

as of 12/27/77 Date Lee Woodward
4660 Payne Rd
Medford, Or 97501

STATUS OF APPLICATION

Change in Point of Diversion
Date filed June 15, 1971
Date of hearing _____
Place of hearing _____
Date of order 1-3-78 Vol. 32, page 214
Date for application of water completed
Proof mailed _____
Proof received _____
Certificate issued JUN 14 1979 Vol. 41, page 48147

to Survey 1978

REMARKS

No intervening D.P.

2537 R. L. & N. A. McLaughlin
1747 Anderson Creek Rd.
Talent, Ore. 97540

DESCRIPTION OF WATER RIGHT

Name of stream Anderson Creek
Trib. of _____ County of Jackson
Use Irrigation
Quantity of water _____ No. of acres 0.6
Name of ditch Baldwin
Date of priority 1857
In name of Mary A. Bailey
Rogue River Adjudication, Vol. 4, page 15 a
App. No. _____ Per. No. _____ Cert. No. 16078
Certificate cancelled _____
Notation made on record by slw

FEES PAID

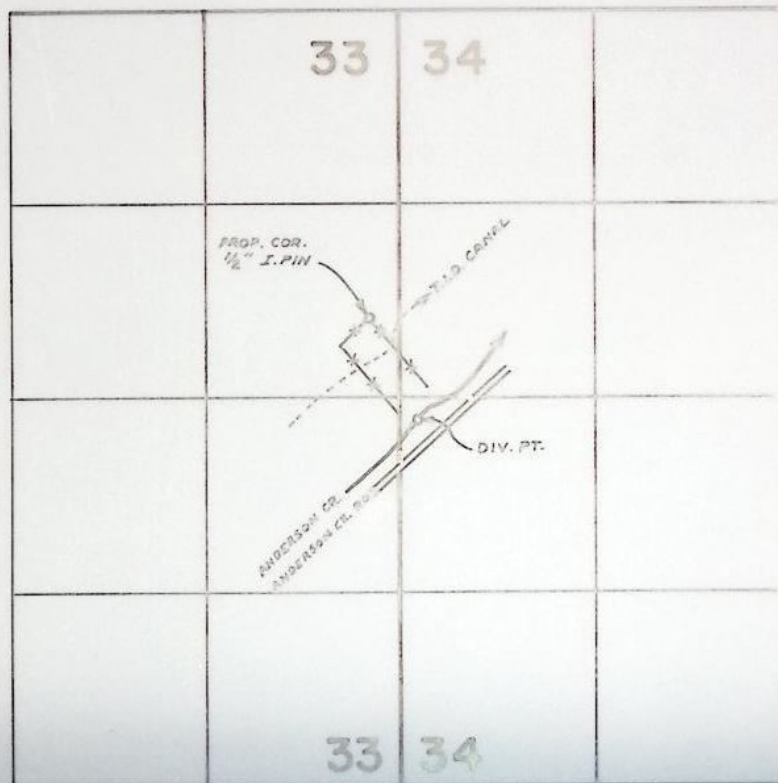
Date	Amount	Receipt No.
<u>6-15-71</u>	<u>25.00</u>	<u>24154</u> <i>OK</i>
TOTAL . . .		
	\$1 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
☒	Name	<u>leg</u>
☒	Stream	<u>leg</u>
☒	Pt. of Div.	<u>leg</u>
☒	Calendar	<u>leg</u>
CHECKED TO RECORDS:		
☒	Twp. & Ege.	<u>leg</u>
☒	Decree-vault	<u>leg</u>
☒	Decree-safe	<u>leg</u>
☒	Cert. of W/R	<u>leg</u>
☐	Per. Folder	
☐	Chaindex	
☐	Cross Ref.	
☒	Power Claim	<u>leg</u>
☒	Abstracts	<u>leg</u>

