

3471

### STATUS OF APPLICATION

Change in place of use  
Date filed 8-27-76  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 9-13-76 Vol. 27, page 409  
Date for application of water ~~10-1-77~~ 10-1-76  
Proof mailed \_\_\_\_\_

Proof received .....  
 Certificate issued NOV 23 1978 col. 36, page 42992  
JAN 22 1987 51 55474

to Survey 10/78

### DESCRIPTION OF WATER RIGHT

Name of stream Neil Creek  
Trib. of \_\_\_\_\_ County of Jackson  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 1 1/4  
Name of ditch West Side or Neil Ditch  
Date of priority 1861  
In name of R. C. Avent  
Rogue River Adjudication, Vol. A, page 9  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 15963  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

**FEES PAID**

Date	Amount	Receipt No.
8-27-76	30.00 35.00	55744
TOTAL . . .	4.00 Cert. Fee	55744

## FEES REFUNDED

Date	Amount	Check No.
9/29/76	100	864

## REMARKS

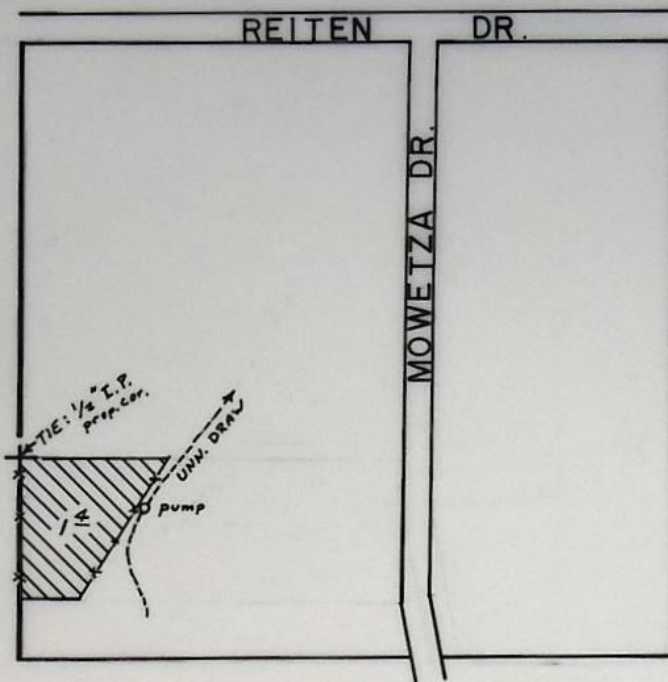
TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Pt.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



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

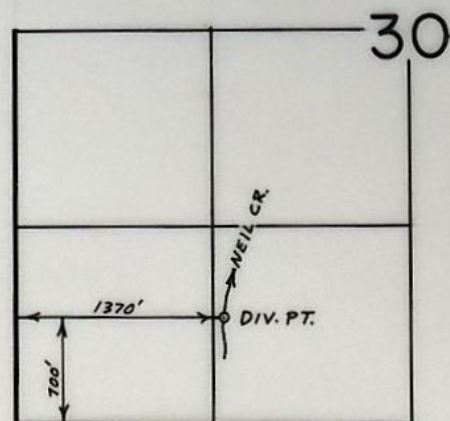
Sec. 30

SW 1/4 NW 1/4



Scale: 1" = 400'

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



Scale: 4" = 1 mile

**FINAL PROOF SURVEY**  
UNDER

Transfer no. 3471

Application No. .... Permit No. ....  
IN NAME OF

...OGDEN...L...&...RODNA...M...SHUTES

Surveyed March 28, 1980, by B.R. SUND.....

