

Application for Permanent Water Right Transfer



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

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Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred?** 1 **List them here:** 43689

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Please include a separate Part 5 for each water right. (See instructions on page 6)

NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

↑ REQUIRED

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- Application fee not enclosed/insufficient
- Land Use Form not enclosed or incomplete
- Additional signature(s) required
- Map not included or incomplete
- Evidence of Use Form not enclosed or incomplete
- Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

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Part 2 of 5 – Transfer Application Map

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Erick and Jessica Finnell		PHONE NO. 503-812-0326	ADDITIONAL CONTACT NO. 503-298-0182
ADDRESS 21975 Blaine Rd.			FAX NO. NA
CITY Beaver	STATE OR	ZIP 97108	E-MAIL capow21@hotmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Erick and Jessica Finnell		PHONE NO. 503-812-0326	ADDITIONAL CONTACT NO. 503-298-0182
ADDRESS 21975 Blaine Rd.			FAX NO. NA
CITY Beaver,	STATE OR	ZIP 97108	E-MAIL capow21@hotmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:

I am proposing to move our permanent water right diversion point downstream to install a new water system on our own private property for domestic use.

We currently share a water right certificate and water system with a neighboring home across the street. We are selling our home and the landowner saw and has stated he will deny water and the right to his property for maintenance to the new owners of our home. After eight weeks, he is unwilling to come to an agreement with us to resolve the dispute. We have been advised by an Oregon water rights attorney that while we have a solid case against him, moving our diversion point to our property and installing our own system will be less expensive and less stressful than litigation since we can't be promised or guaranteed to be awarded our attorney fees or cost of damages he has caused.

This stream is our only option to supply water to our home.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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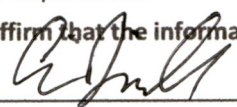
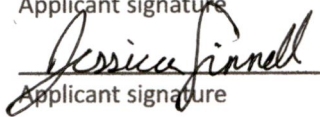
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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Tillamook Headlight Herald
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

I (we) affirm that the information contained in this application is true and accurate.



	<u>Erick Finnell</u>	<u>4/16/2022</u>
Applicant signature	Print Name (and Title if applicable)	Date
	<u>Jessica Finnell</u>	<u>4/16/2022</u>
Applicant signature	Print Name (and Title if applicable)	Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
<p>Describe any special ownership circumstances:</p> <p style="font-size: 2em; font-weight: bold;">OWRD</p>				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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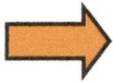
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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 43689

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Description of Water Delivery System

System capacity: .01 (cfs) cubic feet per second (cfs) OR gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. see attachment #1

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA) (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

Table with 9 columns: POD/POA Name or Number, Is this POD/POA Authorized on the Certificate or is it Proposed?, If POA, OWRD Well Log ID# (or Well ID Tag # L-___), Twp, Rng, Sec, 1/4 1/4, Tax Lot, DLC or Gov't Lot, Measured Distances (from a recognized survey corner). Rows include POD #1 and POD #2 with handwritten details.

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- Place of Use (POU), Character of Use (USE), Point of Diversion (POD), Additional Point of Diversion (APOD), Surface Water POD to Ground Water POA (SW/GW), Supplemental Use to Primary Use (S to P), Point of Appropriation/Well (POA), Additional Point of Appropriation (APOA), Substitution (SUB), Government Action POD (GOV)

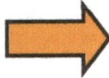
Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes. No Complete all of Table 2 to describe the portion of the water right to be changed.

For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: _____

 Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-_____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

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Attachment #1

Current Surface Water Spring System

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Water collection intake is located at the authorized POD in T3S, R9W, Section 29. Water is diverted from the stream through a pipe at the authorized POD and flows through the pipe to a large cement collection holding tank. The holding tank is located near the half-way point between the POD and where the waterline splits at a "Y" to each registered household. From the holding tank, the water flows down through approximately 2,300 feet of pipe to the Finnell household (Lundberg HO) located in T3S, R9W, Section 28.

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Application for Water Right Transfer

Evidence of Use Affidavit



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon)
) ss
 County of Tillamook)

I, Diane Powers, in my capacity as close relative to Erick and Jessica Finnell
 mailing address 21800 Blaine Rd. Beaver, OR 97108
 telephone number (503) 298-0183, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):
 Personal observation Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # 43689; OR
 My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)
43689	3	S	9	W		28	NW of SW	2500	1.0

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- OR
- Confirming Certificate # _____ has been issued within the past five years; OR
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

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Handwritten header text, possibly a title or address, located at the top of the page.

