

1745

## STATUS OF APPLICATION

Change in pt. of div.  
 Date filed Jan. 16, 1958  
 Date returned for further data \_\_\_\_\_  
 Date application completed \_\_\_\_\_  
 Notice for publication mailed \_\_\_\_\_  
 Date notice published \_\_\_\_\_  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 4/7/58 Vol. 9, page 328  
 Date of application of water 10/1/59  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

## DESCRIPTION OF WATER RIGHT

Name of stream Williams Creek  
 Trib. of \_\_\_\_\_ County of Josephine  
 Use Suppl. Irr. Dom. & Stock  
 Quantity of water \_\_\_\_\_ No. of acres 111  
 Name of ditch Little Williams & Sparlin-Bigelow  
 Date of priority 1891  
 In name of \_\_\_\_\_  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, Page \_\_\_\_\_  
 App. No. \_\_\_\_\_ Per No. \_\_\_\_\_ Cert. No. 16306  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by MR

## FEES PAID

Date	Amount	Receipt No.
<u>1/17/58</u>	<u>15-</u>	<u>14720</u>
<u>1/28/58 Pub.</u>	<u>25-</u>	<u>14871</u>
Total . . . .		
	\$1 Cert. Fee	

## FEES REFUNDED

Date	Amount	Check No.
<u>2/25/58</u>	<u>6.73</u>	<u>7194</u>
	<u>18.27</u>	<u>7193</u>

ARCHIVE AFTER 1969

## REMARKS

4/58 Proof to W.M.  
5/58 Complete  
5/7/58 Report of George Shroeder, Watermaster  
indicates new point of div. constructed  
at appx. point as indicated in appt.  
Pending ~~7~~  
For map made by R.B. Meurer w/m see map on file F-45

An adj. right - new cert not  
 required

See also S-90 & R-27; 7-45; -7-51; C-119

See File F-51



# Memo

**Date:** October 22, 2010  
**To:** Transfer File R-55  
**From:** Kara Morris, Transfer Specialist

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Letters in R-55 file indicate the land identified in the transfer was incorrect and the proposed POD was not used. This transfer was not proved up on and is no longer active. Therefore, successive transfers are not a problem.



cert	twp	rng	AC	q40	q160	sec
16306-0R	38	S	5	W	32.0	NE SW 23
					30.0	NW SW 23
					10.0	SW SW 23
					20.0	SE SW 23
					19.0	NE NW 26

111.0

Transfer	twp	rng	AC	q40	q160	sec
R-55	38	S	5	W	32.0	NE SW 23
4/7/1958					30.0	NW SW 23
POD					10.0	SW SW 23
					20.0	SE SW 23
					19.0	NE NW 26

111.0

FROM 1900 ft S and 350 ft W from N1/4 Corner Section 26  
TO 750 ft S and 250 ft W from N1/4 Corner Section 26

Transfer	twp	rng	AC	q40	q160	sec
F-51	38	S	5	W	21.1	NW SE 23
3/18/1965					5.6	SW SE 23
POD/POU					19.7	SW SE 23
Newsome					5.8	NW NE 26
					15.9	NW SW 23
					16.9	NE SW 23
					1.8	SW SW 23
Ferrare					4.3	SE SW 23
					3.5	SW SW 23
					6.3	SE SW 23
Booth					10.1	NE NW 26

Modifies 16306  
Confirmed by 48364 (7/23/79)  
Booth and Ferrare

111.0

Transfer	twp	rng	AC	q40	q160	sec
48364						
7/23/1979						
	38	S	5	W	16.9	NE SW 23
					15.9	NW SW 23
					1.8	SW SW 23
Ferrare					4.3	SE SW 23
	38	S	5	W	3.5	SW SW 23
					6.3	SE SW 23
Booth					10.1	NE NW 26

58.8

Transfer	twp	rng	AC	q40	q160	sec
T-3196	38	S	5	W	24.0	SW SE 23
2/23/1977					8.0	NW NE 26
POD					3.5	NE NW 26
Emery						

Modifies 16306  
and F-51  
Confirmed by 47911 (4/30/79)

35.5

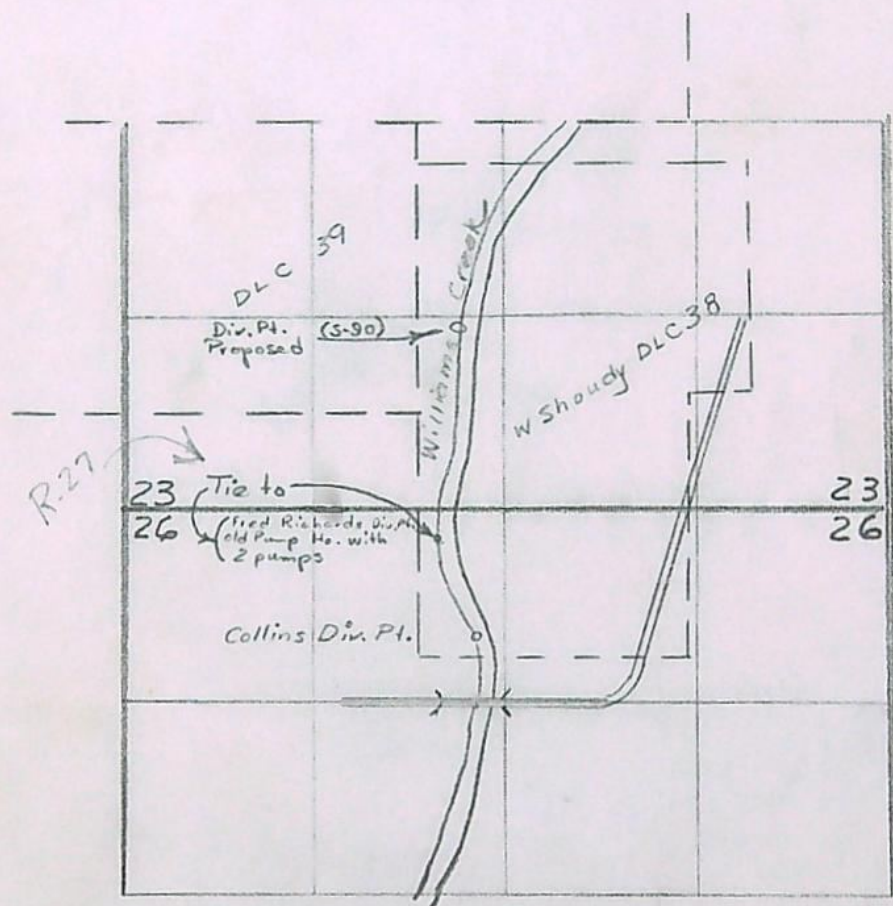
Transfer	twp	rng	AC	q40	q160	sec
47911	38	S	5	W	24.0	SW SE 23
4/30/1979					8.0	NW NE 26
					3.5	NE NW 26

35.5

Total 94.3



T.38 S. R.5 W. W.M.



