

3310

STATUS OF APPLICATION

Change in point of diversion
Date filed 9-26-75
Date of hearing 3-9-76
Place of hearing Roseburg
Date of order 10-12-76 Vol. 28, page 35
Date for application of water 10-1-77
Proof mailed _____
Proof received _____
Certificate issued **JAN 29 1979** Vol. 40, page 47273

Survey 1/76

DESCRIPTION OF WATER RIGHT

Name of stream South Umpqua River
Trib. of Umpqua R County of Douglas
Use fish culture
Quantity of water 0.25 cfs No. of acres _____
Name of ditch _____
Date of priority October 11, 1954
In name of Milton Herbert
_____ Adjudication, Vol. _____, page _____
App. No. 29517 Per. No. 24709 Cert. No. 28828
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8-26-75</u>	<u>30.00</u>	<u>49161</u>
<u>1-5-76</u>	<u>5.00</u>	<u>50954</u>
<u>1-5-76</u>	<u>45.00 p.o.n.</u>	<u>50955</u>
TOTAL . . .	<u>200</u>	<u>FROM</u>
<u>2-19-76</u>	Cert. Fee	<u>50955</u>

plus 200 cert fee from T# H-150

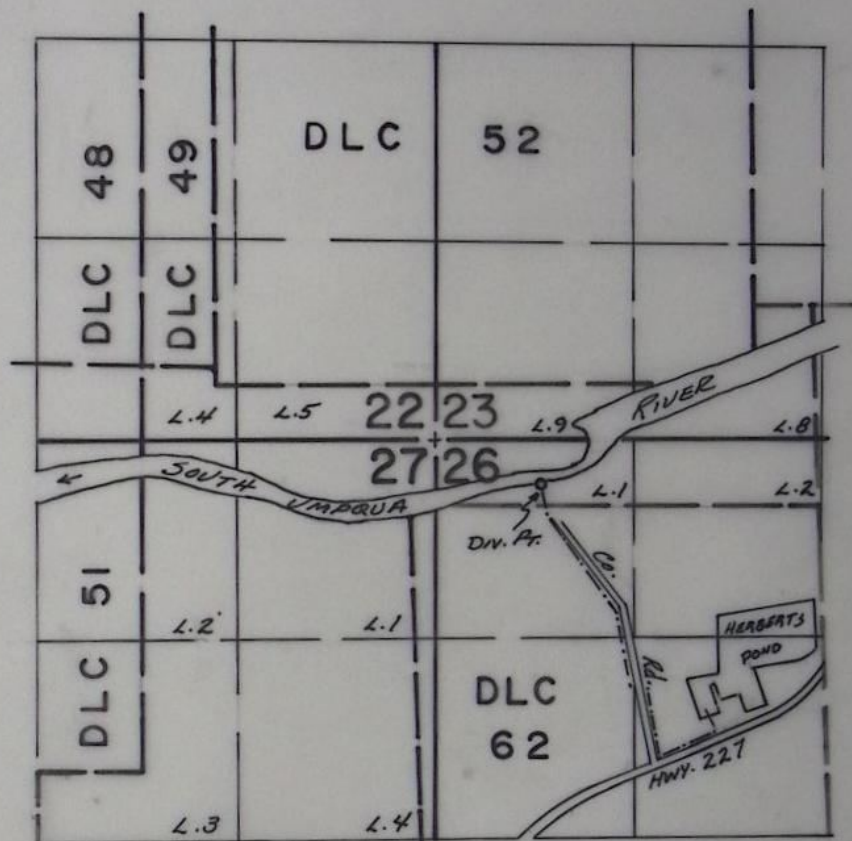
FEES REFUNDED

Date	Amount	Check No.
<u>2-19-76</u>	<u>B 900</u>	<u>286</u>

REMARKS

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

T. 30S. R. 5W. W.M.



DIV. PT. LOC. - 300' S $\frac{1}{4}$ 700' E FROM NW COR. SEC. 26

FINAL PROOF SURVEY UNDER

TRANSFER No. H150
TRANSFER No. 3310
Application No. _____ Permit No. _____
IN NAME OF

Douglas County Park Dept. _____

Surveyed MAY 19 1977, by D.M. NORBY _____

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF DOUGLAS COUNTY PARK DEPARTMENT)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
SOUTH UMPQUA RIVER)

ORDER APPROVING
TRANSFER NO. 3310

On August 26, 1975, Douglas County Park Department filed an application in the office of the Water Resources Director for the approval of a change in 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 Milton Herbert and recorded at Page 28827 and 28828, Volume 21, State Record of Water Right Certificates, confirmed rights to store 56.08 acre-feet of water and to use not to exceed 0.25 cubic foot per second of water from the flow of the South Umpqua River for operation of a log pond in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 30 South, Range 5 West, W.M., all with a date of priority of October 11, 1954.

