

ASSIGNED
 Name JEROME H. & BETTY R. SMITH
 By Rt. 2, Box 150
 Address Rainier, Oregon 97048

Application No. 46165

Permit No. 34488

Certificate No. 44352

Stream Index, Page No. 1-6R

Date filed June 27, 1969

Priority June 27, '69 Domestic use, October 7, '69 irrigation.

Action suspended until OK Cert

Returned to applicant

Date of approval March 16, 1970

CONSTRUCTION

Date for beginning March 16, 1971

Date for completion October 1, 1971

Extended to

Date for application of water October 1, 1972

Extended to

PROSECUTION OF WORK

Form "A" filed started

Form "B" filed completed

Form "C" filed completed

FINAL PROOF

Blank mailed MAR 30 1977

Proof received

Date certificate issued MAY 24 1977

FEES PAID

Date	Amount	Receipt No.
6-27-69	20.00	15264
7-25-69	5.00	15674
11-5-69	5.00	16866
4-18-77	\$1 Cert. Fee	59776

FEES REFUNDED

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

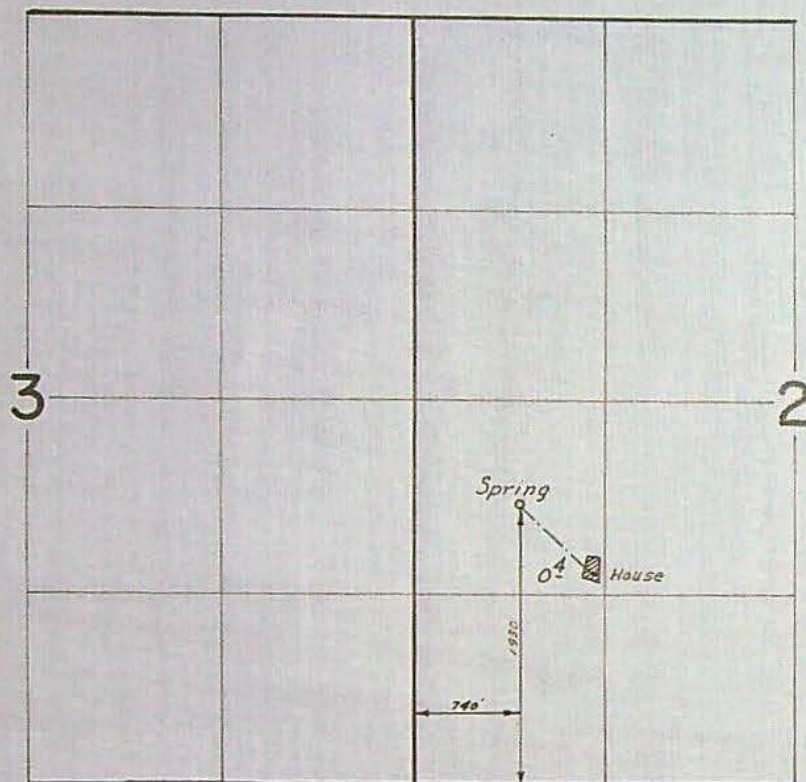
ASSIGNMENTS

Date	To Whom	Address	Volume	Page
1-26-76	William J. Tezak	Rt. 2 Box 563 Rainier, OR 97048	5	769

REMARKS

0.02 cfs from a spring for the domestic use of one family and irrigation, being 0.01 cfs for domestic use and 0.01 cfs for irrigation of 0.5 acre.

T.6N., R.2W., W.M.



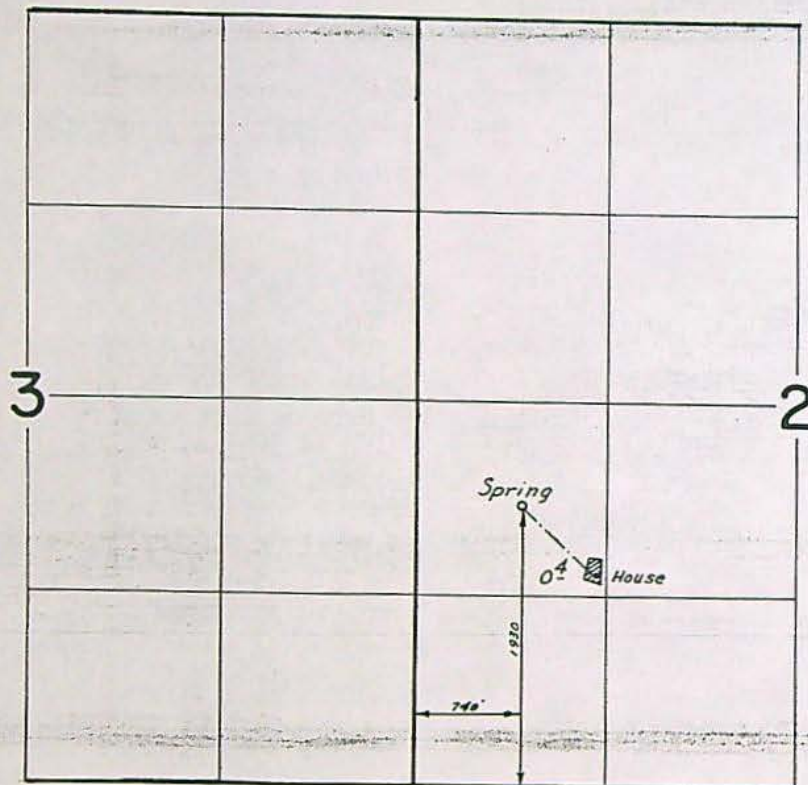
FINAL PROOF SURVEY
UNDER

Application No. 46165 Permit No. 34488
IN NAME OF

WILLIAM J. TEZAK

Surveyed Sept. 30 1975, by D. Norby

T.6N., R.2W., W.M.



