

4241 Postma

Name Henry & Agnes Postma
By _____
Address 13489 McKee School Rd NE
Woodburn, OR 97071

Change in POD
Date filed June 12, 1979
Date of hearing _____
Place of hearing _____
Date of order 8-20-79 Vol. 32, page 348
Date for application of water 10-1-80
Proof mailed _____
Proof received _____
Certificate issued JAN 21 1980 Vol. 42, page 48894

4241

DESCRIPTION OF WATER RIGHT

Name of stream Pudding River
Trib. of _____ County of Marion
Use _____
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority May 7, 1945
In name of Ray McLaughlin
_____ Adjudication, Vol. _____, page _____
App. No. 20829 Per. No. 16298 Cert. No. 16757
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-12-79</u>	<u>35.00</u>	<u>11764</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

to survey 9/79

REMARKS

OWNERSHIP UPDATE

W.D.L.S.	
Assembled <u>3-6-85</u> by <u>SPH</u>	
Entered _____	by _____
Verified _____	by _____

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

428



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

Ownership Update For Certificated Rights Only

NO FEES ARE REQUIRED TO SUBMIT THIS FORM

NOTICE: A certificate of water right typically stays with the land. In order to track water right ownership, the Department requests that this form be submitted to the Department. To update multiple rights, a separate form is required for each right.

If you have any questions about this form, please contact your local watermaster, or call the Water Resources Department at (503) 986-0900.

This form is not for Applications, Permits, Transfers, Groundwater Registrations, or Limited Licenses. To notify the Department of changes in ownership to these types of authorizations, an Assignment is required.

Current Landowner Information

Name: Fessler Family LLC
Mailing Address: 13009 McKee School Rd NE,
City: Woodburn State: OR Zip: 97071
Phone (Home): _____ Work: 503-634-2231 Other: _____

Property Description

County: Marion Township: SS Range: 1W Section: 28

Taxlot Number(s): R14186

Street Address of water right property: 13489 McKee School Rd NE Woodburn, OR
97071

Water Right Information: Application: T-4241 Permit: S-116298 Certificate #: 48894

Are all the lands associated with this water right owned by the requester? Yes ☒ No ☐ If No, include a map showing the portion of the right involved.

Name of individual completing this form: Thomas Fessler Phone: 503-634-3105

Signature of requestor: [Signature] Date: 8-2-18

The Department does not change names on certificates. This form will be placed in the file for future reference only. The Department does not provide acknowledgement that this form has been received.

RECEIVED

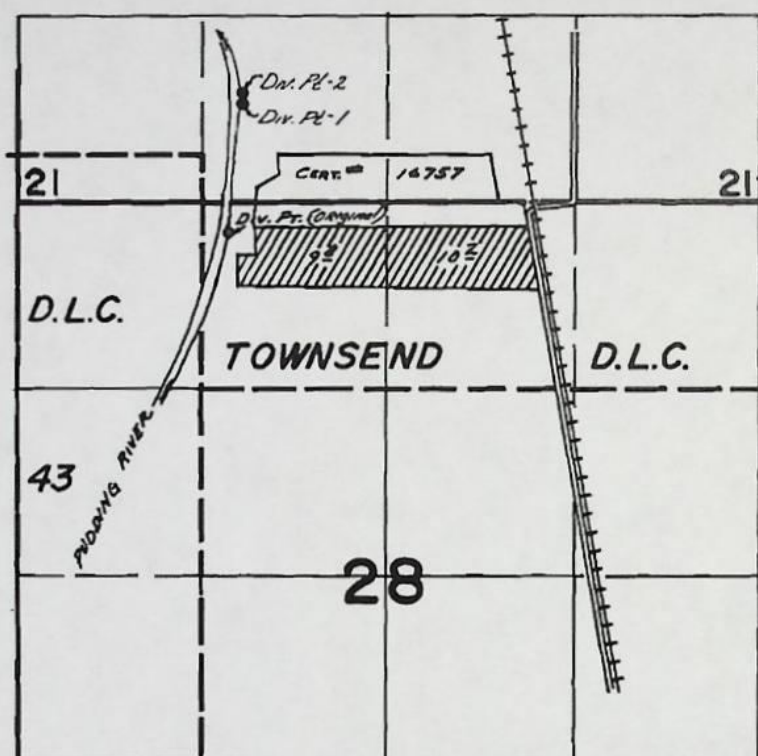
AUG 09 2018

Last updated: June 21, 2017 Request for Ownership Update for Certificated Rights Only

