

4291 Millard

Name John W. MillardBy WAddress 775 Trails End LaneEagle Point, OR 97524Change in POUDate filed Sept 6, 1979

Date of hearing _____

Place of hearing _____

Date of order 9-27-79 Vol. 32, page 419Date for application of water TO-101-82

Proof mailed _____

Proof received _____

Certificate issued JAN 21 1980 Vol. 42, page 48873DEC 4 19844752556

Notation made on record by _____

REMARKS

2-6 A POU, Cert 43968

4291

DESCRIPTION OF WATER RIGHT

Name of stream Rogue RiverTrib. of _____ County of JacksonUse IrrigationQuantity of water _____ No. of acres 25.0

Name of ditch _____

Date of priority Feb 3, 1947In name of Col. Norman Smedes

_____ Adjudication, Vol. _____, page _____

App. No. 22215 Per. No. 17492 Cert. No. 43968

Certificate cancelled _____

FEES PAID

Date	Amount	Receipt No.
<u>9-6-79</u>	<u>30.00</u>	<u>13956</u>
TOTAL . . .		
	Cert. Fee	

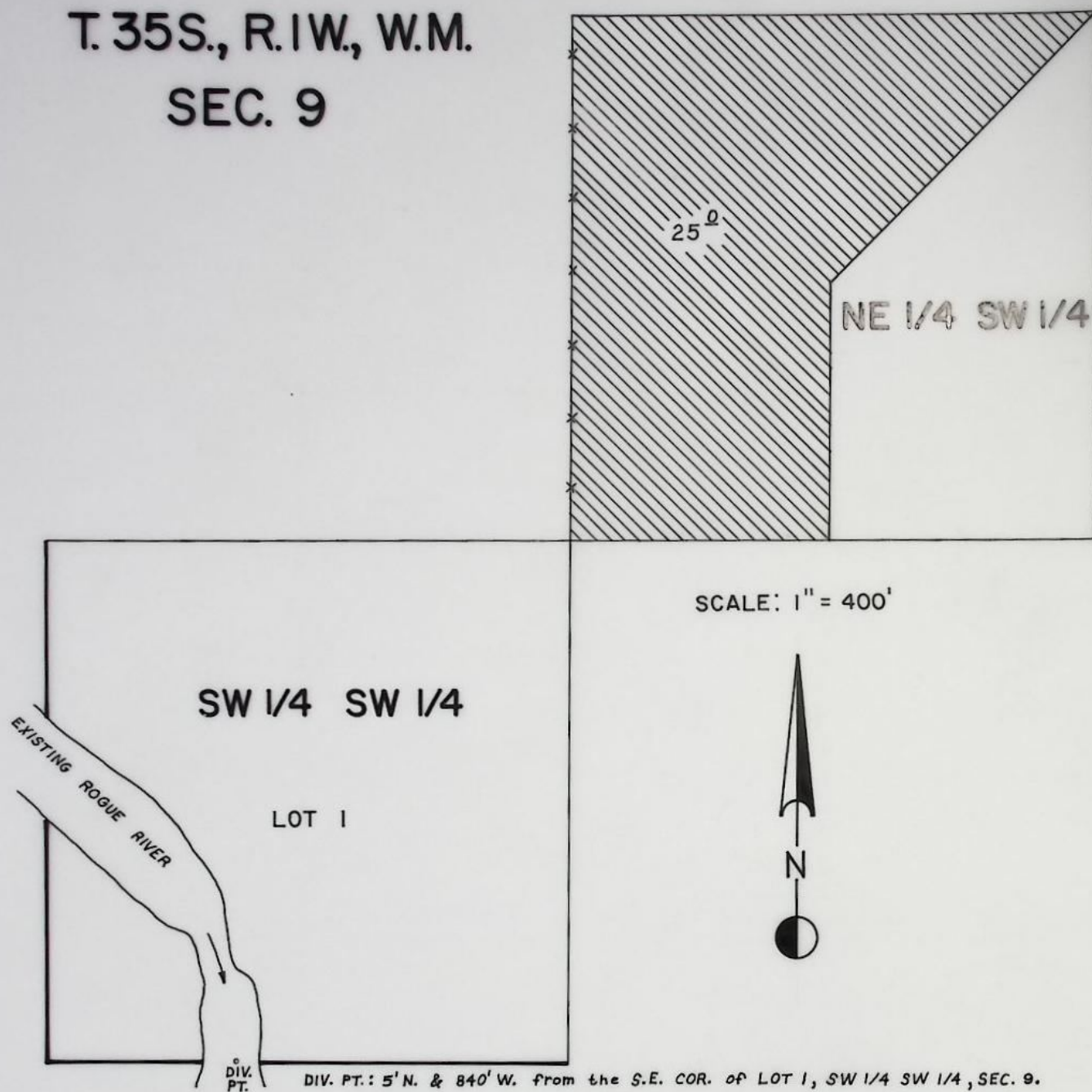
FEES REFUNDED

Date	Amount	Check No.