FINAL PROOF SURVEY
UNDER

Application No. 46165 Permit No. 34488
IN NAME OF

WILLIAM J. TEZAK

Surveyed Sept. 30 1975, by D. Norby

STATE OF OREGON

COUNTY OF

COLUMBIA

Proof of Appropriation of Water

WILLIAM J. TEZAK

of Rt. 2, Box 563, Rainier
has applied beneficially the waters of
a spring

, State of Oregon, 97048 ,

a tributary of Columbia River
domestic use for one family and the irrigation of 0.4 acre

for the purpose of

under Permit No. 34488 and that the use of said waters has been completed under the
terms of said permit; that the priority of the right dates from
June 27, 1969 for domestic use and October 7, 1969 for irrigation
that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
0.02 cubic foot per second, being 0.01 c.f.s. for domestic and 0.01 c.f.s. for
irrigation

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, T. 6 N., R. 2 W., W. M.;
1930 feet North and 740 feet East from the SW Corner, Section 2

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

Domestic & 0.4 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 2
T. 6 N., R. 2 W., W. M.

RECEIVED
APR 18 1977
WATER RESOURCES DEPT.
SALEM, OREGON

I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 14 day of April,
1977

William J Tezak

10093

20

Certificate No.

Jerome H. & Betty R. Smith

William J. Tezak

Route 2, Box 150
Rainier, Oregon 97048

Rt. 2 Boy 563

Rained, OR 97048

A spring trib of Columbia River

Domestic use ^{for} of one family and irrigation ^{the} of 0.4 ac

~~1975' N. & 755' E. from SW cor. Sec. 2, being within NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 2, T. 6 N., R. 2 W., W. M., county of Columbia~~

SPRING Loc: 1930' N & 740' E from SW COR SEC 2

[illegible]

June 27, 1969 for domestic use ✓
October 7, 1969 for irrigation ✓

0.02 c.f.s., being 0.01 c.f.s. for domestic use and 0.01 c.f.s. for irrigation

~~March 16, 1971~~

~~10-1-71~~ extended to extended to

~~10-1-72~~ extended to extended to

No OTHER Rights

РМН

PTS-1975-C
9-30-75
DMN

14

Basin 1, Vol.

INFO - BILL TEZAK, new owner, who said he is buying on Contract from Mr. Smith, but paying the bank. He has tried to contact Smith with no success. Smith is living now somewhere in Maryland.

SPRING - A 15' x 30' hole dug out at the bottom of a hill.

MOTOR - Century
1 1/2 HP @ 3450

PUMP - Jacuzzi
Cent 0.0.
1 x 1 1/2

PIPE - 2 - 2" plastic ^{lines} from spring to house
garden hose

HEADS - 1 lawn Sprinklers

LIFT - + 80

USE - Domestic / family and Irr of L & G

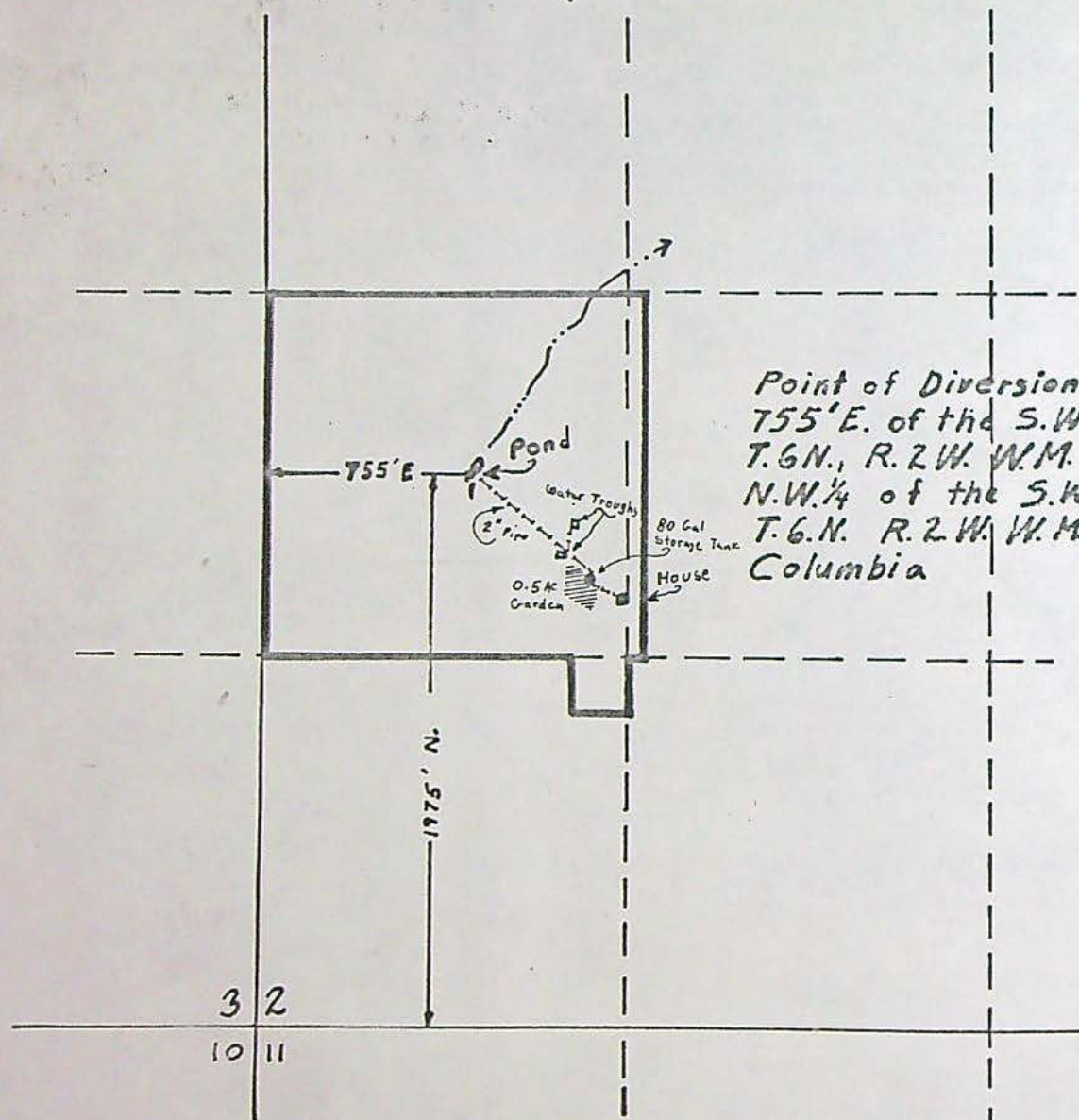
TIE - SW COR Sec 2 (2 B.T.'s)

