

R27

Williams, Ore.

R27 177

STATUS OF APPLICATION

Change in point of diversion
 Date filed Feb. 27, 1947
 Date returned for further data
 Date application completed
 Notice for publication mailed A
 Date notice published Apr. 10, 17, 24, 1947
 of hearing Court House at Grants Pass
 Place of hearing Tues. June 3, 1947 @ 10:00 AM.
 Date of order April 26, 1951 Vol. 7, page 159
 Date for application of water
 Proof mailed Mar 2, 1951
 Proof received **APR 30 1979**
 Certificate issued Vol. 41, page 47908

DESCRIPTION OF WATER RIGHT

Name of stream West Fork of Williams Creek
 Trib. of _____ County of Josephine
 Use Irrigation
 Quantity of water _____ No. of acres 195.30.9
 Name of ditch Baltimore ditch
 Date of priority 1858
 In name of Albert and C.O. Bigelow
Rogue River Adjudication, Vol. 4, page 26, Col. 2
 App. No. _____ Per. No. _____ Cert. No. 16306
 Certificate cancelled
 Notation made on record by ml h5

See map see F-45

REMARKS

Div. point constructed at point substantially the same
 point as described in order - See map made by R.B. Deumer - Feb. 7-45

See file F-51

FEES PAID

Date	Amount	Receipt No.
2/28/47	\$5.00	2586
3/24/47	5.00 Pub. of	2586
	11.00 Notice	2686
Total		
	\$1 Cert. Fee	

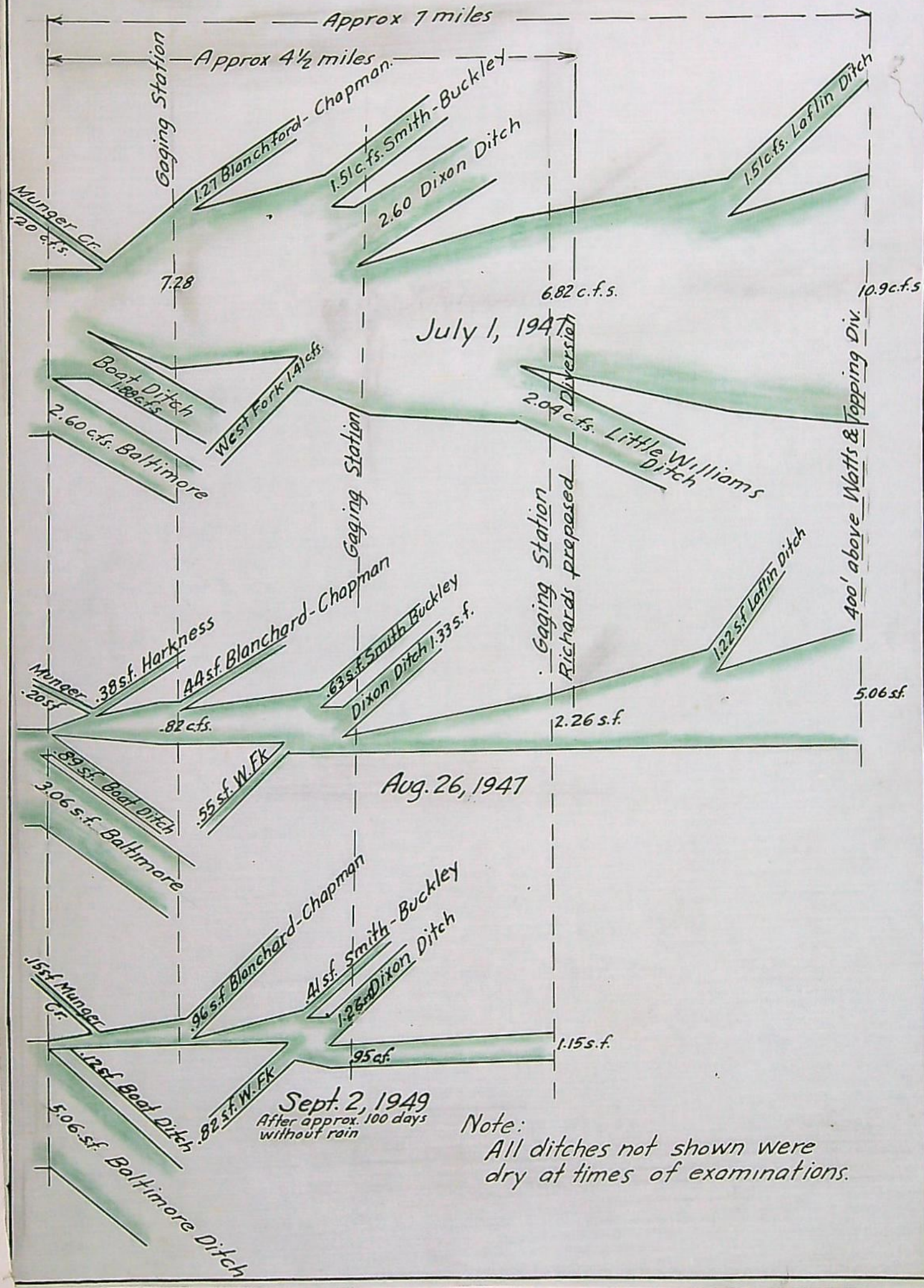
FEES REFUNDED

Date	Amount	Check No.

ARCHIVE AFTER 1989

See also S-90 and R-55 (Copper in Miller) F-51; F-45; C-119,

GRAPHS OF THE STREAM FLOW OF WILLIAMS CREEK BETWEEN BALTIMORE AND WATTS & TOPPING DIVERSIONS



Note:
All ditches not shown were dry at times of examinations.

RECEIVED

FEB 27 1947

STATE ENGINEER
SALEM, OREGON

RECEIVED

MAR 24 1947

STATE ENGINEER
SALEM, OREGON

RECEIVED

APR 2 1947

STATE ENGINEER
SALEM, OREGON

APPLICATION FOR TRANSFER OF WATER RIGHT

To THE STATE ENGINEER OF OREGON:

I, FRED W. RICHARDS

(Name of applicant)

of WILLIAMS,

(Postoffice)

County of

Josephine,State of Oregon,

do hereby make application for change in point of diversion,

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is The West Fork of Williams Creek;

(Name of stream)

Irrigation; Dam; & Stock

2. The use to which the water is applied is

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Baltimore Ditch4. The point of diversion is located 250 ft. N. and 950 ft. W. from the Southeast

(N. or S.)

(E. or W.)

corner of Section 5

(Section or subdivision)

being within the SE 1/4 SE 1/4of Section 5 Tp. 39S R. 5W W. M., in the County of Josephine

(No. N. or S.)

(No. E. or W.)

5. Give the number of acres irrigated in each smallest legal subdivision (40-acre tract). Only show the acreage which is being transferred. If the water is used for power, mining or other use, show place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
38 S	5 W	23											6.6	11.8				
38 S	5 W	26					12.5											
Mar 31, 1947. (Transferred by Fred W. Richards)																		

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands?

(If not owner, explain your interest)

7. What is the priority date of your water right? 1858

8. Was your water right acquired by State Engineer's Permit?

No.

If so, give number

(Yes or No)

of permit

9. Do you hold a water right certificate? No If so give number of certificate
(Yes or No)

10. Was your water right determined by State Engineer's order of Determination or Decree of Court?

Yes. If so, give title of proceedings Decree of Rogue River and its Tributaries
(Yes or No)

11. Is the water right recorded in your name? No. In Albert and C. O. Bigelow.
(If not, give name)

Col. 1, p. 26

12. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Do not answer question 13 if the application is not for change in point of diversion.

13. The proposed point of diversion is located 250 ft. S and 200 ft. W from the N $\frac{1}{4}$
(N. of S.) (E. or W.)

corner of Sec. 26 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26 Tp. 38 S R. 5 W. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)

in the county of Josephine, The name of the ditch to be used is Richards Ditch

14. Are there any diversions between your present point of diversion and the proposed point of diversion? Yes.

NOTE: Do not answer questions 15 and 16 if application is for change in point of diversion only.

15. 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)

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

Nature of encumbrance	Held by	Amount

17. Reasons for the proposed changes are Saving in losses and maintenance for
transportation being a more economical use of water.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Josephine.

} ss.

I, FRED W. RICHARDS, 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 26th day of February, 1947.

Fred Richards
(Name of applicant)

Subscribed and sworn to before me this 26th day of February, 1947.

[NOTARIAL SEAL]

Notary Public for Oregon.

My commission expires August 10, 1948.

Remarks The Applicant is the owner of lands now being irrigated from the Baltimore Ditch more particularly described in deed of record at Pages 535-536, Vol. 105, Deed Records of Josephine County, Oregon.
The change in diversion point proposed will not cause any interference to the detriment of other users, and will be a benefit in the conservation of water, and provide a more economical system of irrigation.

This application must be accompanied by a map showing the location of the point of diversion, place of use and works utilized under the present water right. The map should also show the new point of diversion or place of use, as the case may be.

Application for Transfer of Water Right

Name of
applicant Fred W. Richards

Date filed Feb 27, 1947

Date returned for further data Mar. 1, 1947

Date application completed Apr. 2 1947

Date notice published Apr. 10, 17, 24, 1947

Date of hearing June 3, 1947 - 10:00 AM

Place of hearing Crt. House - Grants Pass

Date of final order
of State Engineer

Date of issuance of certificate
confirming change

Recorded in State Record of Water Right Certificates,
volume, page

Fees paid \$12.00 and 11.00

Receipt No. 2586 2686

County of _____

STATE OF OREGON

RECEIVED BY THE STATE ENGINEER

D. L. Terry
Williams, Oregon
May 20, 1947

Chas. E. Stricklin
State Engineer
Salem, Oregon

Dear Sir:

This letter will advise you that the undersigned object to the granting a new point of diverting water from the west fork of Williams Creek as applied for by Fred W. Richards.

The undersigned desires that a public hearing be held June 3, 1947 for the purpose of presenting their objections and that the State Engineer at that time deny, and enjoin the applicant, Fred W. Richards from altering, diverting of in anywise changing the existing Baltimore ditch. The Baltimore ditch being a right adjudicated to Albert and C. O. Bigelow for the use of 3.25 cubic feet per second of the waters of Williams Creek.

D. L. Terry
C. L. Wall

Grace E. Haskin

H. H. Lange

Mrs. Edwin Miller

Everett Appl 2972 -

George F. Stevens

J R Stevens

✓

RECEIVED
MAY 22 1947
STATE ENGINEER
SALEM, OREGON

Williams, Oregon
May 28, 1947

Your File No. R 27

Chas. E. Stricklin,
State Engineer
Salem, Oregon

RECEIVED
MAY 29 1947
STATE ENGINEER
SALEM OREGON

Dear Sir:

You may consider this as a formal supplement to the objection filed earlier by myself and others with water rights located above the new point of diversion applied for by Fred W. Richards of Williams, Oregon.

Our Objection

The applicant, Fred W. Richards, proposes to allow five (.5) tenths of a second foot of water adjudicated to his property to bypass his present ditch intake and continue down Williams Creek for a distance of approximately five (5) miles to his proposed new point of diversion. This water must travel thru an area of Williams Creek which contains a sink area of great size.

Previously the Josephine County Watermaster, Tom Pierce, has unsuccessfully tried to force water over this sink area. At that time Mr. Pierce turned down the entire creek, consisting of several second feet of water, and still was unable to force water over or thru the above mentioned sink. Therefore, the applicants' proposed diversion, if granted, will cause a loss variously estimated of from two (2) second feet on a wet year to the entire flow of the creek on extremely dry years.

The applicant, we have been assured by the watermaster, is getting the entire amount of water adjudicated to him thru his present ditch.

The tremendous loss of water that would occur by this needless proposed diversion, if granted, would cause a great hardship on water users located above the applicants' proposed point of diversion.

James T. Chinnock's request to change the date of the hearing will be satisfactory with us. Please advise us of the new date of hearing.

Yours very truly,

D. L. Terry Grace E. Harkins
George F. Stevens Carol L. Wall
J. R. Stevens W. L. Lange
Elsie Miller Roy C. Mark
Evelyn R. Applegate

Enclosures: Filing fee of \$2.00
 Your letter of 5/22/47

CC: James T. Chinnock

Vol. 105, Pg. 535-6, Josephine County Deed Records.

Lot Six (6) in Section Twenty-two (22), excepting Four (4) acres in the West part of said Lot reserved for a cemetery.

Lots Ten (10) and Eleven (11) in Section 23;

The Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$) of Section 27;

The North One-Half of the Northwest Quarter of the Northwest Quarter of Section 26;

All that portion of Lot One (1) in Section 26 described as follows:

Beginning at a point 1320 feet East of the Northwest corner of said Section 26, and running thence South 660 feet; thence East 503.3 feet; thence South 50° East 222.7 feet; thence East 114.6 feet more or less to the West line of the William H. Shoudy Donation Claim No. 38, thence North along the West line of said claim a distance of 803 feet to the North line of said Section 26; thence West 788.3 feet to the point of beginning.

All being situate in Township 38 South Range 5 West of the Willamette Meridian;

Also a parcel of land between an average center line of Williams Creek and the West line of the William H. Shoudy Donation Claim No. 38 in Sections 23 and 26, Township 38 South Range 5 West of the Willamette Meridian, described as follows:

Beginning at a point on the West line of the William H. Shoudy Donation Land Claim No. 38, said point being 1669.8 feet South of the Northwest corner of said claim; thence running South 1572 feet; thence East 465 feet; thence North $2^{\circ} 55'$ West 1575 feet along an average center line of Williams Creek to a point which is 1669.8 feet South of the North line of said Donation Land Claim No. 38; thence West 385 feet to the point of beginning;

Also, beginning at the Southwest corner of the Northwest Quarter of the Northwest Quarter of Section 26, Township 38 South, Range 5, West of the Willamette Meridian; thence running East 21 rods; thence North $38\frac{1}{4}$ rods; thence West 21 rods; thence South $38\frac{1}{4}$ rods to place of beginning.

Subject to ~~rights~~ of way for ditches and public roads as the same now exist over and across said tracts.

Also, together with all right, title, and interest in and to that certain easement and right of way for irrigation purposes across the Southeast Quarter of the Northwest Quarter of Section 26, Township 38 South, Range 5 West of the Willamette Meridian, recorded in Vol. 74, Page 44, reference to which is made for further particulars.