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

W.R. I.S.	
Assigned	<u>3-21-85</u> by <u>SRA</u>
Entered	_____ by _____
Verified	_____ by _____

T. 35S., R. 1W., W.M.
SEC. 9



DIV. PT.: 5' N. & 840' W. from the S.E. COR. of LOT 1, SW 1/4 SW 1/4, SEC. 9.

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 4291

Application No. Permit No.

IN NAME OF

DANIEL & FRANCES BROWN

Surveyed **JULY 6** 19**83**, by **B. S. JAMES**

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF)
JOHN W. MILLARD FOR APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4291

On September 6, 1979, an application was filed in the office of the Water Resources Director by John W. Millard for approval of a change in place of use of water from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 43968, Volume 36, State Record of Water Right Certificates, in the name of Col. Norman Smedes, describes a right which includes the use of not to exceed 0.34 cubic foot per second from Rogue River for irrigation of a certain 25.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 35 South, Range 1 West, W.M., with a date of priority of February 3, 1947.

Water for the said right is diverted from a point located 5 feet North and 840 feet West from the Southeast Corner of Lot 1 of Section 9, being within Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 9, Township 35 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 25.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 35 South, Range 1 West, W.M.

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

No objections 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.

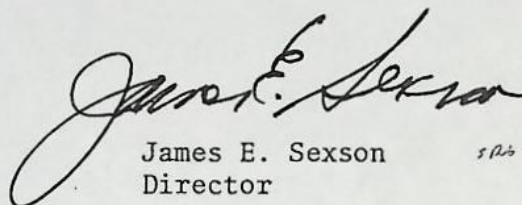
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 43968, Volume 36, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this pro-

ceeding; and 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 a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 27th day of September, 1979.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This is to certify, That DANIEL AND FRANCES BROWN

of 775 A Trails End Lane, Eagle Point, State of Oregon 97524, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Rogue River

a tributary of Pacific Ocean for the purpose of irrigation of 25.0 acres

under Permit No. 17492 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 3, 1947 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.34 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 1 (SW 1/4 SW 1/4), Section 9, T35S, R1W, WM; 5 feet North and 840 feet West from the SE Corner, Lot 1 of Section 9.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year from April 2 to October 31,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows: 25.0 acres NE 1/4 SW 1/4 Section 9 Township 35 South, Range 1 West, WM

This certificate is issued to confirm a change in place of use approved by an order of the Water Resources Director entered September 27, 1979 and to correctly describe the point of diversion and together with certificate of water right recorded at page 48873, Volume 42, State Record of Water Right Certificates, supersedes certificate 43968.

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

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to minimum flows established by the Water Policy Review Board with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. December 4, 1984

William N. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 47, page 52556

LOGUE R
T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***
*** WATER RIGHT DATA INPUT FORM ***

PAGE 1
RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. 1000042911 PERMIT NO. 017492 CERTIF. NO. 0052556
ORIG. NO. A00222151 PREV. NO. 1000000261 SUPER. NO.

NAME: JOHN W. MILLARD

ADDRESS: 775 TRAILS END LANE

CITY/STATE/ZIP/COUNTY: EAGLE POINT, OR 97524 15

STREAM-ID 15 1680

RIV. MI.

WM. DIST. 13 W.R. TYPE SA STATUS V

CANCEL YEAR--->

CONSTR. COMPLT---> 10 01 1982

YR. LAST USED-----> ---

NEXT ACTION DUE--> ---

PRIORITY-----> 02 03 1997

PUT TO USE-----> 10 01 1982

LAST TRANS. DATE--> ---

LAST TRANS. TYPE--> ---

APPLICATION---> 09 06 1979

SURVEYED-----> 07 06 1983

EXAM. FEE-----> 20.00

RECORDING FEE-----> 10.00

PERMIT ISSUE---> 09 27 1979

CONCURRENCE---> 07 06 1983

CYCLE STATUS-----> ---

REPORTED FLAG-----> ---

CONSTR. STRT.---> 09 27 1979

CERTIFIED-----> 10 04 1984

CORRES. INIT.-----> ---

CORRES. DATE-----> ---

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

RIV. MI. RATE

STATUS S OR P

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

3505 010W 09 C C 15 1680

0.340

V P

** ROD: S 1/4 890' W PM SE COR
** LOT 1 OF S 9. CHANGES POB
** PART OF C-93968. REC-98873.

PLACE-OF-USE DATA:

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

3505 010W 09 C A 15 1R 100 25.00

V P

**-----
**-----
**-----
**-----

W.R.I.S.