OWRD

WR

T. 5S. R. 1W. W.M.



ORIGINAL Div. Pt. Loc. - 220'S & 1120'W
 TRANSFER No. 4241 - Div. Pt. 1 - 680'N & 1040'W
 TRANSFER No. 4242 - Div. Pt. 2 - 760'N & 1040'W

ALL FROM N 1/4
 Cor Sec. 28

FINAL PROOF SURVEY UNDER

Transfer No. 4241
 Transfer No. 4242
 Application No. 55803 Permit No. 41780
 IN NAME OF

HENRY & AGNES POSTMA

Surveyed Aug. 16, 1978, by J.S. Donaldson
 Oct. 3, 1979, by C.R. Rodriguez

RECEIVED

AUG 09 2018

OWRD



WATER RIGHT OWNERSHIP UPDATE FORM

STATE OF OREGON
WATER RESOURCES DEPT
ATTN: WATER RIGHTS
725 SUMMER STREET NE, SUITE A
SALEM OREGON 97301-1271

1-4241
5-20829
RECEIVED

MAR 10 2004

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a Permit OR Water Right Certificate from the **Water Resources Department** is needed before using, diverting; or storing water [ORS 537-130]. However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has a Water Right Certificate to: 1) provide evidence of the Water Right Certificate to the buyer and 2) notify the Water Resources Department of the Water Right Certificate involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the **Water Resources Department at 503-986-0900**.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

Property Seller Information:

Applicant: _____
First Last

Mailing address: _____

City _____ State Oregon Zip _____

Phone: _____
Home Work Other

Property Buyer Information:

Applicant: Robert, Martha, Thomas, Richard Fessler-Karen Jager-Sandra Treager-Jodi Arrittola
First Last

Mailing address: 11796 Monitor McKee Road NE

City Woodburn State Oregon Zip 97071

Phone: (503) 634-2231
Home Work Other

Property Description (attach additional pages if necessary):

County: Marion Township: 5 S Range: 2 W Section: 21, 28

Tax lot number(s): 3400

Metes & bounds description (or attach a copy of your property deed & tax lot map with the parcels highlighted):

Water Right Information (attach copy of water right permit or certificate & final proof map if available):

Application #: T-4241 Permit #: 5-16298 Certificate #: 48894

Will all the lands associated with this water right be owned by the buyer? Yes ☒ No ☐

Name of individual completing this form: Tom Fessler Signature: Tom Fessler

After recording return to:

ROBERT F. FESSLER
11796 MONITOR-MCKEE RD. NE
WOODBURN, OR 97071

TITLE ORDER NO: 18-60351

KEY ESCROW NO: 06-7509

REEL PAGE
1401 378

Until a change is requested tax statements
shall be sent to the following address:
SAME AS ABOVE

WARRANTY DEED -- STATUTORY FORM
(INDIVIDUAL or CORPORATION)

HENRY POSTMA and AGNES POSTMA, Grantor,

conveys and warrants to:

ROBERT F. FESSLER and MARTHA J. FESSLER and THOMAS R. FESSLER and RICHARD D.
FESSLER and KAREN S. JAEGER and SANDRA E. TRAEGER and JUDY E. ARMITOLA,
Grantee,

the following described real property free of encumbrances except as
specifically set forth herein:
SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

SUBJECT TO: as per attached Exhibit "B"

Tax Account No: 43652-000 Map No:

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT
IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY
SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 30.930.

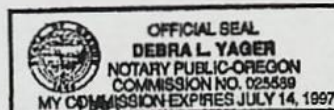
The true consideration for this conveyance is /see below**

However, if the
actual consideration consists of or includes other property or other value
given or promised, such other property or value was part of the/the
whole of the (indicate which) consideration. If the grantor is a corporation,
this has been signed by authority of the Board of Directors.

Dated this 13th day of June, 1997.

