

3210

See 3

STATUS OF APPLICATION

Change in place of use
Date filed 4-28-75
Date of hearing _____
Place of hearing _____
Date of order 10-11-76 Vol. 28, page 26
Date for application of water 10-1-77
Proof mailed JAN 28 1980
Proof received 4-17-80
Certificate issued MAR 23 1987 Vol. 51, page 55897

DESCRIPTION OF WATER RIGHT

Name of stream Little Butte Creek
Trib. of _____ County of Jackson
Use irrigation
Quantity of water _____ No. of acres 2 5
Name of ditch Little Butte Irrigation Co
Date of priority 1883
In name of Little Butte Irrigation Company
Little Butte Creek Adjudication, Vol. 14, page 520
orig cert #17196
App. No. _____ Per. No. _____ Cert. No. 42285
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-28-75</u>	<u>25.00</u>	<u>46526</u>
TOTAL . . .	<u>4.00</u>	<u>50474</u>
<u>12-1-75</u>	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
<u>1-15-80</u>	<u>4.00</u>	<u>3998 out of fee</u>

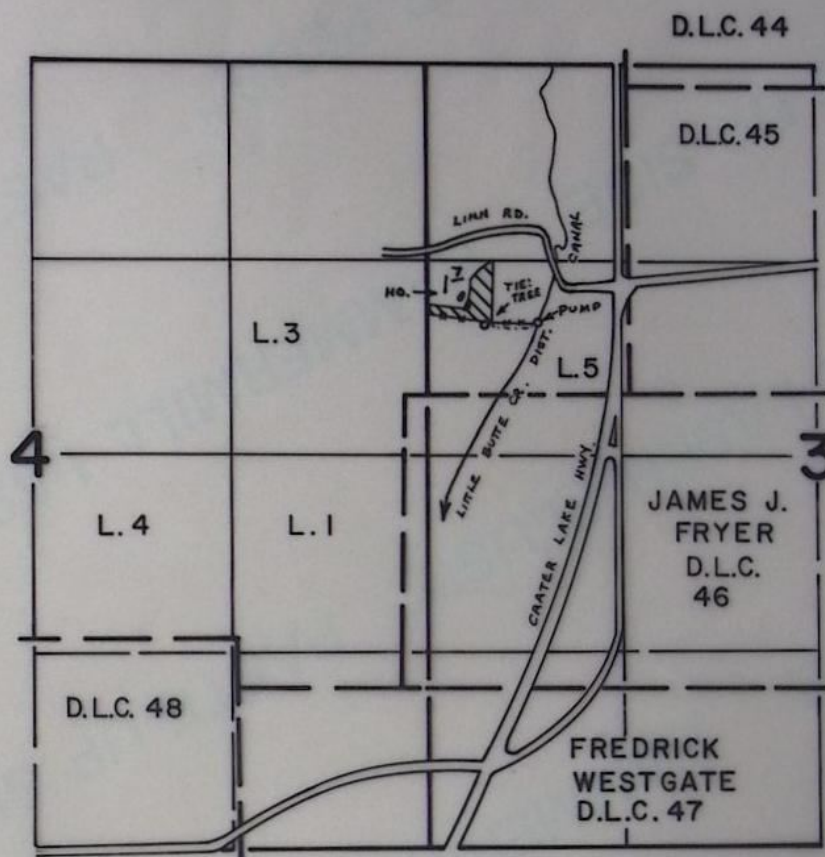
REMARKS

Do not issue cert until T. 3221st and 3224th are complete
Transfers 3221 & 3224 also involved, also F-4138
this transfer provides for R.R. cert.
Form 130 sent MAR 6 1980
Issue cert after F.P. on F-4138

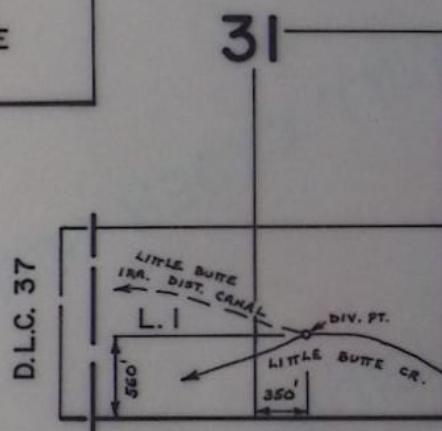
W.R.I.S.	
Assembled <u>6-4-85</u> by <u>SM</u>	
Entered _____ by _____	
Verified _____ by _____	

INDEX CARDS:	Entered	Checked
<u>WA</u> Name	<u>✓</u>	<u> </u>
<u>WA</u> Stream	<u>✓</u>	<u> </u>
<u>WA</u> Pt. of Div.	<u> </u>	<u> </u>
<u>WA</u> Calendar	<u>✓</u>	<u> </u>
CHECKED TO RECORDS:		
<u>✓</u> Twp. & Rge.	<u>WA</u>	<u> </u>
<u>✓</u> Decree-vault	<u>WA</u>	<u> </u>
<u>✓</u> Decree-safe	<u>WA</u>	<u> </u>
<u>✓</u> Cert. of W/R	<u>WA</u>	<u> </u>
<u> </u> Per. Folder	<u> </u>	<u> </u>
<u> </u> Chainindex	<u> </u>	<u> </u>
<u> </u> Cross Ref.	<u> </u>	<u> </u>
<u> </u> Power Claim	<u> </u>	<u> </u>
<u> </u> Abstracts	<u> </u>	<u> </u>

T.36 S., R.1 W., W.M.



