

2746 ST. MARY V. HANCOCK
 JACKSONVILLE, O.R.

2746

PROTESTED

STATUS OF APPLICATION

Change in Pt. 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 50142

DESCRIPTION OF WATER RIGHT

Name of stream Little Applegate River
 Trib. of _____ County of Jackson
 Use Irrigation & Domestic
 Quantity of water _____ No. of acres 45⁴⁵
 Name of ditch Gin Lin ditch
 Date of priority Nov. 12, 1929
 In name of First National Bank of Ashland & Armin Richter
 _____ Adjudication, Vol. _____, page _____
 App. No. 13134 Per. No. 9389 Cert. No. 24479
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
12-18-72	32.40	31801
5-17-77	7.60	60554
TOTAL . . .		
12-18-72	3.00 Cert. Fee	31802

FEES REFUNDED

Date	Amount	Check No.
8/9/77	\$ 100	1425

Cert. Fee Refund.

Fees Exam 15-
 POU 10-
 POD 15-
 40-

Blum APR 12 1989
 ELD 1 1989

4/7/89 cert

Surveyed 7/9/86

For correspondence - see T#2745

REMARKS

Finis

Survey div. points when proof is made. (see also T-2747)

INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name	bcj	---
<input checked="" type="checkbox"/>	Stream	bcj	---
<input checked="" type="checkbox"/>	Pt. of Div.	bcj	---
<input checked="" type="checkbox"/>	Calendar	bcj	---
<input checked="" type="checkbox"/>	Twp. & Reg.	SRA	---
<input type="checkbox"/>	Deeds-vault	---	---
<input type="checkbox"/>	Deeds-safe	---	---
<input checked="" type="checkbox"/>	Cert. of W/R	JWC	bcj
<input checked="" type="checkbox"/>	Per. Folder	---	SRA
<input type="checkbox"/>	Chaindex	---	---
<input type="checkbox"/>	Cross Ref.	---	---
<input type="checkbox"/>	Power Claim	---	---
<input checked="" type="checkbox"/>	Abstracts	---	---

7-19-77

Dave Hendrix phoned —
amended map re 85 ac
under Upper Phillips
to be corrected as to
proposed location.

Jim C.

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

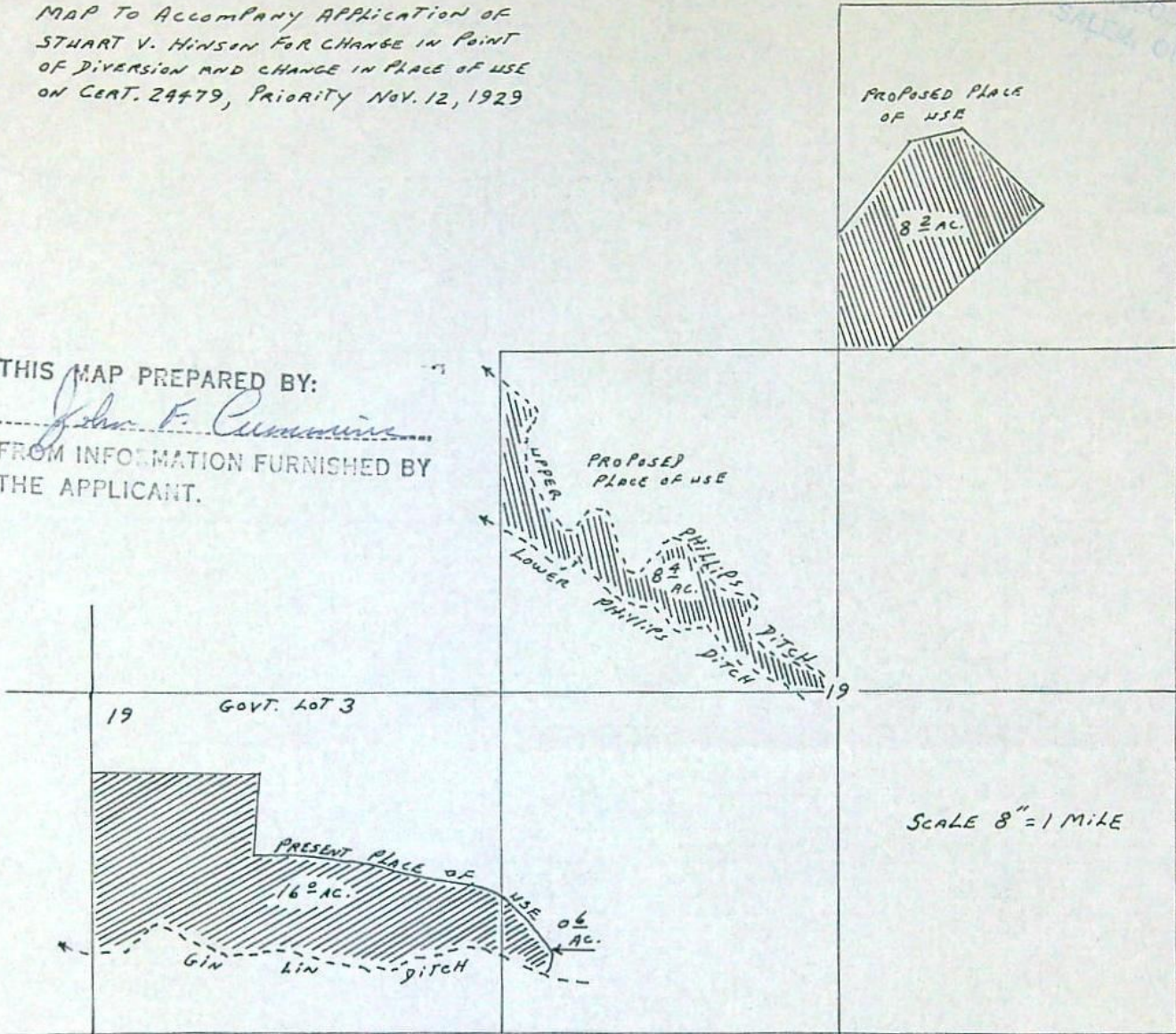
T.39S. R.2W. W. M.

