

2372
 772 Koa Hill Loop
 Sunny Valley, Ore. 97147

2370

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in Point of Diversion
 Date filed May 4, 1970
 Date of hearing July 6, 1971
 Place of hearing Grants Pass Ore
 Date of order 7-6-71 Vol. 21, page 153
 Date for application of water 10-1-72 ext. 10-1-73
 Proof mailed _____
 Proof received _____
 Certificate issued SEP 30 1971 Vol. 29, page 37666
JUL 23 1979 TH 4/47 48367
8-6-99JS

Name of stream Grave Creek
 Trib. of - County of Josephine
 Use Irrigation
 Quantity of water 0.11 cfs No. of acres 7.50
 Name of ditch Harkness
 Date of priority 1863
 In name of H.R. Mehrbas
Rogue River Adjudication, Vol. 4, page 37 col. 2
 App. No. _____ Per. No. _____ Cert. No. 16529
 Certificate cancelled _____
 Notation made on record by slu

Date	Amount	Receipt No.
5/4/70	25.00	18466
5/4/70	30.00 FOR	18467
TOTAL . . .		
6-7-71	\$2 -\$1 Cert. Fee	from Pub. of Not.
7-16-79	8.50	12855

FEES REFUNDED

Date	Amount	Check No.
6-7-71	1.48 Pub. of Not.	4252

REMARKS

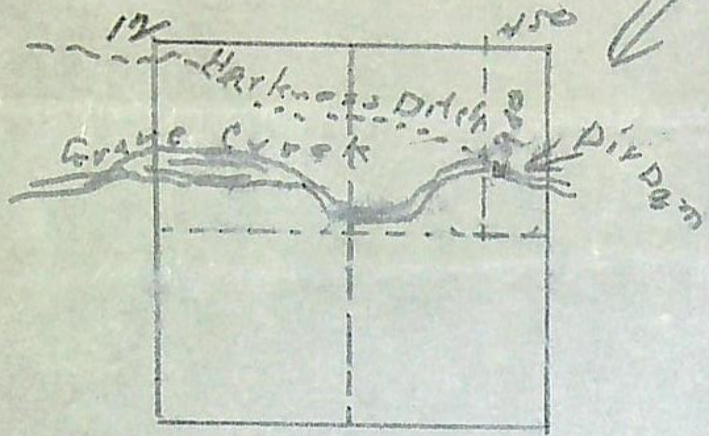
See 9-25-72 memo on Oct 24 ← (unable to locate 5-2-79)
ASSIGNED 4-4-79
to Robert Shepherd, 994 Meadow Drive, Sparks, NV 89431 Page 530, Vol 6

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>slu</u>	_____
<input checked="" type="checkbox"/> Stream	<u>slu</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>slu</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>slu</u>	_____
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>slu</u>	_____
<input checked="" type="checkbox"/> Decree-vault	<u>slu</u>	_____
<input checked="" type="checkbox"/> Decree-safe	<u>slu</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>slu</u>	_____
<input type="checkbox"/> Per. Folder	_____	_____
<input type="checkbox"/> Chainindex	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input type="checkbox"/> Power Claim	_____	_____
<input type="checkbox"/> Abstracts	_____	_____

RECEIVED
 APR 27 1970
 STATE ENGINEER
 SALEM, OREGON

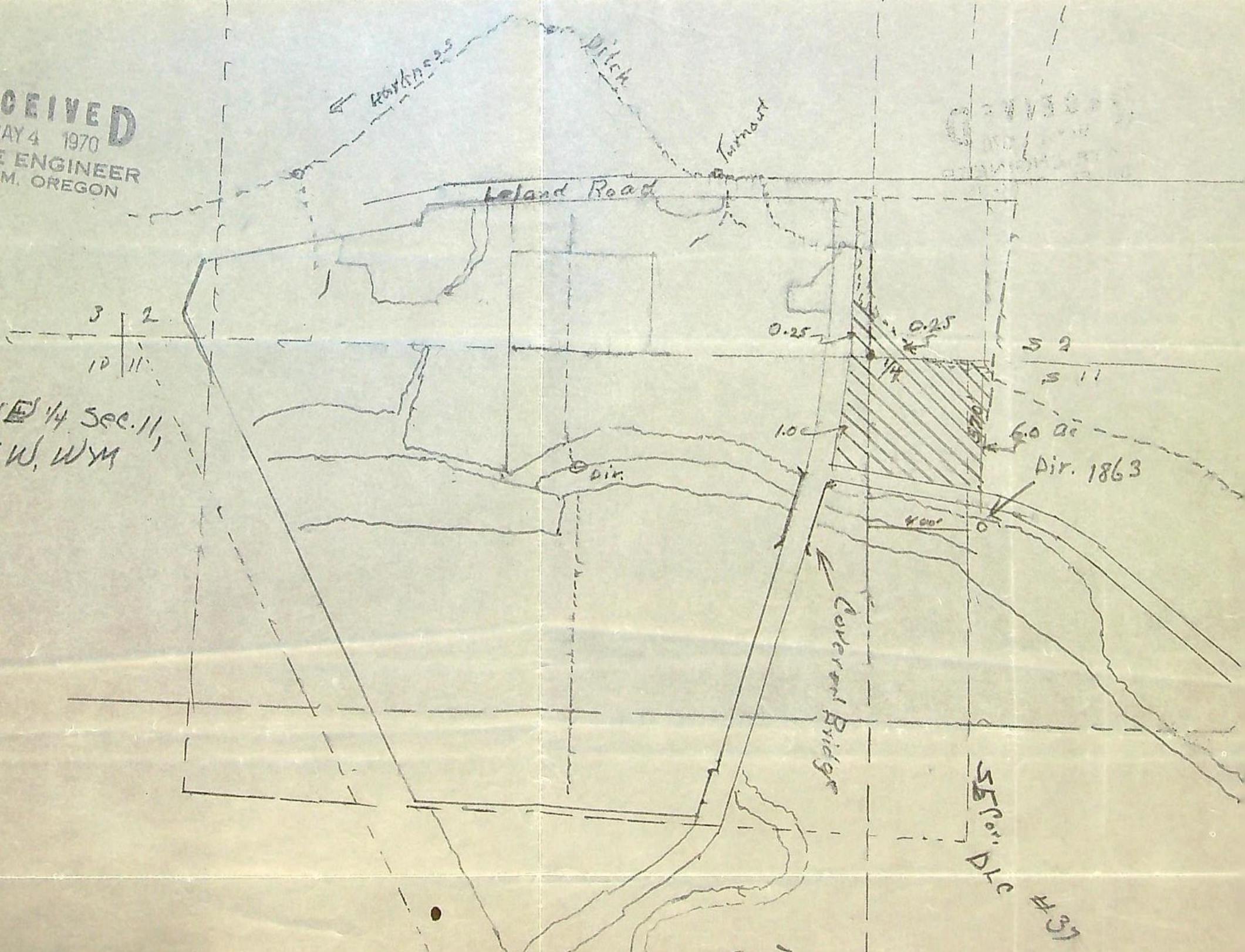
NE 1/4 SE 1/4 Sec. 12 T 34 S
 R 6 W M in Josephine County

Application for Transfer
 of Water Right
 Raymond H. Morris and
 Jennie Morris
 in Sections 2 and 11
 T 34 S R 6 W M
 in Josephine County OR
 1" = 400'



RECEIVED
 MAY 4 1970
 STATE ENGINEER
 SALEM, OREGON

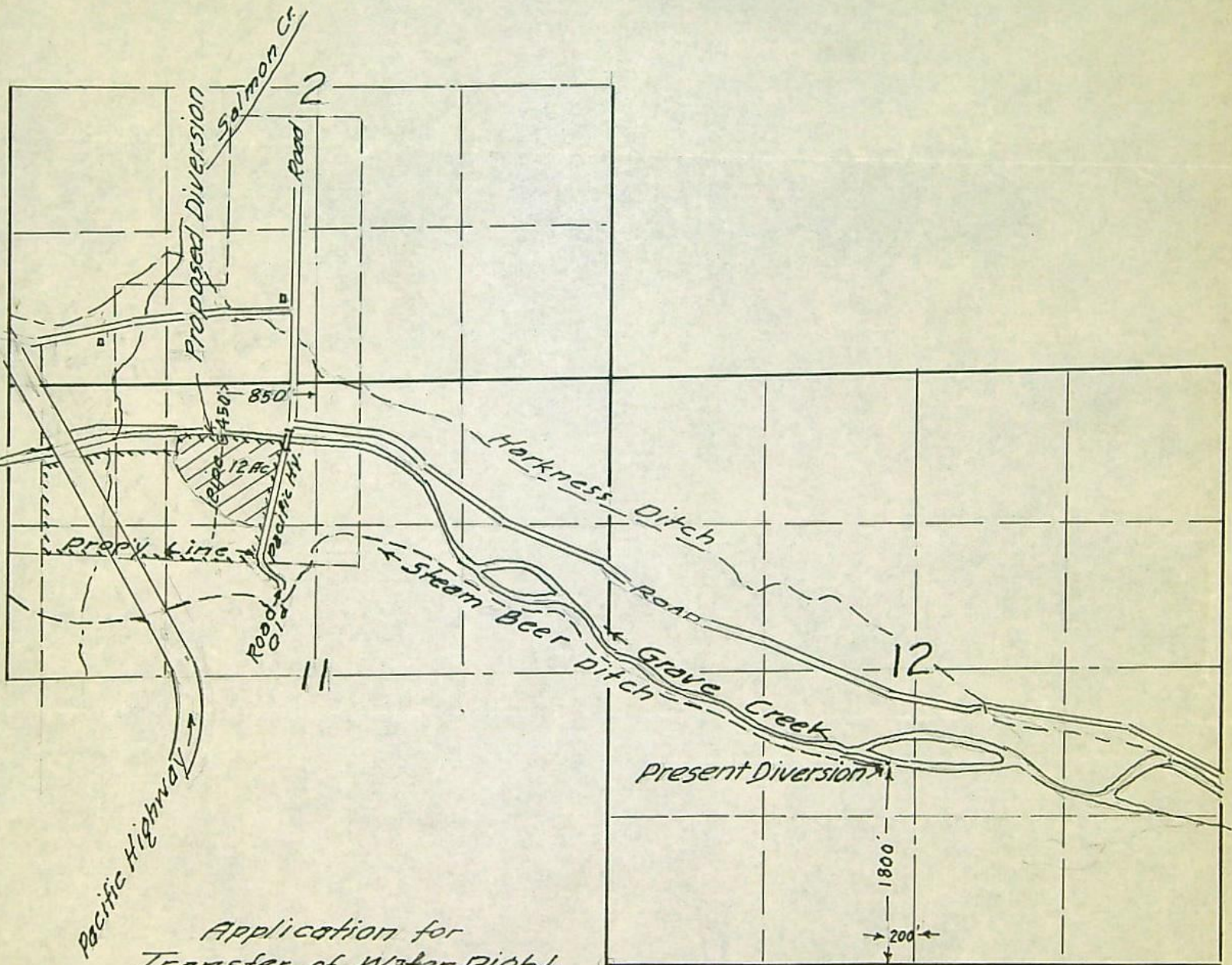
NW 1/4 NE 1/4 Sec. 11,
 T 34 S R 6 W, WYM



T. 34 S., R. 6 W., W.M.

Scale 4" = 1 mile

Dec. 1954



Application for
Transfer of Water Right
Frank E. Price.

RECEIVED
DEC 13 1954
STATE ENGINEER
SALEM, OREGON

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRANK E. PRICE and H. R. NEHRBAS

of Sunny Valley, State of Oregon, has a right to the use of the waters of Grave Creek

a tributary of Rogue River for the purpose of irrigation of 18 acres in Tract No. 1 and irrigation of 31.7 acres in Tract No. 2 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 1891 for Tract No. 1, and 1863 for Tract No. 2

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 0.30 cubic foot per second for Tract No. 1, and 0.53 cubic foot per second for Tract No. 2.

