

RECEIVED

MAY 25 2000

T-8527

WRT-1 Mar 2 1999



State of Oregon
Water Resources Department
168 12th Street NE, Salem, OR 97310
(503)378-8455 • (800)624-3199
www.wrd.state.or.us

Application for Water Right Transfer

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

APPLICATION FOR:

Please check one

Water Right Transfer Temporary Transfer Permit Amendment

Historic Point of Diversion Change Government Action Point of Diversion

1. APPLICANT INFORMATION

Name: City of Philomath Oregon
First Last

Address: Dept. of Public Works, P.O. Box 400
Philomath, OR 97370
City State Zip

Phone: (541)929-3579
Home Work Other

*Fax: (541)929-3586 *E-Mail address: tom.ziomek@ci.philomath.or.us

*Optional information

2. TYPE OF CHANGE

Use Place of Use Point of Diversion Point of Appropriation

Reason for change: Water right purchased to meet growth of city.

Is the land within an irrigation or other water district? Yes No

If yes, include district name: _____

For Department Use

App. No. _____ Permit No. _____ Date _____

RECEIVED

T-8527

MAY 25 2000

WATER RESOURCES DEPT.
SALEM, OREGON

3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: WILLIAM LEINER

Decree: _____

X Not applicable

Permit Number: 21973 Certificate Number: 26545 superceded by 48112

Not applicable

Not applicable

Priority Date: 12/8/1952 Authorized Use: Irrigation

Source of Water: Marys River County: Benton

Are there other sources listed on the water right? Yes X No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
1840 ft. South & 630 ft. East from NW corner Liggetts DLC 52	SW NW	18	12 S	5 W, W.M.

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
12 S	6 W	13	DLC 52	NE SE	1200	4.0 ^{All}
12 S	6 W	13	DLC 52	SESE	1200	2.6
12 S	5 W	18	DLC 52	SW NW	1200	1.8
12 S	5 W	18	DLC 52	NW SW	1200	32.8
12 S	5 W	18	DLC 52	SW SW	1200	33.6
12 S	5 W	19	DLC 52	NW NW	1200	6.0

Are there other lands described in the water right? X Yes No (see page 2b)

Are there other water rights or permits associated with this land? X Yes No
If yes, include a copy of all rights or permits.

80.8 ac
1.0 cfs @
202 af

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.) :

The diversion point has two pumps, one 40 HP and one 20 HP. Water is pumped through a buried 6" PVC Mainline that supplies water to risers spaced at 50 ft. Aluminum handlines with sprinklers with 3/16" nozzles @ 50 psi (7 gpm) are used. The system is operated in conjunction with other water rights and can operate 125 sprinklers (approx. 875 gpm.)

System capacity (in cfs): 1.0 cfs

RECEIVED

MAY 25 2000

T-8527

WATER RESOURCES DEPT.
SALEM, OREGON

3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: GILBERT FAXON

Decree: _____

X Not applicable

Permit Number: 30130 Certificate Number: 33572

Not applicable

Not applicable

Priority Date: 11-5-64 Authorized Use: Irrigation

Source of Water: Marys River County: Benton

Are there other sources listed on the water right? Yes No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
1730 ft. South & 330 ft. West from NW corner Liggetts DLC 52	SE NE NE	13	12 S	6 W, W.M.

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
12 S	6 W	13	DLC 51	SE SE	100	(4.5) T
12 S	6 W	13	DLC 51	NE SE	100	(10.9) RR
12 S	6 W	13	DLC 51	NE NE	100	10.2
NOTE: The 10.2 acres on the last line are not being transferred.						
						10.2
						.13

T
15.4
+
0.19 cfs
38.5 cfs

Are there other lands described in the water right? Yes No (see page 2a)

Are there other water rights or permits associated with this land? Yes No
If yes, include a copy of all rights or permits.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.) :

This diversion point has one 35 HP pump that delivers water into a buried 6" PVC mainline.
Aluminum hand lines at 50 ft. spacing can deliver water to 54 sprinklers with 3/16" nozzles @
50 psi (7 gpm) for a maximum capacity of 378 gpm. This system is tied to the system on page
2a so the capacities are higher than the individual right.

