

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF LYNN STONE FOR THE APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER FROM WILLIAMS CREEK ()
- - - - -

O R D E R

APPROVING APPLICATION

On January 20, 1961, Lynn Stone of Provolt, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Williams Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Waters of Rogue River and its Tributaries, a water right was established in the name of J. C. Jones for the irrigation of 1 acre in Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 14 acres in Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 12, Township 38 South, Range 5 West, W. M., from Williams Creek with a date of priority of 1869. The State Engineer's supplemental findings of fact and order of determination entered January 10, 1940, in the matter of the determination of the relative rights to the use of the waters of Rogue River and its tributaries, determined the extent to which the inchoate water rights were completed. In said findings the State Engineer found that O. B. and Marion Johnson had reclaimed and irrigated 6 acres in Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 12, Township 38 South, Range 5 West, W. M., from Williams Creek, with a date of priority of December 1908. These lands are irrigated by means of a pumping plant, the point of diversion of said pumping plant being located 1600 feet North and 2260 feet West from the E $\frac{1}{4}$ corner of Section 12, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 12, Township 38 South, Range 5 West, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands through the Spencer ditch from Williams Creek, the point of diversion of said ditch being located 135 feet South and 135 feet East from the southwest corner of Section 12, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 38 South, Range 5 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 point of diversion of water, if any there were, namely: at the county courthouse in Grants Pass, Oregon, on March 22, 1961, at 9:30 o'clock a.m. The notice was published in the Illinois Valley News, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of January 26, February 2 and 9, 1961. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert B. Steimer, Watermaster of District No. 16, 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 objections having been filed and it appearing that the proposed change in point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Williams Creek, to-wit:

From a point located 1600 feet North and 2260 feet West from the E $\frac{1}{4}$ corner of Section 12, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 12, Township 38 South, Range 5 West, W. M.

To a point to be located 135 feet South and 135 feet East from the southwest corner of Section 12, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 38 South, Range 5 West, W. M.

for the irrigation of 1 acre in Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 14 acres in Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 12, Township 38 South, Range 5 West, W. M., with a date of priority of 1869 and 6 acres in Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), said Section 12, with a date of priority of December 1908, be and the same 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, 1963, or within such extension of time as may be granted by the State Engineer for good cause shown.

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.

Dated at Salem, Oregon, this 5th day of February, 1962.

Noted on Decree

Vol. 4, p. 26, col. 3

Cert. # 16309

Supplemental Findings

Vol. 13, p. 420

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer