

Name Ellingson Lumber Co.
 By Robert P. Ellingson
 Address P.O. Box 866
Baker, OR 97814

4309

DESCRIPTION OF WATER RIGHT

Name of stream Powder River
 Trib. of _____ County of Baker
 Use mill pond to cooling pond (mfg)
 Quantity of water _____ No. of acres _____
 Name of ditch Settlers Slough
 Date of priority 1901
 In name of Joseph Stoddard, Stoddard Lumber Co.
Powder River Adjudication, Vol. 6, page 446
 App. No. _____ Per. No. _____ Cert. No. 4485
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>10-18-79</u>	<u>8.50</u>	<u>14586</u>
TOTAL . . .		
	Cert. Fee	

The Democrat Herald \$27.50 pd 12/30/79 ck# 3974

FEES REFUNDED

Date	Amount	Check No.
<u>12-20-79</u>	<u>22.50</u>	<u>3975</u>

EX 20-
USE 15-
PON 27.50
62.50

Change in Use
 Date filed Oct 18, 1979
 Date of hearing Dec 27, 1979
 Place of hearing Baker
 Date of order 1-28-80 Vol. 32, page 682
 Date for application of water Complete
 Proof mailed AUG 29 1986
 Proof received 9-4-86
 Certificate issued DEC 19 1986 Vol. 50, page 55293

Surveyed 12-11-81

REMARKS

see 50923 for P.R. map & report

W.R.I.S.

Assigned 7-1-83 by BA

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Checked
	Entered	Checked	
☒	Name	<u>BA</u>	_____
☒	Stream	<u>BA</u>	_____
☒	Pt. of Div.	<u>BA</u>	_____
☒	Calendar	<u>BA</u>	_____
CHECKED TO RECORDS			
☒	Twp. & Rge.	<u>5/26</u>	_____
☒	Decree-vault	<u>5/26</u>	_____
☒	Decree-safe	<u>5/26</u>	_____
☒	Cert. of W/R	<u>5/26</u>	_____
☐	Per. Folder	_____	_____
☐	Chainindex	_____	_____
☐	Cross Ref.	_____	_____
☐	Power Claim	_____	_____
☒	Abstracts	<u>BA</u>	_____

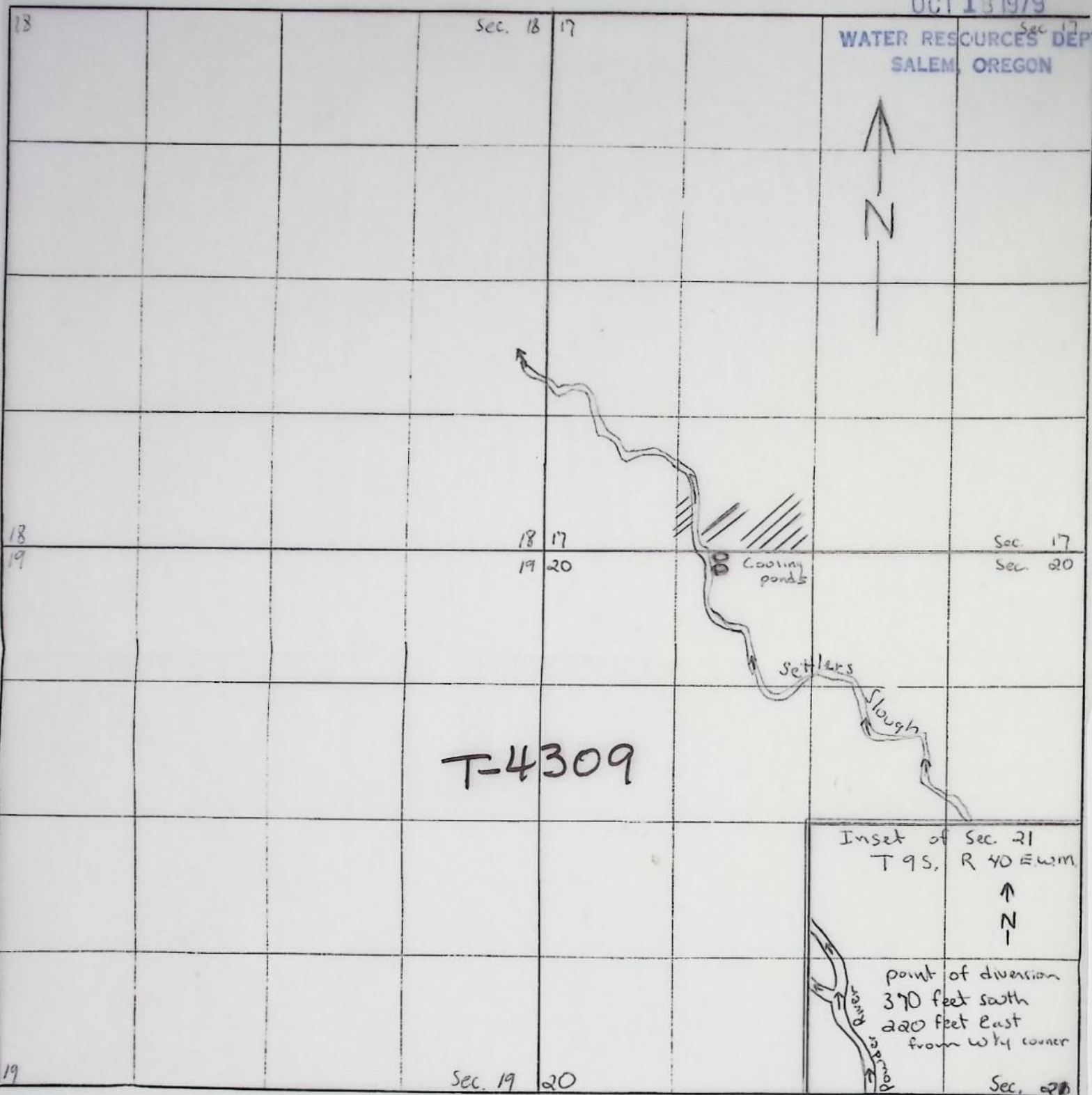
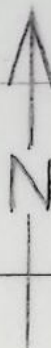
444

