

23770

Application No. 18757

Form A

NOTICE OF BEGINNING OF CONSTRUCTION

614

I, Edna Ernest, the holder of Permit No. 18757
to appropriate the public waters of the state of Oregon, began the actual construction of the works described
therein on the app. 1st day of June, 1950

Remarks: Began irrigating haps about this date - usually
The appropriator should state the manner of beginning construction work, number of men employed, the amount of work completed
employed one other man besides self. From this day
up to the date of this statement, and any additional information which may tend to show the beginning of work in good faith.
til app. Sept. 15th irrigation was almost continuous.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of December, 1950

Edna Ernest
(Signature of Applicant) by M. E.

St Paul Oregon
(Address)

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when construction work is begun.



Oregon

Kate Brown, Governor

S- 23770

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

June 14, 2016

BRUCE ERNST
6130 GEARIN RD NE
SAINT PAUL, OR 97137

Reference: Transfer Application T-12141

The above referenced transfer application was terminated from the record of the Water Resources Department on June 10, 2016, by Special Order Volume 101, Page 109-110 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the approval of this order, you may contact the below referenced contact.

Marissa Andrews, by telephone at 503-986-0807 or by e-mail at Marissa.L.Andrews@wrd.state.or.us.

Sincerely,

Marissa Andrews
Water Right Services Support

cc: Joel M. Plahn, Watermaster Dist. # 16 (via email)

Enclosure

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

In the Matter of Temporary Transfer)	ORDER TERMINATING TEMPORARY
Application T-12141, Marion County,)	TRANSFER ORDER T-12141
Oregon)	

Authority

OAR 690-380-8002(3) and 690-380-8004(7) provide that the uses authorized under a temporary transfer revert to the terms and conditions of the originating water right on the written request of the applicant.

Applicant

ERNST NURSERY AND FARMS
6130 GEARIN RD NE
SAINT PAUL, OR 97137

Findings of Fact

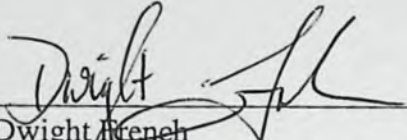
1. On August 24, 2015, ERNST NURSERY AND FARMS filed an application to temporarily transfer the place of use and point of diversion to serve the proposed place of use under Certificate 21197 for a period of two years. The Department assigned the application number T-12141.
2. On October 13, 2015, the Water Resources Department issued an order approving T-12141. This order was recorded in the Special Order Volume 98, Page 71.
3. On May 26, 2016, Philip McCarthy, of Ernst Nursery and Farms, submitted a request to terminate the temporary transfer prior to the expiration date in the order and revert this right back to the place of use and point of diversion evidenced by the respective certificate.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Now, therefore, it is ORDERED:

Temporary Transfer Application T-12141, in the name of ERNST NURSERY AND FARMS, is terminated and of no further force or effect. The water rights should immediately revert back to the original place of use and point of diversion.

Dated at Salem, Oregon this 10 day of June, 2016.



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: JUN 16 2016



Oregon

Kate Brown, Governor

5-23770

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

October 13, 2015

ERNST NURSERY AND FARMS
BRUCE ERNST
PO BOX 460
SAINT PAUL, OR 97137

REFERENCE: Temporary Transfer Application T-12141

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

The temporary change shall be effective at the **beginning of the irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2016 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker by telephone at (503) 986-0892 or by e-mail at Joan.M.Smith@wrd.state.or.us.

Sincerely,

Bethanie Williamson
Water Rights Services Support

cc: Joel M. Plahn, Watermaster Dist. # 16 (via email)

Enclosure

Source: WILLAMETTE RIVER tributary of the COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
4 S	3 W	WM	13	NE SW	69
4 S	3 W	WM	13	NW SE	69

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	13	NE SW	69	12.0

4. Temporary Transfer Application T-12141 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	2 W	WM	35	SE SW	8.0
4 S	2 W	WM	2	NE NW	4.0
Total					12.0

5. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12141 proposes to move the authorized point of diversion approximately 9.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	2 W	WM	2	NWNE	936 FEET SOUTH AND 252 FEET EAST FROM THE N $\frac{1}{4}$ CORNER OF SECTION 2

Temporary Transfer Review Criteria

6. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

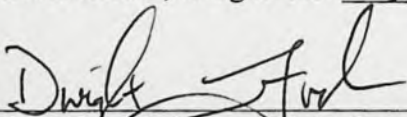
Conclusions of Law

The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-12141 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-12141 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2015 and 2016 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2016 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 21197 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 21197.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. Water use measurement conditions:
 - a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. The use of the remaining water right described by Certificate 21197 shall continue to be in accordance with the terms and conditions of Certificate 21197.

Dated at Salem, Oregon this 13 day of October 2015.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: OCT 14 2015



Oregon

Kate Brown, Governor

S-23770

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

September 2, 2015

ERNST NURSERY AND FARMS
BRUCE ERNST
PO BOX 460
SAINT PAUL, OR 97137

Reference: Application T- 12141

On August 24, 2015, we received your water right Transfer application. The application was accompanied by \$724.00. Our receipt number 117083 is enclosed.

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

Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

Except as provided under ORS 540.510(3) for municipalities, you may not *temporarily* use water in the new place of use or from the new point of diversion until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands **from** which an irrigation water right is to be temporarily transferred and the land **to** which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

If the land is sold before the temporary transfer is approved, the buyer's consent to the temporary transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

If you have any questions, please contact the Transfer Section at (503) 986-0807.

Cc: Watermaster Dist. #16 (via email)

Enclosure



Transfer Applications: Temporary Transfer

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 Department shall approve the request provided it does not cause injury to existing water rights or enlarge the water use. If after the change is approved, it is found to cause injury, the approved change may be revoked. The use of water reverts to the authorized place of use upon expiration of the temporary change.

Notice is given that the following applications for Temporary Transfers have been received by the Department:

Transfer	<u>T-12139</u>
Water Right	Cert: 65746, 65744
County/Basin	Polk / Willamette (2)
Applicant Name	FROST, ALAN L. 14060 ELKINS ROAD MONMOUTH, OR 97361
Proposed Change	PLACE OF USE
Sources/TRSQ40Q160	LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 5.00W 17 SESE
Use/Quantity	IRRIGATION / 0.850 CFS
Priority Date	05/12/1969, 10/26/1950
Transfer	<u>T-12141</u>
Water Right	Cert: 21197
County/Basin	Marion, Yamhill / Willamette (2)
Applicant Name	ERNST, BRUCE ERNST NURSERY AND FARMS PO BOX 460 6130 GEARIN RD NE SAINT PAUL, OR 97137
Proposed Change	POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160	WILLAMETTE RIVER > COLUMBIA RIVER / 4.00S 3.00W 13 NESW WILLAMETTE RIVER > COLUMBIA RIVER / 4.00S 3.00W 13 NWSE
Use/Quantity	IRRIGATION / 0.250 CFS
Priority Date	05/04/1949
Transfer	<u>T-12144</u>
Water Right	Cert: 23674
County/Basin	Yamhill / Willamette (2)
Applicant Name	SUGG, STEVEN SHERIDAN SCHOOL DISTRICT 48J 435 S BRIDGE ST SHERIDAN, OR 97378
Proposed Change	POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160	SOUTH YAMHILL RIVER > YAMHILL RIVER / 5.00S 6.00W 34 SWNE
Use/Quantity	IRRIGATION / 0.260 CFS
Priority Date	06/15/1953
Transfer	<u>T-12145</u>
Water Right	Cert: 90684
County/Basin	Marion / Willamette (2)
Applicant Name	KRAEMER, PAUL PO BOX 930 MOUNT ANGEL, OR 97362
Proposed Change	POINT OF APPROPRIATION, PLACE OF USE
Sources/TRSQ40Q160	A WELL > ABIQUA CREEK BASIN / 6.00S 1.00W 23 NENE
Use/Quantity	NURSERY USES / 2.000 CFS
Priority Date	02/19/1999

Transfer T-12146
Water Right Cert: 29769, 31376
County/Basin Polk / Willamette (2)
Applicant Name DINSDALE, PETER
PO BOX 357
INDEPENDENCE, OR 97351
Proposed Change POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160 LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 5.00W 13 SWSW
LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 5.00W 1 SWSE
LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 5.00W 14 SENW
Use/Quantity IRRIGATION / 1.330 CFS
IRRIGATION / 1.780 CFS
Priority Date 06/09/1954, 05/26/1961

T. 4 S., R. 3 W., W.M.



FINAL PROOF SURVEY

UNDER

Application No. 27020 21501 23770 Permit No. 21265 16866 18757

IN NAME OF

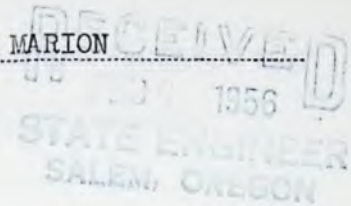
G. P. & John S. Connor
A. B. Connor
Elmer Ernst

Surveyed April 11, 1954, by H. L. Coffman

Permit No. 18757

Application No. 23770

County MARION



Proof of Appropriation of Water

1. Name Elmer Ernst
2. Address St. Paul, Oregon
3. Source of supply Willamette River
Tributary of Columbia River
4. Amount of water 0.25 c.f.s.
5. Priority date May 4, 1949
6. Use Irrigation; 1/80th or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year.

7. Location of point of diversion NE 1/4 SW 1/4 & NW 1/4 SE 1/4 / As projected within W. Classen Cl. 69
(Legal Subdivision) Sec. 13 Tp. 4 S. Rg. 3 W., W. M.
8. The description of land given below corresponds to that shown in the permit covering land to be irrigated, or, if for other purposes, the place of use.

