

STATE OF OREGON

COUNTY OF DOUGLAS

ORDER APPROVING A CHANGE IN PLACE OF USE,
CHARACTER OF USE, AND POINTS OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8123 submitted by

PATRICIA KEARNEY
PO BOX 1758
ROSEBURG, OREGON 97470.

The right to be modified, as evidenced by a portion of Certificate 22386, was perfected under Permit 21867 with a date of priority of OCTOBER 27, 1952. The right allows the use of the SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, for IRRIGATION OF 12.1 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.15 cubic foot per second, if available at the authorized point of diversion: NW¼ SE¼, SECTION 22, T 28 S, R 6 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE¼ SW¼ 10.60 ACRES
SE¼ SW¼ 1.50 ACRES
SECTION 22
TOWNSHIP 28 SOUTH, RANGE 6 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the use of 11.6 acres from irrigation to municipal use. The season of use shall be limited to June 15-September 22.

The applicant also proposes to change the place of use to the Roberts Creek Water District:

SW¼
SECTION 25

SE¼ SE¼
SECTION 26

SW¼ SE¼
SE¼ SE¼
SECTION 34

SW¼ SW¼
NE¼
SECTION 35

NW¼
SW¼
NW¼ SE¼
SW¼ SE¼
SECTION 36

TOWNSHIP 27 SOUTH, RANGE 6 WEST, W.M.

NW¼ SW¼
SW¼ SW¼
SE¼ SW¼
SECTION 18

NW¼
NW¼ SW¼
SW¼ SW¼
SECTION 19
TOWNSHIP 28 SOUTH, RANGE 5 WEST, W.M.

NW¼
SW¼
SE¼
SECTION 1

ALL
SECTION 2

ALL
SECTION 3

NE¼
NE¼ NW¼
SE¼ NW¼
SW¼
SE¼
SECTION 10

ALL
SECTION 11

NW¼
SW¼
SE¼
SECTION 13

NE¼
NW¼
NE¼ SW¼
SE¼
SECTION 14

NE¼
NW¼
NE¼ SW¼
NW¼ SW¼
NW¼ SE¼
SECTION 15

NE¼ NE¼
SECTION 23

ALL
SECTION 24

TOWNSHIP 28 SOUTH, RANGE 6 WEST, W.M.

The receiving landowner is:

The Roberts Creek Water District
4336 Old Hwy 995
Roseburg, Oregon 97470

The applicant proposes to change the point of diversion to:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 15, T 28 S, R 6 W, W.M.; 1056.8 FEET
SOUTH AND 2664.5 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 15.

The receiving landowner is:

Ken Kearney
12265 Garden Valley
Roseburg, Oregon 97470

The applicant also proposes to change the place of use to:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.5 ACRES
SECTION 5
TOWNSHIP 26 SOUTH, RANGE 6 WEST, W.M.

The applicant also proposes to change the point of diversion to:

NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 5, T 26 S, R 6 W, W.M.; 80 FEET NORTH
AND 320 FEET EAST FROM THE ENE CORNER, DLC NO. 62.

THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE
FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October
1, 2002.

2. The quantity of water diverted at the new points of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.
6. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificate 22386 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,
affixed 5/11/2001.



Paul R. Cleary, Director