

# Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Richard A McNeil (McNIEL)  
(Name of applicant)  
of 2633 Cedar Flat Rd, Williams Oregon 975  
(Mailing address) (City)  
State of Oregon, 97544, , do hereby make application for change  
(Zip Code) (Phone number)  
IN POINT OF DIVERSION  
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? C.O. AND ALBERT BIGELOW (cert 43772)  
(If not, give name)  
ME. Sullivan (cert. 43769)
2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings  
(Yes or No) Rogue River Decree number of certificate 43772  
15378
3. Was your water right acquired by Water Right Permit? No Yes. If so, give number  
(Yes or No)  
of permit 4886 Number of certificate 43769

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is West Fork Williams CREEK
5. What is the date of priority of your water right? 1883
6. The authorized point of diversion is located 1150 ft. S and 1320 ft. E from the NW  
(N. or S.) (E. or W.)  
corner of SECTION 8 being within the NE 1/4 NW 1/4 of Section 8 Tp. 39S R. 5W W. M.,  
(No. N. or S.) (No. E. or W.)  
in the county of Josephine The name of the ditch used is Hoxie

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 70 ft. N and 1350 ft. W from the SE  
(N. or S.) (E. or W.)  
corner of Section 5 being within the SW 1/4 SE 1/4 of Section 5 Tp. 39S R. 5W W. M.,  
(No. N. or S.) (No. E. or W.)  
in the county of Josephine The name of the ditch to be used is NA

8. The use to which the water is applied is IRIGATION  
 (Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
39 S	5W	5	SW 1/4 SE 1/4	7 AC - C. 43772
			SE 1/4 SE 1/4	12.6 AC - C. 43769

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Legal Contract Owner  
 (If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No  
 (Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? .....  
 (Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is .....  
 (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are THE HOXIE DITCH HAS BEEN  
ABANDONED

15. Construction work will be completed on or before JUNE 78

16. The water will be completely applied to the proposed use on or before JUNE 78

Remarks .....

**NOTE:** THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

**AFFIDAVIT OF APPLICANT**

I, Richard A. McNeil, 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 13 day of June, 1977.

Richard A. McNeil  
(Name of applicant)

Subscribed and sworn to before me this 13 day of JUNE, 1977.

[Notarial Seal]

Gary A. Thacker  
NOTARY PUBLIC FOR CALIFORNIA

My commission expires JUNE 17, 1977



## STATE OF OREGON

COUNTY OF JOSEPHINE

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That M. E. SULLIVAN

of Williams, State of Oregon, 97544, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of West Fork of Williams Creek

a tributary of Williams Creek (Applegate River) for the purpose of irrigating 12.6 acres

under Permit No. 4886 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 15, 1920 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.16 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE~~1~~ NW~~1~~, Section 8, T. 39 S., R. 5 W., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ~~one-eightieth~~ of one cubic foot per second per acre,

no duty

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

12.6 acres SE~~1~~ SE~~1~~  
Section 5  
T. 39 S., R. 5 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 36487, Volume 28, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 7, 1976, approving transfer application No. 3110.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. October 18, 1976

James E. Saxon  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 35, page 43769

V PR

T # 3724

*Part* Canceled Sp. Cr. Rec. Vol. 31 P. 203  
Superseded by  
Cert. No. 57702

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

C. O. AND ALBERT BIGELOW

of Williams, State of Oregon, 97544, has  
a right to the use of the waters of  
West Fork Williams Creek

a tributary of Williams Creek for the purpose of  
irrigation of 32.38 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Jackson County, and the said decree entered of record at Salem, in the Order Record of  
the WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the  
right thereby confirmed dates from 1880

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed 0.54 cubic foot per  
second.

*140 E 1/2*

The point of diversion is located in the NE 1/4 NW 1/4, Section 8, T. 39 S., R. 5 W., W. M.,  
1150 feet South and 1320 feet East from the NW Corner of Section 8.

A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:

15.38 acres NE 1/4 NW 1/4 T-3518 (POD)  
Section 8

17.0 acres SW 1/4 SE 1/4 T-3724 (POD for 72 acres)  
Section 5 *V 31 p 203 cancels 100 acres*  
T. 39 S., R. 5 W., W. M.

This certificate describes that portion of the water right confirmed by the prior  
certificate recorded at Page 40387, Volume 32, State Record of Water Right  
Certificates, NOT modified by the provisions of an order of the Water Resources  
Director entered on June 18, 1976, approving transfer application No. 3415.