System capacity (in cfs): 0.32 cfs

RECEIVED

MAY 25 2000

T-8527

WATER RESOURCES DEPT.
SALEM, OREGON

4. PROPOSED CHANGES TO THE WATER RIGHT

Change in Use:

Proposed use: Municipal

Change In Point of Diversion or Point of Appropriation:

Change

Old point of diversion or point of appropriation will not be used for this portion of the water right.

Additional

Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

Location of Proposed Point of Diversion or Point of Appropriation

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
1150 ft. North & 715 ft. West from SE corner of section 11, T12S, R6W	SE SE	11	12 S	R 6 W

*N2.5
River-1st
system*

Change in Place of Use:

Location of Proposed Place of Use

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
(see attached list describing the urban growth boundary of Philomath.)						

Remarks:

Map 2 of 2 is attached to show the lands described in the list above.

The GILBERT FAXON irrigated lands north of Marys River are not being transferred.

The GILBERT FAXON water rights being transferred are appurtenant to lands being leased to the City of Philomath. A power of attorney to transfer the water right is attached.

T-8527

5. LAND OWNERSHIP

Use/Place of Use

Answer only if for change in **Use** or **Place of Use**.

Are the lands free of encumbrances? Yes No

If no, name of encumbrance holder: _____

If no, application must include written permission for the transfer from the encumbrance holder.

Landowners

Answer only if applicant is **not** the landowner.

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.

Landowners: Gilbert & Viola Faxon

(List all landowners shown on deed.)

Address(es): 2018 Chapel Dr.

Philomath, Oregon 97370
City State Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Receiving Landowner

Answer only if the receiving landowner is **not** the original landowner or the applicant.

Name: _____

Address: _____

City State Zip

- The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.
- Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

RECEIVED

MAY 25 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**

T-8527

6. EXHIBITS

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

- Enclosed
- Not needed: (must meet the following four requirements)
 - 1 In EFU zone or irrigation district.
 - 2 Change in place of use only.
 - 3 No structural changes needed, including diversion works, delivery facilities, other structures.
 - 4 Irrigation only.
- List all affected governments (city, county, state, tribal, federal):

City of Phillomath, Benton County

Map:

- Water Right Transfer: Must be prepared by a Certified Water Right Examiner.
- All others: Need not be prepared by a Certified Water Right Examiner.

Deed:

- Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

- Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

Water Well Reports:

- If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

Fees:

- Amount enclosed \$ 600.00
See instruction book for fee schedule.

7. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

 BEAU VENCILL Director of Public Works 5/12/00
applicant signature name (print) date

applicant signature name (print) date

Before you submit your application be sure you have:

