

STATE OF OREGON

COUNTY OF DOUGLAS

ORDER APPROVING A CHANGE IN USE, CHANGES IN PLACE OF USE,  
POINT OF DIVERSION, AND CANCELLATION OF A WATER RIGHT

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, TRANSFERS 6057, 6058, 6059 and 6060 submitted by:

JOSEPH L. SONKA  
901 NW CHADWICK LANE  
MYRTLE CREEK, OREGON 97457

A review of the final proof survey maps and aerial photo show the fields under these rights have the same acreage, but the location of the quarter-quarter section lines are projected incorrectly. Therefore, the acreage is being corrected to show the proper acreage within each quarter-quarter section. The total acres under each right will not change.

The first right to be modified, as evidenced by a portion of Certificate 45743, was perfected under Permit 11867 with a date of priority of SEPTEMBER 18, 1935. The right allows the use of the SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, for PRIMARY IRRIGATION OF 30.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 19.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.61 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$  SW $\frac{1}{4}$ , AS PROJECTED WITHIN BAILEY DLC 40, SECTION 6, T 30 S, R 5 W, W.M.; 830 FEET SOUTH AND 780 FEET WEST FROM THE NW CORNER OF WEAVER DLC 39, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an 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 2 $\frac{1}{2}$  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:

PRIMARY

SW $\frac{1}{4}$  NW $\frac{1}{4}$  0.2 ACRE  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  11.6 ACRES  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  11.5 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  1.2 ACRES  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  0.5 ACRE  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  3.6 ACRES  
SECTION 6

NW $\frac{1}{4}$  NW $\frac{1}{4}$  0.1 ACRE  
AS PROJECTED WITHIN BAILEY DLC 40  
SECTION 7

TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

NE $\frac{1}{4}$  NE $\frac{1}{4}$  1.3 ACRES  
SECTION 12

TOWNSHIP 30 SOUTH, RANGE 6 WEST, W.M.

SUPPLEMENTAL

SE $\frac{1}{4}$  NW $\frac{1}{4}$  0.3 ACRE  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  18.2 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  0.5 ACRE  
ALL AS PROJECTED WITHIN BAILEY DLC 40  
SECTION 6

TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

The correct place of use is located as follows:

PRIMARY

	<u>POD only</u>	<u>POU and POD</u>
SE $\frac{1}{4}$ SE $\frac{1}{4}$		0.2 ACRE
	SECTION 1	

NE $\frac{1}{4}$ NE $\frac{1}{4}$		2.7 ACRES
	SECTION 12	

TOWNSHIP 30 SOUTH, RANGE 6 WEST, W.M.

SW $\frac{1}{4}$ NW $\frac{1}{4}$		1.6 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		9.9 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	11.1 ACRES	0.1 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$		0.7 ACRE
SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.7 ACRES	
ALL AS PROJECTED WITHIN BAILEY DLC 40		
SECTION 6		

TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

SUPPLEMENTAL

SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.5 ACRE
NE $\frac{1}{4}$ SW $\frac{1}{4}$	17.1 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.8 ACRE
SE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6 ACRE
ALL AS PROJECTED WITHIN BAILEY DLC 40	
SECTION 6	

TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

The applicant proposes to change the use of 19.0 acres from supplemental irrigation to primary irrigation.

The applicant proposes to change the place of use to:

SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.2 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.2 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.4 ACRES
ALL AS PROJECTED WITHIN WEAVER DLC 39	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	7.4 ACRES
AS PROJECTED WITHIN WEAVER DLC 40	
SECTION 6	

TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

The applicant proposes to change the point of diversion to:

NE $\frac{1}{4}$  SW $\frac{1}{4}$ , AS PROJECTED WITHIN BAILEY DLC 40, SECTION 6, T 30 S, R 5 W, W.M.; 2280 FEET NORTH AND 2000 FEET EAST FROM THE SW CORNER OF SECTION 6.

The second right to be modified, as evidenced by Certificate 22755, was perfected under Permit 19256 with a date of priority of JANUARY 30, 1950. The right allows the use of the SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, for IRRIGATION of 58.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.73 cubic foot per second, if available at the authorized point of diversion: SE $\frac{1}{4}$  NE $\frac{1}{4}$ , AS PROJECTED WITHIN WEAVER DLC 39, SECTION 6, T 30 S, R 5 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an 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 2 $\frac{1}{2}$  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:

SW $\frac{1}{4}$  NW $\frac{1}{4}$  5.4 ACRES  
N $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  6.8 ACRES  
ALL AS PROJECTED WITHIN WEAVER DLC 39  
SECTION 5

SW $\frac{1}{4}$  NE $\frac{1}{4}$  7.8 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  14.2 ACRES  
N $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  15.5 ACRES  
N $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  8.8 ACRES  
ALL AS PROJECTED WITHIN WEAVER DLC 39  
SECTION 6

TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

The correct place of use is located as follows:

	<u>POD only</u>	<u>POD and POU</u>
SW $\frac{1}{4}$ NW $\frac{1}{4}$		5.4 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		8.4 ACRES
ALL AS PROJECTED WITHIN WEAVER DLC 39 SECTION 5		

SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.3 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.7 ACRES	4.6 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	4.1 ACRES	14.8 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	11.2 ACRES	
ALL AS PROJECTED WITHIN WEAVER DLC 39 SECTION 6		

TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

The applicant proposes to change the point of diversion to:

NE $\frac{1}{4}$  SW $\frac{1}{4}$ , AS PROJECTED WITHIN BAILEY DLC 40, SECTION 6, T 30 S, R 5 W, W.M.; 2280 FEET NORTH AND 2000 FEET EAST FROM THE SW CORNER OF SECTION 6.