The issuance of this superseding certificate does not confirm the status of the  
water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree.  
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described, and is subject to the existing minimum flow policies established by  
the Water Policy Review WITNESS the signature of the Water Resources Director, affixed  
Board.

this date October 18, 1976

James E. Sexson  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 35, page 43772 *part. cancel*

T# 3724 T-3518

1.6 cfs / 96.0 acres — 16318

DEPARTMENT OF WATER RESOURCES

RECEIVED BY THE STATE ENGINEER

STATE OF OREGON  
DEPARTMENT OF WATER RESOURCES  
DIVISION OF WATER RESOURCES

NOTICE TO THE PUBLIC  
The following information is being furnished to the public for their information. It is the policy of the State of Oregon to make available to the public as much information as possible concerning the activities of the State Engineer's Office.

STATE OF OREGON

DEPARTMENT OF WATER RESOURCES

STATE OF OREGON  
COUNTY OF JOSEPHINE  
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that STEPHEN L. VANIERSEL,  
of 220 CHINA CREEK ROAD, WILLIAMS, OREGON 97544, has a right to the  
use of waters of WEST FORK WILLIAMS CREEK, a tributary of WILLIAMS  
CREEK, for the purpose of IRRIGATING 15.38 ACRES.

The right has been confirmed by decree of the Circuit Court of the  
State of Oregon for JACKSON County. The decree is of record at Salem,  
in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 4, at  
page 1. The date of priority is 1880.

The right is limited to not more than 0.26 CUBIC FOOT PER SECOND IF  
AVAILABLE AT THE ORIGINAL POINT OF DIVERSION: HOXIE DITCH, NE 1/4 NW  
1/4, SECTION 8, T 39 S, R 5 W, W.M.; 1150 FEET SOUTH AND 1320 FEET  
EAST FROM NW CORNER SECTION 8.

The point of diversion is located as follows:

NE 1/4 NW 1/4, SECTION 8, T 39 S, R 5 W, W.M., 675 FEET  
SOUTH AND 2140 FEET EAST FROM NW CORNER SECTION 8.

A description of the place of use under the right, and to which such  
right is appurtenant, is as follows:

NE 1/4 NW 1/4 15.38 ACRES  
SECTION 8  
TOWNSHIP 39 SOUTH, RANGE 5 WEST, W.M.

This certificate is issued to confirm a change in POINT OF DIVERSION  
approved by an order of the Water Resources Director entered  
JULY 25, 1977, and together with TRANSFER 3724 AND CANCELLATION ORDER  
OF SEPTEMBER 5, 1978, supersedes certificate 43772, State Record of  
Water Right Certificates.

The issuance of this superseding certificate does not confirm the  
status of the water right in regard to the provisions of ORS 540.610  
pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted  
to beneficial use on the lands or place of use described and shall be  
subject to all other conditions and limitations contained in said  
decree.

WITNESS the signature of the Water Resources Director,  
affixed this date SEPTEMBER 27, 1988.

/s/ WILLIAM H. YOUNG  
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57702

179-8TR  
no map  
**RECEIVED**

REPORT ON INSPECTION UNDER TRANSFER  
OF WATER RIGHT FOR CHANGE IN: POD  
POU  
USE  
Add'l POD

OCT 10 1986

WATER RESOURCES DEPT.  
SALEM, OREGON

Transfer NO. 3724

County Josephine

Old Certificate NO. 43769, 43772

1. Name Richard A. McNeil, #

Address 2633 Cedar Flat Rd, Williams, OR 97544

2. Source of Supply W. Fk. Williams Cr., Trib of

3. Use irrigation

4. Amount of Water 0.16 cfs Priority Date 1880

5. Proposed Point of Diversion 40' N + 1350' W from SE corner Sec 5,  
within SW 1/4 SE 1/4, Sec 5, T 39S, R 5W, W.M.  
*1200'S + 2600'E; 1400'S; 2610'E FROM SW*

6. Completion Date 10-1-79

7. Place of Use: wd - 9:30 AM

CHECK ON: 8-13-84 - BSJ (NO USE 2 YRS.) NO POINT, NO EQUIPMENT.  
ADVISE REPORT 1-16-84 BSJ  
9/033-179-85R 10-8-86 RW  
4/033-179-88R 7/13/88 RW

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made

200' 2 1/2 PK  
100'  
50'



RECEIVED  
OCT 10 1984  
WATER RESOURCES DEPT.  
SALEM, OREGON

INFO: OWNERS: RICHARD & JOSEPHINE MCNIEL  
4959 PERIMAN AV.  
TEMPLE CITY, CA 91780 } TAX LOT 504

DON T. DURBORNE<sup>W</sup> Jr.  
3186 FLORINDA ST.  
POMONA, CA 91767 } TAX LOT 511 & 524.

