

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION  
OF WINSTON-DILLARD WATER DISTRICT  
FOR THE APPROVAL OF A CHANGE IN USE  
AND POINT OF DIVERSION OF WATER FROM  
SOUTH UMPQUA RIVER  
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ORDER APPROVING  
TRANSFER NO. 2814

On May 14, 1973, Winston-Dillard Water District filed an application in the office of the State Engineer for the approval of a change in 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 Marion G. Krebs and recorded at page 22109, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.8 cubic foot per second of water from South Umpqua River for the irrigation of, among other lands, 1.5 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, 16.3 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 19, 34.8 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 28.7 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 20.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 2.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 20, Township 28 South, Range 6 West, W.M., with a date of priority of March 16, 1955. These lands are irrigated from a point of diversion located South 81° 29' East, 631.32 feet from the Southeast corner of John Cox DIC #49, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20, Township 28 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the use from the irrigation of the above described lands to municipal use within the Winston-Dillard Water District within Sections 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 32, 33, and 35, Township 28 South, Range 6 West, W.M., and Sections 2, 3, 4, 8, 9, 10 and 17, Township 29 South, Range 6 West, W.M., and to change the point of diversion to a point to be located 1040 feet North and 1360 feet East from the Southwest corner of Section 21, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, Township 28 South, Range 6 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in use and point of diversion of water, if any there were, namely: at the county courthouse in Roseburg, Oregon on October 2, 1973 at 9:30 a.m. The notice was published in the News Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of August 7, 14 and 21, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. M. John Youngquist, Watermaster of District No. 15, has filed a report to the effect that the proposed change in use and 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 use and 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 being for the irrigation of 1.5 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, 16.3 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 19, 34.8 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 28.7 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 20.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 2.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 20, Township 28 South, Range 6 West, W.M., with a date of priority of March 16, 1955, be severed therefrom and simultaneously and without loss of priority transferred to municipal purposes for the Winston-Dillard Water District within:

SW $\frac{1}{4}$  NW $\frac{1}{4}$   
S $\frac{1}{2}$   
Section 15

All  
Section 17

NW $\frac{1}{4}$  NE $\frac{1}{4}$   
S $\frac{1}{2}$  NE $\frac{1}{4}$   
NW $\frac{1}{4}$   
S $\frac{1}{2}$   
Section 16

All  
(Less DIC 40 and DIC 53)  
Section 18

N $\frac{1}{2}$  NE $\frac{1}{4}$   
SE $\frac{1}{4}$  NE $\frac{1}{4}$   
N $\frac{1}{2}$  NW $\frac{1}{4}$   
Section 19

All Township 28 South, Range 6 West, W.M.

All  
Section 20

All  
Section 21

All West of River  
Section 22

$N\frac{1}{2}$   $NE\frac{1}{4}$  (West of River)  
 $N\frac{1}{2}$   $NW\frac{1}{4}$  (West of River)  
Section 27

$N\frac{1}{2}$   
Section 28

Township 28 South, Range 6 West, W.M.

$NW\frac{1}{4}$   
Section 2

$S\frac{1}{2}$   $NE\frac{1}{4}$  (South of Highway)  
 $W\frac{1}{2}$  (South of Highway)  
Section 3

$N\frac{1}{2}$   
 $SW\frac{1}{4}$   
Section 4

$SE\frac{1}{4}$   $NE\frac{1}{4}$   
 $S\frac{1}{2}$   
Section 8

Township 29 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 S.  $81^{\circ} 29'$  East from the Southeast corner of John Cox DIC #49, being within the  $NE\frac{1}{4}$   $SE\frac{1}{4}$  of Section 20, Township 28 South, Range 6 West, W.M.

To a point to be located 1040 feet North and 1360 feet East from the Southwest corner of Section 21, being within the  $SE\frac{1}{4}$   $SW\frac{1}{4}$  of Section 21, Township 28 South, Range 6 West, W.M.

for municipal purposes within the Winston-Dillard Water District in the area described above, with a date of priority of March 16, 1955, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion of water made on or before October 1, 1976.

All  
Section 29

All  
Section 32

$W\frac{1}{2}$  (South of River)  
 $SE\frac{1}{4}$  (South of River)  
Section 33

$S\frac{1}{2}$   $SW\frac{1}{4}$   
Section 35

$E\frac{1}{2}$   $NE\frac{1}{4}$   
 $W\frac{1}{2}$   
 $E\frac{1}{2}$   $SE\frac{1}{4}$   
Section 9

$W\frac{1}{2}$   
Section 10

$N\frac{1}{2}$   
Section 17

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 0.66 cubic foot per second, and further limited to the appropriation of water during the irrigation season only.

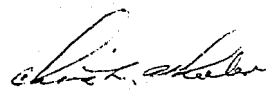
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 Marion G. Krebs and recorded at page 22109, Volume 16, 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 use and point of diversion, a certificate of water right shall be issued to Winston-Dillard Water District confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 9th day of January, 1974.

  
CHRIS L. WHEELER  
State Engineer