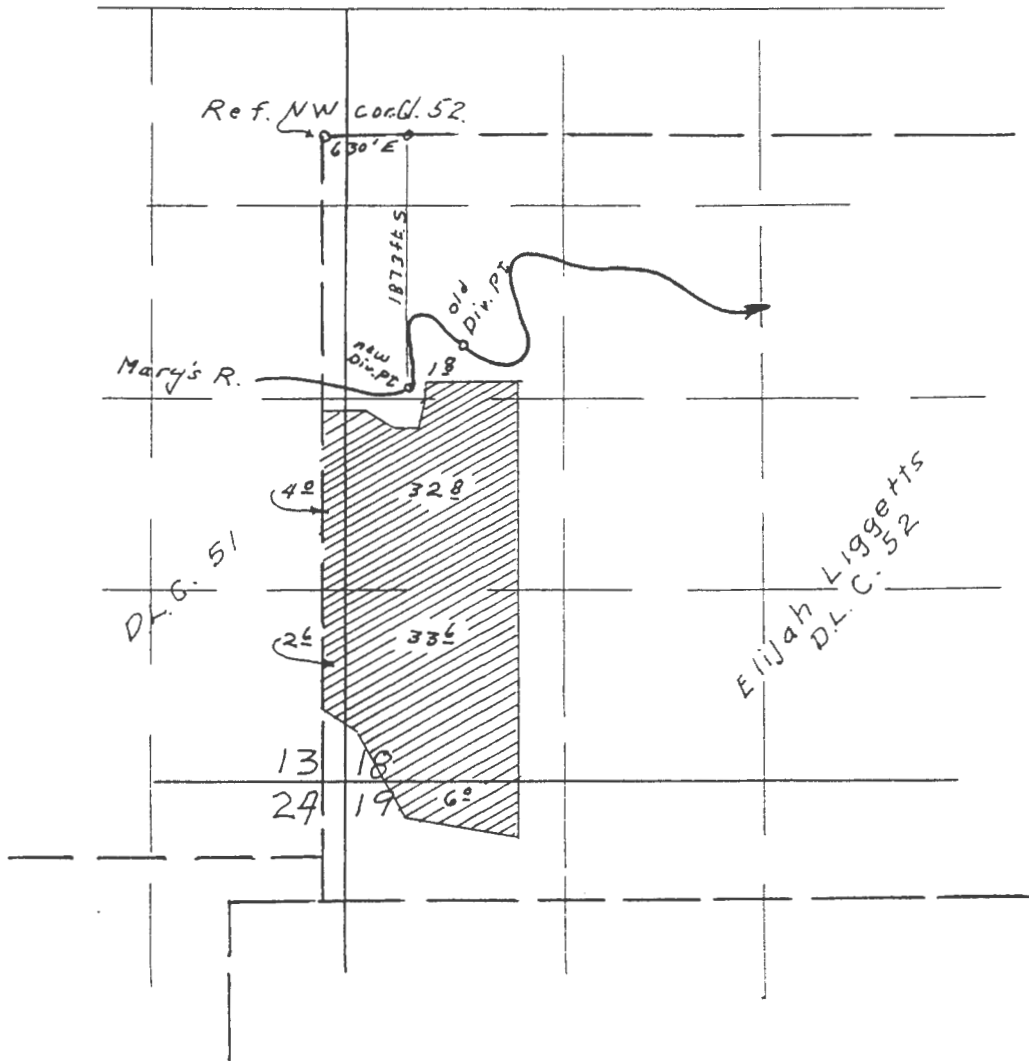
- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

RECEIVED

MAY 25 2000

T-8527

T.12 S.R.5 & 6.W.W.M.



Change of Diversion Point

William Leiner
Rt 2 Box 56 Corvallis, Oregon
Scale 1" = 1320' May 1967

RECEIVED

MAY 25 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**

RECEIVED

MAY 25 2000

T-8527

WATER RESOURCES DEPT.
SALEM, OREGON

quarter-quarter sections within the Proposed Place of Use for
Transfer of Gilbert Faxon Water Right to City of Philomath page 3b

Township Range Section & 1/4 1/4

12	S	5	W	6	NENE
12	S	5	W	6	NWNE
12	S	5	W	6	SWNE
12	S	5	W	6	SENE
12	S	5	W	6	NENW
12	S	5	W	6	NWNW
12	S	5	W	6	SWNW
12	S	5	W	6	SENW
12	S	5	W	6	NESW
12	S	5	W	6	NWSW
12	S	5	W	6	SWSW
12	S	5	W	6	SESW
12	S	5	W	6	NESE
12	S	5	W	6	NWSE
12	S	5	W	6	SWSE
12	S	5	W	6	SESE
12	S	5	W	7	NENE
12	S	5	W	7	NWNE
12	S	5	W	7	SWNE
12	S	5	W	7	SENE
12	S	5	W	7	NENW
12	S	5	W	7	NWNW
12	S	5	W	7	SWNW
12	S	5	W	7	SENW
12	S	5	W	7	NESW
12	S	5	W	7	NWSW
12	S	5	W	7	SWSW
12	S	5	W	7	SESW
12	S	5	W	7	NESE
12	S	5	W	7	NWSE
12	S	5	W	7	SWSE
12	S	5	W	7	SESE
12	S	5	W	18	NENE
12	S	5	W	18	NWNE
12	S	5	W	18	SWNE
12	S	5	W	18	SENE
12	S	5	W	18	NENW
12	S	5	W	18	NWNW
12	S	5	W	18	SWNW
12	S	5	W	18	SENW
12	S	5	W	18	NESW
12	S	5	W	18	NWSW
12	S	5	W	18	SWSW
12	S	5	W	18	SESW
12	S	5	W	18	NESE
12	S	5	W	18	NWSE
12	S	5	W	18	SWSE
12	S	5	W	18	SESE
12	S	6	W	1	NENE
12	S	6	W	1	NWNE
12	S	6	W	1	SWNE
12	S	6	W	1	SENE
12	S	6	W	1	NENW
12	S	6	W	1	NWNW