MAP TO ACCOMPANY APPLICATION OF
STUART V. HINSON FOR CHANGE IN POINT
OF DIVERSION AND CHANGE IN PLACE OF USE
ON CERT. 24479, PRIORITY NOV. 12, 1929

RECEIVED
MAY 1 1970
WATER RESOURCES DEPT
SALEM, OREGON

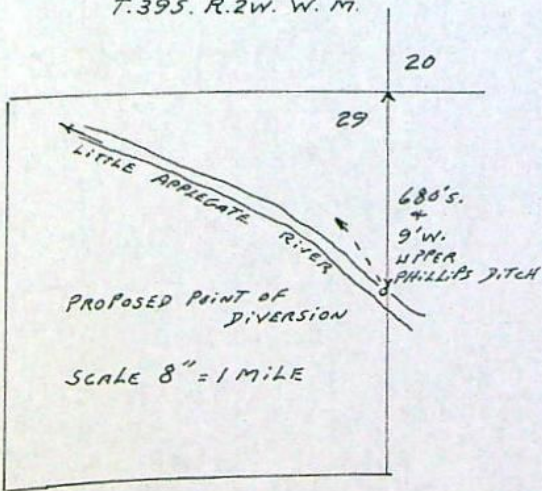
T-2746

THIS MAP PREPARED BY:
John F. Cummings
FROM INFORMATION FURNISHED BY
THE APPLICANT.



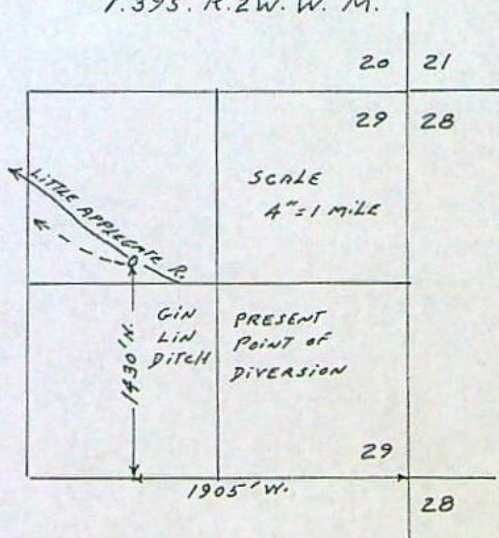
SCALE 8" = 1 MILE

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



SCALE 8" = 1 MILE

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



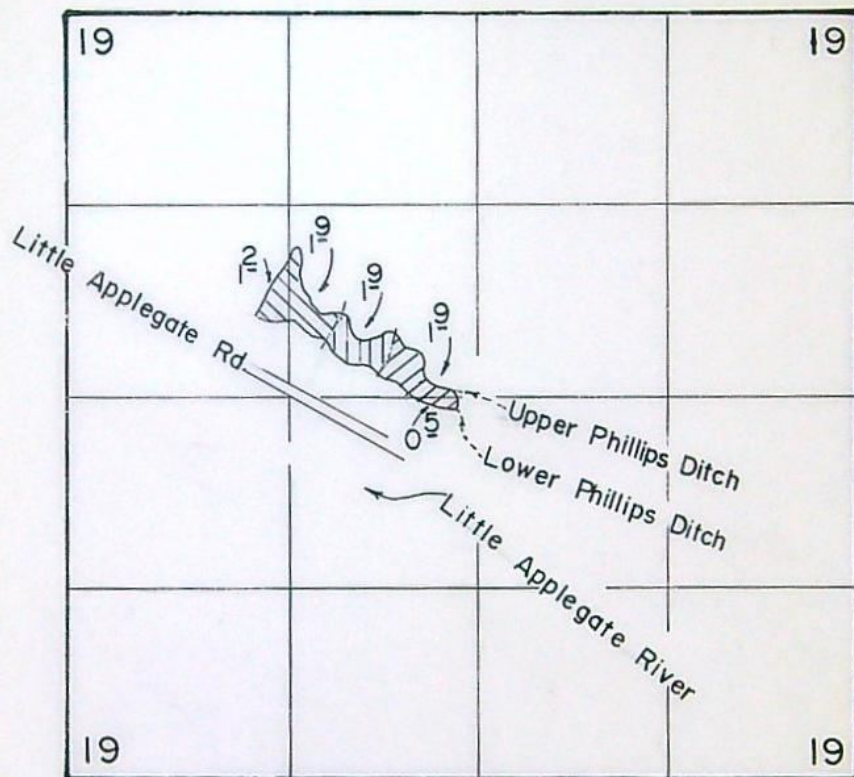
SCALE 4" = 1 MILE



5-11-77




(T-2746)

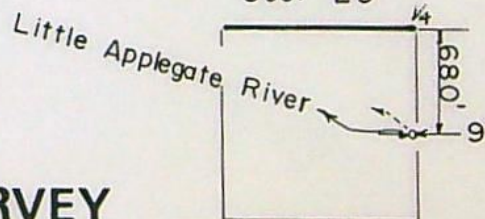
T. 39 S., R. 2 W., W. M.



Scale: 1" = 1320'

Div. Pt.
 Upper Phillips Ditch
 T. 39 S., R. 2 W., W. M.
 Sec. 29

-  GLEN F. WEGNER
-  FELIX FLISCH
-  DAVID & ANITA WILLARD



FINAL PROOF SURVEY
 UNDER

TRANSFER NO. 2746

Application No. Permit No.
 IN NAME OF

.....

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



Water Resources Department

3850 PORTLAND ROAD NE
SALEM, OREGON 97310

Sent PC again to
2-14-89

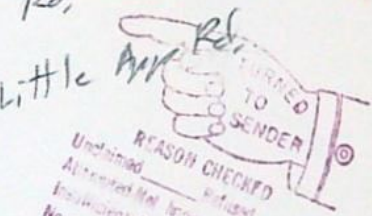
Wegner ↓
4025 Little Applegate Rd.
Flisch
4035 Little App
Willard
4055

?

