

3196 Keller L. Williams
Williams, 97544

3196

STATUS OF APPLICATION

Change in point of diversion
Date filed 4-9-75
Date of hearing 2-22-77
Place of hearing Shants Pass
Date of order 2-23-77 Vol. 28, page 332
Date for application of water 10-1-78
Proof mailed _____
Proof received _____
Certificate issued **APR 30 1979** Vol. 44, page 47911

DESCRIPTION OF WATER RIGHT

Name of stream Williams Creek
Trib. of _____ County of Josephine
Use irrigation, stock
Quantity of water _____ No. of acres 58 35.5
Name of ditch Baltimore Ditch
Date of priority 1858
In name of Albert & C.O. Bigelow & George Sparlin
Rogue River Adjudication, Vol. 4, page 26
App. No. _____ Per. No. _____ Cert. No. 16306
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
4-9-75	30.00	46126
4-9-75	45.00 p.o.n.	46127
TOTAL . . .		
1-25-77	2 ⁰⁰ Cert. Fee	46127
Cousier Publ. Co. 42.16		Ch. # 1102
1/2 5/77		

FEES REFUNDED

Date	Amount	Check No.

Fees Exam 15⁰⁰
Rec 15⁰⁰

REMARKS

Order approving transfer F-51 cancelled certificate 16306 See File F-51 re remaining r.l. Cert.
Also see transfer 3356
Confirming Cert on this transfer should be issued along with Confirming Cert on T#3356 and T# F51
See other transfer files
relating to changes of use
from Baltimore Ditch
S-20, F-51, R-33, C-119, R-27 & F-45

See T-4201 = POD(add)

INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Trp. & Rec.	GLS	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-vault	lig	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-sale	lig	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Per. Folder	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Chinindex	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Power Claim	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Abstracts	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2/15

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION
OF ROBERT M. AND FLORENCE W. EMERY
FOR THE APPROVAL OF A CHANGE IN
POINT OF DIVERSION OF WATER FROM
WILLIAMS CREEK

ORDER APPROVING
TRANSFER NO. 3196

On April 9, 1975, Robert M. and Florence W. Emery filed an application in the office of the Water Resources Director 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 Albert and C. O. Bigelow and George Sparlin and recorded at Page 16306, Volume 13, State Record of Water Right Certificates, as modified by the provisions of an order entered on March 18, 1965, approving transfer application No. F-51, describes an existing right of record which includes the use of not to exceed 0.59 cubic foot per second from Williams Creek for stockwater and irrigation of 24.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, 8.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.5 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 1858.

Water for the said right is diverted through the Baltimore ditch from a point located 250 feet North and 950 feet West from the Southeast corner of Section 5, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 39 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion to a point located 180 feet North and 400 feet West from the center corner of Section 26, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 38 South, Range 5 West, W.M.

Notice of the application, pursuant to ORS 540.510 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 December 27, 1976, and January 3 and 10, 1977.

Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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 requested change in point of diversion from Williams Creek described herein, without loss of priority, is approved.

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 0.59 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;

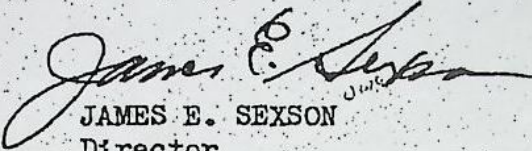
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

