

3731

STATUS OF APPLICATION

Change in POD
 Date filed 7-14-77
 Date of hearing _____
 Place of hearing _____
 Date of order 12-8-77 Vol. 30, page 161
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received MAR 17 1978 37
 Certificate issued MAR 17 1978 37, page 45295
OCT 13 1986 50 45296
OCT 13 1986 50 54972
54973

DESCRIPTION OF WATER RIGHT

Name of stream Williams Creek
 Trib. of _____ County of Josephine
 Use Irr.
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority 1885 & 1908
 In name of _____
Rogue River Adjudication, Vol. 4, 13, page 27, 421
 App. No. _____ Per. No. _____ Cert. No. 16324
32952
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>7-14-77</u>	<u>\$ 35.00</u>	<u>62489</u>
TOTAL . . .		
<u>12-5-77</u>	<u>\$4-</u> Cert. Fee	<u>51</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

See T-2978 re ΔPOU for part of lands under this, - canceled C# 16324.

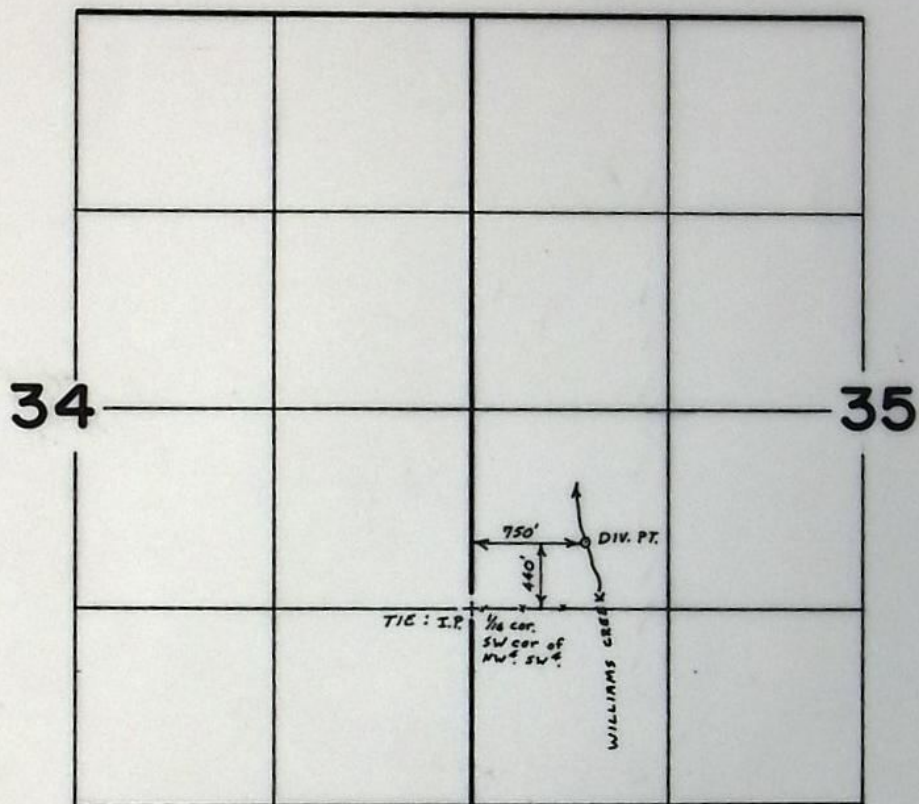
Proof made on ΔPOU Under T-2978 as proposed by the appl.

ΔPOD as proposed by this appl. (T-3731) completed - see proof forms in T-2978

CARD FOR C DEC 26 1979

INDEX CARDS:		Entered	Checked
✓	Name	<u>lg</u>	
✓	Stream	<u>lg</u>	
	Pt. of Div.		
✓	Calendar	<u>lg</u>	
CHECKED TO RECORD:			
✓	Twp. & Rge.	<u>lg</u>	
✓	Decree-vault	<u>lg</u>	
✓	Decree-safe	<u>lg</u>	
✓	Cert. of W/R	<u>lg</u>	
	Per. Folder		
	Chutindex		
	Cross Ref.		
	Power Claim		
✓	Abstracts	<u>lg</u>	

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



Scale: 4" = 1 mile

FINAL PROOF SURVEY
UNDER

Transfer no. 3731

Application No. Permit No.
IN NAME OF

.....HAROLD.....DOWLING.....

Surveyed Oct. 2, 1980, by B. R. SUND.....

STATE OF OREGON

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

HAROLD DOWLING

of 1261 Oberlin Avenue, San Leandro, State of CA 94577, has
a right to the use of the waters of West Fork Williams Creek

a tributary of Williams Creek for the purpose of
irrigation of 12.0 acres

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 September 8, 1885

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 0.2 cubic foot per second; if available at the original point of diversion; NW 1/4 NE 1/4, Section 3, T39S, R5W, WM; Hartley Ditch - 750 feet South and 1330 feet West from NE corner Section 3.

The point of diversion is located in the NW 1/4 SW 1/4, Section 35, T38S, R5W, WM; 440 feet North and 750 feet East from SW corner, NW 1/4 SW 1/4, Section 35.

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

6.0 acres NE 1/4 SE 1/4
Section 34

6.0 acres NW 1/4 SW 1/4
Section 35
Township 38 South, Range 5 West, WM

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered December 8, 1977, and together with certificate of water right recorded at page 45295, Volume 37, State Record of Water Right Certificates, supersedes certificate 16324.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 October 13, 1986.

