

590 Earl E. Smith
Box 1156
Eloy Arizona

S-90,905

STATUS OF APPLICATION

Change in point of div
Date filed Feb 5, 1952
Date returned for further data
Date application completed
Notice for publication mailed
Date notice published
Date of hearing
Place of hearing
Date of order April 29, 1952 Vol. 7, page 355
Date for application of water 10-1-52
Proof mailed
Proof received
Certificate issued APR 30 1979 Vol. 41, page 47908

DESCRIPTION OF WATER RIGHT

Name of stream Williams Creek
Trib. of _____ County of Josephine
Use Irr. Dom and Stock
Quantity of water _____ No. of acres 73.6
Name of ditch Baltimore
Date of priority 1858
In name of Albert W. C.O. Bigelow and George Spartian
Rogue Adjudication, Vol. 4, page 26
App. No. _____ Per. No. _____ Cert. No. 16306
Certificate cancelled
Notation made on record by R VC

FEES PAID

Date	Amount	Receipt No.
<u>2/5/52</u>	<u>15.00</u>	<u>14018</u>
<u>2/15/52</u>	<u>6.60</u> Publ of	<u>"</u>
<u>6/14/52</u>	<u>13.40</u> Notice	<u>14047</u>
<u>6/14/52</u>	<u>1.17</u> "	<u>14802</u>
Total		
	\$1 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Notice of expiration of time mailed 11/22/52

10/28/52 Notice of completion of construction filed

2/57 Prof & Survey in

Pk of diversion changed & See Transfer
for all ltr land involved } F-45
herein.

Completed as shown on map made by R.B. Steiner wfm - see File F-45

See File F-51

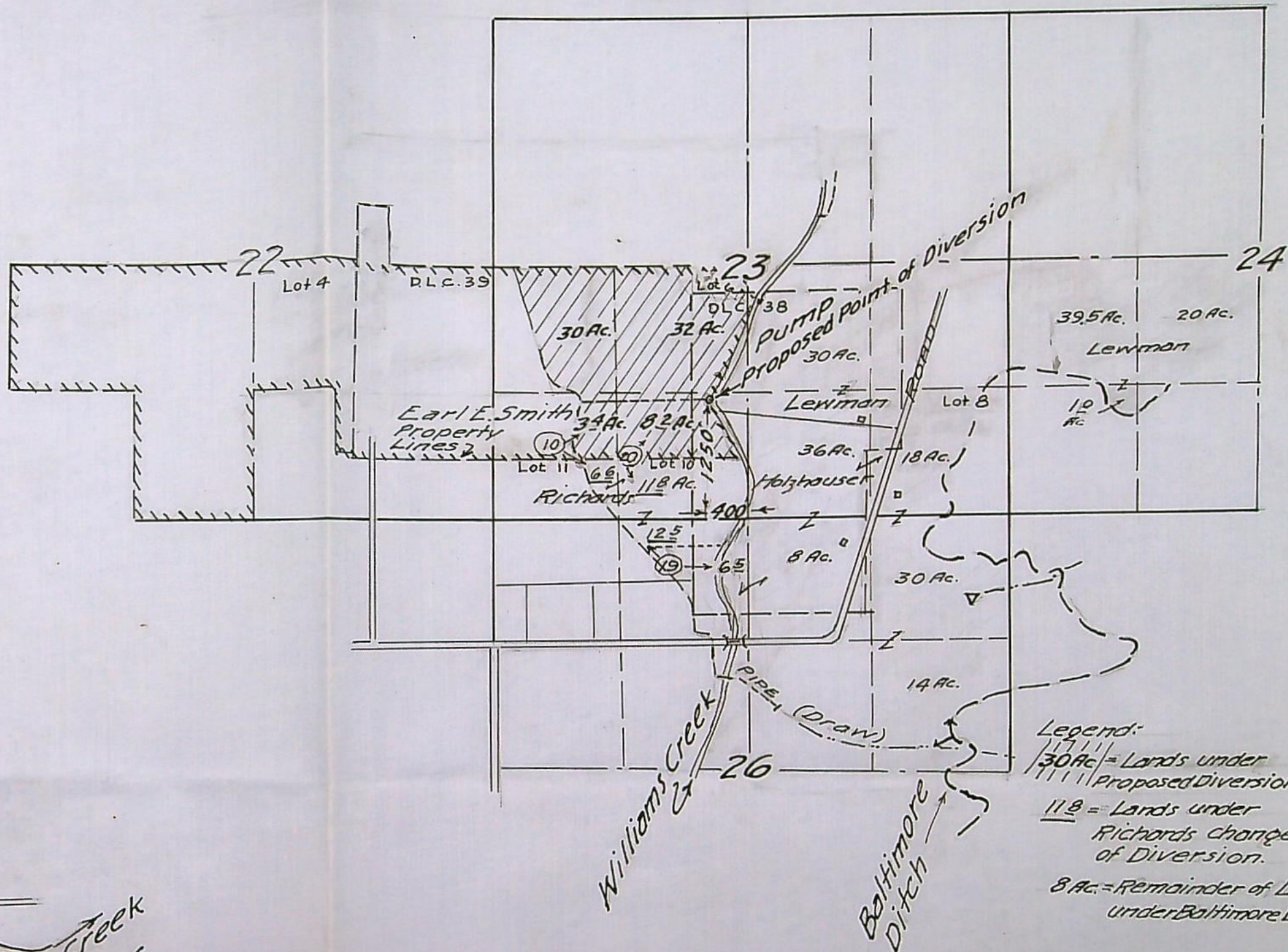
ARCHIVE AFTER 1989

See also R27 and R-55 (comes in latter) + F-45 - F51
For map see F-45; S-90; C-119; F44

