

Application No. 7663
 Permit No. 4886 ✓
 Certificate No. 3316 36487 42157

FEES PAID

| Date | Amount | Receipt No. |
|-------|--------|-------------|
| | | |
| | | |
| | | |
| | | |
| Total | | |

Name M. E. Sullivan
 By Williams, Ore.
 Address Williams, Ore.
 Date filed
 Action suspended until 6-13-69 Wayne
 Returned to applicant
 Date completed
 Date of approval

part Cancelled-sp. or Rec. Vol. 18 P. 259
 Stream Index, Page No. 15-12
 Application Record, Book No.
 chg. pt. of use Sp. Or. Vol. 18, p. 322-M-207
 chg. pt. of div. Sp. Or. V. 18, p 474 T-84.

43769
48670
48671

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
| | | |
| | | |

ASSIGNMENTS

| Date | To whom | Address | Volume | Page |
|------|---------|---------|--------|------|
| | | | | |
| | | | | |
| | | | | |

REMARKS

See T-3724 Δ POD V. 30 p. 324 / Cert. 87886 supercedes cert 43772

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 11-17-64 **MAY 21 1975** **OCT 18 1976**
 Receipt for recording fee No. **OCT 26 1973**

STATE OF OREGON
COUNTY OF JOSEPHINE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RICHARD A MCNIEL
4959 PERIMMON AVE
TEMPLE CITY, CA 91780

confirms the right to use the waters of WEST FORK WILLIAMS CREEK, tributary to WILLIAMS CREEK for IRRIGATION of 7.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Josephine County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 4, at Page 1. The date of priority is 1880.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.12 CUBIC FOOT PER SECOND, if available at the original point of diversion, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located between the following points:

| Twp | Rng | Mer | Sec | Q-Q | GLot | DLC | Measured Distances |
|------|-----|-----|-----|-------|------|-----|---|
| 39 S | 5 W | WM | 5 | SW SE | | | PORTABLE POINT OF DIVERSION LOWER REACH – 1300 FEET SOUTH AND 2600 FEET EAST FROM NW CORNER OF SE SW, SECTION 5 |
| 39 S | 5 W | WM | 8 | NW NE | | | PORTABLE POINT OF DIVERSION UPPER REACH – 1400 FEET SOUTH AND 2610 FEET EAST FROM NW CORNER OF SE SW, SECTION 5 |

A description of the place of use is as follows:

| IRRIGATION | | | | | | | |
|------------|-----|-----|-----|-------|------|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | DLC | Acres |
| 39 S | 5 W | WM | 5 | SW SE | | | 7.0 |

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. The location of the old point of diversion is as follows:

| Twp | Rng | Mer | Sec | Q-Q | GLot | DLC | Measured Distances |
|------|-----|-----|-----|-------|------|-----|--|
| 39 S | 5 W | WM | 8 | NE NW | | | HOXIE DITCH - 1150 FEET SOUTH & 1320 FEET EAST FROM NW CORNER, SECTION 8 |

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

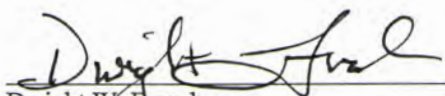
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

suitable device for measuring the water to which the water user is entitled. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered January 17, 1978, at Special Order Volume 30, Page 324, approving Transfer Application 3724, and together with Certificate 57702 and Cancellation Order of September 5, 1978, supersedes Certificate 43772, State record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

