

3813

Name George S. Fenn

By \_\_\_\_\_

Address Box 8 Henderer Rd.Elkton, OR 97436Change in PODDate filed Oct 3, 1977Date of hearing Jan 10, 1980Place of hearing RoseburgDate of order 1-21-80 Vol. 32, page 640Date for application of water complete

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued FEB 14 1985 Vol. 47, page 52764

## DESCRIPTION OF WATER RIGHT

Name of stream Umpqua Riv.Trib. of \_\_\_\_\_ County of Douglas

Use \_\_\_\_\_

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

Date of priority Dec 29, 1952In name of C.G. Hedden

\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. 27959 Per. No. 22010 Cert. No. 24336

Certificate cancelled \_\_\_\_\_

Notation made on record by JOB

## FEES PAID

Date	Amount	Receipt No.
<u>10-3-77</u>	<u>85 -</u>	<u>64280</u>
TOTAL . . .		
	Cert. Fee	

The News Review \$34.48 ch # 3982 pd 12/20/79

## FEES REFUNDED

Date	Amount	Check No.
<u>12-20-79</u>	<u>15.52</u>	<u>3983</u>

EX 20-  
 POD 15-  
 PON 34.48  
69.48

## REMARKS

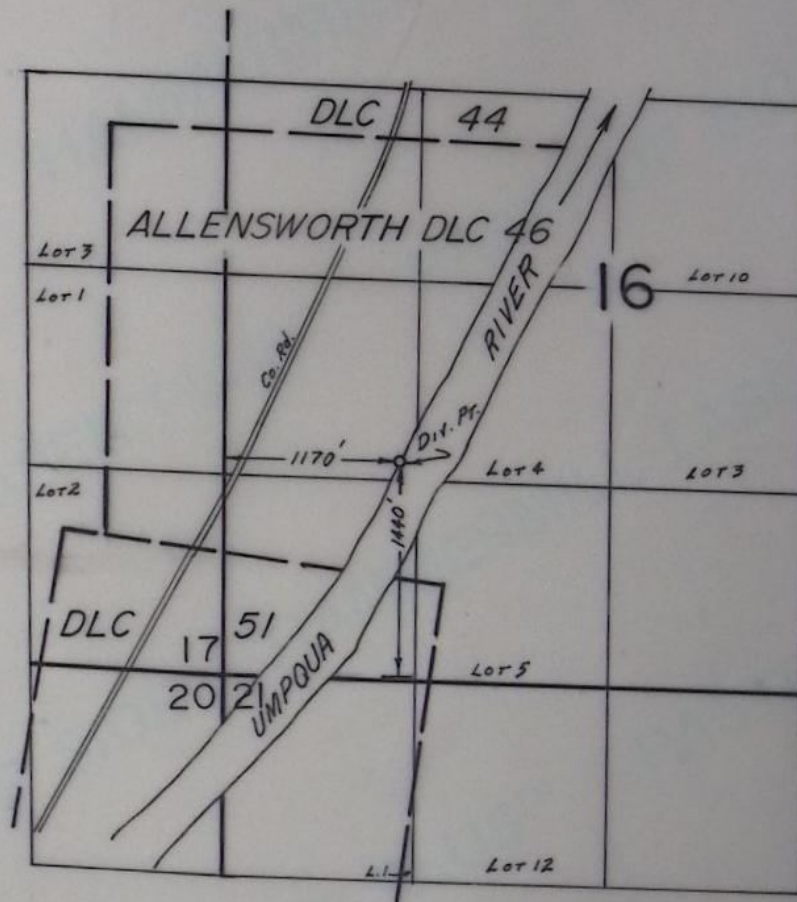
print of 24336  
Canceled Sp. Or. Rec. Vol. 38 P. 598

W.R. I.S.	
Assembled	<u>6-26-85</u> by <u>SRA</u>
Entered	_____ by _____
Verified	_____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>OK</u>
<input checked="" type="checkbox"/>	Stream	<u>OK</u>
<input checked="" type="checkbox"/>	Pt. of Div.	<u>OK</u>
<input checked="" type="checkbox"/>	Calendar	<u>OK</u>
<input checked="" type="checkbox"/>	Checked to Records	<u>OK</u>
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>OK</u>
<input checked="" type="checkbox"/>	Dance-vault	<u>OK</u>
<input checked="" type="checkbox"/>	Deeds-safe	<u>OK</u>
<input checked="" type="checkbox"/>	Card. of W/R	<u>OK</u>
<input checked="" type="checkbox"/>	Par. Folder	<u>OK</u>
<input checked="" type="checkbox"/>	Canindex	<u>OK</u>
<input checked="" type="checkbox"/>	Cross Ref.	<u>OK</u>
<input checked="" type="checkbox"/>	Power Claim	<u>OK</u>
<input checked="" type="checkbox"/>	Abstracts	<u>OK</u>



