

Application No. 4762Permit No. 2822Certificate No. 3309Name William C. FixleyBy Williams, OseAddress Williams, Ose

Date filed

Action suspended until

PRIORITY DATE: 2-23-1916

Returned to applicant

Date completed

Date of approval

CONSTRUCTION

Date for beginning

Date for completion

Extended to

Date for application of water

Extended to

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

Receipt for recording fee No.

Stream Index, Page No.

Application Record, Book No.

FEES PAID

Date	Amount	Receipt No.
.....		
Total		

FEES REFUNDED

Date	Amount	Check No.
.....		

ASSIGNMENTS

Date	To whom	Address	Volume	Page
.....				
.....				
.....				

REMARKS

11/7/24 Verified _____

County of Josephine.

Proof of Appropriation of Water

From Glade Fork Tributary of Williams, Creek.

1. Name Ethel Griffith,
2. Postoffice address Williams, Oregon,
3. For what purpose is water used? Irrigation, (0.2 sec. ft)
4. Did you begin the actual construction of the ----- Ditch,
(or other distributing works described in said permit), on or before March 10, 1917. ?
5. Give the date of completion of such construction work April, 1917
6. When was all the water completely applied to the proposed use? May 1917
7. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described.

[illegible]

8. During what months is water beneficially used? May to October
inclusive
9. State the character of the soil and kind of crops raised Clay loam
Grain, hay, etc
10. Does the accompanying blue print of the map filed with your permit show correctly the location of diverting works and area of land where water is used? Yes
11. If not, wherein such map is in error
12. If the dimensions of your ditch or dam do not correspond to those described in your permit, state what changes have been made, giving dimensions of ditch (or other distributing works)
13. If water is used for power, mining, domestic, municipal, storage, manufacturing, or any other purpose than irrigation, give the extent and method of such use

STATE OF OREGON,

County of Josephine

ss.

I, Ethel Griffith, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof; and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of May, 1921.

Subscribed and sworn to before me this 23^d day of May, 1921.

W. R. Givley
Notary Public for Oregon

(Notarial Seal)

My commission expires

NOTARY PUBLIC FOR OREGON,
MY COMMISSION EXPIRES DECEMBER 14, 1923

AFFIDAVIT OF WITNESSES

We, _____, and _____,
of _____, being first duly sworn, depose and say that
we are well acquainted with the facts and conditions set forth in the foregoing statement relative
to proof of appropriation of water under Permit No. _____; that we and each of us have
been over and upon each tract described in said proof, and from such personal inspection have
knowledge that all necessary ditches, dams and other diversion and distributing works have been
constructed, and water used as stated therein; that we have carefully read such proof of appropri-
ation, and that each and every statement contained therein is true to the best of our knowledge
and belief.

Subscribed and sworn to before me this _____ day of _____, 192_____.

(Notarial Seal)

Notary Public for Oregon

My commission expires _____

I have inspected this right and find that all ditches
have been constructed and water applied to the amount of
land claimed and would recommend that a certificate be granted
to applicant.

M. L. Oddyck

PROOF OF APPROPRIATION

Permit No. 2822

Recording fee paid

Receipt No. 3294

OFFICE OF STATE WATER BOARD

RECEIVED

JUN 2 1921

SALEM, OREGON.

Priority date: February 23, 1916.

WATER RESOURCES DEPARTMENT

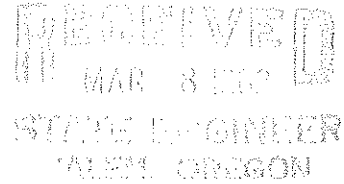
ADDRESS ALL COMMUNICATIONS TO

ROBERT B. STEIMER
COURT HOUSE ANNEX
GRANTS PASS, OREGON

STATE OF OREGON
OFFICE OF
WATER DISTRICT NO. 16
GRANTS PASS, OREGON

WATERMASTER
DISTRICT NO. 16
PHONE GR 6-4313

March 7, 1962



Lewis A. Stanley,
State Engineer,
Salem, Oregon

Att: Max F. Rogers, Deputy

Dear Mr. Rogers:

Thank you for your letter of March 2nd relative to the cancelation of water right on the V. Berry property and the 15 acres in Section 3 that in my opinion should be canceled.

