

FINAL PROOF
JUN 25 1990

Blank mailed

Proof received

Date certificate issued **SEP 28 1990**

Application No. **55690**
Permit No. **42761**
Certificate No. **64808**

Stream Index, Page No. 2-90B28

FEES PAID

Date	Amount	Receipt No.
4-14-77	35.00	59746
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

SEE 53077 for correct Loc. of SPR.
CARD FOR B OCT 22 1980

to
cau
fin
NO

RECEIVED

director that permittee is ready to make final proof
nded use under the terms of the permit. Permittee is
extent of the quantity and use as determined by the
he filing of this Form C.

mailed to the Water Resources Department until all
igate under this permit at any time, has actually been

OR 97310, when all of the water has been applied.

Application No. 55690

ATER TO A BENEFICIAL USE

the holder of Permit No. 42761

etely applied the waters to a beneficial use in

day of Summer, 1980

his 2nd day of April, 1981

422 Box 249 Dayton
(Address)

OK
-res

See also listed files
They are permits on
same source & places of
use —

48485

53077 (& field form)

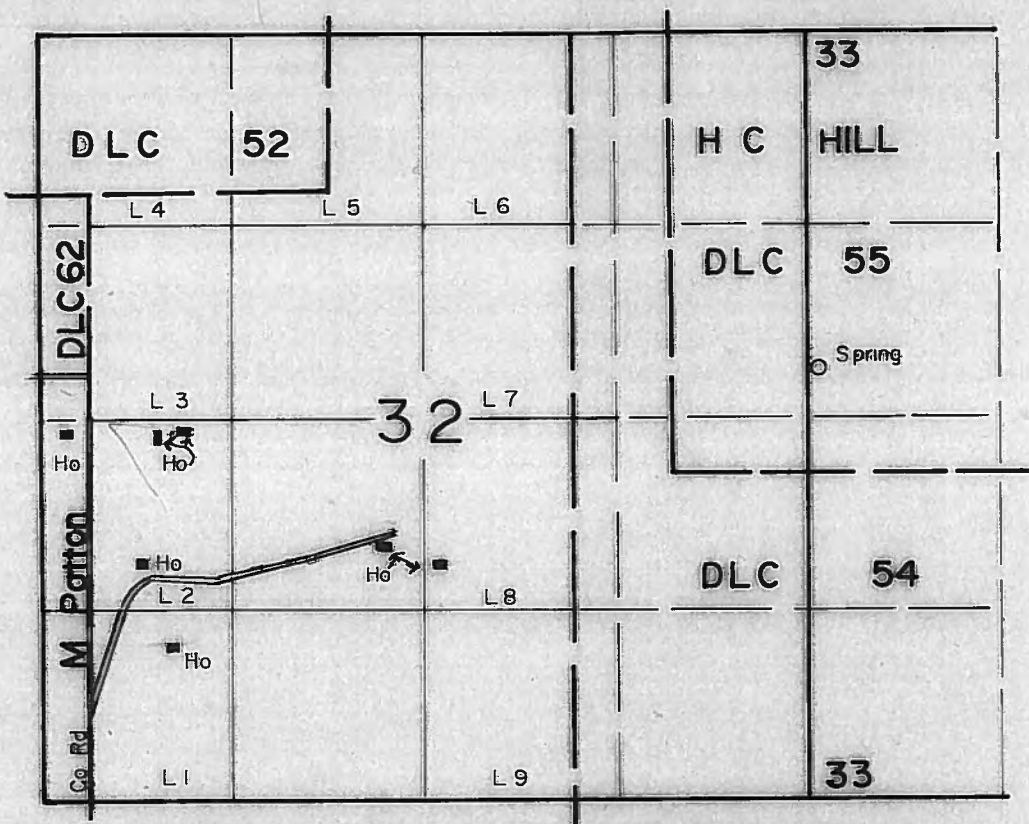
50605 (& F.P.S.)

54053 —

53303

#1 & #2		2006		PHONE CALL	
FOR 762		F.D. DATE 6 TIME 545 A.M.			
M		DOWNA FISHER			
OF 17		13 HOMES		LAFAYETTE	
55911		503		864-2317	
FAX		MOBILE		AREA CODE	
MESSAGE		DISPATCH		EXTENSION	
ADVICE —		EASEMENTS		INITIAL	
WTR		LINE		42761	
971-241-3955		SIGNED		864 2317	
FORM 4003					

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



Spring Located 320' N & 80' E From The W 1/4 Corner Of Section 33

SCALE: 1"=1320'

FINAL PROOF SURVEY
UNDER

Application No. 55,690... Permit No. 42761.....
IN NAME OF

BLUEBIRD VALLEY WATER COOPERATIVE

Surveyed MAY 31, 1989, by T.M. WARREN

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BLUEBIRD VALLEY WATER CO-OPERATIVE
ROUTE 2, BOX 249
DAYTON, OREGON 97114

confirms the right to use the waters of BIG SPRING, a tributary of YAMHILL RIVER, for the purpose of DOMESTIC USE FOR 7 FAMILIES INCLUDING THE IRRIGATION OF NOT TO EXCEED ONE-HALF ACRE LAWN AND NON COMMERCIAL GARDEN FOR EACH FAMILY.

The right has been perfected under Permit 42761. The date of priority is MARCH 17, 1978. The right is limited to not more than 0.02 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NW 1/4, AS PROJECTED WITHIN DLC 55, SECTION 33, T 3 S, R 3 W, W.M.; 320 FEET NORTH AND 80 FEET EAST FROM THE W 1/4 CORNER OF SECTION 33.

The right 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, and to which such right is appurtenant, is as follows:

NE 1/4 SW 1/4
LOT 2 (NW 1/4 SW 1/4)
NW 1/4 SW 1/4
AS PROJECTED WITHIN DLC 62
LOT 1 (SW 1/4 SW 1/4)
LOT 8 (NW 1/4 SE 1/4)
SECTION 32
TOWNSHIP 3 SOUTH, RANGE 3 WEST, W.M.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

WITNESS the signature of the Water Resources Director, affixed this date SEPTEMBER 28, 1990.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 64808.

55690 DM

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BLUEBIRD VALLEY WATER CO-OPERATIVE
ROUTE 2, BOX 249
DAYTON, OREGON 97114

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LOT 2 (NW 1/4 SW 1/4)
NW 1/4 SW 1/4
AS PROJECTED WITHIN DLC 62
LOT 1 (SW 1/4 SW 1/4)
LOT 8 (NW 1/4 SE 1/4)
SECTION 32
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WITNESS the signature of the Water Resources Director,
affixed this date SEPTEMBER 28, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 64808.

55690 DM

Application No. 55690 Permit No. 42761
STATE OF OREGON WATER RESOURCES DEPARTMENT
Application for Permit to Appropriate Surface Water
178-115R
DFQ-5D-23
244-211
7:30 AM
MAR 17 1978
WATER RESOURCES DEPT
SALMON, OREGON
X We, Bluebird Valley Water Co-Operative, by Donald J. King, Secretary
(Name of Applicant)
of Route 2, Box 249 Dayton
(Mailing Address) (City)
State of OREGON 97114 Phone No. 864-2048 do hereby
(Zip Code)
make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is an unnamed spring
a tributary of Yamhill River
2. The point of diversion is to be located 2320 ft. South and 970 ft. East
(N. or S.) (E. or W.)
from the northerly NE corner of DLC No. 54
(Public Land Survey Corner)
(If there is more than one point of diversion, each must be described)
WORK (627-1683) HM (864-2936)
KEN FURNICK 14800 NE
BLUEBIRD HILL CANYON
being within the SW 1/4 of the NW 1/4 of
Sec. 33 Tp. 3S R. 3W, W. M., in the county of YAMHILL
(N. or S.) (E. or W.)

