

# STATUS OF APPLICATION

Change in place of use  
 Date filed 2-25-75  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 Date of order 2-3-76 Vol. 26, page 338  
 Date for application of water 10-1-76  
 Proof mailed MAR 30 1978  
 Proof received \_\_\_\_\_  
 Certificate issued MAY 1 1978 Vol. \_\_\_\_\_, page 45465

Survey 8/76  
5-1-78 JS

## REMARKS

# DESCRIPTION OF WATER RIGHT

Name of stream well # 3  
 Trib. of \_\_\_\_\_ County of Benton  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 22.9  
 Name of ditch \_\_\_\_\_  
 Date of priority February 13, 1967  
 In name of Leighton Davis  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. G-3806 Per. No. G-3591 Cert. No. \_\_\_\_\_  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

# FEES PAID

Date	Amount	Receipt No.
<u>2-25-75</u>	<u>25.00</u>	<u>45392</u>
<b>TOTAL</b>		
<u>4-4-78</u>	<u>\$2</u> Cert. Fee	<u>1944</u>

# FEES REFUNDED

Date	Amount	Check No.

## INDEX CARDS:

	Entered	Checked
<u>WH</u> Name	<u>✓</u>	<u>   </u>
<u>WH</u> Stream	<u>✓</u>	<u>   </u>
<u>WH</u> Pt. of Div.	<u>✓</u>	<u>   </u>
<u>WH</u> Calendar	<u>✓</u>	<u>   </u>
<b>CHECKED TO RECORDS:</b>		
<u>✓</u> Twp. & Rge.	<u>   </u>	<u>   </u>
<u>   </u> Decree-vault	<u>   </u>	<u>   </u>
<u>   </u> Decree-safe	<u>   </u>	<u>   </u>
<u>   </u> Cert. of W/E	<u>   </u>	<u>   </u>
<u>✓</u> Per. Folder	<u>CC</u>	<u>   </u>
<u>   </u> Chainindex	<u>   </u>	<u>   </u>
<u>   </u> Cross Ref.	<u>   </u>	<u>   </u>
<u>   </u> Power Claim	<u>   </u>	<u>   </u>
<u>   </u> Abstracts	<u>   </u>	<u>   </u>