Together with all water rights, rights in ditches, canals, and laterals, and rights of way therefor, appurtenant to said premises or used in connection therewith, including (but not limited to the following):

Right to use the waters of Williams Creek, priority of 1858, as adjudicated by Decree of the Circuit Court of Jackson County, Oregon, dated April 26, 1919, and priority as of July 15, 1913, as evidenced by Certificate of Water Right recorded in Vol. 2, Page 64, Water Right Certificates records of Josephine County, Oregon;

And together with all right, title, and interest in and to the Williams Creek or Little Williams Ditch, and the Baltimore Ditch, and the Dixon or Dixon-Sparlin Ditch, all from Williams Creek.

TO HAVE AND TO HOLD the above described and granted premises, unto the said Fred W. Richards and Irma V. Richards, husband and wife, and to the survivor, their heirs and assigns forever.

NOTICE OF FILING APPLICATION
FOR CHANGE IN POINT OF
DIVERSION OF WATER

Notice is given hereby that Fred W. Richards has filed an application in the office of CHAS. E. STRICKLIN, state engineer, for the approval of a change in point of diversion of water from West Fork Williams creek.

By decree of the circuit court for Jackson county dated April 26, 1919, in the Rogue River adjudication proceedings, a water right was allowed in the name of Albert and C. O. Bigelow for the use of 3.25 cubic feet per second of the waters of Williams creek for domestic and stock use, and the irrigation of 195 acres in sections 23 and 26, T. 38 S., R. 5 W.W.M., with a date of priority of 1858. The water for the irrigation of these lands is conveyed through the Baltimore ditch, the point of diversion of said ditch being located approximately 250 feet north and 950 feet west from the southeast corner of Sec. 5, T. 39 S., R. 5 W.W.M.

Fred W. Richards, owner of 30.9 acres of the above 195 acres having a water right, namely: 6.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 11.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, and 12.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 38 S., R. 5 W.W.M., proposes to convey the water for the irrigation of said lands and stock and domestic purposes through the Richards ditch, the point of diversion of said ditch to be located approximately 250 feet south and 200 feet west from the north quarter corner of Sec. 26, T. 38 S., R. 5 W.W.M.

All persons interested are notified hereby that a hearing will be held in the county court house at Grants Pass, Oregon, on June 3, 1947, at 10:00 o'clock A.M. All objections to the proposed change, if any there are, will be heard at said time and place. Any objections should be prepared in writing and mailed to the State Engineer, Salem, Oregon, at least ten days prior to the date set for hearing, and one copy served on James T. Chinnock, attorney at law, Grants Pass, Oregon. If no objections are filed the hearing will not be held.

Dated at Salem, Oregon, this 7th day of April, 1947.
Chas. E. Stricklin, State Engineer. 4-24

AFFIDAVIT OF PUBLICATION

State of Oregon }
County of Josephine } ss.

RECEIVED
APR 28 1947
STATE ENGINEER
SALEM OREGON

I, J. R. Higginbotham, being
first duly sworn, depose and say: that I am the foreman of the printers of the
Grants Pass Daily Courier, a newspaper of general circulation as defined by
Section 1-609, 1-610, Oregon Code; printed and published at Grants Pass, in the
aforesaid County and State; that the Notice of Filing Appli-
cation a printed copy of which is hereto annexed,
was published in the entire issue of the said newspaper for three
consecutive weeks, in the following issues: April 10, 17 and
24, 1947

J. R. Higginbotham
24th

Subscribed and sworn to before me this day
of April 19 47.

Ruth Meeker
Notary Public for Oregon.

(My Commission expires: Sept 17, 1949)

No.

In the.....Court of the

STATE OF OREGON

for the

COUNTY OF JOSEPHINE

Affidavit of Publication

Filed, 19

.....
Clerk.

By
Deputy.

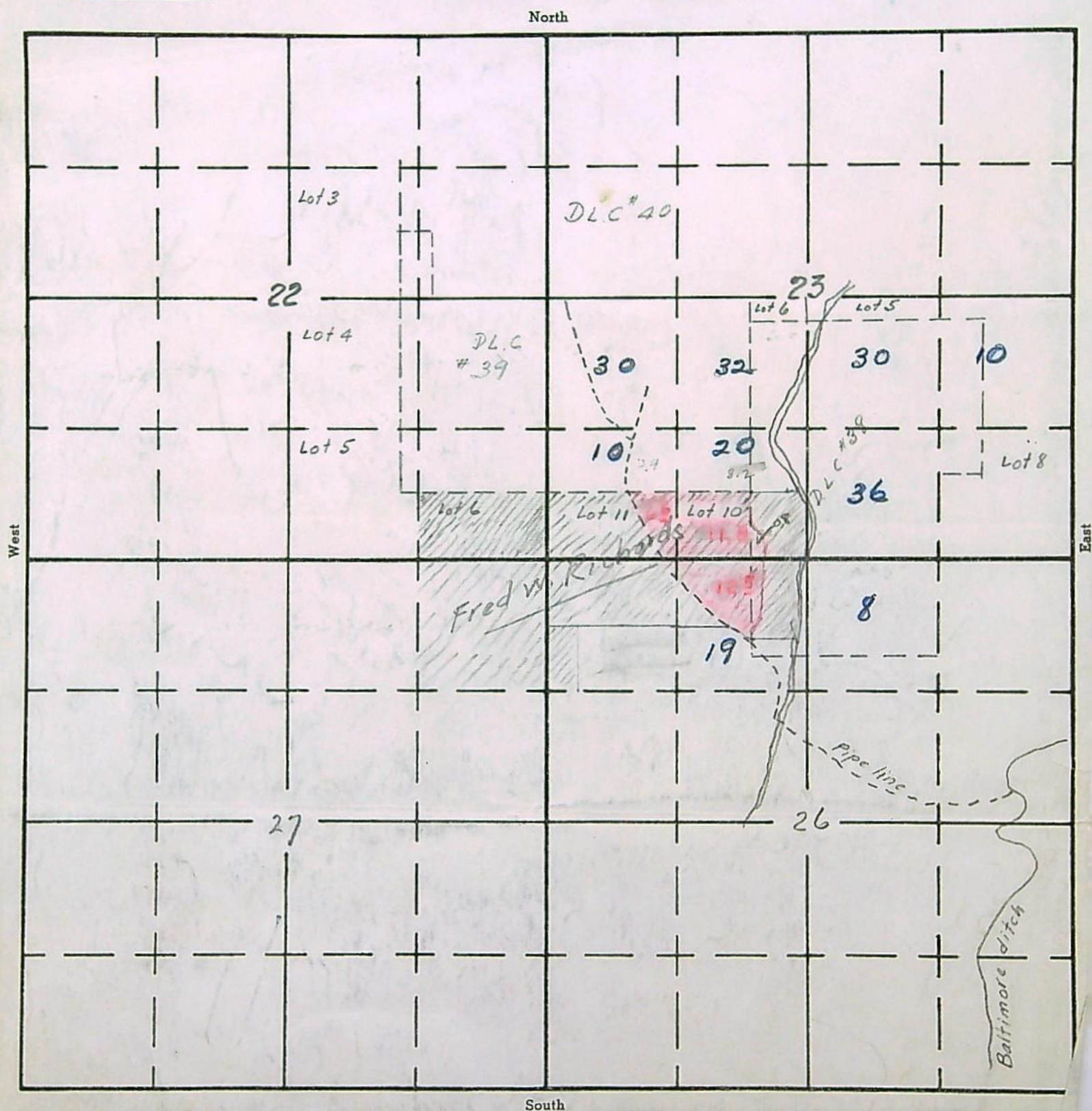
From the Office of

.....
Attorney for



SECTION

TOWNSHIP 38 S, RANGE 5 W; W. M.



6.6 = Land irrig. from Baltimore Ditch
 11.8
 12.5
 Total 30.9 Ac.

September 8, 1950

Mr. Charles E. Stricklin
State Engineer
State Office Building
Salem, Oregon

RECEIVED
SEP 11 1950
STATE ENGINEER
SALEM, OREGON

Re: File No. R-27

Dear Mr. Stricklin:

Since receiving your letter of August 25, I have talked to Mr. Tom Pearce, who stated that he doubted that there would be any protestants to the point of diversion change at this time. As I stated before, I have pumped from the proposed spot during all of this irrigation season and no one was injured in any way.

In case there are still protests to the proposed change, and a hearing is necessary, any date during the month of January will be convenient for me. I would like to request that your evidence of the stream measurements taken two years ago be presented at the hearing.

Yours very truly,

Fred Richards

Fred Richards
Williams, Oregon

January 12, 1951

Mr. D. L. Terry
Williams
Oregon

Re: Transfer No. 27

Dear Mr. Terry:

On March 1, 1947 there was filed in the office of the State Engineer an application by Fred W. Richards of Williams, Oregon, wherein he requested the approval of the State Engineer to change the point of diversion for the irrigation of 30.9 acres of land having a vested right to the use of the water of Williams Creek through the Baltimore Ditch. The proposed point of diversion was to be downstream approximately 250 feet south and 200 feet west from the north quarter corner of Section 26, Township 38 South, Range 5 West, W. M.

This application was protested by you and the following parties:

C. L. Wall
W. W. Large
Evelyn R. Applegate
J. R. Stevens

Grace E. Maskins
Elsie Miller
George F. Stevens

and a hearing was held in Grants Pass on June 3, 1947. At the time of the hearing it was agreed that the State Engineer would make certain measurements and investigations to determine whether there were losses in Williams Creek between the head of the Baltimore Ditch and the proposed point of diversion as above described.

This determination was somewhat more complicated than was anticipated. However, it is believed that we now have sufficient data upon which to form an opinion which is that there is practically no loss in the west fork of Williams Creek between the head of the Baltimore Ditch and the proposed point of diversion and, if this is correct, no one would be injured.

There is enclosed herewith a copy of a report prepared by Mr. Cummings of this office which I would appreciate your carefully considering and if you and the parties who have joined with you in the protest desire to submit additional data, kindly advise and I will endeavor to arrange a hearing so as to afford you the opportunity.

Very truly yours,

CHAS. E. STRICKLIN, State Engineer

CES:VO

Enc.

cc - Mr. Tom Pearce and Mr. Fred W. Richards

RECEIVED

MAY 2 1951

STATE ENGINEER
SALEM, OREGON

Form B

Application No. *for Change of Diversion*

NOTICE OF COMPLETION OF CONSTRUCTION

Re: *Transfer No. R-27*

I, *Fred W. Richards*, the holder of ~~Permit No.~~
to appropriate the public waters of the state of Oregon, completed the construction of the works described
therein on the *28* day of *April*, 19*51*.

Remarks: I ^{*had*} have a verbal promise to make a temporary change in point of diversion
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you
and now have the pump installed and all construction work completed.
should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF I have hereunto set my hand this *28* day of *April*, 19 *51*.

Raymond A. Lathrop
(Signature of Witness)
Rt 1 Box 336
(Address)
Corvallis, Ore.

Fred W. Richards
(Signature of Applicant)
Williams
(Address)
Ore

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when construction work is completed.

RECEIVED

MAY 3 1951

STATE ENGINEER
SALEM, OREGON

May 4, 1951

Mr. Tom R. Pearce
Watermaster, District No. 16
County Court House
Grants Pass, Oregon

Re: Transfer No. R-27

Dear Mr. Pearce:

This will acknowledge receipt of your letter of April 30th, submitting notice of completion of construction by Fred W. Richards in connection with his change in point of diversion of water from West Fork of Williams Creek.

If and when you are in the vicinity of the lands involved, it would be appreciated if you would determine if the new point of diversion is located substantially the same as described in the order approving the application and advise that you have personal knowledge that such construction work has been completed.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:VO

MEMORANDUM
to CHAS. E. STRICKLIN

Re: Fred W. Richards
transfer.
R 27

On February 27th, 1947, there was filed with the office of the State Engineer an application by Fred W. Richards, to change the point of diversion of water of the West Fork of Williams Creek, and notice was published. On May 22nd, 1947, there was filed with the State Engineer objection to the approval of this application.

Pursuant to notice duly given by the State Engineer, on June 3rd, 1947 a hearing was held in the Circuit Court Room of the County Court House at Grants Pass, Josephine County, Oregon, before Chas. E. Stricklin, State Engineer.

During the hearing it was agreed that a representative of the State Engineer's office and the watermaster make further examinations of Williams Creek to observe conditions in regard to stream loss.

July 1, 2, 1947, accompanied by Tom R. Pearce, watermaster, I established stream gaging stations at three points on Williams Creek between the Baltimore Ditch diversion and the point of diversion proposed in the Richards transfer. Station #1 was located approximately one mile below the Baltimore Ditch diversion at the old C.C.C. Camp. Station #2 was located about 400 feet below the Dixon Ditch diversion and approximately $2\frac{1}{2}$ miles below the Baltimore Ditch diversion. Station #3 was located at the county road bridge approximately $\frac{1}{8}$ mile above the proposed Richards diversion and approximately $4\frac{1}{4}$ miles downstream from the Baltimore Ditch diversion.

From the stations the following record was obtained:

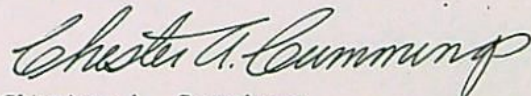
Date	Discharge, in second-feet		
	Station #1	Station #2	Station #3
July 1	7.4		6.9
2	8.4	6.8	6.9
3	6.5		6.6
4			4.5
5			4.5
6			4.2
7	4.6	3.1	3.5
8	4.0		3.5
9	5.3	2.7	3.3
10	5.3	3.1	3.5
11	3.4	2.7	3.5
12	3.4		3.3
13	3.4		3.3
14	4.0	1.2	3.3
15	4.0		3.3
16	4.0	1.2	3.1
17	4.0		2.9
18	3.4	1.2	2.9
19	3.0		2.9
20	2.6		2.7

Date	Discharge, in second-feet (continued)		
	Station #1	Station #2	Station #3
July 21	3.0		2.7
22	3.0		2.7
23			2.2
24	2.6		2.2
25	1.5		2.0
26	5.3		2.6
27	24		9.4
28	30		22
29	11		8.4
30	6.5		6.9
31	5.9		5.2
Aug. 1	5.9		
2	5.9		
3	5.3		
4			
5	3.0		3.8

On July 1, 1947, August 26, 1947 and Sept. 2, 1949, discharge measurements of stream flow of all diversions from Williams Creek and streams emptying into Williams Creek between the Baltimore Ditch diversion and the proposed Richards diversion were made, from which the attached graph was compiled.

The observations indicate that during a normal water year, there is no loss in stream flow in Williams Creek between the Baltimore Ditch diversion and the proposed Richards diversion or on to the Watts and Topping diversion.

