

4322 KEITH

(Mr.)

Name DAUN E. KEITH

4322

DESCRIPTION OF WATER RIGHT

By _____

Address 622 N. Pennsylvania Ave.Glendora, CA 91740Change in PODDate filed 11-1-79Date of hearing March 5, 1980Place of hearing Grants PassDate of order 5-5-80 Vol. 33 page 175Date for application of water 10-1-81 ^{Ext} 10-1-82

Proof mailed _____

Proof received _____

Certificate issued JUN 27 1980 Vol. 43, page 49265Name of stream Rogue RiverTrib. of _____ County of JosephineUse IrrigationQuantity of water _____ No. of acres 10¹

Name of ditch _____

Date of priority Oct 19, 1949In name of Ben Hilton

Adjudication, Vol. _____, page _____

App. No. 24215 ⁵⁰⁶ Per. No. 19028 Cert. No. 20275 ⁵⁰⁶

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
11-1-79	\$ 35.00	14821
1-7-80	\$ 50.00	15588
TOTAL . . .		
	Cert. Fee	

Daily Courier \$ 36.05 pd 2/20/80 ck # 4057

FEES REFUNDED

Date	Amount	Check No.
2/20/80	13.95	4058

Ex 20 -
POD 15 -
PON 36 -
71.95

REMARKS

Card for C NOV 20 1981

3.85 ac to Donald & Julia Henry

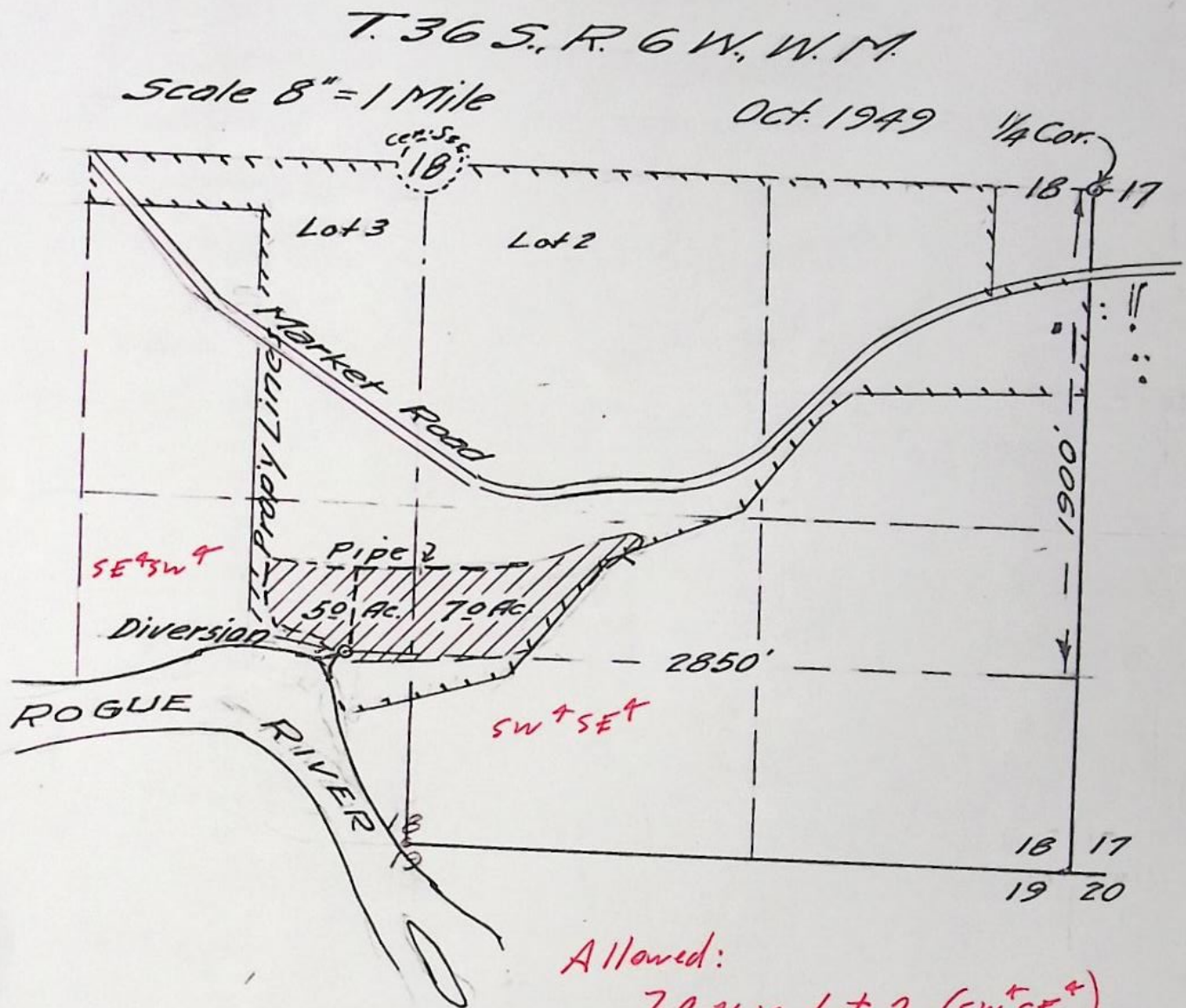
W.R.I.S.	
Assembled	4-3-85 by <u>916</u>
Entered	_____ by _____
Verified	_____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
✓	Name		<u>SPH</u>	
✓	Stream		<u>SPH</u>	
✓	Pt. of Div.			
✓	Calendar		<u>ICJ</u>	
✓	CHECKED TO RECORDS:			
✓	Twp. & Pge.		<u>SPH</u>	
✓	Decree-vault			
✓	Decree-sale			
✓	Cert. of W/R		<u>SRA</u>	
✓	Per. Folder		<u>SRA</u>	
✓	Chainindex			
✓	Cross Ref.			
✓	Power Claim			
✓	Abstracts		<u>ICJ</u>	

