

4247 Berger

4247

Name G. Frank + Lucile M. Berger

By _____

Address Star Rt. 2, Box 28-486
Alsea, OR 97324Change in PODDate filed July 5, 1979

Date of hearing _____

Place of hearing _____

Date of order 10-26-79 Vol. 32, page 453Date for application of water 10-1-81

Proof mailed _____

Proof received _____

Certificate issued APR 14 1983 Vol. 46, page 51501Apr 14, 1983 U46 P 51500to survey 11/79

REMARKS

See also T-9252

DESCRIPTION OF WATER RIGHT

Name of stream Alsea RiverTrib. of _____ County of BentonUse irrigationQuantity of water _____ No. of acres 1¹

Name of ditch _____

Date of priority Sept. 23, 1970In name of Lloyd + Bonnetta Colley

_____ Adjudication, Vol. _____, page _____

App. No. 47563 Per. No. 35074 Cert. No. 42589

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>7-5-79</u>	<u>35.00</u>	<u>12620</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lg</u>	_____
<input checked="" type="checkbox"/> Stream	<u>lg</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>lg</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>lg</u>	_____
CHECKED TO RECORDS:		
_____ Twp. & Rge.	_____	_____
_____ Decree-vault	_____	_____
_____ Decree-safe	_____	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>W.R.</u>	_____
<input checked="" type="checkbox"/> Per. Folder	<u>lg</u>	_____
_____ Chainindex	_____	_____
_____ Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim	<u>lg</u>	_____
_____ Abstracts	_____	_____

TO BE ENTERED WHERE CHECKED

W.R.I.S.

Assembled 3-6-85 by SP4

Entered _____ by _____

Verified _____ by _____

447

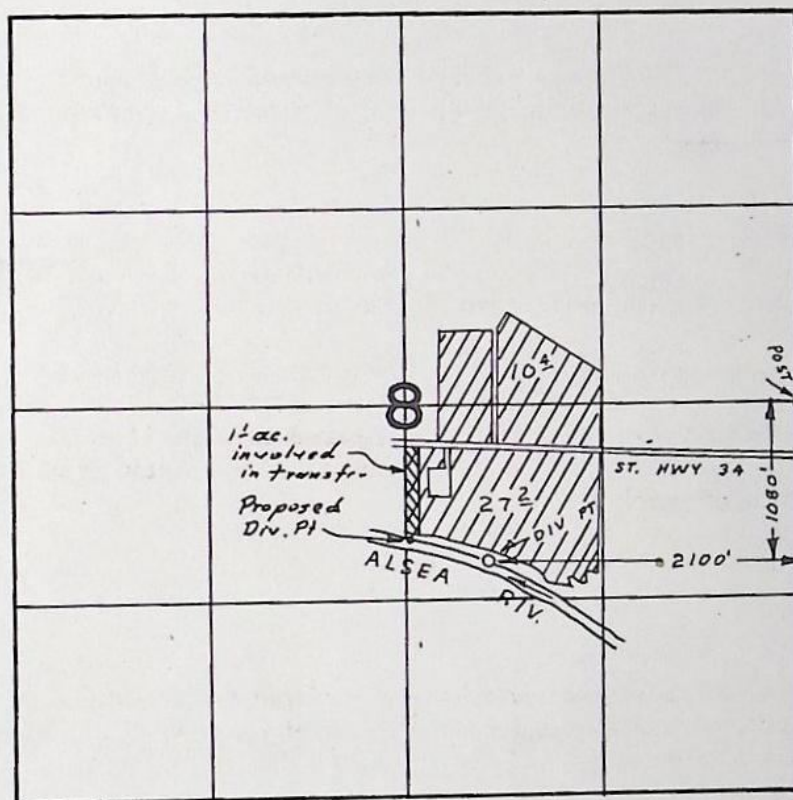
T-4247

T.14 S.R.8 W.W.M.

RECEIVED

JUL 5 1979

WATER RESOURCES DEPT.
SALEM, OREGON



proposed Div. Pt. for 1.1 ac located 920 ft. S. & 2640 ft. W from the
E 1/4 corner of Sec. 8,

This map to support transfer application in the names of:
G. Frank & Lucile M. Berger

FINAL PROOF SURVEY
UNDER

Application No. 47563 Permit No. 35074
IN NAME OF

LLOYD AND BONNETTA COLLEY

Surveyed JUNE 3 1974, by L.H. NUNN

RECEIVED

NOV - 5 1979

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

point of diversion of water from Alsea River

PURSUANT TO TRANSFER APPLICATION NO. 4247

I, L. Frank Berger, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by Oct. 1, 1979.

