

1                   In the Matter                   )  
2                                   of                                    )  
3                   the Application of William Hillis            )  
4                   to change a water right alleged to            )  
5                   belong to him from the irrigation                    )  
6                   of ten acres in the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of                    )  
7                   Section 11, Township 35 South, Range                    )  
8                   4 West of the Willamette Meridian                            )  
9                   in Jackson County, Oregon, to ten                            )  
10                   acres of land in the NW $\frac{1}{4}$  of Section                        )  
11                   12, Township 35 South of Range 4 West                        )  
12                   of the Willamette Meridian in Jackson                        )  
13                   County, Oregon.    )  
14                   \_\_\_\_\_ )

OBJECTIONS

15                                   Comes now D. C. Hougham of Rogue River, Jackson County,  
16                   Oregon, and files these his objections to the change or alteration  
17                   of any water right alleged to be owned by or belonging to William  
18                   Hillis from the irrigation of ten acres in the Northwest Quarter  
19                   of the Southeast Quarter of Section 11, Township 35 South of  
20                   Range 4 West of the Willamette Meridian in Jackson County,  
21                   Oregon, to any other part or parcel of property, on the ground  
22                   and for the reason that the said D. C. Hougham is the owner  
23                   under a contract of purchase of said property and is now in  
24                   possession thereof and beneficially using the same in the growing,  
25                   cultivation and harvesting of various and sundry crops, and has  
26                   attempted to use said water appurtenant thereto and which was  
27                   awarded and given said land by decree of the Circuit Court of  
28                   the State of Oregon in and for Jackson County in the matter of  
29                   the determination of the relative rights of the waters of Rogue  
30                   River and its tributaries under date of April 22nd, 1919, which  
31                   said decree insofar as it referred to said particular land has  
32                   never been appealed from and is now in full force and effect, and  
33                   that by reason of such said decree your petitioner, said person  
34                   objecting to said change or alteration, is the owner of said  
35                   water and water right as appurtenant to said land

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Your petitioner further respectfully urges and represents that based upon said decree hereinabove referred to, which said decree is specifically referred to hereby and by this reference made a part hereof the same as if embodied herein verbatim, and the fact that said water as so decreed to said ten acres which your said petitioner is now purchasing under contract has never been used beneficially upon any other land, except upon said land, and that since your petitioner entered into possession, namely, under date of on or about November 24, 1925, up until such time that a certain injunction was served upon your said petitioner as hereinafter set out, your petitioner has attempted to use and has used said water upon said ten acres for a beneficial purpose and that to make a change or alteration of said water right to other land would interfere with and be injurious to your petitioner. Your petitioner further respectfully represents that there is now pending in the Circuit Court of the State of Oregon in and for Jackson County a certain suit wherein the said William Hillis is plaintiff, and Fred Cummings, as the Watermaster of Jackson County, Oregon, Charley Slater, Deputy Watermaster of Jackson County, Oregon, and this objecting petitioner are defendants, wherein and whereby the said William Hillis has enjoined said defendants by temporary and preliminary injunction from using said water and desires to permanently enjoin said defendants from the use thereof upon said ten acres of land to which said water was decreed by said decree hereinabove referred to. That said Watermaster and Deputy are endeavoring to distribute said water in accordance with said decree and to said lands to which said water was decreed and is made appurtenant by said decree, and that your said petitioner has a good defense to said suit and believes that in the final determination thereof

1 said suit would be dismissed, and that he will receive injunctive  
2 relief against the plaintiff from interfering with his rights in  
3 and to said water as so decreed to said premises hereinabove  
4 described and which are now held by your said objecting petitioner  
5 under said contract of purchase as aforesaid. That to permit  
6 said change or alteration would violate the terms and conditions  
7 of said decree and the rights of your said objecting petitioner  
8 and the intent of Section 5764, Oregon Laws.

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G.M. Roberts  
Attorney for Objecting  
Petitioner

D.C. Hougham  
Objecting Petitioner

State of Oregon )  
County of Jackson ) ss.

I, D. C. Hougham, after first being duly sworn, depose  
and say: That I am the objecting petitioner named in the above  
and foregoing objections, that I have read the same, know and  
understand the contents thereof, and the same is true as I do  
verily believe.

D.C. Hougham

Subscribed and sworn to before me this 12th day of September, 1927.

Octavia Maddell  
Notary Public for Oregon

My commission expires Dec. 29th, 1929.

State of Oregon        )  
                          )    ss.  
County of Jackson     )

Due service of the within Objections is hereby  
accepted in Jackson County, Oregon, this 13th day of September,  
1927, by receiving a copy thereof, duly certified to as such  
by G. M. Roberts, attorney for Defendant, Don Hoffman ( or  
D.C.Hougham).

*Chas. W. James*  
Attorney for Plaintiff, William Hillis

In the Matter

of

the Application of William Hillis to change a water right alleged to belong to him from the irrigation of 10 A. in the NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Sec. 11, Twp. 35 S.R. 4 W. W.M. to 10 A. in NW $\frac{1}{4}$  of Sec. 12, Twp. 35 S.R. 4 W.W.M., in Jackson County, Oregon.

OBJECTIONS OF D.C. HOUGHAM

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**G. M. ROBERTS**  
LAWYER  
MEDFORD, OREGON