

Application No. 15342
 Permit No. 11243
 Certificate No. 11090
 Stream Index, Page No. 15-371

Name City of Ashland
 By _____
 Address Ashland, Oregon

Date filed April 25, 1934
 Priority _____
 Action suspended until _____
 Returned to applicant _____
 Date of approval May 26, 1934

CONSTRUCTION

Date for beginning 5-26-35
 Date for completion 10-1-36
 Extended to _____
 Date for application of water 10-1-37
 Extended to _____

PROSECUTION OF WORK

Form "A" filed _____
 Form "B" filed _____
 Form "C" filed Completed

FINAL PROOF

Blank mailed May 26, 1934 - 24. m.
 Proof received June 2, 1934
 Date certificate issued January 28, 1935

FEEES PAID

Date	Amount	Receipt No.
<u>4/25/34</u>	<u>10.00</u>	<u>17312</u>
Total		
<u>12/15/34</u>	\$1 Cert. Fee	<u>18174</u>

FEEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

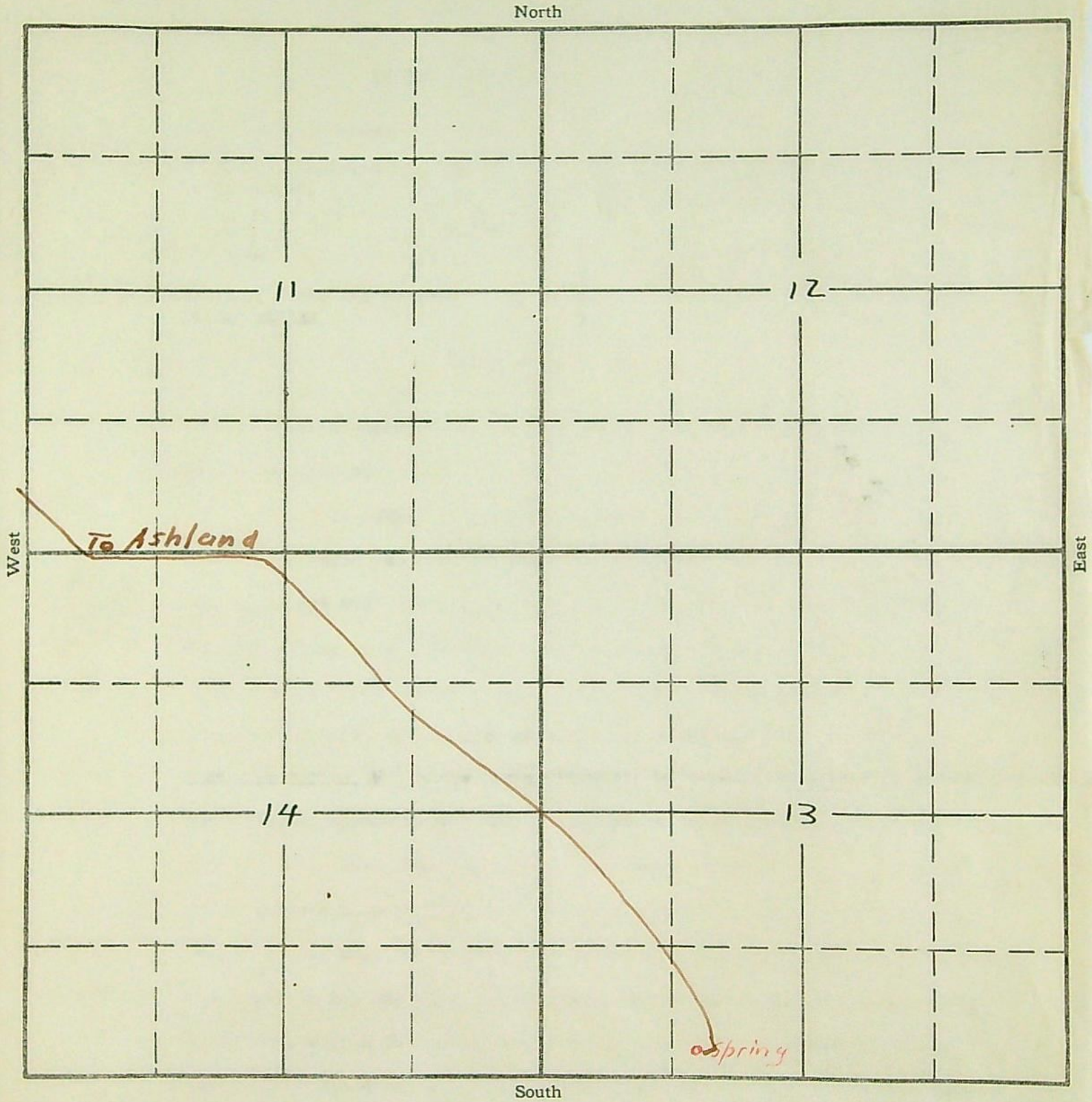
Date	To Whom	Address	Volume	Page

REMARKS

0.035 sec. ft. from Sulphur Spring for municipal
(Drinking fountains in Park.)
OK for cert

SECTION

TOWNSHIP 39, RANGE 1 E, W. M.



APPLICATION No. 15342

PERMIT No. 11243

PERMIT No. 11243

11090

APPLICATION No. 15542

COUNTY Jackson

PROOF OF APPROPRIATION OF WATER

1. Name City of Ashland 2. Address Ashland, Oregon
3. Source of supply Sulphur Spring
 Tributary of Neil Creek the point of diversion
4. Amount of water 0.035 sec. ft. measured at Priority date 9/25/39 ✓
6. Use municipal
7. Location of point of diversion, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, Twp. 39 S., Range 1 E., 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. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described:

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Entire area of the city of Ashland, or on any other land owned by the city, whether within or without the limits of the city.		
			Present use limited to drinking fountains in city park		
39 S	1 E	3			This column must be filled in if water is used for irrigation
		4			
		9			
		10			
		13			
			Now being used on Golf Course in Sec. 13, T 39S, R 1 E WM		

(Attach separate sheet if necessary)

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height,ft.; length on top,ft.;

length on bottomft.; material used and character of construction, Spring enclosed in concrete box, piped approximately 50' to 4' x 4' x 2' settling box and division wiers.