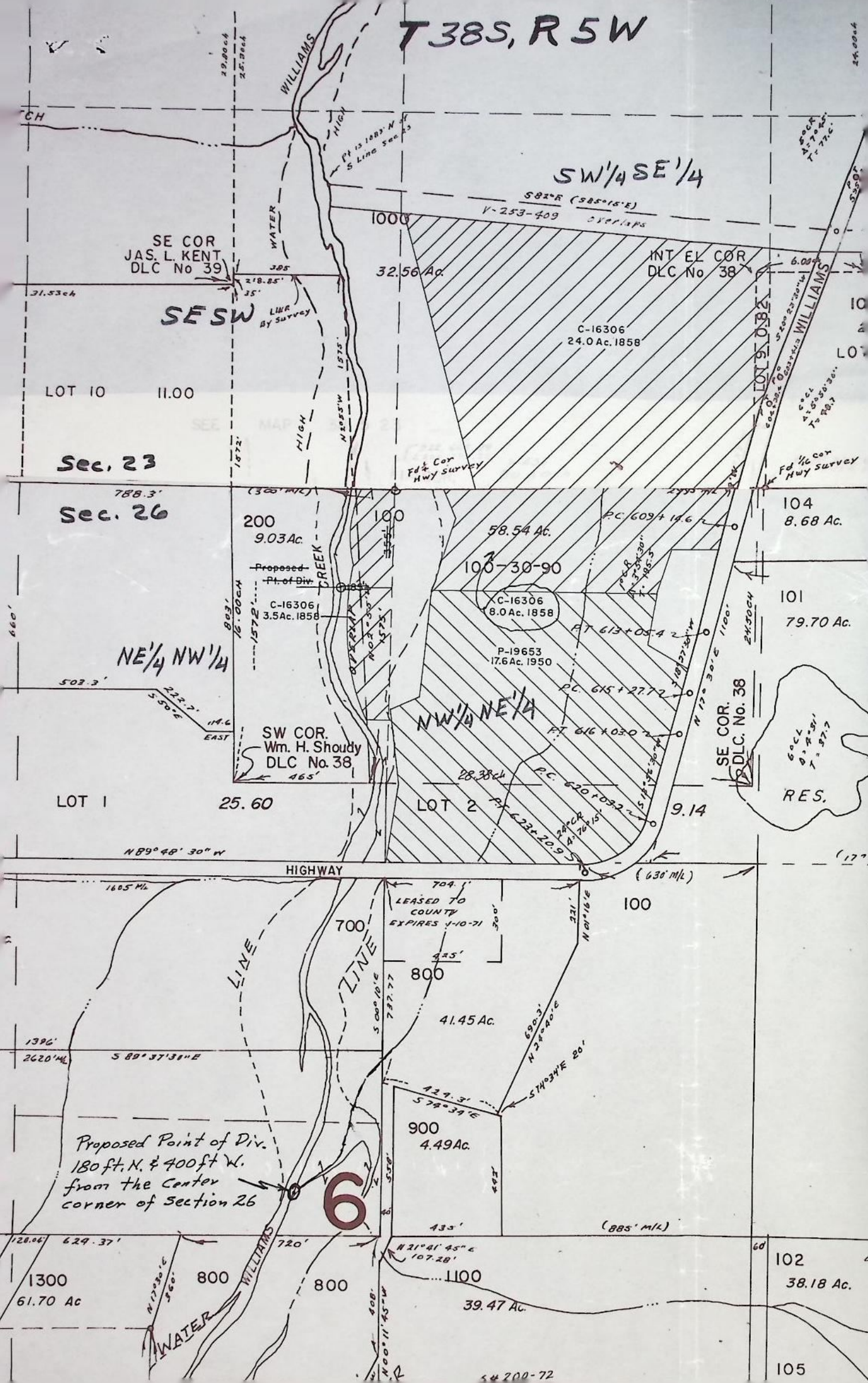
It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered March 18, 1965, approving transfer application

No. F-51, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized herein, a certificate of water right shall be issued to Robert M. and Florence W. Emery confirming the change in point of diversion.

Dated at Salem, Oregon, this 23rd day of February, 1977.