T.35 S., R.1 E., W.M.



FINAL PROOF SURVEY UNDER

Transfer No. 3210

Application No. _____ Permit No. _____

IN NAME OF

DONALD R. & LETA M. BAKER

Surveyed AUG. 24 1978 by B. SUND

D.H.M.
P.T.S.-1978-14-C
& BAX-3AA-6

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION
OF FLOYD C. HAYNER, dba GREAT WAY
MARKET, FOR THE APPROVAL OF A CHANGE
IN PLACE OF USE OF WATER FROM LITTLE
BUTTE CREEK

ORDER APPROVING
TRANSFER NO. 3210

On April 28, 1975, Floyd C. Hayner, dba Great Way Market, filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Little Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Little Butte Irrigation Company and recorded at Page 42285, Volume 34, State Record of Water Right Certificates, confirms a right to the use of water from Little Butte Creek for the irrigation of, among other lands, 2.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 36 South, Range 1 West, W.M., with a date of priority of 1883. These lands are irrigated by means of the Little Butte Irrigation Company ditch from a point of diversion located 560 feet North and 2990 feet East from the Southwest corner of Section 31, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 35 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 2.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, Township 36 South, Range 1 West, W.M.

Mr. David C. Hendrix, Watermaster, District No. 13, has filed a statement to the effect that the proposed change in place of use of water 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.

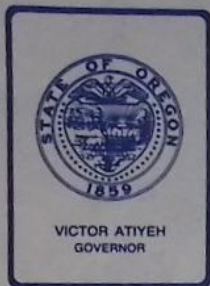
NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water as described herein, without loss of priority, is approved.

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

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of complete application of water to beneficial use under the provisions of this order and under the provisions of the orders entered this date approving water right transfers Nos. 3221 and 3224, the certificate of water right heretofore issued to Little Butte Irrigation Company and recorded at Page 42285, Volume 34, State Record of Water Right Certificates, be canceled, and in lieu thereof a new certificate be issued covering the water right as modified in accord with said provisions.

Dated at Salem, Oregon, this 11th day of October, 1976.

/s/ JAMES E. SEXSON
Director



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

This certificated water right is appurtenant to the specific place of use where it was established and belongs to the legal owner of the land.

The right exists only for the amount of water needed for the specific use and place of use described in the water right document.

To change the place of use, point of diversion, or type of use of the water, an application must be filed with the Water Resources Director for approval of the proposed change.

Any portion of this water right is forfeited if allowed to go unused for five or more consecutive years. Also, the right may be lost at any time by an intentional act by the owner that would make the right unusable.

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

LITTLE BUTTE IRRIGATION COMPANY

of Eagle Point, State of Oregon, has
a right to the use of the waters of Little Butte Creek

a tributary of Rogue River for the purpose of
irrigation of 652.27 acres, domestic and stock

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 14, at page 498; that the priority of the
right thereby confirmed dates from 1883 for Tract #1 and 1908 for Tract #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 10.99 cubic feet
per second for irrigation from Tract #1 and 2.056 cubic feet per second from
Tract #2; measured at the head of the ditch or the point where the same leaves
the natural stream, from April 1st to October 1st of each year.

The point of diversion is located in the SW 1/4 SE 1/4, Section 31, T35S, R1E, WM;
560 feet North and 2990 feet East from SW corner Section 31.

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

549.89 acres in Tract #1 as follows:

34.0 acres SW 1/4 SE 1/4
18.9 acres SE 1/4 SE 1/4
10.0 acres SW 1/4 SW 1/4
15.0 acres SE 1/4 SW 1/4

Section 34

4.6 acres Lot 4 (SW 1/4 NW 1/4)
37.0 acres NE 1/4 SW 1/4
33.0 acres NW 1/4 SW 1/4
40.0 acres SW 1/4 SW 1/4
33.0 acres SE 1/4 SW 1/4
21.0 acres NE 1/4 SE 1/4
32.5 acres NW 1/4 SE 1/4
4.0 acres SW 1/4 SE 1/4
12.0 acres SE 1/4 SW 1/4

