

3340

STATUS OF APPLICATION

Change in place of use and use
 Date filed 12-24-75
 Date of hearing Dallas
 Place of hearing 7-6-76
 Date of order 7-19-76 Vol. 27, page 331
 Date for application of water 10-1-77
 Proof mailed _____
 Proof received MAR 16 1979
 Certificate issued Vol. 40, page 47651
AUG 25 2016

DESCRIPTION OF WATER RIGHT

Name of stream spring
 Trib. of _____ County of Polk
 Use To: stock, irrigation and domestic
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority Oct. 30, 1934
 In name of Bethel College Board
 _____ Adjudication, Vol. _____, page _____
Also see Tr. B-165
 App. No. 15605 Per. No. 11478 Cert. No. 39238
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>12-24-75</u>	<u>35.00</u>	<u>50801</u>
<u>12-24-75</u>	<u>60.00 p.m.</u>	<u>50802</u>
<u>6-25-76</u>	<u>(2.00)</u>	<u>50802</u>
TOTAL . . .	<u>\$22.00</u>	
<u>6-25-76</u>	Cert. Fee	<u>50802</u>

FEES REFUNDED

Date	Amount	Check No.
<u>6-25-76</u>	<u>\$21.34</u>	<u>678</u>

REMARKS

FINIS

INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Pl. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-vault	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-sale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Per. Folder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Chaindex	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Abstracts	<input type="checkbox"/>	<input type="checkbox"/>

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PHILIP R OLSON
MARK W OLSON
DONALD S POWELL
6335 OAK GROVE RD
RICKREALL OR 97371

confirms the right to the use of water perfected under the terms of Permit S-11478. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: A SPRING, A TRIBUTARY OF AN UNNAMED STREAM

PURPOSE OR USE: STOCK, DOMESTIC USE FOR ONE FAMILY, AND IRRIGATION of 1.0 ACRE

MAXIMUM RATE: 0.028 CUBIC FOOT PER SECOND (CFS); BEING 0.01 CFS FOR STOCK, 0.005 CFS FOR DOMESTIC USE, AND 0.013 FOR IRRIGATION

DATE OF PRIORITY: OCTOBER 30, 1934

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	4 W	WM	15	SW SE	140 FEET NORTH AND 710 FEET EAST FROM NE CORNER, DLC 44

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, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

STOCK					
Twp	Rng	Mer	Sec	Q-Q	DLC
6 S	4 W	WM	15	SE SW	44
6 S	4 W	WM	22	SW NW	44

DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	DLC
6 S	4 W	WM	22	SW NW	44


IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	4 W	WM	22	SW NW	44	1.0

This certificate is issued to correct a scrivener's error in the place of use and superseded Certificate 47651.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

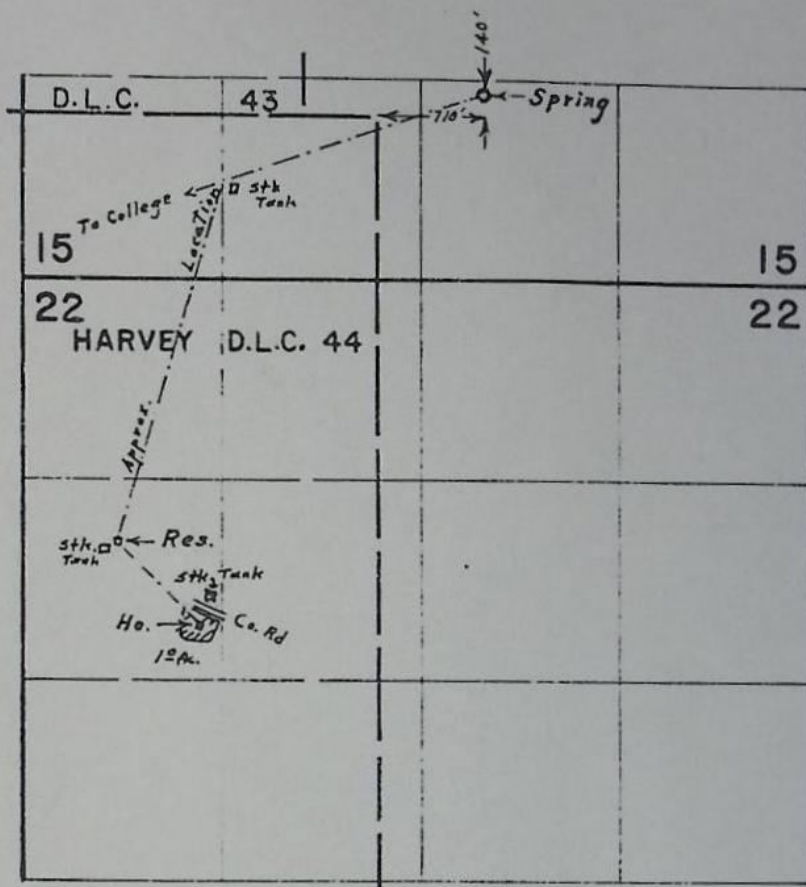
The right to the use of the water for the above purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

Issued AUG 26 2016



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

T.6 S., R.4 W., W.M.



Transfer No. 3340

FINAL PROOF SURVEY UNDER	
Application No. <u>42784</u> Permit No. <u>31986</u> IN NAME OF JULIUS MARX JR.	
Surveyed April 27, 1972, by <u>L. E. Gould</u>	



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

Date Mailed: AUG 26 2016

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that correctly describes the water right. The water right is appurtenant to the specific place where the use was established as described by the certificate. The owner of the land is the owner of the water right. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Correction Certificate

Application: T-3340

Certificate: 91806

Permit/Certificate Holder:

PHILIP R OLSON
MARK W OLSON
DONALD S POWELL
6335 OAK GROVE RD
RICKREALL OR 97371 ✓

Copies Mailed

by: Connie Vase
(STAFF)

on: AUG 26 2016
(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District #: 16 ✓
- ~~2. Data Center (include copy of map)~~
3. Water Availability ✓
4. Vault ✓
5. File ✓

Other persons to receive copies: (include map):

1. Steve Applegate ✓

Current Owners of 6415 TL 500, and 6422 TLs 300 and 301
POWELL FAMILY TRUST ETAL
6750 BETHEL RD
RICKREALL, OR 97371 ✓

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

SEC.22 T6S R4W WM
POLK COUNTY

Scale 1" = 400'
See Map 6.4.15

6.4.22

Canceled No.

102
105
108
109
113
116
117
118
119
501
505
506
507
508
509
512
514
518
803
808
811
900
1000

45-1

04/19/16

6.4.22

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

SEC.15 T6S R4W WM
POLK COUNTY

Scale 1" = 400'

See Map 6.4.10

6.4.15

Canceled No.

