

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION OF )  
FRED C. SCHULZE FOR THE APPROVAL )  
OF A CHANGE IN PLACE OF USE OF WATER )  
FROM LOOKINGGLASS CREEK )  
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ORDER APPROVING  
TRANSFER NO. S-174

On July 29, 1965, Fred C. Schulze of Roseburg, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use of water from Lookingglass Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Fred C. Schulze and recorded at page 22182, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.50 cubic foot per second of water from Lookingglass Creek for the irrigation of 40 acres that includes 0.4 acre in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 8.0 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 4.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 26.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, Township 28 South, Range 7 West, W.M., with a date of priority of March 7, 1950.

Certificate of water right issued to Fred C. Schulze and recorded at page 30942, Volume 22, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.68 cubic foot per second of water from Lookingglass Creek for the irrigation of 54.8 acres that includes 28.6 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 9.8 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, Township 28 South, Range 7 West, W.M., with a date of priority of December 17, 1958.

The applicant herein proposes to transfer the water right, without loss of priority, from 0.4 acre in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 8.0 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 4.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 26.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, Township 28 South, Range 7 West, W.M., with a date of priority of March 7, 1950, to 28.6 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 9.8 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, Township 28 South, Range 7 West, W.M., and the water right, without loss of priority,

from 28.6 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 9.8 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, Township 28 South, Range 7 West, W.M., with a date of priority of December 17, 1958, to 0.4 acre in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 8.0 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 4.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 26.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, Township 28 South, Range 7 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water only.

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.

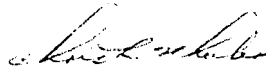
Mr. W. J. Ruppert, Watermaster of District No. 15, has filed a report to the effect that the proposed change in place of use of water may be made without injury to existing rights.

This being exchange of water rights, no time need be fixed for applying water to beneficial use.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 0.4 acre in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 8.0 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 4.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 26.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, Township 28 South, Range 7 West, W.M., with a date of priority of March 7, 1950 be severed therefrom and simultaneously and without loss of priority transferred to 28.6 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 9.8 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, Township 28 South, Range 7 West, W.M., and the water right hereinbefore described as appurtenant to 28.6 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 9.8 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, Township 28 South, Range 7 West, W.M., with a date of priority of December 17, 1958, be severed therefrom and simultaneously and without loss of priority transferred to 0.4 acre in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 8.0 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 4.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 26.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, Township 28 South, Range 7 West, W.M.

It is FURTHER ORDERED that certificates of water right heretobefore issued to Fred C. Schulze and recorded at page 30942, Volume 22, and page 22182, Volume 16, State Record of Water Right Certificates, are canceled and in lieu thereof new certificates be issued covering the balance of the lands not involved in this proceeding and confirming the exchange of water rights approved herein.

Dated at Salem, Oregon, this 6th day of December, 1965.



CHRIS L. WHEELER  
State Engineer