

By

Change in POD

Date filed Jan. 13, 1978

Date of hearing March 14, 1978

Place of hearing Grants Pass

Date of order 3-16-78 Vol. 30, page 470

Date for application of water 10-1-79

Proof mailed

Proof received May 1 1970

Certificate issued _____ Vol. 38, page 455

JAN 22 1987

51

55486

to survey 10/79

DESCRIPTION OF WATER RIGHT

Name of stream Williams Creek

Trib. of _____ County of Josephine

Use Irr.

Quantity of water _____ No. of acres 48⁴

Name of ditch Dixon-Sparlin

Date of priority July 15, 1913

In name of Collins et al

..... Adjudication, Vol., page

App. No. 3084 Per. No. E-188 Cert. No. 41614

Certificate cancelled

Notation made on record by

REMARKS

See also T-3769

and T-4233

also see T-3986-POD for part (6.45 ac.) of the 48⁺ ac in this Transf-3862

W.B.I.S.

Assembled 5/31/85 by CLM

Entered _____ by _____

Verified _____ by _____

FEES PAID

Date	Amount	Receipt No.
1-13-78	\$ 85-	646
TOTAL . . .		
2-8-78	\$2 Cert. Fee	Transfr 646
The Daily Courier \$41.55 pd 2-8-78 ck 1982		

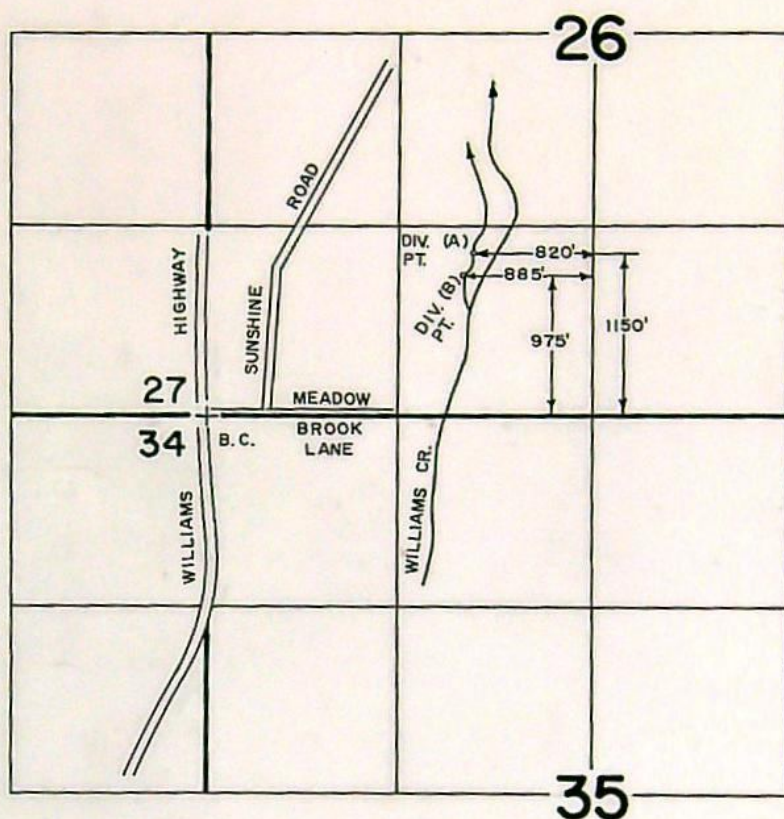
FEES REFUNDED

Date	Amount	Check No.
2-8-78	\$645	1983
Exm	20	
POD	15	
Cert	2	
PON	41.55	
	<u>78.55</u>	

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

97

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



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3862

Application No. Permit No.
IN NAME OF

.....CHARLES D. HOOVER.....