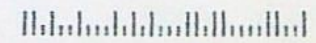
CONSERVE WATER
FOR
OREGON'S FUTURE



PRESTAMPED
FIRST CLASS



REASON CHECKED
Undelivered _____
Addressee has moved _____
Insufficient address _____
No such street number _____
No such office in state _____
Do not re-mail in this envelope





Water Resources Department

3850 PORTLAND ROAD NE
SALEM, OREGON 97310

CONSERVE WATER
FOR
OREGON'S FUTURE



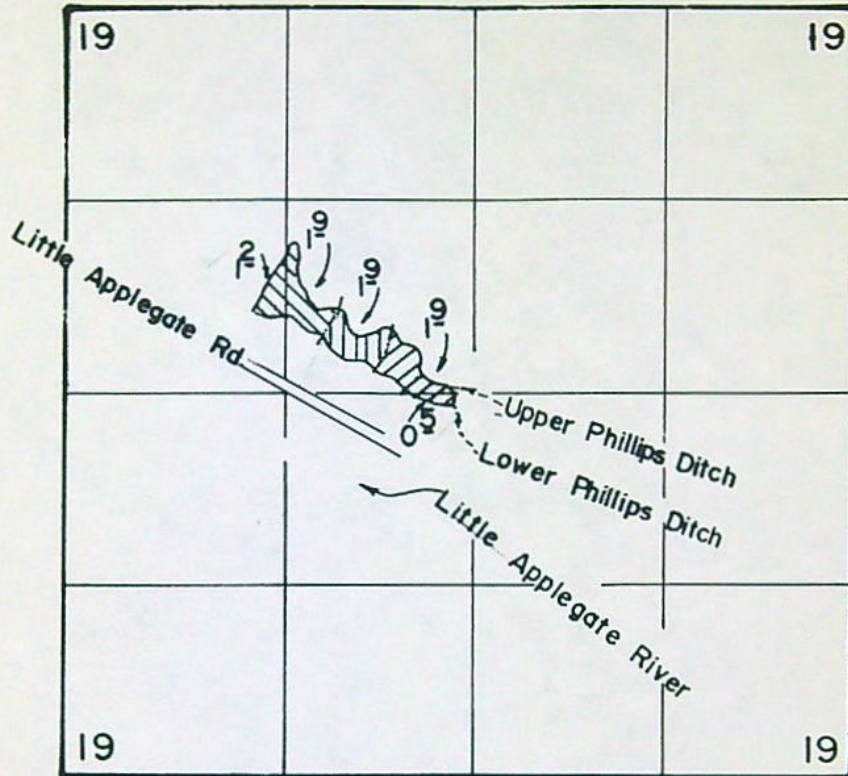
PRESORTED
FIRST CLASS



Felix Flisch
4035 Little Applegate Rd.
Jacksonville, OR 97530




RETURNED
TO
SENDER
NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD

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



Scale: 1" = 1320'

Div. Pt.
Upper Phillips Ditch
T. 39S., R. 2 W., W.M.
Sec. 29

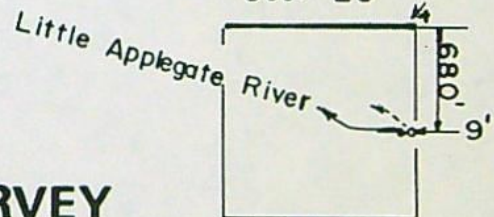
-  GLEN F. WEGNER
-  FELIX FLISCH
-  DAVID & ANITA WILLARD

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2746

Application No. Permit No.
IN NAME OF

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



STATE OF OREGON

COUNTY OF JACKSON

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GLEN WEGNER, FELIX FLISCH, AND DAVID & ANITA WILLARD
TLE APPLGATE ROAD
JACKSONVILLE, OREGON 97530

confirms the right to use the waters of LITTLE APPLGATE RIVER, a tributary of APPLGATE RIVER, for the purpose of IRRIGATING 7.4 ACRES.

The right has been perfected under Permit 9389. The date of priority is NOVEMBER 12, 1929. The right is limited to not more than 0.093 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION; GIN LIN DITCH, NW 1/4 NE 1/4, SECTION 29, T 39 S, R 2 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 NW 1/4, SECTION 29, T 39 S, R 2 W, W.M.; UPPER PHILLIPS DITCH - 680 FEET SOUTH AND 9 FEET WEST FROM N1/4 CORNER, SECTION 29.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

SW 1/4 NW 1/4	1.2 ACRES
SE 1/4 NW 1/4	5.7 ACRES
NE 1/4 SW 1/4	0.5 ACRE
SECTION 19	
TOWNSHIP 39 SOUTH, RANGE 2 WEST, W.M.	

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered NOVEMBER 3, 1980, and together with certificate 50142, supersedes certificate 24479, 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.

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. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

2183

do w/T-2745

2

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

P-cont
FE

POD
POU
USE
Add'l POD

2892

Transfer No. 2746

County Jackson

Old Certificate No. 24479

1. Name Stuart V. Henson

Address _____

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

3. Use in 45.45 ac + dom.

4. Amount of Water 0.2 cfs 0.273 cfs

5. Priority Date 11-12-1929

6. Proposed Point of Diversion Upper Phillips Ditch 1) 680'S + 9'W + 2) 215'S + 790'W from N1/4 Cor., Sec 29, w/in NE1/4 NW1/4, Sec 29, T.39S, R.2W, W.M.

7. Completion Date 10-1-82

8. Place of Use:

41029-279-2842
7-9-88 BSG

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
39S	2W	19	NW NE	8.2 ac
			SE NW	8.4 ac
			SW1/4 NW1/4	1.2 ACRES
			SE1/4 NW1/4	5.7 ACRES
			NE1/4 SW1/4	0.5 ACRES
			TOTAL	7.4 ACRES

P-1077

INFO: TALKED TO GLEN WAGONER, OWNER, AND RECORDS KEEPER
OF PHILLIPS DITCH.

SOURCES LITTLE APPLEGATE

SYSTEM: GRAVITY FLOW FROM ESTABLISHED 1929 DITCH DIVERSION.
HEADGATES IN CANAL DELIVER WATER TO FIELDS.