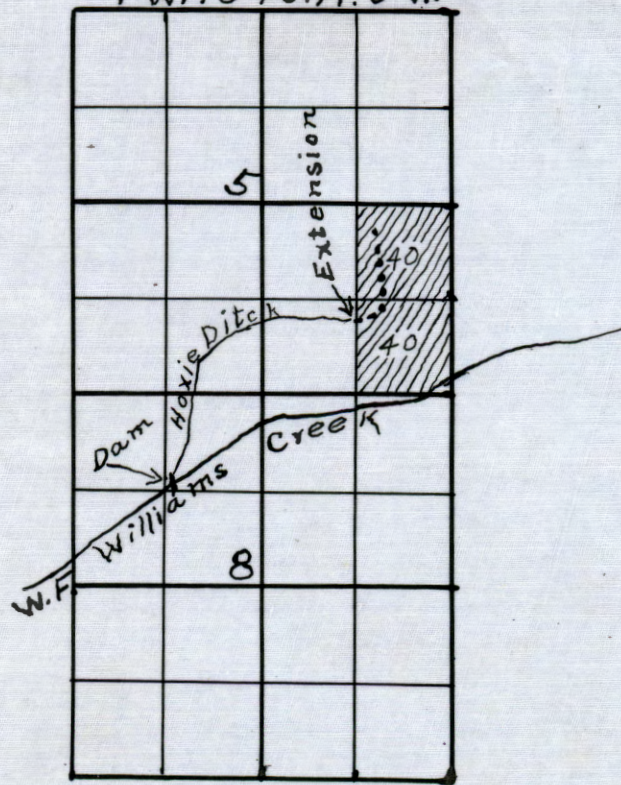
Issued JAN 17 2013



Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director
Water Resources Department

3
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1

TWP. 39S. R. 5W.



3
e
1

OFFICE OF STATE ENGINEER
RECEIVED
DEC 15 1920
SALEM, OREGON.

Application No. 7663
Permit No. 4886

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF)
THE CANCELATION)
OF A WATER RIGHT)

O R D E R

On May 15, 1969, Roger J., Mildred R., and Dorothy M. McKay submitted an affidavit that they are the owners of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 39 South, Range 5 West, W.M., and the water right appurtenant thereto, that they have abandoned any and all interest in and to said water right and request the same be canceled.

The water right in question is for the use of not to exceed 0.25 cubic foot per second of the waters of West Fork Williams Creek, tributary of Applegate River, for irrigation of 20.0 acres in the east one-half of NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 39 South, Range 5 West, W.M., with a date of priority of December 15, 1920, and is evidenced by certificate of water right issued in the name of M. E. Sullivan and recorded at page 3316, Volume 4, State Record of Water Right Certificates.

That part of the above described water right for the use of not to exceed 0.75 cubic foot per second of the waters of West Fork Williams Creek, a tributary of Williams Creek (Applegate River), for irrigation of 20.0 acres in the west one-half of NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 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, as evidenced by certificate of water right recorded at page 3316, Volume 4, State Record of Water Right Certificates, is not in question in this proceeding.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancelation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it is hereby ORDERED that the right for the use of not to exceed 0.25 cubic foot per second of the waters of West Fork Williams Creek for irrigation of 20.0 acres in the east one-half of NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 39 South, Range 5 West, W.M., with a date of priority of December 15, 1920, as evidenced by certificate of water right recorded at page 3316, Volume 4, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon this 22nd day of May, 1969.

/s/CHRIS L. WHEELER
State Engineer

STATE OF OREGON }
County of Josephine }

RECEIVED
MAY 15 1969
STATE ENGINEER
SALEM OREGON

RECEIVED
MAY 7 1969
STATE ENGINEER
SALEM, OREGON

We, Roger J. McKay, Mildred R. McKay and Dorothy M. McKay being first duly sworn, depose and say that we are the owners of the water right appurtenant to N.E. ¼ of S.E. ¼, Priority December 15, 1920, Hoxie Ditch, West Fork of Williams Creek, Section 5 Twp. 39S, R5 W, WM, which is evidenced by the certificate #3316, permit #4886, State Record of Water Right Certificates, and which is for the appropriation of not to exceed .5²⁵ cubic foot per second of water from West Fork of Williams Creek for irrigation and the lands to which the water right is appurtenant; that we have abandoned a portion of said water right and request the same be cancelled. The portion to be abandoned is described as follows; E ½ of N.E. ¼ of S.E. ¼ of Section 5 Twp. 39S R.5W, WM Josephine County, Oregon.

IN WITNESS WHEREOF, I have hereunto set my hand this
6th day of May, 1969.

Roger J. McKay

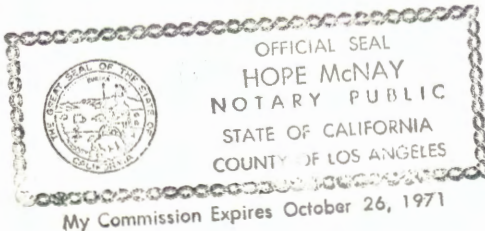
Mildred R. McKay

X Dorothy M. McKay

Subscribed and sworn to before me this 2 day
of May, 1969.

