

Name Howard F. Carnes

3828

DESCRIPTION OF WATER RIGHT

By c/o Board of Forestry

Address P. O. Box 2289

Salem, OR

Attn: Arnold Gibson

Name of stream Umpqua River

Trib. of \_\_\_\_\_ County of Douglas

Use Irr.

Quantity of water \_\_\_\_\_ No. of acres 650

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

Date of priority Feb. 27, 1953

In name of \_\_\_\_\_

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

App. No. 28152 Per. No. 22157 Cert. No. (22393, Vol 16)  
T# 2737

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

Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>10-19-77</u>	<u>\$35 -</u>	<u>64533</u>
TOTAL . . .		
	Cert. Fee	

The News Review \$47.22 pd 3-16-78 Check #2046 from T3829

FEES REFUNDED

Date	Amount	Check No.

Ref. of notice deposited on T-3829

Change in POD

Date filed Oct. 19, 1977

Date of hearing April 13, 1978

Place of hearing Roseburg

✓ Date of order 4-13-78 Vol. 30, page 517

Date for application of water 10-1-79

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

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

Certificate issued AUG 10 1978 38, page 46171

JAN 19 1981

43

49768

to service 5/78

See T-3829 for Original Map.

REMARKS

Proof was made under T-2737 but confirming Cert. was not issued

W.R.I.S.

Assembled 67645 by 90A

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
✓ Name	<u>lg</u>	_____
✓ Stream	<u>lg</u>	_____
Pl. of Div.	_____	_____
✓ Calendar	<u>lg</u>	_____
CHECKED TO HUC:		
✓ Trwp. & Rec.	<u>lg</u>	_____
Decree-valet	_____	_____
Decree-sale	_____	_____
✓ Cert. of W/R	<u>JWC</u>	_____
✓ Per. & Aidar	<u>JWC</u>	_____
Ch. of ex.	_____	_____
Ch. of ef.	_____	_____
Ch. of aim	_____	_____
✓ Abstracts	<u>lg</u>	_____



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION )  
OF HOWARD F. CARNES FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM UMPQUA RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3828

On October 19, 1977, an application was filed in the office of the Water Resources Director by Howard F. Carnes for approval of a change in point of diversion from Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the State Engineer, entered May 10, 1973, approving transfer application No. 2737, the right previously described by the certificate recorded at page 22393, Volume 16, State Record of Water Right Certificates, now exists for a certain use of water which includes not to exceed 0.81 cubic foot per second from Umpqua River for irrigation of 0.8 acre in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 15.6 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 34.7 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 13.9 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, all as projected within Bay D.L.C. No. 38, Township 23 South, Range 8 West, W.M., with a date of priority of February 27, 1953.

Water for the said right is diverted from a point located 1487 feet South and 1411.1 feet West from the North Quarter Corner of Section 2, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, Township 23 South, Range 8 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to three points of diversion located: (1) 11.9 feet North and 37.5 feet West from the meander corner between Sections 11 and 12, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 11, Township 23 South, Range 8 West, W.M.; (2) 251.99 feet South and 476.49 feet West from the Southeast Corner of Section 2, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 11, Township 23 South, Range 8 West, W.M.; and (3) 324.45 feet North and 2164.25 feet West from the Southeast Corner of Section 2, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, Township 23 South, Range 8 West, W.M.

Notice of the application, pursuant to ORS 540.510, 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 February 21 and 28; and March 7, 1978.

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 points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.81 cubic foot per second.

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:

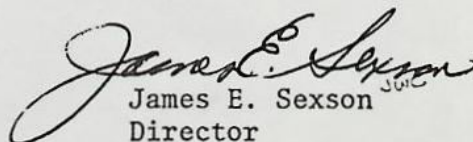
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 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 portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered May 10, 1973, approving transfer application No. 2737, 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 Howard F. Carnes confirming the change in point of diversion.

Dated at Salem, Oregon, this 13th day of April, 1978.

  
James E. Sexson  
Director



## STATE OF OREGON

COUNTY OF DOUGLAS

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That HOWARD F. CARNES

97436

of Box 65, 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  
irrigation of 183.0 acres

for the purpose of

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

1.48

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 $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Bay DLC 38, Section 2, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 11, T. 23 S., R. 8 W., W.M., 1487 feet South and 1411 feet West from N $\frac{1}{4}$  Corner, Section 2, 440 feet South and 40 feet West, 250 feet South\*

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:

3 $\frac{1}{4}$  19.0 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$  - 15.6  
5 $\frac{3}{4}$  40.0 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$  - 34.7  
2.0 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
23 $\frac{1}{4}$  37.0 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$  - 13.9  
1.0 acre NW $\frac{1}{4}$  SW $\frac{1}{4}$   
8.0 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$

1.0 acre NW $\frac{1}{4}$  NE $\frac{1}{4}$   
4 $\frac{1}{2}$  5.0 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$  - 0.8  
31.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
27.0 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
4.0 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
8.0 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$

All as projected within Bay DLC 38  
Section 2  
T. 23 S., R. 8 W., W. M.

