

*** OREGON WATER RESOURCES DEPARTMENT ***

Select by certificate 33499

5/25/1984

Name: AGNES C BOOTH

County : MARION

Application: S 2869

RT 1 BOX 280

Status : NON-CANCELLED

Permit : S 1589

TURNER, OR 97392

Certificate type: CR

Certificate: 33499

Certificate date: 12/29/1966

Supersedes certificate: 2316

Related documents:

Remarks :

Source	Use	P/S	Priority	Quantity	Location	LOT/DLC	Status
SPRS > WEAVER S	OS	P	4/ 8/1913	1.00000PM	9 S 9 W 12 SWSE		V
Rate: 1/80 Limit: AFT/acre/year Other limits:							
SPRS > S FK NORTON CR	OS	A	4/ 8/1913	1.00000PM	9 S 9 W 12 SESE		V
Rate: 1/80 Limit: AFT/acre/year Other limits:							

Points of appropriations:	Use	P/S	Location	OLC/LOT	Acres	Status
=====	OS	P	9 S 9 W 12 NESE		0.000	V

**Oregon Water Resources Department
Water Right Ownership Update Form**

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a permit ("water right") from the Water Resources Department is needed before using, diverting, or storing any water [ORS 537.130]. However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has a water right to: 1) provide evidence of the water right to the buyer and 2) notify the Water Resources Department of the water right involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 378-8455.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

Property Seller Information:

Name: Kenneth R. Hulbert
Street Address: 670 Rosemont Ave
City: Salem State: OR Zip: 97304
Phone: (503) 399-0723

Property Buyer Information:

Name: Joe H. Norman and Margaret E. Norman
Street Address: 1725 Montrose Ave NW
City: Salem State: OR Zip: 97304
Phone: (503) 363-7782

Property Description (attach additional pages if necessary):

County: Marion Township: 09 Range: 3W Section: 12
Tax lot number(s): 00504

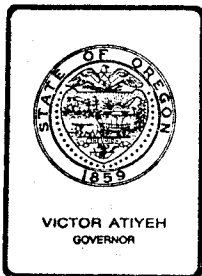
Meets & bounds description (or attach copy of property deed & tax-lot map with the parcels highlighted):

Water Right Information (attach copy of water right permit or certificate & final proof map if available):

Application #: 2869 Permit #: 1589 Certificate #: 33999
33944

Will all the lands associated with this water right be owned by the buyer? Yes ☐ No ☐

Name of individual completing this form: MARGARET E. Norman Signature: Margaret E. Norman
Phone: 503-363-7782 Date: Sept 15, 1994



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508 or
1-800-452-7813

July 16, 1981

Connie J. Holm
483 Winding Court Southeast
Salem, OR 97302

Dear Ms. Holm:

REFERENCE: File 2869

Thank you for your letter regarding the status of Water Right Certificate 33499.

The water right described by the certificate is appurtenant to the land upon which the right was established and remains with the land through change of ownership. Any changes in the use of water or place of use of water would have to be initiated by the owner of the land of the water right in question. A formal application submitted by the owner would have to be submitted to this agency requesting the change.

The copy of the contract you submitted with your letter does not automatically satisfy the statutory requirement. Incidentally, a perfected water right as evidenced by a certificate remains valid indefinitely as long as the water is used as described in the certificate. However, failure to exercise the right for a period of five successive years would constitute forfeiture of the water right.

Sincerely,

THOMAS E. SHOOK
Water Rights Engineer

TES:wpc
5892A

COPY

October 27, 2000

953w12 7L 5011

Start Card 82 372

Mr. Bill Ferber, Watermaster
Water Resources Dept.
158 12th St. N.E.
Salem OR 97310

The property I own at 10884 Summit Loop S.E. , Turner Oregon holds water rights to a spring recorded on Water Right Certificate Volume 25 page 33499.

There are two spring "houses" at the spring. The upper Spring house sits over one of the spots where spring water comes out of the ground. It has an exit pipe bringing water to an adjoining property. The spring also bubbles up outside of that spring house and there is a pipe underground entering the lower spring house which feeds our property across the road. There is another location where we have seen spring water bubbling out of the ground.

There is a tree growing against the lower spring house. Over the years it has pushed the entrance pipe away from it's entrance hole into the spring house. We rejoined it with a flexible pipe that bends around the tree. During one summer when we ran out of spring water at our property we discovered that the flexible pipe had been removed. We reconnected it. Another summer when we had a problem we were able to get water by gravity feeding water into the spring house with a hose.