GRANTOR(S):
X Henry Postma
HENRY POSTMA
X Agnes Postma
AGNES POSTMA

STATE OF OREGON, County of Marion



This instrument was acknowledged before me on June 13, 1997,
by HENRY POSTMA and AGNES POSTMA

Debora L. Yager
Notary Public for Oregon

My commission expires: 7-14-97

**Consideration: \$850,000.00, which is \$180,000.00 for the real property described
in the first paragraph of Exhibit "A", and, \$670,000.00 for the real property
described in the second paragraph of Exhibit "A" which has been paid to an
accommodator as part of an IRC 1031 exchange

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MAR 10 2004

WATER RESOURCES DEPT
SALEM, OREGON

18-60351

"EXHIBIT A"
LEGAL DESCRIPTION

A 1.00 acre tract of land being part of Parcel 2 of Partition Plat No. 93-36 which is recorded in Reel 1058 Page 387 of the Microfilm Records for Marion County, Oregon, and also being a part of the property described in Parcel 2 of Reel 163 Page 166 of the Microfilm Records for Marion County, Oregon. The said 1.00 acre tract is more particularly described as follows:

Beginning at a point where the North right of way line of County Road No. 544 intersects the West right of way line of the Southern Pacific Railroad (Oregonian Railroad, per Deeds); said point of beginning being South 10°00'00" East 1179.36 feet from a 3/4" iron rod which marks the Southeast corner of a 66.75 acre tract as surveyed for William Komp in survey map number 6143 of the Marion County Survey Records; said 3/4" iron rod which also marks the Southeast corner of the property described in Reel 194 Page 169 of the Microfilm Records for Marion County, Oregon; Thence South 85°07'26" West from said point of beginning, along the North right of way line of said County Road No. 544 a distance of 50.57 feet, to an angle corner in said County Road No. 544; Thence South 10°00'00" East, along the West right of way line of said County Road No. 544 a distance of 19.61 feet; Thence South 82°13'45" West a distance of 157.23 feet; Thence North 10°33'37" West a distance of 74.55 feet; Thence North 79°44'02" East a distance of 21.15 feet; Thence North 10°33'37" West a distance of 80.41 feet; Thence North 79°19'03" East a distance of 29.78 feet; Thence North 10°40'57" West a distance of 81.23 feet; Thence North 79°29'36" East a distance of 159.04 feet, to the West right of way line of said Southern Pacific Railroad (Oregonian Railroad, per Deeds); Thence South 10°00'00" East along the West right of way line of said Southern Pacific Railroad (Oregonian Railroad, per Deeds) a distance of 229.06 feet to the point of beginning.

AND ALSO

PARCEL 2, OF PARTITION PLAT NO. 93-36, recorded on May 10, 1993, in Reel 1058, Page 387, Film Records for Marion County, Oregon.

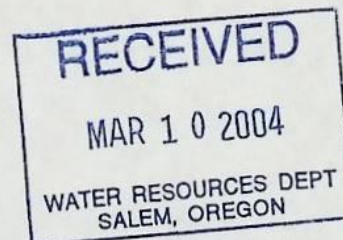
SAVE AND EXCEPT:

A 1.00 acre tract of land being part of Parcel 2 of Partition Plat No. 93-36 which is recorded in Reel 1058 Page 387 of the Microfilm Records for Marion County, Oregon, and also being a part of the property described in Parcel 2 of Reel 163 Page 166 of the Microfilm Records for Marion County, Oregon. The said 1.00 acre tract is more particularly described as follows:

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EXHIBIT B

1. The assessment and tax rolls disclose that the premises herein described have been specifically assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.
3. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Pudding River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.
4. Any adverse claim based on the assertion that some portion of said land is now or at any time has been within the boundaries of Pudding River or the assertion that any portion of said land has been created by artificial means or has accreted to such portions so created.
5. An easement created by instrument, including the terms and provisions thereof,
Recorded: December 31, 1952, in Book 444, Page 767
Deed Records, Marion County, Oregon
In favor of: Portland General Electric



STATE OF OREGON

COUNTY OF

MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HENRY AND AGNES POSTMA

of 13489 McKee School Road NE, 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 Pudding River

a tributary of Molalla River
irrigation of 18.9 acres

for the purpose of

under Permit No. 16298 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 7, 1945

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 0.237 cubic foot per second, if available at the original point of diversion; SE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within G. G. Townsend DLC, Section 21, T. 5 S., R. 1 W., W.M.

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 $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, T. 5 S., R. 1 W., W.M.; Diversion Point No. 1 - 680 feet North and 1040 feet West from the S $\frac{1}{4}$ Corner, Section 21

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year

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:

SEE NEXT PAGE

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MAR 10 2004

WATER RESOURCES DEPT
SALEM, OREGON

5.7 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
6.7 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 21

3.7 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
2.8 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 28

all as projected within G. G. Townsend DLC
T. 5 S., R. 1 W., W.M.