David Norby
F.E.
9-30-75

FOR
JEROME H. & BETTY R. SMITH

RECEIVED
OCT 7 1969
STATE ENGINEER
SALEM, OREGON

RECEIVED
NOV 5 1969
STATE ENGINEER
SALEM, OREGON



Point of Diversion is 1975' N.
755' E. of the S.W. Cor. of Sec. 2
T.6N., R.2W. W.M. All in the
N.W. 1/4 of the S.W. 1/4 Sec. 2
T.6N. R.2W. W.M. County of
Columbia

SCALE : 1" = 660'

Application No. 44165
Permit No. 34488

The completed assignment must be submitted to the Water Resources Director,
1178 Chemeketa St., N.E., Salem, Oregon 97310, together with a recording
fee of \$2.00.

\$2.00
Rec. 51208
1-26-76

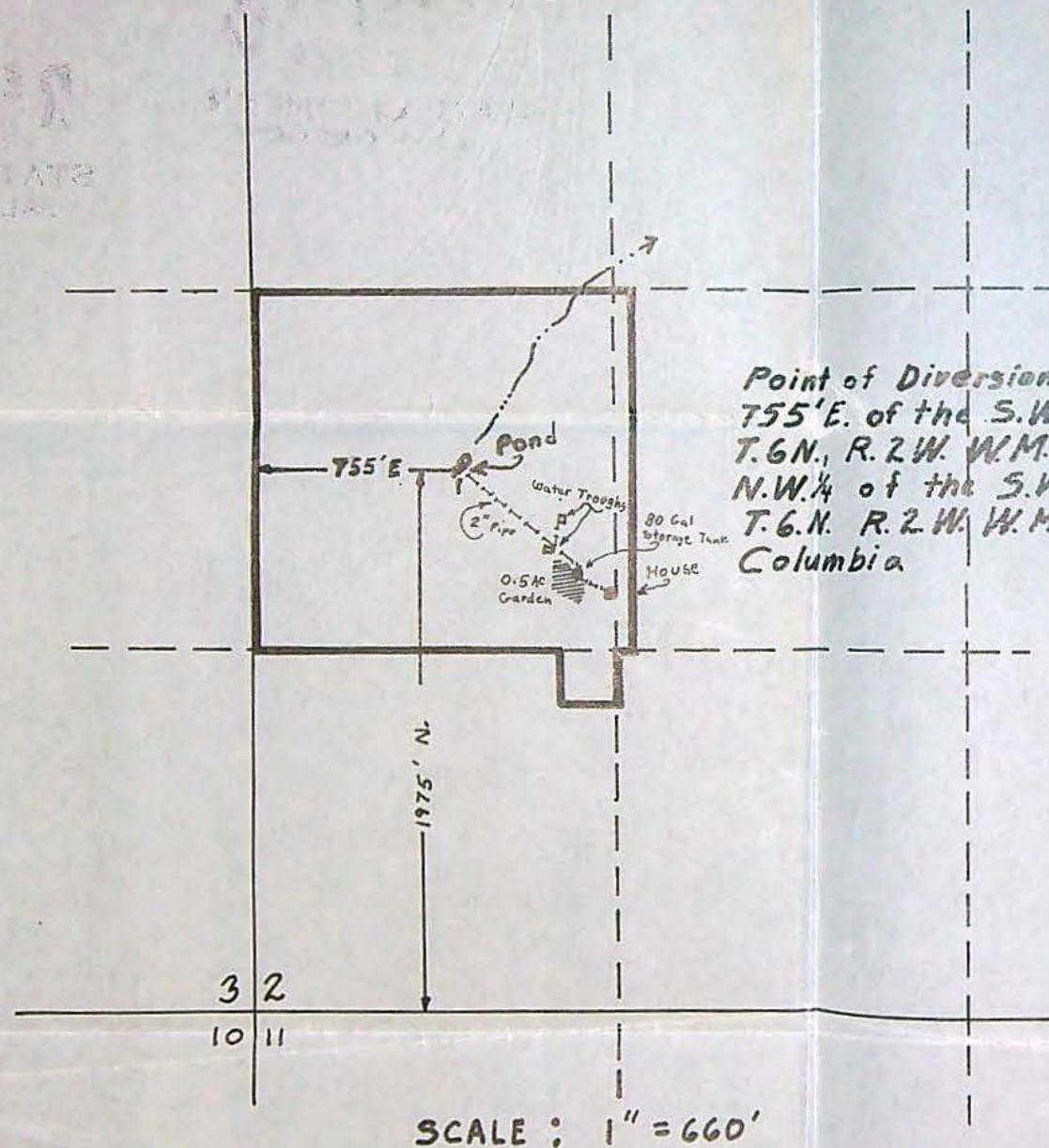
RECEIVED
JAN 26 1976
WATER RESOURCES DEPT.
SALEM, OREGON

