

2745 Stuart, H. Mason
 Rt. 2 Box 25
 Jacksonville, Ore

2745

PROTESTED

STATUS OF APPLICATION

Change in Pl. of Diversion & Place of Use
 Date filed Dec 18, 1972
 Date of hearing 8-5-77
 Place of hearing Medford
 Date of order 11-3-80 Vol. 34, page 48
 Date for application of water 10-1-82
 Proof mailed _____
 Proof received _____
 Certificate issued August 5, 81 Vol. 44, page 50146
7/26/88 53 57351

DESCRIPTION OF WATER RIGHT

Name of stream Little Applegate River
 Trib. of _____ County of Jackson
 Use Irrigation & Domestic
 Quantity of water _____ No. of acres 39 1/2
 Name of ditch ~~Little Applegate~~ Upper and Lower Phillips ditch
 Date of priority Sept. 1, 1857 ~~1898~~
 In name of A.S. Kleinhammer
Regue River Adjudication, Vol. 4, page 30 (col. 3)
 App. No. _____ Per. No. _____ Cert. No. 38773
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
12-18-72	31.35	31798
12-18-72	35.25 PON	31800
5-17-77	52.40	60553
TOTAL		
12-18-72	3.00 Cert. Fee	31799
Medford Mail Tribune \$46.66 ch. #1426		
8/9/77		

FEES REFUNDED

Date	Amount	Check No.
8/9/77	\$33.34	1425
Refund of \$1.00 cert. fee		\$122.00
32.34 Rec. fee		\$121.90
	Exam 15.00	
	POU 10-	
	POD 15.00	
	cert (40-)	
	(2-)	
	PON (46.66)	

REMARKS

— Finis —

Survey div. points when proof is made. (See also T-2746)

See also T-2580

- INDEX CARDS: Entered
- Name lcj
 - Stream lcj
 - Pl. of Div. lcj
 - Calendar lcj
 - CHECKED TO RECORDS
 - Twp. & Rce. 58A
 - Decree-vault lcj
 - Decree-safe lcj
 - Cert. of W/R lcj
 - Per. Folder
 - Chaindex
 - Cross Ref.
 - Power Claim
 - Abstracts

T#2745 Refund #33.34
 Check #2746 Refund (cert. fee) 1.00

APPLICANT: Stuart V. Hinson

Rep. by: LARRY C. HAMMACK (Ph. 779-2133)
Attorney at Law
220 Laurel
Medford, OR 97501

PROTESTANTS: Mr. & Mrs. Glen F. Wegner and
Mr. & Mrs. Ralph J. Richards

Rep. by: THOMAS C. HOWSER (Ph. 482-2621)
Cottle, Howser & Hampton
Attorneys at Law
607 Siskiyou Blvd.
P. O. Box 627
Ashland, OR 97520

PROTESTANTS: Everette J. & Jimmie F. Bostwick

Rep. by: ROBERT D. HEFFERNAN (Ph. 779-4075)
Heffernan & Fowler
Attorneys at Law
705 West Tenth Street
P. O. Box 1746
Medford, OR 97501

Applicant: Stuart Hinson

2133

Rep. by: Larry C. Hammack (Ph. 779-2344)
~~Haviland, deSchweinitz, Stark & Hammack~~
Attorneys at Law
~~221 West Main Street~~ 220 Laurel
Medford, OR 97501

Protestants, Mr. and Mrs Glen F. Wegner and
Mr. and Mrs Ralph J. Richards

Rep. by: Thomas C. Howser (Ph. 482-2621)
Cottle, Howser & Hampton
Attorneys at Law
607 Siskiyou Blvd.
P. O. Box 627
Ashland, OR 97520

Protestants, Everette J. & Jimmie F. Bostwick h&w

Rep. by: Robert D. Heffernan, Jr. (Ph. 779-4075)
Heffernan & Fowler
Attorneys at Law
705 West Tenth Street
P. O. Box 1746
Medford, OR 97501

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That A. S. KLEINHAMMER

of Buncom, State of Oregon, has
a right to the use of the waters of
Little Applegate River

a tributary of Applegate River for the purpose of
irrigation of 100.2 acres, domestic, and stock use

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 1, 1857 for 1.96 cfs for irrigation of 78.2 acres; 1898 for 0.55 cfs for irrigation of 22 acres, domestic and stock use; 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 2.51 cubic feet per second.

The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, T39S, R2W, WM.

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

1.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
20.8 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	Section 20
7.3 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$	
1.0 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.5 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
14.6 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
1.0 acre NE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 29
1.5 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$	
20.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$	Township 39 South, Range 2 West, WM
18.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$	
Section 19	

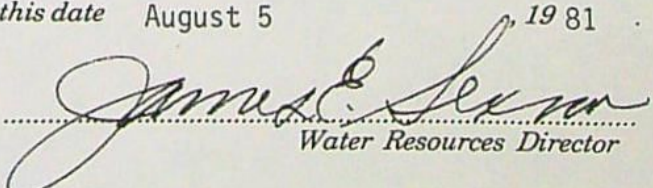
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 38773, Volume 30, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on November 3, 1980, approving Transfer Application 2745.

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

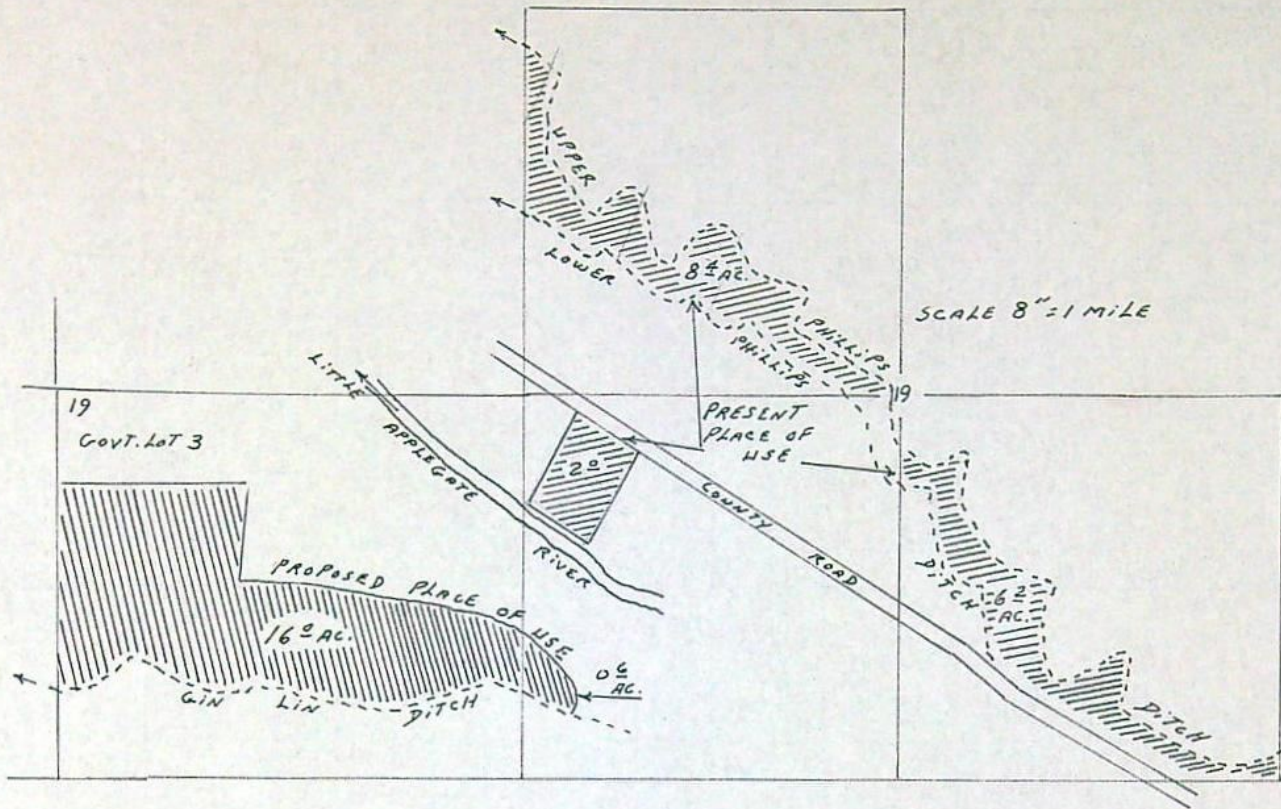
this date August 5, 1981


Water Resources Director

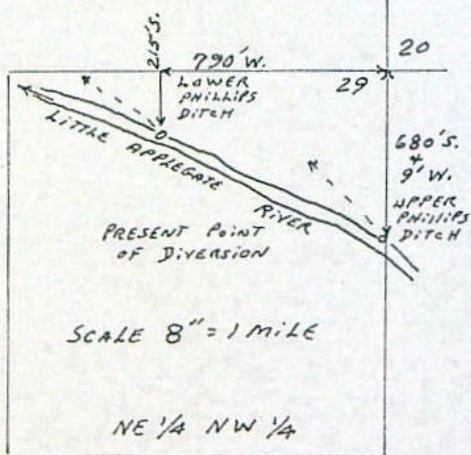
Recorded in State Record of Water Right Certificates, Volume 44, page 50146

T-2745

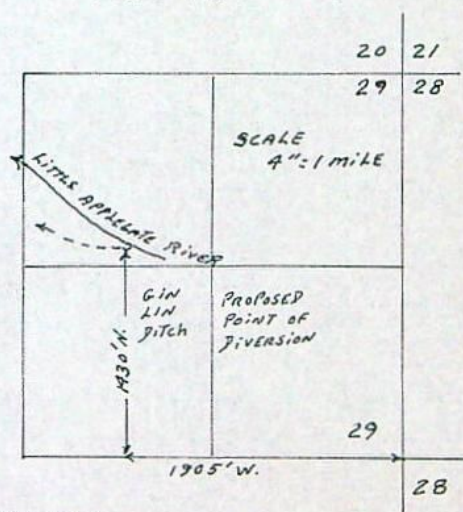
T.39S. R.2W. W.M.



T.39S. R.2W. W.M.



T.39S. R.2W. W.M.

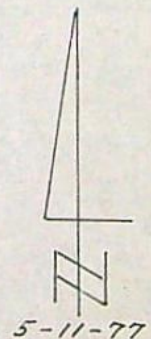


MAP TO ACCOMPANY APPLICATION OF
STUART V. HINSON FOR CHANGE IN POINT
OF DIVERSION AND CHANGE IN PLACE OF USE
ON CERT. 38793, PRIORITY SEPT. 1, 1857

THIS MAP PREPARED BY:

John F. Cummings
FROM INFORMATION FURNISHED BY
THE APPLICANT.

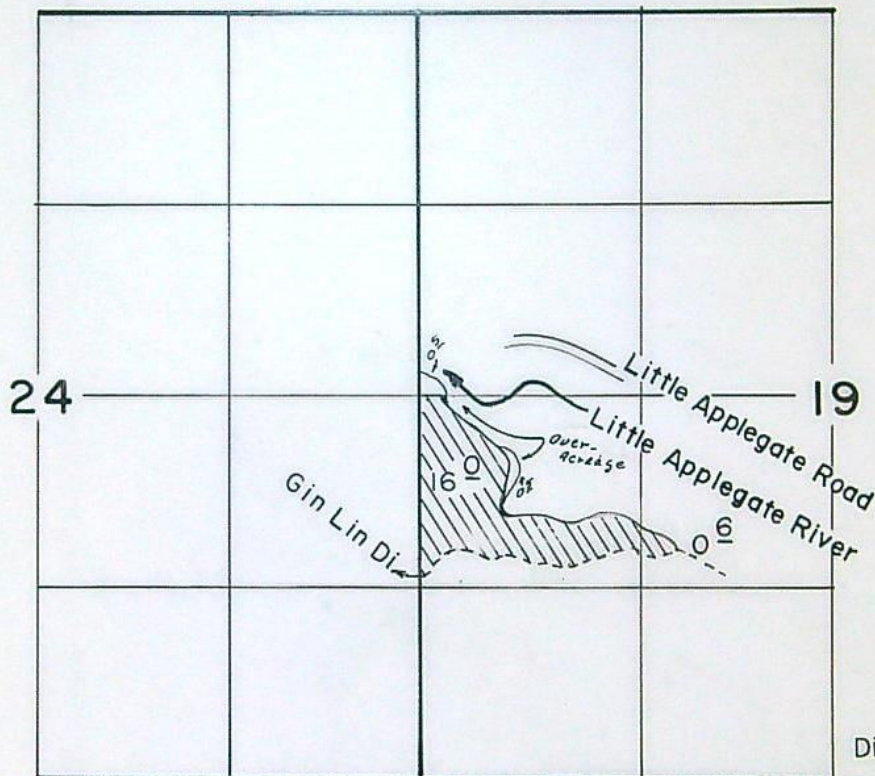
RECEIVED
MAY 11 1977
WATER RESOURCES DEPT.
CALIF. DEPT. OF SOCS.



5-11-77

(T-2745)

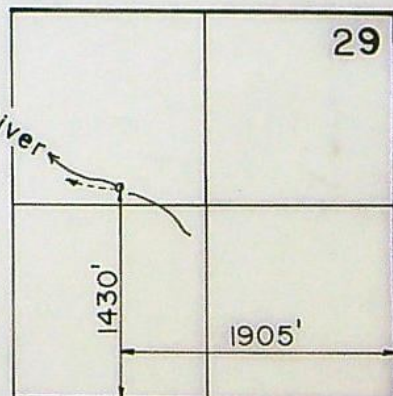
T. 39 S., R. 2 & 3 W., W. M.



Div. Pt. Gin Lin Ditch
T. 39 S., R. 2 W., W. M.

Scale: 1" = 1320'

Little Applegate River



FINAL PROOF SURVEY

UNDER

TRANSFER NO. 2745

Application No. Permit No.

IN NAME OF

STUART V. HINSON

Surveyed JUL. 9. 1986, by B. S. JAMES.

STATE OF OREGON

COUNTY OF JACKSON

COPY

CERTIFICATE OF WATER RIGHT

This Is to Certify, That A. S. KLEINHAMMER

of Buncom, State of Oregon, has a right to the use of the waters of Little Applegate River

a tributary of Applegate River for the purpose of irrigation of 100.2 acres, domestic, and stock use

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 1, 1857 for 1.96 cfs for irrigation of 78.2 acres; 1898 for 0.55 cfs for irrigation of 22 acres, domestic and stock use; 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 2.51 cubic feet per second.

The point of diversion is located in the NE 1/4 NW 1/4, Section 29, T39S, R2W, WM.

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

- 1.5 acres SE 1/4 SW 1/4
20.8 acres SW 1/4 NW 1/4
7.3 acres SE 1/4 NW 1/4
1.0 acre NW 1/4 SW 1/4
14.6 acres NE 1/4 SW 1/4
1.0 acre NE 1/4 SE 1/4
1.5 acres NW 1/4 SE 1/4
20.0 acres SW 1/4 SE 1/4
18.0 acres SE 1/4 SE 1/4
8.0 acres SW 1/4 SW 1/4
1.5 acres NW 1/4 NW 1/4
5.0 acres NE 1/4 NW 1/4
Section 19
Section 20
Section 29

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 38773, Volume 30, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on November 3, 1980, approving Transfer Application 2745.

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 August 5 19 81

James E. Larson Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 44, page 50146

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That A. S. KLEINHAMMER

of Buncom, State of Oregon, has
a right to the use of the waters of
Little Applegate River

a tributary of Applegate River for the purpose of
irrigation of 100.2 acres, domestic, and stock use

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 1, 1857 for 1.96 cfs for irrigation of 78.2 acres; 1898 for 0.55 cfs for irrigation of 22 acres, domestic and stock use; 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 2.51 cubic feet per second.

The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, T39S, R2W, WM.

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

1.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
20.8 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	Section 20
7.3 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$	
1.0 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.5 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
14.6 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
1.0 acre NE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 29
1.5 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$	
20.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$	Township 39 South, Range 2 West, WM
18.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$	
Section 19	

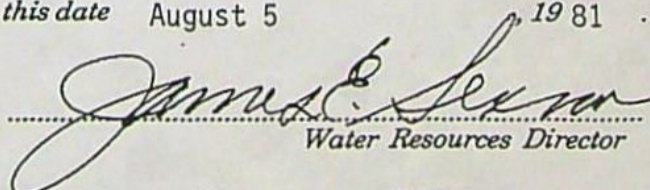
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 38773, Volume 30, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on November 3, 1980, approving Transfer Application 2745.

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 August 5, 1981


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 44, page 50146

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

Stuart V. Hinson

This Is to Certify, That

~~A. S. KLEINHAMMER~~

P.O. Box 579

Jacksonville

97530

of Buncom, State of Oregon, has a right to the use of the waters of Little Applegate River

a tributary of Applegate River for the purpose of

irrigation of ~~116.8 acres, domestic, and stock use~~ 16.6 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 4, at page 1; that the priority of the right thereby confirmed dates from September 1, 1857 for 2.37 cubic feet per second for the irrigation of 78.2 acres; 1898 for 0.55 cubic foot per second for the irrigation of 22 acres; and for domestic and stock use; 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 2.92 cubic feet per second.