Section 35

SEE NEXT PAGE

3.0 acres SE 1/4 NW 1/4
10.0 acres SW 1/4 NW 1/4
20.0 acres NE 1/4 SW 1/4
35.0 acres NW 1/4 SW 1/4
20.0 acres SW 1/4 SW 1/4
17.5 acres SE 1/4 SW 1/4
3.5 acres NW 1/4 SE 1/4
7.5 acres SW 1/4 SE 1/4

Section 36
Township 35 South, Range 1 West, WM

11.52 acres NE 1/4 NE 1/4
19.10 acres NW 1/4 NE 1/4

Section 3

2.6 acres NE 1/4 NW 1/4
25.1 acres SW 1/4 NW 1/4
27.2 acres SE 1/4 NW 1/4
6.2 acres NE 1/4 SW 1/4
32.0 acres NW 1/4 SW 1/4
3.0 acres SW 1/4 SW 1/4

Section 3

0.17 acre SE 1/4 SE 1/4 as projected within Westgate DLC 47

Section 4
Township 36 South, Range 1 West, WM

3.1 acres NW 1/4 NW 1/4 as projected within DLC 43
8.4 acres NW 1/4 NW 1/4 as projected within DLC 42

Section 6
Township 36 South, Range 1 East, WM

102.38 acres in Tract #2 as follows:

4.6 acres NE 1/4 SE 1/4
4.4 acres NW 1/4 SE 1/4

Section 34

0.46 acre SW 1/4 NE 1/4
2.50 acres SE 1/4 NE 1/4
1.10 acres NE 1/4 SE 1/4
10.3 acres SW 1/4 SE 1/4

Section 35

3.3 acres SW 1/4 NW 1/4
2.90 acres NE 1/4 SW 1/4
1.10 acres NE 1/4 SE 1/4
11.50 acres NW 1/4 SE 1/4
14.10 acres SW 1/4 SE 1/4

Section 36
Township 35 South, Range 1 West, WM

SEE NEXT PAGE

4.3 acres NE 1/4 NE 1/4
11.22 acres SW 1/4 NE 1/4
2.7 acres NE 1/4 NW 1/4
12.3 acres NW 1/4 NW 1/4
3.7 acres NE 1/4 SW 1/4
9.9 acres SW 1/4 SW 1/4

Section 3
Township 36 South, Range 1 West, WM

2.0 acres NW 1/4 NW 1/4 as projected within DLC 42
Section 6
Township 36 South, Range 1 East, WM

This certificate describes that portion of the water right confirmed by the prior certificate of water right recorded at page 42285, Volume 34, State Record of Water Right Certificates, NOT modified by the provisions of orders of the Water Resources Director entered on October 11, 1976, May 11, 1978, and February 12, 1979, approving transfer applications 3210, 3221, 3224, 3950, and 4138, and is issued to confirm changes in place of use approved by the same orders and supersedes certificate 42285.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date March 23, 1987.

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51, page 55897

9034D/TS
T-3210 et al

WATER RIGHT NO. ~~T000041381~~ ³²¹⁰¹ PERMIT NO. 014520 CERTIF. NO.
 ORIG. NO. C000171951 PREV. NO. ~~T000039501~~ SUPER. NO.
 C000422851

NAME: ~~DICK L. CHAMBERLAIN~~ ^{FLOYD C. HAYNER}
 ADDRESS: ~~2910 BROWNSBORO HWY~~ ^{295 Linn Rd}
 CITY/STATE/ZIP/COUNTY: EAGLE POINT, OR 97524 15

STREAM-ID 15 1680 2060

RIV. MI.

WM. DIST. 13 W.R. TYPES C STATUS V

CANCEL YEAR--->

CONSTR. COMPLT---> 10 01 1980¹⁷

YR. LAST USED----->

NEXT ACTION DUE--->

PRIORITY-----> 12 31 1883

PUT TO USE-----> 10 01 1980³³

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> ~~01 22 1979~~ ^{04 28 1975}

SURVEYED-----> 08 24 1978

EXAM. FEE----->

RECORDING FEE----->

PERMIT ISSUE--> ~~02 11 1979~~ ^{10 11 1976}

CONCURRENCE-----> 02 02 1980

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> ~~02 12 1979~~ ^{10 11 1976}

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

POINT-OF-DIVERSION DATA;
 TWP/SP RNGE SECT QTR/QTR STREAM-ID

3605 010E 31 D C 15 1680 2060

RIV. MI.

RATE

STATUS

S OR P

0229
 0.034

V P

** REMARKS; - - - - -
 ** DATED-->

** P.O.D: LITTLE BUTTE COMPANY CANAL, 560' N

** 2990' E PM SW COR S 31

** CHANGES POW PART OF C-42285

** SEE T000041382. PRIOR XFRS

** T-3210, 3221, 3229, 3950, T-4138

**

**

PLACE-OF-USE DATA:

TWP/SP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

3605 010E 03 B E 15 1R 100 1150
 2.56

STATUS S OR P

V P

2.00 to P. M. 1980

V.R.I.S.