A. 4762
P. 2822
William C. Fittley

A similar statement was made by Mr. Sorrels. I feel that the testimony used in the Berry cancelation concerning the flume is pertinent in this instance. Perhaps secondary use of testimony is not admissable however.

I contacted Mr. Allen Balou who moved from the property recently. He stated the water from Rock Creek had not been used on the property while he lived there. He was there only for the past two years. I also contacted Mr. Gene Whittier of 1685 Harbeck Road, Grants Pass, Ore., the former owner of the property, and he stated that he would sign an affidavit that the water from Rock Creek had not been used on the property since he acquired it in March of 1948.

The present occupants of the property are Phelan K. Nelson, Williams, Oregon. Mr. Emil Voss, Virgil Berry, Della Morrison and Mr. Sorrels are all living in Williams, Oregon.

A point that should be brought out concerning the issuance of the certificate and also the cancelation, is no one so far as I can ascertain has ever diverted water from Glade Creek. All of the diversions have been from Rock Creek. There has evidently been a name change on the creek, or there was some confusion as to what the name of the creek was at the time of adjudication. Glade Fork is the creek that is the next usable watercourse upstream on the East Fork of Williams Creek and south of Rock Creek.

Very truly yours,

Robert B. Steimer

Robert B. Steimer
Watermaster, District #14

rbs.fan

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, William C Fieley, the holder of Application No. 4762, being
 Permit No. 2822, issued by the State Engineer of the State of Oregon

for the appropriation of 0.2 second feet of the waters of Glade Fork
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,
 completely applied the water to a beneficial use, on the 20 day of June, 1916,
 being within the time limitation as fixed in said permit or extended by the State Water Board for the complete application of water to a beneficial use.

Remarks: Have used waters on all lands
 If all of the water granted in the permit had not been fully applied to beneficial use, you should so state, so that subsequent

appropriators may have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this 27 day of June, 1916

William Oregon
 (Present Address.)

William C Fieley
 (Signature of Applicant.)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon.

Form B.

NOTICE OF COMPLETION OF CONSTRUCTION

I, William C Fieley, the holder of Application No. 4762, being
 Permit No. 2822, issued by the State Engineer of the State of Oregon

for the appropriation of 0.2 second feet of the waters of Glade Fork
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,
 have completed the construction of the works described therein the 1st day of June, 1916,
 being within the time limitation as fixed in said permit or extended by the State Water Board for the completion of construction work.

Remarks: Shall irrigate all lands
 If the works have a less capacity than as described in the permit, or you have definitely abandoned your plan of irrigating any of the

lands described in your permit, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 27 day of June, 1916

W. William Oregon
 (Present Address.)

W C Fieley
 (Signature of Applicant.)

Fill out, detach, and mail to the Secretary, State Water Board, Salem, Oregon. Form D should be used in reporting progress of work if more than one year has been allowed for completion.

NOTICE OF BEGINNING OF CONSTRUCTION

I, William C. Fixley, the holder of Application No. 4762, being
 Permit No. 2822, issued by the State Engineer of the State of Oregon
 for the appropriation of 0.2 second feet of the waters of Glade Fork
 in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer,
 began the actual construction of the works described therein on the 5 day of November, 1916,
 being within the time limitation as fixed in said permit for the beginning of construction work.

Work of Clearing Right of Way and Digging of Ditch
 The appropriator should state the manner of beginning construction work, number of men and teams employed, the amount of work completed
Work of Digging is 9/10 Completed Here Flumes
 up to the date of this statement, and any additional information which may tend to show the beginning of work in good faith.

to put in yet - 10 days will be Ready for Water
 IN WITNESS WHEREOF, I have hereunto set my hand this 31 day of March, 1916.

Williams-Josephine-Co-are
 (Present Address.)

William C. Fixley
 (Signature of Applicant.)

Williams Oregon

4762

Feb 21 - 1916

OFFICE OF STATE ENGINEER
RECEIVED
FEB 23 1916
SALEM, OREGON

State Engineer
Sir am sending Application
to be granted a Right to use
the waters of Glade Fork instead
of Williams Creek for 15 acres
as Glade Fork empties in
Williams Creek just below
Intake of ditch & this part
of my land lies on west
side of Williams Creek and
if I use Williams Creek water
which has been appropriated
by permit No 2667 to me for
this ~~land~~ ^{water} will be hard to
get to the land where by
using water as now asked

Will Be Very Easily applied
Am Sending Check for \$300
For filing amended permit
if Fees are not correct
Notify me and will correct
Same

W C Fieley

P.S. all Filing Fees were paid in
Full on Same Lands in
permit N° 2667.