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

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
3S	3W	32	NE SW	4 domestic
			NW SW	4 domestic
			SW SW	1 domestic
			SE SW	1 domestic
			NW SE	1 domestic
				15 10 DK

Permit to appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed0.02..... cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, froma spring.....

The use to which this water is to be applied is.....domestic use for 10 families including..... the irrigation of lawn and garden not to exceed 1/2 acre for each family.....

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

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is March 17, 1978

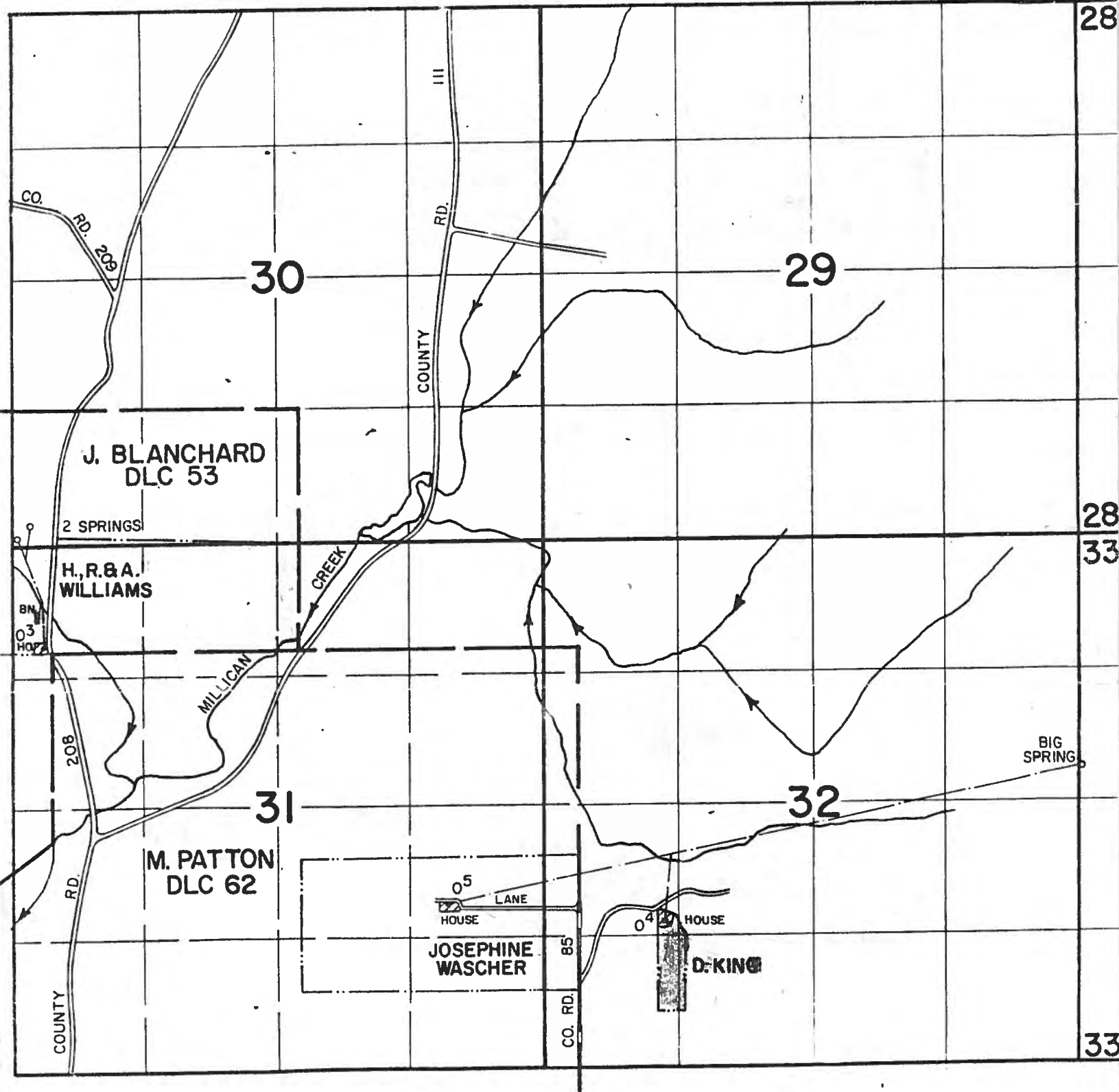
Actual construction work shall begin on or before April 3, 1979 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1980.....

Complete application of the water to the proposed use shall be made on or before October 1, 1981.....

WITNESS my hand this 3rd day of April , 1978.....

James E. Serian
Water Resources Director

TOWNSHIP 3 SOUTH, RANGE 3 WEST, W.M



INFO: Ken Futornick, current president of Co-op. There are 7 residences using under this permit. All ~~other~~ ^{others} have rights under other permits. Source is also used by City of Lafayette for its municipal supply. (See attached list of users).

Source: a spring AKA LOWNEADALE spring, Big Spring & an unnamed spring trib. to Milligan Creek

DIV. PT.: Catch Basin in hillside collects water into 4" M.V. ~~AK~~ which goes to city of Lafayette. Bluebird system taps off further downhill

PUMP & MOTOR: N/A ; GRAVITY

PIPE: 2" MAIN SERVICE ; TAPS OFF LAFAYETTE
4" MAIN LINE ; 1" service to users

HOS: no storage other than 800 gallon in-line storage

USE: Domestic including $\frac{1}{2}$ use or less irrigation for 7 families

LIFT: -180' $\rightarrow$ -300' DIS

TIE: PHOTO 41071-178-115 R

Thompson M. Warner
W.R.E. 5/31/89

NOTE: Contract w/ its ^{of} limits
each user to 12,000 gal per month

BLUEBIRD VALLEY WATER ASSOCIATION

TUE JAN 17, 1989

Mr. & Mrs Ken & Kathy Futornick
14800 NE Bluebird Hill Ln
Dayton OR 97114

To All Association Members and Interested Parties:

Effective February 1, 1989 a change of officers of our Association will take effect. The following are the new officers of our little group of Water users, which must comply with the regulations and requirements of the various and sundry Federal, State and County agencies of our endeavour to have drinkable (potable) fluid. It is in the best interest of all the parties concerned to fully co-operate and come to a mutual trust and final conclusion to the matter of our supply of water.

The New Officers are as follows:

Chairman: Mr. Ken Futornick
14800 NE Bluebird Hill Lane
Dayton, Oregon 97114
Phone: 864-2936

All information concerning any operational data should be sent or phoned to this person for disposition or distribution to the membership.

Secretary: Mrs. Donna Fisher
14295 NE Bluebird Hill Lane
Dayton, Oregon 97114
Phone: 864-2317

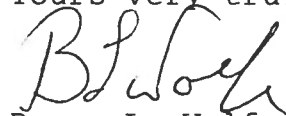
All correspondence and requests for information are to be sent to the above for reply and response from the Assoc.

Treasurer: Mrs. Carma Smith
6905 NE Duniway Road
Dayton, Oregon 97114
Phone: 864-2046

All Invoices and payment authorized by the Chairman should be sent to the above. This also includes any assesment made for the operation of the Association.

Your adherence to the above will expedite any matter concerning the administration of our Association.