Possible tied in wrong div. pt.  
 owner was not home - Surveyed in  
 Fred Richards div. pt. in Sec. 26 which  
 was an old pump house with 2 pumps  
 in it - Tie new survey on above  
 described div. pt. See 1959 D  
 M. Bish



Sp or V-9 P 328

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF FRED W. RICHARDS FOR THE APPRO- )  
VAL OF A CHANGE IN POINT OF DIVER- )  
SION OF WATER FROM WILLIAMS CREEK. )  
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ORDER

APPROVING APPLICATION

On January 16, 1958, Fred W. Richards of Williams, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Williams Creek pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, in the matter of the determination of the relative rights to the waters of Rogue River and its tributaries, a water right was established in the name of Albert and C. O. Bigelow for domestic and stock use and the supplemental irrigation of, among other lands, 32 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 30 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 10 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 20 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 23 and 19 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26, Township 38 South, Range 5 West, W. M., from Williams Creek with a date of priority of 1891. These lands are irrigated through the Little Williams and Sparlin-Bigelow ditch, the point of diversion of said ditch being located 1900 feet south and 350 feet west from the north quarter corner of Section 26, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 26, Township 38 South, Range 5 West, W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion for domestic and stock use and the supplemental irrigation of said lands to the Richards pump, the point of diversion of said pump to be located 750 feet south and 250 feet west from the north quarter corner of Section 26, and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said 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: at the county courthouse in Grants Pass, Oregon on April 3, 1958 beginning at 9:30 o'clock a.m. The notice was published in the Grants Pass Bulletin, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of February 6, 13 and 20, 1958. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. George Thrasher, watermaster of District No. 16, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Williams Creek, to-wit:

From a point located 1900 feet south and 350 feet west from the north quarter corner of Section 26, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 26, Township 38 South, Range 5 West, W. M.,

To a point to be located 750 feet south and 250 feet west from the north quarter corner of Section 26, and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 26, Township 38 South, Range 5 West, W. M.,

for domestic and stock use and the supplemental irrigation of 32 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 30 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 10 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 20 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 23, and 19 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 1891, be and the same is approved.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1959 or within such extension of time as may be granted by the State Engineer for good cause shown.



It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices:

That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Josephine County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon this 7th day of April 1958.

/s/ LEWIS A. STANLEY  
State Engineer



June 14, 1967

Mr. Robert Steiner  
Watermaster  
525 N.W. 5th Street  
Grants Pass, Oregon 97526

Dear Rob:

Mr. W. R. Newsome and Mr. Orville Lawson were in this office in connection with the water right confirmed by decree of the court in the name of Albert and C. O. Bigelow and George Sparlin, which is evidenced by the certificate recorded on page 16306, State Record of Water Right Certificates.

They felt that the supplemental right referred to in the certificate through the Little Williams Ditch was in addition to the 3.25 cubic feet per second that had been allowed through the Baltimore Ditch, with a priority of 1858.

They referred to a letter from Chas. E. Stricklin, former State Engineer, of August 22, 1950, which leaves some room for this interpretation. I have carefully checked the records in this matter and can find no legal basis for this interpretation. The decree is the governing factor, particularly the provisions of paragraph 79 which clearly states that where the lands are irrigated from more than one source, that the total and entire quantity of water to which said lands are entitled from all sources shall not exceed the maximum quantity to which said lands are entitled from any such source of supply.

Your attention is also called to Mr. Max F. Rogers letter of April 27, 1962 to you concerning this point.

It is my understanding that you have been regulating water in accordance with this instruction and I see no basis for changing.

I am enclosing extra copies of this letter in the event you wish to give them to Mr. Newsome and Mr. Lawson.

Sincerely,

CHRIS L. WHEELER  
State Engineer

CLW:ch

enclosures - 2



WATERMASTER DISTRICT NO. 14

525 NW 5TH STREET  
GRANTS PASS 97526  
TEL. 476-6828



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT

March 15, 1967

RECEIVED  
MAR 16 1967

WATER DISTRIBUTION  
HYDROGRAPHIC SURVEYS  
SNOW SURVEYS

STATE ENGINEER  
SALE OREGON  
REFER TO  
FILE NO. \_\_\_\_\_

Chris L. Wheeler  
State Engineer  
Salem, Oregon

*My call requested information as to  
records of Little Williams being regulated  
as a water user had claimed that they  
had never been off.*

Dear Chris:

After our phone conversation the other day I had Bill go back through the various diaries, notes, and scraps of paper we have to see if we could find any written remarks concerning the Little Williams ditch.

I am enclosing a copy of what we found hoping it might be of some interest to you.

I talked to George Thrasher concerning the Little Williams ditch and he remembers working with the ditch and Mr. Holzhauser when he owned the property which was sometime between 1957 and 1960.

Fred Nelsen, who was an assistant watermaster in 1962 and husband of our former secretary was forced to resign because of the rule against nepotism in the county but still lives in the area. I am sure that, if necessary, Mr. Nelsen would assist us in any way he could.

We have a more complete record on this in 1966 which I will be glad to send if it will be of any interest to you.

Very truly yours,

*Bob*

Robert B. Steimer  
Watermaster, District #14

RS:dc  
enclosure



EXTRACT FROM ASSISTANT WATERMASTER FIELD NOTES REGARDING LITTLE WILLIAMS DITCH FROM 1961 to 1965:

1961

Place - Blue Bond Book

<u>Date</u>	<u>Page</u>	<u>Remarks</u>
7-18-61		Little Wms. cut

1962

Place:  
Bound Black Book "Budget. Nelson & Bellamy. Mileage"

<u>Date</u>	<u>Page</u>	<u>Remarks</u>
8-1-62	22	Little Wms. - off & tagged.
8-7-62	26	Little Wms. Surplus
8-7-62	Loose page	Ditches cut back in Little Wms. 1891
8-15-62	28	Little Wms. adj.
9-4-62	Loose page	Little Wm. 1891

1963

Place - Pages from notebook

<u>Date</u>	<u>Remarks</u>
5 June 1963	To Little Williams Ditch
17 June 1963	1645 L. Williams 2 $\frac{1}{2}$ CFS Weir $\times$ Hg.
1 July 1963	(7) Little Williams Running Full head
8 August 1963	1440 Little Wms. 27/8" on 2" S Weir .24 = .78 cfs - .68
20 August 1963	(5) 1125 Little Wms. No water



21 August 1963

1420 Lt. Wms. Dry

29 August 1963

1635 Full Head in  
Little Williams

1964

No mention in Field Notes.