479

WATER RIGHT APPLICATION
FOR
JEROME H. & BETTY R. SMITH

RECEIVED
OCT 7 1969
STATE ENGINEER
SALEM, OREGON

RECEIVED
NOV 5 1969
STATE ENGINEER
SALEM, OREGON



Application No. 44145
Permit No. 34488

U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	
DESIGNED BY <i>Wye</i> <i>SCS St Helens 9-21-69</i>	APPROVED BY <i>Wye</i> S.C.T.
CHECKED BY	DRAWING NO.
DATE:	SHEET OF

SC

THIS CONTRACT, Made this 21st day of April, 1967, between William S. Rowat and Joan Rowat, husband and wife, hereinafter called the seller, and Jerome H. Smith and Betty R. Smith, husband and wife, hereinafter called the buyer, WITNESSETH: That in consideration of the mutual covenants herein contained, the seller agrees to sell unto the buyer and the buyer agrees to purchase from the seller all of the following described lands and premises situated in the County of Columbia and State of Oregon, to-wit:

Attached hereto and made a permanent part hereof -

for the sum of Twenty Nine Thousand and No/100 - - - - - Dollars (\$29,000.00), hereinafter called the purchase price, of which \$5,000.00 has been paid at the time of the execution hereof, the receipt whereof hereby is acknowledged by the seller; the buyer agrees to pay the balance of said purchase price to the order of the seller at the times and in the amounts as follows, to-wit:

First payment June 15, 1967 of \$185.00 including interest and a like payment each succeeding month until paid in full. Buyers have the right to pay remaining owner's equity and assume mortgage or refinance at such time as they may choose.

All of said purchase price may be paid at any time; all of the said deferred payments shall bear interest at the rate of seven per cent per annum from this date until paid, said interest to be paid monthly and * ~~being included in~~ the minimum regular payments above required. Taxes on said premises for the current fiscal year shall be pro-rated between the parties hereto as of the date of this contract.

The buyer shall be entitled to possession of said lands on June 15, 1967, and may retain such possession so long as he is not in default under the terms hereof. The buyer agrees that at all times he will keep the buildings on said premises, now or hereafter erected, in good condition and repair and will not suffer or permit any waste or strip thereof; that he will keep said premises free from mechanic's and all other liens and save the seller harmless therefrom and reimburse seller for all costs and attorney's fees incurred by him in defending against any such liens; that he will pay all taxes hereafter levied against said property, as well as all water rents, public charges and municipal liens which hereafter lawfully may be imposed upon said premises, all promptly before the same or any part thereof become past due; that at buyer's expense, he will insure and keep insured all buildings now or hereafter erected on said premises against loss or damage by fire (with extended coverage) in an amount not less than \$24,000.00 in a company or companies satisfactory to the seller, with loss payable to the seller as his interest may appear and all policies of insurance to be delivered to the seller as soon as insured. Now if the buyer shall fail to pay any such liens, costs, water rents, taxes, or charges or to procure and pay for such insurance, the seller may do so and any payment so made shall be added to and become a part of the debt secured by this contract and shall bear interest at the rate aforesaid, without waiver, however, of any right arising to the seller for buyer's breach of contract.

The said described premises are now subject to a contract or a mortgage (the word mortgage as used herein includes within its meaning a trust deed) recorded in the Deed, Mortgage, Miscellaneous Records of said county in book 99 at page 300 thereof (reference to which hereby is made) on which the unpaid principal balance at this time is \$17,269.01 and no more, with

interest paid to April 30, 1967, payable in installments of not less than \$135.00 per month; the seller agrees to pay all sums due and to become due on said contract or mortgage promptly at the times required for said payments and to keep said contract or mortgage free from default; should any of the installments on said mortgage so paid by the seller include taxes or insurance premiums on said described premises, the buyer agrees on seller's demand forthwith to repay to the seller that portion of said installments so paid applicable to taxes and insurance premiums; should the seller for any reason permit said contract or mortgage to be or become in default, the buyer may pay any sums required by said contract or mortgage to be paid or otherwise perform said contract or mortgage and the buyer shall be entitled to credit for all sums so paid by him against the sums next to become due on the above purchase price pursuant to the terms of this contract.

