

Name Roy C. Freeman
Route Box 194
Address Eagle Point, Oregon

Application No. 22215
Permit No. 17492
Certificate No. 20410
Cancelled-sp. or Rec. Vol. 16 P. 130
Stream Index, Page No. 15-60B
ΔPOU PART T-4291

Superseded by 48873 E
Cert. No. 47968

52556 FEES PAID		
Date	Amount	Receipt No.
2/3/47	17.50	2478
4/3/47	0.05	C. 8175
4/3/47	0.05	C. 8175
3/21/54	\$1 Cert. Fee	1328

Date filed February 3, 1947
Priority February 3, 1947
Action suspended until _____

FEES REFUNDED		
Date	Amount	Check No.
_____	_____	_____

Returned to applicant _____
Date of approval April 15, 1947

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
12/15/48	B. Mead DeWitt	Rt. 1, Box 194, Eagle Point	3	319
2/16/49	Roy C. Freeman	Rt. 1, Box 194, Eagle Point	3	332
June 30, '53	JOHN J. AND EDNA ZIMMERLEE	Rt. 1, Box 194, Eagle Point	3	745

CONSTRUCTION

Date for beginning April 15, 1948
Date for completion October 1, 1949
Extended to 10/1/52
Date for application of water October 1, 1950
Extended to 10/1/52

REMARKS

1.04 cfs from Rogue River for the irrigation of 83 acres.

OCT 1 1950 CARD FOR C
OCT 1 6 1952 CARD FOR B.B.
JAN 5 1953 FORM TOO REG.

PROSECUTION OF WORK

Form "A" filed November 5, 1947
Form "B" filed November 22, 1948
Form "C" filed January 20, 1953

FINAL PROOF

Blank mailed MAR 23 1953
Proof received _____
Date certificate issued APR 30 1954 NOV 23 1976
DEC - 4 1984

W.R.I.S.	
Assembled _____	by _____
Entered _____	by _____
Verified _____	by _____

NOTICE OF BEGINNING OF CONSTRUCTION

I, Roy C Freeman, the holder of Permit No. 17492 to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 1st day of May, 1947.

Remarks: Two men were working. The entire pipe line was installed the pump was installed and some of the land was irrigated however some more ditches need to be made.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of November, 1947.

Signatures and addresses of Jessie Freeman (Witness) and Roy C Freeman (Applicant) at Rt. 1, Box 194 Eagle Point Oregon.

STATE PRINTING DEPT.

NOTICE OF COMPLETION OF CONSTRUCTION

I, Roy C Freeman, the holder of Permit No. 17492 to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 1st day of July, 1948.

Remarks: work completed as described. If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 10 day of November, 1948.

Signatures and addresses of Jessie C Freeman (Witness) and Roy C Freeman (Applicant) at Rt. 1, Box 194 Eagle Point Oregon.

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when construction work is completed.

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Roy C Freeman, the holder of Permit No. 17492 to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 1st day of September, 1951.

Remarks: If all of the water granted in the permit has not been fully applied to beneficial use, you should so state.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, 1951.

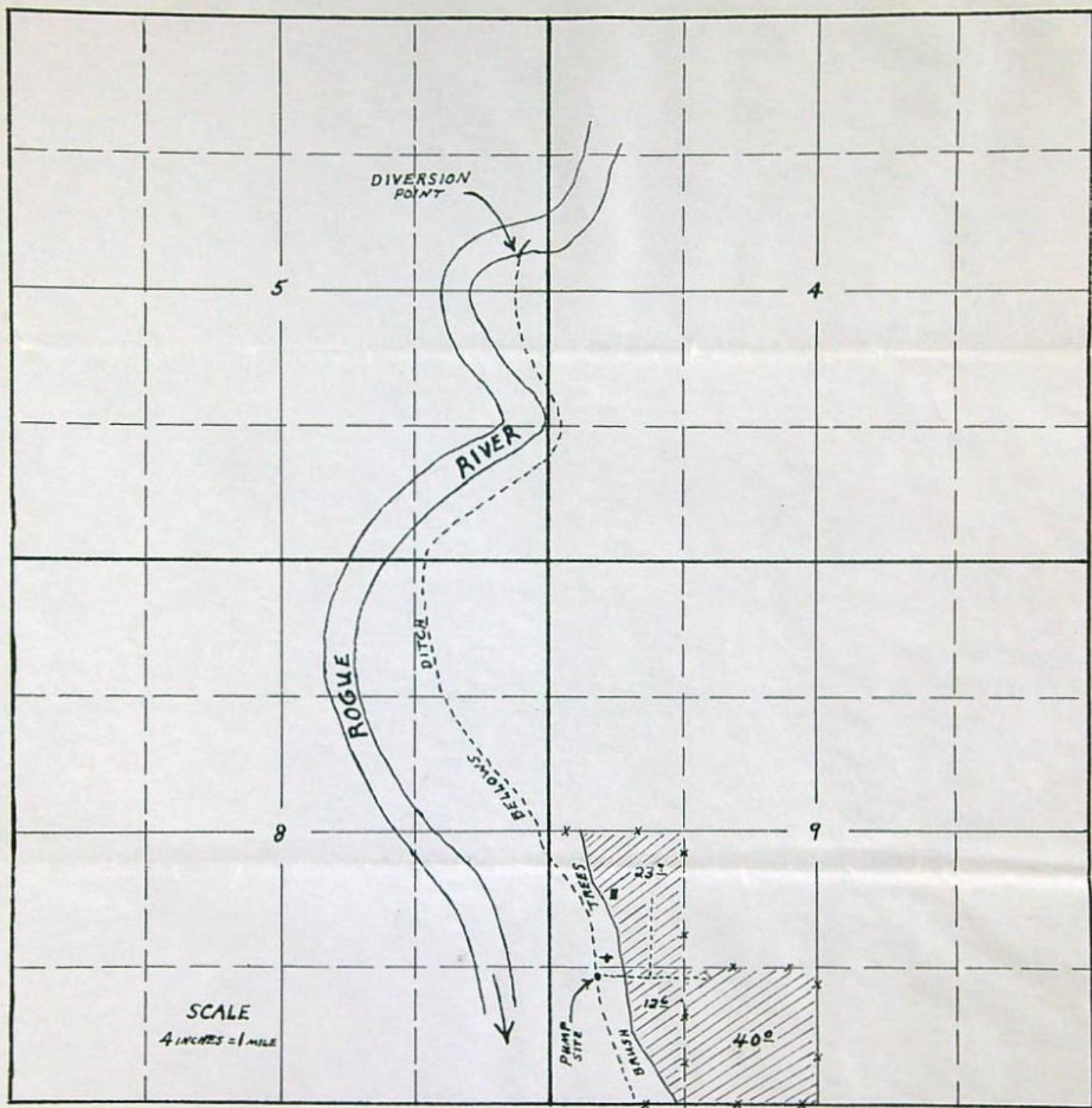
Signatures and addresses of Jessie Freeman (Witness) and Roy C Freeman (Applicant) at Rt. 1, Box 194 Eagle pt One.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when all of the water has been applied.