Land on which water is to be used is a part of the property more explicitly described by the appropriator as follows: Beginning at a point on the West line of the G. G. Townsend DLC in T. 5 S., R. 1 W., W.M. in Marion County, Oregon, said point being 17.75 chains Northerly from the SW Corner of said claim; thence East 35.21 chains to the county road; thence North along said road, 2.26 chains; thence East along said county road, 4.00 chains to an angle in said road, thence North along said road 5.5 chains to the NE Corner of land conveyed by Minnie Ballweber to George Ballweber and Bertha Ballweber, which deed is recorded in Volume 143, page 251 of the Deed Records in and for Marion County, Oregon; thence West along the North line of said tract of land 40.00 chains to the NW Corner thereof; thence South along the West line of said tract, 7.75 chains to the place of beginning, and containing thirty (30) acres of land, more or less, all lying and being in Marion County, Oregon. SAVE AND EXCEPT THEREFROM that part thereof conveyed by Ben Singer on the 30th day of April, 1936.

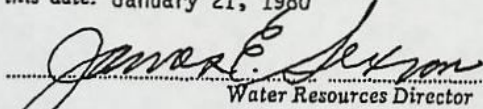
This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Department entered August 20, 1979 and supersedes certificate of water right recorded at page 16757 Volume 14 State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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

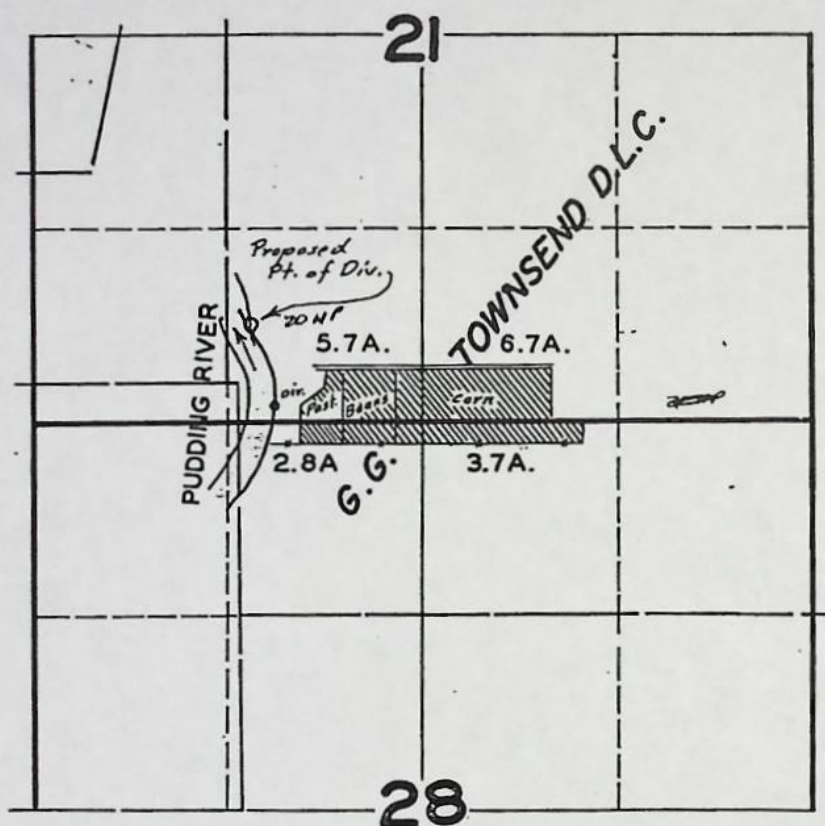
WITNESS the signature of the Water Resources Director, affirmed

this date, January 21, 1980


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 42 , page 48894

T.5S.R1.W.W.M.



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MAR 10 2004

WATER RESOURCES DEPT
SALEM, OREGON

FINAL PROOF SURVEY

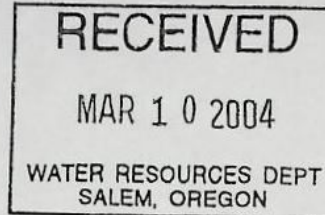
UNDER

Application No. 20829 Permit No. 16298
IN NAME OF
RAY McLAUGHLIN

Surveyed JUL 29 1947, by JAS E. BUNNELL

March 5, 2004

Oregon Water Resources Dept.
725 Summer Street NE Suite A
Salem Oregon 97301-2430



Re: ownership updates

Dear Sir,

Enclosed are eleven ownership updates. Please add them to your records. Woodburn Nursery and Azaleas intends to continue the use of the water under the terms of the certificates.