SOURCE: WEST FORK WILLIAMS CREEK.

INFO: VISITED THE SITE 8-13-84. TALKED TO RENTER HEIDI DUNCAN, SHE LIVES ON TAXLOT 511 IN MOBILE HOME; RENTS LAND. OWNERS HAVE NOT LIVED ON SITE. MRS. DUNCAN HAS BEEN RENTING FOR 2 YEARS. MRS. DUNCAN HAS NO EQUIPMENT & HAS NEVER IRRIGATED. SHE STATED A PREVIOUS RENTER HAD A GAS PUMP IN CREEK & IRRIGATED A PORTION OF TAX LOT 511, IN THE SUMMER OF 1981. NO INFORMATION ON PUMP, EQUIPMENT OR ACTUAL PLACE OF USE ON TAX LOT 511. TAX LOT 511 APPEARS TO BE PASTURE LIKE. TAX LOT 524 & 504 ARE IN NATURAL STATE OF TREES & BRUSH. NO EVIDENCE OF ANY TYPE OF BENEFICIAL WATERING.

INFORMATION FROM JOSEPHINE CO. WATERMASTER'S OFFICE SHOWS PUMP IN CREEK IN SUMMER OF 1979. THIS ILLEGAL PUMP SITE INITIATED THE FILING OF THIS TRANSFER.

P. L. James  
E.T. I.  
1-16-84  
ADVERSE REPORT.

TRANSFER #3724

INFO: MET WITH LOUIS VAN IERSEL, LEASER & MANAGER  
OF PROPERTY FOR DON T. DURBORAN Jr., POMONA, CA.  
HE SHOWED US PIPELINE AND DIV. PT. AREA.

PUMP SITE IS AN AREA OF  $\pm 100'$  ALONG STREAM  
BANK. (PORTABLE DIV.)

VAN IERSEL EXPLAINED PUMPS HAVE BEEN STOLEN  
@ DIFFERENT TIMES. THIS PUMPS WERE 2 H.P. PORTABLE  
GAS PUMPS.

NO USE ON LAND BY ROAD (OWNED BY: MCNIEL).

NO USE ON LAND EAST OF HAY FIELD.

THIS LOTS EXIST AS DRY NATIVE BRUSH.

MOBILE HOME ON TAX LOT 524. NO DWELLING ON 504.

SOURCE: WEST FORK WILLIAMS CREEK

DIV. PT: DIRECT FLOW

MOTOR: BRIGG & STRATTON, PORTABLE, GASOLINE

PUMP: 2" X 2" 3 H.P. SPM: URN.

PIPE: 2" P.V.C., 1 1/2" P.V.C. = 500' ~~AND~~ LEASER STATED

SPRINKLERS: RB 20'S, 5/2 X 0 = 4 BUCKNER 5/2 X 0 = 2

MAX USE: 6

USE: PASTURE, HAY, LAWN & GARDEN.

LIFT: SUCTION 5' DISCHARGE: 4

TIE: 41033-179-88R & RAG TAPE.

B. Dew Janon F.I.  
7-13-88

DRAFTING INFO: SHOWED AREA OF USE TO VERIFY NO  
USE ON THE NORTHERLY LOT # 504.  
IT'S OWNED BY MCNIEL AS PREVIOUS  
1-16-84 REPORTS STATES.

TRANS. 37290

Old point of diversion  
1150' S. and 1320' E.  
from N.W. cor. Sec. 8  
Being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$

TOWNSHIP 39 SOUTH, RANGE 5 W. W. M.

2" : 500' = 6 MAX.

1" = 400'

KINGMAN ROAD

1 1/2 H.P. GAS PORTABLES, NEW PUMPS BRIGGS, 2" x 2"  
GAS. 3 A.P.

PINE-20K RURALITY  
846-7131

JACO WATERWAY RECORDS (GAS PUMPS)  
1982-1983 (GAS PUMPS)  
TAX LOT 511 ONLY

W 1/2 1A 75

DURBORAH, DAN T. JR.  
MARCIA G.  
3186 FLORINDA ST.  
POMONA, CA.  
71767.