Respectfully submitted,



Chester A. Cummings
Assistant to State Engineer

Nov. 14, 1950

WATER RESOURCES DEPARTMENT

ADDRESS ALL COMMUNICATIONS TO
TOM R. PEARCE, ENGINEER
COURT HOUSE
GRANTS PASS, OREGON

STATE OF OREGON
OFFICE OF
WATER DISTRICT NO. 16
GRANTS PASS, OREGON

WATERMASTER DISTRICT NO. 16
OREGON REGISTERED ENGINEER NO. 838
CALIFORNIA LICENSED SURVEYOR NO. 2301

April 30th, 1951

RECEIVED
MAY 2 1951
STATE ENGINEER
SALEM, OREGON

Mr. Chas. E. Stricklin,
State Engineer,
Salem, Oregon.

Re: Transfer No. R-27

Dear Mr. Stricklin:

Enclosed is Notice of Completion of Construction by Fred W. Richards.

Mr. Richards requested that I advise you of the receipt of Order Approving Application of his change in point of diversion of water from West Fork of Williams Creek. He stated that the construction work, in connection with this change, has been completed and that he would be glad to show proof.

I prepared the enclosed Form B, for him to sign, giving Notice of Completion.

Yours very truly,

Tom R. Pearce

Watermaster District No. 16

= enclosed =

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, _____
(Name of applicant)
of _____, County of _____,
(Postoffice)
State of _____, do hereby make application for change *in point of diversion*

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is _____
(Name of stream)

2. The use to which the water is applied is _____
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is _____

4. The point of diversion is located _____ ft. _____ and _____ ft. _____ from the _____
(N. or S.) (E. or W.)
corner of _____ being within the _____
(Section or subdivision)

of Section _____ Tp. _____ R. _____ W. M., in the County of _____
(No. N. or S.) (No. E. or W.)

5. Give the number of acres irrigated in each smallest legal subdivision (40-acre tract). Only show the acreage which is being transferred. If the water is used for power, mining or other use, show place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
38 S	5 W	23											6.6	11.8				
		26					12.5											

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? _____
(If not owner, explain your interest)

6a. Have the lands above described been irrigated during the past 5 years? _____

7. What is the priority date of your water right? _____

8. Was your water right acquired by State Engineer's Permit? _____ If so, give number
(Yes or No)

of permit _____

No

9. Do you hold a water right certificate? If so, give number of certificate
(Yes or No)

10. Was your water right determined by State Engineer's order of Determination or Decree of Court?

In re; Rogue River

..... If so, give title of proceedings
(Yes or No)

No; in name of Albert and C.O. Bigelow

11. Is the water right recorded in your name?
(If not, give name)

Col. 2, p. 26

12. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Do not answer questions 13, 14, 15 and 16, if the application is not for change in point of diversion.

✓ 13. The proposed point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)

corner of being within the of Section Tp. R. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)

in the county of The name of the ditch to be used is

✓ 14. Are you the owner of the land on which the proposed point of diversion is to be located?

15. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

✓ 16. Are there any diversions between your present point of diversion and the proposed point of diversion?

NOTE: Do not answer questions 17 and 18 if application is for change in point of diversion only.

17. 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)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

19. Reasons for the proposed changes are

Application for Transfer of Water Right

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

} ss.

I,, 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 day of, 195.....

.....
(Name of applicant)

Subscribed and sworn to before me this day of, 195.....

[Notarial Seal]

.....
NOTARY PUBLIC FOR OREGON

My commission expires

Remarks

This application must be accompanied by a map showing the location of the point of diversion, place of use and works utilized under the present water right. The map should also show the new point of diversion or place of use, as the case may be.

Application for Transfer of Water Right

Name of
applicant

Date filed

Date returned for further data

Date application completed

Date notice published

Date of hearing

Place of hearing

Date of final order
of State Engineer

Date of issuance of certificate
confirming change

Recorded in State Record of Water Right Certificates,
volume, page

Fees paid

Receipt No.

April 26, 1951

Mr. Fred W. Richards
Williams
Oregon

Re: Transfer No. R-27

Dear Mr. Richards:

Enclosed herewith is a certified copy of the State Engineer's order approving your application for the change in point of diversion of water from West Fork of Williams Creek.

Very truly yours,

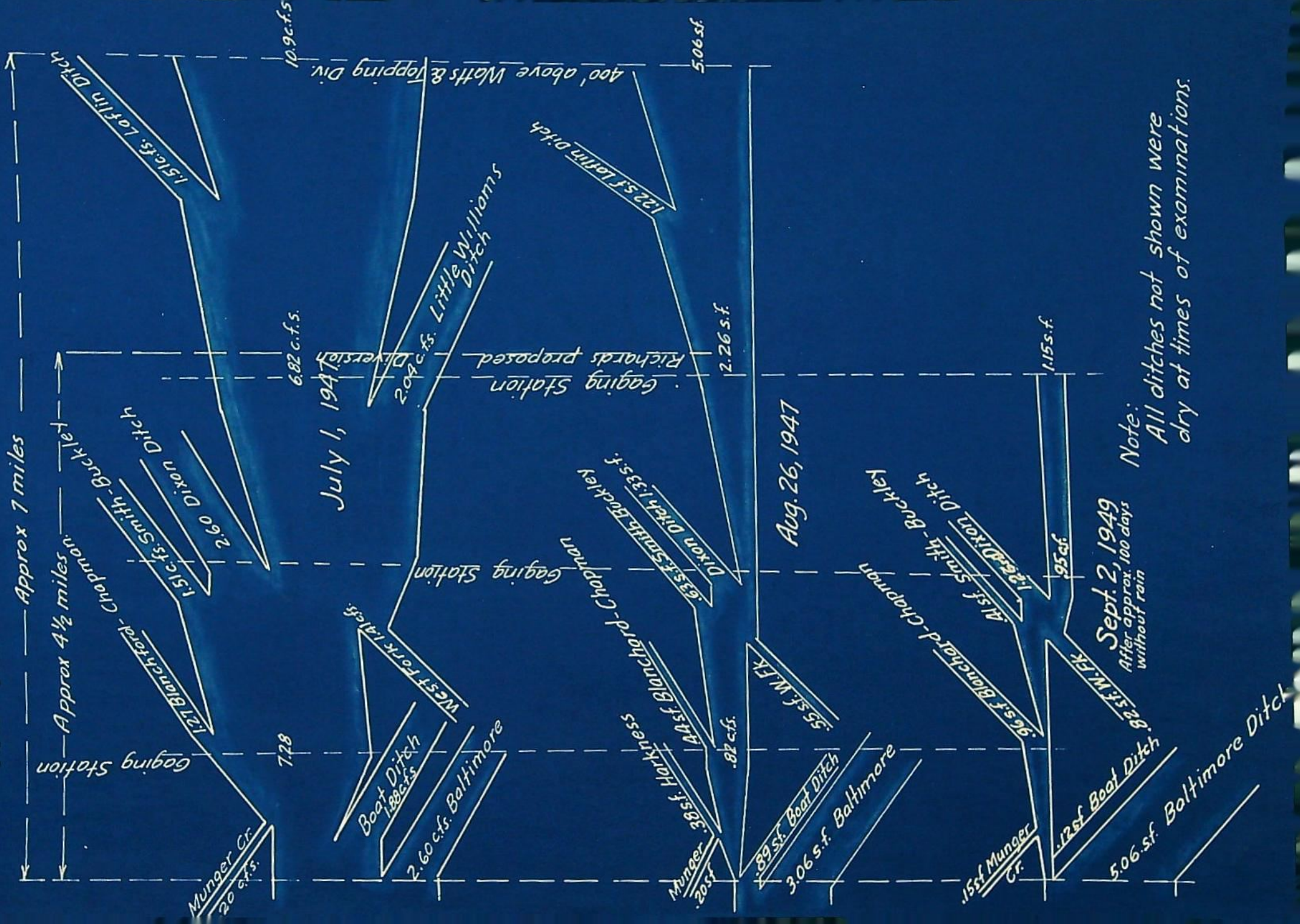
CHAS. E. STRICKLIN
State Engineer

CES:VO

Enc.

cc - Mr. James Chinnoek
Attorney at Law
First National Bank Building
Grants Pass, Oregon
- Mr. Tom R. Pearce
Watermaster, District No. 16
County Court House
Grants Pass, Oregon

GRAPHS OF THE STREAM FLOW OF WILLIAMS CREEK BETWEEN BALTIMORE AND WATTS & TOPPING DIVERSIONS



SP 01 V2 P159

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF FRED W. RICHARDS FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM WEST)
FORK OF WILLIAMS CREEK.)

ORDER

APPROVING APPLICATION

On February 27, 1947, Fred W. Richards of Williams, Oregon filed an application for the approval of a change in point of diversion of water from West Fork of Williams Creek, pursuant to the provisions of Section 116-606, O. C. L. A.

By decree of the Circuit Court for Jackson County, Oregon, dated April 26, 1919, 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 adjudicated in the name of Albert and C. O. Bigelow for the use of 3.25 cubic feet per second of water from Williams Creek for the irrigation of 195 acres of land and for stock and domestic use through the Baltimore ditch with a date of priority of 1858. The point of diversion of the Baltimore ditch from Williams Creek, which stream is also locally known as the West Fork of Williams Creek, is at a point approximately 250 feet north and 950 feet west from the southeast corner of Section 5, Township 39 South, Range 5 West, W. M.

Fred W. Richards, owner of 30.9 acres of the foresaid 195 acres having a water right, proposes to change the point of diversion from the Baltimore ditch to a new ditch to be constructed by the applicant, to divert water from Williams Creek, without loss of date of priority, for the irrigation of the following described land:

6.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
11.8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 23, and
12.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 26,
Township 38 South, Range 5 West, W. M.

The point of diversion of the said new ditch, as described in the application, is approximately 250 feet south and 200 feet west from the north quarter corner of Section 26, 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, in the County Court House at Grants Pass, Oregon, on June 3, 1947, at 10:00 o'clock a.m. The notice was published in the Grants Pass Daily Courier, a newspaper printed and having general circulation in Josephine County, for a period of three successive weeks, being in the issues of April 10, 17 and 24, 1947. The date set for hearing in said notice was not less than 30 days after the last publication of said notice.

On May 22 and May 28, 1947, there were filed with the State Engineer letters or protests signed by Mr. D. L. Terry and other owners of lands which have water rights from the West Fork of Williams Creek and Williams Creek. The objections to the approval of the application, as set forth in the protests, appears to be based upon the opinion that there is a loss of water in the bed of Williams Creek in the section between the head of the Baltimore ditch and the place where it is proposed to divert the water and if the application is approved, injury to existing rights would result.

A hearing was held by the State Engineer beginning at 10:00 o'clock a.m., on June 3, 1947 in the County Court House at Grants Pass, Oregon, at which hearing the applicant, represented by legal council, Mr. James T. Chinnoek, and the objectors appeared and submitted evidence.

It appears that the point of diversion of the new ditch which the applicant proposes to construct is some 5 miles below the head of the Baltimore ditch and, while the objectors had no definite proof, they were apprehensive that if the change in point of diversion was made, it would require more water to supply this right by reason of loss of water in the stream bed. It also appears that portion of the stream from the mouth of the East Fork of Williams Creek to the head of the Baltimore ditch is also known as the West Fork of Williams Creek.

The applicant and objectors agreed that there was no reliable information as to the loss of water in the channel under consideration and that action upon the application should be withheld pending investigation by the State Engineer and watermaster of loss, if any, in the channel between the head of the Baltimore ditch and the point of diversion of the new ditch to be constructed by the applicant.

During the irrigation seasons of 1947 and 1949, measurements were made on Williams Creek and ditches diverting from Williams Creek and the West Fork of Williams Creek, and the results are set forth in a report made by Chester A. Cummings, Assistant State Engineer, dated November 14, 1950. On January 12, 1951 a copy of Mr. Cummings' report was forwarded to Mr. D. L. Terry with a letter stating that if he or any of the other objectors desired to submit additional evidence, arrangements would be made for a hearing. To date, no request has been received for such a hearing.

The investigations made under the direction of the State Engineer indicate that during the period covered, which were years of normal runoff, there was no noticable loss of water in the channel of Williams Creek between the head of the Baltimore ditch and the point of diversion of the new ditch

which the applicant proposes to construct and that the change in point of diversion of water as proposed by the applicant, would not result in injury to existing rights.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from the Baltimore ditch which diverts from Williams Creek at a point approximately 250 feet north and 950 feet west from the southeast corner of Section 5, Township 39 South, Range 5 West, W. M., to the proposed ditch which will divert from Williams Creek at a point approximately 250 feet south and 200 feet west from the north quarter corner of Section 26, Township 38 South, Range 5 West, W. M., for the irrigation of 6.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 11.8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, and 12.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 38 South, Range 5 West, W. M., with a date of priority of 1878, be and the same hereby is approved.

1858 / 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, 1952, or within such extension of time as may be granted by the State Engineer for good cause shown, and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

Dated at Salem, Oregon this 26th day of April 1951.

(sgd.) CHAS. E. STRICKLIN
State Engineer

NOTICE OF FILING APPLICATION
FOR CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Fred W. Richards has filed an application in the office of Chas. E. Stricklin, State Engineer, for the approval of a change in point of diversion of water from West Fork Williams Creek.

By decree of the Circuit Court for Jackson County dated April 26, 1919, in the Rogue River Adjudication Proceedings, a water right was allowed in the name of Albert and C. O. Bigelow for the use of 3.25 cubic feet per second of the waters of Williams Creek for domestic and stock use, and the irrigation of 195 acres in Sections 23 and 26, T. 38 S., R. 5 W. W. M., with a date of priority of 1858. The water for the irrigation of these lands is conveyed through the Baltimore Ditch, the point of diversion of said ditch being located approximately 250 feet north and 950 feet west from the southeast corner of Sec. 5, T. 39 S., R. 5 W. W. M.

Fred W. Richards, owner of 30.9 acres of the above 195 acres having a water right, namely: 6.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 11.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, and 12.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 38 S., R. 5 W. W. M., proposes to convey the water for the irrigation of said lands and stock and domestic purposes through the Richards Ditch, the point of diversion of said ditch to be located approximately 250 feet south and 200 feet west from the north quarter corner of Sec. 26, T. 38 S., R. 5 W. W. M.

All persons interested are notified hereby that a hearing will be held in the County Court House at Grants Pass, Oregon, on June 3, 1947, at 10:00 o'clock A. M. All objections to the proposed change, in any there are, will be heard at said time and place. Any objections should be prepared in writing and mailed to the State Engineer, Salem, Oregon, at least ten days prior to the date set for hearing, and one copy served on James T. Chinnock, attorney at law, Grants Pass, Oregon. If no objections are filed the hearing will not be held.