The point of diversion is located in the Tract No. 1: NE 1/4 NW 1/4, Section 11, NE 1/4 SW 1/4, Section 12; Tract No. 2: NE 1/4 SE 1/4, Section 12; T. 34 S., R. 6 W., W. M. Diversion points located below:

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

Tract No. 1 (South side of Grave Creek)

12.0 acres NE 1/4 NW 1/4
6.0 acres NW 1/4 NE 1/4
Section 11

Tract No. 2 (North side of Grave Creek)

3.0 acres SW 1/4 SW 1/4
14.1 acres SE 1/4 SW 1/4
3.8 acres SW 1/4 SE 1/4
Section 2

2.1 acres NW 1/4 NE 1/4
8.7 acres NE 1/4 NW 1/4
Section 11

T. 34 S., R. 6 W., W. M.

Diversion points located: Pump - 450 feet South and 850 feet West from NW 1/4 Corner, Section 11; Steen Beer Ditch - 1800 feet North and 200 feet West from SW 1/4 Corner, Section 12; Harkness Ditch - 900 feet South and 450 feet West from E 1/4 Corner, Section 12.

Certificate of water right issued to H. R. Nehrbas and recorded at page 16529, Volume 13, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 56.0 acres. A change in the right to the use of water appurtenant to 6.3 acres was approved by order of the State Engineer entered July 6, 1971. This certificate is issued to confirm the remaining right to the use of water for irrigation and to confirm a change in point of diversion approved by an order of the State Engineer entered February 21, 1955, and supersedes the certificate heretofore issued to H. R. Nehrbas.

*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 State Engineer, affixed

this date September 30 , 19 71.

.....CHRIS L. WHEELER.....
State Engineer

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ROBERT SHEPHERD

of 894 Glen Meadow Drive, Sparks, State of Nevada, 89431, has a right to the use of the waters of Grave Creek

a tributary of Rogue River for the purpose of irrigation of 6.3 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 WATER RESOURCES DIRECTOR, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1863

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 0.11 cubic foot per second, if available at the original point of diversion; NE 1/4 SE 1/4, Section 12, T. 34 S., R. 6 W., W. M., 900 feet South and 450 feet West from the E 1/2 Corner, Section 12

The point of diversion is located in the NE 1/4 NW 1/4, as projected within Twogood DLC 37, Section 11, T. 34 S., R. 6 W., W. M., 520 feet South and 120 feet West from the N 1/2 Corner, Section 11

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

- Tract No. 2
(North Side of Grave Creek)
0.9 acre SE 1/4 SW 1/4
0.2 acre SW 1/4 SE 1/4
Section 2
3.9 acres NW 1/4 NE 1/4
1.3 acres NE 1/4 NW 1/4
Section 11
All as projected within Twogood DLC 37
T. 34 S., R. 6 W., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered July 6, 1971 and together with certificate of water right recorded on Page 37666, Volume 29, State Record of Water Right Certificates supersedes certificate of water right recorded on Page 16529, Volume 13, State Record of Water Right Certificates.

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

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 July 23, 1979

[Signature]
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 41, page 48367

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF FRANK E. PRICE FOR THE APPRO-)
VAL OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM GRAVE CREEK.)

O R D E R

APPROVING APPLICATION

On December 13, 1954 Frank E. Price of Sunny Valley, Oregon, filed an application for the approval of a change in point of diversion of water from Grave Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and Its Tributaries, adjudicated a water right in the name of H. R. Nehrbas for the irrigation of, among other lands, 12 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 34 South, Range 6 West, W. M., from Grave Creek with a date of priority of 1891. These lands are irrigated through the Steam Beer ditch, the point of diversion of said ditch being located 1800 feet north and 200 feet west from the South Quarter Corner of Section 12, and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 12, Township 34 South, Range 6 West, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said 12 acres by means of a pumping plant, the point of diversion of said pumping plant to be located 450 feet south and 850 feet west from the North Quarter Corner of Section 11, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 11, Township 34 South, Range 6 West, W. M.

Notice by publication as provided by ORS 540.520 was given in the Grants Pass Bulletin, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks, being the issues of

2/21/1955
V 8 pg 310-312

December 23 and 30, 1954 and January 6, 1955. The time for hearing as fixed in the notice, namely: February 20, 1955, was not less than thirty days after the last publication of said notice.

Mr. Tom R. Pearce, Watermaster of District No. 16, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion of water from Grave Creek may be made without injury to existing rights, the application should be approved.

NOW THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Grave Creek, to-wit:

From a point located 1800 feet north and 200 feet west from the South Quarter Corner of Section 12, and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 12, Township 34 South, Range 6 West, W. M.,

To a point to be located 450 feet south and 850 feet west from the North Quarter Corner of Section 11, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 11, Township 34 South, Range 6 West, W. M.,

for the irrigation of 12 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 34 South, Range 6 West, W. M., with a date of priority of 1891, be and the same hereby is approved.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1955 or within such extension of time as may be granted by the State Engineer for good cause shown.

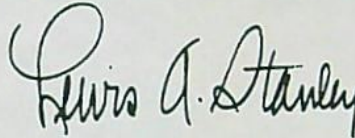
It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices:

That the pumping plant be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled.

That the location of the pumping plant and channel to convey the water to the pump and the plans of the headgate and weir or measuring device be approved before the beginning of construction work by the watermaster of Josephine County, Oregon, and that the headgate and weir or measuring device be constructed under the general supervision of said watermaster.

Dated at Salem, Oregon this 21st day of February 1955.



LEWIS A. STANLEY
State Engineer

*Noted on Decree
V.1. 4. p. 37 col. 2
Cert. 16529*

Supersedes No. 37666
Cert. No. 37666
Tr. Sp. Or. Vol. 13

Old
copy
none
304

STATE OF OREGON
COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Robert Sheperd
H. R. Nehrbas
of 894 Glen Meadow Drive
Ieland Sparks, State of Oregon NV. 89431, has a right to the use of
the waters of Grave Creek, a tributary of Rogue River

for the purpose of ~~irrigation of 18 acres in Tract No. 1, and irrigation of 38 acres in~~
~~Tract No. 2,~~ ^{6.3}
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 1891 for Tract No. 1, and 1863 for Tract No. 2;

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 ~~0.30 cubic foot per~~
~~second for Tract No. 1, and 0.64 cubic foot per second for Tract No. 2.~~ ^{0.11} *if available*

at the original point of diversion; NE 1/4 Sec 12 T34S R6W W1M, 900's 450' W from the E 1/4 cor
A description of the lands irrigated under such right, and to which the water is appurtenant (or, *Sec 12*
if for other purposes, the place where such water is put to beneficial use), is as follows:

Tract No. 1 (~~South side of Grave Cr.~~)

* *Chg. in pt. of div.*
Sp. Or. Vol. 8, p. 310.

* ~~12 acres in NE 1/4 NW 1/4~~
~~6 acres in NW 1/4 NE 1/4~~
~~Section 11,~~
~~T. 34 S., R. 6 W., W. M.~~

Tract No. 2 (*North side of Grave Creek*) ¹³

~~3 acres in SW 1/4 SW 1/4~~
0.9 ~~15 acres in SE 1/4 SW 1/4~~
0.2 ~~4 acres in SW 1/4 SE 1/4~~
~~Section 2,~~
3.9 ~~6 acres in NW 1/4 NE 1/4~~
1.3 ~~10 acres in NE 1/4 NW 1/4~~
~~Section 11,~~
~~T. 34 S., R. 6 W., W. M.~~

All as proj w/in Twoood DLC 37

This certificate is issued to confirm a change in point of diversion approved
by an order of the WRD entered July 6 1971 and together with certificate
of water right recorded on Page 37666, Volume 29, SRWRC supersedes
certificate of water right recorded on Page 16529, Volume 13, SRWRC.

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

WITNESS the signature of the State Engineer, affixed

this 30 day of September, 1949.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16529

48367

P.O.D.: NE 1/4 NW 1/4 w/in Twoood DLC 37, Sec 11 T34S R6W W1M
520's 120' W from the N 1/4 cor Sec 11

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION)
OF RAYMOND H. MORRIS FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM GRAVE)
CREEK)

ORDER APPROVING
TRANSFER NO. 2372

On May 4, 1970, Raymond H. Morris filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Grave Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Josephine County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of H. R. Nehrbas for the use of the waters of Grave Creek for the irrigation of, among other lands, 0.9 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.2 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, 3.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 34 South, Range 6 West, W.M., with a date of priority of 1863. This right is evidenced by certificate recorded at page 16529, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Harkness Ditch from a point of diversion located 900 feet south and 450 feet west from the E $\frac{1}{4}$ corner of Section 12 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 34 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 570 feet south and 400 feet east from the S $\frac{1}{4}$ corner of Section 2 being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 34 South, Range 6 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Grants Pass, Oregon, on July 6, 1971, at 9:30 a.m. The notice was published in the Grants Pass Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of May 12, 19, and 26, 1971. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert B. Steimer, Watermaster of District No. 14, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Grave Creek, to-wit:

From a point located 900 feet south and 450 feet west from the E $\frac{1}{4}$ corner of Section 12 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 34 South, Range 6 West, W.M.

To a point to be located 570 feet south and 400 feet east from the S $\frac{1}{4}$ corner of Section 2 being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 34 South, Range 6 West, W.M.

for the irrigation of 0.9 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.2 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, 3.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 34 South, Range 6 West, W.M., with a date of priority of 1863, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1972.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed 0.11 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device 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 certificate of water right heretofore issued to H. R. Nehrbas and recorded at page 16529, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Raymond H. Morris confirming said change in point of diversion.

Dated at Salem, Oregon, this 6th day of July, 1971.

/s/ CHRIS L. WHEELER
State Engineer

NOTICE OF FILING APPLICATION FOR A
CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Raymond H. Morris has filed an application for the approval of a change in point of diversion of water from Grave Creek.

In the Rogue River Adjudication proceedings, a water right was established in the name of H. R. Nehrbas for the use of the waters of Grave Creek for the irrigation of, among other lands, 0.9 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.2 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, 3.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 1.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 34 S., R. 6 W., W.M., with a date of priority of 1863. These lands are irrigated by means of the Harkness Ditch from a point of diversion located 900 ft. S and 450 ft. W from the E $\frac{1}{4}$ corner of Sec. 12 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, T. 34 S., R. 6 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 570 ft. S and 400 ft. E from the S $\frac{1}{4}$ corner of Sec. 2 being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 11, T. 34 S., R. 6 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on July 6, 1971, 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 Raymond H. Morris, Sunny Valley, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 5th day of May, 1971.

CHRIS L. WHEELER
State Engineer



STATE OF OREGON

INTEROFFICE MEMO

TO: J. W. Carver

RECEIVED

DATE: May 22, 1980

MAY 27 1980

WATER RESOURCES DEPT
SALEM, OREGON

FROM: R. B. Steimer *RS*

SUBJECT: Frank Price, et al, property in Twp. 34S., R. 6W., Sec. 2 & 11

Dear Jim:

In the matter of the above, you and I talked about this in 1977 and decided at that time we would wait for further action until we heard from the next of kin. We have now heard from the next of kin and they want to know what is taking place with regard to the change in place of use Frank Price submitted just prior to his death.