C.F.S. FLOW IN DITCH = ~~4.0~~ 3.67 cfs. } WATER MASTER'S
WAGONER PROPERTY IS ALLOWED 0.68 cfs. } REGULATION
RECORD'S.

NO PUMPS.

NO EQUIPMENT.

LIFT: FALL.

TIE: 41029-279-284L T.O.U.

USE: PASTURE

Blue James WRE 7-9-86

$$\frac{74}{80} = \frac{9}{10} \text{ cfs}$$

REMARKS: TALKED TO LAND LEASER IN FIELD. MAX. STOCK = 125 HEAD
~~25 CATTLE~~ BOB WILEY.

NO USE ON LAND IN NW⁴ NE⁴ SEC. 19.
LAND IS DRY, STAR-THISTLE HILLSIDE. OWNER & LEASER
STATED WATER COULD NEVER GET TO THAT STBT.

JACKSON CO. WATERMASTER BRUCE SUND AGREES WITH
SURVEY.

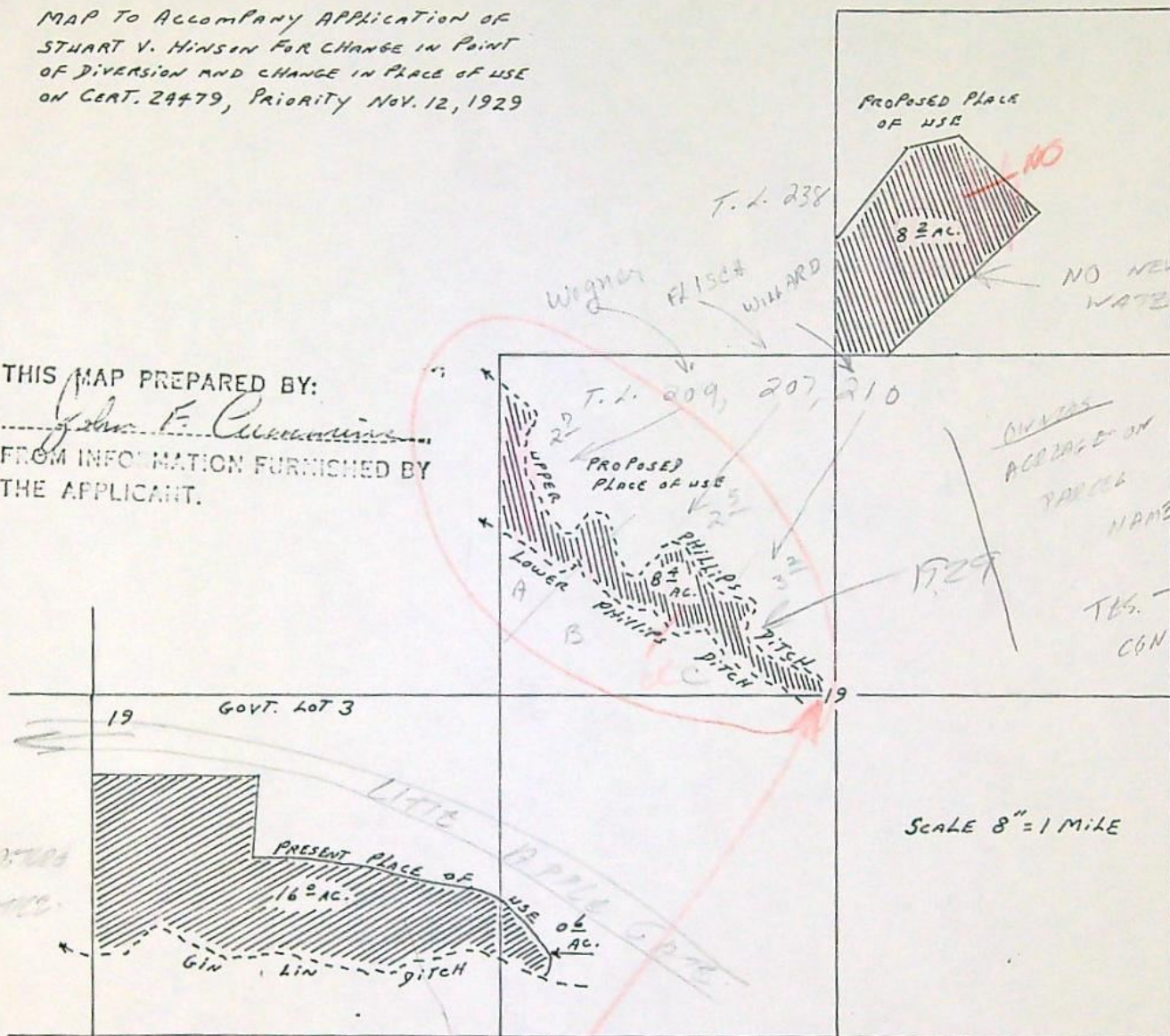
DRAFTING NOTES:

- * 3-2-87 - CHECKED ASSESSOR RECORDS -- PROPERTY IS SUBDIVIDED INTO 3 LOTS:
- (A) T.L. 209 - GLEN WAGONER, 4025 LITTLE APPLEGATE RD, JACKSONVILLE, OK 72530
 - (B) T.L. 207 - FELIX FAISCH, 4035 LITTLE APPLEGATE RD, "
 - (C) T.L. 210 - DAVID & ANITA WILLARD, 4055 LITTLE APPLEGATE RD, "

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. 24479, PRIORITY NOV. 12, 1929

THIS MAP PREPARED BY:
John F. Cummings
FROM INFORMATION FURNISHED BY
THE APPLICANT.



T-2746

OWNER'S
ADDRESS ON
PARCEL
NAME, ON MAPS.
TBS. - PHONE
CONVERSATION
7-10-26.