T. 38 S., R. 1 W., W.M.



DIV. PT. LOC.: 150' S. & 120' E. FROM W. 1/4 COR. SEC. 34

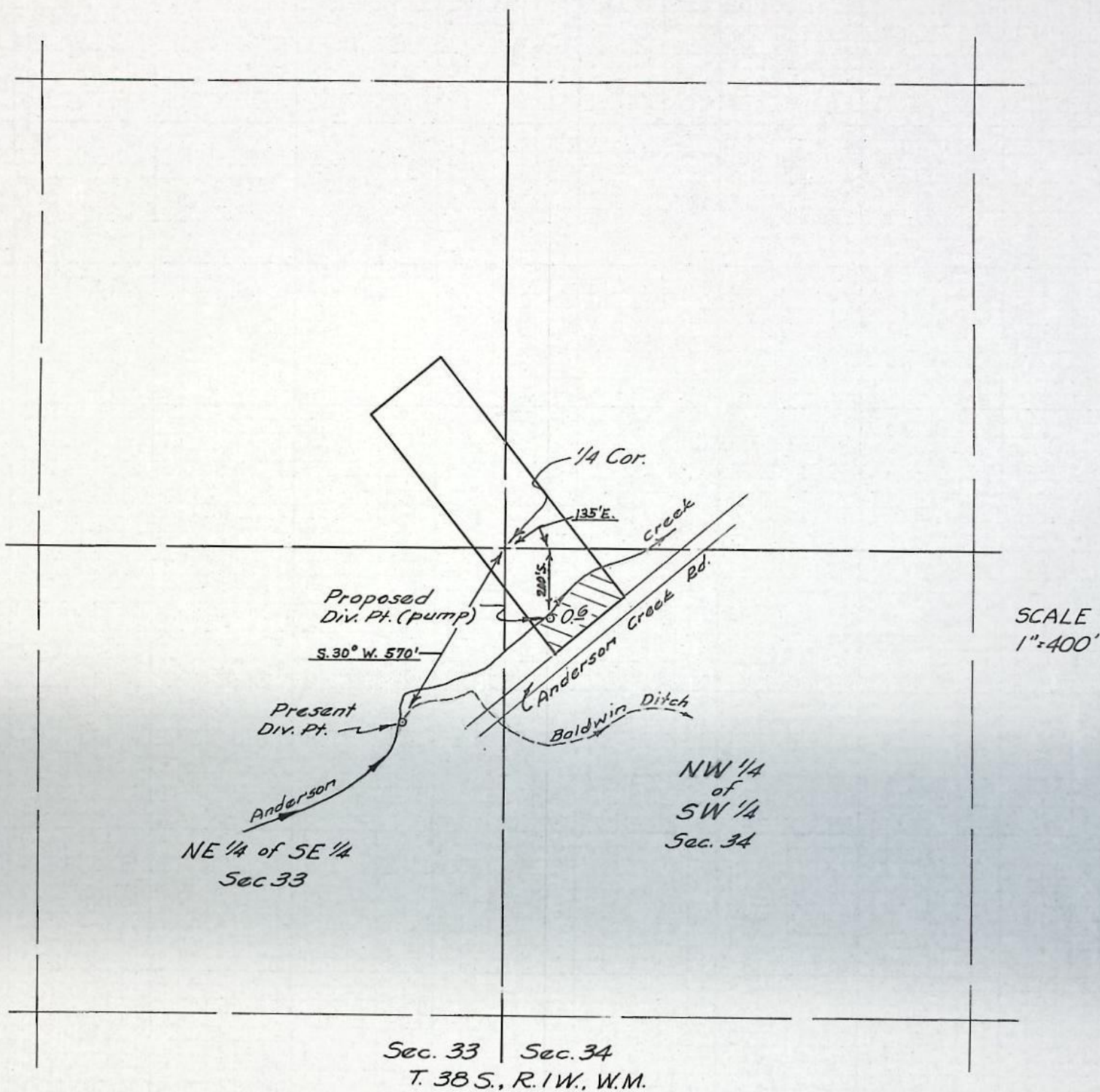
FINAL PROOF SURVEY
UNDER

Transfer No. 2537

Application No. _____ Permit No. _____
IN NAME OF

DALE LEE WOODWARD

Surveyed SEPT. 28 1978, by B. SUND



Map to accompany application in the name of Richard L. & Nancy A. McLaughlin
for change in point of diversion for irrigation purposes.

6-8-71

T-2537

RECEIVED
JUN 15 1971
STATE ENGINEER
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
RICHARD L. AND NANCY A. McLAUGHLIN)
FOR APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 2537

On June 15, 1971, an application was filed in the office of the Water Resources Director by Richard L. and Nancy A. McLaughlin for approval of a change in point of diversion from Anderson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16078, Volume 13, State Record of Water Right Certificates, in the name of Mary A. Bailey, describes a right which includes the use of not to exceed 0.01 cubic foot per second from Anderson Creek for irrigation of a certain 0.6 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 38 South, Range 1 West, W.M., with a date of priority of 1857.

Water for the said right is diverted, through the Baldwin Ditch, from a point located South 30 degrees West, 570 feet from the East Quarter Corner of Section 33, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 38 South, Range 1 West, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 200 feet South and 135 feet East from the West Quarter Corner of Section 34, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 38 South, Range 1 West, W.M.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

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 under the subject right.

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

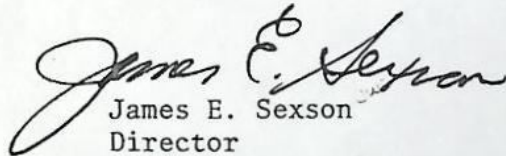
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, the certificate of water right heretofore issued to Mary A. Bailey and recorded at page 16078, Volume 13, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued.

Dated at Salem, Oregon, this 3rd day of January, 1978.


James E. Sexson
Director

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR
CHANGE IN POINT OF DIVERSION FROM ANDERSON CREEK

Transfer No. 2537

County JACKSON

1. Name Dale Lee Woodward Address 4660 Payne Rd, Medford 97501

2. Source of Supply Anderson Creek, Trib. of

3. Amount of Water 0.01 cfs Priority Date 1857

4. Use irrigation

5. Proposed Point of Diversion ¹⁵⁰ 200 ft S & ¹²⁰ 135 ft E from NW¹/₄ Corner, of Sec ³⁴ 34, within
NW¹/₄ SW¹/₄, Sec 34, T 38 S, R 1 W, W.M.

6. Place of Use

[illegible]

INFO: MRS WOODWARD

PUMP: 2" x 1 1/2"

MOTOR: GE 1HP

DIV. PT. DIRECTLY OUT OF CREEK

PIPE: MAIN: 50' - 1 1/4" - PLASTIC

LAT: 200' - 3/4" - PLASTIC

SPRINKLERS 4 RBZD'S

ALL MAX

LIFT: 3' SUCTION

8' - PUMP

USE: PASTURE, YARD

TIE: PROP COR. PTS-1978-14-C

DWIGHT R. SUND

F.E. 9-28-78

$$\frac{1(6.61)}{114 + 11} = 0.05 \text{ c.f.s.}$$

$$\frac{4(4.7)}{450} = 0.04 \text{ c.f.s.}$$

COMMISSIONER OF LANDS AND MINES
JACKSON COUNTY, OREGON
TO THE REGISTER OF DEEDS FOR THE YEAR 1900
RECORDING NO. 11-000000-00
OFFICE OF THE REGISTER OF DEEDS
JACKSON COUNTY, OREGON

Commencing at a 3/4" iron pin at the Quarter Section corner between Sections 33 and 34 in Township 38 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence North 0° 15' 10" East, 298.43 feet to a 1/2" iron pin to the true point of beginning; thence South 37° 36' East, 547.94 feet to the Northerly line of the County Road; thence South 50° 22' West, along said Northerly line, a distance of 254.62 feet; thence North 37° 36' West, 855.94 feet to a 1/2" iron pin; thence North 50° 22' East, 254.62 feet to a 1/2" iron pin; thence South 37° 36' East, 308.0 feet to the true point of beginning.