NE				NW				SW				SE				APPLICA- TION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER	
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
								DLC37 Lot3				-DLC37- DLC38 Lot5 Lot4							
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																			
4130 4137				4145 4153															
								3 15				4				Dir-rec. Vol 4 P 37	16529		
												5 9				Dir-rec. Vol 4 P 40	16571		
3'																Dir-rec. Vol 4 P 40	16572		
				5 10 5'												5570	3399	3378	
Dom																8751	5716	5330	
												3°				22976	20358	20189	
				3 2				6 8 4°				superseded				29625	23337	26067	
1 2																30608	24099	27080	
																5 1956 8 1992			
												6 6 4°				29625	23337	29011	
																Dom	38544	28718	CANCELED
																RES RES	R-39060	R-3866	38076

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 345 RANGE 6W W. M. Card 2 SECTION 2

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER	
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																			
												0 8 4 8				39061	29166	38077	
																41216	30817	CANCELED	
								Res								R41675	R4702	39785	
												3 6 0 5				41867	31188	39786	
0 6																43308	32381	38081	
												3 2				43615	32613		
												0 1				4 2	46947	35134	48363
												3 2 14 1				3 8	T-2372	Y-21P153	37666
												0 2				0 2	T-2372	Y-21P153	48367
								0 5				1 2				39061	29166	38077	
								7 2 2 8								41867	31188	39786	
																Res	R-52215	R-6293	CANCELED
																52216	39311	CANCELED	

TOWNSHIP 34 S RANGE 6 W W. M. Card No. 1 SECTION 11

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
-DLC 37-				-DLC 37-				DLC 38										
Lot 1 Lot 2				Lot 4 Lot 5 Lot 3				Lot 6										
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
6				12												Decree, Vol 4 Page 37	16529	}
6				10												Decree, Vol 4 Page 37	16529	
				5 17 9												Decree, Vol 4 Page 37	16537	
				12				10								Decree, Vol 4 Page 37	16540	
								8								Decree, Vol 4 Page 38	16540	
																INCHONATE		
																Decree, Vol 4 Page 37		
15 12				3												Decree, Vol 4 Page 37	16539	
				06												Decree, Vol 16 Page 523		
																Findings, Vol 13 Page 434	33000	
2				2												19142 14740 CANCELLED		
				4												20373 15890 15324		
								Dam								23063 18161 19697		
																20679 22351 CANCELLED		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 34 S RANGE 6 W W. M. Card No. 2 SECTION 11

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
0 ³																28682	22584	20622
				4° 8 ^E 2° 6 ^W												29623	23335	26066
				3 ²												superseded - 29625 23337 26067		
				06												6-1950	6-1792	34162
				6 ^E												29625	23337	29011
				17°				5°								6-2553	6-2365	CANCELLED
																40159	39936	CANCELLED
																40637	30245	CANCELLED
																40750	36348	CANCELLED
																41216	30817	CANCELLED
6°				12°												P.A.A.		
2°				8°												T-2372	Y-21, P-153	37666
3°				13°												T-2372	Y-21, P-153	37666
																T-2372	Y-21, P-153	48367
																55822	41884	

2 3 3 3 7
3 2 1 6 3

Abstract of Decree

Rogue River Decree Vol. P.

Transfer
~~Stock~~ No. 2372

Name in decree H. R. Nehrbas
 (~~Raymond H. Morris~~) *Assigned*

Source Grave Creek, TRIB ROGUE RIVER

Ditch name

Priority date 1863

Amount of water 0.11 c.f.s.

Use Irrigation

Point of diversion 520' S AND 120' W FROM N¹/₄ COR SEC 11

Number of acres 6.3

Robert Shepherd
994 Meadow Drive
Sparks, NV 89431

PTS 1974-W
9/15/74 LMT

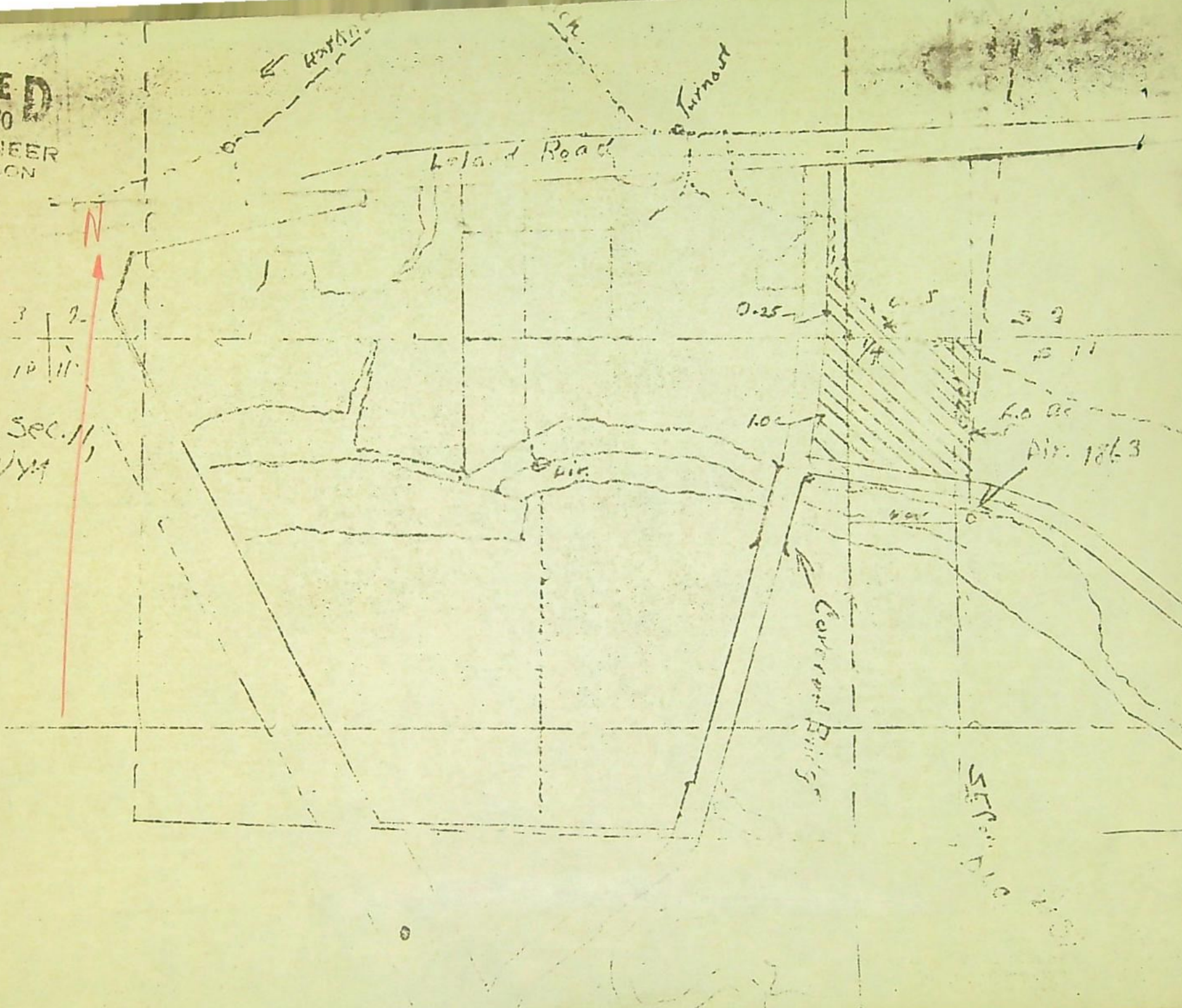
DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄			
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄
34S	6W	2																
		11		3.9				1.3						0.9				0.2

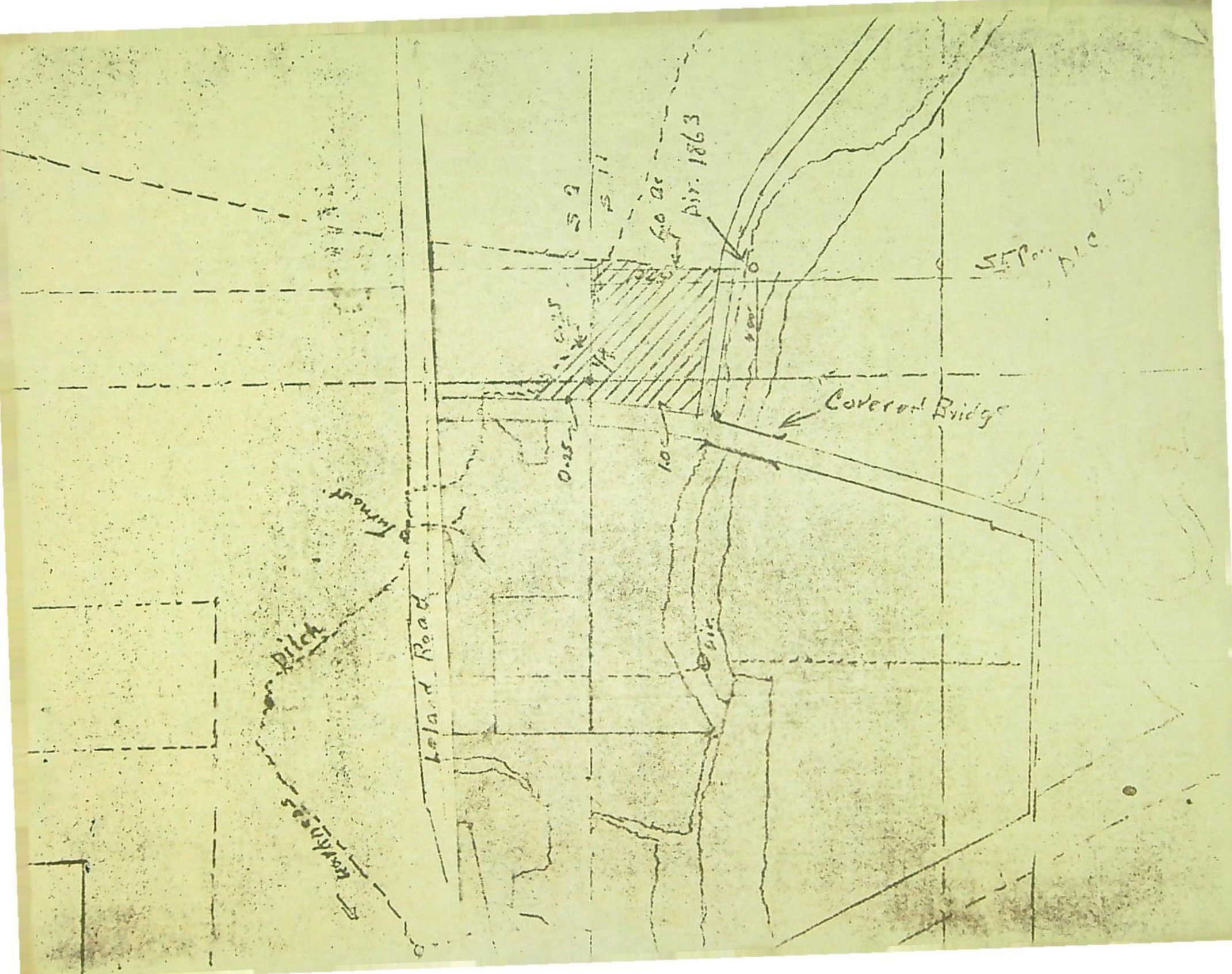
Remarks: Certificate 16529 is canceled.
 Special Order Volume 21, page 153

RECEIVED
MAY 4 1970
CIVIL ENGINEER
PORTLAND, OREGON

N
3 2
10 11
NE 1/4 Sec. 11,
T. 14, W. 4



SEPT 1955



MAY 1970
ENGINEER
EM. OREGON

← *Highway*

Turnout

Leeland Road

3 2
10 11

NE 1/4 Sec. 11,
(W, WYM)