RECEIVED JAN 20 1953 STATE ENGINEER SALEM, OREGON

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

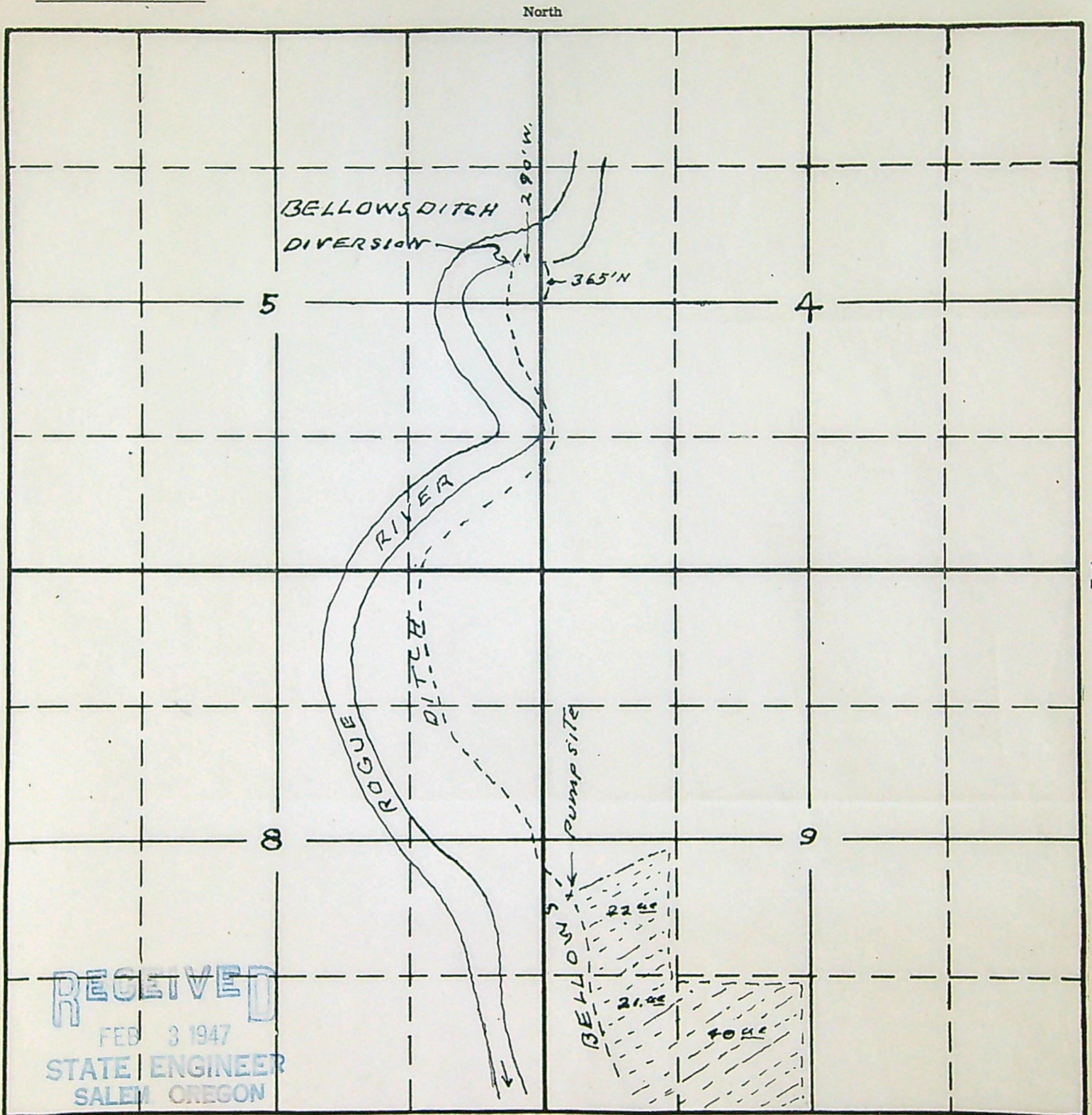


MAP ACCOMPANYING FINAL PROOF OF
JOHN F. ZIMMERLEE, FOR USE OF WATER FROM
ROGUE RIVER FOR IRRIGATION PURPOSES.

APPLICATION NO. 22215
PERMIT NO. 17492

SURVEY MADE 1-13-54

David L. Hendrix
WATERMASTER DIST. # 15



Map to accompany application of Roy C Freeman for use of water from Rogue River for irrigation purposes
 Sketch from State Engineer's Survey sept 12-17, 1935

APPLICATION No. 22215
 PERMIT No. 17492

This office 1/31/47 *W. Smith*

22 215 15-60B

January 27, 1992

Carol Rynerson
P.O. Box 1301
Eagle Point, OR 97524

Reference: File 22215

We received your letter requesting to be notified of any attempt to transfer water rights from your property. I placed the letter in file 22215, the original water right file. If any action is taken on this water right the letter will be seen by whoever reviews the transfer application.

Sincerely,

LARRY H. NUNN
Senior Water Rights Specialist

LHN:caw



RECEIVED
JAN 23 1992
WATER RESOURCES DEPT.
SALEM, OREGON

January 22, 1992

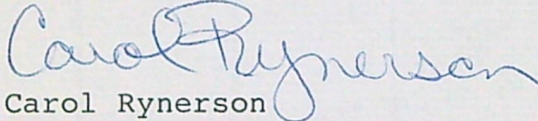
Mr. Larry Nunn
3850 Portland Rd. N.E.
Salem, Oregon 97310

Dear Larry Nunn,

My name is Carol Rynerson, this is a written response to our telephone conversation around January 6th, then again January 21st. Concerning the water rights on tax lot 1400 in Jackson County. Inclosed is a copy of the trust deed and Certificate of Water Right.

