

4195 Pelke

Name Don Pelke
By _____
Address P.O. Box 684
Canyonville, OR. 97417

Change in POD
Date filed April 12, 1979
Date of hearing June 28, 1979
Place of hearing Roseburg
Date of order 6-29-79 Vol. 32, page 266
Date for application of water 10-7-80
Proof mailed _____
Proof received _____
Certificate issued JUL 23 1979 Vol. 41, page 48343
FEB 9 1989 59993

4195

DESCRIPTION OF WATER RIGHT

Name of stream Canyon Creek
Trib. of _____ County of Douglas
Use _____
Quantity of water _____ No. of acres 0.07
Name of ditch _____
Date of priority Jan. 2, 1947
In name of John Hamlin
_____ Adjudication, Vol. _____, page _____
App. No. 22168 Per. No. 17436 Cert. No. 45752
Certificate cancelled _____
Notation made on record by _____

PLAT CARD TYPO
4795 vs 4195
?

FEES PAID

	Amount	Receipt No.
<u>19</u>	<u>85-</u>	<u>10233</u>
	<u>27</u>	<u>Trans to Cert</u>
TOTAL . . .		
<u>6-22-79</u>	<u>\$2</u> Cert. Fee	<u>Transfr 10233</u>

News Review \$33.51 pd 6/22/79 ck # 3472

FEES REFUNDED

Date	Amount	Check No.
<u>6-22-79</u>	<u>14.49</u>	<u>3473</u>

EX 20 -
POD 15 -
CERT 2 -
PON 33.51
70.51

REMARKS

CARD FOR C NOV 4 1980

Surveyed 6/1/84 (Tanner)

— finish —

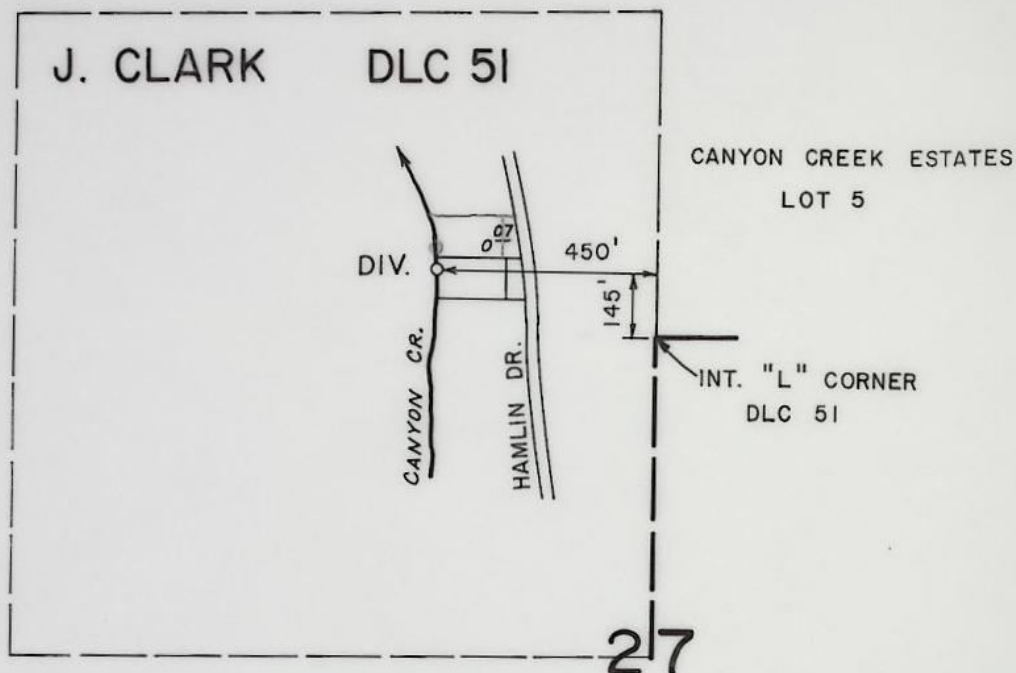
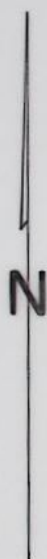
W.R.I.S.	
Assessed 5-1-85 by SGA	
Entered _____	by _____
Verified _____	by _____