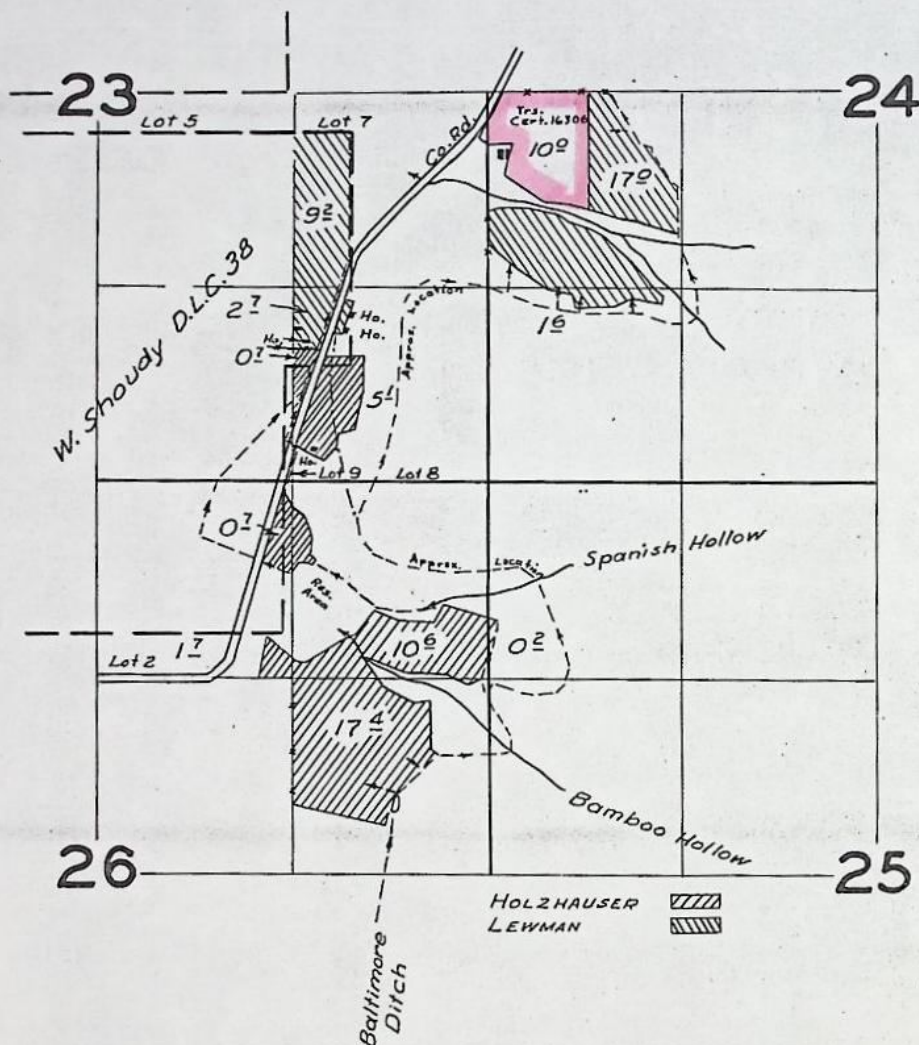

JAMES E. SEXSON
Director

T38S, R5W

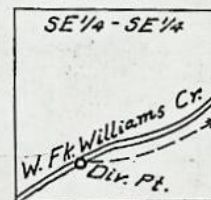


3356/3849

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



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



From Adjudication Map

FINAL PROOF SURVEY UNDER

Application No. 24623 Permit No. 19388
IN NAME OF

H.B. HOLZHAUSER, RICHARD F. & GLEN ORVAL LEWMAN

Surveyed 25 July 1959, by M. B. Sch

Lime Plant

16300 385 SW

- AP00 - R-27
- AP00 - S-90/C-45
- AP00 - C-119
- AP00 - 3196
- AP00 - 3356 3849

22

D.L.C. 40
Not. 272

D.L.C. 39
Not. 1022

WILLIAMS

D.S. Mansfie

G.P. & Jos.
Bank

Lot 6

Lot 5

D.L.C. 38
Not. 982

50°

56°

26°

23°

35°

37°

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41°

43°

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625°

627°

629°

631°

633°

635°

637°

T38S, R5W

SW¹/₄ SE¹/₄

SE COR
JAS. L. KENT.
DLC No 39

SE SW

~~INT EL COR~~
~~DLC No 38~~

C-16306
24.0 Ac. 1858

LOT 10 11.00

Sec. 23

Sec. 26

NE $\frac{1}{4}$ NW $\frac{1}{4}$

SW COR.
- Wm. H. Shoudy
DLC No. 38,

NW¹/₄ NE¹/₄

SE COR. 38
DLC. No. 38

RES.

