

3352 Elizabeth Bond Starker
Philomath, Ore 115
Oregon

3352

STATUS OF APPLICATION

Change in point of diversion
Date filed 1-20-76
Date of hearing _____
Place of hearing _____
Date of order 2-20-76 Vol. 26, page 401
Date for application of water 10-1-76
Proof mailed _____
Proof received _____
Certificate issued AUG 30 1976 Vol. 35, page 43543

DESCRIPTION OF WATER RIGHT

Name of stream North Fork Abies River
Trib. of _____ County of Benton
Use irrigation
Quantity of water _____ No. of acres 212
Name of ditch _____
Date of priority April 13, 1970
In name of John & Marguerite O'Brien
Adjudication, Vol. _____, page _____
App. No. 46884 Per. No. 35063 Cert. No. 41663
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>1-20-76</u>	<u>35.00</u>	<u>51125</u>
TOTAL . . .	<u>4.00</u>	
<u>2-12-76</u>	Cert. Fee	<u>51402</u>

FEES REFUNDED

Date	Amount	Check No.
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REMARKS

See app 46884
SEE T-4562 A POD per F.P.

FINIS

INDEX CARDS	Entered	Checked
Name	AW	
Stream	AW	
Pt. of Div.		
Calendar	WH	
CHECKED TO RECORDS:		
Twp. & Rge.	AW	
Decree-vault		
Decree-sale		
Cert. of W/R	AW	
Per. Folder	AW	
Chainindex		
Cross Ref.		
Power Claim		
Abstracts		

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Benton County

IN THE MATTER OF THE APPLICATION OF)
ELIZABETH BOND STARKER FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM NORTH FORK)
ALSEA RIVER)

ORDER APPROVING
TRANSFER NO. 3352

On January 20, 1976, Elizabeth Bond Starker filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from North Fork Alsea River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John and Marguerite O'Brien and recorded at Page 41663, Volume 33, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.80 cubic foot per second of water from North Fork Alsea River for the irrigation of, among other lands, 3.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 10.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 5.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 14 South, Range 7 West W.M., with a date of priority of April 13, 1970. These lands are irrigated from a point of diversion located 710 feet North and 1200 feet West from the East quarter-corner of Section 6, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, Township 14 South, Range 7 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 2440 feet South and 1310 feet West from the Northeast corner of Section 6, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, Township 14 South, Range 7 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there is no intervening diversion.

Mr. Ben Monroe, Watermaster of District Number 18, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from North Fork Alsea River, to wit:

From a point located 710 feet North and 1200 feet West from the East quarter-corner of Section 6, being within the $SE\frac{1}{4} NE\frac{1}{4}$ of Section 6, Township 14 South, Range 7 West, W.M.

To a point to be located 2440 feet South and 1310 feet West from the Northeast corner of Section 6, being within the $SW\frac{1}{4} NE\frac{1}{4}$ of Section 6, Township 14 South, Range 7 West, W.M.,

for the irrigation of 3.6 acres in $NE\frac{1}{4} NE\frac{1}{4}$, 10.4 acres in $SE\frac{1}{4} NE\frac{1}{4}$, 5.8 acres in $NE\frac{1}{4} SE\frac{1}{4}$, and 2.1 acres in $NW\frac{1}{4} SE\frac{1}{4}$ of Section 6, Township 14 South, Range 7 West, W.M., with a date of priority of April 13, 1970, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1976.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.28 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the certificate of water right heretofore issued to John and Marguerite O'Brien and recorded at Page 41663, Volume 33, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Elizabeth Bond Starker confirming the change in point of diversion.

Dated at Salem, Oregon, this 20th day of February, 1976.

JAMES E. SEXSON
Director

: POD
POU
USE
Add'l POD

County Benton

1. Name Elizabeth Bond Starker
Address Philomath, Or

2. Source of Supply North Fork Alsea River, Trib of _____

3. Use irrigation

4. Amount of Water _____ Priority Date April 13, 1970

5. Proposed Point of Diversion 2440 feet South and 1310 feet West from NE Corner, Sec. 6, W¹/₂ S W¹/₄ NE¹/₄, Sec. 6, T. 14 S., R. 7 W., W. M., Benton County

6. Completion Date October 1, 1976

7. Place of Use:

[illegible]

PTS-1979-J
DFJ-344-270
8/16/79 CLK

Info: Mr. Engel. D.P. used as applied.

