

2768

STATUS OF APPLICATION

Change in Pt. of Diversion, Place of Use, & Use
Date filed Feb. 28, 1923
Date of hearing May 10, 1923
Place of hearing Roseburg, Ore.
Date of order May 24, 1923 Vol. 23, page 180
Date for application of water October 1, 1923
Proof mailed _____
Proof received _____
Certificate issued FFB 4 1975 Vol. 33, page 4159

DESCRIPTION OF WATER RIGHT

Name of stream So. Umpqua River
Trib. of _____ County of Douglas
Use Irrigation
Quantity of water _____ No. of acres 216
Name of ditch ~~A. J. Rice~~
Date of priority November 27, 1963
In name of A. J. Rice
_____, Adjudication, Vol. _____, page _____
App. No. 39269 Per. No. 29249 Cert. No. 35626
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
2-28-73	35.00	32614
2-28-73	45.00 P.O.N.	32615
TOTAL . . .		
8-16-73	¹⁵⁰ Cert. Fee	From P.O.N.

FEES REFUNDED

Date	Amount	Check No.
8-16-73	\$3.58 P.O.N.	5390

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>ST</u>	<u> </u>
<input checked="" type="checkbox"/>	Stream	<u>ST</u>	<u> </u>
<input type="checkbox"/>	PL of Div.	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Calendar	<u>ST</u>	<u> </u>
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>lys</u>	<u> </u>
<input type="checkbox"/>	Decree-vault	<u> </u>	<u> </u>
<input type="checkbox"/>	Decree-safe	<u> </u>	<u> </u>
<input checked="" type="checkbox"/>	Cert. of W/R	<u>ST</u>	<u> </u>
<input checked="" type="checkbox"/>	Per. Folder	<u>ST</u>	<u> </u>
<input type="checkbox"/>	Chainindex	<u> </u>	<u> </u>
<input type="checkbox"/>	Cross Ref.	<u> </u>	<u> </u>
<input type="checkbox"/>	Power Claim	<u> </u>	<u> </u>
<input type="checkbox"/>	Abstracts	<u> </u>	<u> </u>

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF ROSEBURG LUMBER COMPANY FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION, PLACE OF USE AND)
USE OF WATER FROM SOUTH UMPQUA)
RIVER)

ORDER APPROVING
TRANSFER NO. 2768

On February 28, 1973, Roseburg Lumber Company, filed an application in the office of the State Engineer for the approval of a change in use, place of 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 A. J. Rice and recorded at page 35626, Volume 27, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.27 cubic foot per second of water from South Umpqua River for the irrigation of, 5.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 5.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 28 South, Range 6 West, W.M., and 9.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and .7 of an acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, and 1.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 29 South, Range 6 West, W.M., with a date of priority of November 27, 1963. These lands are irrigated from a point of diversion 280 feet South and 1410 feet East from the South $\frac{1}{4}$ corner of Section 33, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 29 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 additional water needed for steam, cooling water and fire protection and cleanup, with the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 28 South, Range 6 West, W.M., and to change the

point of diversion to a point to be located 900 feet North and 160 feet West from the South $\frac{1}{4}$ corner of Section 33, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, 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, place of use and point of diversion of water, if any there were, namely: at the county courthouse in Roseburg, Oregon, on May 10, 1973, at 9:30 a.m. The notice was published in the Roseburg News Review, a newspaper published and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of March 16, 23 and 30, 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, place of 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, place of 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 use and place of use is approved and the water right hereinbefore described as appurtenant to the irrigation of 5.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 28 South, Range 6 West, 9.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and .7 of an acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, and 1.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 29 South, Range 6 West, W.M., with a date of priority of November 27, 1963, be severed therefrom and simultaneously and without loss of priority transferred to industrial use of wood products plant in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$,

Range 6 West, W.M.

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

From a point located 280 feet South and 1410 feet East from the South $\frac{1}{4}$ corner of Section 33, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 29 South, Range 6 West, W.M.

To a point to be located 900 feet North and 160 feet West from the South $\frac{1}{4}$ corner of Section 33, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 28 South, Range 6 West, W.M.

for industrial use of wood products plant in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 28 South, Range 6 West, W.M., with a date of priority of November 27, 1963.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1973.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall be limited to 0.27 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use on the lands to which the water is transferred hereby, a certificate

of water right will be issued to Roseburg Lumber Company confirming this.

Dated at Salem, Oregon, this 24th day of May, 1973.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Roseburg Lumber Company
A. J. RICE, State of Oregon, has made proof
 of P.O. Box 1088 Roseburg, 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 21.6 acres

Industrial use in wood Products Plant
 under Permit No. 29249 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 November 27, 1963

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
 0.27 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 SE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Phipps DLC 37,
 Section 33, T. 28 S., R. 6 W., W. M. Diversion point located 280 feet North and
140 feet East from S $\frac{1}{4}$ Corner, Section 33 900 North
 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; provided further that the right to
use of water is limited to the period when the flow of the South Umpqua River
is more than 60 c.f.s. at its mouth;

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:

3.6 acres	Lot 2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
1.9 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Phipps DLC 42
5.2 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Phipps DLC 42
	Section 33
	T. 28 S., R. 6 W., W. M.
1.2 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Phipps DLC 37
	Section 3
9.0 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Phipps DLC 37
0.5 acre	NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Phipps DLC 37
0.2 acre	Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
	Section 4
	T. 29 S., R. 6 W., W. M.

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. January 31, 1969

CHRIS L. WHEELER

State Engineer

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 Business 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

Application for Change, Place of use

& Point of Diversion of Water

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues:
March 16, 23, 30, 1973

The fee actually charged by such newspaper for such publication is \$ 39.92

Marie Schlotfeldt

Subscribed and sworn to before me this 30th day of

March, 19 73

Edwin Martin
 Notary Public of Oregon

My Commission expires 25th day of Feb, 19 77

RECEIVED
 APR 2 1973
 STATE ENGINEER
 SALEM OREGON

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

Notice is given hereby that Roseburg Lumber Company 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 A. J. Rice and recorded at page 35626, Volume 27, State Record of Water Right Certificates, confirms a right to the use of the waters of the South Umpqua River for the irrigation of 1.2 acres in NW 1/4 NW 1/4, Section 3, 9.0 acres in NE 1/4 NE 1/4, 7 acre in NW 1/4 NE 1/4, Section 4, Township 29 South, Range 6 West, and 5.5 acres in SW 1/4 SE 1/4, 5.2 acres in SE 1/4 SE 1/4, Section 33, Township 28 South, Range 6 West, W.M., with a date of priority of November 27, 1963. These lands are irrigated from a point of diversion 280 feet South and 1410 feet East from the South 1/4 corner of Section 33, being within the NE 1/4 NE 1/4 of Section 4, Township 29 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposed to change the use from the irrigation of the above described lands to industrial use in a wood products plant within the NE 1/4 SW 1/4, NW 1/4 SE 1/4, SW 1/4 SE 1/4, and SE 1/4 SE 1/4, Section 33, Township 28 South, Range 6 West, W.M., and to change the point of diversion to a point to be located 900 feet North and 160 feet West from the South 1/4 corner of Section 33, being within the SE 1/4 SW 1/4 of Section 33, 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 May 10, 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 Roseburg Lumber Company, P. O. Box 1088, Roseburg, Oregon, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 9th day of March, 1973.
 CHRIS L. WHEELER
 State Engineer
 Publication dates: March 16, 23, 30, 1973.

ST