	INDEX CARDS:	
	Entered	Checked
✓ Name	<u>OK</u>	_____
✓ Stream	<u>OK</u>	_____
✓ Pt. of Div.	<u>OK</u>	_____
✓ Calendar	<u>OK</u>	_____
✓ CHECKED TO RECORDS:	<u>OK</u>	_____
✓ Twp. & Rge.	<u>OK</u>	_____
✓ Decree-vault	_____	_____
✓ Decree-safe	_____	_____
✓ Cert. of W/R	<u>OK</u>	_____
✓ Per. Folder	<u>OK</u>	_____
✓ Chainindex	_____	_____
✓ Cross Ref.	_____	_____
✓ Power Claim	<u>OK</u>	_____
✓ Abstracts	_____	_____

TO BE ENTERED WHERE CHECKED

398

T.30S., R.5W., W.M.
SEC. 27
SE NW



SCALE: 1" = 400'

FINAL PROOF SURVEY
UNDER

Application No. T- 4195 Permit No.
IN NAME OF

.....**MARY M. TANNER**.....

Surveyed JUNE...J. 1984., by *J.E. Cashion*.....

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN:

POD
POU
USE
Add'l POD

OK cut
AE

Transfer No. 4195 County Douglas

Old Certificate No. 45752 NEW OWNER:

1. Name Don Pelke MARY M. TANNER; HC-2 Rev 24
Address PO Box 684, Canyonville, OR 97417 HOME: 839-6159
WORK: 839-4557

2. Source of Supply Canyon Creek, Trib of _____

3. Use in 10.07 ac

4. Amount of Water 0.001 cfs

5. Priority Date 1/2/1947

6. Proposed Point of Diversion 40' S + 20' E from NW Corner, Lot 5 of Canyon Cr. Estates, w/in SE 1/4 NW 1/4, S. 27, T30S, R5W, W1N

7. Completion Date 10-1-80

8. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
30S	5W	27		
OTHER	PERMITS			
A#	P#			
51485	38860	west of creek		
T 3846		✓		
T 3852		✓		
T 3842		✓		
58344	43983	offset		
T 5002		✓		
2075	1077			
22168	17456	✓		