Source: N. Fk. Alsea Riv. Div Dir through 6" section

pump - Marathon 20HP@3500RPM

Peerless CDD 3"x2"

Use: Irr of hay crop

Equip: pipe 5" Alum main - 3900'

3" Alum lat - 2250'

heads - RB30 $\frac{1}{64} \times 0$ (75 max)

Lift: 0@ R - +5@ pump - +10@ field

Tie: PTS-1979-J tied to DFP-3LL-270 Looks like same Div. Pt.

Chris Hughes

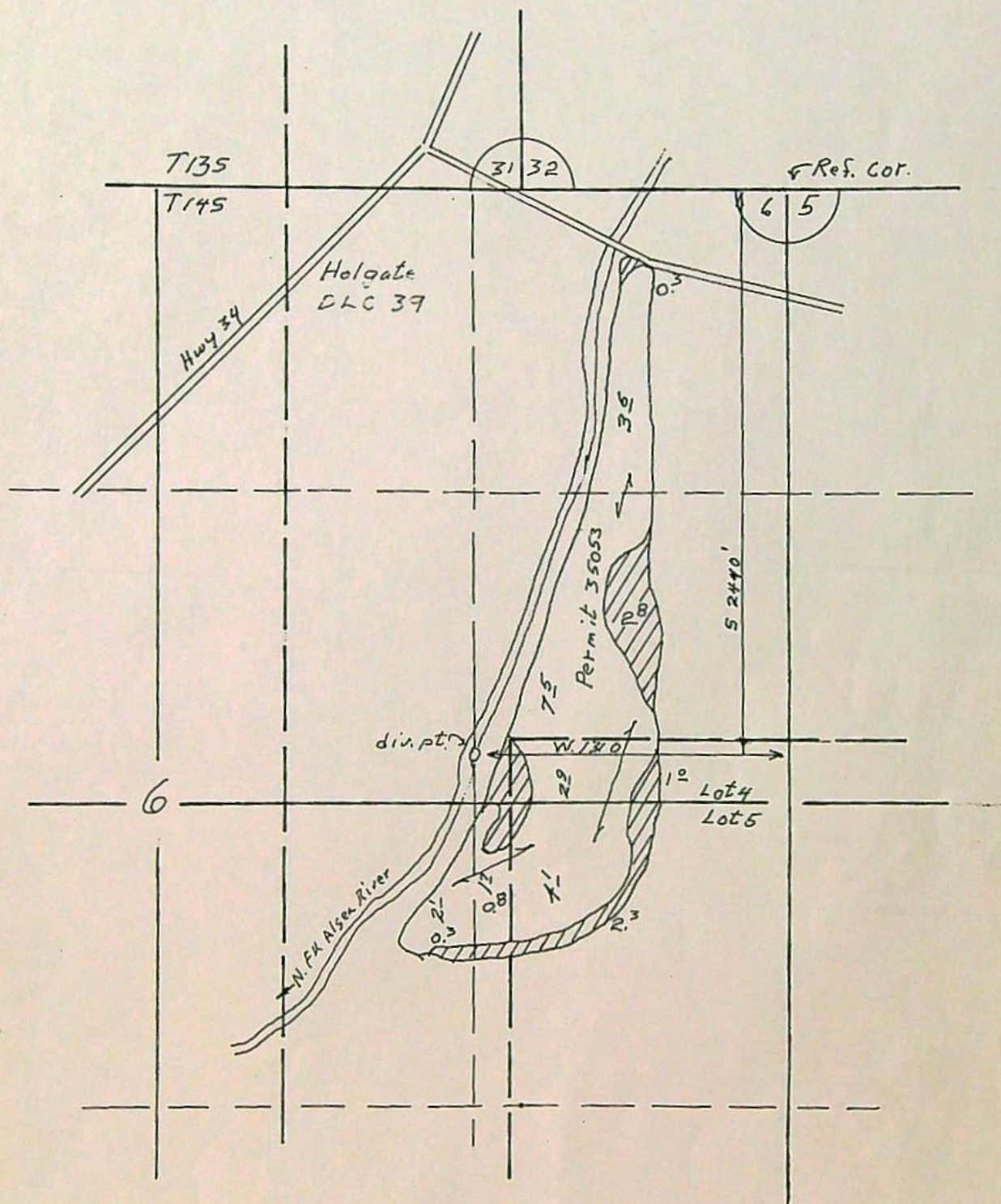
FE

8/16/79

Water Right Map