1965

2 August 1965

Little Williams Ditch  
Dry



## STATE OF OREGON

COUNTY OF JOSEPHINE

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That Albert and C. O. Bigelow, and George Sparlin,

of Williams, State of Oregon, has a right to the use of  
the waters of Williams Creek, a tributary of Applegate River

for the purpose of Irrigation of 195 acres, Domestic and Stock use in Tract No. 1,  
and Mining and Power, Nov. 1st to June 1st in Tract No. 2,  
and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Jackson County, and the said decree entered of record at Salem, in the Order Record of  
the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby  
confirmed dates from 1858;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed 3.25 cubic feet per  
second for Tract No. 1, and 10.00 cubic feet per second for Tract No. 2.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,  
if for other purposes, the place where such water is put to beneficial use), is as follows:

Tract No. 1

30 acres in NW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
36 acres in SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
32 acres in NE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
30 acres in NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
10 acres in SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
20 acres in SE  $\frac{1}{4}$  SW  $\frac{1}{4}$

## Section 23,

10 acres in NW  $\frac{1}{4}$  SW  $\frac{1}{4}$

## Section 24,

8 acres in NW  $\frac{1}{4}$  NE  $\frac{1}{4}$

19 acres in NE  $\frac{1}{4}$  NW  $\frac{1}{4}$

## Section 26,

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

Tract No. 2

Placer mines, in Section 26,  
T. 38 S., R. 5 W., W. M.

Power developed to operate  
8 stamp quartz mill in Section 23,  
T. 38 S., R. 5 W., W. M.

Note: 111 acres of the above described lands in Tract No. 1 have a right to the  
use of the waters of Williams Creek for the purpose of supplemental irrigation,  
Domestic and Stock use with a date of priority of 1891, which shall not exceed  
1.85 cubic feet per second under all priorities for said purposes, subject to  
the provisions of paragraph 79 of said decree.

*Chg. in pt. of div. for part  
Sp. Cr. Vol. 7, p. 355 & 12 p. 3*

Note: This Certificate also confirms a change in place of use of water in the name  
of R. F. and Daisy V. Lewman, approved by an order of the State Engineer dated  
August 23, 1943, pursuant to the provisions of Sec. 116-606, O.C.L.A., wherein  
the water right appurtenant to 10 acres in the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Sec. 23, T. 38 S.,  
R. 5 W., W. M., was transferred to 10 acres in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Sec. 24, said  
Township and Range.

*Chg. in pt. of div. for part  
Sp. Cr. Vol. 9, p. 227*

And said right shall be subject to all other conditions and limitations contained in said decree  
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

WITNESS the signature of the State Engineer at

this 30 day of September 19 43

CHAS. E. STICKLIN

State Engineer



March 3, 1961

Mr. Robert B. Steimer  
Watermaster, District No. 16  
Courthouse Annex  
Grants Pass, Oregon

Dear Mr. Steimer:

Re: Transfers No. R-27  
R-55  
S-90

Thank you for your letter of February 28, relative to the Fred Richards and Earl Smith transfers.

1951 Transfer

The April 26, 1951, order approving the application of Fred Richards was entered after a hearing on protests against the approval of this application. The proposed point of diversion for the irrigation of the 19.5 acres was to be located 250 feet S. and 200 ft. W. from the NE $\frac{1}{4}$  corner of Sec. 26, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 26, T. 38 S., R. 5 W., W.M. The map also indicated the point of diversion to be so located as well as the testimony taken at the hearing.

If he is now using a pumping plant, and it is located at a different point of diversion than the point of diversion of the Richards ditch, he has no authority to take water at the pump. The second paragraph of page 1 and the next to the last paragraph of the last page of the order should show the date of priority as 1858. If your copy indicates a priority of 1878, it should be changed accordingly.

1952 Transfer

The application of Earl Smith for a change from the



March 3, 1961

Baltimore ditch to a pumping plant to be located 1250 ft. N. and 400 ft. W. from the S $\frac{1}{4}$  corner of Sec. 23, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 23, T. 38 S., R. 5 W., W. M., conforms to both the applicant's application and the map prepared by Tom Pearce showing the location of the proposed point of diversion.

On October 24, 1952, Mr. Richards signed a notice on behalf of Mr. Smith that the change was made in accordance with the order. If the water is being diverted from any other point than the above, it is being done illegally. Since the distance between the proposed point of diversion and the point from which it is actually being pumped today is more than  $\frac{1}{4}$  mile, it appears that notice must be given if and when he files an application.

#### 1958 Transfer

The order approving Mr. Richards' application, entered April 7, 1958, describes the pumping plant to be located 750 ft. S. and 250 ft. W. from the N $\frac{1}{4}$  corner of Sec. 26, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 26, T. 38 S., R. 5 W., W. M. The map prepared by Tom Pearce and the application conform to the description of the proposed point of diversion as given in the order.

Since he is diverting water at a different point than the foregoing described point of diversion, it is being done illegally. Actually, I can see no value in this supplemental right. Normally, a supplemental right is from a different stream and is used to supplement a primary right when the water from that source is insufficient. Since both the primary and supplemental rights are now direct from Williams Creek, he cannot secure any additional water under the supplemental right.

The Rogue River decree provides that the quantity of water diverted from both primary and supplemental sources of supply shall not exceed the maximum quantity to which said lands are entitled from either source of supply. That is to say, where the lands irrigated are determined to have a right to a certain quantity of water from one stream or source of supply and are irrigated also from another stream or source, the total and entire quantity of water to which said lands are entitled from all sources shall not exceed the maximum quantity to which said lands are entitled from any such source of supply.



Robert B. Steimer

-2-

March 3, 1961

It appears to me that before you can deliver any water to Mr. Richards or the other people who have purchased a part of these lands, they must straighten up the record as to the location of their points of diversion. To save Mr. Richards some money in filing fees, We can treat all these changes as one application. However, a separate form should be used for each water right involved.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Max F. Rogers, Deputy

MFR:ks



W.R. Newsome

Orville Lawman

March 8, 1967

APPLICATION FOR WENT DRIFTING

STATE OF OREGON  
STATE ENGINEER



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

# STATE 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. \_\_\_\_\_

August 22, 1950

Mr. R. F. Lewman  
Provolet  
Oregon

Dear Mr. Lewman:

Replying further to your letter dated the 2nd inst., my interpretation of the court decree relative to the rights to the use of water of ~~Illinois~~ River which were allowed in the name of Albert and C. O. Bigelow, heirs at law of A. Bigelow, deceased, is for 3.25 cubic feet with a date of priority of 1898 for the irrigation of 195 acres and domestic and stock use through the Baltimore ditch.

It is my understanding that the area of lands that were actually irrigated is approximately 181 acres or about 14 acres less than that described in the decree.

In addition to this amount, there was allowed 1.85 second feet with a priority of 1891 for the irrigation of 111 acres. This right is a supplemental right for lands irrigated through the Baltimore ditch and situated under the Little Williams and Sparlin-Bigelow ditches.