Dated at Salem, Oregon, this 7th day of April, 1947.

CHAS. E. STRICKLIN, State Engineer

BEFORE THE STATE ENGINEER OF THE STATE OF OREGON

Josephine County.

RECEIVED

JUN 10 1947

STATE ENGINEER
SALEM, OREGON

IN THE MATTER OF THE APPLICATION OF)
FRED W. RICHARDS FOR THE APPROVAL OF)
A CHANGE IN THE POINT OF DIVERSION OF)
WATER FROM WEST FORK OF WILLIAMS CREEK.)

TRANSCRIPT OF TESTIMONY

Pursuant to notice duly given by Chas. E. Stricklin, State Engineer, the above entitled matter came on for hearing on Tuesday, June 3rd, 1947, at ten o'clock, A.M., in the Circuit Court Room of the County Courthouse at Grants Pass, Josephine County, Oregon, before Chas. E. Stricklin, State Engineer.

WHEREUPON, the following appearances were entered:

For Applicant:

Fred W. Richards,
James T. Chinnock, Attorney, Grants Pass, Oregon.

For Objectors:

None.

WHEREUPON, the following proceedings were had, to-wit:

Mr. Stricklin - On February 27th, 1947, there was filed in the office of the State Engineer an application by Fred W. Richards, pursuant to Section 116-606 OCLA, to change the point of diversion of waters of the West Fork of Williams Creek, and pursuant to said Section, notice was published in the Grants Pass Daily Courier for three consecutive weeks, issues April 10th, 17th and 24th. On May 22nd, 1947, there was filed with the State Engineer objection to the approval of this application, this being signed by D. L. Terry, C. L. Wall, Grace E. Haskins, W. W. Large, Elsie Miller, Evelyn R. Applegate, George F. Stevens and J.R. Stevens. Mr. Chinnock, you are representing the applicant?

Mr. Chinnock - That's right.

Mr. Stricklin - Are the objectors represented by counsel?

A No.

Mr. Stricklin - Mr. Chinnock, do you want to make a statement for the records?

Mr. Chinnock - I don't think it's necessary. I will call Mr. Pearce first, who is the Watermaster here, and then I will offer in evidence certain documents. Will you take the stand, Mr. Pearce?

Tom R. Pearce, State Watermaster for Josephine County, being first duly sworn, testified as follows:

Q Mr. Pearce, where do you reside?

A Grants Pass.

Q And how long have you resided in this community?

A Twenty-five years.

Q Are you a civil engineer?

A Yes sir.

Q Duly licensed as such?

A Yes.

Q And are you also the State Watermaster or County Watermaster for Josephine County?

A Yes sir.

Q Your jurisdiction as watermaster includes the territory along Williams Creek?

A That's right.

Q And the ditch and ditches that are involved in this proceeding?

A Yes sir.

Q I will offer in evidence first warranty deed from George Hilton, Jr., single, to Fred W. Richards and Irma V. Richards, recorded at Pages 535-536, Volume 105, Deed Records of Josephine County, Oregon, and I ask that this be copied into the record and returned to me, if that is agreeable, and marked "Applicant's Exhibit A".

Mr. Stricklin - That's agreeable.

Applicant's Exhibit A:

WARRANTY DEED

THIS INDENTURE WITNESSETH, that GEORGE HILTON, JR., single, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable considerations to him paid, has bargained and sold, and by these presents does grant, bargain, sell and convey unto FRED W. RICHARDS and IRMA V. RICHARDS, husband and wife, and to the survivor, in an estate by the entireties, their heirs and assigns, all the following real property with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Josephine, and State of Oregon, described as follows, to-wit:

Lot Six (6) in Section Twenty-two (22), excepting Four (4) acres in the West part of said Lot reserved for a cemetery.

Lots Ten (10) and Eleven (11) in Section 23;
The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 27;
The North One-Half of the Northwest Quarter of the Northwest Quarter of Section 26;
All that portion of Lot One (1) in Section 26 described as follows:

Beginning at a point 1320 feet East of the Northwest corner of said Section 26, and running thence South 660 feet; thence East 503.3 feet; thence South 50° East 222.7 feet; thence East 114.6 feet more or less to the West line of the William H. Shoudy Donation Claim No. 38; thence North along the West line of said claim a distance of 803 feet to the North line of said Section 26; thence West 788.3 feet to the point of beginning.

All being situate in Township 38 South Range 5 West of the Willamette Meridian;

Also a parcel of land between an average center line of Williams Creek and the West line of the William H. Shoudy Donation Claim No. 38 in Sections 23 and 26, Township 38 South Range 5 West of the Willamette Meridian, described as follows:

(Applicant's Exhibit A Cont'd)

Beginning at a point on the West line of the William H. Shoudy Donation Land Claim No. 38, said point being 1669.8 feet South of the Northwest corner of said claim; thence running South 1572 feet; thence East 465 feet; thence North 2° 55' West 1575 feet along an average center line of Williams Creek to a point which is 1669.8 feet South of the North line of said Donation Land Claim No. 38; thence West 385 feet to the point of beginning;

Also, beginning at the Southwest corner of the Northwest Quarter of the Northwest Quarter, of Section 26, Township 38 South, Range 5, West of the Willamette Meridian; thence running East 21 rods; thence North 38 $\frac{1}{4}$ rods; thence West 21 rods; thence South 38 $\frac{1}{4}$ rods to the place of beginning.

Subject to rights of way for ditches and public roads as the same now exist over and across said tracts.

Also, together with all right, title, and interest in and to that certain easement and right of way for irrigation purposes across the Southeast Quarter of the Northwest Quarter of Section 26, Township 38 South, Range 5 West of the Willamette Meridian, recorded in Vol. 74, Page 44, reference to which is made for further particulars.

Together with all water rights, rights in ditches, canals, and laterals, and rights of way therefor, appurtenant to said premises, or used in connection therewith, including (but not limited to the following):

Right to use the waters of Williams Creek, priority of 1858, as adjudicated by Decree of the Circuit Court of Jackson County, Oregon, dated April 26, 1919, and priority as of July 15, 1913, as evidenced by Certificate of Water Right recorded in Vol. 2, Page 64, Water Right Certificates records of Josephine County, Oregon; And together with all right, title and interest in and to the Williams Creek or Little Williams Ditch, and the Baltimore Ditch, and the Dixon or Dixon-Sparlin Ditch, all from Williams Creek.

TO HAVE AND TO HOLD the above described and granted premises, unto the said FRED W. RICHARDS and IRMA V. RICHARDS, husband and wife and to the survivor, their heirs and assigns forever.

And the said GEORGE HILTON, Jr., does hereby covenant to and with the said Grantees, their heirs and assigns, that he is lawfully seized in fee simple of the above granted premises, and that said granted premises are free from all incumbrances; AND THAT he will and his heirs, executors and administrators shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 24th day of January, 1944.

Executed in the presence of: GEORGE HILTON JR. (SEAL)
JAMES T. CHINNOCK.

Q I will ask that this be marked "Applicant's Exhibit B" for purposes of identification, and state that it is the plat accompanying the application for changing the point of diversion. Mr. Pearce, where would the proposed diversion - from what fork of Williams Creek would the proposed diversion take?

A The proposed diversion would take out of Williams Creek from the main fork.

Q Is that below the two forks?

A Yes.

Q And where does the Baltimore Ditch come out from?

A It comes out of the West Fork of Williams Creek. They do take some water from the East Fork, but the main diversion is from the West Fork.

Q Would you be able to state what proportion of the water comes out of the East Fork?

A Probably ten percent.

Q Do you know the protestants in this case, and where their lands lie?

A I do.

Q Which fork do their ditches come out of?

A Mostly from the West Fork. I didn't see any East Fork users here.

Q Where do they come out - above the Baltimore Ditch or below?

A I think all of them are above the diversion to the Baltimore Ditch.

Q None of them below?

A I didn't listen to those names close enough.

Q Better read the names again. I am not familiar with these people. There is D. L. Terry - is he present?

Mr. Terry - Yes sir.

Q You are above?

A That's right.

Q C. L. Wall - you are above?

Mr. Wall - Yes. West Fork.

Q Grace E. Haskins?

Mrs. Haskins - Yes - above, out of the West Fork.

Q W. W. Large?

Mr. Large - I am above.

Q Mrs. Elsie Miller?

Mrs. Miller - Above, on the West Fork.

Q Evelyn R. Applegate?

Mrs. Applegate - Yes.

Q George F. Stevens?

Mr. Stevens - We take out of the West Fork above the Baltimore.

Q J.R. Stevens?

Mr. Stevens - Yes. We're partners.

Q Then as I understand, all of these protestants divert the water above the head of the Baltimore Ditch and out of the West Fork. So as I understand them, it is understood from all the statements of the protestants and from the statement made by Mr. Pearce, the Watermaster, that all of these protestants take their water out of the West Fork above the head of the Baltimore Ditch. Now, Mr. Pearce, from Exhibit "B", will you state whether or not you prepared that and from what information and sources of information you prepared that plat?

A I prepared the plat, using the survey records as made under the direction of the State Engineer in connection with the conditional rights of Rogue River and tributaries.

Q Inchoate rights?

A Yes.

Q That is the last survey made by the State Engineer?

A Yes. And from my personal knowledge.

Q You are familiar with the territory and area covered by that plat?

A Yes, I am.

Q You have been over the ground personally a number of times in connection with your duties?

A That's right.

Q Would you take that plat then and from that plat state in the record where the original diversion point of the Baltimore Ditch is?

A The original point of the Baltimore Ditch is in the Southeast Quarter of the Southeast Quarter of Section 5, Township 39 South, Range 5 West of the Willamette Meridian.

Q At that point is there a diversion, that is from the West Fork?

A Yes.

Q Is there a diversion from the East Fork that takes into the West Fork?

A Well, the diversion from the East Fork is simply a dam where the Baltimore Ditch crosses. They have it dammed up.

- Q It crosses the East Fork after it leaves the point of diversion from the West Fork, and it continues where?
- A It continues North about three or four miles from where it crosses the East Fork, to the proposed point of diversion, which is in the Northeast Quarter of the Northwest Quarter in Section 26.
- Q How many miles?
- A Approximately six miles from the present diversion to the proposed diversion.
- Q At this point I would ask that the Rogue River Decree and the Supplemental Decree, or Supplemental Findings of the State Engineer be accepted in evidence if there are no objections to that. It has a bearing on all the water rights involved.
- Mr. Stricklin - So be it considered.
- Q You haven't that Decree with you?
- Mr. Stricklin - I have one.
- Q Examining this, which was entered in 1918, I believe, and from your knowledge of the Decree, can you state approximately how many acres of land Mr. Richards is apparently entitled to water right for, according to the Decree?
- A Roughly I think he has thirty acres.
- Q Approximately thirty acres of land. And that is irrigated from what source?
- A That is irrigated out of the Baltimore Ditch from the West Fork of Williams Creek and the East Fork of Williams Creek.
- Q Is there any other ditch that irrigates that?
- A Not that particular land.
- Q He has other ditches on other parts?
- A On other parts of his land.
- Q From the point of diversion of the Baltimore Ditch, down to the point where Mr. Richards desires to now divert the water, what is the condition there as to losses in transit from that point of diversion to his proposed diversion as to that ditch?
- A The losses of the Baltimore Ditch?
- Q Yes.
- A Well, I have been operating calculating a loss of about ten percent in between. Now there are times when there is considerably more lost, but when they call for water I try to figure ten percent loss.
- Q From your knowledge and observation, what would be the effect as to a saving in loss of water and waste of water by Mr. Richards' proposed change in diversion?
- A To carry all that water down the West Fork would be considerably more loss than carrying it through the ditch. It would be necessary to wet up the whole creek bed.

Q How much does he take out there?

A The total for the Baltimore Ditch was three and one-half second feet, and Mr. Richards' part would be about five-tenths, if I remember right, of a second foot.

Q That is on the West Fork?

A Yes sir.

Q It has nothing to do with the East Fork, and it is below all of these other protestants?

A That's right.

Q Is there any diversion below from the West Fork of Williams Creek?

A Yes sir.

Q Below the proposed point of diversion?

A There is.

Q And none of them have protested?

A They haven't protested.

Q Now if Mr. Richards takes the water out of the West Fork of Williams Creek to his proposed diversion point, what effect, if any, could it have on these upper users?

A As I understand, this proposed diversion point is in a sump in the creek.

Q I am talking about the upper users.

A What effect it would have on the upper users? If it was necessary to carry water clear down the creek to his proposed diversion it might affect the upper users in a dry season.

Q The same condition existed in putting it through the Baltimore Ditch, and they took it above him.

A There is a question in my mind whether it would be necessary to turn the water to keep the whole creek wet in order to supply the additional one-half second foot.

Q What is his priority?

A 1858.

Q Do you know the priorities of these other users?

A Most of them.

Q Could you state them?

A Bryan and Vinyard, 1872 - the old Wertz Ditch, 1900 - the Large Ditch, 1890 I think, or 1879 - those things are hard to remember. The Boat Ditch is 1900 - the Hoxie ditch, that is Mr. Stevens, there is one right 1880 and another 1920. I think that covers it.

- Q Now going on down the stream, what is the priority of the Watts and Topping Ditch, from the West Fork?
- A It is 1858.
- Q That is ahead of all of these protestants?
- A Yes.
- Q And that has to have water?
- A That's right.
- Q And going still further down, what is the next ditch?
- A Across from the Watts and Topping is the Lichens Ditch, 1875.
- Q What is that priority?
- A 1875.
- Q That is ahead of most of these upper users?
- A Yes.
- Q And that has to have water too?
- A That has to have water.
- Q That water has to come down the creek bed on the West Fork?
- A Yes.
- Q What is the next ditch? Name all of them and priority.
- A Going back to the Watts and Topping, the Spencer-Lichens Ditch, the Provolt Ditch, 1869, and there is the Laurel Hill Ditch, 1922.
- Q 1922?
- A Yes.
- Q That is a permit from the State Engineer?
- A Yes. York and Breedon, 1890, and above the Watts and Topping is the Kennedy Ditch.
- Q What was the original name of that ditch?
- A The Mansfield, above the Stuce and Hall Ditch. It dates back to 1882. That is all the rights below the proposed point of diversion.
- Q You got the York and Breedon Ditch?
- A Yes.
- Q Who all uses water out of the Baltimore Ditch at the present time?
- A There are three other users. There is Holzhauser, Lewman and Hilton, and Larimore I believe has one acre or two.

Q This Baltimore Ditch, is it just the ordinary dirt ditch?

A Just an earth ditch.

Q No concrete work on it?

A No sir.