Township	Range	Section	Legal Subdivision	No. Acres Actually Irrigated
Willamette Meridian				
4 S	3 W	13	S3/4 NE 1/4 SW 1/4 As proj. within W. Classen Cl.69	13.4
			NE 1/4 SE 1/4 SW 1/4 " " " " " "	0.8
			NE 1/4 SE 1/4 SW 1/4 " " " M. Accotti Cl.68	0.4
			W 1/4 NW 1/4 SE 1/4 " " " W. Classen Cl.69	4.3
			NW 1/4 SW 1/4 SE 1/4 " " " " " "	0.4
			NW 1/4 SW 1/4 SE 1/4 " " " M. Accotti Cl.68	0.7
Total				20.0

Land on which water is to be used is part of the property described as follows:

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, ft.; length on top, ft.; length on bottom, ft.; material used and character of construction,

(b) Give description of headgate: Width, ft.; depth, ft.; material used and character of construction,

(c) Size of canal: Width on top (at waterline), ft.; width on bottom, ft.; depth of water, ft.; grade, ft. fall per 1,000 ft. Actual capacity, sec.-ft. Give general description:

(d) Pipe line: Description of intake, 4" steel pipe
Length of pipe, 15 ft.; size at intake, 4 in.; size at 15 ft. from intake, 4 in.; size at place of use, 4 in. Difference in elevation between intake and place of use, 7 ft. Is grade uniform? No Actual capacity of pipe line, 300 gal. Per min. sec.-ft. Give general description: Aluminum pipe (Material: Steel, wrought, cast iron, wood stave, etc.)

(e) Pumping plant: Give size and type of pump, 2 1/2" Coufal
Suction lift, 7 ft.; discharge lift, 30 ft. Type of motor used Electric
Horsepower rating, 20 H. P. Actual capacity of pump, 300 gal. Per min. sec.-ft.

10. During what months is water beneficially used? May 15 to Oct. 1

11. State character of soil Chalky, Willamette
Kind of crops raised Beans, strawberries, corn

12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? Yes

13. If not, wherein is such map in error?

14. Domestic use: Give number of families actually using water at this time none

15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use none

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of Marion } ss.

I, Elmer Ernst being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 7 day of Feb., 1956.

Elmer Ernst

Subscribed and sworn to before me this _____ day of _____, 19_____

Notary Public for Oregon

[Notarial Seal]

My commission expires _____

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of _____ } ss.

We, _____, and _____ of _____, being first duly sworn, depose and say that

we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. _____, that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this _____ day of _____, 19_____

Notary Public for Oregon

[Notarial Seal]

My commission expires _____

REPORT OF PERSON MAKING INSPECTION

(For use by Representative of State Engineer)

I....., do hereby certify that I have made an inspection of the works described herein and in Permit No., on the day of, 19....., and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of
(Quantity of water in second-feet or acre-feet)
and I recommend the issuance of water right certificate for this amount.

NOTICE TO INSPECTORS

If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

.....
(Name)

.....
(Title)

30-26

Permit No. 18757

Application No. 23770

County MARION

Preliminary Data for Proof of Appropriation of Water

1. Name Elmer Ernst 2. Address St. Paul, Oregon

3. Source of supply Willamette River
Tributary of Columbia River

4. Amount of water 0.25 c.f.s. 5. Priority date May 4, 1949

6. Use irrigation. 1/80th or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year.

7. Location of point of diversion NE 1/4 SW 1/4 & NW 1/4 SE 1/4 Sec. 13 Tp. 4 S Rg. 3 W., W. M.
(Legal Subdivision)

8. The description of land given below corresponds to that shown in the permit covering land to be irrigated, or, if for other purposes, the place of use.

in 1454 AAC

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
T 4S	R 3W	S 13	SW 1/4 NE 1/4 SW 1/4 as proj. within W. Classen Cl. 69	13.4	
			NE 1/4 SE 1/4 SW 1/4	0.8	
			NE 1/4 SE 1/4 SW 1/4 ✓	M. Accotti Cl. 68	0.4
			W 1/4 NW 1/4 SE 1/4 ✓	W. Classen Cl. 69	4.3
			NW 1/4 SW 1/4 SE 1/4 ✓		0.4
			NW 1/4 SW 1/4 SE 1/4 ✓	M. Accotti Cl. 68	0.7
			(change if typo errors)		20.0

Land on which water is to be used is part of the property described by appropriator as follows:

105

30-26

Permit No. 18757

Application No. 23770

County MARION

Preliminary Data for Proof of Appropriation of Water

- Name Elmer Ernst 2. Address St. Paul, Oregon
- Source of supply Willamette River
Tributary of Columbia River
- Amount of water 0.25 c.f.s. 5. Priority date May 4, 1949
- Use irrigation. 1/80th or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year.
- Location of point of diversion NE 1/4 SW 1/4 & NW 1/4 SE 1/4 Sec. 13 Tp. 4 S Rg. 3 W, W.M.
(Legal Subdivision)
- The description of land given below corresponds to that shown in the permit covering land to be irrigated, or, if for other purposes, the place of use.

changed Apr 14 54 HPC

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 S	3 W	13	NE 1/4 SW 1/4	10	13.4
		2	NW 1/4 SW 1/4	6	10.2
		5	NW 1/4 SE 1/4	4	15.0
				20	
		3	SE 1/4 NW 1/4	0	0.8
		4	SE 1/4 NW 1/4	0	0.4
		6	SW 1/4 NW 1/4	0	0.4
		7	SW 1/4 NW 1/4	0	0.4
					40.7

Land on which water is to be used is part of the property described by appropriator as follows:

1/15

REPORT OF PERSON MAKING INSPECTION

Description of works:

pump - 2x3" Gould cent. dir. - 20hp. elect.

pipe - 1100' 4" al. 900' 3" al.

heads - 18 RB#40 1/8 x 1 3/4 12gal.

lift - suc. 4' disch. 30' ±

crop - strawberries, beans, cauliflower

Permitter wishes over-acreage in west field to be taken off of west end.