HIGHWAY

Proposed Point of Div.
180 ft. N. & 400 ft W.
from the Center. ↗
corner of Section 26

EXPIRES 1

41.45 Ac.

900
4494c

102
38.18 Ac.

105

SA 200-72

RECEIVED

T-3196

APR 9 1975
STATE ENGINEER
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Robert Melvin & Florence W. Emery
(Name of applicant)

of Williams, County of Josephine
(Postoffice)

State of Ore., do hereby make application for change in point of diversion

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

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

2. The use to which the water is applied is irrigation, stock water
(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 S.E.
(N. or S.) (E. or W.)

corner of Section 5 being within the S.E. 1/4 S.E. 1/4
(Section or subdivision)

of Section 5 Tp. 39S R. 5 W W. M., in the County of Josephine
(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 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
38S	5W	23															57k	
38S	5W	26		8.0 & 57k				57k									24.0	
				25.60				3.50										
				RME														

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)

35.5 ac

0.59 ac

6. Are you the legal owner of the above described lands? yes.
(If not owner, explain your interest)

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? 1858 & Apr. 24, 1950

9. Was your water right acquired by State Engineer's Permit? yes If so, give number
(Yes or No)

of permit 1965

10. Do you hold a water right certificate? yes If so, give number of certificate 16306
(Yes or No)

11. 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)

12. Is the water right recorded in your name? Albert & C.O. Bigelow & George Sparlin
(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 $\frac{1}{4}$	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 $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

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

RME The proposed point of diversion is located 180 ft. N. & 400 ft. W. center
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 355 ft. S and 385 ft. E from the NE $\frac{1}{4}$
(N. or S.) (E. or W.)
corner of Sec. 26 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26 Tp. 38S R. 5W 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 Little Williams Ditch

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

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? Yes

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 change the point of diversion from present location to a point on Williams Creek where it flows through my property, so I can install an electric pump, to a point closer to my property reducing maintenance cost and problems of conveying water across other properties through the Baltimore Ditch. RME

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Josephine

} ss.

I, Robert Melvin & Florence W. Emery, 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 4 day of April, 1975.

Robert Melvin Emery
(Name of applicant)

Subscribed and sworn to before me this 4th day of April, 1975.

[Notarial Seal]

Annette E. Wells
NOTARY PUBLIC FOR OREGON

My commission expires 1-8-78

Remarks The present point of diversion is seven miles by ditch from the land being served. Recent proliferation of subdivisions along the ditch, the erection of fences and misunderstandings by property owners of my right of way points to the possibility of legal entanglements. Theft of water is already taking place. The ditch is increasingly difficult to maintain and wasteful of much of the water. If this change is granted I will install an electric pump and sprinkler line. I feel that sprinkling will give a greater utilization of the water and I will probably only use half the amount of water necessary for flood irrigation.

I understand that I will no longer need or be able to retain the supplemental right from Williams Creek if this application is approved. Robert M. Emery
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.

disregard
9wc
4-10-79

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, ThatALBERT & C.O. BIGELOW AND GOERGE
SPARLIN

of Williams, State of Oregon, 97544, has
a right to the use of the waters of Williams Creek

a tributary of Applegate River for the purpose of
irrigation of 107.5 acres, domestic and stock use in Tract No. 1 and Mining
and Power, November 1st to June 1st, in Tract No. 2

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 WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the
right thereby confirmed dates from 1858

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 1.79 cubic feet
per second for Tract No. 1 and 10.00 cubic feet per second for Tract No. 2

and shall not exceed the amount of water available at the original
points of diversion into the Baltimore Ditch.