Hope McNay

My commission expires October 26, 1971



Described & sworn to by Roger J. McKay and Mildred R. McKay before me this
6th day of May, 1969 - State of Oregon - County of Josephine

Muriel Y. Finley

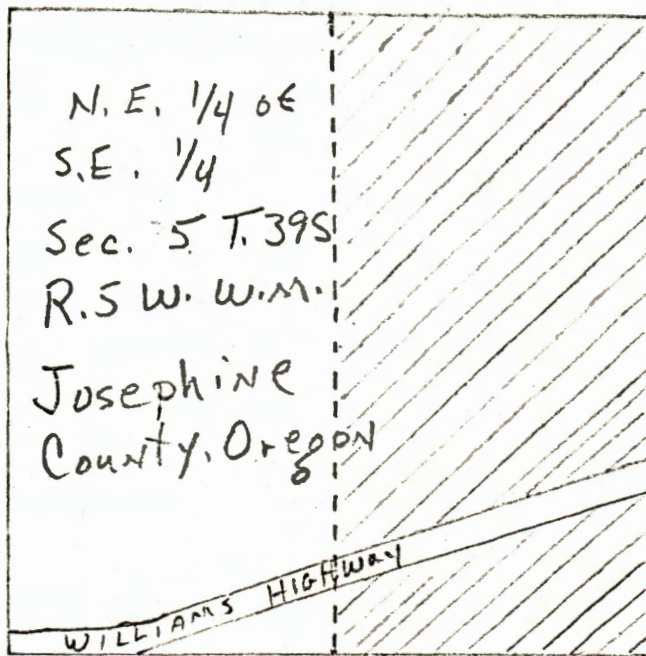
MURIEL Y. FINLEY, NOTARY PUBLIC
My Commission Expires Feb. 17, 1971

File 7663
TR. M-207

Map showing a portion of water right from Hoxie ditch, to be abandoned. State Engineers permit # 4886, certificate # 3316. State water right certificates. Amount of water to be abandoned is .5 C.F.S. For E. 1/2 of the N.E. 1/4 of S.E. 1/4, Sec. 5 T. 39S. R. 5 W. W.M., Josephine County, Oregon

RECEIVED
MAY 15 1969
STATE ENGINEER
SALEM, OREGON

RECEIVED
MAY 7 1969
STATE ENGINEER
SALEM, OREGON



N
Scale
1" = 400'

7663

May 12, 1969

Roger J., Mildred R. & Dorothy M.
McKay
Box 32
Williams, Oregon 97544

Dear Sir and Madames:

Your application for a change in place of use of water from West Fork Williams Creek was not accompanied by the necessary fees so could not be filed. The fees required for this application are \$20.00.

Also acknowledged is receipt of an affidavit providing for the cancelation of a portion of the right described in certificate 3316.

Item No. 5 indicates 40 acres to be involved in this transfer, however, Item No. 13 and the application map indicate only 20 acres are to be involved which appears to be your intention. If so, Item No. 5 should be revised by indicating only 20 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5.

The affidavit of applicant should be completed by adding the name of the appropriate county.

Also the affidavit providing for the cancelation of a portion of the right should be completed by adding the date executed.

I am returning the application, supporting data and affidavit of cancelation for the corrections and additions which should be resubmitted with the necessary fees.

Very truly yours,

Wayne J. Overcash
Assistant

WJO:hls
Enclosures

30

7663

January 17, 1921

Mr. M E Sullivan,
Williams, Josephine Co.,
Oregon.

Dear Sir: Enclosed you will find Application No. 4886, together with blue print.
This application has been approved and recorded in this office.

December 15, 1920

Mr. M L Opatycko,
Gratta Pass,
Oregon.

Dear Sir:-

Enclosed please find my official receipt No. 6153 for \$15.00 which amount was transmitted with application for permit to appropriate water in the name of M E Sullivan.

I am also in receipt of blue print and tracing.

This application has been numbered 7663 and placed on file in this office and will be taken up for approval as soon as the same can be reached and you will be further advised.

Very respectfully

Percy A Cupper.

State Engineer.

RJS-LA

8. During what months is water beneficially used? May to October inclusive.
9. State the character of the soil and kind of crops raised Hay, grain, fruit, garden etc. Red and sandy loam.
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, M. E. Sullivan, 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 12th day of September, 1921.

M E Sullivan

Subscribed and sworn to before me this 12th day of September, 1921.

F. L. Coon

Notary Public for Oregon

(Notarial Seal)

My commission expires
By Ethel G. Boeck
 Sup.