6-4-85

Assembled 4-17-85 by SBL

Entered by

Verified by

Permit No. _____

Transfer No. 3210

County Jackson

PROOF OF APPROPRIATION OF WATER

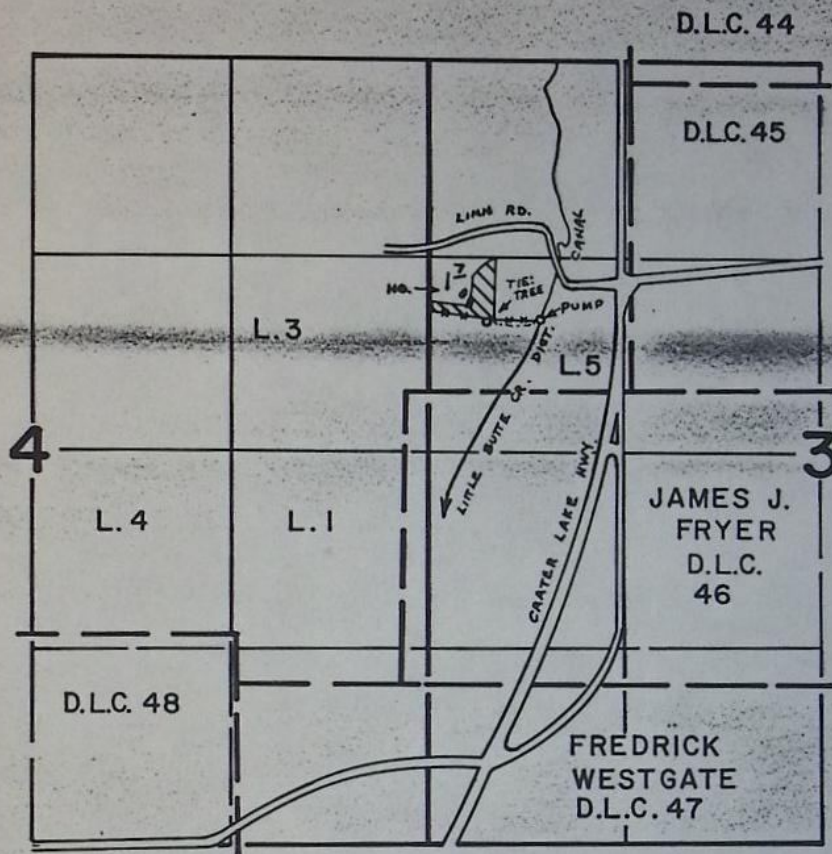
1. Name Donald R. and Leta M. Baker
2. Address 295 Linn Road
Eagle Point OR 97524
3. Source of Supply Little Butte Creek
Tributary of Rogue River
4. Amount of water 0.034 cubic foot per second
5. Priority date 1883
6. Use irrigation of 1.7 acres
7. Location of point of diversion Little Butte Irrigation District Canal
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, T. 35 S., R. 1 E., W.M., 560 feet North and 350 feet East
from the S $\frac{1}{4}$ Corner, Section 31
8. The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

1.7 acres Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 3
T. 36 S., R. 1 W., W.M.

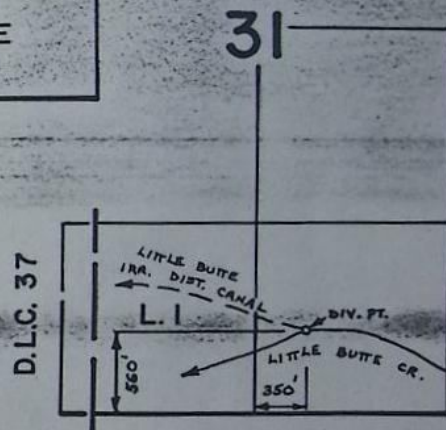
I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change of place of use approved by the order of the Water Resources Director entered October 11, 1976; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, X We our have hereunto set xx hands this 2 day of Feb
19 80.
Donald R. Baker
Leta M. Baker
Legal Owner of the above described lands

T.36 S., R.1 W., W.M.



T.35 S., R.1 E., W.M.



FINAL PROOF SURVEY

UNDER

Transfer No. 3210

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

FLOYD HAYNER / DONALD BAKER

Surveyed AUG. 24 1978, by B. SUND

D.H.M.

P.T.S. - 1978 - 14 - C

8. BAX-3AA-6

8-24-78
BTS-1978-14-C
BAX-3AA-6

County JACKSON

- [illegible]

Info: Son of owner, as filed. SEE HENSON 48991 36678, &
CHAMBERLAIN Tr. 3229

MOTOR: 15 HP, GE. @ 3520 RPM

PUMP: CORNELL, 3 1/2" x 4"

PIPE: MAIN: 4" to 6" - 1500' PVC

LAT: 1 1/2" - 300' STEEL

4" - 200' PLASTIC

SPRINKLERS: 15 MAX.