I'm sending you this information to protect my interest in the water rights on the property. If there are any situations or problems that may arise please notify me.

Thank You Very Much,



Carol Rynerson
P.O. Box 1301
Eagle Point, Or. 97524
826-7001

Appl. 22215
Permit No. 17492

Permit A-5M-1-78

SP-35647-890

STATE OF OREGON

COUNTY OF JACKSON
9. & 70. & 130.

JAN 23 1992

WATER RESOURCES DEPT.
SALEM, OREGON

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 irrigation of 51.3 acres for the purpose of

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

James E. Skum
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 42, page 48873

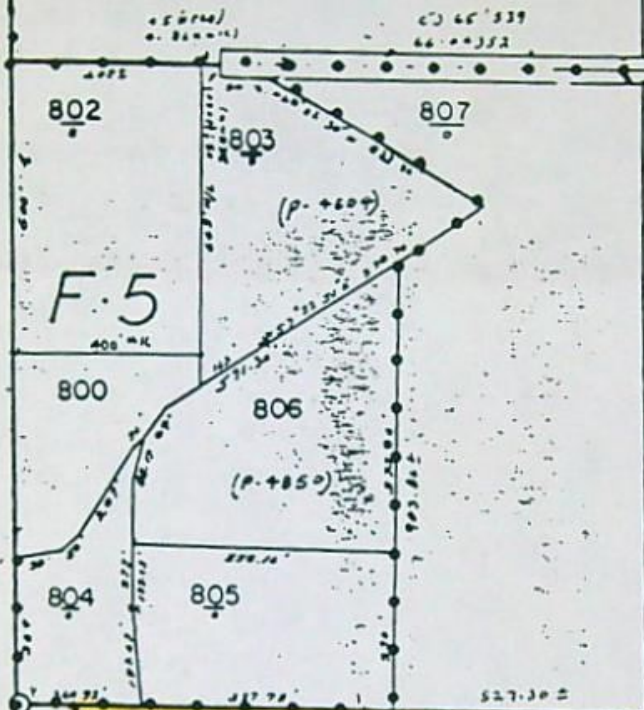
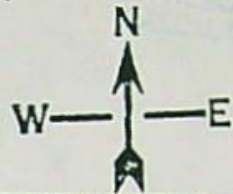
Priority - Feb. 3, 1947

15, Vol. 1
Rogue River

OSR

JAN 23 1992

WATER RESOURCES DEPT.
MILL CREEK



900' AMERICAN PACIFIC
TITLE & ESCROW COMPANY
Prestige Plaza Bldg., Suite A
100 Main Street East
Medford, Oregon 97501

THIS MAP IS PROVIDED SOLELY
FOR THE PURPOSE OF ASSISTING
IN THE LOCATION OF THE
PROPERTY. THE COMPANY ASSUMES
NO LIABILITY FOR VARIATIONS
IF ANY IN DIMENSIONS OR
LOCATIONS ASCERTAINED BY
FIELD SURVEY.

9-6

35 1W 8

902
29 1/2'

901 .025'

See map 8 35 1W

1403
4.21 2.08 AC
9.21 2.92 AC

1401 5.55 AC
1320'

1402 25.00'

1404
(P. 3781)
9.61 7.92 AC
4.21 3.04 AC

R.

92-00105

Order No. 700921

RECEIVED

JAN 23 1992

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT 'A'

Beginning 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 in Jackson County, Oregon; thence West along the North boundary of said Northwest quarter of the Southwest quarter, 1195 feet; thence Southeasterly to a point on the South boundary of said Section 9 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 said South boundary of Section 9, 335 feet to the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 9; thence Northerly in a straight line 2640 feet, more or less, to the point of beginning. EXCEPTING FROM THE AFORESAID PARCEL, all that portion lying within Government Lot 1 (sometimes called the Southwest quarter of the Southwest quarter).

COPY

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

10:05 JAN 3 1992 A.M.

KATHLEEN S. BECKETT
CLERK and RECORDER

By Kathleen S. Beckett Deputy

31

92-00105

TRUST DEED AMERICAN PACIFIC TITLE

70092-1

5-

351W9 26
December

THIS TRUST DEED, made this 20 day of December, 1991, between CAROL RYNERSON

as Grantor, AMERICAN PACIFIC TITLE AND ESCROW COMPANY, as Trustee, and JOHNNY W. MILLARD AND DONNA J. MILLARD, OR THE SURVIVOR THEREOF

as Beneficiary,

WITNESSETH:

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

THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

COPY

together with all and singular the tenements, hereditaments and appurtenances and all other rights thereunto belonging or in anywise now or hereafter appertaining, and the rents, issues and profits thereof and all fixtures now or hereafter attached to or used in connection with said real estate.

FOR THE PURPOSE OF SECURING PERFORMANCE of each agreement of grantor herein contained and payment of the sum of ONE HUNDRED EIGHTEEN THOUSAND AND NO/100 (\$118,000.00)

Dollars, with interest thereon according to the terms of a promissory note of even date herewith, payable to beneficiary or order and made by grantor, the final payment of principal and interest hereof, if not sooner paid, to be due and payable JANUARY 3, 2002.

The date of maturity of the debt secured by this instrument is the date, stated above, on which the final installment of said note becomes due and payable. In the event the within described property, or any part thereof, or any interest therein is sold, agreed to be sold, conveyed, assigned or alienated by the grantor without first having obtained the written consent or approval of the beneficiary, then, at the beneficiary's option, all obligations secured by this instrument, irrespective of the maturity dates expressed therein, or herein, shall become immediately due and payable.