Q From the point where he wishes to change the diversion point, to the point of diversion from the stream, would you state the character of the ditch and its condition, width and size and so forth? It is an extremely large ditch, isn't it?

A Yes, it is a large ditch. It will carry possibly five second feet. It is about six miles in length. When I mentioned a while ago that the new diversion was six miles below, I was figuring on the length of the ditch.

Q It follows the hillside there, without carrying a straight line?

A Yes.

Q Could you give me the aggregate amount of water adjudicated to the Baltimore Ditch?

A Originally it was three and one-quarter second feet, to be measured at the place of use.

Q You say the capacity would be about five second feet?

A Yes.

Q Considerably in excess, in other words, of the actual amount adjudicated?

A Yes.

Q With regard to the distribution of water from the stream, would it render the distribution easier or less difficult if this change of diversion point was granted?

A There is a question there as to whether it would be necessary to try and wet up the dry creek bed during the dry period.

Q The water would have to go down to the lower users. They are entitled to earlier water rights?

A I found in our distribution that by supplying the Baltimore Ditch with their full quota of water, and after they have used the water, the return water is about sufficient to supply the rights of the users below the Baltimore Ditch.

Q Where would Mr. Richards' water go?

A Same place it always did.

Q There would be no difficulty in that respect - in other words, it would be diverted at the proposed diversion point, and the amount of water which he originally took through the Baltimore Ditch - that water would go back into the creek below his place of use, would it not?

A Yes.

Q And tend to supply those lower users which you mentioned?

A That's right.

Q Between him and the head of the Baltimore Ditch, have any of these protestants got any diversion point?

A No sir.

Q Where does the waste water go?

A It returns to the West Fork of Williams Creek.

Q All the water that is used above there was returned into the West Fork of Williams Creek?

A Yes.

Q And that would all tend to wet up the creek?

A As far as the Baltimore Ditch - as far as the present diversion.

Mr. Stricklin - It would wet it up above the Baltimore Ditch?

A Yes.

Q That would go on down to the Baltimore Ditch?

A Yes.

Q Any surplus then would go on down the stream?

A Surplus would go on by.

Q What kind of a volume of water is there in Williams Creek? Have you ever measured to determine it, in a general way?

A Yes. During August I usually figure there is five or six second feet up above the Bryan and Vinyard Ditch in the West Fork. It will get lower than that in dry years.

Q How many second feet?

A Five or six.

Q In August?

A Yes.

Q And say in July?

A It is somewhat in excess of that.

Q When does the creek start to diminish in quantity of flow, about an average?

A I notice the shortage along about the first of August.

Q That is when there is complaint made?

A Complaint made from the lower users wanting water turned on. It may be the middle of July.

Q And by the first of September what is the condition of the flow?

A It is still low, probably a little lower than in August. It diminishes as the season goes on.

Q I think that's all. Maybe some of these protestants would like to ask Mr. Pearce some questions.

Mr. Wall - When will we have an opportunity to question Mr. Pearce - when may we do it?

Mr. Stricklin - Right now.

Mr. Wall - Mr. Pearce, what is the driest period you have ever known on Williams Creek - what year?

A 1931 and 1932.

Mr. Wall - During that period was the Baltimore Ditch cut off from water at the point of use?

A They were short of water.

Q They did not receive the full three and one-quarter feet at the bottom of the ditch?

A That's right.

Q What about the Watts and Topping Ditch?

A They were also short.

Q What did you do to remedy that situation?

A At one time I attempted to turn the whole creek down to the older rights.

Q What was the result of that attempt?

A There was quite a lot of protest from the older rights, from those that had never been turned down, making it quite difficult to keep them turned down during the process of trying to get it down to the Watts and Topping Ditch. We found so many of them cut back, and in the meantime a rain came, so the experiment was never completed.

Q The experiment was to see if you could force water down?

A Yes, as far as the Watts and Topping Ditch.

Q You are unable to say whether or not you could have forced it through there?

A That's right. I couldn't tell.

Q How do you arrive at measuring the water in the Baltimore Ditch?

A At the end of the ditch.

- Q At the top end?
- A At the lower end of the ditch, at the place of use. We measure the water at that point. When water gets low we find there is no flow from the East Fork so we go back up to the West Fork of Williams Creek and measure the water there. I am not sure just what the law allows me in that, but I think on a ditch of that length I can allow them ten percent loss. At least that is what I have tried to do.
- Q After you turned that water back down, do you go down to the point of use to see if they are getting it or not?
- A Yes.
- Q Do they get three and one-quarter feet of water?
- A Yes. It will decrease.
- Q Will it increase to the amount they are allowed?
- A I have got it over the three and one-quarter and sometime under, but usually I do well to get the amount down that they are entitled to.
- Q When you increase that flow, how do you get water - do you go up and shut somebody off? How do you get that extra water, Mr. Pearce?
- A By turning down the younger rights that are above the Baltimore Ditch. I first will take such ditches that are carrying more than their quota - flood water - and cut that off, and if that is not enough we will take the next youngest right and cut them off.
- Q Do you cut any ditches below the Baltimore intake to increase the Watts and Topping Ditch?
- A Yes, I have.
- Q Do you do that regularly every year, or in extremely dry years?
- A Nearly every year I go clear down the ditch and see if I can cut those intermediate rights and help the water supply in the main creek. The condition is that after one of those small ditches takes out, the creek bed will be dry and probably as far as you can see down the creek, a dry creek bed, making it appear that by turning water off you wouldn't gain anything, by turning water down a dry creek bed, so unless I can find that I can get water by turning those down, I may not turn them down.
- Q Unless you can actually see that you are getting water down, you don't turn those rights below the Baltimore - you feel that you would not be able to gain anything by turning them off?
- A That's right.
- Q What percentage of loss on that one-half foot that Mr. Richards is allowed would there be allowed going down the creek - would you deliver him a one-half second foot at his point of diversion?
- A Yes.

- Q How much more water would it take to get that down there - how much loss?
- A I couldn't estimate that.
- Q Would that be more than is carried through the Baltimore Ditch?
- A It is a question of whether the water would equal the amount that he is calling for. In other words, if I had to try and get one-half second foot down from the present diversion to the proposed point of diversion, through the creek bed, it would take considerable water to do it.
- Q Where would you gain that water in order to do that? Would you shut users off above the Baltimore's present diversion, or below?
- A I think - this is just my theory - is to do it the way I have been doing. Turn them off until I got the Baltimore's original rights supplied, and see if the return water from the Baltimore was sufficient to supply this extra one-half second foot.
- Q How could the return water possibly help Mr. Richards on his point of diversion? It couldn't reach him, could it?
- A It would reach him from the other users. I would have one-half second foot from the main creek, but the balance of the Baltimore would still have the two and seventy five one hundredths second feet, and there may be return water from that.
- Q If necessary then, with the Baltimore's 1858 right, if they demanded that one-half second foot of water you could turn off the entire creek above the Baltimore's diversion to gain that?
- A That's right.
- Q Would you have to do that?
- A I think I would have, if it wasn't to waste water.
- Q You stated that the Baltimore Ditch is approximately six miles long?
- A I think so.
- Q What would you estimate the distance down the creek as being?
- A Well, probably four miles.
- Q In that original application did Mr. Richards state anything about maintaining the creek as a ditch?
- Mr. Chinnock - What was that last?
- Mr. Wall - In the original application did Mr. Richards state anything about maintaining the creek as a ditch?
- Mr. Stricklin - The answer to that, I think, if the application is approved the place where Mr. Richards' water would be measured would be its point of diversion.
- Mr. Wall - The condition of the ditch and creek would not in any way interfere, as regards the banks and width, would make no difference as to the amount of water? What I am trying to get at is, measured at the bottom of the present ditch, are they required to clean that ditch?
- Mr. Stricklin - The question is whether or not the change would result in depriving other rights of water. In other words, it would take more water to supply the extra one-half second foot as to divert through the Baltimore Ditch.

Mr. Wall - How wide is that creek channel, Mr. Pearce, above the point of diversion?

A Above the proposed point of diversion?

Q Yes.

A It is variable. Just a rough figure let's say the creek channel is forty feet wide, but under the bridge that crosses Williams Creek it spreads out there for one hundred feet or more.

Q What is the condition of the ground?

A It is gravel, above and below the bridge.

Q I believe that's all.

Mr. Stricklin - Any other questions to ask Mr. Pearce?

Mr. Chinnock - Mr. Pearce, isn't Williams Creek like all other streams in that part of the country - doesn't the water as it comes back, rise in the channel?

A Yes.

Q So that you will find maybe a space in the creek bed for some distance dry, and below it you will find the water rising to the surface?

A That's right.

Q There is a sub-surface flow?

A Yes.

Q And then as the water comes in from all sides it rises again?

A You may have a wet channel for a while, and then dry.

Q There is a considerable flow of water above the lower users of the West Fork that have early rights that comes in from this use up above?

A Yes sir.

Q Have you observed the condition of Williams Creek from time to time?

A Yes. I have observed that we have a dry creek bed for a distance, and then there would be a little flow, and usually when someone puts in a dam they will take out all the water and the creek will be dry for a distance, and below we will have another running stream.

Mr. Stricklin - Mr. Chinnock, on the application his method of diverting water is not set forth. Would you mind, for the purpose of the record, bringing that out?

A I don't have a copy of that application. Mr. Pearce, you are familiar with the proposed method by which Mr. Richards intends to take the water out of his new point of diversion.

A I think think he intends to pump water.

Q In other words, it would be an impractical proposition to divert water by a headgate and gravity system?

A He couldn't get his water up to his land.

Q All he would ever get out of the creek would be what he could find available for pumping purposes?

A That's right.

Q Mr. Pearce, what is his plan that he has for getting this water out - digging sumps or wells or something of that character at the proposed point of diversion?

A I think his plan is for the use of sumps and wells. Probably one sump in the form of a well.

Q And if he had that he would actually be using water that would otherwise be going on down the stream. It is below the surface water, isn't it?

A Yes. One idea I had was that if he could get back from the creek bed a certain distance he might be able to pump without a permit. It might be difficult to prove that he was taking creek water.

Q Of course if he did that he wouldn't be considered using water of Williams Creek and there wouldn't be any point to this proceeding. I think that is all as far as I am concerned.

Mr. Stricklin - Nobody else has any further questions to ask Mr. Pearce while he is on the stand?

- WITNESS EXCUSED -

Mr. Fred. W. Richards was called as a witness, and being first duly sworn, testified as follows:

Q Will you state your name?

A Fred Richards.

Q And you are the applicant in this case for the proposed change of diversion point?

A Yes sir.

Q I believe your wife is also a part owner of the property?

A Yes.

Q You just go ahead in your own way and tell what you would like to do up there.

A I would like to pump down there for sprinkling. It is all in pasture for cows. I think I could do a better job of irrigating by sprinkling than by flooding, so that is the reason I want to pump it.

Q What is the condition of the channel of Williams Creek above and below the place where you propose to divert water?

A Half a mile up above me the creek is dry part of the year, but down there there is always from three to four second feet of water. It is always flowing right by me.

Q That water comes from diversion of these upper users?

A That's right. It sinks and flows under the surface and rises up again and it does that below me.

Q If you didn't propose to use that water, the water would flow on down the stream, would it not?

A That's right.

Mr. Stricklin - Mr. Chinnock, will you bring out for the record what becomes of that water that is there now?

A It goes back to the creek the same as if I was pumping there.

Mr. Stricklin - It goes to the users below?

A Yes, it goes to the Watts and Topping and other ditches down there.

Q There wouldn't be any surplus water there for you to use in dry years? The water that runs in the creek bed there - you wouldn't be able to divert any of that under your proposed changed point of diversion?

A I couldn't.

Q That would all be required to supply existing rights below - is that right?

A Yes, that's right.

Q I don't know of any other questions to ask, Mr. Richards. The Watermaster has covered the situation as to what your proposed point of diversion is. Unless you want to volunteer or state any information. Do you have anything further to state?

A No.

- WITNESS EXCUSED -

Mr. Holzhauser was called as a witness, and being first duly sworn, testified as follows:

Q Mr. Holzhauser, you are a water user from the Baltimore Ditch, are you not?

A Yes sir.

Q What is the condition as to the Baltimore Ditch, during the usual season - during the early part of the season?

A We generally keep it up in good shape.

Q What is the quantity of water flowing in the ditch?

A In the short water season?

Q Yes.

A Well, we very seldom have three and three-quarters second feet. We run under more than we do above.

Q What is the condition of the creek, say just above Mr. Richards' place and below, as to whether water rises in the creek?

A Half a mile above there the creek is dry, and it runs off the bedrock and goes through the gravel and comes up again down below, and the creek is wet from there on up. The creek is never dry from there on up to the head.

Q I think that's all.

Mr. Stricklin - Any examination of the witness?

Mr. Wall - The ditch is under the amount of water allowed - did you ever ask the Watermaster to turn down more?

A Sure, down to our three and three-quarters second feet.

Mr. Wall - Does he turn it down when you ask for it?

A As a rule he does, but we don't always get the full amount.

Mr. Wall - You don't get what you ask for?

A Three and three-quarters feet is all we ask for. We don't ask for more than we are allowed.

Mr. Wall - I think that's all.

- WITNESS EXCUSED -

Mr. Stricklin - Do the objectors want to present their case?

Mr. Holland was called as a witness, and, being first duly sworn, testified as follows:

(Questions by Mr. Wall).

Q Mr. Holland, you reside at Williams, Oregon?

A Eighteen years.

Q Are you a farmer?

A Well, you would call it a farmer.

Q Are you a water user?

A Yes.

Q Did you ever work for Josephine County?

A Watermaster under Pearce - his assistant in 1943 and 1944.

Q Are you familiar with that portion of Williams Creek from the concrete bridge just above Fred Richards' place to the junction of the East and West Forks?

A I am familiar with it from the Watts and Topping dam clear to the head.

Q What is the condition of that creek in dry years?

A In 1943 it went dry and we were unable to get water through.

