

2737

STATUS OF APPLICATION

Change in Point of Diversion  
Date filed Nov. 22, 1972  
Date of hearing May 10, 1973  
Place of hearing Roseburg  
Date of order May 10, 1973 Vol. 23, page 166  
Date for application of water October 1, 1973  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued AUG 10 1978 Vol. 38, page 46171 & 43  
Proof made but  
Confirm Cert. not issued

DESCRIPTION OF WATER RIGHT

Name of stream Umpqua River  
Trib. of \_\_\_\_\_ County of Douglas  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 90.5  
Name of ditch \_\_\_\_\_  
Date of priority Feb. 27, 1953  
In name of Howard F. Carnes  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 28152 Per. No. 22157 Cert. No. 22393  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEEES PAID

Date	Amount	Receipt No.
<u>11-22-72</u>	<u>25.00</u>	<u>31529</u>
<u>1-8-73</u>	<u>40.00</u>	<u>From Trans #2736</u>
TOTAL . . .		
<u>8-16-73</u>	<u>.64</u>	<u>From P.O.N.</u>
	Cert. Fee	
<u>6-6-75</u>	<u>.86</u>	<u>47284</u>
<u>3-14-78</u>	<u>.50</u>	<u>Fr 64532 (73829)</u>

FEEES REFUNDED

Date	Amount	Check No.

REMARKS

Note: Issue only 1 Cert upon completion. No Superseding Cert. to be issued.  
See T# 3828 re add ch. in P.O.D.

INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>st</u>	_____
<input checked="" type="checkbox"/> Stream	<u>st</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>st</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>st</u>	_____
CHECKED TO RECORD:		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>st</u>	_____
<input checked="" type="checkbox"/> Decree-vault	<u>st</u>	_____
<input checked="" type="checkbox"/> Decree-safe	<u>st</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>st</u>	_____
<input checked="" type="checkbox"/> Per. Folder	<u>st</u>	_____
<input checked="" type="checkbox"/> Chainindex	_____	_____
<input checked="" type="checkbox"/> Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim	_____	_____
<input checked="" type="checkbox"/> Abstracts	_____	_____



BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION )  
OF HOWARD F. CARNES FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM UMPQUA )  
RIVER )  
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ORDER APPROVING  
TRANSFER NO. 2737

On November 22, 1972, Howard F. Carnes filed an application in the office of the State Engineer for a change in point of diversion of water from Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Howard F. Carnes and recorded at page 22393, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 2.29 cubic feet per second of water from Umpqua River for the irrigation of, among other lands, 2.7 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.4 acre in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 17.2 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 2.4 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 4.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 31.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 25.4 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 7.1 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 2, Township 23 South, Range 8 West, W.M., with a date of priority of February 27, 1953. These lands are irrigated from a point of diversion 1487.0 feet South and 1411.1 feet West from the North one-quarter corner of Section 2, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 2, Township 23 South, Range 8 West, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation from points located; 11.9 feet North and 37.5 feet West from the Meander corner of Section 11 and 12, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 11, Township 23 South, Range 8 West, W.M.; and 251.99 feet South and 476.49 feet West from the Section corner of Sections 1, 2, 11 and 12, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$



of Section 11, Township 23 South, Range 8 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 May 10, 1973, at 9:30 a.m. The notice was published in the News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of March 16, 23, and 30, 1973. 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 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 Umpqua River, to-wit:

From a point located 1487.0 feet South and 1411.1 feet West from the North one-quarter corner of Section 2, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, Township 23 South, Range 8 West, W.M.

To points to be located; 11.9 feet North and 37.5 feet West from the Meander corner of Section 11 and 12, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 11, Township 23 South, Range 8 West, W.M.; and 251.99 feet South and 476.49 feet West from the Section corner of Sections 1, 2, 11 and 12, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 11, Township 23 South, Range 8 West, W.M.

for the irrigation of 2.7 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.4 acre in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 17.2 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 2.4 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 4.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 31.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 25.4 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 7.1 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 2, Township 23 South, Range 8 West, W.M., with a date of priority of February 27, 1953, 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, 1973.