(b) Give description of headgate: Width,ft.; depth,ft.; material used and character of construction, Piped direct from timber settling box and division wiers.

(c) Size of canal: Width on top (at waterline)ft.; width on bottom,ft.; depth of water,ft.; grade,ft. fall per 1,000 ft. Actual capacity, sec.-ft.

Give general description:

(d) Pipe line: Description of intake, Direct

Length of pipe, 4ft.; size at intake, 4" in.; size atft. from intake,in.; size at place of use, 4" in. Difference in elevation between intake and place of use, 50ft.

Is grade uniform? fair Actual capacity of pipe line, sec.-ft.

Give general description: Woods

(Material: Steel, wrought, cast iron, wood stave, etc.)

(e) Pumping plant: Give size and type of pump,

Suction lift,ft.; discharge lift,ft. Type of motor used

Horse power rating,H. P. Actual capacity of pump,sec.-ft.

10. During what months is water beneficially used entire year

11. State character of soil

Kind of crops raised

12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? Yes

13. If not, wherein is such map in error? OK

14. Domestic use: Give number of families actually using water at this time

15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use Drinking fountains and other municipal purposes.

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of

Jackson } ss.

I, Earl Hoessler, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of May, 1934. Earl Hoessler

Subscribed and sworn to before me this 31st day of May, 1934

Frank J. Van Dyke Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires Nov. 19, 1937

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of

Jackson } ss.

We, E. C. Biehl, and W. E. Bartlett of Ashland, Oregon, being first duly sworn, depose and say that

we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. 11243; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

E. C. Biehl W. E. Bartlett

Subscribed and sworn to before me this 31st day of May, 1934

W. H. Biehl Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires Mar. 12, 1935

REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I, C. H. Smith, do hereby certify that I have made an inspection of the works described herein and in Permit No. 11243, on the 28 day of May, 1934, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of 0.035 and I recommend the issuance of a water right certificate for this amount.

(Quantity of water in second-feet or acre-feet)

NOTE TO INSPECTORS

If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

Clinton L. Smith

(Name)

Water Master Dist 15

(Title)

PROOF OF APPROPRIATION

Permit No.

Recording fee paid

Receipt No.

RECEIVED

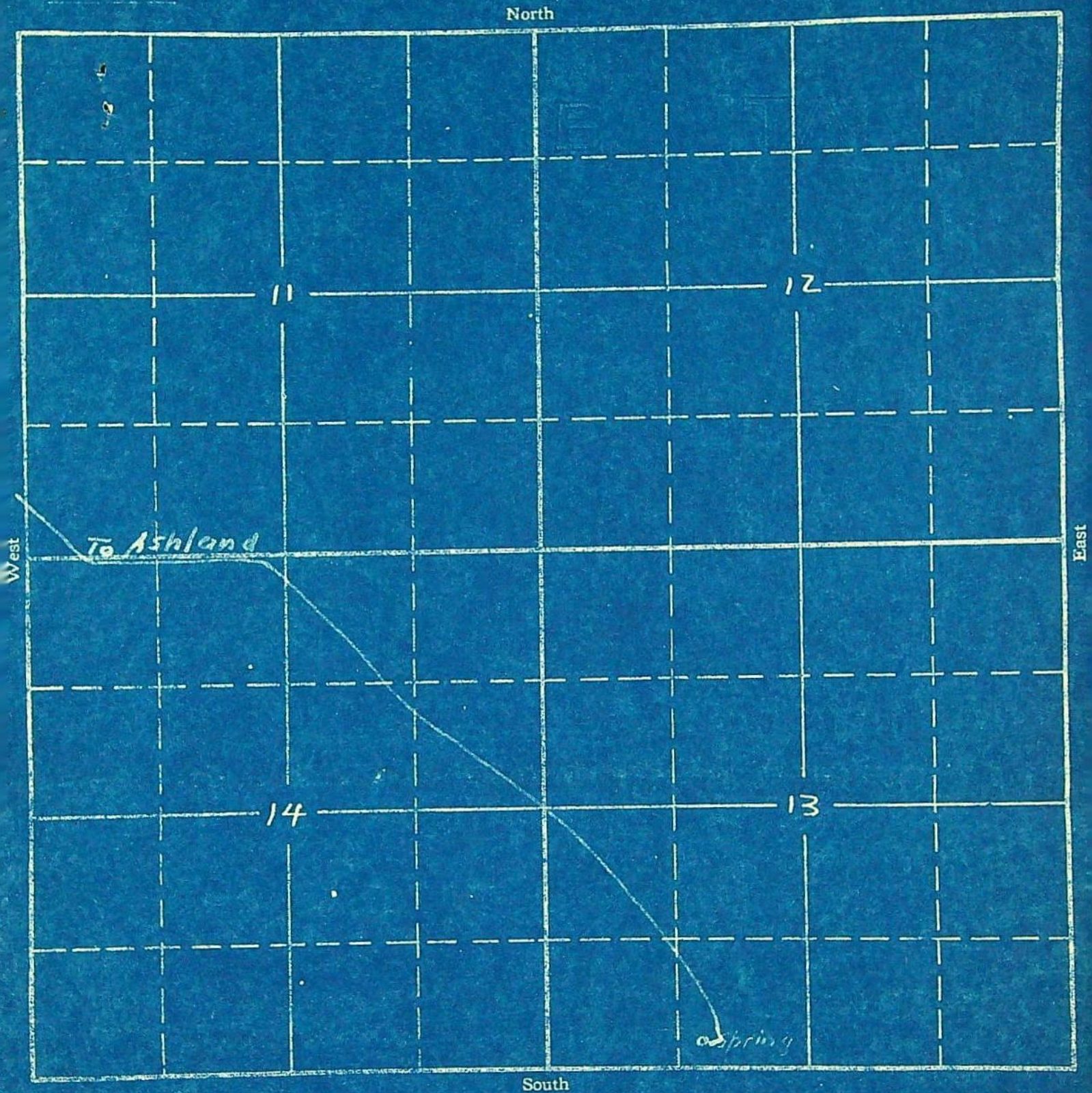
JUN 2 1934

STATE ENGINEER
SALEM, OREGON



SECTION

TOWNSHIP 39, RANGE 1 E, W. M.