0.25

S 2

S 11

100

60 ac

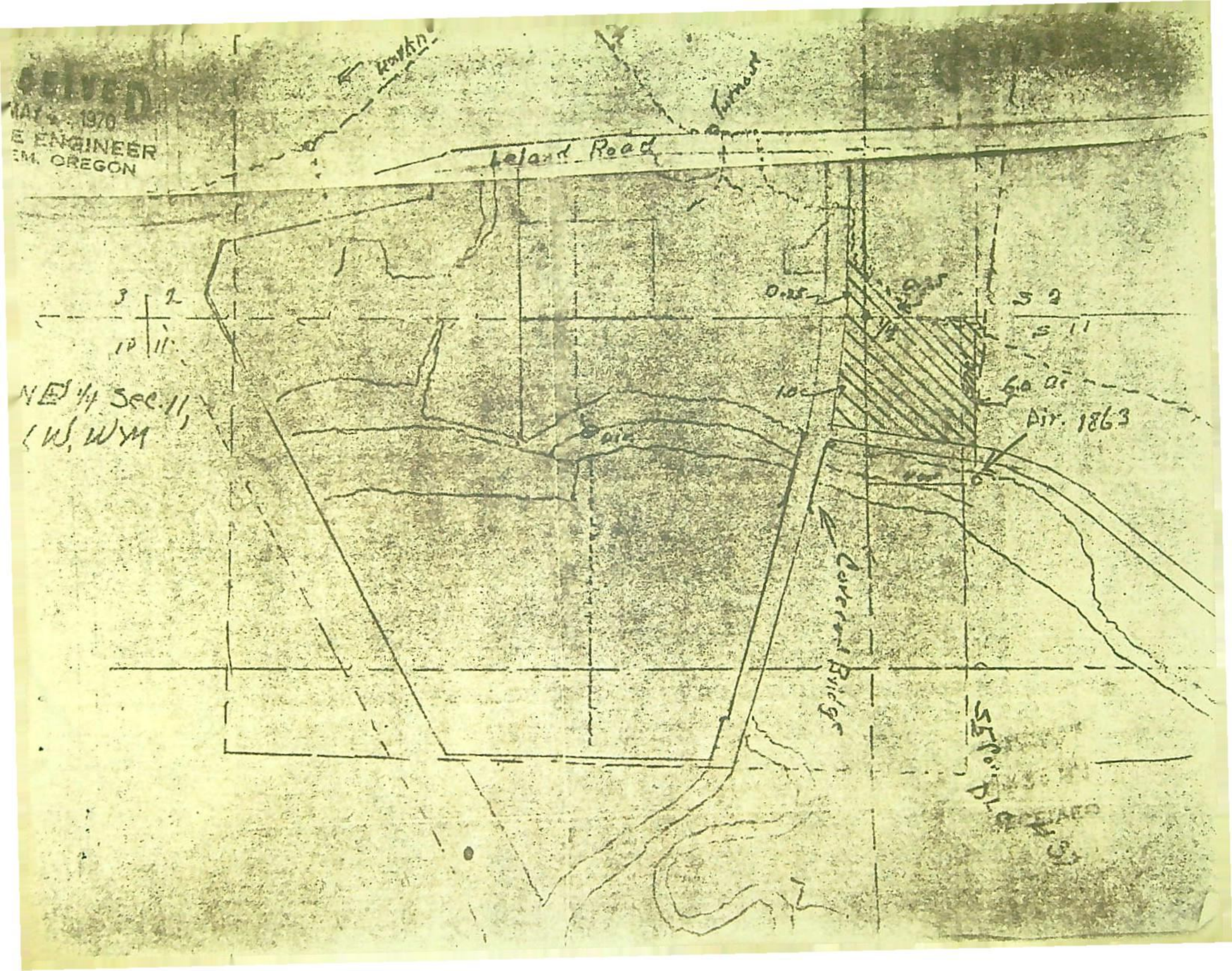
Air. 1863

Air

← *Covered Bridge*

SE 1/4 P. 11

1863



The completed assignment must be submitted to the Water Resources Director, 1178 Chemeketa St., N.E., Salem, Oregon 97310, together with a recording fee of \$2.00.

Receipt # 9689
3/15/79

RECEIVED

APR 4 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

RECEIVED

MAR 15 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

Sec 2 348 6W S¹/₂ SW¹/₄
11 N¹/₂ NW¹/₄

Sec 2
A 29625 ✓
A ~~41867~~ ✓
43615 ✓
~~A 46941 ✓~~
Tr 2372 ✓
~~A 37061 ✓~~

11
A 29623 ✓
~~91950~~ ✓
A 29625 ✓
T 2372 ✓
~~A 16537~~ ✓



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508

April 13, 1979

File No. 46947
T-2372

Robert Shepherd
994 Glen Meadow Drive
Sparks, NV 89431

Dear Mr. Shepherd,

The assignment of Permit No. 35134 and Transfer No. 2372 from Jennie B. Morris, Executrix of the Raymond H. Morris Estate to you has been recorded in the records of the Water Resources Department. Our records have been changed accordingly, and the original assignments are enclosed.

Our receipt Nos. 9681 and 9682 covering the \$4.00 assignment recording fees along with a copy of this letter are being sent to Josephine County Title Company.

Sincerely,

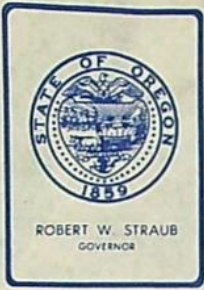
Thomas E. Shook
Water Rights Engineer

TES/dw

cc: Josephine County Title Company
P.O. Box 71
Grants Pass, OR 97526

Robert B. Steimer, Watermaster
714 NW "A" Street
Grants Pass, OR 97526

COPY



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-8508

March 23, 1979

Jennie B. Morris
1201 Harvey Drive
Grants Pass, OR 97526

RE: File No. 46947 and Transfer No. 2372

Dear Ms. Morris,

We have received two requests to assign permit 35134 and Transfer 2372 along with a check in the amount of \$4.00.

We are unable to take action on the request because our records show Raymond H. Morris as holder of the permit so it will be necessary for his signature to appear on the assignment forms.

I am returning the assignments for this purpose.

Sincerely,

Thomas E. Shook
Water Rights Engineer

TES/dw

cc: Josephine County Title Company
P.O. Box 71
Grants Pass, OR 97526

COPY



**STATE
ENGINEER**

RECEIVED

MAR 17 1975

STATE ENGINEER
SALEM, OREGON

WATER RESOURCES DEPARTMENT

714 N.W. "A" STREET • GRANTS PASS, OREGON • 97526 • Phone 476-6828

March 13, 1975

FILE NO.

Robert W. Straub
GOVERNOR

CHRIS L. WHEELER
State Engineer

Chris L. Wheeler
State Engineer
Salem, Oregon

Att: Trevor Jones, Asst.

Dear Trevor:

Jerry Price was in concerning the R. H. Morris transfer #2372. You may recall Jerry's father, Frank Price, who was in your office a number of times.

The Morris property is being farmed by Jerry Price, this his interest in the matter. He would like to know the disposition of this transfer. Last summer when the survey crew King and Toll were here we discussed this one and I believe they did a final proof survey on it but I am not sure.

It may be of interest to you that Frank Price, Jerry's father, passed away a few months ago.

Very truly yours,

Robert B. Steimer
Watermaster, Dist. #14

RBS:dc

Sec. 2

Vol. 4 Page 40, 16571

25976

29625

39061 (Supp)

41867

39061

Sec. 11

Vol. 4 P. 37, 16539

29623

NEED

72372
46947

February 28, 1973

2372

Mr. Raymond H. Morris
772 Sunny Valley Loop
Sunny Valley, Oregon 97478

Dear Mr. Morris:

I apologize for the delay in responding to your application for the extension of time to complete a change of point of diversion under transfer no. 2372. When Mr. Frank Price was last in the office, he had a number of questions and I intended to try to show various rights and questions on a color coded map at least to the extent the records were clear. I am now starting this, but will reply to your application for extension of time and will send the other information a little later.

The time limit to complete the change cannot be extended indefinitely, as requested, but it will be extended until October 1, 1973, which will keep the approval of the change valid and will allow time to evaluate your proposal in view of the channel change you report.

Our receipt no. 30958 covering the fee of \$5.00 you submitted is enclosed.

Very truly yours,

Trevor Jones
Assistant

TJ:st
Enc.

cc: Robert Steimer, Watermaster



**STATE
ENGINEER**

RECEIVED
FEB 16 1973
STATE ENGINEER
SALEM OREGON

WATER RESOURCES DEPARTMENT

714 N.W. "A" STREET • GRANTS PASS, OREGON • 97526 • Phone 476-6828

TOM McCALL
GOVERNOR

February 14, 1973

FILE NO.

CHRIS L. WHEELER
State Engineer

Chris L. Wheeler
State Engineer
Salem, Oregon

Att: Trevor Jones, Asst.

Dear Trevor:

Mr. Price was in to check on the R. H. Morris change in point of diversion. Mr. Price is currently farming this ground and some time ago Mrs. Morris asked for an extension of time to complete the change in point of diversion and has never received any notice that the extension would be allowed.

Any information you have concerning this that I might pass on to these folks would be appreciated.

Very truly yours,

Robert B. Steimer
Watermaster, Dist. #14

RBS:dc

Mailing Address:
R. H. Morris
772 Sunny Valley Loop
Sunny Valley, Oregon 97478

Sunny Valley, Ore.
Jan 16 - 1973

State Engineer
Salem Oregon
Dear Sir:

RECEIVED
JAN 18 1973
STATE ENGINEER
SALEM OREGON

On Sept 28 1972 I sent in form + \$5.00
for extension on time limit on change in
point of diversion of water from Grave Creek
permit # 35134 and transfer # 2372
Time limit was Oct 1 - 1972.

As yet have not received any thing
from you on this.

Thank you

R. H. Morris
772 Sunny Valley Sp
Sunny Valley Ore.
97478

RECEIVED

OCT 2 1972

STATE ENGINEER
SALEM, OREGON

File No. 2372

APPLICATION FOR EXTENSION OF TIME

To the State Engineer of Oregon:

I, Raymond H. Morris,
of 772 Sunny Valley Dr Sunny Valley Ore.
(Mailing Address) (City)

County of Josephine, State of Oregon,

do hereby make application for an extension of time within which to complete

- a change in point of diversion
- a change in place of use
- a change in the use theretofore made

under the terms of an order of the State Engineer dated 7-6-71,

approving water right transfer application No. 2372 in the name of _____

Raymond Morris * which time expires 10-1-72.

The following has been accomplished toward completion of the

change within the time allowed: I have purchased everything proposed in our application except pumping unit equipment - pipe & sprinklers purchased.

as applied for in permit # 35134 & transfer # 2372

(If for irrigation, state total number of acres now irrigated under the change)

To fully complete the change, it will be necessary to accomplish

the following: Because of considerable change in channel of Grave Creek, adjacent to and upstream from our property it is very difficult to construct a sump at point indicated on our application without considerable movement of gravel & changing of channel back to its alignment.

*If you are not the applicant named above, please explain your interest in this matter. _____

comp B
10-1-72
9254

I am unable to complete the change under the terms of the order, within the time allowed, because Creek Channel Changed to Fan out for sump at point indicated.

and request that the time for completion be extended to indefinite.

AFFIDAVIT OF APPLICANT

STATE OF OREGON)
County of JOSEFINE) ss.

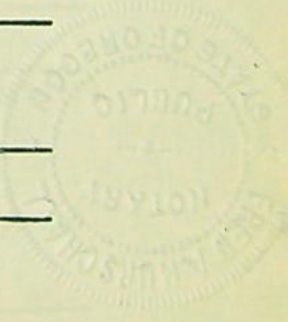
I, Raymond H. Morris, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 28 day of Sept 1972.

Raymond H. Morris

Subscribed and sworn to before me this 28th day of September, 1972.

Fred A. Murschall
Notary Public for Oregon
My commission expires 9-25-74



When completed, this application should be submitted to the State Engineer accompanied by payment of the statutory fee in the amount of ~~\$2.00~~. \$5.00. \$5.00 FEE PAID

REC. NO. 30958
DATE 10-2-72

September 24, 1971

2372

Mr. Raymond H. Morris
772 Sunny Valley Loop
Sunny Valley, Oregon 97478

Dear Mr. Morris:

Enclosed is a certified copy of the order of the State Engineer entered July 6, 1971, approving your application for a change in point of diversion of water from Grave Creek.