11 RB 405 - 1/8" x 3/16"

SYSTEM: ALSO, FLOOD IRRIGATION
4 RB 65 - 9/32"

LIFT: 1' SUCTION

35' PUMP

USE: PASTURE, GARDEN

TIE: PTS-1978-17-C, BAX-3AA-6

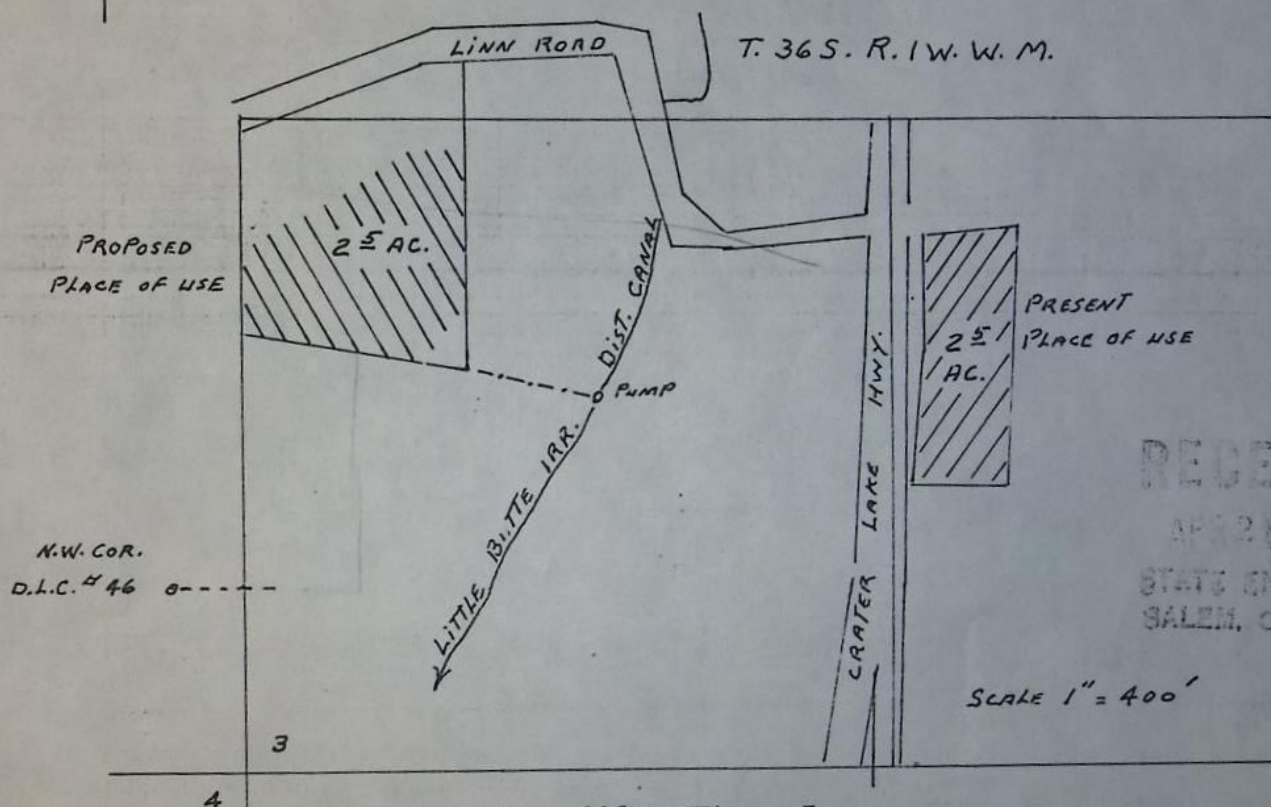
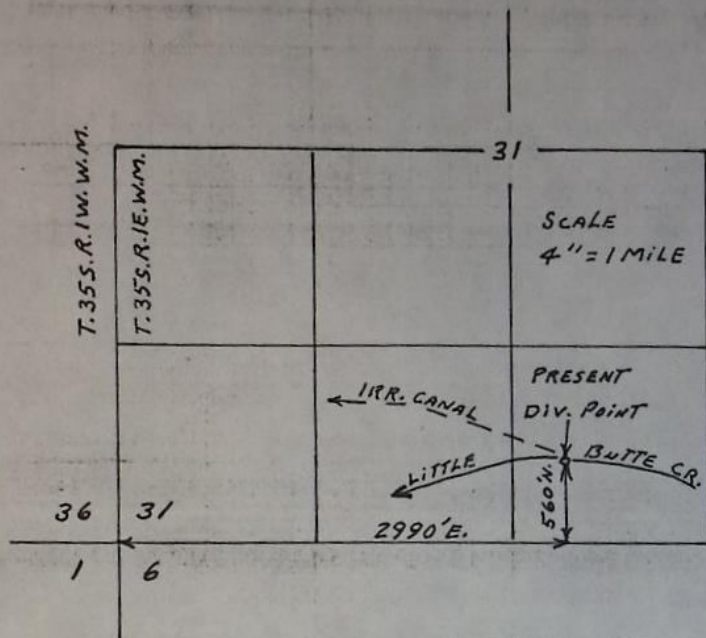
Bruce R. Sund