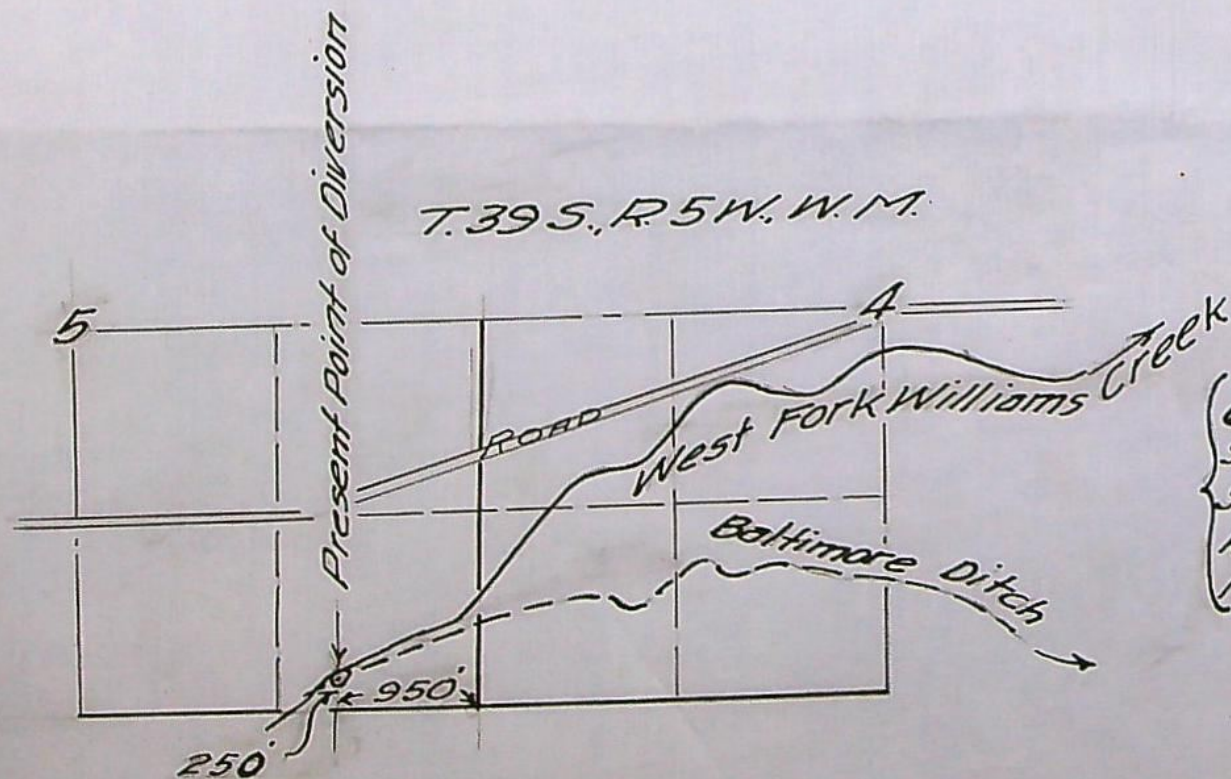
See - Sp or V-7 p355 for
this Transfer

660

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



T. 39 S., R. 5 W., W. M.



6 Miles to Outlet
see Adjudication
Survey Map of
Rogue River and
its Tributaries.

Application for Transfer of Water Right
Earl E. Smith
Josephine County, Oregon
Scale 4" = 1 Mile. Jan. 1952
Tom R. Pearce, Engr. #838

RECEIVED
FEB 5 1952
STATE ENGINEER
SALEM, OREGON

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION
OF EARL E. SMITH FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION
OF WATER FROM WILLIAMS CREEK.

ORDER

APPROVING APPLICATION

On February 5, 1952, Earl E. Smith of Box 1156, Eloy, Arizona,

filed an application for a change in point of diversion of water from Williams Creek, pursuant to the provisions of Section 116-606, O. C. L. A.

By decree of the Circuit Court for Jackson County, entered April 26,

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, Township 38 South, Range 5 West, W. M., with a date of priority of 1858. These lands are irrigated through

the Baltimore ditch, the point of diversion of said ditch being located 250 feet north and 950 feet west from the southeast corner of Section 5, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 5, Township 39 South, Range 5 West, W. M.

The applicant herein, owner of 73.6 acres of the land above described, to-wit: 32 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 30 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.4 acres in

SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 8.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 38 South, Range 5

West, W. M., proposes to change the present point of diversion downstream

to a point to be located 1250 feet north and 400 feet west from the south

quarter corner of Section 23, and being within the $SE\frac{1}{4}$ $SW\frac{1}{4}$, said Section 23.

