

William L. Franklin
Route 3 Box 581
Corvallis, Or 97330

3223

STATUS OF APPLICATION

Change in point of diversion
Date filed 5-12-75
Date of hearing _____
Place of hearing _____
Date of order 1-5-76 Vol. 26, page 274
Date for application of water 10-1-76
Proof mailed _____
Proof received _____
Certificate issued JUL 7 1978 Vol. 38, page 45990

Survey 6/76
6-12-78 Som

REMARKS

Sent to 2035 NW Garfield on 5/16/78 see ltr.

DESCRIPTION OF WATER RIGHT

Name of stream well #7
Trib. of _____ County of Benton
Use irrigation
Quantity of water _____ No. of acres 18[±]
Name of ditch _____
Date of priority Dec 12, 1969
In name of William L. Franklin
Adjudication, Vol. _____, page _____
App. No. G 5056 Per. No. G 4766 Cert. No. 42178
Certificate cancelled _____
Notation made on record by _____

FEES PAID

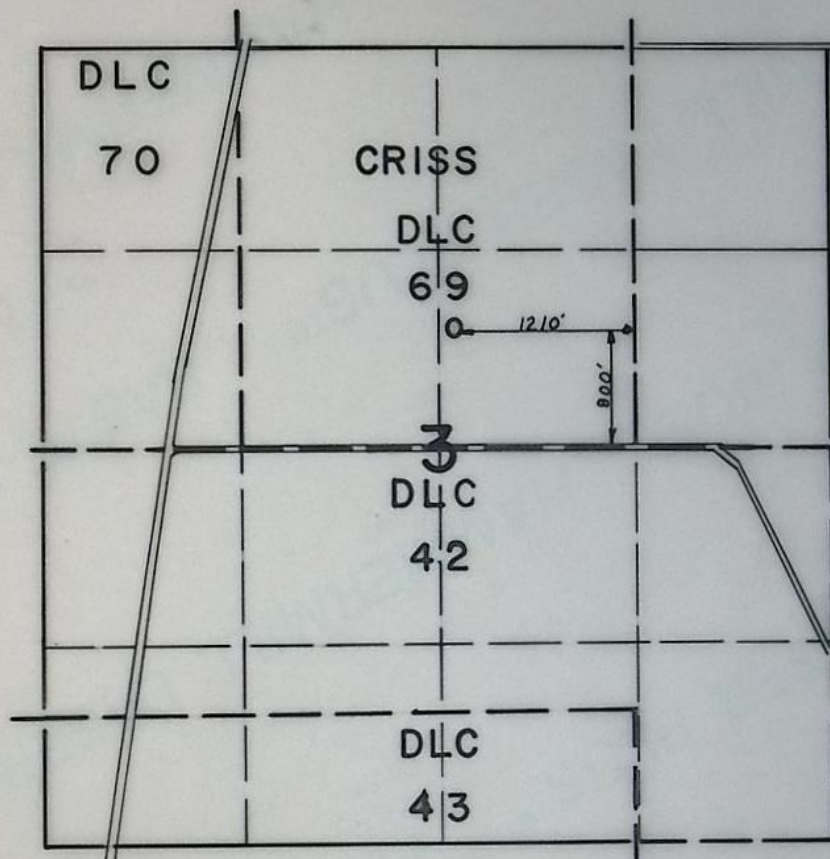
Date	Amount	Receipt No.
<u>5/13/75</u>	<u>30.00</u>	<u>46784</u>
TOTAL . . .		
<u>5-22-78</u>	<u>\$2</u> Cert. Fee	<u>3062</u>

FEES REFUNDED

Date	Amount	Check No.

TO BE ENTERED WHEN CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<u>DB</u>	
<input checked="" type="checkbox"/>	Stream		<u>DB</u>	
<input checked="" type="checkbox"/>	Pt. of Div.			
<input checked="" type="checkbox"/>	Calendar		<u>WH</u>	
<input checked="" type="checkbox"/>	CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.		<u>22</u>	
<input type="checkbox"/>	Decree-vault			
<input type="checkbox"/>	Decree-sale			
<input checked="" type="checkbox"/>	Cert. of W/E		<u>DB</u>	
<input checked="" type="checkbox"/>	Per. Folder		<u>22</u>	
<input type="checkbox"/>	Chaindex			
<input type="checkbox"/>	Cross Ref.			
<input type="checkbox"/>	Power Claim			
<input type="checkbox"/>	Abstracts			

T.14S. R.5W.W.M.



