

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION  
OF FRANK GUIDO FOR THE APPROVAL  
OF A CHANGE IN PLACE OF USE OF  
WATER FROM SOUTH UMPQUA RIVER  
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ORDER APPROVING  
TRANSFER NO. 2812

On May 14, 1973, Frank Guido filed an application in the office of the State Engineer for the approval of a change in place of use of water from South Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Busenbark Bros. and recorded at page 28555, Volume 20, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.69 cubic foot per second of water from South Umpqua River for the irrigation of, among other lands, 2.2 acres in  $SE\frac{1}{4} NW\frac{1}{4}$ , 3.2 acres in  $NW\frac{1}{4} NW\frac{1}{4}$ , 13.1 acres in  $SW\frac{1}{4} NW\frac{1}{4}$ , and 19.7 acres in  $SE\frac{1}{4} NW\frac{1}{4}$ , Section 4, Township 27 South, Range 6 West, W.M., with a date of priority of March 24, 1955. These lands are irrigated from a point of diversion located 1310 feet South and 2380 feet East from the Northwest corner of Section 4, being within the  $NE\frac{1}{4} NW\frac{1}{4}$ , Section 4, 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 10.8 acres in  $SW\frac{1}{4} NW\frac{1}{4}$ , 7.1 acres in  $SE\frac{1}{4} NW\frac{1}{4}$ , 8.5 acres in  $NE\frac{1}{4} SW\frac{1}{4}$ , and 11.8 acres in  $NW\frac{1}{4} SW\frac{1}{4}$ , Section 4, 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 that said section provides notice is not required on an application for a change in place of use of water.

Mr. J. John Youngquist, Watermaster of District No. 15, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

The Federal Land Bank Association of Roseburg, Oregon, as mortgagee, has submitted written approval of the proposed change in place of use.

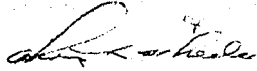
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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 2.2 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 3.2 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 13.1 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and 19.7 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 4, Township 27 South, Range 6 West, W.M., with a date of priority of March 24, 1955, be severed therefrom and simultaneously and without loss of priority transferred to 10.8 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 7.1 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 8.5 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 11.8 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 4, Township 27 South, Range 6 West, W.M.

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 certificate of water right heretofore issued to Busenbark Bros. and recorded at page 28555, Volume 20, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Frank Guido confirming the extent to which the water has been applied beneficially, and including the balance of the right not involved in this proceeding.

Dated at Salem, Oregon, this 21st day of December, 1973.

  
CHRIS L. WHEELER  
State Engineer