504  
62  
12 $\frac{1}{2}$  AC  
C-43769

JICH JOSEPHINE, M. N.E.C.  
4959 PERSIMMON AVE.  
TEMPLE CITY, CA.  
91780

NO USE

511  
72  
70 AC  
C-43772

524  
78  
MOOSE  
WATERWAY

TRAILER  
PORTABLE PUMPS

1350'

5  
B.C.



STATE OF OREGON

INTEROFFICE MEMO

TO:

John

WATER RESOURCES DEPT.

FROM:

Tom

DATE:

1-21-85

SUBJECT:

T- 3724

I was wrong when I told Sue to submit an adverse report. Bruce said as long as some irrigation took place, we will have to wait until they have equipment on project again. After 5 years, it would be proper to submit an adverse report, if not irrigated.

Field report enclosed. We will write to Durboran & ask he advise us when ready.

Sue reported 1-16-84. Is that correct?

YES.  
WROTE REPORT  
LATER.



10-9-86

TO: TOM SHOOK

FROM: SUZIE I

SUBJECT: T-3724.

**RECEIVED**

OCT 10 1986

WATER RESOURCES DEPT.  
SALEM, OREGON

PLEASE REVIEW - LET ME KNOW IF YOU~~R~~ WOULD  
ALLOW SOMETHING LIKE THIS - BEFORE WE DRAFT THE MAP.  
IF ALLOWABLE PLEASE RETURN FOR DRAFTING.

THANK  
/



STATE OF OREGON

INTEROFFICE MEMO

T-3724

7:30 AM Wed. Cedar pla

TO: Sue James

DATE: 10-23-86

FROM: Tom

Van Iersel - 846-6363 - home  
479-6694 - office  
please call & make appointment

SUBJECT:

Mr. Van Iersel called & was a bit upset. He feels you misunderstood what he said.

Apparently land is irrigated every year & there was someone at project who was instructed to show you equipment.

Anyhow, set up for another survey, but contact Van Iersel 1st. Try to meet with him next season when it's convenient for both of you

1-125-1379

Portable pumping is OK. Last irrigated in 1985

T-3724

INFO: REC'D LETTER OF 9/29/86 FROM CARETAKER, 372 SECTION  
OF PROPERTY OWNED BY DON DURBORAN, LOUIS VAN IERSEL.  
TALKED TO LOUIS VAN IERSEL BY PHONE 10-7-86 THAT  
AND SET UP APPOINTMENT FOR 10-8-86.  
PHONED MR. VAN IERSEL 10-8-86 AM TO VERIFY  
APPOINTMENT AS HE REQUESTED. HE STATED HE  
COULD NOT VISIT THE PROPERTY WITH US BECAUSE  
HE WAS TOO BUSY. MR. VAN IERSEL STATED HE  
WAS CARETAKING THE PROPERTY. HE IRRIGATED A  
MAY CROP; CUT THE MAY FOR HIS OWN USE. HE  
HE STATED OTHER DURBORAN PURCHASED PUMPS  
FOR IRRIGATION. PUMPS WERE STOLEN EACH YEAR.  
MR. VAN IERSEL COULD NOT RECALL HORSEPOWER -  
JUST THAT PUMPS WERE PORTABLE AND GAS.  
HE STATED THERE WAS NO SPECIFIC SPOT THE  
PUMPS WOULD VISIT - "IT WAS ANY WHERE ALONG BANK"  
HE STATED 2" BLK. PLASTIC PIPE WAS MOVED  
AROUND IN FIELD, FOR FLOOD IRRIGATION. NO  
SPRINKLERS WERE USED. HE STATED HE  
GATHERED 300 BALES OF HAY FROM AREA  
SHOWN IN YELLOW ON HIS MAP (TAX LOT 511; ~~511~~),  
HE STATED LAND NEXT TO ROAD HAD NOT  
BEEN IRRIGATED.

