

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF MILTON HERBERT FOR THE APPRO-)
VAL OF A CHANGE IN USE OF WATER)
FROM SOUTH UMPQUA RIVER)
- - - - -

ORDER APPROVING
TRANSFER NO. H-150

On July 27, 1964, Milton Herbert of Canyonville, Oregon, filed an application in the office of the State Engineer for the approval of a change in use of water from South Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificates of water right issued to Milton Herbert and recorded at pages 28827 and 28828, Volume 21, State Record of Water Right Certificates, confirm a right to the use of 56.08 acre feet of the waters of South Umpqua River for a log storage pond and appropriation of 0.25 cubic foot per second of the waters of South Umpqua River to maintain said pond in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, as projected within the Wm. Preston D.L.C. No. 62, Township 30 South, Range 5 West, W.M., with a date of priority of October 11, 1954.

The applicant herein, owner of the right above described, proposes to change the use thereof to fish culture.

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 of water, if any there were, namely: at the county courthouse at Roseburg, Oregon, on December 17, 1964, at 9:30 a.m. The notice was published in the Myrtle Creek Mail, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of October 22, 29 and November 5, 1964. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. C. O. Bartels, Watermaster of District No. 15, filed a report to the effect that the proposed change in use of water may be made without injury to existing rights.

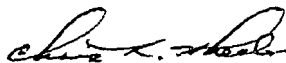
No objections having been filed and it appearing that the proposed change in use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it is hereby ORDERED that the proposed change in use of water is approved and the right to the use of 56.08 acre feet of the waters of South Umpqua River for a log storage pond and appropriation of 0.25 cubic foot per second of the waters of South Umpqua River to maintain said pond in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, as projected within the Wm. Preston D.L.C. No. 62, Township 30 South, Range 5 West, W.M., with a date of priority of October 11, 1954, be changed to fish culture.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1965.

It is FURTHER ORDERED that certificates of water right heretofore issued to Milton Herbert and recorded at pages 28827 and 28828, Volume 21, State Record of Water Right Certificates, are canceled and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use as allowed herein, a certificate of water right shall be issued to Milton Herbert confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 5th day of February, 1965.



CHRIS L. WHEELER
State Engineer