

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF CHARLES H. RETZLOFF FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM WEST FORK WILLIAMS)
CREEK)

ORDER APPROVING
TRANSFER NO. 2743

On December 18, 1972, Charles H. Retzloff filed an application in the office of the State Engineer for the approval of a change in place of use of water from West Fork Williams Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered April 29, 1925, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of E. E. Blanchard for the use of the waters of West Fork Williams Creek for the irrigation of, 5.0 acres in NE¼ NW¼, 26.0 acres in NW¼ NW¼, and 16.0 acres in SW¼ NW¼, Section 3, Township 39 South, Range 5 West, W.M., with a date of priority of 1875, as evidenced by certificate of water right recorded at page 16326, Volume 13, State Record of Water Right Certificates.

By Decree of the Circuit Court for Josephine County, Oregon, entered May 19, 1964, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of W. G. Records for the use of the waters of West Fork Williams Creek for the irrigation of 26.0 acres in North ½ NW¼ and SW¼ NW¼, and 0.2 acre in SE¼ NW¼, Section 3, Township 39 South, Range 5 West, W.M., with a date of priority of December 1908, as evidenced by certificate of water right recorded at page 32955, Volume 25, State Record of Water Right

Certificates.

These lands are irrigated by means of the Chapman Ditch from a point of diversion located 440 feet South and 1200 feet West from the East $\frac{1}{4}$ corner of Section 4, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 39 South, Range 5 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority to 5.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 23.82 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, and 18.18 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 39 South, Range 5 West, W.M., with a date of priority of 1875 and 20.21 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 4.22 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 1.77 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 39 South, Range 5 West, W.M., with a date of priority of December, 1908.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

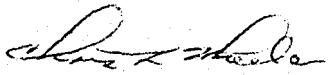
NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 5.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 26.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, and 16.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 39 South, Range 5 West, W.M., with a date of priority of 1875, and 26.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 0.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 39 South, Range 5 West, W.M., with a date of priority of December, 1908, be

severed therefrom and simultaneously and without loss of priority transferred to 5.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 23.82 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, and 18.18 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 39 South, Range 5 West, W.M., with a date of priority of 1875 and 20.21 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 4.22 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 1.77 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 39 South, Range 5 West, W.M., with a date of priority of December, 1908.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1974.

It is FURTHER ORDERED that certificates of water right heretofore issued to E. E. Blanchard and W. G. Records and recorded at page 16326, Volume 13, and 32955, Volume 25, State Record of Water Right Certificates are canceled, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, certificates of water right shall be issued to Charles H. Retzlöff confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 16th day of July, 1973.


CHRIS L. WHEELER
State Engineer