2.51 0.41

NW 1/4 NE 1/4

The point of diversion is located in the NE 1/4 NW 1/4, Section 29, T. 39 S., R. 2 W. W. M.

1430' N & 1905' W from E 1/4 Cor Section 29

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

- ~~1.5 acres SE 1/4 SW 1/4~~
- ~~20.8 acres SW 1/4 NW 1/4~~
- NE 1/4 SW 1/4 0.6 acre 7.3
- ~~15.7 acres SE 1/4 NW 1/4 - 8.4~~
- ~~1.0 acre NW 1/4 SW 1/4~~
- NW 1/4 SW 1/4 16.0 acres 14.6
- ~~16.6 acres NE 1/4 SW 1/4 - 2.2~~
- ~~1.0 acre NE 1/4 SE 1/4~~
- Section 19 1.5
- ~~7.7 acres NW 1/4 SE 1/4 - 6.2~~
- ~~20.0 acres SW 1/4 SE 1/4~~
- ~~18.0 acres SE 1/4 SE 1/4~~
- ~~Section 19~~
- ~~8.0 acres SW 1/4 SW 1/4~~
- ~~Section 20~~
- ~~1.5 acres NW 1/4 NW 1/4~~
- ~~5.0 acres NE 1/4 NW 1/4~~
- ~~Section 29~~
- T. 39 S., R. 2 W., W. M. 16.6 - 0.41 - 2.51

1CLAUSE:

This certificate is issued to confirm a change in approved by an order of the Water Resources Director entered Nov. 3, 1980, and together with certificate 50146 State Record of Water Right Certificates, supersedes certificate 38773

POD & PO4

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.

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that STUART V. HINSON,
of P.O. BOX 579, JACKSONVILLE, OREGON 97530, has a right to the use of
the waters of LITTLE APPELEGATE RIVER A TRIBUTARY OF APPELEGATE RIVER
for the purpose of IRRIGATION OF 16.6 ACRES.

The right has been confirmed by decree of the Circuit Court of the
State of Oregon for JACKSON 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 SEPTEMBER 1, 1857.

The right is limited to not more than 0.41 CUBIC FOOT PER SECOND IF
AVAILABLE AT THE ORIGINAL POINT OF DIVERSION.

The point of diversion is located as follows:

NW1/4 NE1/4 Section 29, T39S, R2WWM; 1430
FEET NORTH & 1905 FEET WEST FROM E1/4 CORNER SECTION 29

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

NE1/4 SW1/4 0.6 ACRE ✓
NW1/4 SW1/4 16.0 ACRES ✓
Section 19
Township 39 South, Range 2 West, W.M.

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 shall be
subject to all other conditions and limitations contained in said
decree.

This certificate is issued to confirm a change in point of diversion
and place of use approved by an order of the Water Resources Director
entered November 3, 1980, and together with certificate 50146,
supersedes certificate 38773, State Record of Water Right
Certificates.

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.

WITNESS the signature of the Water Resources Director,
affixed this date July 26, 1988

/S/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57351

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that STUART V. HINSON,
of P.O. BOX 579, JACKSONVILLE, OREGON 97530, has a right to the use of
the waters of LITTLE APPLIGATE RIVER A TRIBUTARY OF APPLIGATE RIVER
for the purpose of IRRIGATION OF 16.6 ACRES.

The right has been confirmed by decree of the Circuit Court of the
State of Oregon for JACKSON 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 SEPTEMBER 1, 1857.

The right is limited to not more than 0.41 CUBIC FOOT PER SECOND [?] IF
AVAILABLE AT THE ORIGINAL POINT OF DIVERSION.

The point of diversion is located as follows:

NW1/4 NE1/4 Section 29, T39S, R2 WWM; 1430
FEET NORTH & 1905 FEET WEST FROM E1/4 CORNER SECTION 29

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

NE1/4 SW1/4 0.6 ACRE
NW1/4 SW1/4 16.0 ACRES
Section 19
Township 39 South, Range 2 West, W.M.

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 shall be
subject to all other conditions and limitations contained in said
decree.

This certificate is issued to confirm a change in point of diversion
and place of use approved by an order of the Water Resources Director
entered November 3, 1980, and together with certificate 50146,
supersedes certificate 38773, State Record of Water Right
Certificates.

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.

WITNESS the signature of the Water Resources Director,
affixed this date July 26, 1988

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57351

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that STUART V. HINSON,
of P.O. BOX 579, JACKSONVILLE, OREGON 97530, has a right to the use of
the waters of ~~THE WATERS OF~~ LITTLE APPLGATE RIVER A TRIBUTARY OF
APPLGATE RIVER for the purpose of IRRIGATION OF 16.6 ACRES.

The right has been confirmed by decree of the Circuit Court of the
State of Oregon for JACKSON 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 SEPTEMBER 1, 1857.

The right is limited to not more than 0.41 CUBIC ~~FEET~~ PER SECOND, *if available*
at the original point of diversion. FOOT

The point of diversion is located as follows:

NW1/4 NE1/4 Section 29, T^x 39 S^x, R^x 2
W^x, W^x M^x 1430' N. & 1905' W. FROM E1/4 CORNER SECTION 29

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

NE1/4 SW1/4 0.6 ACRE
← NW1/4 SW1/4 16.0 ACRES
Section 19
Township 39 South, Range 2 West, W.M.

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 shall be
subject to all other conditions and limitations contained in said
decree.

This ~~point~~ ^{Place} certificate is issued to confirm a change in point of diversion
and ~~point~~ ^{Place} of use approved by an order of the Water Resources Director
entered November 3, 1980, and together with certificate 50146, State
Record of Water Right Certificates, supersedes certificate 38773.

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.

WITNESS the signature of the Water Resources Director,
affixed this date July 26, 1988.

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57351

T-2745

of

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATIONS)
OF STUART V. HINSON FOR APPROVAL)
OF CHANGES IN PLACE OF USE & POINT)
OF DIVERSION OF WATER FROM LITTLE)
APPLEGATE RIVER)

SECOND AMENDED
NOTICE OF
HEARING

TO: Stuart V. Hinson
*c/o Larry C. Hammack
Attorney at Law
220 Laurel
Medford, Oregon 97501

Everett J. & Jimmie F. Bostwick
*c/o Robert D. Heffernan, Jr.
Heffernan & Fowler
P.O. Box 1746
Medford, Oregon 97501

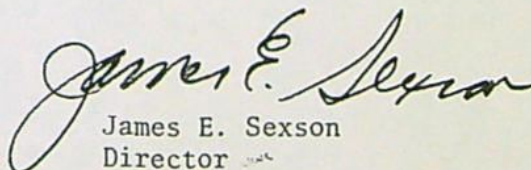
Glen F. & Helen A. Wegner
and Ralph & June Richards
*c/o Thomas C. Howser
Cottle, Howser & Hampton
P.O. Box 627
Ashland, Oregon 97520

David C. Hendrix
Watermaster, District 13
Jackson County Courthouse
Medford, Oregon 97501

Notice is given hereby that concurrent hearings in the matters of water right transfer applications Nos. 2745 and 2746, in the name of Stuart V. Hinson, for approval of changes in place of use and point of diversion of water under rights described by the certificates recorded at page 24479, Volume 17, and page 38773, Volume 30, State Record of Water Right Certificates, as set forth in the notice published in the Medford Mail Tribune newspaper in the issues of June 10, 17 and 24, 1977, and protests in the names of Everett J. Bostwick and Jimmie F. Bostwick, and in the names of Glen F. Wegner, Helen A. Wegner, Ralph Richards and June Richards against approval of said applications, have been rescheduled to be held before James W. Carver, Jr., an employee of the Water Resources Department, authorized to preside in behalf of the Water Resources Director, commencing at 10:00 a.m. on Friday, June 27, 1980, in Conference Room 106-107 in the Jackson County Justice Building, Medford, Oregon.

Attached is information material on the procedures, right of representation and other rights of parties relating to the conduct of the hearing as required under ORS 183.413(2).

Dated at Salem, Oregon this 14th day of April, 1980.


James E. Sexson
Director

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
 Show to whom and date delivered..... 45¢
 Show to whom, date and address of delivery..... ¢
 RESTRICTED DELIVERY
 Show to whom and date delivered..... ¢
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Glen F & Helen A Wegner & Ralph & Jane Richards, %Thomas C Howser; Cottle, Howser & Hampton, PO Box 627, Ashland, OR 97520

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	56336	

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY: *APR 16 1980* POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

1c) T-2745 ☆GPO : 1979-268-848

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
 Show to whom and date delivered..... 45¢
 Show to whom, date and address of delivery..... ¢
 RESTRICTED DELIVERY
 Show to whom and date delivered..... ¢
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Everett J & Jimmie F Bostwick, %Robert D Heffernan, JR., Heffernan & Fowler PO Box 1746, Medford, OR 97501

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	56337	

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY: *APR 15 1980* POSTMARK

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1c) T-2745 ☆GPO : 1979-268-848

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
 Show to whom and date delivered..... 45¢
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 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$ _____

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2. ARTICLE ADDRESSED TO:
 Stuart V. Hinson, %Larry C. Hammack Attorney at Law, 220 Laurel Medford, OR 97501

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	56335	

(Always obtain signature of addressee or agent)

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 SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY: *APR 15 1980* POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

1c) T-2745 ☆GPO : 1979-268-848

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That A. S. KLEINHAMMER

of Buncom, State of Oregon, has a right to the use of the waters of Little Applegate River

a tributary of Applegate River for the purpose of

irrigation of 116.8 acres, domestic, and stock use 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 4, at page 1; that the priority of the right thereby confirmed dates from September 1, 1857 for 2.37 cubic feet per second for the irrigation of 78.2 acres; 1898 for 0.55 cubic foot per second for the irrigation of 22 acres; and for domestic and stock use; 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 2.92 cubic feet per second.

Need adjustment -

2.51

The point of diversion is located in the NE 1/4 NW 1/4, Section 29, T. 39 S., R. 2 W. W. M.

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

- 1.5 acres SE 1/4 SW 1/4
20.8 acres SW 1/4 NW 1/4
7.3 15.7 acres SE 1/4 NW 1/4
1.0 acre NW 1/4 SW 1/4
14.6 16.6 acres NE 1/4 SW 1/4
1.0 acre NE 1/4 SE 1/4
1.5 7.7 acres NW 1/4 SE 1/4
20.0 acres SW 1/4 SE 1/4
18.0 acres SE 1/4 SE 1/4
Section 19
8.0 acres SW 1/4 SW 1/4
Section 20
1.5 acres NW 1/4 NW 1/4
5.0 acres NE 1/4 NW 1/4
Section 29
T. 39 S., R. 2 W., W. M.

F# 2745

84

22

62

16.6 0.41 cfs

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 38773, Volume 30, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Nov 3, 1980, approving transfer application No. 2745.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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 11, 1973.

CHRIS L. WHEELER State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38773

50146

do w/T-2746

REPORT ON INSPECTION OF TRANSFER OF WATER RIGHT FOR CHANGE IN:

POD
POU
USE

Add'l POD

2842

Transfer No. 2745

County Jackson

Old Certificate No. 38773

1. Name Stuart V. Hinson

Address _____

2. Source of Water Little Applegate River Trib of APPLEGATE RIVER

3. Use ir/39.1 ac

4. Amount of Water 0.41 cfs

5. Priority Date 9-1-1857

6. Proposed Point of Diversion Ginkin Ditch 1430' N + 1905' W from E 1/4 Cor., Sec 29, w/in NW 1/4 NE 1/4, S 29, T 39S, R 2W, WM

7. Completion Date 10-1-82

8. Place of Use:

41029-279-2842
75-86 255

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
39S	2W	19	NESW	0.6 ac
			Lot 3 NWSW	16.0

~~0.16700~~

~~INFO:~~
INFO.: TALKED TO LEASER, JACK HOFFBUHR,
OWNER STU HINSON IS UNAVAILABLE TO TALK WITH.
HE APPARENTLY IS DRIVING LONG HAUL 18 WHEELER
TRUCKS AT THIS TIME.

SOURCE: LITTLE APPLEGATE RIVER

SYSTEM: WOODEN BOX DIVERSION IN STREAM DELIVERS
WATER INTO EARTH CANAL ESTABLISHED DITCH
SINCE 1837.

WATER GRAVITY FLOW FROM MAIN DITCH
ONTO PASTURE.

P'S/M: NONE

EQUIPMENT: NONE

LIFT: FALL:

USE: PASTURE FOR MAX OF 27 COWS, 10 CALVES.

TIE: 41029-279-2846 P.O.U. & POD

MON'4: $\frac{29}{32}$ 1/16" OR COR
5/8" I.P.

Blue Jammer WIRE 7-9-86

REMARKS: FLOW IN GINLIN DITCH = 4.62 cfs.

JACKSON COUNTY WATERMASTER, BRUCE SUNDT AGREES
WITH SURVEY.

899-1690

T-2745

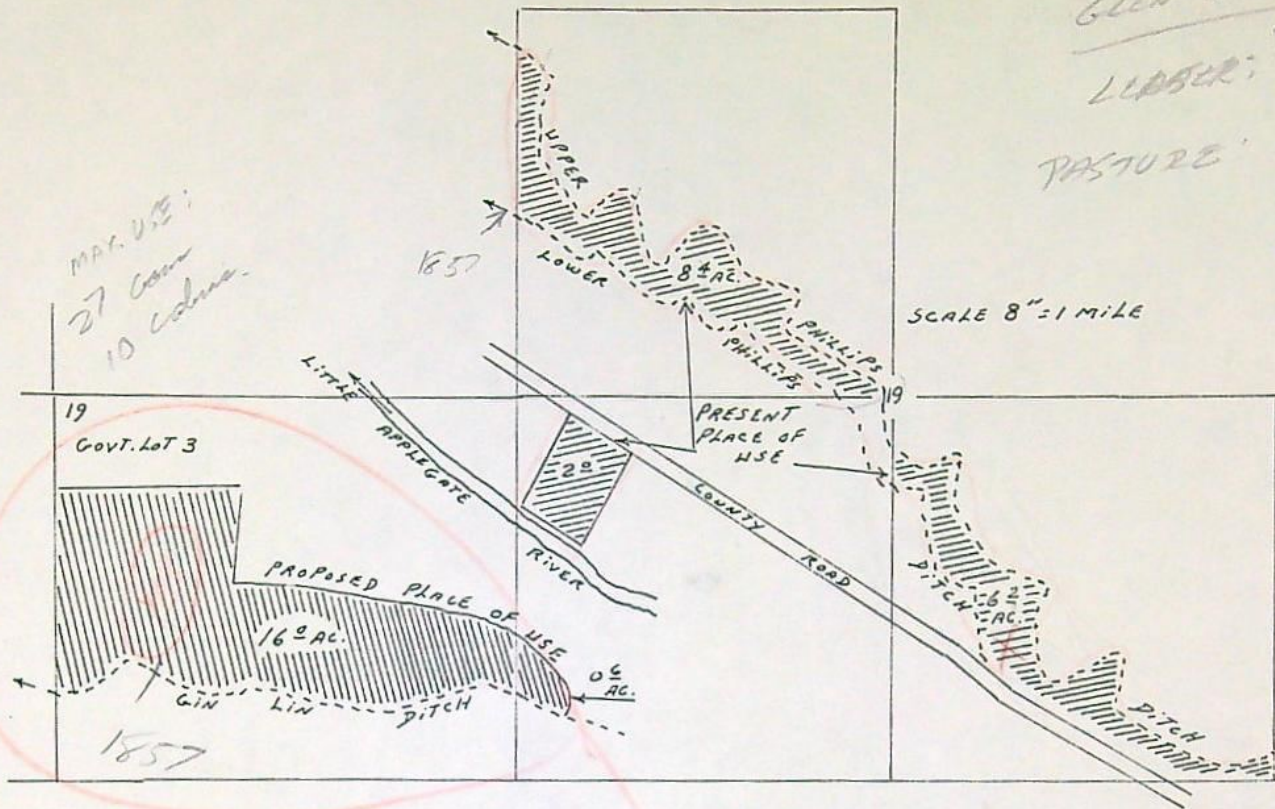
T.39S. R.2W. W. M.

GLEN HARRISON

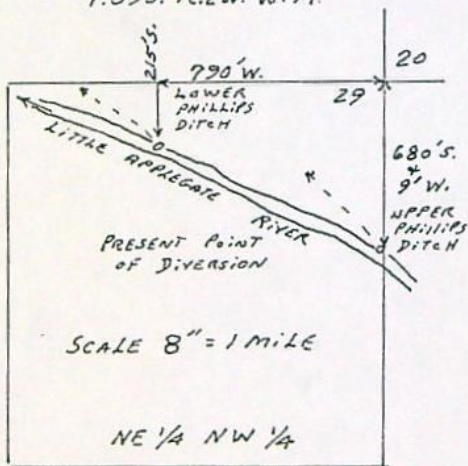
BOB
LUBBER; WILEY;

PASTURE: 51K
125 CAMEL

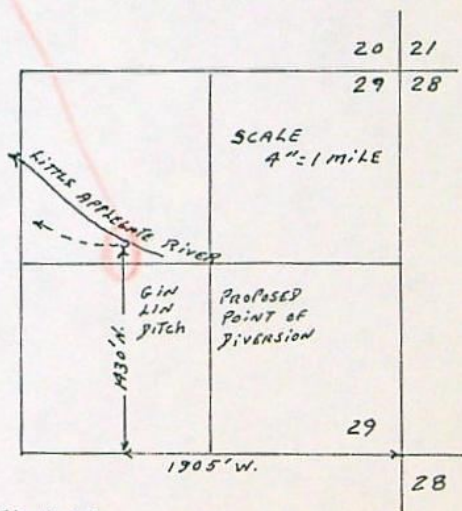
MAX. USE:
27 Cows
10 Calves



T.39S. R.2W. W. M.