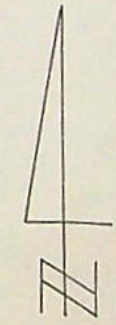
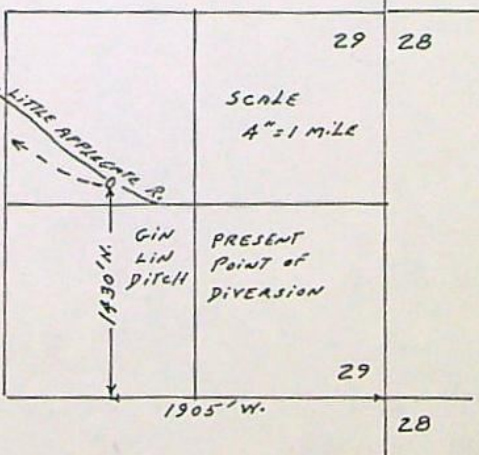
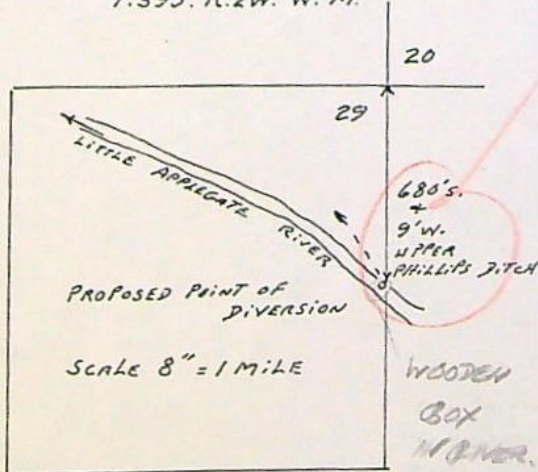
SCALE 8" = 1 MILE

LENDER: JACK HOFFMAN

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

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

HEADINGS OFFICER'S



5-11-27

(T-2746)
60845

Surface

T-2746

STATE OF OREGON
COUNTY OF JACKSON
CERTIFICATE OF WATER RIGHT

This Is to Certify, That FIRST NATIONAL BANK OF ASHLAND & ARMIN RICHTER

of Route 2, Box 25, Jacksonville, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Little Applegate River a tributary of irrigation of 43.57 acres under Permit No. 9389 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from November 12, 1929

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.75 cubic foot per second 0.54

0.093

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the of the Gallagher ditch is located in the NW 1/4 NW 1/4, Section 26; the point of diversion of the Gin Lin ditch is in the NW 1/4 NE 1/4, Section 29, and the point of diversion of the Upper Phillips ditch is in the NE 1/4 NW 1/4, Section 29, all in Township 39 South, Range 2 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

- 2.08 acres in the SW 1/4 NW 1/4
12.70 acres in the NE 1/4 SW 1/4
30.67 acres in the NW 1/4 SW 1/4
1.02 acres in the SE 1/4 SE 1/4
Section 19,
8.12 acres in the NE 1/4 NW 1/4
5.58 acres in the NW 1/4 NW 1/4
Section 29,
Township 39 South, Range 2 West, W. M.

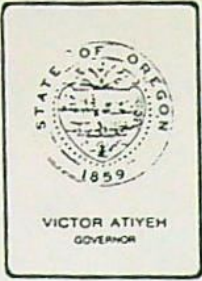
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 24479, Volume 17, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Nov 3, 1980, approving transfer application No. 2746.

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

Signature of the State Engineer, affixed
this 24th day of November, 1958.
/s/ LEWIS A. STANLEY
State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 24479.

T#2746
50142



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)

F-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.

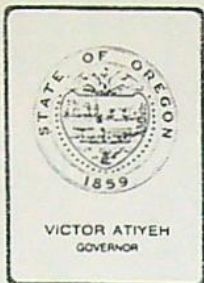
Sincerely,

JAMES E. SEXSON
Director

JES:jt

3884B

B. WNP



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

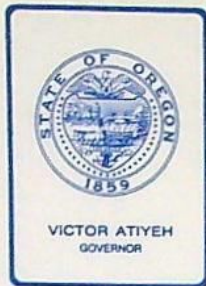
The orders approving Transfers 2745 and 2746 gave the completion date of October 1, 1982. There has never been an extension of time requested, nor one granted. The paper you attached is for new Permit 45829, and has no bearing on the transfers.

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
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.

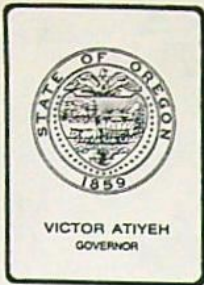
If you do not respond within 60 days, a survey will be scheduled to determine the actual use of water.

Sincerely,

LUCILLE C. JENSEN
Secretary
Transfer Section

LCJ:wpc
2194A
3322B

COPY



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.

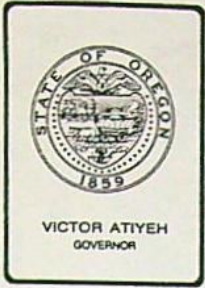
The date of service is the date of this letter.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:eh
cc: David Hendrix, Watermaster

CERTIFIED MAIL, RRR
Separate mailings



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

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

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

2745

(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.

2746
(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.