AFFIDAVIT OF WITNESSES

RECEIVED
MAY 13 1933

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 appropria-
tion, 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 the above right and find that the
applicant has complied with the terms of the permit and has
applied the water to the land as set forth above, and would
recommend that a certificate be granted.

M. L. Opedycke

W. H. Miller

Department of Agriculture
Division of Reclamation
Washington, D. C.

My commission expires
Monthly Permit for Oregon
(New Edition)

PROOF OF APPROPRIATION

Permit No. 4886

Recording fee paid ✓

Receipt No. 2424

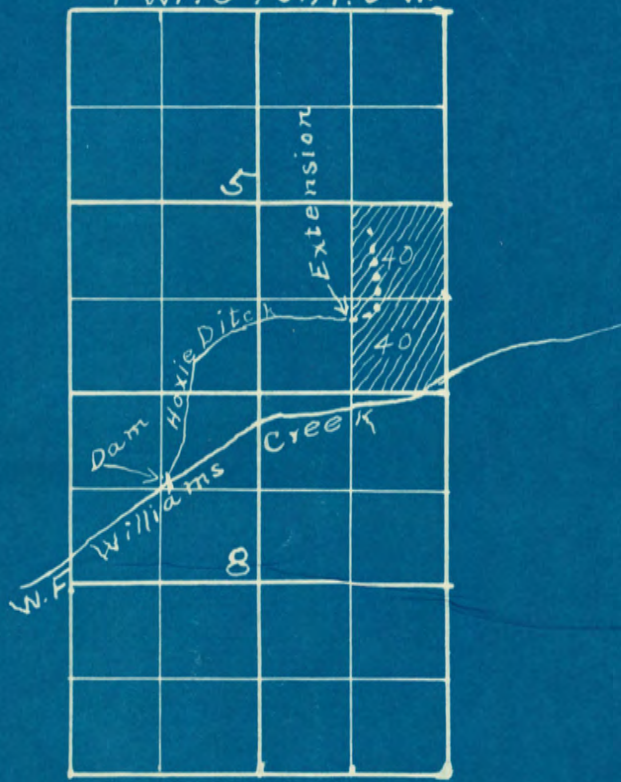
Priority date: December 15, 1920.

OFFICE OF STATE WATER BOARD
RECEIVED
SEP 13 1921
SALEM. OREGON.

WILLIAM O. MILLER

7003

Twp. 39 S. R. 5 W.



7003

7003
4886

M. L. OPDYCKE, WATER MASTER

OFFICE OF
WATER MASTER
DISTRICT No. 16
STATE OF OREGON
GRANTS PASS
OREGON

September 12, 1921.

OFFICE OF STATE WATER BOARD
RECEIVED
SEP 13 1921
SALEM.
OREGON.

Secretary State Water Board,
Salem, Oregon.

Dear Sir:

Find enclosed the final proofs of M. E. Sullivan
and J. E. & L. L. Sharp, together with Mr. Sullivan's check
for \$1000/ and my check for \$1.00.

M. E. Sullivan is making a Federal loan on his ranch
and among the terms of the abstract is to show the amount
of irrigated land, but owing to the fact that there is no
record in the County Clerk's office as to the 80 acres pro-
vided for it the final proof enclosed, the abstractor is un-
able to show that the land is irrigated. At the request of
M. E. Sullivan, I am asking if it would be possible to have
the certificate issued at once in order to enable the loan to
be completed, for the abstractor could take cognizance of it
as soon as recorded.

Yours very truly,

M. L. Opdycke

NOTICE OF BEGINNING OF CONSTRUCTION

I, Mrs M E Sullivan, the holder of Application No. 7663, being

Permit No. 4886, issued by the State Engineer of the State of Oregon

(Reservoir or Enlargement)

for the appropriation of 40 inch second-feet of the waters of West Falls Williams Crags 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 10 day of July, 1921, being within the time limitation as fixed in said permit for the beginning of construction work.

Enlarging Lower Portage ditch working upward

The appropriator should state the manner of beginning construction work, number of men and teams employed, the amount of work completed up to the date of this

statement, and any additional information which may tend to show the beginning of work in good faith.

To Lower Removing Brush Back Reef and dirt
Two Men 3 horses

IN WITNESS WHEREOF, I have hereunto set my hand this 10 day of July, 1921.