Nov. 1, 1979
Date

L. Frank Berger
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

OK
D.C.

MF T-0982-C1

PAGE 1
RUN ON: 3/20/81 AT: 9:08

CITY/STATE/ZIP/COUNTY: ALSEA, OR 97324

RIV. MI.

WM.DIST. 18 W.R.TYPE SA STATUS V

CANCEL YEAR--->

CONSTR.COMPLT--> 11 05 1979

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY----->09 23 1970

PUT TO USE----->11 05 1979

LAST TRANS.DATE-->

LAST TRANS.TYPE-->

APPLICATION--->07 05 1979

SURVEYED-----205 20 1980

EXAM. FEE-----> 20,00

RECORDING FEE----> 15.00

PERMIT ISSUE-->1026 1979

CONCURRENCE----->05 20 1980

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT. --> 1026 1979

CERTIFIED-----204 14 1983

CORRES. INIT.----->

CORRES. DATE----->

POINT-OF-DIVERSION DATA;
TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.	RATE
1	100
2	100
3	100
4	100
5	100
6	100
7	100
8	100
9	100
10	100
11	100
12	100
13	100
14	100
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96	100
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98	100
99	100
100	100

STATUS S OR P

** REMARKS; - - - - -
 ** DATED-->

1405 080W 08 DB 18 0940 0040

0.013

✓

p

POB: 920'S & 2640'W RM E114

COR 5 8. CHANGES POD PART

OF C-42589. RR C-51500.

PLACE-OF-USE DATA:

TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE %	CNSMTV	ACRES	STATUS	S OR P
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1905 080W 08 DB 02 1R 100 1.10 ✓ P

✱ —————

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1

51500

V. 2. 1. 2.

1-11-1 3-6-85 : 505

[Faint handwritten notes at the bottom of the page]

Verified _____ by _____

: POD
POU
USE
Add'l POD

3 max

Inspection
8/20/80 CLKH

County Benton

487 - 5474

Address Star Rt 2, Box 486, Alsea, OR 97324

5. Proposed Point of Diversion 920' S + 2640' W from E 1/4 Cor, Sec 8,
w/in NW SE, Sec 8, T14S, R8W, Wm

7. Place of Use:

[illegible]

Info: Mr. Berger. New D.P. used as applied.

Source: Alsea R. Div. dir. from river.

pump - Franklin $\frac{3}{4}$ HP @ 3450 RPM CDD $1\frac{1}{2} \times 1\frac{1}{4}$

Use: Irrigation of lawn, trees, garden.

Equip: pipe - buried sys to faucets.

- garden hoses

heads - 2 small garden sprinklers } ^{assume $\frac{1}{8} \times 0$} max
1 ~~El~~ Melnor $5\frac{1}{16} \times 0$

Lift: +15

Tie: Inspection.