240

Mr. Daun E. Keith
622 N. Pennsylvania Ave.
Glendora, CA 91740

T-4322



Allowed:

7.0 ac in Lot 2 (SW 1/4 SE 1/4)

4.0 ac in Lot 3 (SE 1/4 SW 1/4)

Ben Hilton

Application No. 24215

Permit No. _____

TWP 36S RANGE 6W

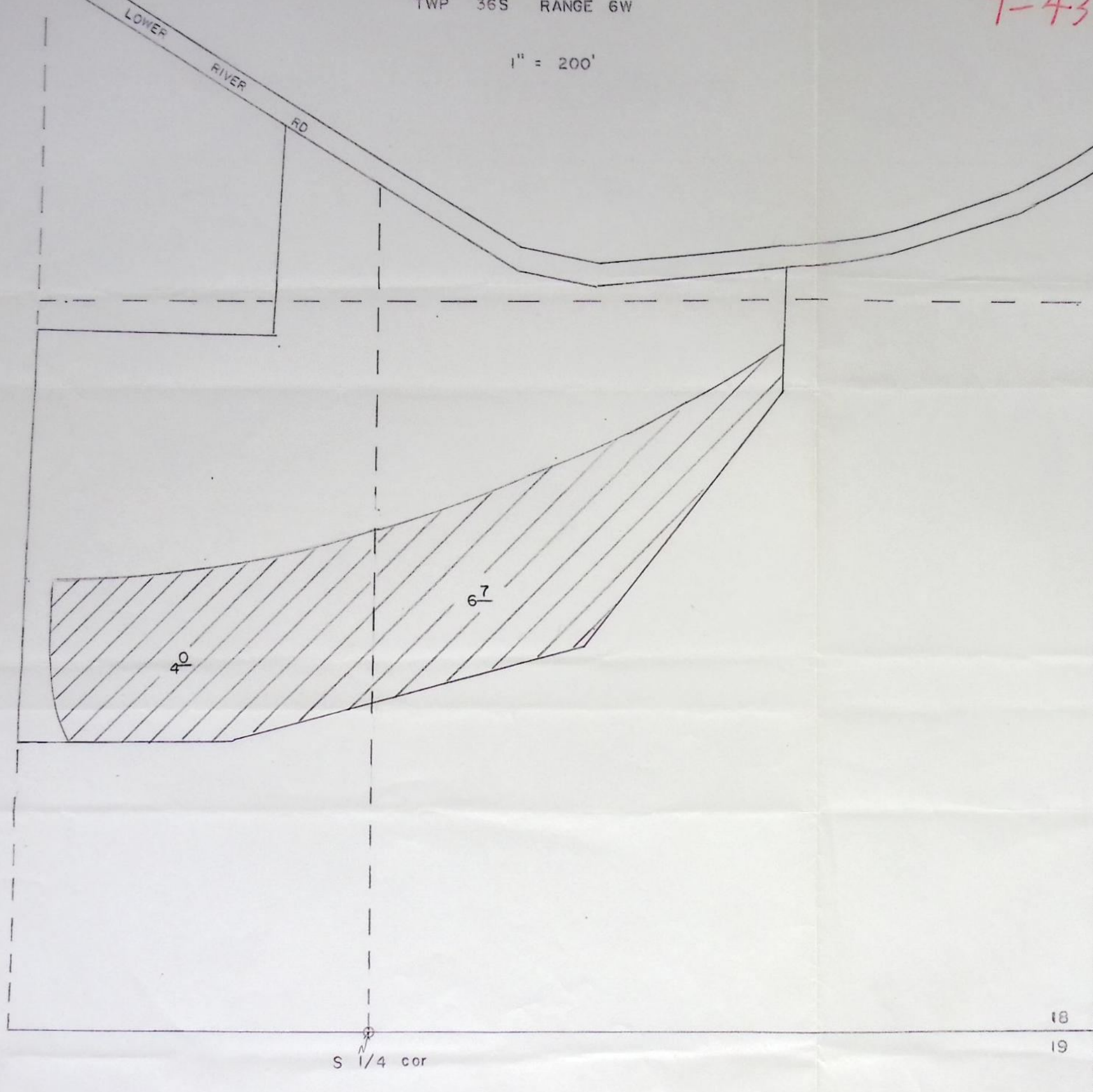
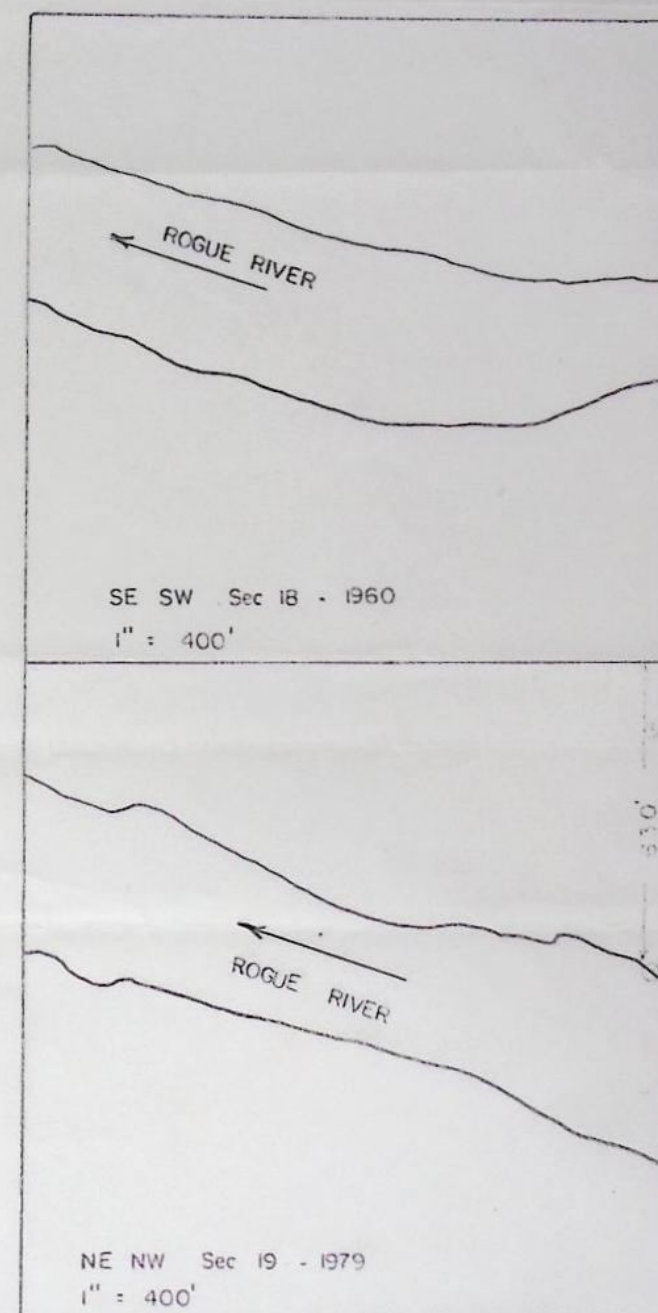
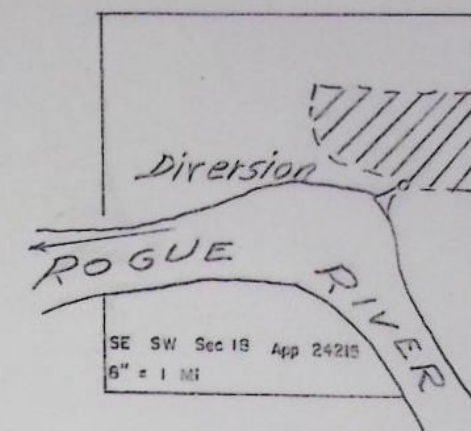
1" = 200'