10-8-86

4 - 511-212

2 = 511-212

511-212-212 (511-212) 511-212

VISITED SITE. LOOKS AS IT DID IN AUGUST 1984, DRY. MR. VAN IERSEL STATED HE DIDN'T IRRIGATE THIS PAST SEASON (1986). TAX LOTS 504 & ~~504~~<sup>524</sup> REMAIN IN NATIVE OAKS & POISON OAK, WILD ROSE BUSHES, DRY NATIVE WILD GRASSES. TAX LOT 511 APPEARS TO HAVE HAD FARM USE, OBSERVED MAY FIELD. OBSERVED PORTABLE PUMP LOCATION. FOUND 2 1/2" WHITE P.V.C. PIPE APPROX. 200' AND 1" BLK. PLASTIC ± 100' LYING IN FIELD. MR. VAN IERSEL COULD NOT RECALL THE YEARS HE IRRIGATED. HE DID KNOW THAT DURBORAN PURCHASED PROPERTY JULY 1977. MR. DURBORAN APPARENTLY IS HOLDING PROPERTY FOR FUTURE RETIREMENT RESIDENCE,

ASSESSOR'S RECORDS SHOW OWNERSHIP AS TAX LOT 511 & 524 : DON T. JR. DURBORAN 3186 ~~FLORINDA~~ FLORINDA ST.

POMONA, CA 91767 TAX LOT 504: JOSEPHINE RICHMOND MCNIEL 4959 PERSIMMON AVE. TEMPLE CITY, CA 91780

SOURCE: WEST FORK WILLIAMS CREEK Blue James HRE  
 LIFT: SUCTION ± 5 DISCHARGE ± 4 10-8-86.  
 USE: MAY (300 BALES) TIE: 41033 779-88R



Dear Mr. James,

Sept 28, 1980

My name is Louis Van Deraal, and I live at 340 China Cr. Rd. Williams. For the past 15 years I have custom baled hay in & around the Williams Area and one of the places I do the hay is Mr. Durborow's. 39-5-5 TL511.

Mr. McNeil is also a friend of mine and remains an interested party. Because the property is being rented all the time it has been my job to make sure the irrigation has taken place. 2" PVC pipe was installed from the creek more than 10 years ago & during that time 2 Gas pumps have been stolen so I took upon myself to make sure some irrigation was accomplished during those years. My interest was only partially the hay I received. The pump is taken to the creek by the renters normally and then returned to my place so it will not become #3 (Stolen).

If you need more verification I can possibly contact some more neighbors to verify but they are mostly

new ones.

The ground grows good hay & at some point in the near future it could possibly become an excellent truck garden.

Thank you for whatever you can do at this point, please let me know.