45-5

See Map 6.4.14

45-1

S.E. CORNER
GLENN O. BURNETT
DLC NO. 43

N.E. CORNER
AMOS HARVEY
DLC NO. 44

500
51.47 AC

501
13.73 AC

LOT 4
11.42 AC

600
19.91 AC

601
19.70 AC

45-5

See Map 6.4.22

04/19/16

6.4.15

Polk County Real Property Assessment Overview

FOR ASSESSMENT YEAR 2016

ASSESSMENT QUESTIONS: (503) 623-8391 *** TAX QUESTIONS: (503) 623-9264

NOT OFFICIAL VALUE

Mailing Name POWELL FAMILY TRUST ETAL
 Agent POWELL DONALD SCOTT, TR
 In Care Of
 Mailing Address 6750 BETHEL RD
 RICKREALL, OR 97371

Account Status Active
 Legal Description Metes and bounds.
 See the Legal Report for a full description.

Property Class 640 Unit Info No Floorplan
 RMV Class 400 42507-2

Situs Addresses

Value Summary

Code Area	AV	RMV	MAV	RMV Exception
4501 Land		\$381,860		Land \$0
Improvements		\$0		Improvements \$0
Code Area Total	\$39,658	\$381,860	\$88,310	\$0
GRAND TOTAL	\$39,658	\$381,860	\$88,310	\$0

Land Breakdown

Code Area	Plan Zone	Value Source	Size	Land Class
4501	EFU	Designated Forest Land	38.77 acres	OFD
	EFU	Market	12.70 acres	H4
Code Area Total			51.47	
GRAND TOTAL			51.47	

Tax Information

Tax Account	Tax Year	Code Area	Original Tax Due
290069	2015	4501	468.25

This tax information does not include adjustments or corrections. Please contact the Tax Office for additional information.

City, School Districts, and Fire Districts

Code Area	District Name	Type
4501	AMITY SD 45J	SCHOOL
	CHEMEKETA COMMUNITY COLLEGE	SCHOOL
	WILLAMETTE ESD	ESD
	AMITY RFPD	FIRE DISTRICT

This report does not display every tax district that may apply to this account. Please contact the Tax Office for additional information.

Account 290069 Map 064150000500 Code Area - Tax ID 4501-290069

Sales History

Date	Document (Source ID)	Type	Price	Grantor (Seller)	Grantee (Buyer)
23-Nov-2011	2011-10858	B&S		POWELL DONALD, TRUST ET AL	POWELL DONALD S, TR
23-Nov-2011	2011-10935	B&S		POWELL DONALD S, RVC LVG TRUST ETAL	POWELL DONALD SCOTT, TR
22-Apr-2004	2004-8828	WD		POWELL DONALD S ET AL	POWELL DONALD SCOTT, TR
14-Feb-1992	-		\$114,000		
13-Jan-1992	-		\$0		

Notations

Code Area	Notation	Years	Value	Tax
4501	ZONED FARM POTENTIAL ADDED 2002	10	0.00	1,077.35
	POTENTIAL LIABILITY			
	MEASURE 37 CLAIM WAIVER ADDED 2005			
	FARM POT'L ADD'L TAX LIABILITY			
	FOREST POT'L ADD'L TAX LIABILITY ADDED 2001			

Disclaimer: The information presented on this report was generated to support county business. The county makes every effort to keep this information current and accurate. However, the county is not responsible for errors, misuse, omissions, or misrepresentations. Please contact the Assessor's Office for additional information.

Polk County Real Property Assessment Overview

FOR ASSESSMENT YEAR 2016

ASSESSMENT QUESTIONS: (503) 623-8391 *** TAX QUESTIONS: (503) 623-9264
NOT OFFICIAL VALUE

Mailing Name POWELL FAMILY TRUST ETAL
Agent POWELL DONALD SCOTT, TR
In Care Of
Mailing Address 6750 BETHEL RD
RICKREALL, OR 97371

Account Status Active
Legal Description Metes and bounds.
See the Legal Report for a full description.

Property Class 451 Unit Info View Floorplan
RMV Class 401 42505-2

Situs Addresses

6750 BETHEL RD RICKREALL, OR 97371

Value Summary

Code Area	AV	RMV	MAV	RMV Exception
4501 Land		\$271,490		Land \$0
Improvements		\$122,140		Improvements \$0
Code Area Total	\$138,343	\$393,630	\$205,450	\$0
GRAND TOTAL	\$138,343	\$393,630	\$205,450	\$0

Land Breakdown

Code Area	Plan Zone	Vaue Source	Size	Land Class
4501	FFO	Farm Site	1.00 acres	
	FFO	Farm Use Zoned	19.97 acres	B3
	FFO	Farm Use Zoned	6.59 acres	B4
	FFO	Farm Use Zoned	9.02 acres	H3
	FFO	Farm Use Zoned	5.80 acres	H4
Code Area Total			42.38	
GRAND TOTAL			42.38	

Improvement Breakdown

Stat Class 144 | Residence | Two story with basement

Site	Building	Code Area	Year Built	Sq Ft	Image
1	1	4501	1915	1,826	View Improvement Image
First Floor - 1,070 sq ft			[Forced Air Heating]		
1 Dining Room	1 Living Room	1 Kitchen	2 Bedroom		
1 Full Bath	1 Fireplace				
Second Floor - 468 sq ft			[Forced Air Heating]		
2 Bedroom					
Basement - 624 sq ft			[Forced Air Heating]		[Unfinished - 336 / Finished - 288]
1 Utility Room	1 Other Room				
Garage (Attached) - 456 sq ft			[Unfinished]		

Tax Information

Tax Account	Tax Year	Code Area	Original Tax Due
290340	2015	4501	1,634.62

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City, School Districts, and Fire Districts

Code Area	District Name	Type
4501	AMITY SD 45J	SCHOOL
	CHEMEKETA COMMUNITY COLLEGE	SCHOOL
	WILLAMETTE ESD	ESD
	AMITY RFPD	FIRE DISTRICT

This report does not display every tax district that may apply to this account. Please contact the Tax Office for additional information.

Sales History

Date	Document (Source ID)	Type	Price	Grantor (Seller)	Grantee (Buyer)
23-Nov-2011	2011-10858	B&S		POWELL DONALD, TRUST ET AL	POWELL DONALD S, TR
23-Nov-2011	2011-10935	B&S		POWELL DONALD S, RVC LVG TRUST ETAL	POWELL DONALD SCOTT, TR
22-Apr-2004	2004-8828	WD		POWELL DONALD S ET AL	POWELL DONALD SCOTT, TR
14-Feb-1992	-		\$114,000		
13-Jan-1992	-		\$0		

Notations

Code Area	Notation	Years	Value	Tax
4501	FARM POT'L ADD'L TAX LIABILITY			
	FOREST POT'L ADD'L TAX LIABILITY ADDED 2001			
	MEASURE 37 CLAIM WAIVER ADDED 2005			

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Polk County Real Property Assessment Overview

FOR ASSESSMENT YEAR 2016

ASSESSMENT QUESTIONS: (503) 623-8391 *** TAX QUESTIONS: (503) 623-9264

NOT OFFICIAL VALUE

Mailing Name POWELL FAMILY TRUST ETAL
 Agent POWELL DONALD SCOTT, TR
 In Care Of
 Mailing Address 6750 BETHEL RD
 RICKREALL, OR 97371

Account Status Active
 Legal Description Metes and bounds.
 See the Legal Report for a full description.