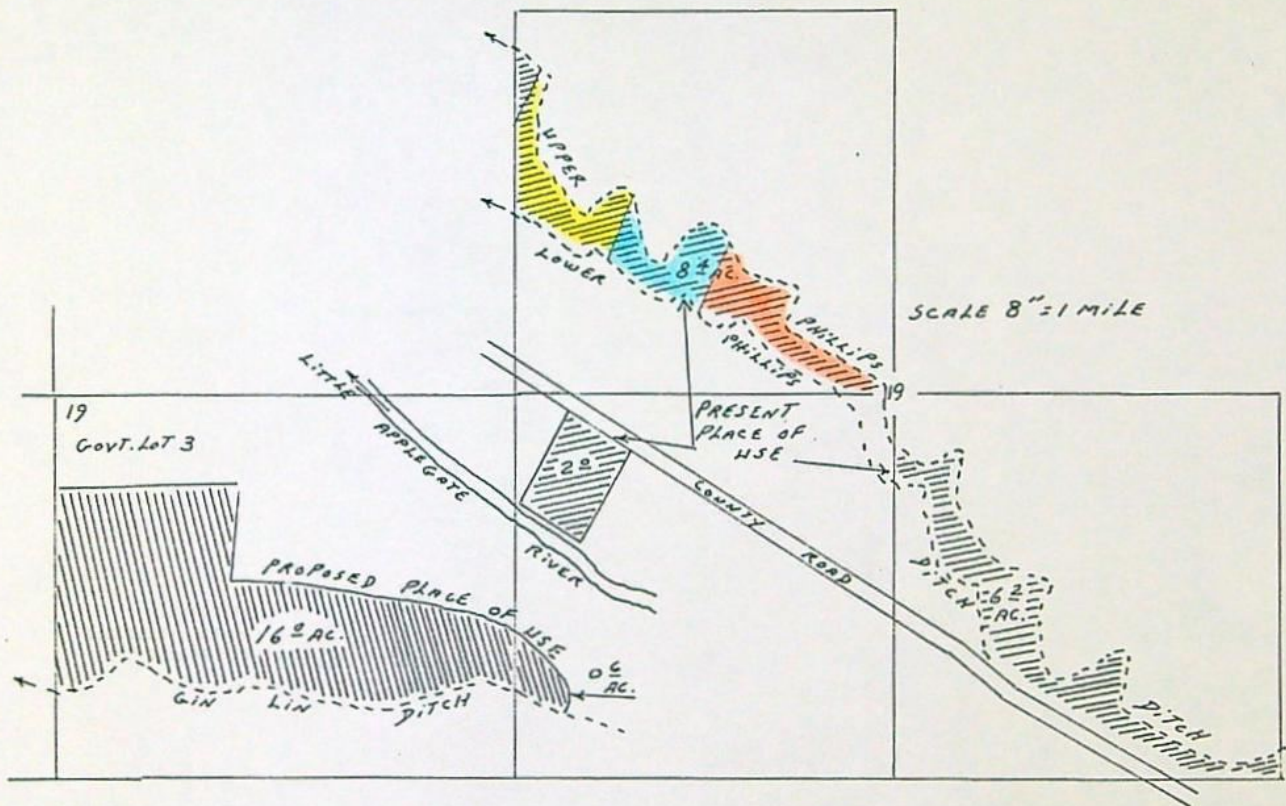
Protestants Glen F. and Helen A. Wegner and Ralph and June Richards were present at the hearing and were represented by Thomas C. Howser, Attorney at Law, of the firm of Cottle, Howser and Hampton of Ashland, Oregon. The applicant, Stuart V. Hinson, was present and was represented by Larry C. Hammack, 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. 39 S. R. 2 W. 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;

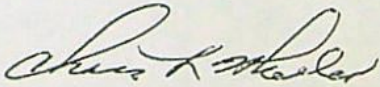
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work, and that the weir or measuring device be installed under the general supervision of said watermaster.

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, *etc.*

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.

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FIRST NATIONAL BANK OF ASHLAND and
ARMIN RICHTER

of Route 2, Box 25, Jacksonville, State of Oregon 97530, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
Little Applegate River

a tributary of Applegate River for the purpose of
irrigation of 43.57 acres

under Permit No. 9389 and that said right to the use of said waters has been perfected in
accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from
November 12, 1929
that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.54 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion ~~is located in the~~ for the Gallagher Ditch is located in the NW $\frac{1}{4}$
NW $\frac{1}{4}$, Section 26; for the Gin Lin Ditch is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29; and for
the Upper Phillips Ditch is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, all T39S, R2W, WM.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eighth of one cubic foot per second
per acre,

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

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

2.08 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.12 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
12.10 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.58 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
14.67 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 29
1.02 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$	
Section 19	Township 39 South, Range 2 West, WM

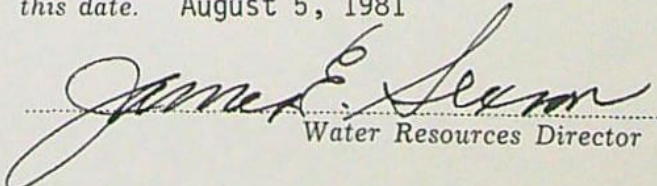
This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 24479, Volume 17, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on November 3, 1980, approving Transfer Application 2746.

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.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place
of use herein described and is subject to the existing minimum flow policies established by the
Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. August 5, 1981


Water Resources Director

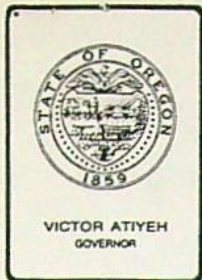
CERTIFICATE OF
WATER RIGHT

STATE OF OREGON
to

STATE OF OREGON, }
County of } ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume
of Record of Water Right Certificates, at
page on the day
of, 19.....

County Clerk



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

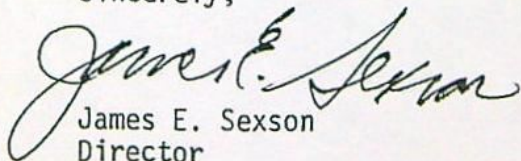
Dear Mr. Howser:

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

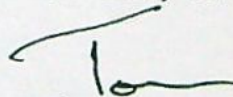
Re: Hinson/Wegner/Richards
Our File No. 5551
Your File No. T-2745-T-2746

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

JUN 23 1980

WATER RESOURCES DEPT
SALEM, OREGON

1 BEFORE THE WATER RESOURCES BOARD OF THE STATE OF OREGON

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

AMENDED OBJECTIONS

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

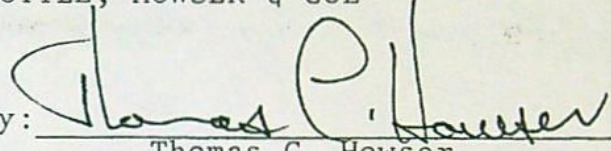
- 11 1. Such propsed changes will have an adverse affect upon the
12 Objectors.
- 13 2. The Applicant transferred said property prior to publication
14 of any notices regarding said transfer, the water rights passed
15 to objectors as an appurtenance and petitioner has no standing
16 relative thereto.
- 17 3. The Application for Transfer is not timely filed with respect
18 to sales of property by the Applicant which are appurtenant to the
19 water rights nor timely prosecuted, consisting of laches.
- 20 4. Petitioner is equitably estopped from maintaining this position
21 as objectors purchased without knowledge of the proposed change,
22 in reliance upon such water rights and Petitioner failed to advise
23 them relative thereto when he knew or should have known that such
24 matter was a material factor to plaintiff's purchase and use of
25 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