T.39S. R.2W. W. M.



ASSESSOR MAP
W/ PROPERTY

MAP TO ACCOMPANY APPLICATION OF
STUART V. HINSON FOR CHANGE IN POINT
OF DIVERSION AND CHANGE IN PLACE OF USE
ON CERT. 38773, PRIORITY SEPT. 1, 1857

THIS MAP PREPARED BY:

John F. Cummins

FROM INFORMATION FURNISHED BY
THE APPLICANT.



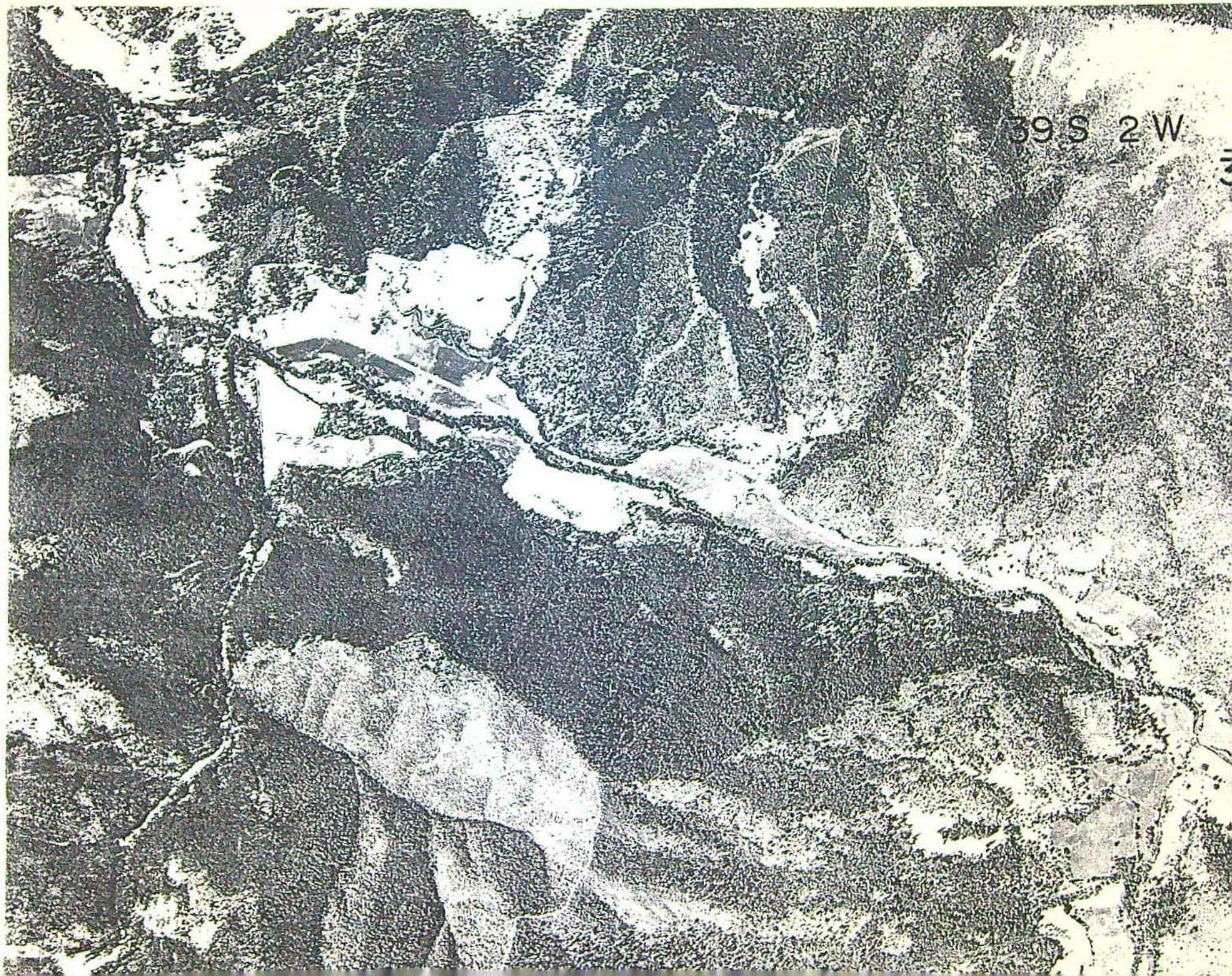
5-11-77

(T-2745)

YES
THINK CONSIDERATION
7-11-86
SHOW
PROPERTY LINES
NO OWNERS
NAMES ON
MAP.
LIST NAMES
ON SEPARATE
PAGE

39 S 2 W

72 25





Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-2982

OR
1-800-452-7813
(message line)

T-2745
2746

December 7, 1982

David A. Willard
4055 Little Applegate Rd.
Jacksonville, OR 97530

Dear Mr. Willard,

It appears that you have some misunderstanding regarding my Order dated November 3, 1980, approving Mr. Hinson's request for change in place of use and point of diversion for his water right. The new point of diversion is through the Gin Lin Ditch. The Watermaster has operated a rated staff-gage in a box structure in the Gin Lin Ditch for many years. This is a measuring devise used to determine the quantity of water delivered into the ditch and meets the requirements of the Order. The fact that the measuring structure is in need of repair does not violate the requirements of the Order.

In the event that Mr. Hinson fails to establish his water right through actual application to beneficial use at the new place of use, the water right will be lost. It does not revert as an appurtenance to the lands from which it was transferred. The water available to that right would again become natural flow of the Little Applegate River subject to appropriation and use by rights of subsequent priority.

Sincerely,

JAMES E. SEXSON
Director

JES:jt

3884B

R. WUP

RECEIVED

DEC 1 1982

WATER RESOURCES DEPT.
SALEM, OREGON

David A. Willard
4055 Little Applegate Rd.
Jacksonville, Or. 97530

November 28, 1982

Mr. James E. Sexson
Water Resources Director
of the State of Oregon
Mill Creek Office Park
555 13th St. Northeast
Salem, Oregon 97310

Dear Sir,

I am writing concerning the water right transfer applications nos. 2745 and 2746 in the name of Stuart V. Hinson for changes in place of use and points of diversion of waters of the Little Applegate River, which you addressed in an Order dated November 3, 1980. The Order is to be found in Vol. 34, P. 56-57.

In that Order the transfers were approved based on certain provisions, one of which was, "That the diversion works shall include an in line flow meter, a weir, or other suitable devices for measuring the water to which the applicant is entitled;". It further ordered, "that the changes in place of use and points of diversion of water as authorized herein be completed, on or before October 1, 1982."

I am writing because there were no measuring devices installed at the points of diversion or any other point, and since I own property that would be affected by these transfers I have the following question. Since your Order of November 3, 1980 was not followed, does this mean that that Order is now void and that the water rights of the properties involved remain as they were prior to the date of application for transfer?

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ROUTING - REQUEST

Please

- READ
 - HANDLE
 - APPROVE
- and
- FORWARD
 - RETURN
 - KEEP OR DISCARD
 - REVIEW WITH ME

To Larry J. Newt P.
Plan draft
reply including
planned enforcement
by 12/8 please
Newt is checking with
Dave Hendrix, Newt,
Jim S.

Sincerely,
David A. Willard
 David A. Willard

Date _____ From _____

→ thinks Gin Lin Ditch has a headgate.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF WATER RIGHT)	
TRANSFER APPLICATIONS NOS.)	Statement, Findings
2745 AND 2746 IN THE NAME OF)	
STUART V. HINSON FOR CHANGES)	<u>Conclusions</u>
IN PLACE OF USE AND POINTS)	<u>and Order</u>
OF DIVERSION OF WATERS OF)	
LITTLE APPLGATE RIVER)	

STATEMENT

On December 18, 1972, two applications were filed in the office of the State Engineer (predecessor to the Water Resources Director) in the name of Stuart V. Hinson, for approval of changes in place of use and points of diversion of waters appropriated from Little Applegate River under the provisions of certain existing water rights of record, pursuant to ORS 540.510 to 540.530.

The said applications, designated as transfer applications numbered 2745 and 2746, were examined and found to be defective in describing the specific portions of the subject water rights to be modified by the proposed changes in place of use and points of diversion. Over the period of time extending from December 1972 until May 1977, and with delays resulting in part from a backlog of pending applications in the Department, the applications were corrected and completed, using superseding copies of the applications, and notice of the proposed changes was published pursuant to ORS 540.520(2).

The said notice which was published in the June 10, 17 and 24, 1977 issues of the Medford Mail Tribune newspaper provided:

Notice of Water Right Transfer Applications Nos. 2745 and 2746

Notice is given hereby that two applications have been filed in the office of the Water Resources Director by Stuart V. Hinson for approval of changes in place of use and point of diversion from Little Applegate River.

(1) The certificate recorded at Page 38773, Vol. 30, State Record of Water Right Certificates, in the name of A. S. Kleinhammer, describes a right which includes the use of not to exceed 0.41 cubic foot per second from Little Applegate River for irrigation of 8.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 6.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 19, T. 39-S., R. 2 W., W.M., with a date of priority of Sept. 1, 1857.

Water for the said right is diverted through the Upper & Lower Phillips Ditches from points located (1) 680 ft. S. and 9 ft. W., (2) 215 ft. S. and 790 ft. W. from the N. $\frac{1}{4}$ corner of Sec. 29, both being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 29, T.39 S., R. 2 W., W.M.

By application No. 2745, the applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom, and without loss of priority to irrigate a certain 0.6 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 16.0 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Sec. 19, T.39 S., R. 2 W., W.M., through the Gin Lin Ditch from a point of diversion located 1430 ft. N. and 1905 ft. W. from the E. $\frac{1}{4}$ corner of Sec. 29, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 29, T. 39 S., R. 2 W., W.M.

(2) The certificate recorded at Page 24479, Vol. 17, State Record of Water Right Certificates, in the names of First National Bank of Ashland & Armin Richter, describes a right which includes the use of not to exceed 0.21 cubic foot per second from Little Applegate River for irrigation of 0.6 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 16.0 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Sec. 19, T. 39 S., R. 2 W., W.M., with a date of priority of Nov. 12, 1929.

Water for the said right is diverted through the Gin Lin Ditch as described above.

By application No. 2746, the applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom, and without loss of priority to irrigate a certain 8.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 8.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 19, through the Upper Phillips Ditch as described above.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon on August 5, 1977, 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 Stuart V. Hinson, P.O. Box 579, Jacksonville, Oregon 97530, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 24th day of May, 1977.

James E. Sexson, Director

On July 22, 1977 a protest in the names of Everette J. Bostwick and Jimmie F. Bostwick was filed in the office of the Water Resources Director through their attorney, Robert D. Heffernan, against approval of the pending applications numbered 2745 and 2746.

On July 26, 1977 a protest in the names of Glen F. Wegner and Helen A. Wegner and Ralph Richards and June Richards was filed in the office of the Water Resources Director through their attorney, Thomas C. Howser, against approval of the pending applications.

Both protests allege that the protestants would be adversely affected by approval of the pending applications.

Pursuant to the Director's second Amended Notice of Hearing dated April 14, 1980, the matter of pending transfer applications numbered 2745 and 2746 and the protests against approval of the said applications was brought to hearing in Medford, Oregon on June 27, 1980 before James W. Carver, Jr., an employee of the Water Resources Department, authorized to preside at the hearing in behalf of the Water Resources Director.

At the beginning of the hearing, Robert D. Heffernan, Jr., Attorney at Law, appeared in behalf of the protestants, Everett J. and Jimmie F. Bostwick, and withdrew their protest against approval of the pending applications.

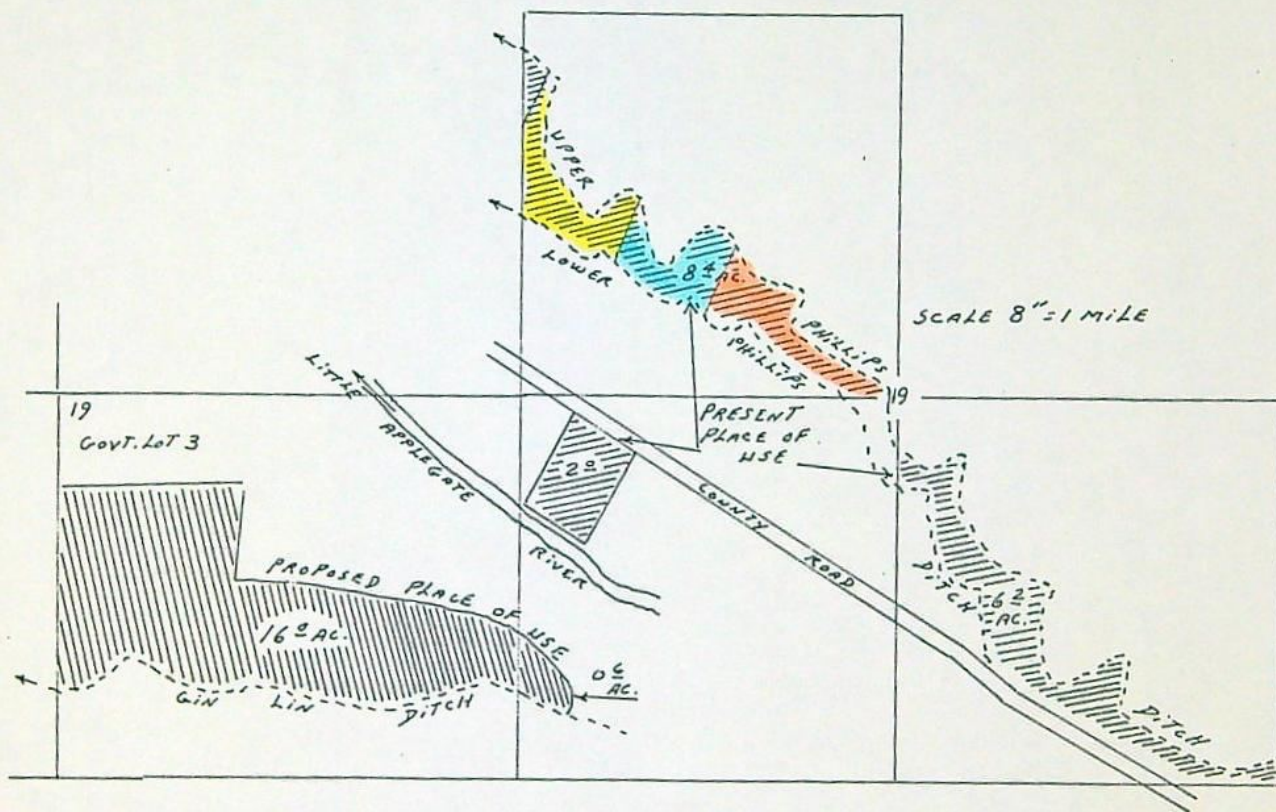
Protestants Glen F. and Helen A. Wegner and Ralph and June Richards were present at the hearing and were represented by Thomas C. Howser, Attorney at Law, of the firm of Cottle, Howser and Hampton of Ashland, Oregon. The applicant, Stuart V. Hinson, was present and was represented by Larry C. Hammack, Attorney at Law, Medford, Oregon.

Also at the beginning of the hearing, David and Anita Willard acting through their attorney, Thomas C. Howser, sought to become parties to the matter through joining in the protest by the Wegners and the Richards. Not having filed a timely protest pursuant to ORS 540.520(3) and not having filed a petition pursuant to OAR 137-03-005(2), David Willard and Anita Willard do not have party status in this matter.

The location of the lands from which the 1857 priority water right is proposed to be severed by change in place of use, and the portions thereof now owned by the protestants herein and by the Willards are shown by Figure 1 herein. The effect of the proposed transfers of water right would be to change the priority for use of water on the lands now owned by the protestants and the Willards, and others, from September 1, 1857 to November 12, 1929.

The amendments to the original transfer applications numbered 2745 and 2746, including the use of superseding copies of the applications, did not result in more lands or different lands being involved in the proposed changes in place of use and points of diversion.

T.39S. R.2W. W.M.



- Glen F. & Helen A. Wegner
- Ralph & June Richards
- David & Anita Willard

(Figure 1)

RULING ON MOTION

On June 23, 1980, Thomas C. Howser, acting in behalf of his clients: Glen F. Wegner, Helen A. Wegner, Ralph Richards, June Richards, David Willard and Anita Willard submitted to the Director a motion to dismiss the proceeding for approval of the pending applications as the same would affect the objectors.