:    POD  
      POU  
      USE  
Add'1 POD

County Jackson

1. Name Ogden L & Rodna M. Shutes 482-5498

Address 200 Mawetza Dr, Ashland, 97520

2. Source of Supply Neil Cr., Trib of Bear Cr.

3. Use irrigation

4. Amount of Water 0.02 cfs Priority Date 1861

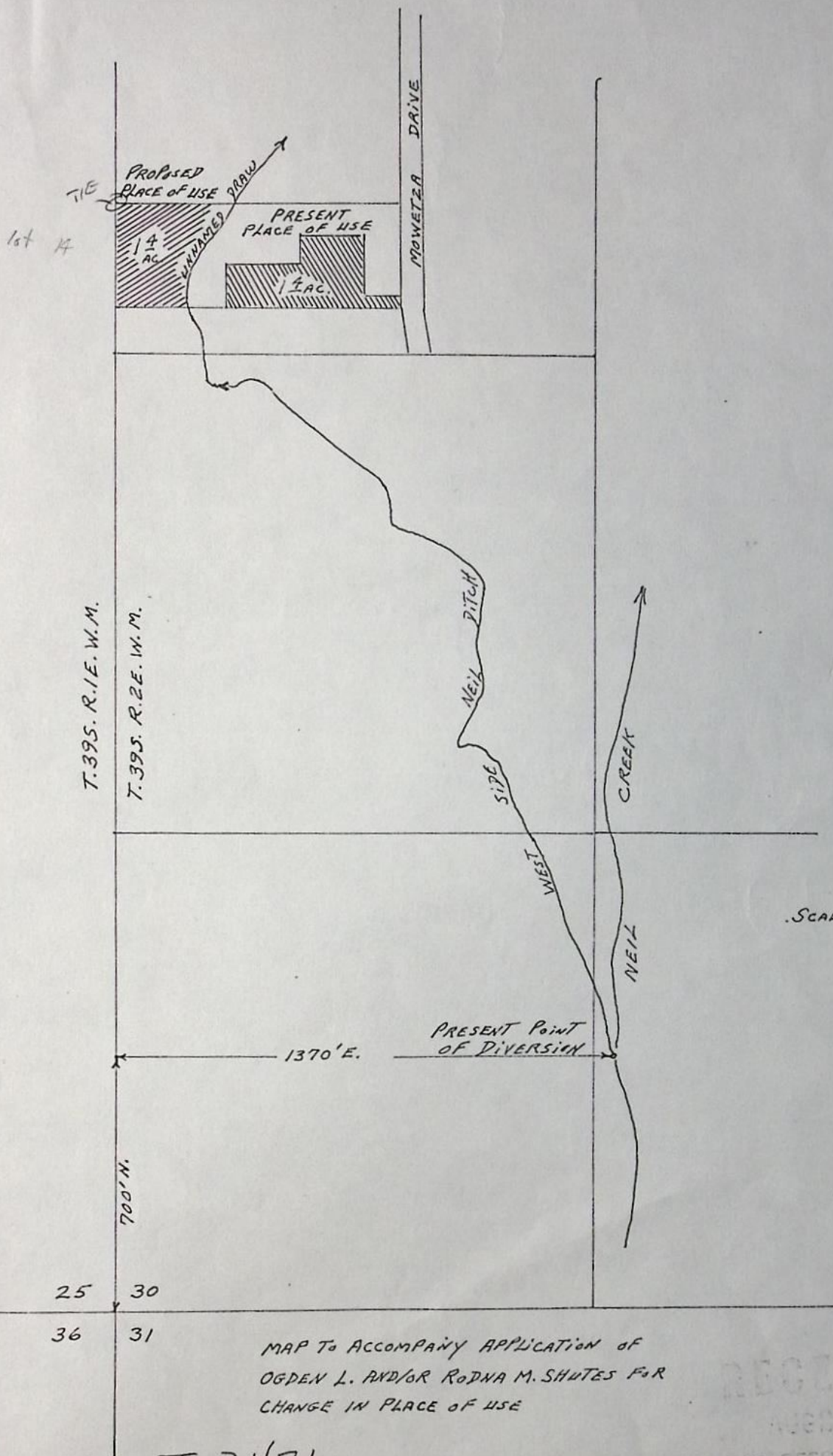
### 5. Proposed Point of Diversion

6. Completion Date extended to 10-1-78

7. Place of Use:

[illegible]





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AUG 27 1976  
WATER RESOURCES DEPT  
SALEM, OREGON



FINAL PROOF ON  
SURFACE WATER IRRIGATION

TR 3471  
APPLICATION No.