TOWNSHIP 9 S.RANGE 40 E.W.M.

T-4309

RECEIVED

OCT 13 1979

WATER RESOURCES DEPT
SALEM, OREGON

MAP TO ACCOMPANY APPLICATION OF:

Name Ellingson's Lumber CompanyCounty BakerDate July 10, 1979Scale 4 inches to 1 Mile

Map for Question 13

Note: Shaded area shows approximate place of use for fire and dust control

MAP PREPARED FROM: Map of Lumber plant and map of city of BakerSIGNED BY APPLICANT: ELLINGSON LUMBER CO.MAP DRAWN BY: Floyd C. Vaughan

RECEIVED

JUL 19 1979

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

SEP - 4 1986

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF BAKER

PROOF OF APPROPRIATION OF WATER

Name: ELLINGSON LUMBER COMPANY

Address: PO Box 866, Baker, Oregon 97814

Source of Supply: Powder River

Tributary of: Snake River

Permit: -----

Transfer: 4309

Amount of Water: 0.03 cubic foot per second

Priority Date: 1901

Use: Power Plant Condenser Cooling

Location and Point of Diversion: NW 1/4 SW 1/4, Section 21, T9S, R40E, WM; Settler's
Slough - 2180 feet North and 50 feet East from SW
corner Section 21.

The description of land given below and as shown on the attached map corresponds to that
found to be irrigated:

SW 1/4 SE 1/4
Section 17

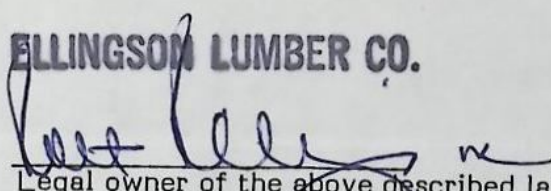
NE 1/4 NW 1/4
Section 20

Township 9 South, Range 40 East, WM

I have read the above and foregoing proof of appropriation of water defining the extent of
use of water under the change in use approved by the order of the Water Resources
Director entered January 28, 1980; I know the contents thereof, and that the facts therein
stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of Sept., 1986

ELLINGSON LUMBER CO.