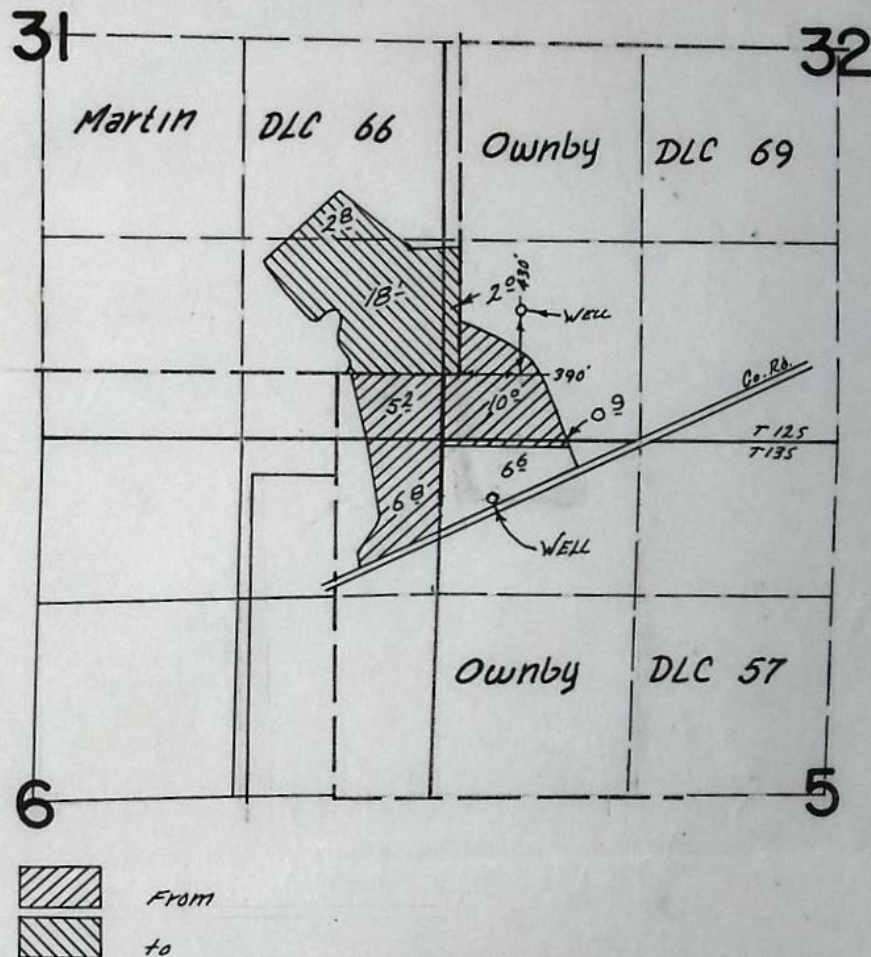


RECEIVED

FEB 25 1975

STATE ENGINEER  
SALEM, OREGON

T.12&13S. R.5W W.M.





## CHANGE IN PLACE OF USE

REPORT ON INSPECTION UNDER  
TRANSFER OF WATER RIGHT FORTransfer No. 3171County Benton

1. Name Leighton Davis Address Route 2, Box 127, Corvallis 97330
2. Source of Supply Well #3, Trib. of Muddy Creek
3. Amount of Water 0.5 0.27 Priority Date Feb. 13, 1967
4. Use irrigation of 21<sup>2</sup> Acres
5. Proposed Point of Diversion SW SW Sec 32 T.12S R.5W.W.M.  
430' N E 390' E from SE cor Martin DLC 66

6. Place of Use DATE FOR APPLICATION OF WATER:
- 10/1/76

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
12S	5W	31	NE $\frac{1}{4}$ SE $\frac{1}{4}$		<u>2.3</u> <del>2.8</del> acres
12S	5W	31	SE $\frac{1}{4}$ SE $\frac{1}{4}$		<u>16.9</u> <del>18.1</del> acres
12S	5W	32	SW $\frac{1}{4}$ SW $\frac{1}{4}$		2.0 acres ✓

DFJ 166 43  
10-4-76  
CCK 166-43



INFO: MR. DAVIS SHOWED US THE NEW ARROW OF USE  
AND THE WELL & EQUIP.

SOURCE: Well no. 3

USE: IRRIGATION

CROP: GRASS

WELL: DEPTH - 112'

SWL -

CASING - 8"

WELL LOCATED IN A LEVEL CLEARED FIELD.

MOTOR & PUMP: 15 hp. SUB. 5" DISCHARGE

PIPE: 5800' 3" ALUM  
6700' 4" ALUM

HOS: 125 RB 30 1/64 x 0 (32 MAX)

LIFT: 0 to +20' 70% at 0 to +5' 30% @ +5 to +20'

TIE: DFJ ILL 43

10-4-76  
E.C. King  
FE.

EQUIP. 125 RB 30's 11/64 x 0"