T-4322

RECEIVED

NOV - 1979

WATER RESOURCES DEPT
SALEM, OREGON



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION)
OF DAUN E. KEITH FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER NO. 4322

On November 1, 1979, an application was filed in the office of the Water Resources Director by Daun E. Keith for approval of a change in point of diversion from Rogue River, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is a portion of the right described by the certificate recorded at page 20275, Volume 15, State Record of Water Right Certificates, in the name of Ben Hilton, and is for the use of not to exceed 0.13 cubic foot per second from Rogue River, under a priority date of October 19, 1949, for irrigation of a certain 6.7 acres in Lot 2 (SW 1/4 SE 1/4) and 4.0 acres in Lot 3 (SE 1/4 SW 1/4) of Section 18, Township 36 South, Range 6 West, W.M.

The authorized point of diversion is located 725 feet North and 250 feet West from the South Quarter Corner of Section 18, being within the SE 1/4 SW 1/4 of Section 18, Township 36 South, Range 6 West, W. M.

The applicant proposes to change the point of diversion therefrom to a point located 630 feet South and 30 feet West from the South Quarter Corner of Section 18, being within the NE 1/4 NW 1/4 of Section 19, Township 36 South, Range 6 West, W. M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Daily Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of January 14, 21, and 28, 1980.

Mr. Robert B. Steimer, 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 judgement of the watermaster it becomes necessary to install headgates and measuring devices:

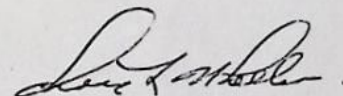
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 20275, Volume 15, 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 proceeding; 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 5th day of May, 1980.