F.E. 8-24-78

$$\frac{1.7}{80} = 0.02 \text{ c.f.s.}$$

$$\frac{15(6.61)}{114 + 36} = 0.661 \text{ c.f.s.}$$

$$\frac{11(3 + 6.8) + 4(16.6)}{450} = 0.39 \text{ c.f.s.}$$



RECEIVED

APR 28 1975

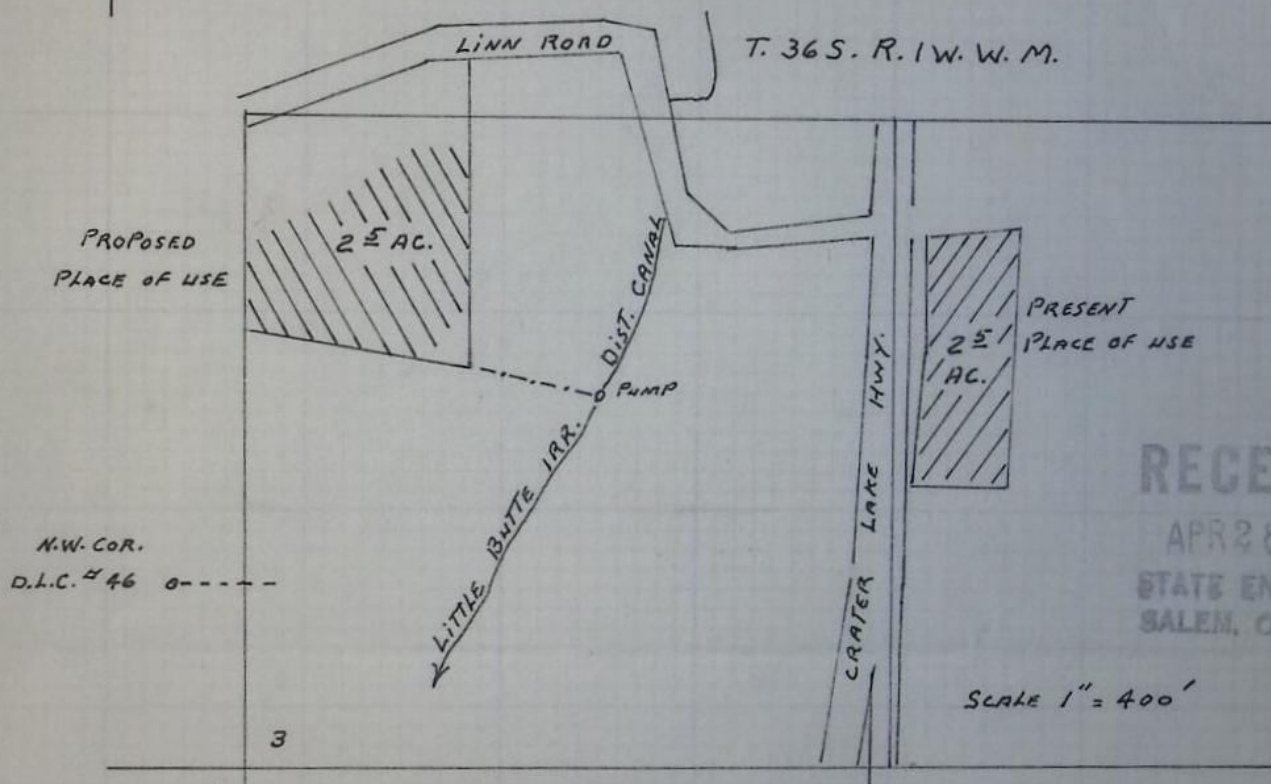
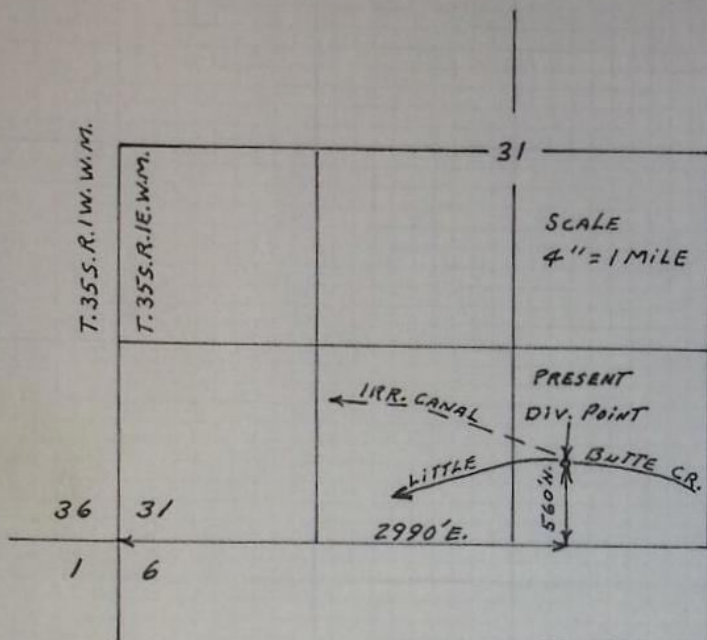
STATE ENGINEER
SALEM, OREGON