Township 38 South, Range 5 West, W. M.

Notice by publication as required by Section 116-606, O. C. L. A., was given in the Grants Pass Bulletin, a newspaper printed and having general circulation in Josephine County, for a period of three weeks, being the issues of February 28 and March 6 and 13, 1952. The date fixed for hearing distance from the stream to permit the construction in the notice, namely: April 23, 1952, was not less than thirty days after stream to the pump sump and to install a weir or the last publication of said notice. giving the water to which the applicant is entitled.

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

From a point located 250 feet north and 950 feet west from the southeast corner of Section 5, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 5, Township 39 South, Range 5 West, W. M.,

To a point to be located 1250 feet north and 400 feet west from the south quarter corner of Section 23, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 23, Township 38 South, Range 5 West, W. M.,

for the irrigation of 32 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 30 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.4 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 8.2 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 38 South, Range 5 West, W. M., with a date of priority of 1858, be and the same hereby 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, 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

Marion County

IN THE MATTER OF THE CANCELLATION
OF CERTAIN RIGHTS OF WATER

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 be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled.

That the location of the pumping plant and channel to convey the water to the pump and the plans of the headgate and weir or measuring device be approved, before the beginning of construction work, by the watermaster of Josephine County, Oregon, and that the headgate, weir or measuring device be constructed under the general supervision of said watermaster.

Dated at Salem, Oregon this 29th day of April, 1952.

Noted on Decree
Vol. 4, p. 26, col. 2
Cert. 16306
File # S-90

CHAS. E. STRICKLIN
State Engineer

NAME	APPLICATION NUMBER	PRIORITY NUMBER
Harry A. and Bessie M. Cox	1-13	1-412
Isakson Christensen	1-14	1-413
Harold P. and Leona C. Lindell	1-15	1-414
Tom Myers	1-16	1-415
Howard W. Anderson	1-17	1-416
G. E. Cooks Estate	1-18	1-417
E. B. Suits	1-19	1-418
Theodore A. Stoll	1-20	1-419
California-Oregon Mining and Development Co.	1-21	1-420
M. G. Marshall and L. M. Hatcher	1-22	1-421
Arthur Pickens	1-23	1-422
W. H. M. Lewis	1-24	1-423
Brothers	1-25	1-424
Oregon State Irrigation District & Improvement Co.	1-26	1-425
A. E. Gorman	1-27	1-426
Wesley P. Cox	1-28	1-427
Little Flower Station	1-29	1-428
Harry Earl	1-30	1-429
Wade H. H. Hatcher	1-31	1-430
Edith L. Smith	1-32	1-431
W. A. Hatcher and L. M. Hatcher	1-33	1-432

CHANGE IN POINT OF DIVERSION

Transfer No. 3-90REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHTCounty Josephine

1. Name Earl E. Smith (now owned by Fred Richards) Address Williams (I guess)
2. Source of Supply Williams Creek Tributary of You Guess correct
3. Amount of Water _____ Priority Date 1858
4. Use Irrigation
5. Location of Point of Diversion 1250 ft. N. and 400 ft. W. from S $\frac{1}{4}$ corner of Sec. 23, and being within SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Sec. 23, T. 38 S., R. 5 W., W.M.

6.	Township	Range	Section	Forty Acre Tract	No. Acres in Transfer	No. Acres Found Irrigated
	38 S	5 W	23	NE $\frac{1}{4}$ SW $\frac{1}{4}$	32	
				NW $\frac{1}{4}$ SW $\frac{1}{4}$	30	
				SW $\frac{1}{4}$ SW $\frac{1}{4}$	3.4	
				SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.2	

Note - Sept. 27, 1960:

Talked to Mr. Richards. - he said that the div. pt. surveyed by M. Bish in 1959 is the only div. pt. he uses. He was aware that the div. pt. shown on the Appl. Map accompanying this transfer was incorrect but no correction was submitted to the office on the advice of Tom Pierce who was watermaster at the time. He uses the larger of the pumps listed on Page 2. *COBartels*

7. If for power, mining, municipal, manufacturing or any other purpose than irrigation, give extent and method of such use. _____

1959-D
July 25 '59
M.B.

Check
Div. Pt.
before
Drafting
in B.

APPL. 900' 7" 5'

DESCRIPTION OF WORKS

CANAL: Width on top (at waterline) _____; Width on bottom _____;
depth of water _____; grade _____ ft. fall per 1,000 ft. Actual _____
capacity _____ sec. ft.; Give general description _____

PUMP AND PIPE OR SPRINKLER SYSTEMS:

Pump - Make F.B. Morse Type Cent. No. _____
Intake size 3 in Discharge size 2 in
Suction head 5' Discharge head 13'
Rating: G.P.M. _____ R.P.M. _____ Pressure _____
Power Plant - Type Electric Make W.H. G.E.
H. P. Rating 10 R.P.N. 1725
25 1760

Power connection - Direct connected unit _____
If belt driven: Size of Drive Pulley 6 in Driven Pulley 6 in
To ditch → 7 in 900' 12 in St.
Distribution System - Main line: Size _____ Length _____ Kind of pipe _____

Lateral lines: Size 3 in Length 880 Kind of pipe Al.
RB 30

Used with 10 h.p. Pump { Sprinkler heads:- Make RB 40 3/16 x 1/8 Size of nozzles 3/16 x 1/8
Number of heads used 22 Discharge capacity of each _____ G.P.M.
Operating pressure _____ lbs.