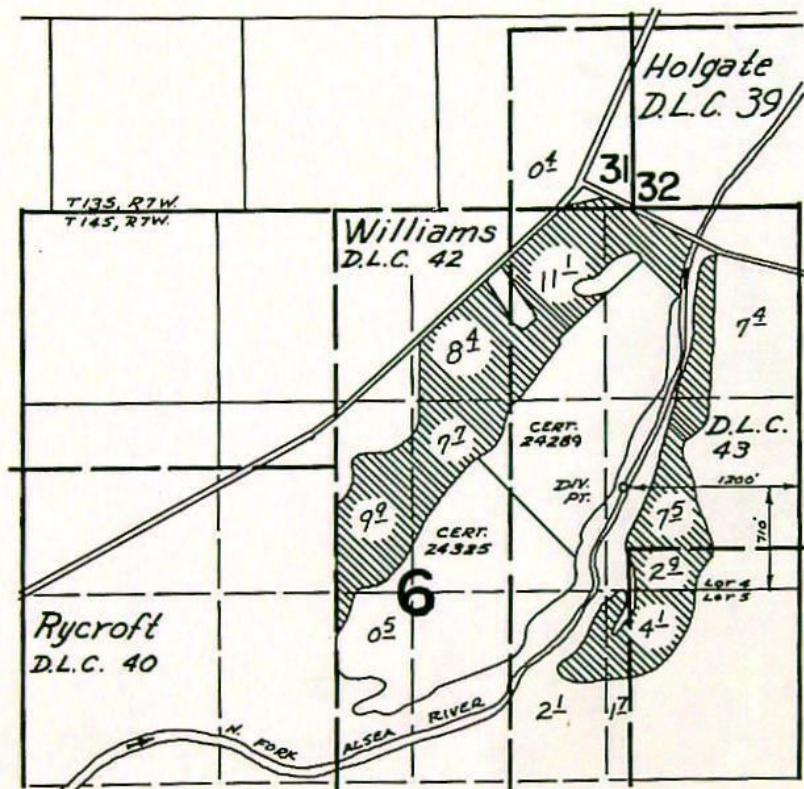
Amended for
acres, div. pt. & land
location.

T-3352



for Elizabeth Bond Starker
7240 SW Philomath Blvd.
Philomath, OR 97370

T.13 & 14 S., R. 7 W., W.M.



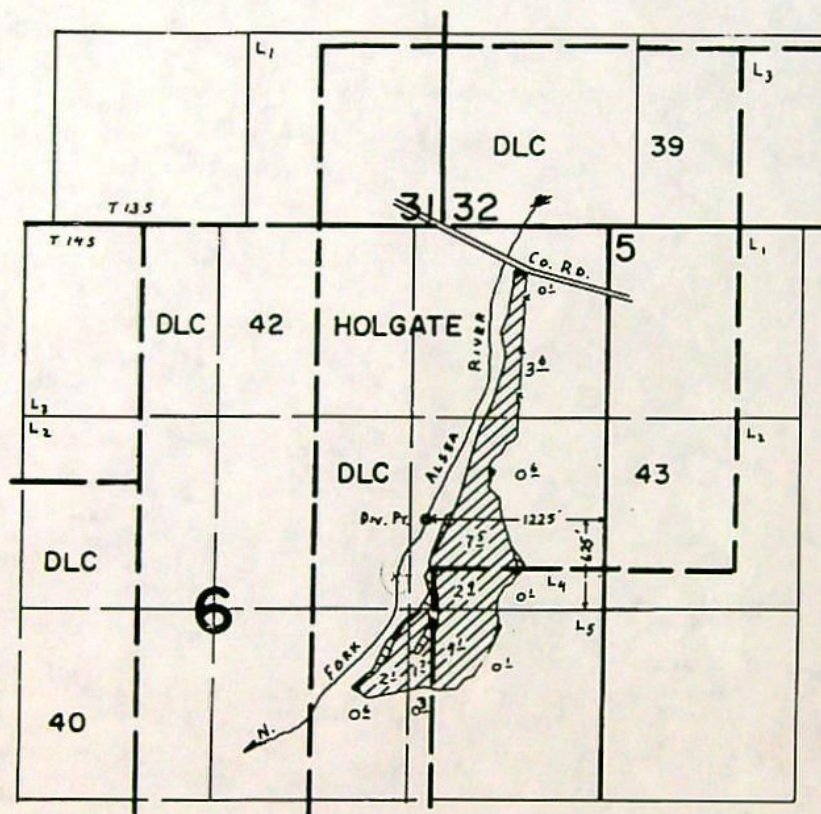
FINAL PROOF SURVEY
UNDER

Application No. 46884 Permit No. 35053
IN NAME OF

JOHN and MARGUERITE O'BRIEN

Surveyed APR. 27 1973, by D. NORBY

T13 & 14S. R7W. WM.