Surveyed AUG. 10. 19.83, by B. SUZIE JAMES

SCALE: 4" = 1 MILE

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **GEORGE H. COLLINS, MARY J. JOHN, J. H. GOTCHER, J. H. MILLER, GEORGE SPARLIN, and ALBERT BIGELOW**

of **Provolt**, 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 **Main Williams Creek**

a tributary of **Applegate River**
irrigation of **167.6 acres**

for the purpose of

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 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., 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.**

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 $\frac{1}{4}$		T-3769
18.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$		
30.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	T-3862	30.0
22.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$		22.0
10.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	-	10.0
32.0 40.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$	-	8.0
4.0 30.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$	-	25.0
5.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	-	5.0
Section 26		
T. 38 S., R. 5 W., W. M.		

48.0 ac
0.61 cfs

An order of the State Engineer entered August 21, 1973, approves a change in place of use and point of diversion for the irrigation of 11.2 acres. This certificate is issued to confirm the remaining right and supersedes the certificate heretofore issued to George H. Collins, Mary J. John, J. H. Gotcher, J. H. Miller, George Sparlin, and Albert Bigelow, and recorded at page 37485, State Record of Water Right Certificates.

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 date. **February 4, 1975**

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume **33**, page **41614**

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF CHARLES D. HOOVER FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM WILLIAMS CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. 3862

On January 13, 1978, an application was filed in the office of the Water Resources Director by Charles D. Hoover for approval of a change in point of diversion from Williams Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 41614, Volume 33, State Record of Water Right Certificates, in the name of George H. Collins, et al, describes a right which includes the use of not to exceed 0.61 cubic foot per second from Williams Creek for irrigation of a certain 10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 8.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 25.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 5.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 38 South, Range 5 West, W.M., with a date of priority of July 15, 1913.

Water for the said right is diverted, through the Dixon-Sparlin Ditch, from a point located 680 feet North and 200 feet East from the Southwest 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 change the point of diversion therefrom, without loss of priority, to a point located 920 feet North and 1800 feet East from the Southwest Corner of Section 26, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 26.

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 January 20 and 27 and February 3, 1978.

Mr. Robert B. Steimer, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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.

V 30, P 470

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as 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 under the subject right, and shall not exceed 0.61 cubic foot per second.

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

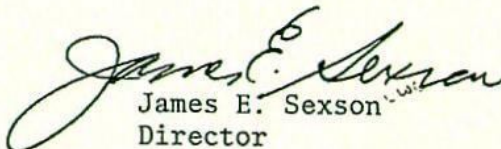
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the wier 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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to George H. Collins, et al and recorded at page 41614, Volume 33, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 16th day of March, 1978.


James E. Sexson
Director

LEGAL NOTICE

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3862

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Charles D. Hoover for approval of a change in point of diversion from Williams Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 41614, Volume 33, State Record of Water Right Certificates, in the name of George H. Collins, et al, describes a right which includes the use of not to exceed 0.61 cubic foot per second from Williams Creek for irrigation of a certain 10.0 acres in NE 1/4, SW 1/4, 8.0 acres in NW 1/4 SW 1/4, 25.4 acres in SW 1/4 SW 1/4 and 5.0 acres in SE 1/4 SW 1/4 of Sec 26, T 38 S, R 5 W, WM, with a date of priority of July 15, 1913.

Water for the said right is diverted, through the Dixon-Sparlin Ditch, from a point located 680 ft N and 200 ft E from the SW Corner of Sec 35, being within the SW 1/4 SW 1/4 of Section 35, T 38 S, R 5 W, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 920 ft N and 1800 ft E from the SW Corner of Sec 26, being within the SE 1/4 SW 1/4 of said Sec 26.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on March 14, 1978, 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 Charles D. Hoover, 200 Meadow Brook Lane, 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 OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 16th day of January, 1978

James E. Sexson
Director

No. 140—Fri.—January 20, 27 & Feb. 3, 1978

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, 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 January 20, 27 & February 3, 1978

Subscribed and sworn to before me this 3rd day of

February, 19 78

Notary Public of Oregon.

My commission expires 4th day of February, 19 80.

RECEIVED
FEB 7 1978
WATER RESOURCES DEPT
SALEM, OREGON