JAMES E. SEXSON
Director
by CHRIS L. WHEELER
Deputy Director *swt*

ASSIGNMENT

I, Daun Keith of _____
(Name of Permittee)

622 N. Pennsylvania Ave. Glendora CA 91740
(Mailing Address) (City) (State) (Zip)
(See below)

do hereby assign ~~all my interest in and to~~ water right Application No. ~~XXXXXXXXXX~~
~~Transfer~~ Permit No. 4322, as filed in the office of the Water Resources Director, to:

Donald & Julita Henry

(Name)

824 Duval Street LaVerne CA. 91750
(Mailing Address) (City) (State) (Zip)

Telephone Number 714-599-8518

WITNESS my hand this _____ day of _____ 19__.

Permittee is assigning a 3.85 acre interest of their total water right allotment to the Henrys. The water rights will service property located on Assessor's Map & Tax lot 36-6-18-4/903, approx. 5.99 acres.

Daun Keith
(Signature of Permittee)

The completed assignment must be submitted to the Water Resources Director, 555 13th Street NE, Salem, OR 97310, together with a recording fee of \$3.

MOUNTAIN TITLE COMPANY OF JOSEPHINE COUNTY
HAS BEEN REQUESTED TO DELIVER TO

Donald L. Henry

A COPY OR ORIGINAL OF THIS DOCUMENT AS A FAVOR TO ACCOMMODATE THE PARTIES TO AN ESCROW MOUNTAIN TITLE COMPANY HAS ABSOLUTELY NO RESPONSIBILITY FOR THE CONTENTS AND/OR EFFECT OF THIS DOCUMENT. ACKNOWLEDGED BY:

DATE 7/1/83

(X)

(X)

RECEIVED

SEP 8 1983

WATER RESOURCES DEPT.

SALEM, OR

11:15AM

690-10-140

Daun Keith
Donald L. Henry
Julita M. Henry

RECEIVED

NOV 1 1982

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

OCT 25 1982

WM. DIST. 14
GRANTS PASS. ORE.

NOTICE OF COMPLETION OF CHANGE IN

point of diversion of water from Rogue River

PURSUANT TO TRANSFER APPLICATION NO. 4322

I, Dawn Keith, 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 October 1, 1982

October 5, 1982
Date

Dawn Keith
Signature

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

OK
Dix

Application No.

Application for Extension of Time

for Transfer of Water Right

RECEIVED

OCT 12 1981

WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Dawn E Keith (Name of applicant)
of 622 N. Pennsylvania Ave, Glendora
(Mailing address) (City)
State of California, 91746, (213) 963-5012
(Zip Code) (Phone number)

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

under the terms of an order of the Water Resources Director entered on
Nov 1, 1979, approving transfer application No. 4322,
in the name of Dawn E Keith *.

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

(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. _____

Ext to 10-1-82
SR6

10-12-81
\$10.00
#27638

10-26-81
\$10.00
#28034

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

I am unable to complete the change under the terms of the order, within the time allowed, because lack of funds currently (have just changed jobs - effective Oct 1, 1981) and finance situation will enable me to begin program after Jan, 1982.

and request that the time for completion be extended to Sept 20, 1982.

AFFIDAVIT OF APPLICANT

I, Dann Elbert, 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 7th day of October, 1981.

Subscribed and sworn to before me this 7th day of October, 1981.



Betty G. Turner
Notary Public for Oregon
My commission expires _____

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

JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

BEN HILTON

of Route 2, Box 411, Grants Pass, State of Oregon 97526, 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
irrigation of 0.3 acre

for the purpose of

under Permit No. 19028 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 October 19, 1949

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 0.01 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 3 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 18, T. 36 S., R. 6 W., W.M.; 725 feet North and 250 feet West from S $\frac{1}{4}$ Corner, Section 18

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:

0.3 acre Lot 2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 18
T. 36 S., R. 6 W., W.M.

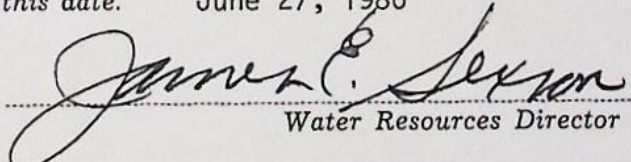
This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 20275, Volume 15, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on May 5, 1980, approving transfer application No. 4322.

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. June 27, 1980


Water Resources Director

RECEIVED
FEB 14 1980
WATER RESOURCES DEPT
SALEM, OREGON

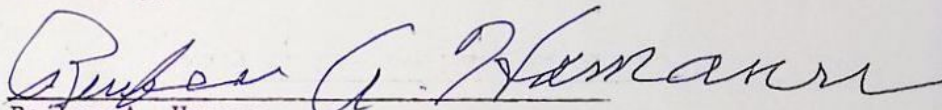
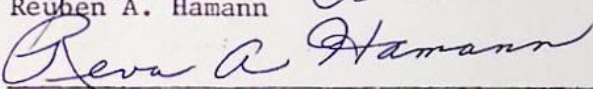
February 12, 1980

Daun E. Keith
622 N. Pennsylvania Avenue
Glendora, California 91740

Dear Mr. Keith:

This is your approval to make the changes requested
in your letter of November 6, 1979 regarding File Number
T4322.

