

2681

Williams, D.C. 97544, Rd.

2681

STATUS OF APPLICATION

Change in Place of Use & Point of Diversion
Date filed July 28, 1972
Date of hearing January 30, 1973 9:30 a.m.
Place of hearing Grant Pass
Date of order Aug 21, 1973 Vol. 23, page 302
Date for application of water
Proof mailed
Proof received
Certificate issued FFB 4 1975 Vol. 33, page 41614

NOV 23 1976 Vol. 36, page 44000
APR 12 1978 Vol. 37, page 45403

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Williams Creek
Trib. of County of Josephine
Use Irrigation
Quantity of water No. of acres 11 1/2
Name of ditch Dixon-Sparlin
Date of priority July 15, 1913
In name of George H. Collins, Mary J. John, J.H. Gotcher, J.H. Miller, George Sparlin, and Albert Bigelow
Adjudication, Vol. page
App. No. 3084 Per. No. E-188 Cert. No. 37485
Certificate cancelled
Notation made on record by

FEES PAID

Table with 3 columns: Date, Amount, Receipt No.
1/28/72 40.00 P.O.N. 29972
7/28/72 26.00 29971
TOTAL
4-5-73 \$3.00 Cert. Fee from P.O.N.
10-28-76 0.60 56648

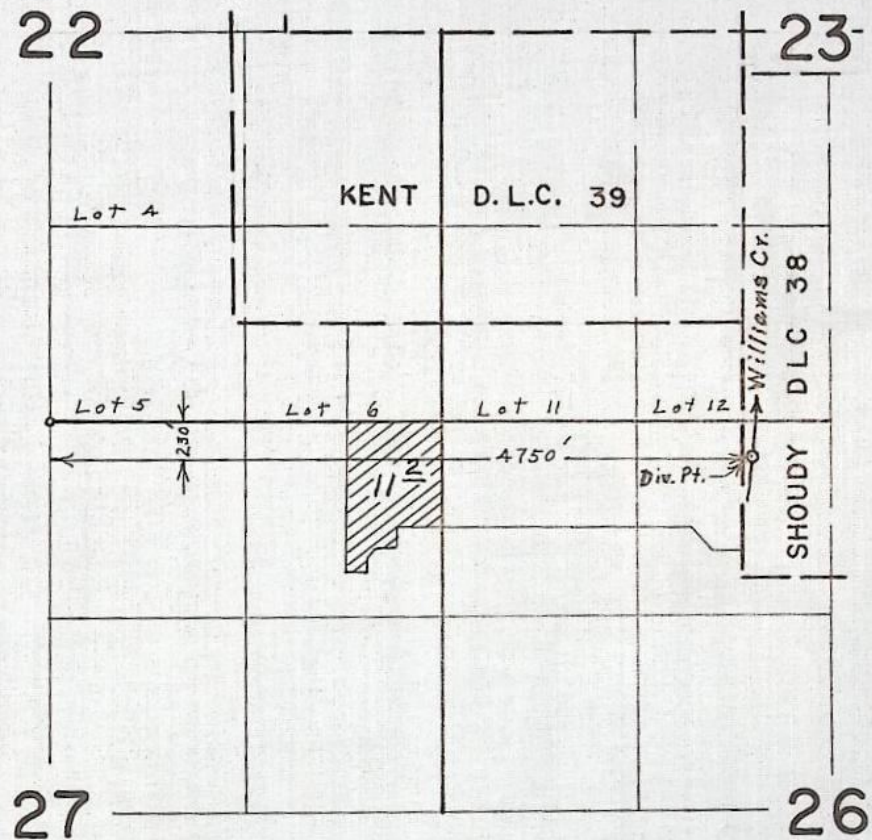
FEES REFUNDED

Table with 3 columns: Date, Amount, Check No.
4-5-73 \$2.17 P.O.N. 5249

Table with 3 columns: INDEX CARDS, Entered, Checked. Rows include Name, Stream, Pt. of Div., Calendar, Twp. & Rge., Decree-vault, Decree-safe, Cert. of W/R, Per. Folder, Chaindex, Cross Ref., Power Claim, Abstracts.

