

Name Kenneth P. & A. Carol Stueve

4221

By _____

Address Route 1, Box 29kPhilomath, OR 97370Change in PODDate filed May 15, 1979

Date of hearing _____

Place of hearing _____

Date of order 8-20-79 Vol. 32, page 346Date for application of water Completed

Proof mailed _____

Proof received _____

Certificate issued Aug. 5 1981 Vol. 44, page 50119to survey 8/79

DESCRIPTION OF WATER RIGHT

Name of stream Labare CreekTrib. of _____ County of Benton

Use _____

Quantity of water _____ No. of acres 4^e

Name of ditch _____

Date of priority June 21, 1941In name of William Muller

_____ Adjudication, Vol. _____, page _____

App. No. 19379 Per. No. 14995 Cert. No. 17138

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-15-79</u>	<u>35⁰⁰</u>	<u>10898</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

W.R.T.S.

Assembled 5-2-81 by SC

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHEN CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lg</u>	_____
<input checked="" type="checkbox"/> Stream	<u>lg</u>	_____
<input checked="" type="checkbox"/> Pl. of Div.	<u>lg</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>lg</u>	_____
CHECKED TO RECORDS		
<input type="checkbox"/> Typ. & Rep.	_____	_____
<input type="checkbox"/> Decision	_____	_____
<input checked="" type="checkbox"/> Abstracts	<u>lg</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>lg</u>	_____
<input type="checkbox"/> Per. Folder	<u>lg</u>	_____
<input type="checkbox"/> Checklist	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim	<u>lg</u>	_____
<input type="checkbox"/> Abstracts	_____	_____

See
App[#] 19379

T 11S6W, section 20

LABARE CR → MARYS R

WRT-0982-01

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

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

WATER RIGHT NO. 1002042211 PERMIT NO. 014995 CERTIF. NO. 0050119 NAME: KENNETH & CAROL STUEVE

ORIG. NO. A000193791 PREV. NO. A020193791 SUPER. NO.

ADDRESS: RT1, Box 29K

CITY/STATE/ZIP/COUNTY: PHILOMATH, OR 97370

02

STREAM-ID 02 1140 1400 0184

RIV. MI.

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

CANCEL YEAR---->

CONSTR. COMPLT--> 08 20 1979 YR. LAST USED---->

NEXT ACTION DUE-->

PRIORITY-----> 06 21 1979

PUT TO USE-----> 08 20 1979 LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION----> 05 15 1979

SURVEYED-----> 10 02 1979 EXAM. FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE--> 08 20 1979

CONCURRENCE----> 10 02 1979 CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 08 20 1979

CERTIFIED-----> 08 05 1981 CORRES. INIT.----->

CORRES. DATE----->

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

RIV. MI.

RATE

STATUS S OR P

1105 060W 20 DA 02 1140 1400 0184

0.050

V P

** REMARKS;----->

** DATED-->

** POD 3 720'S & 150'W FM E 1/4

** COR 5 20. CHANGES POD

** C-17158. OLD POD 320'S &

** 340'W FM E 1/4 COR 5 20.

PLACE-OF-USE DATA:

TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

1105 060W 20 DA 02 1R 100 3.60

V P

1 1 21 CB 1 1 0.90

**----->

**----->

**----->

W.R.I.S.

Assembled 5-2-85 by SM

Entered _____ by _____

Verified _____ by _____

: POD
POU
USE
Add'1 POD

County Benton

1. Name Kenneth P. & A. Carol Stueve

2. Source of Supply Labare Creek, Trib of Mariposa River

3. Use irrigation

4. Amount of Water 0.05 cfs Priority Date June 21, 1941

5. Proposed Point of Diversion 720' S + 150' W from E $\frac{1}{4}$ Corner, of
Section 20, w/in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 20, T 11S, R 6W, WM.

6. Completion Date Completed

7. Place of Use:

[illegible]

Info: My own observations. Land is irr as applied.

Source: Labare creek. Div. dir. pump - $3/4$ HP Jet

Use: Irr of pastureland for stock

Equip: approx. 600' garden hose.

heads - 2-RB 30 $3/4 \times 0$ 1-RB 25 $5/32 \times 0$ 1-RB 25 $1/64 \times 0$ (max)

Lift: +5

Tie: Insp. of App. map. Also, see photo DFJ-3LL-188

Chris Hughes
FE
10/2/79

45 psi

$$\text{pump} = \frac{(3/4)(6.61)}{(5) + (1143)} = .041 \text{ cfs}$$

$$\text{heads} = \frac{(2)(3.7)}{450} + \frac{(1)(47)}{150} + \frac{(1)(57)}{450} = .040 \text{ cfs}$$