REMARKS Plane-Tabled div. pt. on 1959-D sheet
(No one home) ← Possibly wrong div. pt., check again
Pumps into ditch with larger pump & floods N.
fields & sprinkles S. field with smaller pump.

July 25 '59
Date

Tracyon Bush
Inspector's Signature

APPLICATION FOR TRANSFER OF WATER RIGHT

To the STATE ENGINEER OF OREGON:

I, Earl E. Smith (Name of applicant)

of Box 1156 Eloy (Postoffice), County of Final,

State of Arizona, do hereby make application for change

In Point of Diversion

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

1. The source of present water right is West Fork Williams Creek (Williams Creek)
(Name of stream)

2. The use to which the water is applied is Irrigation, Domestic and Stock
(Irrigation; Mining; Power; Manufacturing; etc.)

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

4. 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 being within the SE 1/4 SE 1/4
(Section or subdivision)

of Section 5 Tp. 39 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	3.4	8.2				
38 S	5 W	23											6.6	11.8		30	36	18
38 S	5 W	24									20	39.5	1.0					
38 S	5 W	26	30	8		14	12.5											

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

Note: Acres irrigated, as shown in pencil, show lands under Baltimore Ditch but not included (Attach separate sheet if necessary)
in this application.

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? 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 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? Albert and C.O. Bigelow and George Sparlin
(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 question 13 if the application is not for change in point of diversion.

13. The proposed point of diversion is located 1250 ft. N and 400 ft. W from the S 1/4
(N. or S.) (E. or W.)
corner of section 23 being within the SE 1/4 SW 1/4 of Section 23 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 Smith 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.? yes
(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 More economical to pump than to maintain
Ditch. Would eliminate installation each year of pipe and flume
across Williams Creek.

AFFIDAVIT OF APPLICANT

STATE OF OREGON

County of Josephine

} ss.

I, Earl E. Smith, 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 29th day of January, 1952

Earl E. Smith
(Name of applicant)

Subscribed and sworn to before me this 29th day of January, 1952

[Notarial Seal]

Marjorie Green
NOTARY PUBLIC FOR OREGON

My commission expires Feb. 27, 1953

Remarks See Order Approving Application of Fred W. Richards
for Change of Point of Diversion, dated April 26th, 1951.

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 7
Date filed February 5, 1952
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 \$ 15.00
Receipt No. 14018

RECEIVED

OCT 28 1952

STATE ENGINEER
SALEM, OREGON

Transfer No. 5-90

NOTICE OF COMPLETION OF CONSTRUCTION

I, Earl E. Smith by Fred Richards, acting under the terms of an order of the State Engineer, approving an application for a change in point of diversion of water, completed the construction work required, prior to October 1, 1952.

In Witness Whereof, I have hereunto set my hand this 24 Day of Oct. 1952

Earl E. Smith
Applicant

by

Fred Richards

Williams D. re.
Address.

July 8, 1957

Mr. Donald H. Coulter
Attorney at Law
Box 26
Grants Pass, Oregon

Re: Transfer No. S-90

Dear Mr. Coulter:

In response to your letter of July 3rd, we are enclosing a copy of the order of the State Engineer entered in the matter of the approval of the above transfer in the name of Earl E. Smith.

On October 28, 1952 a notice of completion of construction signed by Fred Richards was filed in this office and the matter was turned over to the watermaster for his usual inspection of the works.

It appears from our records that this change has been completed by Mr. Richards and a field party from this office will make a survey of the grounds the next time they are in that vicinity.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Max F. Rogers, Deputy

vr
Enc.

OFFICES WITH
GENE L. BROWN
DONALD F. MYRICK

DONALD H. COULTER
ATTORNEY AT LAW
205-211 WING BUILDING - P. O. BOX 26
GRANTS PASS, OREGON

RECEIVED
JUL 5 1957
STATE ENGINEER
TELEPHONE
GREENWOOD 6-6627
OREGON

July 3, 1957

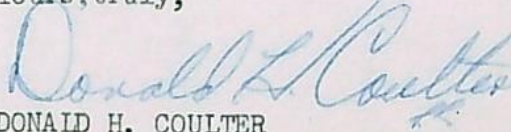
State Engineer
State of Oregon
Salem, Oregon

Dear Sir:

Mr. Fred Richards and his wife, Irma V. Richards, are the owners of premises in Sections 22, 23, and 26, in Township 38 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon. Portions of these premises are under irrigation and have been served by the Baltimore District. Mr. Earl E. Smith, a prior owner had made an application for change of point of division prior to conveyance to the Richards, which application was completed by Richards about the end of 1952. We are unable to locate any evidence here of the approval of the change, but know it was made. Would you check your records and indicate to me what they reveal regarding official approval of the change in division point.