The seller agrees that at his expense and within 30 days from the date hereof, he will furnish unto buyer a title insurance policy insuring (in an amount equal to said purchase price) marketable title in and to said premises in the seller on or subsequent to the date of this agreement, save and except the usual printed exceptions and the building and other restrictions and easements now of record, if any, and the said contract or mortgage. Seller also agrees that when said purchase price is fully paid and upon request and upon surrender of this agreement, he will deliver a good and sufficient deed conveying said premises in fee simple unto the buyer, his heirs and assigns, free and clear of encumbrances as of the date hereof excepting, however, the said easements and restrictions, and the taxes, municipal liens, water rents and public charges so assumed by the buyer and further excepting all liens and encumbrances created by the buyer or assigns.

Time is of the essence of this contract, and in case the buyer shall fail to make the payments above required, or any of them, punctually within ten days of the time limited therefor, or fail to keep any agreement herein contained, then the seller at his option shall have the following rights: (1) to declare this contract null and void, (2) to declare the whole unpaid principal balance of said purchase price with the interest thereon at once due and payable and/or (3) to foreclose this contract by suit in equity, and in any of such cases all rights and interests created or then existing in favor of the buyer as against the seller hereunder shall utterly cease and determine and the right to the possession of the premises above described and all other rights acquired by the buyer hereunder shall revert to and re-vest in said seller without any act of re-entry, or any other act of said seller to be performed and without any right of the buyer of return, reclamation or compensation for moneys paid on account of the purchase of said property as absolutely, fully and perfectly as if this contract and said payments had never been made; and in case of such default all payments theretofore made on this contract are to be retained by and belong to said seller as the agreed and reasonable rent of said premises up to the time of such default. And the said seller, in case of such default, shall have the right immediately, or any time thereafter, to enter upon the land aforesaid, without any process of law, and take immediate possession thereof, together with all the improvements and appurtenances thereon or thereto belonging.

The buyer further agrees that failure by the seller at any time to require performance by the buyer of any provision hereof shall in no way affect his right hereunder to enforce the same, nor shall any waiver by said seller of any breach of any provision hereof be held to be a waiver of any succeeding breach of any such provision, or as a waiver of the provision itself. In case suit or action is instituted to foreclose this contract or to enforce any of the provisions hereof, the buyer agrees to pay such sum as the trial court may adjudge reasonable as attorney's fees to be allowed plaintiff in said suit or action and if an appeal is taken from any judgment or decree of such trial court, the buyer further promises to pay such sum as the appellate court shall adjudge reasonable as plaintiff's attorney's fees on such appeal. In construing this contract, it is understood that the seller or the buyer may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, said parties have hereunto set their hands and seals in duplicate on this, the day and year first above written.

Jerome H. Smith (SEAL)
Betty R. Smith (SEAL)
William S. Rowat (SEAL)
Joan Rowat (SEAL)

RECEIVED PAYMENTS ON WITHIN CONTRACT, AS FOLLOWS:

[illegible]

CONTRACT

(FORM No. 845)

STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

BETWEEN

William S. Rowat and Joan Rowat, husband and wife

Address.

AND

Jerome H. Smith and Betty
Ray Smith, husband and wife

Address _____

Date 19..

Lot..... Block.....

Addition

STATE OF OREGON,

County of Columbia

I certify that the within instrument was received for record on the day of April, 1907, at 11:55 o'clock P.M., and recorded in book 164 on page 876
Record of Deeds of said County

Witness my hand and seal of
County affixed.

County Clerk—Recorder.

Deputy:

AFTER RECORDING RETURN TO

CONSTITUTIONAL

7501 W. E. CLARK

1021 N. E. GLISAN ST.
Portland, Ore. 97213

STATE OF OREGON,

County of _____

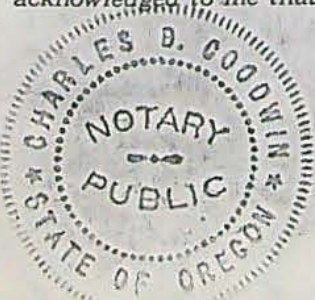
On this 21 day of April, 1967

before me, the undersigned, a notary public in and for said county and state, personally appeared the within named William L. Rowat John H. L. Rowat and Jerome H. Smith
Betty R. Smith
known to me to be the identical individual..... described in and who executed the within instrument and acknowledged to me that They..... executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year last above written.

Notary Public for Oregon.

My commission expires August 4, 1970



Parcel 1: The West half of the Northwest quarter of the Southwest quarter of Section 2, Township 6 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon.

Parcel 2: The East half of the Northwest quarter of the Southwest quarter of Section 2, Township 6 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon.

Parcel 3: Beginning at the Northeast corner of the Southwest quarter of the Southwest quarter of Section 2, Township 6 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon; thence Southerly along the East line of said Southwest quarter of the Southwest quarter 200 feet; thence Westerly and parallel to North line of said Southwest quarter of Southwest quarter 200 feet; thence northerly and parallel to the East line of said Southwest quarter of Southwest quarter 200 feet to the North line of said Southwest quarter of Southwest quarter; Thence Easterly along the North line of said Southwest quarter of Southwest quarter to the point of beginning.

Parcel 4: A strip of land 50 feet in width off of the immediate entire West side of the West half of the Northeast quarter of the Southwest quarter of Section 2, Township 6 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon.