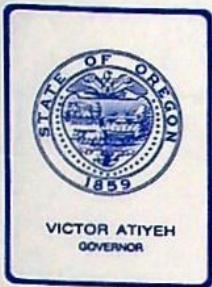


FINAL PROOF SURVEY
UNDER

Transfer No. T-3352
Application No. 53720 Permit No. 40343
IN NAME OF

ELIZABETH BOND STARKER

Surveyed Aug 16 1979 by C L HUGHES



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE (503) 378-3066

May 19, 1980

Envalis
Elizabeth Bond Starker
P. O. Box 809
~~Philomath~~, OR 97330

REFERENCE: File Number T-3352

A final proof survey of the proposed change in point of diversion of water from North Fork Alsea River, authorized by order of the State Engineer entered February 20, 1976, shows your pump in a place other than that authorized.

If the present location of your pump is as shown on the final proof map, a copy of which is enclosed, and if you wish to keep the pump at that location, you will need to file a new application for a change in point of diversion to correct the records.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:avs

cc: Michael Ladd, Watermaster

1002A

COPY

STATE OF OREGON

M-71199

COUNTY OF

BENTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

JOHN AND MARGUERITE O'BRIEN

of 2244 NW Dixon, Corvallis, State of Oregon, 97330, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of North Fork Alsea River

a tributary of Alsea River
irrigating 41.8 acres

for the purpose of

under Permit No. 35053 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 13, 1970

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.52 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within Holgate DLC 43, Section 6, T. 14 S., R. 7 W., W. M., 710 feet North and 1200 feet West from the E $\frac{1}{4}$ Corner, Section 6.

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

0.4 acre SE $\frac{1}{4}$ SE $\frac{1}{4}$
As projected within Holgate DLC 39
Section 31
T. 13 S., R. 7 W., W. M.

8.4 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
7.7 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
9.9 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
0.5 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$

3.8 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
11.1 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Both projected within Holgate DLC 43

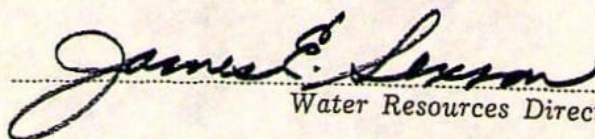
All projected within Williams DLC 42
Section 6
T. 14 S., R. 7 W., W. M.

An order of the Water Resources Director entered February 20, 1976 approved a change in point of diversion for the irrigation of 21.9 acres. This certificate is issued to confirm the remaining right not involved in the change and supersedes the certificate heretofore issued to John and Marguerite O'Brien recorded at Page 41663, Volume 33, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. August 30, 1976


Water Resources Director

CERTIFICATE OF
WATER RIGHT

STATE OF OREGON

to

STATE OF OREGON }
County of Benton } ss.

