

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF GEORGE F. WESEMAN AND ERNEST)
SHIPPEN FOR THE APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM DEER CREEK)
- - - - -)

ORDER APPROVING
TRANSFER NO. W-134

On April 29, 1968, George F. Weseman and Ernest Shippen filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Deer Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Floyd C. Guree and recorded at page 5018, Volume 5, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.014 cubic foot per second of water from Deer Creek for the irrigation of, among other lands, 1.11 acres in NE¼ NE¼, Section 20, Township 27 South, Range 5 West, W.M., with a date of priority of June 1, 1918. The point of diversion is described as being located "close to where the E. line of block 8 Third Brookside Ad'n to Roseburg, Ore., crosses Deer Creek" and erroneously described as being within the NE¼ NE¼, Section 20, Township 27 South, Range 5 West when in fact the point described is within the SE¼ NE¼, Section 20, Township 27 South, Range 5 West, W.M.

Ernest Shippen, owner of 0.41 acre of the lands above described, proposes to irrigate these lands from a point of diversion to be located 35 feet north and 45 feet east from the SW corner of Howe DLC 45 being within the SW¼ NE¼ of Section 20, Township 27 South, Range 5 West, W.M.

George F. Weseman, owner of 0.70 acre of the lands above described, proposes to irrigate these lands from a point of diversion

to be located 10 feet north and 175 feet east from the SW corner of DLC 45 being within the SW¼ NE¼ of Section 20, Township 27 South, Range 5 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 point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. M. John Youngquist, Watermaster District No. 15, has filed a report to the effect that the proposed change in point of diversion 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 proposed change in point of diversion of water from Deer Creek, to-wit:

From a point located close to where the E. line of block 8 Third Brookside Addition to Roseburg crossing Deer Creek within the SE¼ NE¼, Section 20, Township 27 South, Range 5 West, W.M.

To a point to be located 10 feet north and 175 feet east from the SW corner of Howe DLC 45 being within the SW¼ NE¼ of Section 20, Township 27 South, Range 5 West, W.M. for the irrigation of 0.70 acre in NE¼ NE¼, Section 20, Township 27 South, Range 5 West, W.M.

To a point to be located 35 feet north and 45 feet east from the SW corner of Howe DLC 45 being within the SW¼ NE¼ of Section 20, Township 27 South, Range 5 West, W.M. for the irrigation of 0.41 acre in NE¼ NE¼, Section 20, Township 27 South, Range 5 West, W.M.

with a date of priority of June 1, 1918, 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, 1969.

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 0.014 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 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 certificate of water right heretofore issued to Floyd C. Guree and recorded at page 5018, Volume 5, 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 George F. Weseman and Ernest Shippen confirming the changes in point of diversion.

Dated at Salem, Oregon, this 30th day of October, 1968.


CHRIS L. WHEELER
State Engineer