Fieley

4503

2667

~~1500000~~ 2,25

1500000 2,25

March 23, 1921.

Mrs. Ethel Griffith,
Williams, Josephine Co.,
Oregon.

Dear Madam:-

Enclosed please find my official receipt
No. 8359, for \$1.00, which amount was transmitted
with assignment of water right under Permit No.
2822, from W C Pixley to yourself.

This assignment has been recorded and is
returned herewith.

Very respectfully

Percy A. Cupper,

State Engineer.

RJS-LA

Application No. 4503

4762 ✓

May 5, 1917.

Mr. Ralph Brooks,

Williams, Oregon.

Dear Sir:

Enclosed please find my official receipt No. 5208 for \$1.00, which amount was transmitted with your letter of recent date for recording assignment of application No. 4503, permit No. 2687, and application No. 4762, permit No. 2822, from William C. Fixley to yourself. This assignment has been recorded in the miscellaneous records of this office and is returned herewith.

Very respectfully,

John H. Lewis,

RS.

State Engineer.

Enc.

SUBJECT:

STATE OF OREGON

Applications No. 4503
JOHN H. LEWIS, STATE ENGINEER
PRESIDENT OF THE STATE WATER BOARD
SECRETARY OF THE DESERT LAND BOARD
PERCY A. CUPPER
ASSISTANT STATE ENGINEER

OFFICE OF THE
STATE ENGINEER
SALEM

WATER RESOURCES
DEPARTMENT

4503
4762

April 25, 1917.

Mr. Ralph Brooks,
Williams, Oregon.

Dear Sir:

I am in receipt of assignment of application No. 4503, permit No. 2667, and application No. 4762, permit No. 2822, from William C. Fixley to yourself. The fee provided by law for recording this assignment in the miscellaneous records of this office is \$1.00. Upon the receipt of this amount the assignment will be recorded and returned to you.

Very respectfully,

John H. Lewis
John H. Lewis,

RS.

State Engineer.

Dear Sir:
You will find enclosed the \$1.00 for which purpose it is needed

Respectfully
Ralph Brooks

Applications No. 4503
4762.1

April 25, 1917.

Mr. Ralph Brooks,
Williams, Oregon.

Dear Sir:

I am in receipt of assignment of application No. 4503, permit No. 2667, and application No. 4762, permit No. 2822, from William C. Fixley to yourself. The fee provided by law for recording this assignment in the miscellaneous records of this office is \$1.00. Upon the receipt of this amount the assignment will be recorded and returned to you.

Very respectfully,

John H. Lewis,

RS.

State Engineer.

Acpt. for Record
No fees pd.

Ap. No. 4762

March 10 '16

Mr. William C Fixley,
Williams, Josephine Co.,
Oregon.

Dear Sir:-

Herewith you will find Application No. 4762, being Permit No. 2622,
which has been approved in this office.

Application No 4762.

Feb. 28, 1916.

Mr. W. C. Fixley,
Williams, Oregon.

Dear Sir:

Enclosed please find my official receipt No. 4112 for \$2.25, which amount was transmitted with your letter of the 26th instant as balance of fees on your application No. 4762 for permit to appropriate water. The application will be taken up for approval as soon as the same can be reached and you will be further advised.

Very respectfully,

John H. Lewis,

RS.

State Engineer.

Enc.

Williams - Oregon
Feb - 26 - 16

J. H. Lewis State Engineer
Sir am enclosing check
For \$2 ²⁵/₁₀₀ as per yours of
2/23 - And for B.O. on
Application No - 4762 -
Res p yours

W C Fixley

OFFICE OF STATE ENGINEER
RECEIVED
FEB 28 1916
SALEM, • • OREGON.

OK

Application No. 4762.

Feb. 23, 1916.

Mr. W. C. Fixley,

Williams, Oregon.

Dear Sir:

Enclosed please find my official receipt No. 4103 for \$3.00, which amount was transmitted with your letter of the 21st instant together with your application for permit to appropriate water. This application has been numbered 4762 and placed on file in this office.

