

2532 Dr. W. M. C. App.  
P.O. Box 28  
Gridley, Calif. 95948

### STATUS OF APPLICATION

Change in Point of Diversion  
Date filed June 9, 1971  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 5-26-76 Vol. 27, page 212  
Amending order 7-30-76 27 260  
Date for application of water \_\_\_\_\_  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued MAY 27 1982 Vol. 45, page 50890

To Survey 6/76

### DESCRIPTION OF WATER RIGHT

Name of stream Simpson Creek  
Trib. of — County of Coos  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 11 11  
Name of ditch —  
Date of priority November 18, 1935  
In name of Arthur G. Randall  
Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 16149 Per. No. 11966 Cert. No. 11572  
Certificate cancelled \_\_\_\_\_  
Notation made on record by sh

### FEES PAID

Date	Amount	Receipt No.
<u>6-9-71</u>	<u>25.00</u>	<u>23946</u>
TOTAL . . .		
	\$1 Cert. Fee	

### FEES REFUNDED

Date	Amount	Check No.

### REMARKS

Field information will be in field report for per 35941 (App 48309)  
Apparently no field form

	INDEX CARDS:	Entered	Checked
WH	Name	<u>✓</u>	—
WH	Stream	<u>✓</u>	—
WH	Pl. of Div.	<u>✓</u>	—
WH	Calendar	<u>✓</u>	—
	CHECKED TO RECORDS:		
	Twp. & Rge.	<u>✓</u>	—
	Deedee-vault	—	—
	Deedee-safe	—	—
	Cert. of W/E	<u>✓</u>	—
	Per. Folder	—	—
	Chaindex	—	—
	Cross Ref.	—	—
	Power Chain	—	—
	Abstracts	—	—



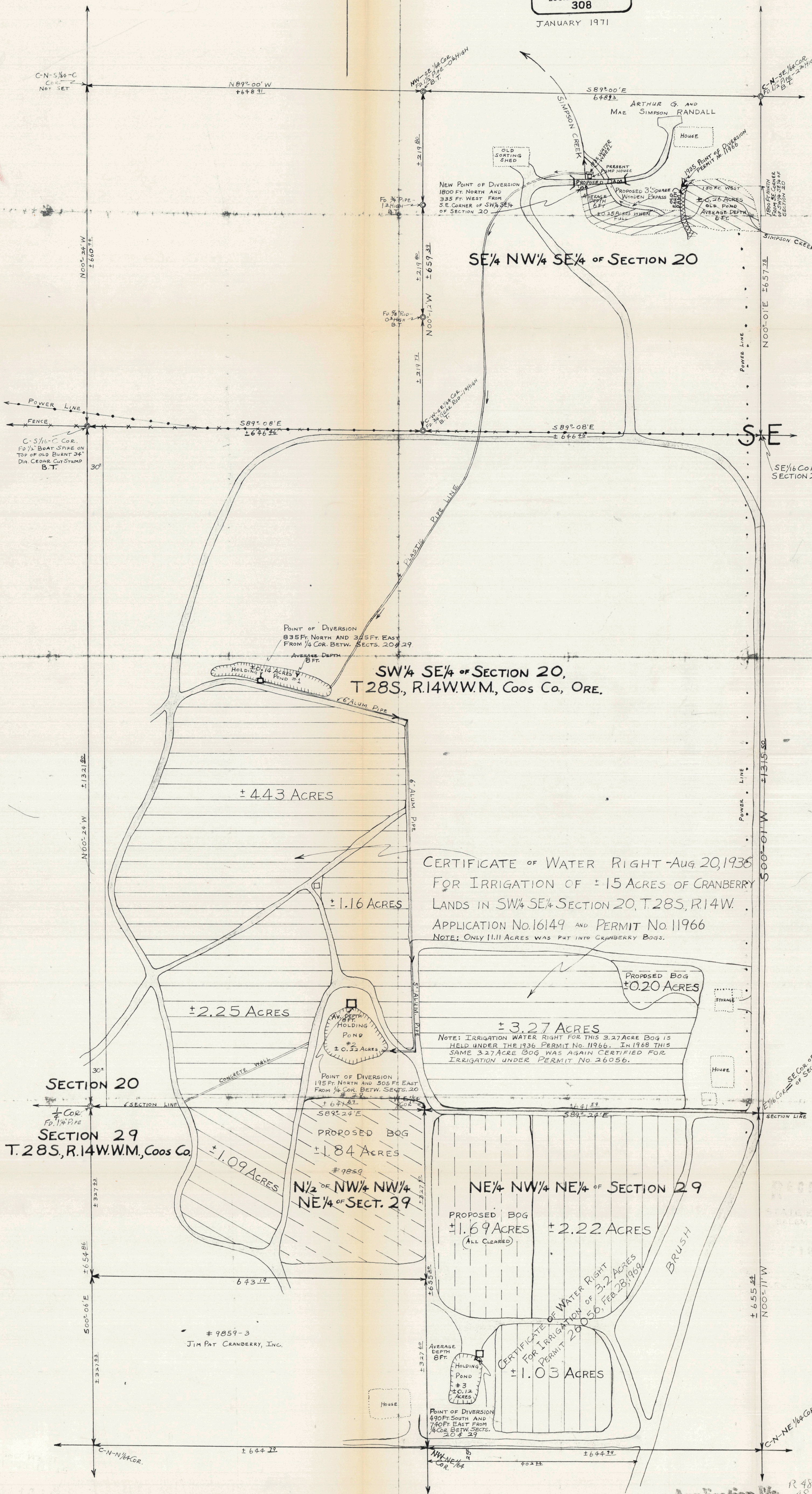
APPLICATION FOR WATER RIGHTS FOR DR. WILLIAM M. SOPER, D.D.S.  
TO GROW AND HARVEST CRANBERRIES