Yours very truly,



Bruce L. Wolfe, Chairman for
Bluebird Valley Water Association
Until February 1, 1989
6935 NE Duniway Road
Dayton, Oregon 97114

their master meter should be equipped with a backwater pressure relief valve set at 20 psi so as to always maintain the pressure prior to release down the city supply line. As the spring has a low flow capacity of only 18 gpm and a high flow estimated at 35 to 40 gpm, the capacity of the city supply line exceeds the spring capacity requiring the line to be throttled or an air relief-vacuum relief valve be installed just below the city's proposed master meter.

During the fall and winter of 1986-87, a monitoring and testing schedule on the spring water discharge is recommended during periods of intense rainfall to determine if there is not any significant variation in the turbidity levels throughout the year to confirm our present opinion. Changes in turbidity will effect the need for chlorination and the rate of chlorination and the possible need for complete treatment.

Proposed System Modification No.2.: If significant levels of turbidity change are noted in the water quality, chlorination should be required even if bacterial contamination is not observed.

A chlorination system should be capable of proportioning the rate of application through a range of flows equal to 40 gpm maximum to 0 gpm minimum. Typically 20 minutes of contact time is required between the place of application and the closest point of consumptive use. At 40 gpm, 20 minutes of contact time equal 800 gallons of inline storage either by a reservoir or the capacity of water within the pipeline between the two points.

Depending on the diameter of the city supply line from the springs to the intertie with the co-op's 2 inch line 800 gallons of inline storage equal to 20 minutes contact time can be developed for various size pipes as follows:

3" diameter -	2180 lineal feet
4" diameter -	1250 lineal feet
5" diameter -	615 lineal feet
6" diameter -	542 lineal feet

If the system needs chlorination and the supply line is selected as the contact chamber the back pressure relief valve will have to be set to keep that portion of the supply line full of water equal to 800 gallons of capacity.

Chlorination will require year-round vehicle access to allow for the delivery of chemicals and maintenance and operation of equipment.

Either schedule 1 or 2 allows the City and the Co-op to share the water and expenses of operation of the spring without major costs or extensive labor operator costs. Other options don't have these advantages.

Exhibit C

Water Right of Record Summary

Priority Date	Name of Right Holder	Quantity cfs	Quantity GPM	User No.
1-1-1900	Donald King	0.01 cfs	4.49 gpm	4
1908	Josephine Wascher	0.01 cfs	4.49 gpm	17
1-13-1937	City of Lafayette	0.66 cfs	296.2 gpm	
Agreement Lafayette to Kuehne flow from 1 1/2" pipe = 25 gpm by calculation or 0.056 cfs. Dated July 9, 1946.				
7-23-1971	Dale B. Smith	0.02 cfs	8.98 gpm	10
6-5-1973	Robert A. & Donna Fischer, Claude & Carol Bissonette	0.01 cfs	4.49 gpm	2 & 7
6-2-1975	James M. Wood	0.01 cfs	4.49 gpm	5
3-23-1976	Charles & Thelma Fisher	0.005 cfs	2.24 gpm	3
4-15-1977	Bluebird Valley Water Coop 10 services	0.02 cfs	8.98 gpm	
Total Water Rights of Record		0.745 cfs	334.36 gpm	

Estimate low flow yield from spring based on single measurement
September 11, 1986 18 gpm

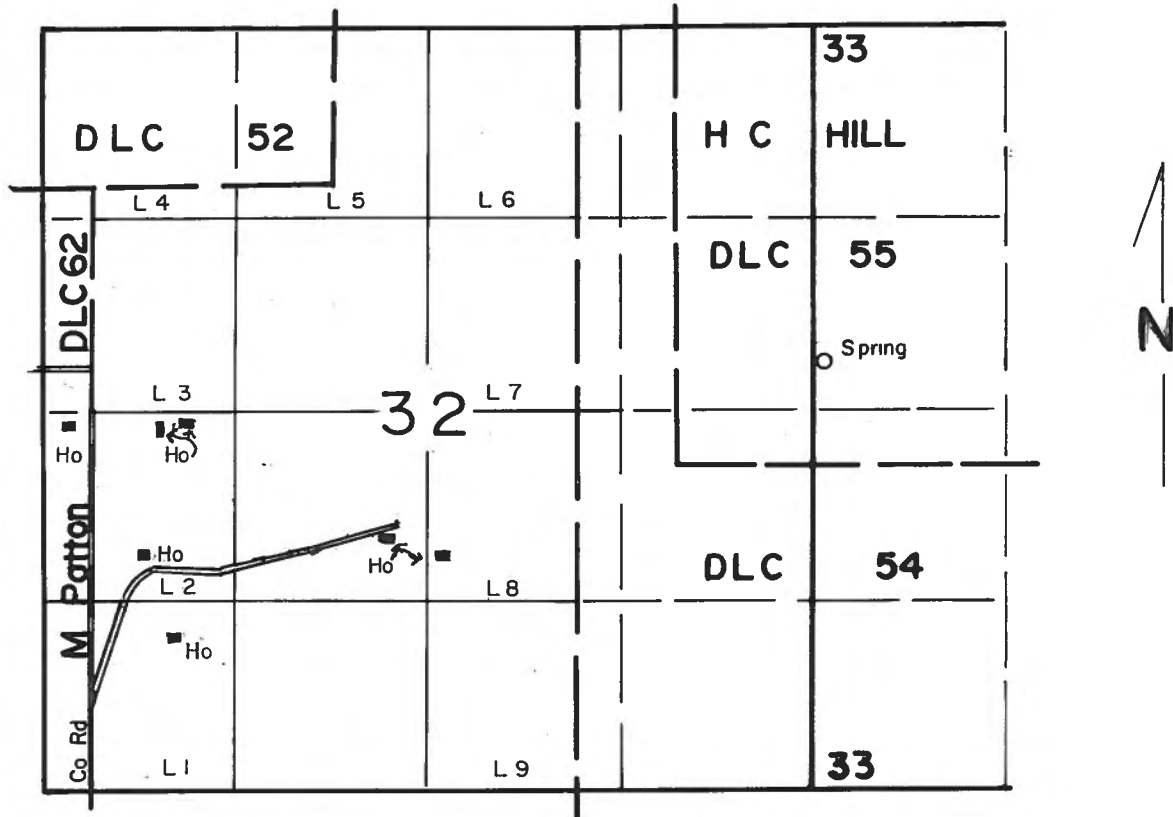
Exhibit B

{water rights listing}
present tax account listing

- ① {L. Anderson}
Robert and Donna Fisher 864-2317
- ② {C. Bissonette}
Stanley and Tandra Hill 864-3488
- ③ {J. Winters}
Waldo Summer
- ④ ~~Donald and Joyce King~~ Ostermeyer 864-2048
- ⑤ James and Irene Wood } Jim + Peggy Dayton 864-3478
- ⑥ {D. Owens} ? }
James and Irene Wood
- ⑦ {C. Fisher}
Barbara Glastris, Katherine Futornick
- ⑧ Kenneth and Katherine Futornick
- ⑨ {D. Nelson} ~~Pharo~~ 864-2590
Darrell Nelson, John and Liana Lariviere
- ⑩ {D. Smith} ~~Pharo~~ Dale Smith 864-3169
John and Lena Winter
- ⑪ {K. Futornick}
Katherine Futornick, Barbara Glastris
- ⑫ ~~{G. Fisher}~~ 864-2818
Thelma Fisher
- ⑬ Robert and Donna Fisher 864-2317
- ⑭ ~~{J. Lewis}~~ Rubenstein 864-3787
~~Robert and Gloria Johnson~~
- ⑮ Robert and Gloria Johnson → Bruce Wolfe 864-2511
→ Don Smith 864-2046
- ⑯ {J. McDonald J. Wascher}
William and Josephine Wascher, James and Jeanne Benham
→ Mark Benat 864-2418