On February 5, 1965, an order was entered by the State Engineer wherein these water rights were changed to maintenance of the pond for fish culture. Proof to the satisfaction of the Water Resources Director of beneficial use of water for fish culture has been received.

Water for use under these rights is diverted from a point located North 54 degrees 46 minutes West, 1216 feet from the Northeast corner of Preston D.L.C. #62, being within Lot 8 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 23, Township 30 South, Range 5 West, W.M.

The applicant herein, owner of the pond site, proposes to divert water for fish culture from a point of diversion to be located 185 feet South and 710 feet East from the Southwest corner of Section 23, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 30 South, Range 5 West, W.M.

Notice of the filing of the application 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 January 15, 22 and 29, 1976.

Mr. M. John Youngquist, Watermaster of District No. 15, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from South Umpqua River as described herein, without loss of priority, is approved.

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, 1977.

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 0.25 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.

The order entered February 5, 1965, canceled the certificates of water right heretofore issued to Milton Herbert and recorded at Pages 28827 and 28828, Volume 21, State Record of Water Right Certificates, and provided for certificates to be issued confirming the extent to which the water has been applied beneficially.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, certificates of water right shall be issued to Douglas County Park Department confirming the rights as modified under the provisions of the order entered February 5, 1965, approving transfer application No. H-150, as further modified under the provisions herein.

Dated at Salem, Oregon, this 12th day of October, 1976.

/s/ JAMES E. SEXSON
Director

Transfer No. 3310

NOTICE OF COMPLETION OF CONSTRUCTION

I, Douglas County Park Department hereby certify
that the construction work has been completed and the change in point
of diversion of water made as set forth in the order of the Water
Resources Director dated 11-1-76, approving an application
for a change in point of diversion of water from South Umpqua River
_____.

11-5-76

Dated

Douglas County Park Department

P. O. Box 800

Winchester, Oregon 97145

By: [Signature]

Ron H. [Signature] Assistant Director

RECEIVED
NOV - 8 1976
WATER RESOURCES DEPT
SALEM, OREGON

SOUTH UMPQUA RIVER

OLD POINT OF DIVERSION

RECEIVED

AUG 26 1975

WATER RESOURCES DEPT.
SALEM, OREGON

22 23

27 26

T. 30S.

R. 5W. W.M.

NEW POINT OF DIVERSION

OLD CANYONVILLE

COUNTY PARK

WM. PRESTON DON. LAND CLAIM NO. 62

N.E. COR.
D.L.C. No 62

3" ALUM.
PIPE LINE

NEW PIPE CO. LINE NO. 215
2 1/2" ALUM.

SCALE 1" = 300'

OVERFLOW
DIKE
PROP. LINE
HERBERTS POND

PARKING AREA

YEW POST

STATE SECONDARY HIGHWAY
No 227

TO CANYONVILLE

ALWAYS IN RIGHT LINE TO BEAT
NOT REPRODUCIBLE NO. 2 IN THE HIGH

T-3310

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Douglas County Parks Department has filed an application for a change in point of diversion of water from South Umpqua River.

Certificate of water right issued to Milton Herbert and recorded at Page 28828, Volume 21, State Record of Water Right Certificates, confirmed a right to the use of 0.25 c.f.s. of waters of South Umpqua River for maintenance of a log pond in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 26, T. 30 S., R. 5 W., W.M., with a date of priority of October 11, 1954. On February 5, 1965, an order was entered by the State Engineer wherein this water right was changed to maintenance of the pond for fish culture. Water for this use is diverted from a point located North 54° 46' W. 1216 ft. from the NE corner of Preston DLC No. 62, being within Lot 8 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Sec. 23, T. 30 S., R. 5 W., W.M.