In other words, when there is sufficient water, you would be *Williams Creek* entitled to divert 5.1 cubic feet per second of water from ~~Illinois~~ River. It is also my understanding that there is not sufficient water in ~~Illinois~~ *Williams Creek* to supply the 1891 right throughout the irrigation season. Therefore, when it becomes necessary in order to deliver water to rights with earlier date of priority, this right will be cut or reduced.

Very truly yours,

CHAS. E. STRICKLIN  
State Engineer

County of Josephine, } ss. No. \_\_\_\_\_  
I, Dan W. Conant, County Clerk and  
Official Recorder of County, do hereby certify  
that the within instrument was re-  
ceived for record at \_\_\_\_\_

Co. Clerk  
Deputy

R. F. Lewman  
Provolet, Ore.



# WATER RESOURCES DEPARTMENT

ADDRESS ALL COMMUNICATIONS TO

ROBERT B. STEIMER  
COURT HOUSE ANNEX  
GRANTS PASS, OREGON

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

WATERMASTER  
DISTRICT NO. 16

PHONE GR 6-4313

Nov. 13, 1963



Chris L. Wheeler,  
State Engineer,  
Salem, Oregon

Att: Max F. Rogers, Deputy

Dear Mr. Rogers:

*No Ferrare  
land not in  
R-27*

I am enclosing the map we discussed in our telephone conversation last week. The upper diversion F-45 (NE SW Sec 23) is in operation. S-90 so far as I am able to determine has never been used. R-27 has two pumps, one owned by Mr. Ferrare which has not been used since transfer F-45 was made. The other is owned by Mr. Booth. The actual diversion is a short distance from the point described in R-27. I feel that is near enough so as not to cause any trouble.

R-55 location is shown on the map as the point described in R-55. So far as I know, there has never been a pumping plant at this point. C-119 has not been involved thus far, however, I included it on the map to show the location of the 3 acres of 1858 water right.

I feel that R-55 is the transfer that we are having trouble with. It is not being diverted at the proper point, if at all. R-55 claims all of the 111 acres on the west side of the creek, while the decree calls for it on both sides thru both ditches. It is my understanding from the people on the east side of the creek that they have a right to this supplemental water and always have. According to R-55 they do not. Mr. Lewman has claimed that at the time of the adjudication proceedings this was meant to be 111 acres of water over and above the 195 acres of 1858. I have told him that according to the decree this is not correct.

*Decree is bible*

I would appreciate your suggestions as to how I should handle this matter. If I wait until water season and disallow water through the Little Williams ditch on the strength of transfer R-55, I am afraid it would cause considerable disturbance. On the other hand, should I enter into this matter on the strength of what I know of it and say that Mr. Richards in R-55 is wrong when I cannot prove it. It seems to me that something should be done before it is time to irrigate, and I am not sure just how to approach this matter.

Very truly yours,

*Robert B. Steimer*

Robert B. Steimer  
Watermaster, District #14

rbs.fan



# WATER RESOURCES DEPARTMENT

ADDRESS ALL COMMUNICATIONS TO

ROBERT B. STEIMER  
COURT HOUSE ANNEX  
GRANTS PASS, OREGON

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

WATERMASTER  
DISTRICT NO. 16

PHONE GR 6-4313

February 28, 1961

Lewis A. Stanley,  
State Engineer,  
Salem, Oregon

Att: Max F. Rogers, Deputy

RECEIVED  
MAR 1 1961  
STATE ENGINEER  
SALEM, OREGON

Dear Mr. Rogers:

I have been going over the Fred Richards and Earl Smith water rights and changes in points of diversion. As per our conversation I checked out the 1952 change of point of diversion. In doing so, I ran across a couple of other discrepancies.

The 1952 change (Earl Smith) calls for 1250 ft. north 400 ft. west from the south quarter corner of Section 23. It should be 250 ft. south and 200 ft. west of the north quarter corner of Section 26.

The change of point of diversion in 1958 by Fred Richards from the Little Williams and Sparling ditch for 111 acres of supplemental - it changed to a point 750 ft. south and 250 ft. west from the north quarter corner of Section 26. It should also be 250 ft. south and 200 ft. west of the north quarter corner of Section 26.

The April 1951 change of point of diversion by Fred Richards for 30.9 acres, priority date 1858 - this change "changed to a ditch" should be "to a pump". The date of priority in the order is incorrect. It shows the date of priority as 1878 - it should be 1858.

All of the water from Williams Creek that is used on this property is pumped. The property that was formerly Earl Smiths, Fred Richards bought. Mr. Richards then sold part of the place to a Mr. Booth and another part to Mr. Collins. Mr. Booth and Mr. Richards have pumps in the same pump house. Mr. Collins has a pump about 800 ft. south of the other two. Mr. Collins has only 3 acres of the 1858 water right. He has 25.6 acres under a 1913 water right, but it is of no interest to us in this matter.

Do you want me to try and straighten out all of this or just work out the 1952 change that you spoke of to me.

Very truly yours,

*Robert B. Steimer*

ROBERT B. STEIMER  
Watermaster, District #16

rbs.fan



Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Fred W. Richards  
(Name of applicant)  
of Williams, County of Josephine  
(Postoffice)  
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 Williams Creek  
(Name of stream)
2. The use to which the water is applied is Supplemental Irrigation, Domestic  
(Irrigation; Mining; Power; Manufacturing; etc.)
3. The name of the ditch, canal or pipe line is Little Williams and Sparlin-Bigelow
4. The point of diversion is located 1900 ft. S and 350 ft. W from the N 1/4  
(N. or S.) (E. or W.)  
corner of Section 26 being within the SE 1/4 NW 1/4  
(Section or subdivision)  
of Section 26 Tp. 38 S R. 5 W 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									32	30	10	20				
38	S. 5 W.	26					19											

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.  
191 32 30 10 20 10 30 36 (A-26: C. 16306)  
(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? yes  
(If not owner, explain your interest)
7. What is the priority date of your water right? 1891
8. Was your water right acquired by State Engineer's Permit? no If so, give number of permit



9. Do you hold a water right certificate? \_\_\_\_\_ If so, give number of certificate 16306 ✓  
(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 Rogue River Decree  
(Yes or No)

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

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 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

(Attach separate sheet if necessary)

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

13. The proposed point of diversion is located 750 ft. S and 250 ft. W from the N 1/4 corner of section 26 being within the NE 1/4 NW 1/4 of Section 26 Tp. 38 S R. 5 W W. M., in the county of Josephine The name of the ditch to be used is Richards Pump  
(N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)  
(Smallest legal subdivision)

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

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? yes (See attached sheet "Notice of No Protest") ✓

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.? no  
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Mortgage held by First Federal Savings & Loan Grants Pass, Ore		\$40,000.00

19. Reasons for the proposed changes are More economical for maintenance



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 15th day of January, 1958.