Sincerely,

TOM FESSLER
C/O WOODBURN NURSERY AND AZALEAS
11796 MONITOR MCKEE ROAD NE
WOODBURN OR 97071

*From the documents submitted I found 17 files
on our WR/S system. -10B*

<i>G-174</i>	<i>G-2472</i>	<i>G-2932</i>	<i>G-5612</i>	<i>G-7837</i>
<i>G-8481</i>	<i>G-11221</i>	<i>G-12183</i>	<i>G-13491</i>	<i>G-14252</i>
<i>S-20829</i>	<i>S-39986</i>	<i>S-67974</i>	<i>T-4241</i>	<i>T-6903</i>
<i>T-7632</i>	<i>T-7755</i>			

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN: (POL)

: POD
POU
USE
Add'l POD

Transfer NO. 4241

County Marion

Old Certificate NO. 16757

1. Name Henry & Almas Prestina

Address 13489 McKee School Rd NE, Woodburn, OR 97071

2. Source of Supply Pudding River, Trib of

3. Use irrigation

4. Amount of Water 0.237 cfs Priority Date May 7 1945

5. Proposed Point of Diversion 680' N & 1140' W from NW Cor &

Sec 28, w/lin SE4SW4, Sec 21, T5S, R14W, W.M.

6. Completion Date 10-1-80

7. Place of Use:

[illegible]

INFO: MR. POSTMA.

Oct. 3, 1979

ALL LAND IRRIGATED FROM NEW DIV. PT. AS FILED
IN TRANSFER.

SOURCE: PUDDING RIVER.

DIV. - DIRECT.

PUMP & MOTOR. UNIVERSAL 20HP.
DDG 3X2

~~EQUIPMENT~~ SEE APPLICATION 55803 (DONALDSON'S REPORT)

HEADS: RB 30'S $1\frac{1}{4} \times 0$ - (40 MOT)

CROP. - PASTURE & FIELD CORN

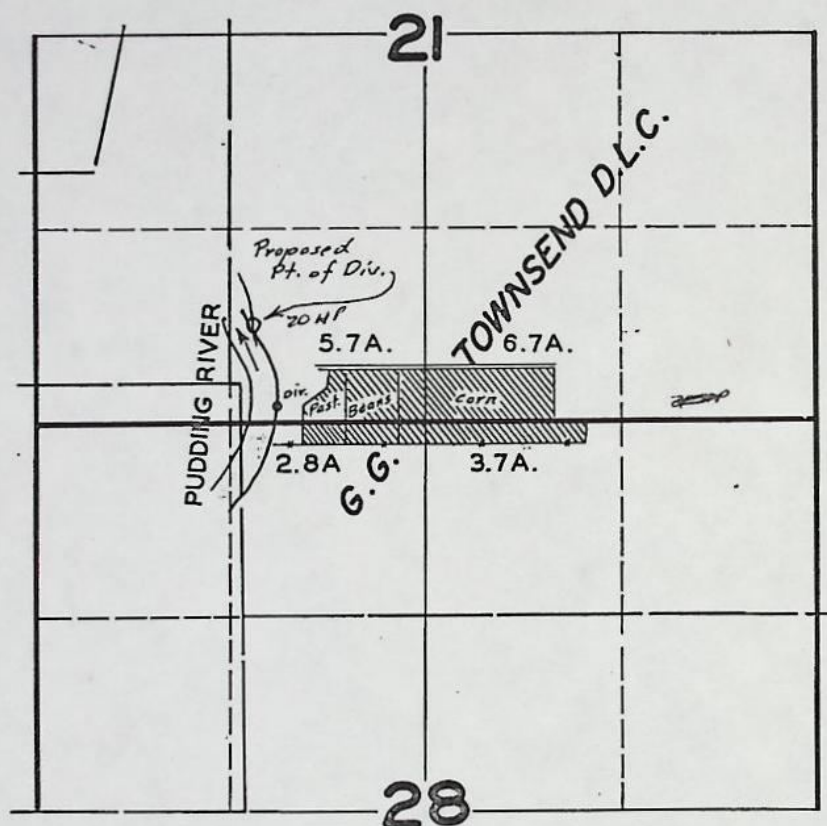
LIFT. - SUCTION - 7' - DISCHARGE - 20'

TIE. DFN. 122-71

F. E.

200 OK
2/2

T.5S.R1.W.W.M.