Assembled 3-21-85 by SOA

Entered --- by ---

Verified --- by ---

RECEIVED

NOV 5 1982

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN
place of use of water
point of diversion of water
use heretofore made of water

Under the Terms of TRANSFER APPLICATION 4291

I, Frances Brown, hereby certify that completion of works
and use of water to the extent intended within the provisions of the order of the Water
Resources Director approving said water right transfer application was accomplished
by August 25, 1982

Nov. 3, 1982
(date)

Frances Brown
(signature)

(Mail to the Water Resources Department, Salem, Oregon 97310)

9163A

*25 acres in question were irrigated when system
was workable.*

Application for Extension of Time for Transfer of Water Right

RECEIVED

OCT 2 1981

WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, DANIEL E. BROWN (Name of applicant)
 of 775 A TRAILS END LANE, EAGLE POINT (Mailing address) (City)
 State of OREGON, 97524, 8269540 (Zip Code) (Phone number)

do hereby make application for an extension of time within which to complete
 a change in: () point of diversion
 (X) place of use
 () use heretofore made of water

under the terms of an order of the Water Resources Director entered on
27 SEPTEMBER, 1979, approving transfer application No. T-4291,
 in the name of John W. Millard *.

The following has been accomplished toward completion of the
 change within the time allowed, which expired on OCT 1, 1981:

REPAIR AND/OR REWORK ENTIRE PUMP AND
MAINLINE IRRIGATION SYSTEM.

(If for irrigation, how many acres, total, are now irrigated)

*If you are not the applicant named above, please explain your interest in
 this matter. PURCHASED PROPERTY FROM JOHN
W. MILLARD.

10-3-81 Additional \$10 coming. Ext to 10-1-82

SRA

10-6-81
\$10.00
#27557

10-2-81
\$10.00
#27517

To fully complete the change, it will be necessary to accomplish the following: COMPLETION OF REPAIRS TO
PUMP & MAINLINE IRRIGATION SYSTEM.

I am unable to complete the change under the terms of the order, within the time allowed, because ENTIRE PUMP & MAINLINE IRRIGATION SYSTEM REQUIRED EXTENSIVE REPAIR AND/OR REWORK TO BE ABLE TO DELIVER WATER TO THE SPECIFIED PLACE OF USE. and request that the time for completion be extended to OCT 1, 1982.

AFFIDAVIT OF APPLICANT

I, Daniel E Brown, 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 29 day of September, 1981.

Daniel E Brown

Subscribed and sworn to before me this 29 day of September, 1981.

[Notarial Seal]

L. B. Morrison

Notary Public for Oregon

My commission expires 11-11-84

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$ 10.00

TO:

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

STATE OF OREGON

COUNTY OF

JACKSON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That COL. NORMAN SMEDES

of 5050 Truax, Richard Gabour AFB, State of Montana, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Rogue River

a tributary of Pacific Ocean for the purpose of irrigation of 51.3 acres

under Permit No. 17492 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 3, 1947

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.70 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 9, T. 35 S., R. 1 W., W.M., 5 feet North and 840 feet West from the SE Corner of Lot 1, Section 9

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year from April 2 to October 31

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

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

23.7 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
12.6 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
15.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 9
T. 35 S., R. 1 W., W.M.

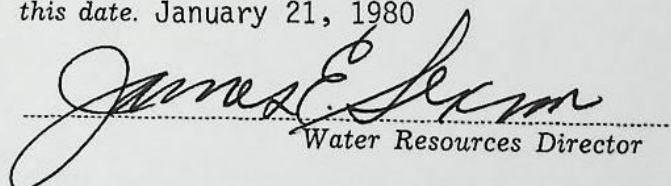
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 43968, Volume 36, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered September 27, 1979, approving transfer application No. 4291.