I note that the application is for the use of water from a different stream and calls for a different point of diversion than under application No. 4503, permit No. 2667, although it covers the irrigation of land covered by the former permit. In view of the fact that it is somewhat cheaper to pay a fee of 15¢ for each acre to be irrigated under this permit than to pay the sum of \$5.00, which is the amount required for an application for a supplemental supply of water for the irrigation of land already having a water right, I would suggest that you transmit the sum of \$2.25 as the balance of fees on this application. Upon receipt of this amount the application will be approved.

Very respectfully,

RS.
Enc.

John H. Lewis,
State.

June 2, 1921.

Mr. M. L. Opdycke,
Water Master District No. 16,
Grants Pass, Oregon.

Dear Sir:

Proofs of appropriation of water under permits No. 2822,
2652 and 2693 have been received and filed in this office.

These proofs appear to be in proper form and certificates
of water right will be issued in the near future.

Yours very truly,

R. W. Potter,
Secretary.

Encls.

April 25th, 1921.

Ethel Griffith,
Williams,
Oregon.

Dear Madam:

Permit No. 2922.

Blank for proof of appropriation of water under your permit No. 2922 has been mailed to Mr. M. L. Opdycke, Water Master for your District, who will make an inspection and assist you in filling out the proof at an early date.

When this proof has been properly filled out, it should be transmitted to this office, together with \$1.00 to cover recording fee for Certificate of Water Right.

Kindly make check payable to the State Water Board.

Yours very truly,

R. W. Potter,
Secretary.

ER.

February 26th, 1921.

Mr. W. C. Fixley,
Williams, Oregon.

Dear Sir:

I am in receipt of your letter of February 25th and note that you have disposed of your rights under permit No. 2822, and that Mrs. Fred Houser now owns this right.

I am enclosing a blank form of assignment which may be executed and recorded in this office, and will entitle Mrs. Houser to submit final proof under this permit. The fee provided by law for recording this instrument is \$1.00.

As you did not give Mrs. Houser's address I will not take the matter up with her until receiving the assignment from you.

Trusting you will find this satisfactory, I remain,

Very respectfully,

Percy A. Cupper,
State Engineer.

RS:R
Encl.

Williams, Oregon, Feb 25, 1921

M. State Engineer

In Account With

W. C. FIXLEY

GROGERIES and
GENERAL MERCHANDISE
OILS and GAS

Dear Sir

your Registered Letty Reed
In Regard to permit No 2822
will say water was used on
land each year since filing
I sold the land in July after
filing and digging ditches and
it has been sold 3 times
since it now belongs to

Mrs Fred Houser and they will
be glad to get papers so
they can make final proof
and ask you to send them
to them, as I think they are
permanent, and need the
water - they will make all
filings necessary

Resps yours

W. C. Fixley

February 22nd, 1921.

Mr. William C. Fixley,
Williams,
Oregon.

Dear Sir:

Permit No. 2822.

I note from the records of this office that final proof has not been submitted under your permit No. 2822, which covers the appropriation of 0.2 second foot from Glade Fork of Williams Creek for irrigation of 15 acres, although the time for the completion of this water right expired October 1st, 1919. In view of the fact that final proof has not been submitted, we presume the water right has been abandoned, and if so, we would be glad to have you authorize the cancellation of the permit, as this will eliminate the necessity of following the regular procedure for the cancellation of the same.

However, if the terms of the permit have been complied with, and the land actually irrigated in accordance with the terms of the permit, final proof should be submitted in order that water right Certificate may be issued by the Board. We would be glad to forward new blanks for final proof upon receipt of request.

As we have received no reply to our letter of July 22nd, 1920, in regard to this matter, you are advised that unless hearing from you within sixty days from the date of this letter, the permit will be presented to the Board for cancellation in accordance with the provisions of Section 7, Chapter 366, Laws of Oregon for 1917, which provides for the cancellation of permits when the holders thereof fail or refuse to complete their water rights within three months after the same should have been completed.

Very respectfully,

Percy A. Cupper,
President State Water Board.

ER.
This letter Registered.

July 22nd, 1920.

Mr. William C. Fixley,
Williams,
Oregon.

Dear Sir:

Permit No. 2822

I note from the records of this office that final proof has not been submitted under your permit No. 2822 which covers the appropriation of 0.2 second foot from Glade Fork of Williams Creek for irrigation of 15 acres, although the time for the completion of this water right expired October 1st, 1919.