Property Class 481 Unit Info View Floorplan
 RMV Class 401 42505-2

Situs Addresses

Value Summary

Code Area		AV	RMV	MAV	RMV Exception
4501	Land		\$398,630		Land \$0
	Improvements		\$5,960		Improvements \$0
	Code Area Total	\$26,427	\$404,590	\$129,170	\$0
	GRAND TOTAL	\$26,427	\$404,590	\$129,170	\$0

Land Breakdown

Code Area	Plan Zone	Value Source	Size	Land Class
4501	FFO	Designated Forest Land	11.57 acres	OFE
	FFO	Designated Forest Land	18.44 acres	OFF
	FFO	Farm Use Zoned	0.66 acres	B4
	FFO	Farm Use Zoned	7.99 acres	H3
	FFO	Farm Use Zoned	8.08 acres	H4
	FFO	Farm Use Zoned	21.52 acres	H5
		Code Area Total	68.26	
		GRAND TOTAL	68.26	

Improvement Breakdown

Stat Class 300 | Farm bldg | MACHINE SHED

Site	Building	Code Area	Year Built	Sq Ft	Image
1	2	4501		1,500	View Improvement Image

Stat Class 300 | Farm bldg | LEAN-TO

Site	Building	Code Area	Year Built	Sq Ft	Image
1	3	4501		256	No Improvement Image

Tax Information

Tax Account	Tax Year	Code Area	Original Tax Due
576412	2015	4501	312.05

This tax information does not include adjustments or corrections. Please contact the Tax Office for additional information.

Account 576412 Map 064220000301 Code Area - Tax ID 4501-576412

City, School Districts, and Fire Districts

Code Area	District Name	Type
4501	AMITY SD 45J	SCHOOL
	CHEMEKETA COMMUNITY COLLEGE	SCHOOL
	WILLAMETTE ESD	ESD
	AMITY RFPD	FIRE DISTRICT

This report does not display every tax district that may apply to this account. Please contact the Tax Office for additional information.

Sales History

Call the Assessors Office for Sales Information.

Notations

Code Area	Notation	Years	Value	Tax
4501	FARM POT'L ADD'L TAX LIABILITY			
	▯			
	FOREST POT'L ADD'L TAX LIABILITY ADDED 2001			
	▯			
	MEASURE 37 CLAIM WAIVER ADDED 2005			
	▯			

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39238

Inspection
10-9-78
SPA

Ann Olson

6750 Bethel Rd

- ## 6. Place of Use

[illegible]

INFO: PAUL OLSON, WHO LIVES IN THE HO. DESCRIBED IN TRANSFER.
OLSON WORKED OUT A DEAL w/ BETHEL COLLEGE BOARD TO
TRANSFER THEIR OLD RIGHT TO HIS PROP ~~AND~~ ^{AND} THEY HOOKED
UP TO PERRYDALE WATER SYSTEM. ~~PA~~ OLSON THEN CANCELLED HIS
RIGHT (Appl 42784) WHICH PUT HIS PRIORITY AHEAD OF THE
PERSON ON WHOSE PROP. THE SPRING IS LOCATED. WATER IS USED
AS SHOWN ON ATTACHED MAP.

SOURCE: A SPRING

3'x3'x5' DEEP CONCRETE COLLECTION BOX COLLECTS WATER.

WATER PIPED DOWN HILL TO 1500 GAL ^{CONCRETE} RES. & STOCK TANK IN SE¹ SW¹
SEC. 15. (LINE TO COLLEGE NOW SHUT OFF FROM THIS pt.)

OVERFLOW FROM HERE RUNS DOWNHILL TO 800 GAL. RESERVOIR &
STOCK TANK IN SW¹ NW¹ SEC. 22. THEN GRAVITY FLOW TO HO. &
BORN (N. OF COR.)

PIPE: 1" PVC THROUGHOUT
GARDEN HOSES

USE: DOM. USE ONE FAM., STOCK, IRRIGATION

HEADS: RUNS TWO LAWN SPRINKLERS AT ONE TIME

CROP: L. & G., SMALL ORCHARD

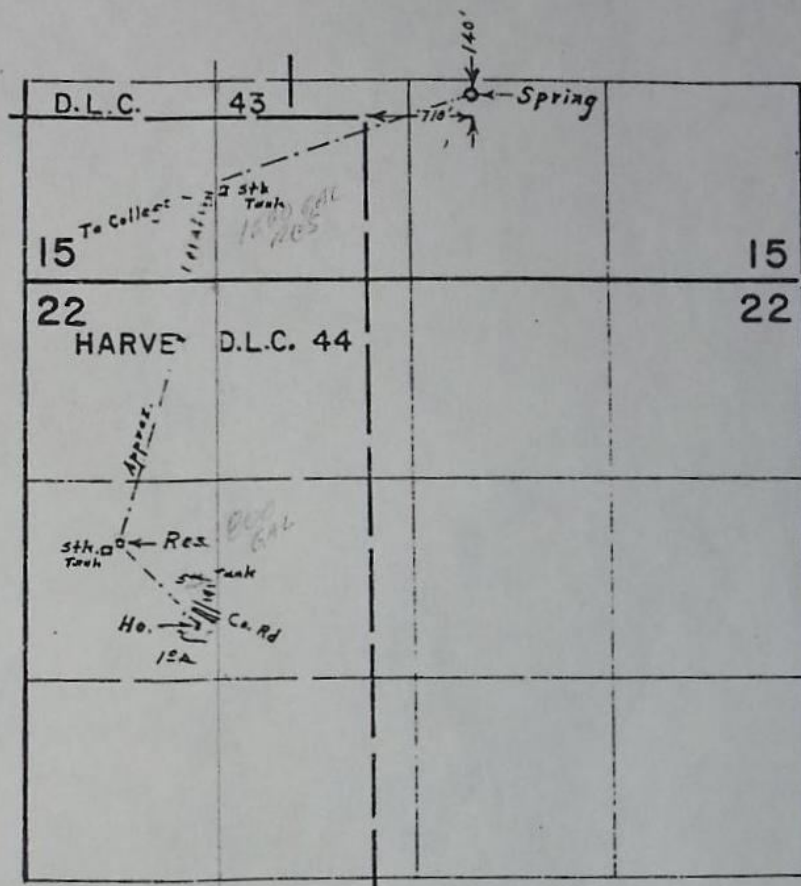
FALL: (FROM LOWER RES.) - MEAS. 43 psi @ HO.

TIG: INSPECTION.