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

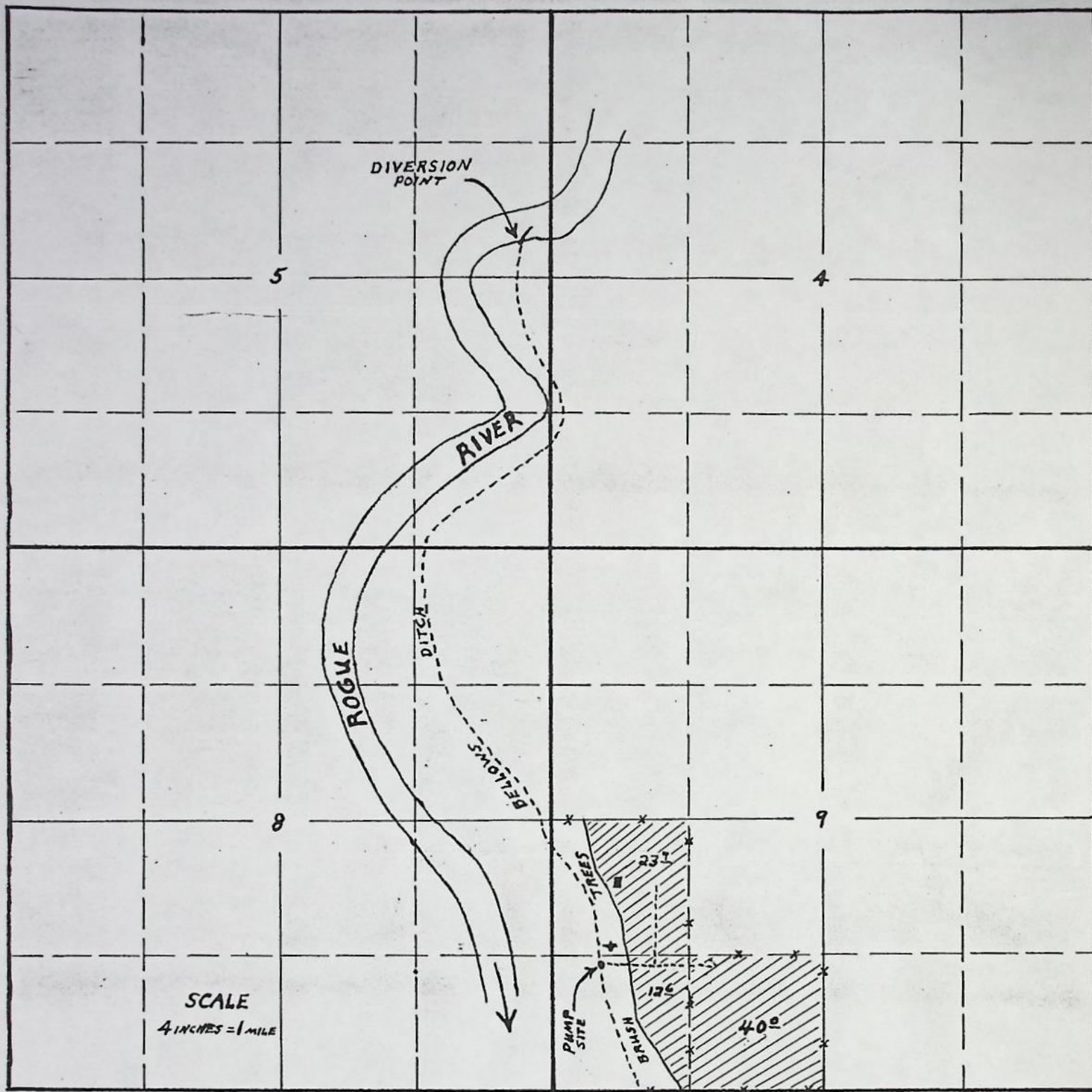
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date, January 21, 1980


Water Resources Director

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



MAP ACCOMPANYING FINAL PROOF OF
JOHN F. ZIMMERLEE, FOR USE OF WATER FROM
ROGUE RIVER FOR IRRIGATION PURPOSES.

APPLICATION NO. 22215
PERMIT NO. 17492

SURVEY MADE 1-13-54

David L. Hendrix
WATERMASTER DIST. # 15

POD
POU
USE
Add'l POD

County Jackson

1. Name Daniel & Frances Brown ✓ 826-7340 ✓

Address 775A Trails End Lane ✓

Eagle Point, OR 97524 ✓

2. Source of Water Rogue River ✓ Trib of OCEAN ✓

3. Use irrigation of 25^o Acres ✓

4. Amount of Water 0.34 cfs

5. Priority Date Feb 3, 1947

6. ~~Point of Diversion~~ ^{CT: 43968} Point of Diversion: 5' N. & 340' W. from the S.E. COR. of

LOT 1, SEC. 9, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of SEC. 9.

T. 35S., R. 1W., W.M. COUNTY OF JACKSON.

7. Completion Date 10-1-82

8. Place of Use:

[illegible]