First main paragraph of handwritten text, starting with a capital letter.

Second main paragraph of handwritten text, continuing the narrative or list.

Third main paragraph of handwritten text, showing further details.

Fourth main paragraph of handwritten text, possibly concluding a section.

Fifth main paragraph of handwritten text, located at the bottom of the page.

3. The water right was used for: (e.g., crops, pasture, etc.): domestic household, lawn, and garden
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Diane Grace Paves
Signature of Affiant

07-15-2022
Date

Signed and sworn to (or affirmed) before me this 15th day of July, 2022.



Jason Ornel
Notary Public for Oregon
official
My Commission Expires: NA PER ORS 194.255

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph <p style="text-align: center;">RECEIVED JUL 26 2022 OWRD</p>	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

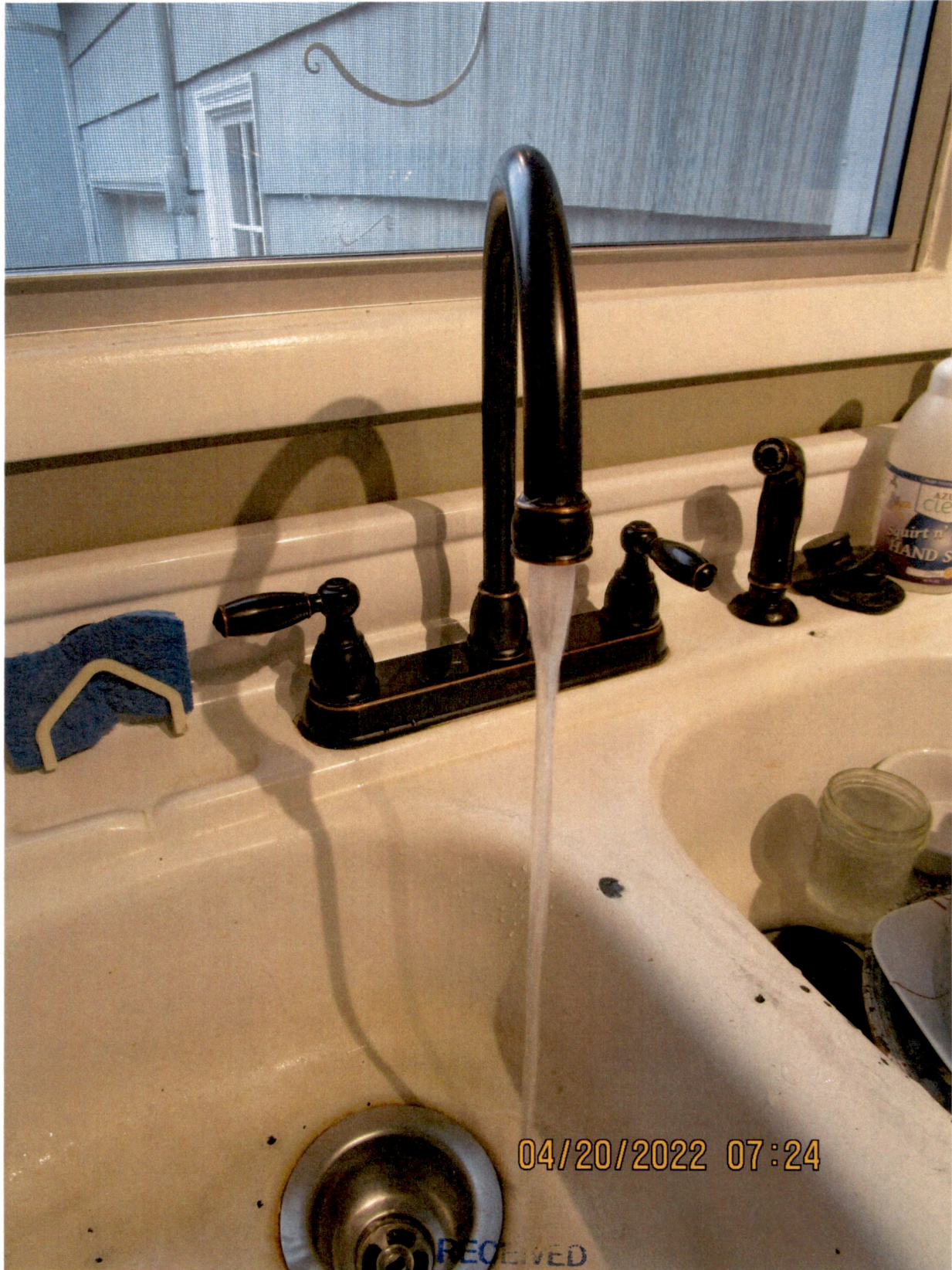
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ATTACHMENT #2: EVIDENCE OF USE AFFIDAVIT

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Untitled Map

Aerial photo. Unnamed stream, location, and water system is all under the tree canopy.