BLUEBIRD VALLEY WATER CO-OPERATIVE

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



Spring Located 320' N & 80' E From The W 1/4 Corner Of Section 33

SCALE: 1"=1320'

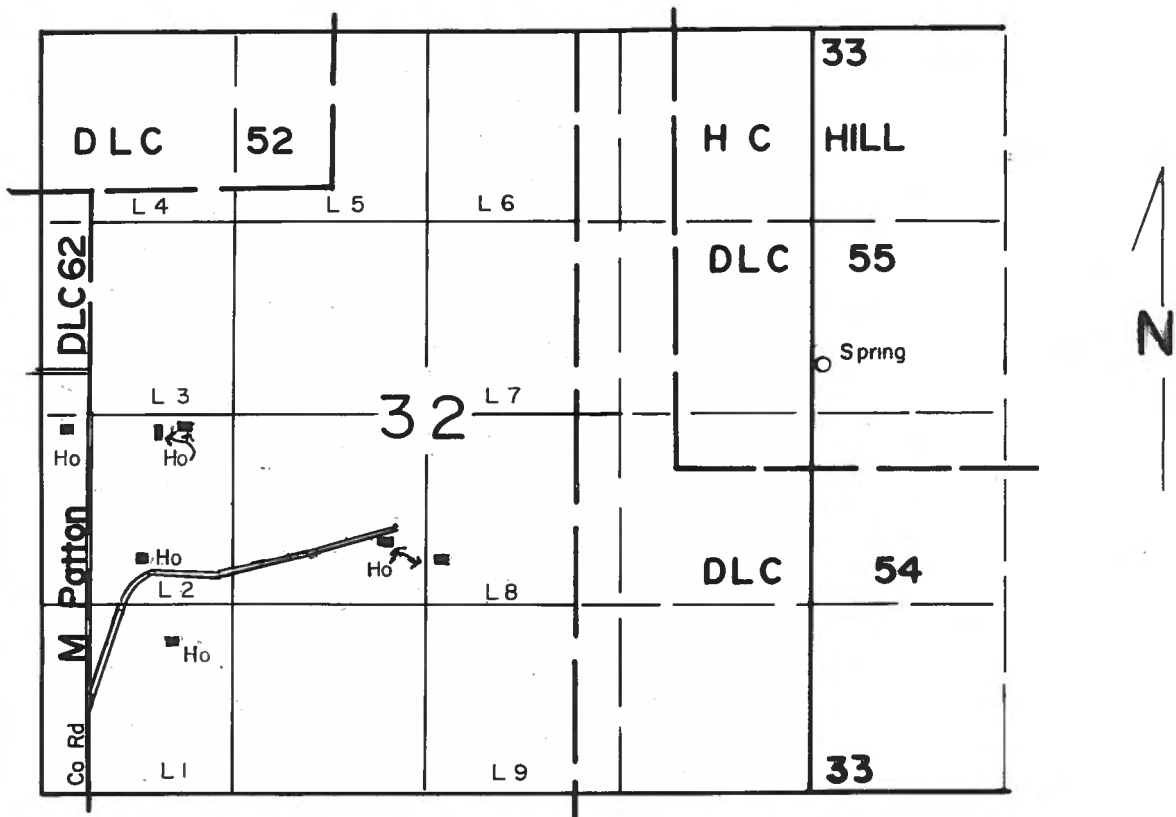
FINAL PROOF SURVEY
UNDER

Application No. 55690... Permit No. 42761.....
IN NAME OF

BLUEBIRD VALLEY WATER COOPERATIVE

Surveyed MAY 31 1989, by T.M. WARREN

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



Spring Located 320' N & 80' E From The W 1/4 Corner Of Section 33

SCALE: 1" = 1320'

FINAL PROOF SURVEY
UNDER

Application No. 55690... Permit No. 42761.....
IN NAME OF

BLUEBIRD VALLEY WATER COOPERATIVE

Surveyed MAY 31, 1989, by T.M. WARREN

STATE OF OREGON
COUNTY OF YAMHILL
PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BLUEBIRD VALLEY WATER CO-OPERATIVE
ROUTE 2, BOX 249
DAYTON, OREGON 97114

confirms the right to store the waters of BIG SPRING, a tributary of YAMHILL RIVER, for the purpose of DOMESTIC USE FOR 7 FAMILIES INCLUDING THE IRRIGATION OF NOT TO EXCEED ONE-HALF ACRE LAWN AND NON COMMERCIAL GARDEN FOR EACH FAMILY.

The right has been perfected under Permit 42761. The date of priority is MARCH 17, 1978. The amount is limited to not more than 0.02 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4 NW 1/4, AS PROJECTED WITHIN DLC 55, SECTION 33, T 3 S, R 3 W, W.M.; 320 FEET NORTH AND 80 FEET EAST FROM THE W 1/4 CORNER OF SECTION 33.

The right 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, and to which such right is appurtenant, is as follows:

NE 1/4 SW 1/4
LOT 2 (NW 1/4 SW 1/4)
NW 1/4 SW 1/4
AS PROJECTED WITHIN DLC 62
LOT 1 (SW 1/4 SW 1/4)
LOT 8 (NW 1/4 SE 1/4)
SECTION 32
TOWNSHIP 3 SOUTH, RANGE 3 WEST, W.M.

right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

55690 DM



RECEIVED

JUL - 6 1990

Water Resources Department

WATER RESOURCES DEPT.
SALEM, OREGON

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE

378-3739

N O T I C E

Enclosed is a proposed certificate of water right and a map which illustrates the location of the right. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a survey and inspection made by a representative of this department.

If you do not agree with the proposed certificate or the map, Oregon Administrative Rule 690-11-110 allows the permittee or landowner 60 days from the mailing date of this notice to petition the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate and map no response to this notice is required. Shortly after the 60 day period, the recorded certificate of water right will be mailed to you.

Hello -

7-2-90

Here is a copy of your letter with corrections highlighted in yellow. Thank you. Any questions call me 864-2776 or