- Q How long did you try - how many days?
- A About five days. I know we turned their water down, but there was such a kick above we didn't try to turn any more of them.
- Q What loss do you figure there would be to that amount of water going down Williams Creek as compared with the Baltimore Ditch?
- A I couldn't make no estimate at all.
- Q Do you feel that that loss would be greater than it is in the Baltimore?
- A I would say it would.
- Q Have you ever measured the water at the bottom of the Baltimore at the point of use? Do they received the full three and three-quarters second feet that they are entitled to?
- A It is the same as any other ditch.
- Q Could you get them the full amount?
- A The Baltimore, yes. I would say it would run ten or fifteen or more short at times.
- Q Ten percent?
- A Yes.
- Q If they asked you to bring up to what they are entitled to would you do that?
- A Yes, if I had the water. They were very nice with me about it.
- Q You were always able to get them the water when they asked you?
- A No, not always. It wasn't there in 1943.
- Q Did you cut off the 1872 rights in 1943?
- A I don't think I did.
- Q If you had cut them you would have gotten it?
- A It is a question I can't answer because we didn't do it.
- Mr. Pearce - You left the old 1872 rights.
- A Yes, if I remember right.
- Q From your experience, do you feel that there would be an unnecessary loss of water by carrying it down the bed of Williams Creek by allowing this change of diversion?
- A There is only one way around that and that would be the experiment. Try it and see. The Baltimore is allowed thirty two hundredths evaporation,
- Q I believe that's all I have to ask him.

- WITNESS EXCUSED -

Mr. Stricklin - Have you got somebody else? Does anybody want to make an informal statement for the record? Mrs. Applegate, you started didn't you - didn't you have a statement you wanted to make?

Mrs. Applegate - I was satisfied with Mr. Wall's questioning. He has brought out as much as I could, or more.

Mr. Wall - Mr. Pearce has stated that he gets the water to them through the present ditch. The point of diversion, without measuring it at the head, there is great question as to whether or not it is going to bring damage to our users. It would have to be tried out to find out whether it would work or not. If he wants to pump it he could chop a hole in the flume and then pump it.

Mr. Chinnoek - As far as I can ascertain from the whole inquiry, it would be a distinct advantage to all the users to allow Mr. Richards to do exactly as he wants to do. I can't see how it hurts them.

Mr. Wall - Mr. Pearce brought out that there would be more loss.

Mr. Chinnoek - But you must consider your priorities. You would still lose. We have got to carry the whole creek and ditch as a whole and consider everyone and what you have to turn down. I can't understand how there could be much greater loss in the creek bed than there would be in this ditch. It is an ordinary dirt ditch.

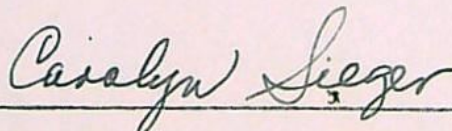
Mr. Stricklin - I think, Mr. Chinnoek, that it would be well if our office and the Watermaster would make a run out there and see.

Mr. Chinnoek - That was what I was going to request be done. We wish to be fair with everybody, and we want everybody to be fair with us. If Mr. Richards wants to help himself, we don't want to hurt anybody else.

Mr. Stricklin - If no one further desires an opportunity to be heard, the hearing will be considered as concluded, with the understanding that an effort will be made during the summer months to make a run or measurements to determine what the actual losses are. The matter will be held under abeyance until these measurements have been obtained.

- HEARING CLOSED -

CERTIFIED: A true transcript:



Court Reporter.

September 13, 1950

Mr. Fred Richards
Williams
Oregon

Dear Mr. Richards:

This will acknowledge receipt of your letter dated the 8th inst., in which you state you have recently talked to Mr. Tom Pearce and that he stated that he doubted that there would be any protests to your changing your point of diversion.

Please be advised that the records of this office show that your application for a change in point of diversion was filed in this office on April 2, 1947 and on May 20, 1947, there were filed in this office, objections to the approval of your application, signed by eight water users. A hearing was held in Grants Pass on July 10, 1947 and at the time of the hearing it was agreed that the matter would be taken into consideration pending the making of certain surveys and investigations. These have been continued for two years and it is my understanding that you have contemplated dropping your application.

If you intend to proceed with your application, it will be necessary to continue the hearing for the purpose of giving you the opportunity to submit your proof that the proposed change would not result in injury and, also, to give those who objected to the approval of your application, the opportunity to submit additional information as to why the change should not be made.

After the taking of the additional evidence, the State Engineer will enter an order from which either party can appeal to the Circuit Court. The only way that a continuation of the hearing can be avoided is for you and the objectors to enter into an agreement that will settle the matter or that the objectors withdraw their protests.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

CES:VC

September 29, 1950

Mr. Fred Richards
Williams
Oregon

Re: R-27

Dear Mr. Richards:

This will acknowledge receipt of your letter dated the 26th inst., stating that you would be glad to attend the hearing at any date it is convenient for the purpose of taking additional evidence relating to your application for a change in point of diversion of water.

A time will be arranged satisfactory to you and the other parties for this hearing. It is anticipated that a hearing will be held sometime in November or December on another matter, in that vicinity, and it may be possible to arrange to hold both hearings on the same date, thus saving time and expense.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

CES:VC

September 26, 1950

Mr. Charles E. Stricklin
State Engineer
State Office Building
Salem, Oregon

Re: File No. R-27

Dear Mr. Stricklin:

I will be glad to attend a hearing at any time that is convenient to you, if you wish to call one concerning the change of point of diversion on Williams Creek for my irrigation water.

Yours very truly,

Fred Richards

Fred Richards
Williams, Oregon

RECEIVED
SEP 29 1950
STATE ENGINEER
SALEM, OREGON

Willamette Oregon
Jan 11, 1951

Mr Charles E. Stricklin
State Engineer, Salem Oregon
Dear Mr Stricklin;

In your letter of Sept 29, 1950
you stated that it might be
possible to arrange a date in
Nov. or Dec. for the purpose of
taking additional evidence on
my application for a change in
diversion of irrigation water.

If you have made any later
arrangements will you please
advise me.

Very Truly Yours
Fred Richards

RECEIVED

JAN 12 1951

STATE ENGINEER
SALEM, OREGON

WILLIAMS CREEK

<u>Date</u>	<u>Ditch</u>	<u>Amt.</u> <u>c.f.s.</u>	<u>Remarks</u>
1878	Caldwell-Rose	0.24	Forks of Creek
1904	Dixon	0.65	Fich 0.41 Rowley 0.24
1913	Dixon-Sparlin-Lateral	2.75	Sparlin, John et al
1858	Baltimore	3.25	Division 1.62.1-2 for each side see W. Fork delivery
1891	Little William	1.85	Holzhauser supplemental
1908	Kennedy	0.16	Mansfield
1882	Struce & Hall	1.15	Loflin (69 (16 - Heinzman (53 Ac. D. H. Roundtree
1921	Struce & Hall	0.01	Mansfield
1875	Spencer	1.11	Lichens
1908	Spencer	0.38	"
1937	Spencer	0.32	"
1858	Watts & Topping	2.69	Old Rights
1872	" " "	0.40	Miller
1908	" " "	0.63	Watts et al
1920	" " "	0.30	Willson
1927	" " "	0.10	Watts
1869	Provolt	0.25	Johnson
1890	York & Breedan	0.97	Letteken et al
1922	Laurel Hill Ditch	0.50	Willson et al
	Total	17.66	
	Less Baltimore	3.25	
	Sub-total	14.41	

EAST FORK WILLIAMS CREEK

<u>Date</u>	<u>Ditch</u>	<u>Amt.</u> <u>c.f.s.</u>	<u>Remarks</u>
1860	Lower Layton	8.00	Mining Nov. 1 to Sept. 1 Weaver & Glade
1895	Brooks	0.25	Walter Brooks
1908	"	0.01	" "
1895	Johnson	0.20	D. C. Wilson
1908	"	0.17	" "
1915	East Side Ditch	1.77	Aug. 3 Sparlin et al.
1915	" " "	1.85	Sept. 10 Warner & Brooks
1915	" " "	0.44	Nov. 24, Rigel, Irvin & Rigel
1920	" " "	0.25	Morrison
1938	" " "	0.12.1-2	C. O. Brown
1872	Morrison	0.47	Morrison
1875	Spanish or Fidler	0.68	Patterson
1911	Davis	0.20	E. L. Davis
1915	"	0.45	"
1915	Davis	0.45	Haitl H. Davis
1915	Fischer	0.25	
1916	Warner	0.38	Nelson H. Warner
1918	Sullivan	0.08	
1920	E. F. Morrison	0.18	
	Total	16.00.1-2	
	Vencill Pump		No right (Vet.)

WEST FORK WILLIAMS CREEK

<u>Date</u>	<u>Ditch</u>	<u>Amt.</u> <u>c.f.s.</u>	<u>Remarks</u>
1908	Bryan	0.03	Mountain Ranch
1879	Stephens	0.94	Large
1890	Wertz	0.60	Miller
1908	"	0.19	"
1872	Bryan & Vinyard	1.30	Pierce - Terry - Wall
1900	Pfaff & Ford	0.40	Larimore - Miller
1880	Hoxie	1.60	Sullwan - Stevens
1920	Hoxie	1.00	Sullwan - Stevens
1858	Baltimore allowance for loss	3.25 0.32	Holzhauser et al., unless supplied otherwise
1900	Boat	0.67	
1875	Chapman	0.79	Blanchard to record
1908	"	0.37	
1908	Hartley	0.34	Amos Smith
1885	Hartley	0.46	
1915	"	0.15	
1920	Neil	0.18	
1921	Mooman	0.30	
	Total	12.89	

CLAPBOARD GULCH

<u>Date</u>	<u>Ditch</u>	<u>Amt.</u> <u>c.f.s.</u>	<u>Remarks</u>
1890	Philpot Ditch	0.16	Patterson
1904	Sargent Ditch	0.49	Knutsen
1886	Small	0.20	Stackpole, Morrison, E. F.
1908	Stackpole	0.17	Morrison
1884	Abbot	0.34	Teal
1880	Carthill	0.34	Mintner
1904	Sargent	0.08	Ackeney
1877	Deas	0.10	Boswick Teal
	Total	1.88	

GLADE FORK

<u>Date</u>	<u>Ditch</u>	<u>Amt.</u> <u>c.f.s.</u>	<u>Remarks</u>
1860	Layton	12.0	Mining
1889	Mill Ditch	0.18	Storch or Lemon
1915	McCune Hicks	2.25	
1915	McAllister	1.06	
1916	Griffith	0.20	
1917	Torrey	0.13	Springs
1918	Bostwick	0.20	
1937	Morrison	0.11	Sorrel
	Total	16.13	

LANE CREEK

<u>Date</u>	<u>Ditch</u>	<u>Amt.</u> <u>c.f.s.</u>	<u>Remarks</u>
1908	Hoxie	0.22	
1901	Carl	0.17	
1890	Hoxie (a)	0.14	
1901	Pence	0.40	
1908	Large	0.02	
1928	Elder	0.05	
	Total	1.00	

September 11, 1950

Mr. Fred Richards
Williams
Oregon

Dear Mr. Richards:

Your letter of September 8, 1950, relative to your proposed change in point of diversion of water from West Fork of Williams Creek will be referred to Mr. Stricklin for his personal attention upon his return to the office the latter part of this week.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:VC

August 25, 1950

Mr. Fred Richards
Williams
Oregon

Dear Mr. Richards:

This will acknowledge receipt of your letter dated the 23rd inst., in connection with your application for the approval of a change in point of diversion of water from Williams Creek.

You state that you believe you now have definite proof that by changing the point of diversion, injury will not result. In view of the fact that this was contested and action thereon was deferred for the purpose of obtaining additional information, it is my opinion that it is necessary to hold a hearing to take additional evidence in this matter before the State Engineer can act upon the same. This hearing will be held at a time convenient to you and the protestants.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

CES:VC

Grants Pass, Oregon
August 23, 1950

Mr. Charles E. Stricklin
State Engineer
504 State Office Building
Salem, Oregon

RECEIVED
AUG 25 1950
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stricklin:

In my letter of October 3, 1949, I requested that action be delayed for one year on the pending transfer of point of diversion from Williams Creek. I made this request because I thought it was only fair to test whether or not the change would prove successful, without injury to water rights farther up the creek. I have pumped from the new diversion point this whole season and it has proven very satisfactory. Also, it has not injured any other water rights.

I now wish to request that the transfer of point of diversion be made final.

Yours very truly,

Fred Richards

Fred Richards
Williams, Oregon

October 6, 1949

Mr. Fred Richards,
Williams, Oregon

Dear Mr. Richards:

Pursuant to your request of October 3 the matter of approval of your application for a change in point of diversion of water from West Fork of Williams Creek will be held in abeyance for one year ending October 1, 1950.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:BW

RECEIVED
OCT 4 1949
STATE ENGINEER
SALEM, OREGON

Grants Pass , Oregon
October 3, 1949

Mr. Charles E. Stricklin
State Engineer
504 State Office Building
Salem, Oregon

Dear Sir:

I am requesting that action be delayed on the pending transfer of point of diversion from Williams Creek. I am requesting this delay because I think it is only fair that we be given at least one year of pumping this water to see whether it is successful and also because I believe that water rights further up the creek might be injured by this transfer of diversion point.

Yours very truly,

Fred Richards
Fred Richards
Williams, Oregon

September 26, 1949

Mr. Fred W. Richards
Williams, Oregon

Dear Mr. Richards:

In regard to your pending transfer of point of diversion from Williams Creek which we discussed with Mr. Pearce earlier this month, if you wish to have action on the transfer delayed so that other methods of securing water for the irrigation of your lands can be tried, please make a request to the State Engineer in writing, giving reasons for wanting action delayed.

Very truly yours,

Chester A. Cummings
Assistant to State Engineer

CAC:sm

January 31, 1949

Mr. Fred W. Richards
Williams, Oregon

Dear Mr. Richards:

This is in further reference to your application for the approval of a change in point of diversion of water from West Fork of Williams Creek.

We do not have sufficient information available at this time which would permit the approval of your application. Additional measurements and investigations must be made during low water and at a time when the return flow is practically negligible to determine if the change would result in injury to existing rights.

These investigations will take considerable time and if you are no longer interested in the matter, the time and expense involved could be saved. Before adding this investigation on our agenda for the coming year, we would appreciate having you advise if you desire to continue the matter. Thank you.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:gk

October 21, 1948

Mr. H. H. Estes
Williams, Oregon

Dear Mr. Estes:

This will acknowledge receipt of your letter of October 9, 1948, advising that you would like to secure a permit to take water out of Williams Creek at the same point Mr. Fred Richards proposes to change his point of diversion.

The application of Mr. Richards to change his point of diversion has not been approved for the reason that reliable information is not available from which it may be determined if the approval of the application would result in injury to existing rights. These investigations are being continued with the hope that such a determination may be made during the next irrigation season. In view of these circumstances, you may not wish to proceed with an application until such time as the application of Mr. Richards has been acted upon. However, if you desire to go ahead and file an application to change your point of diversion, kindly advise and we shall send you the necessary forms for completion and execution.