SYSTEM STILL AS FOUND BY GOULD IN 72 UNDER
APPL 42784.

Steve Pappas
FIELD ENG
10-9-78

T.5 S., R.4 W., W.M.



Transfer No. 3340

FINAL PROOF SURVEY	
UNDER	
Application No. <u>42784</u> Permit No. <u>31986</u>	
IN NAME OF	
JULIUS MARX JR.	
Surveyed April <u>27</u> , 1972, by <u>L. E. Gould</u>	

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION
OF BETHEL COLLEGE BOARD, HELEN
EDMUNDSON, SECRETARY, FOR THE
APPROVAL OF A CHANGE IN USE AND
PLACE OF USE OF WATER FROM A SPRING

ORDER APPROVING
TRANSFER NO. 3340

On December 24, 1975, Bethel College Board, Helen Edmundson, Secretary, filed an application in the office of the Water Resources Director for the approval of a change in use and place of use of water from a spring, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Bethel College Board and recorded at Page 39238, Volume 31, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.05 cubic foot per second of water from a spring for use at a community center in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 6 South, Range 4 West, W.M., with a date of priority of October 30, 1934. Water for this use is diverted from the spring located 140 feet North and 710 feet East from the Northeast corner of Harvey D.L.C. No 44, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 6 South, Range 4 West, W.M. The applicant herein, owner of the said water right and the community center to which it is appurtenant, proposes to transfer the said water right therefrom, changing the use and place of use to thereafter make beneficial use of the water for stock water within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, and domestic supply for one family, stock water and irrigation of 1.0 acre within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, all within Township 6 South, Range 4 West, W.M., Polk County, Oregon.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed

change in use and place of use of water, if any there were, namely: at the county courthouse in Dallas, Oregon, on July 6, 1976, at 9:30 a.m. The notice was published in the Sun-Enterprise, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of May 12, 19 and 26, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Ben Monroe, Watermaster of District No. 18, has filed a report to the effect that the proposed change in use and place of use of water may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in use and place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in use and place of use of water is approved and the water right hereinbefore described as appurtenant to a community center in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 6 South, Range 4 West, W.M., with a date of priority of October 30, 1934, be severed therefrom and simultaneously and without loss of priority transferred to stock watering in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, and stock watering, domestic supply for one family, and irrigation of 1.0 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 6 South, Range 4 West, W.M.

It is FURTHER ORDERED that the quantity of water diverted from the spring shall not exceed 0.01 cubic foot per second for stock watering, 0.005 cubic foot per second for domestic use, and 0.013 cubic foot per second for irrigation.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1977.

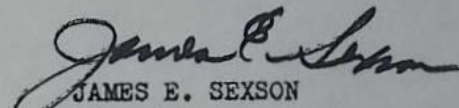
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

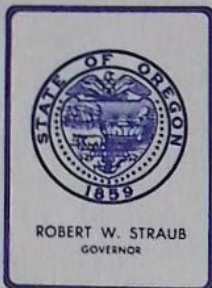
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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

It is FURTHER ORDERED that certificate of water right heretofore issued to Bethel College Board, c/o Helen Edmundson, and recorded at Page 39239, Volume 31, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to Philip R. Olson, Mark W. Olson, and Donald S. Powell confirming the extent to which water has been applied beneficially.

Dated at Salem, Oregon, this 19th day of July, 1976.


JAMES E. SEXSON
Director



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

January 12, 1978

Bethel College Board
Helen Edmundson, Secretary
~~Rt. 1 Box 214~~ *6535 Oak Grove Rd.*
Rickreall, OR 97371

RE: File No. T- 3340

Dear Miss Edmundson:

The time allowed for completion of the change in use and place of use of water from a spring, proposed by your water right transfer application No. 3340, expired October 1, 1977.

If the authorized change was accomplished on or before said date, please fill out and sign the statement of completion at the bottom of this letter and send it to us.

If you were unable to fully accomplish the change within the time allowed, but were diligently working on it and, therefore, you want to apply for an extension of the time limit, check the box at the very bottom of this letter to request the proper application form.

Sincerely,

James W. Carver, Jr.
James W. Carver, Jr.
Engineer

JWC:lcj

STATEMENT OF COMPLETION

I hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving water right transfer application No. 3340 was accomplished by January 3, 1977.

ok
guc
Jan. 16, 1978
Date

Bethel College Board
Signature
Helen Edmundson, Sec

☐ Please send form for application for extension of time limit.

December 8, 1976

File Tr 3340

Mr. Kenneth E. Shetterly
Attorney at Law
P. O. Box 105
Dallas, Oregon 97338

Dear Mr. Shetterly:

The petition of Ted F. Stolk for reconsideration of the order approving a change in place of use and use of water from a spring entered July 19, 1976 has been considered.

Rule 30.80 of the Attorney General's Model Rules of Procedure provides that a party may file a petition for reconsideration on a final order. Mr. Stolk did not become a party to the proceedings as provided by statute and the published notice. Therefore, he is not entitled to reconsideration.

In reviewing the petition, it does not appear from the grounds stated that reconsideration should be given even if Mr. Stolk were a party entitled to file the petition. Point Nos. 1 and 4 are essentially the same and are disposed of by the fact that the Director gave notice as provided by statute, ORS 540.250; see Green vs. Wheeler 254 Or. 424. Point No. 2 may give a cause of action between the parties but the Director has no jurisdiction over assurance of notice between said persons. Point No. 3 apparently involves pipeline right of way which is also not within the Director's jurisdiction. Ordinarily a change in use or place of use would not affect a right of way, but if it does that would be for determination by the court.

Sincerely,

Chris L. Wheeler
Deputy Director

CLW:eh



STATE OF OREGON

INTEROFFICE MEMO

TO: Tr 3340

DATE: December 8, 1976

FROM: Chris Wheeler

SUBJECT: Petition for Reconsideration of Order

Petition for reconsideration of order on transfer No. 3340, Bethel College Board, to Olson, Olson and Powell, for domestic use of one family, stock use and irrigation of one acre; being 0.01 cfs for stock, 0.005 cfs for domestic and 0.013 cfs for irrigation. Order entered July 19, 1976. Petition filed September 17, 1976.

No merit - - Point (1) Notice was by statute, actual to petitioners not required.

No merit -- Point (2) Contractual agreements as to Bethel Board and petitions not within our jurisdiction, let alone "verbal assurances" as alleged.

No merit - - Point (3) Pipeline right of ways are not within our jurisdiction. Ordinarily change of ownership would not affect right of way but if so that is a property matter and for the courts.

No merit -- Point (4) Notice is by statute and we have no obligation to carry the newspaper to anybody.

There are no allegations indicating any basis for changing order, if reopened. Not having been parties they are not entitled to reconsideration. No formal order is required since denial is automatic under the Attorney General's model rules.