T 30S
R 5W
SEC 27
LEC
01/1/84

RECEIVED

APR 23 1979

WATER RESOURCES DEPT.
SALEM, OREGON

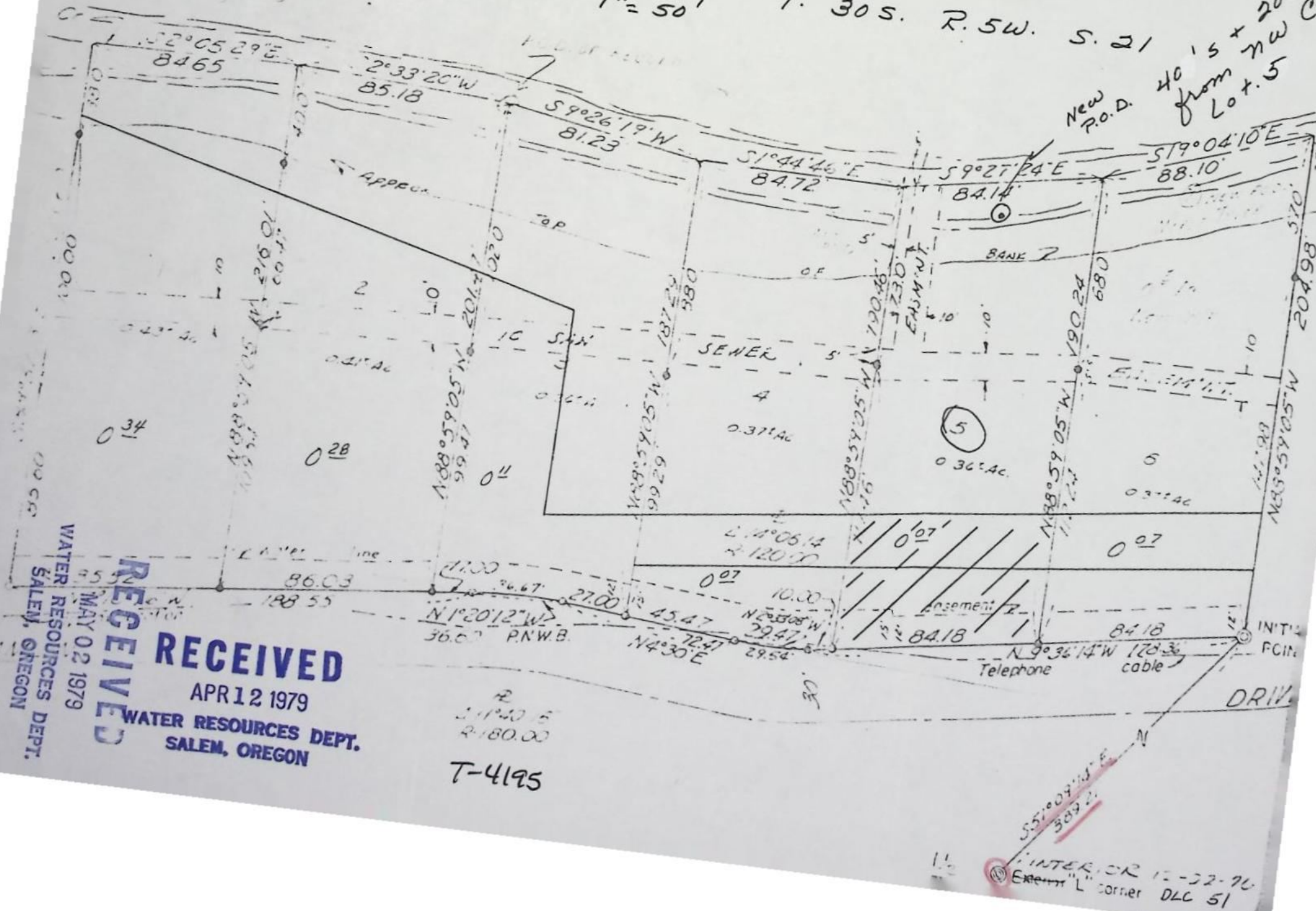
Brass Coe

Forest on West side line HAYLIN DRIVE

 $1'' = 50'$

T. 30 S. R. 5 W. S. 21

S. 21
New P.O.D.
40' S + 20' E
from NW Cor.
Lot 5



RECEIVED

Info: Mary Tanner and her brother Carl Morgan have purchased the property. Have lived there two months. They bought 1" PVC and a pump and plan to water from creek. Mrs. Tanner is ~~older~~ a "senior citizen".

Source: Canyon Creek

Use: irrigation of lawn

Pump: 1 HP

← Mrs. Tanner or her sister Martha will call w/ pump info

Pipe: 1" PVC and garden hose on site - plenty available to irrigate entire area

Lift: 15'

Div. Pt: directly from creek

Photo: T30S R5W Sec 27
paper photo from Doug Co. Surv. Off.

Remarks: Mrs. Tanner did not know how to contact Don Pelke (previous owner). Lawn is well established from previous owner. Trees and flowers also planted. Lot is as shown on app. map. Mrs. Tanner plans to irrigate entire lot.