The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26,
T. 38 S., R. 5 W., W. M.

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

SEE NEXT PAGE

TRACT NO 1

Fred W. Richards:

6.6 acres Lot 11 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
11.8 acres Lot 10 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 23

12.5 acres Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 26

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

from a point of diversion located 2670 feet South and 2130 feet West
from the NE Corner of Shoudy DLC No. 38, being within NE $\frac{1}{4}$ NW $\frac{1}{4}$, as
projected within said DLC No. 38, Section 26, T. 38 S., R. 5 W., W.M.

J. E. Ferrare:

32.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$

30.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$

3.4 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$

8.2 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 23

all as projected within

Kent DLC No. 39

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

from a point of diversion located 950 feet South and 2120 feet West
from the NE Corner of Shoudy DLC No. 38, being within NE $\frac{1}{4}$ SW $\frac{1}{4}$, as
projected within said ~~XXXXXX~~ DLC No. 38, Section 23, T. 38 S., R. 5 W., W.M.

Mariann J. Collins:

3.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 26

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

from a point of diversion located 3250 feet South and 1900 feet West
from the NE Corner of Shoudy DLC No. 38, being within NE $\frac{1}{4}$ NW $\frac{1}{4}$, as
projected within said DLC No. 38, Section 26, T. 38 S., R. 5 W., W.M.

TRACT NO. 2

Placer Mines in Section 26

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

Power developed to operate
8 stamp quartz mill in Section 23
T. 38 S., R. 5 W., W.M.

This certificate is issued to confirm changes in point of diversion approved
by orders of the Water Resources Director entered April 26, 1951, April 29, 1952,
April 27, 1956 and May 7, 1962, and together with certificates of water right
recorded at pages 47909, 47910, 47911 and 47912 Volume
41, supersedes the prior certificate recorded at page 16306, Volume 13, State
Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of
the water right in reference to ORS 540.610.

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 Water Resources Director, affixed

this date

, 19

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume

, page

47908



WATER RESOURCES DEPARTMENT

714 N.W. "A" STREET • GRANTS PASS, OR • 97526 • Phone 476-8201, Ext. 247

December 22, 1976

ROBERT W. STRAUB
GOVERNOR

JAMES E. SEXSON
Director

WATER POLICY REVIEW
BOARD

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Eugene

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Portland

JAMES HILL
Arch Cape

JEAN FROST
Portland

Water Resources Department
1178 Chemeketa St., N. E.,
Salem, Oregon 97310

Att: J. W. Carver

Dear Jim:

This memo is in regard to our telephone conversation yesterday during which we discussed transfer 3196 in the name of Robert M. and Florence W. Emery.

The decree, certificate 16306, allows a water right from Williams Creek when, as a matter of fact, the water has been diverted from both the East Fork and the West Fork of Williams Creek and not the main stem. I am enclosing a copy of the adjudication map and have circled the 2 diversion points in red. Our telephone conversation concerned whether or not both these diversion points should be mentioned in the notice for publication.