SCALE: 1 INCH = 100 FEET

LEGEND:

- CORNERS FOUND (F.D.)
- FENCE
- POWER LINE
- ROADS AND/OR DIKES AROUND CRANBERRY BOGS

REGISTERED  
OREGON  
LAND SURVEYOR  
*Louis B. Prahar*  
NOVEMBER 6, 1953  
LOUIS B. PRAHAR  
308  
JANUARY 1971



CERTIFICATE OF WATER RIGHT - Aug. 20, 1936  
FOR IRRIGATION OF ± 15 ACRES OF CRANBERRY  
LANDS IN SW 1/4 SE 1/4 SECTION 20, T.28S, R.14W.  
APPLICATION No. 16149 AND PERMIT No. 11966  
NOTE: ONLY 11.11 ACRES WAS PUT INTO CRANBERRY BOGS.

NOTE: IRRIGATION WATER RIGHT FOR THIS 3.27 ACRE BOG IS  
HELD UNDER THE 1936 PERMIT No. 11966. IN 1968 THIS  
SAME 3.27 ACRE BOG WAS AGAIN CERTIFIED FOR  
IRRIGATION UNDER PERMIT No. 26056.

CERTIFICATE OF WATER RIGHT  
FOR IRRIGATION OF 3.2 ACRES  
PERMIT No. 26056, Feb. 28, 1969

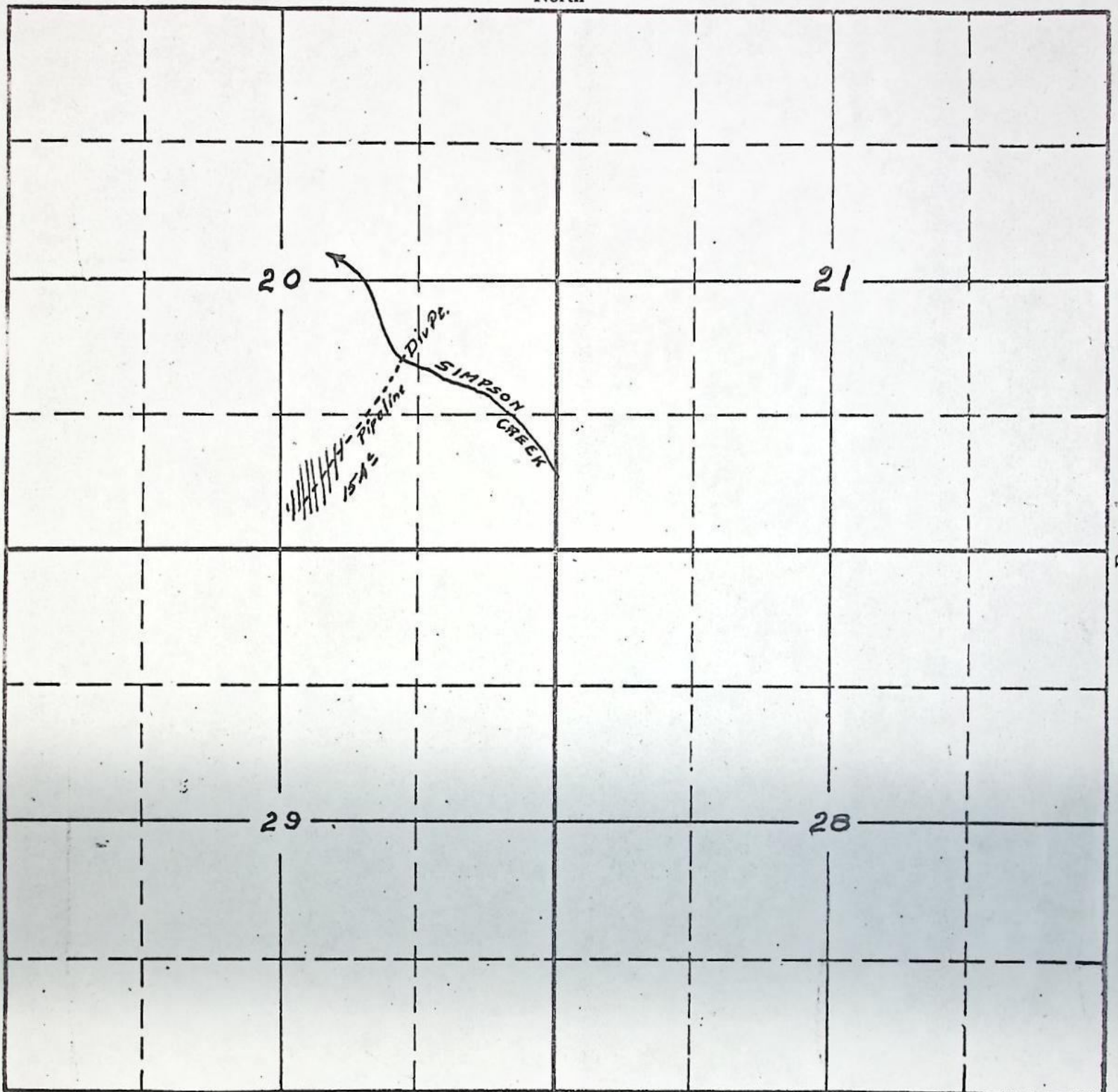
Application No. R 48308  
Permit No. 48309  
35941



SECTION


TOWNSHIP 28S, RANGE 14W, W. M.

North



East

South

Copied from applicant's  
sketch -   
11/29/35.

APPLICATION No. 16149  
PERMIT No. 11966



RECEIVED  
FEB 12 1971  
STATE ENGINEER  
SALEM, OREGON

RECEIVED  
JUN 9 1971  
STATE ENGINEER  
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Dr. William M. Saper, D.D.S.  
(Name of applicant)  
of P. O. Box 98, Gridley, County of Butte  
(Postoffice)  
State of California #95948, do hereby make application for change of Point of Diversion

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

1. The source of present water right is Simpson Creek  
(Name of stream)
2. The use to which the water is applied is Irrigation of Cranberries  
(Irrigation; Mining; Power; Manufacturing; etc.)
3. The name of the ditch, canal or pipe line is None
4. Under Permit No. 11966:  
The point of diversion is located 1800 ft. N. and 150 ft. W. from the S.E.  
(N. or S.) (E. or W.)  
corner of SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Section 20, being within the NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
(Section or subdivision)  
of Section 20 Tp. 28S. R. 14 W. W. M., in the County of Coos  
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	<del>SW<math>\frac{1}{4}</math></del>	SW $\frac{1}{4}$	<del>SE<math>\frac{1}{4}</math></del>
28S	14W	20															<del>11.11</del>	
		20															<u>9.84</u>	
		29		<u>1.09</u>														