The applicant proposes to change the place of use to:

NW $\frac{1}{4}$ SE $\frac{1}{4}$	26.3 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	6.9 ACRES
ALL AS PROJECTED WITHIN WEAVER DLC 39 SECTION 6	

TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

The third right to be modified, as evidenced by a portion of Certificate 45744, was perfected under Permit 12200 with a date of priority of JUNE 1, 1936. The right allows the use of the SOUTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, for IRRIGATION OF 27.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.34 cubic foot per second, if available at the authorized points of diversion: SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$ , ALL AS PROJECTED WITHIN BAILEY DLC 40, SECTION 6, T 30 S, R 5 W, W.M.; 1 - 730 FEET SOUTH AND 860 FEET WEST; 2 - 830 FEET SOUTH AND 780 FEET WEST; 3 - 3300 FEET SOUTH AND 2820 FEET WEST, ALL FROM THE NW CORNER OF WEAVER DLC 39, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under an 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:

SW¼ NE¼ 1.0 ACRE  
SE¼ NW¼ 2.5 ACRES  
BOTH AS PROJECTED WITHIN WEAVER DLC 39  
NW¼ SW¼ 5.8 ACRES  
SW¼ SW¼ 17.6 ACRES  
BOTH AS PROJECTED WITHIN BAILEY DLC 40  
SECTION 6

NW¼ NW¼ 0.6 ACRE  
AS PROJECTED WITHIN BAILEY DLC 40  
SECTION 7

TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

The correct place of use is located as follows:

	<u>POD only</u>	<u>POD and POU</u>
SW¼ NE¼	3.0 ACRES	
SE¼ NW¼	0.5 ACRE	
BOTH AS PROJECTED WITHIN WEAVER DLC 39		
NW¼ SW¼		7.0 ACRES
SW¼ SW¼		16.4 ACRES
BOTH AS PROJECTED WITHIN BAILEY DLC 40		
SECTION 6		

NW¼ NW¼ 0.6 ACRE  
AS PROJECTED WITHIN BAILEY DLC 40  
SECTION 7

TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

The applicant proposes to change the point of diversion to:

NE¼ SW¼, AS PROJECTED WITHIN BAILEY DLC 40, SECTION 6, T 30 S, R 5 W, W.M.; 2280 FEET NORTH AND 2000 FEET EAST FROM THE SW CORNER OF SECTION 6.

The applicant proposes to change the place of use to:

NE $\frac{1}{4}$  SW $\frac{1}{4}$  3.5 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  11.2 ACRES  
BOTH AS PROJECTED WITHIN WEAVER DLC 40  
SECTION 6

TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

NE $\frac{1}{4}$  SW $\frac{1}{4}$  0.9 ACRE  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  1.2 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  7.2 ACRES  
ALL AS PROJECTED WITHIN WEAVER DLC 39  
SECTION 6

TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

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

An affidavit was received from Joseph L Sonka, the owner of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be cancelled.

The water right is described by Certificate 11806, State Record of Water Right Certificates. The date of priority is April 30, 1936. The water right is for the use of 0.5 cubic foot per second from Hilp Creek and Rock Canyon Creek, a tributary of South Umpqua River. The abandoned water right is for irrigation and domestic use.

A description of the place of use of the abandoned right is as follows:

SE $\frac{1}{4}$  NW $\frac{1}{4}$  1.0 ACRE  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  15.0 ACRES  
NW $\frac{1}{4}$  SW $\frac{1}{4}$  1.0 ACRE  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  15.0 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  3.0 ACRES  
All as projected within BAILEY DLC 40  
SECTION 6

TOWNSHIP 30 SOUTH, RANGE 5 WEST, W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

THESE CHANGES TO EXISTING WATER RIGHTS 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, 2000.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points 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 points of diversion.
5. The former places of use shall no longer be irrigated as a part of these water rights.
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 general supervision of the Department of Fish and Wildlife.

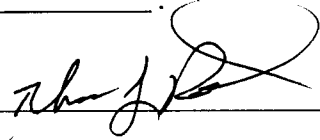
The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.



The water right described herein requested to be canceled is canceled. Certificates 11806, 45743, 45744, 11806, and 22755 are canceled. The correction to acreage within each quarter quarter is made. New certificates will be issued to confirm the portions of these rights NOT involved in the transfers. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed NOV 05 1998

  
\_\_\_\_\_  
for Martha O. Pagel, Director