In east field, over-acreage off of east end.

I, H. L. Coffman, do hereby certify that I have made an inspection of the works described herein and in Permit No. 18757, on the 17 day of April, 1954, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of 0.25 (Quantity of water in second-feet or acre-feet) and I recommend the issuance of water right certificate for this amount.

NOTICE TO INSPECTORS

If conditions do not justify the above report by you, please return this form without your signature, with a full report by letter.

H. L. Coffman
(Name)
Field Engr.
(Title)

Beginning at a point on the East boundary of Donation Land Claim No. 73, in Township 4 South of Range 2 West, 1.52 chains South of the Southwest corner of Donation Land Claim No. 61; and running thence North $74\frac{1}{2}$ degrees West 57.05 chains; thence North $83\frac{1}{4}$ degrees West 57.10 chains; thence North 6.21 chains to the Willamette River; thence with the meandering thereof to the Southwest corner of One (1) acre parcel of land; thence South $67\frac{1}{2}$ degrees East 3.10 chains; thence North 65 degrees East 3.75 chains; thence South $67\frac{1}{2}$ degrees East 71.00 chains; thence South $26\frac{1}{2}$ degrees West 9.12 chains to the beginning point, and containing 127 acres more or less; EXCEPTING from the operation of this description the following:

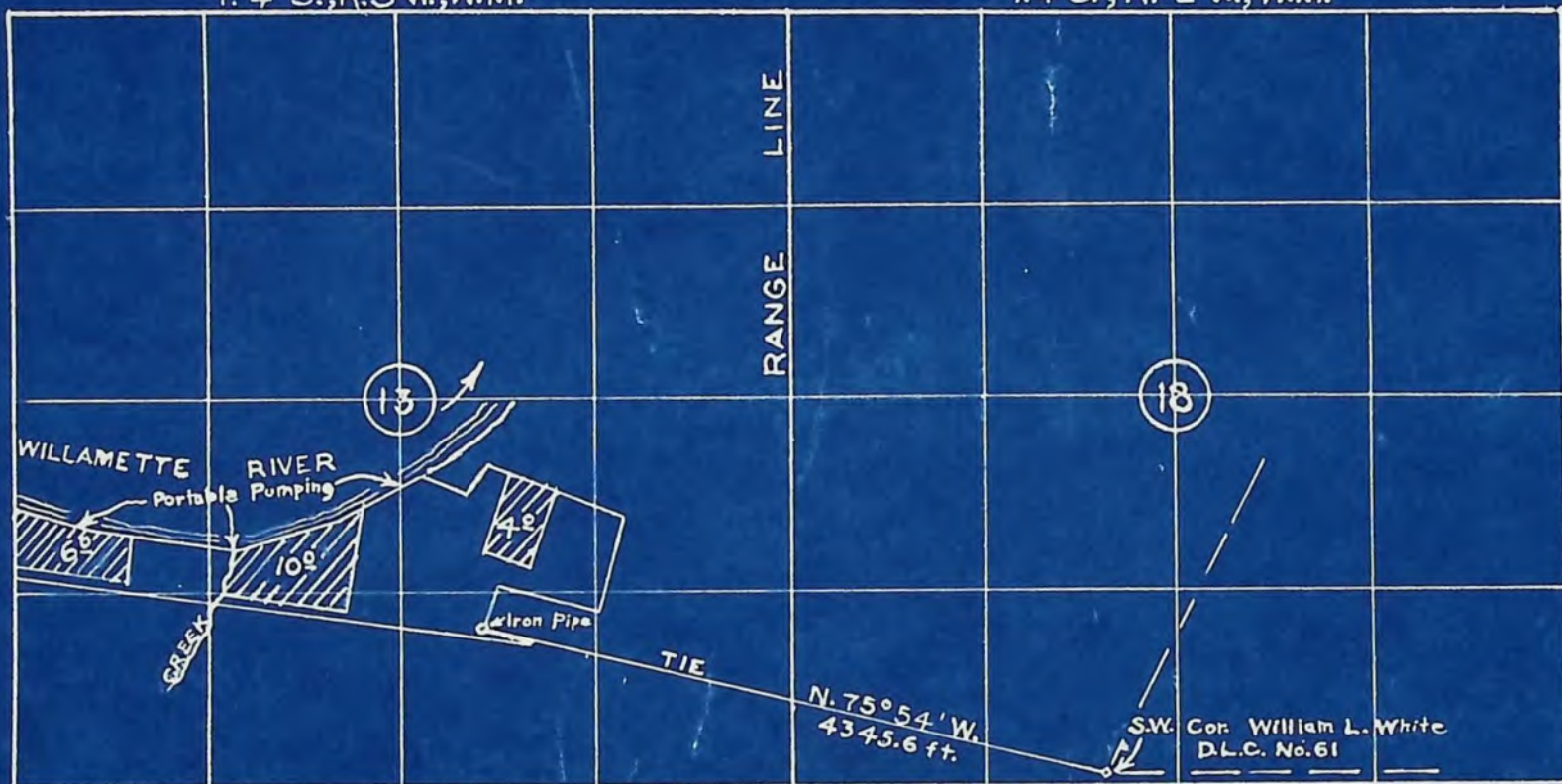
Beginning on the East boundary line of the Donation Land Claim of Michael Accotti, same being Claim No. 73, in Township Four (4) South, Range Two (2) West of the Willamette Meridian in Marion County, Oregon, at a point 19.42 chains North 25 degrees 30' East of the Southeast corner of said Claim; said point of beginning being also 1.52 chains South 25 degrees 30' West from the Southwest corner of the Donation Land Claim No. 61 in said Township and Range; and from thence running North 25 degrees 30' East along the East boundary line of said Claim Number 73, 9.12 chains; thence North 67 degrees 30' West 56.23 chains to the middle of a County Road; thence South 14 degrees 48' West along the middle of said County Road 15.95 chains to the North boundary line of T. J. Conner's land; thence South 74 degrees 37' East, along the North boundary line of said T. J. Conner's land, 54.03 chains to the place of beginning and containing 68.68 acres of land.

ALSO EXCEPTING the following: Beginning on the North line of the farm of Thom. J. Connor in the center of the County Road connecting the St. Paul-Dayton road and the St. Paul-Mission road; thence North $74\frac{1}{2}$ degrees West 384 feet; thence North 14 degrees 48' East 226 feet; thence South 74 degrees East 384 feet; and thence South 14 degrees 48' West to the place of beginning; being in Marion County, Oregon.

ALSO EXCEPTING the following: Commencing at the Southwest corner of the tract of land conveyed to Gerald Connor by S. J. Connor and Agnes Connor, his wife, on January 23rd, 1922 and recorded on November 10, 1922 in Volume 171, page 27, Book of Deeds, Marion County, Oregon; thence N. $74\frac{1}{2}$ deg. W. 375 feet to an iron pipe; thence N. 14 deg. 48' E. 301 feet to an iron pipe; thence S. $74\frac{1}{2}$ deg. E. 759 feet to the center of the County Road; thence S. 14 deg. 48' W. 75 feet along the center of said County Road to an iron pipe; being the Northeast corner of the above mentioned tract of land conveyed to Gerald Connor by S. J. Connor and Agnes Connor, his wife, thence N. $74\frac{1}{2}$ deg. W. 384 feet to an iron pipe, being the Northwest corner of the above mentioned tract of land; thence S. 14 deg. 48' W. 226 feet to the point of beginning.