All as projected within Bay DLC 38  
Section 2  
T. 23 S., R. 8 W., W. M.

\* and 470 feet West, both from NE Corner, Section 11.

This certificate is issued to confirm a change in point of diversion and remaining right approved by an order of the State Engineer entered May 10, 1973, and supercedes certificate of water right issued to Howard F. Carnes and recorded at page 22393, Volume 16, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed  
this date.

State Engineer

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

Proof made - Cert. Not issued

Div Pt (1) for all land (2) (3) for part as listed in T# 2737



STATE OF OREGON  
COUNTY OF DOUGLAS

# CERTIFICATE OF WATER RIGHT

**This Is to Certify,** That HOWARD F. JAMES % DEPARTMENT OF FORESTRY  
2600 STATE STREET  
of Union SALEM, State of Oregon 97310, 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 155.2 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  
1.94 cfs cubic foot per second, if available at the original point of diversion, SW 1/4 NW 1/4  
as projected within Bay DLE 38, Section 2, T. 23 S, R. 8 W, W.M., S 43° 30' W  
2050 feet from the NW corner, Section 2

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

The point of diversion is located in the SE 1/4 NE 1/4 Section 11, SW SE Section 2  
both as projected within Bay DLE 38, T. 23 S, R. 8 W, W.M. No. 1-440 feet South and 40 feet  
West, No. 2-250 feet South and 480 feet West, No. 3-320 feet North and 2160 feet West, all from the

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-eighth 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,

AS

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:

From Diversion Points 1 and 2

2.7 acres SW NE  
0.4 acre SE NW  
17.2 acres NE SW  
2.4 acres SE SW  
4.0 acres NE SE  
31.0 acres NW SE  
25.4 acres SW SE  
7.1 acres SE SE

From Diversion Points 1, 2, and 3

0.8 acre SW NE  
15.6 acres NE NW  
34.7 acres SE NW  
13.9 acres NE SW

all as projected within Bay DLE 38  
Section 2  
T. 23 S, R. 8 W, W.M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

This certificate is issued to confirm & changes in point of diversion approved  
by ~~the~~ orders of the WRD entered May 10, 1973 and April 13, 1978 and together with certificate  
of water right recorded at Page 46171, Volume 38, SRWRC supersedes  
certificate of water right recorded at Page 22393, Volume 16, SRWRC.

The issuance of this superseding certificate does not confirm the status of  
the water right in reference to ORS 540.610.



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. 3828

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:

February 21, 28, March 7, 1978

The fee actually charged by such newspaper for such publication is \$47.23

Elsille Martin

Subscribed and sworn to before me this 7 day of

March, 1978

Barbara Bean  
Notary Public of Oregon

My Commission expires 10th day of October, 1980

RECEIVED

MAR 13 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED

MAR 8 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

NOTICE OF  
WATER RIGHT TRANSFER  
APPLICATION NO. 3828

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Howard F. Carnes for approval of a change in point of diversion from Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the State Engineer, entered May 10, 1973, approving transfer application No. 2737, the right previously described by the certificate recorded at page 22393, Volume 16, State Record of Water Right Certificates, now exists for a certain use of water which includes not to exceed 0.81 cubic foot per second from Umpqua River for irrigation of 0.8 acres in SW 1/4 NE 1/4, 15.6 acres in NE 1/4 NW 1/4, 34.7 acres in SE 1/4 NW 1/4 and 13.9 acres in NE 1/4 SW 1/4 of Section 2, all as projected within Bay D.L.C. No. 38, T 23 S, R 8 W, WM, with a date of priority of February 27, 1953.

Water for the said right is diverted from a point located 1487 ft S & 1411.1 ft W from the N 1/4 Corner of Sec 2, being within the SW 1/4 NW 1/4 of Sec 2, T 23 S, R 8 W, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion

therefrom, without loss of priority, to three points of diversion located (1) 11.9 ft N & 37.5 ft W from the meander corner between Sec 11 & 12, being within the NE 1/4 NE 1/4 of Sec 11, T 23 S, R 8 W, WM.; (2) 251.99 ft S & 476.49 ft W from the SE Corner of Sec 2, being within the NE 1/4 NE 1/4 of Sec 11, T 23 S, R 8 W, WM.; and (3) 324.45 ft N & 2164.25 ft W from the SE Corner of Sec 2, being within the SW 1/4 SE 1/4 of Sec 2, T 23 S, R 8 W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Roseburg, Oregon, on April 13, 1978, 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, c/o Board of Forestry, P.O. Box 2289, Salem, OR 97310 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. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 14th day of February, 1978.

James E. Sexson  
Director

Invoice No. 3829; Publication Dates: February 21, 28, March 7, 1978