The said motion is denied.

EVIDENTIARY RULINGS

Applicant offers as his exhibit B the original of transfer application numbered 2746 that was filed in the office of the State Engineer on December 18, 1972.

Applicant offers as his exhibit C the original of part "1" of transfer application numbered 2745 that was filed in the office of the State Engineer on December 18, 1972.

Applicant offers as his exhibit D the original of part "2" of transfer application numbered 2745 that was filed in the office of the State Engineer on December 18, 1972.

Applicant offers as his exhibit E a packet containing originals of superseding copies of transfer applications numbered 2745 and 2746, which copies were first received in the office of the State Engineer on July 16, 1973, together with supporting maps, and a copy of a letter dated April 12, 1973 from the office of the State Engineer to John E. Ferris, Attorney at Law, Medford, Oregon.

Protestants object to admission of the said exhibits into the record.

Testimony was received in regard to how the superseding copies of transfer applications numbered 2745 and 2746 conform to or differ from the original documents that were filed on December 18, 1972. Therefore, protestants objections are overruled. Applicants' exhibits B, C, D and E are received into the record of this proceeding.

FINDINGS

At the time water right transfer applications numbered 2745 and 2746 were filed in the office of the State Engineer, Stuart V. Hinson, applicant, was the owner of record of all of the real property that would be directly affected by the proposed changes in place of use and points of diversion of waters of the Little Applegate River, as described above.

The portion of the subject real property now owned by Ralph and June Richards was conveyed from Stuart V. Hinson to Edward M. Lewis and Rachel Lewis by a warranty deed dated September 5, 1974 (Applicant's exhibit G). The said real property was conveyed from Edward M. Lewis and Rachel Lewis to Ralph J. Richards and June L. Richards by a warranty deed dated January 18, 1977 (Applicant's exhibit L). Both deeds were silent as to water rights.

Mr. Lewis testified that when they purchased the subject property from Mr. Hinson they understood that they would enjoy the 1857 priority water rights on certain lands served from the Lower Phillips Ditch and 1929 priority water rights on certain lands served from the Upper Phillips Ditch, and that he conveyed this same information to Mr. Richards prior to his sale of the property to the Richards.

Mr. Richards testified that in addition to a conversation with Mr. Lewis regarding water rights, prior to purchase of the subject property he inquired of the watermaster, David Hendrix, who told him what the water rights of record were for the property and informed him that there was a "transfer in the works".

The portion of the subject real property now owned by David and Anita Willard was conveyed from Stuart V. Hinson to Robert Start by a special warranty deed dated May 5, 1977 (Applicant's exhibit I). The said real property was conveyed from Robert Start to David A. Willard and Anita C. Willard by a warranty deed dated November 9, 1977 (Applicant's exhibit M). Both deeds were silent as to the subject water rights.

Mr. Start testified that his understanding of the water rights he would enjoy through the Upper and Lower Phillips Ditches was the same as that testified to by Mr. Lewis. No evidence was adduced as to whether there was any communication between Mr. Start and Mr. and/or Mrs. Willard in regard to the subject water rights.

The portion of the subject real property now owned by Glen F. and Helen A. Wegner was conveyed to them from Stuart V. Hinson by a warranty deed dated September 7, 1976 (Applicant's exhibit H). The said deed is silent as to the subject water rights.

Mr. Wegner testified that he first contacted Mr. Hinson early in the spring of the year of 1976 in regard to purchase of the subject land. He does not recall any discussion with Mr. Hinson regarding the subject water rights or any changes to the water rights prior to completion of the sale in the fall of 1976.

Mr. Wegner further testified that after having received certain papers from "the title people", he read them and found no reference to the water rights for the property and therefore went to the Watermaster, Mr. Hendrix, to ask him about the water rights. Mr. Wegner stated that he received from Mr. Hendrix the water rights information he asked for, but does not recall Mr. Hendrix having said anything about a pending transfer application or changes to the water rights for the property he was buying from Mr. Hinson.

Mr. Hinson testified that when the Wegners first came to him and expressed an interest in purchasing the subject property he explained to them that the land between the road and the Lower Phillips Ditch would have an 1857 priority for water, and that the land between the Lower Phillips Ditch and the Upper Phillips Ditch and the land around their house would have a 1929 priority for water. He does not recall whether he again discussed the subject water rights with the Wegners during later negotiations for sale of the property to them.

Mr. Hendrix testified that he recalls having talked with Mr. and/or Mrs. Wegner several different times in regard to the subject water rights; that he does not have a specific recollection of a conversation with Mr. and/or Mrs. Wegner in regard to the subject water rights prior to their purchase of the property from Mr. Hinson, but that he has made a point of informing anyone who inquired about the subject water rights that there was a proposed transfer of the rights pending in the Salem office of the Water Resources Department.

The testimony of other witnesses indicates that Mr. Hinson did make a practice of informing prospective purchasers in regard to the water rights as they would exist upon completion of the changes proposed by the pending applications, and that Mr. Hendrix did make a practice of informing persons who inquired about the subject water rights that transfer applications proposing changes to the rights were pending.

The said transfer applications numbered 2745 and 2746 have been pending before the Water Resources Director (or his predecessor, the State Engineer) and have been a matter of public record since they were filed on December 18, 1972.

The evidence adduced does not establish any intent on the part of the applicant or any agreement between the applicant and anyone purchasing a portion of the subject lands that the purchaser would receive anything but a 1929 priority right for water for irrigation of the portion of the subject lands between the Upper Phillips Ditch and the Lower Phillips Ditch. It is noted, however, that any question of misrepresentation of the water rights in connection with the sale of the subject property would not be within the jurisdiction of the Water Resources Director to determine, but within the court's jurisdiction.

The protestants argue that the applicant should not be allowed, now, to carry out the proposed changes in points of diversion and place of use that would effect a change in priority of the water right for irrigation of portions of the subject property he sold to them and to others after he filed the pending transfer applications numbered 2745 and 2746.

The protestants cite: Dry Gulch Co. v. Hutton et al., 170 Or 656; Broughton V. Stricklin, 146 Or 259; and Haney et al. v. Neace-Stark Co. et al., 109 Or 93, and also refer to an opinion of the Oregon Attorney General to Mr. Rhea Luper dated June 7, 1930. Neither the cases cited nor the said opinion of the Attorney General provides a basis for the position held by the protestants that the pending transfer applications must be denied because of the period of time they have been pending, or that they must be denied because superseding copies were used in correcting defects in the original copies of the applications.

The question before the Water Resources Director in this proceeding is set forth by ORS 540.530, which provides in part:

"If, after hearing or examination, the Water Resources Director finds that the proposed change can be effected without injury to existing rights, he shall make an order approving the transfer..."

The evidence adduced fails to show that the water rights held by the protestants through their purchase of portions of the subject real property, which was owned by the applicant at the time he filed the pending water right transfer applications numbered 2745 and 2746, would be adversely affected by the changes in place of use and points of diversion as proposed by the said applications. In fact, approval of the said applications would be necessary for the protestants to have appurtenant to their respective properties the water rights as discussed at their times of purchase of the properties.

The Watermaster, David C. Hendrix, has filed a statement to the effect that the proposed changes in place of use and points of diversion may be made without injury to other existing water rights.

ULTIMATE FINDING OF FACT

The evidence adduced fails to show that any other water rights, not directly involved in the proposed changes in place of use and points of diversion, would be adversely affected by the proposed changes. Therefore, approval of the subject water right transfer applications would not result in injury to existing water rights.

CONCLUSION

No other objections having been filed and it appearing that the proposed changes in place of use and point of diversion may be made without injury to existing rights, the applications should be approved.

ORDER

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion as authorized herein, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the old points of diversion under the aforesaid water rights.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new points of diversion as herein confirmed:

That the diversion works shall include an in line flow meter, a weir, or other suitable devices 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 changes in place of use and points of diversion of water as authorized herein be completed, and the water so transferred be applied to beneficial use on or before October 1, 1982.

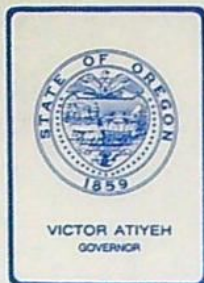
It is FURTHER ORDERED that the certificate heretofore issued to A. S. Kleinhammer and recorded at page 38773, Volume 30, State Record of Water Right Certificates, and the certificate heretofore issued to First National Bank of Ashland and Armin Richter and recorded at page 24479, Volume 17, State Record of Water Right Certificates, are hereby canceled; and in lieu thereof new certificates be issued to describe the balance of each of the aforesaid water rights, not involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of the changes in place of use and points of diversion as authorized herein, certificates of water right shall be issued to describe the rights involved in this proceeding as modified under the provisions of this order.

Dated at Salem, Oregon this 3rd day of November 1980.

James E. Sexson, Director


By Chris L. Wheeler, Deputy

NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this order. Judicial review is pursuant to the provisions of ORS 183.482.



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066
OR
1-800-452-7813
(message line)

November 2, 1982

Stuart V. Hinson
PO Box 579
Jacksonville, OR 97530

REFERENCE: File T-2745 and T-2746

Under the terms of the order of the Water Resources Director approving Water Right Transfer 2745 and 2746 in the name(s) of Stuart V. Hinson for a change in change in place of use, point of diversion and/or use heretofore made of water, the time for completion expired on October 1, 1981.

If the authorized change was completed within the time allowed, fill out and return the enclosed Notice of Completion.

If the change was not completed, but has been prosecuted with reasonable diligence, fill out and return the enclosed Application for Extension of Time, together with the \$20 filing fee.

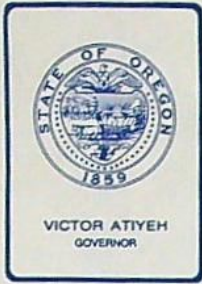
If you do not respond within 60 days, a survey will be scheduled to determine the actual use of water.

Sincerely,

LUCILLE C. JENSEN
Secretary
Transfer Section

LCJawcc
2194A
3322B

COPY



RECEIVED

NOV 29 1982

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

or
1-800-452-7813

(message line)

November 2, 1982

got ext look it up

Stuart V. Hinson
PO Box 579
Jacksonville, OR 97530

REFERENCE: File T-2745 and T-2746

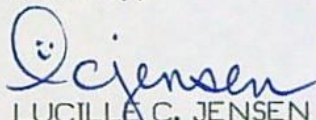
Under the terms of the order of the Water Resources Director approving Water Right Transfer 2745 and 2746 in the name(s) of Stuart V. Hinson for a change in change in place of use, point of diversion and/or use heretofore made of water, the time for completion expired on October 1, 1982.

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If you do not respond within 60 days, a survey will be scheduled to determine the actual use of water.

Sincerely,

? → 
LUCILLE C. JENSEN
Secretary
Transfer Section

LCJ:wpc
2194A
3322B

again There is NO WORK NEEDED
its flood irrigation Ditch has been
in since 1856 you gave me
until Oct 1, 1983 to place water
on land here is a copy from
Salem

61187

STATE OF OREGON
Water Resources Department
Salem, Oregon 97310

This will acknowledge the notice of beginning of construction under the terms of permit No. 45829

Under the provisions of the permit the time limit for completion of construction and/or the purchase and installation required for the authorized use of water will expire October 1, 1983

Form 690-10-118

Permittee is ready to make final proof of the terms of the permit. Permittee is ready to pay the quantity and use as determined by the permit is Form C.

Water Resources Department until all water is permitted at any time, has actually been

all of the water has been applied.

Application No. 61187

BENEFICIAL USE 45829

holder of Permit No.

and the waters to a beneficial use in _____, 19.....

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 19.....

(Signature of Applicant)

(Address)

Form B (690-9-77)

Application No. 61187

NOTICE OF COMPLETION OF CONSTRUCTION

I, _____, the holder of Permit No. 45829 to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the _____ day of _____, 19.....

Remarks: _____

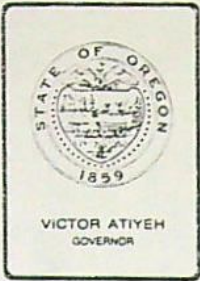
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 19.....

(Signature of Applicant)

(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066 or
1-800-452-7813

November 29, 1982

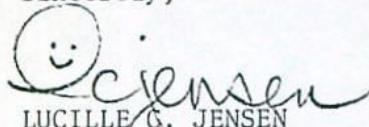
Stuart V. Hinson
PO Box 579
Jacksonville, Oregon 97530

REFERENCE: Files T-2745, T-2746

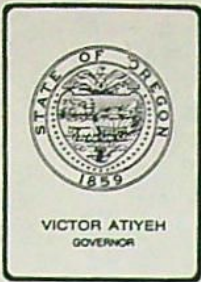
The orders approving Transfers 2745 and 2746 gave the completion date of October 1, 1982. There has never been an extension of time requested, nor one granted. The paper you attached is for new Permit 45829, and has no bearing on the transfers.

If the water has not been used on the new land as authorized by the transfer orders, you should request extensions of time. If the water has been used on the new land from the new points of diversion, please submit the completion notices.

Sincerely,


LUCILLE G. JENSEN
Secretary
Transfer Section

lcj



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

November 3, 1980

Mr. Larry C. Hammack
Attorney at Law
220 Laurel
Medford, Oregon 97501

Mr. Stuart V. Hinson
c/o Larry C. Hammack
Attorney at Law
220 Laurel
Medford, Oregon 97501

REFERENCE: File Nos. Tr. 2745 and 2746

Gentlemen:

Enclosed is a certified copy of the order of the Water Resources Director in the matter of water right transfer applications Nos. 2745 and 2746 in the name of Stuart V. Hinson.

The date of service is the date of this letter.

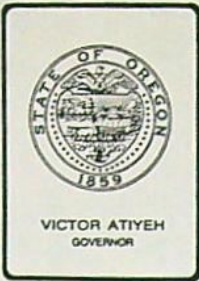
Sincerely,

James W. Carver, Jr.
Engineer

JWC:eh

cc: David Hendrix, Watermaster

CERTIFIED MAIL, RRR
Separate mailings



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

November 3, 1980

Mr. Thomas C. Howser
Cottle, Howser and Hampton
Attorneys at Law
P.O. Box 627
Ashland, Oregon 97520

Mr. and Mrs. Glen F. Wegner
Mr. and Mrs. Ralph J. Richards
c/o Cottle, Howser and Hampton
Attorneys at Law
P. O. Box 627
Ashland, Oregon 97520

REFERENCE: File Nos. Tr. 2745 and 2746

Dear Sirs and Mesdames:

Enclosed is a certified copy of the order of the
Water Resources Director in the matter of water
right transfer applications Nos. 2745 and 2746
in the name of Stuart V. Hinson.

The date of service is the date of this letter.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:eh
cc: David Hendrix, Watermaster

CERTIFIED MAIL, RRR
Separate mailings

RECEIVED

MAY 17 1977

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Stuart V. Hinson (Name of applicant)

of P. O. Box 579, (Mailing address) Jacksonville, (City)

State of Oregon, 97530, 899-7410, do hereby make application for change (Zip Code) (Phone number)

in point of diversion and change in place of use. (In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No. A. S. Kleinhammer. (If not, give name)

2. Was your water right determined by Decree of Court? Yes. If so, give title of proceedings (Yes or No)
Rogue River Decree, (Page 30, Col. 3) number of certificate 38773

3. Was your water right acquired by Water Right Permit? No. If so, give number (Yes or No)
of permit Number of certificate

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Little Applegate River.

5. What is the date of priority of your water right? September 1, 1857. by amended Decree

6. The authorized point of diversion is located Upper Phillips -- 680 ft. S. and 9' W. both Lower Phillips -- 215 ft. S. and 790 ft. W. from the N¹/₄ corner of Sec. 29 both being within the NE 1/4 NW 1/4 of Section 29 Tp. 39 S. R. 2 W. W. M., (No. N. or S.) (No. E. or W.)
in the county of Jackson. The name of the ditch used is Upper & Lower Phillips Ditch.

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 1430 ft. N. and 1905 ft. W. from the E¹/₄ corner of 29 being within the NW 1/4 NE 1/4 of Section 29 Tp. 39 S. R. 2 W. W. M., (N. or S.) (E. or W.)
in the county of Jackson. The name of the ditch to be used is Gin Lin Ditch.

A F F I D A V I T

RECEIVED
JUL 16 1973
STATE ENGINEER
SALEM, OREGON

STATE OF OREGON)
) ss
County of Jackson)

I, STUART V. HINSON, do hereby certify that I am the owner of all of the properties listed on these two applications for transfer of Water Rights.

X *Stuart V. Hinson*
STUART V. HINSON

Subscribed and sworn to before me this 13th day of July, 1973.

Pamela A. Vetter
NOTARY PUBLIC FOR OREGON
My Commission Expires: 2/19/77

14. Reasons for the proposed changes are to irrigate the most desirable lands
with the oldest priority.

15. Construction work will be completed on or before October 1, 1978.

16. The water will be completely applied to the proposed use on or before October 1, 1979.

Remarks

THIS APPLICATION PREPARED BY:

John F. Cummins

FROM INFORMATION FURNISHED BY
THE APPLICANT.