To protect the security of this trust deed, grantor agrees:

- 1. To protect, preserve and maintain said property in good condition and repair; not to remove or demolish any building or improvement thereon; not to commit or permit any waste of said property.
- 2. To complete or restore promptly and in good and workmanlike 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 \$ insurable value, 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 construction 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 hereinbefore 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

- granting any easement or creating any restriction thereon; (c) join in any subordination or other agreement affecting this deed or the lien or charge thereof; (d) reconvey, without warranty, all or any part of the property. The 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 sue 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, time being of the essence with respect to such payment and/or performance, the beneficiary may declare all sums secured hereby immediately due and payable. In such an event the beneficiary at his election may proceed to foreclose this trust deed in equity as a mortgage or direct the trustee to foreclose this trust deed by advertisement and sale, or may direct the trustee to pursue any other right or remedy, either at law or in equity, which the beneficiary may have. In the event the beneficiary elects to foreclose by advertisement and sale, 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 obligation 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 86.735 to 86.795.
- 13. After the trustee has commenced foreclosure by advertisement and sale, and at any time prior to 5 days before the date the trustee conducts the sale, the grantor or any other person so privileged by ORS 86.753, may cure the default or defaults. If the default consists of a failure to pay, when due, sums secured by the trust deed, the default may be cured by paying the entire amount due at the time of the cure other than such portion as would not then be due had no default occurred. Any other default that is capable of being cured may be cured by tendering the performance required under the obligation or trust deed. In any case, in addition to curing the default or defaults, the person effecting the cure shall pay to the beneficiary all costs and expenses actually incurred in enforcing the obligation of the trust deed together with trustee's and attorney's fees not exceeding the amounts provided by law.
- 14. Otherwise, the sale shall be held on the date and at the time and place designated in the notice of sale or the time to which said sale may be postponed as provided by law. 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 grantor covenants and agrees to and with the beneficiary and those claiming under him, that he is lawfully seized in fee simple of said described real property and has a valid, unencumbered title thereto

and that he will warrant and forever defend the same against all persons whomsoever.

RECEIVED
JAN 23 1992
WATER RESOURCES
DEPT. OF AGRICULTURE

COPY

The grantor warrants that the proceeds of the loan represented by the above described note and this trust deed are:
(a) primarily for grantor's personal, family or household purposes (see Important Notice below).
(b) ~~for the purchase of real property for the grantor's personal, family or household purposes or for the business or commercial purposes.~~

This deed applies to, inures to the benefit of and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, personal representatives, successors and assigns. The term beneficiary shall mean the holder and owner, including pledgee, of the contract secured hereby, whether or not named as a beneficiary herein. In construing this deed and whenever the context so requires, the masculine gender includes the feminine and the neuter, and the singular number includes the plural.

IN WITNESS WHEREOF, said grantor has hereunto set his hand the day and year first above written.

* IMPORTANT NOTICE: Delete, by lining out, whichever warranty (a) or (b) is not applicable; if warranty (a) is applicable and the beneficiary is a creditor as such word is defined in the Truth-in-Lending Act and Regulation Z, the beneficiary MUST comply with the Act and Regulation by making required disclosures; for this purpose use Stevens-Ness Form No. 1319, or equivalent. If compliance with the Act is not required, disregard this notice.

Carol Rynerson
CAROL RYNERSON

STATE OF OREGON, County of Jackson) ss.
This instrument was acknowledged before me on December 20, 19 91,
by CAROL RYNERSON
This instrument was acknowledged before me on _____, 19____,
by _____
as _____
of _____



Susan P. Moore
Notary Public for Oregon
My commission expires _____

REQUEST FOR FULL RECONVEYANCE
To be used only when obligations have been paid.

TO: _____, Trustee

The undersigned is the legal owner and holder of all indebtedness secured by the foregoing trust deed. All sums secured by said trust deed have been fully paid and satisfied. You hereby are directed, on payment to you of any sums owing to you under the terms of said trust deed or pursuant to statute, to cancel all evidences of indebtedness secured by said trust deed (which are delivered to you herewith together with said trust deed) and to reconvey, without warranty, to the parties designated by the terms of said trust deed the estate now held by you under the same. Mail reconveyance and documents to _____

DATED: _____, 19____

Beneficiary

Do not lose or destroy this Trust Deed OR THE NOTE which it secures. Both must be delivered to the trustee for cancellation before reconveyance will be made.

92-00104

WARRANTY DEED (INDIVIDUAL)

10-
10-
26-

JOHNNY W. MILLARD AND DONNA J. MILLARD

AMERICAN PACIFIC TITLE

700921
351W9(26)

CAROL RYNERSON

hereinafter called grantor, convey(s) to

of JACKSON, State of Oregon, described as:

all that real property situated in the County

THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

JAN 23 1992
WATER RESOURCES DEPT.
SALAS

This Instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county Planning Dept. to verify the approved uses.

and covenant(s) that grantor is the owner of the above described property free of all encumbrances except covenants, conditions, reservations, rights, rights of way, easements of record and restrictions.

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$ 140,000.00

Dated this 20 day of December, 1991

Johnny W. Millard
JOHNNY W. MILLARD
Donna J. Millard
DONNA J. MILLARD

STATE OF OREGON, County of JACKSON) ss.

DECEMBER 20, 1991 personally appeared the above named JOHNNY W. MILLARD AND DONNA J. MILLARD and acknowledged the foregoing instrument to be THEIR voluntary act and deed.



Before me:
Susan P. Moore
Notary Public for Oregon
My commission expires:

- * The dollar amount should include cash plus all encumbrances existing against the property to which the property remains subject or which the purchaser agrees to pay or assume.
- ** If consideration includes other property or value, add the following: "However, the actual consideration consists of or includes other property or value given or promised which is part of the/the whole consideration." (Indicate which)

WRDT-0982-01

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***

RUN ON: 11/03/83 AT: 13:49

*** WATER RIGHT DATA INPUT FORM ***

WATER RIGHT NO. A000222151 PERMIT NO. 017492 CERTIF. NO. Z000006
ORIG. NO. PREV. NO. SUPER. NO.

NAME: John/Edna Zimmerlee
ADDRESS: Rt 1, Box 194
CITY/STATE/ZIP/COUNTY: Eagle Point OR 97524/15

STREAM-ID 15-1680 RIV.MI. 13.9 WM.DIST. W.R.TYPE SA STATUS V

CANCEL YEAR----> CONSTR.COMPLT--> 07/01/1948 YR.LAST USED-----> NEXT ACTION DUE-->
PRIORITY-----> 02/03/1947 PUT TO USE-----> 09/01/1952 LAST TRANS.DATE--> LAST TRANS.TYPE-->
APPLICATION----> L SURVEYED-----> 01/13/1954 EXAM.FEE-----> 10.00 RECORDING FEE-----> 7.50
PERMIT ISSUE--> 04/15/1947 CONCURRENCE--> 03/29/1954 CYCLE STATUS-----> REPORTED FLAG----->
CONSTR.STRT.--> 05/01/1947 CERTIFIED-----> CORRES.INIT.-----> CORRES.DATE----->

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

TWNSP	RNGE	SECT	QTR/QTR	STREAM-ID	RIV.MI.	RATE	STATUS	S	OR	P
3505	01 W	09	CC	151680	13.9	1.040	V			P
3505	01 W	05	AD	151680	14.1	1.040	C			P
					0.0	0.000				

