

Carothers

Name John V. Carothers
By _____
Address 2115 Oakmont Way
Eugene, OR 97401

Change in POD
Date filed Dec. 8, 1978
Date of hearing Feb. 7, 1979
Place of hearing Eugene
Date of order 2-12-79 Vol. 31, page 622
Date for application of water 10-1-80
Proof mailed _____
Proof received _____
Certificate issued MAR 30 1979 41, page 47737
NOV 9 1988 53 57966

to survey 9/80

4098

DESCRIPTION OF WATER RIGHT

Name of stream Bear Creek
Trib. of _____ County of Lane
Use _____
Quantity of water _____ No. of acres 8.3
Name of ditch _____
Date of priority May 2, 1958
In name of John V. Carothers
_____ Adjudication, Vol. _____, page _____
App. No. 32299 Per. No. 25525 Cert. No. 29378
Certificate cancelled _____
Notation made on record by _____

REMARKS

FEES PAID

Date	Amount	Receipt No.
<u>12-8-78</u>	<u>85-</u> <u><2></u>	<u>7827</u>
TOTAL . . .		
<u>1-16-79</u>	<u>\$2</u> Cert. Fee	<u>FR 7827</u>
<u>Bluerd Publishing Co. #47.25 pd 1-16-79 ck #2987</u>		

FEES REFUNDED

Date	Amount	Check No.
	<u>0</u>	
<u>Ex 30-</u> <u>POD 15-</u> <u>CERT 2-</u> <u>POD 17.25</u> <u>84.25</u>		

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		
	<input checked="" type="checkbox"/>	Entered	Checked
	<input checked="" type="checkbox"/>	Name	<u>OCJ</u>
	<input checked="" type="checkbox"/>	Stream	<u>OCJ</u>
	<input checked="" type="checkbox"/>	Pt. of Div.	<u>OCJ</u>
	<input checked="" type="checkbox"/>	Calendar	<u>OCJ</u>
	<input checked="" type="checkbox"/>	CHECKED TO RECORDS	
	<input checked="" type="checkbox"/>	Twp. & Rge.	<u>OCJ</u>
	<input checked="" type="checkbox"/>	Decees-vault	<u>OCJ</u>
	<input checked="" type="checkbox"/>	Decees-sale	<u>OCJ</u>
	<input checked="" type="checkbox"/>	Cert. of W/R	<u>OCJ</u>
	<input checked="" type="checkbox"/>	Per. folder	<u>OCJ</u>
	<input checked="" type="checkbox"/>	Chnindex	<u>OCJ</u>
	<input checked="" type="checkbox"/>	Cross Ref.	<u>OCJ</u>
	<input checked="" type="checkbox"/>	Power Claim	<u>OCJ</u>
	<input checked="" type="checkbox"/>	Abstracts	<u>OCJ</u>

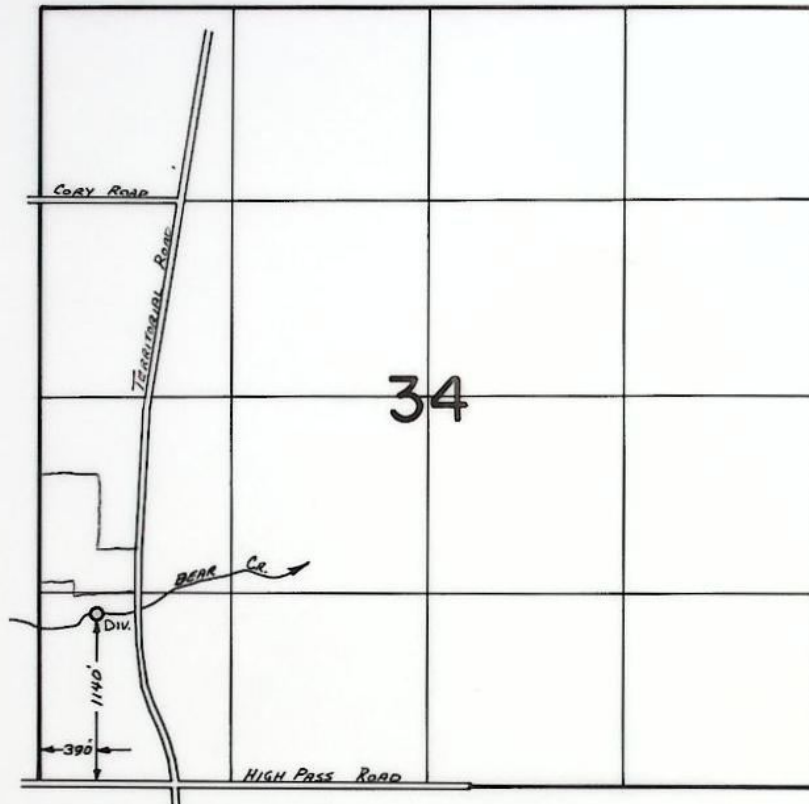
W.R.I.S.