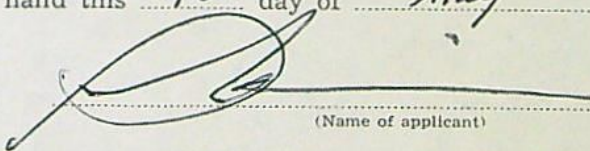
(L 267)

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Stuart V. Hinson, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 13th day of May, 1977.

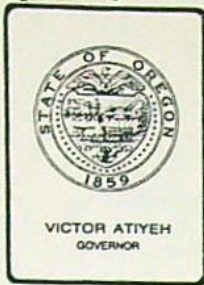

(Name of applicant)

Subscribed and sworn to before me this 13th day of May, 1977.

[Notarial Seal]

David L. Hendrix
NOTARY PUBLIC FOR OREGON

My commission expires Nov. 3, 1980



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

June 24, 1980

Mr. Thomas C. Howser
Cottle, Howser & Cue
Attorneys at Law
607 Siskiyou Boulevard
P. O. Box 627
Ashland, Oregon 97520

REFERENCE: Transfer applications Nos. 2745 and 2746

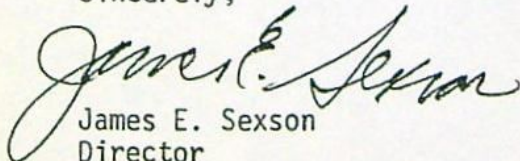
Dear Mr. Howser:

This will acknowledge receipt of your letter of June 20, 1980 transmitting a Motion to Dismiss and Amended Objections, together with proof of service, in behalf of your clients, Glen F. Wegner, Helen A. Wegner and Ralph Richards and June Richards and David Willard and Anita Willard.

OAR 690-01-030 provides: "At any time more than ten days prior to hearing, the protestant may amend his protest or petition by serving a copy of the amended protest or petition upon all parties. Proof of service shall be attached to the original and filed with the Water Resources Director." The hearing is scheduled for June 27, 1980. The amended protest was received on June 23, 1980. Therefore, the amended protest is not timely.

Your motion to dismiss the proceedings will not be ruled on prior to commencement of the hearing.

Sincerely,



James E. Sexson
Director

JES:JWC

cc: Mr. Larr C. Hammack
Mr. Robert D. Heffernan
Mr. David C. Hendrix, Watermaster

COTTLE, HOWSER & CUE

ATTORNEYS AT LAW

607 SISKIYOU BOULEVARD

POST OFFICE BOX 627

ASHLAND, OREGON 97520

(503) 482-2621

RICHARD C. COTTLE
THOMAS C. HOWSER
RONALD K. CUE
GREGORY A. PARKER

June 20, 1980

RECEIVED
JUN 23 1980
WATER RESOURCES DEPT
SALEM, OREGON

Mr. James E. Sexson
Director
Water Resources Department
Mill Creek Office Park
555 13th Street, N.E.
Salem, OR 97310


Re: Hinson/Wegner/Richards
Our File No. 5551
Your File No. T-2745--T-2746

Dear Mr. Sexson:

Please find enclosed our Motion to Dismiss and our Amended Objections in regard to the above entitled matter.

Sincerely yours,

COTTLE, HOWSER & CUE


Thomas C. Howser

TCH:jw

Enclosures

RECEIVED

JUN 23 1980

WATER RESOURCES DEPT
SALEM, OREGON

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BEFORE THE WATER RESOURCES BOARD OF THE STATE OF OREGON

In the Matter of Application)
 for Approval of Changes of)
 Use and Diversion from the)
Little Applegate River)

AMENDED OBJECTIONS

COME NOW GLEN F. WEGNER and HELEN A. WEGNER and RALPH RICHARDS and JUNE RICHARDS and DAVID WILLARD and ANITA WILLARD and object to the proposed transfer of use and diversion under the application by STUART V. HINSON with respect to the waters of the Little Applegate River upon the following grounds:

1. Such proposed changes will have an adverse affect upon the Objectors.
2. The Applicant transferred said property prior to publication of any notices regarding said transfer, the water rights passed to objectors as an appurtenance and petitioner has no standing relative thereto.
3. The Application for Transfer is not timely filed with respect to sales of property by the Applicant which are appurtenant to the water rights nor timely prosecuted, consisting of laches.
4. Petitioner is equitably estopped from maintaining this position as objectors purchased without knowledge of the proposed change, in reliance upon such water rights and Petitioner failed to advise them relative thereto when he knew or should have known that such matter was a material factor to plaintiff's purchase and use of said property.

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5. Petitioner is estopped by deed in that the deed to said properties does not reserve or limit water rights which are appurtenances thereto and said deeds in fact make specific reference in some instances to irrigation rights without limitation.

COTTLE, HOWSER & CUE

By: Thomas C. Howser
Thomas C. Howser

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BEFORE THE WATER RESOURCES BOARD OF THE STATE OF OREGON

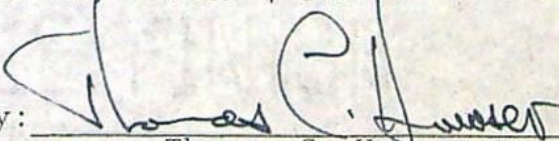
In the Matter of Application)
for Approval of Changes of)
Use and Diversion from the)
Little Applegate River)

MOTION TO DISMISS

COME NOW the objectors herein GLEN F. WEGNER and HELEN A. WEGNER and RALPH RICHARDS and JUNE RICHARDS and DAVID WILLARD and ANITA WILLARD and move to dismiss the proceedings herein as the same affect the objectors upon the grounds and for the reasons:

1. That the Petitioner has sold and transferred all of his right, title and interest in and to the properties affected prior to the first publication of notice and has no standing to maintain this proceeding.
2. The Water Resources Director has no jurisdiction to determine legal and equitable questions presented in this proceeding.
3. Petitioner's application has not been timely filed or prosecuted to the detriment of the objectors.

COTTLE, HOWSER & CUE

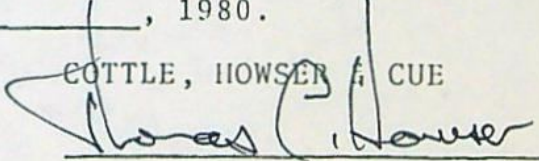
By: 
Thomas C. Howser

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing
Amended Objections and Motion to Dismiss
on Larry C. Hammack and Robert Heffernan
attorney(s) for Petitioner on June 20,
1980 by mailing to said attorney(s) a correct copy thereof,
certified by me as such, contained in a sealed envelope, with
postage paid, addressed to said attorney(s) at his, her, or
their regular office address, to wit: Larry C. Hammack, 220
Laurel Street, Medford, OR; Robert Heffernan, P O Box 1746
Medford, OR 97501.
and deposited in the post office at Ashland, Oregon on said
day. Between the place of mailing and the place so addressed,
there is a regular communication by U S Mail.

DATED: June 20, 1980.

COTTLE, HOWSER & CUE

of attorneys for Objectors

COTTLE, HOWSER & CUE
Attorneys at Law
607 Siskiyou Boulevard
P O Box 627
Ashland, OR 97520
Telephone: (503) 482-2621

APPLICANT: Stuart V. Hinson

Rep. by: LARRY C. HAMMACK (Ph. 779-2133)
Attorney at Law
220 Laurel
Medford, OR 97501

PROTESTANTS: Mr. & Mrs. Glen F. Wegner and
Mr. & Mrs. Ralph J. Richards

Rep. by: THOMAS C. HOWSER (Ph. 482-2621)
Cottle, Howser & Hampton
Attorneys at Law
607 Siskiyou Blvd.
P. O. Box 627
Ashland, OR 97520

PROTESTANTS: Everette J. & Jimmie F. Bostwick

Rep. by: ROBERT D. HEFFERNAN (Ph. 779-4075)
Heffernan & Fowler
Attorneys at Law
705 West Tenth Street
P. O. Box 1746
Medford, OR 97501

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATIONS)
OF STUART V. HINSON FOR APPROVAL OF)
CHANGES IN PLACE OF USE & POINT OF)
DIVERSION OF WATER FROM LITTLE)
APPLEGATE RIVER)

NOTICE OF
POSTPONEMENT
OF HEARING

TO: Stuart V. Hinson
*c/o Larry C. Hammack
Haviland, deSchweinitz,
Stark and Hammack
221 West Main Street
Medford, Oregon 97501

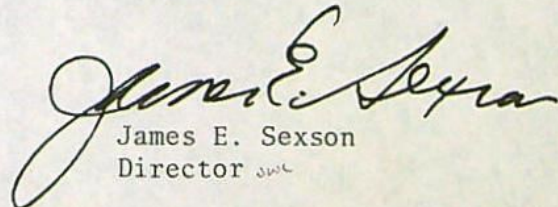
Everett J. & Jimmie F. Bostwick
*c/o Robert D. Heffernan, Jr.
Heffernan & Fowler
P.O. Box 1746
Medford, Oregon 97501

Glen F. & Helen A. Wegner
and Ralph & June Richards
*c/o Thomas C. Howser
Cottle, Howser & Hampton
P.O. Box 627
Ashland, Oregon 97520

David C. Hendrix
Watermaster, District 13
Jackson County Courthouse
Medford, Oregon 97501

Notice is given hereby that the concurrent hearings in the matters of water right transfer applications Nos. 2745 and 2746, in the name of Stuart V. Hinson, for approval of changes in place of use and point of diversion of water under rights described by the certificates recorded at page 24479, Volume 17 and page 38773, Volume 30, State Record of Water Right Certificates, as set forth in the notice published in the Medford Mail Tribune newspaper in the issues of June 10, 17 and 24, 1977, and protests in the names of Everette J. Bostwick and Jimmie F. Bostwick, and in the names of Glen F. Wegner, Helen A. Wegner, Ralph Richards and June Richards against approval of said applications, scheduled to be held before the Water Resources Director in Medford, Oregon on Tuesday, April 8, 1980, ARE POSTPONED TO A NEW DATE TO BE DETERMINED.

Dated at Salem, Oregon this 7th day of March, 1980.


James E. Sexson
Director *swc*

CERTIFIED MAIL, RRR

M E M O R A N D U M

TO: Transfer Files Nos. 2745, 2746, Hinson

FROM: James W. Carver, Jr. *J.W.C.*

Date: June 12, 1980

Carver responded to Mr. Heffernan's letter of June 11, 1980, by telephone on this date.

Mr. Heffernan was advised that Mr. Hinson's original applications and maps, filed on December 18, 1972, were returned to Mr. Hinson's then attorney, John E. Ferris, for correction and additional information, by our letter of April 12, 1973.

The record shows that the applications (or superseding copies of the said original applications) were received from Mr. Ferris on July 16, 1973. The returned applications were held in this office, without action, until they were returned to Mr. Ferris for additional corrections and additional information, by our letter of January 28, 1977.

The record further shows that on May 16, 1977, we received a letter from David Hendrix, Watermaster, transmitting superseding copies of applications Nos. 2745 and 2746. It appears that the original applications were retained by the applicant or his attorney.

During the course of the aforesaid telephone conversation, Carver advised Mr. Heffernan that the second paragraph of Carver's letter of August 22, 1979, to Mr. Hammack, Mr. Heffernan and Mr. Howser, was the result of an informal discussion with the Water Resources Department's assigned Assistant Attorney General.

Since it appears that there may be questions as to the effect of change of ownership of real property upon a pending application, which may result in an appeal to the Oregon Court of Appeals, Carver stated that he would bring to the hearing copies of the entire correspondence file on pending transfer applications Nos. 2745 and 2746 so that they can be made a part of the record by official notice.

M E M O R A N D U M

TO: Transfer Files Nos. 2745 & 2746, Hinson

FROM: James W. Carver, Jr. *J.W.C.*

Date: June 20, 1980

Mr. Larry C. Hammack, Attorney at Law, representing Stuart Hinson, telephoned this date to request certified copies of the water right transfer applications filed by Mr. Hinson, with reference to files Nos. 2745 and 2746.

Carver informed Mr. Hammack that only the current, amended copies of the subject applications are on file; that the originally submitted applications were, apparently, retained by Mr. Hinson or his former attorney, Mr. Ferris.

Mr. Hammack then asked whether the files showed the date of receipt, return for corrections, and resubmittal of the original and/or amending copies of the applications. Carver advised Mr. Hammack that the correspondence in the files does establish such dates and that copies of the current amending copies of the subject applications and copies of the correspondence have been prepared and will be at the hearing on June 27, 1980.

Carver also informed Mr. Hammack of a similar telephone conversation with Mr. Heffernan in regard to the same matter, on June 12, 1980.

ROBERT D. HEFFERNAN, JR.
WILLIAM H. FOWLER
FRANK R. ALLEY, III

HEFFERNAN & FOWLER
ATTORNEYS AT LAW
705 WEST TENTH STREET
P. O. BOX 1746
MEDFORD, OREGON 97501

AREA CODE 503
TELEPHONE 779-4075

June 11, 1980

Mr. James Carver, Jr.
Engineer
Water Resources Department
555 13th Street N.E.
Salem, Oregon 97310

RECEIVED
JUN 12 1980
WATER RESOURCES DEPT
SALEM, OREGON

Re: Stewart V. Hinson (Bostwick)
Your File No.s T-2745 and 2746

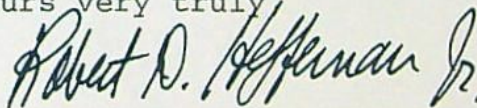
Dear Mr. Carver:

In regard to the hearings which have been set in Medford on June 27, 1980 in connection with these applications, would you please furnish us with copies of Mr. Hinson's original applications and any amendments thereto. I presume the applications bear a stamp indicating the date on which they were filed. However, if there is a separate record of the filing dates, will you also please furnish us with this information.

Any charges for copies shall be promptly paid and if you should have any questions, would you please call me.

Thank you for your assistance.

Yours very truly



ROBERT D. HEFFERNAN, JR.

RDH/p

COTTLE, HOWSER & CUE

ATTORNEYS AT LAW

607 SISKIYOU BOULEVARD

POST OFFICE BOX 627

ASHLAND, OREGON 97520

(503) 482-2621

RICHARD C. COTTLE
THOMAS C. HOWSER
RONALD K. CUE
GREGORY A. PARKER

April 9, 1980

RECEIVED

APR 11 1980

WATER RESOURCES DEPT
SALEM, OREGON

Mr. James E. Sexson
Director
Water Resources Department
Mill Creek Office Park
555 13th Street N E
Salem OR 97310

Re: Hinson/Wagner/Richards
Our file: 5551
Your files: T-2745, T-2746

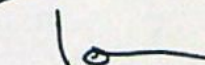
Dear Mr. Sexson:

Pursuant to your letter of February 7th, Mr. Hammack, Mr. Heffernan and myself have agreed to hold June 27, 1980 clear on our calendars. If it is possible, we would appreciate having the hearing in the Hinson matter reset on that day.

Please notify our office, if this can conveniently be arranged.

Sincerely yours,

COTTLE, HOWSER & CUE



Thomas C. Howser

TCH/bf

cc: Robert Heffernan
Larry Hammack

ERASABLE FINISH

Bond

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATIONS)
OF STUART V. HINSON FOR APPROVAL OF)
CHANGES IN PLACE OF USE & POINT OF)
DIVERSION OF WATER FROM LITTLE)
APPLEGATE RIVER)

NOTICE OF
POSTPONEMENT
OF HEARING

TO: Stuart V. Hinson
*c/o Larry C. Hammack
Haviland, deSchweinitz,
Stark and Hammack
221 West Main Street
Medford, Oregon 97501

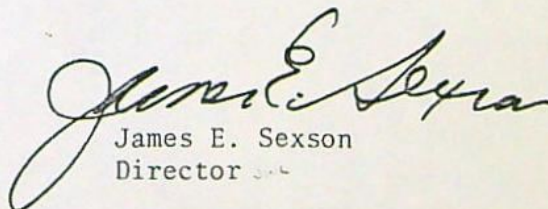
Glen F. & Helen A. Wegner
and Ralph & June Richards
*c/o Thomas C. Howser
Cottle, Howser & Hampton
P.O. Box 627
Ashland, Oregon 97520

Everett J. & Jimmie F. Bostwick
*c/o Robert D. Heffernan, Jr.
Heffernan & Fowler
P.O. Box 1746
Medford, Oregon 97501

David C. Hendrix
Watermaster, District 13
Jackson County Courthouse
Medford, Oregon 97501

Notice is given hereby that the concurrent hearings in the matters of water right transfer applications Nos. 2745 and 2746, in the name of Stuart V. Hinson, for approval of changes in place of use and point of diversion of water under rights described by the certificates recorded at page 24479, Volume 17 and page 38773, Volume 30, State Record of Water Right Certificates, as set forth in the notice published in the Medford Mail Tribune newspaper in the issues of June 10, 17 and 24, 1977, and protests in the names of Everette J. Bostwick and Jimmie F. Bostwick, and in the names of Glen F. Wegner, Helen A. Wegner, Ralph Richards and June Richards against approval of said applications, scheduled to be held before the Water Resources Director in Medford, Oregon on Tuesday, April 8, 1980, ARE POSTPONED TO A NEW DATE TO BE DETERMINED.