5000' 3" ALUM  
900' 3" ALUM

4500' - 4" ALUM

2250' - 4" ALUM

8" CASING

5" x 4 at discharge

PUMP 15 (6.6) 99 72  
127 + 10 137

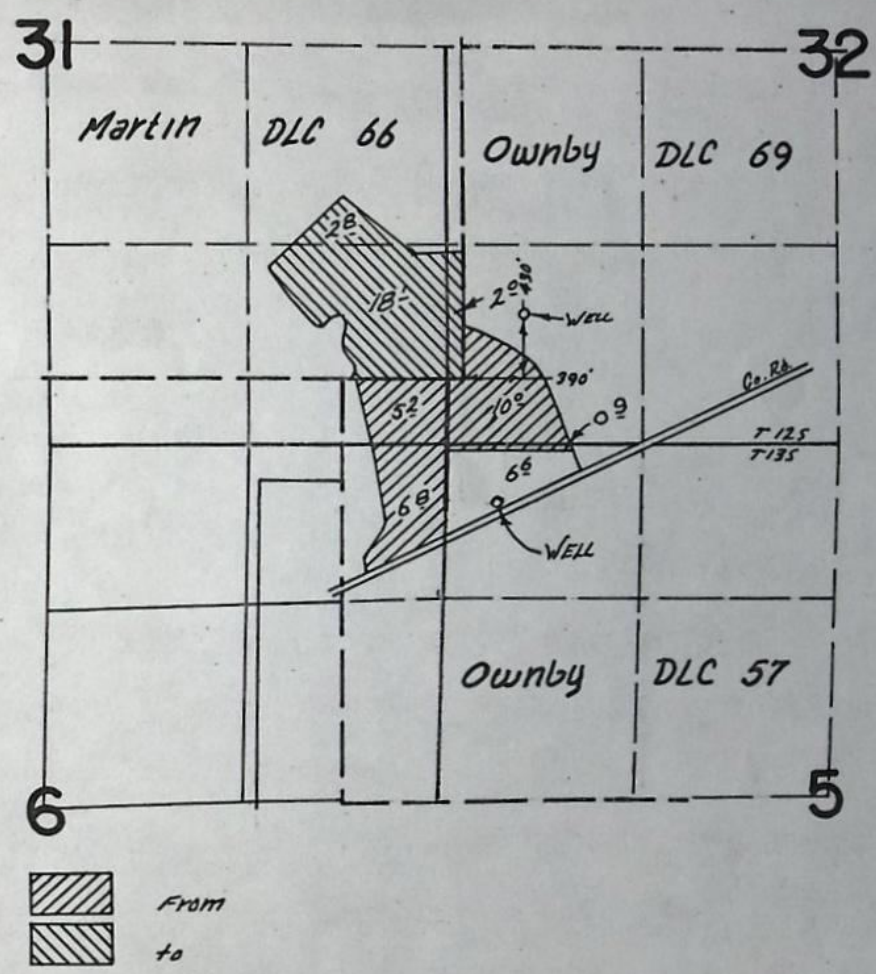
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1150

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225

PL 86-360 (Rev. 10-12-67)

FEB 25 1975  
STATE ENGINEER  
SALEM, OREGON

T.12&13S. R.5W W.M.

