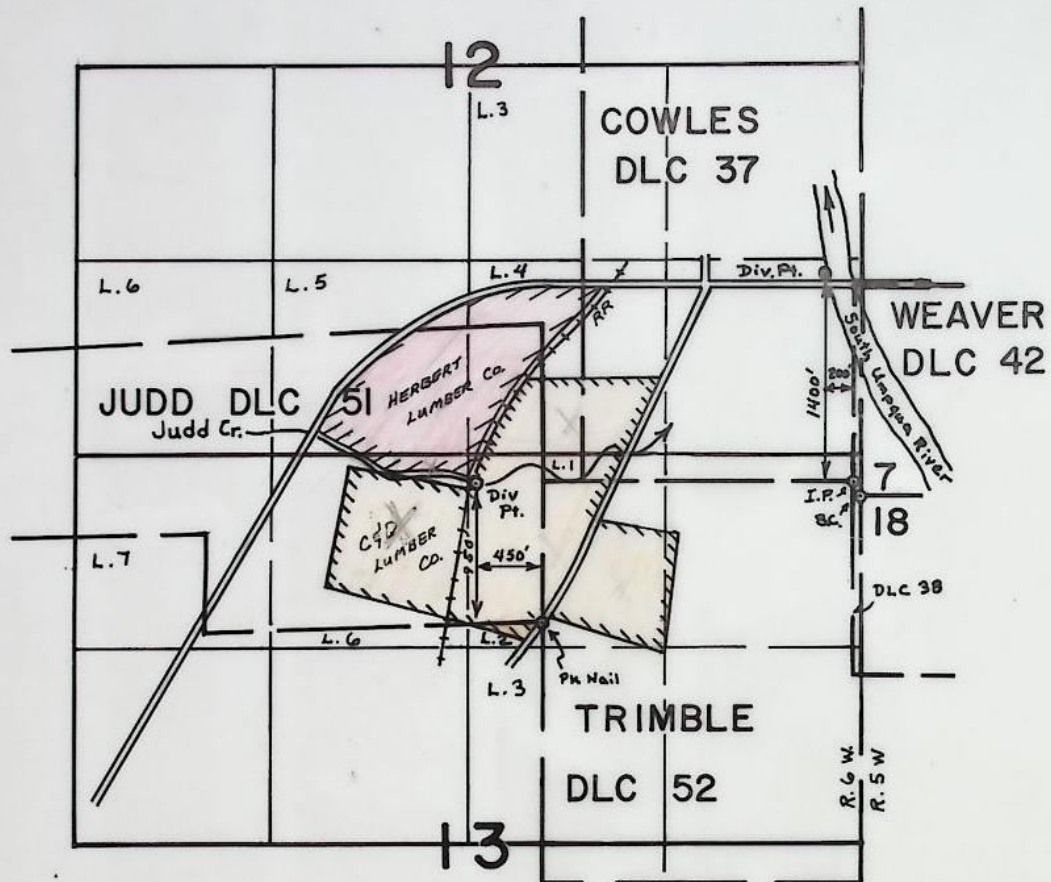


T. 30S. R. 6W. W.M.



SCALE: 1" = 1320'

FINAL PROOF SURVEY
UNDER

Transfer No. 3557

Transfer No. 3558

Application No. Permit No.

IN NAME OF

C & D LUMBER CO.

SO, UMPQUA INVESTMENTS

Surveyed Feb. 10 1978, by D. Sparks
June 23 1980 J.S. DONALDSON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
SOUTH UMPQUA INVESTMENTS FOR APPROVAL)
OF CHANGES IN POINT OF DIVERSION AND)
USE HERETOFORE MADE OF WATER FROM)
SOUTH UMPQUA RIVER)

ORDER APPROVING
TRANSFER NO. 3558

On February 28, 1977, an application was filed in the office of the Water Resources Director by South Umpqua Investments for changes in point of diversion and use heretofore made under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificates recorded at page 20438, Volume 15, State Record of Water Right Certificates, in the name of Frederick W. Hoffmeister, describes a right which includes the use of not to exceed 0.20 cubic foot per second from South Umpqua River for irrigation of 3.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 12.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 28 South, Range 6 West, W.M., with a date of priority of February 17, 1949.

Water for the said right is diverted from a point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 16.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion and the use heretofore made, and to hereafter use not to exceed 0.05 cubic foot per second for general sawmill use at the Herbert Lumber Company mill within SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12; and use not to exceed 0.15 cubic foot per second for general sawmill use at the C & D Lumber Company mill within S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, Township 30 South, Range 6 West, W.M.; and to divert the water for said use from a point located 1160 feet North and 340 feet West from the Southeast corner of Section 12, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 30 South, Range 6 West, W.M.