Code 22-5

Account 381W 33

Tax Lot 800

WATERMASTER DISTRICT NO. 13
COUNTY COURTHOUSE
MEDFORD 97501
TEL. 773-6211, EXT. 241



STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
October 21, 1971

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

REFER TO
FILE NO. _____

Mr. Chris L. Wheeler
State Engineer
Salem, Oregon

RECEIVED
OCT 22 1971
STATE ENGINEER
SALEM, OREGON

Attention: Mr. Larry Jebousek, Assistant

Dear Mr. Jebousek:

With reference to your phone call of this date, as well as my transmittal letter of June 14, 1971, regarding a change in point of diversion of water from Anderson Creek in the names of Richard L. and Nancy A. McLoughlin.

Please find enclosed copies of the proof of claims in Vol. 2, Proofs 91 and 92, in the name of Mary A. Bailey; also a copy of the map found in the proof records under Proof 95, Vol. 2, which shows the diversion point of the Baldwin Ditch. I am also enclosing herewith copies of the deed records of Mary A. Bailey, John W. Bailey, and Miriam M. Dole, which showed the ownerships at time of the adjudication, together with a print of an aerial photo showing the area in question.

You will note that the Dole property at the time of the adjudication did not own lands north and west of the Anderson Creek County Road, but that it was the southerly boundary of the Bailey ownership, of which the McLoughlin tract is a small portion thereof. The map made by Alfred S. Tee shows 8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, with Anderson Creek being the north and west boundary, whereas this boundary in my opinion should have been the county road, as the 1.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, in the name of Mary A. Bailey could only have been north and west of the County Road and south and east of Anderson Creek.

Very truly yours,

David C. Hendrix

David C. Hendrix
Water Master, District No. 13

DCH:pg

99-474

E. D. Brophy et al
TO

Miriam M. Dole

KIND OF INSTRUMENT

W. D.

CONSIDERATION

\$1.00

STATE OF OREGON,

County of Jackson,

I hereby certify that the annexed instrument of
writing was received and filed for record at 9

o'clock A. M. on the 3rd day

of January 1913

Fred L. Colvig Recorder

By Deputy

KNOW ALL MEN BY THESE PRESENTS, that we, E. D. Brophy (also known as Nicholas D. Brophy) and Annie Brophy, husband and wife, of the County of Jackson and State of Oregon for and in consideration of the sum of One dollar and other valuable consideration to us paid, have bargained and sold and by these presents do bargain, sell and convey unto Miriam M. Dole of the County of Jackson and State of Oregon the following described premises, situated and being in the County of Jackson and State of Oregon, to-wit:

Beginning at a point thirty-six (36) links East of the southwest corner of Donation Land Claim No. 66 in Township 38 South of Range 1 East of the Willamette Meridian and running thence South 88° and 30' West nineteen (19) chains and ninety-six (96) links; thence South 80° West, fourteen (14) chains and thirteen (13) links to the West line of section 34 in said Township and Range; thence South along said West line, thirty-three (33) chains and seventy (70) links, more or less to the southwest corner of said section 34; thence East twenty (20) chains; thence North twenty (20) chains; thence East twenty (20) chains; thence North thirty-eight (38) chains and fifty-four (54) links to the South line of said Donation Land Claim; thence East along the South line of said Donation Land Claim No. 66 seventeen (17) chains and ninety-five (95) links, more or less to the place of beginning.

Also, Government Lots Three (3) and Four (4) in said section thirty-four (34) and the southeast quarter of the opposite quarter of section thirty-three (33) in said township and Range containing in all 286 acres, more or less.

Also quit claim and convey with the said premises, all our right, title and interest in and to the Baldwin Ditch and the Wells Ditch, which divert water from Anderson Creek to and over said premises, together with all water rights appurtenant to said ditches and said premises; reserving expressly from this conveyance of water rights, however, one fourth of the water from Anderson Creek owned by the grantors herein and diverted from said Creek through the ditch known as the Burns Ditch and used in irrigating other property of the grantors herein. Giving and granting unto the said Miriam M. Dole the right to divert water from the Baldwin Ditch to, over and across the land of the grantors herein to the channel of said Burns Ditch the point of diversion being that now in use, about 61 rods South 35° 30' West from the said beginning point of premises conveyed hereby; it being stipulated that said diversion ditch over the lands of the grantors herein shall be flumed by the grantor or her assigns at any time when such flume shall be deemed necessary by the owners of the land over which said diversion ditch passes to prevent waste and damage of said lands. The grantors herein also expressly reserve the right to turn or divert the waste water from the said Burns Ditch through over and across the corner of Government Lot No. Two (2) embraced in the premises hereby conveyed entering said Government Lot about 15 rods South 35° and 30' West from the said beginning point 36 links East of the southwest corner of Donation Land Claim No. 66 and running in a North easterly direction over and across said Government Lot Two (2) to a point ten (10) rods East of the said beginning point and running thence East on the North line of said Government Lot No. Two (2) to Anderson Creek.

TO HAVE AND TO HOLD the said premises, with the appurtenances unto the said Miriam M. Dole, her heirs and assigns forever.

Clare L. Lewis

TO

John W. Bailey

Kind of Instrument

WARRANTY DEED.

Consideration

\$ 1.00

STATE OF OREGON,
County of Jackson, ss.

I hereby certify that the annexed instrument of writing was recorded and filed of record at 9 o'clock A.M. on the 7th day of August, 1915.

Fred L. Selvig---Recorder

By _____ Deputy

THIS DEED, Made this twenty-first day of July, in the year of our Lord one thousand nine hundred and Thirteen between Clare L. Lewis of the City and County of Denver, and State of Colorado, of the first part, and John W. Bailey, of the Town of Talent, County of Jackson, and State of Oregon of the second part;

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar and other valuable consideration to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, his heirs and assigns forever, all the following described parcel of land situate, lying and being in the County of Jackson, and State of Oregon, to-wit:

Beginning at the quarter-section corner between Sections 33 & 34 in Township 38 S. of Range One W. of the Willamette Meridian; running thence north on the Section line 3.75 chains; thence South 67° & 30' East 8.90 chains; thence south 50° West along the county road 5.06 chains; thence north 41° & 30' West 4.89 chains to the place of beginning, containing 3.003 acres.