MAP TO ACCOMPANY APPLICATION OF
FLOYD C. HAYNER, D.B.A. GREAT WAY MARKET
% DONALD R. AND/OR LETA M. BAKER FOR
CHANGE IN PLACE OF USE



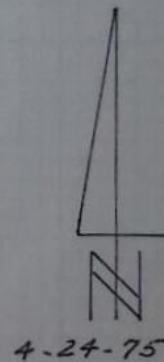
4-24-75

T-3210



MAP TO ACCOMPANY APPLICATION OF
FLOYD C. HAYNER, D.B.A. GREAT WAY MARKET
% DONALD R. AND/OR LETA M. BAKER FOR
CHANGE IN PLACE OF USE

RECEIVED
APR 28 1975
STATE ENGINEER
SALEM, OREGON



T-3210

73-01403

JOSEPHINE COUNTY TITLE CO.

P. O. BOX 338, 604 W. MAIN ST., MEDFORD, OREGON

KNOW ALL MEN BY THESE PRESENTS, That

Floyd E. Hayner and Carol L. Hayner, husband and wife

for consideration hereinafter stated to the grantor paid by

Great Way Market, Inc., an Oregon Corporation

hereinafter called the grantor,

does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Jackson, and State of Oregon, bounded and described as follows: to-wit:

Beginning at a point on the Easterly right of way line of the re-located Crater Lake Highway, said point of beginning being West, 10.0 feet and North 2° 31' East, 190.18 feet from the Southwest corner of Donation Land Claim No. 45, Township 36 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, and said point of beginning also being at the most Westerly Northwest corner of West Eagle Point Subdivision in Jackson County, Oregon; thence along said Easterly right of way line North 4° 01' East, 295.77 feet; thence continue along said Easterly right of way line North 1° 19' West, 215.62 feet to the point of intersection of said Easterly right of way line and the Southerly right of way line of the County Road; thence along said Southerly right of way line of the County Road North 83° 43' East, 201.20 feet to the most Northerly Northwest corner of said West Eagle Point Subdivision; thence along the Westerly line of said Subdivision South 0° 26' West, 532.59 feet; thence West, 221.65 feet to the point of beginning.

To Have and to Hold the above described and granted premises unto the said grantee and grantee's heirs and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except regulations in the Little Butte Irrigation Company District, and (2) Right of way easement recorded in Volume 274, Page 274, Jackson County, Oregon, Deed Records.

and that grantor will and grantor's heirs, executors and administrators shall warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$10,000.00. However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which).

In construing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand and seal this 26th day of January, 1973.

Floyd E. Hayner (SEAL)
Carol L. Hayner (SEAL)
 (SEAL)
 (SEAL)

STATE OF OREGON,

County of Jackson

On this 26th day of January, 1973.

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Floyd E. Hayner and Carol L. Hayner, who are

known to me to be the identical individual as described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Ann B. Smith
 Notary Public for Oregon.
 My Commission expires

RECEIVED
 APR 28 1975
 STATE ENGINEER
 SALEM, OREGON

State of Oregon } ss.
 County of Josephine }
 I hereby certify that the within instrument of writing was received and filed at 2 o'clock P.M. the 26th day of January, 1973 and is recorded in Official Records for Jackson County, Oregon.
Harry H. Hines County Clerk By *Harry H. Hines*

RETURN TO
 The Oregon Bank
 Rogue Valley Branch
 P. O. Box 1400
 Medford, Oregon 97501

JOSEPHINE COUNTY TITLE CO.
 CRATER TITLE INSURANCE CO.

P. O. BOX 71, 507 N.E. 6th ST., GRANTS PASS, OREGON
 P. O. BOX 338, 604 W. MAIN ST., MEDFORD, OREGON

1-30-73

T-3210

TITLE INSURANCE

ESCROWS

73-01403

WARRANTY DEED



68-05443

KNOW ALL MEN BY THESE PRESENTS, That CHLOE ELLEN PALM and RAYMOND PALM,
wife and husband

in consideration of Twenty Thousand - Five Hundred and 00/100ths Dollars,

to them paid by DONALD R. BAKER and LETA M. BAKER, husband and wife

do hereby grant, bargain, sell and convey unto the said grantee, 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:

361W3B-691
Out of 600
5.15 Ac.