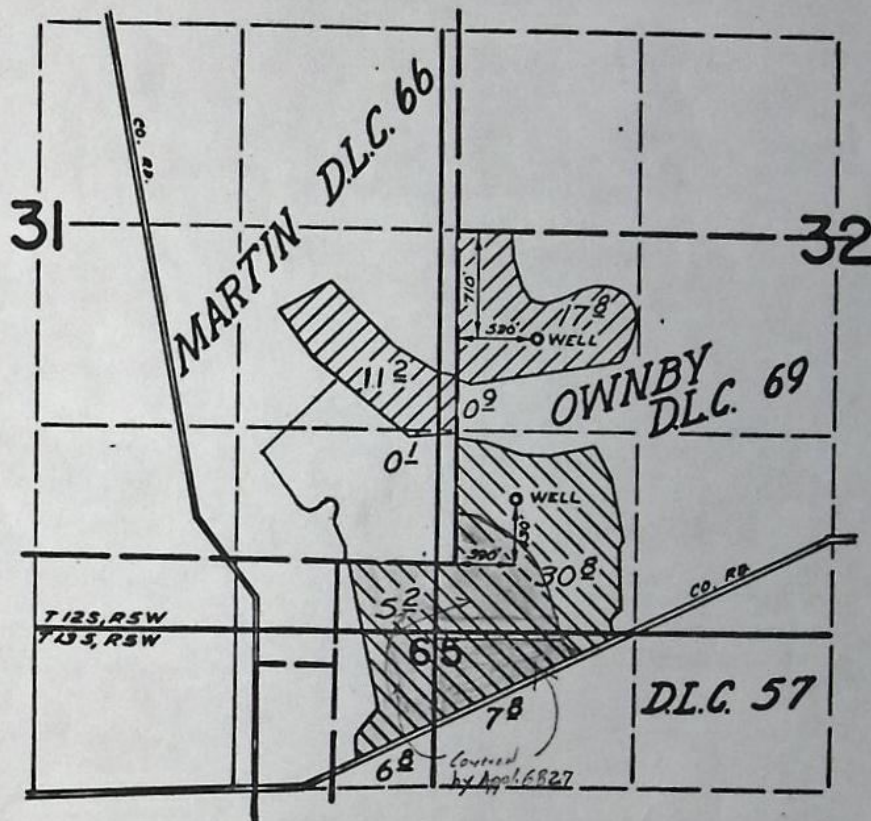


T-3171



STATE ENGINEER  
SALEM, OREGON

T.12&13S., R.5W., W.M.



To Be Transferred

# FINAL PROOF SURVEY

## UNDER

Application No. G-3806 G-3591  
G-4331 Permit No. G-4086  
 IN NAME OF

*LEIGHTON DAVIS*

Surveyed MARCH 27 1973, by D. NORBY

This certificate describes that portion of the water right established under permit G-3591, Not modified by the provisions of an order entered on February 3, 1976, approving transfer 3171 as well as to confirm a change in place of use of water approved by the same order.



STATE OF OREGON  
COUNTY OF BENTON

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FEB 25 1975

STATE ENGINEER  
SALEM, OREGON

Proof of Appropriation of Water

LEIGHTON DAVIS

of Route 2, Box 127, Corvallis, State of Oregon 97330  
has applied beneficially the waters of  
~~well No. 3~~

a tributary of Marys River  
the irrigation of ~~44.8~~ 42.3 acres for the purpose of

under Permit No. G-3591 of the State Engineer, and that the use of said waters has been  
completed under the terms of said permit; that the priority of the  
right dates from February 13, 1967

that the amount of water for the purposes aforesaid, has been actually beneficially used in the  
amount of  
0.50 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Ownby DLC 69,  
Section 32, T. 12 S., R. 5 W., W. M., 430 feet North and 390 feet East from SE  
Corner, Martin DLC 66.

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:

2.3 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
16.952 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
both As projected within Ownby DLC 69 Martin DLC 66  
Section 31  
20.8  
30.8 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
As projected within Ownby DLC 69  
2.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$  } Section 32  
as proj w/in Martin DLC 66 } T. 12 S., R. 5 W., W. M.  
0.3  
1.2 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
As projected within Ownby DLC 57  
Section 5  
6.8 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
As projected within Ownby DLC 57  
Section 6  
T. 13 S., R. 5 W., W. M.

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 24 day of Feb.