Also beginning at a point 3.75 chains north of the quarter-section corner common to Sections 33 & 34 in said Township and Range, and running thence North on the Section line 1.10 chains; thence south 67° & 30' East 9.84 chains; thence south 50° West along the county road 1.12 chains; thence north 67° & 30' West 8.90 chains to the place of beginning, containing 98 100 of an acre, more or less.

TOGETHER with all and singular the hereditaments and appurtenances therunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part either in law or equity of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances unto John W. Bailey, the said party of the second part, his heirs and assigns forever. And the said Clare L. Lewis, party of the first part, for herself, her heirs, executors and administrators does covenant, grant, bargain, and agree to and with the said party of the second part, his heirs, and assigns, that at the time of the sealing and delivery of these presents is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever, and the above bargained premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND DEFEND.

IN WITNESS WHEREOF The said party of the first part has hereunto set her hand and seal the day and Year first above written.
Signed, sealed and delivered in presence of: Clare L. Lewis SEAL
(A single woman.)

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, We, Richard L. and Nancy A. McLaughlin
(Name of applicant)

of 1742 Anderson Creek Road, Talent, County of Jackson
(Postoffice)

State of Oregon 97540, 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 Anderson 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 Baldwin Ditch
South 30° West 570 feet

4. The point of diversion is located / ft. (N. or S.) and ft. (E. or W.) from the E¹/₄

corner of Section 33 being within the NE¹/₄ SE¹/₄
(Section or subdivision)

of Section 33 Tp. 38 S. R. 1 W. W. M., in the County of Jackson.
(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
38 S.	1 W	34									0.6							

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? 1857

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 16078.
(Yes or No)

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 - Page 15.
(Yes or No)

12. Is the water right recorded in your name? No, Mary A. Bailey.
(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 200 ft. S. and 135 ft. E. from the W $\frac{1}{4}$
corner of Sec. 34 being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34 Tp. 38 S. R. 1 W. W. M.,
(Smallest legal subdivision) (N. or S.) (E. or W.)
in the county of Jackson The name of the ditch to be used is pumping system.

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.?
(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

AFFIDAVIT OF APPLICANT

STATE OF OREGON,
County of Jackson } ss.

We,
I, Richard L. and Nancy A. McLaughlin, 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 26th day of May, 1971.

Richard L. McLaughlin
Nancy A. McLaughlin
(Name of applicant)

Subscribed and sworn to before me this 26th day of May, 1971

[Notarial Seal]

Isabel J. Wilkita
NOTARY PUBLIC FOR OREGON

My commission expires April 18, 1972

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.

I certify that
this instrument
has been
received and filed
for record at
the County Recorder's
Office, Deputy.

KIND OF INSTRUMENT

STATE OF OREGON,
County of Jackson.

I hereby certify that

the annexed instrument of writing was received and filed
for record at 3 o'clock P.M., on the 24th
day of July, 1902.

Wm. H. Hurlburt

W. H.

Mary C. Hurlburt

CONSIDERATION

By Mary C. Hurlburt
County Recorder,
Deputy.

County of
bargained

This Indenture Witnesseth, That Wm. H. Hurlburt
and Sadie C. Hurlburt his wife, of the County of
Jackson and State of Oregon, for and in consideration of the sum of
Twenty five hundred (\$2500.00) DOLLARS, to them paid, have bargained
and sold, and by these presents do bargain, sell and convey unto
Mary C. Hurlburt
of the County of Jackson and State of Oregon
the following described premises, situated and being in the County of Jackson and State of Oregon, to-wit:

Let me
know
if it is
all right
to be
filed

Beginning at the quarter
Section corner between Sections Thirty-three (33) and Thirty-four (34)
in Township Thirty-eight (38) North of Range One (1) West of the
Meridian, Jackson County, Oregon, and running thence North Twenty
and fifteen hundredths (21.5) chains, Thence West Twenty (20) chains, Thence South Twenty
and fifteen hundredths (21.5) chains, Thence East Twenty and fifty hundredths (21.5) chains,
Thence South Twenty (20) chains, Thence East Twenty and fifty hundredths (21.5) chains,
Thence North Twenty and eighty eight hundredths (21.88) chains, Thence N. 88° E. and
Twenty hundredths (2.2) chains, Thence N. 41° 50' West Four and eighty eight hundredths
(4.88) chains to the place of beginning. Containing 74.22 acres including the County Road
which runs through the tract. Excepting right of way for 30 feet each side by a ditch
known as the Baldine ditch over a portion of the above described lands.
This sale is made subject to one certain mortgage given by Wm. H. Hurlburt and Sadie C. Hurlburt
to the First National Bank of Portland, Oregon, on the 30th day of November A.D. 1901 for the sum of Seven hundred
(\$700.00) Dollars, as recorded in Book 48 of Mortgages in Page 74. Which the parties herein recognize
and agree to pay as part of the consideration of this conveyance.

to and with
and assigns,
warrant and

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said
Mary C. Hurlburt her heirs and assigns forever. And
the said Wm. H. Hurlburt and Sadie C. Hurlburt do hereby covenant to and with
the said Mary C. Hurlburt her heirs and assigns,
that we are the owner in fee simple of said premises; that they are free from all incumbrances, and that we will warrant and
defend the same from all lawful claims whatsoever, except the above mentioned mortgage.

1. D. 1902.
(SHAL)
(SHAL)
(SHAL)
(SHAL)

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 24th day of July A. D. 1902.
Done in the presence of
Emma Patrick
Charles Patrick
Witnesses.
Wm. H. Hurlburt
Sadie C. Hurlburt
(SHAL)
(SHAL)
(SHAL)
(SHAL)

Public
and
notical person
freely

STATE OF OREGON,
County of Jackson } ss.
On this, the 24th day of July, A. D. 1902, personally came before me, a Notary Public
in and for said County and State, the within named Wm. H. Hurlburt and
Sadie C. Hurlburt his wife, to me personally known to be the identical person,
described in and who executed the foregoing conveyance, and acknowledged to me that he executed the same
freely
for the uses and purposes therein named.