APPLICATION No. 15342
PERMIT No. 11243

STATE OF OREGON
COUNTY OF JACKSON

RECEIVED
JAN 18 1935
STATE ENGINEER
SALEM, OREGON

ABSTRACT OF CERTIFICATE OF WATER RIGHT NO. 11090

City of Ashland of Ashland,
State of Oregon, has made proof to the satisfaction of
the State Engineer of Oregon, of a right to the use of the waters of
Sulphur Spring
a tributary of Neil Creek for the purpose of
Municipal
under Permit No. 11243 of the State Engineer, 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 April 25, 1934;

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 0.035 cubic foot per second measured
at the point of diversion,

or its equivalent in case of rotation.

The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, Township 39 South,
Range 1 East, W. M.

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
of one cubic foot per second per acre,

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:

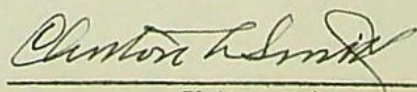
PLACE OF USE:

Sections 3, 4, 9, 10 and 13,
Township 39 South, Range 1 East, W. M.
The entire area of the city of Ashland, or
on any other land owned by the city, whether
within or without the limits of the city.

The right to the use of water for the purposes aforesaid is restricted
to the lands or place of use herein described.

REMARKS:

OK.


Watermaster

November 28, 1934

Briggs & Briggs
Ashland, Oregon

Attention of Mr. Frank J. VanDyke
Gentlemen:

This is in regard to water right Permit No. 11245 in
the name of the City of Ashland.

Satisfactory proof has been submitted by the city that
the development has been completed, but before a water right
certificate can be issued it is necessary that they remit the
statutory fee of \$1.00 for recording the certificate in the
county records. The city has been requested to make a re-
mittance in this amount, but to date it has not been received.
I am, therefore, writing you as I note that you handled the
matter of their application and very probably you will be able
to expedite the payment of the fees so that a certificate can
be issued.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By V. S. Bovelie, Ass't.

VSB EL

June 4, 1934

City of Ashland
Ashland, Oregon

Gentlemen:

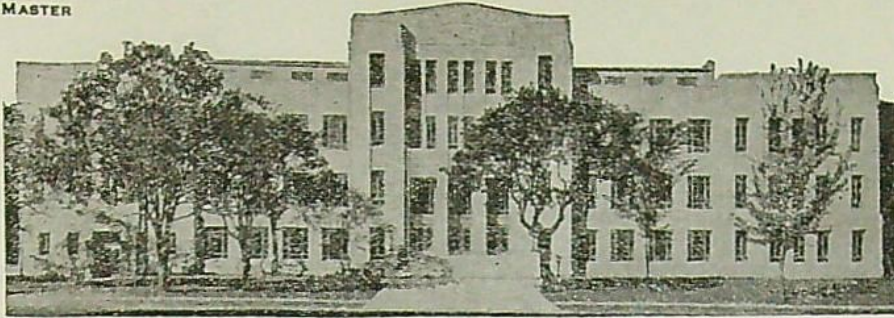
This acknowledges receipt of your final proof of appropriation under your Permit No. 11245, which grants the right to the use of water from Sulphur Spring. The proof appears to be satisfactory in all respects, but you failed to remit the statutory fee of \$1.00 for recording the certificate in the county clerk's records. Upon receipt of your remittance in this amount the matter of confirming your right by the issuance of a certificate will be taken up.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By V. S. Bovelie, Ass't.

EL



WATER RESOURCES DEPARTMENT
STATE OF OREGON
OFFICE OF
WATER DISTRICT NO. 15
MEDFORD, OREGON

May 29 1934

RECEIVED
JUN 1 1934

Mr. C. E. Stricklin
State Engineer
Salem, Oregon

STATE ENGINEER
SALEM, OREGON

Dear Sir:

I have this date 5/28 1934, examined the land
and water right of City of Hohland
of Jackson County, Oregon, under Application No. 15342,
Permit No. 11243, to the waters of Sulphur Spring
Bear Co. watershed, for final proof, and
find the same correct as to use of water, description of lands
and number of acres irrigated, as noted by me on the final
proof papers.

Sent to City Sup. J. Hootler Date 5/29 1934.

Very truly yours,

Clinton A. Smith
Clinton A. Smith,
WATERMASTER DIST. #15

*N.B. There was no date of priority
noted on these papers,*

C. Smith

May 26, 1934

Mr. Clinton A. Smith
Watermaster
Medford, Oregon

Dear Sir:

Herewith I am inclosing the blank for making final proof under Permit No. 11243 in the name of the City of Ashland.

Kindly make your usual inspection at your convenience and advise this office with reference thereto.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By
V. S. Bovelie, Ass't.

EL

May 26, 1934

City of Ashland
Ashland, Oregon

Gentlemen:

Herewith you will find Application No. 15342, Permit No. 11243, together with blue print.

This application has been approved and recorded in this office.

As it appears from the statements made in your application that all construction work has been done and the appropriation completed, I am forwarding the blank for making final proof to the watermaster of your district, who will make an inspection of your project and assist you in the execution of the final proof.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

EL

April 28, 1934

Briggs & Briggs
City of Ashland
Ashland, Oregon

Attention of Mr. Frank J. Van Dyke

Gentlemen:

This acknowledges receipt of your letter of April 24, with which you submitted your remittances in the sums of \$10.00 for filing the City of Ashland's application for permit to appropriate water from Sulphur Spring, and \$12.00 for recording the assignment and agreements of the City of Ashland and the Talent Irrigation District in the Miscellaneous Records of the State Engineer. Receipts Nos. 17312 and 17313 are inclosed.

The assignment and agreements have been recorded in our records and are being returned to you herewith.

The application has been filed, given No. 15842 and is being placed in line for approval and issuance of a permit.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By V. S. Bovelie, Ass't.