Lynn Lashon

WRE

6/1/84

Drafting Comments: Photo out of scale. Plat used to establish NE corner of Lot 6 as tie.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF DON PELKE FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM CANYON CREEK)

ORDER APPROVING
TRANSFER NO. 4195

On April 12, 1979, an application was filed in the office of the Water Resources Director by Don Pelke for approval of a change in point of diversion of water from Canyon Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 45752, Volume 38, State Record of Water Right Certificates, in the name of John Hamlin, describes a right which includes the use of not to exceed 0.001 cubic foot per second from Canyon Creek for irrigation of a certain 0.07 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 30 South, Range 5 West, W.M., with a date of priority of January 2, 1947.

The authorized point of diversion for said right is located 110 feet South and 420 feet West from the interior "L" Corner of J. Clark D.L.C. No. 51, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 30 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 40 feet South and 20 feet East from the Northwest Corner of Lot 5 of Canyon Creek Estates, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 30 South, Range 5 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 May 7, 14 and 21, 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:

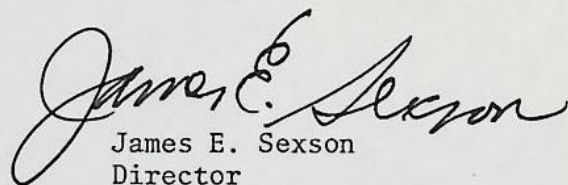
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

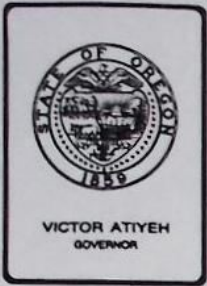
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that 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 recorded at page 45752, Volume 38, 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 29th day of June, 1979.


James E. Sexson
Director



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

May 13, 1985

Mary M. Tanner
HC 2 Box 26
Canyonville, OR 97417

REFERENCE: Transfer File 4195

Dear Ms. Tanner:

The report submitted by our water rights examiner in connection with the survey made regarding the change in point of diversion from Canyon Creek for the irrigation of 0.07 acre shows that you are irrigating more than allowed in the transfer. In order to establish a legal right to appropriate water from Canyon Creek to irrigate the additional lands, an application for another permit would have to be submitted.

We will send you the application form upon request.

Sincerely,

Thomas E. Shook
Senior Water Rights Examiner

TES/jw

On April 29, 1985, the Water Policy Review Board adopted a policy restricting use of water from the South Umpqua River and its tributaries. Irrigation permits will not allow the appropriation of any live flow after July 15th. Water stored for irrigation can be used, however.

CANYON CR 7 S. UMPQUA R

WRJT-0982-01

*** 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. 1000041951 PERMIT NO. 017456 CERTIF. NO.
 ORIG. NO. A000221681 PREV. NO. A000221681 SUPER. NO.

NAME: DON PELKE

ADDRESS: PO Box 684

CITY/STATE/ZIP/COUNTY: CANYONVILLE OR 97417

10

STREAM-ID 16 1250 0900 0440

RIV. MI.

WM. DIST. 15 W.R. TYPE SA STATUS V

CANCEL YEAR-->

CONSTR. COMPLY--> 10 01 1980

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 01 02 1947

PUT TO USE-----> 10 01 1980

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 04 12 1979

SURVEYED-----> 06 01 1984

EXAM. FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE--> 06 29 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 06 29 1979

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

 POINT-OF-DIVERSION DATA:
 TWP/SP RGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

** REMARKS; - - - - ->

** DATED-->

3005 050W 21 B D 16 1250 0900 0440

0.001

V P

** POD: 40'S E 20'E FM NW COR

** LOT 5, CANYON CREEK ESTATES.

** CHANGES POD PART OF C-45752.

** RPL-48343.

PLACE-OF-USE DATA:

TWP/SP RGE SECT QTR/QTR CNTY USE % CNSMTV ACRES

STATUS S OR P

3005 050W 21 B D 10 1R 100 0.07

V P

98343

W.R.I.S.