Notary Public
Charles Patrick

Charles Patrick
Notary Public for Oregon
Residing at Portland in Jackson Co.

RECEIVED
OCT 22 1971
STA E ENGINEER
SALEM OREGON

BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON
WATER DIVISION No. 1

JACKSON, JOSEPHINE AND CURRY COUNTIES.

In the Matter of the Determination of the Relative
Rights to the Waters of the Rogue River and
its Tributaries. Water diverted from the
Audwin Creek, through
the Baldwin Ditch.

STATEMENT AND PROOF OF CLAIMANT.

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

STATE OF OREGON,

County of Jackson

ss.

Mayte Bailey of Talent Oregon,
being called as a witness in support of this Statement of Claim, and being first duly sworn, testified
as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of
incorporation and the authority by which you make this proof.

A.—Mayte Bailey, Talent Oregon

(If this proof is made by you as agent, or attorney, the written authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof?
If from a tributary, give its name.

A.—the Rogue River

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream
is based?

A.—irrigation - domestic and stock

(Irrigation power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A.—Appropriation - domestic and stock
(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right? A.—1857

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said
right? Answer fully, attaching separate sheet if necessary.

A.—A ditch was dug known as "Baldwin's Ditch"
and the water used through the same for
irrigation

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.—In 1857

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most
commonly known, if a ditch is used.

A.—By ditch known as Baldwin Ditch

9. Q.—State the interest claimant has in such ditch, with the names of any other water
users interested therein.

A.—I own a 1/2 interest in the ditch and water
but use the water of the same mostly through the
Hartley Ditch and claim the right to use the water through the
Baldwin Ditch

10. Q.—State the date of the beginning of construction. A.—1857

11. Q.—State the date of completion? A.—1857

12. Q.—State the dimensions of the ditch as originally constructed, just below the waste way
or head gate?

A.—Width (top) 3 1/2 feet; width (bottom) 1 1/2 feet;
depth 1 feet; grade, or fall in feet per 1000 feet, 2 1/2 feet.

Proof # — 91

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged?

A.—

First enlargement—Width (top).....feet; width (bottom).....
feet; depth.....feet; grade, or fall per 1000 feet.....feet.

Second enlargement—Width (top).....feet; width (bottom).....
feet; depth.....feet; grade, or fall per 1000 feet,feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate? A.—7— acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year?

A. — 3

16. Q.—How many acres were irrigated each subsequent year up to and including the present year?

A. - 1 3a. first yr. & balance the two following yrs.
enough added to make 7 acres.

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement?

A.—.....

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

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 $\frac{1}{4}$
38	Rk	33																
															7			
I irrigate my alfalfa to about the July 1st, my green silage to Sept 1st 1977 I hope you.																		

Total acres

19. Q.—State the character of the soil and kind of crops cultivated?

A. - Gravelly - alluvial sand & shells 0

20. Q.—When does the irrigating season begin and when does it end, and if water is used for other purposes, during what months is it used?

Feb 15 6 PM '81

***32. Q.—How many miles of ditch and what other construction work has been completed to date? A.—80 rods

***33. Q.—State the cost of construction to date? A.—100

34. Q.—What interest have you in the lands irrigated or place where the water is used?

A.—Land there

35. Q.—Name at least three witnesses who will substantiate the statements herein made by you? Give their postoffice addresses.

A.—W. H. Heuley — L. O. Heuley — Talus —
Oneyon — Boyd Robinson Ashland Oneyon

36. Q.—What additional evidence have you attached hereto or submitted herewith?

A.—

(If the witness finds the space insufficient to properly answer any question, he should attach hereto said answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own, should attach to its proof a complete list of the persons owning the lands so supplied, with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit, should be attached to this proof and marked for identification as Exhibit "A," "B," "C," etc.)

I hereby certify upon oath that the foregoing statements and answers are true as I verily believe.

J. H. Bailey
Signature of Claimant, or agent making proof.

Subscribed and sworn to before me this 4 day of Oct 1911

Superintendent of Water Division No. 1, State of Oregon.

Filed: OCT - 4 1911 1911

Fees paid: \$

Superintendent of Water Division No. 1, State of Oregon.

*In case there is objection to the official plat the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the Division Superintendent a map of said ditch and irrigated lands, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land which is irrigated.

*Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 3.8 (one cubic foot per second falling 3.8 feet equals one theoretical horsepower, or 550 foot pounds per second).
*Where a water right has been initiated prior to February 24, 1905, and the works are incomplete, or the water not yet or only partially applied to beneficial use, a map of lands on the above scale should accompany this statement, or filed with the Division Superintendent within thirty days from date of proof, which maps should be drawn on uniform sheets of tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should show the area which it is proposed to irrigate in each 40-acre tract, as well as main canals and general plans of all important structures to be built. The affidavit of surveyor or engineer should be attached, with date. The surveys of the State Engineer will show only constructed works and lands now irrigated. Questions 25, 26, 28, 29, 30, 31 and 32 relate only to uncompleted rights.

AUTHORIZATION OF AGENT.

Mary A. Bailey

of Talus

State of Oregon, do hereby make and appoint

J. H. Bailey

of Talus Oneyon

my agent

and attorney for me and in my name, place and stead, to make and submit the within Statement and Proof of Claimant, and I hereby designate said agent as the proper party upon whom lawful and valid service may be made of all process and notices in any contest commenced by or against me, in the within entitled matter, and said agent is hereby duly authorized to appear in any and all such contests as my true and lawful agent and attorney, giving and granting unto my said attorney full power and authority to do and perform all and every act necessary and requisite to be done in the premises, as fully as I might or could do if personally present, hereby ratifying and confirming all my said agent shall lawfully do by virtue of this power.

BEFORE THE BOARD OF CONTROL OF THE STATE OF OREGON

WATER DIVISION No. 1

JACKSON, JOSEPHINE AND CURRY COUNTIES.