Thank you very much.

Yours, truly,


DONALD H. COULTER

DHC: at

NOTICE OF FILING APPLICATION

FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Earl E. Smith has filed an application with Chas. E. Stricklin, State Engineer, for the approval of a change in point of diversion of water from Williams Creek.

By decree of the Circuit Court of Jackson County, entered 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 and George Sparlin for domestic and stock purposes and the 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 $\frac{1}{4}$, Section 23, Township 38 South, Range 5 West, W. M., with a date of priority of 1858. These lands are irrigated thru the Baltimore Ditch, the point of diversion of said ditch being located 250 feet north and 950 feet west from the southeast corner of Section 5, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 5, Township 39 South, Range 5 West, W. M.

The applicant herein, owner of 73.6 acres of the lands above described, to-wit: 32 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 30 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 8.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 38 South, Range 5 West, W. M., proposes to change the present point of diversion downstream to a point to be located 1250 feet north and 400 feet west from the south quarter corner, Section 23, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 23, Township 38 South, Range 5 West, W. M.

All persons interested are notified hereby that a hearing will be held at the county court house at Grants Pass, Oregon on April 23, 1952 at 10:00 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 Earl E. Smith, Box 1156, Eloy, Arizona, and one copy filed with the State Engineer, Salem, Oregon, together with a \$2 filing fee, at least ten days prior to the date set for hearing. If no objections are filed, such change may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 19th day of February, 1952.

CHAS. E. STRICKLIN, State Engineer

October 28, 1952

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

Re: Transfer No. S-90

Dear Mr. Pearce:

We are in receipt of notice of completion of construction work as required in connection with our order approving the application of Earl E. Smith for a change in point of diversion of water from Williams Creek.

If and when you are in the vicinity of the land involved we shall appreciate having you make your usual inspection and determine if the construction work has been completed and if the point of diversion was constructed at substantially the point as described in the order.

Very truly yours,

THAS. E. STRICKLIN
State Engineer

By

Max F. Rogers, Assistant

MFR: VC

cc - Mr. Fred Richards

Handwritten signature: Max F. Rogers

Legal Notices

objections are filed, the application may be approved without a hearing.

Dated at Salem, Oregon this 20th day of February 1952.

CHAS. E. STRICKLIN, TION
• State Engineer.

3-13

OKuc
RECEIVED
APR 4 1952
STATE ENGINEER
SALEM, OREGON

Josephine) ss.

Frances Walstrom

being

do, depose and say that I am the owner, editor, publisher, man-

g manager, principal clerk of THE GRANTS PASS BULLETIN,

general circulation, as defined by sections 1-509, 1-510, Oregon

and published at GRANTS PASS, in the aforesaid county and

Notices of Filing Application, a printed

hereto annexed, were published in the entire issue of said

three

successive and consecutive

following issues

orth dates of issues in which the same was published)

Feb. 23, 1952, March 6,

1952, and March 13, 1952

Frances Walstrom

and sworn to before me this second day

April 19 52

A. L. Hausenbury

Notary Public for Oregon.

NOTARY PUBLIC FOR OREGON
My Commission Expires Feb. 10, 1956

NOTARY PUBLIC FOR OREGON
My Commission Expires Feb. 10, 1956

5-90

place it back on the line and

approval of a change in point of diversion of water from Williams Creek.

Certificate of Water Right issued to Mary J. John, J. H. Gotcher, J. H. Miller, George Sparlin and Albert Bigelow and recorded at page 7059, Vol. 7, State Record of Water Right Certificates, confirms a right under Permit No. E-188 for the irrigation of, among other lands, 23 acres in NE1/4 NW1/4 and 40 acres in NW1/4 NW1/4, Sec. 26, T. 38 S., R. 5 W., W. M., with a date of priority of July 15, 1913. These lands are irrigated thru the Dixon and Caldwell ditch, the point of diversion of said ditch being located 700 ft. North and 200 ft. East from the southwest corner of Sec. 35 and being within the SW1/4 SW1/4, said Sec. 35, T. 38 S., R. 5 W., W. M.

George H. Collins, owner of 25.6 acres of the land above described, to-wit: 11.8 acres in the NE1/4 NW1/4 and 13.8 acres in the NW1/4 NW1/4, Sec. 26, T. 38 S., R. 5 W., W. M., proposes to irrigate said lands by means of a pumping plant to be located 250 ft. North and 150 ft. West from the southeast corner of NE1/4 NW1/4, Sec. 26, and being within NE1/4 NW1/4, 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 court house at Grants Pass, Oregon on April 23, 1952 at 10:00 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 George H. Collins, owner of said land, at said time and place. Any objections shall be prepared in writing, one copy to be served on Earl E. Smith, Box 1156, Elroy, Arizona, and one copy filed with the State Engineer, Salem, Oregon, together with a \$2 filing fee, at least ten days prior to the date set for hearing. If no objections are filed, such change may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 19th day of February, 1952.

CHAS. E. STRICKLIN,
State Engineer.

3-13

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

Notice is given hereby that George H. Collins has filed an application in the office of Chas. E. Stricklin, State Engineer, for the

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

Notice is given hereby that Earl E. Smith has filed an application with Chas. E. Stricklin, State Engineer, for the approval of a change in point of diversion of water from Williams Creek.