Fred W. Richards  
(Name of applicant)

Subscribed and sworn to before me this 15th day of January, 1958.

[Notarial Seal]

Margaret Green  
NOTARY PUBLIC FOR OREGON

My commission expires Feb. 27. 1961

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 .....

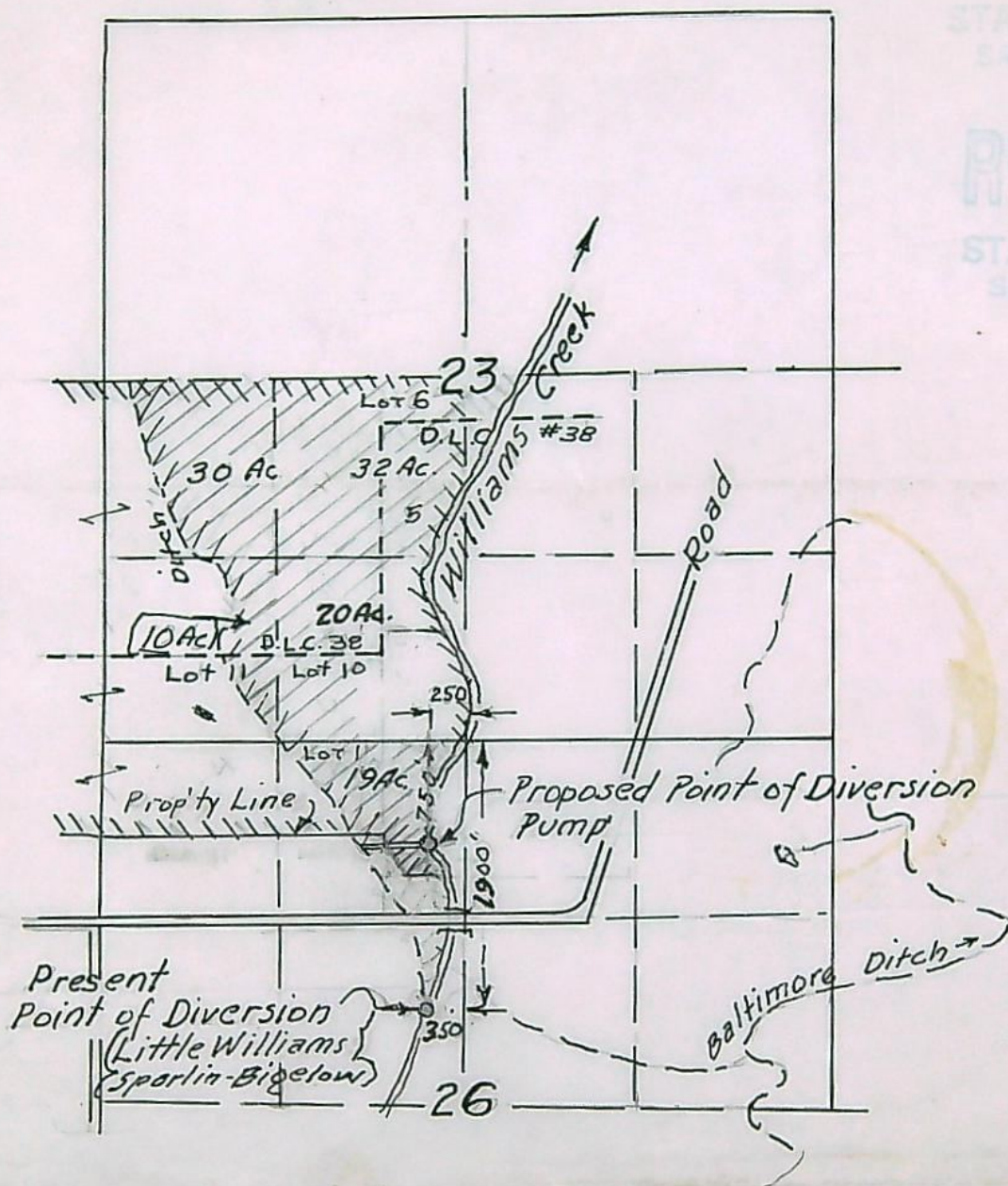
Receipt No. ....



T38 S., R5 W., W. M.

RECEIVED  
JAN 14 1958  
STATE ENGINEER  
SALEM, OREGON

RECEIVED  
JAN 23 1958  
STATE ENGINEER  
SALEM, OREGON



Application for Transfer of Water Right  
Fred W. Richards  
Josephine County, Oregon  
Scale, 4"=1 Mile  
Jan. 1958  
Tom R. Pearce Engr #838



~~Order~~  
Apr 26, 1951 Order (Fred Richards)

Par 2 The second paragraph page 1 is 1858  
Next to last " last page " "

This was  
protested and  
hearing held

App and map asked for a change from  
Bellmore ditch to the Richards Ditch  
If he is now using a pumping plant  
and it is located at a diff point than the  
pt 1 div of the Richards ditch he has no  
authority to take water from that point  
at the pump.



Panther Gulch

Upon name of owner of Jack Miller (Barry)  
land - Cert 16273 (Reg. adj) bring proceeding  
for cancellation -

---

A 4685 C. 5387

Upon receipt of info from upm that land is  
not in bring proceeding for cancellation

---



SECTION

TOWNSHIP \_\_\_\_\_, RANGE \_\_\_\_\_, W. M.

North

23

pt. of div.  
as described in  
application  
map

pt. of diversion as  
described in Mr. Steiner's  
letter of Feb. 28

26

South

West

East



Apr. 29, 1952 order ~~Fred~~ Earl E. Smith

From Baltimore ditch

To (Smith ditch) pumping plant

Pk. of div. (both map and app) described  
it as follows:

1256' N + 400' W from S  $\frac{1}{4}$  cor

of Sec. 23 and lying under SE  $\frac{1}{4}$  Sec. 23 T. 38 S R. 5 W.

over  $\frac{1}{4}$  mile { new app and  
out of notice

On Oct. 24, 1952 Fred Richards  
filed a notice on behalf of Earl Smith  
that the change was made in  
accordance with order

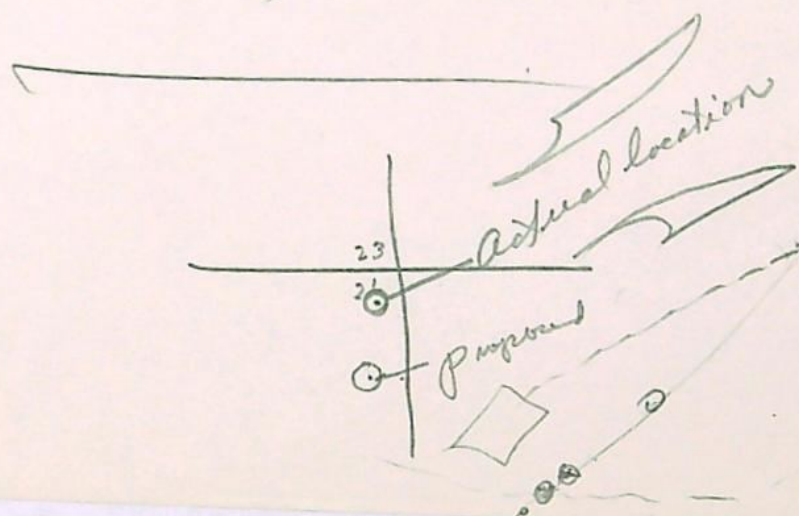


Apr. 7. 1958 (Richards)  
(Suppl right)