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

PLACE-OF-USE DATA:
TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE %	CNSMTV	ACRES	STATUS	S	OR	P
3505	01 W	09	CC		IR	.00	76.30	V			P
3505	01 W	05	AD		IR	.00	76.30	C			P
						.00	.00				

** - - - - ->
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W.R.I.S.
Assembled _____ by _____
Entered _____ by _____
Verified _____ by _____

Permit No. 17492

20410

RECEIVED
MAR 31 1954

Application No. 22215

County Jackson

Proof of Appropriation of Water

STATE ENGINEER
SALEM, OREGON

John F. Zimmerlee

1. Name ~~Ray O. Freeman~~ 2. Address Route 1, Box 194, Eagle Point, Oreg.

3. Source of supply Rogue River

Tributary of

4. Amount of water 1.04 5. Priority date Feb. 3, 1947

6. Use 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 1 1/2 acre feet per acre for each acre irrigated during the irrigation season from April 2, to October 31, of each year.

7. Location of point of diversion, SE 1/4 NE 1/4 Sec. 5, Twp. 35 S, Range 1 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
35 S	1 W	9	NW 1/4 SW 1/4		22
			SW 1/4 SW 1/4		21
			SE 1/4 SW 1/4		40
					83
					23.7
					12.6
					140.0
					76.3
Applicant owns the entire West half and the South East Quarter of SW Section nine, T. 35 S. R. 1 W. WM.					

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, 3.0 ft.; length on top, 40 ft.; length on bottom, 38 ft.; material used and character of construction, logs and planks constructed across part of Rogue River.
- (b) Give description of headgate: Width, _____ ft.; depth, _____ ft.; material used and character of construction, none--
- (c) Size of canal: Width on top (at waterline), 3.0 ft.; width on bottom, 2.0 ft.; depth of water, 1.5 ft.; grade, 2.0 ft. fall per 1,000 ft. Actual capacity, _____ sec.-ft.
Give general description: The Bellows Ditch is approximately 1.5 miles in length from point of diversion to pumping plant.
- (d) Pipe line: Description of intake, Direct from Bellows Ditch by pump. (Pumping plant constructed on upper side of ditch bank. (Sprinkler system consists of 60 No. 40 Rain Bird sprinkler heads).
Length of pipe, 4460 ft.; size at intake, 6.0 in.; size at 1720 ft. from intake, 4.0 in.; size at place of use, 3.0 in. Difference in elevation between intake and place of use, 90 ft.
Is grade uniform? no Actual capacity of pipe line, _____ sec.-ft.
Give general description: 220 feet of 6-inch steel pipe. The rest of the pipe is all aluminum; being 1500 feet of 6-inch, 1300 feet of 4 inch & 1440 feet of 3 inch.
(Material: Steel, wrought, cast iron, wood stave, etc.)
- (e) Pumping plant: Give size and type of pump, 2.5 inch centrifugal pump
Suction lift, 3.0 ft.; discharge lift, 87.0 ft. Type of motor used electric (3 phase)
Horsepower rating, 25.0 H. P. Actual capacity of pump, _____ sec.-ft.
10. During what months is water beneficially used? April 2 to October 31, each year.
11. State character of soil rocky loam.
Kind of crops raised hay and pasture.
12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? no--see corrections on map.
13. If not, wherein is such map in error? The area of land irrigated should total 76.3 acres instead of 83 acres.
14. Domestic use: Give number of families actually using water at this itme _____
15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use _____

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of Jackson } ss.

I, John F. Zimmerlee & Edna Zimmerlee, 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.

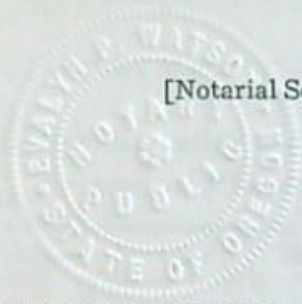
IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of March, 1954.

Subscribed and sworn to before me this 29th day of March, 1954.

John F. Zimmerlee
Edna F. Zimmerlee

Guslyn P. Watson
Notary Public for Oregon

My commission expires Nov. 19, 1954



[Notarial Seal]

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of Jackson } ss.

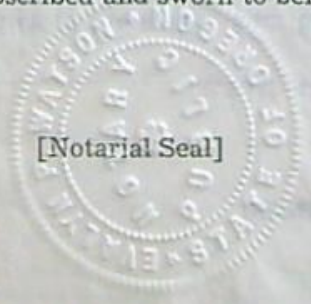
We, Mary Henshaw, and Roy Long of Butte Falls, Ore. & Shady Cove, Oregon, being first duly sworn, depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. 17492; that we and each of us have 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.

Mary Henshaw
Roy L. Long

Subscribed and sworn to before me this 29th day of March, 1954.

Guslyn P. Watson
Notary Public for Oregon

My commission expires Nov. 19, 1954



[Notarial Seal]

REPORT OF PERSON MAKING INSPECTION

(For use by Representative of State Engineer)

I, David C. Hendrix, do hereby certify that I have made an inspection of the works described herein and in Permit No. 17492, on the 13th day of January, 1954, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of 0.95 c.f.s. (Quantity of water in second-feet or acre-feet) and I recommend the issuance of water right certificate for this amount.