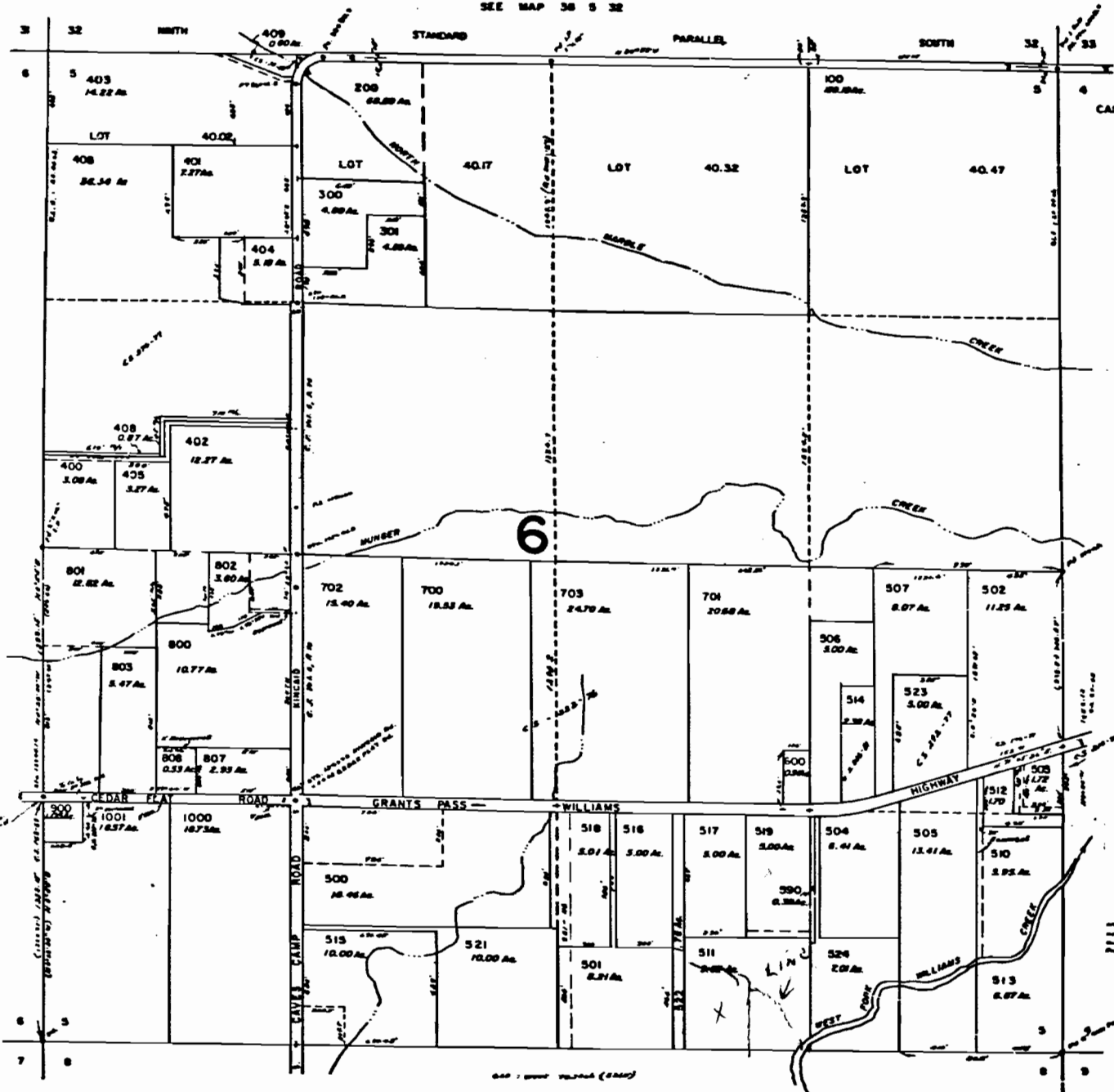
Sam Van Lier

JOSEPHINE COUNTY

1" = 400'

SEE MAP 38 5 32

*REC'D WITH 9-26-86 letter FROM VAN ZEESE*



CANCELLED T.L.

- 1090
- 407
- 201
- 806
- 804
- 981
- 582
- 520
- 208
- 508
- 805
- 525

SEE MAP 39 5 6

SEE MAP 39 5 4

SEE MAP 39 5 8





## Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

REC'D WITH  
9-28-86 LETTER  
FROM VAN  
JERSEY.

January 22, 1985

Don T. Durboran Jr.  
3186 Florida Street  
Pomona, CA 91767

REFERENCE: Transfer Number 3724

Dear Mr. Durboran:

The order of the Water Resources Director entered on January 17, 1978, approved Transfer Application Number 3724 and authorized a change in point of diversion of water from West Fork Williams Creek for irrigation purposes. The request for the change was submitted by Richard A. McNeil and included your Tax Lots as well as lands adjacent to yours. Under the provisions of the order, the time in which to fully accomplish the change in point of diversion expired October 1, 1979.

On the basis of information obtained by a field inspection of the lands by our representative in August 1984, it is our understanding that the lands involved in the transfer were irrigated in 1979 and that a portion of your Tax Lot 511 was irrigated in 1981; however, we were unable to find any evidence of irrigation equipment during our on-site inspection.

If you intend to irrigate your land on or before October 1, 1986, advise this office just as soon as you have used the water. We are unable to issue a certificate of water right confirming the change in point of diversion until we verify the use by an on-site inspection.

Sincerely,

Thomas E. Shook  
Senior Water Rights Examiner

TESjw

October 22, 1986

Don T. Durborak, Jr.  
3186 Florinda Street  
Pomona, CA 91767

REFERENCE: File T-3724

Proof of a change in point of diversion must be made to the satisfaction of the Water Resources Commission. Since we have been advised that water has not been used for irrigation purposes on your Tax Lot 511 for several years and since we are unable to find adequate irrigation equipment, proof has not been made and a certificate of water right confirming the change in point of diversion described in the order approving Transfers 3724 cannot be issued.

Although Mr. Van Iersel sent us a letter regarding the project, when called upon to meet with our representative, he stated he was too busy. During the telephone discussion, he could not remember when the land was irrigated nor could he give us any information regarding the pump size or where the pump was located.

Action will be withheld on the file for 30 days to allow you the opportunity to provide us with information regarding the project described in the transfer.