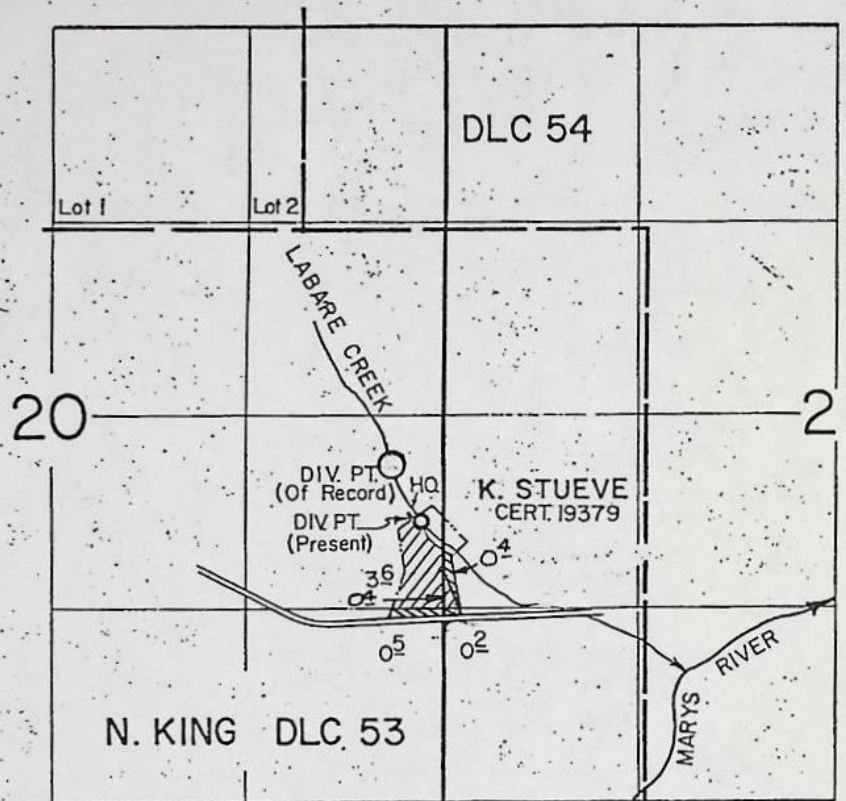
RECEIVED

T-4221



AUG 8 - 1979

WATER RESOURCES DEPT
SALEM, OREGON

TOWNSHIP 11 SOUTH, RANGE 6 WEST, W. M.



DIV. PT. Loc.: 720' S. & 150' W. from E. 1/4 Cor. Sec. 20

-  Permit 149,95
-  New application

Application Map
under

Transfer No. _____
Application No. _____ Permit No. _____

IN NAME OF

Kenneth P. & A. Carol Stueve

RECEIVED

AUG 8 - 1979

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, WE, Kenneth P. and A. Carol Stueve
(Name of applicant)
 of Route 1, Box 29 K Philomath
(Mailing address) (City)
 State of OREGON 97370
(Zip Code) (Phone number), do hereby make application for change
 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? No, William Muller
(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 14995 Number of certificate 17158
(A #19379)

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 Labare Creek
5. What is the date of priority of your water right? June 21, 1941
6. The authorized point of diversion is located 320 ft. S and 340 ft. W from the E $\frac{1}{4}$
(N. or S.) (E. or W.)
 corner of Sec 20 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20 Tp. 11 S R. 6 W 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 720 ft. S and 150 ft. W from the E $\frac{1}{4}$
(N. or S.) (E. or W.)
 corner of Sec 20 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20 Tp. 11 S R. 6 W W. M.,
(No. N. or S.) (No. E. or W.)
 in the county of BENTON The name of the ditch to be used is

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
11 South	6 West	20	NE SE	3.6 acres
		21	NW SW	0.4 acre

(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.?
(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

15. Construction work will be completed on or before completed

16. The water will be completely applied to the proposed use on or before completed

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

/s/ We, Kenneth P. & A. Carol Stueve, 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 6 day of August, 1979.

Kenneth Stueve
(signature of applicant)

A. Carol Stueve
(signature of applicant)

Subscribed and sworn to before me this 6th day of August, 1979.

[Notarial Seal]

Margaret J. Arnold
NOTARY PUBLIC FOR OREGON

My commission expires July 17, 1982

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BENTON COUNTY

IN THE MATTER OF THE APPLICATION)
OF KENNETH P. & A. CAROL STUEVE)
FOR APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4221

On May 15, 1979, an application was filed in the office of the Water Resources Director by Kenneth P. and A. Carol Stueve for approval of a change in point of diversion of water from Labare Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 17158, Volume 14, State Record of Water Right Certificates, in the name of William Muller, describes a right for the use of not to exceed 0.05 cubic foot per second from Labare Creek for irrigation of a certain 3.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20; and 0.4 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, both as projected within Nahum King D.L.C. No. 53, in Township 11 South, Range 6 West, W.M., with a date of priority of June 21, 1941.

The authorized point of diversion of record for said right is located 320 feet South and 340 feet West from the East Quarter Corner of Section 20, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 11 South, Range 6 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 720 feet South and 150 feet West from the East Quarter Corner of Section 20, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 11 South, Range 6 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:

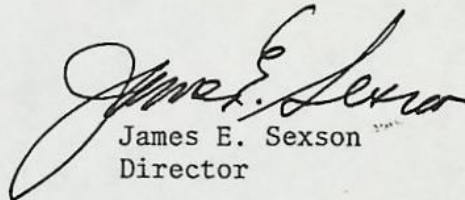
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 17158, Volume 14, State Record of Water Right Certificates, is canceled; 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 20th day of August, 1979.


James E. Sexson
Director

SRB



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: May 21, 1979.FROM: ** Michael F. Ladd, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4221IN THE NAME OF Kenneth P. & A. Carol Stueve**RECEIVED**

MAY 21 1979

WATER RESOURCES DEPT.
SALEM, OREGON

In my opinion the proposed change in point of diversion from Labare Creek

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 . . .
- ✓ (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 _____

**

Michael F. Ladd

Watermaster's signature or initials