On November 3 1995 we had a well installed on our property and began using well water in our home. We continued using spring water for gardening outside because we have four outside faucets that are connected by a separate pipe to the spring house only, not to the well. We also installed a 5th faucet into the spring house pipeline at the time we got our well. We never intended to stop using spring water when we got our well. We need it for our garden in summer.

The summer of 2000 and the summer of 1999 we did not use the spring house water

because we travelled. We did not check on the condition of the spring house those two summers. We checked it in October 2000 and were told by Dr. Carl Holm, who owns the property that the spring is located on, that he had the watermaster come and look at the springhouses to prove they had not been used for 5 years and have our water rights terminated. He assumes that when we had our well put in we stopped using the water. He told us when we first moved there we did not have water rights. The man who sold us the property told us that Dr. Holm had tried to terminate his water rights also, but that he had used the water and still had the rights.

We would like to decide for ourselves when we no longer want water rights to the spring. So far we plan to keep using them.

Kristy Makasiyowin

Kristy Makasiyowin 10-27-00

Mailing address: PMB 326

503-391-8349

1214 Wallace Rd. N.W.

Salem, OR 97304-3008

I have attached 2 photos of the spring house taken this month. I have also enclosed a copy of the certificate of water right

cement spring house
with galvanized steel roof



October 2000 tree

↑ roof



↑ gravity hose

↑ spring house pipe
↑ flexible pipe

↑ white pipe that brings water from spring

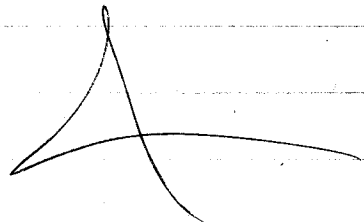
Cert 2316 (App 2869) not correct Vol 4 P 247

Spring near center SE $\frac{1}{4}$ Sec 12 T5S R3W
House SENESE Sec 12

Dawson now owner of house.

Don't you think we should
reissue per Mill Cr Deed?

See Mill Cr. Deed
Cert 14834 - Harris
and G. F. Barth p. 98
no cert issued



Mill Cr. Map shows bath

Inspect to see if use still made under Barth
also by Harris (as bath apparently from same
spring)

Need \$100 for recording correction cert-
from owner of Barth, if in use

December 22, 1966

Dr. Carl L. Holm
690 Winding Way, S.E.
Salem, Oregon

Dear Dr. Holm:

I did more record searching concerning water rights on the former Booth property after your last visit, and I am furnishing this information as a matter of record, in part confirming the verbal information and making one small correction.

The certificate recorded at page 14834, State Record of Water Right Certificates, was issued to J. T. and Rosa B. Norris providing for the appropriation of 2.6 gallons per minute for domestic and stock use and irrigation of garden not exceeding $\frac{1}{2}$ acre, from an unnamed spring in the S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 12, with a priority date of 1893. This is from the spring we discussed, and the place of use is within the present Dawson property.

The certificate issued to G. F. Booth, which was in error and which will be corrected in the next few days to conform to the court decree, provides for the use of not to exceed 7.0 gallons per minute of water from the spring on what is now the Agnes Booth property. We have contacted her and a correction certificate will be issued in her name.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

TJ:py

December 22, 1966

Mrs. Agnes C. Booth
Route 1, Box 280
Turner, Oregon

Dear Mrs. Booth:

I am enclosing our receipt No. 2011, covering the certificate recording fee of \$1 which you paid to our Watermaster.

In a few days we will issue a certificate superseding that recorded at page 2316 as set out in the decree of the court, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Mill Creek and Its Tributaries.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

TJ:py

Enclosure

February 5, 1919.

Mr. G. F. Booth,
1925 Commercial Street
Salem, Oregon.

Dear Sir:

In compliance with your request to Mr. Copper, I am enclosing additional proof of appropriation of water under permit No. 1557 which you will please fill out and return to this office, together with \$1.00 to cover recording fee, and the matter will be presented to the Board at its next meeting for approval and issuance of final water right certificate.

Yours very truly,

H. W. Potter,
Secretary.

WB.

JOHN H. LEWIS, STATE ENGINEER
PRESIDENT OF THE BOARD
SALEM

JAMES T. CHINNOCK
SUPT. WATER DIV. NO. 1
SALEM

GEORGE T. COCHRAN
SUPT. WATER DIV. NO. 2
LA GRANDE



R. W. POTTER
SECRETARY

STATE WATER BOARD
SALEM

OFFICE OF STATE WATER BOARD
RECEIVED

Aug. 29, 1918 SEP 16 1918

SALEM.

