

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application                    )  
T-9543, Douglas County                                    )  
  )

FINAL ORDER APPROVING CHANGE  
IN CHARACTER OF USE

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

DOUGLAS COUNTY NATURAL RESOURCES  
1036 SE DOUGLAS AVE. RM 306  
ROSEBURG OR 97470

**Findings of Fact**

1. On 9-8-2003, DOUGLAS COUNTY NATURAL RESOURCES filed a transfer application to change the character of use under Certificate 75970. The Department assigned the application number T-9543.
2. The portion the right to be transferred is as follows:  
**Certificate:** 75970 in the name of DOUGLAS COUNTY WATER RESOURCES SURVEY (perfected under Permit R-9964)  
**Use:** STORAGE FOR IRRIGATION  
**Priority Date:** MAY 6, 1981  
**Rate:** 4000 ACRE FEET  
**Limit/Duty:** 4000 acre-feet  
**Source:** COW CR, tributary to S UMPQUA R

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
31 S	4 W	WM	28	SW NE	DAM LOCATION
31 S	4 W	WM	28	NW SE	DAM LOCATION

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Authorized Place of Use:**

STORAGE							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
31 S	4 W	WM	27	SW NE			N/A
31 S	4 W	WM	27	NW NW			N/A
31 S	4 W	WM	27	SW NW			N/A
31 S	4 W	WM	27	SE NW			N/A
31 S	4 W	WM	27	NE SW			N/A
31 S	4 W	WM	27	NW SW			N/A
31 S	4 W	WM	27	SW SW			N/A
31 S	4 W	WM	27	SE SW			N/A
31 S	4 W	WM	27	NW SE			N/A
31 S	4 W	WM	27	SW SE			N/A
31 S	4 W	WM	28	NE NE			N/A
31 S	4 W	WM	28	SW NE			N/A
31 S	4 W	WM	28	SE NE			N/A
31 S	4 W	WM	28	NE SE			N/A
31 S	4 W	WM	28	NW SE			N/A
31 S	4 W	WM	28	SW SE			N/A
31 S	4 W	WM	28	SE SE			N/A
31 S	4 W	WM	34	NE NE			N/A
31 S	4 W	WM	34	NW NE			N/A
31 S	4 W	WM	34	SW NE			N/A
31 S	4 W	WM	34	SE NE			N/A
31 S	4 W	WM	34	NE NW			N/A
31 S	4 W	WM	34	NW NW			N/A
31 S	4 W	WM	34	SW NW			N/A
31 S	4 W	WM	34	SE NW			N/A
31 S	4 W	WM	34	NE SE			N/A
31 S	4 W	WM	34	SE SE			N/A
31 S	4 W	WM	35	SW NW			N/A
31 S	4 W	WM	35	NW SW			N/A
31 S	4 W	WM	35	SW SW			N/A
32 S	4 W	WM	2	SW NE			N/A
32 S	4 W	WM	2	SE NE			N/A
32 S	4 W	WM	2	NW NW			N/A
32 S	4 W	WM	2	SW NW			N/A
32 S	4 W	WM	2	SE NW			N/A
32 S	4 W	WM	3	NE NE			N/A

3. Application T-9543 proposes to change the character of use to MULTIPLE PURPOSE.
4. Douglas County Natural Resources Division, submitted a letter, received on February 9, 2005, requesting transfer application 9543 be amended to specify the quantity of water being transferred as 4,000 acre feet.
5. There are inadvertent scrivener's errors in the application supplemental sheet and on the application map related to the authorized place of use that are inconsistent with the certificated water right. Finding of Fact #2 correctly describes the authorized place of use.

6. Certificate 75970 contains a scrivener's error in describing the quantity of water stored for RECREATION PURPOSES. The Certificate lists 14,626 acre feet. The correct quantity is 16,424 acre feet.
7. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
8. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A diversion structure and reservoir sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed change would not result in enlargement of the right
11. The proposed change would not result in injury to other water rights.
12. Douglas County Natural Resources Division, submitted a letter (FAX) received on March 3, 2005, giving their approval to proceed with issuance of the Preliminary Determination for transfer 9543.

#### **Conclusions of Law**

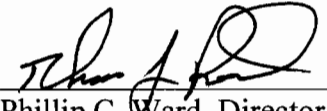
The proposed change in character of use in application T-9543 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

#### **Now, therefore, it is ORDERED:**

1. The change in character of use proposed in application T-9543 is approved.
2. Water right certificate 75970 is cancelled.
3. The right to store and use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 75970 and any related decree.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
6. The water user shall maintain and operate gaging stations or other suitable devices for measuring and recording inflow to and releases from the reservoir and shall make the data available at the request of the watermaster. The water user shall obtain the Department's approval prior to modifying the measuring devices or maintenance and operational protocols.

7. When satisfactory proof of the completed changes is received, a new certificate describing the portion of the right not affected by this transfer, confirming the rights transferred, and correcting the scrivener's error will be issued.

Dated at Salem, Oregon this 26<sup>th</sup> day of MAY 2005.

  
For Phillip C. Ward, Director

Mailing date: MAY 31 2005