RECEIVED

SEP 6 - 1979

WATER RESOURCES DEPT

SALEM, OREGON

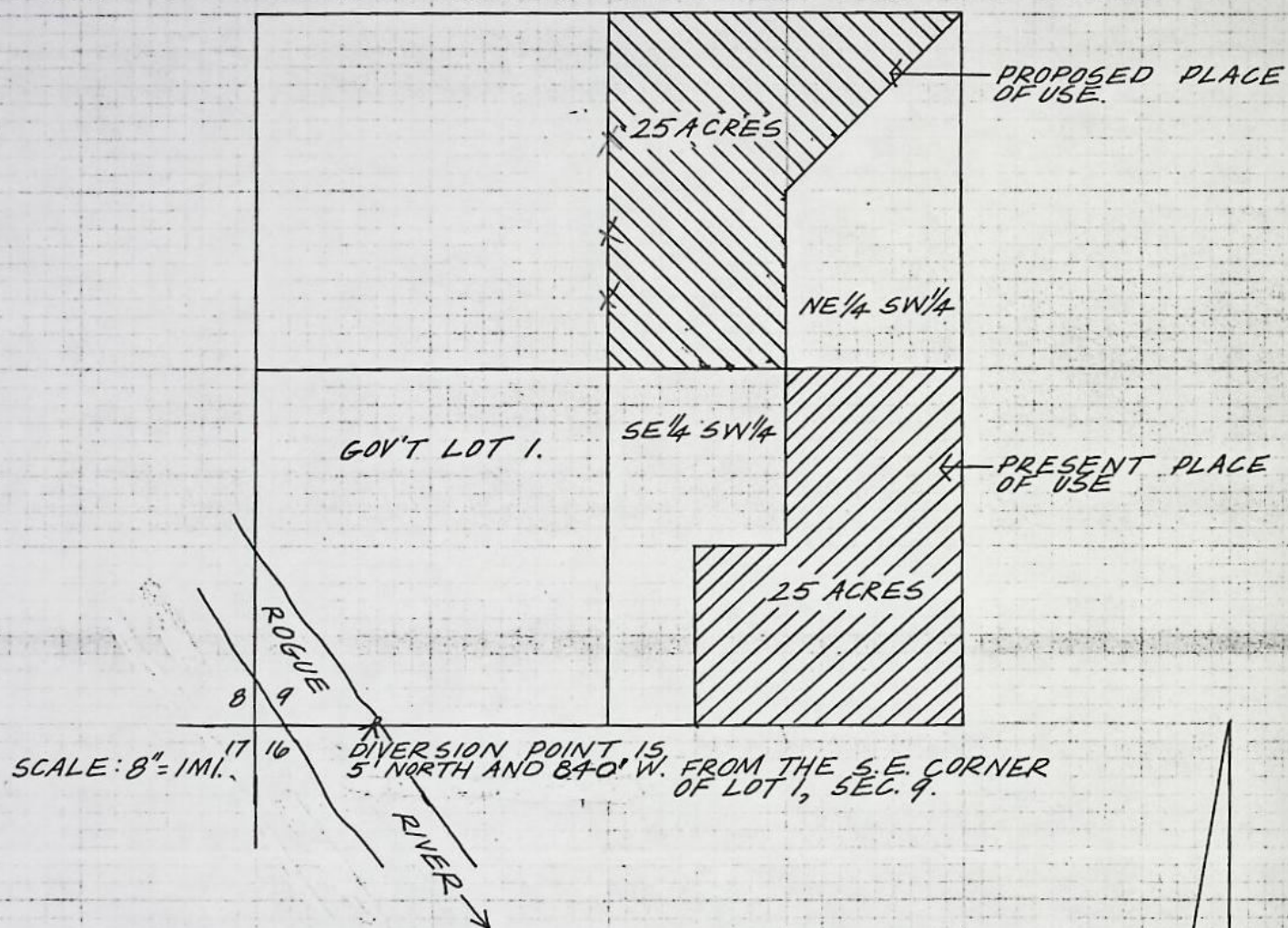
RECEIVED

SEP 12 1979

WATER RESOURCES DEPT

SALEM, OREGON

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



MAP TO ACCOMPANY APPLICATION
OF JOHN W. MILLARD FOR CHANGE
IN PLACE OF USE ON PERMIT 17492.

THIS MAP PREPARED BY:

Susan Richards

FROM INFORMATION FURNISHED BY
THE APPLICANT.

9-4-79

FINAL PROOF ON

APPLICATION No.

PERMIT No.

SURFACE WATER IRRIGATION

TRANSFER NO. 4291

INFO: NAMES: DANIEL & FRANCES BROWN

ADDRESS: 775 B TRAILS END LANE, EAGLE PT, OR 97524

TALKED TO: FRANCES & SON

SOURCES: ROGUE RIVER

RECEIVED

FEB 28 1984

WATER RESOURCES DEPT.
SALEM, OREGON

SYSTEM: PUMPS DIRECT FROM RIVER

PUMP: MAKE: BERKELEY

TYPE: CENT.

SUCTION SIZE: 6"

DISCHARGE SIZE: 4"

MODEL No.:

RATING:

MOTOR: MAKE: G.E.

TYPE: ELECT.

HP: 40

RPM: 1760

CONNECTED DIRECT OR PULLEYS:

SPRINKLER SYSTEM:

MAINLINE: NO. FEET: 3000'

SIZE: 6"

TYPE: P.V.C. & ALUM (BURIED WITH RISERS)

LATERALS: NO. FEET: 1560'

SIZE: 4"

TYPE: ALUM. WHEEL LINE

SPRINKLERS: NO. HEADS: 22

MAKE: R.B.'S

MODEL #: 30'S, 40'S, 25'S

NOZZLE SIZES: 1/4" X 0

MAXIMUM: ALL (52)

IN OPERATION: MEAN PRESSURE: 38 PSI

NO. OF HEADS: 52

LIFT: SUCTION: 4'

DISCHARGE: 90'

USE: PASTURE, HAY.

