

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF FIELDS AND STONE, INC., FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM WILLIAMS )  
CREEK. )  
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O R D E R  
APPROVING APPLICATION

On June 10, 1958, Fields and Stone, Inc., of Williams, 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.

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. In the same proceedings a water right was established in the name of O. B. and Marion Johnson for the irrigation of 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 through the Provolt ditch, the point of diversion of said ditch being located 460 feet south and 1150 feet east from the west quarter corner of Section 12, and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 12, Township 38 South, Range 5 West, W. M.

The applicant herein proposes to change the point of diversion for the irrigation of said lands to that of a pumping plant, the point of diversion of said pumping plant to be located 1600 feet north and 2260 feet west from the east quarter 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.

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 August 12, 1958 beginning at 10:00 o'clock a.m. The notice was published in the Grants Pass Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of June 17 and 24 and July 1, 1958. The date set for hearing in the notice was not less than thirty days after the last publication of said notice.

Mr. George W. Thrasher, Watermaster of District No. 16, has filed a statement 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 460 feet south and 1150 feet east from the west quarter corner of Section 12, and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 12, Township 38 South, Range 5 West, W. M.,

To a point to be located 1600 feet north and 2260 feet west from the east quarter 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.,

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, 1959 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 2nd day of September 1958.

*Noted on Decree Vol. 4, p. 26, col. 3  
Vol. 13, p. 470*

*Lewis A. Stanley*  
LEWIS A. STANLEY  
State Engineer

*Also Cert. # 16309*

*Trsf. # E-30*