

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF CALVIN AND V. A. RICHARDSON )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER FROM )  
WILLIAMS CREEK. )  
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ORDER

APPROVING APPLICATION

On May 9, 1957, Calvin and V. A. Richardson of Route 4, Box 387, Grants Pass, 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.

The decree of the circuit court for Jackson County, Oregon, entered April 26, 1919, in the matter of the determination of the relative rights of the various claimants to the waters of Rogue River and its tributaries, established a water right in the name of Emma B. Macy and Emma F. Truax for the irrigation of, among other lands, 7 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 1, Township 38 South, Range 5 West, W. M. The supplemental findings of fact and order of determination of the State Engineer, entered January 10, 1940 in the above entitled proceedings, determined the extent to which the inchoate water rights were completed in the Rogue River adjudication proceedings. In said findings, the State Engineer found that C. L. Richardson had reclaimed and irrigated 3 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 1, Township 38 South, Range 5 West, W. M., and that V. Richardson had reclaimed and irrigated 9.2 acres in the said NW $\frac{1}{4}$  SW $\frac{1}{4}$ . All of these lands are irrigated through the York and Breedon ditch from Williams Creek with a date of priority of June 1890. The point of diversion of the York and Breedon ditch is located 400 feet south and 470 feet east from the south quarter corner of Section 1, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 12, Township 38 South, Range 5 West, W. M.

The applicants herein, owners of the land above described, propose to change the point of diversion downstream to a point to be located

1735 feet north and 77 feet east from the south quarter corner of Section 1, and being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 1, 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 July 10, 1957, at 10:00 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 May 16, 23 and 30, 1957. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

Mr. George Thrasher, Watermaster of District No. 16, has filed a report to the effect that the proposed change in point of diversion of water from Williams Creek 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 from Williams Creek 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 400 feet south and 470 feet east from the south quarter corner of Section 1, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 12, Township 38 South, Range 5 West, W. M.,

To a point to be located 1735 feet north and 77 feet east from the south quarter corner of Section 1, and being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 1, Township 38 South, Range 5 West, W. M.,

for the irrigation of 19.2 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 1, Township 38 South, Range 5 West, W. M., with a date of priority of June 1890 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, 1958 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.

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 pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Josephine County, Oregon before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon this 11th day of July 1957.

*Noted in Decree*  
Vol. 9, p. 26, col. 3. Cert. 16305(2)

*Noted in Suppl. Findings*

Vol. 13, p. 420, 421

LEWIS A. STANLEY  
State Engineer