Assembled 1-8-85 by OCJ

Entered _____ by _____

Verified _____ by _____

T.15S.,R.5W.,W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 4098
Application No. Permit No.
IN NAME OF

JOHN V. CAROTHERS

Surveyed June 17, 1982, by L. M. TOLL.....

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LANE COUNTY

IN THE MATTER OF THE APPLICATION)
OF JOHN V. CAROTHERS FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM BEAR CREEK)

ORDER APPROVING
TRANSFER NO. 4098

On December 8, 1978, an application was filed in the office of the Water Resources Director by John V. Carothers for approval of a change in point of diversion from Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 29378, Volume 21, State Record of Water Right Certificates, in the name of John V. Carothers, describes a right which includes the use of not to exceed 0.1 cubic foot per second from Bear Creek for irrigation of a certain 8.1 acres in $W\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.2 acre in $W\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 15 South, Range 5 West, W.M., with a date of priority of May 2, 1958.

The authorized point of diversion for said right is located 2500 feet North and 1580 feet East from the South Quarter Corner of Section 34, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 15 South, Range 5 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 a point located 1075 feet North and 500 feet East from the Southwest Corner of Section 34, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 15 South, Range 5 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Eugene Register-Guard, a newspaper printed and having general circulation in Lane County, Oregon, for a period of three weeks in the issues of December 19 and 26, 1978, and January 2, 1979.

Mr. L. Gene McGinnis, 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 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.

1131P622

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:

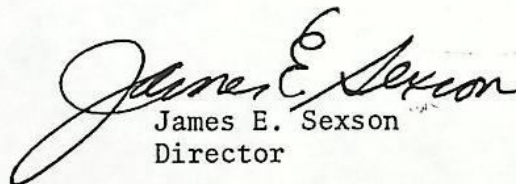
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 29378, Volume 21, 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 applicant herein.

Dated at Salem, Oregon this 12th day of February, 1979.


James E. Sexson
Director

PL23

POD
POU
USE
Add'l POD

Add'l POD

County Lane

1. Name John V. Carothers

2. Source of Supply, Bear Creek -, Trib of Long Tom River

3. Use in / 8^3 ac

4. Amount of Water 0.1 cfs

5. Priority Date Mar. 2, 1958

6. Proposed Point of Diversion ⁰ ¹¹⁴⁰ ³⁹⁰
~~1075'~~ N & ~~500'~~ E from SW Cor, Sec 34,
w/in SW¹/₄ SW¹/₄, Sec. 34, T15S, R5W, W1M

7. Completion Date 10-1-80

[illegible]

43410

INFO - R.C. KERSTAW -

- SHOWED US NEW P.O.D.

DIV - DIRECT from Creek

PUMP - Pacific DDC 3X2

MOTOR - GE 10 H.P. @ 3450

PIPE - 900' Buried 4" PVC MAIN

550' 4" Alum MAIN

1400 3" Alum LAT

HEADS - 35 RB 30 5/32 x 40

USE - Lawn Pasture

LIFT - +20

Tie - DBQ-7H-182

used stadia to locate
P.O.D. shot down fence line on Photo.