Legal owner of the above described lands
Robert P. Ellingson, III
Vice President & General Manager
Title

2641A ✓
6284D

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF ELLINGSON LUMBER COMPANY FOR)
APPROVAL OF A CHANGE IN USE OF)
WATER FROM POWDER RIVER)

ORDER APPROVING
TRANSFER NO. 4309

On October 18, 1979, an application was filed in the office of the Water Resources Director by Ellingson Lumber Company for approval of a change in use heretofore made of water from Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is a portion of the right described by the certificate recorded at page 4485, Volume 5, State Record of Water Right Certificates, in the name of Stoddard Lumber Co., and is for a mill pond located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 9 South, Range 40 East, W.M.

The authorized point of diversion is located 370 feet South and 220 feet East from the West Quarter Corner of Section 21, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 9 South, Range 40 East, W.M. (Settler's Slough).

The applicant proposes to change from the use heretofore made to cooling of electrical power generation water located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 9 South, Range 40 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Democrat-Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of November 6, 13 and 20, 1979.

Mr. V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed change in use heretofore made of water may be made without injury to existing rights.

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

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

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;

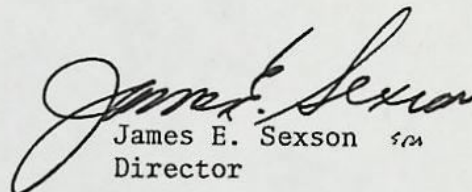
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in use is completed.

The order of the Water Resources Director entered January 10, 1980, provided for cancellation of that portion of the right described by certificate recorded at page 4485, Volume 5, State Record of Water Right Certificates, NOT involved in this transfer proceeding; therefore,

It is FURTHER ORDERED that the certificate recorded at page 4485, Volume 5, 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 applicant herein.

Dated at Salem, Oregon this 28th day of January, 1980.


James E. Sexson
Director

T-9309

RECEIVED

OCT 13 1979

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, ROBERT P. ELLINGSON for ELLINGSON LUMBER COMPANY
(Name of applicant)of P. O. Box 866, Baker
(Mailing address) (City)State of Oregon, 97814, (503) 523-4404, do hereby make application for change
(Zip Code) (Phone number)

of use heretofore made of the water

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

1. Is the water right recorded in your name? No, Joseph Stoddard, Stoddard Lumber Co.
(If not, give name)2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings
(Yes or No)Powder River Decree number of certificate 44853. Was your water right acquired by Water Right Permit? If so, give number
(Yes or No)of permit Number of certificate

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 Powder River5. What is the date of priority of your water right? Mill Pond-19016. The authorized point of diversion is located 370 ft. S and 220 ft. E from the W $\frac{1}{4}$
(N. or S.) (E. or W.)corner of Sec. 21 being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21 Tp. 9 S. R. 40 E. W. M.,
(No. N. or S.) (No. E. or W.)in the county of Baker The name of the ditch used is Settler's Slough

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

7. The proposed point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)corner of being within the $\frac{1}{4}$ $\frac{1}{4}$ of Section Tp. R. W. M.,
(No. N. or S.) (No. E. or W.)in the county of The name of the ditch to be used is

8. The use to which the water is applied is manufacturing
(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 ¼-¼ of Section	Number Acres To Be Irrigated
9 S.	R. 40 E.	17	SE¼ SW¼	right for a mill pond

(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.? Yes
(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 Manufacturing
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Place of Manufacturing Use
9 S.	40 E.	20	NE¼ NW¼	Cooling Pond

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are : The mill pond use has been transformed into use of the water for turbine cooling in the company's own electrical power system. The water is diverted into one cement pond, then circulated through the system, and then returned to a separate pond where the now warm water is cooled for reuse. The place of use is slightly difference in that the ponds are located across a road some 75 to 100 feet from the old mill pond .

15. Construction work will be completed on or before COMPLETED

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

Remarks The water used in the turbine cooling system is very similar to the use under the old mill pond right in that they are both virtually non- consumptive, the only loss of water being by evaporation.

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, Robert P. Ellingson III, for Ellingson Lumber Co. 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 4 day of October, 1979.

(Name of applicant)

Subscribed and sworn to before me this 4 day of October, 1979.

[Notarial Seal]

NOTARY PUBLIC FOR OREGON

My commission expires

2-1-83



STATE OF OREGON

RECEIVED

INTEROFFICE MEMO

OCT 26 1979

WATER RESOURCES DEPT
SALEM, OREGON

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: OCTOBER 24, 1979.