67827

I hereby certify that the within
instrument was received for record

'76 SEP 29 PM 12 10

and assigned N^o 71199

in the Microfilm records of said county

Witness My Hand and Seal of County Affixed

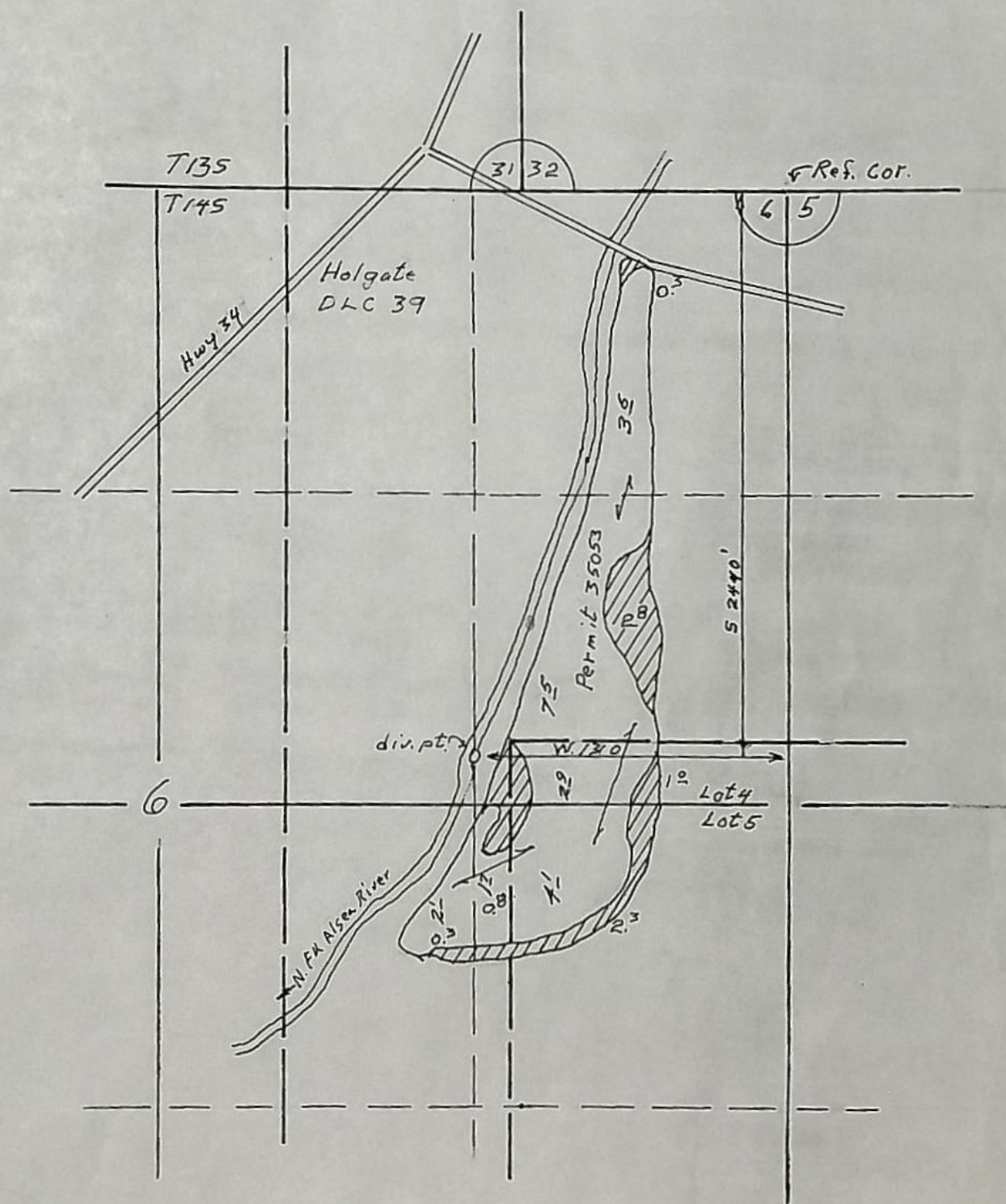
WILLIAM E. FLYNN
DIRECTOR OF RECORDS & ELECTIONS

By *Janette Kendrickson*
DEPUTY

Water Right Map

Amended for
acres, dir. pt. & land
location.

T-3352



for Elizabeth Bond Starker
7240 SW Philomath Blvd.
Philomath, OR 97370

RECEIVED

JAN 20 1976

WATER RESOURCES DEPT.
SALEM, OREGON

T-3352

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Elizabeth Bond Starker

(Name of applicant)

of Philomath
(Postoffice)

County of Benton

State of Oregon, do hereby make application for change in point of diversion

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

1. The source of present water right is North Fork Alsea River

(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 none

4. The point of diversion is located 710 ft. N and 1200 ft. W from the E 1/4

(N. or S.)

(E. or W.)

corner of Section 6 being within the SE 1/4 NE 1/4

(Section or subdivision)

of Section 6 Tp. 14S R. 7W 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
14S	7W	6	3.6			7.5 2.9	Lot 4								1.7 4.1	2.1 Lot 5		

prov
0.23 cfs

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? April 13, 1970

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

(Yes or No)

of permit 35053

10. Do you hold a water right certificate? yes If so, give number of certificate 41663
(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? John and Marguerite O'Brien
(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 $\frac{1}{4}$

(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 2440 ft. S and 1310 ft. W from the NE
(N. or S.) (E. or W.)
corner of Sec. 6 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6 Tp. 14S R. 7W W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Benton The name of the ditch to be used is none

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

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? no

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.? yes
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are to locate near electric power source which is directly across river

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Benton

ss.

I, Elizabeth Bond Starker, 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 19 day of January, 1976.

Elizabeth Bond Starker
(Name of applicant)

Subscribed and sworn to before me this 19 day of January, 1976.

[Notarial Seal]

M. E. Good

NOTARY PUBLIC FOR OREGON

My commission expires

8/5/79

Remarks

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.