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

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Not the legal owner yet  
(If not owner, explain your interest)  
I have a contract to purchase
7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes
8. What is the date of priority of your water right? November 18, 1935
9. Was your water right acquired by State Engineer's Permit? Yes If so, give number  
(Yes or No)  
of permit 1.1966



11. 10  
11572

10. Do you hold a water right certificate? Yes If so, give number of certificate 11966  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings  
(Yes or No)

12. Is the water right recorded in your name? No Arthur G. Randall, Bandon, Oregon  
(If not, give name)

~~13~~ 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: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 1800 ft. N and 335 ft. W from the S.E. corner of SW 1/4 SE 1/4 Section 20 being within the NW 1/4 SE 1/4 of Section 20 Tp. 28S. R. 14W. W. M., in the county of Coos. The name of the ditch to be used is (Pipe Line)  
(N. or S.) (E. or W.) (Smallest legal subdivision) (No. N. or S.) (No. E. or W.)

15. Are you the owner of the land on which the proposed point of diversion is to be located? Contract to Purchase

16. 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.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

~~18~~ Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? (Answer Yes or No)

~~19~~ If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are to relocate my pump in a more beneficial position downstream on Simpson Creek. The new point of diversion is located near the site of the 1935 waterwheel which was used for generation of power.



AFFIDAVIT OF APPLICANT

STATE OF ~~OREGON~~ CALIFORNIA,

County of BUTTE

SS.

I, William M. Soper, 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 10th day of Feb., 1971.

(Name of applicant)

Subscribed and sworn to before me this 10th day of Feb., 1971.

[Notarial Seal]

Marjorie J. Baker

NOTARY PUBLIC FOR OREGON

Calif.

My commission expires 6-15-73

Remarks LEGAL DESCRIPTION: That portion of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 20 lying South and Westerly of Simpson Creek; SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20; NE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29; and N $\frac{1}{2}$  of NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29; all in T.28S., R.14W.W.M., Coos County, Oregon.

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.



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Coos County

IN THE MATTER OF THE APPLICATION }  
OF DR. WILLIAM M. SOPER FOR THE }  
APPROVAL OF A CHANGE IN POINT OF }  
DIVERSION OF WATER FROM SIMPSON }  
CREEK }

ORDER AMENDING ORDER  
TRANSFER NO. 2532

-----

An Order of the Water Resources Director entered May 26, 1976, approved the application of Dr. William Soper for a change in point of diversion for the right evidenced by certificate recorded at Page 115'2, State Record of Water Right Certificates. The order lists a date of priority of November 18, 1955 whereas the right described bears a date of priority of November 18, 1935.

NOW, THEREFORE, it hereby is ORDERED that reference to a date of priority of November 18, 1955, not be considered and upon completion of the authorized change in point of diversion a certificate shall be issued to Dr. William M. and Carrie Jean Soper bearing a date of priority of November 18, 1935.

Dated at Salem, Oregon, this 30th day of July, 1976.

/s/ JAMES E. SEXSON  
Director



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Coos County

IN THE MATTER OF THE APPLICATION)  
OF DR. WILLIAM M. SOPER FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM SIMPSON )  
CREEK )

ORDER AMENDING ORDER  
TRANSFER NO. 2532

-----  
An Order of the Water Resources Director entered May 26, 1976,  
approved the application of Dr. William Soper for a change in point of diversion  
for the right evidenced by certificate recorded at Page 11572, State Record of  
Water Right Certificates. The order lists a date of priority of November 18,  
1955 whereas the right described bears a date of priority of November 18, 1935.

NOW, THEREFORE, it hereby is ORDERED that reference to a date of  
priority of November 18, 1955, not be considered and upon completion of the  
authorized change in point of diversion a certificate shall be issued to  
Dr. William M. and Carrie Jean Soper bearing a date of priority of  
November 18, 1935.

Dated at Salem, Oregon, this 30th day of July, 1976.