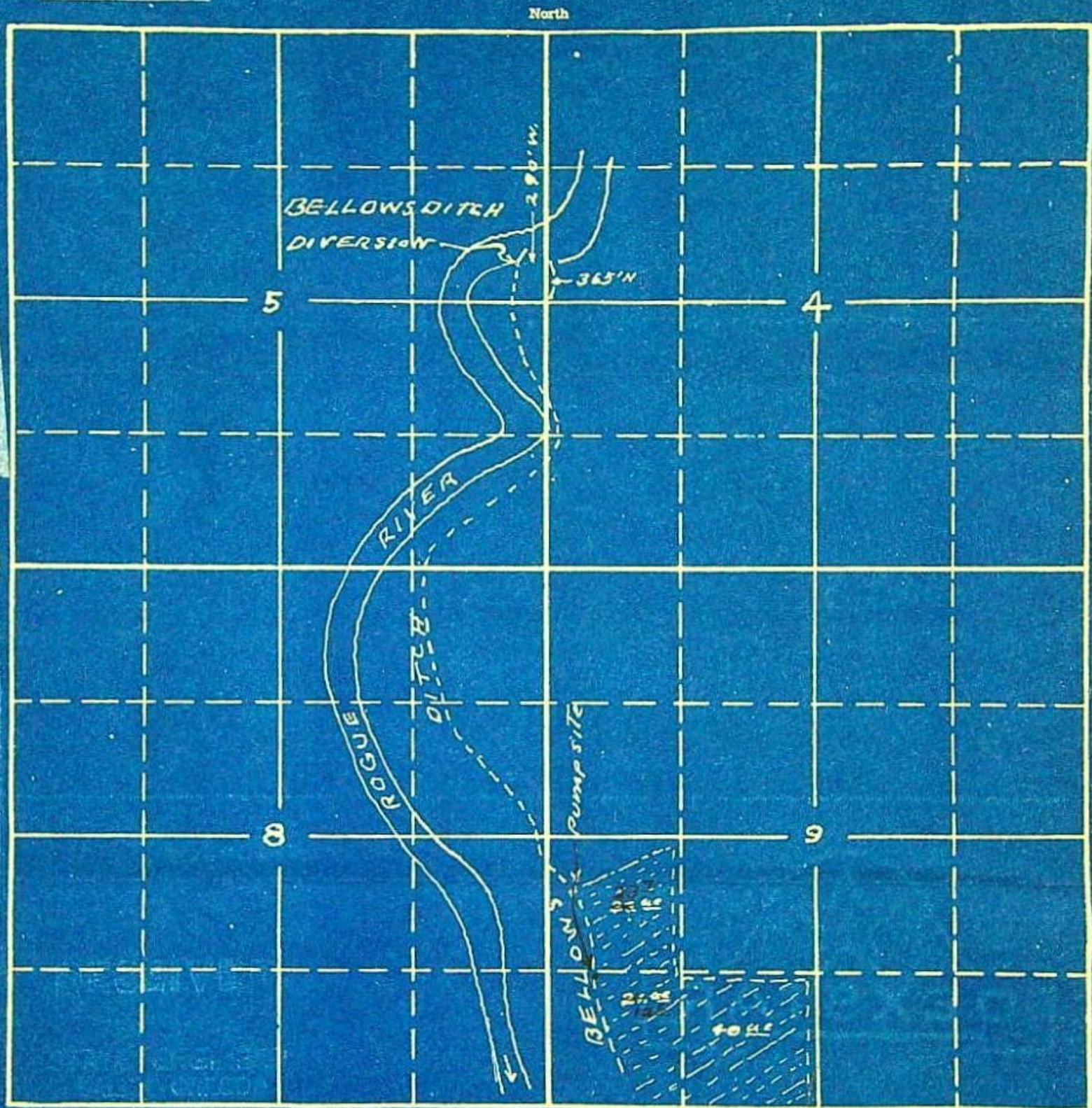
NOTICE TO INSPECTORS

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

David C. Hendrix (Name)

Water Master, District No. 15 (Title)





Map To accompany application of
 Roy C Freeman for use of water from
 Rogue River for irrigation purposes
 Sketch from State Engineer's Survey sept 12-17, 1935

APPLICATION No. 22215
 PERMIT No. 17192

This office 1/31/47 *Atkinson*

March 23, 1954

John F. and Edna Zimmerlee
Rt. 1, Box 194
Eagle Point, Oregon

Dear Sir and Madam:

On January 14, 1954, David C. Hendrix, Watermaster of District No. 15, sent to you final proof papers for your signature. You should then have signed these papers and submitted them to this office accompanied by the required \$1.00 fee for recording purposes.

To date neither the final proof papers nor the \$1.00 fee have been submitted. It would be greatly appreciated if this would be so done at your earliest convenience.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Robert D. Best, Assistant

RDB:gp

DAVID C. HENDRIX
WATER MASTER

C. MARION SMITH
HYDROGRAPHER

CLINTON A. SMITH
CONSULTANT

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

STATE OF OREGON
WATER RESOURCES DEPARTMENT

OFFICE OF
WATER DISTRICT NO. 15
MEDFORD, OREGON

RECEIVED
JAN 15 1954
STATE ENGINEER
SALEM, OREGON

January 14, 1954

Mr. Charles E. Stricklin
State Engineer
303 State Office Building
Salem, Oregon

Dear Sir:

I have this date January 13, 1954
examined the water right of John F. Zimmerlee
Route 1, Box 194, Eagle Point, of Jackson County, Oregon
under Application No. 22215, Permit No. 17492, to the
water of Rogue River
for final proof and find the same correct as to the use of
water, description of lands, and number of acres irrigated
as noted by me on the proof papers.

Sent to: Mr. John F. Zimmerlee

Route 1, Box 194

Eagle Point, Oregon Date: January 14, 1954

Very truly yours,

David C. Hendrix

David C. Hendrix
Water Master, Dist. #15

DCH:pg

SMITH
HER
SMITH
TANT

STATE OF OREGON
WATER RESOURCES DEPARTMENT

OFFICE OF
WATER DISTRICT NO. 15
MEDFORD, OREGON

July 11, 1953

File

RECEIVED
JUL 13 1953
STATE ENGINEER
SALEM, OREGON

Mr. Charles E. Stricklin
State Engineer
303 State Office Building
Salem, Oregon

Attention: Mr. Chris L. Wheeler, Assistant

Dear Mr. Wheeler:

With reference to your letter of
July 1, 1953, file number 22215.

The correct mailing address of John
F. and Edna Zimmerlee which was omitted from
the assignment is:

Route 1, Box 194
Eagle Point, Oregon

Very truly yours,

David C. Hendrix

David C. Hendrix
Water Master, Dist. #15

DCH:pg

22215

July 1, 1953

Mr. David C. Hendrix
Water Master District No. 15
Medford, Oregon

Dear Mr. Hendrix:

This will acknowledge receipt of an assignment of Application No. 22215, Permit No. 17492 by Roy C. Freeman to John F. and Edna Zimmerlee, together with the statutory recording fee of \$1.00 for which our receipt No. 2729 is enclosed.

The assignment has been recorded in the Miscellaneous Records of the State Engineer and is enclosed herewith.

We will appreciate it very much if you would also send me the mailing address of John F. and Edna Zimmerlee which was omitted from the assignment.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Chris L. Wheeler, Assistant

CLW:dg
Enclosures: 2

February 4, 1953

Mr. Roy C. Freeman
Route 1 Box 194
Eagle Point, Oregon

Dear Mr. Freeman:

This will acknowledge receipt of your notice to the effect that complete application of water has been made under Permit No. 17492

Pursuant to your report and in line with the general practice of this office, a survey will be made at a later date for the purpose of checking the amount of water used as described in the permit, including the acreage actually irrigated. After this survey, proof may be made and certificate issued covering the actual use of water as found by the engineer. Any lands described in the permit that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the permit which you hold will be valid evidence of the water right.