Very truly yours,

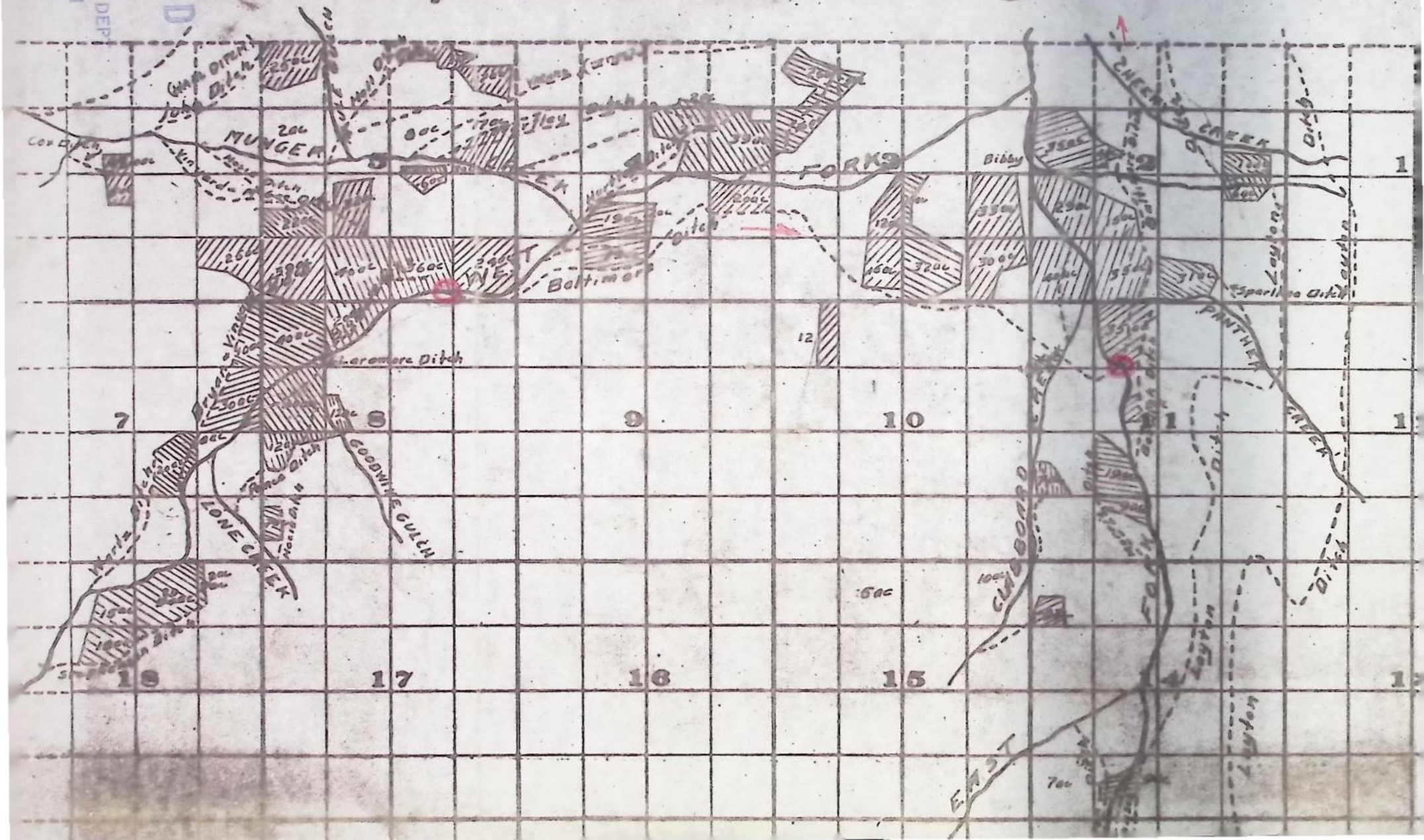
RECEIVED

DEC 27 1976

Robert B. Steimer
Robert B. Steimer
WATER RESOURCES DEPT Watermaster, Dist. #14
SALEM, OREGON

RBS:dc
Enclosure

RECEIVED

Range 5W

Gibraltar Onion Skin
MILLERS FALLS
ALL COTTON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF ROBERT M. AND FLORENCE W. EMERY)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
WILLIAMS CREEK)

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TRANSFER NO. 3196

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Water for the said right is diverted through the Baltimore ditch from a point located 250 feet North and 950 feet West from the Southeast corner of Section 5, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 39 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion to a point located 180 feet North and 400 feet West from the center corner of Section 26, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 38 South, Range 5 West, W.M.