Our records show that the Notices of Beginning, Completion, and Complete Application of Water have been submitted, and that final proof blanks was forwarded you for execution July 14th, 1916. In view of the fact that final proof has not been received at this office, we presume you have abandoned the water right, and if so, we would be glad if you would authorize the cancellation of the permit on the records of this office. We would be glad to forward a new set of final proof upon request, if the terms of the permit have been complied with.

In view of the fact that we have received no reply to our letter of July 14th, 1916, in regard to this matter, you are advised that unless hearing from you within a reasonable length of time, the permit will be presented to the Board for cancellation, in accordance with the statute which provides for the cancellation of permit.

Very respectfully,

Percy A. Copper,
State Engineer.

RS:R

July 14, 1916.

Mr. Wm. C. Fixley

Williams, Oregon.

Dear Sir:-

I am enclosing blank for proof of appropriation of water under permits No. 2667 and 2822 which you will please have filled out and return to this office, together with \$1.00 recording fee on each permit, and the matter will be presented to the State Water Board at its next meeting for approval and issuance of certificates.

Very respectfully,

GB.

June 29, 1916.

Mr. William C. Fixley.

Williams, Oregon.

Dear Sir:-

Forms B and C in connection with permit No. 2822 and Form C in connection with permit No. 2667 have been received and filed in this office.

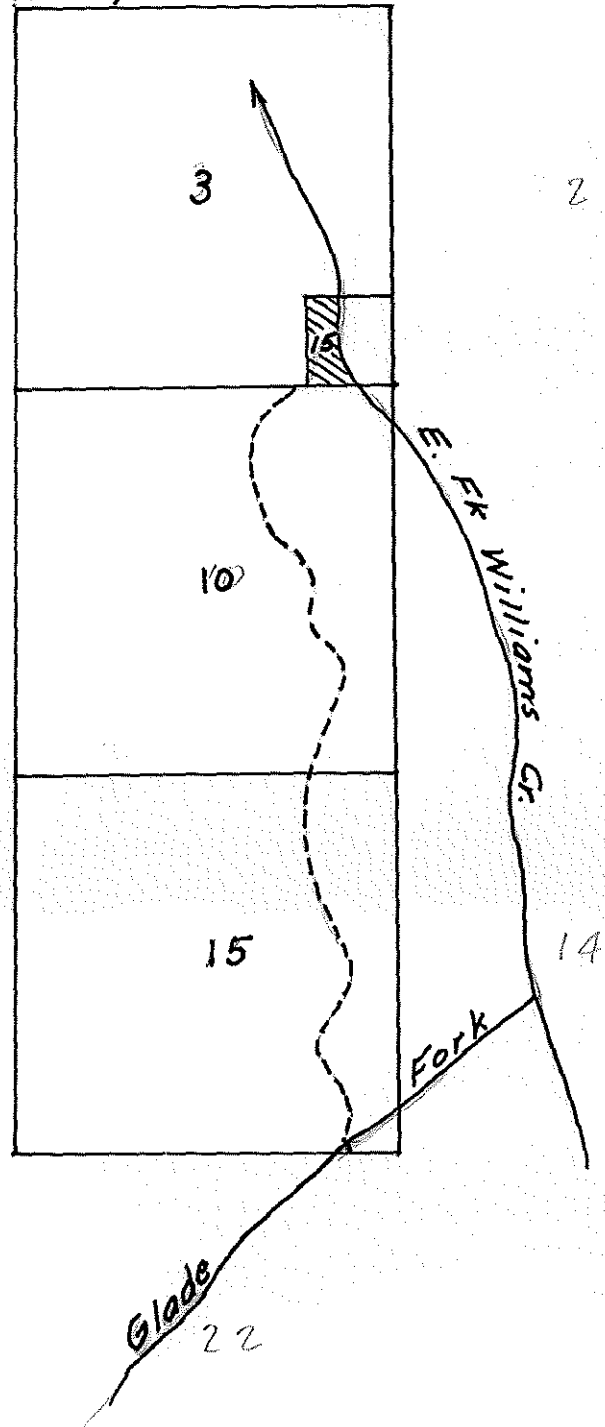
In due course, proof of appropriation of water under these permits will be taken by the State Water Board, and final water right certificates issued thereafter in accordance with such proofs.

Very respectfully,

Secretary.

GB.