Also enclosed is a notice of completion of construction which should be dated, signed, and returned to this office when the change in point of diversion has been completed. According to the terms of the order, this should be done on or before October 1, 1972.

Very truly yours,

Trevor Jones
Assistant

TJ:slv

Enclosures

cc: Mr. Robert B. Steimer
Watermaster District No. 14

S.E. 7th Street

P.O. Box 1468

Courier Publishing Company

Legal Publication Dept.

Telephone 476-4417

RECEIVED

JUN 2 1971

PUBLISHERS: THE DAILY COURIER

Grants Pass, Oregon 97526

2372

STATE ENGINEER
SALEM OREGON

Date May 26, 1971

PUBLISHING: a NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER
CONCERNING: H. R. Nehrbas water right established
DATES PUBLISHED: May 12, 19 & 26, 1971

ORDERED BY: State Engineer--State of Oregon
Water Resources Dept.
1178 Chemeketa Street NE
Salem, Oregon 97310

1110

RECEIVED
JUN 10 1971

STATE ENGINEER
SALEM. OREGON

JUN 9 1971

COURIER PUBLISHING CO.

P. O. BOX 1468

26.52

Amount Due \$ _____

June 7, 1971

2372

Mr. Raymond H. Morris
772 Sunny Valley Loop
Sunny Valley, Oregon 97478

Dear Mr. Morris:

Publication of notice in connection with your transfer No. 2372 amounted to \$26.52, leaving an unused balance of your \$30.00 deposit for that purpose in the amount of \$3.48.

The order, when entered, will require the issuance of two new certificates of water right; one confirming the change in point of diversion and one covering the lands not involved in this proceeding. We have withheld \$2.00 from the balance of your deposit to cover the cost of having these certificates recorded in the Josephine County records.

Our check No. 4252 covering the unused balance of \$1.48 is enclosed.

Very truly yours,

Trevor Jones
Assistant

slv

Enclosure

June 7, 1971

2372

Courier Publishing Company
Post Office Box 1468
Grants Pass, Oregon 97526

Gentlemen:

Enclosed is our check No. 4251 in the amount
of \$26.52 in payment of your statement of May 26, 1971.

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

Very truly yours,

Trevor Jones
Assistant

slv

Enclosures

LEGAL NOTICE

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Raymond H. Morris has filed an application for the approval of a change in point of diversion of water from Grave Creek.

In the Rogue River Adjudication proceedings, a water right was established in the name of H. R. Nehrbas for the use of waters of Grave Creek for the irrigation of, among other lands, 0.9 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, 3.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 1.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sect. 11, T. 34 S., R. 6 W., W.M., with a date of priority of 1863. These lands are irrigated by means of the Harkness Ditch from a point of diversion located 900 ft. S and 450 ft. W from the E $\frac{1}{4}$ corner of Sec. 12 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, T. 34 S., R. 6 W., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 570 ft. S and 400 ft. E. from the S $\frac{1}{4}$ corner of Sec. 2 being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T. 34 S., R. 6 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Grants Pass, Oregon, on July 6, 1971, 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 Raymond H. Morris, Sunny Valley, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 5th day of May, 1971.
CHRIS L. WHEELER
State Engineer
No. 90—Wed. 5-26-71

AFFIDAVIT OF PUBLICATION

State of Oregon }
County of Josephine } ss.

RECEIVED
JUN 2 1971
STATE ENGINEER
SALEM OREGON

I, Charles J. Moore, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the Grants Pass Daily Courier, printer or his foreman of the Grants Pass Daily Courier, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid county and state; that the NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER a printed 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 May 12, 19, & 26, 1971

Charles J. Moore
26th

Subscribed and sworn to before me this _____ day of

May 19 71

A. Kathleen Johnson
Notary Public of Oregon.

My commission expires 4th day of February, 19 72

May 7, 1971

2372

Mr. Robert B. Steimer
Watermaster District No. 14
714 N.W. "A" Street
Grants Pass, Oregon 97526

Dear Mr. Steimer:

This transfer application was finally completed for the lands shown on the inchoate survey map east of the road and within DLC 37 colored red on the enclosed map. We probably will never get a voluntary cancelation but at least we are not approving a change for land above the ditch.

I expect he will start or want to start pumping, but we cannot approve yet because of publication of notice. He started this application a year ago. If it does not cause injury maybe Walter N. Perry will go along with ignoring it if he starts pumping now.

Very truly yours,

Trevor Jones
Assistant

TJ:slv

Enclosure

May 5, 1971

2372

Mr. Robert B. Steimer
Watermaster District No. 14
714 N.W. "A" Street
Grants Pass, Oregon 97526

Dear Mr. Steimer:

Enclosed is a copy of notice for publication in the
May 12, 19, and 26, 1971, issues of the Grants Pass Courier.

Very truly yours,

Trevor Jones
Assistant

slv

Enclosure

May 5, 1971

2372

Grants Pass Courier
Post Office Box 1468
Grants Pass, Oregon 97526

Gentlemen:

Enclosed is a notice for publication in the May 12, 19,
and 26, 1971, 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 publi-
cation and statement for this service to this office.

Very truly yours,

Trevor Jones
Assistant

slv

Enclosure
cc: Raymond H. Morris



**STATE
ENGINEER**

WATER RESOURCES DEPARTMENT

RECEIVED
MAY 2 1971
STATE ENGINEER
SALEM OREGON

714 N.W. "A" STREET • GRANTS PASS, OREGON • 97526 • Phone 476-6828

TOM McCALL
GOVERNOR

April 29, 1971

FILE NO. 2372

CHRIS L. WHEELER
State Engineer

Chris L. Wheeler
State Engineer
Salem, Oregon

Att: Trevor Jones, Asst.

Dear Trevor:

In answer to your letter of April 23 concerning the R. A Morris change in point of diversion for the waters of Graves Creek, in my opinion the proposed change may be made without injury to existing rights.

I recommend that pumping provision #2 be incorporated in the order.

Very truly yours,

Robert B. Steimer
Watermaster, Dist. #14

RBS:dc

April 27, 1971

2372

Mr. Frank E. Price
331 Leland Road
Sunny Valley, Oregon 97478

Dear Mr. Price:

The papers you left here were mailed but were returned by the post office. We readdressed them so I assume they have reached you by now. If not, will you please notify us and we will make copies of those which are part of our records.

Very truly yours,

Trevor Jones
Assistant

TJ:slv

Sunny Valley, Oregon
April 22, 1971

File No 2372

State Engineer,
Attention Trevor Jones, Asst.,
1178 Chemskata St.
Salem, Ore.

RECEIVED
APR 23 1971
STATE ENGINEER
SALEM, OREGON

Dear Mr. Jones: -

In your letter of April 15 please note the last paragraph. -

I have not received the papers referred to in this paragraph.

Your letter above referred to was mis-sent to Grants Pass. It was forwarded to me here, arriving one day late.

If these other papers have been sent there is evidently a hang up some place.

Without these papers it is difficult for me to make up my own application for change of point of diversion, as we

discussed when I was in your office
on Apr 7.

If these papers have not been sent will
you kindly see to it that they are. Or if
they have been mis-addressed perhaps
you could get a tracer after them.

Upon receipt of the above referred to papers
I will proceed with the preparation of the
Price application and get it to you as quickly
as I can. I thank you.

Very truly yours

Frank E. Price

331 Seland Road

Sunny Valley

Oregon 97478

April 23, 1971

2372

Mr. Robert B. Steimer
Watermaster District No. 14
714 N.W. "A" Street
Grants Pass, Oregon 97526

Dear Mr. Steimer:

Raymond H. Morris filed an application for the approval of a change in point of diversion of water from Grave Creek.

The right involved was established in the Rogue River Adjudication proceedings in the name of H. R. Nehrbas and is for the use of the waters from Grave Creek for irrigation. The present point of diversion is located 900 ft. S and 450 ft. W from the E $\frac{1}{4}$ corner of Sec. 12 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, T. 34 S., R. 6 W., W.M.

The proposed point of diversion is to be located 570 ft. S and 400 ft. E from the S $\frac{1}{4}$ corner of Sec. 2 being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 11, T. 34 S., R. 6 W., W.M.

Would you please advise if the proposed change may be made without injury to existing rights and which provision for the installation of measuring devices should be included in the order?

Very truly yours,

Trevor Jones
Assistant

slv

Enclosure

T-2372
46947

April 22, 1971

Frank E. Price
331 Leland Road
Grants Pass, Oregon 97526

Dear Mr. Price:

This will acknowledge the return of the corrected transfer application No. 2372, application No. 46947 and the transparency map.

Application No. 46947 is in satisfactory form for approval by issuance of a permit. Transfer No. 2372 is also in satisfactory form and the appropriate action will soon be taken.

Very truly yours,

LARRY W. JEBOUSEK
Assistant

LWJ:klc

cc: Raymond H. Morris

Sunny Valley, Oregon

April 19, 1971

File No 2372

Mr. Chris Wheeler, State Engineer,
Attention Trevor Jones, Asst.

1178 Chemeketa St. N.E.
Salem, Oregon.

RECEIVED
APR 20 1971
STATE ENGINEER
SALEM, OREGON

Dear Sir: -

Your letter of April 15 pertaining to
Raymond H Morris' Application for transfer
of point of Diversion of 1863 Water
Right has been received and contents noted.

Mr. Morris has examined, approved,
and initialed the corrections as you
suggested.

I am enclosing these papers herewith
for your further action.

I wish to thank you for your
fine co-operation in this instance.

Please note my correct address:
331 Leland Road, Sunny Valley, Ore.

Very truly yours
Frank E Price

April 15, 1971

2372

Mr. Frank Price
331 Leland Road
Grants Pass, Oregon 97526

Dear Mr. Price:

I have gone over the records and the information you left with the application by Raymond Morris for approval of a change in point of diversion. It appears that the best course of action is to rely on the map made for the completion of the inchoate rights on the Rogue River. This map agrees as nearly as can be determined with the assessor's map and a photograph from the assessor's office. On this basis it appears that 6.3 acres of the right in question are appurtenant to the Morris property. By scale this divides into 1.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 3.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, 0.2 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.9 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$. I am enclosing a print of the map with the area shaded in red.

I am returning the application with the above mentioned figures entered in Item 5 in pencil. If Mr. Raymond Morris agrees with these they should be entered in ink and the changes initialed. On return of the application and map I believe we can proceed with the necessary action for the change.

This does not affect the balance of the right and does not prevent petitioning the court for correction if you believe the location of lands irrigated as described by decree to be in error.

Under separate cover I am sending the balance of the data you left with us.

Very truly yours,

Trevor Jones
Assistant

TJ:slv

Enclosure

46947
T-2372

November 16, 1970

Raymond H. Morris
772 Sunny Valley Loop
Sunny Valley, Oregon 97478

Dear Mr. Morris:

This will acknowledge your letter of November 10, 1970, indicating that you intend to complete application No. 46947 and transfer No. 2372.

Further action of these applications will be withheld for a reasonable amount of time to enable you to submit the required information.

Very truly yours,

Larry W. Jabousek
Assistant

LWJ:klc

46947
T-2372

November 6, 1970

Raymond H. Morris
772 Sunny Valley Loop
Sunny Valley, Oregon 97478

Dear Mr. Morris:

Action on your application No. 46947 and transfer No. 2372 has been withheld pending your reply to our letter of August 31, 1970. To date, we have not yet received a reply.

If you propose to complete the application submitted, would you please advise us as to the progress being made toward completing them and when we might expect to receive the application in this office?

If you wish to withdraw these applications as indicated in your letter of August 22, 1970, would you so advise us so that the unearned recording fees and the deposit for Publication of Notice can be refunded.