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 50, page 54973

STATE OF OREGON

COUNTY OF

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

HAROLD DOWLING

of 1261 Oberlin Avenue, San Leandro, State of CA 94577, has
a right to the use of the waters of West Fork Williams Creek

a tributary of Williams Creek for the purpose of
irrigation of 10.8 acres

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 16, at page 523; that the priority of the right
thereby confirmed dates from December 1908

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 0.153 cubic foot
per second; if available at the original point of diversion; NW 1/4 NE 1/4,
Section 3, T39S, R5W, WM; Hartley Ditch - 750 feet South and 1330 feet West
from NE corner Section 3.

The point of diversion is located in the NW 1/4 SW 1/4, Section 35, T38S, R5W, WM;
440 feet North and 750 feet East from SW corner, NW 1/4 SW 1/4, Section 35.

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

10.8 acres NE 1/4 SE 1/4
Section 34
Township 38 South, Range 5 West, WM

This certificate is issued to confirm a change in point of diversion approved
by an order of the Water Resources Director entered December 8, 1977, and
together with certificate of water right recorded at page 45296, Volume 37,
State Record of Water Right Certificates, supersedes certificate 32952.

The issuance of this superseding certificate does not confirm the status of
the water right in regard to the provisions of ORS 540.610 pertaining to
forfeiture or abandonment.

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 October 13, 1986.

William N. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 50, page 54972

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

FRANK M. AND ANNA LEROY

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

a tributary of Applegate River
irrigation of 8 acres

for the purpose of

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 September 8, 1885

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 0.14 cubic foot per second

The point of diversion is located in the

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

8.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 35
T. 38 S., R. 5 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 16324, Volume 13, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on September 12, 1974, approving transfer application No. 2978 and entered on December 8, 1977, approving transfer application No. 3731. 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 March 17, 1978.

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 37, page 45295

"Superseded by 54972
Cert. No. _____"

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MELVIN M. TOOTHMAN, successor in interest to
Amos and Susie Smith,

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

a tributary of Williams Creek for the purpose of
irrigation of 14.3 acres
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 STATE ENGINEER, in Volume 16, at page 523; that the priority of the right thereby
confirmed dates from December, 1908;

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 0.203 cubic foot per
second.

The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, 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:

3.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
10.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$

subject to that certain easement of road purposes conveyed by Frank M. LeRoy
and Anna LeRoy to Henry Norton and Elizabeth M. Norton by deed recorded in
Volume 46, Deed Records, Josephine County, Oregon, at Page 125, less and except-
ing 4 acres heretofore deeded to School District No. 16.

Section 34,
T. 38 S., R. 5 W., W.M.

This certificate also confirms a change in point of diversion approved by
an order of the State Engineer entered May 25, 1951 and recorded at page 187,
Volume 7, Special Order Record pursuant to the provisions of ORS 540.510 to
540.530.

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 State Engineer, affixed

this date January 5, 1966.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 32952

T #3731 VCA

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

MELVIN M. TOOTHMAN, SUCCESSOR IN INTEREST
TO AMOS AND SUSIE SMITHof Williams, State of Oregon, 97544, has
a right to the use of the waters of Nest Fork Williams Creeka tributary of Williams Creek for the purpose of
irrigation of 3.5 acres

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 16, at page 523; that the priority of the
right thereby confirmed dates from December, 1908

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 0.05 cubic foot
per second

The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, 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:

3.5 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 34
T. 38 S., R. 5 W., W. M.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 32952, Volume 25, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on December 8, 1977, approving transfer application No. 3731.

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 March 17, 19 78

James E. Sexson
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 37, page 45296

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF HAROLD DOWLING FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER NO. 3731

On July 14, 1977, an application was filed in the office of the Water Resources Director for approval of a change in point of diversion from West Fork Williams Creek, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the Water Resources Director, entered on September 12, 1974, approving transfer application No. 2978, a portion of the right previously described by the certificate recorded at page 16324, Volume 13, State Record of Water Right Certificates, in the name of Frank M. and Anna Leroy, now exists for the appropriation of not to exceed 0.20 cubic foot per second of water from West Fork of Williams Creek for irrigation of a certain 6.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, and 6.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 38 South, Range 5 West, W.M., with a date of priority of September 8, 1885.

The certificate recorded at page 32952, Volume 25, State Record of Water Right Certificates, in the name of Melvin Toothman, describes a right which includes the use of not to exceed 0.153 cubic foot per second from West Fork Williams Creek for irrigation of 10.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 38 South, Range 5 West, W.M., with a date of priority of December, 1908.

Water for the said rights is diverted from a point located 2300 feet North and 800 feet East from the Southwest Corner of Section 35, being within the NW $\frac{1}{4}$ 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 1770 feet North and 750 feet East from the Southwest Corner of Section 35, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 35.

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.

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 rights.

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;

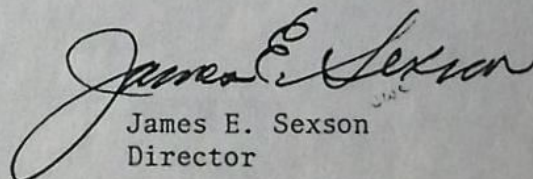
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the 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 portion of the right previously described by the certificate recorded at page 16324, Volume 13, State Record of Water Right Certificates, in the names of Frank M. and Anna Leroy, involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered on September 12, 1974, approving transfer application No. 2978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Melvin M. Toothman and recorded at page 32952, Volume 25, 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 8th day of December, 1977.


James E. Sexson
Director