FINAL PROOF SURVEY
UNDER

Application No. 20829 Permit No. 16298

IN NAME OF

RAY McLAUGHLIN

Surveyed JUL. 29 1947, by JAS. E. BUNNELL

PUDDING R

WFT-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

PAGE 1
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. T000042411 PERMIT NO. 016298 CERTIF. NO. 0048894
 ORIG. NO. A000208291 PREV. NO. A000208291 SUPER. NO.

NAME: HENRY & AGNES POSTMA
 ADDRESS: 13489 MCKEE SCHOOL RD NE
 CITY/STATE/ZIP/COUNTY: WOODBURN, OR 97071

STREAM-ID 02 1140 0410 0020

RIV. MI.

WM. DIST. 16 W.R. TYPE SA STATUS V

CANCEL YEAR----	CONSTR. COMPLT-->	<u>0924 1979</u>	YR. LAST USED----->	---	NEXT ACTION DUE-->	---
PRIORITY----->	PUT TO USE----->	<u>0924 1979</u>	LAST TRANS. DATE-->	---	LAST TRANS. TYPE-->	---
APPLICATION---->	SURVEYED----->	<u>10 03 1979</u>	EXAM. FEE----->	<u>20.00</u>	RECORDING FEE----->	<u>15.00</u>
PERMIT ISSUE-->	CONCURRENCE----->	<u>10 03 1979</u>	CYCLE STATUS----->	---	REPORTED FLAG----->	---
CONSTR. STRT.-->	CERTIFIED----->	<u>01 21 1980</u>	CORRES. INIT.----->	---	CORRES. DATE----->	---

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

RIV. MI.

RATE

STATUS

S OR P

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

0505 010W 21 C D 02 1140 0410 0020

0.237

V

P

** POD: 680' N & 1140' W FM N 1/4
 ** COR 5 28. CHANGES POD ALL
 ** OF C-16757.

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

0505 010W 21 C D 24 1R 100 5.70 V P

21 D C 6.70

28 AB 3.70

28 BA 2.80

**-----
 **-----
 **-----
 **-----

VER. IS.

3-6-85 SPD

RECEIVED
SEP 24 1979
WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

point of diversion from Pudding River

PURSUANT TO TRANSFER APPLICATION NO. 4241

I, Henry Postma, 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 said water
right transfer application was accomplished by Aug 26, 1979.

Sept. 20 - 79
Date

Henry Postma
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

ok
Fry

RECEIVED

JUN 12 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Henry Postma + Agnes Postma
(Name of applicant)
 of 13489 McKee School Rd NE, Woodburn,
(Mailing address) (City)
 State of Oreg, 97071, 534-2427, do hereby make application for change
(Zip Code) (Phone number)
In point of diversion
(In point of diversion; place of use; use heretofore made of the water)

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

2. Was your water right determined by Decree of Court? No If so, give title of proceedings
(Yes or No)

number of certificate

3. Was your water right acquired by Water Right Permit? yes If so, give number
(Yes or No)
 of permit 16298 Number of certificate 16757

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Pudding river

5. What is the date of priority of your water right? May 7 - 1945

6. The authorized point of diversion is located 110 ft. N and 1050 ft. W from the N.E.
(N. or S.) (E. or W.)
 corner of Section 28 being within the S.E. 1/4 S.W. 1/4 of Section 21 Tp. 5 S R. 1 W W. M.,
(No. N. or S.) (No. E. or W.)
 in the county of Marion The name of the ditch used is Pump

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 680 ft. N and 1040 ft. W from the N.E.
(N. or S.) (E. or W.)
 corner of Section 28 being within the S.E. 1/4 S.W. 1/4 of Section 21 Tp. 5 S R. 1 W W. M.,
(No. N. or S.) (No. E. or W.)
 in the county of Marion The name of the ditch to be used is Pump

(proposed pt. same as allowed by right described by Cert. #22342)

8. The use to which the water is applied is Irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
5 S	1 W	21	SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.7
		21	SW $\frac{1}{4}$ SE $\frac{1}{4}$	6.7
		28	NW $\frac{1}{4}$ NE $\frac{1}{4}$	3.7
		28	NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.8