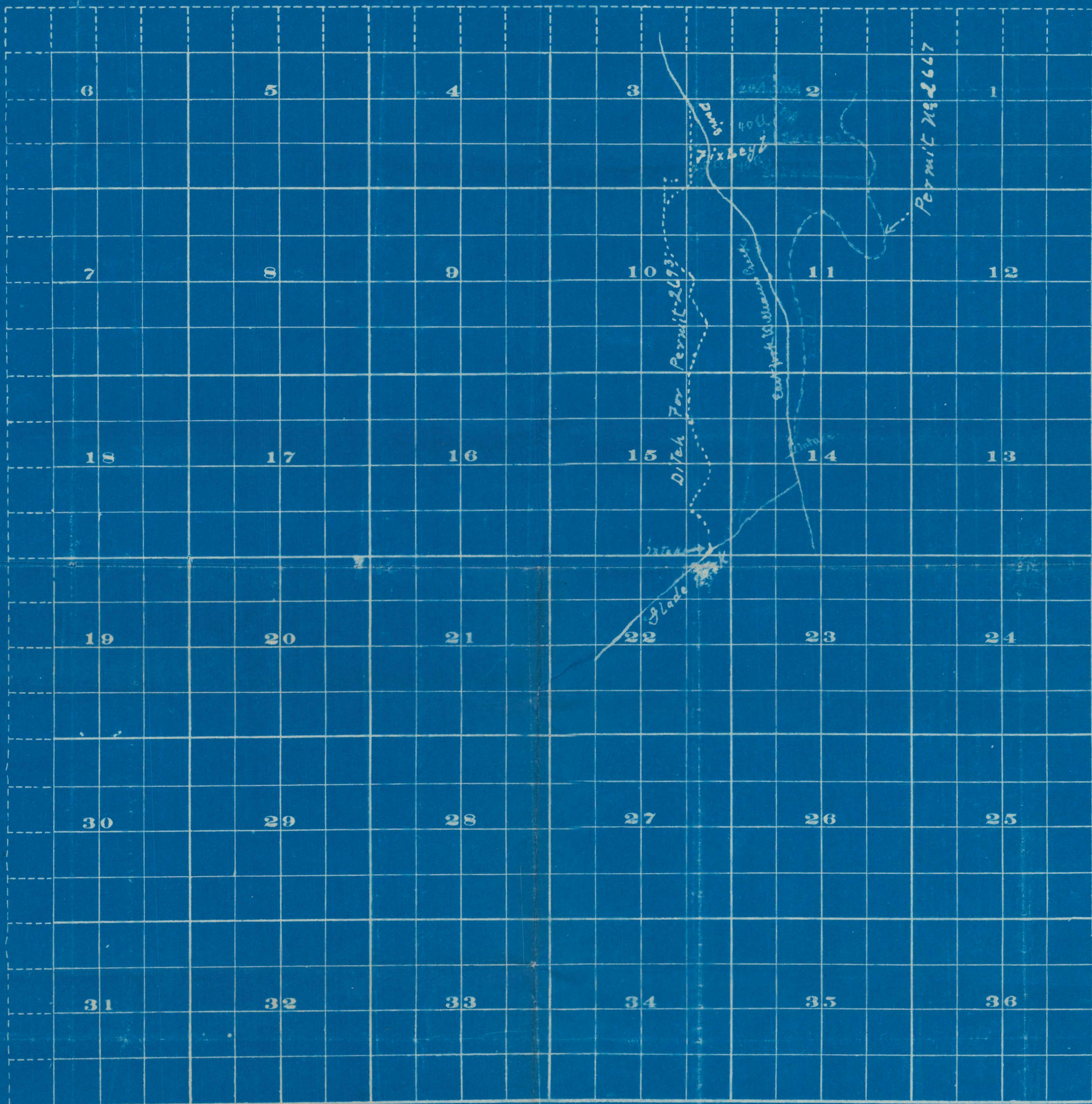
T. 39S., R. 5W. W. M.



sketched from app map.

App 4762

Township 39 S., Range 5 W. W. M.



Scale of Feet

FROM OFFICE OF THE STATE ENGINEER, SALEM, OREGON

Amended

Application No. 4503
Permit No. 2667

OFFICE OF STATE ENGINEER
RECEIVED
SEP 10 1915
SALEM, OREGON

RECEIVED
FEB 15 1916
OFFICE OF STATE ENGINEER
SALEM, OREGON

Application No. 4762
Permit No. 2822

42-4195

4503
4195
Amended Map