

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF ROSEBURG LUMBER COMPANY FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION, PLACE OF USE AND)
USE OF WATER FROM SOUTH UMPQUA)
RIVER)

ORDER APPROVING
TRANSFER NO. 2768

On February 28, 1973, Roseburg Lumber Company, filed an application in the office of the State Engineer for the approval of a change in use, place of use, and point of diversion of water from South Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to A. J. Rice and recorded at page 35626, Volume 27, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.27 cubic foot per second of water from South Umpqua River for the irrigation of, 5.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 5.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 28 South, Range 6 West, W.M., and 9.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and .7 of an acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, and 1.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 29 South, Range 6 West, W.M., with a date of priority of November 27, 1963. These lands are irrigated from a point of diversion 280 feet South and 1410 feet East from the South $\frac{1}{4}$ corner of Section 33, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 29 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the use from the irrigation of the above described lands to additional water needed for steam, cooling water and fire protection and cleanup, with the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 28 South, Range 6 West, W.M., and to change the

point of diversion to a point to be located 900 feet North and 160 feet West from the South $\frac{1}{4}$ corner of Section 33, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 28 South, Range 6 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in use, place of use and point of diversion of water, if any there were, namely: at the county courthouse in Roseburg, Oregon, on May 10, 1973, at 9:30 a.m. The notice was published in the Roseburg News Review, a newspaper published and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of March 16, 23 and 30, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. M. John Youngquist, Watermaster of District No. 15, has filed a report to the effect that the proposed change in use, place of use, and point of diversion of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the change in use and place of use is approved and the water right hereinbefore described as appurtenant to the irrigation of 5.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 28 South, Range 6 West, 9.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and .7 of an acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, and 1.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 29 South, Range 6 West, W.M., with a date of priority of November 27, 1963, be severed therefrom and simultaneously and without loss of priority transferred to industrial use of wood products plant in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$,

Range 6 West, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from South Umpqua River, to-wit:

From a point located 280 feet South and 1410 feet East from the South $\frac{1}{4}$ corner of Section 33, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 29 South, Range 6 West, W.M.

To a point to be located 900 feet North and 160 feet West from the South $\frac{1}{4}$ corner of Section 33, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 28 South, Range 6 West, W.M.

for industrial use of wood products plant in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 28 South, Range 6 West, W.M., with a date of priority of November 27, 1963.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1973.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall be limited to 0.27 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use on the lands to which the water is transferred hereby, a certificate

of water right will be issued to Roseburg Lumber Company confirming this.

Dated at Salem, Oregon, this 24th day of May, 1973.

CHRIS L. WHEELER
State Engineer ✓