1975

L. M. J. Rose  
Notary Public

Leighton Davis

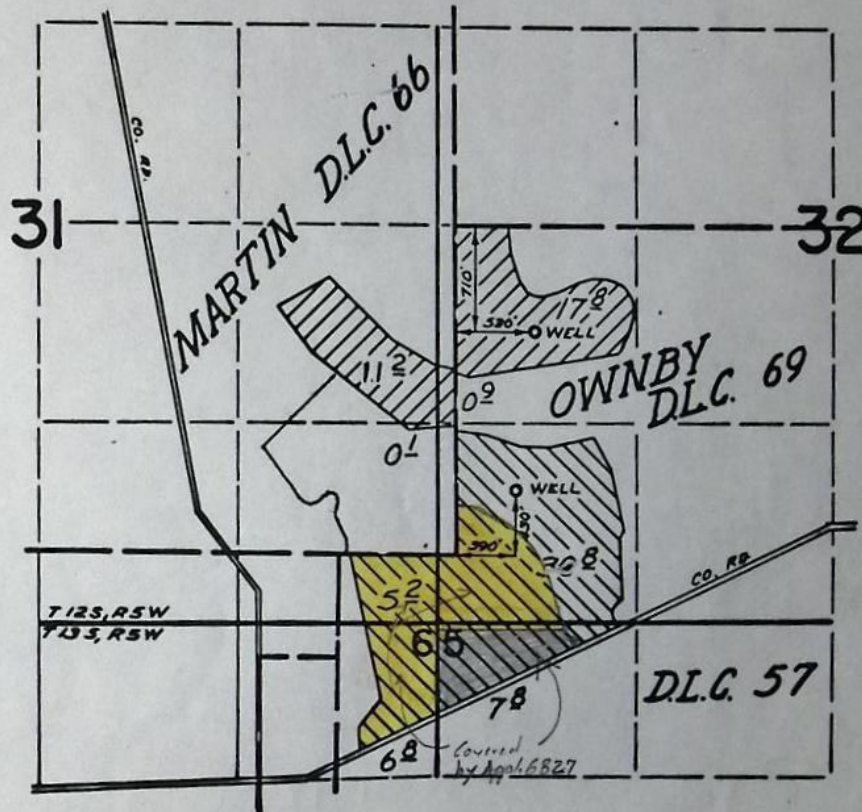


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FEB 25 1975

STATE ENGINEER  
SALEM, OREGON

T.12&13S., R.5W., W.M.



FINAL PROOF SURVEY  
UNDER

Application No. G-3806 G-4331 Permit No. G-3591 G-4086  
IN NAME OF

LEIGHTON DAVIS

Surveyed MARCH 27 1973, by D. NORBY



NOTICE OF COMPLETE APPLICATION  
OF WATER TO BENEFICIAL USE

Transfer No. 3171

I, Lighton Davis hereby certify that  
on June, 1976, the water has been applied to the  
lands to which the water right was transferred by an order of the ~~State~~ <sup>Water Resources Director</sup>  
~~Engineer~~ dated Feb 25, 1975, approving an application for a  
change in place of use of water from well no. 3.

June 6, 1976  
Date

Lighton Davis  
Signature

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JUN - 8 1976

WATER RESOURCES DEPT  
SALEM, OREGON



Permit No. G-3591

Transfer No. T-3171

County Benton

PROOF OF APPROPRIATION OF WATER

1. Name Leighton Davis
2. Address Rt. 2, Box 127  
Corvallis, OR 97330
3. Source of Supply Well No. 3  
Tributary of Marys River
4. Amount of water 0.27 cubic foot per second
5. Priority date February 13, 1967
6. Use the irrigation of 21.2 acres
7. Location of point of diversion SW $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within Ownby DLC 69, Section 32, T. 12 S., R. 5 W., W. M., 430 feet North and 390 feet East from the SE corner of Martin DLC 66.
8. The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

2.3 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
16.9 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Both as projected within Martin DLC 66  
Section 31

2.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
As projected within Martin DLC 66  
Section 32  
T. 12 S., R. 5 W., W. M.

**RECEIVED**

APR 4 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

IN WITNESS WHEREOF, I have hereunto set my hand this 3 day of April  
19 78.

Leighton Davis  
Legal Owner of the above described lands



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Benton County

IN THE MATTER OF THE APPLICATION  
OF LEIGHTON DAVIS FOR THE APPROVAL  
OF A CHANGE IN PLACE OF USE OF  
WATER FROM GROUND WATER  
-----

ORDER APPROVING  
TRANSFER NO. 3171

On February 25, 1975, Leighton Davis filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Well No. 3.