4

5

map and appl. both describe jumps  
is to be located 750' S and 250' W from  
N<sup>1</sup>/<sub>4</sub> cor. Sec. 26 (NENW) T. 38 S R. 5 W





# WATER RESOURCES DEPARTMENT

ADDRESS ALL COMMUNICATIONS TO  
GEORGE W. THRASHER  
COURT HOUSE  
GRANTS PASS, OREGON

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

WATERMASTER  
DISTRICT NO. 16

RECEIVED  
MAY 9 1958  
STATE ENGINEER  
SALEM, OREGON

May 7, 1958

Lewis A. Stanley  
State Engineer  
Salem, Oregon.

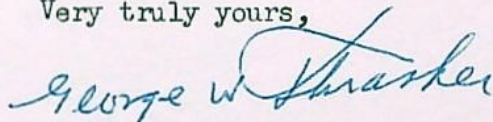
Re: Transfer No. R-55

Att: Max F. Rogers,  
Dep. Engineer

Dear Sir:


Referring to your letter of April 28th,  
regarding change of point of diversion of Fred W.  
Richards, wish to state that the new point of diversion  
is as shown on the map sent your office.

Very truly yours,



GEORGE W. THRASHER  
Watermaster, District #16

gwt.fan





April 9, 1958

Mr. Fred W. Richards  
Williams  
Oregon

Re: Transfer No. R-55

Dear Mr. Richards:

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

Also enclosed is notice of completion of construction which should be filled in and returned to the State Engineer when the new point of diversion has been put into operation. The time for completion as set forth in the order is October 1, 1959 and if the new point of diversion has not been constructed on or before that date, an application for extension of time should be filed.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Max F. Rogers, Deputy

VR  
Enc.  
cc - Mr. George Thrasher, Watermaster



April 28, 1958

Mr. George Thrasher  
Watermaster, District No. 16  
Courthouse Annex  
Grants Pass, Oregon

Re: Transfer No. R-55

Dear Mr. Thrasher:

Enclosed is a print of a map showing the location of the new point of diversion of Fred W. Richards involved in the above transfer which was approved by an order of the State Engineer dated April 7, 1958.

It would be appreciated if you would make an inspection of the lands involved when you are next in that vicinity to determine if the new point of diversion was constructed at the location shown on the map.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Max F. Rogers, Deputy

MFR:VR  
Enc.



RECEIVED  
APR 21 1958  
STATE ENGINEER  
SALEM, OREGON

NOTICE OF COMPLETION OF CONSTRUCTION

Transfer No. R-55

I, Jed Richards, hereby  
certify that the construction work has been completed and the change in  
point of diversion of water made as set forth in the order of the State  
Engineer dated 7th april, approving an application for a  
change in point of diversion of water from Williams Creek

april 18-1958  
(Date)

Jed Richards  
(Signature)



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

Notice is given hereby that Fred W. Richards has filed an application for the approval of a change in point of diversion of water from Williams Creek.

By decree of the circuit court of Jackson Co., Ore., entered April 26, 1919, in the matter of the determination of the relative rights to the waters of Rogue River and its tributaries, a water right was established in the name of Albert and C. O. Bigelow for domestic and stock use and the supplemental irrigation of, among other lands, 32 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 30 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 10 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 20 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 23, and 19 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 26, T. 38 S., R. 5 W., W.M., from Williams Creek with a date of priority of 1891. These lands are irrigated thru the Little Williams and Sparlin-Bigelow ditch, the point of diversion of said ditch being located 1900 ft. S. and 350 ft. W. from N $\frac{1}{4}$  corner of Sec. 26, and being within SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Sec. 26, T. 38 S., R. 5 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of the Richards pump, the point of diversion, of said pump to be located 750 ft. S. and 250 ft. W. from N $\frac{1}{4}$  corner of Sec. 26, and being within NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Sec. 26, T. 38 S., R. 5 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Ore., on April 3, 1958 beginning at 9:30 A.M. All objections to the proposed change, if any there are, will be heard at said time and place. Any objections shall be prepared in writing, one copy to be served on Fred Richards, Williams, Ore., and one copy filed with the State Engineer, Salem, Ore., together with a \$2 filing fee, at least ten days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Ore., this 29th day of Jan. 1958.

LEWIS A. STANLEY,  
State Engineer

2-6-13-20

**AFFIDAVIT OF PUBLICATION**

State of Oregon

County of Josephine

} ss.

I, Frances Walstrom, being

first duly sworn, depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the manager, printer or his foreman of THE GRANTS PASS BULLETIN, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at GRANTS PASS, in the aforesaid county and state; that the notice of filing application for change in point of diversion of water printed copy of which hereto annexed, was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues

(Here set forth dates of issues in which the same was published)

Feb. 6, 1958; Feb. 13, 1958; Feb. 20, 1958

Frances Walstrom

Subscribed and sworn to before me this 20th day of February, 1958

Lorna S. Halgren

Notary Public for Oregon.

(My Commission expires Feb 25, 1959).

RECEIVED  
FEB 24 1958  
STATE ENGINEER  
SALEM, OREGON



No. ....

In the..... Court of the

STATE OF OREGON  
for the  
COUNTY OF JOSEPHINE

## Affidavit of Publication

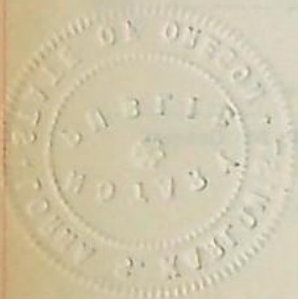
Filed ....., 19....

.....  
Clerk.

By .....  
Deputy.

.....  
From the Office of

.....  
Attorney for .....



100 does.

Herd composition studies continue in other parts of the state and should be completed this month. But from the reports received, there is little doubt that the herds are in better physical shape this winter than the winter of 1956. And hunters may recall the winter of 1956 also treated big game animals kindly.

Trout anglers can look forward to a ...



February 25, 1958

Mr. Tom R. Pearce, Engineer  
1818 N. E. "A" Street  
Grants Pass, Oregon

Re: Transfer No. R-55  
Fred W. Richards

Dear Mr. Pearce:

Publication of notice in connection with the above transfer amounted to \$18.27, leaving a balance of your \$25 deposit for that purpose of \$6.73. Our check No. 7194 in the amount of \$6.73 is being enclosed herewith as per your instructions regarding any refund from this \$25 deposit.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Max F. Rogers, Deputy

vr  
Enc.