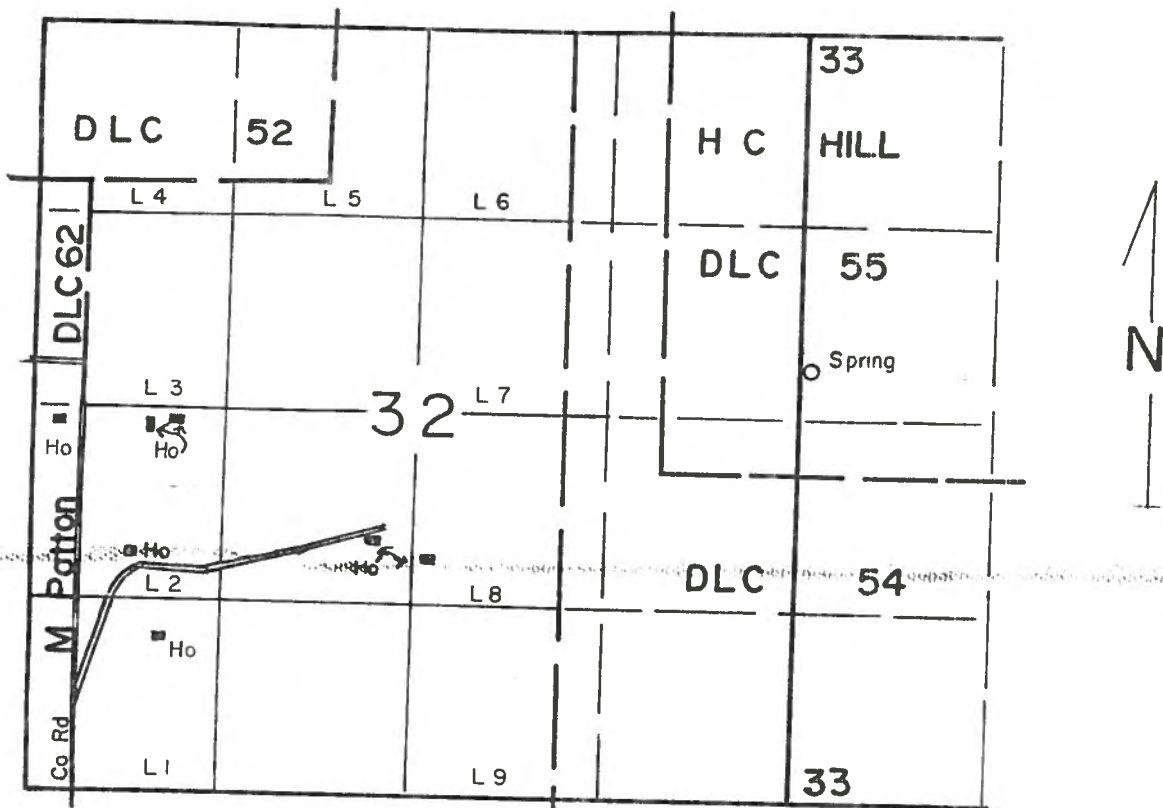
14420 NE BLUEBIRD HILL
DAYTON OR 97114

Guy Ostermeyer
GUY OSTERMEYER
CHAIRMAN, BLUEBIRD
VALLEY WATER ASSOC.

*Phoned him
7/6/90 - explained
that 10 of 17 have
existing water right
certificates - this is
proposed cert for
for the additional
7 homes -*

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

RECEIVED
JUL - 6 1990
WATER RESOURCES DEPT.
SALEM, OREGON



Spring Located 320' N & 80' E From The W 1/4 Corner Of Section 33

SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

Application No. 55,620... Permit No. 427,61.....
IN NAME OF

BLUEBIRD VALLEY WATER COOPERATIVE

Surveyed MAY 31, 1989, by T. M. WARREN

STATE OF OREGON

COUNTY OF YAMHILL

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BLUEBIRD VALLEY WATER CO-OPERATIVE
ROUTE 2, BOX 249
DAYTON, OREGON 97114

17 FAMILIES

confirms the right to store the waters of BIG SPRING, a tributary of YAMHILL RIVER, for the purpose of DOMESTIC USE FOR 7 FAMILIES INCLUDING THE IRRIGATION OF NOT TO EXCEED ONE-HALF ACRE LAWN AND NON COMMERCIAL GARDEN FOR EACH FAMILY.

The right has been perfected under Permit 42761. The date of priority is MARCH 17, 1978. The amount is limited to not more than 0.02 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

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NW 1/4 SW 1/4
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LOT 8 (NW 1/4 SE 1/4)
SECTION 32
TOWNSHIP 3 SOUTH, RANGE 3 WEST, W.M.

JUL 10 1980
WATER RESOURCES DEPT.
SALEM, OREGON



SCALE: 1" = 1320'

Application No. 5.5.6.90 Permit No. 42761.....
IN NAME OF

Surveyed MAY 31 1989, by T.M. WARREN

March 15, 1978

Vestal R. Garner,
Water Rights Engineer
Water Resources Department
555 13th St. N.E.
Salem, Oregon 97310

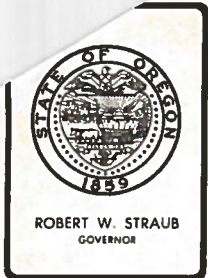
RECEIVED
MAR 17 1978
WATER RESOURCES DEPT.
SALEM, OREGON

Dear Mr. Garner:

In a meeting of the Bluebird Valley Cooperative, it was decided that we would amend our application No. 55690 to delete families already holding water rights. Accordingly, I am returning the amended application and map for your consideration.

Sincerely,

Don King,
Secretary
Bluebird Valley Cooperative



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

55690

March 21, 1978

Bluebird Valley Water Cooperative
Route 2, Box 249
Dayton, OR. 97114

Dear Sirs:

Thank you for returning the map and application numbered 55690 which is now requesting a permit to use 0.2 cubic foot of water per second from a spring for the domestic use for ten families including the irrigation of lawn and garden.

The application was endorsed so that in order to retain its priority date, it was to have been received in this office on or before October 3, 1977. It was received on March 17, 1978, and therefore, March 17, 1978 is the new priority date.

Permits will be issued for the use of water from the Yamhill River and its tributaries. However, water may not be available during dry periods. The water may be needed to satisfy existing rights or minimum flow standards.

Your application is now in satisfactory form for the issuance of a permit.

Sincerely,

VESTAL R. GARNER
Water Rights Engineer

VRG:tld

378-3066

55690

February 17, 1978

Bluebird Valley Water Cooperative
Route 2, Box 249
Dayton, Oregon 97114

Gentlemen:

Since you have not returned your application numbered 55690 or replied to correspondence regarding it, I assume you have reconsidered the matter of your proposed use of water and have decided to abandon it.

Unless we hear from you within thirty days from the date of this letter, your application will be rejected without further notice. The \$15.00 recording fee will be returned. However, the \$20.00 examination fee for each application is required by law to be paid into the General Fund of the State and is not refundable.

Sincerely,

Vestal R. Garner
Water Rights Engineer

VRG:slk

378-3066

55690

6 January 1978

Bluebird Valley Water Cooperative
Route 2, Box 249
Dayton, Oregon 97114

Dear Sirs:

Your application numbered 55690 which was returned to your for correction and completion has not been received. It was endorsed so that in order to retain its priority date, it should have been received on or before January 4, 1978.

It has, therefore, lost its priority, but may be reinstated and given a new priority date as of the day it is again received.

Sincerely,

Vestal R. Garner
Water Rights Engineer

VRG:clh

55690

3 August 1977

Bluebird Valley Co-operative
Route 2, Box 249
Dayton, Oregon 97114
Attn: Donald J. King Secretary

Dear Mr. King:

As discussed earlier, before a permit can be issued in approval of your application our records must be cleared so that existing rights are not in conflict with your application. To clear your records, the rights now recorded must be cancelled. If not, your application must be amended.

I have prepared an affidavit of abandonment in the name of Dale B. Smith authorizing the cancellation of a portion of that certificate No. 42776 which was issued in evidence of a right to use 0.01 cubic foot of water per second from Big Springs Creek for the domestic use of one family. This affidavit will not cancel the portion of that right which is for irrigation and a new certificate will be issued for irrigation. Please submit \$2.00 to record the new certificate.

I have prepared a letter authorizing the cancellation of that portion of permit No. 38769 issued to Claud and Carol Bissenette for the use of 0.01 cubic foot of water per second from Big Springs for the domestic use of two families. The stock portion of the permit will not be cancelled.

I have also prepared letters authorizing the cancellation of permit No. 38242 in the name of Robert A. and Donna A. Fisher. Permit No. 39550 in the name of James M. Wood and Permit No. 40426 in the names of Charles E. and Thelma E. Fisher.

If someone does not wish to cancel their rights of record, your application and map must be amended to delete their use.

I am returning your map and application along with the affidavit and letters. Your application is endorsed so that in order to retain its priority date, it must be received in this office on or before October 3, 1977.