T. 4 S., R. 3 W., W.M.

T. 4 S., R. 2 W., W.M.



MAP TO ACCOMPANY APPLICATION
FOR
WATER RIGHTS

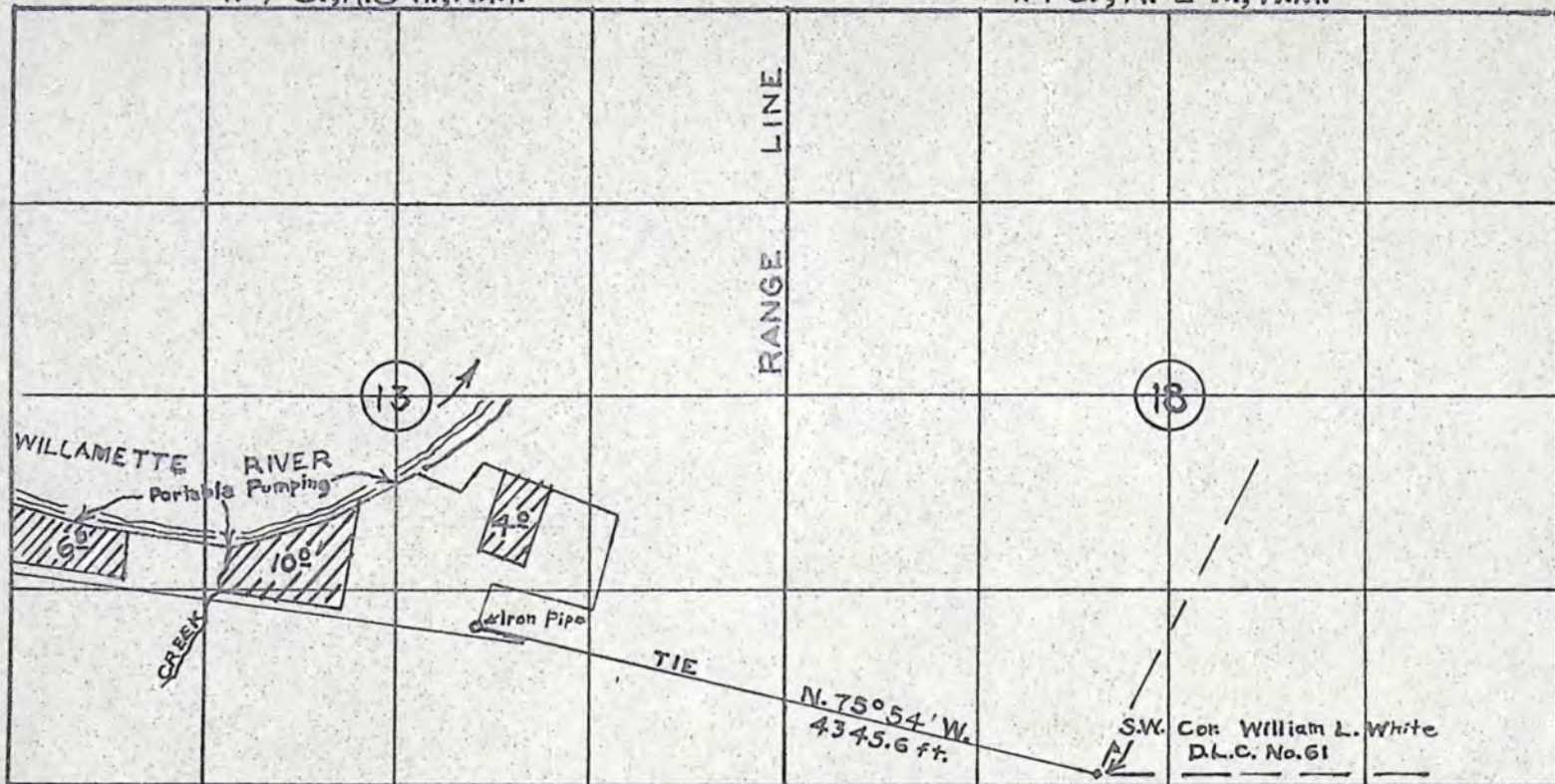
Scale: 4 inches = 1 mile
July 8, 1949

For: Elmer L. Ernst
St. Paul, Oregon

Application No. 23770
PAID BY 18757

T. 4 S., R. 3 W., W.M.

T. 4 S., R. 2 W., W.M.



MAP TO ACCOMPANY APPLICATION
FOR
WATER RIGHTS

Scale: 4 inches = 1 mile
July 8, 1949

For: Elmer L. Ernst
St. Paul, Oregon

RECEIVED
JUL 18 1949
STATE ENGINEER
SALEM, OREGON

Application No. 23770
Permit No. 18757

23770

January 20, 1956

Mr. Elmer Ernst
St. Paul,
Oregon

Dear Mr. Ernst:

We are enclosing herewith for completion, final proof in connection with the incomplete water right represented by your Permit No. 18757 granting a right to the use of 0.25 cfs of the waters of Willamette River for the irrigation of 20 acres.

The data contained in the proof, which is based on an inspection and survey of your project made by a representative of this department, defines the extent to which your water right has been completed within the terms of your Permit. The proof should be dated and signed by you on the second sheet under the Affidavit of Appropriator and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory fee of \$1, a Certificate of Water Right will be issued confirming the rights thereunder and, after being recorded in the records of Marion County, will be forwarded to you.

In the interest of economy and due to the fact that your completed project was examined by a representative of this department, it is not necessary that your signature be made before a Notary Public, nor that the signatures of witnesses be affixed to the proof.

Yours very truly,

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

Form 117

Enclosure

ld

Proof of

H.C.

January 29, 1953

Mr. Elmer Ernst
St. Paul
Oregon

Dear Mr. Ernst:

If as indicated in your card of recent date, you have actually completed the construction work and made complete application of the water by irrigation of the 20 acres as set out under the terms of Permit No. 18757, you should advise this office of that fact by filling out and returning the enclosed Forms B and C.

If you have not actually completed the project, you may wish to make application for an extension of time, using the enclosed form.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Chris L. Wheeler, Assistant

CLW:ch
Enc: 3

St Paul, Oregon
1-15-53

23770

Dear Sir;
According to our irrigation permit our work was completed by October, 1952 for the season. Please forgive the delay in notifying you to this effect,
E. Loner L. E. Road, by M. E.

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

(GPO)

POSTMARK OF DELIVERING OFFICE

Return to

State Engineer

(NAME OF SENDER)

Street and Number,
or Post Office Box,

REGISTERED ARTICLE

No.

49675

INSURED PARCEL

No.

SALEM,

OREGON.



THIS SIDE OF CARD IS FOR ADDRESS

Chas. E. Stricklin,
State Engineer,
303 State Office Bldg
Salem, Oregon

RECEIVED
JAN 16 1953
STATE ENGINEER
SALEM, OREGON

Form 38
Rev. 1-4-

RETURN RECEIPT

Receive from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 _____
(Signature or name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery _____, 19____

January 5, 1953

Mr. Elmer Ernst
St. Paul, Oregon

Dear Mr. Ernst:

According to the terms of your Application No. 23770 , Permit No. 18757 , which is for the appropriation of 0.25 second-feet of water from Willamette River complete application of water was to have been made on or before October 1, 1952 . It appears from our records that you have failed to submit the notice of complete application, although a postal card, calling this matter to your attention, was mailed to you on October 23, 1952.

Section 116-435, O. C. L. A., provides: "whenever the time within which any appropriation under a permit should have been perfected shall have expired and the owner of such permit shall fail or refuse within the period of three months thereafter to submit to the State Engineer proof of the completion of such appropriation as required by Section 116-426, O. C. L. A., the State Engineer may, after 60 days' notice by registered mail, order the cancellation of such permit, * * *."