(If more space required, attach separate sheet)

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

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? NO
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

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

Location of area to be irrigated, or place of use if other than irrigation:

[illegible]

(If more space required, attach separate sheet)

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE APPLICATION)
OF HENRY & AGNES POSTMA FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4241

On June 12, 1979, an application was filed in the office of the Water Resources Director by Henry and Agnes Postma for approval of a change in point of diversion, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16757, Volume 14, State Record of Water Right Certificates, in the name of Ray McLaughlin, describes a right for the use of not to exceed 0.237 cubic foot per second from Pudding River for irrigation of a certain 5.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 6.7 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21; and 3.7 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 5 South, Range 1 West, W.M., with a date of priority of May 7, 1945.

Water for the said right is diverted from a point located 110 feet North and 1050 feet West from the North Quarter Corner of Section 28, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 5 North, Range 1 West, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 680 feet North and 1140 feet West from the North Quarter Corner of Section 28, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 5 South, Range 1 West, W.M.

Mr. Clifton R. King, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

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

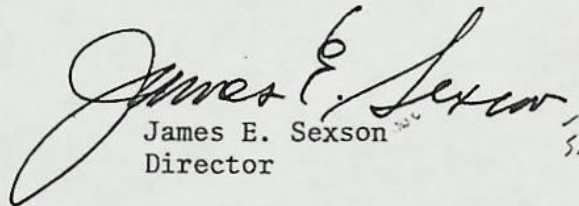
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

It is FURTHER ORDERED that the certificate recorded at page 16757, Volume 14, State Record of Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 20th day of August, 1979.


James E. Sexson
Director



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

August 24, 1979

Henry & Agnes Postma
13489 McKee School Road NE
Woodburn, Oregon 97071

RE: Files Nos. T-4241, T-4242

Dear Mr. and Mrs. Postma:

Enclosed are certified copies of the orders of the Water Resources Director approving water right transfer applications No. 4241 and 4242 for changes in point of diversion of water from Pudding River.

The time in which to accomplish completion of the works and beneficial use of the water to the extent intended, as authorized by the orders, expires October 1, 1980. Forms for reporting such completion of works and use of water are enclosed for your convenience.

You should give particular attention to the time limit for carrying out the change authorized by the enclosed orders. The water right for any portion of an authorized change in use theretofore made or change in place of use NOT carried out within the time allowed, or within an extension thereof, will be lost. An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

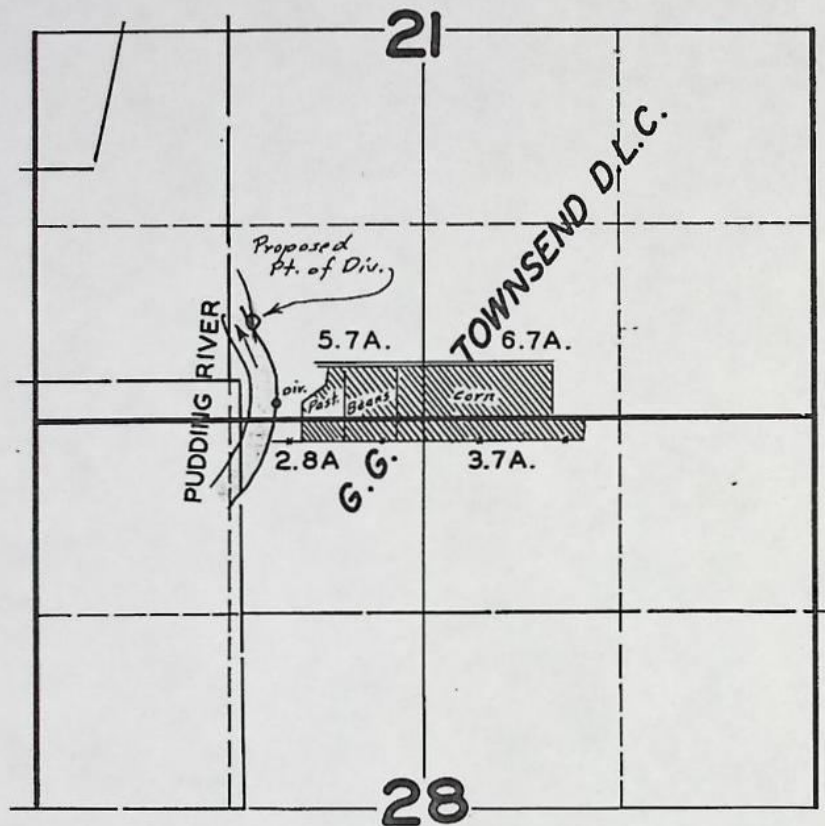
Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj
cc: Clifton R. King, Watermaster

COPY

T.5S.R1.W.W.M.