FROM: ** V. Kent Searles, Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4309

IN THE NAME OF Ellingson Lumber Co.

In my ~~opinion the proposed~~ change in use heretofore made of water from Powder 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? _____
(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 . . .
CURRENT DIVERSION OK

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

** *V. Kent Searles*
Watermaster's signature or initials

NOTICE OF WATER
RIGHT TRANSFER
APPLICATION NO. 4309

The Water Resources Director of Oregon has received and filed an application by Ellingson Lumber Co. for approval, without loss of priority, of a change in use heretofore made of water under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 4485, Volume 5, State Record of Water Right Certificates, in the name of Stoddard Lumber Co. and is for a mill pond located in the SE 1/4 SW 1/4 of Sec 17, T 9S, R 40E, WM.

The applicant proposes to change from the use heretofore made to cooling of electrical power generation water located in the NE 1/4 NW 1/4 of Sec 20, T 9S, R 40E, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, December 27, 1979, at the Baker County Courthouse, Baker, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicant at P.O. Box 866, Baker, OR 97814; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 31st day of October, 1979.

James E. Sexson
Director

Legal No. 186
Publish: November 6, 13, and 20, 1979

OK
SEA

AFFIDAVIT OF PUBLICATION

Baker, Oregon, November 31, 1979

STATE OF OREGON,
County of Baker

ss.

I, Tricia Bevers, being first duly sworn, depose and say that I am the Principal Clerk of the Baker Democrat-Herald which is a Daily (except Sunday) newspaper of general circulation published in Baker, in said county and state; that such newspaper is made up of at least four pages of five columns each and of at least 17 3/4 inches in depth of type matter; that such newspaper was regularly and uninterruptedly published once each week for at least twelve consecutive months immediately preceding the first publication of the attached Legal Advertisement #186 Notice and has more than 200 bona fide subscribers within said county; that the Legal Advertisement of which the one hereto attached is a true and correct copy as printed, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, once each week for three successive and consecutive times being published three times commencing with the issue dated the 6th day of November, 19, 79, and ending with the issue dated the 20th day of November, 19, 79, and that the dates of publication were November 6, 1979-November 13, 1979-November 20, 1979

Tricia Bevers

Subscribed and sworn to before me this 31st

day of November, 1979.

Sheila Luge
Notary Public for Oregon.

My commission expires September 8, 1982

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

POD
POU
USE
Add'l POD

Transfer NO. 4309

County BAKER

Old Certificate NO. 4485

1. Name Ellingson Lumber Co.

Address P.O. Box 866, Baker, OR 97814

2. Source of Supply Powder River, Trib of

3. Use from mill pond to cooling pond (manufacturing)

4. Amount of Water Priority Date 1901

5. Proposed Point of Diversion

6. Completion Date COMPLETED

7. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
9S	40E	20	NE $\frac{1}{4}$ NW $\frac{1}{4}$	cooling of electrical power
				generation water
7-8-86 For determination of Q available for transfer — Surface Area of Mill Pond (see photos) - 1.0 acre Assumed Depth - 6.0 ft. Assumed Factor - 0.5 " Capacity - 3.0 Acre ft. $3.0 \text{ Acre ft} \times (0.01 \text{ cfs/acre ft}) = 0.03 \text{ cfs}$				

POWDER R

WRT-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. 1000043091 PERMIT NO. 006 446 CERTIF. NO.
 ORIG. NO. 0000044851 PREV. NO. 0000044851 SUPER. NO.

NAME: ELLINGSON LBR COADDRESS: PO BOX 866CITY/STATE/ZIP/COUNTY: BAKER, OR 97814

01

STREAM-ID 09 4060

RIV. MI.