Assembled 5-1-85 by SOD

Entered _____ by _____

Verified _____ by _____

RECEIVED

MAY 02 1979

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

APR 23 1979

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

APR 12 1979

WATER RESOURCES DEPT.
SALEM, OREGON

T-4195

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Don Pelke

(Name of applicant)

of P.O. Box 684

(Mailing address)

Canyonville

(City)

State of Oregon97417

(Zip Code)

389-6343

(Phone number)

do hereby make application for change

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? No - John Hamlin

(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 17456 Number of certificate 19652 45752

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 Canyon Creek5. What is the date of priority of your water right? 1-2-476. The authorized point of diversion is located 110 ft. S. and 420 ft. W. from the Int. "L"

(N. or S.)

(E. or W.)

corner of J. Clark DLC. #51 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21 Tp. 30S. R. 5W. W. M.,

(No. N. or S.) (No. E. or W.)

in the county of Douglas The name of the ditch used is

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

7. The proposed point of diversion is located 40 ft. S. and 20 ft. E. from the NW

(N. or S.)

(E. or W.)

corner of Lot 5 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21 Tp. 30S. R. 5W. W. M.,

(No. N. or S.) (No. E. or W.)

in the county of Douglas The name of the ditch to be used is

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 ¼-¼ of Section	Number Acres To Be Irrigated
T.30S.	5W.	21	SE¼ NW¼	0.07

(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.?
(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 ¼-¼ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are Place pumping point within boundaries
of owners property.

15. Construction work will be completed on or before 7-1-79

16. The water will be completely applied to the proposed use on or before 7-1-80

Remarks Please advertise in News Review

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, Don Pelke, 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 10th day of April, 1979.

Don P. Pelke
(Name of applicant)

Subscribed and sworn to before me this 10th day of April, 1979.

[Notarial Seal]

Elaine M. Youngquist
NOTARY PUBLIC FOR OREGON

My commission expires 8-4-82



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: April 11, 1979.FROM: ** M. John YoungquistSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4195IN THE NAME OF Don Pelke

RECEIVED
APR 12 1979
WATER RESOURCES DEPT.
SALEM, OREGON

In my opinion the proposed change in point of Diversion
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
previous Transfer Filed on Lot 4 (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 . . .
X (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 _____

** M. John Youngquist
Watermaster's signature or initials

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. 4195

a printed copy of which is hereto annexed, was publish-
ed in the entire issue of said newspaper for 3
successive and consecutive weeks in the following issues:

May 7, 14, 21, 1979

The fee actually charged by such newspaper for such
publication is \$ 33.51

Elsille Martin

Subscribed and sworn to before me this 21st day of

May, 19 79

Barbara Brown

Notary Public of Oregon

My Commission expires 10th day of October, 19 80

RECEIVED

MAY 23 1979

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF
WATER RIGHT
TRANSFER APPLICATION
NO. 4195

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

The certificate recorded at page
45752, Volume 38, State Record of
Water Right, contains the
description of the water right
which is a
right to divert water from
Canyon Creek, a tributary of
the second from Canyon Creek,
a certain 0.07 ac in SE 1/4
NW 1/4 of Sec 21, T 30S, R 5W, WM.,
with a date of priority of Jan. 2,
1947.