EL

BRIGGS & BRIGGS

ATTORNEYS AT LAW
ASHLAND, OREGON

L. Briggs (1890-1934)
Wm. M. Briggs
Frank J. Van Dyke

April 24
19 34

RECEIVED
APR 25 1934

STATE ENGINEER
SALEM, OREGON

Mr. V. S. Bovellev
State Engineer's Office
Salem, Oregon

Dear Mr. Bovellev:

Enclosed herewith find check for \$12.00 which is sufficient to pay what you estimated would be the statutory fees for recording the assignment to Fred C. Homes and Susanne Homes Carter of five acre feet of water under the terms and conditions of the contracts heretofore made with the Talent Irrigation District.

We appreciate your suggestions relative to saving the cost of recording these papers by filling out a shorter form of assignment, but the present condition of the Talent Irrigation District's water application has caused them to suggest that we record our whole agreement in your office.

We are also enclosing a check in the sum of \$10.00 for our water right under the application heretofore filed.

Very truly yours

BRIGGS & BRIGGS
FRANK J. VAN DYKE

By

Frank J. Van Dyke

FJV
lvs
Enc.

*Appl - OK -
Return agreement + assignment*

April 16, 1934.

City of Ashland,
Ashland, Oregon.

Attention: Mr. Frank J. Van Dyke.

Gentlemen:

In response to the request contained in your letter of April 12th, I am returning herewith a copy of the application submitted by Mr. Briggs for permit to appropriate water from Sulphur Spring.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By
V. S. Bovellev, Assistant.

VSB:LN
encl.

CITY COUNCIL

Guy Applewhite
O. T. Bergner
W. E. Blake
G. W. Gregg
F. A. Tayler
G. H. Wenner

CITY OF ASHLAND

Jackson County, Oregon

Member

LEAGUE OF OREGON CITIES
MUNICIPAL FINANCE OFFICERS' ASSOCIATION
OF THE UNITED STATES AND CANADA

THORNTON S. WILEY, Mayor

J. Q. Adams,
City Recorder
F. J. Van Dyke,
City Attorney
G. G. Eubanks,
City Treasurer
C. P. Talent,
Chief of Police

April 12, 1934

State Engineer
Salem, Oregon

Attention: V. S. Bovelle

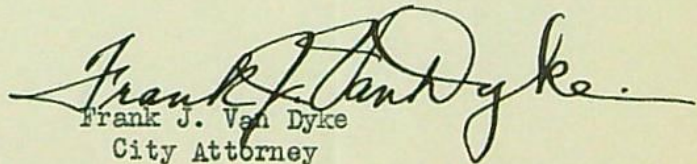
Dear Mr. Bovelle:

In reply to your letter of April 11th, I wish to thank you for the information therein contained and appreciate the suggestions you have made.

Mr. Briggs at present is busy with his work in connection with the League of Oregon Cities. As he completed the original application for water right which you have, I would greatly appreciate your returning one of these copies to us as you state that only one is necessary for your files. With this copy, I shall immediately complete the application suggested in your letter, without conflicting with Mr. Briggs' original application.

Thanking you for your courtesy in this regard, I remain

Very truly yours


Frank J. Van Dyke
City Attorney

FJV
lvs

RECEIVED
APR 13 1934
STATE ENGINEER
SALEM, OREGON

April 11, 1934.

Mr. William M. Briggs,
City Attorney,
Ashland, Oregon.

Dear Mr. Briggs:

This acknowledges receipt of your letters of April 4th and April 7th with which you submitted an application in the name of the City of Ashland for permit to appropriate water from Sulphur Spring, two agreements between the City of Ashland and the Talent Irrigation District and an assignment from the City of Ashland to Fred C. Homes and Susanne Homes Carter, together with your remittance in the sum of \$2.50.

The application for permit to appropriate water from Sulphur Spring appears to be in satisfactory form, but due to your failure to remit the statutory examination fee of \$5.00 it has been impossible for me to file it. The fees due for this application are \$5.00 for examination and \$5.00 for recording for domestic and municipal use, making a total of \$10.00.

The two agreements and assignment which you submitted would, I believe, be satisfactory if recorded in the Miscellaneous Records of the State Engineer, but due to their rather voluminous size and consequent cost of recording and also the fact that they do not refer to the source of the Talent Irrigation District's right, I have hesitated to record them. The fees required by law for recording documents as submitted would amount to approximately \$12.00. I believe that a much shorter and simpler form of assignment would be as satisfactory and the cost of recording would be much less. An assignment similar to the sample enclosed would be sufficient.

As suggested in my letter of March 29th, I believe that in order to fully protect the city's rights in this matter that the city should submit an application for permit to appropriate the waters which they have purchased from the Talent Irrigation District besides submitting documentary evidence that such water has been transferred to them. To simplify what I believe is required to entirely clear the record, I am listing below the various documents and applications which I think the city should submit.

Mr. William M. Briggs - 2.

April 11, 1934.

1. An assignment from the Talent Irrigation District of 800 acre feet of water to the City of Ashland (or record the agreements which have already been submitted).

2. An application by the City of Ashland for permit to appropriate the 800 acre feet so transferred.

3. An assignment by the City of Ashland of 5 acre feet of water so transferred to Fred C. Homes and Susanne Homes Carter.

4. An application by Fred C. Homes and Susanne Homes Carter to appropriate the 5 acre feet so transferred.

If you believe it advisable to file the lengthy agreements and assignment which you have already submitted instead of assignments similar to the one enclosed, I will be glad to do so and will wait your further advice in the matter before taking any action.

I am enclosing two application forms for your convenience in submitting applications in the name of the City of Ashland to appropriate the stored water and in the name of Homes and Carter. I note that you submitted the applications in triplicate although it is only necessary that one application be made.

Your remittance in the sum of \$2.50 is being returned herewith.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By

V. S. Bovelie, Assistant.

VSB:LN
encls.

March 29, 1934.

Mr. Wm. M. Briggs, City Attorney,
City of Ashland,
Ashland, Oregon.