T.22S.,R.8W.,W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 3813  
Application No. .... Permit No. ....  
IN NAME OF

GEORGE E. & FRANCES G. FENN

Surveyed JULY 28, 1980, by J.S. DONALDSON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
DOUGLAS COUNTY

IN THE MATTER OF CANCELLATION )  
OF A PORTION OF A WATER RIGHT )  
IN THE NAME OF C.G. HEDDEN )

O R D E R

On January 31, 1974, Franklin M. and Helen D. Barnthouse submitted an affidavit that they are the owners of a certain water right and the lands to which the water right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same be canceled.

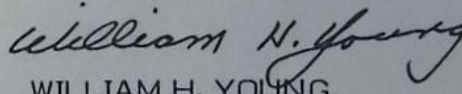
The water right in question is a portion of the right described by the certificate recorded at page 24336, Volume 17, State Record of Water Right Certificates, in the name of C.G. Hedden, and is for the use of not to exceed 0.12 cubic foot per second of water from Umpqua River, with a date of priority of December 29, 1952, for irrigation of 0.7 acre in SE 1/4 SE 1/4, as projected within S. Allensworth DLC 46; 7.7 acres in SE 1/4 SE 1/4, as projected within J. Gardner DLC 51, both in Section 17; and 5.3 acres in NE1/4 NE1/4, as projected within J. Gardner DLC 51, Section 20, Township 22 South, Range 8 West, WM.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 24336, Volume 17, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that the portion of the right involved in the cancellation authorized herein NOT be included in the new certificate to be issued as provided by the order entered January 21, 1980 approving transfer Application 3813; and upon receipt of proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of said order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 10 day of December, 1984.

  
WILLIAM H. YOUNG  
Director

0056/r  
5873C



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF )  
GEORGE S. & FRANCES G. FENN FOR AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 3818

On October 3, 1977, an application was filed in the office of the Water Resources Director by George S. and Frances G. Fenn for approval of a change in point of diversion of water from Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is described by the certificate recorded at page 24336, Volume 17, State Record of Water Right Certificates, in the name of C.G. Hedden, and is for the use of not to exceed 0.44 cubic foot per second from Umpqua River, under a priority date of December 9, 1952, for irrigation of a certain 5.6 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 10.8 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within S. Allensworth D.L.C. No. 46; and 4.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within J. Gardner D.L.C. No. 51, in Section 16; 1.4 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  as projected within S. Allensworth D.L.C. No. 46; and 15.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  as projected within J. Gardner D.L.C. No. 51, in Section 17; and 11.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within J. Gardner D.L.C. No. 51 in Section 20, all in Township 22 South, Range 8 West, W.M.

The authorized point of diversion is located 350 feet South and 25 feet West from the Northeast Corner of Section 20, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 20, Township 22 South, Range 8 West, W.M.

The applicant proposes to change the point of diversion therefrom to a point located 1480 feet North and 1320 feet East from the Southwest Corner of Section 16, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 16, Township 22 South, Range 8 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), 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 November 19, 26 and December 3, 1979.

Mr. M. John Youngquist, Watermaster, has filed a statement 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

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 under the subject right.

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

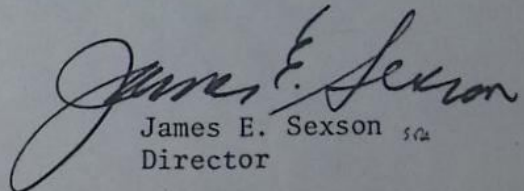
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 24336, Volume 17, State Record of Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 21st day of January, 1980.