If you have complied with the terms of this permit, you should promptly submit the notice of complete application of water after which we will take up with you the matter of final proof. If, however, you have abandoned your plan of development, we would appreciate your authority to cancel the permit, so that the permit may be cancelled without the necessity for following the legal procedure. In case you have not completed your appropriation, although you still wish to do so, you may submit an application for an extension of time. Such an extension may be granted if it appears that proper diligence has been shown.

Complete application of water under an irrigation permit means the irrigation of ALL of the land described in the permit, which it is intended to irrigate.

In accordance with the provisions of Section 116-435, Oregon Compiled Laws Annotated, a part of which is quoted above, you are hereby notified that unless we hear from you within 60 days from the date of this letter, your permit will be cancelled without further notice.

Very truly yours,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

23770

December 7, 1950

Mr. Elmer Ernst
St. Paul
Oregon

Dear Mr. Ernst:

This acknowledges receipt of Form A, being notice of the beginning of construction under Permit No. 18757 in the name of Elmer Ernst.

This report has been filed with other matter pertaining to the water right, and the permit is in good standing until October 1, 1951, when under its terms, construction should be completed.

Very truly yours,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

Form 118

23770

November 28, 1950

Mr. Elmer Ernst
St. Paul,
Oregon

Dear Mr. Ernst:

With the thought that our letter of September 26, relative to Permit No. 18757, may have been lost in the mail, I am enclosing herewith a copy of this letter, and it will be appreciated if you will either report beginning of construction within the statutory period or authorize cancellation of the permit, whichever is indicated by the facts, so that the record may be cleared.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

Ed K. Humphrey, Assistant

EKH:mrh

Enc.

September 26, 1950

Mrs. Elmer Ernst
St. Paul, Oregon

Dear Mrs. Ernst:

In reply to your postal card of September 20, this will advise you that, according to the terms of Permit No. 18757, in the name of Elmer Ernst, to appropriate water from the Willamette River for the irrigation of 20 acres, and the law under which this permit was issued, construction preparatory to use of water as proposed should have been commenced on or before September 15, 1950, as explained in the letter which accompanied the permit when it was mailed to Mr. Ernst September 15, 1949.

If construction was commenced preparatory to use of water as above it should be so reported by filling out and mailing to this office the enclosed Form A, which is a duplicate of the one attached to the permit.

If nothing was done preparatory to use of water as proposed on or before September 15, 1950, the permit in question is subject to cancellation, as provided by law, and there is no point in proceeding further under it.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:eg
Enc.

9-20-50

Strucklin -

is in the world
is all about?

As far as we know we
are not beginning
construction on
anything and have
never intended to!

OREGON

ST. PAUL

Mr. Elmer Ernst

THIS SIDE OF CARD IS FOR ADDRESS

1900
A SEPT 18 1950
6 2 PM
LEWIS & CLARK
POST OFFICE
ST. PAUL, MINN.

The only business
we have ever had
with your office
was obtaining "Water
rights" to six
our farm!



Very truly yours,
Maryann Ernst
(Mrs. Elmer Ernst)

RECEIVED
Form A-2M-8-46

File: 23770

SEP 22 1950
STATE ENGINEER
SALEM, OREGON

STATE OF OREGON
OFFICE OF THE STATE ENGINEER
SALEM, OREGON

You are required by the terms of your Permit No. 18757
and the statute under which it was issued to begin actual construction work on or

before SEP 15 1950, and I note that you have not
filed notice of beginning construction, a blank for which was attached to your permit.
If you have begun such work, I would suggest that you promptly fill out, sign and
forward the notice to this office. In case you have failed to begin construction work,
your rights have lapsed, and in order that the records of this office may be complete
notification of this fact, together with a statement authorizing the cancellation of the
permit, will be greatly appreciated.

Very respectfully,
CHAS. E. STRICKLIN, State Engineer

23770

September 15, 1949

Mr. Elmer Ernst
St. Paul, Oregon

Dear Mr. Ernst:

Herewith you will find Application No. 23770, Permit No. 18757, together with blueprint.

This application has been approved and recorded in this office.

PLEASE READ CAREFULLY THE FOLLOWING INSTRUCTIONS:

Your permit has been recorded in this office, but you should hold the original as evidence of your water right unless the land described therein is disposed of. In that event you should file an assignment to the new owner for record in this office. Assignment blanks will be furnished upon request.

The permit, which appears on the back page of the application form, limits the time in which you may begin and complete construction of your project. According to law you must begin actual construction work within one year from the date of issuance of the permit or your right will be lost. The State Engineer is authorized to extend the time for completion of the project on proper showing, but has no authority to extend the time limit for beginning of construction work.

Forms are attached to the permit for your convenience in submitting notice when construction begins, when it is completed, and when the water has been completely applied to the proposed use.

Whenever a measuring device becomes necessary for the proper distribution of water the permittee will be required to install one to the satisfaction of the State Engineer as provided by Section 116-501, O.C.L.A.

As soon as the work is completed and the water applied to the proposed use, you should notify the State Engineer who will then take up with you the matter of final proof, after which a water right certificate will be issued.

If your use of water is for irrigation, proof can be made only after you have actually irrigated ALL of the land described in your permit, which you intend to irrigate at any time.