Parcel 5: A permanent non-exclusive easement for right of way over an existing gravel road that is 20 feet in width for ingress and egress located along the Westerly line of the following described tracts:

Tract 1: Northeast quarter of Southwest quarter of Section 2, Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, EXCEPTING THEREFROM Tract of land conveyed by Florence M. Link and George A. Link, wife and husband, to Charles S. Lyons and Ruth M. Lyons, husband and wife, recorded April 21, 1921, in Book 31, page 241, Deed Records of Columbia County, Oregon as follows: "A strip of land fifty feet in width off of the immediate entire West side of the West half of the Northeast quarter of the Southwest quarter of Section 2, in Township 6 North of Range 2 West of the Willamette Meridian."

Tract 2: The West half of the Southeast quarter of the Southwest quarter of Section 2, Township 6 North of Range 2 West of the Willamette Meridian, Columbia County, Oregon; EXCEPTING THEREFROM strip of land conveyed by William Link to Columbia County, State of Oregon, by deed recorded December 8, 1911, in Book 16, page 109, Deed of Records of said Columbia County, Oregon; and ALSO EXCEPTING THEREFROM strip of land conveyed by George Lieberman and Hattie Lieberman, man and wife, to John Ruuska by deed recorded August 26, 1926, in Book 42, page 108, said Deed Records. - - -

RECEIVED
JUL 25 1969
STATE ENGINEER
SALEM, OREGON

RECEIVED
NOV 5 1969
STATE ENGINEER
SALEM, OREGON

Application No. 46165

DESCRIPTION OF SPRING

1. Is spring on property of applicant? Yes
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? 450 GPM
(Gallons per minute or
_____ cubic feet per second)
What is the minimum flow? 50 GPM
Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? Yes
7. Does the water flow off the lands on which it first arises? Yes
8. Give the name of the stream or other body of water into which water from the spring flows. Walters Stream
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.

10. Remarks Water has been appropriated from this spring since prior to February 24, 1909

X Jerome W. Smith
X Betty R. Smith
Signature of Applicant

Application No. 46165
Permit No. 34488

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Parcel 5: A permanent non-exclusive easement for right of way over an existing gravel road that is 20 feet in width for ingress and egress located along the Westerly line of the following described tracts:

Tract 1: Northeast quarter of Southwest quarter of Section 2, Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, EXCEPTING THEREFROM Tract of land conveyed by Florence M. Link and George A. Link, wife and husband, to Charles S. Lyons and Ruth M. Lyons, husband and wife, recorded April 21, 1921, in Book 31, page 241, Deed Records of Columbia County, Oregon as follows: "A strip of land fifty feet in width off of the immediate entire West side of the West half of the Northeast quarter of the Southwest quarter of Section 2, in Township 6 North of Range 2 West of the Willamette Meridian."

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Application No. 46165
Permit No. 34488

RECEIVED
JUL 25 1969
STATE ENGINEER
SALEM, OREGON

***APPLICATION FOR PERMIT**

To Appropriate the Public Waters of the State of Oregon

I, Jerome H. & Betty R. Smith
(Name of applicant)
of Rt 2 Box 150 Rainier 97048
(Mailing address)
State of Oregon, do hereby make application for a permit to appropriate the
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

1. The source of the proposed appropriation is Un-named Stream
(Name of stream)

2. The amount of water which the applicant intends to apply to beneficial use is 0.0125
~~0.0125~~
cubic feet per second.
(If water is to be used from more than one source, give quantity from each)

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

4. The point of diversion is located 2025' ft. North and 820 ft. East from the S. W.
(N. or S.) (E. or W.)
corner of Section 2 Twp 6 N. Rn g 2 W W
(Section or subdivision)

(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 NW 1/4, SW 1/4 of Sec. 2, Tp. 6N.
(Give smallest legal subdivision) (N. or S.)
R. 2W, W. M., in the county of Columbia
(E. or W.)

5. The to be
(Main ditch, canal or pipe line) (Miles or feet)
in length, terminating in the of Sec., Tp.
(Smallest legal subdivision) (N. or S.)
R., W. M., the proposed location being shown throughout on the accompanying map.
(E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam 10 feet, length on top 12 feet, length at bottom
62 feet; material to be used and character of construction Earth fill
Spillway to be constructed around dam Water routed through 12" Riser pipe
(Loose rock, concrete, masonry,
rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate Armo 101C Slide gate or equal
(Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description
(Size and type of pump)

(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.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.
- (b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.
- (c) Length of pipe, ft.; size at intake, in.; size at ft. from intake in.; size at place of use in.; difference in elevation between intake and place of use, ft. Is grade uniform? Estimated capacity, sec. ft.

8. Location of area to be irrigated, or place of use Pond Location

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
6 N	2 W	2	NW 1/4 SW 1/4	xxx 0.1

(If more space required, attach separate sheet)

- (a) Character of soil Silty Clay
- (b) Kind of crops raised

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.
- (b) Quantity of water to be used for power sec. ft.
- (c) Total fall to be utilized feet.
(Head)
- (d) The nature of the works by means of which the power is to be developed
- (e) Such works to be located in of Sec.
(Legal subdivision)

- Tp., R., W. M.
(No. N. or S.) (No. E. or W.)
- (f) Is water to be returned to any stream?
(Yes or No)
- (g) If so, name stream and locate point of return
-, Sec., Tp., R., W. M.
(No. N. or S.) (No. E. or W.)
- (h) The use to which power is to be applied is
- (i) The nature of the mines to be served

Municipal or Domestic Supply—

10. (a) To supply the city of

(Name of) County, having a present population of

and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied

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

11. Estimated cost of proposed works, \$...\$1500.....

12. Construction work will begin on or before Sept. 1968.....

13. Construction work will be completed on or before Sept. 1969.....

14. The water will be completely applied to the proposed use on or before Oct. 1969.....

Jerome H. Smith
(Signature of applicant)
Betty R. Smith

Remarks:

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 completion and correction.....