Sincerely,

Vestal R. Garner
Water Rights Engineer

LN/VRG:td

ENC:

378-3066

June 28, 1977

55690

Blue Valley Water Cooperative
Rt. 2 Box 249
Dayton, OR 97114

ATTENTION: Donald J. King, Secretary

Dear Mr. King:

We have received your map, organization agreement, spring description sheet, fees of \$35.00, and application for a permit to use 0.02 cubic foot of water per second from an unnamed spring for the domestic use for fifteen families including the irrigation of not to exceed one-half acre lawn and garden for each family. For reference, the application is No. 55690.

I am examining the application and would like to discuss it with you.

Please call me at 1-800-452-2826.

Sincerely,

Larry Nunn
Field Engineer

LN:db



City of Salem

Route Slip

Date:

4/18/77

TO:

Jim

FROM:

Don

RECEIVED

APR 20 1977

ACTION:

WATER RESOURCES DEPT.
SALEM, OREGON

☐ Your Signature	☐ Make Copies
☐ Your Approval	☐ You Reply Directly
☐ Your Information	☐ Note & File
☐ See me re: this	☐ Prepare a reply for my signature
☐ Note & Return	☐ Please Handle
☒ Please Advise	☐ Investigate & Report

COMMENTS:

Please guestimate answers
and return or mail.

Shank

I will call water resources
this week to determine
approximate date of permit issuance.

TO:

Larry Nunn

DATE:

7-6-7

TIME:

11:00

WHILE YOU WERE OUT

Don King

CALLED

OF

PHONE:

864-2048

TELEPHONED	☒	IN PERSON TO SEE YOU	☐
PLEASE CALL	☒	WANTS TO SEE YOU	☐
WILL CALL AGAIN	☐	RETURNED YOUR CALL	☐

MESSAGE:

RF Blue Valley
Water Coop.

55640

TAKEN BY:

Mary

FORM 81-125-1619

RECEIVED

APR 20 1977

WATER RESOURCES DEPT
SALEM, OREGON

Application No. 55690

DESCRIPTION OF SPRING

1. Is spring on property of applicant? ~~YES~~ NO
2. If not, give name and address of legal owner. City of Lafayette, Oregon 97127
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? historical Rights
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
- ✓ 5. What is the maximum flow from spring? _____
(Gallons per minute or
cubic feet per second)
What is the minimum flow? _____
Is flow measured or estimated? _____
- ✓ 6. Does the stream flowing from spring form a well defined natural channel? _____
- ✓ 7. Does the water flow off the lands on which it first arises? _____
8. Give the name of the stream or other body of water into which water from the spring flows. NA
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.
SEASONAL
10. Remarks historical Rights allow families on water line use of water, with secondary use granted to the City of Lafayette for excess flow.

Donald J. King
Signature of Applicant

SECRETARY

RECEIVED

APR 20 1977

WATER RESOURCES DEPT
SALEM, OREGON

Application No. 55690

DESCRIPTION OF SPRING

1. Is spring on property of applicant? ~~YES~~ No
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? _____
(Gallons per minute or
cubic feet per second)
What is the minimum flow? _____
Is flow measured or estimated? _____
6. Does the stream flowing from spring form a well defined natural channel? _____
7. Does the water flow off the lands on which it first arises? _____
8. Give the name of the stream or other body of water into which water from the spring flows. _____
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.

10. Remarks _____

Donald J. King SECRETARY
Signature of Applicant

Application No. 55690
Permit No.

ORGANIZATION AGREEMENT

RECEIVED

APR 15 1977

WATER RESOURCES DEPT.
SEW. OREGON

- WHEREAS An adequate and uninterrupted flow of domestic water is of equal importance to each of us, and
- WHEREAS The supply of such a flow of domestic water from one source is contingent upon the provision and maintenance of an adequate water system, and
- WHEREAS Such a system is currently in service and has been in existence for many years, but it is now seriously deficient and in need of major repairs, and
- WHEREAS We each recognize the desirability of equal and proportional rights to the allocation and use of the available water among us, and the need to limit the number of additional users, and
- WHEREAS The present legal documentation of rights to the use of the water in accordance with Oregon State law is less than adequate and would be difficult to enforce individually,

NOW, THEREFORE, WE THE UNDERSIGNED DO HEREBY:

1. Agree to band together in the interest of providing adequate and equal water supply to each of us, and by this document we do form a Water System Co-operative Association to be named: _____.
2. Agree to the formulation and issuance of shares in this co-operative organization that will establish our individual membership in the organization and our individual right to a portion of the available water equal to that of each other member, consistent with the water use allocation as set by the Oregon State Board of Water Resources.
3. Jointly petition the Oregon State Board of Water Resources for a water use Permit in the name of this co-operative organization, said Permit to allow our joint use of the maximum obtainable quantity of water from our source as it presently exists.
4. Agree that upon the issuance of said Permit, we will individually relinquish any prior individual legal rights to any of the water covered by the above co-operative permit, so as to make absolutely equal each individual share in the system.
5. Agree to support the co-operative organization in its efforts to achieve and maintain an adequate and equal water supply for each of us by contributing to the greatest extent possible our time, talents and other resources toward that end.

6. Agree to assist in the establishment of such organizational mechanisms as are necessary for the proper function of this co-operative organization, such as officers, by-laws, etc., and to abide by the decisions and actions of the organization and its officers in all matters pertaining to the function of the organization.
7. Recognize that there will be costs involved in the operation of this co-operative organization, and in the maintenance and/or improvement of the System, and agree to bear a portion of those costs equal to that of each other member.
8. Agree that all decisions of the organization will be arrived at by democratic process, and by a voting system among the members to be outlined in the by-laws.

<u>Helena E. Fisher</u> (name)	<u>Rt. Box 249E</u> (mailing address)	<u>864-2818</u> (phone)
<u>Robert Johnson</u> (name)	<u>Rt # 2 Box 251B</u> (mailing address)	<u>864-2777</u> (phone)
<u>Joseph Lewis</u> (name)	<u>Dayton</u> (mailing address)	<u>864-2406</u> (phone)
<u>Josephine W. Mosher</u> (name)	<u>P.O. Box 224 Lafayette</u> (mailing address)	<u>864-2825</u> (phone)
<u>James McDonald</u> (name)	<u>Rt 2 Box 251A Dayton Ore.</u> (mailing address)	<u>864-2590</u> (phone)
<u>Darrell E. + Ann Nelson</u> (name)	<u>Rt 2 Box 249L</u> (mailing address)	<u>864-2936</u> (phone)
<u>Ken Futnick</u> (name)	<u>Rt. 2 Box 249H Dayton</u> (mailing address)	<u>864-2936</u> (phone)
<u>Steve + Shirley</u> (name)	<u>Stuyvesant Rt 2 Box 249C Dayton</u> (mailing address)	<u>None</u> (phone)
<u>Joyce King</u> (name)	<u>Rt 2 Box 249 Dayton</u> (mailing address)	<u>864-2048</u> (phone)
<u>Dele B. Smith</u> (name)	<u>P.O. Box 561 Lafayette Ore</u> (mailing address)	<u>864-3169</u> (phone)
<u>Curtis Anderson</u> (name)	<u>Rt. 2 Box 249F Dayton</u> (mailing address)	<u>864-2869</u> (phone)
<u>Lanidw + Barbara</u> (name)	<u>Rt # 2 249-E</u> (mailing address)	<u>864-2613</u> (phone)
<u>Claude + Carol</u> (name)	<u>Bissonette Dayton Ore</u> (mailing address)	<u>249-A</u> (phone)
<u>Bob Fisher</u> (name)	<u>Donna Fisher Dayton</u> (mailing address)	<u>864-2317</u> (phone)
<u>James McDonald</u> (name)	<u>Rt 2 Box 249H</u> (mailing address)	<u>864-3440</u> (phone)

the following MINUTES PREPARED AND ATTESTED
to by Donald K.
SECRETARY

3-17-77

DEAR BLUEBIRD VALLEY WATER SYSTEM CO-OPERATIVE MEMBERS

We held our 2nd meeting on February 25, 1977.