In the Matter of the Determination of the Relative
Rights to the Waters of the Rogue River and
its Tributaries. Water diverted from-----

STATEMENT AND PROOF OF CLAIMANT.

Anderson Creek, through
The "Hurley" Ditch.

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

STATE OF OREGON,

County of *Jackson* ss.

Geo. Bailey of *Talent* Oregon,
being called as a witness in support of this Statement of Claim, and being first duly sworn, testified
as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of
incorporation and the authority by which you make this proof.

A.— *May A. Bailey - Talent Oregon*

(If this proof is made by you as agent, or attorney, the written authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof?
If from a tributary, give its name.

A.— *Yes from the main stream*

3. Q.—What is the nature of the right or use on which this claim to the waters of said stream
is based?

A.— *Irrigation - domestic stock*
(Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A.— *Irrigation - domestic and stock*
(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right? A.— *1893*

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said
right? Answer fully, attaching separate sheet if necessary.

A.— *buy a ditch and turned the waters
of Anderson Creek in the dam and
used it for irrigation.*

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.— *In 1893*

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most
commonly known, if a ditch is used.

A.— *through a ditch known as the
"Hurley" taken on on NE SE 33 38-1 W.*

9. Q.—State the interest claimant has in such ditch, with the names of any other water
users interested therein.

A.— *I own the dam. I own a 1/2 interest in the
Baum ditch and the waters, and use the dam through
the Hurley ditch.*

10. Q.—State the date of the beginning of construction. A.— *1893*

11. Q.—State the date of completion? A.— *1893*

12. Q.—State the dimensions of the ditch as originally constructed, just below the waste way
or head gate?

A.— Width (top) *12 inches* feet; width (bottom) *12 inches* feet;
depth *12 inches* feet; grade, or fall in feet per 1000 feet, *0* feet.

Proof # *92*

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OCT 22 1971

STATE ENGINEER
SALEM OREGON

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged?

A.—

First enlargement—Width (top).....feet; width (bottom).....feet;
depth.....feet; grade, or fall per 1000 feet,.....feet.

Second enlargement—Width (top).....feet; width (bottom).....feet;
depth.....feet; grade, or fall per 1000 feet,.....feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate? A.— 7- acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year?

A.— 3 acres

16. Q.—How many acres were irrigated each subsequent year up to and including the present year?

A.— 3 acres first year & balance the two following years enough added to make 7 acres in all

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement?

A.—

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A.—

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
38	11	33																
Irrigate my alfalfa to about the 1st July. My father & I irrigate. A ditch 1 1/2 miles long.																		
Irene lands as described in Decum's Claim #1																		

Total — 7 — acres

19. Q.—State the character of the soil and kind of crops cultivated?

A.— Gravelly — Alfalfa — vegetables

20. Q.—When does the irrigating season begin and when does it end, and if water for other purposes, during what months is it used?

A.— March 15th to Oct 1st

Q.—What are you irrigating or propose to irrigate, or for any other purpose for which it is claimed?

A.— 100000 bushels — Continuous flow

1. Yes - except that I forget 7 acres instead of 8.

A. _____

A. —

* * * 29. Q.—What is the estimated cost of such proposed construction? A.—.....

***31. Q.—State in detail, the number of acres which you propose to irrigate in each smallest legal subdivision (40-acre tract) under such proposed ditch or enlargement, using the following form. The lands at present actually irrigated should be described in answer to question 17. (Attach a separate sheet if necessary.)

Total.....acres

acres

***32. Q.—How many miles of ditch and what other construction work has been completed to date? A.—about 80 miles 80 rods

***33. Q.—State the cost of construction to date? A.—\$100

34. Q.—What interest have you in the lands irrigated or place where the water is used?

A.—owner

35. Q.—Name at least three witnesses who will substantiate the statements herein made by you? Give their postoffice addresses.

A.—W. H. Hurler, D. O. Hurler - Talus
Roberson - Talus Fred Clark Talus

36. Q.—What additional evidence have you attached hereto or submitted herewith?

A.—

(If the witness finds the space insufficient to properly answer any question, he should attach hereto said answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own, should attach to its proof a complete list of the persons owning the lands so supplied, with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit, should be attached to this proof and marked for identification as Exhibit "A," "B," "C," etc.)

I hereby certify upon oath that the foregoing statements and answers are true as I verily believe.

J. H. Bailey
Signature of Claimant, or agent making proof.

Subscribed and sworn to before me this 4 day of Oct 1911

OCT - 4 1911

Superintendent of Water Division No. 1, State of Oregon.

Filed: 1911

Fees paid: \$

Superintendent of Water Division No. 1, State of Oregon.

*In case there is objection to the official plat the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the Division Superintendent a map of said ditch and irrigated lands, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land which is irrigated.

**Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 5.5 (one cubic foot per second falling 5.5 feet equals one theoretical horsepower, or 550 foot pounds per second).

***Where a water right has been initiated prior to February 24, 1909, and the works are incomplete, or the water not yet or only partially applied to beneficial use, a map of lands on the above scale should accompany this statement, or filed with the Division Superintendent within thirty days from date of proof, which maps should be drawn on uniform sheets of tracing linen, on a scale of two inches to the mile (40 chains to one inch), and should show the area which it is proposed to irrigate in each 40-acre tract, as well as main canals and general plans of all important structures to be built. The affidavit of surveyor or engineer should be attached, with date. The surveys of the State Engineer will show only constructed works and lands now irrigated. Questions 26, 27, 28, 29, 30, 31 and 32 relate only to uncompleted rights.

AUTHORIZATION OF AGENT.

Mary O. Bailey of Talus

State of Oregon, do hereby make and appoint

J. H. Bailey of Talus, my agent

and attorney for me and in my name, place and stead, to make and submit the within Statement and Proof of Claimant, and I hereby designate said agent as the proper party upon whom lawful and valid service may be made of all process and notices in any contest commenced by or against me, in the within entitled matter, and said agent is hereby duly authorized to appear in any and all such contests as my true and lawful agent and attorney, giving and granting unto my said attorney full power and authority to do and perform all and every act necessary and requisite to be done in the premises, as fully as I might or could do if personally present, hereby ratifying and confirming all my said agent shall lawfully do by virtue of this power.