Sincerely,


Reuben A. Hamann

Reva A. Hamann

STATE OF ARIZONA)

: ss,

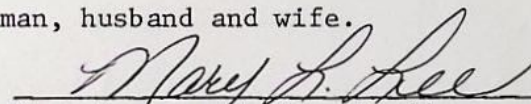
County of Yuma)

Acknowledged in my presence this 12th day of February, 1980,

by Reuben A. Hamann & Reva A. Hamman, husband and wife.

My Commission EXPIRES:

October 24, 1980


Mary L. Lee nee Mary L. Givens



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: January 10, 1980FROM: ** Robert B. Steimer, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4322IN THE NAME OF Daun E. Keith

RECEIVED
JAN 14 1980
WATER RESOURCES DEPT
SALEM, OREGON

In my opinion the proposed change in POD of water from Rogue River
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~ to an existing water right.

Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? no
(yes or no)

In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
 X (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

** Robert B. Steimer
Watermaster's signature or initials

LEGAL NOTICE

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 4322

The Water Resources Director of Oregon has received and filed an application by Daun E. Keith for approval, without loss of priority, of a change in point of diversion of water under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 20275, Volume 15, State Record of Water Right Certificates, in the name of Ben Hilton, and is for the use of not to exceed 0.13 cubic foot per second from Rogue River, under a priority date of Oct. 19, 1949, for irrigation of a certain 6.7 ac in Lot 2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) & 4.0 ac in Lot 3 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Sec 18, T 36 S, R. 6W, WM.

The authorized point of diversion is located 725 ft N & 250 ft W from the S $\frac{1}{4}$ Corner of Sec 18, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 18, T 36S, R 6W, WM.

The applicant proposes to change the point of diversion therefrom to a point located 630 ft S & 30 ft W from the S $\frac{1}{4}$ Corner of Sec 18, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 19, T 36S, R 6W, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Wednesday, March 5, 1980, at the Josephine County Courthouse, Grants Pass, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicant at 622 N. Pennsylvania Ave., Glendora, CA 91740; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 8th day of January, 1980.

James E. Sexson,
Director

No. 129—Jan. 14, 21 & 28, 1980

AFFIDAVIT OF PUBLICATION

State of Oregon }
County of Josephine } ss.

I, Charles J. Moore, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the Grants Pass Daily Courier, printer or his foreman of the Grants Pass Daily Courier, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Grants Pass, in the aforesaid county and state; that the

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4322, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues January 14, 21 & 28, 1980

Subscribed and sworn to before me this 28th day of January, 19 80

[Signature]
Notary Public of Oregon.

My commission expires 4th day of February, 19 80.

T-4322

RECEIVED

NOV - 1979

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Daun E. Keith

(Name of applicant)

of 622 No. Pennsylvania Ave.,

(Mailing address)

Glendora

(City)

State of Calif. 91740

(Zip Code)

213-963-5012

(Phone number)

do hereby make application for change

in point of diversion

Work phone 714-629-2551 Ext. 238

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

1. Is the water right recorded in your name? No - Ben Hilton

(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

3. Was your water right acquired by Water Right Permit? yes If so, give number

(Yes or No)

of permit 19028 Number of certificate 20275A-29215

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 River5. What is the date of priority of your water right? Oct. 19, 19496. The authorized point of diversion is located 725 ft. N and 250 ft. W from the S¹/₄

(N. or S.)

(E. or W.)

corner of Sec. 18 being within the SE 1/4 SW 1/4 of Section 18 Tp. 36S R. 6W W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Josephine The name of the ditch used is N/A

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

7. The proposed point of diversion is located 630 ft. S and 30 ft. W from the S¹/₄

(N. or S.)

(E. or W.)

corner of Sec. 18 being within the NE 1/4 NW 1/4 of Section 19 Tp. 36S R. 6W W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Josephine The name of the ditch to be used is NA

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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
36S	6W	18	SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.0 Ac.
36S	6W	18	SW $\frac{1}{4}$ SE $\frac{1}{4}$	6.7 Ac.

(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.? no
 (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, 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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are Through the years the course of the river has shifted to the point where it no longer runs through Section 18. The lands south of this property between my ownership and the Rogue River are owned by B.L.M. Negotiations are currently underway for an easement through those lands in exchange for that small parcel of land described on the enclosed Quitclaim Deed.

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, 1980

Remarks

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, DAUN E. KEITH, 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 25th day of October, 1979

Daun E. Keith

(Name of applicant)

Subscribed and sworn to before me this 25th day of October, 1979

[Notarial Seal]



William D. Hastings

NOTARY PUBLIC FOR OREGON

My commission expires April 6, 1982

Samuel R Allison, Supr
Transfer Section
Water Resources Dept.
555 W. 13th St., N.E.
Salem, OR 97310

RECEIVED

JAN 7 1980

WATER RESOURCES DEPT
SALEM, OREGON

1/1/80

Re: File No. T-4322

Dear Mr. Allison,

I was informed that in as much as the change of point of diversion was necessitated by the River's (Rogue) change of course, that there would not be a requirement of advertising, fees, etc.