Very truly yours,

Larry W. Jebousek
Assistant

LWJ:klc

cc: Frank E. Price
Robert B. Steimer

46947
T - 2372

August 31, 1970

Raymond H. Morris
772 Sunny Valley Loop
Sunny Valley, Oregon 97478

Dear Mr. Morris:

This will acknowledge your letter of August 22, 1970, requesting that application No. 46947 and transfer No. 2372 be withdrawn and the fees refunded.

The examination fees are paid to the General Fund and are not refundable. The \$5.00 recording fee on application No. 46947, \$10.00 recording fee and \$30.00 deposit for publication of notice on transfer No. 2372 could be refunded if you so desire. However, we could withhold further action on these applications for a reasonable period of time as discussed with Mr. Price in this office to enable the proper information to be compiled and submitted.

Further action on your applications will be withheld pending your reply to this matter.

Very truly yours,

Larry W. Jebousek
Assistant

LWJ:reo
cc Frank E. Price
Robert B. Steimer

Sunny Valley, Ore.
Aug. 22 - 1970

State Engineer
Salem, Oregon

RECEIVED
AUG 25 1970
STATE ENGINEER
SALEM OREGON

Dear Sir:

Would you refund our money on application
for water # 40947, transfer of point of diversion
2372 & publication³¹² notice. Need more time.

Thank you

Raymond H Morris
472 Sunny Valley Sp
Sunny Valley, Ore.



STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
516 PUBLIC SERVICE BUILDING
SALEM 97310

REFER TO
FILE NO. _____

46947
T-2372

August 26, 1970

Raymond H. Morris
772 Sunny Valley Loop
Sunny Valley, Oregon 97478

Dear Mr. Morris:

Your application No. 46947 was returned to you on June 24, 1970, for correction, endorsed so that in order to retain its priority date it should have been returned to this office on or before August 24. This application has not been returned and has lost its priority date. The application can be reinstated and receive a new priority date as of the date it is again received in this office.

Further action on this application and your transfer No. 2372 will be withheld pending submission of additional information as discussed with Mr. Frank Price in this office on August 17, 1970.

Very truly yours,

Larry W. Jebousek
Assistant

LWJ:klc

cc: Frank E. Price
Robert B. Steimer

COPY

46947
2372

June 24, 1970

Raymond H. Morris
772 Sunny Valley Loop
Sunny Valley, Oregon 97478

Dear Mr. Morris:

This will acknowledge the return of your transfer application No. 2372 and application No. 46947, the transparency maps and a letter from Mr. Frank E. Price regarding his part of the right described by certificate 16529.

Mr. Price apparently does not own any land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11. The county assessor ownership plat indicates that Allan and Vera Stumbo, Alfred and Alma Jensen, Howard and Alice Coome, George Klonus and Francis Tracy, Sr. all own portions of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11 lying north of Grave Creek.

Certificate 16529 describes the irrigation of only 6 acres in this forty. The exact location of this 6 acres is not known. Therefore, the State Engineer will require an agreement signed by you and the other owners of the land in this forty showing the number of acres appurtenant to each of the properties involved.

Item No. 5 on the transfer application has been amended to describe the change in point of diversion for 6.25 acres of land. The map submitted with the transfer application must be amended to agree with the application.

As indicated in my earlier letter, certificate 16529 describes the irrigation of 4 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, which is all on your property. The transfer application has been amended deleting all irrigation from this forty.

Raymond H. Morris

-2-

June 24, 1970

Application No. 46947 and the map show the irrigation of 6 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2. Much of this is included in the earlier right. If the 4 acres in this forty is no longer being irrigated, the records must be cleared before application No. 46947 can be approved for the primary irrigation of these lands.

I am returning your transfer application No. 2372, application No. 46947 and the maps for correction. Application No. 46947 is endorsed so that in order to retain its date of priority it must be returned to this office on or before August 24, 1970.

Should you have any questions regarding this matter, perhaps you could contact Mr. Robert Steimer, Watermaster in Grants Pass, for some assistance.

Very truly yours,

Larry W. Jebousek
Assistant

LWJ:lsa

Enclosure

cc: Robert B. Steimer
Watermaster District No. 14

June 15, 1970

RECEIVED
JUN 16 1970
STATE ENGINEER
SALEM, OREGON

Mr. Chris Wheeler, State Engineer:-

Dear Sir: -

Referring to the application for transfer of point of diversion by Raymond H. Morris, Transfer number 2372, I claim only that part of the 12.00 acres referred to in your letter of June 8, paragraph 4 addressed to Mr. Morris, which lies west of the Old Pacific Highway. The balance appears to be on the property of Mr. Raymond H. Morris.

Sincerely

Frank E. Price

June 4, 1970

RECEIVED
JUN 5 1970
STATE ENGINEER
SALEM, OREGON

Chris L. Wheeler
State Engineer
Salem, Oregon

Att: L. W. Jebousek, Asst.

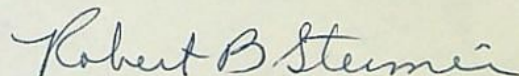
Dear Larry:

Enclosed are the copies of the maps and owner-
ships you requested. I have thrown in the aerial
photo for whatever help it might be.

It seems that Mr. Jensen would probably take
exception to this transfer if it proves to be some-
thing less than appropriate.

If you need any more information let me know.

Very truly yours,



Robert B. Steimer
Watermaster, Dist. #14

RBS:dc

2372
46947

June 5, 1970

Raymond H. Morris
772 Sunny Valley Loop
Sunny Valley, Oregon 97478

Dear Mr. Morris:

This will acknowledge your application for a permit to appropriate 0.075 cubic feet of water per second from Grave Creek for the irrigation of 6.5 acres, a map, legal description, and the fee of \$20.00 for which our receipt number 18465 is enclosed. This application has been filed and numbered 46947.

Also acknowledged is your application for change in point of diversion of water from Grave Creek, a transparency map, and the fee of \$55.00 for which our receipts numbered 18466 and 18467 are enclosed. This application has been filed as transfer number 2372.

The certificate recorded at page 16529 in the name of H. R. Nehrbas describes the irrigation of 4.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2. Your legal description indicates that this 4.0 acres is on your property. Item number 5 on the transfer application indicates that the point of diversion is to be changes for only 0.25 acres of irrigation in this forty. If the 3.75 acres of irrigation not included in item number 5 on your application is no longer being irrigated, I will prepare for your signature the necessary affidavit of abandonment to clear our records.

Certificate 16529 also describes the irrigation of 6.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11 north of Grave Creek. The map made in connection with the Rogue River Adjudication proceedings found 12.0 acres irrigated in this forty north of the creek but does not specifically locate the 6.0 acres which received the right. Therefore, before your transfer application can be approved you must submit evidence that the 6.0 acres is located on your property. This could be done by submitting a statement by the

60

Raymond H. Morris

-2-

June 8, 1970

other owners of the land in this forty being north of Grave Creek indicating that they have no interest or claim to this right.

The map you submitted showing the boundaries of your property in red indicates that you own approximately 4.5 acres of land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11. The computation of acreage by forty should be rechecked.

If the 3.75 acres of land irrigated under the old right is not to be canceled, the land to be irrigated in this forty under your new application number 46947 must be decreased by a like amount.

I am returning your transfer application number 2372, application number 46947 and the maps for correction. Application number 46947 is endorsed so that in order to retain its priority date it must be returned to this office on or before August 10, 1970.

Very truly yours,

Larry W. Jebousek
Assistant

LWJ:mfb

Enclosures

cc Robert B. Steimer
714 NW "A" Street
Grants Pass, Oregon 97526



STATE ENGINEER

WATER RESOURCES DEPARTMENT

525 NW 5th ST. • • GRANTS PASS, OREGON • • 97526 • • Ph. 476-6828

TOM McCALL
GOVERNOR

May 25, 1970

FILE NO.

CHRIS L. WHEELER
State Engineer

RECEIVED
MAY 28 1970
STATE ENGINEER
SALEM OREGON

Chris L. Wheeler
State Engineer
Salem, Oregon

Att: L. W. Jebousek, Asst.

Dear Larry:

Sorry I missed you on the phone Friday. Seems like things are beginning to stir a little.

I don't understand exactly what you want concerning the Ray Morris transfer in Twp. 34S., R. 6W., Sections 2 and 11. As near as I can determine, Mr. Frank Price is making this transfer and if I remember right you and Bud surveyed his lands and straightened the water rights out on his land so you might remember the area.

It is going to be most difficult to run along and ask these people how much water right they each have because they generally depend on us for this information. On the other hand it is going to be most difficult to tell Frank Price he doesn't know what he is talking about because he has been here looking at our maps and records from which he got his information. He also has maps from the State office.

It looks to me as though the way to go would be to advertise this and have someone who is interested and catches this to protest the transfer if it is incorrect.

Our problem is that people depend on us for a record as to the correct amount of water rights they have and now if I go into the field and ask those people how much water right they have I am going to get all sorts of funny answers that will disagree with everything.

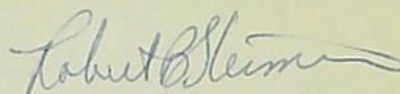
L. W. Jebousek

(2)

May 25, 1970

Why don't we talk about this some more and see if I can find out what we're up to?

Very truly yours,

A handwritten signature in blue ink that reads "Robert B. Steimer". The signature is written in a cursive style with a long, sweeping underline.

Robert B. Steimer
Watermaster, Dist. #14

RBS:dc



STATE
ENGINEER

WATER RESOURCES DEPARTMENT

516 PUBLIC SERVICE BUILDING • SALEM, OREGON • 97310 • Ph 364-2171

TOM McCALL
GOVERNOR

CHRIS L. WHEELER
State Engineer

April 29, 1970

Raymond H. Morris
772 Sunny Valley Lp.
Sunny Valley, Oregon 97478

Dear Mr. Morris:

This will acknowledge your application for a permit to appropriate 0.075 cubic foot of water per second from Grave Creek for the irrigation of 6.5 acres and a map. This application cannot be filed because a required fee of \$20.00 was not submitted.

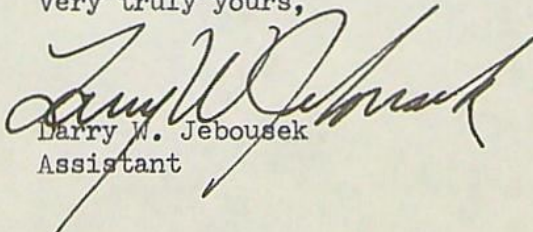
Also acknowledge is your application for change in point of diversion of water from Grave Creek and a transparency map. This application cannot be filed because the required fee of \$25.00 ✓ was not submitted.

The proposed change in point of diversion is more than one-quarter mile. Therefore, the State Engineer is required to publish notice of your proposed change in a newspaper in general circulation in Josephine County. This will require a deposit of ✓ \$30.00. Would you please designate the newspaper in which the notice is to be published.

Item number 20 on the transfer application must be completed to indicate the reasons for this proposed change.

We will require a copy of the legal description of ✓ your property be submitted. This can be copied word for word from your deed, title insurance policy, or sales contract.