By decree of the Circuit Court of Jackson County, entered April 26, 1919, in the Matter of the Determination of the Relative Rights to the Use of the Water of Rogue Rivers and Its Tributaries, a water right was adjudicated in the name of Albert and C. O. Bigelow and George Sparlin for domestic and stock purposes and the irrigation of, among other lands, 32 acres in NE1/4 SW1/4, 30 acres in NW1/4 SW1/4, 10 acres in SW1/4 SW1/4, and 20 acres in SE1/4 SW1/4, Section 23, Township 38 South, Range 5 West, W. M., with a date of priority of 1858. These lands are irrigated thru the Baltimore Ditch, the point of diversion of said ditch being located 250 feet north and 950 feet west from the southeast corner of Section 5, and being within the SE1/4 SE1/4, said Section 5, Township 39 South, Range 5 West, W. M.

The applicant herein, owner of 73.6 acres of the lands above described, to-wit: 32 acres in NE1/4 SW1/4, 30 acres in NW1/4 SW1/4, 3.4 acres in SW1/4 SW1/4 and 8.2 acres in SE1/4 SW1/4, Section 23, Township 38 South, Range 5 West, W. M., proposes to change the present point of diversion downstream to a point to be located 1250 feet north and 400 feet west from the south quarter corner, Section 23, and being within the SE1/4 SW1/4, said Section 23, Township 38 South, Range 5 West, W. M.

All persons interested are notified hereby that a hearing will be held at the county court house at Grants Pass, Oregon on April 23, 1952 at 10:00 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 Earl E. Smith, Box 1156, Elroy, Arizona, and one copy filed with the State Engineer, Salem, Oregon, together with a \$2 filing fee, at least ten days prior to the date set for hearing. If no objections are filed, such change may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 19th day of February, 1952.

CHAS. E. STRICKLIN,
State Engineer.

5-90

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

st to diameter ratio so that a
t more line can be placed on the
pool and still have the advantage
of the higher test. These high test,
small diameter lines also have the
advantage of much longer casts

trieve this line there must
"finger" to



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

Notice is given hereby that Earl E. Smith has filed an application with Chas. E. Stricklin, State Engineer, for the approval of a change in point of diversion of water from Williams Creek.

By decree of the Circuit Court of Jackson County, entered 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 and George Sparlin for domestic and stock purposes and the 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 $\frac{1}{4}$, Section 23, Township 38 South, Range 5 West, W. M., with a date of priority of 1858. These lands are irrigated thru the Baltimore Ditch, the point of diversion of said ditch being located 250 feet north and 950 feet west from the southeast corner of Section 5, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 5, Township 39 South, Range 5 West, W. M.

The applicant herein, owner of 73.6 acres of the lands above described, to-wit: 32 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 30 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 8.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 38 South, Range 5 West, W. M., proposes to change the present point of diversion downstream to a point to be located 1250 feet north and 400 feet west from the south quarter corner, Section 23, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 23, Township 38 South, Range 5 West, W. M.

All persons interested are notified hereby that a hearing will be held at the county court house at Grants Pass, Oregon on April 23, 1952 at 10:00 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 Earl E. Smith, Box 1156, Eloy, Arizona, and one copy filed with the State Engineer, Salem, Oregon, together with a \$2 filing fee, at least ten days prior to the date set for hearing. If no objections are filed, such change may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 19th day of February, 1952.

CHAS. E. STRICKLIN, State Engineer

C-102
S-90

STATEMENT

Published Every Thursday

\$3.00 Per Year in Advance

The BULLETIN

"YOUR ROGUE VALLEY WEEKLY"

P. O. Box 31 April 30

Grants Pass, Oregon

Office of State Engineer
Water Resources Depart.
Salem, Oregon

RECEIVED
MAY 2 1952
STATE ENGINEER
SALEM, OREGON

PRIOR UNPAID BALANCE

40.31

ADVERTISING:

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

JOB PRINTING for Month of

Thank you
Paid: June 14 '52
Walstrom
GRANTS PASS BULLETIN

40.31

Total Amount Due \$

Check to:

the Grants Pass Bulletin

(S. 90) - 21.17

(C. 102) - 19.14 \$40.31

George H. Collins (C. 102) — .86

Total 41.17

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. 5-90

June 5, 1952

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

Dear Mr. Pearce:

As you no doubt will recall, Mr. Earl E. Smith of Eloy, Arizona, filed an application for the approval of a change in point of diversion of water from West Fork Williams Creek and made a deposit of \$20 for the purpose of paying the cost of publication of notice in connection with said application.

The actual cost of publication was \$21.17 or \$1.17 more than the deposit made by Mr. Smith for this purpose. Letters addressed to Mr. Smith at Box 1156, Eloy, Arizona, calling his attention to this matter, remain unanswered.