$$\frac{83}{80} = .10$$

@COPRI

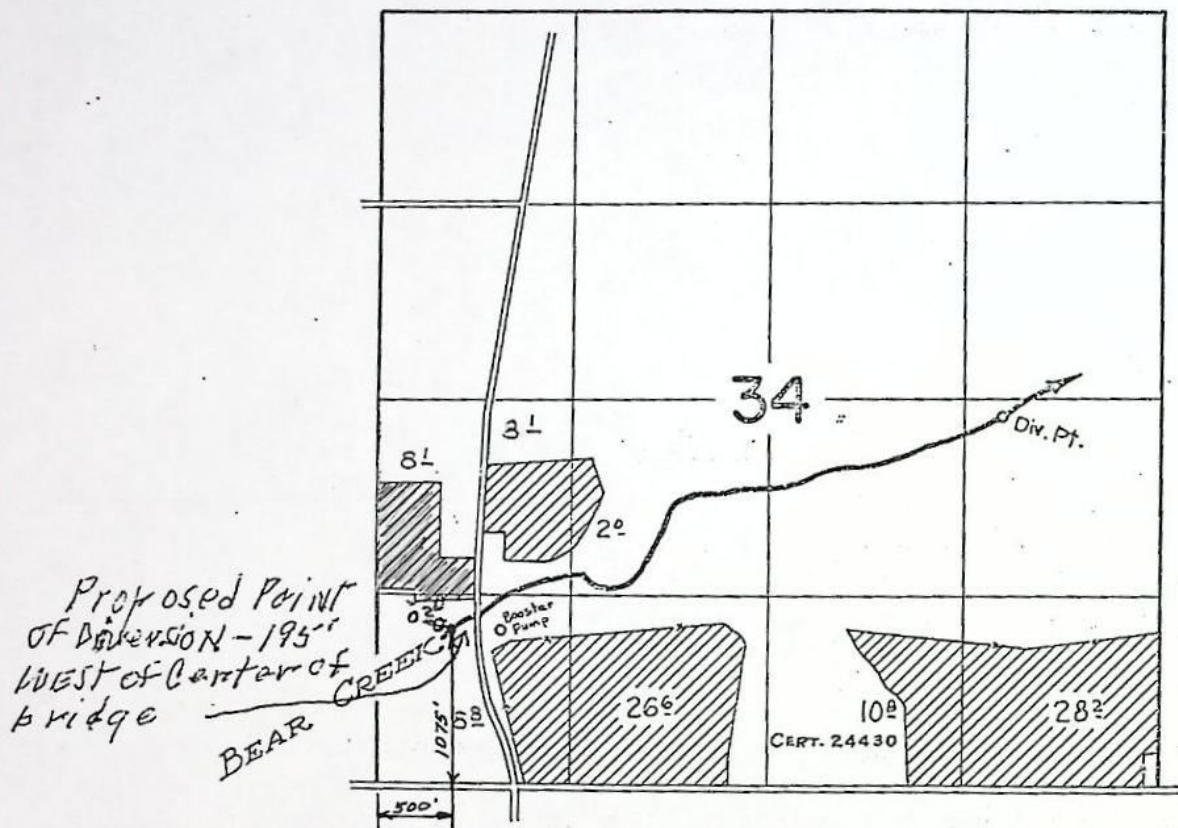
$$\frac{10(6.6)}{20 + 127} = .448$$

$$\frac{35(5)}{448.8} = .39$$

Larry Tall
WRF
6/17/82

T-4098

T.15S. R.5W.W.M.



FINAL PROOF SURVEY RECEIVED
UNDER NOV 22 1978

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 32299... Permit No. 25525...
IN NAME OF

JOHN V. CAROTHERS

Surveyed May 8, 1961, by

R. Jackson

BEAR CR → LONG TOM R

WRT-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

PAGE 1
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. 1000040981 PERMIT NO. 02S 525 CERTIF. NO.
 ORIG. NO. 1000322991 PREV. NO. 1000322991 SUPER. NO.

NAME: JOHN V. CAROTHERS

ADDRESS: 2115 OAKMONT WAY

CITY/STATE/ZIP/COUNTY: EUGENE, OR 97101

20

STREAM-ID 02 1140 1520 0200

RIV. MI.

WM. DIST. 02 W.R. TYPE SA STATUS V

CANCEL YEAR-->

CONSTR. COMPLT--> 09 15 1980

YR. LAST USED-->

NEXT ACTION DUE-->

PRIORITY--> 05 02 1958

PUT TO USE--> 09 15 1980

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 12 08 1978

SURVEYED-->

EXAM. FEE--> 20.00

RECORDING FEE--> 15.00

PERMIT ISSUE--> 02 12 1979

CONCURRENCE-->

CYCLE STATUS-->

REPORTED FLAG-->

CONSTR. STRT.--> 02 12 1979

CERTIFIED-->

CORRES. INIT.-->

CORRES. DATE-->

POINT-OF-DIVERSION DATA:
 TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

** REMARKS; - - - - -
 ** DATED-->

** POD: 1075' N & 500' E 1/4 SW COR
 ** S 34. CHANGES POD PART OF
 ** C-29378. RRC-47737.

** - - - - -
 ** - - - - -
 ** - - - - -
 ** - - - - -

PLACE-OF-USE DATA:
 TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

150S 050W 34 C B 20 1R 100 8.10 V P

C C 020 1 1

47737

W.R.I.S.