Commencing at the Northwest corner of Donation Land Claim No. 46, Township 36 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence along the North boundary of said claim, South 89° 43' 40" East, 143.36 feet to an intersection with the West boundary of Section 3 of said Township and Range; thence along the West boundary of said Section 3, North 0° 03' 20" East, 518.46 feet to a 5/8" iron pin for the true point of beginning; thence South 79° 13' 40" East, 463.08 feet; thence North 0° 03' 20" East, 600.97 feet to the Southerly boundary of Lion Road; thence along said road boundary South 81° 11' West, 14.94 feet; thence along said road boundary, 181.48 feet along the arc of a curve left (which arc has a radius of 686.20 feet and a long chord of South 75° 36' 25" West, 180.93 feet); thence along said road boundary South 68° 01' 30" West, 157.61 feet; thence along said road boundary, 124.57 feet along the arc of a curve right (which arc has a radius of 746.20 feet and a long chord of South 72° 48' 50" West, 124.43 feet) to the West boundary of said Section 3; thence along said Section boundary, South 0° 03' 20" West, 371.93 feet to the true point of beginning.

Together with that right-of-way 20 feet in width over and across the Southeast quarter of the Northeast quarter of Section 4, Township 36 South, Range 1 West, Willamette Meridian, and the terms and conditions thereof as described in Volume 390, Page 502 of the Deed Records of Jackson County, Oregon.

SUBJECT TO a right-of-way for ingress-egress, 30 feet in width, adjacent to the West boundary of the hereinabove described tract being more particularly described as follows: Beginning at the Southeast corner of the hereinabove described tract; thence along the West boundary of Section 3, North 0° 03' 20" East, 88.67 feet; thence South 89° 43' 40" East, 30.30 feet; thence South 0° 03' 20" West, 98.44 feet to the Southeast corner of the hereinabove described tract; thence North 79° 13' 40" East, 30.33 feet to the point of beginning, all in the County of Jackson and State of Oregon.

STATE OF OREGON

County of Washington
On this 25th day of May, 1968
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named: Chloe Ellen Palm and Raymond Palm, wife and husband

who are known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Notary Seal the day and year last above written.



M. S. Pinnell
Notary Public for Oregon
My Commission Expires April 12, 1971.

WARRANTY DEED

68-05443

STATE OF OREGON

County of Jackson

I certify that the within instrument was filed for record in the public records of the County of Jackson, Oregon, on this 25th day of May, 1968, at 2:30 o'clock P.M., and is duly recorded in Volume 390, Page 502 of the Deed Records of said County.

Witness my hand and seal of said County.

M. S. Pinnell
Notary Public for Oregon
My Commission Expires April 12, 1971.

RECEIVED

APR 28 1975

STATE ENGINEER
SALEM, OREGON

T-3210

RECEIVED

APR 28 1975

STATE ENGINEER
SALEM, OREGON

T-3216

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Floyd C. Hayner dba Great Way Market
c/o Donald R. and/or Leta M. Baker (Name of applicant)
of 295 Linn Road, Eagle Point, (Postoffice) County of Jackson
State of Oregon 97524, 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 Little Butte 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 Little Butte Irrigation Company.
4. The point of diversion is located 560 ft. N. and 2990 ft. E. from the SW
(N. or S.) (E. or W.)
corner of Section 31 being within the SW 1/4 SE 1/4
(Section or subdivision)
of Section 31 Tp. 35 S. R. 1 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
36 S.	1 W.	3							2.5									

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? 1883.
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 42285
(Yes or No) 36504

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

12. Is the water right recorded in your name? No, Little Butte Irrigation Company
(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 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
36 S.	1 W.	3							2.5									

(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 I no longer desire to irrigate my lands
as I intend to make a new type of development on my property.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

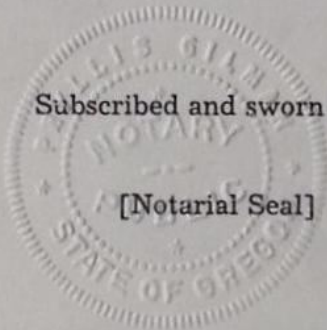
County of Jackson } ss.

I, Floyd C. Hayner dba Great Way Market, 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 April, 19 75

Floyd C. Hayner
(Name of applicant)

Subscribed and sworn to before me this 23rd day of April, 19 75



[Notarial Seal]

Phyllis Gilman
NOTARY PUBLIC FOR OREGON

My commission expires 3-5-77

Remarks Floyd C. Hayner is transferring 2.5 acres of his water right to the Donald R. and Leta M. Baker property.

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.