

August 31, 1927.

Mr. Chas. W. Reames,
Attorney-at-Law,
Medford, Oregon.

Dear Sir:

This will acknowledge receipt of your letter of August 29th, transmitting check in the amount of \$1.50 as fees due in connection with the application of Wm. Hillis for a change in the place of use of water.

Official receipt for the above amount is enclosed.

Yours very truly,

RHEA LUPER
State Engineer.

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CHAS. W. REAMES
ATTORNEY AT LAW
MEDFORD BUILDING
MEDFORD, OREGON

August 29, 1927.

State Engineer,

Salem, Oregon.

Sir:

I am in receipt of your letter of the 27th enclosing notice to be published in regard to the change in the place of use of water by Wm Hillis. Mr Hillis owns considerable land in the NW $\frac{1}{4}$ of Section 12 Twn 35 S. R 4 W. upon which he has not a water right, and I have therefore in the blank left in the notice for said purpose inserted the NW $\frac{1}{4}$. The notice has been delivered to the Medford Mail Tribune here for publication commencing today, five publications, the last on September 1, 1927.

I am herewith enclosing check in your favor for \$1.50 to cover fees in the matter.

Respectfully,

Chas W Reames

STATE ENGINEER
RECEIVED
AUG 30 1927
SALEM.
OREGON

August 27, 1927

Mr. Chas. W. Reames,
Attorney,
Medford, Oregon.

Dear Sir:

This will acknowledge receipt of your letter of August 26th transmitting petition of William Hillis for the approval of a change in the place of use of the waters of Evans Creek. Considering the circumstances of this case I believe that it is advisable to give notice by publication of the proposed change, and I am accordingly enclosing a notice which I have prepared which I will ask that you publish in your local paper once a week for 4 successive weeks.

I do not like to approve this change in place of use unless a particular 10 acre tract is specified upon which the water is proposed to be used. The petition indicates that the water is to be used on land already having a water right so as to enable the owner to increase the quantity used per acre. I do not believe this is permissible.

You will note that the notice provides that a hearing will be held at Medford, should any objections be filed.

There will be a fee of \$1.50 to be paid in connection with this application under the provision of Section 5690, Oregon Laws as amended by Chapter 294, Laws 1927.

Yours very truly,

Rhea Luper,
State Engineer.

RWPHB

CHAS. W. REAMES
ATTORNEY AT LAW
MEDFORD BUILDING
MEDFORD, OREGON

August 26, 1927

STATE ENGINEER
RECEIVED
AUG 27 1927
SALEM.
OREGON

State Engineer,
Salem, Oregon.

Sir:

I am herewith enclosing application of William Hillis for change in place of use of water decreed to him. As stated in the application for more than twenty years the applicant has used the said water upon other land than that upon which it is decreed. There was some mistake at the time the decree was entered, and the water was decreed to be used upon land not owned by the applicant, when in fact the water right was given him and the water had been for years used upon other land owned by applicant. The water is appurtenant to land owned by Hillis and not the said ten acres of land in Section eleven.

A man by the name of Don Hoffman with full knowledge of all the facts entered upon the said ten acres learning of the mistake of the decree and attempted to take the water of the said Hillis by applying to the water master for the water, and attempting to convey the same through the ditch of Hillis, when he had no right therein, and after Hillis had expended hundreds of dollars in constructing dams on the land, without even hinting to stand any of the expense. The ditch was out of repair and would not hold water and Hillis' lands were being ruined by seepage. Ofcourse the watermaster had to comply with the demand, and Hillis brought an injunction against Hoffman and the watermaster as you well know. Under Chapter 219 laws of 1927, the state engineer may grant Hillis per-

mission to use the water upon other lands he owns, and which are under the same ditch, and we herewith enclose application therefor. It equitable and just that this application be granted. No water user besides Hillis uses water through the ditch and it is his property, and no water user except Hoffman has ever objected to Hillis using the said water upon other lands and then not until the latter part of the year 1926. Hoffman is just a squatter upon the said ten acres and has no water right, and no right whatever to convey water through the Hillis ditch. He is attempting in an unjust and unlawful way to get water and to use the officers to get the same. If he is permitted to fight this case he will let the matter rest as soon as he finds out that he must fight it.

Under the statute I do not believe it is necessary to publish notice as the application is for the change in the place of use only. No one having any right can possibly be injured in any way.

It would be much easier for all if the hearing may be had here where all the witnesses reside.

Respectfully,

A handwritten signature in cursive script, appearing to read "Charles W. James". The signature is written in dark ink and is positioned below the typed word "Respectfully".

NOTICE OF APPLICATION FOR A CHANGE IN PLACE
OF USE OF WATER

Notice is hereby given that William Hillis has filed a petition with the State Engineer under the provisions of Chapter 219, laws of Oregon, 1927, asking for the approval of a change in the place of use of the waters of Evans Creek used under and by virtue of a water right recognized in the Rogue River adjudication proceeding in the name of William Hillis, with priority of 1881 for the irrigation of 10 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Twp. 35 S. R. 4 W., W.M. It is now proposed to use the waters under said right on 10 acres of land in the NW Section 12, Twp. 35 S. R. 4 W. The priority of the water right involved is not to be changed in any way.

Notice is hereby further given that anyone having objections to such change is hereby required to file the same with the State Engineer on or before Monday, Sept. 26, 1927, serving copies of such objections upon said petitioner in care of his attorney, Charles W. Reames, Medford, Oregon. Notice is hereby further given that should any such objections be filed, same will be heard on Saturday, October 1, 1927 in the City Library Hall at Medford, Oregon, at the hour of 10:00 o'clock A. M.

Dated this 27th day of August, 1927, Salem,
Oregon.

Rhea Luper,
State Engineer.