DIVERSION: DIRECT

STRUCTURE:

TIE: MONUMENTS:

SURVEYED ON: EPID PHOTO 63

B. Dugan Jones

ASSIST. WATER RIGHTS

EXAMINER MRS. BROWN

DATE: 7-6-83

NOTE: CALLED THIS OFFICE 1-24-84. REQUESTED ACTION BY TAKEN

TO PROCESS, CERTIFICATE.

By

77-10446

WARRANTY DEED

PRTI 15-13095
35-149

790

NORMAN R. SMEDS and HELEN J. SMEDS, husband and wife, Grantors, convey and warrant to JOHNNY W. MILLARD and DONNA JOAN MILLARD, Grantees, the following described real property, located in Jackson County, Oregon, free of encumbrances except as specifically set forth herein:

RECEIVED
SEP 6 - 1974
WATER RESOURCES
SALEM, OREGON

Commencing at the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 9, Township 35 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence West, 1195 feet; thence Southeasterly to a point that bears West 335 feet from the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 9; thence East along the South line of Section 9 to the Southeast corner of the Southeast Quarter of the Southwest Quarter of said Section; thence North 1320 feet; thence West 1320 feet; thence North 1320 feet to the point of beginning.

together with all water rights and easements appurtenant to the above described real property, including but not limited to the following:

1. An easement for a pump site and an easement for a ditch in accordance with that certain deed of easement dated March 17, 1953, by and between A. J. Miracle and Hortense Miracle and unto Roy C. Freeman and Jessie Freeman as grantees and more particularly described as follows, to-wit:

Pump Site in the Northwest quarter of the Southwest quarter at a point approximately 865 feet West of the Northeast corner of the Southwest quarter of the Southwest quarter of Section 9, Township 35 South, Range 1 West of the Willamette Meridian and pipe line extending from pump site to said corner and ditch, right extending from pump site approximately 1890 feet Northwesterly to a point 285 feet West of the West line of Section 9. Maintenance of said Ditch to be shared proportionately according to acreage irrigated. No change in present ditch line permitted and said ditch to be used jointly with the said A. J. Miracle and Hortense Miracle, and their successors in interest.

2. An easement for a right of way over and across a portion of the Southeast Quarter of the

-1- Warranty Deed

78-08569

78-08569

MEMORANDUM OF CONTRACT

RECEIVED

4-29 9:00-19

WATER RESOURCE

9th ORE

KNOW ALL MEN BY THESE PRESENTS that under date of March 9th, 1978, MICHAEL BOOTH has contracted to sell to RICHARD A. MILLARD and SANDRA K. MILLARD, husband and wife, and JOHN MILLARD and DONNA J. MILLARD, husband and wife, the following described real property situated in Jackson County, Oregon, to wit:

Parcel I.

✓ The Northwest quarter of the Southeast quarter and the Northeast quarter of the Southwest quarter, and the East 30.0 feet, of the Southeast quarter of the Northwest quarter; all in Section 9, Township 35 South, Range 1 West, Willamette Meridian, Jackson County, Oregon.

RESERVING unto the Seller an easement over and across the said East 30 feet of the Southeast quarter of the Northwest quarter of said Section 9, for ingress and egress to the Seller's remaining premises situated in the Southeast quarter of the Northwest quarter of said Section 9, and every part and parcel thereof, provided however, that this easement shall not be exclusive and shall be available for the Seller herein, his heirs and assigns, without limit and the lands being retained by the Seller as hereinabove described, and shall be available to the Purchasers herein for the benefit of the lands being purchased by them as hereinabove described, and the rights, benefits and burdens of this easement shall run with the respective parcels and the divisions of such lands and sale thereof in parcels either by the Seller herein or by the Purchasers herein shall not be construed to surcharge this easement provided however that any private roadway constructed thereon shall be subject to the rules and regulations relating to private ways by Jackson County, Oregon and provided further that neither of the parties hereto shall have any obligation to construct any such roadway, but upon the construction of any such roadway by any person who has a right to the use of same by reason of ownership of the lands herein described, all such persons using such road shall participate in the maintenance thereof in accordance with the amount of their use thereof.

Parcel II.

The Northeast quarter of the Southeast quarter of Section 9, Township 35 South, Range 1 West, Willamette Meridian, Jackson County, Oregon.

EXCEPTING THEREFROM the following to wit: Commencing at the corner common to Sections 9, 10, 15 and 16, Township 35 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence along the West boundary of said Section 10, North 0°15'50" East, 2324.69 feet, to a 5/8" iron pin, for the true point of beginning; thence North 79°07' West, 50.00 feet; thence South 89°51'20" West, 525.11 feet; thence North 0°15'50" East, 315.5 feet, to the East-West center line of said Section 9; thence North 89°51'20" East, 574.26 feet, to the quarter corner common to said Sections 9 and 10; thence along the West boundary of said Section 10, South 0°15'50" West, 325.06 feet, to the true point of beginning.

