

2814

STATUS OF APPLICATION

Change in Place of Use, Nature of Use, & Pt. of Div.
 Date filed MAY 14, 1973
 Date of hearing 10-2-73
 Place of hearing Roseburg
 Date of order 1-9-74 Vol. 24, page 73-76
 Date for application of water 10-1-76
 Proof mailed _____
 Proof received _____
 Certificate issued MAY 24 1974 Vol. 32, page 40360

FEB 14 1985

52768

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream So. Umpqua River
 Trib. of _____ County of Douglas
 Use Irrigation
 Quantity of water _____ No. of acres 1058
 Name of ditch _____
 Date of priority MARCH 16, 1955
 In name of Marion G. Krebs
 _____ Adjudication, Vol. _____, page _____
 App. No. 29803 Per. No. 23319 Cert. No. 22109
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-14-73</u>	<u>35.00</u>	<u>33792</u>
<u>5-14-73</u>	<u>51.40 P.O.N.</u>	<u>33793</u>
TOTAL . . .		
<u>8-22-73</u>	<u>3⁰⁰ Cert. Fee</u>	<u>From P.O.N.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>8-22-73</u>	<u>\$9.02 P.O.N.</u>	<u>5411</u>

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	Name	<u>WH</u>	_____
	Stream	<u>WH</u>	_____
	Pt. of Div.	_____	_____
	Calendar	<u>WH</u>	_____
	CHECKED TO RECORDS:		
	Twp. & Rge.	<u>WRE</u>	_____
	Decree-vault	_____	_____
	Decree-sale	_____	_____
	Cert. of W/R	<u>WRE</u>	_____
	Per. Folder	<u>WRE</u>	_____
	Chaindex	_____	_____
	Cross Ref.	_____	_____
	Power Claim	_____	_____
	Abstracts	_____	_____

STATE OF OREGON
COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

Winston-Dillard Water District

This Is to Certify, That **MARION G. KREBS**
of **Box 460 Winston**, State of **Oregon 97446**, has made proof
to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of
South Umpqua River
a tributary of **Umpqua River**
~~under Permit No. 23319~~ **for the purpose of**
23319 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from **March 16, 1955**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.66 cubic feet per second, if available at the original point of diversion
0.66

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the **NE 1/4, SE 1/4**, as projected within **DIC 52**
Section 20, Township 28 South, Range 6 West, W.M. **5 81° 27' E 631.52' from**
SE cor J. L. L. 49

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to **one-eighth** 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 1/2** cubic feet per acre for each acre irrigated
during the irrigation season of each year.

SW 1/4 NW 1/4
S 1/2
Section 15

NW 1/4 NE 1/4
S 1/2 NE 1/4
NW 1/4
S 1/2
Section 16

All
Section 17

All
(Less DIC 40 and DIC 53)
Section 18

N 1/2 NE 1/4
SE 1/4 NE 1/4
N 1/2 NW 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 1/2 NE 1/4 (West of River)
N 1/2 NW 1/4 (West of River)
Section 27

N 1/2
Section 28

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

NW 1/4
Section 2

S 1/2 NE 1/4 (South of Highway)
W 1/2 (South of Highway)
Section 3

N 1/2
SW 1/4
Section 4

SE 1/4 NE 1/4
S 1/2
Section 8

Township 29 South, Range 6 West, W.M.

All
Section 29

All
Section 32

W 1/2 (South of River)
SE 1/4 (South of River)
Section 33

S 1/2 SW 1/4
Section 35

E 1/2 NE 1/4
W 1/2
E 1/2 SE 1/4
Section 9

W 1/2
Section 10

N 1/2
Section 17

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the Water Resources Director entered **1-9-74** and together with certificate of water right recorded at page **40360**, Volume **32**, State Record of Water Right Certificates, supersedes certificate of water right recorded at page **40360**, Volume **32**, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

It is FURTHER ORDERED that the change in point of diversion of

POD SESW Sec 21 T 28S R 6W W.M.
1040' N 1/2 1360' E from SW cor Sec 21

58720

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

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

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
Section 17

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.

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

$NW\frac{1}{4}$
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.

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

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

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

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

From a point located S. 81° 29' East from the Southeast corner of John Cox DIO #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.

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.

STATE OF OREGON
COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MARION G. KREBS

of Brockway, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of South Umpqua River

a tributary of Umpqua River for the purpose of irrigation of 22.6 acres

under Permit No. 23319 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 16, 1955

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.14 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Weber DLC 49, Section 20, T. 28 S., R. 6 W., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be 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 per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

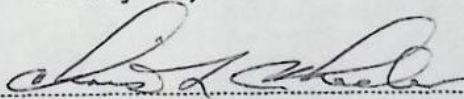
15.5 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
7.1 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
All as projected within Weber DLC 49
Section 20
T. 28 S., R. 6 W., W. M.