FINAL PROOF SURVEY
UNDER

Transfer NO. 3223
Application No. _____ Permit No. _____
IN NAME OF

EARL FRANKLIN

Surveyed OCT. 5, 1976., by C.R. KING.

DFU 244 50
10-5-76
CRK

SEE MR. WARDEN (FARMIS PLACE) HE LIVES IN HOUSE ON
WEST EDGE OF DROP ON HWY 99
8475533

County Benton

5. Proposed Point of Diversion 2440 ft. S. and 1250 ft. W. from the SE corner
of J. Criss DIC #63, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 3, T. 14 S., R. 5 W., W.M.

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

[illegible]

G-5056

INFO: MRS WARREN & MR. WARREN (FARM PLACE)
SHOWED US THE NEW WELL.

SOURCE: WELL

USE: IRRIGATION

WELL DEPTH 60'
SWL 9'
CASING 12"

WELL LOCATED IN AN OPEN FIELD IN A SMALL
SWALE

MOTOR & PUMP: CENTURY 20 hp @ 3500
JACUZZI 4" x 3" D.O. CENT

PIPE & HDS SAME EQUIP USED ON THIS WELL AS ON
ABANDONED WELL. EQUIP NOT ON PLACE AT
THIS TIME. PUT AWAY FOR WINTER.
RUNS 60 HDS MAX
RB 30 7/10 x 0

CROP BEANS
TIE DFV 2LL 50
CFT 0 to + 5'