It occurred to me that Mr. Smith may now be living in the vicinity of Grants Pass and if so, we would appreciate having his address in order that we may call his attention to this matter. If the balance due is not paid, it will be necessary that we cancel the order which was issued approving his application.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

RECEIVED
JUN 9 1952
STATE ENGINEER
SALEM, OREGON

By *Max F. Rogers*
Max F. Rogers, Assistant

MFR:VC

cc - Mr. Earl E. Smith
Box 1156
Eloy, Arizona

Grants Pass, Ore., June 6th, 1952

Dear Max:

My friend, Fred Richards, is purchasing the Earl E. Smith ranch. Enclosed is his check for \$1.17 to pay the remainder of cost of publication.

Yours very truly,

Tom R. Pearce
Watermaster District No. 16

June 13, 1952

The Grants Pass Bulletin
P. O. Box 31
Grants Pass, Oregon

Gentlemen:

Enclosed is our check No. 5102 in the amount of \$40.31 in payment of your statement of April 30, 1952 in connection with publication of notice of filing applications in the names of Earl E. Smith and George H. Collins.

Kindly receipt the enclosed statement and return to this office.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By Max P. Rogers, Assistant

MFR:VC
Enc.

STATEMENT

Published Every Thursday

\$3.00 Per Year in Advance

The BULLETIN

"YOUR ROGUE VALLEY WEEKLY"

P. O. Box 31 April 1 Grants Pass, Oregon

RECEIVED
APR 4 1952
STATE ENGINEER
SALEM, OREGON

Office of State Engineer
Water Resources Department
Salem, Oregon

PRIOR UNPAID BALANCE

ADVERTISING:

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

JOB PRINTING for Month of

Legal: Feb 28, 1-73 lines, 1-66 lines 18.07
March 6, " " 22.24
13, " "

Total Amount Due \$ 40.31

Rue

S-90

June 5, 1952

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

Dear Mr. Pearce:

As you no doubt will recall, Mr. Earl E. Smith of Eloy, Arizona, filed an application for the approval of a change in point of diversion of water from West Fork Williams Creek and made a deposit of \$20 for the purpose of paying the cost of publication of notice in connection with said application.

The actual cost of publication was \$21.17 or \$1.17 more than the deposit made by Mr. Smith for this purpose. Letters addressed to Mr. Smith at Box 1156, Eloy, Arizona, calling his attention to this matter, remain unanswered.

It occurred to me that Mr. Smith may now be living in the vicinity of Grants Pass and if so, we would appreciate having his address in order that we may call his attention to this matter. If the balance due is not paid, it will be necessary that we cancel the order which was issued approving his application.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Max F. Rogers, Assistant

MFR:VC

cc - Mr. Earl E. Smith
Box 1156
Eloy, Arizona

May 5, 1952

Mr. Earl E. Smith
Box 1156
Eloy, Arizona

Re: Transfer No. 2-90

Dear Mr. Smith:

Publication of notice in connection with your application for the approval of a change in point of diversion of water amounted to \$21.17 instead of \$22.24 as indicated in our letter of April 9, 1952.

Since the cost of publishing notice was \$1.17 more than your deposit for this purpose, anything you may do to expedite payment would be appreciated in order that we may pay the cost of publication.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Max F. Rogers, Assistant

MFR:VC

$$\begin{array}{r} 73 \\ 66 \\ \hline 139 \end{array} \begin{array}{r} 13 \\ \hline 1807 \\ 139 \\ \hline 417 \\ 417 \end{array}$$

$$\begin{array}{r} 73 \\ 13 \\ \hline 219 \\ 73 \\ \hline 9.49 \end{array} \begin{array}{r} 66 \\ 13 \\ \hline 198 \\ 66 \\ \hline 8.58 \end{array}$$

C-102

$$66 \times 13 = 8.58$$

$$66 \times 16 = 10.56$$

$$\hline 19.14$$

S-90

$$73 \times 12 = 9.49$$

$$73 \times 16 = 11.68$$

$$\hline 21.17$$

$$440.31$$

April 9, 1952

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

Re: Transfer No. S-90
Earl E. Smith

Dear Mr. Pearce:

The cost of publication of notice in connection with the application submitted on behalf of Earl E. Smith for the approval of a change in point of diversion of water from Williams Creek amounted to \$22.24 or \$2.24 more than the deposit made for this purpose.

We shall, therefore, appreciate an additional remittance of \$2.24.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MEF:VC
cc - Mr. Earl E. Smith
Eloy
Arizona

May 1, 1952

Mr. Earl E. Smith
Box 1156
Eloy, Arizona

Re: Transfer No. S-90

Dear Mr. Smith:

Enclosed herewith 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.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:VC

Enc.

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

Mr. Pearce - Enclosed is a copy of the above-mentioned order.

Max F. Rogers

April 9, 1952

Grants Pass Bulletin
Grants Pass
Oregon

Gentlemen:

This will acknowledge receipt of affidavit of publication of notice in connection with the applications of Earl E. Smith and George H. Collins and your statement of April 1, 1952 in the amount of \$40.31.

We shall appreciate your furnishing this office with one more copy of the affidavit of publication of the above notices.

Very truly yours,

CHAS. E. STRICKLEN
State Engineer

By

Max F. Rogers, Assistant

MFR:VC

February 19, 1952

Grants Pass Bulletin
Grants Pass
Oregon

RE: Transfer No. S-90

Gentlemen:

Kindly publish the enclosed notice in the February 28 and March 6 and 13, 1952 issues of the Grants Pass Bulletin.

