

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

RECEIPT # 35885 CHECK ENCLOSURES Jek  
CHECK BASIN MAP 16-Umpqua UNADJUDICATED AREA ? yes  
SURFACE WATER REGISTRATION NUMBER 71  
PRELIMINARY DATA BASE ENTRY DWF  
ACKNOWLEDGEMENT LETTER Jek ENTER ON STREAM INDEX h  
PUBLIC NOTICE PUBLICATION h WATERMASTER CHECKLIST \_\_\_\_\_  
CHECK QUADRANGLE MAP h CHECK GLO PLATS h

FORM REVIEW

blanks filled in, Only Ray signed, not Nancy  
 signed  
 date received stamped

MAP REVIEW

source and trib  
 diversion point location  
 conveyances (pipes, ditch, etc.)  
 place of use  
 scale  
 township, range, section  
 north arrow  
 CWRE stamp  
 disclaimer  
 date survey was performed? 1-92  
 P.O.B. of survey  
 dimensions and capacity of diversion system  
 "beneficial use" type title  
 "permanent-quality" paper

12  
45 WATER RIGHT RECORD CHECK \_\_\_\_\_ ACREAGE TO 1/10 ACRE / 1/4 Y4 ENTER ON PLAT CARDS \_\_\_\_\_

FIELD INSPECTION \_\_\_\_\_ FINAL FILE REVIEW \_\_\_\_\_

FINAL DATA BASE ENTRY \_\_\_\_\_

A:SWRCHECK

12-24-91

July 14, 1994

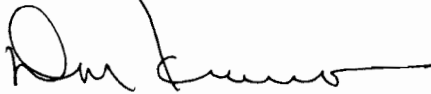
MAURICE E FARR  
1960 SW BURDETTE DR  
ROSEBURG OR 97470

RE: SWR-71

Dear Mr Farr,

This will acknowledge the receipt of map to support the pre-1909 vested water right claim in the name of RAY OR NANCY BENZEL you returned with corrections and completions. I have added the map to the file. Thank you for your attention to this matter. If you have any questions, please give me a call.

Sincerely,



Don Knauer  
Adjudication Specialist

J:\WIS\C\0\SWR-0071.003



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Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

FAPP-46

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
INTEROFFICE MEMO

May 11, 1994

TO: WATER RIGHT EXAMINERS

FROM: DON KNAUER

SUBJECT: PRE-1909 VESTED WATER RIGHT CLAIM MAPS

Alright you guys, this is a test, DO YOU KNOW WHAT TIME IT IS? The answer is, it's time to get the maps, reports, answers, mylars and all that kind of stuff back to the Water Resources Department. There's talk around the office of putting together a "map-patrol" with a tough leader to travel around and retrieve the required documents.

You may remember, I reviewed maps for compliance with Oregon Revised Statutes and Oregon Administrative Rules submitted to support pre-1909 vested water right claims. For the past few months and up to a year ago I have returned maps, requested mylars, asked for clarification, and asked for reports. Some of these files are getting stale.

It is very important that you give me something, preferably the map, mylar, report, etc. but at minimum you must give me a submittal date. The review of the files cannot be completed without the map, report, etc. It is a deterrent to the claimant, your client, for this issue to go unresolved.

If you need copies of anything in the files, just let me know. I have hand written below the file numbers of those I returned to you. The toll free number is 1-800-624-3199.

j:\wp51\swr\claimant\cwrememo.94

SWR-71  
- 109  
- 132  
- 133  
- 136  
- 177  
- 236

SWR 310  
- 366  
- 378  
- 451  
- 492  
- 559  
- 51 -

May 25, 1993

MAURICE E. FARR  
1960 SW BURDETTE DRIVE  
ROSEBURG OR 97470

RE: File# SWR-71

DEAR MAURICE E. FARR,

The Water Resources Department (WRD) received a little over 500 surface water registration statements in December, 1992. All of the files have been set up and receipts for the fees have been sent. The next step is to insure the maps received in support of the claims are acceptable based on Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR).

I am returning the map you prepared for Ray or Nancy Benzel. You will find the item which requires completion or correction shown below. I have the description followed by the ORS or OAR site and paraphrased statute or rule.

diversion point size

OAR 690-28-025-(4)-(c) "The dimensions and capacity of any existing diversion systems."