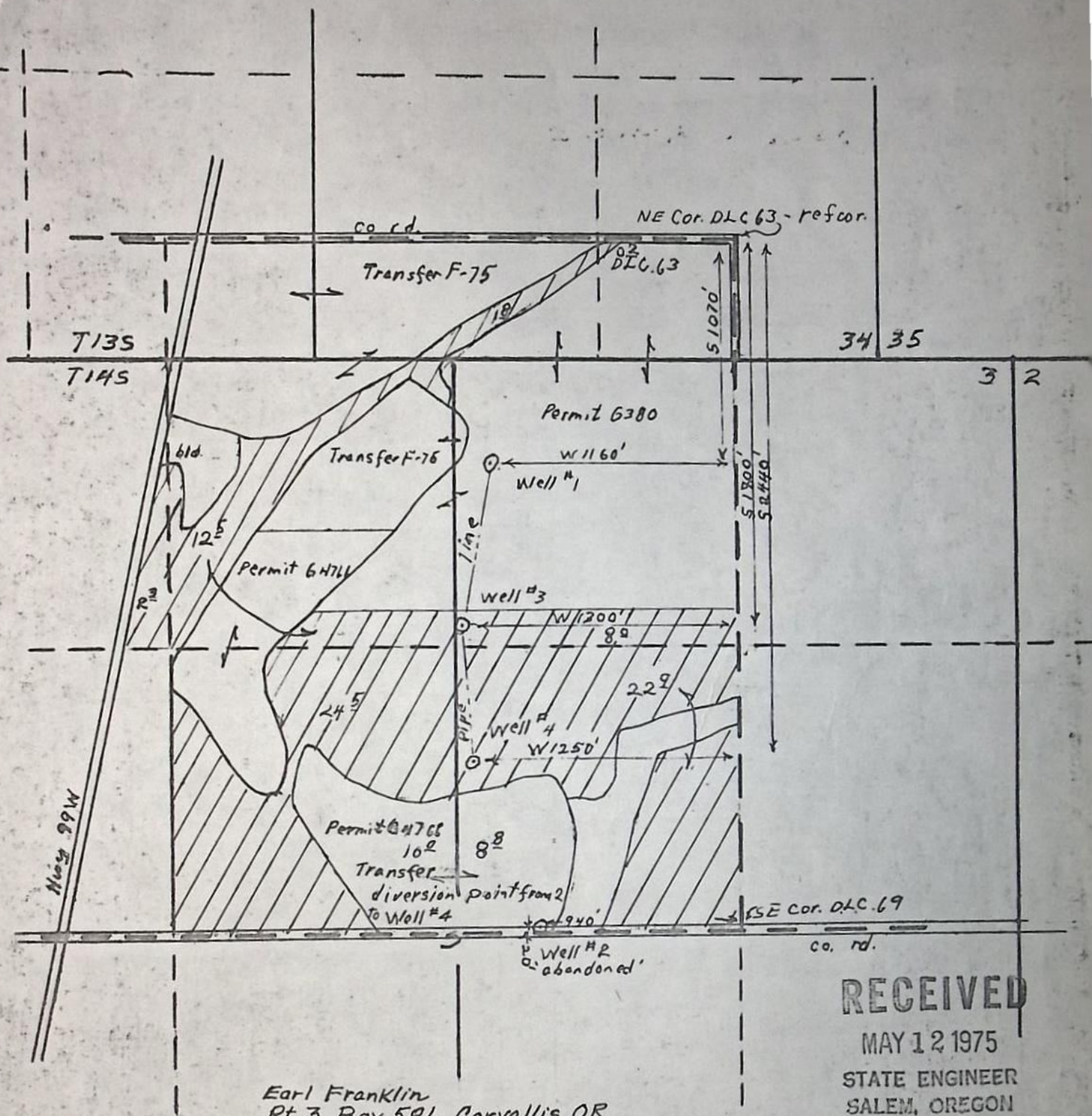
10-5-76
E. King
FEI

PUMP $\frac{20 (6.6)}{127}$ 1.07

Hds. $\frac{60 (6.8)}{4150}$ 0.91

1102143 K5W W.M.

Water Right Map

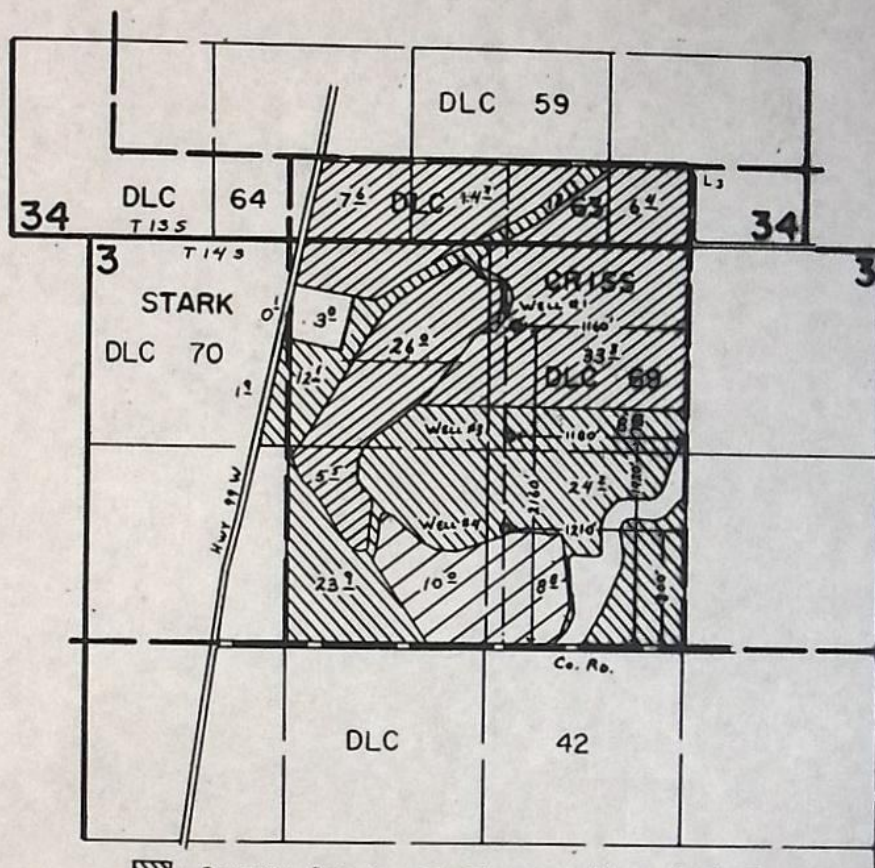


Earl Franklin
Rt 3, Box 581, Corvallis, OR
Scale 1"=660 May 1975

RECEIVED
MAY 12 1975
STATE ENGINEER
SALEM, OREGON

T-3223

T13 & 14S. R5W. WM.



PRIMARY IRR ALL THREE WELLS (APP # G-6943)

SUPPLEMENTAL IRR. WELLS 3, 4

SUPPLEMENTAL IRR. WELLS 1, 3

(APP # G-7016) → primary: permit G-4766

FINAL PROOF SURVEY

UNDER

G-6943 G-6458
Application No. G-7016 Permit No. G-6515.....
IN NAME OF

EARL FRANKLIN

Surveyed Sept. 6, 1979, by C. L. HUGHES

STATE OF OREGON

M-98497

COUNTY OF

BENTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

EARL FRANKLIN & WILLIAM FRANKLIN

of S.W. U.S. Highway 99 W., 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 two wells

a tributary of Long Tom River
irrigation of 32.5 acres

for the purpose of

under Permit No. G-4766 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 December 12, 1969

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 0.41 cubic foot per second, being 0.17 c.f.s from Well No. 1 and 0.24 c.f.s from Well No. 4

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, both as projected within Criss DLC 69, Section 3, T. 14 S., R. 5 W., W. M. No. 1-1070 feet South and 1160 feet West from the NE Corner, Criss DLC 63, T. 13 S., R. 5 W., W. M.; No. 4-800 feet North and 1210 feet West from the SE Corner, Criss DLC 69, T. 14 S., R. 5 W., W. M.