February 25, 1958

The Grants Pass Bulletin  
Box 31  
Grants Pass, Oregon

Re: Transfer No. R-55

Gentlemen:

Enclosed is our check No. 7193 in the amount of \$18.27 in payment of your statement of February 20, 1958.

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

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Max F. Rogers, Deputy

VR  
Enc.



**RECEIPT**

Date

2-27 19 51

No.

**3221**

Received From

State Engineer

Address

Salem, Oregon

Eighteen and 2/3

Dollars \$18

For

Legal adv. Bureau of State

## ACCOUNT

## HOW PAID

AMT. OF  
ACCOUNT

18 27

CASH

CHECK

AMT. PAID

BALANCE  
DUE

0

MONEY  
ORDER

GRANTS PASS BULLETIN

By

F. Walstrom



## STATEMENT

Published Every Thursday

\$4.00 Per Year in Advance

*The* BULLETIN

"YOUR ROGUE VALLEY WEEKLY"

P. O. Box 31

2/20/58

Grants Pass, Oregon

State Engineer  
Water Resources Department  
Salem, Oregon

RECEIVED  
FEB 24 1958  
STATE ENGINEER  
SALEM, OREGON

## PRIOR UNPAID BALANCE

## ADVERTISING:

Re: Transfer No. *R-55*

Month		1st Issue	2nd Issue	3rd Issue	4th Issue	5th Issue	Total Inches
	Display						
	Class.						
	Direct.						

*OK  
UR*

## JOB PRINTING for Month of

Notice of Filing Application for a  
Legal adv.: Change in Point of Diversion of water  
Run in issues of Feb. 6, 13 and 20. 18.27

*Paid 2/27/58  
Hualstrome*

Total Amount Due \$ 18.27



February 4, 1958

Mr. George Thrasher  
Watermaster, District No.16  
County Courthouse  
Grants Pass, Oregon

Re: Transfer No. R-55

Dear Mr. Thrasher:

Thank you for your letter of February 3, relative to the application of Fred W. Richards for the approval of a change in point of diversion of water from Williams Creek.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Max F. Rogers, Deputy

MFR:VR



WATER RESOURCES DEPARTMENT

ADDRESS ALL COMMUNICATIONS TO  
GEORGE W. THRASHER  
COURT HOUSE  
GRANTS PASS, OREGON

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

WATERMASTER  
DISTRICT NO. 16

RECEIVED  
FEB 4 1958  
STATE ENGINEER  
SALEM, OREGON  
February 3, 1958

Lewis A. Stanley  
State Engineer  
Salem, Oregon

Re: Transfer No. R-55

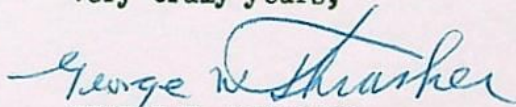
Att: Max F. Rogers,  
Deputy

Dear Sir:

I have your letter of January 29th regarding the change in point of diversion out of the Williams Creek on the Fred W. Richards ranch. I inspected this change and find that it will not interfere with any existing rights. It will be a great help and also a saving of water.

I would advise using #2 pumping plant.

Very truly yours,

  
GEORGE W. THRASHER  
Watermaster, District #16

gwt.fan



January 29, 1958

Mr. George Thrasher  
Watermaster, District No. 16  
County Courthouse  
Grants Pass, Oregon

Re: Transfer No. R-55

Dear Mr. Thrasher:

Enclosed is a copy of notice being mailed today for publication in the February 6, 13 and 20 issues of the Grants Pass Bulletin.

It would be appreciated if you would advise if in your opinion this proposed change in point of diversion of water may be made without injury to existing rights and which provision relative to pumping plants should be incorporated into the order.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Max F. Rogers, Deputy

vr  
Enc.



January 29, 1958

Grants Pass Bulletin  
Grants Pass  
Oregon

Re: Transfer No. R-55

Gentlemen:

Enclosed is notice for publication in the February 6, 13 and 20, 1958 issues of the Grants Pass Bulletin.

After publication please furnish this office with an affidavit of publication together with your statement covering the cost of such service.

If for any reason you are unable to publish the notice on the dates specified above, please return it to this office.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Max F. Rogers, Deputy

VR  
Enc.  
cc - Mr. Tom R. Pearce

*Rec 14871*



Grants Pass, Oregon,  
January 27, 1958

Mr. Lewis A. Stanley,  
State Engineer,  
Water Resources Department,  
Salem, Oregon.

RECEIVED  
JAN 29 1958  
STATE ENGINEER  
SALEM, OREGON

Attention: Mr. Max F. Rogers, Deputy.

Re: Transfer #R-55

*Mr. Stanley*  
Dear Sir:

Enclosed herewith is my check for \$25.00 to cover the cost of publication of notice for change in point of diversion in the name of Fred W. Richards. Mr. Richards prefers that the advertisement be placed in the Grants Pass Bulletin.

I have corrected my tracing to conform with the records that you gave me wherein the point of diversion of Little Williams and Sparlin-Bigelow Ditch is located 1900 feet south and 350 feet west from the north quarter corner of Section 26.

Enclosed also is return of application form and map.

Yours very truly

*Tom R. Pearce*

Tom R. Pearce,  
Engineer,  
1818 N. E. "A",  
Grants Pass, Oregon.

TRP:mf  
Encs.

*P.S. Please return difference  
in cost of adv. (if any) to me  
Tom*



January 22, 1958

Mr. Tom R. Pearce, Engineer  
1818 N. E. A Street  
Grants Pass, Oregon

Re: Transfer No. R-55

Dear Mr. Pearce:

I have your letter of January 14 transmitting application on behalf of Fred W. Richards for the approval of a change in point of diversion of water from Williams Creek together with map showing the location of the present and proposed points of diversion and check in the amount of \$15 for which our receipt No. 14720 is enclosed.

From an examination of our maps made in connection with the inchoate water right survey of Rogue River and its tributaries, it appears that the point of diversion of the Little Williams and Sparlin-Bigelow ditch is located approximately 1900 feet south and 350 feet west from the north quarter corner of Section 26, whereas your map and the information under Item 4 of the application indicate the point of diversion is 2000 feet south and 250 feet west from said north quarter corner. It is quite possible that your map being made from a recent survey, is correct as the channel may have changed since Mr. Humphrey's survey. For your convenience in checking the matter, the application and map are being returned herewith.

