

3776

Name Duane R & Zelma L. Harmer

By _____

Address 3781 Pacific St.North Bend, OR 97459Change in PODDate filed Sept. 12, 1977Date of hearing Nov. 15, 1977Place of hearing CoquilleDate of order 11-16-77 Vol. 30, page 54Date for application of water 10-1-79Proof mailed FEB 04 1986Proof received DEC 19 1977Certificate issued MAR 21 1986 Vol. 37, page 49

DESCRIPTION OF WATER RIGHT

Name of stream North Fork Coquille RiverTrib. of _____ County of CoosUse IrrQuantity of water _____ No. of acres 7.6Name of ditch -Date of priority March 30, 1964In name of Lester W. & Louise Gardner

_____ Adjudication, Vol. _____, page _____

App. No. 39677 Per. No. 29480 Cert. No. 33909

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>9-12-77</u>	<u>\$ 85 -</u>	<u>63807</u>
TOTAL . . .		
<u>10-12-77</u>	<u>\$ 2 Cert. Fee</u>	<u>63807</u>
<u>The World</u>	<u>\$ 37.45</u>	<u>ck #1640 10/13/77</u>

FEES REFUNDED

Date	Amount	Check No.
<u>10-13-77</u>	<u>\$ 10.55</u>	<u>1641</u>
Recd	<u>85.00</u>	
Exam	<u>20 -</u>	
Rec POD	<u>15 -</u>	
Cert	<u>2 -</u>	<u>✓</u>
POD	<u>37.45</u>	<u>✓</u>
Refund	<u>10.55</u>	

REMARKS

T-9453 APOD V. 60 p. 832T-9453

W.R.I.S.

Assembled 6-24-85 by SKL

Entered _____ by _____

Verified _____ by _____

INDEX CARDS: Entered Checked

<u>lg</u>	Name	<u>lg</u>	_____
<u>lg</u>	Address	<u>lg</u>	_____
<u>✓</u>	Phone Div.	<u>lg</u>	_____
<u>✓</u>	Character	<u>lg</u>	_____
<u>0</u>	Checked to Recd		_____
<u>✓</u>	Two - Two		_____
<u>✓</u>	Four - Four		_____
<u>✓</u>	Deed Case		_____
<u>✓</u>	Cert. of W/R	<u>✓</u>	_____
<u>✓</u>	Per. Folder	<u>✓</u>	_____
<u>✓</u>	Quander		_____
<u>✓</u>	Cross Ref.		_____
<u>✓</u>	Power Claim		_____
<u>✓</u>	Abstracts	<u>lg</u>	_____

Harmer
320

T-3776

STATE OF OREGON

COUNTY OF COOS

ORDER APPROVING A NEW POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9453 submitted by

WALTER AND WENDY HAZEN
91528 CAPE ARAGO HWY
COOS BAY, OREGON 97420.

The right to be modified, as evidenced by a portion of Certificate 45028, was perfected under Permit 29480 with a date of priority of MARCH 30, 1964. The right allows the use of NORTH FORK COQUILLE RIVER, a tributary of COQUILLE RIVER, for IRRIGATION OF 16.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.21 cubic foot per second, if available at the authorized point of diversion: SW¼ NW¼, SECTION 25, T 27 S, R 12 W. W.M.; 1550 FEET SOUTH AND 1280 FEET EAST FROM THE NW CORNER, SECTION 25, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 2½ acre-feet for each acre irrigated during the irrigation season of each year.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.3 ACRES

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 12.5 ACRES

SECTION 25

TOWNSHIP 27 SOUTH, RANGE 12 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes a new point of diversion:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 25, T 27 S, R 12 W, W.M.; 2053 FEET SOUTH AND 872 FEET EAST FROM NW CORNER OF SECTION 25.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2005.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. Prior to diverting water the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or

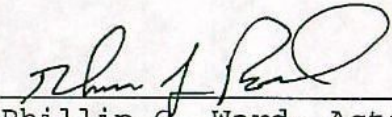
by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificate 45028 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed July 30, 2004.



For Phillip C. Ward, Acting Director

STATE OF OREGON
COUNTY OF COOS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LESTER W. AND LOUISE GARDNER
FAIRVIEW RT
COQUILLE, OREGON 97423

confirms the right to use the waters of NORTH FORK COQUILLE RIVER, a tributary of COQUILLE RIVER, for IRRIGATION OF 72.6 ACRES.

This right was perfected under Permit 29480. The date of priority is MARCH 30, 1964. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.9 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 25, T 27 S, R 12 W, W.M.; 1550 FEET SOUTH AND 1280 FEET EAST FROM THE NW CORNER, SECTION 25.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$	15.1 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	30.8 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	25.3 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.4 ACRES

SECTION 25

TOWNSHIP 27 SOUTH, RANGE 12 WEST, W.M.