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:

SEE NEXT PAGE

Well No. 1
8.2 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
5.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 3

Well No. 4
8.8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
10.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 3

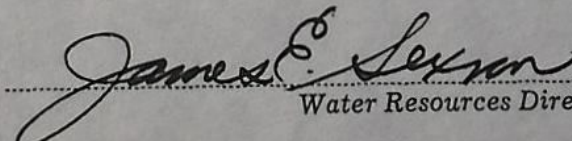
All as projected within Criss DLC 69
T. 14 S., R. 5 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 42178, Volume 34, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on January 5, 1976, approving transfer application No. 3223, and is issued to confirm the change in point of diversion approved by the same order and supersedes certificate 42178.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed
this date. July 7, 1978


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 38 , page 45990

CERTIFICATE OF
WATER RIGHT

STATE OF OREGON

to

STATE OF OREGON } ss. 97945
County of Benton }

I hereby certify that the within
instrument was received for record

'78 AUG 30 AM 9 29

and assigned N^o 98497

in the Microfilm records of said county

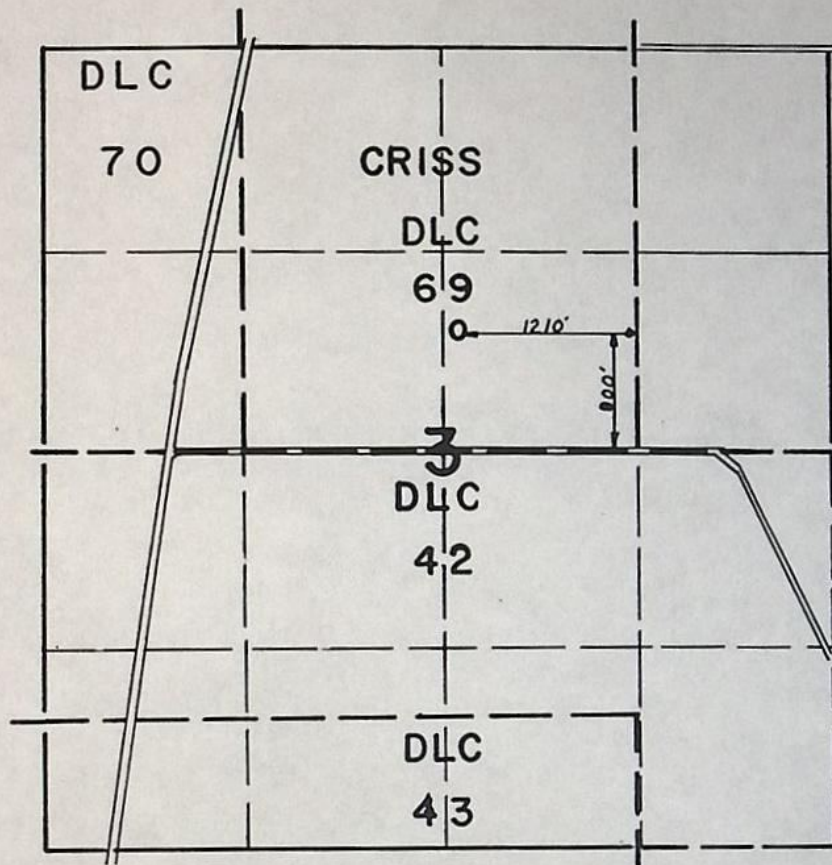
Witness My Hand and Seal of County Affixed

WILLIAM E. FLYNN
DIRECTOR OF RECORDS & ELECTIONS

By

Jeanette Lindrich
DEPUTY

T.14S. R.5W.W.M.