PERMIT No.

INFO: NAMES: OGDEN L. SAUTES  
ADDRESS: 200 MAWETEA DR.  
ASHLAND, OR 97520  
TALKED TO: MR SAUTES  
SOURCES: NEIL CR.

SYSTEM: WATER FROM WEST SIDE NEIL DITCH IS TURNED  
LOOSE INTO UNNAMED DRAW THEN PUMP UP  
TO LAND & SPRINKLE

PUMP: MAKE: PACO 50 PSI  
TYPE: \_\_\_\_\_  
SUCTION SIZE: 1 1/2"  $\frac{(3)(6.6)}{14 + 127.0} = 0.14 \text{ ft}$   
DISCHARGE SIZE: 1"  $\frac{(12)(4.0)}{450} = 0.10 \text{ ft}$   
MODEL No.: \_\_\_\_\_  
RATING: \_\_\_\_\_  
MOTOR: MAKE: \_\_\_\_\_  
TYPE: ELEC  
HP: 3 HP  
RPM: 3500  
CONNECTED DIRECT OR PULLEYS: \_\_\_\_\_

SPRINKLER SYSTEM:  
MAINLINE: NO. FEET: 280' 60'  
SIZE: 2 1/2" 2"  
TYPE: PVC PVC  
LATERALS: NO. FEET: 350'  
SIZE: 2"  
TYPE: AL  
SPRINKLERS: NO. HEADS: 12  
MAKE: BUCKNER  
MODEL #: 150P  
NOZZLE SIZES: 9/64"  
MAXIMUM: ALL  
IN OPERATION: MEAN PRESSURE: \_\_\_\_\_  
NO. OF HEADS: \_\_\_\_\_

LIFT: SUCTION: 2'  
DISCHARGE: 12'

USE: PASTURE  
DIVERSION: DIRECT: SAME DIV. PT.