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before September 2nd 19 69.....

October 6th 69
October 28 69

WITNESS my hand this 1st day of July 1969.....
6th August 69
28th August 69

RECEIVED
AUG 18 1969
STATE ENGINEER
SALEM, OREGON
RECEIVED
JUL 25 1969
STATE ENGINEER
SALEM, OREGON

CHRIS L. WHEELER

By

Larry W. Jebousek
Larry W. Jebousek

STATE ENGINEER
ASSISTANT

RECEIVED
OCT 7 1969
STATE ENGINEER
SALEM, OREGON

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

Suspended 10-7-69

Application No. 46165

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 27th day of June,
1969, at 1:00 o'clock P. M.

Returned to applicant:

Approved:

Recorded in book No. of

Permits on page

STATE ENGINEER

Drainage Basin No. 1 page 6R

Fees

January 30, 1976

46165

William J. Tezak
Rt. 2 Box 563
Rainier, OR 97048

Dear Mr. Tezak:

The assignment of Permit No. 34488 from Jerome H. and Betty R. Smith to you has been recorded in the records of the Water Resources Department. Our records have been changed accordingly and the original is enclosed along with our receipt No. 51206 covering the recording fees of \$2.00 you submitted.

Sincerely,

Robert G. Mucken
Water Rights Engineer

RM:db
Enclosures

December 2, 1975

46165

Bill Tezak
Rt. 2 Box 563
Rainier, OR 97048

Dear Mr. Tezak:

Our field engineer who made the final proof survey for water right permit No. 34488 in the name of Jerome H. and Betty R. Smith reports that you now own the property in connection with this permit. If our information is correct and Jerome H. and Betty R. Smith have no further interest in the property involved, you should obtain an assignment of the permit from them to you.

Enclosed is a form with the proper application and permit numbers entered for your use in obtaining the assignment. The assignment, when completed, should be submitted to this office along with \$2.00 for the statutory recording fee. We will then record the assignment and change our records accordingly to show you as the record holder of the permit.

Sincerely,

Robert G. Mucken
Water Rights Engineer

RM:db
Enclosure

46165

April 16, 1970

Jerome H. & Betty R. Smith
Rt. 2, Box 150
Rainier, OR 97048

Dear Sir and Madam:

of your application map.

46165, permit No. 34488, with a print

No. 233

5- Check M.O. Cash

☒ Surface

☐ Reservoir

☐ Ground Water

☐ Transfer

☒ Tracing

☐ Prints

☐ Property Description

☐ Spring Description

☐ Plans

☐ Small Dam Data

☐ Copying

☐ Assignment

☐ Extension of Time

☐ Certificate Recording Fee

Contractors Exam License

Operators Exam License

Other
RECEIVED
NOV 5 1969

STATE ENGINEER
SALEM, OREGON

RE: 46165

November 19, 1969

Jerome H. & Betty R. Smith
Route 2, Box 150
Rainier, Oregon 97048

Dear Sir and Madame:

This will acknowledge the return of your corrected application No. 46165, map, spring description sheet, and fees of \$10.00 for which our receipt No. 16866 is enclosed.

The application has been amended to designate the irrigation of 0.5 acre as a supplemental use.

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

Very truly yours,

Larry W. Jebousek
Assistant

LWJ:mfm

Enclosure

cc Soil Conservation Service
1685 St. Helens Street
St. Helens, Oregon 97051

RE: 46165

October 21, 1969

Soil Conservation Service
1685 St. Helens Street
St. Helens, Oregon 97051

Gentlemen:

This will acknowledge the returned application No. 46165, a superseding application and transparency map.

The superseding application has been completed to designate the appropriation 0.2 cubic foot of water per second from an unnamed spring for the domestic use of one family, 0.5 acre of garden and stock-water. This application has received the priority date of October 7, 1969 for the new uses designated.

The enclosed spring description sheet must be completed to describe the spring now being filed on.

Domestic use may include up to one-half acre of lawn and non-commercial garden if worded in this manner in items No. 3 and 8 on the application. As the application is now worded, the 0.5 acre of garden would be considered a separate use requiring a recording fee of \$5.00.

Item No. 3 on the application must separately specify the quantity of water to be appropriated for each use listed.

The application must be signed by both of the applicants on the space provided immediately following item No. 14.

I am returning the application and map for completion and correction. The application is endorsed so that in order to retain its date of priority, it must be returned to this office on or before December 22, 1969.

Very truly yours,

Larry W. Jebousek
Assistant

LWJ:cdc
Enclosures
cc: Jerome H. & Betty R. Smith

RE: 46165

August 28, 1969

Jerome H. & Betty R. Smith
Route 2, Box 150
Rainier, Oregon 97048

Dear Mr. and Mrs. Smith:

This will acknowledge receipt of your returned application No. 46165 and the application map.

In your letter, you indicate the pond that is shown on the map is now being used for domestic, livestock and garden. The application submitted is for fish culture use. In your letter dated July 23, 1969, you indicate that you are not able, at this time, to build the fish pond. From this information, I would suggest that you amend this application to designate the use as being domestic including up to one-half acre of lawn and garden and livestock water. The location of the stock and domestic uses must be clearly designated on the map and described in item No. 8 on the application.