Chris Hughes

FE

5/20/80

@ 50 PSI

$$\text{pump} = \frac{(.75)(4.60)}{(15) + (127)} = 0.035 \text{ cfs}$$

$$\text{heads} = \frac{(1)(20)}{450} + \frac{(2)(32)}{450} = 0.059 \text{ cfs}$$

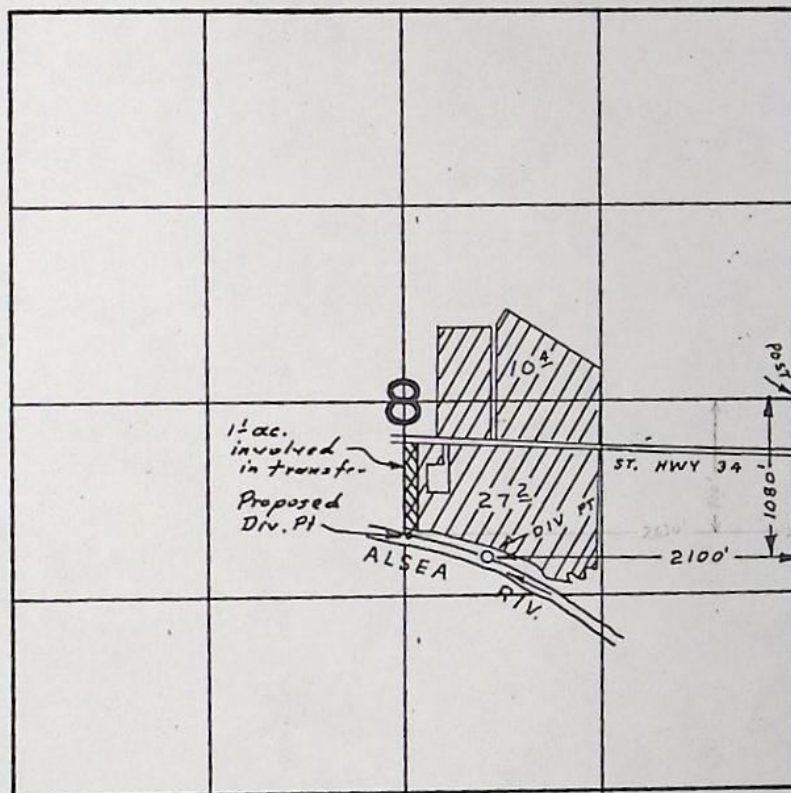
T-4247

T.14 S.R.8 W.W.M.

RECEIVED

JUL 5 1979

WATER RESOURCES DEPT.
SALEM, OREGON



*proposed Div. Pt. for 1.1 ac located 920 ft. S. & 2640 ft. W from the
E 1/4 corner of Sec. 8.*

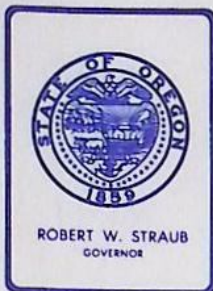
*This map to support transfer application in the names of:
G. Frank & Lucile M. Berger*

FINAL PROOF SURVEY
UNDER

Application No. 47563 Permit No. 35074
IN NAME OF

LLOYD AND BONNETTA COLLEY

Surveyed JUNE 3, 1974, by LH NUNN



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

October 31, 1979

G. Frank & Lucile M. Berger
Star Route 2, Box 28
Alsea, Oregon 97324

RE: File No. T-4247

Dear Mr. and Mrs. Berger:

Enclosed is a certified copy of the order of the Water Resources Director approving water right transfer application No. 4247 for a change in point of diversion of water from Alsea River.

The time in which to accomplish completion of the works and beneficial use of the water to the extent intended, as authorized by the order, expires October 1, 1981. A form for reporting such completion of works and use of water is enclosed for your convenience.

You should give particular attention to the time limit for carrying out the change authorized by the enclosed order. The water right for any portion of an authorized change in use theretofore made or change in place of use NOT carried out within the time allowed, or within an extension thereof, will be lost. An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj
cc: Michael F. Ladd, Watermaster

COPY

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BENTON COUNTY

IN THE MATTER OF THE APPLICATION)
OF G. FRANK & LUCILE M. BERGER FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4247

On July 5, 1979, an application was filed in the office of the Water Resources Director by G. Frank and Lucile M. Berger for approval of a change in point of diversion of water from Alsea River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 42589, Volume 34, State Record of Water Right Certificates, in the names of Lloyd and Bonnetta Colley, describes a right which includes the use of not to exceed 0.013 cubic foot per second from Alsea River for irrigation of a certain 1.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 14 South, Range 8 West, W.M., with a date of priority of September 23, 1970.

The authorized point of diversion for said right is located 1080 feet South and 2100 feet West from the East Quarter Corner of Section 8, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 14 South, Range 8 West, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 920 feet South and 2640 feet West from the East Quarter Corner of Section 8, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 14 South, Range 8 West, W.M.

Mr. Michael F. Ladd, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

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 under the subject right.

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

measuring devices:

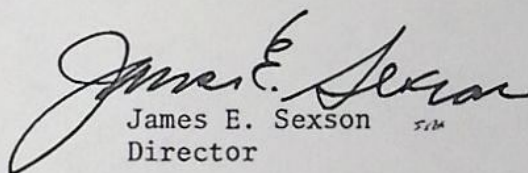
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and the change in point of diversion of water made on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 42589, Volume 34, 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 the proceeding approving transfer application No. 4252; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 26th day of October, 1979.


James E. Sexson
Director



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: July 9, 1979.FROM: ** Mike Ladd, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4247IN THE NAME OF G. Frank and Lucile M. Berger

In my opinion the proposed change in point of diversion from the Alsea River
MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which serves this right.