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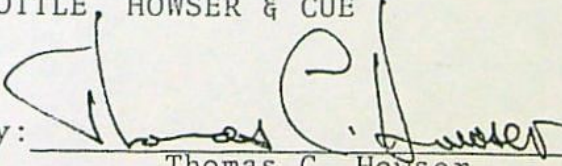
BEFORE THE WATER RESOURCES BOARD OF THE STATE OF OREGON

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

RECEIVED

T-2746

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, Jacksonville,
(Mailing address) (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. 1st National Bank of Ashland, and Armin Richter.
(If not, give name)

2. Was your water right determined by Decree of Court? No. If so, give title of proceedings
(Yes or No)
..... number of certificate

3. Was your water right acquired by Water Right Permit? Yes. If so, give number
(Yes or No)
of permit 9389..... Number of certificate 24479.....

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? November 12, 1929.

6. The authorized point of diversion is located 1430 ft. N. and 1905 ft. W. from the E $\frac{1}{4}$
(N. or S.) (E. or W.)
corner of 29 being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ 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 Gin Lin Ditch.

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

7. The proposed point of diversion is located 680 ft. S. and 9 ft. W. from the N $\frac{1}{4}$
(N. or S.) (E. or W.)
corner of Sec. 29 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ 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 to be used is Upper Phillips Ditch.

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-DEK)

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.

[Signature]
(Name of applicant)

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

[Notarial Seal]

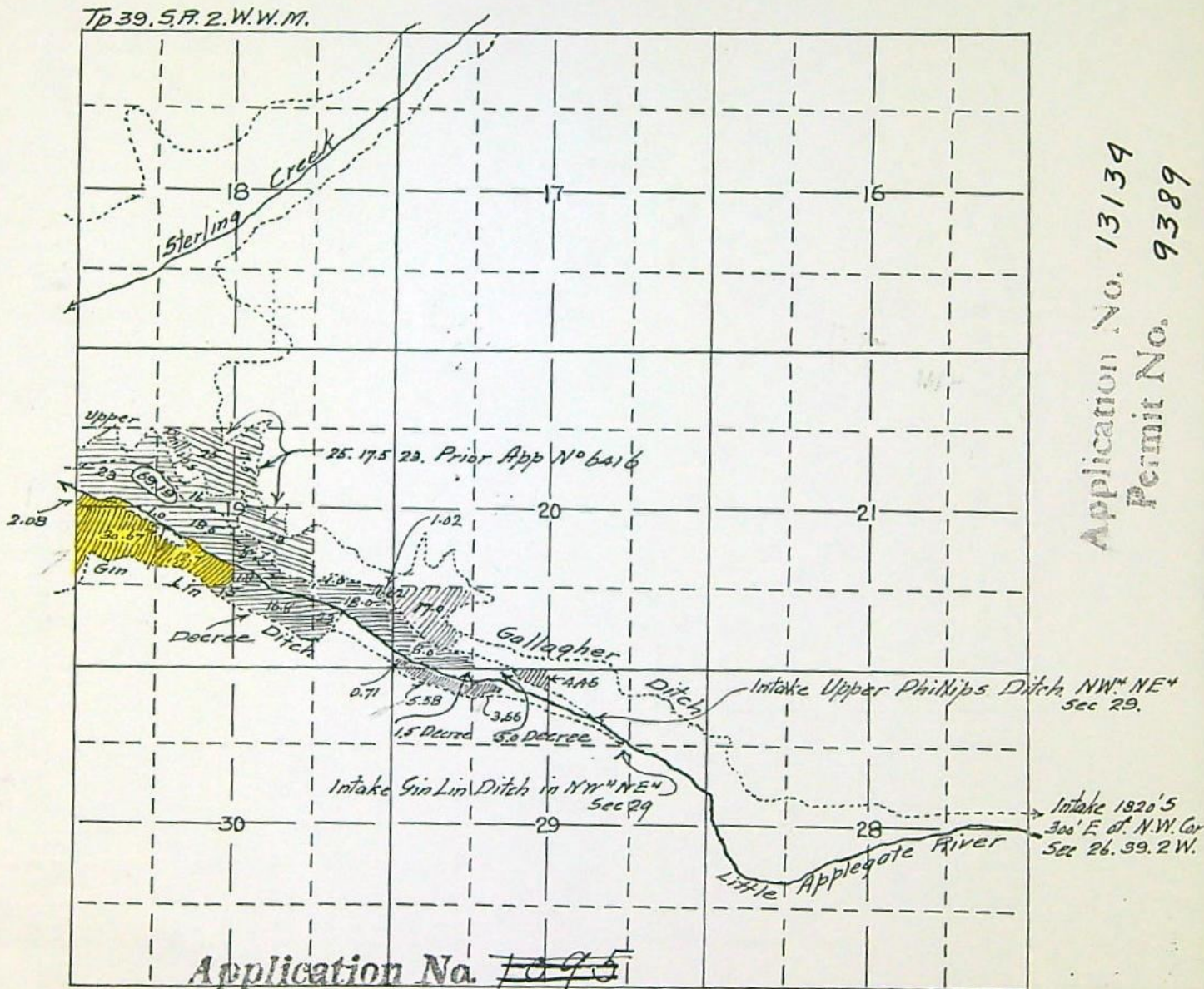
David L. Hendrix
NOTARY PUBLIC FOR OREGON

My commission expires Nov. 3, 1980

MAP

Accompanying application of A. S. KLEINHAMMER of Jacksonville, Oregon. for permit to the waters of Little Applegate River, tributary to Rogue River, through the Gallagher and Gin Lin ditches. Jackson County Oregon.

March 1920.