Petitioner's attorney was advised before filing that on the information then given we did not see a basis for approval.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

In the Matter of the Applica-)
tion of Bethel College Board,)
Helen Edmundson, Secretary,)
for the Approval of a Change)
in use and Place of use of)
Water from a Spring.)

RECEIVED
SEP 17 1976
WATER RESOURCES DEPT
SALEM, OREGON

PETITION FOR RECONSIDERATION

COMES NOW Ted F. Stolk and petitions the Water Resources Director of Oregon to reconsider the "Order Approving Transfer No. 3340" entered in the above-entitled matter, bearing date the 19th day of July, 1976, and in support thereof, represents unto the Director and shows:

Your petitioner resides at Route 1, Box 667, Salem, Oregon.

Your petitioner and his wife, Vedan E. Stolk, are the owners in fee of the parcel of real property upon which a spring arises, the location of which is more particularly described as being " * * * situated 2.16 chains North and 10.75 chains East from the Northeast corner of the Amos Harvey Donation Land Claim in Section 15, Township 6 South, Range 4 West in Polk County, Oregon."

A certificate of water right issued to Bethel School District No. 17 relating to the use of 0.05 C.F.S. of the water from said spring for school use. The date of the priority of such right was October 30, 19³64. Said certificate was recorded at Page 11177, Volume 10, State Record of Water Right Certificates. The place of use of said water was in the Northwest quarter of the Northeast quarter of Section 21, Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon.

Bethel College Board succeeded to the interest of Bethel School District No. 17 upon the discontinuance of a school at said location.

By order of the State Engineer entered December 20, 1966, a change in the use of said water from school purposes to use for a community center was approved. A certificate confirming the change in the use thereof was issued bearing date the 31st day of May, 1973, and was recorded in State Record of Water Right Certificates, Volume 31, Page 39238.

By permit number 29908, dated January 8, 1965, your petitioner was granted the right to appropriate and use 0.01 C.F.S of the water of said spring for the domestic use of one family and stock. This permit had a priority date of July 28, 1964.

By permit number 31986, one Julius Marx, Jr. was granted the right to appropriate and use 0.01 C.F.S of the water of said spring for the domestic use of one family, including the irrigation of not to exceed one-half acre of lawn and garden. This use has a priority date of September 9, 1966. Thereafter, a certificate of water right relating to said use issued, bearing date the 5th day of July, 1973 which said certificate is recorded in State Record of Water Right Certificates, Volume 31, Page 39293. Subsequent to the issuance of said permit, Donald S. Powell, Mark W. Olson and Philip R. Olson became the owners of the property to which said right was appurtenant.

Upon application of the said Donald S. Powell, Mark W. Olson and Philip R. Olson, the Water Resources Director of Oregon entered

an order cancelling the water right evidenced by the certificate last above mentioned.

On December 24, 1975, the Bethel College Board, Helen Edmundson, Secretary, filed an application in the office of the Water Resources Director of Oregon for the approval of a change in the use and place of use of the water referred to in the certificate of water right issued to the Bethel College Board and recorded at Page 39238, Volume 31, State Record of Water Right Certificates pursuant to the provisions of ORS 540.510 to 540.530. Notice of the filing of said application was given by publication setting forth a time and place certain for hearing objections to the proposed change in use and place of use of water, if any there were, namely, at the County Courthouse in Dallas, Oregon, on July 6, 1976, at 9:30 o'clock a.m. The notice was published in the Sun-Enterprise, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of May 12, 19 and 26, 1976.

Following said hearing and on July 19, 1976, an order was entered by the Director of Water Resources of Oregon, approving said application and changing the use of the water from a community center use in the Northwest quarter of the Northeast quarter of Section 21, Township 6 South, Range 4 West of the Willamette Meridian, to stock watering in the Southeast quarter of the Southwest quarter of Section 15, and stock watering, domestic supply for one family, and irrigation of 1.0 acre in the Southwest quarter of the Northwest quarter of Section 22, Township 6 South, Range 4 West of the

Willamette Meridian. The place of use to which said water was transferred constitute premises owned by the said Philip R. Olson, Mark W. Olson and Donald S. Powell.

Your petitioner seeks a reconsideration of the order changing the use and place of use of the water upon the following grounds:

(1) Neither your petitioner nor his wife, received any actual notice of the intended transfer.

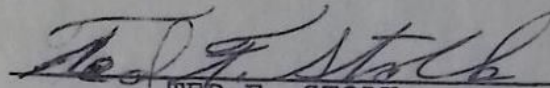
(2) Your petitioner had received assurances from the members of the Bethel College Board within the period of time immediately prior to the application for said transfer that if the water covered by its water right hereinabove referred to or any part thereof was available by transfer, he would be given actual notice thereof prior to any transfer being effected.

(3) Your petitioner, as the owner of the land upon which said water arises and across which the transferee of such water right must travel in conducting said water from its source to its place of use has a special interest in being given an opportunity to concur or object to any transfer of such water right.

(4) The published notice of the hearing on the proposed transfer was not seen by nor brought to the attention of your petitioner or his wife.

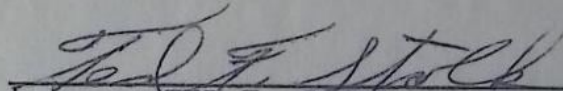
WHEREFORE, your petitioner prays for an order re-opening the hearing on the transfer of the use and place of use of the water

appropriated by the Bethel College Board as provided for in the certificate of water right in State Record of Water Right Certificates, Volume 31, Page 39238, and a reconsideration of the application of the said Bethel College Board for the transfer of the use and place of use of such water.

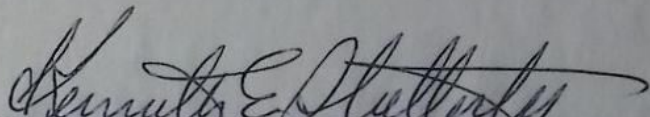

TED F. STOLK
Petitioner

STATE OF OREGON)
) ss:
County of Polk)

I, TED F. STOLK, being first duly sworn, say that I am the petitioner in the within-entitled cause and that the foregoing PETITION FOR RECONSIDERATION is true as I verily believe.

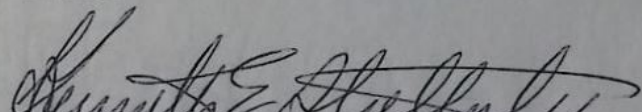

TED F. STOLK

SUBSCRIBED AND SWORN to before me this 16th day of September, 1976.


NOTARY PUBLIC FOR OREGON
My Commission Expires: 8/16/78

I, KENNETH E. SHETTERLY, do hereby certify that I am one of the attorneys for the within-named petitioner; that on the 17th day of September, 1976, I deposited in the post office at the City of Dallas, Oregon, a copy of the within, directed to BETHEL COLLEGE BOARD, C/O MS. HELEN EDMUNDSON, Route 1, Box 214, Rickreall, Oregon, 97371, and PHILIP R. OLSON, Route 1, Box 222, Rickreall, Oregon, 97371, that being their respective post office addresses, and prepaid the postage thereon.