An order of the State Engineer entered January 9, 1974, approves a change in use and point of diversion for the irrigation of 105.8 acres. This certificate is issued to confirm the remaining right and supersedes the certificate heretofore issued to Marion G. Krebs and recorded at page 22109, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. May 24, 1974


State Engineer

152

CERTIFICATE OF WATER RIGHT

STATE OF OREGON

to

STATE OF OREGON,

County of

DOUGLAS

ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume

557

9:11 AM

of Record of Water Right Certificates, at
page

517

on the

22nd

day

of

Oct

, 19.74.

G. D. Myltenbeck

County Clerk

Mary L. Seal, County Clerk

STATE OF OREGON
COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MARION G. KREBS

of Brockway, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of South Umpqua River, a tributary of Umpqua River, for the purpose of irrigation of 22.6 under Permit No. 23319 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 16, 1955

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.8 cubic foot per second

0.14

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4, as projected within Weber DLS #49, Section 20, Township 28 South, Range 6 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be 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 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

~~1.5 acres in the SW 1/4~~ ✓
Section 17
~~16.3 acres in the NE 1/4~~ ✓
Section 19
~~34.8 acres in the NW 1/4~~ ✓
~~28.7 acres in the NE 1/4~~ ✓
~~20.0 acres in the NW 1/4~~ ✓
~~2.5 acres in the SE 1/4~~ ✓
~~2.0 acres in the SW 1/4~~ ✓
15.5 acres in the SW 1/4
7.1 acres in the NW 1/4
Section 20

all as projected within Weber DLS #49
Township 28 South, Range 6 West, W. M.

An order of the State Engineer entered Jan 9 1974, approves a change in use & Pt of Div. for the irrigation of 105.8 acres. This certificate is issued to confirm the remaining right and supersedes the certificate heretofore issued to Marion G. Krebs and recorded at page 22109, State Record of Water Right Certificates.

Recorded in State Record of Water Right Certificates, Volume 20, page 22109.

2814

Affidavit of Publication
The News-Review
Roseburg, Oregon

ISSUED DAILY EXCEPT SUNDAY

STATE OF OREGON }
COUNTY OF DOUGLAS } ss.

I, Marie Schlotfeldt, being
first duly sworn, depose and say that I am the Bus-
iness Manager, of The News-Review, a newspaper of
general circulation, as defined by ORS 193.010 and
193.020; printed and published at Roseburg in the
aforesaid county and state; that the

Notice of Filing Application

a printed copy of which is hereto annexed, was pub-
lished in the entire issue of said newspaper for three
successive and consecutive weeks in the following issues:

August 7, 14, 21, 1973

The fee actually charged by such newspaper for
such publication is \$ 39.38

Marie Schlotfeldt

Subscribed and sworn to before me this 21st day of

August 9 73

Phillip Martin
Notary Public of Oregon

My Commission expires 25 day of Feb, 1977

**NOTICE OF FILING
APPLICATION FOR CHANGE
IN USE, PLACE OF USE,
AND POINT OF
DIVERSION OF WATER**

Notice is given hereby that Win-
ston-Dillard Water District has filed
an application for the approval of a
change in use, place of use, and point
of diversion of water from South
Umpqua River.

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 the waters of
South Umpqua River for the
irrigation of, among other lands, 1.5
acres in SW 1/4 SW 1/4, Section 17, 16.3
acres in NE 1/4 NE 1/4, Section 19, and
20.0 acres in NW 1/4 NE 1/4, 2.0 acres in
SW 1/4 NE 1/4, 28.7 acres in NE 1/4 NW 1/4,
34.8 acres in NW 1/4 NW 1/4, and 2.5
acres in SE 1/4 NW 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 degrees 29' East
631.32 feet from the SE corner of
John Cox DLC No. 49, being within
the NE 1/4 SE 1/4 of Section 20, Town-
ship 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 and to change
the point of diversion to a point to be
located 1040 feet North and 1360 feet
East from the SW corner of Section
21, Township 28 South, Range 6 West,
W.M.

All persons interested are notified
hereby that a hearing will be held at
the county courthouse at Roseburg,
Oregon, on October 2, 1973, at 9:30
a.m. All objections to the proposed
changes, if any there are, will be
heard at said time and place. Any and
all objections shall be prepared in
writing, one copy to be served on
Winston-Dillard Water District, P. O.
Box 460, Winston, Oregon 97496, and
one copy filed with the State
Engineer, Salem, Oregon, together
with a \$5 filing fee at least 10 days
prior to the date set for hearing. If no
objections are filed, the application
may be approved by the State
Engineer without a hearing. Ad-
ministrative rules pertaining to the
filing of a protest will be furnished by
the State Engineer upon request.

Dated at Salem, Oregon, this 31st
day of July, 1973.

CHRIS L. WHEELER
State Engineer

Publication dates: August 7, 14, 21,
1973.

RECEIVED

AUG 22 1973

STATE ENGINEER
SALEM, OREGON