The following families attended: Nelson, Owens,
McDonald, Winter, Washer, Wood, Futornick,
Fisher (Sr.), King.

(Dorothy Lewis and Bob Fisher called to say they
would be unable to attend.)

By unanimous consent the following business was passed:

ELECTION OF OFFICERS

Jim Wood was elected Chairman;
Ken Futornick, Treasurer; and
Don King, Secretary.

TREASURY

A treasury was authorized. Ken will
establish a non-profit bank account
in the co-operatives name. Withdrawals
will require the signature of two officers.
It was decided that every member would
contribute \$10 to cover permit and
other administrative expenses. Note: please
send your share payment directly to Ken
Futornick.

KEN / Jim REIMBURSED

Ken would be reimbursed \$12⁵⁰ and Jim
²⁰⁰ for their out-of-pocket costs
to repair the water line.

BYLAWS

The Chairman read a draft of bylaws
which was discussed and amended and

PERMIT

Next action to be taken will be to file for water rights in the Co-operative's name now that bylaws and officers have been approved.

PLEASE CONTACT Jim, Ken or Don if you have questions before our next meeting — which will be held once our permit is approved and we are ready to approve the construction of a new line.

Let's keep in touch:

MEMBERS

Chas / Thelma Fisher	864-2818
Robt / Gloria Johnson	864-2777
John / Dorothy Lewis	864-2406
Josephine Wascher	864-2423
Jim McDonald	864-2825
Darrell / Ann Nelson	864-2590
Ken / Kathy Futorick	864-2936
Dale Smith	864-3169
Leanne Anderson	864-2869
David / Barbara Owens	864-2613
Claude / Carol Bissonette	864-2108
Bob / Donna Fisher	864-2317
Jim / Irene Wood	864-3490
Don / Joyce King	864-2048

ORGANIZATIONAL BY-LAWS

FOR

THE BLUEBIRD VALLEY WATER SYSTEM CO-OPERATIVE

Section I: Description and Purpose of Organization:

A. Business Status: This co-operative shall be by definition a non-profit organization.

1. Its treasury can be used as a collection point for funds in anticipation of major repair or renewal of the co-operative's facilities, but such funds will be identified per donating shareholder, and will not constitute an asset for the organization.
2. There will be no salaries, wages or other forms of compensation for the co-operative's officers or workers. All effort expended for the co-operative will be on a voluntary basis.
 - a. Reimbursement for expenses incurred in conducting the business of the co-operative can be made from the treasury only after the approval of such payments has been secured from the membership.
 - b. Purchases of goods or services from outside the organization can be made only after approval of the membership. Funds for such purchases must be committed for the purpose and available in the treasury before purchases are made.

B. Purpose of Organization:

1. To provide its members with a supply of raw water via a pipeline from its source.
2. To maintain the legality of such water use by obtaining the necessary water use permits and other documents in the name of the organization on behalf of its members.
3. To guarantee its members equal and proportional water availability with one another, through whatever mechanisms are found to be necessary.
4. Vested water rights granted to individual properties shall be preserved, but such separate rights shall not entitle such shareholders to a greater quantity of water use than any other shareholder.

B: Purpose of Organization (continued)

5. To formulate and distribute water system "shares" which will certify the proportional right to the use of the water for each member, or shareholder.
6. To provide such organizational mechanisms as are necessary for the conduct of the business of the co-operative, such as meetings, officers, treasury, etc.

Section II: Membership:

A: Members and Shareholders:

1. The only qualification for charter membership in this co-operative is the ownership of one of the tax lots currently being served by the water system.
 - a. Clarification: ownership is constituted by the act of purchasing such a lot, rather than by possession of clear title to it. The distinction is between owners and tenants. Since the share certificates become a part of the legal description of the property, they must be issued to owners rather than tenants.
2. Shares in the co-operative are issued one per tax lot, as such lots are defined at date of organization of the co-operative i.e., Nov. 5, 1976, on the Yamhill County Tax Rolls.
3. Additional shares for tax lots that by location could be served by the system but that never have been served can be issued only after majority approval by the membership.
4. Shares for tax lots that are temporarily vacant but that have been served by the system in the past will be issued to the owners of such lots at their request at the time of the first general issue of shares. If the owner declines acceptance of the share at that time, and decides to obtain a share at a later time, his share can be issued only after a majority of the membership approves.

B: Voting:

1. Each member in the co-operative shall be eligible to cast one vote on any issue properly before a meeting of the organization, regardless of the number of shares he holds.
 - a. Thus, a member may hold more than one share because he owns more than one tax lot served by the system, but he still votes only once.

II: Membership (continued)

B: Voting (continued)

1. (continued)

- b. If a member transfers ownership of his tax lot to another individual, that individual is then entitled to a vote in the proceedings of the organization.

C. Share Obligations:

- 1. If a majority of the members of the co-operative vote to make any major change or improvement in the system, such as the renewal of the pipeline, the cost for such major change shall be borne equally per share by the shareholders.
 - a. The treasury can be used as a collecting and disbursing agency for such funds, but its responsibility will be limited in such matters to the accurate accounting for such collections and disbursements.
 - b. Failure on the part of a shareholder to make his contribution proportionate with the other shareholders will be dealt with by the membership as a whole rather than by any individual officer or member.
 - c. Any surplus committed to such a project and left in the treasury can be proportionately refunded to the shareholders or held in reserve toward future expenses in the names of the individual shareholders. Decision will be by majority vote of the membership.

D. Share Benefits:

- 1. The quantity of water allocated to this co-operative by the Oregon State Board of Water Resources in terms of fractions of a cubic foot per second shall be equally divided by the number of shares issued, and each share and the tax lot it designates shall be allocated that fraction of the total allocation.
 - a. The co-operative shall have the right to install flow-limiting devices at the point of departure from the main line of the water lines that serve the individual tax lots, in order to insure that each shareholder receives his minimum allocation.
 - b. Designated members of the co-operative shall

Section II, D, 1 b, Continued

have the right to ingress and egress to the individual properties across which the main line runs, for the purpose of maintaining the line and its outlets and flow controls.

E: General Provisions regarding the Co-operative:

1. The co-operative is obligated to provide an equal and proportional quantity of raw water to each shareholder, based on the allocation from the State Board of Water Resources and the objective availability of water from its present source. If the actual supply of water falls short of the allocation, the shareholders will be required to limit their water use proportionately.
2. The co-operative has no obligation to provide water storage at the main system. If a shareholder needs storage in order to take fuller advantage of his water allocation, it will be necessary for him to provide his own storage facilities.
- 3.. No responsibility is assumed by the co-operative for the quality of the water carried in the system. If it is deemed necessary to add purification facilities, their installation and maintenance will be the responsibility of the individual shareholders. Such facilities shall be added to individual lines after the point of departure from the main line.
4. The co-operative assumes no responsibility for actual or incidental damages incurred by any shareholder due to water line breakage, water outage or any other cause for which a commercial utility might be found liable.
 - a. Line maintenance responsibility will be limited to the main line only, with the individual lines to the shareholders' facilities remaining their sole obligation.