Yours very truly,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

23770

July 13, 1949

Mr. Elmer Ernst
St. Paul, Oregon

Dear Mr. Ernst:

This is to notify you that your Application No. 23770 for a permit to appropriate 0.25 second-foot of water from Willamette River for irrigation now appears to be in satisfactory form and is being placed in line for approval by issuance of a permit.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:dh

23770

July 12, 1949

Mr. Elmer Ernst
St. Paul, Oregon

Dear Mr. Ernst:

For your convenience in completing your Application No. 23770, by attaching thereto the required map as explained in our letter of June 7, I am enclosing your application herewith endorsed so that to retain its priority it must be returned to this office on or before August 12, 1949.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:RN
ENCL.

23770

June 7, 1949

Mr. Elmer Ernst
St. Paul, Oregon

Dear Mr. Ernst:

Will you please let us know when you will submit the map required to complete your Application No. 23770 as explained when you were in this office May 4 to file.

The required map must be drawn on transparent tracing paper or tracing cloth showing all of the important items of the proposed appropriation, including the location of the required reference monument by a distance and bearing tie to a recognized identified Government survey corner, as explained on Pages 6 and 8 of the enclosed copy of the Rules and Regulations of the State Engineer.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

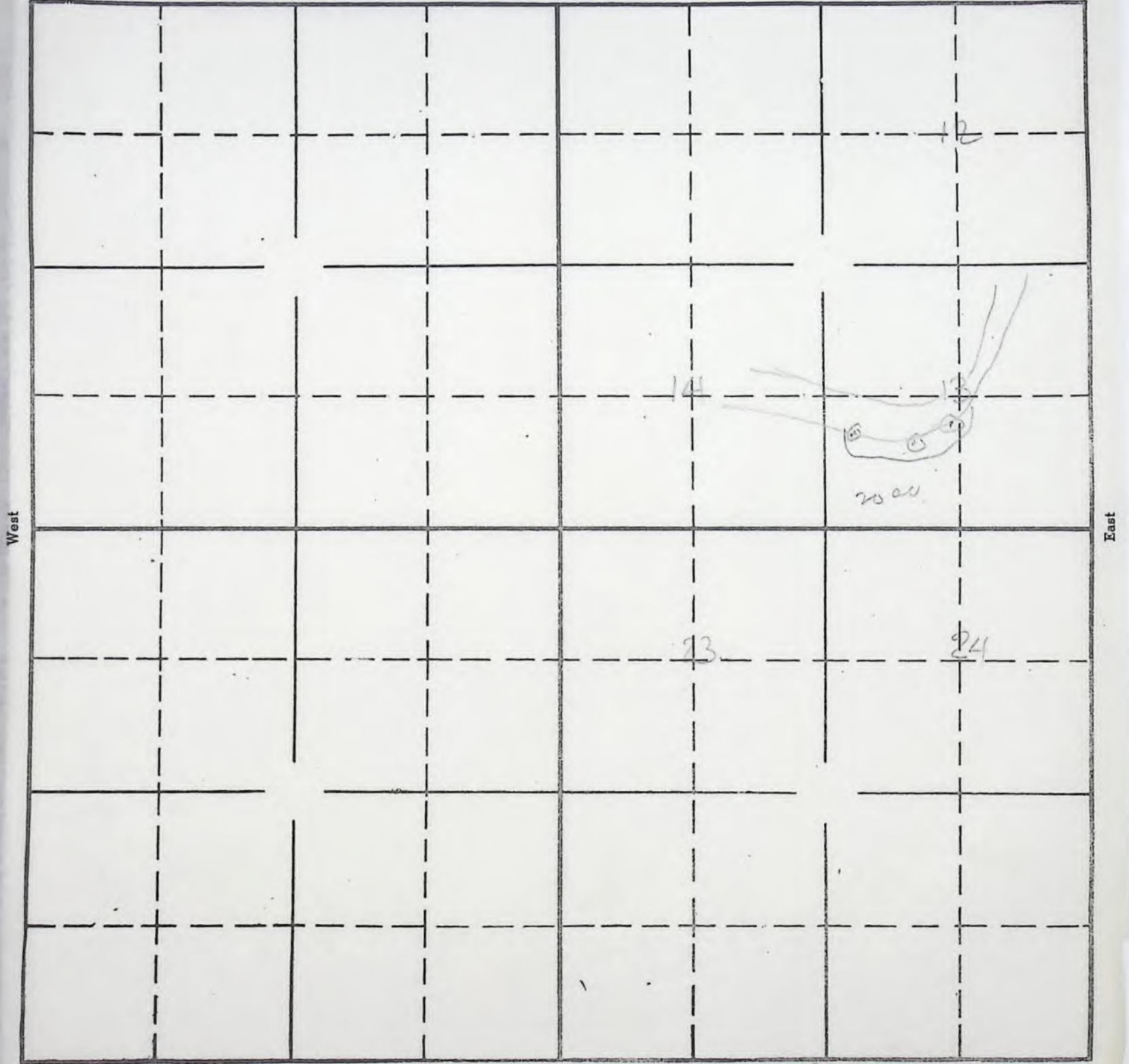
By
Ed K. Humphrey, Assistant

EKH:dh
Enc.

SECTION

TOWNSHIP 45, RANGE 3W, W. M.

North



South

23770

2-64C

APPLICATION No.

PERMIT No.

18015