Very truly yours,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

STATE OF OREGON
WATER RESOURCES DEPARTMENT
DAVID C. HENDRIX, WATER MASTER
DISTRICT NO. 18
MEDFORD, OREGON



Mr. Charles E. Stricklin
State Engineer
303 State Office Building
Salem, Oregon

Attention: Mr. Chris L. Wheeler, Assistant

1,00 currency
8:00 AM
RECEIVED
JUN 16 1953
STATE ENGINEER
SALEM, OREGON

January 5, 1953

Mr. Roy C. Freeman
Route 1, Box 194
Eagle Point, Oregon

Dear Mr. Freeman:

According to the terms of your Application No. 22215 ,
Permit No. 17492 , which is for the appropriation of 1.04 second-
feet of water from Rogue River
complete application of water was to have been made on or before
October 1, 1952 . It appears from our records that you have failed
to submit the notice of complete application, although a postal
card, calling this matter to your attention, was mailed to you on
October 16, 1952.

Section 116-435, O. C. L. A., provides: "whenever the
time within which any appropriation under a permit should have been
perfected shall have expired and the owner of such permit shall fail
or refuse within the period of three months thereafter to submit to
the State Engineer proof of the completion of such appropriation as
required by Section 116-426, O. C. L. A., the State Engineer may,
after 60 days' notice by registered mail, order the cancellation of
such permit, * * *."

If you have complied with the terms of this permit, you
should promptly submit the notice of complete application of water
after which we will take up with you the matter of final proof.
If, however, you have abandoned your plan of development, we would
appreciate your authority to cancel the permit, so that the permit
may be cancelled without the necessity for following the legal
procedure. In case you have not completed your appropriation,
although you still wish to do so, you may submit an application
for an extension of time. Such an extension may be granted if it
appears that proper diligence has been shown.

Complete application of water under an irrigation permit
described in the permit,

of Section 116-435,
which is quoted above, you
must submit it within 60 days from
the date of this notice or the permit
will be cancelled without further

Very yours,

E. Stricklin
STRICKLIN
State Engineer

Form 3811
Rev. 1-4-40

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original
number of which appears on the face of this Card.

1 Roy C. Freeman
(Signature or name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery JAN 8 1953, 1953

January 5, 1953

Mr. Roy C. Freeman
Route 1, Box 194
Eagle Point, Oregon

Dear Mr. Freeman:

According to the terms of your Application No. 22215 , Permit No. 17492 , which is for the appropriation of 1.04 second-foot of water from Rogue River complete application of water was to have been made on or before October 1, 1952. It appears from our records that you have failed to submit the notice of complete application, although a postal card, calling this matter to your attention, was mailed to you on October 16, 1952.

Section 116-435, O. C. L. A., provides: "whenever the time within which any appropriation under a permit should have been perfected shall have expired and the owner of such permit shall fail or refuse within the period of three months thereafter to submit to the State Engineer proof of the completion of such appropriation as required by Section 116-426, O. C. L. A., the State Engineer may, after 60 days' notice by registered mail, order the cancellation of such permit, * * *."

If you have complied with the terms of this permit, you should promptly submit the notice of complete application of water after which we will take up with you the matter of final proof. If, however, you have abandoned your plan of development, we would appreciate your authority to cancel the permit, so that the permit may be cancelled without the necessity for following the legal procedure. In case you have not completed your appropriation, although you still wish to do so, you may submit an application for an extension of time. Such an extension may be granted if it appears that proper diligence has been shown.

Complete application of water under an irrigation permit means the irrigation of ALL of the land described in the permit, which it is intended to irrigate.

In accordance with the provisions of Section 116-435, Oregon Compiled Laws Annotated, a part of which is quoted above, you are hereby notified that unless we hear from you within 60 days from the date of this letter, your permit will be cancelled without further notice.

Very truly yours,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

REGISTERED ARTICLE
49620
INSURED PARCEL
SALEM,
OREGON.

Bank Mailed
11/19/52

22215

Route 1 Box 194
Eagle Point Oregon
Nov 15 1952

Chas E. Strucklin
office of State engineer
Salem Oregon

RECEIVED
NOV 18 1952
STATE ENGINEER
SALEM, OREGON

Dear Mr. Strucklin

In regard to my permit no. 17492
to use water I wish to apply for an
extension of time for one year.

I still have about 3 acres
of brush to clear.

Yours truly

Roy C. Freeman

November 2, 1950

Mr. Roy C. Freeman
Route 1, Box 194
Eagle Point, Oregon

Dear Mr. Freeman:

This acknowledges receipt of your application for an extension of time for the completion of construction and complete application of water under Permit No. 17492 in the name of Roy C. Freeman.

The application indicates that reasonable diligence has been shown in the prosecution of work under this project, and the time limits are being extended to October 1, 1952 .

Very truly yours,

Chas E. Stricklin
CHAS. E. STRICKLIN
State Engineer

Form 122

P.S. Our Receipt No. 10801 is enclosed to cover the \$2.00 statutory filing fee which you submitted.

RECEIVED

OCT 30 1950

STATE ENGINEER

SALEM, OREGON

On No. 22215

Permit No. 17492

Application for Extension of Time

To the State Engineer of Oregon:

I, Roy C Freeman, of Eagle Point, Oregon, am the owner and holder of Permit No. 17492, to appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or before Oct, 1949, and complete application of water is required to be made on or before Oct, 1950

I have heretofore done the following work described under said permit:

Clear about 93 acres installed 2514 P electric motor with 2 1/2" pumps and installed about 93 acres with sprinkler pipe

costing \$6000.00, and I estimate the cost of completion to be \$1800.00.

I have heretofore used water under said permit to the following extent:

I have applied water on about 93 acres

I am unable to { complete construction work / make complete application of water } within the required time, for the following reasons, to wit:

I have not had time to clear the brush and trees on about 18 acres of the 93 acres

(If additional space is required, attach separate sheet)

(The fee provided by law in the amount of \$2.00 for filing an application for an extension of time should accompany the application for extension.)