$\frac{1}{10}$  acre

OAR 690-28-025-(4)-(d) "The number of acres irrigated in each quarter quarter shall be shown to the nearest tenth of an acre."

I am enclosing a copy of the checklist and claim to beneficial use report information used by the adjudication section. You may find it useful in preparing the required map and information. Many Certified Water Right Examiners have seen these and are using them.

You must return the map before the claim can be processed. If you cannot have the map to the WRD within 60 days, please inform me as to when it can be expected. Please mark all correspondence with the file number.



3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130

As always, if you have any questions, please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Knauer", with a long horizontal flourish extending to the right.

Don Knauer  
Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\0\SWR-071.00M

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
ADJUDICATION SECTION

TO: Reed Marbut  
FROM: Don Knauer

DATE:

SUBJECT: Indorsement of SWR-71

I have completed a review of the registration statement form, map and evidence submitted by the following claimant. I have made an inspection of the property identified in the claim and I have reviewed the WRD records. Based on my review and inspection I suggest the following information be included on the " Notice of Proposed Order " under ORS 539.240 (8):

NAME: Ray or Nancy Benzel  
ADDRESS: 5080 Boswell Road  
Yoncalla OR 97499

SOURCE: a tributary of .

USE:

PRIORITY DATE:

AMOUNT OF WATER FOR EACH CLAIMED USE:

DIVERSION POINT(s):

PLACE OF USE:

PERIOD OF USE:

C:\WP51\CLAIMANT\SWR-0071.0IM

*INTEROFFICE MEMORANDUM*

*Oregon Water Resources Department  
Adjudication Section*

TO: SWR - 71 BENZEL

FROM: Don Knauer *DK*

DATE: July 24, 1992

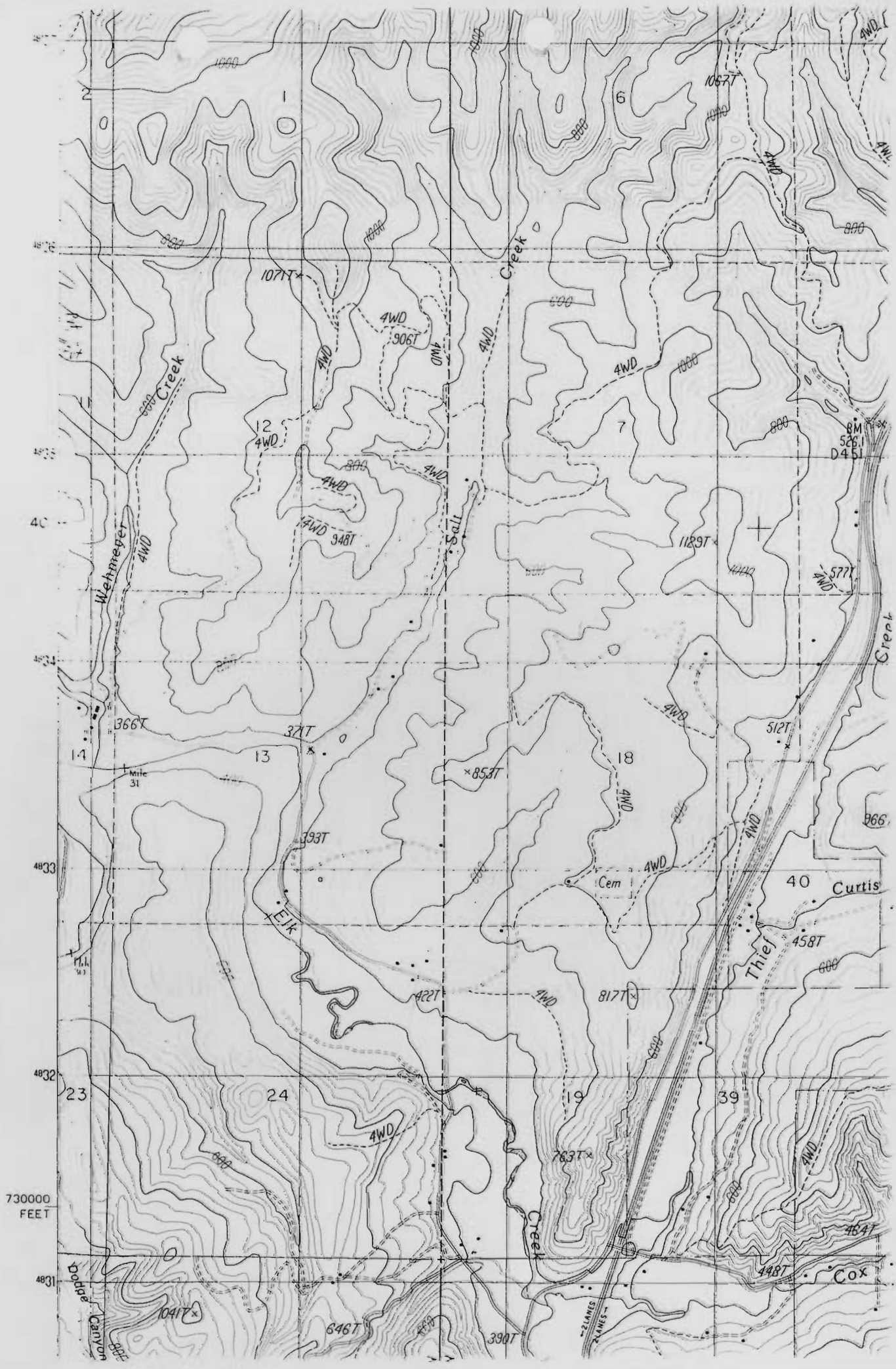
SUBJECT: FIELD INSPECTION

On July 23, 1992 I met Nancy Benzel on this property and she showed me the springs and water use as described on the form and map.

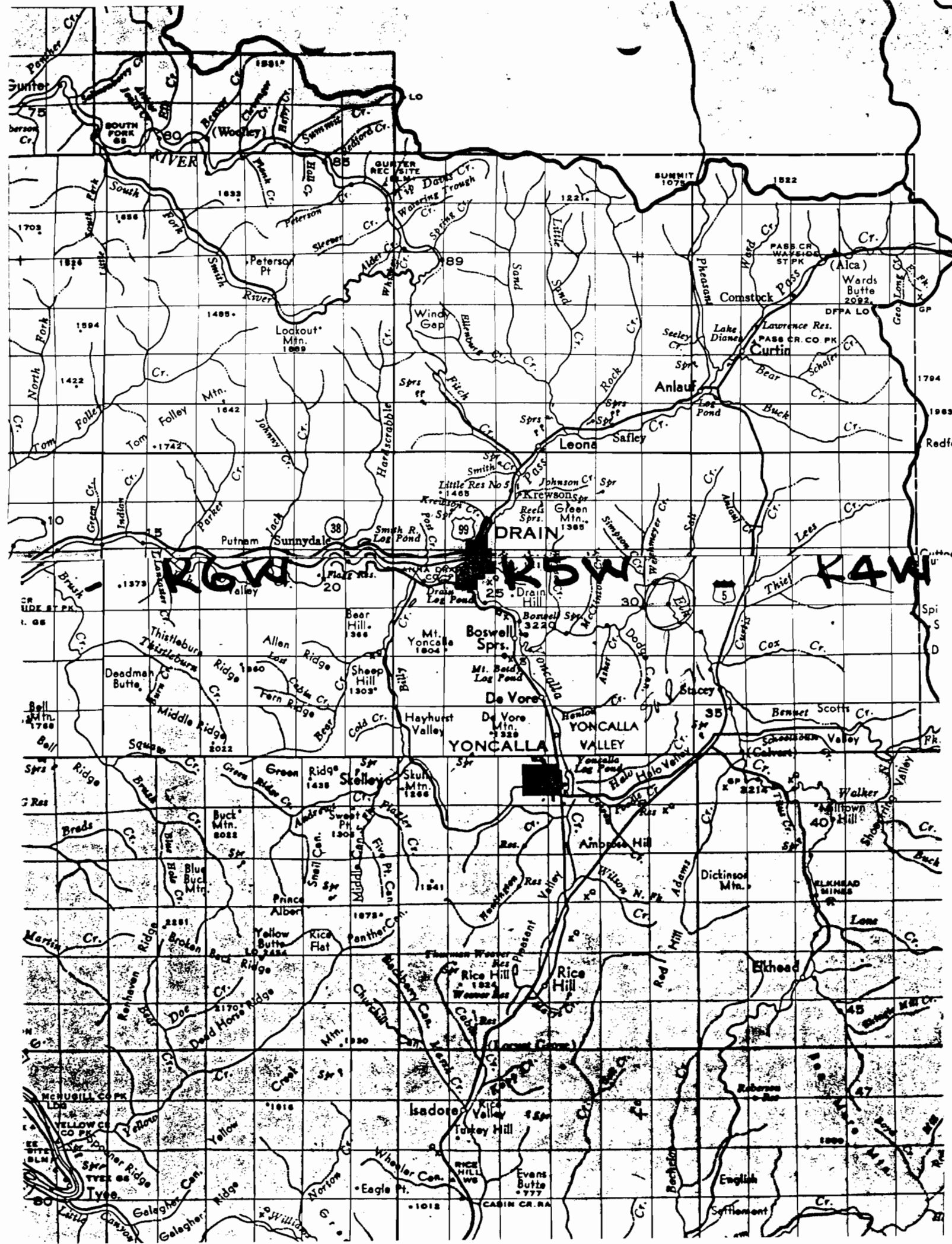
Spring # 1 has been developed with a backhoe. There is a gravel filtration system to an 18" cnp where the submersible pump is located. There is a 1" abs pipe to the house and barn. She said this is the same spring used at the old house which no longer exists. She said she transplanted some shrubs from the old house site to their new house site. **The uses of water from Spring # 1 are domestic to include lawn and garden and stockwater.**