Should you decide to file an application for the approval of a change in point of diversion at this time, and you and Mr. Richards desire to irrigate your lands by means of a pumping plant during the pendency of your applications for changes in points of diversion of water, it is suggested that you file an application for a permit to appropriate the waters of Williams Creek to be diverted by means of a pumping plant. Such permit when issued would be subject to existing rights. In the event your applications for changes in points of diversion of water were approved, the permit could then be cancelled; but, in the event the applications for changes in points of diversion were denied, then you could maintain and use your pumping plant when water is available under the terms of the permit to appropriate the waters of Williams Creek.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:rk
cc: Fred W. Richards
Williams, Oregon

Josephine County

Williams Ore,
Oct. 19, 1948

RECEIVED
Oct. 11, 1948

Mr. Chas. E. Stricklin.

Dear Sir,

I would like to get permission
to take my irrigation water
out of Williams Creek at the
same point Mr. Fred Richards
has made application for.

Our farms join and we have
been getting our water through
the Baltimore ditch, but the
ditch is so long and upkeep
so expensive that we would
like to pump the water from
the creek instead.

Mr Richards has been corre-
sponding with you about this
matter for some time so I think
you have his map which also would
answer for my application
we would like to get this approved
as soon as possible.

Yours truly

H. M. Estes
Fred. Richards.

September 2, 1948

Mr. Fred W. Richards
Williams, Oregon

Dear Mr. Richards:

Replying to your letter of August 29th, we will delay action on your application for the approval of a change in point of diversion of water from the West Fork of Williams Creek until October 30, 1948.

I note your statement to the effect that your neighbor may decide to change the point of diversion for the irrigation of a part of his lands. In such an event, it will be necessary for him to make application for the approval of such a change, as provided by Section 116-606, O.S.L.A., and can be approved only in the event that such change would not result in injury to existing rights.

This question has not been determined in connection with your application and no such determination will be attempted until we hear from you on or before October 30th.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MPR:sk

Aug 29, 1948
Williams, Ore

Chas E. Stricklin
State Engineer
Salem, Ore
Dear Sir.

RECEIVED
SEP 1 1948
STATE ENGINEER
SALEM, OREGON

I don't remember receiving Mr. Rogers' letter of June 23rd.

Please don't withdraw my application for the approval of a change in point of diversion of water from the West Fork of Williams Creek, as I'm waiting for my neighbor to decide if he wants to do this too. He would pump out of the same ditch as I if he wants to do this. He is going to decide definitely one way or the other this fall, and then I'll let you know.

Yours very truly,
Fred Richards

August 17, 1948

Mr. Fred Richards
Williams, Oregon

Dear Mr. Richards:

Not having received any reply to Mr. Rogers' letter of June 23rd, pertaining to your application for the approval of a change in point of diversion of water from the West Fork of Williams Creek, I presume you are no longer interested in the matter.

Unless we hear from you to the contrary on or before Sept. 1st, we shall consider your application as being withdrawn.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

CES:gt

June 23, 1948

Mr. Fred W. Richards
Williams, Oregon

Dear Mr. Richards:

In a communication with Mr. Pearce, water master of your district, we were advised that you desire to continue the use of the Baltimore ditch for the irrigation of your lands, and, therefor, will not wish to complete your application for the approval of a change in point of diversion of water, which application is now pending in this office.

If it is your desire to continue the use of the Baltimore ditch and not make the proposed change in point of diversion, you should execute the enclosed application for withdrawal and mail to this office.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:gt
Encl.

June 23, 1948

Mr. Tom R. Pierce
Water Master, District No. 16
Grants Pass, Oregon

Dear Mr. Pierce:

Thank you for your letter of June 22nd advising that Mr. Richards' daughter has informed you that "he is going to dig a well and keep the old ditch."

Following your suggestion, we are mailing Mr. Richards a withdrawal of his application, for signature.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:sk

WATER RESOURCES DEPARTMENT

TOM R. PEARCE, WATERMASTER
DISTRICT NO. 16
OREGON REGISTERED ENGINEER No. 838
CALIFORNIA LICENSED SURVEYOR No. 2301

STATE OF OREGON
OFFICE OF
WATER DISTRICT NO. 16
GRANTS PASS, OREGON
June 22, 1948

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

Mr. Charles E. Stricklin
Att. Max F. Rogers
State Engineer
Salem, Oregon

RECEIVED

JUN 23 1948
STATE ENGINEER
SALEM, OREGON

Dear Mr. Rogers:

In regards to your letter of June 16, 1948 pertaining to Mr. Fred Richards' application for change of point of diversion of the waters of the West Fork of Williams Creek. We have been advised by Mr. Richards that he does not want to make the change. His daughter phoned and said, "he is going to dig a well and keep the old ditch".

If you wish his signature I believe it would be advisable to send him a form ~~or~~ a letter of withdrawal whereby he could sign it. He is cutting hay and doesn't have time to call.

Yours very truly,

Tom R. Pearce

Watermaster District No. 16

TP/ns

June 16, 1948

Mr. Tom R. Pearce
Water Master, District No. 16
Grants Pass, Oregon

Dear Mr. Pearce:

On September 15, 1947 you forwarded us a note to you from Mr. Fred Richards relative to his pending application for a change in point of diversion of water from West Fork of Williams Creek, which note read as follows: "Tom on that water transfer wait a while on it I am going to have a hole dug and if I get plenty of water I wont want to transfer. Fred Richards"

It would be very much appreciated if you would contact Mr. Richards, if and when you are in the vicinity of his home, and determine whether or not he wishes to proceed with this transfer. If he wishes to withdraw his application he should write us a letter to that effect. On the other hand, if he desires to proceed we should be so advised in order that we can secure additional data this summer as to seepage losses.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By

Max F. Rogers, Assistant

MPR:gt

11 Tom on that water transfer
wait a while on it I am
going to have a hole dug and
if I get plenty of water I wont
want to transfer

Fred Richards 11

Grants Pass, Ore
Recd

Sept. 15 - 1947

Tom R. Pearce
Watermaster Dist No. 16

in connection with Fred Richards application
for change in point of diversion, Williams Creek
Baltimore ditch.

RECEIVED
SEP 19 1947
STATE ENGINEER
SALEM, OREGON

September 23, 1947

Mr. Tom R. Pearce
Watermaster District No. 16
Grants Pass, Oregon

Dear Mr. Pearce:

This will acknowledge receipt of your letter dated September 18, 1947, together with data relative to the application of Fred W. Richards for a change in point of diversion of water from the West Fork of Williams Creek.

Yours very truly,

CHAS. E. STRICKLON
State Engineer

By
Max F. Rogers, Assistant

MFR:lyr

WATER RESOURCES DEPARTMENT

TOM R. PEARCE, WATERMASTER
DISTRICT NO. 16
OREGON REGISTERED ENGINEER NO. 838
CALIFORNIA LICENSED SURVEYOR NO. 2301

STATE OF OREGON
OFFICE OF
WATER DISTRICT NO. 16
GRANTS PASS, OREGON

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

Sept. 18th, 1947

RECEIVED
SEP 19 1947
STATE ENGINEER
SALEM, OREGON

Mr. Chas. E. Stricklin,
State Engineer,
Salem, Oregon.

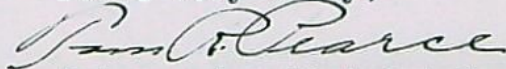
Dear Mr. Stricklin:

Enclosed is a note that was left in my office by Fred Richards. This is in connection with his application for a change in point of diversion.

Also enclosed is final gage readings at the stations we installed on Williams Creek for the purpose of determining losses.

The Fred W. Richards application for the approval of change in the point of diversion of water from the West Fork of Williams Creek was made Feb. 27th, 1947. Hearing was held in Grants Pass on June 3rd, 1947. The enclosed data is in connection with this application.

Yours very truly,



Watermaster District No. 16

account of _____ State Engineer _____ \$ _____

DESIRED	
CABLE	
ORDINARY	
URGENT	
RATE	
DEFERRED	
NIGHT LETTER	
NIGHT LETTER	

Patrons should check class of service desired; otherwise the message will be transmitted as a telegram or ordinary cablegram.

WESTERN UNION

1206

CHECK
ACCOUNTING INFORMATION
TIME FILED

JOSEPH L. EGAN
PRESIDENT

Send the following telegram, subject to the terms on back hereof, which are hereby agreed to

June 30, 1947

TOM PEARCE
WATERMASTER, DIST. NO. 16
GRANTS PASS, OREGON

WILL BE IN GRANTS PASS JULY 1, TO MEASURE WILLIAMS CREEK LOSSES.

CHESTER A. CUMMINGS

1:20 P.M.

Charge to the

CLASS OF SERVICE	
DOMESTIC	
TELEGRAM	
DAY LETTER	
SERIAL	

PEARCE, WATERMASTER
DISTRICT NO. 16
OREGON REGISTERED ENGINEER NO. 838
CALIFORNIA LICENSED SURVEYOR NO. 2301

WATER RESOURCES DEPARTMENT

STATE OF OREGON

OFFICE OF
WATER DISTRICT NO. 16
GRANTS PASS, OREGON

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

June 26th, 1947

Mr. Chas. E. Stricklin,
State Engineer,
Salem, Oregon.

RECEIVED
JUN 27 1947
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stricklin:

Williams Creek has receded to a point where I believe we could conduct some investigations as to stream losses. You remember, we proposed to do this in connection with the F. W. Richards application for change of diversion.

The stream is dropping fast and will probably have a dry creek bed, in places, after July 5th.

I will be ready to assist in the work, at any time.

Yours very truly,

Don R. Pearce

Watermaster District No. 16

June 5, 1947

Hon. Orval J. Millard
Judge Circuit Court
Josephine County
Grants Pass, Oregon

Dear Sir:

It is regretted that I was unable to see you and express to you personally my appreciation for the courtesy extended to me in the use of your chamber for the hearing on Tuesday, June 3, 1947, and for the able assistance of your secretary in reporting the proceedings, and this letter is for this purpose.

There is enclosed herewith a suggested form for her report.

With kindest personal regards, I remain

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

CES:lys
Encl.

W. J. LOOKER

ATTORNEY AT LAW
MEDFORD, OREGON

May 29, 1947.

Reference File T 27

Mr. Max F. Rogers,
Assistant State Engineer,
Office of the State Engineer,
Salem, Oregon.

RECEIVED
MAY 31 1947
STATE ENGINEER
SALEM OREGON

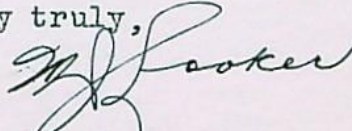
Dear Mr. Rogers:

This will acknowledge receipt of your letter of May 26th, received this morning, asking if it would be possible for me to report a water hearing at Grants Pass, Oregon, on Tuesday, June 3rd.

I will not be able to report this hearing.

I am not acquainted with anyone living at Grants Pass whom I could recommend to do this work for you.

Yours very truly,


W. J. Looker.

May 29, 1947

Mr. Fred W. Richards
Williams, Oregon

Dear Mr. Richards:

The hearing on your application for the approval of a change in point of diversion of water will be held on the date fixed in the published notice, namely: at 10:00 o'clock A.M., Tuesday, June 3, 1947, in the County Court House at Grants Pass, Oregon.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MPR:lys

May 29, 1947

Mr. D. L. Terry
Williams, Oregon

Dear Mr. Terry:

This will acknowledge receipt of your letter of May 28 submitting supplemental objections against the approval of the application of Fred W. Richards for a change in point of diversion of water, together with your check in the amount of \$2.00 protest fee. Official Receipt No. 3045 covering your remittance is enclosed.

Mr. Richards has requested that the hearing be held as set forth in the notice. The hearing, therefore, will be held at the County Court House at Grants Pass, Oregon, on June 3, 1947, beginning at 10:00 o'clock A. M.

It will be appreciated if you will advise the various objectors that the hearing will be held as noted above.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:lys
Encl.

STATE OF OREGON

CHAS. E. STRICKLIN, STATE ENGINEER
SECRETARY
STATE RECLAMATION COMMISSION
HYDROELECTRIC COMMISSION OF OREGON

OFFICE OF THE
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

ADDRESS ALL COMMUNICATIONS
CHAS. E. STRICKLIN, STATE ENGINEER
SALEM, OREGON
AND REFER TO
FILE NO. _____

May 22, 1947

Mr. D. L. Terry
Williams, Oregon

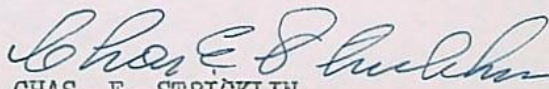
Dear Mr. Terry:

The protest signed by you and others dated May 20, 1947,
was received in this morning's mail.

We will consider this formal objection, if you will submit
to this office the \$2.00 statutory filing fee.

It is also suggested that you supplement this objection by
setting forth as to how the approving of the change in point of
diversion would result in injury to you or the other objectors.

Yours very truly,


CHAS. E. STRICKLIN
State Engineer

CES:lys

May 26, 1947

Mr. Ben W. Coutenant
County Clerk
Josephine County
Grants Pass, Oregon

Dear Mr. Coutenant:

We have a hearing scheduled for 10:00 o'clock A.M. on Tuesday, June 3, 1947, in connection with a proposed change in point of diversion of water.

Would it be possible to secure the use of a room in the court house for this purpose.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:lys

May 26, 1947

Mr. W. J. Looker
Court Reporter
Medford, Oregon

Dear Mr. Looker:

We have a hearing tentatively fixed for 10:00 o'clock A. M., Tuesday, June 3, 1947, at the County Court House at Grants Pass, Oregon, in connection with a proposed change in point of diversion of water. It would be appreciated if you would advise this office if it will be possible for you to report this hearing.

In the event you are unable to report the hearing, could you recommend someone living at Grants Pass?

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By

Max F. Rogers, Assistant

MFR:lys

May 26, 1947

Mr. James T. Chinnoek
Attorney at Law
First National Bank Bldg.
Grants Pass, Oregon

Dear Mr. Chinnoek;

Re: Application of Fred W. Richards for
change in point of diversion of water
from West Fork Williams Creek.

We received a letter this morning from Fred W. Richards in which he stated that it was his desire that the hearing upon the objections to his application for a change in point of diversion be held on June 3, 1947, as set forth in the notice.

Since he has requested this hearing to be held on this date and the objectors have not agreed to any change, it appears that it will be necessary for this office to hold a hearing on the date as set forth in the notice.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

CES:lys

RECEIVED

MAY 26 1947

STATE ENGINEER
SALEM, OREGON

FRED W. RICHARDS
WILLIAMS, OREGON

May 24, 1947

Chas. F. Stricklin,
State Office Bldg.
Salem, Oregon

Dear Sir:

It is my desire that the hearing, for the purpose of hearing objections to my changing the point of diversion of my 3.25 cubic ft. of water in the Baltimore ditch, go forward as per schedule, regardless of any advice to the contrary that you may receive to the contrary from James T. Chinrock.