Parcel III.

RECEIVED

SEP-1

WATER RESOURCE

SALEM, ORE

Commencing at the corner common to Sections 9, 10, 15 and 16, Township 35 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence along the West boundary of said Section 10, North 0°15'50" East, 2263.64 feet, to a 5/8" iron pin, for the true point of beginning; thence continue along the West boundary of said Section 10, North 0°15'50" East, 61.05 feet, to a 5/8" iron pin; thence South 79°07' East, 1456.86 feet, to intersect the monumented Northwesterly right of way line of the Crater Lake Highway as described in Volume 277, Page 96, Jackson County, Oregon, Deed Records; thence along said highway line, South 20°01'40" West, 60.77 feet, to a point (from which a 3/4" iron pipe found opposite Engineer's center line Station 1577+00, bears South 20°01'40" West, 12.00 feet); thence along the Northeasterly boundary of tract described in instrument recorded as Document No. 70-03954, Official Records of Jackson County, Oregon, North 79°07' West (record North 79°14' West), 1435.95 feet, to the true point of beginning.

SUBJECT TO:

1. The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax and interest and/or penalty may be levied retroactively.
2. These premises are situated in the Eagle Point Irrigation District, and subject to the levies and assessments thereof, if any, and regulations concerning the same.
3. Easement for transmission and distribution of electricity, granted the California Oregon Power Company, as set forth in Volume 209, Page 553; and Volume 271, Page 11; and Volume 422, Page 126, Jackson County, Oregon, Deed Records.
4. Right of way for roads, as may be necessary by the Secretary of Interior for the removal of mineral or Forest Products from adjoining government land, as reserved in the Patent recorded in Volume 439, Page 213, Jackson County, Oregon, Deed Records. (Affects Parcel II).
5. All materials peculiarly essential to the production of fissionable material contained in whatever concentration in deposits in the lands, and all rights in connection therewith, reserved by the United States of America in Patent recorded in Volume 439, Page 213, Jackson County, Oregon, Deed Records. (Affects Parcel II).
6. Easement adjacent to Crater Lake Highway, for relocation of irrigation ditches and rights in connection therewith granted to the State of Oregon, by and through its State Highway Commission, by deed recorded in Volume 277, Page 96, Jackson County, Oregon, Deed Records.
7. A non-exclusive easement for road right of way, including the terms and provisions thereof, granted Melvin Standish Wopschall and Max Walter Wopschall, by instrument recorded as Document No. 72-01171, Official Records of Jackson County, Oregon, and all of the terms and provisions and the benefits and burdens thereof which Purchasers assume and agree to perform.
8. Declarations and restrictions affecting Parcels I and II and other property recorded on the 17 day of April 1978 as Instrument No. 78-08472 of the Official Records of Jackson County, Oregon, as re-recorded to correct description on April 18, 1978, Instrument No. 78-08569 of said records.