V27
P173-175

Notice of the application, pursuant to ORS 540.510, was published in the Myrtle Creek Mail, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of May 5, 12 and 19, 1977.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed changes in point of diversion and use heretofore made may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in point of diversion and use heretofore made may be made without injury to existing right, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in point of diversion and in use heretofore made, as described herein, from irrigation to general mill use within the irrigation season of each year, without loss of priority, are 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 under the subject right, and shall not exceed 0.20 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 and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Frederick W. Hoffmeister and recorded at page 20438, Volume 15, 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, 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 the applicant herein.

Dated at Salem, Oregon, this 3rd day of August, 1977.

/s/ James E. Sexson
Director

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FREDERICK W. HOFFMEISTER

C. V. Star Route,
 of Box 355, 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 0.7 acre
 under Permit No. 18628 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 February 17, 1949

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
~~0.71~~ cubic foot per second,
 0.01

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 $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16, 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 $\frac{1}{2}$ 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:

0.7 ~~4.3~~ acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 3 $\frac{1}{2}$
~~12.4~~ acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 12.4
 Section 16

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

This certificate describes that portion of the water right confirmed by the prior
 certificate recorded at page 20438, Volume 15, State Record of Water Right
 Certificates, NOT modified by the provisions of an order of the Water Resources
 Director entered on Aug 3, 1977, approving transfer application No. 3558.

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

and is being situated in Douglas County, State of Oregon.

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 31st day of May, 1954.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 20438

T#3558

C-44820

NOTICE OF WATER RIGHT TRANSFER

APPLICATION NO. 3558

Notice is given hereby that South Umpqua Investments has filed an application in the office of the Water Resources Director for the approval of a change in point of diversion and use heretofore made from South Umpqua River.

The certificate recorded at Page 20438, Volume 15, State Record of Water Right Certificates, in the name of Frederick W. Hoffmeister, describes a right which includes the use of not to exceed 0.20 c.f.s. from South Umpqua River for irrigation of 3.6 acres in NE¼ NE¼ and 12.4 acres in NW¼ NE¼ of Sec. 16, T. 28 S., R. 6 W., W.M., with a date of priority of Feb. 17, 1949.

Water for the said right is diverted from a point within the NE¼ NE¼ of said Sec. 16.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion and the use heretofore made, and to hereafter use not to exceed 0.15 c.f.s. for general sawmill use at the Herbert Lumber Co. mill within SE¼ SW¼ of Sec. 12; and use not to exceed 0.15 c.f.s. for general sawmill use at the C & D Lumber Co. mill within S¼ SE¼ of Sec. 12, and NW NE¼ and NE¼ NW¼ of Sec. 13, T. 30 S., R. 6 W., W.M.; and to divert the water for said use from a point located 1160 ft. N. and 340 ft. W. from the SE corner of Sec. 12, being within the SE¼ SE¼ of Sec. 12, T. 30 S., R. 6 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Roseburg, Oregon, on June 21, 1977, at 1:30 p.m. All objections to the proposed change, 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 South Umpqua Investments, P.O. Box 27, Riddle, Oregon 97469, and one copy filed with the Water Resources Department, Salem, Oregon, 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 18th day of April, 1977.

JAMES E. SEXSON
Director

Affidavit of Publication

STATE OF OREGON
COUNTY OF DOUGLAS

ss.

I, Sharon W. or ~~Robert F.~~ Scherer, being first duly sworn, say that I am the owner of the MYRTLE CREEK MAIL.

That said Myrtle Creek Mail is a weekly newspaper published and issued weekly and regularly at Myrtle Creek, Douglas County, State of Oregon, and is of general circulation in said county and state; that said Myrtle Creek Mail is made up of four pages, or more, of eight columns each and with type matter of a depth of twenty-one inches, and has more than 200 bona fide subscribers living within Douglas County, Oregon; that said Myrtle Creek Mail has been established and regularly and uninterruptedly published in Douglas County, Oregon, at least once a week during a period of more than twelve consecutive months immediately preceding the first publication of the

Notice of Water Right Transfer Application No. 3558

hereinafter referred to, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for3..... successive and consecutive weeks in the following issues:

May 5, 12, + 19, 1977

That the said Notice was published in the regular and entire issue of said newspaper during the period and times of publication, and was published in the newspaper proper and not a supplement.

That the fee actually charged by such newspaper for such publication is
\$ 34.13

Sharon W. Scherer
Sharon W. or ~~Robert F.~~ Scherer

SUBSCRIBED AND SWORN TO before me this 24 day of

May, 1977

James E. Sexson
Notary Public for Oregon

My Commission Expires: 1-26-79

RECEIVED

MAY 26 1977

WATER RESOURCES DEPT
SALEM, OREGON