OREGON.

Mr. G. F. Booth,
1986 Chemekata St.
Salem, Oregon.

Permit No. 1589.

Dear Sir:

I note from the records of this office that you have not submitted final proof under your permit No. 1589, which covers the appropriation of twenty-three Eithtieths second foot of water from springs for the irrigation of 5 acres and for domestic purposes, although final proof blanks were sent you for execution on Jan. 14, 1918. In view of the fact that final proof has not been submitted, we presume you have abandoned this water right and if so, we would be glad to have you authorize the cancelation of the permit on the records of this office as this will eliminate the necessity of following the regular procedure for the cancelation of the same.

However, if the terms of the permit have been complied with, final proof should be submitted in order that a final water right certificate may be issued.

As we have received no reply to our letter of Jan. 14, 1918, transmitting final proof, you are advised that unless hearing from you within 60 days from the date of this letter the permit will be presented to the Board for cancelation in accordance with the provisions of Section 7, Chapter 366, laws of Oregon for 1917, which provides for the cancelation of permits when the holders thereof fail or refuse to complete the water rights within three months after the same should have been completed.

Very respectfully,

John H. Lewis,

RS.
This letter registered.

Pres. State Water Board.

Sulphur Springs, Ore.

It Lewis,

I have been away from home since first of July and expect to be away until near Oct. 1st, but as soon as I return will attend to the above matter. I certainly wish to carry out the provisions of the law as I have met its requirements thus far. Resp - G. F. Booth

29
Aug. 29, 1918.

Mr. R. F. Smith,

~~Superintendent~~

Dear Sir:

1986 *Chenoweth & Co. Salem Ore*
Permit No. 1509.

I note from the records of this Board that you have not submitted final proof under your permit No. 1509, which covers the appropriation of twenty-three thousand square feet of water from springs for the irrigation of 1 acre and for domestic purposes, although the same was issued for the expiration on Jan. 14, 1918. In view of the fact that final proof has not been submitted, we presume you have abandoned this water right and if so, we would be glad to have you authorize the cancellation of the permit on the records of this office as this will eliminate the necessity of following the regular procedure for the cancellation of the same.

However, if the terms of the permit have been complied with, final proof should be submitted in order that a final water right certificate may be issued.

As we have received no reply to our letter of Jan. 14, 1918, transmitting final proof, you are advised that unless hearing from you within 60 days from the date of this letter the permit will be presented to the Board for cancellation in accordance with the provisions of Section 7, Chapter 366, laws of Oregon for 1917, which provides for the cancellation of permits when the holders thereof fail or refuse to complete the water rights within three months after the same should have been completed.

Very respectfully,

John H. Lewis,

ES:
This letter registered.

Pres. State Water Board.

January 14, 1918.

Mr. G. F. Booth,
Turner, Oregon.

Permit No. 1589.

Dear Sir:

I enclose blank for proof of appropriation of water under permit No. 1589, which you will please fill out and return to this office together with \$1.00 to cover recording fee, upon receipt of which the matter will be presented to the Board for approval and issuance of certificate.

Very respectfully,

John H. Lewis,

ES.
Enc.

President of the State Water Board.

February 12, 1917.

Mr. G. T. Booth

Salem, Oregon.

Dear Sir:-

The State Water Board at its last meeting granted an extension of time until October 1, 1917 within which to completely apply water to the proposed use under permit No. 1589.

Very truly yours,

Secretary.

GB.

NEW WORLD LIFE INSURANCE COMPANY

Home Office
SPOKANE, WASHINGTON

G. F. BOOTH
DISTRICT GENERAL AGENT

Salem, Ore.
1190-s-14

~~XXX~~Jefferson, Oregon

Mr. Percy A. Cupper, Assistant State Engineer,

Salem, Ore.

Dear Mr Cupper;

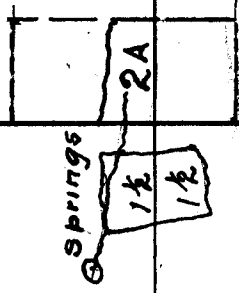
Owing to not needing irrigation this season I would appreciate an extension of time for completing the work required by my Application 2059-1589.

Very respectfully

G. F. Booth,

T 9 S R 3 W

T 9 S R 2 W



12

7

OFFICE OF STATE ENGINEER
RECEIVED
JUN 24 1913

SALEM, OREGON

Map to accompany application

Made by G.F. Booth.

Application No. 2869.

Permit No. 1589