After completion, kindly 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 this notice on the dates requested above, kindly return the notice of this office.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:VC
Enc.

February 19, 1952

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

RE: Transfer No. S-90

Dear Mr. Pearce:

This will acknowledge receipt of your letter of February 13th and check in the amount of \$13.40 in connection with the application of Mr. Earl E. Smith for a change in point of diversion of water from Rogue River.

Copy of notice being published in the February 28 and March 6 and 13 issues of the Grants Pass Bulletin is enclosed together with our official receipt No. 14047.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:VC
Enc. 2

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

February 13th, 1952

RECEIVED
FEB 15 1952
STATE ENGINEER
SALEM, OREGON

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

Att: Max F. Rogers.

Dear Mr. Stricklin:

Referring to your file No. S90 and the application of Earl E. Smith for the approval of a change in the point of diversion of water from Williams Creek.

Enclosed is remittance of \$13.40 as the balance due on fees. Mr. Smith stated that he would like to have the Notice published in the Grants Pass Bulletin.

This change in point of diversion should result in a saving of water. In the present distribution of water to the Smith lands it is necessary to carry the water 6 miles through the Baltimore Ditch, thence a division box and a diversion of the water into a draw, thence into a pipe line across Williams Creek involving loss of water. In my opinion the change could be made without injury to existing rights.

Yours very truly,

Tom R. Pearce

Watermaster District No. 16

February 11, 1952

Mr. Tom H. Pearce
Watermaster Dist. #16
Grants Pass, Oregon

Dear Mr. Pearce:

I have your letter of January 31, submitting application on behalf of Earl E. Smith for the approval of a change in the point of diversion of water from Williams Creek, together with map showing the location of the present and proposed point of diversion and the land being irrigated, and your check in the amount of \$21.60, for which our official receipt No. 14018 is enclosed.

The application appears to be in proper form, but in view of the fact that the distance that the present and proposed points of diversion is more than $\frac{1}{2}$ mile, it will be necessary to give notice by publication as provided by Section 116-606 O.C.L.A. The fees are computed as follows:

Examination	\$10
Filing fees	5
Deposit for publication of notice	<u>20</u>
Total	\$35
Amount Paid	\$21.60
Balance due	\$13.40

Upon receipt of your remittance in the amount of \$13.40, notice will be prepared by this office and arrangements made for publication. In this connection, kindly advise which newspaper in Josephine County notice is to be published.

With kind regards,

CHAS. E. STRICKLIN
State Engineer

By
Max F. Rogers, Assistant

MFR:mb

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

January 31st, 1952

RECEIVED
FEB 5 1952
STATE ENGINEER
SALEM, OREGON

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

Dear Mr. Stricklin:

Enclosed is an application for a transfer of water right in the name of Earl E. Smith. Mr. Smith stated that he preferred the advertisement be placed in the Grants Pass Bulletin, a weekly newspaper, published in Grants Pass, Oregon.

Also enclosed is my check for \$21.60 for examination fee. I will also pay the cost of advertisement, when advised of the amount.

Yours very truly,

Tom R. Pearce

Watermaster District No. 16

P.S. If this application is approved, the lands that were under the Baltimore Ditch and on the East side of Williams Creek, will be served by pumping units. The lands on the West side of Williams Creek, including Permits and change of place of use, will continue to be served by the Baltimore Ditch. I have attempted to show on the map, the acreage as it will appear, after this application is approved.

Description:

The James L. Kent D.L.C.No.39 in Sections 22 and 23 Township 38 South Range 5 West of the Willamette Meridian, containing 161.84 acres, less and excepting a parcel of land described as follows:

Beginning at the Northwest corner of said D.L.C.No. 39 and running thence East 5 chains thence South 9.50 chains thence West 5 Chains; thence North 9.50 chains to the place of beginning containing 4.75 acres.

Also beginning at the Northwest corner of D.L.C. of Wm. Shoudy No.38 in Sections 23 and 26, Township 38 South Range 5 West of the Willamette Meridian and running thence South 25.30 chains to the North line of a tract of land now owned by Emery Butts; thence East 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 now 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 D.L.C.No.38; thence West to the Northwest corner of said D.L.C. and place of beginning.

Also the East 1/2 of the Southwest 1/4 and the Northwest quarter of the Southwest quarter and lot 4, all in Section 22 and a parcel of land out of lot 5 in said Section 22, described as follows: Beginning at the Northeast corner of said lot 5 and running thence West 10 rods; thence South 40 rods; thence East 10 rods thence North 40 rods to the place of beginning, containing 2.5 acres.

Also lot 6 in Section 23 and containing 3.59 acres, more or less.

All of the above described premises being Township 38 South Range 5 West of the Willamette Meridian.

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

RECEIVED
FEB 5 1952
STATE ENGINEER
SALEM, OREGON

10
5
20
35.00

Transfer — 15.00
Pub. of notice 6.60
21.60

35.00
21.60
13.40

R-27

or except add
fee for
pub. of notice