RECEIVED

SEP 6 - 1979

WATER RESOURCES DEPT

SALEM, OREGON

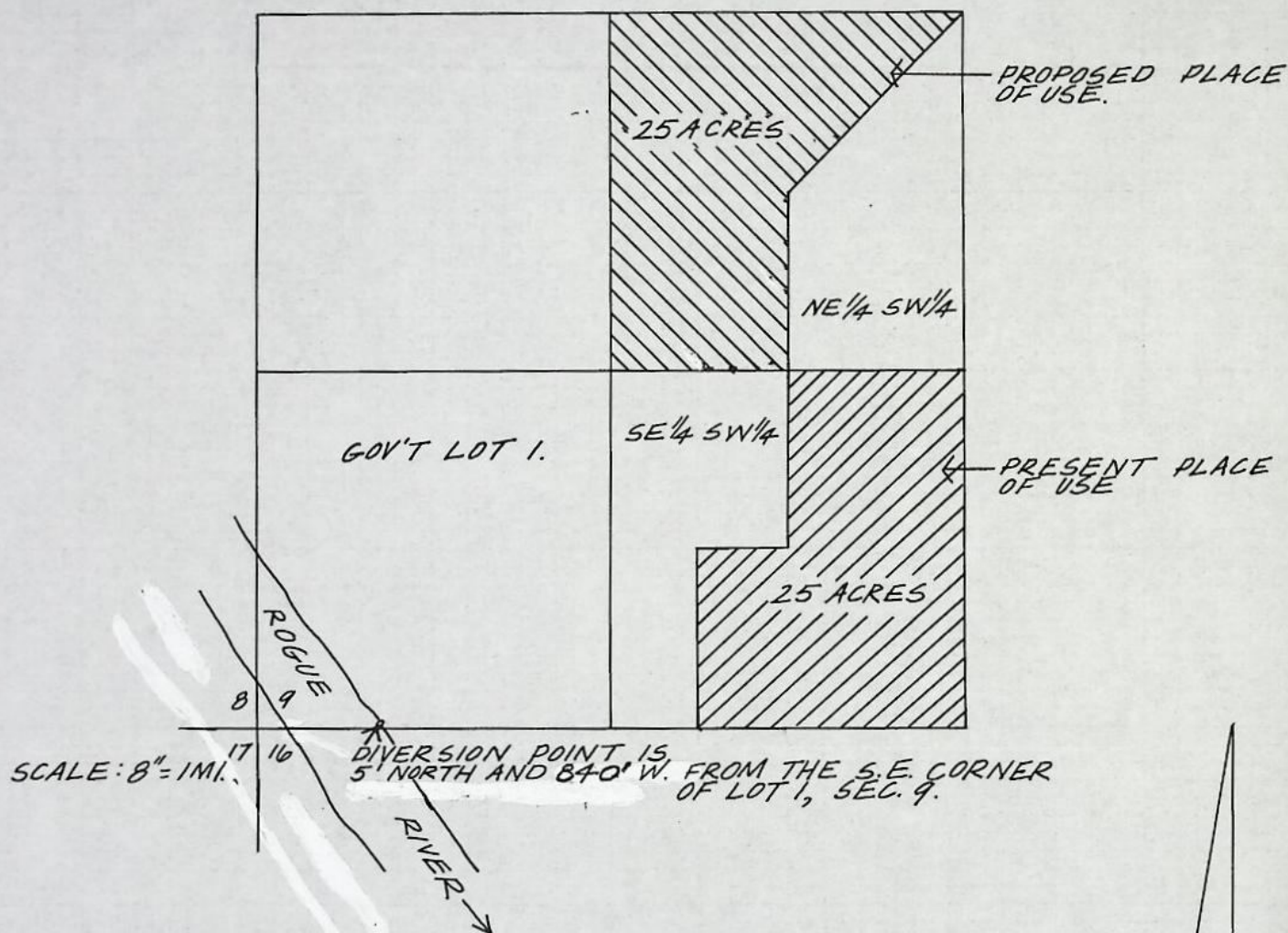
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SEP 12 1979

WATER RESOURCES DEPT

SALEM, OREGON

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



MAP TO ACCOMPANY APPLICATION
OF JOHN W. MILLARD FOR CHANGE
IN PLACE OF USE ON PERMIT 17492.

THIS MAP PREPARED BY:

Susan Richards

FROM INFORMATION FURNISHED BY
THE APPLICANT.

9-4-79.

T-1291 RECEIVED
SEP 6 - 1979
WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

RECEIVED
SEP 12 1979
WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, John W. Millard
(Name of applicant)
of 775 Trails End Lane, Eagle Point,
(Mailing address) (City)
State of Oregon 97524 826-2904, do hereby make application for change
(Zip Code) (Phone number)
in place of use.
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No. Col. Norman Smedes.
(If not, give name)

2. Was your water right determined by Decree of Court? No. If so, give title of proceedings
(Yes or No)
number of certificate none.

3. Was your water right acquired by Water Right Permit? Yes. If so, give number
(Yes or No)
of permit 17492 Number of certificate 43968.
A22215

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Rogue River.

5. What is the date of priority of your water right? February 3, 1947.

6. The authorized point of diversion is located 5 ft. N. and 840 ft. W. from the S.E.
(N. or S.) (E. or W.)
corner of Lot 1, Sec. 9 being within the SW 1/4 SW 1/4 of Section 9 Tp. 35 S. R. 1 W. W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Jackson The name of the ditch used is pump.

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

7. The proposed point of diversion is located _____ ft. _____ and _____ ft. _____ from the _____
(N. or S.) (E. or W.)
corner of _____ being within the _____ 1/4 _____ 1/4 of Section _____ Tp. _____ R. _____ W. M.,
(No. N. or S.) (No. E. or W.)
in the county of _____ The name of the ditch to be used is _____

8. The use to which the water is applied is irrigation.
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
35 S.	1 W.	9	SE¼ SW¼	25.0 acres

(If more space required, attach separate sheet)

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

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No.
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. 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)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is irrigation.
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
35 S.	1 W.	9	NE¼ SW¼	25.0 acres

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are to apply water to better soils.

15. Construction work will be completed on or before October 1, 1980.

16. The water will be completely applied to the proposed use on or before October 1, 1981.

Remarks

THIS APPLICATION PREPARED BY:

John F. Cummins
FROM INFORMATION FURNISHED BY
THE APPLICANT.

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, John W. Millard, 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 4th day of September, 1979.

x *John W. Millard*
(Name of applicant)

Subscribed and sworn to before me this 4 day of SEPTEMBER, 1979.

[Notarial Seal]

John F. Cummins
NOTARY PUBLIC FOR OREGON

My commission expires 21 January 1980