The applicant herein, owner of the pond site, proposes to divert water from a point located 185 ft. S. and 710 ft. E. from the SW corner of Sec. 23, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 26, T. 30 S., R. 5 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Roseburg, Oregon, on March 9, 1976 at 9:30 a.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 Douglas County Park Department, PO Box 800, Winchester, Oregon, and one copy filed with the Water Resources Director, Salem, Oregon, 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 Director upon request.

Dated at Salem, Oregon, this 7th day of January, 1976.

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 Filing Application For Change in Point of Diversion of Water
hereinafter referred to, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues:

Jan. 18, 22, 29, 1976

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
\$ 34.00

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

SUBSCRIBED AND SWORN TO before me this 2 day of

February, 19 76
Carol S. Smith
Notary Public for Oregon

My Commission Expires: 11-21-79

RECEIVED
FEB - 5 1976
WATER RESOURCES DEPT.
SALEM, OREGON

T-3310

\$30.00 If not crossing other P.O.D.
\$75.00 If crossing other P.O.D.

RECEIVED

AUG 26 1975

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JAN 3 1976

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Douglas County Park Department
(Name of applicant)

of P.O. Box 800 Winchester, County of Douglas
(Postoffice)

State of Oregon, do hereby make application for change in point of diversion

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is South Umpqua River
(Name of stream)

2. The use to which the water is applied is Fish culture
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Unnamed

4. The point of diversion is located N. 54° 46' W. 1216' From
ft. and ft. from the N.E.
(N. or S.) (E. or W.)

corner of Preston D.L.C. 62 being within the Lot 8 (S.E. 1/4 S.W. 1/4)
(Section or subdivision)

of Section 23 Tp. 30 S. R. 5 W. W. M., in the County of Douglas
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
30 S.	5. W.	26					X			X								

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? 10-11-54

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number
(Yes or No)

of permit 24709

464

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Douglas } ss.

I, Douglas County Park Department, by Ron Hjort, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 17th day of July, 1975

Douglas Co. Park Dept. by Ron Hjort
(Name of applicant)

Subscribed and sworn to before me this 17th day of July, 1975

[Notarial Seal]

Robert E. Kinsell
NOTARY PUBLIC FOR OREGON

My commission expires June 12, 1976

Remarks

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

no

BTR-344-81
5-19-77
DMN

County Douglas

1. Name Douglas County Park Dept. Address PO Box 800, Winchester 97495
2. Source of Supply South Umpqua R., Trib. of _____
3. Amount of Water 0.25 c.f.s Priority Date Oct. 11, 1954
4. Use fish culture
5. Proposed Point of Diversion ~~N. 54 degrees 46 minutes W., 1216 ft. from NE~~
~~corner of Preston D1C #62, being within Lot 8 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 23, T. 30 S.,~~
~~R. 5 W.~~ 300' S & 700' E FROM NW COR. SEC. 26, LOT 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$),
6. Place of Use DATE FOR APPLICATION OF WATER: 10/1/77 SEC. 26, T. 30 S. R. 5 W.

[illegible]

INFO - OWN OBSERVATION

SOURCE - S. UMPQUA RIVER

DIV. PT. - DIRECT

MOTOR - WESTINGHOUSE

5 HP @ 3485

PUMP - GOULDS

CENT D.D.

1 3/4 x 1 1/4

THIS WAS PADLOCKED INSIDE
A STEEL MESH GAGE ON THE
COUNTY PARK PROPERTY

PIPE - STARTED OUT 3" ALUM & THEN 2 1/2" PVC BURIED.

LIFT - +30'

USE - PIPED TO TWO PONDS WHICH IS USED FOR
PUBLIC FISHING, ACCORDING TO A COUPLE PEOPLE
FISHING HERE.

TIE - PHOTO BTR-3HH-81

David Norby
7E
5-19-77

SOUTH UMPQUA RIVER

OLD POINT OF DIVERSION

22 23

27 26

T. 305.

R. 5W, W.M.

OLD CANYONVILLE

COUNTY PARK

NEW POINT OF DIVERSION

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NO. 62

N.E. COR.

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3" ALUM. PIPE LINE

OVERFLOW

DIKE

PROP. LINE

HERBERTS POND

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Yew Post

SECONDARY HIGHWAY

TO CANYONVILLE

No 227

RECEIVED

AUG 26 1975

WATER RESOURCES DEPT.
SALAS, OREGON