

2978 Cliff C. Murphy
2054 Williams Hwy
Williams, OR

2978

STATUS OF APPLICATION

Change in place of use
Date filed 2-14-74
Date of hearing _____
Place of hearing _____
Date of order 9-12-74 Vol. 25, page 97
Date for application of water 10-1-75
Proof mailed _____
Proof received _____
Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Williams Creek
Trib. of _____ County of Josephine
Use irrigation
Quantity of water _____ No. of acres 6.0
Name of ditch _____
Date of priority Sept. 8, 1885
In name of Frank M. & Anna Leroy
Rogue River Adjudication, Vol. 4, page 27 & 2
App. No. _____ Per. No. _____ Cert. No. 16324
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-14-74</u>	<u>30.00</u>	<u>38673</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

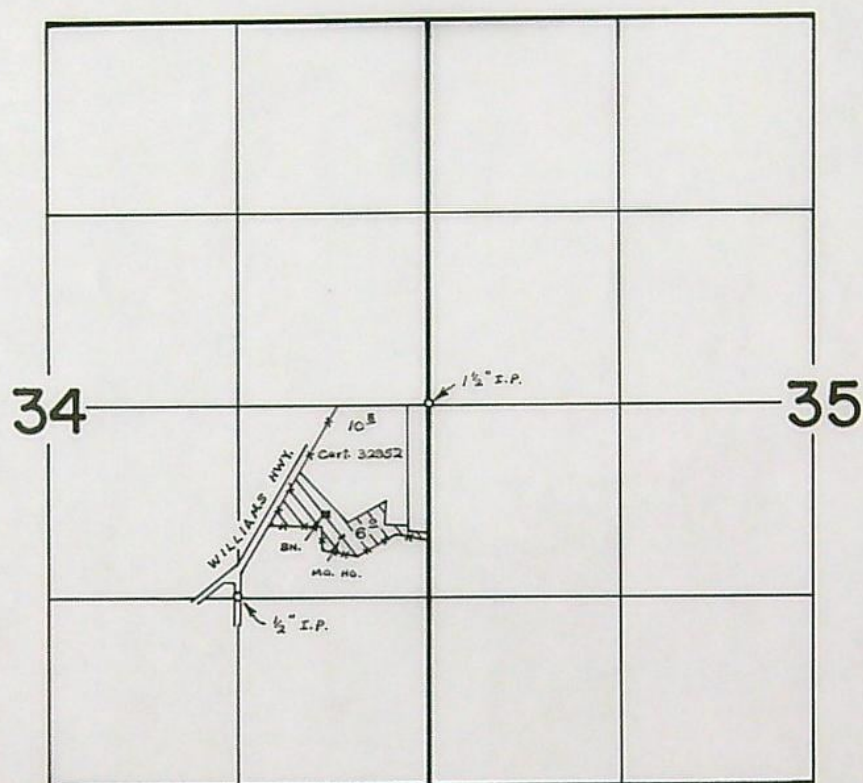
REMARKS

Certs - Williams Creek
Lands involved herein in Ch in POU also involved in T-3731 re Δ POU
See T-3731 re R. R. Cert.
Proof made on ch. POU as proposed
— Finish —

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		
	Entered	Checked	
	<input checked="" type="checkbox"/>	<u>WH</u>	_____
	<input checked="" type="checkbox"/>	<u>WH</u>	_____
	<input checked="" type="checkbox"/>	_____	_____
	<input checked="" type="checkbox"/>	<u>WH</u>	_____
	<input checked="" type="checkbox"/>	_____	_____
	CHECKED TO RECORDS:		
	<input checked="" type="checkbox"/>	<u>WH</u>	_____
	<input checked="" type="checkbox"/>	<u>WH</u>	_____
	<input checked="" type="checkbox"/>	<u>WH</u>	_____
	<input checked="" type="checkbox"/>	<u>WH</u>	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

502

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



FINAL PROOF SURVEY
UNDER

Transfer No. 2978

Application No. _____ Permit No. _____

IN NAME OF

CLIFF C. MERRILL

Surveyed JUL. 13 1978, by B. SUND

D.H.M.

P.T.S. - 1978-14-A

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION
OF CLIFF C. MERRILL FOR THE APPROVAL
OF A CHANGE IN PLACE OF USE OF WATER
FROM WEST FORK WILLIAMS CREEK

ORDER APPROVING
TRANSFER NO. 2978

On February 14, 1974, Cliff C. Merrill filed an application in the office of the State Engineer for the approval of a change in place of use of water from West Fork 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 Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of Frank M. and Anna Leroy for the use of the waters of West Fork of Williams Creek for the irrigation of, among other lands, 3.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34 and 3.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 38 South, Range 5 West, W.M., with a date of priority of September 8, 1885, as evidenced by certificate of water right recorded at page 16324, Volume 13, State Record of Water Right Certificates.

An order of the State Engineer entered May 25, 1951, approved a change in point of diversion to a pumping point on Williams Creek located 2300 feet North and 800 feet East from the Southeast corner of Section 35, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 38 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority to 6.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 38 South, Range 5 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Nell J. Hodgson, mortgage holder, has submitted written approval of the proposed change in place of use.

No objections having been filed and it appearing that the proposed change in place of use 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 place of use of water is approved and the water right hereinbefore described as appurtenant to 3.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, and 3.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 38 South, Range 5 West, W.M., with a date of priority of September 8, 1885, be severed therefrom and simultaneously and without loss of priority transferred to 6.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 38 South, Range 5 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1975.

It is FURTHER ORDERED that certificate of water right heretofore issued to Frank M. and Anna Leroy and recorded at page 16324, Volume 13, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in place of use, a certificate of water right shall be issued to Cliff C. Merrill confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 12th day of September, 1974.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Frank M. and Anna Leroy

of Williams, State of Oregon, has a right to the use of
the waters of ~~West Fork of~~ Williams Creek
for the purpose of irrigation of 20 acres

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 Sept. 8, 1885;

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 0.34 cubic foot per second.

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:

3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 34,
17 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 35,
T. 38 S., R. 5 W., W. M.

*Change in pt. of div.
Sp. Or. Vol. 7, p. 187 (T-38) (May 25, 1951)*

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, affixed

this 30 day of September, 1949.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16324