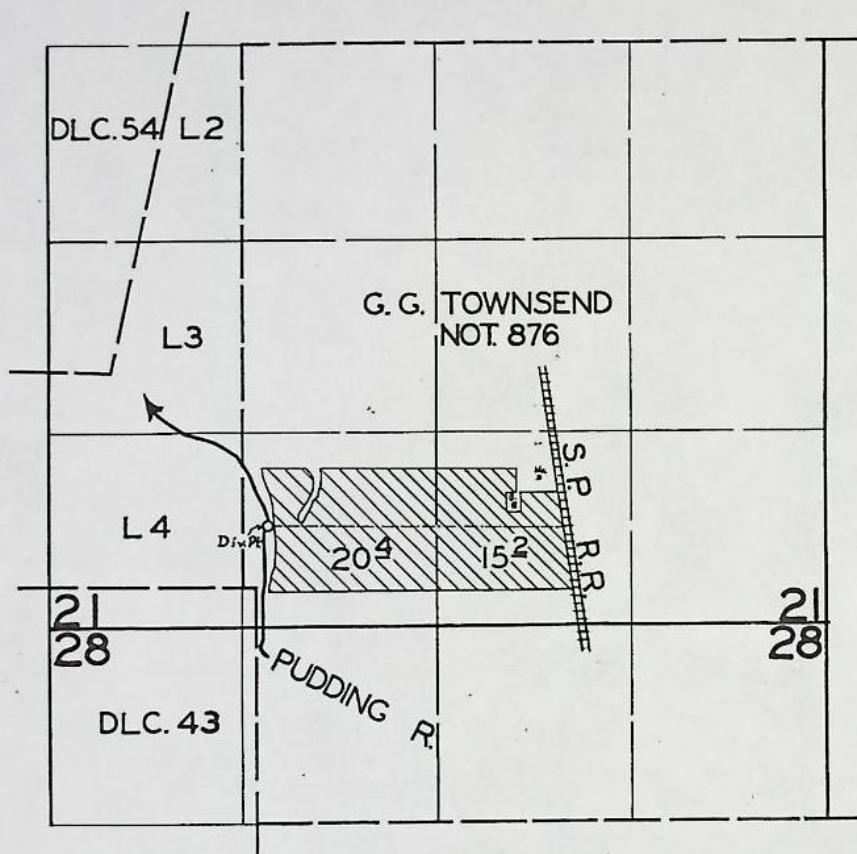
**FINAL PROOF SURVEY**
UNDERApplication No. 20829 Permit No. 16298

IN NAME OF

RAY McLAUGHLINSurveyed JUL 29 1947, by JAS. E. BUNNELL

T-4241

T. 5S. R. 1W. W.M.



FINAL PROOF SURVEY
UNDER

Application No. 25433 Permit No. 20217
IN NAME OF

CLIFFORD HALKINRUD

Surveyed 29 FEB. 1956, by R.D. BEST

DFN-2D-207

Cont # 22392

Rev



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: June 20, 1979.FROM: ** Clifton R. King, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4241IN THE NAME OF Henry & Agnes Postma

In my opinion the proposed change in point of diversion from Pudding River
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY*~~ to an existing water right.

Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? No
(yes or no)

In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
✓ (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

**

C.R. King
Watermaster's signature or initials

14. Reasons for the proposed changes are

It is more convenient to get to river point.

15. Construction work will be completed on or before *20 th of June 1979*

16. The water will be completely applied to the proposed use on or before *Oct 1 - 1979*

Remarks

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, *Henry and Agnes Postma*, 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 *12 TH* day of *JUNE*, 19*79*.

Henry Postma

Agnes Postma
(Name of applicant)

Subscribed and sworn to before me this *12 TH* day of *JUNE*, 19*79*.

[Notarial Seal]

James M. Carver
NOTARY PUBLIC FOR OREGON

My commission expires *8-8-80*