T-8527

List of quarter-quarter sections within the Proposed Place of Use for
Transfer of Gilbert Faxon Water Right to City of Philomath page 3c

Township Range Section & 1/4 1/4

12	S	6	W	1	SWNW
12	S	6	W	1	SENW
12	S	6	W	1	NESW
12	S	6	W	1	NWSW
12	S	6	W	1	SWSW
12	S	6	W	1	SESW
12	S	6	W	1	NESE
12	S	6	W	1	NWSE
12	S	6	W	1	SWSE
12	S	6	W	1	SESE
12	S	6	W	2	NENE
12	S	6	W	2	NWNE
12	S	6	W	2	SWNE
12	S	6	W	2	SENE
12	S	6	W	2	NENW
12	S	6	W	2	NWNW
12	S	6	W	2	SWNW
12	S	6	W	2	SENW
12	S	6	W	2	NESW
12	S	6	W	2	NWSW
12	S	6	W	2	SWSW
12	S	6	W	2	SESW
12	S	6	W	2	NESE
12	S	6	W	2	NWSE
12	S	6	W	2	SWSW <i>ok</i>
12	S	6	W	2	SESW
12	S	6	W	2	NESW
12	S	6	W	2	NWSW
12	S	6	W	2	SWSW
12	S	6	W	2	SESW
12	S	6	W	2	NESE
12	S	6	W	2	NWSE
12	S	6	W	2	SWSE
12	S	6	W	2	SESE
12	S	6	W	11	NENE
12	S	6	W	11	NWNE
12	S	6	W	11	SWNE
12	S	6	W	11	SENE
12	S	6	W	11	NENW
12	S	6	W	11	NWNW
12	S	6	W	11	SWNW
12	S	6	W	11	SENW
12	S	6	W	11	NESW
12	S	6	W	11	NWSW
12	S	6	W	11	SWSW
12	S	6	W	11	SESW
12	S	6	W	11	NESE
12	S	6	W	11	NWSE
12	S	6	W	11	SWSE
12	S	6	W	11	SESE
12	S	6	W	12	NENE
12	S	6	W	12	NWNE
12	S	6	W	12	SWNE
12	S	6	W	12	SENE

RECEIVED

MAY 25 2000

WATER RESOURCES DEPT.
SALEM, OREGON

T-8527

List of quarter-quarter sections within the Proposed Place of Use for
Transfer of Gilbert Faxon Water Right to City of Philomath page 3d

Township Range Section & 1/4 1/4

12	S	6	W	12	NENW
12	S	6	W	12	NWNW
12	S	6	W	12	SWNW
12	S	6	W	12	SENW
12	S	6	W	12	NESW
12	S	6	W	12	NWSW
12	S	6	W	12	SWSW
12	S	6	W	12	SESW
12	S	6	W	12	NESE
12	S	6	W	12	NWSE
12	S	6	W	12	SWSE
12	S	6	W	12	SESE
12	S	6	W	12	SESE
12	S	6	W	13	NENE
12	S	6	W	13	NWNE
12	S	6	W	13	SWNE
12	S	6	W	13	SENE
12	S	6	W	13	NENW
12	S	6	W	13	NWNW
12	S	6	W	13	SWNW
12	S	6	W	13	SENW
12	S	6	W	13	NESW
12	S	6	W	13	NWSW
12	S	6	W	13	SWSW
12	S	6	W	13	SESW
12	S	6	W	13	NESE
12	S	6	W	13	NWSE
12	S	6	W	13	SWSE
12	S	6	W	13	SESE
12	S	6	W	13	NESE
12	S	6	W	13	NWSE
12	S	6	W	13	SWSE
12	S	6	W	13	SESE