Legend





PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Jessica Finnell Phone: (503) 298-0182
 Address: 21975 Blaine Rd
 City: Beaver State: OR Zip: 97108
 Email: finnjess2@gmail.com

Property Owner

Name: _____ Phone: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Email: _____

Request: _____

Type I

- Beach and Dune Hazard Report Review
- Extension of Time Review
- Final Plat Approval
- Geologic Hazard Report Review
- Land Use Compatibility Statement
- Land Use Verification Letter
- Preliminary Plat Time Extension
- Replacement Dwelling in Resource Zone
- Review for Dwelling in Resource Zone

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Location:

Site Address: 21975 Blaine Rd Beaver, OR 97108

Map Number: 35 9W 28C 2500
Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Jessica Finnell
 Property Owner Signature (Required)

06-02-2022
 Date

Applicant Signature

Date

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Attachment #3

Proposed Surface Water System

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Water collection intake would be located at proposed POD in T3S, R9W, Section 28, NW of SW. Intake pipe at the proposed POD will have an attached foot valve with screen. A check valve with a backflow preventer will be installed to prevent water backflow into the stream and ensure consistent pump priming. Water will be diverted at the proposed POD using a ¾ hp well jet pump. Diverted water will travel through approximately 75' of 1-1/4" water line to a 500 gallon above ground storage tank. The above ground storage tank will have an automatic float system installed to regulate automatic water drafting/pumping from proposed POD. From the storage tank, water will flow to a pressure tank. The pressure tank will push water through a series of filters to the existing home water pipes.

*If required by ODFW, a certified fish screen will be installed on the foot valve at the proposed POD.

*A small artificial removable water collection box may be installed at the proposed POD if ODFW and OWRD will allow it. This would not eliminate the ODFW certified fish screen if required.

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Attachment #3

Proposed Water System

-  = property boundary
-  = new waterline
-  = stream

Proposed POD/Water Intake

Red Line = 75' of 1-1/4" waterline

3/4 HP pump, holding tank, & pressure tank w/electronics

TAX LOT#
2500

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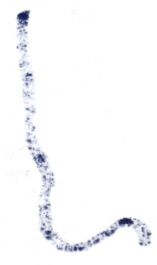
OWRD



Google Earth

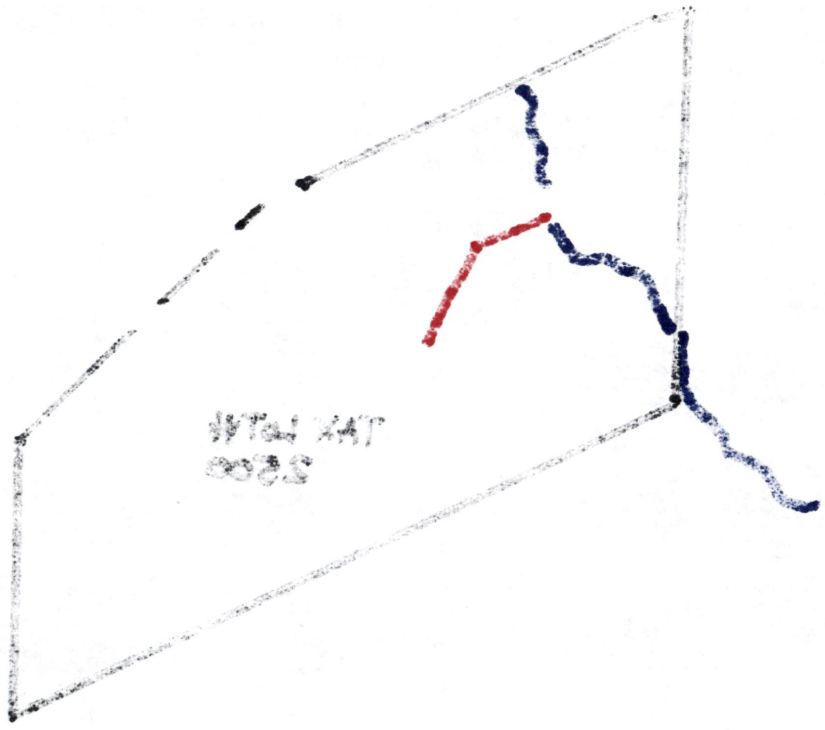
200 ft

property boundary: 
 stream: 
 road: 