A water right was established under the terms of permit No. G 3591 issued to Leighton Davis for the use of not to exceed 0.5 cubic foot per second of water from a well for the irrigation of, among other lands, 5.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 31, and 10.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 32, Township 12 South, Range 5 West, 0.9 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 5, and 6.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 6, Township 13 South, Range 5 West, W.M., with a date of priority of February 13, 1967. Satisfactory proof has been submitted to the Water Resources Director that water has been beneficially applied to these lands. These lands are irrigated by means of Well No. 3 located 430 feet North and 390 feet East from the Southeast corner of Martin D.L.C. No, 66, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 32, Township 12 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 2.8 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 18.1 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 31, and 2.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 32, Township 12 South, Range 5 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.



of less than one-fourth mile where there is no intervening diversion, nor is notice for publication required for a change in place of use of water.

Mr. Gene McGinnis, Watermaster of District No. 2, has filed a report to the effect that the proposed change in place of use of water may be made without injury to existing rights.

The South Willamette Federal Land Bank Association, mortgagor, has given written approval of the change in place of use of water.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 5.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 31, 10.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 32, Township 12 South, Range 5 West, 0.9 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 5, and 6.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 6, Township 13 South, Range 5 West, W.M., with a date of priority of February 13, 1967, be severed therefrom and simultaneously and without loss of priority transferred to 2.8 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 18.1 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 31, and 2.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 32, Township 12 South, Range 5 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1976.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to Leighton Davis confirming the right to the extent water has been applied beneficially and including the balance of the right completed under the terms of permit No. G 3591.

Dated at Salem, Oregon, this 3rd day of February, 1976.

/s/ JAMES E. SEXSON  
Director



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FEB 25 1975

STATE ENGINEER  
SALEM, OREGON

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, LEIGHTON DAVIS

(Name of applicant)

of RT 2 Box 127 Corvallis

(Postoffice)

County of Benton

State of Oregon 97330, do hereby make application for change in place of use  
of water from well #3

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Well #3

(Name of stream)

2. The use to which the water is applied is irrigation

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is \_\_\_\_\_

4. The point of diversion is located 430 ft. N and 390 ft. E from the SE

(N. or S.)

(E. or W.)

corner of Martin DLC 66

(Section or subdivision)

being within the SW 1/4 SW 1/4

of Section 32 Tp. 12 S R. 5 W W. M., in the County of Benton

(No. N. or S.)

(No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
12S	5W	31																5.2
"	"	32											10.0					
13S	5W	5						0.9										
"	"	6	6.8															

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? yes

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes

8. What is the date of priority of your water right? February 13, 1967

9. Was your water right acquired by State Engineer's Permit? yes If so, give number

(Yes or No)

of permit G-3591



10. Do you hold a water right certificate? No If so, give number of certificate (signed final proof)  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings  
(Yes or No)

12. Is the water right recorded in your name? yes  
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
125	5W	31													2.8			18.1
		32											2.0					

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located ..... ft. ..... and ..... ft. .... from the .....  
(N. or S.) (E. or W.)  
corner of ..... being within the ..... of Section ..... Tp. .... R. .... W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of ..... The name of the ditch to be used is .....

15. Are you the owner of the land on which the proposed point of diversion is to be located? .....

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? .....

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

☒ 18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? no  
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
<u>Mortgage</u>	<u>Fed Land Bank of Spokane</u>	

☒ 20. Reasons for the proposed changes are To utilize water from a new well



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of .....

} ss.

I, LEIGHTON DAVIS, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 24 day of Feb, 1975

Leighton Davis

(Name of applicant)

Subscribed and sworn to before me this 24 day of February, 1975

[Notarial Seal]

L. Maxine Ross

NOTARY PUBLIC FOR OREGON

My commission expires November 23, 1976

Remarks

of the lands irrigated under permit  
6-3591, 20.8 acres in the SW 1/4 SW 1/4 Sec 32  
will remain as described by the final  
proof, 6.6 acres in the NW 1/4 NW 1/4 Sec 5  
will be canceled and eliminated from  
the final proof, all other land will  
be transferred as described herein.