DATED at Dallas, Oregon, this 17th day of September, 1976.


KENNETH E. SHETTERLY
Of Attorneys for Petitioner

This Petition is filed pursuant to ORS 536.032(3) and Rule 30.80 of the Attorney General's Model Rules of Procedure under the Administrative Procedure Act.

PETITION FOR
RECONSIDERATION

FROM THE LAW OFFICES OF
HAYTER, SHETTERLY,
NOBLE & WEISER
Dallas, Oregon

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION
OF BETHEL COLLEGE BOARD, HELEN
EDMUNDSON, SECRETARY, FOR THE
APPROVAL OF A CHANGE IN USE AND
PLACE OF USE OF WATER FROM A SPRING

ORDER APPROVING
TRANSFER NO. 3340

On December 24, 1975, Bethel College Board, Helen Edmundson, Secretary, filed an application in the office of the Water Resources Director for the approval of a change in use and place of use of water from a spring, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Bethel College Board and recorded at Page 39238, Volume 31, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.05 cubic foot per second of water from a spring for use at a community center in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 6 South, Range 4 West, W.M., with a date of priority of October 30, 1934. Water for this use is diverted from the spring located 140 feet North and 710 feet East from the Northeast corner of Harvey D.L.C. No 44, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 6 South, Range 4 West, W.M. The applicant herein, owner of the said water right and the community center to which it is appurtenant, proposes to transfer the said water right therefrom, changing the use and place of use to thereafter make beneficial use of the water for stock water within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, and domestic supply for one family, stock water and irrigation of 1.0 acre within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, all within Township 6 South, Range 4 West, W.M., Polk County, Oregon.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed

change in use and place of use of water, if any there were, namely: at the county courthouse in Dallas, Oregon, on July 6, 1976, at 9:30 a.m. The notice was published in the Sun-Enterprise, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of May 12, 19 and 26, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Ben Monroe, Watermaster of District No. 18, has filed a report to the effect that the proposed change in use and place of use of water may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in use and place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in use and place of use of water is approved and the water right hereinbefore described as appurtenant to a community center in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 6 South, Range 4 West, W.M., with a date of priority of October 30, 1934, be severed therefrom and simultaneously and without loss of priority transferred to stock watering in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, and stock watering, domestic supply for one family, and irrigation of 1.0 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 6 South, Range 4 West, W.M.

It is FURTHER ORDERED that the quantity of water diverted from the spring shall not exceed 0.01 cubic foot per second for stock watering, 0.005 cubic foot per second for domestic use, and 0.013 cubic foot per second for irrigation.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1977.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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

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

It is FURTHER ORDERED that certificate of water right heretofore issued to Bethel College Board, c/o Helen Edmondson, and recorded at Page 39239, Volume 31, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to Philip R. Olson, Mark W. Olson, and Donald S. Powell confirming the extent to which water has been applied beneficially.

Dated at Salem, Oregon, this 19th day of July, 1976.

/s/ JAMES E. SMYSON
Director

NOTICE OF FILING APPLICATION
FOR A CHANGE IN
USE AND PLACE OF USE OF WATER

Notice is given hereby that Bethel College Board has filed an application for the approval of a change in use and place of use of water from a spring.

Certificate of water right issued to Bethel College Board and recorded at page 39238, Vol. 31, State Record of Water Right Certificates, confirms a right to the use of 0.05 c.f.s. per second from a spring for the purpose of use at a community center in the NW 1/4 NE 1/4 of Sec. 21, T. 6 S., R. 4 W., W.M., with a date of priority of Oct. 30, 1934. Water for this use is diverted from the spring located 140 ft. N. and 710 ft. E. from the NE corner of Harvey DLC #44, being within the SW 1/4 SE 1/4 of Section 15, T. 6 S., R. 4 W., W.M.

The applicant herein, owner of the community center above described, proposed to change the use of water to stock watering in the SE 1/4 SW 1/4 of Sec. 15, stock watering, domestic supply for one family, and irrigation of a 1.0 acre in the SW 1/4 NW 1/4, Sec. 22, T. 6 S., R. 4 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Dallas, Oregon, on July 6, 1976, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Bethel College Board, Helen Edmundson, Secretary, Route 1, Box 214, Rickreall, Oregon 97371, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. If no objection is filed, the application may be approved by the Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 7th day of May, 1976.

JAMES E. SEXSON
Director

Published May 12, 1976; May 19, 1976;
May 26, 1976.

Affidavit Of Publication

STATE OF OREGON,)
) ss.
County of Polk)

I, Frank Parchman, being

first duly sworn, depose and say I am the PUBLISHER

of the Sun-Enterprise, a newspaper of general circulation as defined by ORS 193.010 and 193.020, printed and published at Monmouth in the aforesaid county and state; that the Change in use and place of use of water.

_____, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for Three successive and consecutive weeks in the following issues: _____

May 12, May 19, May 26, 1976

Subscribed and sworn to before me this 26th day of May, 19 76

Sharon King
Notary Public for Oregon.

(My Commission Expires _____)

Commission
Expires
June 27, 1979



RECEIVED
JUN - 11976
WATER RESOURCES DEPT
SALEM, OREGON



STATEMENT

Sun - Enterprise

Telephone 838-3467

P. O. Box 26, Monmouth, Oregon 97361

RECEIVED
JUL - 11976
WATER RESOURCES DEPT
SALEM, OREGON

Water Resources Department
Wayne Overcash
1178 Chemeketa St. N.E.
Salem, OR 97310

T-2340

5/12, 5/19
5/26

Three issues

Application for change in use and
place of use of water

55 lines @66.66

36.66

Please return one copy.

RECEIVED
JUN - 11976
WATER RESOURCES DEPT
SALEM, OREGON

paid 6-29-76
receipt - 65202
H 36.66

Customer's
Order No.

Date

6/29

76

Name

Water Resources

Address

Department

City

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE RETD	PAID OUT
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QUAN.	DESCRIPTION	PRICE	AMOUNT			
1						
2	on acc		3666			
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65202

Rec'd By *D. King*

January 31, 1978

Bethel College Board
Route 1, Box 214
Rickreall, Oregon 97371

RE: File No. T-3340

Gentlemen:

The notice of completion of works and use of water under the provisions of the order of the Water Resources Director approving water right transfer application No. 3340, for a change in place of use of water from a spring, was received and, in line with the general practice of this office, a survey will be made at a later date.

After the survey, proof may be made and certificate of water right issued covering the actual use of water as found by the engineer. (In case of irrigation, any lands described in the order that have not been irrigated will be automatically eliminated from the water right.)

