

STATE OF OREGON

COUNTY OF DOUGLAS

ORDER APPROVING A CHANGE IN PLACE OF USE
AND A CHANGE IN POINT OF DIVERSION
AND CANCELLATION OF WATER RIGHTS

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 6709 submitted by

ROSEBURG FOREST PRODUCTS
P.O. BOX 1088
ROSEBURG, OREGON 97470.

The right to be modified, as evidenced by Certificate 52770, was perfected under Permit 26640 with a date of priority of MARCH 9, 1960. The right allows the use of the SOUTH UMPQUA RIVER AND POND 2 CONSTRUCTED UNDER PERMIT R-1835, a tributary of the UMPQUA RIVER, for WOOD PRODUCTS MANUFACTURING INCLUDING LOG STORAGE USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.19 cubic foot per second, if available at the original point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, AS PROJECTED WITHIN GAGE DLC 51, SECTION 29, T 28 S, R 6 W, W.M.; 510 FEET SOUTH AND 490 FEET WEST FROM THE CENTER $\frac{1}{4}$ CORNER OF SECTION 29, or its equivalent in case of rotation, measured at the point of diversion from the source.

NOTICE: Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.

The amount of water shall be limited to a diversion of not to exceed 37.75 acre-feet during the irrigation season of each year, provided further that the right to the use of water is limited to the period when the flow in the South Umpqua River is more than 60 cubic feet per second at its mouth.

The authorized point of diversion is located:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, AS PROJECTED WITHIN GAGE DLC 51, SECTION 29, T 28 S, R 6 W, W.M.; 750 FEET SOUTH AND 130 FEET WEST FROM THE CENTER $\frac{1}{4}$ CORNER OF SECTION 29.

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 $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
W $\frac{1}{2}$ SE $\frac{1}{4}$
SECTION 29

TOWNSHIP 28 SOUTH, RANGE 6 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 to change the place of use to:

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 32

SW $\frac{1}{4}$ SW $\frac{1}{4}$
AS PROJECTED WITHIN
PHIPPS DLC 42
SECTION 34

NW $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
LOT 8 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
LOT 6 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
LOT 7 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
LOT 5 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
LOT 3 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
LOT 9 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
LOT 2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
LOT 1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)

SW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$

ALL AS PROJECTED WITHIN
MCCLOUD DLC 41

SW $\frac{1}{4}$ SE $\frac{1}{4}$

AS PROJECTED WITHIN
PHIPPS DLC 42

SE $\frac{1}{4}$ SE $\frac{1}{4}$

AS PROJECTED WITHIN
MCCLOUD DLC 41

SE $\frac{1}{4}$ SE $\frac{1}{4}$

AS PROJECTED WITHIN
PHIPPS DLC 42

SECTION 33

TOWNSHIP 28 SOUTH, RANGE 6 WEST, W.M.

NW $\frac{1}{4}$ NW $\frac{1}{4}$
AS PROJECTED WITHIN
PHIPPS DLC 42
SECTION 3

LOT 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
BOTH AS PROJECTED WITHIN
PHIPPS DLC 42
SECTION 4

TOWNSHIP 29 SOUTH, RANGE 6 WEST, W.M.

The applicant proposes to change the point of diversion to:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, AS PROJECTED WITHIN MCCLOUD DLC 41, SECTION 33, T 28 S, R 6 W, W.M.; 900 FEET NORTH AND 160 FEET WEST FROM THE S $\frac{1}{4}$ CORNER OF SECTION 33.

As part of the notarized application, the applicant submitted statements authorizing the partial cancellation of the right evidenced by Certificate 52770 and the cancellation of the right evidenced by Certificate 48439.

The first right is for the use of the South Umpqua River and Pond 2 constructed under Permit R-1835, tributaries of the Umpqua River, for wood products manufacturing including log storage. The date of priority is March 9, 1960. The applicant states they have abandoned Pond 2 as a source and have authorized the cancellation of that portion of the water right.

The second right is for the storage of 35.0 acre-feet from the South Umpqua River in Pond 2 constructed under Permit R-1835, tributary of the Umpqua River, for log storage with a priority date of March 7, 1955. The applicant states they have abandoned the water right and have authorized its cancellation.

ORS 540.610 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."


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, 2000.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
3. 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 former place of use shall no longer be irrigated as a part of this water right.
6. 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.

The rights requested to be canceled, as described herein, are canceled. Certificates 52770 and 48439 are canceled. When satisfactory proof of the completed change is received, a new certificate confirming Permit 26640 will be issued.

WITNESS the signature of the Water Resources
Director, affixed SEP 15 1999.



Martha O. Pagel, Director