RECEIVED

MAY 25 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**

T-8527

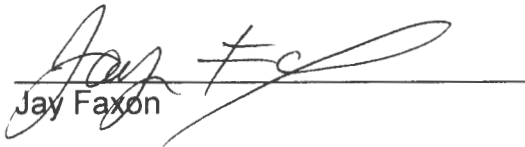
RECEIVED

MAY 25 2000

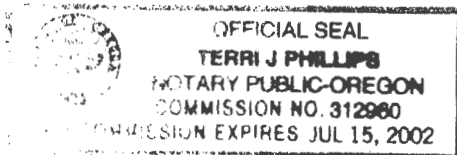
AFFIDAVIT OF WATER USE

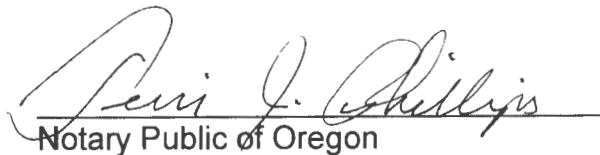
**WATER RESOURCES DEPT.
SALEM, OREGON**

I, Jay Faxon, hereby attest that irrigation was beneficially applied during the year of 1999 to the lands included in the Gilbert Faxon (in Tax Lot 100, Section 13, T12S, R6W) water right south of the Marys River and the William Leiner water right (in Tax Lot 1200, Section 13, T12S, R6W; Sections 18 & 19, T12S, R5W) being transferred to the City of Philomath.


Jay Faxon

This instrument was acknowledged before me this 29th day of February 2000, by Jay Faxon.




Notary Public of Oregon



T-8527

RECEIVED

MAY 25 2000

Oregon Water Resources Department Land Use Information Form

WATER RESOURCES DEPT.
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: City of Philomath, Oregon

Address: P.O. Box 400

City: Philomath State: OR Zip: 97330 Day Phone: 541-929-3579

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
100	T12S R6W S13 EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
1200	T12S R6W S13 & R5W S18 EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
	Urban Growth Boundary	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. City of Philomath, Benton County

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Municipal Use

Briefly describe: The water is being transferred from irrigation to the water supply of Philomath

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water Marys River
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

1.32 CFS GPM Acre-Feet

RECEIVED

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); _____ . Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: William L Rice Date: 5/29/00
 Title: Planner Benton County Phone: 766-6819
 Signature: William L Rice

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Tuesday, May 23, 2000

TO: Oregon Water Resources Dept.
Attn: Water Right Transfers

FROM: Walt Trimmer, CWRE

Walt Trimmer

SUBJECT: Water Right Transfer for the City of Philomath, Oregon

The City of Philomath is submitting this application to transfer irrigation water rights to municipal use to serve their growing city. The transfer comes from two separate water rights. One of the water rights will be divided, leaving part of the initial right unchanged. On this water right, the City has leased all the property associated with the right that is south of the Marys River and obtained the right to transfer the water right that is on the leased land.

Here is a list of enclosures:

1. Application with additions to page 2 (page for each water right) and a 4 page addition to page 3 listing the land associated with the City of Philomath's urban growth boundary.
2. Check for fee of \$600.00
3. Land use planning form signed by Benton County
4. Affidavit of use from Jay Faxon
5. Copies of water rights associated with property
6. Deeds to property and title searches showing no encumbrances
7. Power of attorney showing City has the right to transfer water right
8. Map 1 of 2, Existing water rights and land where rights to be transferred from (CWRE stamped) on mylar
9. Map 2 of 2, Showing the location where water rights will be transferred to (CWRE stamped) in a large format provided by Benton County

Please give me call if you have any questions.