In the meantime, the order will be evidence of the water right in question as long as the beneficial use of water is continued.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj'
cc: Benjamin E. Monroe, Watermaster

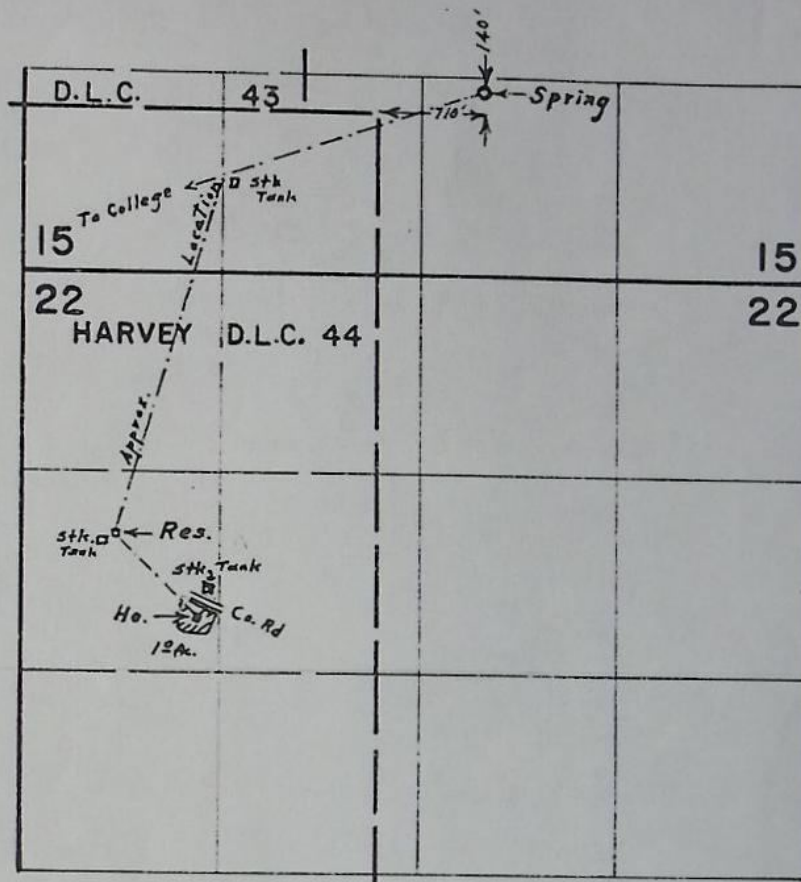
memo.
12/16/76

Mr & Mrs Phillip Olson in the office this date concerning the transfer of petition for reconsideration. I gave them a copy of my letter 12/8/76 to Shetterly and advised them of the 60 additional days for ^{review} ~~appeal~~ by Appeals Court.

He has not yet put in upper stock facility (pose to tank) but will report completion when done after which usual inspection & proof,

Chris Shetterly

T.6 S., R.4 W., W.M.



Transfer No. 3340

FINAL PROOF SURVEY	
UNDER	
Application No. 42784. Permit No. 31986.	
IN NAME OF	
JULIUS MARX JR.	
Surveyed April 27, 1972, by L. E. Gould.	

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

In the Matter of the Application of Bethel College Board, Helen Edmundson, Secretary, for the Approval of a Change in use and Place of use of Water from a Spring.)
)
)
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)
)

RECEIVED

SEP 17 1976

WATER RESOURCES DEPT
SALEM, OREGON

PETITION FOR RECONSIDERATION

COMES NOW Ted F. Stolk and petitions the Water Resources Director of Oregon to reconsider the "Order Approving Transfer No. 3340" entered in the above-entitled matter, bearing date the 19th day of July, 1976, and in support thereof, represents unto the Director and shows:

Your petitioner resides at Route 1, Box 667, Salem, Oregon.

Your petitioner and his wife, Vedan E. Stolk, are the owners in fee of the parcel of real property upon which a spring arises, the location of which is more particularly described as being " * * * situated 2.16 chains North and 10.75 chains East from the Northeast corner of the Amos Harvey Donation Land Claim in Section 15, Township 6 South, Range 4 West in Polk County, Oregon."

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By permit number 29908, dated January 8, 1965, your petitioner was granted the right to appropriate and use 0.01 C.F.S of the water of said spring for the domestic use of one family and stock. This permit had a priority date of July 28, 1964.

By permit number 31986, one Julius Marx, Jr. was granted the right to appropriate and use 0.01 C.F.S of the water of said spring for the domestic use of one family, including the irrigation of not to exceed one-half acre of lawn and garden. This use has a priority date of September 9, 1966. Thereafter, a certificate of water right relating to said use issued, bearing date the 5th day of July, 1973 which said certificate is recorded in State Record of Water Right Certificates, Volume 31, Page 39293. Subsequent to the issuance of said permit, Donald S. Powell, Mark W. Olson and Philip R. Olson became the owners of the property to which said right was appurtenant.

Upon application of the said Donald S. Powell, Mark W. Olson and Philip R. Olson, the Water Resources Director of Oregon entered

an order cancelling the water right evidenced by the certificate last above mentioned.

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Following said hearing and on July 19, 1976, an order was entered by the Director of Water Resources of Oregon, approving said application and changing the use of the water from a community center use in the Northwest quarter of the Northeast quarter of Section 21, Township 6 South, Range 4 West of the Willamette Meridian, to stock watering in the Southeast quarter of the Southwest quarter of Section 15, and stock watering, domestic supply for one family, and irrigation of 1.0 acre in the Southwest quarter of the Northwest quarter of Section 22, Township 6 South, Range 4 West of the

Willamette Meridian. The place of use to which said water was transferred constitute premises owned by the said Philip R. Olson, Mark W. Olson and Donald S. Powell.

Your petitioner seeks a reconsideration of the order changing the use and place of use of the water upon the following grounds:

(1) Neither your petitioner nor his wife, received any actual notice of the intended transfer.

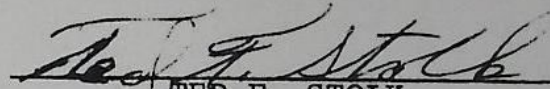
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(3) Your petitioner, as the owner of the land upon which said water arises and across which the transferee of such water right must travel in conducting said water from its source to its place of use has a special interest in being given an opportunity to concur or object to any transfer of such water right.

(4) The published notice of the hearing on the proposed transfer was not seen by nor brought to the attention of your petitioner or his wife.

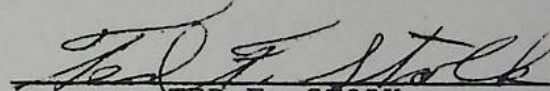
WHEREFORE, your petitioner prays for an order re-opening the hearing on the transfer of the use and place of use of the water

appropriated by the Bethel College Board as provided for in the certificate of water right in State Record of Water Right Certificates, Volume 31, Page 39238, and a reconsideration of the application of the said Bethel College Board for the transfer of the use and place of use of such water.