ORS 540.520 states that in applications for only a change in place of use or for a change in point of diversion of less than one-fourth mile and where there are no intervening diversions between the old diversion of the applicant and his proposed new diversion, no notice need be published. I realize that the distance between the proposed and present points of diversion is less than one-fourth mile and that the owner of the only intervening diversion has consented



Mr. Tom R. Pearce, Engineer

-2-

January 22, 1958

to such change; nevertheless the statute as quoted above, is quite plain and we do not have any authority to deviate therefrom. It will be necessary to make a \$25 deposit for publication of notice. In this connection kindly advise the name of the newspaper in which you desire the notice to be published.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Max F. Rogers, Deputy

MFR:VR  
Enc.



RECEIVED

Grants Pass, Ore., Jan 26 1958

NOTICE OF NO PROTEST

This is to certify that I, George H. Collins, holder of Permit No. (E) 188 Certificate No. 7059 for appropriation of water from Williams Creek, have been notified that Fred Richards is making application for transfer of change of point of diversion of water from Williams Creek from a point in the southeast quarter of the northwest quarter of section 26 in Township 38 South, Range 5 West, W.M., to a point in the northeast quarter of the northwest quarter of said section 26; said change being less than one quarter mile in distance.

I have an intervening right, which is a change in point of diversion by State Engineer Order of April 28th, 1952 being located between the above stated points of diversion. I have no objection to the transfer, as proposed by Fred Richards, being made.

Signed

George H. Collins



STATE OF OREGON        )  
                              ) ss.  
County of Josephine    )

BE IT REMEMBERED, That on this 13th day of January, 1958, before me, the undersigned, a Notary Public in and for said county and state, personally appeared the within named Goerge H. Collins, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Maynard Green  
Notary Public for Oregon  
My Commission expires Feb. 27, 1961



TOM R. PEARCE  
ENGINEER

OFFICE 807 N.E. 6TH STREET • MAILING ADDRESS: 1818 N. E. A ST.  
GRANTS PASS, OREGON

January 14th, 1958

Mr Lewis A. Stanley  
State Engineer  
Salem, Oregon

RECEIVED  
JAN 16 1958  
STATE ENGINEER  
SALEM, OREGON

Dear Mr. Stanley:

Enclosed please find Application for Transfer  
of Water Right in the name of Fred W. Richards.

Also enclosed is my check for \$15.00 for  
filing fees.

Yours very truly,

*Tom R. Pearce*

Tom R. Pearce, Engineer

P. S. We are hoping that it will not be necessary to  
advertise this change in point of diversion, for the  
reason that the change is less than 1/4 mile in distance  
and there is only one intervening right. The enclosed  
statement of "Notice of No Protest" is from the owner  
of property who holds the intervening right.



May

Do you agree  
with Item 8 ?

LyB

8-30-2

25 21A

110 11A

110



~~W 1/2~~

NE SW  
SE SW

3 - 39-5

120411



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

Notice is given hereby that Fred W. Richards has filed an application for the approval of a change in point of diversion of water from Williams Creek.

By decree of the circuit court of Jackson Co., Ore., entered April 26, 1919, in the matter of the determination of the relative rights to the waters of Rogue River and its tributaries, a water right was established in the name of Albert and C. O. Bigelow for domestic and stock use and the supplemental irrigation of, among other lands, 32 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 30 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 10 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 20 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 23, and 19 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 26, T. 38 S., R. 5 W., W.M., from Williams Creek with a date of priority of 1891. These lands are irrigated thru the Little Williams and Sparlin-Bigelow ditch, the point of diversion of said ditch being located 1900 ft. S. and 350 ft. W. from N $\frac{1}{4}$  corner of Sec. 26, and being within SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Sec. 26, T. 38 S., R. 5 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of the Richards pump, the point of diversion of said pump to be located 750 ft. S. and 250 ft. W. from N $\frac{1}{4}$  corner of Sec. 26, and being within NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Sec. 26, T. 38 S., R. 5 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Ore., on April 3, 1958 beginning at 9:30 A.M. All objections to the proposed change, if any there are, will be heard at said time and place. Any objections shall be prepared in writing, one copy to be served on Fred W. Richards, Williams, Ore., and one copy filed with the State Engineer, Salem, Ore., together with a \$2 filing fee, at least ten days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Ore., this 29th day of Jan. 1958.

LEWIS A. STANLEY, State Engineer



✓ 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  $50^{\circ}$  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 Volume 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.

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JAN 16 1953  
STATE ENGINEER  
SALEM, OREGON



Description-Volume 148, Page 70 Deed Records Josephine County

The James L. Kent Donation Land Claim No. 39 in Sections Twenty-two (22) and Twenty-three (23) in Township Thirty-Eight (38) South of Range Five (5) West of the Willamette Meridian, Oregon, containing One Hundred Sixty-one and Eighty-four Hundredths (161.84) acres; less and excepting a parcel of land described as follows, to-wit:

Beginning at the Northwest corner of said Donation Land Claim No. 39 and running thence East Five (5) chains; thence South Nine and Fifty Hundredths (9.50) chains; thence West Five (5) chains; thence North Nine and Fifty Hundredths (9.50) chains to the place of beginning, containing Four and Seventy-five hundredths (4.75) acres, more or less;

Also, beginning at the Northwest corner of Donation Land Claim of Wm. H. Shoudy, No. 38, in Sections Twenty-three (23) and Twenty-six (26) in Township Thirty-eight (38) South, Range Five (5) West of the Willamette Meridian, and running thence South Twenty-five and Thirty Hundredths (25.30) chains, more or less, to the North line of a tract of land now owned by Emery Butts; thence East Three Hundred Eighty-five (385) feet to the center of Williams Creek; thence Northerly along the center line of said Creek to the South line of a tract of land owned by Daisy V. Lewman and Richard F. Lewman; thence Westerly along the South line of said Lewman tract to the West bank of Williams Creek; thence Northerly along the Westerly bank of said Creek to the North line of the Wm. H. Shoudy Donation Land Claim No. 38; thence West to the Northwest corner of said Donation Land Claim and place of beginning;

Also, the East Half of the Southwest Quarter ( $E\frac{1}{2}SW\frac{1}{4}$ ) and the Northwest Quarter of the Southwest Quarter ( $NW\frac{1}{4}SW\frac{1}{4}$ ) and Lot Four (4), all in Section Twenty-two (22), and a parcel of land out of Lot Five (5) in said Section Twenty-two (22), described as follows:

Beginning at the Northeast corner of said Lot Five (5) and running thence West Ten (10) rods; thence South Forty (40) rods; thence East Ten (10) rods; thence North Forty (40) rods to the place of beginning, containing two and five-tenths (2.5) acres;

Also, Lot Six (6) in Section 23, and containing three and fifty-nine hundredths (3.59) acres, more or less;

All of the above described premises being in Township Thirty-eight (38) South, Range Five (5) West of the Willamette Meridian, Oregon.

Less and excepting all established rights of way for roads;

Together with all water and water rights, ditch and ditch rights thereunto appurtenant, and subject to easements for ditches.