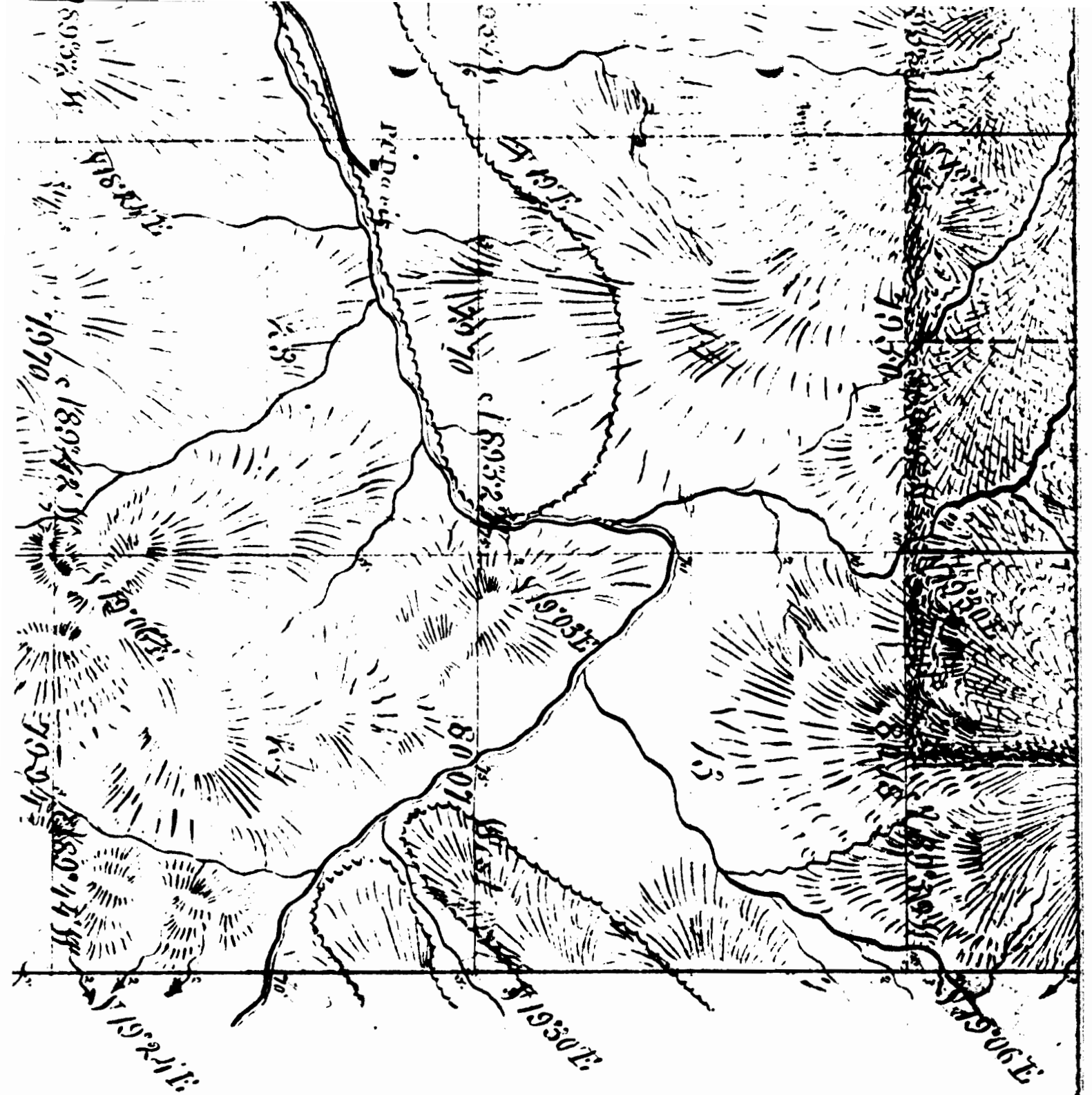
Spring # 2 has a 1" abs pipe into the ground. The pipe runs to a storage tank and then to the house. **The uses of water from Spring # 2 are domestic to include lawn and garden and stockwater.**

