

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION
OF CITY OF ROSEBURG FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE AND POINT
OF DIVERSION OF WATER FROM SOUTH
UMPQUA RIVER

ORDER APPROVING
TRANSFER NO. 2877

On August 7, 1973, the City of Roseburg filed an application in the office of the State Engineer for the approval of a change in place of use and 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 P. W. Kay and recorded at page 7358, Volume 7, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.04 cubic feet per second of water from South Umpqua River for the irrigation of, among other lands, 0.33 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 27 South, Range 6 West, W.M., with a date of priority of July 9, 1926. These lands are irrigated from a point of diversion located 100 feet East from the Southeast corner of D.L.C. #52, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 27 South, Range 6 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 0.03 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.06 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.09 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.12 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 0.03 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 27 South, Range 6 West, W.M., and to irrigate these lands from a point of diversion to be located 4380 feet South and 790 feet West from the Northeast corner of Section 14, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 27 South, Range 6 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. 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 place of use of water is approved and the water right hereinbefore described as appurtenant to 0.33 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 27 South, Range 6 West, W.M., with a date of priority of July 9, 1926, be severed therefrom and simultaneously and without loss of priority transferred to 0.03 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.06 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.09 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.12 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 0.03 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 27 South, Range 6 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from South Umpqua River, to-wit:

From a point located 100 feet East from the Southeast corner of D.L.C. #52, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 27 South, Range 6 West, W.M.

To a point to be located 4380 feet South and 790 feet West from the Northeast corner of Section 14, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 27 South, Range 6 West, W.M.

for the irrigation of 0.03 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.06 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.09 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.12 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 0.03 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 27 South, Range 6 West, W.M., with a date of priority of July 9, 1926, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

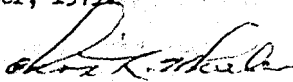
It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.04 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed, effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 P. W. Kay and recorded at page 7358, Volume 7, 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 application of water to beneficial use, and completion of the authorized change in point of diversion, a certificate of water right shall be issued to City of Roseburg confir the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 19th day of December, 1973.


CHRIS L. WHEELER
State Engineer