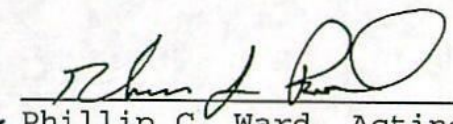
This certificate describes that portion of the water right confirmed by Certificate 45028, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUL 30 2004, approving Transfer Application 9453.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources

Director, affixed July 30, 2004.


For Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80872.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

COOS COUNTY

IN THE MATTER OF THE APPLICATION)
OF DUANE R. AND ZELMA L. HARMER)
FOR APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3776

On September 12, 1977, an application was filed in the office of the Water Resources Director by Duane R. and Zelma L. Harmer for approval of a change in point of diversion from North Fork Coquille River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 33909, Volume 25, State Record of Water Right Certificates, in the name of Lester W. and Louise Gardner, describes a right which includes the use of not to exceed 0.10 cubic foot per second from North Fork Coquille River for irrigation of 7.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 27 South, Range 12 West, W.M., with a date of priority of March 30, 1964.

Water for the said right is diverted from a point located 1550 feet South and 1280 feet East from the Northwest corner of Section 25, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 50 feet South and 2325 feet East from the Northwest corner of Section 25, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25.

Notice of the application, pursuant to ORS 540.510, was published in The World, a newspaper printed and having general circulation in Coos County, Oregon, for a period of three weeks in the issues of September 20 and 27, and October 4, 1977.

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, and shall not exceed 0.10 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:

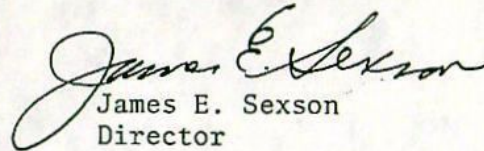
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the said certificate of water right recorded at page 33909, Volume 25, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, 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 16th day of November, 1977.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

Duane R. & Zelma L. Harmer

This Is to Certify, That ~~LESTER W. AND LOUISE GARDNER~~ 31
 3781 Pacific St., North Bend 97459
 of Fairview Route, Coquille, 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
 North Fork Coquille River

a tributary of Coquille River for the purpose of
 irrigation of ~~97.0~~ 76 acres

under Permit No. 29480 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 30, 1964

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

1.21 cubic feet per second
 1.11 foot

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~~ NE 1/4, Section 25, T. 27 S., R. 12 W., W. M.,
 Diversion point located 1550 feet South and 1200 feet East from the NW Corner,
 Section 25. 200 2200

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:

7.6 ~~15.1~~ 7 acres NE 1/4 NW 1/4
 30.8 acres NW 1/4 NW 1/4
 29.6 acres SW 1/4 NW 1/4
 13.9 acres SE 1/4 NW 1/4
 Section 25
 T. 27 S., R. 12 W., W. M.

This certificate is issued to confirm a change in ~~place of use and~~ point of
 diversion approved by an order of the Water Resources Director
 entered November 16, 1977 and together with certificate of water right
 recorded at page 45028, Volume 37, State Record of Water Right
 Certificates, supersedes certificate of water right recorded at
 page 33909, Volume 25, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of
 the water right in regard to the provisions of ORS 540.610 pertaining to
 forfeiture or abandonment.

2376D

T# 3776

AFFIDAVIT OF PUBLICATION

STATE OF OREGON
COUNTY OF COOS SS

I, Carole Campbell, being
first duly sworn, depose and say that I am the

Clerk of the Editor

of The World, a newspaper of general circulation, as defined by Section 1-609 and 1-610, Oregon Compiled Laws Annotated, as amended, printed and published at Coos Bay and in the aforesaid county and state: that the

Water Right Transfer

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:

Sept. 20, 27, 19 77

Oct. 4, 19 77

19

19

19

Carole Campbell
Signature

Subscribed and sworn to before me this 4th.

day of Oct., 19 77

Constance Johnson
Notary Public for Oregon

My commission expires, May 11, 19 1978

**NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 3776**

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Duane R. and Zelma L. Harmer for approval of a change in point of diversion from N. Fk. Coquille River.

The certificate recorded at page 33909, Volume 25, State Record of Water Right Certificates, in the name of Lester W. and Louise Gardner, describes a right which includes the use of not to exceed 0.095 cubic foot per second from N. Fk. Coquille River for irrigation of 7.6 acres in NE 1/4 NW 1/4 of Section 25, Township 27 South, Range 12 West, WM, with a date of priority of March 30, 1964.

Water for the said right is diverted from a point located 1550 ft S and 1280 ft E from the NW corner of Sec 25, being within SW 1/4 NW 1/4 of said Sec 25.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 50 ft S and 2325 ft E from the NW corner of Sec 25, being within NE 1/4 NW 1/4 of said Sec 25.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Coquille, Oregon, on November 15, 1977 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 Duane and Zelma Harmer, 3781 Pacific St., North Bend, OR 97459 and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 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 WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this
13th day of September, 1977.

James E. Sexson
Director

Pub: Sept. 20, 27, Oct. 4, 1977

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