Williams
(Present Address)

Mrs M E Sullivan
(Signature of Applicant)

NOTICE OF BEGINNING OF CONSTRUCTION

I, Mr. M. E. Williams, the holder of Application No. 1113, being
 Permit No. 1113, issued by the Engineer of the State of Oregon
 for the appropriation of 4.5 second-foot of the Willamette River
 in accordance with the tenor of such permit and the plans filed
 on behalf of the State Engineer by the State Engineer,
 began the actual construction of the works described in the
 permit on the 10 day of Feb, 1921,
 being within the time limitation as fixed in said permit.

RECEIVED
FEB 28 1921
 File No. 1113

The applicant should state the nature of the proposed construction work, the location and extent of work, and the date of the
 statement, and any additional information which may tend to show the beginning of work in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand this 10 day of Feb, 1921.
Mr. M. E. Williams
 (Name of Applicant)
 (Address)

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, W. E. Sullivan, the holder of Application No. ⁴⁸⁸⁶~~2663~~, being
for Enlargement Permit No. 48 S.C., issued by the State Engineer of the State of Oregon
(Reservoir or Enlargement)
 for the appropriation of 1.00 second-feet of the waters of William's Creek
W 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 May day of 1921,
 being 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: _____
 If all of the water granted in the permit had not been fully applied to beneficial use, you should so state, so that delinquent appropriators may

have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this June day of 15, 1921.

William's Creek

 (Present Address)

W. E. Sullivan

 (Signature of Applicant)

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Wm. J. ..., the holder of Application No. 1022, being
Wm. J. ... Permit No. 1022, issued by the State Engineer of the State of Oregon
Wm. J. ... second-foot of the waters of the ...
Wm. J. ... and the limitations endorsed thereon by the State Engineer,
Wm. J. ... day of ..., 1922,
Wm. J. ... a beneficial use, on the ... day of ..., 1922,
Wm. J. ... in said permit or extended by the State Water Board for the complete
Wm. J. ... application of water to a beneficial use.

Remarks: _____

IN WITNESS WHEREOF, I have hereunto set my hand this ... day of ..., 1922.
Wm. J. ...

RECEIVED

JUN 17 1921

File No. _____

NOTICE OF COMPLETION OF CONSTRUCTION

I, M. E. Sullivan, the holder of Application No. ⁴⁸⁸⁶~~2663~~, being
Low Embankment Permit No. 4886, issued by the State Engineer of the State of Oregon
(Reservoir or Enlargement)
 for the appropriation of 1.00 second-feet of the waters of W.F. Williams Creek
 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 18 day of May, 1921,
 being within the time limitation as fixed in said permit or extended by the State Water Board for the
 completion of construction work.

Remarks: _____
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 June day of 15, 1921.

Williams Creek Oregon
(Present Address)

M. E. Sullivan
(Signature of Applicant)

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the State of Oregon, this 17th day of June, 1921.

Remarks:

RECEIVED
JUN 17 1921

File No.

completion of construction work being within the time limitation as fixed in said permit, and that the contractor has completed the construction of the works described therein the 17th day of June, 1921.

in accordance with the tenor of such permit and the provisions of the laws of the State of Oregon for the appropriation of the second-class of the waters of the State of Oregon.

Permit No. 4425 issued by the State Engineer of the State of Oregon to the holder of Application No. 4425.

NOTICE OF COMPLETION OF CONSTRUCTION

July 13, 1921.

Mr. M. E. Sullivan,
Williams, Oregon.

Dear Sir:

Blank for proof of appropriation of water under permit No. 4886 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.

Yours very truly,

R. W. Potter,
Secretary

June 18th, 1921.

Mr. M. E. Sullivan,
Williams,
Oregon.

Dear Sir:

Permit No. 4886.

This will acknowledge receipt of the Notices of Completion of Construction and Complete Application of Water under your permit No. 4886, which notices have been placed on file.

Final proof blanks will accordingly be prepared and forwarded for execution through the Water Master of your district within a short time.

Very respectfully,

Percy A. Cupper,
State Engineer.

Sept. 16, 1921.

Mr. M. L. Opdyke,
Water Master Dist. #16,
Grants Pass, Ore.

Dear Sir:

In accordance with your request of the 12th inst. we are enclosing herewith water right certificate issued to M. E. Sullivan under Permit #4886, together with check in favor of the County Clerk for \$1.00 for recording same. This was prepared out of the regular order of business so that Mr. Sullivan might hurry up his Federal loan. Kindly check the certificate over and have the same recorded.

Yours very truly,

R. W. Potter,
Secretary.

cert. # 3316