Mr Chinrock may not be representing me at that time.

Very Sincerely Yours
Fred Richards

May 23, 1947

Mr. D. L. Terry
Williams, Oregon

Dear Mr. Terry:

We received a letter this morning from James T. Chinmook, Attorney at Law, Grants Pass, Oregon, who represents Fred W. Richards in his application for a change in point of diversion of water from West Fork Williams Creek, requesting that the time of the hearing set forth in the notice as June 3, 1947, be changed to a later date, which is suggested as about June 20.

If this change in date is agreeable to you and the other objectors, kindly advise.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

CES:lys

May 23, 1947

Mr. James T. Chinmook
Attorney at Law
First National Bank Bldg.
Grants Pass, Oregon

Dear Mr. Chinmook:

Re: Application of Fred W. Richards:

Replying to your letter dated May 21, 1947, in which you request that the time of hearing of objections to the approval of the application filed by Fred W. Richards for a change in point of diversion of water from West Fork Williams Creek be postponed from June 3, 1947 to about June 20, 1947.

If this is agreeable to the objectors, we would be glad to comply with your request. Enclosed herewith is a copy of a letter which has been written to Mr. Terry, who appears to be acting as sponsor for the objectors in this matter.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

CES:lys
Encl.

May 22, 1947

Mr. D. L. Terry
Williams, Oregon

Dear Mr. Terry:

The protest signed by you and others dated May 20, 1947,
was received in this morning's mail.

We will consider this formal objection, if you will submit
to this office the \$2.00 statutory filing fee.

It is also suggested that you supplement this objection by
setting forth as to how the approving of the change in point of
diversion would result in injury to you or the other objectors.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

CES:lys

LAW OFFICES OF JAMES T. CHINNOCK

FIRST NATIONAL BANK BUILDING

GRANTS PASS, OREGON

May 21, 1947.

Mr. Charles E. Stricklin
State Engineer,
Salem, Oregon.

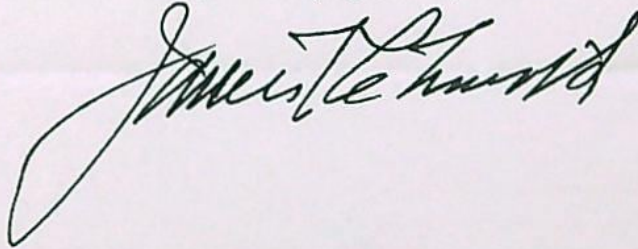
RECEIVED
MAY 22 1947
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stricklin: R 27

I enclose herewith a copy of notice of protest to the application of Fred W. Richards to change point of diversion on West Fork of Williams Creek.

The application states that a public hearing be held on June 3, 1947. On account of other matters pending I would prefer a later date, if possible, in June, say, about the 20th of June,

Very truly yours,



D. L. Terry
Williams, Oregon,
May 20, 1947.

James T. Chinnock,
1st Nat. Bank Building,
Grants Pass, Oregon.

Dear Sir:

This letter will advise you that the undersigned object to the granting a new point of diverting water from the west fork of Williams Creek as applied for by Fred W. Richards.

The undersigned desires that a public hearing be held June 3, 1947 for the purpose of presenting their objections and that the State Engineer at that time deny, and enjoin the applicant, Fred W. Richards from altering, diverting or in anywise changing the existing Baltimore ditch. The Baltimore ditch being a right adjudicated to Albert and C. O. Bigelow for the use of 3.25 cubic feet per second of the waters of Williams Creek.

D. L. Terry
C. L. Wall
Grace E. Haskin
W. W. Lange
Mrs. Elsie Miller
Evelyn Applegate
George F. Stevens
J. R. Stevens

April 30, 1917

Grants Pass Courier
Grants Pass, Oregon

Gentlemen:

Enclosed is our check No. 3697 in payment of your statement dated April 24 in the amount of \$11.60. Kindly receipt the enclosed statement and return.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:lys
Encl.

April 30, 1947

Mr. Fred W. Richards
Williams, Oregon

Dear Mr. Richards:

Publication of notice of your application for the approval of a change in point of diversion of water in the Grants Pass Courier cost \$11.60, leaving a balance of \$4.40 of your \$16.00 deposit which you made for this purpose. We are, therefore, enclosing our check No. 3698 representing the balance due you.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:lys
Encl.

305-307 South Sixth Street

Grants Pass Courier
PRINTERS AND PUBLISHERS
Grants Pass, Oregon

RECEIVED Telephone 390
APR 28 1947
STATE ENGINEER
SALEM OREGON

State of Oregon
Charles E. Stricklin, state engineer
Salem, Oregon

DATE April 24, 1947

Your account with us is as follows:

April 10, 1947 Publishing Notice of Filing Application
for Change in Point of Diversion of Water on
dates of April 10, 17 and 24, 1947

\$11.60

MAY 1 - 1947

By W. H. Jones

April 7, 1947

Grants Pass Daily Courier
Grants Pass, Oregon

Gentlemen:

Kindly publish the enclosed notice in the April 10, 17, and 24 issues of the Grants Pass Daily Courier. After completion of publication furnish us with an affidavit of publication, together with your statement covering such service.

If for any reason you are unable to publish the notice as requested, kindly notify this office immediately.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:lys
Encl.

April 7, 1947

Mr. James T. Chinnoek
Attorney at Law
Grants Pass, Oregon

Dear Mr. Chinnoek:

Notice in connection with the Fred W. Richards application for the approval of a change in point of diversion of water is being mailed to the Grants Pass Daily Courier for publication on April 10, 17, and 24, a copy of such notice being enclosed for your file.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By

Max F. Rogers, Assistant

MFR:lys
Encl.

April 2, 1947

Mr. Tom R. Pearce
Watermaster District No. 16
Grants Pass, Oregon

Dear Mr. Pearce:

This will acknowledge receipt of and thank you for your letter of March 31 setting forth the water rights involved in the Fred W. Richards application for the approval of a change in point of diversion of water.

We are going ahead with the publication of notice on this basis, which should at least bring the matter to a head, if anyone has any objections.

I certainly appreciate your cooperation in determining the water rights appurtenant to the areas owned by Mr. Richards.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:lys

WATER RESOURCES DEPARTMENT

TOM R. PEARCE, WATERMASTER
DISTRICT NO. 16
OREGON REGISTERED ENGINEER No. 838
CALIFORNIA LICENSED SURVEYOR No. 2301

STATE OF OREGON
OFFICE OF
WATER DISTRICT NO. 16
GRANTS PASS, OREGON

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

March 31st, 1947

RECEIVED

APR 2 1947

STATE ENGINEER
SALEM, OREGON

Mr. Chas. E. Stricklin,
State Engineer,
Mr. Max F. Rogers, Assistant,
Salem, Oregon.

Dear Mr. Rogers:

The area of the water rights involved in the
Fred W. Richards land is 30.9 acres, being

6.6 acres in SW 1/4 SW 1/4 Sec. 23
11.8 acres in SE 1/4 SW 1/4 Sec. 23

12.5 acres in NE 1/4 NW 1/4 Sec. 26

All in T. 38 S., R. 5 W. W.M.

The above figures are calculated. The State
Engineers' map of 1935 was used as a basis for the
calculation and the water users, under the Balti-
more ditch, have been rotating on this basis. The Decree
shows 19 acres in the NE 1/4 NW 1/4 Sec. 26, but
Mr. Richards can only irrigate 12.5 acres in that
unit, from the Baltimore ditch.

We have been delivering 3.25 sec./ft. to the
Baltimore ditch. If this transfer is allowed I
would consider that the Baltimore ditch has been re-
duced to 2.74 sec.ft. and Mr. Richards would be al-
lowed 0.51 sec.ft. for the irrigation of 30.9 acres.

Calculations subject to approval.

Yours very truly,

Tom R. Pearce

Watermaster District No. 16

March 29, 1947

Mr. Tom R. Pearce
Watermaster District No. 16
Grants Pass, Oregon

Dear Mr. Pearce:

This is in further reference to the application of Fred W. Richards for the approval of a change in point of diversion of water from Williams Creek.

As you will note from an examination of the enclosed application, a description of the lands and the number of acres having water rights is omitted from Item 5. The map accompanying the application shows the 195 acres allowed a water right in the name of Albert and C. O. Bigelow, and from this I assumed Mr. Richards owned all of these lands. It now develops that he owns only a part of the water rights awarded Albert and C. O. Bigelow. Consequently, it will be necessary that we have the information required under Item 5 of the application. Otherwise, we might change the point of diversion for lands enjoying the Bigelow water right, but which lands are not owned by Mr. Richards, and such owner, or owners, may not desire to change the point of diversion for the irrigation of their lands.

From the description of Mr. Richards lands, it would appear that he owns lands involving the following water right awarded to Albert and C. O. Bigelow:

10 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
20 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 23,
19 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 24,
Township 38 South, Range 5 West, W.M.

Sec. 26

The map would indicate that he probably owns the 19 acres having a water right in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, but may own only a part of the water right appurtenant to the 10 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 20 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 38 South, Range 5 West, W.M.

Mr. Tom Pearce

-2-

March 29, 1947

I know you are cognizant of the importance of having these transfers absolutely right. It is not only important from the standpoint of making these changes a matter of record, but is important to the watermaster in the distribution of water.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:lys
Encl.

WATER RESOURCES DEPARTMENT

TOM R. PEARCE, WATERMASTER
DISTRICT No. 16
OREGON REGISTERED ENGINEER No. 838
CALIFORNIA LICENSED SURVEYOR No. 2301

STATE OF OREGON
OFFICE OF
WATER DISTRICT NO. 16
GRANTS PASS, OREGON
March 27th, 1947

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

RECEIVED
MAR 28 1947
STATE ENGINEER
SALEM OREGON

Mr. Chas. E. Stricklin,
State Engineer,
Mr. Max F. Rogers, Assistant,
Salem, Oregon.

Dear Mr. Rogers:

Pursuant to your phone call, this afternoon,
I am sending you, enclosed, the description of
Richards land as found in Vol. 105, pages 535-536.

I reached the County Clerk's office too late
to get in on their batch of printing. They had dis-
mantled the photo-stat and did'nt intend to do any
more work until next Tuesday. The County Clerk said
he would have one of the girls type the description
for us, this afternoon.

When making the map, I advised Mr. Richards
that he should have his attorney copy the descrip-
tion and send it with the application. Later Atty.
Chinnock called at my office and I told him that
you would want the description.

I do not expect that Lewman or other water
users in the Baltimore ditch, successors to Bigelow,
will protest this transfer but it is probable that
you may receive protests from other rights. I think
it will be necessary to advertise.

The girl has brought in the description. Said
we should send them \$1.00. Stamps will probably be
O. K.

Yours very truly,

Tom R. Pearce.

Watermaster District No. 16.

March 1, 1947

Mr. James T. Chincock
Attorney at Law
First National Bank Bldg.
Grants Pass, Oregon

Dear Mr. Chincock:

This will acknowledge receipt of your letter of February 26 submitting application on behalf of Fred W. Richards for the approval of a change in point of diversion of water from the West Fork of Williams Creek, together with your check in the amount of \$10.00. Official Receipt No. 2586 covering your remittance is enclosed.

From an examination of the Rogue River Decree it is noted that the right awarded Albert and C. O. Bigelow included domestic and stock, as well as irrigation. Is it the applicant's wish to change the point of diversion for only the irrigation right, or should the stock and domestic use be included.

I note that the proposed point of diversion under Item 13 is described as being located 250 feet south and 200 feet north from the north quarter corner of Section 26. From an examination of the map accompanying the application, it would appear that the proposed point of diversion is located approximately 250 feet south and 200 feet west from the north quarter corner of Section 26. For your convenience in checking this matter the application is being returned.

Additional fees in the amount of \$11.00 should accompany the application, when re-submitted, computed as follows:

Examination	\$ 5.00
Deposit for publication of notice	16.00
Total	<u>\$21.00</u>
Amount paid	<u>\$10.00</u>
Amount due	<u>\$11.00</u>

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Max F. Rogers, Assistant

MFR:lys
Encl.

LAW OFFICES OF JAMES T. CHINNOCK

FIRST NATIONAL BANK BUILDING

GRANTS PASS, OREGON

February 26, 1947.

RECEIVED
FEB 27 1947
STATE ENGINEER
SALEM, OREGON

Mr. Charles E. Stricklin,
State Engineer,
Salem, Oregon.

Dear Mr. Stricklin:

I enclose herewith an application of Fred Richards for a change of point of diversion of waters now diverted by him through the Baltimore Ditch from the West fork of Williams Creek.

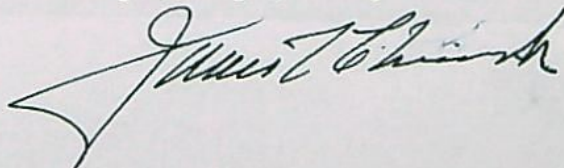
I enclose herewith check in the sum of \$10.00, on account of fees and costs.

I understand that you will publish the required notice of hearing.

I also enclose tracings and blue print to accompany this application, prepared by Tom Pearce, Water Master. This application is made to secure a more economical use of water, and a more practicable method of irrigation of the lands of the applicant, which were originally adjudicated unto C. O. and Albert Bigelow, in the Rogue River Decree.

Please advise me what further steps are required, and oblige

Very truly yours,



JTC/GAC.

STATE ENGINEER'S RECEIPT AND STATEMENT STATE OF OREGON

No 2686

RECEIVED FROM Fred W. Richards

Salem, Oregon, March 24, 1947
(check)

Postoffice address Williams, Oregon

The sum of - - Eleven and 00/100 - - - - - Dollars (\$11.00)

FUND	ON WHAT ACCOUNT	AMOUNT
State Engineer	Publication of Notice	11.00

Examination \$
Recording \$
Blue printing \$
Recording certificates . . \$
Transfer fee \$
Annual license fee . . . \$
Penalty \$
Filing fee \$
Investigation fee . . . \$
License fee \$
Miscellaneous fees . . . \$

Application No. R-27
Permit . . No.
Claim . . No.
Project . . No.

Copying \$
Certification \$
Miscellaneous recording . \$
Adjudication fee . . . \$
Proof and entry fee . . \$
Other fees note here with full statement
Publ. of Notice \$11.00

NOTE—State Engineer is also a member
of and secretary of the Hydroelectric Com-
mission of Oregon and secretary of the
State Reclamation Commission.

STATE PRINTING DEPT.

Received payment.

Chas E. Stricklin
jb
State Engineer