W.R.I.S.
Assembled 5/31/85 by CCH
Entered by
Verified by

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



FINAL PROOF SURVEY
UNDER

Application No. _____ Transfer No. 2681
Permit No. _____
IN NAME OF

HENRY L. & WANDA G. McALMOND

Surveyed May 22, 1975 by L. E. Gould

STATE OF OREGON

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

HENRY L. AND WANDA G. McALMOND

of 16955 Water Gap Rd., Williams, State of Oregon, 97544, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Williams Creek

a tributary of Applegate River
irrigation of 11.2 acres

for the purpose of

under Permit No. E-188 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 July 15, 1913

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 0.14 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 1/4 SW 1/4, Section 35; Lot 1 (NE 1/4 NW 1/4), Section 26, T. 38 S., R. 5 W., W. M., 680 feet North and 200 feet East from the SW Corner, Section 35; 250 feet North and 150 feet West from the SE Corner, Lot 1 (NE 1/4 NW 1/4), Section 26.~~ *NE 1/4 NW 1/4 as proj w/in Shoudy DLC 38 Sec 26*
7385 RSW WM; 230'S & 4750'E from the N 1/4 cor Sec 27

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,

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:

11.2 acres NE 1/4 NE 1/4
Section 27

This certificate is issued to correct & supersede certificate of water right recorded on page 44000, Volume 36, SRWRC so as to correctly describe the point of diversion.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.60.

The right to the use of the water of use herein described, and is subject to the rules established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. November 23, 1976

James E. Sexson

Water Resources Director

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

Henry L. & Wanda G. McAlmond
 This Is to Certify, That ~~GEORGE H. COLLINS, MARY J. JOHN, J. H. GOTCHER, J. H. MILLER, GEORGE SPARLIN and ALBERT EIGELOW~~
~~16955 Water Gap Rd~~ *Williams*, State of ~~Oregon~~ *97544*, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of ~~Main Williams Creek~~ *11.2 ac* ~~167.6~~ *applegate River* for the purpose of irrigation of ~~167.6~~ *11.2 ac* ~~167.6~~ *acres* under Permit No. E 188 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 July 15, 1913;

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 ~~2.10~~ *0.14 cfs* cubic feet 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 $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35; Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 26, T. 38 S., R. 5 W., W. M. ~~Diversion points located below~~ *See page 2*
& complete

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,

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:

~~11.8~~ ~~acres~~ NE $\frac{1}{4}$ NW $\frac{1}{4}$
 18.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
 30.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 22.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
 10.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
 40.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
 30.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 5.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$

~~Section 26~~

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

11.2 ac NENE
Sec 27

This certificate is issued to confirm a change in *pl of use, pt of div* approved by an order of the State Engineer entered *Aug 21, 1973* *along w/ cert 41614*, and supersedes certificate of water right heretofore issued to *above* and recorded at page *37485*, Volume *29*, State Record of Water Right Certificates.

WR 01/16
2-2-71
JD

Diversion points located: 680 feet North and 200 feet East from SW Corner, Section 35; 250 feet North and 150 feet West from SE Corner, Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 26.

~~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, Volume 7, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 215.0 acres. A change in the right to the use of water appurtenant to 36.2 acres was approved by order of the State Engineer entered January 20, 1971. This certificate is issued to confirm the remaining right to the use of water for irrigation and to confirm a change in point of diversion approved by order of the State Engineer entered April 28, 1952 and supersedes the certificate heretofore issued to Mary J. John, J. H. Gotcher, J. H. Miller, George Sparlin, and Albert Bigelow.~~

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 March, 1971.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37485

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF HENRY L. AND WANDA G. McALMOND)
FOR THE APPROVAL OF A CHANGE IN)
PLACE OF USE AND POINT OF DIVERSION)
OF WATER FROM WILLIAMS CREEK)

ORDER APPROVING
TRANSFER NO. 2681

On July 28, 1972, Henry L. and Wanda G. McAlmond filed an application in the office of the State Engineer for the approval of a change in place of use and 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 George H. Collins, Mary J. John, J. H. Gotcher, J. H. Miller, George Sparlin and Albert Bigelow and recorded at page 37485, Volume 29, State Record of Water Right Certificates confirms a right to the use of not to exceed 2.25 cubic feet per second of water from Williams Creek for the irrigation of, among other lands, 11.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 38 South, Range 5 West, W.M., with a date of priority of July 15, 1913. These lands are irrigated by means of Dixon-Sparlin ditch from a point of diversion located 680 feet North and 200 feet East from the SW corner of Section 35, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 38 South, Range 5 West, W.M.