Sincerely,

THOMAS E. SHOOK  
Senior Water Rights Examiner

TES:wpc  
cc: Louis Van Iersel  
7083D

10-23-86

Mr. Van Iersel called & said land irrigated in 1985  
& he will meet with us next season  
Jed



## *Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

January 22, 1985

Don T. Durboran Jr.  
3186 Florida Street  
Pomona, CA 91767

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Sincerely,

Thomas E. Shook  
Senior Water Rights Examiner

TESjw

January 27, 1978

Richard A. McNeil  
2633 Cedar Flat Rd.  
Williams, Oregon 97544

RE: File No. 3724

Dear Mr. McNeil:

Enclosed is a certified copy of the order of the Water Resources Director approving water right transfer application No. 3724 for a change in point of diversion of water from West Fork Williams Creek.

The time in which to accomplish completion of the works and beneficial use of the water to the extent intended, as authorized by the order, expires on October 1, 1979. A form for reporting such completion of works and use of water is enclosed for your convenience.

Sincerely,

James W. Carver, Jr.  
Engineer

JWC:slk  
Enclosures  
cc: Mr. Robert B. Steimer, Watermaster

RECEIVED

DEC 8 1977

WATER RESOURCES DEPT  
SALEM, OREGON

AFFIDAVIT OF PUBLICATION

LEGAL NOTICE

NOTICE OF WATER RIGHT  
TRANSFER APPLICATION  
No. 3724

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Richard A. McNeil for approval of a change in point of diversion from West Fork Williams Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 43769, Volume 35, State Record of Water Right Certificates, in the name of M. E. Sullivan, describes a right for the use of not to exceed 0.16 cubic foot per second from W. Fk. Williams Creek, with a date of priority of December 15, 1920, for irrigation of a certain 12.6 acres in SE 1/4 SE 1/4 of Sec 5, T 39 S, R 5 W, WM.

The certificate recorded at page 43772 of said Volume 35, in the names of C. O. and Albert Bigelow, describes a right which includes the use of not to exceed 0.12 cubic foot per second from W. Fk. Williams Creek, with a date of priority of 1880, for irrigation of a certain 7.0 acres in SW 1/4 SE 1/4 of said Sec 5.

The authorized point of diversion of water for the said rights is located 1150 ft S and 1320 ft E from the NW Corner of Sec 8, being within the NE 1/4 NW 1/4 of Sec 8, T 39 S, R 5 W, WM (Hoxie Ditch).

The applicant herein proposes to change the point of diversion therefrom, without loss of priority, to a point located 40 ft N and 1350 ft

State of Oregon }  
County of Josephine } ss.

I, Charles J. Moore, being first duly sworn and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the Grants Pass Daily Courier, printer or his foreman of the Grants Pass Daily Courier, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid county and state; that the NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3724, 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 November 23, 30 and December 7, 1977

*Charles J. Moore*

Subscribed and sworn to before me this 7th day of

December, 19 77

*S. Kathleen Johnson*  
Notary Public of Oregon.

My commission expires 4th day of February, 19 80

rack  
gram  
\$55  
RACK PLAYER





STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: November 22, 1977.

FROM: Bob Steimer, Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 3724

IN THE NAME OF Richard A. McNeil

In my opinion the proposed change in point of diversion from West Fork Williams Creek may be made without injury ~~would result in injury\*~~ to existing water rights.

Headgate notices have ~~have not~~ been issued for diversions from the source which serves this right.

If for change in point of diversion, is there any intervening point of diversion between the authorized and the proposed points of diversion? yes  
(yes or no)

In my opinion the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion...
- (2) When in the judgement of the watermaster it becomes necessary...

\* The approval of this transfer application would result in injury to other water rights because \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECEIVED  
NOV 28 1977  
WATER RESOURCES DEPT  
SALEM, OREGON

409 S.E. 7th Street  
P.O. Box 1468

# Courier Publishing Company

Legal Publication Dept.  
Telephone 476-4417

PUBLISHERS: THE DAILY COURIER  
Grants Pass, Oregon 97526

RECEIVED  
DEC 8 1977  
WATER RESOURCES DEPT  
SALEM, OREGON

Date December 7, 1977

PAID

PUBLISHING NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3724

CONCERNING: Approval for a change in point of diversion

DATES PUBLISHED: November 23, 30 and December 7, 1977

ORDERED BY: State of Oregon

COURIER PUBLISHING CO.