/s/ JAMES E. SEXSON  
Director



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Coos County

IN THE MATTER OF THE APPLICATION  
OF DR. WILLIAM M. SOPER FOR THE  
APPROVAL OF A CHANGE IN POINT OF  
DIVERSION OF WATER FROM SIMPSON  
CREEK

ORDER APPROVING  
TRANSFER NO. 2532

On June 9, 1971, Dr. William M. Soper filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Simpson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Arthur G. Randall and recorded at Page 11572, Volume 10, State Record of Water Right Certificates, confirmed a right to the use of not to exceed 1.5 cubic feet per second of waters of Simpson Creek for development of 1.5 theoretical horsepower (not electrical) and for the irrigation of 15.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, Township 28 South, Range 14 West, W.M., with a date of priority of November 18, 1955. These lands were irrigated from a point of diversion located 1800 feet North and 150 feet West from the Southeast corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, Township 28 South, Range 14 West, W.M.

Curtis F. and Dolores L. Simpson and William M. and Carrie Jean Soper submitted an affidavit that they are the legal and equitable owners of the water right evidenced by the certificate recorded at Page 11572, and the land to which it is appurtenant, that they have abandoned any and all interest in and to the use of water for development of power and request the same be canceled, that the land actually irrigated comprised 7.84 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20, and 1.09 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 29 South, Range 14 West, W.M., and that an appropriate change be made in the State Record of Water Right Certificates to correctly reflect the acreage actually irrigated.



Dr. William M. Soper proposes to irrigate the 7.84 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, and 1.09 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 28 South, Range 14 West, W.M., referred to in the preceeding paragraph from a point of diversion to be located 1800 feet North and 335 feet West from the Southeast corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, Township 28 South, Range 14 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there is no intervening diversion.

No objection 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 Simpson Creek, to wit:

From a point located 1800 feet North and 150 feet West from the Southeast corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, Township 28 South, Range 14 West, W.M.

To a point to be located 1800 feet North and 335 feet West from the Southeast corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, Township 28 South, Range 14 West, W.M.

for the irrigation of 7.84 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20, and 1.09 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 29 South, Range 14 West, W.M., with a date of priority of November 18, 1955, is approved.

It is FURTHER ORDERED that no time need be fixed for completion as the change in point of diversion is completed and the new diversion 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 0.89 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 water master.

It is FURTHER ORDERED that the certificate heretofore issued to Arthur G. Randall and recorded at Page 11572, Volume 10, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion a certificate of water right shall be issued to Dr. William M. and Carrie Jean Soper for the appropriation of not to exceed 0.89 cubic foot per second of waters of Simpson Creek for the irrigation of 7.84 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20, and 1.09 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 29 South, Range 14 West, W.M.

Dated at Salem, Oregon, this 26th day of May, 1976.

/s/ JAMES E. SEXSON  
Director



# A F F I D A V I T

STATE OF OREGON

County of \_\_\_\_\_

ss.

We \_\_\_\_\_

being first duly sworn, depose and say that we are the owners of a water right and the land to which it is appurtenant, which is for the use of not to exceed 1.5 cubic feet per second of water from Simpson Creek for irrigation of 15 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, Township 28 South, Range 14 West, W.M., and development of 1.5 theoretical horsepower (not electrical) under a priority date of November 18, 1935, as evidenced by the certificate recorded at page 11572, Volume 10, State Record of Water Right Certificates; that we have abandoned any and all interest in and to the use of water for development of power and request the same be canceled; that the sketch which was submitted with the proof of appropriation of water did not accurately represent the project as completed, and that the area of 7.84 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, and 1.09 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 28 South, Range 14 West, W.M., as located by the map submitted with application No. 48309 is and has been irrigated and that any other lands which may once have been irrigated have since been abandoned and we request the same be canceled, and upon approval of our application for a change in point of diversion a new certificate be issued for the appropriation of 0.22 cubic foot per second of waters of Simpson Creek for irrigation of 7.84 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, and 1.09 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 28 South, Range 14 West, W.M.

IN WITNESS WHEREOF, we have hereunto set our hands this \_\_\_\_\_

day of \_\_\_\_\_ 197 .

\_\_\_\_\_  
\_\_\_\_\_



Subscribed and sworn to before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 197 .