Very truly yours,


Larry W. Jebousek
Assistant

LWJ:mfb
Enclosures

RECEIVED
MAY 4 1970
STATE ENGINEER
SALEM, OREGON

Newspaper
Grants Pass Courier
409 SE 7th St.
Grants Pass
Oregon
97526

Cert 16571

5^o A. NW SE

9^o SW SE

Salmon Co - 1903

J. P. Duncan

Duncan Ditch

T34S R6W

sec 2
sec 11

1/4 sec 2

sec 2
sec 11

4 acres NW 1/4 NE 1/4 sec 11
1/2 ac. NE 1/4 NW 1/4 sec 11
1/4 ac. SE 1/4 SW 1/4 sec 2
1/4 ac. SW 1/4 SE 1/4 sec 2

6 1/2 acres

RECEIVED
APR 27 1970
STATE ENGINEER
SALEM, OREGON

RECEIVED
MAY 4 1970
STATE ENGINEER
SALEM, OREGON

RECEIVED
APR 20 1971
STATE ENGINEER
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Raymond H. Morris (Name of applicant)

of Sunny Valley (Postoffice), County of Josephine

State of Oregon, do hereby make application for change in point of diversion

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Grave Creek (Name of stream)

2. The use to which the water is applied is Irrigation (Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Harkness Ditch

4. The point of diversion is located 900 ft. S. and 450 ft. W. from the E. corner of Section 12 being within the N.E. 1/4 S.E. 1/4

of Section 12 Tp. 34S R. 6W W. M., in the County of Josephine

(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
34S	6W	2															0.25	0.25
34S	6W	11																
																	0.9	0.2

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes (If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? 1863

9. Was your water right acquired by State Engineer's Permit? No If so, give number (Yes or No)

of permit

10. Do you hold a water right certificate? Yes If so, give number of certificate 16529
(Yes or No)

V1.13

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?
Yes If so, give title of proceedings Rogue River Decree
(Yes or No)

4-26-19

12. Is the water right recorded in your name? No - H. R. Nehrbas
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 570 ft. S. and 400 ft. E. from the S. $\frac{1}{4}$ corner of Sec. 2 being within the N.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$ of Section 11 Tp. 34S R. 6W. W. M.,
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)
 in the county of Josephine. The name of the ditch to be used is _____

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

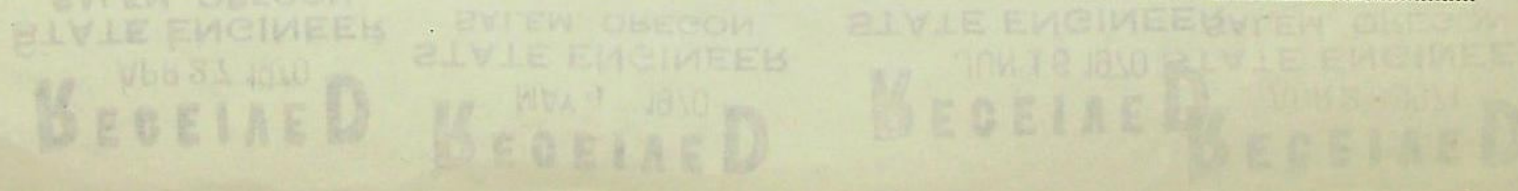
NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? No
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are Better coverage of acreage.



AFFIDAVIT OF APPLICANT

STATE OF OREGON, }
County of Josephine } ss.

I, Raymond H. Morris....., 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 24th day of April....., 1970..

Raymond H. Morris
(Name of applicant)

Subscribed and sworn to before me this 24th day of April....., 1970..

[Notarial Seal]

Fred G. Murschall
NOTARY PUBLIC FOR OREGON

My commission expires 9-25-1970.....

Remarks

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

H. O. Williams

Jefferson D. Wimer et al

WARRANTY DEED.

THIS INDENTURE WITNESSETH, That H. O. Williams (otherwise known as H. Orva Williams), now an unmarried man, for the consideration of the sum of TEN DOLLARS and other valuable consideration, to him paid has bargained and sold and by these present does grant, bargain, sell and convey unto Jefferson D. Wimer and Georgia M. Wimer, husband and wife, by an estate of entireties and to the survivor of them and each of them, the following described premises, lying and being in Josephine County, Oregon, to-wit:

Beginning at a point on the West line of Lot 1 in Section 11, Township 34 South, Range 6 West of the Willamette Meridian, Oregon, from which the quarter section corner between sections 2 and 11, said Township and Range, bears North 41° 17' West, 9.677 chains; thence North 6° 55' East 6.18 chains; thence East 0.5 chains; thence North 9° 35' East 7.17 chains; thence East to the east line of Lot 1 in said Section 2; thence South 6.25 chains, more or less, to the south line of said Section 2; thence East 60 chains to the quarter section corner between sections 1 and 12, said township and range; thence south 20 chains; thence East 40 chains to the East line of said Section 12; thence south 60 chains to the southeast corner of said section 12; thence west 40 chains; thence north 20 chains; thence West 40 chains; thence North 20 chains; thence West 54.5 chains to the southwest corner of Lot 2 in said Section 11; thence north 32 chains, more or less, to the place of beginning, less and excepting all rights of way.

COMPARED

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described and granted premises, unto the said Jefferson and Georgia M. Wimer, D. Wimer, husband and wife, by an estate of entireties, and to the survivor of them and each of them, their and each of their heirs and assigns forever. And the said H. O. Williams (otherwise known as H. Orva Williams) now an unmarried man, hereby covenants to and with the said Jefferson D. Wimer and Georgia M. Wimer, husband and wife, their heirs and assigns, that he is the owner in fee simple of said premises, that they are free from all incumbrances except the balance now unpaid upon the mortgage to the Federal Land Bank of Spokane, dated November 4th, 1919 and recorded in Vol. _____ at Page _____ of Mortgage Records of Josephine County, Oregon, on November 12th, 1919, and which unpaid balance the Grantees assume and agree to pay, and that he will warrant and defend the same from all lawful claims whatsoever, except the mortgage above referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 13th day of May, A.D., 1925.

Done in Presence of
Irene C. Jay
Eliel S. Allen

H. O. Williams

\$0.50 U.S.I.R. Stamp affixed and cancelled H.O.S. 6-20-25

STATE OF OREGON,) ss.
COUNTY OF JOSEPHINE,)

On this the 13th day of May A.D., 1925, personally came before me, a Notary Public in and for said county, the within named H. O. Williams, (otherwise known as H. Orva Williams) an unmarried man, to me personally known to be the identical person described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein named.

WITNESS my hand and official seal this 13th day of May A.D., 1925.
Eliel S. Allen
Notary Public for Oregon.
My Commission Expires April 15, 1926.

(N. P. 3 2 A L)
212600
Filed and Recorded June 20, 1925, at 1:49 P.M.

J. L. Conn COUNTY CLERK, Josephine County, Oregon

Vol. 25
Pg. 18

F.L. Coron, Adm. Est. Jacob Steiner.

James P. Duncan.

THIS INDENTURE, Made this 27th. day of February, A. D. 1905, by and between F.L. Coron, the duly appointed, qualified and acting Administrator of the Estate of Jacob Steiner, deceased late of the County of Josephine, State of Oregon- the party of the first part and James P. Duncan of said County of Josephine, State of Oregon, the party of the second part and Paulene Steiner, widow of deceased, party of the third part,

WITNESSETH: That Whereas, on the Fifth day of December 1904 the County Court of the State of Oregon for Josephine County made an order authorizing the said administrator to sell certain real property of said deceased, upon the terms and conditions in said order set out, which said order of sale is entered in volume No. Seven of the Journal of said County Court on page 21 thereof.

And, Whereas under and by virtue of said order of sale and pursuant to legal notice given thereof the said party of the first part on the 20th. day of January, 1905, at private sale in the City of Grants Pass in said State and County between the hours of nine o'clock in the morning and four o'clock in the evening of the same day, to-wit at 2 o'clock P.M. of said day offered for sale in one parcel (judging it most beneficial to said estate) at private sale and subject to confirmation by said County Court, the said real estate described in said order of sale; and at such sale the said party of the second part became the purchaser of all said realty hereinafter described for the sum of Four Thousand Dollars, he being the highest and best bidder and that being the highest and best sum bid therefor.

And Whereas the said County Court, upon due and legal return made by said party of the first part, under said order of sale, did, on the 23d. day of February, 1905, make an order confirming said sale and directing conveyances to be made to said purchaser which said order of confirmation is entered in Volume No. Seven of the Journal of said County Court on page 119 thereof.

Now, Therefore the said party of the first part, pursuant to the order last afore-said and for and in consideration of the sum of Four Thousand Dollars to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged has granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns forever, all the right, title, interest and estate of the said Jacob Steiner, deceased, at the time of his death and all the right, title and interest that the said estate by operation of law or otherwise, may have acquired other than, or in addition to, that of said intestate at the time of his death, in and to that certain lot, piece or parcel of land situate lying and being in the County of Josephine, State of Oregon, and better known and described as follows, to-wit:-

Beginning at the South-east corner of the orchard fence at a certain cedar post in the North-east quarter of Section Eleven, Township thirty-four (34) South of Range Six (6) West of the Willamette Meridian; thence North Six degrees and fifty-five minutes East, 6.18 chains to the North East corner of said orchard fence; thence East 2 rods to a stake; thence North 8° 35' East 1.15 chains to the section line between sections 2 and 11, from which point the quarter section corner common to sections 2 and 11 as re-established April, 24, 1902, is distant 7.80 chains South 89° 40' West; thence continuing on said course of North 8° 35' East, 6.02 chains further to a point directly east of the grave of the child of H. D. Harkness; thence East to a point on the North and South center line of the South-east quarter of said section two (2); thence North to the center of the North-east quarter of said section two; thence West to the center of the North-west quarter of said section two; thence South to the center of the west half of the east and west center line of said section two; thence West to a point 18 rods east of the one quarter section corner common to sections 2 and 3; thence South parallel to the section line between sections 2, 3, 10, and 11 to a point due east of the North-west corner of the "L" of the McDonough-Harkness Donation Land Claim; thence East to a cedar post, said post being the North-east corner of the land owned by A. A. Porter (on May 2, 1902) thence South to the East and West center line of section 11; thence East to a point due South of the place of beginning; thence North to the place of beginning, all in T. 34 S. R. 6 W. W. M., being the farm conveyed by J. B. Espy and wife to Jacob Steiner by deed recorded at page 432 of Vol. 22 records of deeds of said County, together with all and singular, the ditches, ditch rights, water and water rights belonging to said deceased and used upon or belonging in anywise to said granted premises.

Together with the tenements, hereditaments and appurtenances whatsoever thereunto belonging or in anywise appertaining: and in consideration of the premises the party the third part joins herein, releasing all right and title and interest in and to said premises.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances, unto the said party of the second part, his heirs and assigns, to his and their sole use, benefit and behoof forever.

IN TESTIMONY WHEREOF, the said party of the first part and the party of the third part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of
C. R. Hammond,
George H. Durham.

Paulene Steiner, Seal ✓
F. L. Coron, Seal ✓
Administrator of the estate
of Jacob Steiner, Deceased.

State of Oregon (ss
County of Josephine)

THIS CERTIFIES, That on this 27th. day of February, 1905, before me, Notary Public in and for the said County and State, personally appeared the within named F. L. Coron Administrator of the estate of Jacob Steiner, Deceased and Pauline Steiner, who are known to me to be the persons described in and who executed the foregoing deed as the admin-

Partitions Deed

~~Henry O. Williams, et ux, M. H. Espy et ux, et al.~~

This Deed, made on this the twentieth day of October, A. D. 1896, by and between Henry O. Williams (sometimes known as Grace O. Williams) and Lizzie Williams his wife, M. H. Espy and Virginia Espy his wife, and Franklin C. Whittaker and Lizzie A. Whittaker his wife,

Witnesseth: That whereas, said parties are interested in various interests in the lands hereinafter described, which are subject to certain incumbrances and

whereas, said parties have agreed upon a settlement and partition of their various rights and interests in the premises and have sold among themselves, all right, title and interest in said premises to said Lizzie Williams, Virginia Espy and Lizzie A. Whittaker, in the proportions and manner as is hereinafter set out, and do by these presents perfect said settlement and partition and sale;

Now, therefore, in consideration of the premises and of the sum of one dollar, to them paid by said Lizzie Williams, the said Henry O. Williams, M. H. Espy, Virginia Espy, Franklin C. Whittaker and Lizzie A. Whittaker, do hereby grant, remise, release and forever quitclaim unto said Lizzie Williams and unto her heirs and assigns, all the following described parcel of real estate, situate in the County of Josephine and State of Oregon, together with the rights and privileges hereinafter recited to her, to wit: Beginning at a cedar post set at the South East corner of the orchard fence on the North East quarter of Section eleven (11) in Township Thirties four (34), South of Range six (6)

West of the Williamsville Meridian, run
thence North on the East side
of said orchard and along said fence
to the North East corner of the orchard
fence, thence East two (2) rods, thence
North to a point due East of the grave
of the child of S. S. Harkness, located on
the South East quarter of Section two
(2) in said Township and Range, thence
due East to a point on the North and
South center line of the South East
quarter of said Section two (2), thence
South to the center of the South line
of the South East quarter of said
Section two (2), thence East two hun-
dred and forty (40) rods, thence South
eighty (80) rods, thence East one hundred
and sixty (60) rods, thence South two
hundred and forty (240) rods, thence
West eighty (80) rods, thence North
eighty (80) rods, thence West one hun-
dred and sixty (160) rods, thence North
eighty (80) rods, thence due West to a
point due South of the place of begin-
ning, thence North to the place of
beginning.