Dear Mr. Briggs;

This acknowledges receipt of your letter of March 27th with which you enclosed your remittance in the sum of \$1.50 for recording the certified copy of the stipulation between the City of Ashland and Fred C. Homes and Susanne Homes Carter in the Miscellaneous Records of the State Engineer. Receipt No. 17240 is enclosed. You ask if there is anything further that the city must do in order to secure a proper permit in accordance with said stipulation.

Our records have been diligently searched, but I am unable to find any evidence on record of the transfer of 600 acre feet of water from the Talent Irrigation District to the City of Ashland, and apparently nothing in connection with said transfer has been recorded in this office. After full consideration of the matter, it is believed that in order to insure a clear record that some evidence should be recorded in the records of the State Engineer showing the transfer of the 600 acre feet from the district to the city. If the city holds an assignment, deed or other document showing that the district has transferred the 600 acre feet to it, such document could probably be recorded in the Miscellaneous Records and be satisfactory.

It is also probably advisable that the city should then submit an application for permit to appropriate such waters as there is no record at present indicating that the city has any right to the use of such water. Such application should describe the 600 acre feet which have been transferred from the district as the source of supply and should indicate how the 600 acre feet were obtained so that the source might be readily identified. If this is done it will then be a simple matter for the city to assign that portion of the 600 acre feet agreed to in the stipulation between the city and Fred C. Homes to the latter. An application should be made then in the name of Fred C. Homes and Susanne Homes Carter for permit to appropriate such waters in order that a legal water right may be obtained by them for the irrigation of the lands which they desire to use such water upon.

ENGINEER
IN
OREGON

STATE OF OREGON

OFFICE OF THE
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

ADDRESS ALL COMMUNICATIONS
CHAS. E. STRICKLIN, STATE ENGINEER
SALEM, OREGON

March 21, 1934.

TO City of Ashland,
Wm. M. Briggs, City Attorney,
ADDRESS Ashland, Oregon.

March 19, 1934.

Copying the stipulation between the City of
Ashland and Fred C. Homes and Susanne Homes
Carter in the Miscellaneous Records of the
State Engineer.

\$1.50

\$ 1.50

March 19 1934

Charge City of Ashland
Street Wm. M. Briggs, City Attorney,
City—State Ashland, Oregon.

For the following: _____

copying stipulation between City of Ashland and Fred C. Homes and Susanne Homes Carter in the Miscellaneous Records.

Fee paid 3/28/34, Recd. No. 17240

LN

Statement mailed 3-21-34

Mr. Wm. M. Briggs - 2.

March 29, 1954.

In checking over our records, I also find that the City of Ashland evidently has no water right on record to the use of the waters from the springs covered in the above stipulation, and I would suggest that it is probably advisable that the city file upon these springs in order to insure a legal right to the use of such waters. I am therefore enclosing application forms, together with four-section plats and an instruction pamphlet for your convenience in submitting such applications if you believe it advisable. The four-section plats may be used in the preparation of the maps required with the filings, provided that the works are of such nature as to be conveniently shown thereon. I believe that the instruction pamphlet will give you sufficient information for preparing the applications, but if anything further is required, I will be glad to assist you upon your request.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By

V. S. Bovellet, Assistant.

VSB:LN-
encls.

BRIGGS & BRIGGS

ATTORNEYS AT LAW
ASHLAND, OREGON

March 27, 1934

State Engineer
Salem, Oregon

RECEIVED
MAR 28 1934

Dear Sir:

STATE ENGINEER
SALEM, OREGON

Enclosed herewith find check for the recording fee in connection with the recording of the stipulation.

If there is anything further the City has to sign in order to secure the proper permit, according to the stipulation, please send the necessary papers for us to fill out, as we are anxious to get the matter closed up.

Very truly yours

BRIGGS & BRIGGS
FRANK J. VAN DYKE

By *Wm M. Briggs*

WMB
lvs
Enc.

4193

11489 ✓
11518 ✓

~~13717~~
~~13718~~
6922 ✓
7019 ✓
2325 ✓
2326 ✓
2327 ✓
4424

*Ashland
Feb 27*

2420

2325 - Myra W. Home - 0.28 sec ft sulphur
made by Fred C. Home

Spring in SE 1/4 - 13-39S-1E -

for mining ~~water~~

10 Ac SE 1/4 W

12 Ac NE 1/4 SW - 13-39S-1E

P - 9/10/15 -

Storage Talent Dist

A-13717 - 15000 Ac ft of water of
Beaver Ch, Dead Indian Ch + N
of little Butte Ch - Beaver Reservoir

Secondary app 15718 does not indicate any
of this stored water to be used in SE 1/4 W
or NE 1/4 SW - 13 -

City of Oakland - Sec 4, 5, 8, 9, 10, 15, 16, 17, 39S-1E

P-R 214 - 19,700 Ac ft from Glenn Ch in
Glenn Ch Reservoir.

P-R 478 - 11,000 Ac ft from Emigrant +
Glenn Ch in ~~the~~ Emigrant Reservoir

~~P-1382~~

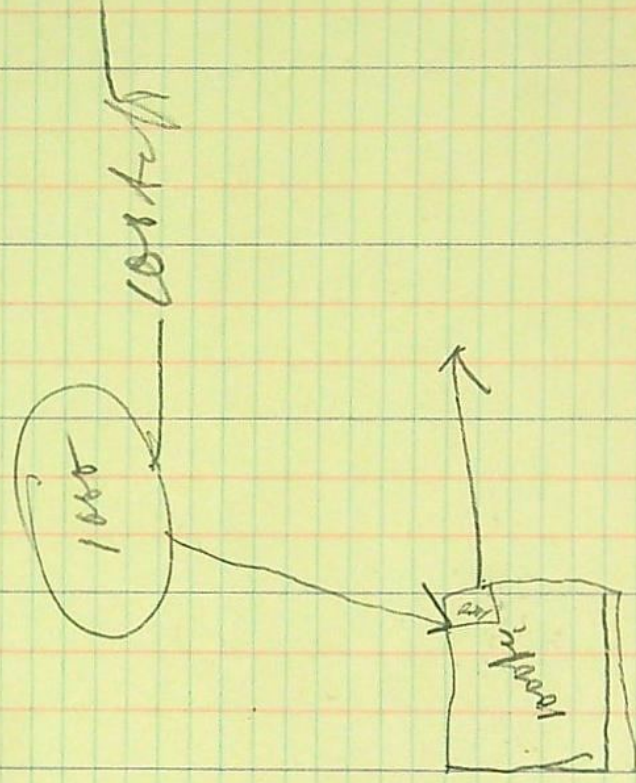
~~1383 - some land in 445 City of Oakland but none in
from Glenn Ch Reservoir sheet 3 -~~