FINAL PROOF SURVEY
UNDER

Transfer NO. 3223
Application No. _____ Permit No. _____
IN NAME OF

EARL FRANKLIN

Surveyed OCT. 5, 1976, by C.R. KING

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Benton County

IN THE MATTER OF THE APPLICATION }
OF EARL FRANKLIN FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM GROUND WATER }

ORDER APPROVING
TRANSFER NO. 3223

On May 12, 1975, Earl Franklin filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from ground water, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to William L. Franklin and recorded at Page 42178, Volume 34, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.24 cubic foot per second of water from Well No. 2 for the irrigation of 8.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 14 South, Range 5 West, W.M., with a date of priority of December 12, 1969. Well No. 2 is located 20 feet North and 940 feet West from the Southeast corner of J. Criss DIC #69, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 14 South, Range 5 West, W.M.

The applicant herein, joint owner, holding undivided equal interest with William L. Franklin, of the lands above described, proposes to irrigate these lands from Well No. 4 to be located 2440 feet South and 1250 feet West from the Northeast corner of J. Criss DIC #63, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 14 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 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 are no intervening diversions.

Mr. William Bartholomew, Administrator of the Ground Water Division, 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 ground water, to wit:

From Well #2 located 20 feet North and 940 feet West from the Southeast corner of J. Criss DIC #69, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 14 South, Range 5 West, W.M.

To Well #4 to be located 2440 feet South and 1250 feet West from the Southeast corner of J. Criss DIC #63, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 14 South, Range 5 West, W.M.

for the irrigation of 8.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 14 South, Range 5 West, W.M., with a date of priority of December 12, 1969, 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 0.24 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 head-gates 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 water master.

It is FURTHER ORDERED that the certificate of water right heretofore issued to William L. Franklin and recorded at Page 42178, Volume 34, State Record of Water Right Certificates, is canceled, 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 Earl Franklin and William Franklin confirming the change in point of diversion and including the balance of the right not involved in this proceeding.

Dated at Salem, Oregon, this 5th day of January, 1976.

/s/ JAMES E. SEXSON
Director

Transfer No. 3223

NOTICE OF COMPLETION OF CONSTRUCTION

I, Earl R. Franklin, hereby certify
that the construction work has been completed and the change in
point of diversion of water made as set forth in the order of
the ~~State Engineer~~ ^{Water Resources Director} dated January 5, 1976, approving an appli-
cation for a change in point of diversion of water from _____
_____.

Jan. 28, '76
Date

Earl R. Franklin
Name

RECEIVED
FEB - 3 1976
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

MAY 12 1975

STATE ENGINEER
SALEM, OREGON

T-3223

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Earl Franklin

(Name of applicant)

of Route 3, Box 581, Corvallis
(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 well #1

(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 940 ft. W and 20 ft. N from the SE
(N. or S.) (E. or W.)

corner of J. Criss DLC #69
(Section or subdivision)

being within the SW¹/₄ NE¹/₄

of Section 3 Tp. 14S R. 5W 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	5W	3			8.8					10.0	8.8							
14S	5W	3														10.0		

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? Hold undivided equal interest
(If not owner, explain your interest)

with a brother

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? 12/12/69

9. Was your water right acquired by State Engineer's Permit? yes If so, give number
(Yes or No)

of permit G 4766

42178
10. Do you hold a water right certificate? yes If so, give number of certificate Do not have...
(Yes or No) certificate in my possession.

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? no William Franklin (brother)
(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.) no answer

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.

E. R. F. 42175
14. The proposed point of diversion is located Well #2 2440 ft. (N or S.) and 1250 ft. (E or W.) from the NE corner of Criss DLC 63 being within the #4 SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3 Tp. 14S R. 5W 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 operated as an

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.

Joint owners are: Earl R. Franklin, Route 3, Box 581, Corvallis, Oregon 97330
William L. Franklin, 20140 N. E. Sandy Blvd, Space 12,
Portland, Oregon 97060

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 Well #2 initially had a limited water supply and required deep pitting to reach with a centrifugal pump. Performance of well #2 has decreased with time. Wells #1, #3 and #4 tied together provide an adequate water supply for the whole farm unit plus flexibility to use the system at partial capacity anywhere on the farm.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

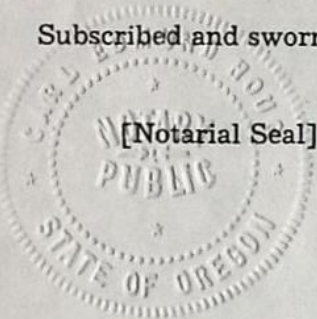
County of Lane } ss.

I, Earl R. Franklin, 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 9th day of May, 1975.

Earl R. Franklin
(Name of applicant)

Subscribed and sworn to before me this 9th day of May, 1975.