If this is not true, and in the interest of bringing these "negotiations" to an operational conclusion - I have enclosed my check for \$50.00 as you suggested in your Nov. 6th letter. Whatever local, inexpensive paper you normally use will be ok. with me. (The Grant's Pass Daily Courier is ok)

Yes, the other 0.3 acre in lot 2 on Certificate #20275 will be irrigated.

I will send the information to the Hamanns & request their ok in writing.

Cordially

Daun E. Keith

Mr. Daun E. Keith
622 N. Pennsylvania Ave.
Glendora, CA 91740

RECEIVED

JAN 7 1980

WATER RESOURCES DEPT
SALEM, OREGON

A F F I D A V I T

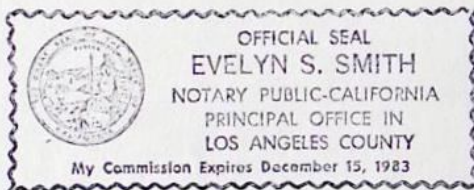
I, Daun E. Keith, being first duly sworn, depose and say that I am the owner of a water right, a portion of which is for the appropriation of 0.004 cubic foot per second of water from Rogue River for irrigation of a certain 0.3 acre in Lot 2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 18, Township 36 South, Range 6 West, W.M., with a priority date of October 19, 1949, as evidenced by the certificate recorded at page 20275, Volume 15, State Record of Water Right Certificates; that I have abandoned any and all interest in and to said water right and request the same be canceled.

IN WITNESS WHEREOF, I have hereunto set my hand this 2^d
day of January, 1980.

Daun E. Keith

Subscribed and sworn to before me this 2nd day of January,
~~xxxx~~ 1980.

Evelyn S. Smith 1/24/80
Notary Public



My Commission expires: 12-15-83

T-4322

October 3, 1979

RECEIVED

NOV-11979

WATER RESOURCES DEPT
SALEM, OREGON

Mr. Ralph Jackson
Mr. Larry Jebousek
Water Resources Department
555 13th St., N. E.
Salem, Oregon 97310

Gentlemen;

This is a followup letter of Mr. Robert B. Steimer's contact with you back in August of this year regarding the water right for my property located near Grant's Pass.

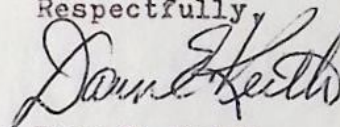
We have been in negotiations with the BLM in reaching an agreement as to the exact description of my Southern boundary and land which we have now agreed to sell to the BLM. I have enclosed the updated description that is now on file.

Also enclosed are the application, map and my check for \$35.00 which are required to establish the 10+ acres of water right.

I hope this completes the requirements as set forth in Mr. Steimer's letter of August 1, 1979.

As a novice in filing for water rights, I sure do want to take my hat off, extend a hand and say thanks to all of you fellows for your help in putting this together--yes and the girls in the Grants Pass office too, for I never would have wound my way through without all of your help!!!

Respectfully,



Daun E. Keith
622 N. Pennsylvania Av.
Glendora, CA 91740

(213) 963-5012
(714) 595-1221 EX 2197

PW/LEK
Enc. 5

Permit No. 19028

T-4322 20275

Application No. 24215

County JOSEPHINE

Proof of Appropriation of Water

1. Name Ben Hilton 2. Address Route 2, Box 111, Grants Pass, Oregon
 3. Source of supply Rogue River
 Tributary of -----
 4. Amount of water 0.14 ~~0.15~~ c.f.s. 5. Priority date October 19, 1949
 6. Use Irrigation

7. Location of point of diversion, (Lot 3) SE 1/4 SW 1/4 / Sec. 18, Twp. 36 S., Range 6 W., W. M.
(Legal Subdivision)
 8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use.

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
36 S.	6 W.	18	SW 1/4 SE 1/4 (Lot 2)	7.0	7.0
36 S.	6 W.	18	SE 1/4 SW 1/4 (Lot 3)	5.0	4.0
				12	11.0

Description: Beginning at a point which bears West 377.3 feet from the East 1/4 corner of Section 18, Township 36 South Range 6 West of the Willamette Meridian, thence South 395.7 feet to the County Road; thence North 82° East 380 feet; along Road; thence south 417 feet; thence South 88° West 937 feet; thence South 49° 24' West 173 feet; thence South 38° 31' West 456.5 feet; thence South 69° 31' West 591 feet; thence South 38° 43' West 582 feet; thence South 75° 25' West 618 feet to a point on the Southerly line of Lot 3 of said Section 18; thence Northwesterly along the Southerly line of said lot 3 to the Southwest corner of said Lot 3; thence North 1518 feet; thence West 700 feet; thence North 156 feet; thence East 3583 feet to the point of beginning.