Dated at Salem, Oregon this 7th day of March, 1980.


James E. Sexson
Director

CERTIFIED MAIL, RRR

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
- Show to whom and date delivered..... 45¢
 - Show to whom, date and address of delivery..... ¢
 - RESTRICTED DELIVERY
Show to whom and date delivered..... ¢
 - RESTRICTED DELIVERY.
Show to whom, date, and address of delivery..\$_____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Stuart V. Hinson, %Larry C. Hammack
Attorney at Law, 220 Laurel
Medford, Oregon 97501

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	56309	98

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY
Larry Hammack
3-25-80

5. ADDRESS (Complete only if requested)



6. UNABLE TO DELIVER BECAUSE: _____ CLERK'S INITIALS _____

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

icj T-2745

GPO : 1979-268-848



Water Resources Department
MILL CREEK OFFICE PARK
555 19th STREET N.E.
SALEM, OREGON 97310

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 56309

CONSERVE WATER
FOR
OUR FUTURE



Stuart V. Hinson
% Larry C. Hammack
Attorney at Law
220 Laurel
Medford, Oregon 97501



notice
of postponement
of hearing



Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E.
SALEM, OREGON 97310

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 56288

Stuart V. Hinson
c/o Larry C. Hammack
Haviland, deSchweinitz, Stark & Hammack
221 West Main Street
Medford, Oregon 97501



Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E.
SALEM, OREGON 97310

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 56289

Glen F. & Helen A. Wegner
and Ralph & June Richards
c/o Thomas C. Howser
Cottle, Howser & Hampton
P.O. Box 627
Ashland, Oregon 97520



Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E.
SALEM, OREGON 97310

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 56290

Everett J. & Jimmie F. Bostwick
c/o Robert D. Heffernan, Jr.
Heffernan & Fowler
P.O. Box 1746
Medford, Oregon 97501

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
 Show to whom and date delivered..... 45¢
 Show to whom, date and address of delivery..... ¢
 RESTRICTED DELIVERY
 Show to whom and date delivered..... ¢
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Everett J & Jimmie F Bostwick
 %Robert D. Heffernan, Jr., Heffernan & Fowler, PO Box 1746, Medford, OR 97501

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	56290	

 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY: XC Hayhurst
 MAR 14 1980

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: _____ CLERK'S INITIALS _____

☆GPO : 1979-288-848

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
 Show to whom and date delivered..... 45¢
 Show to whom, date and address of delivery..... ¢
 RESTRICTED DELIVERY
 Show to whom and date delivered..... ¢
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Glen F. & Helen A Wegner & Ralph & June Richards, %Thomas C. Howser, Cottle, Howser & Hampton, PO Box 627, Ashland, OR 97520

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	56289	

 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY: B King
 MAR 10 1980

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: _____ CLERK'S INITIALS _____

☆GPO : 1979-288-848

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

101 T-2745

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
 Show to whom and date delivered..... 45¢
 Show to whom, date and address of delivery..... ¢
 RESTRICTED DELIVERY
 Show to whom and date delivered..... ¢
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Stuart V. Hinson, %Larry C. Hammack Haviland, et al, 221 W. Main St. Medford, OR 97501

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	56288	

 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: _____ CLERK'S INITIALS _____

☆GPO : 1979-288-848

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

101 T-2745



Water Resources Department

MILL CREEK OFFICE PARK
555 13th STREET N.E.
SALEM, OREGON 97310

CONSERVE WATER
FOR
OREGON'S FUTURE



RECEIVED

MAR 13 1980

WATER RESOURCES DEPT
SALEM, OREGON

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 56288

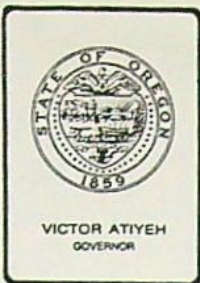
~~Stuart V. Hinson
c/o Larry C. Hammack
Haviland, deSchweinitz, Stark & Hammack
221 West Main Street
Medford, Oregon 97501~~

Attorney at Law
220 Laurel
Medford 97501

837 East Main
Medford, Or 97501

No longer here

17



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

February 7, 1980

Thomas C. Howser
Cottle, Howser & Cue
P.O. Box 627
Ashland, Oregon 97520

RE: Files Nos. T-2745, T-2746
Your File No. 5551

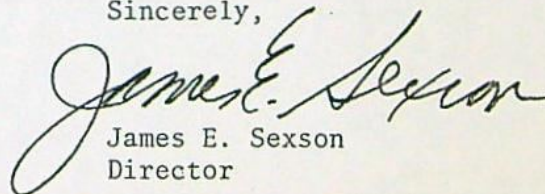
Dear Mr. Howser:

The resetting of the date for hearing in the Hinson matter has been delayed pending your confirmation of the tentative date of May 29, 1980, or such other date as you work out with counsel as discussed between you and Mr. Carver by telephone following receipt of your letter of December 19, 1979.

It was Mr. Carver's understanding that you intended to contact Mr. Hammack and Mr. Heffernan to arrange a suitable date. If this was a misunderstanding on our part, please accept my apology.

In any event, the hearing will not be held on April 8 as another matter has been set for that date.

Sincerely,



James E. Sexson
Director

JES/JWC:lcj

COTTLE, HOWSER, HAMPTON & CUE

ATTORNEYS AT LAW

607 SISKIYOU BOULEVARD

POST OFFICE BOX 627

ASHLAND, OREGON 97520

(503) 482-2621

RICHARD C. COTTLE
THOMAS C. HOWSER
W. H. HAMPTON III
RONALD K. CUE

January 31, 1980

RECEIVED
FEB 5 1980
WATER RESOURCES DEPT
SALEM, OREGON

James E. Sexson, Director
Water Resources Department
555 13th St., N.E.
Salem, Oregon 97310

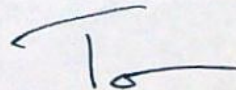
Re: Hinson transfer applications
Our File No. 5551
Your File No. T-2745 and T-2746

Dear Mr. Sexson:

I note in reviewing my file that I have not received any definite reset on the hearing in connection with the above matter. I received a phone call from your office and from Dave Hendrix about having it reset, but so far, I have been unable to determine whether it in fact has been reset. Could you please let me know where this stands so that I can plan accordingly? I still have the case set on April 8, 1980 that I referred to in my letter of December 19, 1979, and it looks as though it will be tried.

Sincerely yours,

COTTLE, HOWSER & CUE



Thomas C. Howser

TCH:fp
cc: Bob Heffernan
Larry Hammack
Dave Hendrix

Willbers
ERASABLE FINISH
2-5-80

COTTLE, HOWSER & CUE

ATTORNEYS AT LAW

607 SISKIYOU BOULEVARD

POST OFFICE BOX 627

ASHLAND, OREGON 97520

(503) 482-2621

December 19, 1979

RICHARD C. COTTLE
THOMAS C. HOWSER
RONALD K. CUE

RECEIVED

DEC 21 1979

WATER RESOURCES DEPT
SALEM, OREGON

James E. Sexson, Director
Water Resources Department
555 13th St NE
Salem, OR 97310

Re: Hinson transfer applications
Our File No. 5551
Your File No. T-2745 and T-2746

Dear Mr. Sexson:

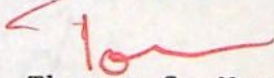
I have received your letter setting the hearing in the above matter at 9:30 a.m., April 8, 1980. I presently have set on that date the case of Thomas J. Parker and Associates v Kathy Wolfe, a 1977 case which has been continued a number of times for various reasons. I can't guarantee that the case will go to trial then, but if it does it will be impossible for me to attend the hearing set on that date. Unfortunately, no one else in my office is familiar with the file and it would be a real disadvantage to my clients to have to break in another lawyer in my office or elsewhere.

Would you treat this letter as a request to reset the hearing? I currently have trials on April 3 and 4, April 8-10, April 16, and must be out of town to a Board of Governors' meeting from April 24-27. In May, I have trials on May 1 and 2, 6 and 7, 15 and 28.

If perhaps some convenient and available date was agreed upon that would not conflict with those times, we could have another setting.

Sincerely yours,

COTTLE, HOWSER & CUE


Thomas C. Howser

TCH:ch

cc: Bob Heffernan
cc: Larry Hammack
cc: Glen F. and Helen A. Wegner
cc: Ralph and June Richards
cc: Mr. Dave Willard
cc: Mr. Dave Hendrix

March 19th?

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATIONS)
OF STUART V. HINSON FOR APPROVAL)
OF CHANGES IN PLACE OF USE & POINT)
OF DIVERSION OF WATER FROM LITTLE)
APPLEGATE RIVER)

FIRST AMENDED
NOTICE OF
HEARING

TO: Stuart V. Hinson
*c/o Larry C. Hammack
Haviland, deSchweinitz,
Stark and Hammack
221 West Main Street
Medford, Oregon 97501

Everett J. & Jimmie F. Bostwick
*c/o Robert D. Heffernan, Jr.
Heffernan & Fowler
P.O. Box 1746
Medford, Oregon 97501

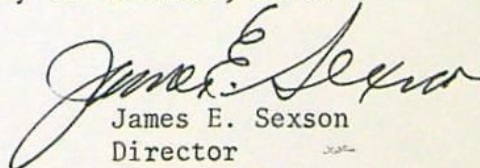
Glen F. & Helen A. Wegner
and Ralph & June Richards
*c/o Thomas C. Howser
Cottle, Howser & Hampton
P.O. Box 627
Ashland, Oregon 97520

David C. Hendrix
Watermaster, District 13
Jackson County Courthouse
Medford, Oregon 97501

Notice is given hereby that concurrent hearings in the matters of water right transfer applications Nos. 2745 and 2746, in the name of Stuart V. Hinson, for approval of changes in place of use and point of diversion of water under rights described by the certificates recorded at page 24479, Volume 17 and page 38773, Volume 30, State Record of Water Right Certificates, as set forth in the notice published in the Medford Mail Tribune newspaper in the issues of June 10, 17 and 24, 1977, and protests in the names of Everett J. Bostwick and Jimmie F. Bostwick, and in the names of Glen F. Wegner, Helen A. Wegner, Ralph Richards and June Richards against approval of said applications, have been rescheduled to be held before the Water Resources Director in the Auditorium of the Jackson County Courthouse in Medford, Oregon, commencing at 9:30 a.m. on Tuesday, April 8, 1980.

All interested parties should appear at the above named time and place to submit evidence for or against approval of the above described applications.

Dated at Salem, Oregon this 6th day of December, 1979.


James E. Sexson
Director

*CERTIFIED MAIL, RRR

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one). 45c
 Show to whom and date delivered
 Show to whom, date, and address of delivery
 RESTRICTED DELIVERY
 Show to whom and date delivered
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$.....
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Everett J. & Jimmie F. Bostwick;
% Robert D. Heffernan, JR. Attorney
PO Box 1746, Medford, OR 97501

3. ARTICLE DESCRIPTION:
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.
 | 56607 |
 (Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent
Cindy Dayhewst

4. DATE OF DELIVERY | POSTMARK
 | DEC 7 - 1979 |

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

1cj T-2745,6

☆ GPO: 1978-272-382

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one). 45c
 Show to whom and date delivered
 Show to whom, date, and address of delivery
 RESTRICTED DELIVERY
 Show to whom and date delivered
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$.....
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Glen F. & Helen A. Wegner & Ralph &
June Richards; % Thomas C. Howser,
Cottle, et al; PO Box 627; Ashland, OR
97520

3. ARTICLE DESCRIPTION:
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.
 | 56606 |
 (Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent
B. Jung

4. DATE OF DELIVERY | POSTMARK
 | DEC 10 1978 |

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

1cj T-2745,6

☆ GPO: 1978-272-382

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one). 45c
 Show to whom and date delivered
 Show to whom, date, and address of delivery
 RESTRICTED DELIVERY
 Show to whom and date delivered
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$.....
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Stuart V. Hinson; c/o Larry C. Hammack;
Haviland, et al; 221 West Main St.
Medford, OR 97501

3. ARTICLE DESCRIPTION:
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.
 | 56605 |
 (Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent
Betty Russell

4. DATE OF DELIVERY | POSTMARK
 | DEC 7 1978 |

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

1cj T-2745,6

☆ GPO: 1978-272-382

November 2, 1979

LARRY C HAMMACK
DESCHWEINITZ & HAMMACK
ATTORNEYS AT LAW
221 WEST MAIN STREET
MEDFORD OR 97501

ROBERT D HEFFERNAN
HEFFERNAN & FOWLER
ATTORNEYS AT LAW
705 WEST TENTH STREET
P O BOX 1746
MEDFORD OR 97501

THOMAS C HOWSER
COTTLE HOWSER & CUE
ATTORNEYS AT LAW
607 SISKIYOU BOULEVARD
P O BOX 627
ASHLAND OR 97520

RE: Files No. T-2745 and T. 2746

Gentlemen:

We have Mr. Howser's letter of October 15th, Mr. Hammack's letter of October 18th, and Mr. Heffernan's letter of October 25th, all in regard to pending water right transfer applications No. 2745 and No. 2746, in the name of Stuart V. Hinson, and protests against approval of the applications.

If the three of you will agree on a date for hearing on the matters, at Medford, we will try to accomodate that date. All other considerations being equal, it would be more convenient for us if the hearing were on a Wednesday or Thursday. Our hearing calendar is pretty well filled up through February.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:jfv
cc: Del Sparks, Watermaster, District 17

deSCHWEINITZ & HAMMACK

ATTORNEYS AT LAW

221 WEST MAIN STREET
MEDFORD, OREGON 97501

AREA CODE 503
TELEPHONE

779-2133

ALLAN B. deSCHWEINITZ

LARRY C. HAMMACK

October 30, 1979

RECEIVED

NOV - 1 1979

WATER RESOURCES DEPT
SALEM, OREGON

Mr. James W. Carver, Jr.
Water Resources Department
555 13th Street N.E.
Salem, Oregon 97310


Re: Hinson transfer applications
T-2745 and 7-2746

Dear Mr. Carver:

I have not been able to get a hold of Tom Howser but, pursuant to our last conversation, as far as I am concerned, you can set this matter for any time during March or April other than a Monday or a Friday. I believe that you indicated that those dates would not be preferable to you and that being the case, let's set it for Tuesday through Thursday and I am sure, with this much advance notice there won't be a problem.

Very truly yours,

deSCHWEINITZ & HAMMACK


Larry C. Hammack

LCH/br

RECEIVED

OCT 29 1979

HEFFERNAN & FOWLER
ATTORNEYS AT LAW
705 WEST TENTH STREET
P. O. BOX 1746
MEDFORD, OREGON 97501

WATER RESOURCES DEPT. AREA CODE 503
SALEM, OREGON TELEPHONE 779-4075

ROBERT D. HEFFERNAN, JR.
WILLIAM H. FOWLER
FRANK R. ALLEY, III

October 25, 1979

Mr. James W. Carver, Jr.
Water Resources Department
555 13th Street N.E.
Salem, Oregon 97310

Re: Hinson transfer applications
T-2745 and T-2746

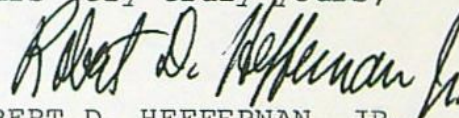
Dear Mr. Carver:

We have reviewed Mr. Thomas C. Howser's letter to you of October 15, 1979, and generally concur with his statements.

At the time of a hearing in this matter, Mr. Bostwick shall present evidence that he purchased his property from Mr. Hinson as irrigated land and since such time has made a beneficial use of the attendant water rights. This "use" has included the rental of the irrigated pasture to Mr. Hinson for grazing purposes.

After conferring with Mr. Howser we anticipate that it shall be appropriate to file an amended or supplemental protest.

Yours very truly yours,



ROBERT D. HEFFERNAN, JR.

RDH:cah

cc: Larry Hammack
Thomas Howser

RECEIVED

OCT 19 1979

WATER RESOURCES DEPT
SALEM, OREGON

AREA CODE 503
TELEPHONE

DE SCHWEINITZ, STANLEY & HAMMACK
ATTORNEYS AT LAW
221 WEST MAIN STREET
MEDFORD, OREGON 97501

ALLAN B. DE SCHWEINITZ

LARRY C. HAMMACK

779-2133

October 18, 1979

Mr. James W. Carver, Jr.
Water Resources Department
555 13th St. N.E.
Salem, Oregon 97310

Re: Hinson transfer application #T-2745 and T-2746

Dear Mr. Carver:

I am in receipt of a letter of October 15, 1979, from Tom Howser.

On behalf of Mr. Hinson, I would appreciate it if you would set a time so we can have this matter heard and decided.

In response to the last paragraph on page one of Mr. Howser's letter, please be advised that this matter has been pending and has been filed in a timely manner. I know of no legal doctrines which apply which would prevent this matter from proceeding.