Acct #5420

Department of Water Resources  
Mill Creek Office Park P. O. BOX 1463  
555 13th ST. N.E.  
Salem, Oregon 97310

Amount Due \$ 45.83

378-3066

T-3724

12 December 1977

Courier Publishing Company  
P.O. Box 1468  
Grants Pass, Oregon 97526

Gentlemen:

Enclosed is our check No. 1837 in the amount of \$45.83 in payment of your statement of December 7, 1977.

Please receipt the enclosed statement and return it to this office. Thank you.

Sincerely,

James W. Carver, Jr.  
Engineer

JWC:lcj

378-3066

T-3724

17 November 1977

The Daily Courier  
P.O. Box 1468  
Grants Pass, Oregon 97526

Gentlemen:

Enclosed is a notice for publication in the November 23, 30  
and December 7, 1977, issues of your newspaper.

If, for any reason, the notice cannot be published on the  
three dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication  
and statement for this service to this office.

Sincerely,

James W. Carver, Jr.  
Engineer

JWC:lcj  
cc: Robert B. Steimer, Watermaster  
cc: Richard A. McNeil

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Richard A. McNeil for approval of a change in POD from West Fork Williams Creek, pursuant to the provisions of ORS 540.510 to 540.530 ~~537.705~~.

The certificate recorded at page 43769, Volume 35, State Record of Water Certificates, in the name of M. E. Sullivan, describes a right for the use of not to exceed 0.16 cubic foot per second from West Fork Williams Creek, with a date of priority of December 15, 1920, for irrigation of a certain 12.6 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 5, Township 39 South, Range 5 West, W.M.

The certificate recorded at page 43772 of said Volume 35, in the names of C. O. & Albert Bigelow, describes a right which includes the use of not to exceed 0.12 cubic foot per second from West Fork Williams Creek, with a date of priority of 1880, for irrigation of a certain 7.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 5.

The authorized point of diversion of water for the said rights is located 1150 ft S and 1320 ft E from the NW Corner of Section 8, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 8, T 39 S, R 5 W, W.M. (Hoxie Ditch)

The applicant herein proposes to change the point of diversion therefrom, without loss of priority, to a point located 40 ft N and 1350 ft W from the SE Corner of Section 5, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 5.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on Jan 17, 1978, 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 \_\_\_\_\_, 2633 Cedar Flat Rd., Williams, OR 97544 and one copy filed with the Water Resources Department, Salem, Oregon, 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. <sup>Instructions</sup> ~~Administrative rules~~ pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_\_.

JAMES E. SEXSON  
Director

Nov 23, 30 / Dec 7  
DAYS

Publish in Daily Courier, Grants Pass, 11/6/78

WE NEED ~~WATER~~ WATERMASTER'S REPORT

POB 11/6/78

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

C. O. AND ALBERT BIGELOW

of Williams  
a right to the use of the waters of  
West Fork Williams Creek

, State of Oregon, 97544 , has

a tributary of Williams Creek  
irrigation of 32.38 acres

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 4 , at page 1 ; that the priority of the right thereby confirmed dates from 1880

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.54 cubic foot per second.

The point of diversion is located in the NE 1/4 NW 1/4, Section 8, T. 39 S., R. 5 W., W. M., 1150 feet South and 1320 feet East from the NW Corner of Section 8.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

~~15.38 acres NE 1/4 NW 1/4  
Section 8~~

T # 3724 T # 3518  
1538

17.0 acres SW 1/4 SE 1/4 - 7<sup>2</sup>  
Section 5  
T. 39 S., R. 5 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 40387, Volume 32, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on June 18, 1976, approving transfer application No. 3415.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board. WITNESS the signature of the Water Resources Director, affixed

this date October 18 , 1976 .

James E. Sexson  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 35 , page 43772

## STATE OF OREGON

COUNTY OF JOSEPHINE

## CERTIFICATE OF WATER RIGHT

**This Is to Certify,** That M. E. SULLIVAN

of Williams, State of Oregon, 97544, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of West Fork of Williams Creek

a tributary of Williams Creek (Applegate River) for the purpose of irrigating 12.6 acres

under Permit No. 4886 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 15, 1920

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.16 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, T. 39 S., R. 5 W., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ~~one-eighth~~ **one-eightieth** of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

12.6 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 5  
T. 39 S., R. 5 W., W. M.

**This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 36487, Volume 28, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 7, 1976, approving transfer application No. 3110.**

**The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.**

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. October 18, 1976

James E. Sexson  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 35, page 43769