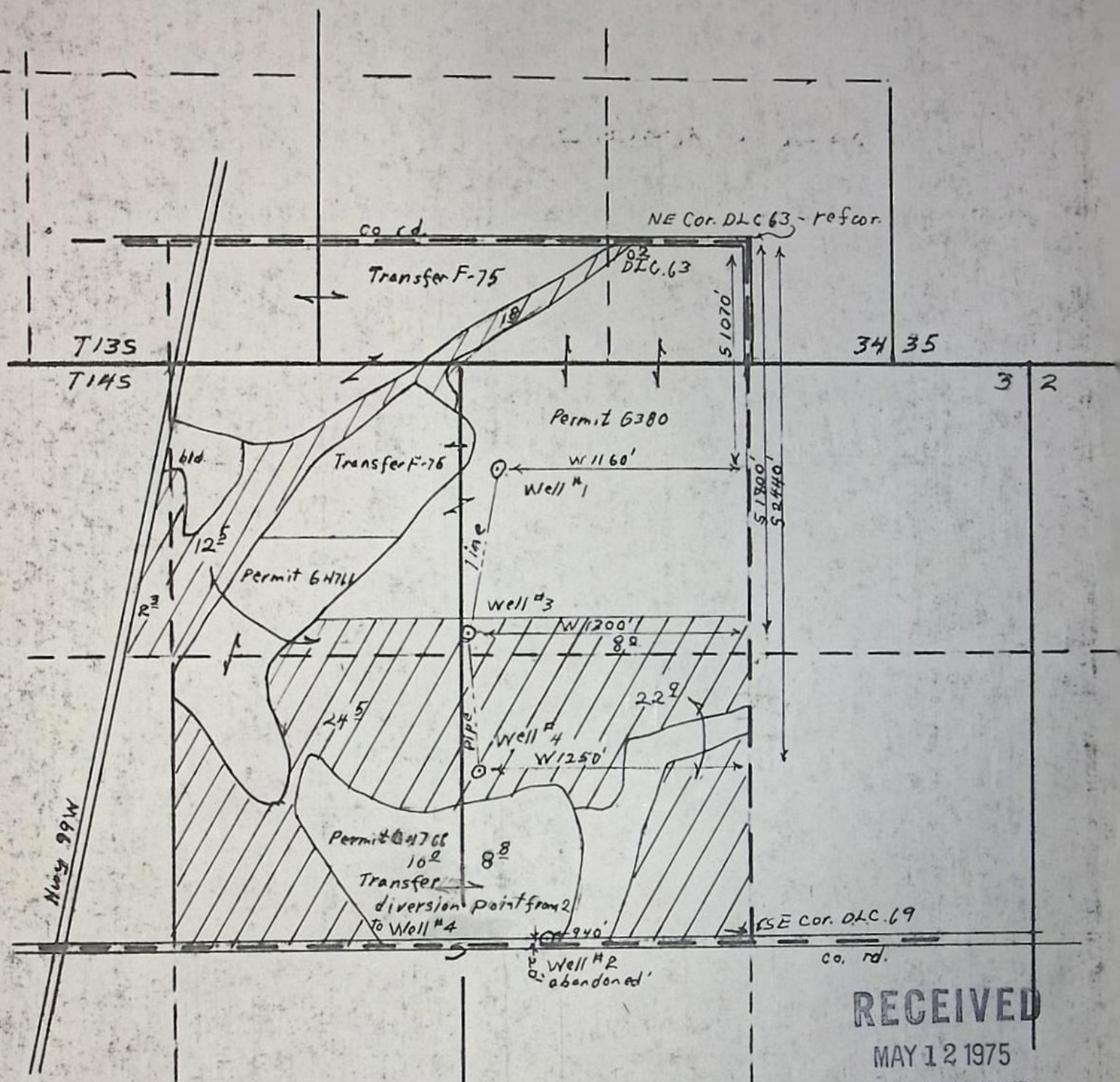
Carl Edmund Haug
NOTARY PUBLIC FOR OREGON

My commission expires Feb 26, 1976

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.

T13E14S R5W W.M.
Water Right Map



Earl Franklin
Rt 3, Box 581, Corvallis, OR
Scale 1"=660 May 1975

RECEIVED
MAY 12 1975
STATE ENGINEER
SALEM, OREGON

T-3223

Transfer does not effect a change in groundwater body; therefore recommend transfer be approved.
WJS 12-29-75

32223 East Tamblin
Route 3 Box 581
Covington, La. 70330