In further reply to Mr. Howser's letter, the information my file reveals that at the time of any sales of property by Mr. Hinson, the water rights were clearly set forth on the agreements and the parties purchasing the property were advised prior to their purchase, that the water rights to their property were in fact, those rights which Mr. Hinson is now attempting to obtain the transfers. In the event any of these parties subsequently sold, it would appear to me that it would be encumbant upon them to advise their prospective purchasers. Their failure to do so would not involve Mr. Hinson or affect his rights.

Very truly yours,

Larry C. Hammack
Larry C. Hammack

Br.

LCH/br

RECEIVED

OCT 13 1979

WATER RESOURCES DEPT
SALEM, OREGON

RICHARD C. COTTLE
THOMAS C. HOWSER
RONALD K. CUE

COTTLE, HOWSER & CUE

ATTORNEYS AT LAW

607 SISKIYOU BOULEVARD

POST OFFICE BOX 627

ASHLAND, OREGON 97520

(503) 482-2621

October 15, 1979

Mr. James W. Carver, Jr.
Water Resources Department
555 13th St NE
Salem, OR 97310

Re: Hinson transfer applications #T-2745 and T-2746
Our File No. 5551

Dear Mr. Carver:

I am in receipt of a copy of your letter of September 19, 1979 as well as your prior letter of August 22, 1979. I must say that I disagree with your position that changes in ownership since the initial filing of the application are not relevant to the issue. They seem to me to be highly relevant for the reason that part of the property which Mr. Hinson desired to transfer rights to and from are no longer owned by him and the owners of those properties, to whom the rights passed at the time the sale was made, would have to be joined as parties if that proceeding is to take place and their consent would have to be obtained. Unless Mr. Hinson made a full disclosure at the time of the sales that there would be changes, it appears to me there would be a substantial question as to the extent to which the Water Resources Department can, in effect, change the contractual relationship of these various parties.

I believe you've also received a letter from Mr. Wegner dated September 17, 1979, to which your letter of September 19, 1979 was a response. I am representing, in addition to Mr. Richards and Mr. Wegner, a Mr. David Willard who had not previously submitted a protest.

I wonder if there isn't some serious problem with this proceeding due to the serious delay of time which has been occasioned

continued.....

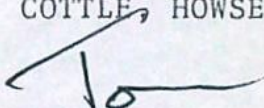
Mr. Carver
Water Resources Department
October 15, 1979
Page two (2)

solely by Mr. Hinson's inaction. If the equitable doctrine of laches does not apply it appears to me that the statute of limitations relative to transactions relating to contracts would apply, and since that is a 6-year statute, the proceeding could not go ahead.

We will be filing an amended protest in the near future raising some of these other issues and identifying all of the parties.

Sincerely yours,

COTTLE, HOWSER & CUE



Thomas C. Howser

TCH:ch

cc: Mr. Larry C. Hammack
Mr. Robert D. Heffernan
Mr. David C. Hendrix
Mr. Glen F. Wegner
Mr. Ralph Richards
Mr. Dave Willard



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

September 19, 1979

Glen F. Wegner
4025 Little Applegate Road
Jacksonville, Oregon 97530

RE: Files Nos. T-2745, T-2746

Dear Mr. Wegner:

We have your letter of September 17, 1979, in behalf of yourself and others, in regard to water right transfer applications Nos. 2745 and 2746, in the name of Stuart V. Hinson.

Our records show that Mr. and Mrs. Glen F. Wegner and Mrs. and Mrs. Ralph J. Richards are parties to a protest filed through Thomas C. Howser of the firm of Cottle, Howser and Hampton, Attorneys at Law, against approval of the subject applications.

The records also show that Everette J. and Jimmie F. Bostwick are parties to a protest filed through Robert D. Heffernan of the firm of Heffernan and Fowler, Attorneys at Law, against approval of the subject applications.

Enclosed is a copy of our letter of August 22, 1979, to the above named attorneys and also to Larry C. Hammack of the firm of Haviland, deSchweinitz, Stark and Hammack, Attorneys at Law, attorney for the applicant, Stuart Hinson, in regard to the subject applications and the protests against them.

You may wish to discuss the matter with your attorney, as to the courses of action open to you.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj

cc: Larry C. Hammack, Attorney
Robert D. Heffernan, Attorney
Thomas C. Howser, Attorney
David C. Hendrix, Watermaster

4025 Little Applegate Road
Jacksonville, Oregon 97530
September 17, 1979

RECEIVED

SEP 18 1979

**WATER RESOURCES DEPT
SALEM, OREGON**

Mr. James E. Sexson, Director
State Water Resource Department
Mill Creek Office Park
555 13th Street, N.E.
Salem, Oregon 97310

Re: Wegner, Richards, Willard, Bostwick,
and Huffman. File # 5551

Dear Mr. Sexson:

It has been brought to our attention that the water transfer application by Stuart V. Hinson, Nos. 2745 and 2746, is being considered by your department.

The following people who have purchased land from Mr. Hinson would be adversely affected by the transfer and object to any transfer of water rights: Everett Bostwick, David Willard, Merle Huffman, Ralph Richards, and Glen Wegner.

Those property owners listed above constitute the only people affected, and would be seriously affected by the proposed transfer. All have beef cattle using the irrigated pastures.

As legal owners of the water rights on our properties, we cannot understand how these rights could be taken from us without our consent.

If there are documents being filed we would appreciate copies, and if there is a hearing scheduled, we would want to be notified.

Please send correspondence to the following:

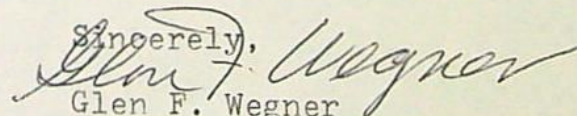
Mr. Everett Bostwick
659 Stage Road South, Medford, Oregon 97501

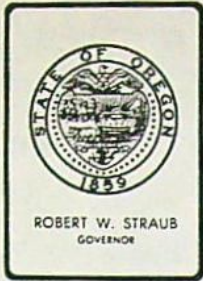
Mr. David Willard
4055 Little Applegate Road, Jacksonville, Oregon 97530

Mr. Ralph Richards
4025 Little Applegate Road, Jacksonville, Oregon 97530

Mr. Merle Huffman
4015 Little Applegate Road, Jacksonville, Oregon 97530

Mr. Glen Wegner
4025 Little Applegate Road, Jacksonville, Oregon 97530

Sincerely,

Glen F. Wegner



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

August 22, 1979

Larry C. Hammack
Haviland, deSchweinitz, Stark & Hammack
221 West Main Street
Medford, Oregon 97501

Thomas C. Howser
Cottle, Howser & Hampton
P.O. Box 627
Ashland, Oregon 97520

Robert D. Heffernan
Heffernan & Fowler
P.O. Box 1746
Medford, Oregon 97501

RE: Stuart Hinson Transfer Applications Nos. 2745, 2746

Gentlemen:

We have Mr. Hammack's letter of August 17, 1979, in reference to water right transfer applications Nos. 2745 and 2746 in the name of Stuart Hinson and the protest by Mr. and Mrs. Glen F. Wagner and Mr. and Mrs. Ralph J. Richards and the protest by Mr. and Mrs. Everette J. Bostwick, requesting that the matter be set for hearing before the Water Resources Director. If you gentlemen will agree to a date sometime after the first of October, 1979, we will attempt to accommodate that date and make the necessary arrangements for a hearing in the Jackson County Courthouse in Medford, to take testimony on the question of injury to other water rights that would result from the proposed changes in place of use and point of diversion of water from Little Applegate River.

After having had opportunity to carefully review the files, I believe the following comment should be noted: It is doubtful that the Water Resources Director could deny the applications on the basis of portions of the lands to which the subject water rights are appurtenant having changed ownership subsequent to the applications having been filed as public records. In view of this, it may be that part of the issues could be resolved by stipulation.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj
cc: David C. Hendrix, Watermaster

COPY

RECEIVED

AUG 20 1979

WATER RESOURCES DEPT
SALEM, OREGON
AREA CODE 503
TELEPHONE 779-2311

HAVILAND, deSCHWEINITZ, STARK & HAMMACK
ATTORNEYS AT LAW
221 WEST MAIN STREET
MEDFORD, OREGON 97501

PAUL W. HAVILAND
ALLAN B. deSCHWEINITZ
RICHARD A. STARK
LARRY C. HAMMACK

August 17, 1979

Mr. James W. Carver, Jr.
Water Resources Department
Mill Creek Office Park
555 13th Street N. E.
Salem, Oregon 97310

Re: Transfers 2745 and 2746

Dear Mr. Carver:

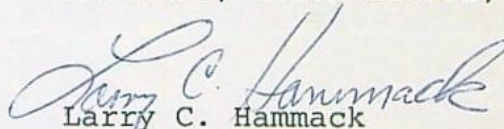
Will you please schedule a hearing within 60 days or as soon thereafter as is possible, concerning these transfers which have been applied for by my client, Stuart Hinson.

The matter is apparently not going to be resolved without a hearing.

If you have any questions, please contact me.

Very truly yours,

HAVILAND, deSCHWEINITZ, STARK & HAMMACK


Larry C. Hammack

LCH/br

cc: D. Hendericks
Medford Water Master

file

HAVILAND, deSCHWEINITZ, STARK & HAMMACK

PAUL W. HAVILAND
ALLAN B. deSCHWEINITZ
RICHARD A. STARK
LARRY C. HAMMACK

ATTORNEYS AT LAW
221 WEST MAIN STREET
MEDFORD, OREGON 97501

AREA CODE 503
TELEPHONE 779-2311

March 28, 1979

RECEIVED
MAR 29 1979
WATER RESOURCES DEPT.
SALEM, OREGON

Mr. James W. Carver, Jr.
Water Resources Department
Mill Creek Office Park
555 13th Street N.E.
Salem, OR 97310

Re: Stuart Hinson

Dear Mr. Carver:

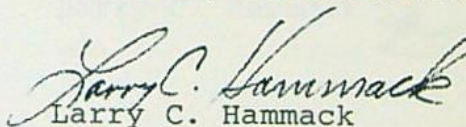
As you recall, I wrote to you on February 2, 1979 concerning transfers 2745 and 2746 for Stuart Hinson. At that time, you called me back and referred me to attorney Tom Howser who is representing the parties opposing the transfer.

Please be advised that I will meet with Mr. Howser shortly and if we cannot resolve the matter, I will write you informally and ask that a hearing be scheduled.

If this does not meet with your approval, please advise immediately.

Very truly yours,

HAVILAND, deSCHWEINITZ, STARK & HAMMACK


Larry C. Hammack

LCH:gk

378-3066

T-2745, T-2746

7 September 1977

Thomas C. Howser
Cottle, Howser & Hampton
P.O. Box 627
Ashland, Oregon 97520

Dear Mr. Howser:

We have your letter of September 2, 1977 in behalf of your clients, Mr. and Mrs. Ralph J. Richards and Mr. and Mrs. Glen F. Wegner, regarding transfer applications Nos. 2745 and 2746, in the name of Stuart V. Hinson.

It would be necessary to dispose of the protests prior to any action on the applications.

In the event the pending, protested applications are withdrawn and new applications are filed at a later date, you will be notified.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj

2580
274596

STUART HINSON T#274596

COTTLE, HOWSER & HAMPTON

ATTORNEYS AT LAW

607 SISKIYOU BOULEVARD

POST OFFICE BOX 627

ASHLAND, OREGON 97520

(503) 482-2621

September 2, 1977

RICHARD C. COTTLE
THOMAS C. HOWSER
W. H. HAMPTON III

RONALD K. CUE

RECEIVED

SEP - 6 1977

WATER RESOURCES DEPT
SALEM, OREGON

James W. Carver, Jr.
Engineer
State Water Resources Dept.
Mill Creek Office Park
555 13th Street, N.E.
Salem, OR 97310

RE: Wegner and Richards
Water rights
Our File 5551

Dear Mr. Carver:

Mr. and Mrs. Ralph J. Richards and Mr. and Mrs. Glen F. Wegner have requested that their position as objectors be clearly noted in the file in the above matter, and that in the event that the application is revived, or that a new application is filed that they actually be notified. The process of publication in the newspaper may be within the statutory requirements, but it does not give much likelihood of giving actual notice to people who are involved. Therefore, they request that they be actually indicated as desiring copies of all documents that may be filed in the future.

Sincerely yours,

COTTLE, HOWSER & HAMPTON

Thomas C. Howser

Thomas C. Howser

TCH/sc

cc: Mr. and Mrs. Richards
Mr. and Mrs. Wegner
Mr. Robert Heffernan, Jr.

378-3066

10 August 1977

Stuart V. Hinson
Route 2, Box 25
Jacksonville, Oregon 97530

Dear Mr. Hinson:

Enclosed is our check No. 1425 in the amount of \$34.34
refunding excess payment of fees.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj

378-3066

10 August 1977

Mail Tribune Comapny
P.O. Box 1108
Medford, Oregon 97501

Gentlemen:

Enclosed is our check No. 1426 in the amount of \$46.66
in payment of your statement of June 24, 1977.

Please receipt the enclosed statement and return it to
this office.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj

JOHN E. FERRIS, PROFESSIONAL CORPORATION

ATTORNEY AT LAW

The Mall, Suite 10, 1005 East Main
Medford, Oregon 97501

(503) 772-6115

JOHN E. FERRIS

August 3, 1977

RECEIVED

AUG - 5 1977

WATER RESOURCES DEPT
SALEM, OREGON

Water Resources Department
Mill Creek Office Park
555 13th St. N.E.
Salem, OR 97310

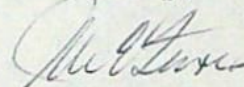
Attention: Jim Carver

Dear Mr. Carver:

Enclosed is my check for the copies of the most recent water rights application for Stuart Hinson, applications number T2745 and T2746.

Thanks for the copies.

Sincerely,



JOHN E. FERRIS

JEF:pg

enc.

cc: Stuart V. Hinson

Copies mailed

Rec # 62981

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATIONS)
OF STUART V. HINSON FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER FROM)
LITTLE APPLGATE RIVER)

POSTPONEMENT
OF HEARING

TO:

Stuart V. Hinson
P.O. Box 579
Jacksonville, OR 97530

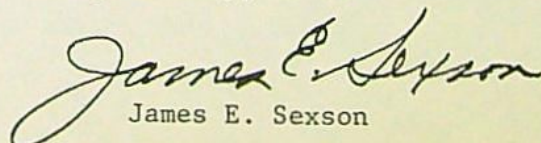
Thomas C. Howser
Cottle & Howser
Attorneys At Law
P.O. Box 627
Ashland, OR 97520

Robert D. Heffernan, Jr.
Heffernan & Fowler
Attorneys At Law
P.O. Box 1746
Medford, OR 97501

David C. Hendrix, Watermaster
Jackson County Courthouse
Medford, OR 97501

You are hereby notified that the hearing proposed to be held
at the Jackson County Courthouse at Medford, Oregon, on August 5, 1977,
at 9:30 a.m., in the matter of water right transfer applications Nos.
2745 and 2746, in the name of Stuart V. Hinson, for changes in place of
use and point of diversion under rights described by the certificates
recorded at page 24479, Volume 17, and at page 38773, Volume 30, State
Record of Water Right Certificates, pursuant to the notice published
by the Water Resources Director in the June 10, 17 and 24, 1977, issues
of the Medford Mail Tribune newspaper is postponed to a new date to be
determined.

Dated at Salem, Oregon, this 27th day of July, 1977.


James E. Sexson

Director

Mr. John E. Ferris
Attorney at Law
Medford

phoned 8-2-77

He is representing Hinson

Will meet with other attorneys who
are representing the protestants.

If matter cannot be settled they
will confer on hearing date and advise.

Ferris wants copies of current Hinson
transf. appls with maps

JWC, Jr.

MEDFORD MAIL TRIBUNE COMPANY

Publishers of the

MEDFORD MAIL TRIBUNE

MEDFORD, OREGON

PHONE 779-1411 - P. O. BOX 1108

In Account With

- Oregon Water Resources Dept.
1178 Chemeketa St., N.E.
Salem, Oregon 97310

RECEIVED

JUN 27 1977

WATER RESOURCES DEPT
SALEM, OREGON

Date June 24, 1977 19

Published Notice of Water Rights Transfer
2745 and 2746

June 10, 17, 24, 1977

98 lines @ .476180

46.66

PAID
AUG 11 1977

BY L.S.
MAIL TRIBUNE COMPANY

RECEIVED

AUG 12 1977

WATER RESOURCES DEPT
SALEM, OREGON

Prompt Payment of this Account will be Greatly Appreciated

July 27, 1977

Robert D. Heffernan, Jr.
Heffernan & Fowler
Attorneys At Law
P.O. Box 1746
Medford, OR 97501

Dear Mr. Heffernan:

This will acknowledge your letter of July 21, 1977, transmitting a protest in the names of Everette J. Bostwick and Jimmie P. Bostwick against approval of transfer applications Nos. 2745 and 2746 in the name of Stuart V. Hinson.

The protest was filed as provided by law on July 22, 1977.

Our receipt No. 62673 is enclosed in acknowledgement of your payment of the filing fee in the amount of \$10.00.