STRUCTURE: \_\_\_\_\_

TIE: MONUMENTS: NW PROP. COR 1/2" I.P.  
SURVEYED ON: PTS - 1980-14-A

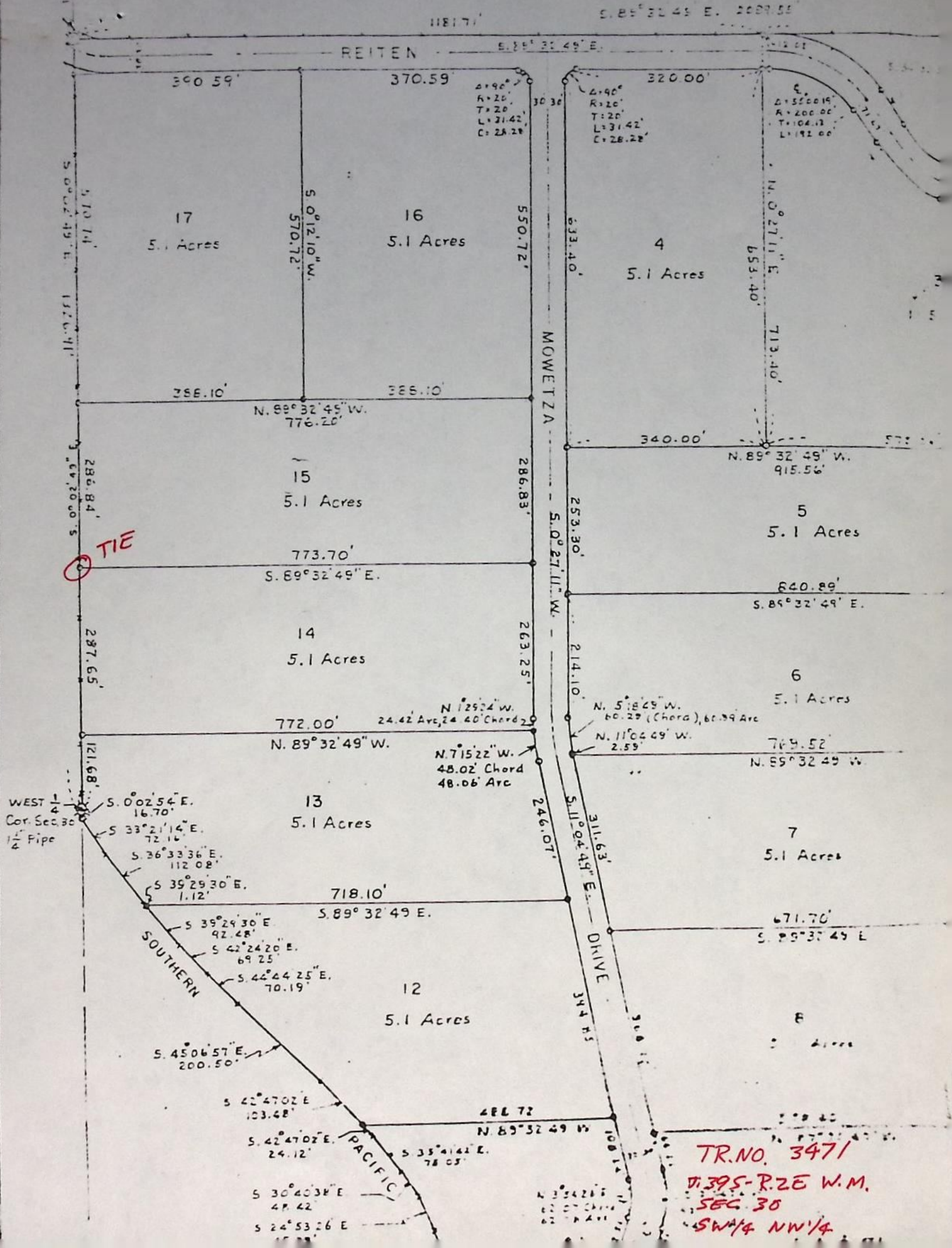
Bruce R. Lund

FIELD ENGINEER

DATE: 3-28-80

NOTE:







BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION  
OF OGDEN L. AND RODNA M. SHUTES FOR  
THE APPROVAL OF A CHANGE IN PLACE OF  
USE OF WATER FROM NEIL CREEK  
-----

ORDER APPROVING  
TRANSFER NO. 3471

On August 27, 1976, Ogden L. and Rodna M. Shutes filed an application for transfer of water right in the office of the Water Resources Director proposing a change in place of use under an existing right of record to appropriate not to exceed 0.02 cubic foot per second of water from Neil Creek, with a date of priority of 1861, at a point of diversion located 700 feet North and 1370 feet East from the Southwest corner of Section 30, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 30, Township 39 South, Range 2 East, W.M., for the irrigation of 1.4 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 30, being a portion of the right evidenced by the certificate recorded at Page 15963, Volume 13, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to sever the water right therefrom and simultaneously and without loss of priority transfer the right to irrigation of another 1.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 30, Township 39 South, Range 2 East, W.M.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

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



NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use of water is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1977.

It is FURTHER ORDERED that the certificate of water right heretofore issued to R. C. Avent and recorded at Page 15963, 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 Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to Ogden L. and Rodna M. Shutes confirming the change in place of use.

Dated at Salem, Oregon, this 13th day of September, 1976.

/s/ JAMES E. SEXSON  
Director

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MILLERS FALLS  
OCT 13 1976



Transfer No. 3471

NOTICE OF COMPLETION OF CONSTRUCTION

I, Ogden L. + Rodna M. SHUTES hereby certify  
that the construction work has been completed and the change in point of  
diversion of water made as set forth in the order of the Water Resources  
Director dated August 27, 1976, approving an application  
for a change in point of diversion of water from transfer of water rights  
from 1.4 acres in SW 1/4 NW 1/4 of Section 30 Township 39 S Range 2 E, W. 1/4 to another 1.4 acres  
in SW 1/4 SW 1/4 NW 1/4 of said Section 30.