Application No. 13134
Permit No. 9389

Application No. ~~1095~~
Permit No. ~~493~~

Decreed.
This Application

Map made from notes of an actual survey in the field by C. Frank Rhodes, correctly showing lands to be irrigated, together with streams and ditches in immediate vicinity, compiled by.

Application No. 13134
Permit No.

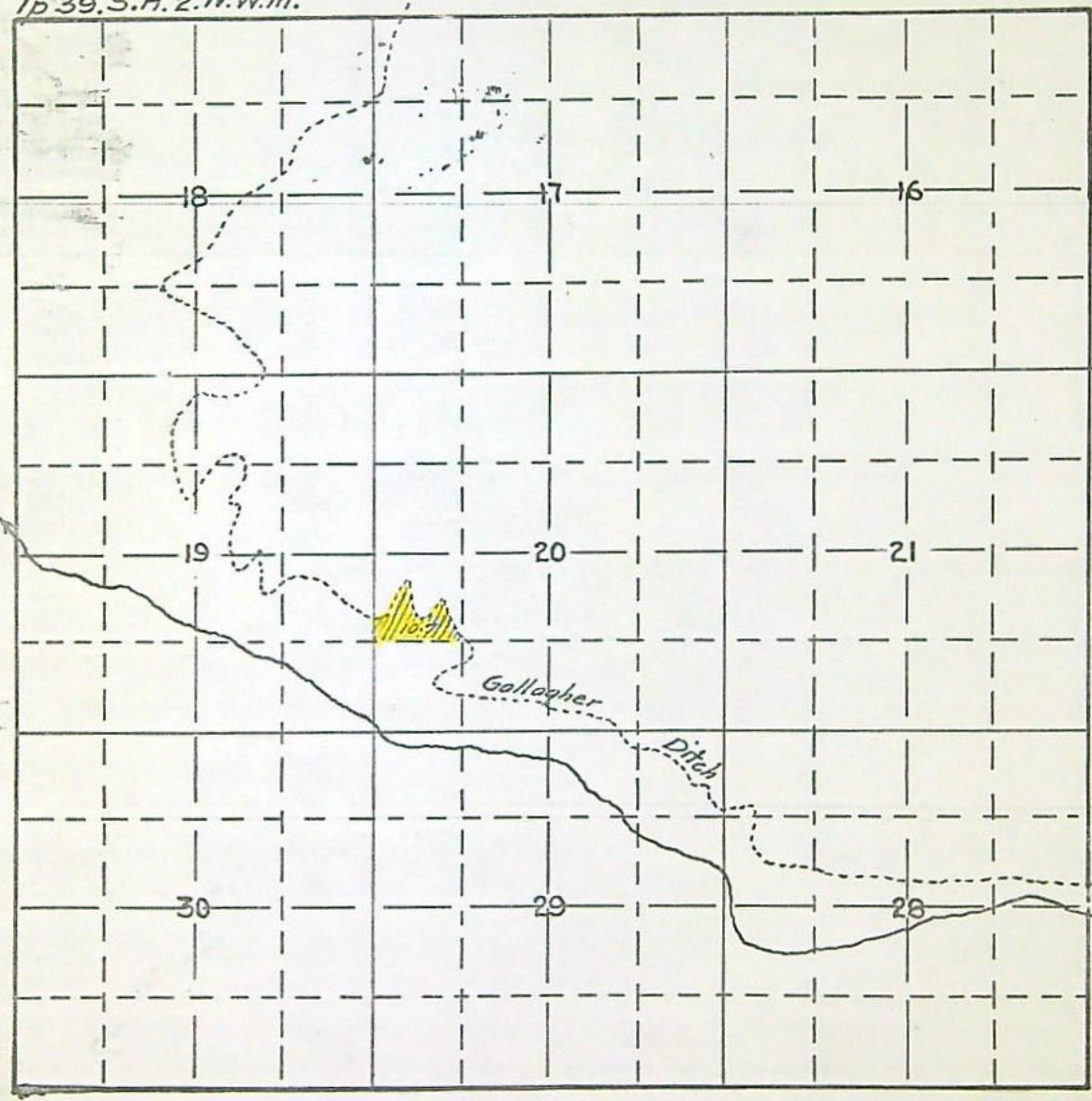
Fred. N. Cummings, C.E.

MAP

Accompanying Application of WALTER ZEIDLER of Jacksonville, Jackson County, Oregon. for permit to the waters of Little Applegate River. tributary to Rogue River Jackson County, Oregon.

Medford, Oregon.
March, 1920.

Tp 39. S. R. 2. W. W. M.



NOTE:
Div Pt changed to
Upper Phillips Ditch
680 ft S & 9 ft W
from N 1/4 Cor of Sec 29
being within NE 1/4 NW 1/4
of Sec 29, T 39 S, R 2 W
by order of State
Engineer entered
9/30/58 approving
transfer application
No. R-57

Intake 1320' S 900' E
of NW 1/4 Cor of
Sec 26.
Tp 39.5 R 2. W. W. M.

Map made from notes in the field from an actual survey by C. Frank Rhodes, the same correctly showing the lands to be irrigated, together with streams and ditches in the immediate vicinity. compiled by

Fred. N. Cummings. C.E.

Application No. 7094
Permit No. 4492

CERT No 5292

70 72-04329

2

72-00751

WARRANTY DEED

5

KNOW ALL MEN BY THESE PRESENTS, that Carolyne 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: *new number 392W19-200* *292W-3300*

49-1/2

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.

700
W
72-052112

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. 70-06392, 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 77.38 feet; thence along the arc of a 636.62 foot radius curve to the left for a distance of 499.57 feet (the long chord of which curve bears South 75°44'35" East, 487.22 feet); thence North 31°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 375.23 feet (the long chord of which curve bears South 49°57'05" 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 954.93 foot radius curve to the left for a distance of 416.34 feet (the long chord of which curve bears South 53°03'35" East, 413.05 feet); thence South

Lot 2, Box 100
JACKSONVILLE

Inst in 392W19-200

1-17-72

RECEIVED
MAY 17 1977
WATER RESOURCES DEPT
SALEM, OREGON