Item No. 10b on the application should be completed. The number and type of livestock should be designated on the application in the section provided for remarks.

If the pond shown on the map is used to store water when available for use when stream flow is not sufficient, the enclosed reservoir application should be completed for a permit to store a specific number of acre feet of water. If the pond was constructed to serve as a catch basin to maintain a head of water on the supply line or to store water on a daily basis for peak demand purposes, it would be considered a diversion structure and would not require a reservoir permit.

Item No. 4 on the reservoir application should separately designate the number of acre feet of water stored for each of two uses.

Item No. 1 on application No. 46165 should also include the reservoir as a source of appropriation.

I am returning your application and map for completion and correction. The application is endorsed so that in order to retain its date of priority it must be returned to this office on or before October 28, 1969.

Very truly yours,

LWJ:hls
Enclosures

Larry W. Jebousek, Assistant

Dear Sir;

In the last letter I said we did not feel able to go through with the fish culture pond at this time we do however, want to file for the pond that is here as it has never been filed for. We were given to understand that we would not have the right to the pond even though it is on our land if we did not file for it. I have not been able to get in touch with the conservation man to help fill out the form anew. That is why I sent the form he had made for the fish pond, so you could take the figures from it to know the flow of the pond that is already there. The pond that is on the place now is used for our home and livestock and garden. I hope this is a clear explanation of the situation.

Sincerely,

Betty Smith

RECEIVED
AUG 18 1969
STATE ENGINEER
SALEM, OREGON

August 6, 1969

RE: 46165

Jerome H. & Betty R. Smith
Route 2, Box 150
Rainier, Oregon 97048

Dear Mr. and Mrs. Smith:

This will acknowledge receipt of your returned application No. 46165, the map and the additional recording fee of \$5.00 for which our receipt No. 15674 is enclosed and the legal description.

In your letter dated July 23, 1969, you indicate the reservoir was in existence since prior to 1909. If this reservoir was built prior to February 24, 1909 for the fish culture use and has been used for this purpose ever since, I would presume you could claim a direct flow from the creek to support the fish life.

The fact that the pond may have been in existence since prior to 1909 is not basis for a claim to a vested right unless the pond was constructed for a specific beneficial use.

In the letter, you also indicate you are not able to built a fish pond below the reservoir at this time. The permit when issued approving this application will require that a substantial beginning of construction on this project be made within one year from the date the permit is issued. Construction work will have to be completed by the end of the second full summer and the water actually used for the purpose intended by the end of the third summer. Unless you propose to build a pond and stock it with fish, I doubt that you could make proof under the permit approving application No. 46165 for fish culture.

If you propose to build a fish pond, what is the purpose of the pond that is now shown on the application map?

The purpose of your application is to serve as a legal document, when approved by a permit, to protect your right to the use of water you wish to establish and to do this, it must be detailed and describe the project you wish to carry out with sufficient clarity so

Jerome H. & Betty R. Smith

-2-

August 6, 1969

as to be readily understood by others. Therefore, if you wish this application to be approved by the issuance of a permit to appropriate water from an unnamed stream for fish culture, I believe that a reservoir application should be submitted. Enclosed is the proper form and a booklet of "Rules and Regulations" to assist you in completing the form. The reservoir application will require a filing fee of \$20.00.

I am returning your application and map for completion. The application is endorsed so that in order to retain its date of priority, it must be returned to this office on or before October 6, 1969.

Very truly yours,

Larry W. Jebousek
Assistant

LWJ:cdc
Enclosures

RECEIVED

JUL 25 1969

STATE ENGINEER
SALEM, OREGON

July 23 1969

Mr. Smith

The existing reservoir we want water
right to have been there since before 1900.
We are not able to build the fish
pond at this time below the reservoir.
Enclosed is the description of our
land and a check for \$5⁰⁰ more dollars

Mrs J H Smith

RE: 46165

July 1, 1969

Jerome H. & Betty R. Smith
Route 2, Box 150
Rainier, Oregon 97048

Dear Mr. and Mrs. Smith:

This will acknowledge receipt of an application for permit to appropriate 0.0125 cubic foot of water per second from an unnamed stream for fish culture, a transparency map and the fee of \$20.00 for which our receipt No. 15264 is enclosed.

Your application, which has been filed and numbered 46165, requires an additional \$5.00 recording fee.

The pond designated on the map does not have a permit for the storage of water. Enclosed is the necessary application form, a small dam data sheet and a booklet of "Rules and Regulations" to assist you in completing the application. This application will require an additional \$20.00 filing fee.

Item No. 1 on application No. 46165 should then include the reservoir as a source of appropriation.

A legal description of the property upon which the water will be used must accompany the application. This can be copied from your deed, title insurance policy or sales contract.

I am returning your application and map for completion. The application is endorsed so that in order to retain its date of priority, it must be returned to this office on or before September 2, 1969.

Very truly yours,

Larry W. Jebousek
Assistant

LWJ:cdc
Enclosures

RECEIVED
JUN 27 1969
STATE ENGINEER
SALEM, OREGON

Dear Sirs;

There is a dam and pond now existing from which we had intended to construct the other dam and pond. However we do not wish to go on with the other pond. We do want the rights to the water we now have. We hope the information will allow the State Engineer to complete the proper chart for the pond we now use which was built by Chas. Lyons a former owner.

Thank You