Assembled 7-8-85 by SGA

Entered by

Verified by

T-4098

RECEIVED

NOV 22 1978

WATER RESOURCES DEPT.
TALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, John V. Carothers
(Name of applicant)
 of 2115 Oakmont Way, Eugene
(Mailing address) (City)
 State of Oregon, 97401, 362-2242, do hereby make application for change
(Zip Code) (Phone number)
in point of diversion
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? John V. Carothers
(If not, give name)

2. Was your water right determined by Decree of Court? No If so, give title of proceedings
(Yes or No)

number of certificate

3. Was your water right acquired by Water Right Permit? Yes If so, give number
(Yes or No)
 of permit 25525 Number of certificate 29378

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Bear Creek

5. What is the date of priority of your water right? May 2, 1958

6. The authorized point of diversion is located 2500 ft. N and 1580 ft. E from the SW
(N. or S.) (E. or W.)
 corner of Section 34 being within the NE 1/4 SE 1/4 of Section 34 Tp. 15 S R. 5 W W. M.,
(No. N. or S.) (No. E. or W.)
 in the county of Lane The name of the ditch used is Pump

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 1075 ft. N and 500 ft. E from the SW
(N. or S.) (E. or W.)
 corner of Sec. 34 being within the SW 1/4 SW 1/4 of Section 34 Tp. 15 S R. 5 W W. M.,
(No. N. or S.) (No. E. or W.)
 in the county of Lane The name of the ditch to be used is
(Lt. of Dec. 7, 1978 MP)

8. The use to which the water is applied is Irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
15 S	5 W	34	W1/2 NW1/4 SW1/4	8.1 acres
			W1/2 SW1/4 SW1/4	0.2 acres
				8.3 acres

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? Yes
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

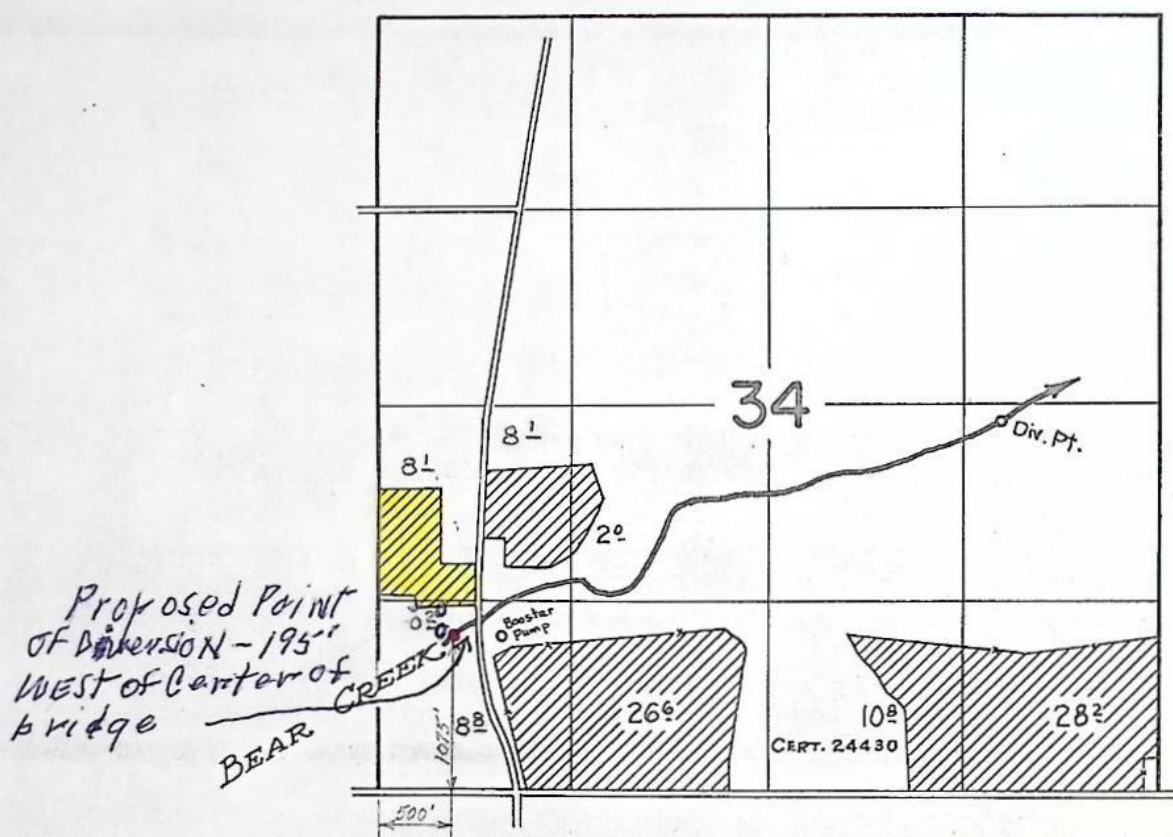
Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

T-4098

T.15S. R.5W.W.M.