P1382 — Ringport ck — some sec 4, 5,

but none 13 —

P1383 — from Rene Ck + Rene Ck Res — for
some lands in sec 4 + 5 — City of Oakland but
none in sec 13 —

Oakland has no filings on openings



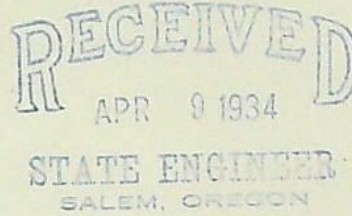
BRIGGS & BRIGGS
ATTORNEYS AT LAW
ASHLAND, OREGON

April 4, 1934

State Engineer
Salem, Oregon

Attention: Mr. Stricklin

Dear Mr. Stricklin:



In connection with the City of Ashland matter, I enclose herewith, pursuant to your instructions, application for a permit to appropriate the waters of the spring therein described. This appropriation is made subject to the provisions of the stipulation enclosed therewith, a certified copy of which was recorded in your office on March 28, 1934.

We have prepared an assignment of the five acre feet to Homes and Carter, as required by the stipulation, and we are recording that in Jackson County. As soon as the recordation is complete we will send same, together with the original contract of the Talent Irrigation District, for further recordation in your office in your Miscellaneous Records.

With kindest personal regards, I remain

Sincerely yours

Wm. M. Briggs
Wm. M. Briggs

WMB
lvs
Enc.

UNIVERSITY OF OREGON
COLLEGE OF SOCIAL SCIENCE
EUGENE, OREGON

BUREAU OF MUNICIPAL RESEARCH AND SERVICE

April 7, 1934.

State Engineer,
Salem,
Oregon.

Attention: Mr. Stricklin.

Dear Mr. Stricklin:--

Re-City-Homes water right transaction.

Enclosed herewith find the following:

Agreement between City of Ashland and Talent Irrigation District
recorded in Volume 163, Page 106-111, Jackson County, Oregon
Deed Records;

Agreement between City of Ashland and Talent Irrigation District
recorded in Volume 163, Pages 101-5, Jackson County, Oregon,
Deed Records;

Assignment of Interest in Water Right Contract, the original of
which is recorded in Volume 198, Page 65 et sequor, of the
Jackson County, Oregon, Deed Records.

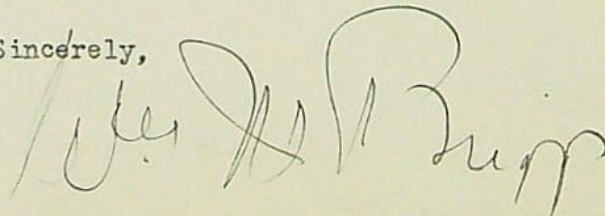
THE ABOVE you will please record in your Miscellaneous Records, and
return the documents to City Recorder, City of Ashland, Ashland, Oregon,
together with bill.

Also enclosed find letter and application to appropriate water right.
The designation of the location of the spring is correct in this applic-
ation, but in the original Homes application referred to same is wrong.
Mr. Walker, our city engineer, discovered this error.

All of these documents have been inspected by Mr. Arnspiger,
of the Talent Irrigation District, and he instructed me to record the
original assignment of interest in water right contract to Home and
Carter in the Jackson County Deed Records.

Address your communications to Ashland in connection with this
matter.

Sincerely,



RECEIVED
APR 9 1934
STATE ENGINEER
SALEM, OREGON

Wm M. Briggs
Astoria
Oregon

STATE OF OREGON
County of Marion

I certify that the within was received by me on
the 19th day of March, 1934
at 1:00 o'clock P. M., and was recorded in Miscella
neous Records, Vol. 2 pages 705-6

Char. E. Stricklin
LN State Engineer.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR JACKSON COUNTY

CITY OF ASHLAND, a municipal
corporation,

Plaintiff,

vs.

FRED C. HOMES and SUSANNE
HOMES CARTER,

Defendants.

SUIT IN EQUITY FOR INJUNCTION

STIPULATION

filed
4/93

As a basis for settlement of the above entitled matter, in the
above entitled court and cause,

IT IS HEREBY STIPULATED AND AGREED by and between the City of
Ashland, a municipal corporation, acting by and through its attorneys,
Wm. M. Briggs and Frank J. Van Dyke, and Fred C. Homes and Susanne Homes
Carter, acting by and through their attorney, Gus Newbury:

1. That the defendants relinquish to the plaintiff all claim to
four-fifths (4/5) of the aggregate flow of water from what is known as the
Berkeley Spring, being the spring involved in this suit, said flow being
estimated at approximately twenty (20) gallons per minute.

2. That the plaintiff relinquishs all claim to one-fifth (1/5) of
the aggregate flow of the waters of said spring.

3. That the plaintiff gives and grants unto each of the defendants
the right to tap any pipe line now existing or which may be installed by
plaintiff, with a three-quarter (3/4) inch tap, for the service of the
dwelling of the defendant Fred C. Homes, and for the service of the dwelling
of the defendant Susanne Homes Carter, or for any future dwelling of each, or
their successors, which shall take the place of those now existing, said taps
to supply water from said plaintiff's pipe line for household use such as
bath and toilet fixtures and for watering of stock, but not for any irrigation,
and said use on each service tap is not to exceed the aggregate amount of
two hundred (200) gallons per day.

4. That the plaintiff agrees to install at its expense suitable
equipment and measuring devices so as to furnish the defendants with one-
fifth (1/5) of the

flow of said spring at approximately the point where diversion is now made, said one-fifth (1/5) flow of said spring to be understood to be in addition to the service taps mentioned above.