\_\_\_\_\_  
Notary Public for Oregon

My Commission expires \_\_\_\_\_





# STATE ENGINEER

## WATER RESOURCES DEPARTMENT

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

TOM McCALL  
GOVERNOR

CHRIS L. WHEELER  
State Engineer

File No. 48309

January 10, 1975

Mr. Malcolm J. Corrigall  
McNutt, Gant, Ormsbee & Gardner  
455 South 4th Street  
Coos Bay, Oregon 97420

Dear Mr. Corrigall:

There are two completed rights, two permits and one incomplete application for change in point of diversion involved in the property of William Soper and a little more involved than giving you a description of each.

The certificate of water right recorded at page 11572, State Record of Water Right Certificates, was issued to Arthur Randall for the appropriation of 1.5 cubic feet per second of waters of Simpson Creek for irrigation of 15.0 acres and development of 1.5 theoretical horsepower (not electrical) under a priority date of November 18, 1935. The proof submitted lists a water wheel as a power source for the pump discontinued by the time the second right was perfected.

The certificate of water right recorded at page 35721 was issued to Curtis Simpson for the appropriation of 0.08 cubic foot per second of waters of Simpson Creek for irrigation of 6.4 acres under a priority date of January 2, 1959.

Dr. Soper submitted an application which was approved by permit No. R 5809 for the construction of a reservoir and three holding ponds and storage of 7.0 acre feet of waters of Simpson Creek for supplemental irrigation and frost control, being 3.5 acre feet for irrigation and 3.5 acre feet for frost control.

The secondary application was approved by permit No. 35941 for the appropriation of 2.88 cubic feet per second of waters of Simpson Creek and reservoir and three ponds for irrigation, supplemental irrigation and frost control.

*letter  
24  
11/10/75*



Mr. Louis Prahar prepared the application and map approved by permit No. 35941 and included the existing bogs. We made the usual final proof survey before issuing certificate No. 35721 so had no conflict with it, but certificate No. 11572 was issued prior to the time this office made final proof surveys and the proof of appropriation was only supported by a sketch not in agreement with Mr. Prahar's map. There was an actual change in point of diversion under certificate No. 11572 and Dr. Soper submitted an incomplete application for approval of the change. Action on this has been withheld pending completion of an affidavit by Dr. Soper and the contract seller so the description of the first right under certificate No. 11572 can be corrected to describe the use of water actually made. Mr. Prahar had written us regarding this and I am enclosing a copy of his letter of August 25, 1971 and have marked the appropriate paragraph.

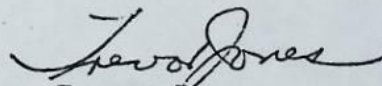
The completed rights evidenced by certificates are valid to the extent of beneficial use of water subject to forfeiture for failure to use the water for any period of five successive years.

We have had no report as to what has been done under permits No. R 5809 and 35941. The time limits for these are April 5, 1973 to begin construction, October 1, 1973 to complete construction and October 1, 1974 to complete the use of water. If these time limits were met Dr. Soper should submit proper notices and the rights could be perfected to the extent of beneficial use of water.

I see no reason why all matters I mention could not be completed by Dr. Soper and the contract seller or by a subsequent purchaser.

I cannot find any reference to your November 18, 1974 letter. Perhaps if further details are needed we should discuss the matter by telephone.

Very truly yours,

  
Trevor Jones  
Assistant

TJ:whh

Enc: Copy of Prahar ltr 8/25/71



July 17, 1972

Dr. William M. Soper, D.D.S.  
P. O. Box 98  
Gridley, California 95948

R-48308  
48309  
T-2532  
16149  
32829

Dear Dr. Soper:

I have previously written regarding the water right evidenced by certificate 11572 for which you have requested approval of a change in point of diversion.

Mr. Louis Prahar stated that the westerly bogs as he mapped them have existed for over twenty years and Mr. Curtis Simpson constructed additional bogs after obtaining permit 26056 which was confirmed by certificate 35721.

There is no conflict for the 6.4 acres on the east side as described in certificate 35721 issued to Curtis Simpson and no action other than continued use of water need be taken.