Gibraltar Onion Skin
MILLERS FALLS
ALL COTTON

Notice of the application, pursuant to ORS 540.510 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 December 27, 1976, and January 3 and 10, 1977.

Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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 requested change in point of diversion from Williams Creek described herein, without loss of priority, is approved.

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 0.59 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 watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered March 18, 1965, approving transfer application

MILLERS FALLS

ALL COTTON

No. F-51, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized herein, a certificate of water right shall be issued to Robert M. and Florence W. Emery confirming the change in point of diversion.

Dated at Salem, Oregon, this 23rd day of February, 1977.

/s/ JAMES E. SEXSON
Director

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON

LEGAL NOTICE

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3196 FOR CHANGE
IN POINT OF DIVERSION

Notice is given hereby that Robert M. and Florence W. Emery have filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from Williams Creek.

Certificate of water right recorded at Page, 16306, Vol 13, State Record of Water Right Certificates, in the names of Bigelow & Sparlin, describes an existing right of record which includes the use of not to exceed 0.59 cubic foot per second from Williams Creek for stockwater and irrigation of 24.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 23, 8.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 38 S., R. 5 W., W.M., with a date of priority of 1858.

Water for the said right is diverted through the Baltimore ditch from a point located 250 ft. N. and 950 ft. W. from the SE corner of Sec. 5, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 5, T. 39 S., R. 5 W., W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion to a point located 180 ft. N. and 400 ft. W. from the center corner of Sec. 26, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of 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 courthouse at Grants Pass, Oregon, on Feb. 22, 1977, 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 Robert M. and Florence W. Emery, Williams, Or., 97544, and one copy filed with the Water Resources Department, Salem, Or., 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 17th day of December, 1976.

JAMES E. SEXSON

Director

No. 48 - Mon. Dec. 27, 1976, Jan. 3 &

AFFIDAVIT OF PUBLICATION

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 WATER RIGHT TRANSFER APPLICATION
NO. 3196 FOR CHANGE IN POINT OF DIVERSION a printed copy of

which is hereto annexed, was published in the entire issue of said newspaper

for 3 successive and consecutive weeks in the following

issues December 27, 1976 and January 3, & 10, 1977

Subscribed and sworn to before me this 10th day of
January, 1977

A Kathleen Zehner
Notary Public of Oregon.

My commission expires 4th day of February, 1980.

RECEIVED
JAN 11 1977
WATER RESOURCES DEPT
SALEM, OREGON



WATER RESOURCES DEPARTMENT

714 N.W. "A" STREET • GRANTS PASS, OR • 97526 • Phone 476-8201, Ext. 247

ROBERT W. STRAUB
GOVERNOR

December 28, 1976

JAMES E. SEXSON
Director

WATER POLICY REVIEW
BOARD

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Portland

Water Resources Department
1178 Chemeketa St., N. E.,
Salem, Oregon 97310

Att: J. W. Carver

Dear Jim:

With regard to transfer 3196 in the name of Robert M. and Florence W. Emery, in my opinion this change in point of diversion may be made without injury to existing rights.

I recommend that pumping provision #1 be incorporated in the order.