WM. DIST. 08 W.R. TYPE SC STATUS V

CANCEL YEAR---->	CONSTR. COMPLT--> <u>01 28 1980</u>	YR. LAST USED----->	---	NEXT ACTION DUE-->	---
PRIORITY-----> <u>12 31 1901</u>	PUT TO USE-----> <u>01 28 1980</u>	LAST TRANS. DATE-->	---	LAST TRANS. TYPE-->	---
APPLICATION----> <u>10 18 1979</u>	SURVEYED----->	EXAM. FEE----->	<u>20.00</u>	RECORDING FEE----->	<u>15.00</u>
PERMIT ISSUE--> <u>01 28 1980</u>	CONCURRENCE----->	CYCLE STATUS----->	---	REPORTED FLAG----->	---
CONSTR. STRT.--> <u>01 28 1980</u>	CERTIFIED----->	CORRES. INIT.----->	---	CORRES. DATE----->	---

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

RIV. MI.

RATE

STATUS S OR P

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

0905 400E 21 CB 09 4060

0.250

V P

** POD: SETTLER'S SLOUGH, 370'S E
 ** 220' E FM W 1/4 COR S & 1. CHANGES
 ** USE PART OF C-4485. BALANCE OF
 ** C-4485 CANCELED BY SC OR. V 32,

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

0905 400E 20 BA 01 17 0 - V P

** P 618.
 **
 **

W.R.I.S.

Assembled 4-1-85 by SOB

Entered _____ by _____

Verified _____ by _____

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF CANCELLATION OF)
A PORTION OF A WATER RIGHT IN THE)
NAME OF STODDARD LUMBER COMPANY)

O R D E R

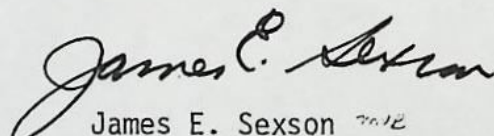
On October 24, 1979, Robert P. Ellingson for Ellingson Lumber Company submitted an affidavit that Ellingson Lumber Company is the owner of a certain water right and the lands to which the water right is appurtenant; that Ellingson Lumber Company has abandoned any and all interest in and to the said water right and request the same be canceled.

The water right in question was established by Decree of Circuit Court for Baker County, entered March 18, 1918, in the Matter of the Determination of the Relative Rights of the Use of the Waters of Powder River, tabulated in the name of Stoddard Lumber Company, at Page 446, Volume 6, Order Record of the Water Resources Director, and is a portion of the right described by the certificate at Page 4485, Volume 5, State Record of Water Right Certificates, in the name of Stoddard Lumber Company, and is for the use of not to exceed 1/40th cubic foot per second per acre of water from Powder River, with a date of priority of 1872, for irrigation of 10 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, Township 9 South, Range 40 East of Willamette Meridian.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it is hereby ORDERED that the said water right, being a portion of the right described by the certificate recorded at Page 4485, Volume 5, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon, this 10th day of January, 1980.


James E. Sexson ⁷⁰¹²
Director

RECEIVED

OCT 24 1979

WATER RESOURCES DEPT
SALEM, OREGON

A F F I D A V I T

III

I, Robert P. Ellingson, for Ellingson Lumber Company, being first duly sworn, depose and say that Ellingson Lumber Company is the owner of a water right and the land to which it is appurtenant, which is for the use of not to exceed 0.25 cubic foot per second of water from Powder River for irrigation of a certain 10.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 9 South, Range 40 East, W.M., with a priority date of 1872, as evidenced by the certificate recorded at page 4485, Volume 5, State Record of Water Right Certificates; that Ellingson Lumber Company has abandoned any and all interest in and to said water right and requests the same be canceled.

IN WITNESS WHEREOF, I have hereunto set my hand this 22 day of October, 1979.

Robert P. Ellingson
Signature and title

Subscribed and sworn to before me this 22 day of October, 1979.

Linda R. Nave
Notary Public for Oregon

My Commission expires: 11/11/80

T-4309

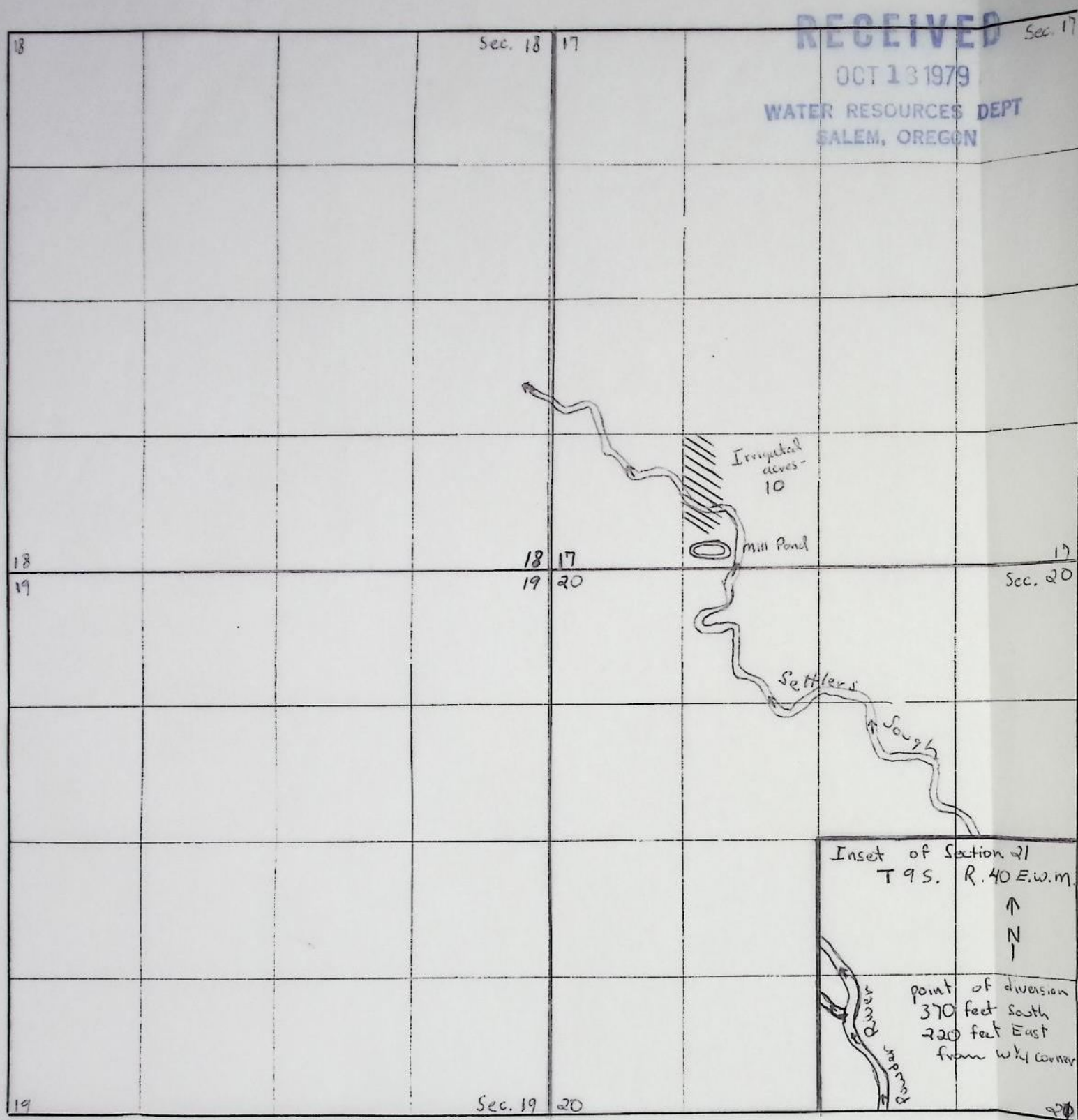
TOWNSHIP 9 S.

RANGE 40 E.W.M.

RECEIVED

OCT 13 1979

WATER RESOURCES DEPT
SALEM, OREGON



MAP TO ACCOMPANY APPLICATION OF:

Name Ellingson Lumber Company

County Baker

Date July 10, 1979

Scale 4 inches to 1 Mile

Note: See Question 8. Approximate place of prior use.

RECEIVED

JUL 19 1979

WATER RESOURCES DEPT
SALEM, OREGON

MAP PREPARED FROM: Map of Baker City prepared from County Records & Personal Surveys
SIGNED BY APPLICANT: ELLINGSON LUMBER CO.
Keith H. Ellingson

MAP DRAWN BY: Floyd C. Vaughan

RECEIVED

OCT 18 1979

RECEIVED

JUL 19 1979

WATER RESOURCES DEPT

SALEM, OREGON

WATER RESOURCES DEPT

SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

SUPERCEDED
By app rec'd 10/18/79

I, ROBERT P. ELLINGSON for ELLINGSON LUMBER COMPANY
(Name of applicant)
 of P. O. Box 866, Baker,
(Mailing address) (City)
 State of Oregon, 97814, 523-4404, do hereby make application for change
(Zip Code) (Phone number)
 of use heretofore made of the water
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No., Joseph Stoddard, Stoddard Lumber Co.
(If not, give name)

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

Powder River Decree number of certificate 32644
4485

3. Was your water right acquired by Water Right Permit? Yes. If so, give number
(Yes or No)
 of permit 1872 Number of certificate 4485

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 Powder River

5. What is the date of priority of your water right? Mill Pond- 1901, Irrigation Right,
1872

6. The authorized point of diversion is located 370 ft. S. and 220 ft. E. from the W. 1/4
(N. or S.) (E. or W.)
 corner of Sec. 21 being within the NW 1/4 SW 1/4 of Section 21 Tp. 9S. R. 40 E.W. M.,
(No. N. or S.) (No. E. or W.)
 in the county of Baker The name of the ditch used is Settler's Slough

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

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

8. The use to which the water is applied is irrigation and manufacturing.
(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
9S.	R. 40 E.	17	SE $\frac{1}{4}$ SW $\frac{1}{4}$	10
9S.	R. 40 E.	17	SE $\frac{1}{4}$ SW $\frac{1}{4}$	right for a mill pond

(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.? Yes
(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 Manufacturing
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be 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	Place of Manufacturing Use
9S.	R. 40 E.	17	SE $\frac{1}{4}$ SW $\frac{1}{4}$	Lumberyard & log decks
9S.	40 E.	20	NE $\frac{1}{4}$ NW $\frac{1}{4}$	Cooling Pond

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are to document the changes that have occurred over time in the lumber company's use of these water rights. The mill pond use has been transformed into use of the water for turbine cooling in the company's own electrical power system. The water is diverted into one cement pond, then circulated through the system, and then returned to a separate pond where the now warm water is cooled for reuse. (Continued on back)

15. Construction work will be completed on or before COMPLETED

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

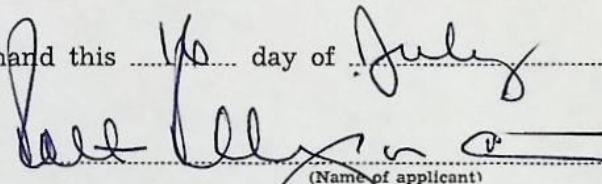
Remarks The water used in the turbine cooling system is very similar to the use under the old mill pond right in that they are both virtually non-consumptive, the only loss of water being by evaporation. The water now applied to beneficial use under the irrigation right continues to be applied to approximately the same 10 acres that was once irrigated. Build-

ings and machine shops cover a portion of the property but the (CONTINUED ON
NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BACK)
BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF
USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

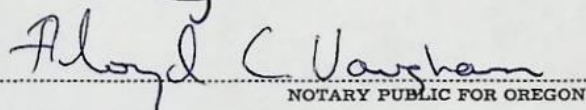
I, ROBERT P. ELLINGSON, III for Ellingson Lumber Co., the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of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

In Witness Whereof, I have hereunto set my hand this 16 day of July, 1979.


(Name of applicant)

Subscribed and sworn to before me this 16 day of July, 1979.

[Notarial Seal]


NOTARY PUBLIC FOR OREGON

My commission expires 2-1-83

14. (CONTINUED) The place of use is slightly different in that the ponds are located across a road some 75 to 100 feet from the old mill and site. The irrigation water right has been assimilated into the lumber operation overtime being used at various times for log deck watering through a sprinkler system, and dust and fire control by pumping into a tanker truck.

REMARKS (CONTINUED) work yard where the water is applied daily for dust control and log deck watering is approximately 10 acres of open ground. Except for incidental fire control, the period of use for manufacturing purposes is very similar to the irrigation season being needed for dust control and deck watering during the hot summer months. The amount of use also varies somewhat with the weather conditions but the principle use being application of the water by a tank or truck which holds approximately 2200 gallons and is filled a maximum of 5 times a day and noting that 10 acres of water right being 10 miners inches equal to 112 gallons a minute continuous flow for the irrigation season, it would appear that the amount of current used does not exceed the prior allocation.