons for the proposed changes are

Land has been subdivided and applicant wants a pumping point on his own property.



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Douglas } ss.

I, William Bart, 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 17 day of May, 1976

William Bart  
(Name of applicant)

Subscribed and sworn to before me this 17 day of May, 1976

[Notarial Seal]

NOTARY PUBLIC FOR OREGON

My commission expires Nov. 12, 1978

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.



*Affidavit of Publication*  
**The News-Review**  
Roseburg, Oregon

ISSUED DAILY EXCEPT SUNDAY

STATE OF OREGON }  
COUNTY OF DOUGLAS } ss.

I, Marie Schlotfeldt, being  
first duly sworn, depose and say that I am the Bus-  
iness Manager, of The News-Review, a newspaper of  
general circulation, as defined by ORS 193.010 and  
193.020; printed and published at Roseburg in the  
aforesaid county and state; that the \_\_\_\_\_

Notice of Filing Application

a printed copy of which is hereto annexed, was pub-  
lished in the entire issue of said newspaper for 3  
successive and consecutive weeks in the following issues:

July 13, 20, 27, 1976

The fee actually charged by such newspaper for  
such publication is \$ 37.11

Marie Schlotfeldt

Subscribed and sworn to before me this 27 day of

July, 19 76

Emile V. [Signature]  
Notary Public of Oregon

My Commission expires 25 day of Feb, 1977

**NOTICE OF FILING  
APPLICATION FOR THE  
APPROVAL OF A CHANGE  
IN POINT OF DIVERSION  
OF WATER**

Notice is given hereby that  
William Bart has filed an applica-  
tion for the approval of a change in  
point of diversion from Umpqua  
River.

Certificate of water right issued  
to P. W. George and recorded at  
Page 40356, Vol. 32, State Record  
of Water Right Certificates, con-  
firms a right to the use of 0.63  
cubic foot per second from Ump-  
qua River for the irrigation of,  
among other lands, 0.3 acre in  
SE 1/4 SE 1/4, Sec. 20, and 3.1 acres in  
SW 1/4 SW 1/4, Sec. 21, T. 23 S., R. 7  
W., W.M., with a date of priority of  
March 12, 1951.

These lands are irrigated from a  
point of diversion located 250 ft. N.  
and 1150 ft. E. from the SW corner  
of Sec. 21, being within the SW 1/4  
SW 1/4, Sec. 21, T. 23 S., R. 7 W.,  
W.M.

The applicant herein, contract  
purchaser of the lands above  
described, proposes to irrigate  
these lands from a point of diver-  
sion to be located 925 ft. N. and 555  
ft. E. from the SW corner of Sec.  
21, being within the SW 1/4 SW 1/4,  
Sec. 21, T. 23 S., R. 7 W., W.M.

All persons interested are  
notified hereby that a hearing will  
be held at the county courthouse at  
Roseburg, Oregon, on Sept. 7, 1976,  
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 William Bart, Star  
Route, Box 80, Elkton, Oregon  
97436, and one copy filed with the  
Water Resources Department,  
Salem, Oregon 97310, together with  
a \$10 filing fee, at least 10 days  
prior to the date set for hearing. If  
no objection is filed, the applica-  
tion may be approved by the Water  
Resources Director without a  
hearing. Administrative rules per-  
taining to the filing of a protest will  
be furnished by the Water  
Resources Department upon re-  
quest.

Dated at Salem, Oregon, this 1st  
day of July, 1976.

JAMES E. SEXSON  
Director

Invoice No. 2174: Publication  
dates: July 13, 20, 27, 1976

**RECEIVED**

JUL 28 1976

WATER RESOURCES DEPT  
SALEM, OREGON