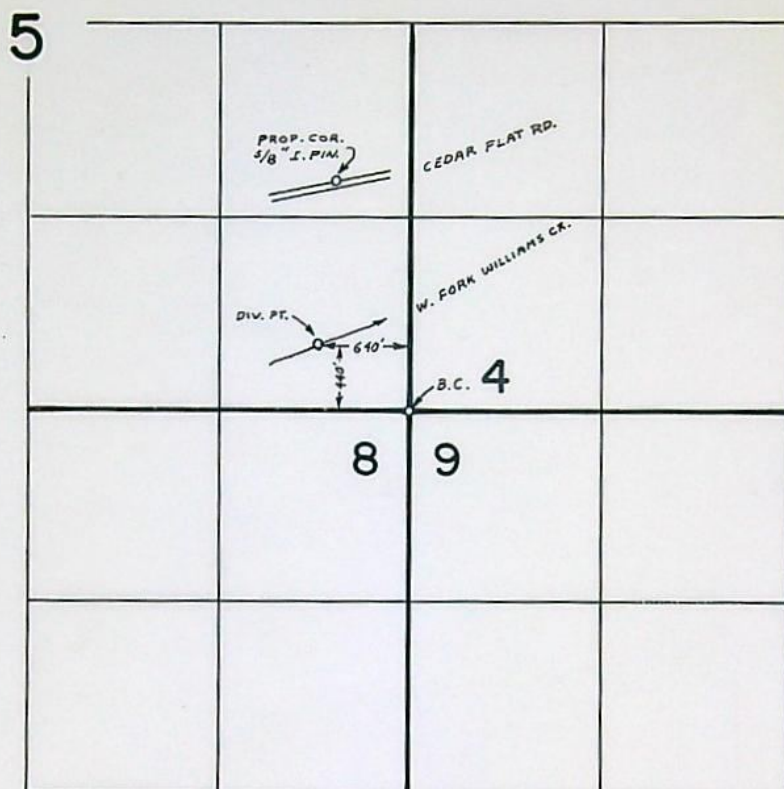


T.39 S., R.5 W., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 3110

Application No. Permit No.
IN NAME OF

LEWIS VINCENT KESLER

Surveyed SEPT. 15 1978, by B. SUND

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

Superseded by

Cert. No.

43769

S. Or. V. 27, 298
(Tr. 3110)This Is to Certify, That Lewis Vincent Kesler2545 Cedar Flat Rd

of 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 West Fork of Williams Creek

a tributary of Williams Creek (~~Applegate River~~)
irrigation of ~~25.0~~ acres
19.25

for the purpose of

under Permit No. 4886 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 December 15, 1920

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

~~0.34~~ cubic foot per second, if available at the original diversion points of record; ~~0.24~~ ^(NE 1/4 NW 1/4 Sec 3) ~~point 510' N & 400' W from the SE cor Sec 5~~ ^{SE 1/4 SE 1/4 Sec 5} both T39S R5W W.M.

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the ~~NE 1/4 NW 1/4~~ ^{SE 1/4 SE 1/4} Section 5, T. 39 S., R. 5 W., W. M.,
440' N & 640' W from the SE cor Sec 5

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,

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:

19.25 acres SE 1/4 SE 1/4
Section 5
T. 39 S., R. 5 W., W. M.

Certificate of water right issued to M. E. Sullivan and recorded at page 3316.

Type when cert
assigned page

This certificate is issued to confirm changes in points of diversion approved by an order of the WRD entered July 7, 1976 and together with certificates of water right recorded at page 42157 Vol 34, page 43769. Vol 35, page 48670 Vol. 42 SRWRC supersedes certificates of water right recorded at page 3316, Vol. 4, page 36487, Vol 28 SRWRC

The issuance etc

State Engineer

48671

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION }
OF LEWIS VINCENT KESLER FOR THE }
APPROVAL OF A CHANGE IN POINT OF }
DIVERSION OF WATER FROM WEST FORK }
WILLIAMS CREEK }

ORDER APPROVING
TRANSFER NO. 3110

On August 12, 1974, Lewis Vincent Kesler filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from West Fork Williams Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to M. E. Sullivan and recorded at Page 36487, Volume 28, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.31 cubic foot per second of water from West Fork Williams Creek for the irrigation of, among other lands, 12.4 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 39 South, Range 5 West, W.M., with a date of priority of December 15, 1920. The point of diversion of water for these lands is located 80 rods South and 81 rods East from the Northwest corner of Section 8, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 39 South, Range 5 West, W.M.

A right of record exists for the use of not to exceed 0.19 cubic foot per second of water from West Fork Williams Creek for the irrigation of, among other lands, 6.85 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 39 South, Range 5 West, W.M., with a date of priority of December 15, 1920. The point of diversion for these lands is located 510 feet North and 400 feet West from the Southeast corner of Section 5, Township 39 South, Range 5 West, as approved by order of the State Engineer entered August 27, 1969.

The applicant herein, owner of the 19.25 acres above described, proposes to irrigate these lands from a point of diversion to be located 495 feet North and 580 feet West from the Southeast corner of Section 5, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 39 South, Range 5 West, W.M.

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 March 25, 1976, at 9:30 a.m. The notice was published in the Cave Junction Valley News, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of January 29, February 5 and 12, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert B. 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 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 West Fork Williams Creek, to wit:

From a point located 80 rods South and 81 rods East from the Northwest corner of Section 8, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 39 South, Range 5 West, W.M.

