

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION )  
OF NYE AND ALLENBY FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM NORTH UMPQUA RIVER )  
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ORDER APPROVING  
TRANSFER NO. N-29

On September 30, 1965, Nye and Allenby of Roseburg, Oregon, filed an application in the office of the State Engineer for 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 Nye and Allenby and recorded at page 28559, Volume 20, State Record of Water Right Certificates, confirms a right to the use of the waters of North Umpqua River for the irrigation of, among other lands, 6.54 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 8.21 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 16, Township 26 South, Range 4 West, W.M., with a date of priority of October 3, 1956.

These lands are irrigated from a point of diversion located 1070 feet north and 560 feet east from the west quarter corner of Section 16, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 16, Township 26 South, Range 4 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands by means of a point of diversion to be located 1500 feet north and 1560 feet east from the west quarter corner of Section 16, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 16, Township 26 South, Range 4 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. W. J. Ruppert, 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 the proposed change in point of diversion of water may be made without injury to existing rights, the application should be approved.

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

From a point located 1070 feet north and 560 feet east from the west quarter corner of Section 16, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 16, Township 26 South, Range 4 West, W.M.

To a point to be located 1500 feet north and 1560 feet east from the west quarter corner of Section 16, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 16, Township 26 South, Range 4 West, W.M.

for the irrigation of 6.54 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 8.21 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 16, Township 26 South, Range 4 West, W.M., with a date of priority of October 3, 1956, 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, 1966.

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.

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

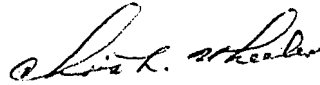
That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 certificate of water right heretofore issued to Nye and Allenby and recorded at page 28559, Volume 20, State

Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Nye and Allenby confirming said change in point of diversion.

Dated at Salem, Oregon, this 27th day of December, 1965.



CHRIS L. WHEELER  
State Engineer