MAP

Accompanying application of
for permit to appropriate water from Anderson Creek.
(Baldwin Ditch.) Alfred S. Tee Surveyor

Oct 1911

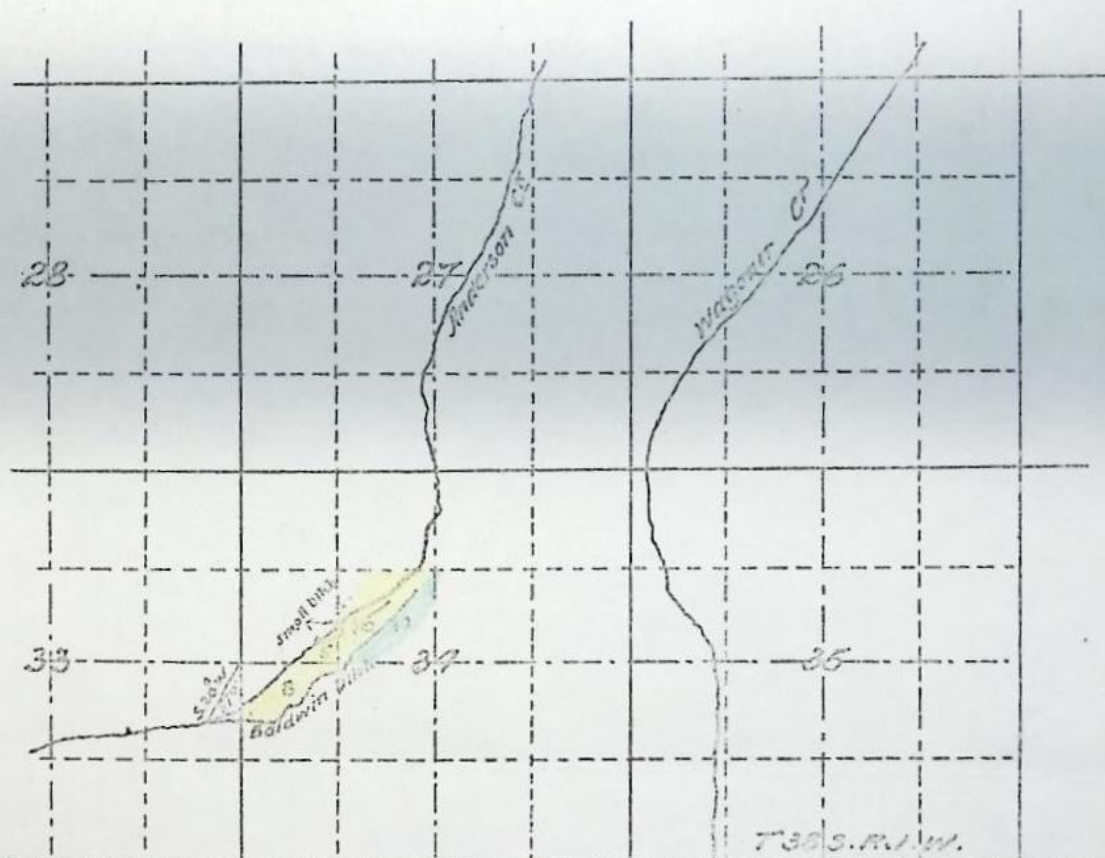
Scale 2 ins = 1 mile.

CERTIFICATE

I, Alfred S. Tee of Medford, Oregon do hereby certify, that this map was
made from notes of an actual survey made by me Oct 31st 1911, and that it
is a correct representation of the same and has written thereon the area
in each smallest legal subdivision which is proposed to irrigate.

Alfred S. Tee,
Surveyor.

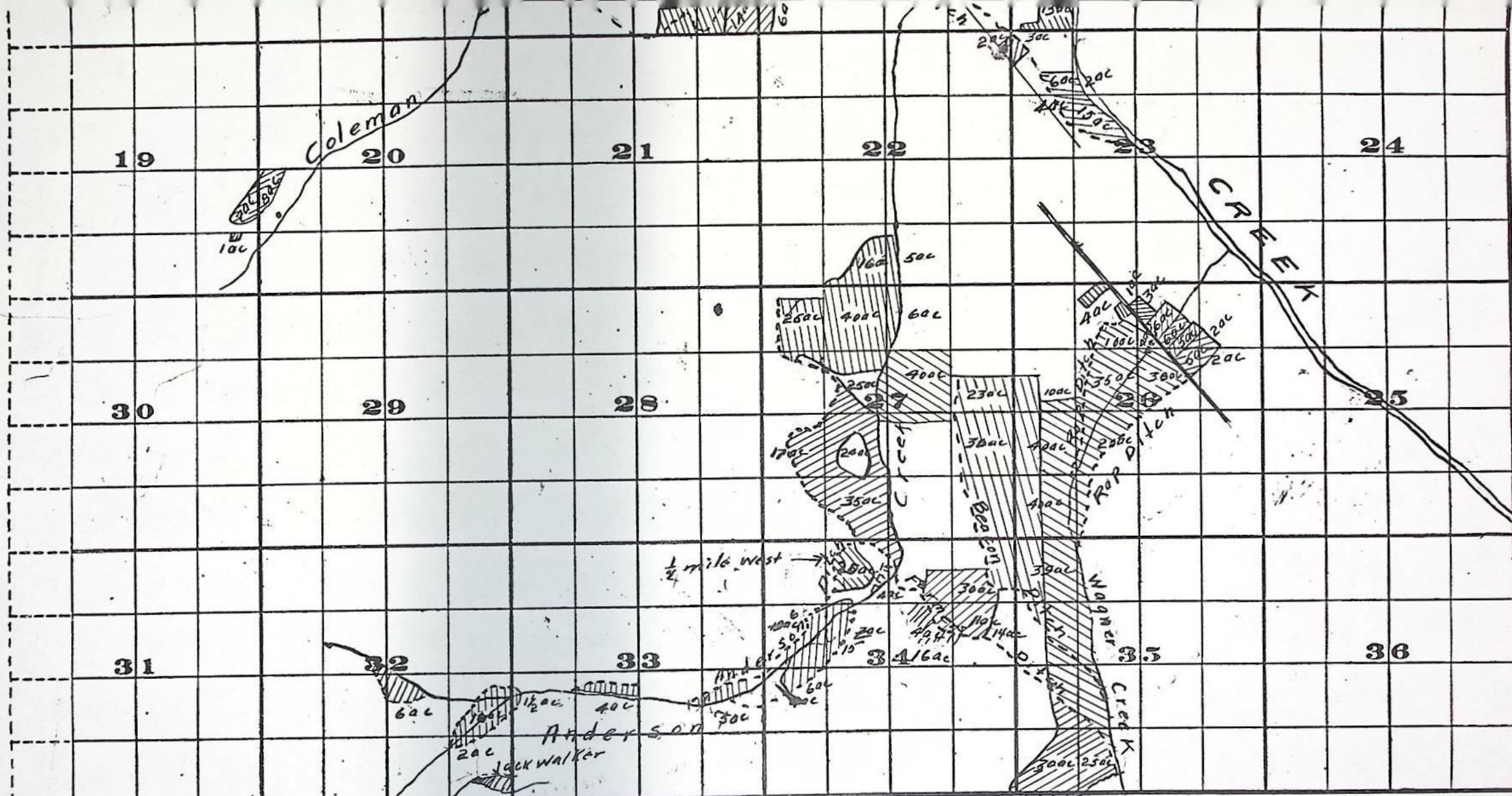
Note: Land colored yellow under irrigation.
" " green intended to be " "