And in consideration of the premises
and of the sum of one dollar, to have
paid by said Virginia Cope, to the said
Henry S. Williams, Lizzie Williams,
M. H. Cope, Franklin E. Whitaker and
Lizzie P. Whitaker, do hereby grant
renew release and forever quit claim
unto said Virginia Cope, and unto
her heirs and assigns, all the following
described parcel of real estate, situate
in the County of Jefferson and State
of Oregon, together with the rights and
privileges hereunto reserved to her.

lowest - beginning at a cedar post at
the South West corner of the orchard fence
on the South East quarter of Section
thirteen 13th in Township twelve range 34
South of Range six 6th West of the
Missouri Meridian thence North on
the East side of said orchard along
said fence to the North West corner
of the orchard fence thence East
two 1/2 rods thence North to a point
due East of the grave of the child of
H. S. Norton located on the South
East quarter of Section two 2nd in
said Township and range thence
due East to a point on the North
and South center line of the South
East quarter of said Section two 2nd
thence North to the center of the North
East corner of Section two 2nd thence
West one hundred and sixty 60 rods
thence South eighty 80 rods thence
West sixty two 62 rods thence due
South to a point due East of the North
West corner of the "L" of the McDonough
Harkness Donation Land Claim
thence East to a cedar post said post
being the North East corner of land
owned by A. A. Carter thence North
to the center of Section eleven 11th in
said Township and range thence East
to a point due South of the place of
beginning thence due North to the
place of beginning.

And in consideration of the premises
and of the sum of one dollar to them paid
x by said Loggins & Whittaker, the said survey
O. Williams, Loggins Williams, M. H. Cope,
Virginia Cope and Franklin E. Whittaker, do
hereby grant, remise, release and convey

quitclaim, in to said Maggie A. Whittaker
and unto her heirs and assigns, all the
following described parcel of real estate,
situate in the County of Josephine and
State of Oregon, together with the rights
and privilege hereafter reserved to her,
to-wit:

Beginning at a point eighteen (18) rods
due East of the South West corner of
Section two (2), Township thirty-four
3d South of Range six (6) West of the
Klamath Meridian, running thence
due North to a point on the East and
West center line of said Section two (2),
thence West to the center of Section three
3 in said Township and Range; thence
South eighty (80) rods; thence West to
the North West corner of lot number
three (3) in Section three (3) in said
Township and Range; thence South to
the North boundary line of the James
Johnson Donation Land Claim; thence
West along said boundary line to the
North West corner of said Donation
claim; thence South along the West
boundary line of said Donation claim
to where said boundary line intersects
the Section line separating Sections
three (3) four (4) five (5) and six (6) in
said Township and Range; thence East
along said section line to the center
of the channel of Grave or Leland Creek;
thence up the center of the channel of
said creek in an easterly direction to
where a line running due North and
South from the "L" in the Mc Donough
Donation Land Claim crosses
said creek; thence South to the corner
in said "L" thence East to a point
due South of the place of beginning.

thence north to the place of beginning.

There are Reserved, however, unto the said
Lizzie Williams, from said ^{several} grants, as
appertaining to the land herebefore
deeded to her, and unto those who shall
claim under her said lands hereinbefore
conveyed to her, the right to the perpetual
use of one third of the water flowing
and which may flow in Grand Creek,
and the right to use the irrigating
ditches now constructed on said land
hereby partitioned, until said ditches are
superseded by new ones, and the right
to enter said premises for the purpose
of repairing, maintaining and operating
said irrigating ditches, and keeping up
repair and intact the banks of said
stream so as to confine it within its
present banks, and for the constructing
maintaining and operating such new
irrigating ditches as by the owners of
the lands hereby partitioned and
conveyed, shall or mutually, agreed
upon to convey the waters of said
creek for the proper and advantageous
irrigation of said lands hereby
partitioned and conveyed.

Such right to construct and use
such new irrigation ditches are per-
petual and the costs and expenses in-
curred in connection with such new
ditches and the repairing of the old
ones, are to be borne, one third each
by the owners of the three parcels of
land conveyed by this deed to the said
Lizzie Williams, Virginia Cope, and
David A. Wheeler, respectively.
And there are reserved, however,
unto the said Virginia Cope, from

Said several grants, as appurtenant to
the land hereinbefore deeded to her, and unto
those who shall claim under her said lands
hereinbefore conveyed to her the right to the
perpetual use of one-third of the water flowing
and which may flow in Grass Creek and
the right to use the irrigating ditches
now constructed on said land hereby
partitioned until said ditches are superseded
by new ones and the right to enter said
premises for the purpose of repairing,
maintaining and operating said irrigating
ditches, and keeping in repair and in tact
the banks of said stream so as to
confine it within its present banks,
and for the construction, maintaining and
operating such new irrigating ditches as
by the owners of the lands hereby par-
titioned and conveyed shall be mutually
agreed upon to convey the waters of
said creek for the proper and advantage
and irrigation of said lands herein
partitioned and conveyed, such right to
construct and use such new irrigation
ditches are perpetual and the costs and
expenses incurred in connection with
such new ditches and the repairing of
the old ones are to be borne, one third
each by the owners of the three parcels
of land conveyed by this deed to the said
Lizzie Williams, Virginia Copey and
Lizzie O. Whittaker respectively.

and there are reserved, however, unto
the said Lizzie O. Whittaker from said
several grants as appurtenant to the land
hereinbefore deeded to her, and unto those
who shall claim under her said lands
hereinbefore conveyed to her, the right to
the perpetual use of one-third of the

water flowing and which may flow in
Craw Creek and the right to use the
existing ditches now constructed on said
lands hereby partitioned, until said
ditches are superseded by new ones, and
the right to enter said premises for the
purpose of repairing, maintaining and
operating said irrigating ditches and keeping
in repair and intact the banks of said
stream so as to confine it within its
present banks, and for the constructing,
maintaining and operating such new
irrigating ditches as by the owners of the
lands hereby partitioned and conveyed, shall
be mutually agreed upon to convey the
waters of said Creek for the present and
advantageous irrigation of said lands
herein partitioned and conveyed. Such
right to construct and use such new
irrigation ditches are perpetual and
the costs and expenses incurred in
connection with such new ditches and
the repairing of the old ones are to be borne
one third each by the owners of the three
parcels of land conveyed by this deed to
the said Lizzie Millipons, Virginia Espar
and Lizzie A. Whittaker, respectively.

It is hereby mutually understood and agreed by
the parties to this instrument and by their
covenant with each other that the rights,
privileges and easements granted as appur-
tenants to said respective parts of the
lands partitioned and divided by this
deed, are appurtenant to said lands
and such rights, privileges and easements
together with the right to erect and maintain
and operate irrigation ditches as set forth in the
instrument shall follow said lands forever
in whomsoever they may be hereafter vested.

but that this covenant be always
construed as one running with the
said land.

It is further more hereby mutually
agreed by and between the parties
aforesaid that the said Lizzie Williams
hereby assumes and agrees to pay off
that certain mortgage for \$1500. with
interest accrued ~~and~~ to accrue thereon
which covers part of the land par-
titioned by this deed which said
mortgage bears date February second
1891, and is recorded by Garace C. Wil-
liams, Lizzie Williams, Franklin
C. Whittaker and Lizzie A. Whittaker
in favor of the Lumbered Investment
Company, and is known by said
Company as loan No. 037743, and
which appears of record in Book
page of the records of Mortgages
of Josephine County Oregon, and
said Lizzie Williams and Henry O.
Williams her husband hereby covenant
with the said M. H. Espy, Virginia Espy,
Franklin C. Whittaker and Lizzie A.
Whittaker to save them forever harmless
and free from any liability on account
of said mortgage hereby assumed by
the said Lizzie Williams, and also,
the said Lizzie Williams and Henry O.
Williams her husband, hereby join
the land and rights appertaining
thereto granted by this instrument
to her the said Lizzie Williams, by
way of covenant running therewith as
a guaranty of her payment of said
mortgage.

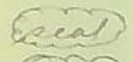





And it is further more hereby
mutually agreed by and between the

parties hereto that the said Virginia
Espey hereby assumes and agrees to pay
off that certain mortgage for \$1500 with
interest accrued and to accrue thereon
which covers part of the lands partitioned
by this deed, which said mortgage
bears date February second 1891, was executed
by Horace C. Williams, Frank C. Whit-
aker and Lizzie A. Williams in favor of
the Lombard Investment Company and
is known by said Company as Loan 5774
and which appears of record in Book 6
page 117 of the records of mortgages of
Washington County Oregon, and said
Virginia Espey and M. H. Espey her
husband, hereby covenants with the
said Horace C. Williams, Lizzie Williams,
Frank C. Whitaker, and Lizzie A. Whit-
aker, to save them forever harmless and
free from any liability on account
of said mortgage hereby assumed by
her said Virginia Espey, and she, the
said Virginia Espey and M. H. Espey
her husband, hereby bind the land
and right appurtenant thereto granted
by this instrument to her the said
Virginia Espey, by way of covenant
running her with as guaranty of
the payment of said mortgage.

And it is further more hereby mutually
covenanted between the parties hereto
that the said Lizzie A. Williams hereby
assumes and agrees to pay off that
certain mortgage for \$7500 with interest
accrued and to accrue thereon, which
covers part of the lands partitioned by this
deed, which said mortgage bears date
February second 1891, was executed by
Horace C. Williams, Lizzie Williams,

Franklin C. Whittaker and Lizzie A. Whittaker, on behalf of the Lumber Investment Company and is known by said Company as loan No. 1000 and which appears of record in Book - page - of the records of mortgages of Josephine County, Oregon. And said Lizzie A. Whittaker and Franklin C. Whittaker her husband, hereby covenant with the said Henry O. Williams, Lizzie Williams, M. H. Cope and Virginia Cope to and for their heirs, executors and assigns from any liability in account of said mortgage hereby assumed by her said Lizzie A. Whittaker and she the said Lizzie A. Whittaker and Franklin C. Whittaker her husband, hereby and the land and right appertaining thereto granted by this instrument to her the said Lizzie A. Whittaker by way of covenant running therewith as a guaranty of her payment of said mortgage.

In Witness Whereof, said parties to this instrument have hereunto in triplicate set their hands and affixed their seals.

Executed by	Henry O. Williams, 
Henry O. Williams	Lizzie Williams, 
Lizzie Williams	Franklin C. Whittaker 
Franklin C. Whittaker and	Lizzie A. Whittaker 
Lizzie A. Whittaker,	M. H. Cope 
in presence of:	Virginia Cope 
W. H. Reckert	
A. A. McLean	
Executed by	
M. H. Cope and	
Virginia Cope	
in presence of:	
W. H. Reckert	