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second 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 from April 2, to October 31, of each year, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

T-4322
RECEIVED

TRUST DEED

NOV - 11979

THIS TRUST DEED, made this 1 day of November, 1979, between
DAUN I. I. PA RIGIA W. KEITH, WATER RESOURCES, DEPT
JOSEPHINE COUNTY TITLE CO, REGON CORPORATION, SALEM, OREGON, as Grantor,
and REuben A. HAMANN and A. A. HAMANN, husband & wife or survivor, as Trustee,
as Beneficiary,

WITNESSETH:

Grantor irrevocably grants, bargains, sells and conveys to trustee in trust, with power of sale, the property
in Josephine County, Oregon, described as:

Beginning at the East Quarter Corner of Section 18, Township 36 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon; thence South 349.5 feet along the East line of said Section 18 to the center line of Lower River Road; thence South 83° 42' West 379.6 feet; thence South 71° 54' West 170.2 feet; thence South 63° West 265 feet; thence South 54° West 265 feet; thence South 44° 30' West 265 feet; thence South 52° 50' West 404 feet; thence South 79° West 400 feet to a point in the center of Lower River Road, the true point of beginning; thence South 85° West 343.4 feet; thence North 79° West 141.4 feet; thence North 57° 30' West 1047 feet to the Northeast corner of a parcel of land described in Volume 189, Page 595, Josephine County Deed Records; thence South 1423 feet; thence East 390 feet; thence North 75° 25' East 618 feet; thence North 38° 43' East 582 feet; thence North 2° East 252.5 feet to the point of beginning. LESS & EXCEPTING any portion lying within Lower River Road. ALSO EXCEPTING THEREFROM: A portion of the Southwest Quarter of Section 18, Township 36 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon, more particularly described as follows: Commencing at the West Quarter corner of said Section 18 and running thence East 1367.27 feet; thence South 1° 51' 00" West 1213.12 feet to a 3/4 inch iron rod as shown on Josephine County Survey No. 138-66; thence South 49° 03' 49" East, 830.25 feet to a 3/4 inch iron pipe by R. E. 838, as shown on said survey; thence North 1° 25' 00" East 367.24 feet to the point of beginning; thence continuing North 1° 25' 00" East 587.49 feet; thence North 82° 16' 56" East 69.48 feet to a point in the Southerly right of way line of Lower River Road; thence on and along said right of way line, South 56° 13' 04" East 434.98 feet; thence leaving said right of way line, South 1° 25' 00" West 365.66 feet; thence North 88° 35' 00" West 436.00 feet to the true point of beginning.

in manner any building or improvement which may be constructed, damaged or destroyed thereon, and pay when due all costs incurred therefor.

3. To comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting said property; if the beneficiary so requests, to join in executing such financing statements pursuant to the Uniform Commercial Code as the beneficiary may require and to pay for filing same in the proper public office or offices, as well as the cost of all lien searches made by filing officers or searching agencies as may be deemed desirable by the beneficiary.

4. To provide and continuously maintain insurance on the buildings now or hereafter erected on the said premises against loss or damage by fire and such other hazards as the beneficiary may from time to time require, in an amount not less than \$ ins. amt maximum insurable amount, written in companies acceptable to the beneficiary, with loss payable to the latter, all policies of insurance shall be delivered to the beneficiary as soon as insured, if the grantor shall fail for any reason to procure any such insurance and to deliver said policies to the beneficiary at least fifteen days prior to the expiration of any policy of insurance now or hereafter placed on said buildings, the beneficiary may procure the same at grantor's expense. The amount collected under any fire or other insurance policy may be applied by beneficiary upon any indebtedness secured hereby and in such order as beneficiary may determine, or at option of beneficiary the entire amount so collected, or any part thereof, may be released to grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

5. To keep said premises free from mechanics' liens and to pay all taxes, assessments and other charges that may be levied or assessed upon or against said property before any part of such taxes, assessments and other charges become past due or delinquent and promptly deliver receipts therefor to beneficiary; should the grantor fail to make payment of any taxes, assessments, insurance premiums, liens or other charges payable by grantor, either by direct payment or by providing beneficiary with funds with which to make such payment, beneficiary may, at its option, make payment thereof, and the amount so paid, with interest at the rate set forth in the note secured hereby, together with the obligations described in paragraphs 6 and 7 of this trust deed, shall be added to and become a part of the debt secured by this trust deed, without waiver of any rights arising from breach of any of the covenants hereof and for such payments, with interest as aforesaid, the property herebefore described, as well as the grantor, shall be bound to the same extent that they are bound for the payment of the obligation herein described, and all such payments shall be immediately due and payable without notice, and the nonpayment thereof shall, at the option of the beneficiary, render all sums secured by this trust deed immediately due and payable and constitute a breach of this trust deed.

6. To pay all costs, fees and expenses of this trust including the cost of title search as well as the other costs and expenses of the trustee incurred in connection with or in enforcing this obligation, and trustee's and attorney's fees actually incurred.

7. To appear in and defend any action or proceeding purporting to affect the security rights or powers of beneficiary or trustee; and in any suit, action or proceeding in which the beneficiary or trustee may appear, including

grantee in any reconveyance may be described as the "person or persons legally entitled thereto," and the recitals therein of any matters or facts shall be conclusive proof of the truthfulness thereof. Trustee's fees for any of the services mentioned in this paragraph shall be not less than \$5.

