

3862

Name Charles D. Hoover

By \_\_\_\_\_

Address 200 Meadow Brook Lane  
Williams, OR 97544

Change in POD

Date filed Jan. 13, 1978

Date of hearing March 14, 1978

Place of hearing Grant's Pass

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

Date for application of water 10-1-79

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued MAY 1 1978 Vol. 38, page 45514  
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 48<sup>±</sup>

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 \_\_\_\_\_

FEEES PAID

Date	Amount	Receipt No.
<u>1-13-78</u>	<u>\$ 85-</u>	<u>646</u>
TOTAL . . .		
<u>2-8-78</u>	<u>\$2 Cert. Fee</u>	<u>Trans. of 646</u>
<u>The Daily Courier \$41.55 pd 2-8-78 ck 1982</u>		

FEEES REFUNDED

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

REMARKS

See also T-3769

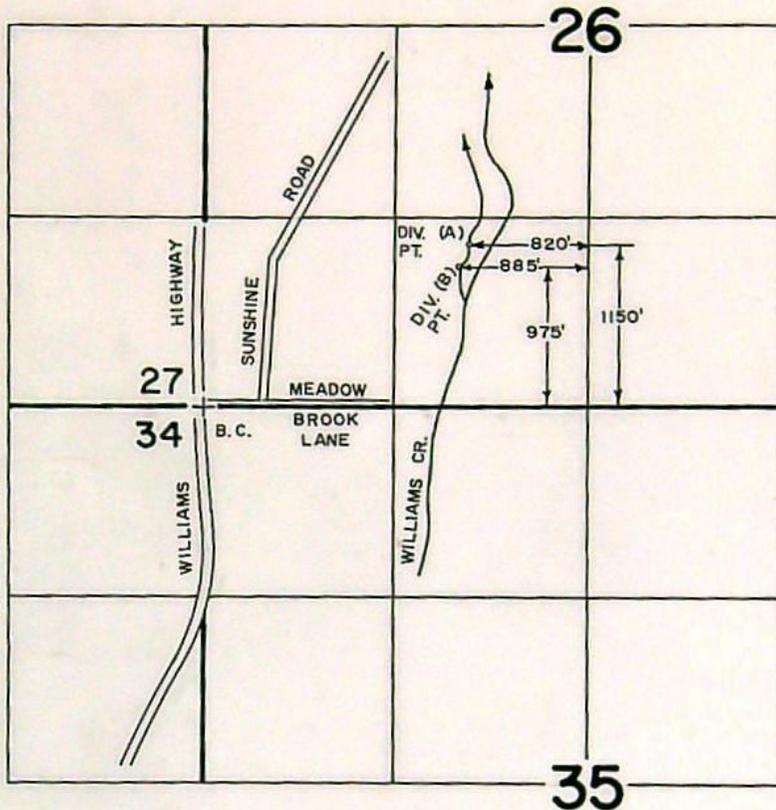
and T-4233

also see T-3986, a POD for part (6.45 ac) of the 48<sup>±</sup> ac in this Transf. - 3862

W.R.I.S.	
Assembled	<u>5/31/85</u> by <u>CLM</u>
Entered	_____ by _____
Verified	_____ by _____

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

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

GEORGE H. COLLINS, MARY J. JOHN, J. H. GOTCHER, J. H. MILLER, GEORGE SPARLIN, and ALBERT BIGELOW

This Is to Certify, That

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** for the purpose of irrigation of **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 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 $\frac{1}{4}$		
	18.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$		T-3769
	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
	<del>10.0 acres NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></del>		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
	<del>5.0 acres SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math></del>		5.0
	Section 26		
	T. 38 S., R. 5 W., W. M.	48.4 ac	
		0.61 cfs	

*Hold on RR cert until T-3769 is complete*

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

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 )  
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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:

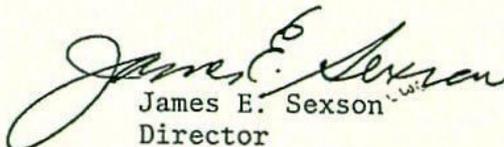
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

W/C  
V 30, P 471

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

*Charles J. Moore*

Subscribed and sworn to before me this 3rd day of

February, 19 78

*Kathleen Johnson*  
Notary Public of Oregon.



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