27 September 1978  
Date

Ogden L. Shutes  
Name

*McGue*

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OCT 2 1978  
WATER RESOURCES DEPT.  
SALEM, OREGON



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FEB 7 1978

WATER RESOURCES DEPT  
SALEM, OREGON

File No. 3471

APPLICATION FOR EXTENSION OF TIME

Water Resources Department

To the ~~State Engineer~~ of Oregon:

I, Ogden L. and Rodna M. Shutes,  
of 200 Mowetza Drive, Ashland, Oregon 97520,

(Mailing Address) (City)

County of Jackson, State of Oregon,

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

( ) a change in point of diversion

(X) a change in place of use

( ) a change in the use theretofore made

under the terms of an order of the ~~State Engineer~~ <sup>Director</sup> dated 9-13-76,

approving water right transfer application No. 3471 in the name of

Ogden L. and Rodna M. Shutes \* which time expires 10-1-77.

✓ The following has been accomplished toward completion of the  
change within the time allowed: Started Construction of a  
Small pond for the collection of irrigation water  
to be transferred to new area.

(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: Installation of a water pump  
+ lines to pump irrigation water  
to the new area.

(over)

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

Rec 980  
1200

Ex to 10-1-78



I am unable to complete the change under the terms of the order,  
within the time allowed, because of drought, did not have water  
for my priority, so could not complete change in place of use.

and request that the time for completion be extended to 10-1-78.

AFFIDAVIT OF APPLICANT

STATE OF Oregon )  
County of Jackson ) ss.

I, Ogden L. and Rodna M. Shutes, 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 6<sup>th</sup> day  
of February, 1978.

Ogden L. Shutes  
Rodna M. Shutes

Subscribed and sworn to before me this 6<sup>th</sup> day of February, 1978

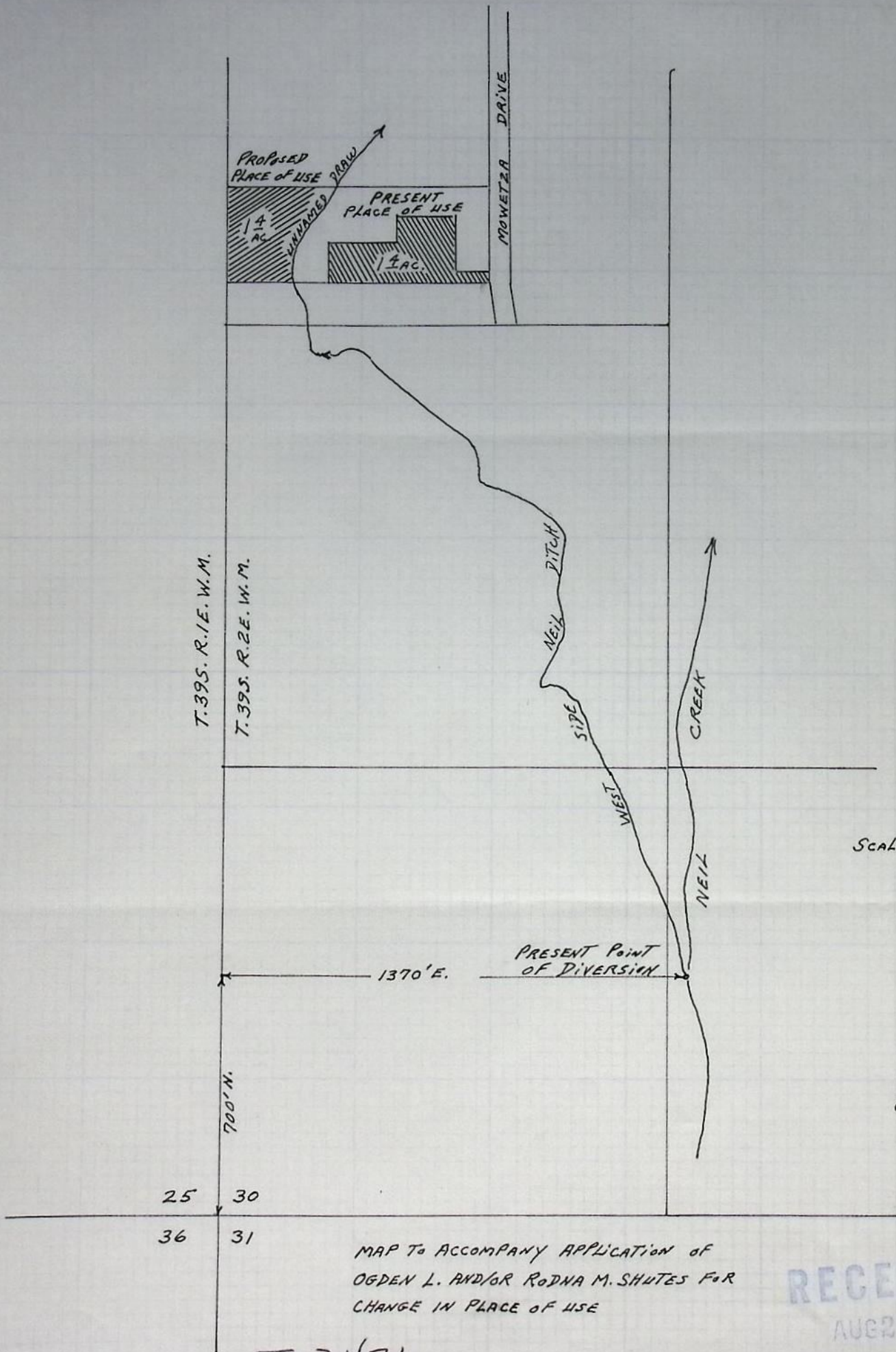
Helen I Mc Nabb  
Notary Public for Oregon  
My commission expires Nov 29, 1980