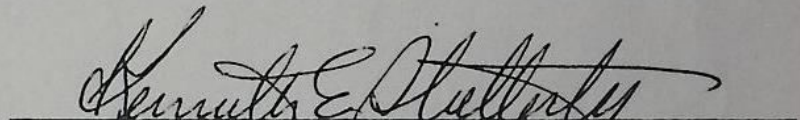

TED F. STOLK
Petitioner

STATE OF OREGON)
) ss:
County of Polk)

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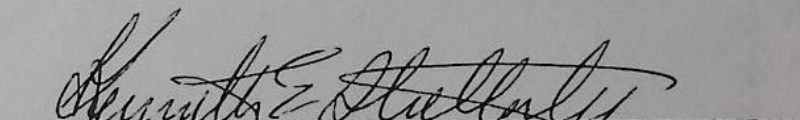

TED F. STOLK

SUBSCRIBED AND SWORN to before me this 16th day of September, 1976.


NOTARY PUBLIC FOR OREGON
My Commission Expires: 8/16/78

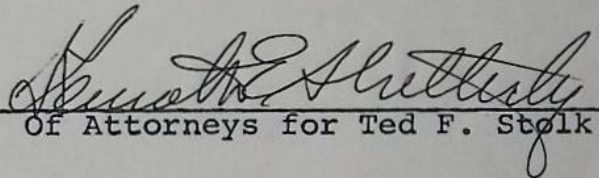
I, KENNETH E. SHETTERLY, do hereby certify that I am one of the attorneys for the within-named petitioner; that on the 17th day of September, 1976, I deposited in the post office at the City of Dallas, Oregon, a copy of the within, directed to BETHEL COLLEGE BOARD, C/O MS. HELEN EDMUNDSON, Route 1, Box 214, Rickreall, Oregon, 97371, and PHILIP R. OLSON, Route 1, Box 222, Rickreall, Oregon, 97371, that being their respective post office addresses, and prepaid the postage thereon.

DATED at Dallas, Oregon, this 17th day of September, 1976.


KENNETH E. SHETTERLY
Of Attorneys for Petitioner

This Petition is filed pursuant to ORS 536.032(3) and Rule 30.80 of the Attorney General's Model Rules of Procedure under the Administrative Procedure Act.

I hereby certify that the foregoing is a full, true and correct copy of the original Petition for Reconsideration herein.


Of Attorneys for Ted F. Stolk

NOTICE OF FILING APPLICATION FOR A CHANGE IN
USE AND PLACE OF USE OF WATER

Notice is given hereby that Bethel College Board has filed an application for the approval of a change in use and place of use of water from a spring.

Certificate of water right issued to Bethel College Board and recorded at page 39238, Vol. 31, State Record of Water Right Certificates, confirms a right to the use of 0.05 c.f.s. per second from a spring for the purpose of use at a community center in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 21, T. 6 S., R. 4 W., W.M., with a date of priority of Oct. 30, 1934. Water for this use is diverted from the spring located 140 ft. N. and 710 ft. E. from the NE corner of Harvey DIC #44, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, T. 6 S., R. 4 W., W.M.

The applicant herein, owner of the community center above described, proposes to change the use of water to stock watering in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 15, stock watering, domestic supply for one family, and irrigation of a 1.0 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 6 S., R. 4 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Dallas, Oregon, on July 6, 1976, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Bethel College Board, Helen Edmundson, Secretary, Route 1, Box 214, Rickreall, Oregon 97371, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. If no objection is filed, the application may be approved by the Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 7th day of May, 1976.

JAMES E. SEXSON
Director

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

BETHEL COLLEGE BOARD

c/o Helen Edmundson 97371

of Route 1, Box 214, Rickreall, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a spring

a tributary of an unnamed stream (Ash Swale) (South Yamhill River) for the purpose of use at a community center

under Permit No. 11478 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from October 30, 1934

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.05 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, T. 6 S., R. 4 W., W. M. Spring located: 140 feet North and 710 feet East from NE Corner, Harvey DLC 44.

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 $\frac{1}{4}$ NE $\frac{1}{4}$
As projected within Harvey DLC 44
Section 21
T. 6 S., R. 4 W., W. M.

This certificate is issued to confirm a change in use of water approved by an order of the State Engineer entered December 29, 1966, and supersedes certificate of water right heretofore issued to Bethel School District #17 and recorded at page 11177, Volume 10, State Record of Water Right Certificates.

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

WITNESS the signature of the State Engineer, affixed

this date.

May 31, 1973

CHRIS L. WHEELER

State Engineer

RECEIVED

DEC 24 1975

WATER RESOURCES DEPT.
SALEM, OREGON

T-3340

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Bethel College Board Helen Edmundson, Sec.
(Name of applicant)

of Rickreall (Route 1, Box 214), County of Polk
(Postoffice)

State of Oregon, do hereby make application for change in place of use and in use
from use at a community center to stock use, irrigation of lawn & garden, and
domestic supplies for one family. (see remarks)

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

1. The source of present water right is a spring
(Name of stream)

2. The use to which the water is applied is at a community center
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is _____

4. The point of diversion is located 140 ft. N and 710 ft. E from the N E
(N. or S.) (E. or W.)

corner of Harvey D. L. C. # 44 being within the SW 1/4 SE 1/4
(Section or subdivision)

of Section 15 Tp. 6S R. 4W W. M., in the County of Polk
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
6S	4W	21		X														

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? October 30, 1934

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number
(Yes or No)

of permit 11478

10. Do you hold a water right certificate? Yes If so, give number of certificate 39238
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name?
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
6S	4W	22			HOUSE 1.0 AC. STOCK				HOUSE 1.0 AC. STOCK									
		15												stock				

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located _____ ft. _____ and _____ ft. _____ from the _____
(N. or S.) (E. or W.)
corner of _____ being within the _____ of Section _____ Tp. _____ R. _____ W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of _____ The name of the ditch to be used is _____

15. Are you the owner of the land on which the proposed point of diversion is to be located? _____

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? _____

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? Yes
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are Bethel College Board connecting with Perrydale water line.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Marion

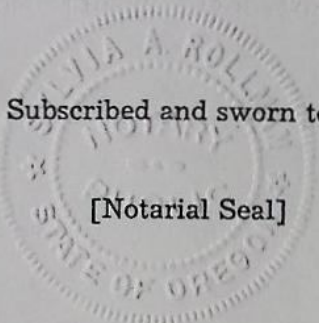
ss.

I, Helen Edmundson, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 22nd day of December, 1975.

Helen Edmundson
(Name of applicant)

Subscribed and sworn to before me this 22nd day of December, 1975.



[Notarial Seal]

Sylvia A. Rollman
NOTARY PUBLIC FOR OREGON

My commission expires 1/31/77.

Remarks Amount for each use: 0.01 cfs for stock
0.02 cfs for irrig of 1.0 acre
0.005 cfs for Domestic supplies
Total 0.035

Right being transfered to: Philip R. Olson

Route 1, Box 222

Rickreall, Oregon 97371

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.