5. That in the event the plaintiff should succeed in increasing the flow of said spring at some future date over the said present flow, estimated as being twenty (20) gallons per minute, that the said plaintiff is to have all of the benefit of said increased flow.

6. That the plaintiff, as compensation to the defendants, agrees, within ninety (90) days from date hereof, to give the defendants a certificate of water right from the State Water Board of the State of Oregon for five (5) acre feet of water impounded by the Talent Irrigation District, said water right to be on the same terms, stipulations and conditions as exist in that certain contract between the City of Ashland and the Talent Irrigation District, recorded in Volume 163 at Pages 101-105 of the Jackson County, Oregon, Deed Records.

7. That in the event the said plaintiff is unable to furnish the said certificate of water right within the period above mentioned, then and in that event the above stipulation shall be considered null and void, and the parties thereto shall be deemed to be in the same position as though said stipulation had never been entered into. That upon the compliance by the plaintiff of the terms of this stipulation, this cause shall be dismissed without cost to either party.

DATED this 27th day of February, 1934.

Wm. M. Briggs

Frank J. VanDyke
Attorneys for plaintiff

Gus Newbury
Attorney for defendants

STATE OF OREGON, }
County of Jackson, } ss.

I, G. R. CARTER, County Clerk and Clerk of the Circuit Court, of the County
and State aforesaid, do hereby certify that the foregoing copy of Stipulation

has been by me compared with the original, and that it is a correct transcript therefrom and of the whole of such
original Stipulation

as the same appears on file at my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said

Court this 15th day

of March, 193 4.

G. R. Carter
Clerk.

By Walter Dugan
Deputy.

*APPLICATION FOR A PERMIT

To appropriate the Public Waters of the State of Oregon

I, CITY OF ASHLAND (a municipal corporation) of ASHLAND, County of Jackson, State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation 1878. Also February 21, 1889 (See Session Laws, Oregon, 1889)

1. The source of the proposed appropriation is Sulphur Spring, a tributary of Neil Creek

2. The amount of water which the applicant intends to apply to beneficial use is approximately four-fifths of the present flow of said spring, said four-fifths amounting to approximately .035 cubic feet per second, or 16 gal. per minute, plus any increase in flow from other sources available to applicant.

3. The use to which the water is to be applied is general, mainly for drinking purposes, within the limits of the city of Ashland, Jackson County, Oregon, or for irrigation on any property owned by the said city of Ashland.

4. The point of diversion is located at spring and ft. from the corner of Within the SW 1/4 of the SW 1/4 of Sect. 13, Twp. 39 south of Range 1, East of the W. M. in Jackson County, Oregon

5. The pipe line is 22,200 feet in length, terminating in the NW 1/4 of SW 1/4 of Sec. 9, Twp. 39 S. R. 1 E., W. M., in the county of Jackson

DESCRIPTION OF WORKS

DIVERSION WORKS— Concrete work around spring about 40 feet square.

6. (a) Height of dam feet, length on top feet, length at bottom feet; material to be used and character of construction

(b) Description of headgate Concrete work or wall around spring. Water flows direct from spring into pipe line

(c) If water is to be pumped give general description Not pumping at present as water flows by gravity, but pump may be installed later.

* A different form of application is provided where storage works are contemplated.

** Applications for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

CANAL SYSTEM OR PIPE LINE—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, 22,200 ft.; size at intake, 6" in.; size at ft. from intake in.; size at place of use 4" in.; difference in elevation between intake and place of use, about 90 ft. Is grade uniform? terrain follows Estimated capacity, 4" pipe line, capacity varying according to head. Actually delivers about 15 gal. per min.

8. Location of area to be irrigated, or place of use

Township	Range	Section	Forty-acre Tract	Number Acres To Be Irrigated
Entire area of the city of Ashland, or on any other land owned by the city, whether within or without the limits of the city.				
Present use limited to drinking fountains in city park.				

(If more space required, attach separate sheet)
not used for irrigation at present

(a) Character of soil none

(b) Kind of crops raised

POWER OR MINING PURPOSES—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.
(Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec., (Legal subdivision)
Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(f) Is water to be returned to any stream?
(Yes or No)

(g) If so, name stream and locate point of return
....., Sec., Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

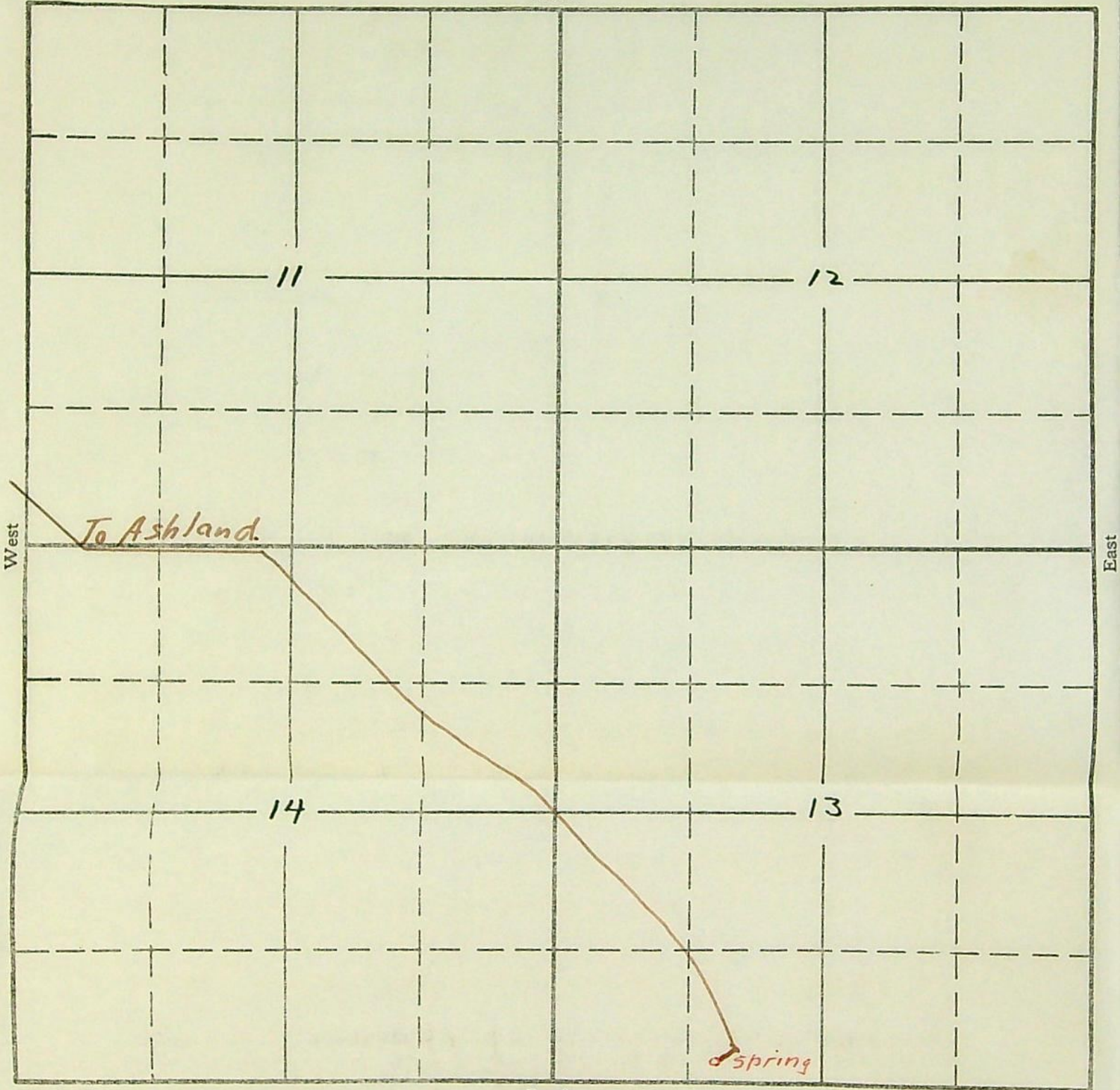
(h) The use to which power is to be applied is