And, from a point located 510 feet North and 400 feet West from the Southeast corner of Section 5, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 39 South, Range 5 West, W.M.

To a point to be located 495 feet North and 580 feet West from the Southeast corner of Section 5, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 39 South, Range 5 West, W.M.

for the irrigation of 19.25 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 39 South, Range 5 West, W.M., with a date of priority of December 15, 1920, is approved.

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, 1977.

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 0.24 cubic foot 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 the right herein described not be included in the certificate of water right as provided by the order entered August 27, 1969.

It is FURTHER ORDERED that the certificate of water right heretofore issued to M. E. Sullivan and recorded at Page 36487, Volume 28, 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 receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Lewis Vincent Kesler confirming the change in point of diversion.

Dated at Salem, Oregon, this 7th day of July, 1976.

/s/ JAMES E. SEXSON
Director

PUBLIC NOTICE

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

Notice is given hereby that Lewis Vincent Kesler has filed an application for the approval of a change in point of diversion of water from West Fork Williams Creek.

Certificate of water right issued to M. E. Sullivan and recorded at page 36487, Volume 28, State Record of Water Right Certificates, and a special order of the State Engineer recorded at page 474, Volume 18, Special Order Record of the State Engineer, evidence rights to the use of 0.5 cubic foot per second from West Fork Williams Creek for the irrigation of, among other lands, 19.25 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 39 S., R. 5 W., W.M., with a date of priority December 15, 1920. These lands are irrigated by means of the Hoxie ditch from a point of diversion located 80 rods S. and 81 rods E. from the NW corner of Sec. 8, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 8, T. 39 S., R. 5 W., W.M., and by means of a point of diversion located 510 ft. N. and 400 ft. W. from the SE corner of Sec. 5, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 39 S., R. 5 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 495 ft. N. and 580 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.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on March 25, 1976, 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 Lewis Vincent Kesler, Williams, Or., and one copy filed with the Water Resources Director, Salem, Oregon, together with a \$10

Affidavit of Publication

STATE OF OREGON, } ss.
County of Josephine

I, L. Joan Grant, being first duly sworn, depose and say I am the forman 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 change in water diversion point - Kesler a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weekly issues on the following dates: January 29, 1976, February 5 and 12, 1976

L. Joan Grant

Subscribed and sworn to before me this 5 day of April, 1976

Walter F. McLean
Notary Public for Oregon

(My Commission expires June 16, 1978)

filing fee, at least 10 days prior to the date set for hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Director upon request. If no objections are filed, the application may be approved by the Water Resources Director without a hearing.

Dated at Salem, Oregon, this 22nd day of January, 1976.

JAMES E. SEXSON
Director
Publish January 29, February 5 and 12, 1976

Affidavit of Publication

STATE OF OREGON,
County of Josephine

} ss.

I, L. Joan Grant, being
first duly sworn, depose and say I am the forman 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 Change in water
division point - Kaseles a printed copy of which is hereto an-
nexed, was published in the entire issue of said newspaper for 3
successive and consecutive weekly issues on the following dates:
January 29, 1976, February 5 and 12 1976

L. Joan Grant

Subscribed and sworn to before me this 5 day
of April, 1976.

Walter F. McLean
Notary Public for Oregon

(My Commission expires June 16, 1978.)

RECEIVED
APR 6 1976
WATER RESOURCES DEPT.
SALEM, OREGON

PUBLIC NOTICE

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

Notice is given hereby that Lewis Vincent Kesler has filed an application for the approval of a change in point of diversion of water from West Fork Williams Creek.

Certificate of water right issued to M. E. Sullivan and recorded at page 36487, Volume 28, State Record of Water Right Certificates, and a special order of the State Engineer recorded at Page 474, Volume 18, Special Order Record of the State Engineer, evidence rights to the use of 0.5 cubic foot per second from West Fork Williams Creek for the irrigation of, among other lands, 19.25 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 39 S., R. 5 W., W.M., with a date of priority of December 15, 1920.

These lands are irrigated by means of the Hoxie ditch from a point of diversion located 80 rods S. and 81 rods E. from the NW corner of Sec. 8, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 8, T. 39 S., R. 5 W., W.M., and by means of a point of diversion located 510 feet N. and 400 ft. W. from the SE corner of Sec. 5, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 39 S., R. 5 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 495 ft. N. and 580 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.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon on January 8, 1976 at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any objections shall be prepared in writing, one copy to be served on Lewis Vincent Kesler, Williams, Or., and one copy filed with the Water Resources Department, Salem, Oregon, 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.

Dated at Salem, Oregon, this 6th day of November, 1975.

James E. Sexson

Director

Publish November 13, 20, 27, 1975.

Affidavit of Publication

STATE OF OREGON,
County of Josephine

ss.

I, L. Joan Grant, being first duly sworn, depose and say I am the formen of the printers of the Illinons Valley News, a newspaper of general circulation printed and published at Cave Junction in the aforesaid county and state, as defined in Section 53, Oregon Laws, that notice of filing for change in point of diversion a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 1 successive and consecutive weekly issues on the following dates:

November 13, 20 and 27, 1975

L. Joan Grant

Subscribed and sworn to before me this _____ day
of _____, 19_____.

Notary Public for Oregon

(My Commission expires _____).