Very truly yours,

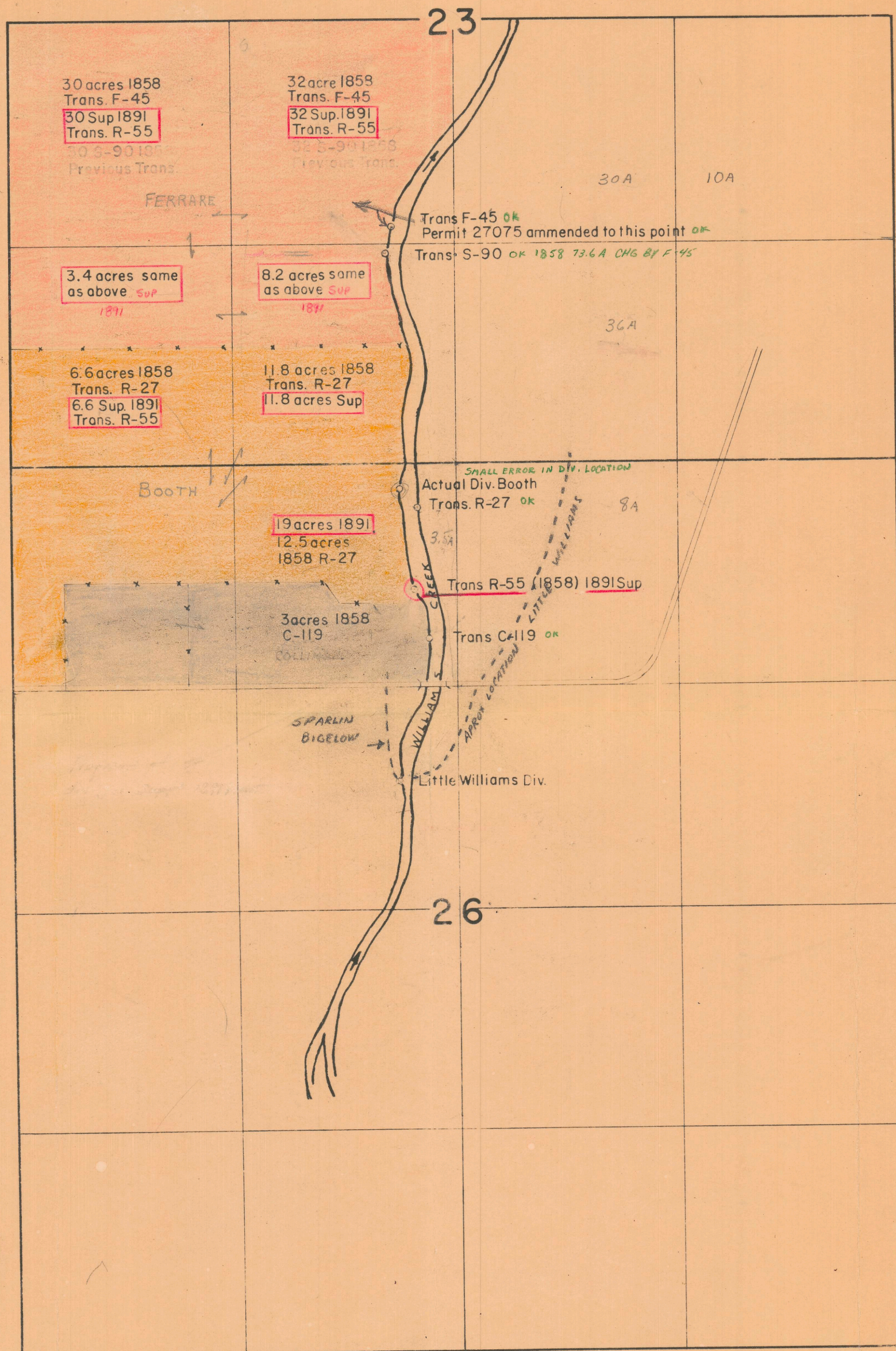
Robert B. Steimer
Watermaster, Dist. #14

RBS:dc

RECEIVED
DEC 30 1976
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
NOV 14 1963
STATE ENGINEER
SALEM, OREGON

TWP 38S R 5WWM



: POD
POU
USE
Add'1 POD

County Josephine

1. Name Robert M. & Florence W. Emery
Address Williams, OR 97

2. Source of Supply Williams Creek, Trib of

3. Use irrigation & stock

4. Amount of Water _____ Priority Date 1858

5. Proposed Point of Diversion 180 Ft. North and 700 Ft. West from the
Center^{Corner} of Section 26 being within the SE 1/4 NW 1/4, Section 26,
T. 38 South, R. 5 West, W.M. County of Josephine

6. Completion Date October 1, 1928

7. Place of Use:

[illegible]