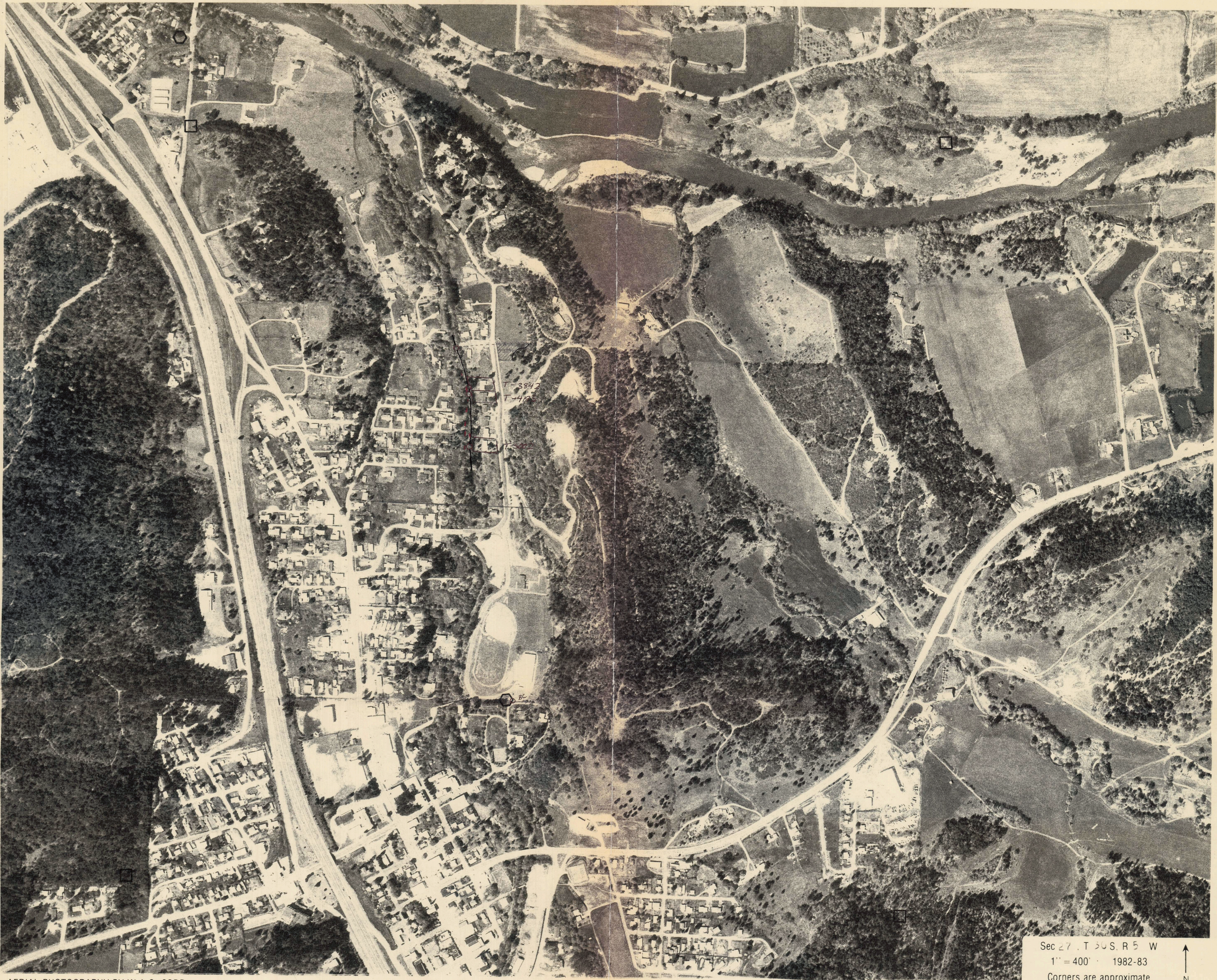
The authorized point of diversion
for said right is located 110 ft S &
420 ft W from the interior "L"
Corner of J. Clark DLC #51, being
within the SE 1/4 NW 1/4 of Sec 21, T
30S, R 5W, WM.

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 40 ft S & 20 ft E
from the NW Corner of Lot 5 of
Canyon Creek Estates, being
within the SE 1/4 NW 1/4 of Sec 21, T
30S, R 5W, WM.

All persons interested are notified
hereby that a hearing will be held
at the county courthouse at Rose-
burg, Oregon on June 28, 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 Don Pelke, PO Box
684, Canyonville, OR 97417; 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. Ad-
ministrative rules pertaining to
the filing of a protest will be
furnished by the Water Resources
Dept. upon request.

Dated at Salem, Oregon this 3rd
day of May, 1979.

James E. Sexson, Director
Invoice No. 5246
Publication Dates: May 7, 14, 21,
1979



AERIAL PHOTOGRAPHY BY W.A.C. CORP.

Sec 27, T 30 S, R 5 W
1" = 400' 1982-83
Corners are approximate