If for change in point of diversion, is there any intervening point of diversion between the authorized and the proposed points of diversion? NO*
(yes or no)

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
X (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water rights because Simultaneous transfer

T-4252 Laidlin

**

Michael Ladd

Watermaster's signature or initials

T-4247

RECEIVED

JUL 5 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, G. FRANK BERGER AND LUCILE M. BERGER
(Name of applicant)
 of STAR RT 2 BOX 28, ALSEA
(Mailing address) (City)
 State of OREGON, 97324, 487-5474, do hereby make application for change
(Zip Code) (Phone number)
IN POINT OF DIVERSION
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? LOYD & BONNETTA COLLEY
(If not, give name)

2. Was your water right determined by Decree of Court? NO If so, give title of proceedings
(Yes or No)

number of certificate

3. Was your water right acquired by Water Right Permit? YES If so, give number
(Yes or No)
 of permit 35074 Number of certificate 42589

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is ALSEA RIVER

5. What is the date of priority of your water right? SEPT. 23, 1970

6. The authorized point of diversion is located 1080 ft. S. and 2100 ft. W from the E 1/4
(N. or S.) (E. or W.)
 corner of SEC. 8 being within the NW 1/4 SE 1/4 of Section 8 Tp. 14S R. 8W W. M.,
(No. N. or S.) (No. E. or W.)
 in the county of BENTON The name of the ditch used is

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 920 ft. S and 2600 ft. W from the E 1/4
(N. or S.) (E. or W.)
 corner of SEC 8 being within the NW 1/4 SE 1/4 of Section 8 Tp. 14S R. 8W W. M.,
(No. N. or S.) (No. E. or W.)
 in the county of BENTON The name of the ditch to be used is PUMP

8. The use to which the water is applied is IRRIGATION
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
145	8W	8	NW $\frac{1}{4}$ - SE $\frac{1}{4}$	1.1 ACRES

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? YES
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? NO
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. 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)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is _____
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are TO PUT POINT OF

DIVERSION ON MY PROPERTY

15. Construction work will be completed on or before AUG. 1, 1979

16. The water will be completely applied to the proposed use on or before AUG. 1, 1979

Remarks

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

WE, G. FRANK & LUCILE M. BERGER, 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 5 day of JULY, 1979.

Lucile M. Berger

G. Frank Berger

(Name of applicant)

G. Frank Berger

Subscribed and sworn to before me this 5th day of July, 1979.

[Notarial Seal]

Myron B. Birl
NOTARY PUBLIC FOR OREGON

My commission expires Nov. 9, 1980

1967/50

STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

T-4247

2-46-358

M-24545

KNOW ALL MEN BY THESE PRESENTS, That Lloyd Clarence Colley and Bonnetta Ruth Colley, his wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by G. Frank Berger and Lucile M. Berger, his wife

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Benton and State of Oregon, described as follows, to-wit:

Beginning at the intersection of the centerline of the Alsea - Waldport Highway with the centerline of section 8, Township 14 South, Range 6 West of the Willamette Meridian; thence South Along the centerline of said Section 8 a distance of 652 feet to the centerline of the Alsea River; thence East Parallel with the centerline of the Alsea-Waldport Highway a distance of 90 feet; thence North parallel with the centerline of section 8 a distance of 652 feet to the centerline of said Highway; thence Westerly along the centerline of said Highway to the point of beginning.

Recorded By
Pioneer National
Title Insurance Company

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances —

RECEIVED

JUL 5 1979

WATER RESOURCES DEPT.
SALEM, OREGON

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$1,000.00. However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which).^①

In construing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand this 14th day of May, 1971.

Lloyd Clarence Colley
Bonnetta Ruth Colley

STATE OF OREGON, County of

Personally appeared the above named Lloyd Clarence Colley and Bonnetta Ruth Colley, husband and wife

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

James L. Lavenport

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires

MY COMMISSION EXPIRES JULY 8, 1973

NOTE—The sentence between the symbols ①, if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

WARRANTY DEED

COLLEY

TO

BERGER

AFTER RECORDING RETURN TO

Lloyd Colley
Rt. 2, Box 25E
Alsea, Oregon

11315

STATE OF OREGON } ss.
County of Benton

I hereby certify that the within instrument was received for record

and assigned No 24545

In the Microfilm records of said county

Witness My Hand and Seal of County Affixed

FRED W. RENSTROM
COUNTY CLERK

By *[Signature]*
DEPUTY