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 1.13 cubic feet 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 Howard F. Carnes and recorded at page 22393, Volume 16, 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 new certificate will be issued confirming the change including lands not involved in this proceeding.

Dated at Salem, Oregon, this 10th day of May, 1973.

/s/ CHRIS L. WHEELER  
State Engineer



STATE OF OREGON  
COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HOWARD F. CARNES  
Box 65 97436  
of Elkton, State of Oregon, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
Umpqua River  
a tributary of Pacific Ocean for the purpose of  
irrigation of 183.0 acres  
under Permit No. 22157 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 February 27, 1953  
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  
2.29 cubic feet 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 1/4 NW 1/4, as projected within Bay DIC #38, Section  
2, Township 23 South, Range 8 West, W. M. NEX NE 1/4 Section 11 T. 23 S. R. 8 W. W. M.  
487 ft. S. & 1411 ft. W. from NE 1/4 Cor. Sec. 2; 440 ft. S. & 40 ft. W., 260 ft. S. &  
470 ft. W. both from the NE Cor. Sec. 11

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 hereby confirmed, and to which such right is  
appurtenant, is as follows:

19 acres in the NE 1/4 NW 1/4  
40 acres in the SE 1/4 NW 1/4  
2 acres in the SW 1/4 NW 1/4  
37 acres in the NE 1/4 SW 1/4  
1 acres in the NW 1/4 SW 1/4  
8 acres in the SE 1/4 SW 1/4  
1 acres in the NW 1/4 NE 1/4  
5 acres in the SW 1/4 NE 1/4  
31 acres in the NW 1/4 SE 1/4  
27 acres in the SW 1/4 SE 1/4  
4 acres in the NE 1/4 SE 1/4  
8 acres in the SE 1/4 SE 1/4

Section 2

Township 23 South, Range 8 West, W. M.  
all as projected within William Bay DIC #38

This certificate is issued to confirm a change in pt. of Div. & remaining right approved by an order  
of the State Engineer entered May 10, 1973, and supersedes certificate of water  
right issued to (same) and recorded at page 22393, Volume 16,  
State Record of Water Right Certificates.



*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 Business 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 Diversion of Water

Umpqua River

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

March 16, 23, 30, 1973

The fee actually charged by such newspaper for such publication is \$ 39.36

Marie Schlotfeldt

Subscribed and sworn to before me this 30th day of

March, 19 73

Ernie Martin

Notary Public of Oregon

My Commission expires 25<sup>th</sup> day of Feb, 1977

RECEIVED  
APR 2 1973  
STATE ENGINEER  
SALEM OREGON

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

Notice is given hereby that Howard F. Carnes has filed an application for the approval of a change in point of diversion of water from Umpqua River.

Certificate of water right issued to Howard F. Carnes and recorded at page 22393, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 2.29 cubic feet per second of water from Umpqua River, for the irrigation of, among other lands, 2.7 acres in SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 0.4 acre in SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, 17.2 acres in NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, 2.4 acres in SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, 4.0 acres in NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, 31.0 acres in NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, 25.4 acres in SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> and 7.1 acres in SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Section 2, Township 23 South, Range 8 West, W.M., with a date of priority of February 27, 1953.

These lands are irrigated from a point of diversion located 1487.0 feet South and 1411.1 feet West from the North one-quarter corner of Section 2, being within the NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Section 2, Township 23 South, Range 8 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from points of diversion to be located 11.9 feet North, and 37.5 feet West from the Meander corner of Section 11 and 12, being within the NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 11, Township 23 South, Range 8 West, W.M., and 251.99 feet South and 476.49 feet West from the Section corner of Sections 1, 2, 11 and 12, being within the NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 11, Township 23 South, Range 8 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Roseburg, Oregon, on May 10, 1973, 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 Howard F. Carnes, Box 65, Elkton, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 8th day of March, 1973.

CHRIS L. WHEELER

State Engineer

Publication dates: March 16, 23, 30, 1973.