Baldwin Ditch is Howell Ditch

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OCT 22 1971

STATE ENGINEER
SALEM, OREGON



16/1000 62
96/40

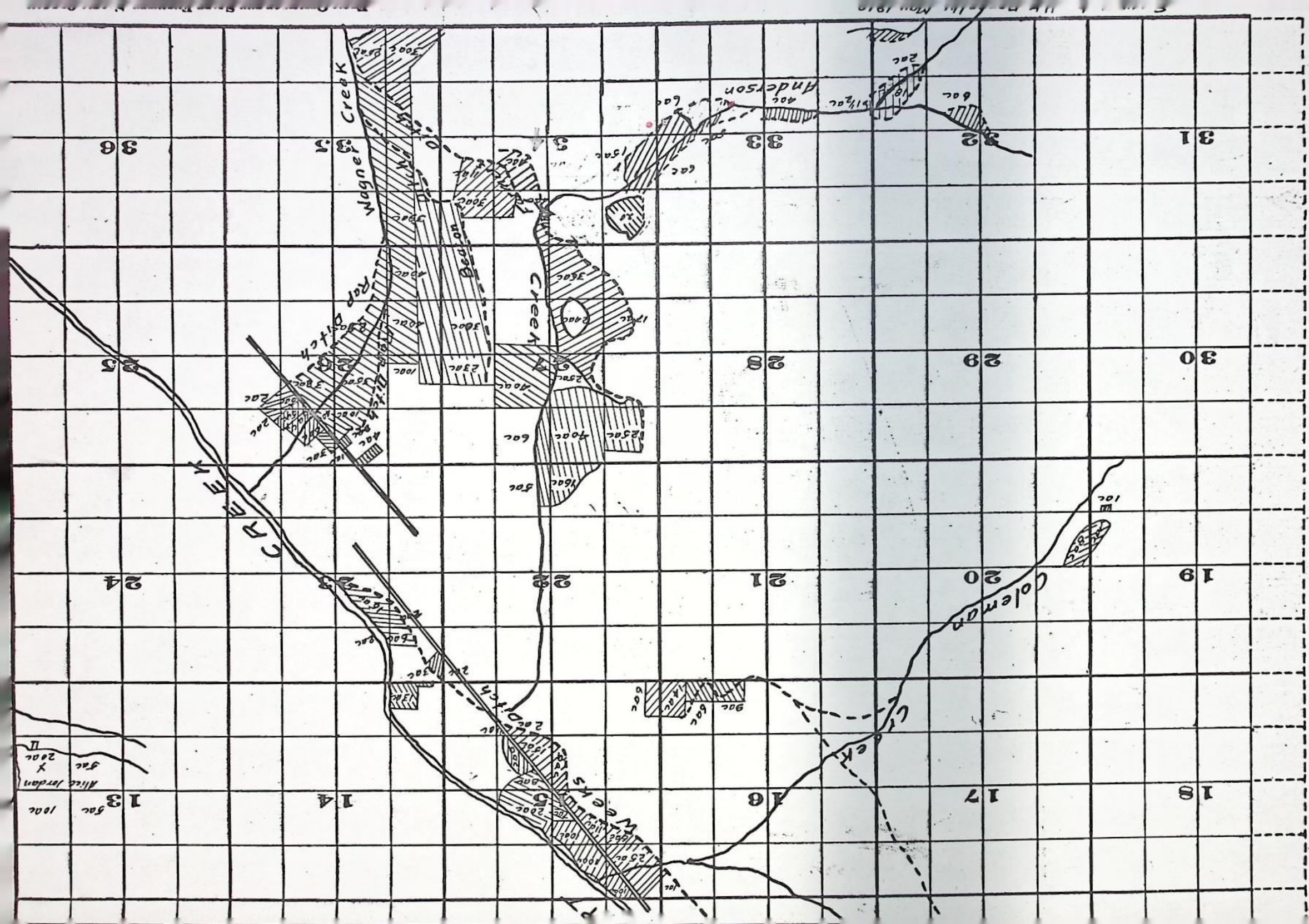
Scale of Feet.

Adjudication

Examined Sept. 18, 1911

Rogue River and Tributaries

John H. Lewis S



6-17-62

J A 22B-3