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

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.~~ \$10.00





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AUG 27 1976

WATER RESOURCES DEPT  
SALEM, OREGON



**RECEIVED**  
AUG 27 1976  
WATER RESOURCES DEPT  
SALEM, OREGON

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Ogden L. and Rodna M. Shutes  
(Name of applicant)  
of 200 Mowetza Drive, Ashland, County of Jackson  
(Postoffice)  
State of Oregon 97520, do hereby make application for change in place of use.

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

1. The source of present water right is Neil 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 West Side or Neil Ditch.
4. The point of diversion is located 700 ft. N. and 1370 ft. E. from the SW  
(N. or S.) (E. or W.)  
corner of Section 30 being within the SE 1/4 SW 1/4  
(Section or subdivision)  
of Section 30 Tp. 39 S. R. 2 E. 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
39 S.	2 E.	30							1.4									

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)

0.02 cfs

0.0125/Ac

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? 1861.
9. Was your water right acquired by State Engineer's Permit? No. If so, give number  
(Yes or No)  
of permit none.



10. Do you hold a water right certificate? Yes. If so, give number of certificate 15963.  
(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 9, Col. 3.  
(Yes or No)

12. Is the water right recorded in your name? No, R. C. Avent.  
(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 $\frac{1}{4}$
39 S.	2 E.	30							SW $\frac{1}{4}$ 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 \_\_\_\_\_ ft. \_\_\_\_\_ and \_\_\_\_\_ ft. \_\_\_\_\_ from the \_\_\_\_\_  
(N. or S.) (E. or W.)  
corner of \_\_\_\_\_ being within the \_\_\_\_\_ of Section \_\_\_\_\_ Tp. \_\_\_\_\_ R. \_\_\_\_\_ W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of \_\_\_\_\_ 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? \_\_\_\_\_

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? \_\_\_\_\_

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.? Yes.  
(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 to better facilitate the use of water on  
our property.



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Jackson

ss.

I, Rodna M. and Ogden L. Shutes, 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 23rd day of August, 1976.

Rodna M. Shutes - Ogden L. Shutes  
(Name of applicant)

Subscribed and sworn to before me this 23rd day of August, 1976

[Notarial Seal]

John F. Cummings  
NOTARY PUBLIC FOR OREGON  
My commission expires 21 January 1980

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.