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



**SOUTH WILLAMETTE FEDERAL LAND BANK ASSOCIATION**

120 SMITH ST., P.O. BOX 285, HARRISBURG, OREGON 97446

TELEPHONE: (503) 995-6343



**RECEIVED**

JAN 2 1976

CHARLES L. JENSEN, MANAGER

**WATER RESOURCES DEPT.  
SALEM, OREGON**

December 30, 1975

Mr. Trevor Jones, Administrator  
Water Rights Division  
Water Resources Department  
1178 Chemeketa Street N. E.  
Salem, Oregon  
97310

Dear Mr. Jones:

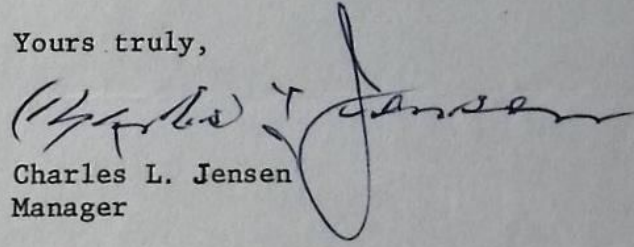
This letter is being written in connection with your recent letter to Leighton Davis, Corvallis. A copy of your letter is enclosed.

We appraised Mr. Davis' place in 1966 and at that time there was only one well on the property, being located in the NE quarter of Section 31, T. 12 S, R.5 WWM.

Therefore his application for approval of a change of water right is in connection with wells that have been drilled since our original appraisal.

Therefore we have no objections to his application, and we approve any change he wishes to make.

Yours truly,

  
Charles L. Jensen  
Manager

Enc.



SERVING BENTON, LANE, LINN, AND LINCOLN COUNTIES





## WATER RESOURCES DEPARTMENT

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JAN 2 1976

WATER RESOURCES DEPT.  
SALEM, OREGON

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone 378-3739

ROBERT W. STRAUB  
GOVERNOR

JAMES E. SEXSON  
Director

WATER POLICY REVIEW  
BOARD

EMERY N. CASTLE  
Chairman  
Corvallis

CHAPIN D. CLARK  
Vice Chairman  
Eugene

GEORGE H. PROCTOR  
Klamath Falls

ANN W. SQUIER  
Portland

RICHARD ROY  
Portland

JAMES HILL  
Arch Cape

JEAN FROST  
Portland

T-3171

December 19, 1975

Mr. Leighton Davis  
Route 2, Box 127  
Corvallis, Oregon 97330

Dear Mr. Davis:

This will acknowledge your application for change in place of use of water from Well #3, a map, and fees of \$25.00 for which our receipt No. 45392 is enclosed. Your application has been filed as Transfer No. 3171.

The application is in satisfactory form but before we can process an order it will be necessary for you to obtain a statement of approval of the change from the Federal Land Bank of Spokane, the holder of the mortgage.

We apologize for the long delay in getting this acknowledgement to you. We have recently undergone a reorganization of the Department with several changes in staff assignments and, hopefully, we will be able to process the increasingly heavy volume of transfer applications more promptly. We appreciate your patience.

Sincerely,

*Trevor Jones*

Trevor Jones, Administrator  
Water Rights Division

TJ:whh





STATE OF OREGON

INTEROFFICE MEMO

TO: Wayne Overcash,  
Assistant

FROM: Gene Mc Ginnis  
Watermaster

SUBJECT: Leighton Davis  
Change in place of use  
Permit G - 3591

DATE: October 29, 1975

Dear Mr. Overcash:

Mr. Leighton Davis has filed an application for change in place of use, for lands irrigated from well No. 3.

It appears that this change can be made without injury to other existing rights.

Provision 2, relative to the installation of measuring devices should be included in the transfer order.

Very truly yours,

Gene Mc Ginnis  
Watermaster