  
James E. Sexson *SEA*  
Director



STATE OF OREGON  
COUNTY OF DOUGLAS

# CERTIFICATE OF WATER RIGHT

This Is to Certify, That

*George E & Frances G Fenn*

*C. G. HEDDEN*

*Box 8 Henderer Road*

of Elkton

, State of Oregon 97436

, 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* irrigation of *48.8* acres

for the purpose of

under Permit No. *351* 22010

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 December 29, 1952,

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 *0.44* cubic foot per second, *if available at the original point of diversion*

*0.32*

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Gardner DLC #51, Section 20, Township 22 South, Range 8 West, W.M., *350' S & 25' W from NE cor Sec 20*

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:

- 5.6 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within S. Allensworth DLC #46
- 10.8 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within S. Allensworth DLC #46
- 4.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within J. Gardner DLC #51

Section 16

- 0.7* 1.4 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within S. Allensworth DLC #46 *-0.7*
- 7.5* 15.2 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within J. Gardner DLC #51 *-7.7*

Section 17

- 6.5* 11.8 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within J. Gardner DLC #51 *-5.7*

Section 20

Township 22 South, Range 8 West, W.M.

*NORR*

This certificate is issued to confirm a change in ~~place of use~~ and point of diversion approved by an order of the WRD entered *January 21, 1980* and supersedes certificate of water right recorded *at* page *24336*, Volume *17*, SRWRC.

*The issuance etc*

WITNESS the signature of the State Engineer, affixed

this 10th day of October, 1958.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 24336

*52764*

*52529*

T# 3813

*5317C*

*W/23 Allensworth DLC #46  
N/4 SW 1/4 Sec 16 T22S R8W W.M.  
from SW cor Sec 16  
1440' N & 1170' E  
POD*

*UAPC  
Print out  
Book copy  
See 5317C*

*T-3813*

*and together with the cancelled  
order entered 12-10-84*



**Affidavit of Publication**

**The News-Review**

**Roseburg, Oregon**

ISSUED DAILY EXCEPT SUNDAY

STATE OF OREGON }  
COUNTY OF DOUGLAS } ss.

I, Elsille Martin, being first duly sworn, depose and say that I am the Office 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 Water Right Transfer  
Application No. 3813

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:

November 19, 26, 1979

December 3, 1979

The fee actually charged by such newspaper for such publication is \$31.48

[Signature]

Subscribed and sworn to before me this 3rd day of

December, 19 79

[Signature]  
Notary Public of Oregon

My Commission expires 10th day of October, 19 80

RECEIVED

DEC - 4 1979

WATER RESOURCES DEPT  
SALEM, OREGON

**NOTICE OF  
WATER RIGHT TRANSFER  
APPLICATION NO. 3813**

The Water Resources Director of Oregon has received and filed an application by George S. & Frances G. Fenn for approval, without loss of priority, of a change in point of diversion of water under a certain water right. The affected water right is described by the certificate recorded at page 24336, Volume 17, State Record of Water Right Certificates, in the name of C.G. Hedden, and is for the use of not to exceed 0.44 cubic foot per second from Umpqua River, under a priority date of Dec. 9, 1952, for irrigation of a certain 5.6 ac in NW 1/4 SW 1/4 & 10.8 ac in SW 1/4 SW 1/4 as projected within S. Allensworth DLC #46 and 4.0 ac in SW 1/4 SW 1/4 as projected within J. Gardner DLC #51, in Sec. 16; 1.4 ac in SE 1/4 SE 1/4 as projected within S. Allensworth DLC #46 and 15.2 ac in SE 1/4 SE 1/4 as projected within J. Gardner DLC #51, in Sec. 17; and 11.8 ac in NE 1/4 NE 1/4 as projected within J. Gardner DLC #51 in Sec. 20, all in T 22S, R 8W, WM. The authorized point of diversion is located 350 ft S & 25 ft W from the NE Corner of Sec 20, being within the NE 1/4 NE 1/4 of Sec 20, T 22S, R 8W, WM.

The applicant proposes to change the point of diversion therefrom to a point located 1480 ft N & 1320 ft E from the SW Corner of Sec 16, being within the NW 1/4 SW 1/4 of Sec. 16, T 22S, R 8W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, January 10, 1980, at the Douglas County Courthouse, Roseburg, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicant at Henderer Rd, Box 8, Elkton, OR 97436; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 13th day of November, 1979.  
James E. Sexson, Director  
Invoice No. 5799  
Publication Dates: November 19, 26, December 3, 1979

ok.  
jcy