Permit No.
 DON KING
 588-6368(W)

*APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

We, BLUEBIRD VALLEY WATER CO-OPERATIVE by DONALD J. KING
 (Name of applicant) SECRETARY
 of Rt. 2, Box 249, DAYTON,
 (Mailing address) (City)
 State of OREGON, 97114, do hereby make application for a permit to appropriate the
 (Zip Code)

following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation Applicant is a
NON-PROFIT CO-OPERATIVE, ORGANIZED NOV. 5, 1976. SEE ATTACHED DOCUMENTS.

- The source of the proposed appropriation is AN UNNAMED SPRING
 (Name of stream)
 a tributary of YAMHILL RIVER
- The amount of water which the applicant intends to apply to beneficial use is 2/10 of ONE
 cubic foot per second, equally distributed among several stockholders
 (If water is to be used from more than one source, give quantity from each)
use for 15 families
- The use to which the water is to be applied is domestic supplies for stockholders
 (Irrigation, power, mining, manufacturing, domestic supplies, etc.)
incl. 2 PG (see organization agreement attached) AND "REMAINS" below.

- The point of diversion is located 360 ft. 316 3/4 W and 970 ft. E 1/4
 (N or S) (E or W.)
 corner of SECTION 32 DLC 54 (Section or subdivision)
NOTE: This application will apply to the same water system as
identified for James A. Wood, file #53305, permit #39550

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

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)
 being within the SE 1/4 SE 1/4 SW 1/4 NW 1/4 of Sec. 32 33, Tp. 3 S
 (Give smallest legal subdivision) (N. or S.)

R. 3 W, W. M., in the county of Yamhill 1 1/4 mi
 (E. or W.)

- The EXISTING PIPELINE is to be 125 feet ± to the next
 (Main ditch, canal or pipe line) (Miles or feet)
point of diversion,
in length, terminating in the NE 1/4 SE 1/4 of Sec. 32, Tp. 3 S
 (Smallest legal subdivision) (N. or S.)
 R. S W, W. M., the proposed location being shown throughout on the accompanying map.
 (E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

- (a) Height of dam _____ feet, length on top _____ feet, length at bottom _____ feet; material to be used and character of construction _____
 (Loose rock, concrete, masonry,
 rock and brush, timber crib, etc., wasteway over or around dam)

- (b) Description of headgate _____
 (Timber, concrete, etc., number and size of openings)

- (c) If water is to be pumped give general description GRAVITY line, utilizing
 (Size and type of pump)
Approximately 240' of "fall" in a distance of 1 mile.
 (Size and type of engine or motor to be used, total head water is to be lifted, etc.)

* A different form of application is provided where storage works are contemplated. Such forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon 97310.

$$\begin{array}{r} 5280 \\ 1320 \\ \hline 6600 \end{array}$$

(b) At miles from headgate: width on top (at water line)

(c) Length of pipe, 5550 ft.; size at intake, 8" in.; size at 1250 ft.

8. Location of area to be irrigated, or place of use See Attached Modified Section Map

(If more space required, attach separate sheet)

(b) Kind of crops raised Lawns & gardens

9. (a) Total amount of power to be developed theoretical horsepower.

(c) Total fall to be utilized feet.
(Head)

(e) Such works to be located in of Sec.

(f) Is water to be returned to any stream?
(Yes or No)

....., *Sec.*, *Tr.* (No. N. or S.), *R.* (No. E. or W.), *W. M.*

(i) The nature of the mines to be served

10. (a) To supply the city of _____

_____ County, having a present population of _____

(Name of)

and an estimated population of _____ in 19_____

15

(b) If for domestic use state number of families to be supplied SEVENTEEN (17), with

Provision For Addition of three (3) families.

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

11. Estimated cost of proposed works, \$ Existing N/A

12. Construction work will begin on or before complete

13. Construction work will be completed on or before 10/1/79

14. The water will be completely applied to the proposed use on or before Current 10/1/80

SERVICE

Donald J. King
(Signature of applicant)

SECRETARY

Remarks:

This application is to appropriate the use of ~~water~~ through ~~existing~~ an existing pipeline. The line has been in service for many years, and users have ~~been~~ OK randomly added by virtue of contract agreements and deeds issued to buyers by one landowner, now deceased, without much regard to state water right certification. The buyers, however, has purchased the tracts in good faith with the written "water right" included in the legal description to their respective properties.

~~This water system~~ CO-OPERATIVE ~~signature~~ to this permit application has been formed in an effort to legalize, control and limit by mutual agreement the use of the water, and to provide for ~~repair~~ REPAIR ~~and/or~~ REPLACEMENT of the main line. Many buyers have invested heavily in their properties and rely on this system for their ~~sole~~ supply of domestic water. PLEASE REFER TO THE ATTACHED COPIES OF OUR ORGANIZATION AGREEMENT, BYLAWS, AND MINUTES.

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

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

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before _____, 19_____.

WITNESS my hand this _____ day of _____, 19_____.

STATE ENGINEER

By _____ ASSISTANT

Application No.

Permit No.

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the day of
19....., at o'clock M.

Returned to applicant:

Approved:

Recorded in book No. of

Permits on page

STATE ENGINEER

Drainage Basin No. page

Fees

PERMIT

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

This is to certify that I have examined the foregoing application and do hereby grant the same,
SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use
and shall not exceed cubic feet per second measured at the point of diversion from the
stream, or its equivalent in case of rotation with other water users, from

The use to which this water is to be applied is

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

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.
The priority date of this permit is
Actual construction work shall begin on or before and shall
thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....
Complete application of the water to the proposed use shall be made on or before October 1, 19.....
WITNESS my hand this day of, 19.....

STATE ENGINEER

SECTION 32 T.3S. R.3W. WM.

YAMHILL COUNTY

1" = 400'

3 3 32
AERIAL 3DD 137Legend

"A" Source of Supply

"B" First Point of Diversion

"C" "2" Existing MAIN = SERVES ALL
the tax lots it crosses, plus
two additional lots in
Sec 31 (see map)

"D" Lafayette City Reservoir

Co-operative Shareholders

1. L. ANDERSON

2. C. Bissonette

3. J. WINTERS

4. D. King (Vested Rights Filed)

5. J. Wood

6. D. Owens*

7. C. Fisher*

8. K. Futornick

9. D. NELSON

10. D. Smith

11. K. Futornick*

12. C. Fisher

13. R. Fisher

14. J. Lewis

15. R. Johnson

16. J. McDOWNS for

17. J. WAscher (Vested Rights Filed)

1. N22°06'55"E 315.11
2. N25°53'05"E 102.60
3. N15°54'25"E 295.52
4. N35°02'05"E 180.35
5. N88°09'15"E 300.50
6. S79°45'45"E 121.91
7. N60°06'40"E 123.74
8. N49°34'50"E 232.86
9. S79°58'40"E 287.05
10. N76°11'50"E 274.45
11. N55°31'30"E 127.05
12. N79°16'35"E 184.91
13. N85°17'50"E 151
14. S59°54'E 134.73
15. S85°40'25"E 214.44
16. S11°44'W 123.57
17. N70°31'30"E 381.37

SEC 31
MAP
for
TERMINATION
OF
LINE

RECEIVED

APR 15 1977

WATER RESOURCES DEPT.
SEASIDE, OREGON

RECEIVED

MAR 17 1978

WATER RESOURCES DEPT.
SALEM, OREGON

8.3

Application No. 55-690
Permit No. 42761

3 3 32