(OVER)

Extend to '52 (cons & app)

WHEREFORE, I ask that the State Engineer extend the time for the

{ ~~completion of construction work~~ } under said permit to April 1, 1952
{ complete application of water }
(Strike out phrase not applicable)

AFFIDAVIT OF APPLICANT

STATE OF Oregon }
County of Jackson } ss.

I, Roy C Freeman, 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 25 day of Oct, 1950

Roy C Freeman

Subscribed and sworn to before me this 25 day of Oct, 1950

[Notarial Seal]

W. T. Young
Notary Public for Oregon

My commission expires Sept 13 1954

October 12, 1950

Mr. Roy C. Freeman
Route 1, Box 194
Eagle Point, Oregon

Dear Mr. Freeman:

This will acknowledge receipt of your letter of October 9, in which you requested an application for an extension of time. You will find enclosed herewith said application.

You also stated in your letter that you wanted to clear the brush on about ten more acres of land and apply water thereon. A question arises to me whether this ten acres is a part of the 83 acres applied for in the permit. If you could clarify this detail when you submit your application for an extension of time it would be appreciated.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Robert D. Conklin, Assistant

RDC:bl
Enc.

Route 1 Box 194
Eagle pt, Oregon
Oct 9 1950

Mr. Chas E Stricklin
Salem Oregon

RECEIVED
OCT 11 1950
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stricklin,

I have an application no 22215
permit no. ~~11722~~ 17492, to use water.

I would like to apply for an
extension of time for one year as I
want to clear the brush on about
ten acres more land and apply the
water on it.

Yours truly

Roy C Freeman

February 21, 1949

Mr. Roy C. Freeman
Route 1, Box 194
Eagle Point, Oregon

Dear Mr. Freeman:

This will acknowledge receipt of an assignment of Permit No. 17492 by B. Mead DeWitt to Roy C. Freeman, together with the \$1.00 statutory fee for recording for which our Receipt No. 6477 is enclosed.

The assignment has been recorded in the Miscellaneous Records of the State Engineer and is enclosed herewith.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:dh
Enc. 2

December 17, 1948

Medford Escrow Company, Inc.
126 East Main Street
Medford, Oregon

Attention: Mr. B. Rusho

Dear Mr. Rusho:

This will acknowledge receipt of your letter of December 13, transmitting an assignment of Permit No. 17942 by Roy C. Freeman to B. Mead DeWitt, together with fees in the amount of \$1.00 for which our receipt No. 6192 is enclosed.

The assignment has been recorded in the Miscellaneous Records of the State Engineer and is enclosed herewith.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:vc
Enc.

MEDFORD ESCROW COMPANY, INC.

126 EAST MAIN ST.
MEDFORD, OREGON

December 13, 1948.

RECEIVED
DEC 15 1948
STATE ENGINEER
SALEM, OREGON

Charles E. Stricklin
State Engineer
Salem, Oregon

Re: Escrow #1672

Dear Sir:

Enclosed herewith is Assignment of Water Right as prepared by the County Engineer in this City, together with check in the amount of \$1.00.

Kindly acknowledge receipt of this documents and fee.

Very truly yours,

MEDFORD ESCROW COMPANY, INC.

By

B. Rusko

br
Encl.

November 22, 1948

Mr. Roy C. Freeman
Route 1, Box 194
Eagle Point, Oregon

Dear Mr. Freeman:

This acknowledges receipt of Form B, being notice of the completion of construction under Permit No. 17492 in the name of Roy C. Freeman.

This report has been filed with other matter pertaining to the water right, and the permit is in good standing until October 1, 1950, when under its terms, all the water which it is intended to use at any time should be used to the full extent intended.

Very truly yours,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

November 7, 1947

Mr. Roy C. Freeman
Route 1, Box 194
Eagle Point, Oregon

Dear Mr. Freeman:

This acknowledges receipt of Form A, being notice of the beginning of construction under Permit No. 17492 in the name of Roy C. Freeman.

This report has been filed with other matter pertaining to the water right, and the permit is in good standing until October 1, 1949 when under its terms, construction should be completed.

Very truly yours,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

22215

Mr. Roy C. Freeman
Route 1, Box 194
Eagle Point, Oregon

April 15, 1947

Dear Mr. Freeman:

Hersewith you will find Application No. 22215, Permit No. 17492, together with blueprint.

February 14, 1947

Mr. Clinton A. Smith
Watermaster, District No. 15
Medford, Oregon

Dear Mr. Smith:

This will acknowledge receipt of your letter of February 11, with which you enclosed completed Application No. 22215, in the name of Roy C. Freeman for a permit to appropriate 1.04 second-foot of water from Rogue River for irrigation. The application now appears to be in satisfactory form and is being placed in line for approval and issuance of a permit.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:vc
CC: Mr. Roy C. Freeman

February 6, 1947

Mr. Clinton A. Smith
Watermaster, District No. 15
Medford, Oregon

Dear Mr. Smith:

This will acknowledge receipt of your letter of February 1, transmitting an application in the name of Roy C. Freeman for a permit to appropriate water from Rogue River for the irrigation of 83 acres, together with fees in the amount of \$17.50, for which our receipt No. 2478 has been mailed to Mr. Freeman.

The application appears to be in order except that the property description under Remarks does not agree with the property description of the land to be irrigated under Item 8, and for your convenience in correcting whichever one is in error, I am returning the application herewith endorsed so that to retain its priority it must be returned to this office on or before March 6, 1947.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:vc
Enc.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

OFFICE OF
WATER DISTRICT NO. 15
MEDFORD, OREGON
February 1, 1947

RECEIVED

FEB 3 1947

STATE ENGINEER
SALEM OREGON

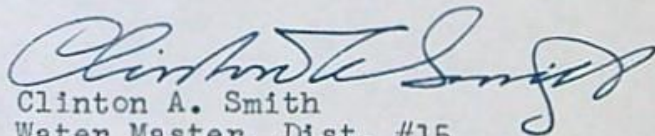
Mr. Charles E. Stricklin
State Engineer
Salem, Oregon

Attention of Mr. Ed K. Humphrey, Assistant

Dear Mr. Humphrey

Enclosed find application in the name of
Roy C. Freeman for the use of waters from
Rogue River for irrigation together with
his personal check in the sum of \$17.50
to cover fees.

Very truly yours


Clinton A. Smith
Water Master, Dist. #15

CAS:djr

Encls.

*Ed will you ask Max to please
rush supply of application blanks
also spring description blanks,
all out.*

*When were mailed out
Jan. 31.*

ok