Ogden L. and Rodna H. Shutes

AV73-9822

WARRANTY DEED—(GRANTEES AS TENANTS BY ENTIRETY) JACKSON COUNTY TITLE CO. 303 W. MAIN, MEDFORD, OREGON, PHONE 779-3811

73-11548

KNOW ALL MEN BY THESE PRESENTS, That W. ROWLAND WELCH and  
MARJORIE M. WELCH, husband and wife,  
for the consideration herein after stated to them paid by OGDEN L. SHUTES  
and RODNA H. SHUTES,

husband and wife, grantees,  
do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety, their heirs  
and assigns, all the following real property, with the tenements, hereditaments and appurtenances,  
situated in the County of Jackson and State of Oregon, bounded and described as

follows, to-wit: A parcel of land located in the Southwest Quarter of the Northwest  
Quarter of Section 30 in Township 39 South, Range 2 East of the Willamette Meridian in  
Jackson County, Oregon, described as follows: Commencing at the most northwest corner  
of tract described in Volume 375 page 430 of the Deed Records of Jackson County, Oregon,  
said corner being marked with a 1/2" galvanized iron pipe and located on the west boundary  
of Section 30 in Township 39 South, Range 2 East of the Willamette Meridian, distant  
1317.21 feet, more or less, South from the northwest corner of said Section 30; thence  
along the west boundary of said tract and Section 30, South 0° 02' 49" East a distance of  
917.58 feet to a 5/8" steel rod, thence South 89° 32' 49" East 386.85 feet to the true point  
of beginning; thence South 0° 02' 49" East 287.65 feet; thence South 89° 32' 49" East 356.0  
feet to a 5/8" steel rod on the westerly right of way boundary of an existing 60.0 foot road-  
way (Mowetza Drive); thence along said right of way boundary on the arc of a 360.0 foot  
radius curve to the right 24.42 feet to a 5/8" steel rod (the long chord bears North 01° 29'  
24" West 24.40 feet); thence continue along said right of way boundary, North 0° 27' 11"  
East 263.25 feet to a 5/8" steel rod; thence North 89° 32' 49" West 366.85 feet to the true  
point of beginning.

Subject to: Easement to The Pacific Telephone & Telegraph Co. recorded 3/13/47 in Vol.  
280 Deeds page 30; electrical transmission line easements granted by instruments recorded  
in Volume 309, Page 192, Vol. 380, P. 227, Vol. 487 P. 10, Vol. 544 P. 237, & Inst. No.  
68-11708, Deed Records and Official Records of Jackson County, Oregon; the effect of  
lying within the Talent Irrigation District; and 1973-74 taxes, a lien, but not yet payable;

The true consideration paid for this conveyance stated in terms of dollars is \$ 38,000.00

To Have and to Hold the above described and granted premises unto the said grantees, their heirs  
and assigns forever, as above stated.

And the grantor do covenant that they are lawfully seized in fee simple of the above  
granted premises free from all incumbrances, except as above set forth.

and that they will and their heirs, executors and administrators, shall warrant and forever de-  
fend the above granted premises, and every part and parcel thereof, against the lawful claims and de-  
mands of all persons whomsoever.

Witness their hand and seal this 25th day of July, 1973.

W. Rowland Welch (SEAL)  
W. Rowland Welch (SEAL)  
Marjorie M. Welch (SEAL)  
Marjorie M. Welch (SEAL)

STATE OF OREGON,  
County of Jackson ss.

BE IT REMEMBERED, That on this 25 day of July, A.D. 1973,  
before me, the undersigned, a Notary Public in and for said  
County and State, personally appeared the within named W. Rowland Welch and  
Marjorie M. Welch

to be the identical individual as described in and who executed the within instrument, and acknowledged  
they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and  
seal the day and year last above written.

Louise Lund  
Notary Public for Oregon.  
My Commission Expires 3-22-77

State of Oregon }  
County of Jackson } ss. 7-26-73

I hereby certify that the within instrument of writing was received and  
filed at Medford, Oregon on the 26th day of July, 1973 and is  
recorded in Official Records for Jackson County, Oregon.  
Sherry Chapman County Clerk By Sherry Chapman

RETURN TO

Liaston  
200 W. Main St.  
Medford, Oregon  
97504

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AUG 27 1976

WATER RESOURCES DEPT  
SALEM, OREGON