So as to correct the record so certificate 11572 will correctly describe and locate the use of water made, I have prepared and enclose two identical affidavits. Once you indicated that you were contract purchaser so I prepared one affidavit for you and one for the contract seller. I have left a blank for the proper entry. If you now own the property, only one affidavit is required and you should insert "owner" in the blank space. The right is restricted to the extent beneficial use of water was made so this action merely corrects the record of the right. We will include the area in Section 29 not previously described.

On receipt of the completed affidavit we can complete action on your request for change in point of diversion.

Very truly yours,

Trevor Jones  
Assistant

TJ:ds  
Enclosure



December 9, 1971

R-48308  
48309  
32829  
16149  
T-2532

Dr. William M. Soper  
Post Office Box 98  
Gridley, California 95948

Dear Dr. Soper:

I apologize for the delay in responding to the return of your applications R-48308 and 48309. We have had some personnel changes which have affected the handling of the more involved applications.

Mr. Louis Prahar sent an explanatory letter with the returned applications and also expressed your desire to do what is necessary to establish rights to cover your project.

The certificate recorded at page 11572 describes the use of 1.5 cubic feet per second of waters of Simpson Creek for irrigation of 15.0 acres and development of 1.5 theoretical horsepower. The sketch which accompanied the proof and the certificate locate the land in the SW 1/4 SEC 20, which is something different than the bogs as located by Mr. Prahar. The right is restricted to the use of water and area of use as made by the completion date of the permit. Mr. Prahar states that the westerly bogs have existed as he mapped them for over 20 years. He also states that Curtis Simpson filed an application for a permit for additional bogs constructed after completion of the first right. It appears from Mr. Prahar's map that the early right should be for 7.84 acres in the SW 1/4 SEC 20, and 1.09 acres in the NW 1/4 SEC 29, for a total of 8.93 acres. The 3.27 acre bog in Section 20 and 2.22 acre and 1.03 acre bogs in Section 29 were constructed later according to our records and covered for the most part by certificate 35721 although our acreage figure is 6.4 acres.

Along with your application for approval of a change in point of diversion, we are willing to correct the certificate to describe the westerly bogs comprising 8.93 acres which includes 1.09 acres in Section 29.



Certificate 35721 is for  $1/80^{\text{th}}$  cubic foot per second of water per acre for 6.4 acres, so the new application can include an additional  $1/80^{\text{th}}$  cubic foot per second of water per acre and the difference of 0.12 acre from Mr. Prahar's map can be taken care of by increasing the adjacent proposed bog acres by 0.05 acre in Section 20 and 0.07 acres in Section 29.

We have issued permits for frost control as this may be needed before and after the normal irrigation season. High temperatures occur during the irrigation season so we do not issue permits for both heat control and irrigation. Water for cooling also results in irrigation of the crop.

I have prepared an application based on the information you submitted and records of existing rights. All acreage figures are from Mr. Prahar's map. Other than a small change in the quantity of water, the only changes are in Item 8.

If the correction is made so the earliest right covers the three westerly bogs, the application need be only for frost control for the 4.43, 1.16, 2.25, and 1.09 acre areas and these are listed as 7.84 acres in Section 20 and 1.09 acres in Section 29.

The 6.4 acres under permit 26056 are listed for supplemental irrigation to provide an additional  $1/80^{\text{th}}$  cubic foot per second of water per acre.

To agree with Mr. Prahar's map, I suggest listing 0.27 acres instead of 0.20 acre in Section 20 and 1.74 acres instead of 1.69 acres in Section 29, because certificate 34721 is for 3.2 acres not 3.27 in Section 20 and 3.2 acres not 3.25 in Section 29. It is not necessary to list acreage figures to  $1/100^{\text{th}}$  so the map and application can be changed if you wish.

I am not sure if Mr. Prahar included the small part of the proposed 1.84 acre bog in Section 20 in his figure of 1.84 acres. I prepared the application on the assumption that he did not so added 0.10 acre in Section 20.

If you agree with this application, it only requires signing and returning. I will then assist in the completion of your application for approval of a change in point of diversion and incorporate a request to change the description to cover the use as made.

