

Douglas County

IN THE MATTER OF THE APPLICATION )  
OF DOUGLAS COUNTY PARK DEPARTMENT )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER FROM )  
SOUTH UMPQUA RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3310

On August 26, 1975, Douglas County Park Department filed an application in the office of the Water Resources Director for the approval of a change in 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 Milton Herbert and recorded at Page 28827 and 28828, Volume 21, State Record of Water Right Certificates, confirmed rights to store 56.08 acre-feet of water and to use not to exceed 0.25 cubic foot per second of water from the flow of the South Umpqua River for operation of a log pond in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 26, Township 30 South, Range 5 West, W.M., all with a date of priority of October 11, 1954.

On February 5, 1965, an order was entered by the State Engineer wherein these water rights were changed to maintenance of the pond for fish culture. Proof to the satisfaction of the Water Resources Director of beneficial use of water for fish culture has been received.

Water for use under these rights is diverted from a point located North 54 degrees 46 minutes West, 1216 feet from the Northeast corner of Preston D.L.C. #62, being within Lot 8 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 23, Township 30 South, Range 5 West, W.M.

The applicant herein, owner of the pond site, proposes to divert water for fish culture from a point of diversion to be located 185 feet South and 710 feet East from the Southwest corner of Section 23, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 26, Township 30 South, Range 5 West, W.M.

Notice of the filing of the application 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 January 15, 22 and 29, 1976.

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

No objection 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.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from South Umpqua River as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1977.

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, and shall not exceed 0.25 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 head-gates and measuring devices:

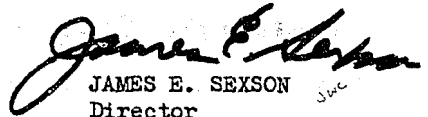
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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.

The order entered February 5, 1965, canceled the certificates of water right heretofore issued to Milton Herbert and recorded at Pages 28827 and 28828, Volume 21, State Record of Water Right Certificates, and provided for certificates to be issued confirming the extent to which the water has been applied beneficially.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, certificates of water right shall be issued to Douglas County Park Department confirming the rights as modified under the provisions of the order entered February 5, 1965, approving transfer application No. H-150, as further modified under the provisions herein.

Dated at Salem, Oregon, this 12th day of October, 1976.

  
JAMES E. SEXSON  
Director