

3502

STATUS OF APPLICATION

Change in *point of diversion*
Date filed *12-27-76*
Date of hearing
Place of hearing
Date of order *1-14-77* Vol. *28*, page *250*
Date for application of water *10-1-78*
Proof mailed
Proof received
Certificate issued *NOV 28 1977* *31* page *44936*

Survey
4-79

DESCRIPTION OF WATER RIGHT

Name of stream Newton Creek
Trib. of _____ County of Douglas
Use irrigation
Quantity of water _____ No. of acres 0 6
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 33417 Per. No. 26392 Cert. No. 28836
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
12-27-76	35 ⁰⁰	57350
TOTAL . . .		
12-27-76	\$2 ⁻ Cert. Fee	57351

FEES REFUNDED

Date	Amount	Check No.

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	<u>WH</u>	Name	<u>✓</u>	<u> </u>
<u>WA</u>	Stream	<u>✓</u>	<u> </u>	
<u>WH</u>	Pt. of Div.	<u> </u>	<u> </u>	
	Calendar	<u>✓</u>	<u> </u>	
	CHECKED TO RECORDS:			
<u> </u>	Twp. & Rgo.	<u>GLS</u>	<u> </u>	
<u> </u>	Decree-vault	<u> </u>	<u> </u>	
<u> </u>	Decree-safe	<u> </u>	<u> </u>	
<u>✓</u>	Cert. of W/R	<u>✓</u>	<u> </u>	
<u>✓</u>	Per. Folder	<u>✓</u>	<u> </u>	
<u> </u>	Chainindex	<u> </u>	<u> </u>	
<u> </u>	Cross Ref.	<u> </u>	<u> </u>	
<u> </u>	Power Claim	<u> </u>	<u> </u>	
<u>✓</u>	Abstracts	<u>✓</u>	<u> </u>	

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BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF RUTH D. JACOBSEN FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION OF)
WATER FROM NEWTON CREEK)

ORDER APPROVING
TRANSFER NO. 3502

On December 27, 1966, Ruth D. Jacobsen filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Newton Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 28836, Volume 21, State Record of Water Right Certificates, in the name of Frank H. Jacobsen, describes an existing right of record which includes the use of not to exceed 0.007 cubic foot per second from Newton Creek for irrigation of 0.2 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.2 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.2 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 27 South, Range 6 West, W.M., with a date of priority of October 12, 1959.

Water for the said right is diverted from a point located South 9 degrees, 20 minutes West, 1455 feet from the North quarter-corner of Section 14, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 27 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion and to divert water for the said lands from a point located 2680 feet South and 100 feet East from the North quarter-corner of Section 14, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 27 South, Range 6 West, W.M.

Mr. M. John Youngquist, Watermaster of District No. 15, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion from Newton Creek described herein, without loss of priority, is approved.

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 0.007 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 head-gates 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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

The applicant has authorized, by affidavit, cancelation of a portion of the right described by the certificate recorded at Page 28836, Volume 21, State Record of Water Right Certificates.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Frank H. Jacobsen and recorded at Page 28836, Volume 21, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding or the proceeding for cancelation of a portion of the right described by said certificate, and upon proof satisfactory to the Water Resources Director of

completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to Ruth D. Jacobsen.

Dated at Salem, Oregon, this 14th day of January, 1977.

/s/ JAMES E. SEXSON
Director

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **FRANK H. JACOBSEN**

of **1432 N.W. Keasey Rd., 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 **Newton Creek**

a tributary of **S. Umpqua River** for the purpose of
The irrigation of **1.9** acres **[REDACTED]**

under Permit No. **26392** 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 **October 12, 1959**

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

0.023 **[REDACTED] cubic foot per second [REDACTED] for irrigation [REDACTED]**
[REDACTED] of 1.9 acres.

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 $\frac{1}{4}$ NW $\frac{1}{4}$** , as projected within **Lehnhart DLC 52**, Section **14**, T. 27 S., R. 6 W., W.M. **[REDACTED]** S 9°20'W, 1,455 ft from N $\frac{1}{4}$ Cor of Sec 14.

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 the use of water is limited to a period when the flow in the S. Umpqua River is **60 c.f.s. or more 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:

1.1 **[REDACTED] acres NE $\frac{1}{4}$ NW $\frac{1}{4}$**
0.8 **[REDACTED] acre SE $\frac{1}{4}$ NW $\frac{1}{4}$**
both as projected within **Lehnhart DLC 52**
Section 14
T. 27 S., R. 6 W., W.M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page **28836**, Volume **[REDACTED]**, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on **January 14, 1977**, approving transfer application No. **3502** and canceling a portion of the right described by the said prior certificate.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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. **JULY 28 1961**

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume **21**, page **28836**

T#3502