

3722 EMERICH

3722

STATUS OF APPLICATION

Change in P O D
 Date filed 7-7-77
 Date of hearing Jan 24, 1978
 Place of hearing Roseburg
 Date of order 1-27-78 Vol. 30, page 329
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued AUG 10 1978 38 Vol. 38, page 46173
FEB 14 1985 52767

DESCRIPTION OF WATER RIGHT

Name of stream South Umpqua River
 Trib. of _____ County of Douglas
 Use _____
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority May 24, 1922
 In name of Ada Harding
 _____ Adjudication, Vol. _____, page _____
 App. No. 8397 Per. No. 5496 Cert. No. 7481
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
7-7-77	\$ 35-	62338
11-22-77	50-	65157
TOTAL . . .		
7-7-77	\$ 2 Cert. Fee	62337
<i>The News Review \$38.81 pd 12/22/77 ck #1860</i>		

FEES REFUNDED

Date	Amount	Check No.
12-22-77	\$ 11.19	1861
Exam	20-	Recd 35
Δ P O D	15-	50
Cert	2-	2
P O N	38.81	87-
	75.81	

REMARKS

CARD FOR C DEC 26 1979

SEE T-5156 A P O D part of C-46173
 T-5162 " " "

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

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This is to Certify, That Ada Harding of 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 a tributary of Umpqua River South Umpqua River for the purpose of Irrigation of 59.5 acres under Permit No. 5496 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 May 24, 1922;

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 0.75 ~~0.84~~ cubic foot per second;

The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use), is as follows:

in the SE 1/4,
Township 28 S
Oregon, being :

8.5 acres
Section 22,
Douglas County,

20 ~~9.0~~ acres in SW 1/4 NE 1/4 - 7.0
34.0 acres in NE 1/4 NW 1/4
8.5 acres in SE 1/4 NW 1/4
0.5 acre in NE 1/4 SW 1/4
14.5 acres in NW 1/4 SE 1/4
Section 22
T 28 S, R 6 W, W.M.

59.5
0.75

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 7481, Volume 7, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on January 27, 1978, approving transfer application No. 3722.

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

the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,

affixed this 24th day

of January, 1928.

WILLIAM L. LUTER

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 7, page 7481.

46173

T# 3722

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF EARL EMERICH FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM SOUTH UMPQUA RIVER)

ORDER APPROVING
TRANSFER NO. 3722

On July 7, 1977, an application was filed in the office of the Water Resources Director by Earl Emerich for approval of a change in point of diversion from South Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 7481, Volume 7, State Record of Water Right Certificates, in the name of Ada Harding, describes a right which includes the use of not to exceed 0.09 cubic foot per second from South Umpqua River for irrigation of 7.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 28 South, Range 6 West, W.M., with a date of priority of May 24, 1922.

Water for the said right is diverted from a point located 2112 feet North and 1584 feet West from the Southeast Corner of Section 22, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 22.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 450 feet North and 1280 feet East from the Center Corner of Section 22, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 22.

Notice of the application, pursuant to ORS 540.510, 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 November 30; December 7 and 14, 1977.

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

No objections 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, as 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 under the subject right.

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

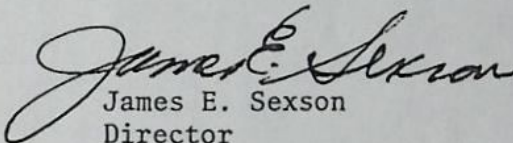
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Ada Harding and recorded at page 7481, Volume 7, 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 27th day of January, 1978.


James E. Sexson
Director

Affidavit of Publication

The News-Review

Roseburg, Oregon

ISSUED DAILY EXCEPT SUNDAY

STATE OF OREGON }
COUNTY OF DOUGLAS } ss.

I, Elsille Martin, being
first duly sworn, depose and say that I am the Office
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

Water Right Transfer

a printed copy of which is hereto annexed, was publish-
ed in the entire issue of said newspaper for 3

successive and consecutive weeks in the following issues:

November 30, December 7, 14, 1977

The fee actually charged by such newspaper for such
publication is \$ 38.81

Elsille Martin

Subscribed and sworn to before me this 14 day of

December, 19 77

Barbara Brown

Notary Public of Oregon

My Commission expires 10th day of October, 19 80

RECEIVED

DEC 16 1977

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 3722

Notice is hereby given that an
application has been filed in the
office of the Water Resources
Director by Earl Emerich for
approval of a change in point of
diversion from South Umpqua
River, pursuant to the provisions
of ORS 540.510 to 540.530.

The certificate recorded at page
7481, Volume 7, State Record of
Water Right Certificates, in the
name of Ada Harding, describes
a right which includes the use of
not to exceed 0.09 cubic foot per
second from South Umpqua
River for irrigation of 7.0 acres
in SW 1/4 NE 1/4 of Section 22, T 28 S,
R 6 W, WM, with a date of
priority of May 24, 1922.

Water for the said right is
diverted from a point located
2112 ft N and 1584 ft W from the
SE corner of Sec 22, being within
the NW 1/4 SE 1/4 of said Sec 22.

The applicant herein, owner of
the lands above described, pro-
poses to change the point of
diversion therefrom, without
loss of priority, to a point
located 450 ft N and 1280 ft E
from the Center Corner of Sec
22, being within the SW 1/4 NE 1/4 of
said Sec 22.

All persons interested are
notified that a hearing will be
held at the county courthouse at
Roseburg, Oregon, on January
24, 1978, at 9:30 a.m. All objec-
tions 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 Earl Emerich, Star Route,
Box 488, Winston, OR 97496 and
one copy filed with the Water
Resources Department, Salem,
OR 97310, together with a \$10
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 WATER
RESOURCES DIRECTOR
WITHOUT A HEARING. In-
structions regarding the filing of
a protest will be furnished by
the Water Resources Depart-
ment upon request.

Dated at Salem, Oregon, this
22nd day of November, 1977.

James E. Sexson

Director

Invoice No. 3581: Publication
Dates: November 30, December
7, 14, 1977