I am returning the map and your application which is endorsed so that in order to retain its date of priority it must be returned to this office on or before February 9, 1972.



Dr. Saper

-3-

December 9, 1971

If you wish to submit the superseding application, the original application must also be returned.

I am sending copies of the applications and map to Mr. Praher so you will not have to mail them back and forth if you wish to consult with him before taking action.

Very truly yours,

Trevor Jones  
Assistant

TJ:slv

Enclosures  
cc: Louis Praher



July 1, 1971

R-48308  
48309  
T-2532  
16149  
32829

Dr. William M. Soper, D. D. S.  
P. O. Box 98  
Gridley, CA 95948

Dear Doctor Soper:

This will acknowledge your application for a permit to construct four reservoirs and store a total of 7.0 feet therein from Simpson Creek for irrigation and temperature control, two small dam data sheets and a fee of \$20 for which our receipt number 23944 is enclosed. This application has been filed and numbered R-48308.

Also acknowledged is your application for a permit to appropriate 3 cubic feet per second from Simpson Creek and three reservoirs for the irrigation of 4.87 acres and the temperature control of 19.18 acres, a map, and the fee of \$34 for which our receipt number 23945 is enclosed. This application has been filed and numbered 48309.

Also acknowledged is your application for a change in point of diversion of water from Simpson Creek and a fee of \$25 for which our receipt number 23946 is enclosed. The application has been filed as transfer 2532.

Reservoir application number R-48308 describes one reservoir area on Simpson Creek. The map clearly shows two structures on the creek. Each reservoir must be separately designated on this application.

Item number 3 on the reservoir application must separately specify the quantity of water stored in each of the five reservoirs for each use. The small dam data sheet submitted for the Simpson Creek storage area indicates a drainage area of only 0.25 acre. The drainage area of Simpson Creek above the reservoir is considerably larger than this and the small dam data sheet should be corrected.



July 1, 1971

Certificate 11572 was issued to Arthur G. Randall and describes the irrigation of 15 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20 and the development of 1.5 theoretical horsepower. Certificate 35721 was issued to Curtis F. Simpson and describes the irrigation of 3.2 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20 and 3.2 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29. The total irrigation between the two rights is 21.4 acres. The map submitted shows the present irrigation of 15.45 acres. However, the 1.09 acres in the westerly part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 9 was never included in Certificate 11572 and must be designated as primary irrigation of this application.

The only proof of a water right is beneficial irrigation. If the 3.27 acres in the south easterly corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20 was in fact irrigated by May of 1939, it could be a portion of the land described by Certificate 11572 but could not then be a part of the 6.4 acres in Certificate 35721.

If you own all of the land described by the two earlier certificates and all of the land irrigated under these certificates is shown on the map, I will prepare for your signature the necessary affidavit of abandonment to clear our records of that part of the right no longer being used.

Item number 1 on application number 48309 should also include the two reservoirs on Simpson Creek as sources of appropriation. The second point of diversion on Simpson Creek must also be described in Item number 4 on this application.

The land irrigated under earlier rights is for the appropriation of live flow from Simpson Creek only. Perhaps you would wish to file for supplemental irrigation from the reservoirs on this land. If so, the map and Item number 8 on the application must separately describe the primary and supplemental irrigation.

The quantity of water allowed under Certificate 35721 was 1/80th of a cubic foot per second per acre. This is one-half of the quantity that can now be allowed for the irrigation of cranberries. Therefore, an additional 1/80th of a cubic foot per second for each acre irrigated under this certificate could be filed on at this time to make up the deficiency in the quantity of water allowed under the earlier certificate.

If the cranberries are harvested by the flooding method, this use should also be included for all lands.

A legal description of the property upon which the water will be used must accompany the application. This can be copied from your deed, title insurance policy or sales contract.



Dr. William M. Soper

Page 3

July 1, 1971

The contract seller of this property must submit a statement approving your proposed change in point of diversion.

I am returning your applications number R-48308 and 48309 with the map for completion and correction and endorsed that so in order to retain their dates of priority they must be returned to this office on or before August 30, 1971.

Very truly yours,

LARRY W. JEBOUSEK  
Assistant

LWJ:dg  
Enclosures  
cc: Louis Prahar