(i) The nature of the mines to be served

SECTION

TOWNSHIP 39, RANGE 1 E, W. M.

North



West

East

South

APPLICATION No.

PERMIT No.

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estimated at approximately twenty (20) gallons per minute.
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the right to tap any pipe line now existing or which may be installed by
plaintiff, with a three-quarter ($3/4$) inch tap, for the service of the
dwelling of the defendant Fred C. Homes, and for the service of the dwelling
of the defendant Susanne Homes Carter, or for any future dwelling of each, or
their successors, which shall take the place of those now existing, said taps
to supply water from said plaintiff's pipe line for household use such as
bath and toilet fixtures and for watering of stock, but not for any irrigation,
and said use on each service tap is not to exceed the aggregate amount of
two hundred (200) gallons per day.
4. That the plaintiff install at its expense suitable equipment and
measuring devices so as to furnish the defendants with one-fifth ($1/5$) of the

flow of said spring at approx the point where diversion is now made,
said one-fifth (1/5) flow of ring to be understood to be in addition
to the service taps mentioned.

5. That in the event plaintiff should succeed in increasing
the flow of said spring at some future date over the said present flow,
estimated as being twenty (20) gallons per minute, that the said plaintiff
is to have all of the benefit of said increased flow.

6. That the plaintiff, as compensation to the defendants, agrees,
within ninety (90) days from date hereof, to give the defendants a certificate
of water right from the State Water Board of the State of Oregon for five (5)
acre feet of water impounded by the Talent Irrigation District, said water
right to be on the same terms, stipulations and conditions as exist in that
certain contract between the City of Ashland and the Talent Irrigation District,
recorded in Volume 163 at Pages 101-105 of the Jackson County, Oregon, Deed
Records.

7. That in the event the said plaintiff is unable to furnish the
said certificate of water right within the period above mentioned, then and in
that event the above stipulation shall be considered null and void, and the
parties thereto shall be deemed to be in the same position as though said
stipulation had never been entered into. That upon the compliance by the
plaintiff of the terms of this stipulation, this cause shall be dismissed
without costs to either party.

DATED this 27th day of February, 1934.

WM. M. BRIGGS

FRANK J. VAN DYKE
Attorneys for plaintiff

GUS NEWBURY
Attorney for defendants

MUNICIPAL OR DOMESTIC SUPPLY—

10. (a) To supply the city of Ashland County, having a present population of 5000 and an estimated population of in 193 At present used for drinking purposes for Little Park in Ashland, Oregon (b) If for domestic use state number of families to be supplied entire population from central drinking fountains (Answer questions 11, 12, 13, and 14 in all cases)

- 11. Estimated cost of proposed works, \$ 35,000
- 12. Construction work will begin on or before complete
- 13. Construction work will be completed on or before Completed in 1915.
- 14. The water will be completely applied to the proposed use on or before already applied

CITY OF ASHLAND
(Signature of applicant)
By J. J. Adams
Recorder.

Signed in the presence of us as witnesses:

(1) W. H. Rupp Ashland Oregon
(Name) (Address of witness)

(2) Frank J. Vand Dyke Ashland, Oregon
(Name) (Address of witness)

Remarks: See stipulation attached. This stipulation is also recorded in the Miscellaneous Records of the State Engineer's office as of March 20th, 1934.
See Permit #2420-Certificate #2325.

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before _____, 193_____

WITNESS my hand this _____ day of _____, 193_____

STATE ENGINEER

STATE OF OREGON, }
County of Marion. } ss.

PERMIT

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to existing rights and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from

The use to which this water is to be applied is

If for irrigation, this appropriation shall be limited to of one cubic foot per second

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

The priority date of this permit is

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before

Complete application of the water to the proposed use shall be made on or before

WITNESS my hand this day of, 193.....

STATE ENGINEER

Permits for power development are subject to the payment of annual fees as provided in sections 1 and 2, chapter 74, Session Laws of 1933.

Application No.

Permit No.

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

Division No. District No.

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the day of,
193....., at o'clock M.

Returned to applicant:

Corrected application received:

Approved:

Recorded in book No. of

Permits on page

STATE ENGINEER

Drainage Basin No. Page

Fees Paid