

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION )  
OF FRANK J. HORN FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM NORTH UMPQUA RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3071

On June 27, 1974, Frank J. Horn filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from North Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to R. B. Oliver and recorded at Page 26674, Volume 18, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.67 cubic foot per second of water from North Umpqua River for the irrigation of, among other lands, 3.1 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 15, Township 26 South, Range 4 West, W.M., with a date of priority of August 31, 1936. Certificate of water right issued to R. B. Oliver and recorded at Page 26963, Volume 19, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.17 cubic feet per second of water from North Umpqua River for the irrigation of, among other lands, 4.9 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.4 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.5 acre in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 0.4 acre in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 15, Township 26 South, Range 4 West, W.M., with a date of priority of December 17, 1956.

The above lands are irrigated from a point of diversion located 90 feet North and 1210 feet West from the East quarter-corner of Section 15, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 15, Township 26 South, Range 4 West, W.M.

The applicant herein, contract purchaser of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1435 feet South and 2775 feet West from the Northeast corner of Section 15, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 15, Township 26 South, Range 4 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 point of diversion of water, if any there were, namely: at the county courthouse in Roseburg, Oregon, on December 9, 1975, at 9:30 a.m. The notice was published in the Roseburg News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of October 13, 20, and 27, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice. The Umpqua Savings and Loan Association, Roseburg, Oregon, contract seller of the lands involved herein, has given written approval of the change in point of diversion.

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 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. NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from North Umpqua River, to wit:

From a point located 90 feet North and 1210 feet West from the East quarter-corner of Section 15, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 15, Township 26 South, Range 4 West, W.M.

To a point to be located 1435 feet South and 2775 feet West from the Northeast corner of Section 15, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 15, Township 26 South, Range 4 West, W.M.

for the irrigation of 3.1 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , with a date of priority of August 31, 1936, 4.9 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.4 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.5 acre in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 0.4 acre in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , with a date of priority of December 17, 1956, all in Section 15, Township 26 South, Range 4 West, W.M., 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, 1976.

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 0.04 cubic foot per second under the priority date of August 31, 1936, and shall not exceed 0.10 cubic foot per second under the priority date of December 17, 1956.

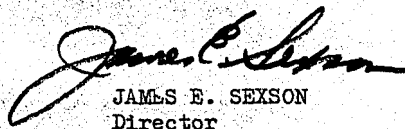
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 the certificates of water right heretofore issued to R. B. Oliver and recorded at Page 26674, Volume 18, and Page 26963, Volume 19, 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 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 Frank J. Horn confirming the change in point of diversion.

Dated at Salem, Oregon, this 6th day of February, 1976.

  
JAMES E. SEXSON  
Director