FINAL PROOF SURVEY **RECEIVED**
UNDER

NOV 22 1978

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 32299... Permit No. 25525..
IN NAME OF

JOHN V. CAROTHERS

Surveyed May 8... 1961... by *R. Jackson*

14. Reasons for the proposed changes are property East of Territorial Road sold to others

15. Construction work will be completed on or before

16. The water will be completely applied to the proposed use on or before

Remarks

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, John V. Carothers, 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 21 day of Nov., 1978.

John V. Carothers
(Name of applicant)

Subscribed and sworn to before me this 21 day of November, 1978.

[Notarial Seal]

Delores E. Jaggett
NOTARY PUBLIC FOR OREGON

My commission expires Dec. 8, 1980

RECEIVED
SEP 15 1980
WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

point of diversion from Bear Creek

PURSUANT TO TRANSFER APPLICATION NO. 4098

I, John V. Carothers, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by Sept. 11, 1980

9/13/80

Date

John V. Carothers
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

ok
Dix



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: December 14, 1978FROM: ** L. Gene McGinnis, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4098IN THE NAME OF John V. Carothers

In my opinion the proposed change in point of diversion from Bear Creek
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~ to an existing water right.

Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? yes
(yes or no)

In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
✓ (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

** Leon Gene McGinnis
Watermaster's signature or initials

GUARD PUBLISHING COMPANY

P. O. BOX 10188

PHONE (503) 485-1234

EUGENE, OREGON 97440

Legal
Notice #4285

Legal Notice Advertising

• State of Oregon
Water Resources Dept.
• Attn: Wayne J. Overcash
Mill Creek Office Park
• 555 13th Street, N.E.
Salem, OR 97310

• ☐ Tearsheet Notice

• ☐ Duplicate Affidavit

RECEIVED
JAN 4 1979
WATER RESOURCES DEPT.
SALEM, OREGON

AFFIDAVIT OF PUBLICATION

STATE OF OREGON,)
COUNTY OF LANE,) ss.

I, Marcia Leavitt

being first duly sworn, depose and say that I am the Advertising Manager, or his principal clerk, of the Eugene Register-Guard, a newspaper of general circulation as defined in ORS 193.010 and 193.020; published at Eugene in the aforesaid county and state: that the

NOTICE OF WATER RIGHT TRANSFER
APPLICATION NO. 4098

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:

December 19 and 26, 1978 & January

2, 1979

Marcia Leavitt

Subscribed and sworn to before me this January 2, 1979

Marjorie Mulligan
Notary Public for Oregon

My Commission Expires: FEB. 12, 1982

AFFIDAVIT #4285

Legals

NOTICE OF WATER RIGHT
TRANSFER APPLICATION NO. 4098

Notice is hereby given that an application has been filed in the office of the Water Resources Director by John V. Carothers for approval of a change in point of diversion from Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 28378, Volume 21, State Record of Water Right Certificates, in the name of John V. Carothers, describes a right which includes the use of not to exceed 0.1 cubic foot per second from Bear Creek for irrigation of a certain 8.1 ac in W $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ & 0.2 ac in W $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 34, T 15S, R 5W, WM, with a date of priority of May 2, 1958.

The authorized point of diversion for said right is located 2500 ft. N & 1580 ft. E from the SW $\frac{1}{4}$ Corner of Sec 34, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 34, T 15S, R 5W, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1075 ft. N & 500 ft. E from the SW Corner of Sec 34, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 34, T 15S, R 5W, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Eugene, Oregon, on February 7, 1979, 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 John V. Carothers, 2115 Oakmont Way, Eugene, OR 97401; 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 Dept. upon request.

Dated at Salem, Oregon this 12th day of December, 1978.

James E. Sexson
Director

No. 4285—January 2, 1979

378-3066

January 18, 1979

Guard Publishing Company
P.O. Box 10188
Eugene, Oregon 97440

RE: File No. T-4098

Gentlemen:

Enclosed is our check No. 2987 in the amount of \$47.25 in payment of invoice No. 4285, received January 4, 1979.

Please receipt the enclosed invoice and return it to this office. Thank you.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj