

T-10420

T-10420

Name Western Mennonite School

Address 9045 Wallace Rd NW

Salem OR 97304

503-363-2000 503-370-9455 Fax

Change in POU

Date Filed 6-28-2007

Initial notice date 7-3-07

DPD issued date \_\_\_\_\_

PD issued date \_\_\_\_\_

PD notice date \_\_\_\_\_

Date of FO 11-28-07 Vol 73 Page 689

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

DESCRIPTION OF WATER RIGHT(S)

Name of Stream King Creek

Trib. of Spring Valley Creek

Use IR County Folk

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App # 626137 Per # 520989 Cert # 24227 PR Date 1951

App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App # \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

Name on Cert: Marcus + Leatt Lind

Date	FEES PAID	
	Amount	Receipt #
<u>6/28/07</u>	<u>350.00</u>	<u>88407</u>

Date	FEES REFUNDED	
	Amount	Receipt#

Assignments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Irrigation District N/A

Agent N/A

CWRE James Schuette #117

CC's list Folk County Community Development - Courthouse 850 Main St.

Dallas OR 97338

- Oversized map - Location \_\_\_\_\_

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **88407**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Western Mennonite School  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-10420</u>

CASH:  CHECK:#  6524 OTHER: (IDENTIFY)

TOTAL REC'D	\$ <u>350.00</u>
-------------	------------------

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES		\$
OTHER: (IDENTIFY)		\$
0243 I/S Lease	0244 Muni Water Mgmt. Plan	0245 Cons. Water

**4270 WRD OPERATING ACCT**

<b>MISCELLANEOUS</b>			
0407 COPY & TAPE FEES		\$	
0410 RESEARCH FEES		\$	
0408 MISC REVENUE: (IDENTIFY)		\$	
TC162 DEPOSIT LIAB. (IDENTIFY)		\$	
0240 EXTENSION OF TIME		\$	
<b>WATER RIGHTS:</b>			
0201 SURFACE WATER	EXAM FEE	\$	0202 RECORD FEE
0203 GROUND WATER		\$	0204
0205 TRANSFER		\$ <u>350.00</u>	
<b>WELL CONSTRUCTION</b>			
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	\$	0219 LICENSE FEE
LANDOWNER'S PERMIT			0220
OTHER (IDENTIFY)			

**RECEIVED  
OVER THE COUNTER**

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD #
0210 MONITORING WELLS	\$	CARD #
OTHER (IDENTIFY)		

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

**TREASURY OTHER / RDX**

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: **88407**

DATED: 6/28/07 BY: L Paulino



# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

July 2, 2007

WESTERN MENNONITE SCHOOL  
9045 WALLACE RD NW  
SALEM OR 97304

Reference: Transfer 10420

On June 28, 2007 we received your water right transfer application. The application was accompanied by \$350.00. Our receipt 88407 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. A number of other transfer applications are also awaiting review. As a result, it may be some time before we are able to process your application. If you wish to have your application processed more quickly, you may want to consider use of the Department's reimbursement authority. Under this authority an applicant may receive expedited review by paying the full cost for a pre-qualified contractor to process the applications. For more information on the Reimbursement Authority program, see our website at [http://www.wrd.state.or.us/OWRD/mgmt\\_reimbursement.shtml](http://www.wrd.state.or.us/OWRD/mgmt_reimbursement.shtml) or call the transfer section.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #16  
James Schuette, CWRE  
Karen Hans, ODFW

enclosure



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

### Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 07/03/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: Polk  
Transfer: T -10420  
Water Right: Cert:24227 OR \*  
Priority Date: 1951  
Name: WESTERN MENNONITE SCHOOL  
Address: 9045 WALLACE RD NW; SALEM OR 97304  
Change: POU  
Source: KING CREEK > SPRING VALLEY CREEK  
Authorized POU: T6S R3W 8  
Proposed POU: T6S R3W 8

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

November 28, 2007

WESTERN MENNONITE SCHOOL  
9045 WALLACE RD NW  
SALEM OR 97304

Reference: Transfer 10420

Enclosed is a copy of the order approving your water right transfer application.

A time to complete the transfer is given the order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed 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.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

*Sarah Henderson*

*for* Doug Parrow  
Natural Resource Specialist

DP:sh

cc: Watermaster #16  
James Schuette, CWRE

Enclosure



**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	3 W	WM	8	NE NE	58	1.1
6 S	3 W	WM	8	SE NE	58	0.3

3. Application T-10420 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	3 W	WM	8	NW NE	58	0.8
6 S	3 W	WM	8	SW NE	58	0.6

4. Notice of the application for transfer was published on July 3, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. The Oregon Department of Fish and Wildlife (ODFW) determined that a fish screening and/or by-pass device is necessary at the point of diversion. However, since no change in the point of diversion is being proposed for this transfer this condition cannot be imposed by the Department.
6. On September 21, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10420 to the applicant. The draft Preliminary Determination set forth a deadline of October 24, 2007, for the applicant to respond.
7. On October 4, 2007, the applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
8. On October 17, 2007, the Department issued a Preliminary Determination proposing to approve Transfer T-10420 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on October 23, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

9. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10420.
11. The proposed change would not result in enlargement of the right.

12. The proposed change would not result in injury to other water rights.

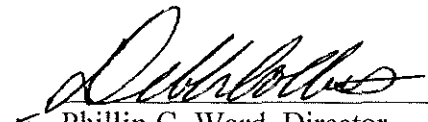
**Determination and Proposed Action**

The change in place of use proposed in application T-10420 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The change in place of use proposed in application T-10420 is approved.
2. Water right certificate 24227 is cancelled.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 24227 and any related decree.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 28 day of November 2007.

  
\_\_\_\_\_  
Phillip C. Ward, Director

Mailing Date: NOV 29 2007

### Water Right Transfer Checklist

Transfer T-10420

Transfer Specialist: pks

Transfer Type: Regular

Applicant Name/Address: Western Mennonite School, 9045 Wallace Road NW, Salem, Oregon 97304

Agent Name/Address: None

CWRE Name/Number: JamesSchuette CWRE #117

Rec Landowner Name/Address: None

Irr. District Name/Address: None

Affected Govt's Name/Address: Polk County Community Development, 850 Main St, Dallas, Oregon 97338

Commentors Name/Address: None

**Water Rights Affected**

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	S-26137	S-20989	24227	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**Key Dates & Initial Actions**

Rec'd: June 28, 2007	Proposed Action(s): POU	
Fees Pd: \$350.00	WM District: 16	ODFW District:
Initial Notice: July 3, 2007	WM Review sent: July 3, 2007	ODFW Review sent: July 3, 2007
Acknowledgement Letter Sent: X		GW Review sent: N/A

**Processing Dates & Actions**

Deficiency Contacts:	Newspaper Pub Affid. Due: X not required
DPD Mailed: September 21, 2007 <input type="checkbox"/> ODFW contact sheet sent with DPD, or X N/A	Affid of Pub Rec'd: Last Day Published:
PD Mailed:	Affidavit Reminder Sent:
PD Weekly Notice: <u>October 23, 2007</u>	Reminder Deadline:

**Preliminary Determination**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Electronic Files uploaded | <input checked="" type="checkbox"/> Preliminary Determination |
| <input checked="" type="checkbox"/> PD Cover letter           | <input type="checkbox"/> Fee Refund Due                       |
| <input checked="" type="checkbox"/> PD Notice                 | <input type="checkbox"/> Remaining Rights                     |
| <input type="checkbox"/> File Assigned/ ModPod updated        |   |

<del>DPD Review (Optional)</del>	PD Review (Salem)	Final Order Review (Salem)
<del>Reviewer: _____ Date: _____ Coordinator: _____ Date: _____</del>	Reviewer: <u>[Signature]</u> Date: <u>10-8-07</u> Coordinator: <u>[Signature]</u> Date: <u>10/8/07</u>	Reviewer: _____ Date: _____ Coordinator: <u>[Signature]</u> Date: <u>11/27/07</u>

Comments/Special Issues: Change in POU to irrigate soccer field.

Special Order Volume: Vol: 73, Pages 689

Final Order Signature Date: NOV 28 2007

Notice of FO e-mailed to processors: Kelly

**Application**

- X The type of change is clearly indicated.
- X The application is appropriately signed.
- X Appropriate fees were paid.  If overpayment, Refund Request to be sent with FO
- X Land use form matches affected tax lots and is signed by proper official. (from ALL affected Gov't's)
- Ditch company, district, and/or BOR, sent a copy of the application and map, if appropriate.
- X All required attachments received.

**Water right subject to transfer**

- Certificated right or Proof accepted "to the satisfaction....."
- X The right been exercised according to terms & conditions of certificate.
- X Delivery system has the capacity to fully divert the rate/duty of the right.
- X No information in record that suggests forfeiture.
- Affidavits prepared for rights that need to be cancelled or diminished.

**Application Map**

- X The map has original CWRE signature.
- X The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- X All authorized and proposed POD's/POA's and POU are properly described on the map.
- X Metes and bounds for the POD's/POA's are properly described on the map.
- X The POD/POA dimensions & ¼ ¼ on map match the certificate descriptions.
- X Map acres match the tabulation on the certificate.
- X Have final proof maps/deed maps for the rights. X Application map matches certificate FPS.
- Have necessary aerial photos.

**Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)**

- X Only the authorized POU's to be transferred are listed.
- X Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
- X Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

**Ownership**

- X The deed/ROLI matches the "**from**" lands. (Don't need to check "to" lands.)
- X Have current tax lot map. (if transfer application is several years old, contact assessor's office)
- X The applicant is the owner of the "from" lands.
- X All owners on the deed/ROLI have signed the application.
- If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- Agent has authorization to make decisions.

**Evaluation (materials needed for peer reviewer in bold)**

- |                                       |                      |              |                                    |                             |
|---------------------------------------|----------------------|--------------|------------------------------------|-----------------------------|
| X <b>Application</b> complete         | X <b>Map</b>         | X <b>FPS</b> | X Evidence of use                  | X Land use form             |
| X Deed/ROLI                           | X <b>Certificate</b> | X Fees paid  | <input type="checkbox"/> Well logs | X <b>Plat card</b>          |
| X <b>Audit</b>                        | X <b>DPD</b>         |              |                                    |                             |
| Reviews/comments/conditions received? | X Watermaster        | X ODFW       |                                    | <input type="checkbox"/> GW |

Headgate

When in the judgment

Prior to diverting

Existing and maintain

Measuring Devices

When in the judgment

Prior to diverting

Existing and maintain

Injury: N

Enlargement: N

Conditions to avoid enlargement/injury -



# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

*Pd Noticed*

*10-23-07*

October 9, 2007

Western Mennonite School  
Attn Lori D Burkey  
9045 Wallace Road NW  
Salem, Oregon 97304

SUBJECT: Transfer **Application T-10420**

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10420. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0886 or [Patrick.K.Starnes@wrd.state.or.us](mailto:Patrick.K.Starnes@wrd.state.or.us) if I may be of assistance.

Sincerely,

*Sarah Henderson*

*for* Kelly Starnes  
Field Services Division

cc: Mike McCord, District 16 Watermaster  
Jim Schuette, CWRE

encs



**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	3 W	WM	8	NE NE	58	1.1
6 S	3 W	WM	8	SE NE	58	0.3

3. Application T-10420 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	3 W	WM	8	NW NE	58	0.8
6 S	3 W	WM	8	SW NE	58	0.6

4. Notice of the application for transfer was published on July 3, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. The Oregon Department of Fish and Wildlife (ODFW) determined that a fish screening and/or by-pass device is necessary at the point of diversion. However since no change in the point of diversion is being proposed for this transfer this condition cannot be imposed by the Department.
6. On September 21, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10420 to the applicant. The draft Preliminary Determination set forth a deadline of October 24, 2007, for the applicant to respond.
7. On October 4, 2007, the applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

8. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10420.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.


## Determination and Proposed Action

The change in place of use proposed in application T-10420 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If application T-10420 is approved, the final order will include the following:*

- 1. The change in place of use proposed in application T-10420 is approved.*
- 2. Water right certificate 24227 is cancelled.*
- 3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 24227 and any related decree.*
- 4. The former place of use of the transferred right shall no longer receive water under the right.*
- 5. The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
- 6. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 17 day of October 2007.

  
Phillip C. Ward, Director

This Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@wrdd.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, Suite A, 725 Summer St. NE, Salem, OR 97301-1266.

**Notice of Preliminary Determination for  
Water Right Transfer T-10420**

T-10420 filed by Western Mennonite School, 9045 Wallace Road NW, Salem, Oregon 97304, proposes a change in place of use under Certificate 24227. The right allows the use of 0.02 cfs (priority date July 3, 1951) from King Creek in Sec. 8, T 3 S, R 3 W, W.M. for irrigation in Sec. 8. The applicant proposes to change the place of use within Sec. 8, T 8 S, R 3 W, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

STATE OF OREGON  
COUNTY OF POLK  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** MARCUS and LEAR KAUFFMAN LIND

of Rt. 1, Box 620, Salem, State of Oregon <sup>97309</sup>, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of King Creek a tributary of Willamette River for the purpose of irrigation of 1.4 acres under Permit No. 20989 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 July 3, 1951.

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 0.02 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 NE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within G. R. Gay DLC #58, Section 8, Township 6 South, Range 3 West, W.M.

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:

1.1 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within Geo. R. Gay DLC #58  
0.3 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within Geo. R. Gay DLC #58  
Section 8  
Township 6 South, Range 3 West, W.M.

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 31st day of July, 1958.

.....LEWIS A. STANLEY.....

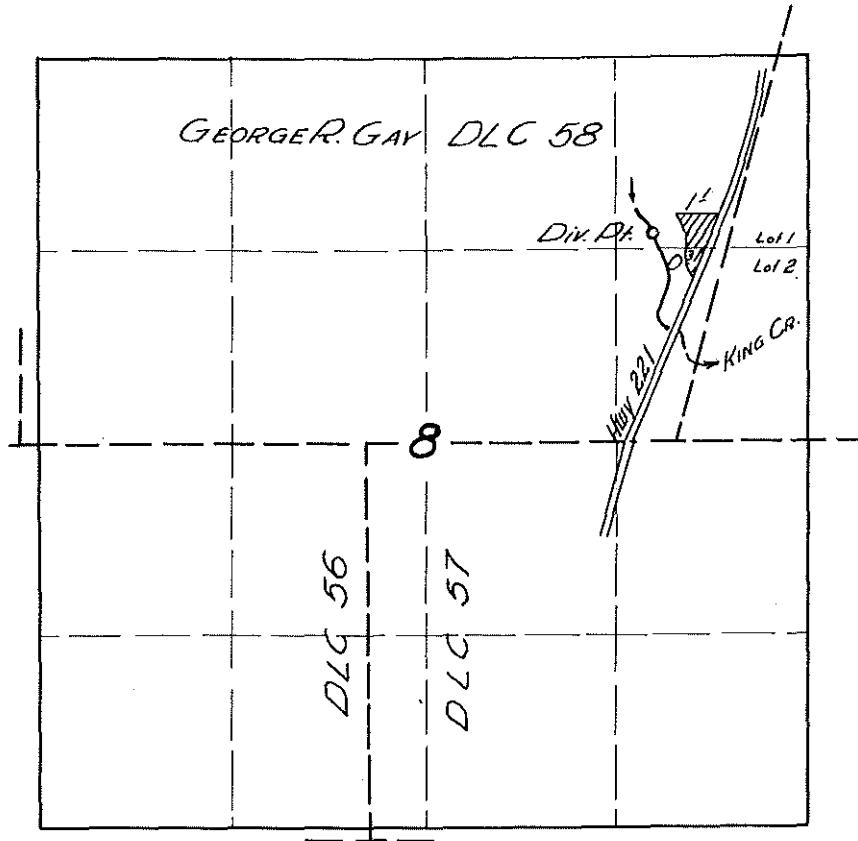
State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 24227

F 10420

VOR

T. 6 S. R. 3 W. W. M.



**FINAL PROOF SURVEY**  
UNDER

Application No. 26137 Permit No. 20989  
IN NAME OF

MARCUS & LEAH KAUFFMAN LIND

Surveyed 21 Mar. 1957, by [Signature]



Oregon Water Resources Department  
725 Summer Street NE  
Salem Oregon 97301-1  
(503) 986-0900  
www.wrd.state.or.us

Originals

# Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. TYPE OF TRANSFER APPLICATION

Please check one

<input checked="" type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
• total number of years: _____	<input type="checkbox"/> Time-Limited
(begin year: _____)	<input type="checkbox"/> Drought Transfer
(end year: _____)	<input type="checkbox"/> Other

## 2. APPLICANT INFORMATION

Name: WESTERN MENNONITE SCHOOL  
First Last

Address: 9045 WALLACE RD NW  
SALEM OREGON 97304  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

Fax: 503-370-9455 E-Mail address: \_\_\_\_\_

## 3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: \_\_\_\_\_  
First Last

Address: \_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

Fax: \_\_\_\_\_ E-Mail address: \_\_\_\_\_

- If an agent is listed above, please check one of the following:
  - Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
  - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	26137	20989	24227
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.

- Check **all** proposed change(s) included in this transfer application:

- Place of Use       Point of Diversion       Additional Point of Diversion
- Character of Use       Point of Appropriation       Additional Point of Appropriation
- Instream Transfer       Surface Water source to Ground Water source

- Reason(s) for change(s): WATER IS NEEDED AT ANOTHER AREA: SOCCER FIELD

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.*

1 1/2 HP SUBMERSIBLE PUMP - 2" MAINLINE  
w/ SPRINKLER HEADS

- System capacity: 0.06 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
  - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district?     Yes     No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer?     Yes     No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity?     Yes     No

*If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:*

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- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

Polk County Community Development  
Courthouse 850 MAIN ST. DALLAS, OR 97338

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**9. ATTACHMENTS**

*Check each of the following attachments included with this application.  
The application will be returned if all required attachments are not included.*

**Supplemental Form A –**

**Description of Proposed Change(s) to a Water Right**

- A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

**Supplemental Form B –**

**Evidence of Use Affidavit(s)**

- At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

**Map**

- Water Right Transfer*  
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- Temporary Transfer or Historical POD Change*  
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

**Water Well Report(s)/Well Log(s):** *N/A*

- The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

**Land Use Information Form:**

- Enclosed; *or*
- Not Required if all of the following are met:
  - ❶ In EFU zone or irrigation district,
  - ❷ Change in place of use only,
  - ❸ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
  - ❹ Irrigation only.

**Fees:**

- Amount enclosed: \$ 350.00  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

**Instream Water Right Transfers, also include:**

**Supplemental Form C –**

**Instream Water Right Transfer**

- Complete this form to describe the desired nature and attributes for the proposed instream water right.

**Temporary Transfers, also include:**

**Recorded Deed:**

- The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

**Affidavit of Consent:**

- If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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SALEM, OREGON  
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**Before submitting your application to the Department, be sure you have:**

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

**10. SIGNATURES**

▪ Check **one** of the following, as appropriate, and sign the application in the signature box below:

In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to **all** lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer** (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (*NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*)

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

Western Mennonite School by Lori D. Burkey, Facilities	LORI D. BURKEY	6-28-07
applicant signature	name (print)	date
_____	_____	_____
applicant signature	name (print)	date

RECF

JUN 28 2007

10420

WATER RESOURCES  
SALEM, OREGON

Last revised: 1/4/2007

Transfer Application/6

FS

**Water Right Transfer Supplemental Form A**  
**DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT**

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 24227

**1. TYPE OF CHANGE(S) PROPOSED**

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Additional</b> (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input checked="" type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)  <input type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)	Proposed new use: <input checked="" type="checkbox"/> <b>Irrigation</b> <input type="checkbox"/> <b>Municipal</b> <input type="checkbox"/> <b>Quasi-municipal</b> <input type="checkbox"/> <b>Commercial</b> <input type="checkbox"/> <b>Industrial</b> <input type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i> ) <input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____ <input type="checkbox"/> <b>Other</b> _____  <input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.)  <input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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**2. CURRENT WATER RIGHT INFORMATION**

Water Right Subject to Transfer (*check and complete one of the following*):

<input checked="" type="checkbox"/> Certificated Right	<u>24227</u> Certificate Number	<u>20989</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: MARCUS & LEAH KAUFFMAN LIND
- County: Polk
- Authorized Use(s) to be Affected by Transfer: IRRIGATION
- Priority Date(s): JULY 3, 1951

*If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: KING CREEK

Tributary to: WILLAMETTE RIVER

*If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

**For applications proposing a Change in Place of Use or Character of Use:**

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
  - Yes
  - No
  - N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? \_\_\_\_\_

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).*

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▪ Certificate Number or other identifying number: 24227

*The following information must be provided only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.*

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

*(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)*

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

▪ Does the water right being transferred involve a ground water source(s)?

Yes       No (Surface water source only.)

*If "Yes", for each authorized point of appropriation (well) involved, you must either:*

A. *Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)*

*or*

B. *If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.*

**Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)**

*Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.*

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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▪ Certificate Number or other identifying number: 24227

**3. PROPOSED CHANGES TO THE WATER RIGHT**

*Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.*

**Location of Proposed Point(s) of Diversion or Appropriation:**

*(i.e., the "TO" point(s) of diversion or appropriation)*

N/A – Instream Water Right Transfer

*(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)*

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed?  Yes  No  N/A - No proposed well(s) listed above.

*If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)*

*If "No", describe the anticipated construction for the proposed well(s) in the following table:*

**Construction of Proposed Point(s) of Appropriation or Well(s)**

*Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.*

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L- )	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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WATER RESOURCES DEPT  
SALEM, OREGON

1 10420





# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

September 21, 2007

Western Mennonite School  
Attn Lori D Burkey  
9045 Wallace Road NW  
Salem, Oregon 97304

SUBJECT: Application T-10420

Please find enclosed a draft of our Preliminary Determination regarding transfer application T-10420. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

At this time, you must submit a report of ownership and lien information prepared within the last three months by a title company. If there are additional lien holders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lien holder has been informed of the transfer.

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership and lien information. If we do not receive your response and the report by October 24, 2007, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0886 or [Patrick.K.Starnes@wrp.state.or.us](mailto:Patrick.K.Starnes@wrp.state.or.us) if I may be of assistance.

Sincerely,

Kelly Starnes  
Northwest Region Transfer Processor

cc: Mike McCord, District 16 Watermaster  
Jim Schuette, CWRE

enc

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application )  
T-10420, Polk County )

**D R A F T**

) PRELIMINARY DETERMINATION  
) PROPOSING APPROVAL OF A  
) CHANGE IN PLACE OF USE

**Authority**

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

Western Mennonite School  
9045 Wallace Road NW  
Salem, Oregon 97304

**Findings of Fact**

**Background**

1. On June 28, 2007, Western Mennonite School filed an application to change the place of use under Certificate 24227. The Department assigned the application number T-10420.
2. The right to be transferred is as follows:

**Certificate:** 24227 in the names of Marcus and Leah Kauffman Lind (perfected under Permit S-20989)

**Use:** Irrigation of 1.4 acres

**Priority Date:** July 3, 1951

**Rate:** 0.02 cubic foot per second

**Limit/Duty:** One-eightieth of one cfs per acre, not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year

**Source:** King Creek, tributary to the Willamette River

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
6 S	3 W	WM	8	NE NE		58

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
6 S	3 W	WM	8	NE NE		58	1.1
6 S	3 W	WM	8	SE NE		58	0.3

3. Application T-10420 proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
6 S	3 W	WM	8	NW NE		58	0.8
6 S	3 W	WM	8	SW NE		58	0.6

4. Notice of the application for transfer was published on July 3, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

5. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10420.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

**Determination and Proposed Action**

The change in place of use proposed in application T-10420 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If application T-10420 is approved, the final order will include the following:*

1. *The change in place of use proposed in application T-10420 is approved.*
2. *Water right certificate 24227 is cancelled.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 24227 and any related decree.*
4. *The former place of use of the transferred right shall no longer receive water under the right.*

5. *The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
6. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

**D R A F T**

\_\_\_\_\_  
Phillip C. Ward, Director

This draft Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or [Patrick.K.Starnes@wrld.state.or.us](mailto:Patrick.K.Starnes@wrld.state.or.us).

Priority: 07/03/1951

Use: IR

6.00 S 3.00W 8 NENE DLC58  
6.00 S 3.00W 8 NWNE DLC58  
6.00 S 3.00W 8 SWNE DLC58  
6.00 S 3.00W 8 SENE DLC58

Xfer Filed: T 10420 CF (REG)  
Primary      Supplmntl

Totals  
Primary      Supplmntl

Cert:24227 OR \*  
Primary      Supplmntl

Column Totals:

Primary + Supplemental:

Parent - Children (Primary)      0.00  
Parent - Children (Supplemental)      0.00  
Parent - Children (Primary + Supplemental)      0.00

	Primary	Supplmntl	Primary	Supplmntl	Primary	Supplmntl
6.00 S 3.00W 8 NENE DLC58					1.10	
6.00 S 3.00W 8 NWNE DLC58	0.80		0.80			
6.00 S 3.00W 8 SWNE DLC58	0.60		0.60			
6.00 S 3.00W 8 SENE DLC58					0.30	
Column Totals:	1.40		1.40		1.40	
Primary + Supplemental:	1.40		1.40		1.40	

*No conflicts*

# Water Rights Platcard Report

Meridian: WILLAMETTE Township: 6 South Range: 3 West Section: 8 Records per Page: 10 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
<a href="#">Select</a> <b>Cert:45213 OR *</b>		11/5/1971	FISH CULTURE		56												*							
Additional Info: DUANE CASE App: R48819 Permit: R5921 Cert: 45213																								
<a href="#">Select</a> <b>Cert:45214 OR *</b>		11/5/1971	FISH CULTURE		56												*							
Additional Info: DUANE CASE App: S48820 Permit: S36594 Cert: 45214																								
<a href="#">Select</a> <b>Claim:GR 2219 *</b>		10/31/1952	IRRIGATION									3.5												
Additional Info: RALPH J CHANCE Claim: GR2219																								
<a href="#">Select</a> <b>Cert:21208 OR *</b>		3/8/1950	IRRIGATION		56											9	11							
Additional Info: C M BITIKUFER App: S24482 Permit: S19293 Cert: 21208																								
<a href="#">Select</a> <b>Cert:24227 OR *</b>	T10420	7/3/1951	IRRIGATION		58			1.1			0.3													
Additional Info: MARCUS & LEAH LIND App: S26137 Permit: S20989 Cert: 24227																								
<a href="#">Select</a> <b>Cert:24762 OR *</b>		8/3/1953	IRRIGATION																				1.4	
Additional Info: THEODORE DAUM App: S28674 Permit: S22579 Cert: 24762																								
<a href="#">Select</a> <b>Cert:29438 OR *</b>		7/8/1957	IRRIGATION		57																	6.8	19.2	
Additional Info: THEODORE DAUM App: S31706 Permit: S24999																								



# Water Rights Platcard Report

Meridian: WILLAMETTE Township: 6 South Range: 3 West Section: 8 Records per Page: 10 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown QQ	
<a href="#">Select</a> Cert:53383 OR *		4/1/1975	IRRIGATION		58										1.8														
Additional Info: DUANE CASE App: S52912 Permit: S39957 Cert: 53383																													
<a href="#">Select</a> Cert:80617 RR *		6/10/1970	IRRIGATION		58			10.9	<del>18.5</del>	<del>4.4</del>			30	18.5	30	38.6													
Additional Info: ANTON PIETROK App: S47069 Permit: S35203 Cert: 80617																													
<a href="#">Select</a> Inchoate: CW 3 CF (ACW) *		6/10/1970	IRRIGATION		58										3.1														
Additional Info: ARGYLE WINERY INC. App: S47069 Permit: S35203																													
<a href="#">Select</a> Cert:29437 OR *		7/8/1957	STORAGE		57																						*		
Additional Info: THEODORE DAUM App: R31705 Permit: R2041 Cert: 29437																													
<a href="#">Select</a> Cert:53891 OR *		9/16/1980	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		57											*										*			
Additional Info: GARY DAUM App: R60708 Permit: R8258 Cert: 53891																													
<a href="#">Select</a> Cert:53891 OR *		9/16/1980	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		58					*																			
Additional Info: GARY DAUM App: R60708 Permit: R8258 Cert: 53891																													
<a href="#">Select</a> Cert:53892 OR *		9/16/1980	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		57											6								0.3	25.3				
Additional Info: GARY DAUM App: S60709 Permit: S45701 Cert: 53892																													





## WESTERN MENNONITE SCHOOL

9045 Wallace RD NW, Salem, OR, 97304

Phone: 503-363-2000

Fax: 503-370-9455

### FAX Cover Sheet

Deliver To: *Kelly Starnes*

Date: *10-4-07*

FAX Number: *503 -986-0903 986-0904*

From: *Pat Rausch, WMS Operations Manager*

Number of pages including cover sheet: *4*

#### Special Instructions/Notes:

*Re: application T-10420*

*We agree with the proposed transaction  
and have reviewed the document for  
consistency with our intended use.*

*Sincerely,*

*Pat Rausch, Op. Manager*



**First American**

*First American Title Insurance Company of Oregon*  
PO Box 451 Dallas, OR 97338  
807 Main St, Dallas, OR 97338  
Phn - (503)623-5513  
Fax - (866)712-4648

**PAR REPORT**

Western Mennonite  
9045 Wallace Rd NW  
Salem, OR 97304

October 02, 2007  
File No.: 7129-1110916

Attn:

Re:

Fee \$85.00

According to a search of our tract indices for the following described property, First American Title Insurance Company of Oregon (hereinafter referred to as "The Company" certifies as follows):

Legal Description of the property:

The land referred to in this report is described in Exhibit A attached hereto.

and as of September 20, 2007 at 8:00 a.m.

We find that the last deed of record runs to:

Western Mennonite School Board

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

-NONE-

Recorded voluntary liens and tax information:

1. Taxes, including the current fiscal year, not assessed because of Religious Exemption. If the exempt status is terminated an additional tax may be levied. Account No. 276173.
2. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes:  
Recording Information: March 14, 2006 in 2006-003992 Book of Records

NOTE: The address of the property described herein is:

9145 Wallace Road NW , Salem, OR 97304

First American Title Insurance Company of Oregon

File No.: 7129-1118916  
October 02, 2007

**THIS IS NOT a title report since no examination has been made of the title to the above described property. This report does not purport to show all encumbrances and no representation is made as to the sufficiency of the title of the above parties. Liability of the Company for this lien search is limited to the charge made thereof.**

First American Title Insurance Company of Oregon

File No.: 7129-1118916  
October 02, 2007**Exhibit "A"**

Real property in the County of Polk, State of Oregon, described as follows:

BEGINNING AT A CROSS MARKED AT THE CENTER OF CEMENT CULVERT HEAD ON THE WEST BOUNDARY OF THE STATE HIGHWAY KNOWN AS THE SALEM DAYTON ROAD NO. 221, SAID POINT BEING 51 RODS, 11 FEET, 6 INCHES NORTHEASTERLY ALONG THE WEST BOUNDARY LINE OF SAID HIGHWAY, BEING FROM THE SOUTHEAST CORNER OF THE MENNONITE SCHOOL PROPERTY, SAID SOUTHEAST CORNER BEING DESIGNATED BY A ROCK MARKED WITH A CROSS WHERE SAID HIGHWAY CROSSES THE SOUTH BOUNDARY LINE OF THE GEORGE K. GAY AND WIFE DONATION LAND CLAIM NOTIFICATION NO. 470, CLAIM NO. 58; IN TOWNSHIP 6 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; FROM THIS BEGINNING POINT RUNNING THENCE NORTH 21° 20' WEST 50 RODS, 5 FEET, 10 INCHES TO THE CULP SOUTHWEST CORNER; THENCE EAST 39 RODS, 9 FEET, AND 11 INCHES TO THE WEST LINE OF SAID HIGHWAY NO. 221; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID HIGHWAY 50 RODS, 6 FEET, 8-1/2 INCHES TO THE PLACE OF BEGINNING.

Tax Parcel Number: 276173

**IMPORTANT**  
This Map for Assessment  
and Taxation Purposes  
ONLY

**SEC.8 T6S R3W WM  
POLK COUNTY**

Scale 1" = 400'

6.3.8

See Map 6.3.5

S.E. CORNER  
WM S. COOPER

500  
39.09 AC

400  
189.14 AC

400  
189.14 AC

See Map 6.3.7

403  
1.40 AC

400

499  
1.40 AC

405  
2.61 AC

600  
2.61 AC

**32-11**

N.E. CORNER  
SAMUEL KING  
DLC NO. 58

900  
N.W. CORNER  
91.55 AC  
DLC NO. 57

See Map 6.3.8C

300  
22.49 AC

301  
30141  
30142  
26.28 AC

100  
2.10 AC

200  
5.69 AC

404  
5.80 AC

1200  
2.77 AC

1100  
68.52 AC

1000  
61.09 AC

See Map 6.3.3

S.E. CORNER  
GEO. R. GAY  
DLC NO. 55

See Map 6.3.17

S.W. CORNER  
J.M. SMITH  
DLC NO. 57

N.E. CORNER  
A.J. THOMAS  
DLC NO. 55

E.V.S.E. CORNER  
DLC NO. 58

See Map 6.3.17

S.W. CORNER  
DLC NO. 57

N.E. CORNER  
DLC NO. 47

See Map 6.3.17

S.W. CORNER  
DLC NO. 57

N.E. CORNER  
DLC NO. 47

See Map 6.3.17

S.W. CORNER  
DLC NO. 57

N.E. CORNER  
DLC NO. 47

See Map 6.3.17

S.W. CORNER  
DLC NO. 57

N.E. CORNER  
DLC NO. 47

See Map 6.3.17

S.W. CORNER  
DLC NO. 57

N.E. CORNER  
DLC NO. 47

See Map 6.3.17

S.W. CORNER  
DLC NO. 57

N.E. CORNER  
DLC NO. 47

See Map 6.3.17

S.W. CORNER  
DLC NO. 57

N.E. CORNER  
DLC NO. 47

See Map 6.3.17

S.W. CORNER  
DLC NO. 57

N.E. CORNER  
DLC NO. 47

See Map 6.3.17

S.W. CORNER  
DLC NO. 57

N.E. CORNER  
DLC NO. 47

See Map 6.3.17

S.W. CORNER  
DLC NO. 57

N.E. CORNER  
DLC NO. 47

See Map 6.3.17

Canceled No.

401  
700  
701  
800  
801

08/01/06

6.3.8

NW



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271  
(503) 986-0900  
www.wrd.state.or.us

# Watermaster Review Form: Water Right Transfer

Transfer Application: T-10420

Review Due Date: 8/1/07

Applicant Name: W. Mennonite School

Proposed Changes:  POU     POD     POA     USE     OTHER

Reviewer(s): Mlm

Date of Review: Jul. 17, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?  
 Yes     No    If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: \_\_\_\_\_
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights?  Yes     No    Generally characterize the frequency of any regulation or explain why regulation has not occurred:  
\_\_\_\_\_
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right?  If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:  
\_\_\_\_\_
4. Are there upstream water rights that would be affected by the proposed change?  
 Yes     No    If "Yes", describe how the rights would be affected and list the rights most affected: \_\_\_\_\_
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach?  If you check the box, describe and, if possible, estimate the losses: NA
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?  
 Yes     No    If "Yes", explain: \_\_\_\_\_
7. For POU changes, would the original place of use continue to receive water from the same source?  Yes     No     N/A    If "Yes", explain: \_\_\_\_\_
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?  Yes     No  
If "Yes", explain: \_\_\_\_\_
9. Are there other issues not identified through the above questions?  Yes     No    If "Yes", explain: \_\_\_\_\_
10. What alternatives may be available for addressing any issues identified above: \_\_\_\_\_

11. Have headgate notices been issued for the source that serves the right?  Yes  No

12. What water control and measurement conditions should be included in the transfer:

<b>Measurement Devices</b>	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input checked="" type="checkbox"/> May be required in the future.
<b>Headgates</b>	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.

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WATER RESOURCES DEPT  
SALEM, OREGON

Return by 8-1-07

NWR

### Oregon Department of Fish and Wildlife Water Right and Diversion Transfer Comment Form

(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: 10420

A. Please check box if you believe there is a potential for injury to an instream water right.

The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on

\_\_\_\_\_, tributary to \_\_\_\_\_ . Because,  
(Stream)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please attach any available supporting information.)

Note: This will prompt WRD to further evaluate and make a determination whether the transfer will injure an instream water right. (WRD is the agency that makes the determination of injury to a water right, while ODFW's role is to raise concerns and to evaluate proposed mitigation and net benefit to the resource if WRD requests concurrence with injury to an instream water right.)

B. Please check one of the following options that are required to requiring a fish screen and/or by-pass device pursuant to

1. The new Point of Diversion (POD) is currently equipped with a fish screening and/or by-pass device and is currently equipped with a fish screening and/or by-pass device.

Note: This option will require

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device is necessary at the point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.

Condition: The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is

Please return all 4 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1271

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>.

Not a change  
in POD.  
ΔPOD only  
see F. off  
and for  
T-10387

*selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.*

**Note:** This option will yield the following:

**Finding of Fact:** *The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.*

**Condition:** *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*

3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

*If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain:*

---

**Note:** This option will yield the following:

**Finding of Fact:** *The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost share funds become available to assist in the construction of a fish screening and/or by-pass device. If cost share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost share funding.*

**Condition:** *Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*

4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

**Note:** This option will yield the following:

Finding of Fact: *The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.*

Condition: *Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

( ) \_\_\_\_\_

Phone

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WATER RESOURCES DEPT  
SALEM, OREGON

**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer # 10420

**The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.**

- Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

The applicant should contact the ODFW staff below to obtain additional information on the design, construction, operational, and maintenance standards for the required fish screening and/or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices. **Prior to installation, the water user must obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria.**

ODFW staff name: Karen M. Hans  
Address: 7118 Vandenberg Ave NE  
City/State/Zip: Corvallis OR 97330  
Phone: (541) 757 4186 x251

- This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone: ( ) \_\_\_\_\_

Last revised: October 13, 2006

### Water Right Transfer Supplemental Form B AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon )  
County of Polk ) ss

I, Dale Turner, in my capacity as Rancher (Sheep),  
mailing address PO Box 5505 Salem OR 97304  
telephone number (503) 585-1096, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- The water right was leased instream at some time within the last five years. The instream lease number is as follows: \_\_\_\_\_; **or**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation
- Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
6	S	3	W	W	8	NENE	DLC 58	1.1
						SENE	DLC 58	0.3

(continues on reverse side)

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

RECEIVED Supplemental Form B

JUN 28 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

10420

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

Irrigate pasture for sheep.

5. The water delivery system used to apply water as authorized by the right is described below:

Submersible pump / PVC pipe → spigots → Sprinklers  
(1 1/2 horsepower) - Replaced Land-based pump many years ago.

6. One or more of the following documentation supporting the above statements is attached:

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Instream lease number \_\_\_\_\_, <sup>sales</sup>
- Other: Auction yard purchases, Veterinarian supply bills, etc.

Dale Turner  
Signature of Affiant

6-28-07  
Date

Signed and sworn to (or affirmed) before me this 28<sup>th</sup> day of June, 2007.



Shel Starn  
Notary Public for Oregon

My Commission Expires: 1/8/10

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

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Supplemental Form B

- 2 -

Affidavit Attesting to the Use of Water

JUN 28 2007

10420

WATER RESOURCES DEPT  
SALEM, OREGON

060400

**\*\*NEXT SHEEP-GOAT-PIG SALE JULY 18TH\*\***

ELLER # 1527  
 DALE TURNER  
 PO BOX 5505  
 SALEM, OR 97304

DATE: 06/20/2005

Draft	No/Hd	Description	Buyer	Tag	Weight	Av/Wt	Bid	Amount
170	4	BLKFCE-EWE	88	4583	775	193	46.50	360.38
		TAGS: 4584, 4585, 4586						
206	1	BLKFCE-EWE	324	4582	155	155	47.00	72.85
		5			930	186	433.23	

COMMISSION.....	43.32		
WARDAGE.....	3.75		
INSURANCE.....	0.30		
PURCHASES/DED.....	0.00		
AMB PROMOTION.....	4.66		
		VET INSPECTION.....	1.75
		MISC.....	0.00
		FEED.....	0.00

=====

SUB TOTAL CHARGES... 53.78

TOTAL PROCEEDS..... 379.45

check Number: 60400 ✓

*Sales of  
Livestock*

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**JUN 28 2007**

WATER RESOURCES DEPT  
 SALEM, OREGON

10420

DALLAS ANIMAL CLINIC  
 135 SE FIR VILLA RD  
 DALLAS, OR. 97338-0000  
 503-623-3943

COPI  
 11/20/2006 17:07  
 Sale

Transaction # 16  
 Card Type: VISA  
 Acc: \*\*\*\*\*2268  
 Entry: Swiped  
 Sale: 74.90  
 Reference No.: 01C  
 Auth.Code: 81023B  
 Response: APPROVAL  
 Response Code: AA510



Dallas Feed & Seed, Inc  
 1313 Main Street  
 Dallas, OR 97338  
 (503) 623-5912  
 Address Merchant #8788290055160

Reg. No.

- 1
- 2 *12/11/06*
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15

COPI  
 09/05/2006 12:18  
 Sale

Transaction # 3  
 Card Type: VISA  
 Acc: \*\*\*\*\*2268  
 Entry: Swiped  
 Total: 11.40  
 Reference No.: 0005  
 Auth.Code: 41505B  
 Response: AP

35 Your Account Stated to Date - If Error is Found, Return at Once



THANK YOU FOR SHOPPING AT  
 WILCO FARM STORE-MCMINNVIL-503  
 (503) 472-6154

THANK YOU FOR SHOPPING WILCO.  
 3/11/06 1:21 JMD 803 SALE

155128 1 EA 12.49 EA N  
 ALFALFA HAY EASTERN OREGON 12.49  
 220480 1 EA 12.99 EA N  
 ALL IN 1 SHEEP GOAT BLOCK 33 12.99  
 271023 *200* 1 EA 39.99 EA N  
 VALBAZEN 500 ML DRENCH 39.99  
 212792 *Doses* 1 EA .49 EA N  
 SYRINGE 10CC ORAL MED TIP .49

SUB-TOTAL: 65.96 TAX:

TOTAL: 65.96  
 BC AMT: 65.96

BK CARD#: XXXXXXXXXXXXX2268



====>> JRNL# D16487  
 CUST # \*5

THANK YOU DALE TURNER  
 FOR YOUR PATRONAGE

\*\*\*\*\*  
 THANK YOU FOR SHOPPING WILCO.  
 \*\*\*\*\*

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JUN 28 2007

WATER RESOURCES DEPT  
 SALEM, OREGON

110420

# LEBANON AUCTION YARD, INC.

TERRY COWART

37063 KGAL DRIVE • LEBANON, OR 97355

Office: (541) 259-1251 • Fax: (541) 259-5545

SALE EACH THURSDAY - 1:00 P.M.

PLEASE RETAIN FOR INCOME TAX PURPOSES. DUPLICATE CANNOT BE FURNISHED



043320

SELLER 32

DALE TURNER

04/21/2006 PF 7483

1	3442	MISC	EWE	138	150	18.00	27.00
1	3443	MISC	EWE	138	140	37.00	51.80
2 Totals					290		78.80
Ttl Sheep	2		Sheep Weight	290			

*We Appreciate  
And Thank You  
For Your Business*

Sale of 2 Ewes  
4-21-06

Yardage	1.00	Insur.	0.07	Vet. Ins	0.70	LmbCkOff	1.45
Comm	10.18	Deds	13.40	Net	65.40		

THANK YOU FOR YOUR BUSINESS

WE ARE BONDED FOR YOUR PROTECTION. NOT RESPONSIBLE FOR SICKNESS, ACCIDENT OR DEATH. WE ACT AS AGENTS ONLY.

RECEIVED

JUN 28 2007 10420

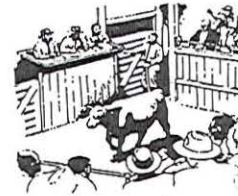
WATER RESOURCES DEPT  
SALEM, OREGON

# LEBANON AUCTION YARD, INC.

TERRY COWART

37063 KGAL DRIVE • LEBANON, OR 97355  
Office: (541) 259-1251 • Fax: (541) 259-5545  
SALE EACH THURSDAY - 1:00 P.M.

PLEASE RETAIN FOR INCOME TAX PURPOSES. DUPLICATE CANNOT BE FURNISHED



043481

SELLER 41

DALE TURNER

05/05/2006 PF 7483

1	3471 MISC	EWE	261	135	32.00	43.20
<hr/>						
1	Totals			135		43.20
Ttl	Sheep	1	Sheep Weight	135		

*We Appreciate  
And Thank You  
For Your Business*

Yardage	0.50	Insur.	0.04	Vet. Ins	0.35	LmbCkOff	0.68
Comm	5.00	Deds	6.57	Net	36.63		

THANK YOU FOR YOUR BUSINESS

WE ARE BONDED FOR YOUR PROTECTION. NOT RESPONSIBLE FOR SICKNESS, ACCIDENT OR DEATH. WE ACT AS AGENTS ONLY.

RECEIVED

JUN 28 2007

WATER RESOURCES  
SALEM, OREGON

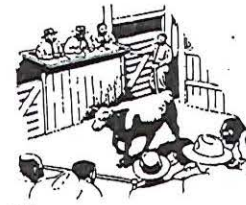
10420

# LEBANON AUCTION YARD, INC.

TERRY COWART

37063 KGAL DRIVE • LEBANON, OR 97355  
 Office: (541) 259-1251 • Fax: (541) 259-5545  
 SALE EACH THURSDAY - 1:00 P.M.

PLEASE RETAIN FOR INCOME TAX PURPOSES. DUPLICATE CANNOT BE FURNISHED



No.

BOUGHT BY:

DATE:

ADDRESS:

Buyer 144 144  
 STAN OR ROBIN VANDERVELDE  
 22005 WALLACE RD NW  
 SALEM, OR 97304

13263

03/09/2005 15:54:52

HEAD	TAG #	DESCRIPTION	COMMENTS	PEN #	WT	PRICE	AMOUNT
A	-Deal	MISC	EWE	7	1100	35.00	385.00
	3264	3265	3266	3267	3270	3272	3273
	3274						
A Total Purchases					1100		385.00

Avg. Price/Pound 35.00  
 Avg. Price/Head 48.12  
 Avg. Weight 133

Total Bill

385.00

Paid By Check Number

2819

Purchased by Stan Van der Velde  
 for Dale Turner.

Thank you  
 Helen

Total  
 505.00  
 Include  
 payment to  
 Stan V.

RECEIVED BY

DATE

TIME

Customer purchasing and paying for livestock through this company by check or draft expressly agree that title does not pass to said purchaser, but is retained by owner until the fund is actually received on the check or draft. Such check or draft is accepted only to the rules and practices of any bank in which it may be deposited for collection, and is accepted for collection only as an accommodation to the maker and does not constitute a payment for animals until remittance received thereon. The property purchased on conditions stated above. This is a cash market. All livestock must be paid for before leaving premises. We Act As Agents Only. We Do Not Guarantee Against Sickness, Accident Or Death. BUYER'S OBLIGATION TO INSPECT. It is the buyer's obligation to fully inspect all livestock before the livestock leave this market. Any problem regarding the livestock is to be reported to the office and resolved before the livestock leaves the market. When the livestock leaves the market it is deemed to be fully accepted by Buyer.

LOADED BY

RECEIVED

JUN 28 2007 11:04:20

SALEM, OREGON

CLIENT RECEIPT

Dallas Animal Clinic  
135 FIR VILLA RD SE  
DALLAS, OR 97338  
(503) 623-3943

www.myvetonline.com/dallasanimalclinic

Account [REDACTED]

Page 1

11/20/2006

Dale & Janice Turner

Balance forward: \$0.00

Date	Operator	Doctor	Qty Description	Amount
<b>LA MISC (#9190)</b>				
Species: OVINE		Color:		
Breed:		Weight: 0		
Sex: FE		Age:		
11/20/06	CATHIE	DALLAS ANIMAL CLINIC	5.00 NEEDLE 20GA X 1"	\$1.00
			1.00 BO SE 100ML BOTTLE	\$26.50
			1.00 TETANUS TOX BTL (borhringer ingelhein) TETGUARD	\$35.00
			1.00 ULTRABAC C&D 10 DS\20 ML BTL	\$7.65
			5.00 SYRINGES 12/ EC	\$2.25
			10.00 SYRINGES 3/20/1	\$2.50
			VISA; #16	(\$74.90)

Sub-Total: \$74.90

Tax: \$0.00

Total: \$74.90

Payments: (\$74.90)

Ending balance: \$0.00

Take Home Instructions:

THANK YOU



Please accept our appreciation and sincere thanks for allowing our hospital to serve you and your pets. Sometimes in the rush of busyness, we fail to say thank you loud enough for our clients to hear. Our aim is to strengthen and lengthen the companionship and love you share with your pets. To serve you is a privilege.

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JUN 28 2007

WATER RESOURCES DEPT  
SALEM, OREGON  
11/20/2006 4:13:30 PM

See feed slips for other vet. supplies 2006

THANK YOU

T 10420



Oregon Water Resources Department
Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: WESTERN MENNONITE SCHOOL
Mailing Address: 9045 WALLACE RD NW
City: SALEM State: OR Zip: 97304 Day Phone: 503.363.2000

This application is related to a Measure 37 claim. [ ] Yes [X] No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Table with 8 columns: Township, Range, Section, 1/4 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use:.

List all counties and cities where water is proposed to be diverted, conveyed, or used. POLK

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water [X]
Water-Right Transfer [X]
Exchange of Water [ ]
Allocation of Conserved Water [ ]
Permit Amendment or Ground Water Registration Modification [ ]

Source of water: [ ] Reservoir/Pond [ ] Ground Water [X] Surface Water (name) KING CREEK

Estimated quantity of water needed: 0.02 [X] cubic feet per second [ ] gallons per minute [ ] acre-feet

Intended use of water: [X] Irrigation [ ] Commercial [ ] Industrial [ ] Domestic for household(s)
[ ] Municipal [ ] Quasi-municipal [ ] Instream [ ] Other

Briefly describe: WATER TO BE USED TO WATER SOCCER FIELD.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

RECEIVED JUN 28 2007

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

WATER RESOURCES DEPT SALEM, OREGON T 10420

## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): \_\_\_\_\_

*LUC 07-23*

- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)  
**If approvals have been obtained but all appeal periods have not ended, check "Being pursued".**

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

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

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Name: DANA M. GIBSON Title: PLANNING TECH.  
 Signature: *[Signature]* Phone: 503 623-9237 Date: 6-22-07  
 Government Entity: POLK COUNTY

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

July 2, 2007

WESTERN MENNONITE SCHOOL  
9045 WALLACE RD NW  
SALEM OR 97304

Reference: Transfer 10420

On June 28, 2007 we received your water right transfer application. The application was accompanied by \$350.00. Our receipt 88407 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. A number of other transfer applications are also awaiting review. As a result, it may be some time before we are able to process your application. If you wish to have your application processed more quickly, you may want to consider use of the Department's reimbursement authority. Under this authority an applicant may receive expedited review by paying the full cost for a pre-qualified contractor to process the applications. For more information on the Reimbursement Authority program, see our website at [http://www.wrd.state.or.us/OWRD/mgmt\\_reimbursement.shtml](http://www.wrd.state.or.us/OWRD/mgmt_reimbursement.shtml) or call the transfer section.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #16  
James Schuette, CWRE  
Karen Hans, ODFW

enclosure



# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

**Notice of Application for  
Water Right Transfer, Temporary Transfer, or Permit Amendment  
07/03/2007**

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: Polk  
Transfer: T -10420  
Water Right: Cert:24227 OR \*  
Priority Date: 1951  
Name: WESTERN MENNONITE SCHOOL  
Address: 9045 WALLACE RD NW; SALEM OR 97304  
Change: POU  
Source: KING CREEK > SPRING VALLEY CREEK  
Authorized POU: T6S R3W 8  
Proposed POU: T6S R3W 8

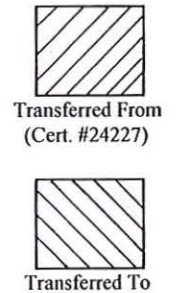
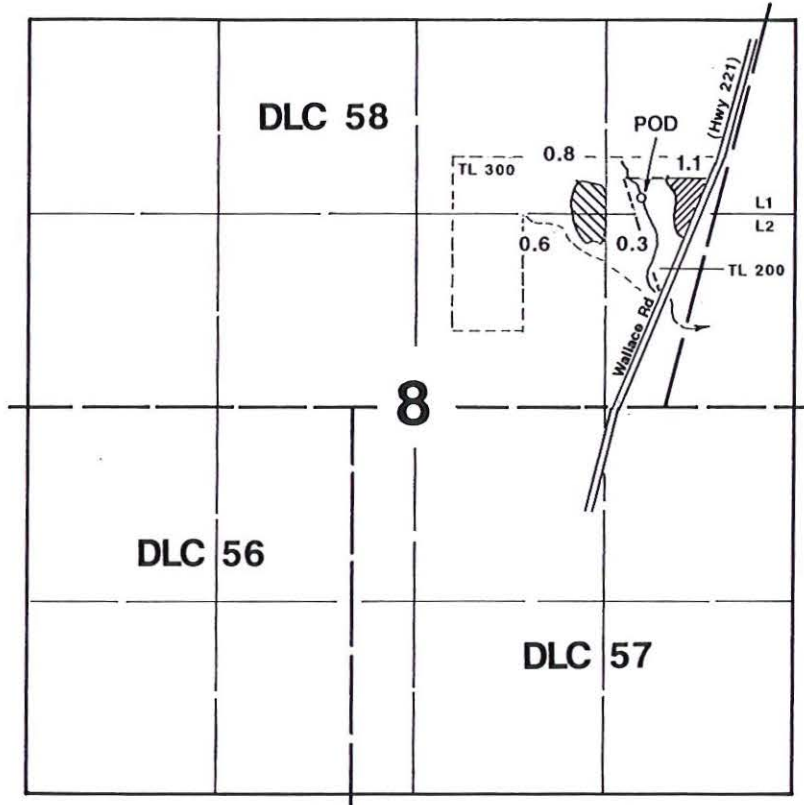
The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

# T.6S., R.3W., W.M.



POD is located in the NE1/4 NE1/4, GR Gay DLC 58.

## Application Map

# Western Mennonite School

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WATER RESOURCES DEPT  
SALEM, OREGON

Transfer #:

This Map was Prepared for the Purpose of Identifying the Location of a Water Right Only and is Not Intended to Provide Legal Dimensions or Location of Property Ownership Lines.

1 10420