10. Upon any default by grantor hereunder, beneficiary may at any time without notice, either in person, by agent or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in its own name use for or otherwise collect the rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees upon any indebtedness secured hereby, and in such order as beneficiary may determine.

11. The entering upon and taking possession of said property, the collection of such rents, issues and profits, or the proceeds of fire and other insurance policies or compensation or awards for any taking or damage of the property, and the application or release thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

12. Upon default by grantor in payment of any indebtedness secured hereby or in his performance of any agreement hereunder, the beneficiary may declare all sums secured hereby immediately due and payable. In such an event beneficiary at his election may proceed to foreclose this trust deed in equity, as a mortgage in the manner provided by law for mortgage foreclosures of direct the trustee to foreclose this trust deed by advertisement and sale. In the latter event the beneficiary or the trustee shall execute and cause to be recorded his written notice of default and his election to sell the said described real property to satisfy the obligations secured hereby, whereupon the trustee shall fix the time and place of sale, give notice thereof as then required by law and proceed to foreclose this trust deed in the manner provided in ORS 86.740 to 86.795.

13. After default at any time prior to five days before the date set by the trustee for the trustee's sale, the grantor or other person so privileged by ORS 86.760, may pay to the beneficiary or his successors in interest, respectively, the entire amount then due under the terms of the trust deed and the obligation secured thereby (including costs and expenses actually incurred in enforcing the terms of the obligation and trustee's and attorney's fees not exceeding \$50 each) other than such portion of the principal as would not then be due had no default occurred, and thereby cure the default, in which event all foreclosure proceedings shall be dismissed by the trustee.

14. Otherwise, the sale shall be held on the date and at the time and place designated in the notice of sale. The trustee may sell said property either in one parcel or in separate parcels and shall sell the parcel or parcels at auction to the highest bidder for cash, payable at the time of sale. Trustee shall deliver to the purchaser its deed in form as required by law conveying the property so sold, but without any covenant or warranty, express or implied. The recitals in the deed of any matters of fact shall be conclusive proof of the truthfulness thereof. Any person, excluding the trustee, but including the grantor and beneficiary, may purchase at the sale.

15. When trustee sells pursuant to the powers provided herein, trustee shall apply the proceeds of sale to payment of (1) the expenses of sale, in

11/30/78
1/16/79
4/27/79
9/7/79

QUITCLAIM DEED

SD-M-71

KNOW ALL MEN BY THESE PRESENTS, That

DAUN E. KEITH, a Widower,

for the consideration hereinafter stated, does hereby remise, release and quitclaim unto the UNITED STATES OF AMERICA, hereinafter called grantee, and unto grantee's assigns all of the grantor's right, title and interest in that certain real property with the tene-ments, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Josephine, State of Oregon, described as follows, to wit:

That portion of Government Lot 6, Section 18, Township 36 South, Range 6 West, Willamette Meridian, described as follows:

Beginning at the East Quarter Corner of Section 18, T. 36 S., R. 6 W., thence South 349.5 feet along the East line of the said Section 18 to the center line of the Lower River Road; thence South 83°42' West 379.6 feet; thence South 71°54' West 170.2 feet, thence South 63° West 265 feet; thence South 54° West 265 feet; thence South 44°30' West 265 feet; thence South 52°50' West 404 feet; thence South 79° West 400 feet to a point in the center of Lower River Road; thence South 85° West 343.4 feet; thence North 79° West 141.4 feet; thence North 57°30' West 1047 feet to the Northeast corner of a parcel of land described in Volume 189, Page 595, Josephine County Deed Records; thence South 1423 feet to a 1/2 iron rod, the true point of beginning of this description; thence East 390 feet to a point, said point also identical with the true point of beginning of that certain property described in Volume 280, Page 719, Josephine County Deed Records; thence North 75°25' East 158.21' more or less to a point; thence North 77°31'28" West 556.25' more or less to a point 160 feet north of the true point of beginning of this description; thence South 160 feet to the true point of beginning.

This parcel of land described above contains 1.2 acres, more or less.

The intent of this deed is to quitclaim all interest in Lot 6 of said Section 18.

TO HAVE AND TO HOLD the same unto the grantee and grantee's assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$875.00.

In construing this deed the singular includes the plural as the circumstances may require.

Witness grantor's hand this 25th day of Sept, 1979.

Accepted subject to approval of title
by the Department of Justice:

Daun E. Keith

District Manager

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF
COUNTY OF

ss:

On the 25th day of September, 1979, personally

came before me, a notary public in and for said County and State, the

within-named Daun E. Keith

to me personally known to be the identical (person) (persons) described in and who executed the within and foregoing instrument and acknowledged to me that (he) (she) (they) executed the same as (his) (her) (their) voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

My commission expires April 6, 1985

(SEAL)

Notary Public in and for the
State of Oregon

Residing at 1031 N. Ross Ln
Medford, Or. 97501

T-4322

