

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROSEBURG LUMBER COMPANY FOR)
APPROVAL OF CHANGES IN POINT OF)
DIVERSION, PLACE OF USE AND USE)
THEREFORE MADE OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. R-116

On March 11, 1969, an application was filed in the office of the Water Resources Director by Roseburg Lumber Company for approval of changes in point of diversion, place of use and use theretofore made of water from Cow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 24069, Volume 17, State Record of Water Right Certificates, in the name of Patrick Lumber Company, describes a right for the use of not to exceed 0.10 cubic foot per second of water from Jerry Creek when available and any deficiency in the available supply from Jerry Creek to be made up by diversion from Cow Creek, for fire protection in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, and for maintenance of a log pond in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 30 South, Range 6 West, W.M., with a date of priority of January 9, 1951.

The points of diversion of record for said water right are: (a) From Jerry Creek: 275 feet South and 1480 feet East from the Northwest Corner of Section 26, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 30 South, Range 6 West, W.M.; and (b) From Cow Creek: 1850 feet South and 1590 feet East from the Northwest Corner of Section 26, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 26.

The records support a claim by the applicant that Jerry Creek water has not been available as a source of supply for the subject water right for several years prior to the filing of this application and, therefore, Cow Creek has been used as the only source of supply for the said right.

The applicant herein, owner of the lands above described, proposes to sever the water right therefrom and to the extent of 0.10 cubic foot per second of the waters of Cow Creek maintained in beneficial use, without loss of priority, hereafter use the water appropriated for industrial use within SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ of Section 23; and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 30 South, Range 6 West, W.M.; and to change from the above described point of diversion to a point located 5710 feet South and 20 feet East from the Northwest Corner of D.L.C. No. 45, being within

the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 30 South, Range 6 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 April 3, 10 and 17, 1970.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed changes in point of diversion, place of use and the use theretofore made of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in point of diversion, place of use and the use theretofore made of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in point of diversion, place of use and the use theretofore made of water from Cow Creek, as described herein, without loss of priority, are 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 carried out prior to the diverting of water at the new point of diversion as herein confirmed:


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 and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Patrick Lumber Company and recorded at page 24069, Volume 17, State Record of Water Right Certificates, is canceled; 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 23rd day of June, 1978.


James E. Sexson
Director

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