

2430

STATUS OF APPLICATION

Change in Point of Diversion
Date filed August 10, 1970
Date of hearing _____
Place of hearing _____
Date of order July 27, 1973 Vol. 23, page 287
Date for application of water Complete
Proof mailed _____
Proof received _____
Certificate issued OCT 13 1976 Vol. 35, page 43765

DESCRIPTION OF WATER RIGHT

Name of stream Williams Creek
Trib. of — County of Josephine
Use Irrigation
Quantity of water _____ No. of acres 24⁰
Name of ditch Watts topping
Date of priority April 30, 1920
In name of W. F. Willson
_____ Adjudication, Vol. _____, page _____
App. No. 7246 Per. No. 4524 Cert. No. 5438
Certificate cancelled _____
Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
8-10-70	25.00	20382
8-10-70	30.00 FOR	20383
TOTAL		
9-23-70	\$1 Cert. Fee	from Pub. of Nat

FEES REFUNDED

Date	Amount	Check No.
9-23-70	\$4.62 Pub. of Nat.	3894

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<u>st</u>	___
<input checked="" type="checkbox"/>	Stream		<u>st</u>	___
<input checked="" type="checkbox"/>	Pt. of Div.		___	___
<input checked="" type="checkbox"/>	Calendar		<u>st</u>	___
<input checked="" type="checkbox"/>	CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.		<u>WAR</u>	___
<input checked="" type="checkbox"/>	Decree-vault		___	___
<input checked="" type="checkbox"/>	Decree-safe		___	___
<input checked="" type="checkbox"/>	Cert. of W/R		<u>WAR</u>	___
<input checked="" type="checkbox"/>	Per. Folder		<u>WAR</u>	___
<input checked="" type="checkbox"/>	Chainindex		___	___
<input checked="" type="checkbox"/>	Cross Ref.		___	___
<input checked="" type="checkbox"/>	Power Claim		___	___
<input checked="" type="checkbox"/>	Abstracts		___	___

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF C. E. WILLSON FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM WILLIAMS CREEK)

ORDER APPROVING
TRANSFER NO. 2430

On August 10, 1970, C. E. Willson, 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.

Certificate of water right issued to W. F. Willson and recorded at page 5438, Volume 6, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.3 cubic foot per second of water from Williams Creek for the irrigation of, 24.0 acres in SW¼ SE¼, Section 35, Township 37 South, Range 5 West, W.M., with a date of priority of April 30, 1920. These lands are irrigated by means of Watts Topping Ditch from a point of diversion located 660 feet South and 330 feet West from the NE corner of Section 14, being within the NE¼ NE¼, Section 14, Township 38 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Laurel Hill Ditch from a point of diversion to be located 500 feet North and 125 feet East from the center of Section 1, being within the SW¼ NE¼, Section 1, 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 November 4, 1970, at 9:30 a.m. The notice was published in the Grants Pass Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of September 8, 15 and 22, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert B. Steimer, Watermaster of District No. 14, 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 may be made without injury to existing rights, the application should be approved.

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

From a point located 660 feet South and 330 feet West from the NE corner of Section 14, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 38 South, Range 5 West, W.M.

To a point to be located 500 feet North and 125 Feet East from the center of Section 1, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 38 South, Range 5 West, W.M.

for the irrigation of 24.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 37 South, Range 5 West, W.M., with a date of priority of April 30, 1920, is approved.

It is FURTHER ORDERED that no time limit need be fixed for completion as the change in point of diversion is completed, and the new diversion is in operation.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.3 cubic foot per second.

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

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to W. F. Willson and recorded at page 5438, Volume 6, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to C. E. Willson confirming the change in point of diversion.

Dated at Salem, Oregon, this 27th day of July, 1973.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This is to Certify, That **W. F. Willson**

of **Murphy**, State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Williams Creek**

a tributary of **Applegate River** for the purpose of **Irrigation** under Permit No. **4574** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **April 30, 1920;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.3 cubic foot per second;**

The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

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

Twenty-four (24) acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-five (35), Township Thirty-seven South, Range Five West of the Willamette Meridian, in Josephine County, Oregon.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,

affixed this **1st** day

of **September**, 192 **5.**

Rhea Luper,

State Engineer.

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **D. J. WILLSON** by **CLIFFORD E. WILLSON**, AGENT

of **R.F.D. 1, Box 73, Murphy**, State of **Oregon**, has made proof to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of **Applegate River** a tributary of **Rogue River** for the purpose of **supplemental irrigation** under Permit No. **21347** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **May 5, 1952**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.30 cubic foot per second**,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Township 38 South, Range 5 West, W. M.**

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **$4\frac{1}{2}$ acre feet** per acre for each acre irrigated during the irrigation season of each year, provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein,

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

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

**24 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 35
Township 37 South, Range 5 West, W. M.**

Land on which water is to be used is a part of that more explicitly described by applicant as follows:

All of the South 10 acres of the Southwest quarter of the Southeast quarter and all of the North 30 acres of the Southwest quarter of the Southeast quarter of Section 35 in Township 37 South, Range 5 West of the Willamette Meridian.

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, affixed

this **29th** day of **May**, 19 **53**.

CHAS. E. STRICKLIN

State Engineer

LEGAL NOTICE

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

Notice is given hereby that C. E. Willson has filed an application for the approval of a change in point of diversion of water from Williams Creek.

Certificates of water right issued to W. F. Willson and recorded at page 5438, Volume 6, State Record of Water Right Certificates, confirms a right to the use of 0.3 cubic foot per second of water from Williams Creek for the irrigation of 24.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, T. 37 S., R. 5 W., W.M., with a date of priority of April 30, 1920. These lands are irrigated by means of the Watts Topping Ditch from a point of diversion located 660 ft. S and 330 ft. W from the NE corner of Section 14 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, T. 38 S., R. 5 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Laurel Hill Ditch from a point of diversion to be located 600 ft. N and 125 ft. E from the center of Section 1 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, 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, Oregon, on November 4, 1970, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on C. E. Willson, 11989 Williams Hwy., Grants Pass, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 27th day of August, 1970.

CHRIS L. WHEELER
State Engineer

No. 66—Tues.—9-22-70

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 23 1970

STATE ENGINEER
SALEM, OREGON

State of Oregon }
County of Josephine } ss.

I, Charles J. Moore, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the Grants Pass Daily Courier, printer or his foreman of the Grants Pass Daily Courier, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid county and state; that the

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

which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues September 8, 15 & 22, 1970

Charles J. Moore
22nd

Subscribed and sworn to before me this 19 day of September, 1970

A. Kathleen Zahner
Notary Public of Oregon.

My commission expires 4th day of February, 1972.