SECTION 10
 T4N R10E
 S10E

SECTION 11
 T4N R10E
 S10E



TOTAL TAX
 \$200

Precision Pump, Inc.
 PO Box 112
 Banks, OR 97106
 503-324-2361
 www.precisionpump.net



Estimate

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ADDRESS
Eric Finnell 21975 Blaine Road Beaver, OR 97108

ESTIMATE #	DATE	EXPIRATION DATE
9571	03/18/2022	04/18/2022

SALES REP
 Tim Weaver

DESCRIPTION	QTY
3/4 HP Goulds Shallow Well Jet Pump	2
1-1/4" Foot Valve	1
1-1/4" Check Valve	1
1-1/4" Brass or Stainless Steel Nipple	2
1-1/4" Union	2
1" Brass or Stainless Steel Nipple	2
1" Union	2
Hose Bib-Faucet	1
500 Gallon Vertical Storage Tank-48" X 72"	1
Non-Mercury Pump-Up Float	1
Non-Mercury Pump Down Float	1
Magnetic Contactor/Relay with Box and Cover	2
Symcom 1 PH up to 1.5 HP Pump Saver Plus Pump Protector with Enclosure	1
Bulkhead Storage Tank Adapter	1
1 1/4" Brass Ball Valve	1
1" Brass Ball Valve	3
Flex~Lite 90 Gallon Composite Pressure Tank-24.2" Diameter X 57" Height	1
Tank Package Including Brass Tee, Pressure Switch, Gauge, Relief Valve, Drain Valve, Union & nipples	1
Misc. Plumbing & Electrical	1
Storage System Installation	1
Electrical Permit	1

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We welcome any questions or concerns you may have. We appreciate the opportunity to quote this project!

TOTAL

\$6,050.00

Accepted By

Accepted Date

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50.000.00

TOTAL

... ..

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Account Exp

Account Exp

00.00

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MAY 26 2022
...

2000

RECEIVED
MAY 18 1970

STATE ENGINEER
SALEM, OREGON

ASSIGNED. See Misc. Rec., Vol. 5 Page 267

Permit No. 35148
ASSIGNED Vol 4, Page

*APPLICATION FOR PERMIT

CERTIFICATE NO. 43689

To appropriate the Public Waters of the State of Oregon

Joint Application John C. Thomas Ivan Lebold
(Name of applicant)

of Star Rt. Bx 26, Beaver, Ore. Star Rt. Bx 27, Beaver, Ore. 97108
(Mailing address)

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

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1. The source of the proposed appropriation is unnamed stream
(Name of stream)

, a tributary of Nestucca River

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2. The amount of water which the applicant intends to apply to beneficial use is 0.01

cubic feet per second.
(If water is to be used from more than one source, give quantity from each)

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

including irrigation lawns and gardens not exceeding 1/2 acre per family

4. The point of diversion is located 770 ft. N and 130 ft. W from the 1/4 corner
(N. or S.) (E. or W.)

corner of common to Sec. 28 & 29
(Section or subdivision)

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(If preferable, give distance and bearing to section corner)

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(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the S. E. 1/4 of N. E. 1/4 of Sec. 29, Tp. 3S
(Give smallest legal subdivision) (N. or S.)

R. 9 W., W. M., in the county of Tillamook
(E. or W.)

5. The _____ to be _____
(Main ditch, canal or pipe line) (Miles or feet)

in length, terminating in the S. W. 1/4 of S. W. 1/4 of Sec. 28, Tp. 3S
(Smallest legal subdivision) (N. or S.)

R. 9 W., W. M., the proposed location being shown throughout on the accompanying map.
(E. or W.)

DESCRIPTION OF WORKS

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Diversion Works—

6. (a) Height of dam 6' feet, length on top 16' feet, length at bottom

18' feet; material to be used and character of construction soil and rock
(Loose rock, concrete, masonry)

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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, 2300' ft.; size at intake, 2 in.; size at 1100 ft. from intake 1 in.; size at place of use 1 in.; difference in elevation between intake and place of use, 75 ft. Is grade uniform? No Estimated capacity, sec. ft.