It will be necessary to also submit proof of service of a copy of the protest upon Mr. Stuart V. Hinson, applicant.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj
cc: David C. Hendrix, Watermaster

STATE ENGINEER'S RECEIPT

STATE OF OREGON

Salem, Ore., July 23, 1977 Appl. 2745
 Received from Kenneth J. Borwick (2 Jimmie) Per. 2746
 \$ 10.00 Cash M.O. Check Hoffman & Fowler

Examination fees: Recording fees:
 Surface water \$ _____ \$ _____
 Ground water \$ _____ \$ _____
 Transfer \$ _____ \$ _____

Miscellaneous fees: \$ _____
 Blueprinting
 Copying
 Certification \$ _____
 Misc. Recording
 Protest
 Extension of time

Publication of notice \$ _____
 Quadrangle account \$ _____
 Adjudication fee \$ _____
 Power license fee \$ _____
 _____ \$ _____
 Hydroelectric license fee \$ _____
 _____ \$ _____
 _____ \$ _____

Water Well Construction:
 _____ Exam. \$ _____ _____ Lic. \$ _____

Certificate Recording fees:
 _____ \$ _____

All other. P-6 \$ 10.00

*Please transfer
to protest filing fee
Done M*

62673

STATE ENGINEER

By V. Porter

July 27, 1977

Thomas C. Howser
Cottle & Howser
Attorneys At Law
P.O. Box 627
Ashland, OR 97520

Dear Mr. Howser:

Your letter of July 20, 1977, transmitting a protest in the names of Glen F. Wegner and Helen A. Wegner and Ralph Richards and June Richards against approval of water right transfer applications Nos. 2745 and 2746 in the name of Stuart V. Minson, proof of service, and an unsigned check in the amount of \$10.00, was received on July 21, 1977.

Your letter of July 25, 1977, transmitting a signed check in the amount of \$10.00 was received on July 26, 1977, and the protest was filed as provided by law on that date.

The unsigned check, our receipt No. 62742, and the requested copy of that portion of the administrative rules pertaining to filing of protests are enclosed.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj
cc: David C. Hendrix, Watermaster

373-3066

July 27, 1977

Robert D. Heffernan, Jr.
Heffernan & Fowler
Attorneys At Law
P.O. Box 1746
Medford, OR 97501

Dear Mr. Heffernan:

This will acknowledge your letter of July 21, 1977, transmitting a protest in the names of Everette J. Bostwick and Jimmie P. Bostwick against approval of transfer applications Nos. 2745 and 2746 in the name of Stuart V. Hinson.

The protest was filed as provided by law on July 22, 1977.

Our receipt No. 62673 is enclosed in acknowledgement of your payment of the filing fee in the amount of \$10.00.

It will be necessary to also submit proof of service of a copy of the protest upon Mr. Stuart V. Hinson, applicant.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj
cc: David C. Hendrix, Watermaster

378-3066

T-2745

T-2746

May 24, 1977

Medford Mail Tribune
P.O. Box 1108
Medford, Oregon 97501

Gentlemen:

Enclosed is a notice for publication in the June 10, 17
and 24, 1977, issues of your newspaper.

If, for any reason, you cannot publish this notice on the
dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication
and statement for this service to this office.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:whh

Enclosures

cc: Stuart V. Hinson (*sent to Attorney Ferris*)
cc: David C. Hendrix, Watermaster, Dist. No. 13

NOTICE

OF WATER RIGHT TRANSFER

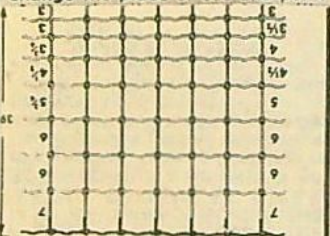
APPLICATIONS NOS. 2745 and 2746

Notice is given hereby that two applications have been filed in the office of the Water Resources Director by Stuart V. Hinson for approval of changes in place of use and point of diversion from Little Applegate River.

(1) The certificate recorded at Page 38773, Vol. 30, State Record of Water Right Certificates, in the name of A. S. Kleinhammer, describes a right which includes the use of not to exceed 0.41 cubic feet per second from Little Applegate River for irrigation of 8.4 acres in SE 1/4 NW 1/4, 2.0 acres in NE 1/4 SW 1/4 and 6.0 acres in NW 1/4 SE 1/4 of Sec. 19, T. 39 S., R. 2 W., W.M., with a date of priority of Sept. 1, 1857.

Water for the said right is diverted through the Upper & Lower Phillips Ditches from points located (1) 680 ft. S. and 9 ft. W., (2) 215 ft. S. and 790 ft. W. from the N. 1/4 corner of Sec. 29, both being within the NE 1/4 NW 1/4 of Sec. 29, T. 39 S., R. 2 W., W.M.

By application No. 2745, the applicant herein, owner of the lands above described, proposes to change the place of use and point



STEEL
12, 5 Pan

Affidavit of Publication

RECEIVED

JUN 27 1977

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon, }
County of Jackson } ss.

1. Sharon J. Morris, being first duly

sworn, depose and say that I am the.....
OWNER, EDITOR, PUBLISHER, MANAGER.

Principal Clerk

ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN

of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; printed and published at Medford in the aforesaid county and state:

that the Notice of Water Rights Transfer

2745 and 2746

copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the

following issues June 10, 17, 24, 1977

(HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Sharon J. Morris

Subscribed and sworn to before me this 24th day of June, 19 77

James J. Olson
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 19 81

Notice is given hereby that two applications have been filed in the office of the Water Resources Director by Stuart V. Hinson for approval of changes in place of use and point of diversion from Little Applegate River.

(1) The certificate recorded at Page 38773, Vol. 30, State Record of Water Right Certificates, in the name of A.S. Kleinhammer, describes a right which includes the use of not to exceed 0.41 cubic foot per second from Little Applegate River for irrigation of 8.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 6.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 19, T. 39 S., R. 2 W., W.M., with a date of priority of Sept. 1, 1857.

Water for the said right is diverted through the Upper & Lower Phillips Ditches from points located (1) 680 ft. S. and 9 ft. W., (2) 215 ft. S. and 790 ft. W. from the N. $\frac{1}{4}$ corner of Sec. 29, both being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 29, T. 39 S., R. 2 W., W.M.

By application No. 2745, the applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom, and without loss of priority to irrigate a certain 0.6 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 16.0 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Sec. 19, T. 39 S., R. 2 W., W.M., through the Gin Lin Ditch from a point of diversion located 1430 ft. N. and 1905 ft. W. from the E. $\frac{1}{4}$ corner of Sec. 29, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 29, T. 39 S., R. 2 W., W.M.

(2) The certificate recorded at Page 24479, Vol. 17, State Record of Water Right Certificates, in the names of First National Bank of Ashland & Armin Richter, describes a right which includes the use of not to exceed 0.21 cubic foot per second from Little Applegate River for irrigation of 0.6 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 16.0 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Sec. 19, T. 39 S., R. 2 W., W.M., with a date of priority of Nov. 12, 1929.

Water for the said right is diverted through the Gin Lin Ditch as described above.

By application No. 2746, the applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom, and without loss of priority to irrigate a certain 8.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 8.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 19, through the Upper Phillips Ditch as described above.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Medford, Oregon, on August 5, 1977, 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 Stuart V. Hinson, P.O. Box 579, Jacksonville, Oregon 97530, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 24th day of May, 1977.

JAMES E. SEXSON
Director



WATER RESOURCES DEPARTMENT

JACKSON COUNTY COURTHOUSE • MEDFORD, OR • 97501 • Phone 773-6211

May 16, 1977

ROBERT W. STRAUB
GOVERNOR

JAMES E. SEXSON
Director

Re: T-2745 & T-2746

WATER POLICY REVIEW
BOARD

EMERY N. CASTLE
Chairman
Corvallis

CHAPIN D. CLARK
Vice Chairman
Eugene

GEORGE H. PROCTOR
Klamath Falls

ANN W. SQUIER
Portland

RICHARD ROY
Portland

JAMES HILL
Arch Cape

JEAN FROST
Portland

Mr. James E. Sexson, Director
Water Resources Department
Salem, Oregon 97310

Attention: Mr. James W. Carver, Jr.

Dear Mr. Carver:

Please find enclosed two amended transfer applications which I discussed with you on the phone last Friday. Both applications are in the name of Stuart V. Hinson of mailing address P. O. Box 579, Jacksonville, Oregon 97530, and they provide for both the change in point of diversion and place of use of water. Also enclosed please find Mr. Hinson's check in the sum of \$60 to cover the advertising fees which he has requested be placed in the Medford Mail Tribune, Medford, Oregon 97501.

It is my opinion that both of these transfers may be made without injury to existing rights, and since we presently have methods of regulating the heads of the three ditches in question, the second provision would be best to incorporate within the order.

Very truly yours,

David C. Hendrix

David C. Hendrix
Water Master, Dist. 13

DCH:pg

enclosures

RECEIVED

MAY 17 1977

WATER RESOURCES DEPT
SALEM, OREGON

COLLINS, FERRIS & VELURE

HUGH B. COLLINS
JOHN E. FERRIS
LYLE C. VELURE

ATTORNEYS AT LAW
225 WEST MAIN STREET
MEDFORD, OREGON 97501

TELEPHONE
(503) 779-4333

July 12, 1973

RECEIVED
JUL 16 1973
STATE ENGINEER
SALEM, OREGON

PLEASE REFER TO
OUR FILE NUMBER:

State Engineer
1178 Chemeta Street NE
Salem, OR 97310

Re: File No. 2745 and 2746

Gentlemen:

Enclosed please find Applications for Transfer of Water Rights together with maps and an Affidavit.

Sincerely,

John E. Ferris
JOHN E. FERRIS

JEF:jc
Encs.

CORRESPONDENCE TO:

MR. JOHN E. FERRIS
ATTORNEY AT LAW
1005 E. MAIN #10
MEDFORD, OR 97501

378-3066

January 28, 1977

File T-2745
T-2746

Mr. John E. Ferris
Attorney at Law
1005 E. Main St.
Medford, OR 97501

Dear Mr. Ferris:

As discussed during our telephone conversation Friday, January 28, water right transfer applications No. 2745 and 2746 in the name of Stuart V. Hinson are enclosed for additional information, accompanied by supporting maps and other data. The applications and maps, amended as you find appropriate, should be returned to us. The other data, you may keep.

With reference to application No. 2745, the water right records do not define the specific lands to which each of the priorities is appurtenant. If your client owns all of the lands to which the entirety of the right described by certificate No. 38773 is appurtenant and submits an affidavit to that effect, we will accept his division of the priorities. If he does not own all of the lands it will be necessary for the several owners to agree on the location of the priorities, unless he elects to claim the younger of the priorities for the lands involved in the transfer.

With reference to application No. 2746, Item 13, the application proposes to transfer 8.37 acres of water right to the southerly portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Certificate No. 5292 in the name of Walter Zeidler describes a right to appropriate not to exceed 0.14 cubic foot per second of water from the Little Applegate River with a date of priority of February 21, 1920, for irrigation of 10.7 acres south of the Gallagher ditch in the said quarter-quarter section. (See enclosed map with notation "certificate No. 5292" in the lower, right-hand corner)

Both applications will require publication of notice pursuant to ORS 540.520. It will be necessary to submit an additional deposit of \$50.00 for this purpose. Please advise which newspaper your client prefers that we use.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lds

April 12, 1973

2745
2746

Collins, Redden, Ferris & Velure
Attorneys at Law
225 West Main Street
Medford, Oregon 97501

Attention: John E. Ferris

Dear Mr. Ferris:

This will acknowledge three applications submitted in the name of Stuart V. Hinson for approval of changes in point of diversion and place of use of the water of Little Applegate River, six maps, and fees in the amount of \$105.00 for which our receipts numbered 31798, 31799, 31800, 31801, and 31802 are enclosed.

These applications have been filed as numbers T-2745 and T-2746 and the numbers shown on the application forms. Two are further identified by circled numbers 1 and 2, as these involve the same right and can be filed as one application.

Since the proposed change in point of diversion is over $\frac{1}{4}$ mile, the State Engineer is required to publish notice of the proposed change in a newspaper published and having general circulation in Jackson County. Please designate the newspaper of your choice.

We will need a letter from the First National Bank of Oregon, Medford Branch, as mortgage holders, stating that they have no objection to the water rights being transferred from the lands as listed in these applications.

The applications apparently were prepared on the basis of all lands irrigated from the three ditches, which results in repeating the acreage list and is somewhat confusing.

Collins, Hedden, Ferris & Velure
April 12, 1973
Page 2

The lands south of the river were, according to the adjudication map, irrigated from the Gin Lin Ditch and the lands north of the river irrigated through the Upper Phillips or Lower Phillips Ditch.

The 1898 and 1857 rights were not established under State Engineer's Permit and the 1929 right was, so items 9 and 11 need changing. The reference corner was omitted from item 4 and Section 19 is listed in item 13 instead of Section 20, if the map is correct. Also, Certificate 16400 has been superseded by Certificate 38773.

Instead of detailing suggested changes, I have used the records and the applications and maps submitted to prepare two new applications which I believe correctly describe the intended changes. The application for change of the 1929 right lists both Phillips Ditches with no division of lands between the two. I assume the land above the Lower Phillips Ditch will be irrigated from the Upper Ditch and the land below the Lower Phillips Ditch will be irrigated from that ditch and have prepared the application accordingly.

We will need a statement that Mr. Hinson owns all the land described in Certificate 38773 or an agreement with other owners as to a division by priority date.

If you agree with the applications I have prepared, Mr. Hinson should execute the affidavits of applicant and return the applications.

Mr. David Hendrix, our Watermaster in Medford, will receive all of this information in case you wish to discuss any question with him.

I am also returning the original applications along with the maps. On return of the applications and completed superseding applications, we will promptly prepare a notice for publication.

Very truly yours,

Trevor Jones
Assistant

TJ:bjs
Enclosures
cc: David C. Hendrix, Watermaster

COLLINS, REDDEN, FERRIS & VELURE

HUGH B. COLLINS
JAMES A. REDDEN
JOHN E. FERRIS
LYLE C. VELURE

ATTORNEYS AT LAW
225 WEST MAIN STREET
MEDFORD, OREGON 97501

TELEPHONE
(503) 779-4333

—
PLEASE REFER TO
OUR FILE NUMBER:

December 15, 1972

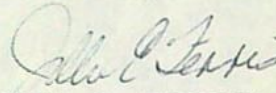
RECEIVED
DEC 18 1972
STATE ENGINEER
SALEM, OREGON

Chris L. Wheeler
State Engineer
1178 Chemeketa Street N.E.
Salem, OR 97310

Dear Mr. Wheeler:

Please file the enclosed Applications for Transfer of Water Rights for Stuart Hinson. Enclosed is our check No. 7079 in the amount of \$105 for that fee.

Sincerely,


JOHN E. FERRIS

JEF:11
Enclosures

72-00751

2

72-00751

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Carolyn Hinson, Trustee under that Will of Victor Hinson, deceased, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Stuart V. Hinson, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's successors and assigns, that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Jackson and State of Oregon, described as follows, to-wit: *392W-3300*

The South Half of the Northwest Quarter, the North Half of the Southwest Quarter, the West Half of the Northeast Quarter, the West Half of the Southeast Quarter, and the Southeast Quarter of the Southeast Quarter of Section 19 of the West Half of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 20, and the North Half of the Northwest Quarter of Section 29, all in Township 39 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon.

less and excepting the following described property which has been transferred to Jackson County for roadway purposes:

That portion of a strip of land of variable feet in width on each side of the centerline of a road as surveyed over and across lands described in Jackson County Deed Records, No. 70-66392, said centerline being more particularly described as follows:

Beginning at a point located 630.73 feet North and 167.67 feet west of the 1/4 section corner common to section 19, Township 39 South, Range 2 West and Section 24, Township 39 South, Range 3 West, Willamette Meridian, Jackson County, Oregon, said point of beginning being Engineer's Centerline Station 200+00; thence South 53°14'40" East 77.39 feet; thence along the arc of a 518.61 foot radius curve to the left for a distance of 499.97 feet (the long chord of which curve bears South 75°44'35" East, 497.22 feet); thence North 81°45'30" East 259.20 feet; thence along the arc of an 818.51 foot radius curve to the right for a distance of 555.83 feet (the long chord of which curve bears South 78°47'15" East, 545.21 feet); thence South 59°20'00" East 1861.43 feet; thence along the arc of an 1145.92 foot radius curve to the right for a distance of 375.25 feet (the long chord of which curve bears South 49°57'25" East, 373.60 feet), to Engineer's Centerline Equation Station 236+29.09 P.T. Back equals 236+06.03 P.O.T. Ahead; thence South 40°34'10" East 212.61 feet; thence along the arc of a 554.93 foot radius curve to the left for a distance of 415.34 feet (the long chord of which curve bears South 53°03'35" East, 413.05 feet); thence South

Inset in 392W19-200

1-17-72

44-1/2

At City of Jacksonville

*700
1/4
72-00751/2*

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MAY 17 1977

WATER RESOURCES DEPT
SALEM, OREGON