The applicants herein, owners of the land above described, propose to transfer the water right therefrom, without loss of priority, to 11.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Township 38 South, Range 5 West, W.M., and to irrigate these lands from a point of diversion to be located 250 feet South and 200 feet West from the North $\frac{1}{4}$ corner of Section 26, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 38 South, Range 5 West, W.M.

NOT 00-11A

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 January 30, 1973, at 9:30 a.m. The notice was published in the Illinois Valley News, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of December 7, 14 and 21, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert 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 place of use and 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 place of use of water is approved and the water right hereinbefore described as appurtenant to 11.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 38 South, Range 5 West, W.M., with a date of priority of July 15, 1913, be severed therefrom and simultaneously and without loss of priority transferred to 11.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Township 38 South, Range 5 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Williams Creek, to-wit:

From a point located 680 feet North and 200 feet East from the SW corner of Section 35, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 38 South, Range 5 West, W.M.

To a point to be located 250 feet South and 200 feet West from the North $\frac{1}{4}$ corner of Section 26, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 38 South, Range 5 West, W.M.

for the irrigation of 11.2 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Township 38 South, Range 5 West, W.M., with a date of priority of July 15, 1913, is approved.

It is FURTHER ORDERED that the water so transferred shall be applied to beneficial use and the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1974.

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 0.14 cubic feet 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 George H. Collins, Mary J. John, J. H. Gotcher, J. H. Miller, George Sparlin and Albert Sigelow and recorded at page 37485, Volume 29, 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 application of water to beneficial use and completion of the authorized change in point of diversion, a certificate of water right shall be issued to Henry L. and Wanda G.

McAlmond confirming the extent to which the water has been applied
beneficially and change in point of diversion.

Dated at Salem, Oregon, this 21st day of August, 1973.

/s/ CHRIS L. WHEELER
State Engineer

PUBLIC NOTICE

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

Notice is given hereby that Henry L. and Wanda G. McAlmond have filed an application for the approval of a change in point of diversion of water from Williams Creek.

Certificate of water right issued to George H. Collins and Mary J. John, J. H. Gotcher, J. H. Miller, George Sparlin, and Albert Bigelow and recorded at page 37485, Volume 29, State Record of Water Right Certificates, confirms a right to the use of 2.25 cubic feet per second of water from Williams

Creek for the irrigation of, among other lands, 11.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 38 South, Range 5 West, W.M., with a date of priority of July 15, 1913. These lands are irrigated by means of the Dixon-Sparlin Ditch from a point of diversion located 680 feet North and 200 feet East from the SW corner of Section 35, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 38 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 250 feet South and 200 feet West from the North $\frac{1}{4}$ corner of Section 26, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 38 South, Range 5 West, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on January 30, 1973, 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 Henry L. and Wanda G. McAlmond, 16955 Water Gap Road, Williams, Oregon 97544, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 29th day of November, 1972.

CHRIS L. WHEELER

State Engineer

Published: December 6, 13, 20, 1972

Affidavit of Publication

STATE OF OREGON, }

County of Josephine }

ss.

APR 4 1973

STATE ENGINEER
SALEM, OREGON

I, Robert L. Grant, being first duly sworn, depose and say I am the foreman of the printers of the Illinois Valley News, a newspaper of general circulation printed and published at Cave Junction in the aforesaid county and state, as defined

in Section 58, Oregon Laws, that legal notice-filing for diversion point change Williams Creek a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three

successive and consecutive weekly issues on the following dates:

Dec. 7, 14, & 21, 1972

Robert L. Grant

Subscribed and sworn to before me this 2nd day

of April, 1973.

Walter E. M. Fan
Notary Public for Oregon.

(My Commission expires May 7, 1974).

st