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

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
3S	9W	28	S.W. 1/4 of S.W. 1/4	Domestic 1 family
3S	9W	28	N.W. 1/4 of S.W. 1/4	Domestic 1 family

(If more space required, attach separate sheet)

(a) Character of soil Silt loam

(b) Kind of crops raised Gardens

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.

10. (a) To supply the city of

..... County, having a present population of

(Name of)

and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied 2

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$.....

12. Construction work will begin on or before constructed summer of 1957.....

13. Construction work will be completed on or before completed

14. The water will be completely applied to the proposed use on or before

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John C Thomas
(Signature of applicant)
Joan Lebold

Remarks:

Use of water under certificate 12401 has been abandoned.....

See file no. 16722.....

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

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

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PERMIT

STATE OF OREGON,

County of Marion,

ss. OWRD

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 0.01 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 unnamed stream

The use to which this water is to be applied is domestic use for 2 (two) families.

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated

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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 May 18, 1970

Actual construction work shall begin on or before May 26, 1972 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1973.

Complete application of the water to the proposed use shall be made on or before October 1, 1974.

WITNESS my hand this 26th day of May, 1971.

[Signature]

STATE ENGINEER

STATE OF OREGON

COUNTY OF TILLAMOOK

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CERTIFICATE OF WATER RIGHT

MAY 25 2022

This Is to Certify, That

KENNETH W. CECIL AND
ELMER AND MABEL LUMBERG

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of 730 Garfield St., Woodburn, State of Oregon, 97071, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of an unnamed stream

a tributary of Nastucca River for the purpose of domestic use for two families

under Permit No. 35148 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 May 18, 1970

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.01 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE 1/4 NE 1/4, Section 29, T. 3 S., R. 9 W., W. M., 830 feet North and 100 feet West from the E 1/4 Corner of Section 29.

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:

NW 1/4 SW 1/4
Section 28
T. 3 S., R. 9 W., W. M.

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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. September 30, 1976

James E. Sexson
Water Resources Director

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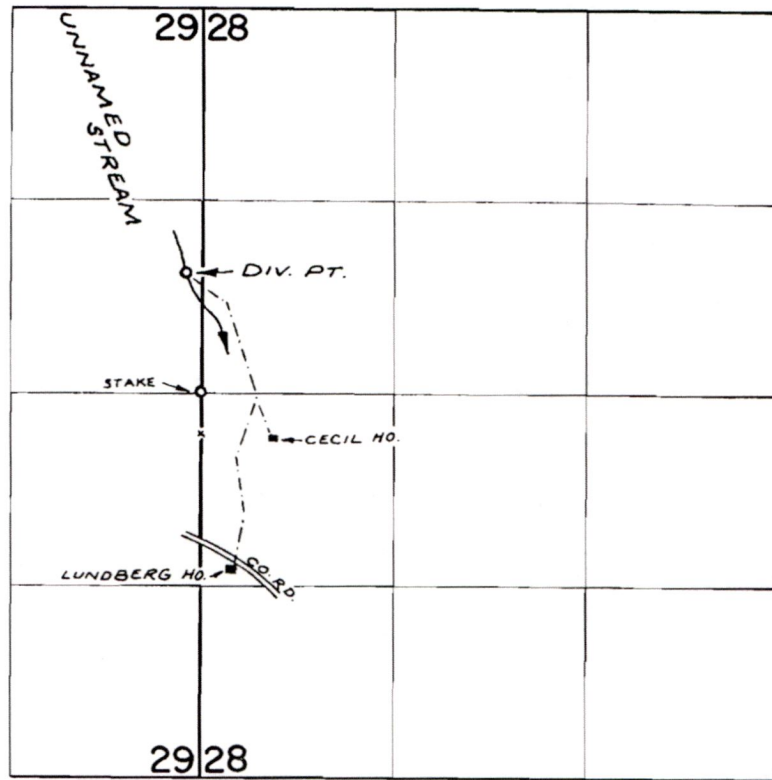
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T.3S.R.9W.W.M.

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DIV. PT. LOC: 830' N. & 100' W. FROM E 1/4 COR. SEC. 29

FINAL PROOF SURVEY
UNDER

Application No. 46978 Permit No. 35148

IN NAME OF

KENNETH W. CECIL &
ELMER & MABEL LUNDBERG

Surveyed SEPT. 13, 1974, by R. MUCKEN

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