Spring # 3 has a 1" abs pipe into the ground and runs to a stocktank. **The use of water from Spring # 3 is stockwater.**









Cont. 514 ACCEPTED BY THE HON. COMMISSIONER G. L. O.

INTERDEPARTMENT MEMO

TO: Watermaster District # 15 *gub*  
FROM: *X* Adjudication Section  
RE: Surface Water Registration

Enclosed is a copy of a Registration Statement and accompanying map that has been filed in your district. It has been numbered SWR #21. *Ray or Nancy Benzel*

We are gathering information about this claim to a pre-1909 water use and would like you to assist us by filing out the checklist below and including any comments that you think might be of significance.

(Yes or No)

- 1. Do you know anything about this water use?   N
- 2. Have there been any distribution problems relating to this claim?   N
- 3. Do you have reason to believe that the claimed priority date is not accurate?   N
- 4. Does the quantity of water claimed look unreasonable for the uses named?   N
- 5. Does the place of use look to be accurately depicted by the CWRE map enclosed?   Y
- 6. Do you know if there has been a period of more than a five years of non-use?   N
- 7. Should someone in our section contact you concerning this claim?   N

If you answered yes to any of the above questions, please explain below on an additional sheet of paper.

Attach any memo's or correspondence that deal with this water use and return to the Adjudication Section at the address below.

Thank you for your assistance.

Sincerely,  
*Pauline Castle*  
Adjudication Section

Enclosures

W.R.D.

To: DAVE NELSON

Apr 29, 1992

From: Don Knowler

SUBJECT: RECEIPT 85885

I RECEIVED A SURFACE WATER  
REGISTRATION STATEMENT FROM BENZEL'S  
(SWR-71) ALONG WITH AN APPLICATION  
FOR PERMIT TO CONSTRUCT A RESERVOIR -  
\$500 WAS PUT INTO THE ADJUDICATION  
FUND - WE NEED TO TRANSFER \$50  
TO SURFACE WATER APPLICATIONS.

**EXECUTIVE DEPARTMENT  
ACCOUNTING SYSTEM  
INPUT DOCUMENT**

FIELD IDENTIFICATION									
1-10									
1	2	3	4	5	6	7	8	9	0
A	N	G	B	Y	R	B	N	T	N
G	B	Y	R	H	A	B	T	R	A
						R	C	A	R
						H	N	A	R

69000 ... 85

**ALL TRANSACTION CODES**

Date			DOCUMENT NUMBER	DESCRIPTION	COST CENTER				ACCOUNT NUMBER	AMOUNT	REFERENCE NUMBER				BILLED AGENCY	PROJECT NUMBER
MO	DA	YR			FUND	DIV	PRG	ACT			UN	P	C	D		
<b>BATCH CONTROL</b>																
04	12	92		H. Revenue 1085885					842010	50.00	1085885					
									842001	4.00						
									842002	10.00						
.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
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COMMENTS — Revenue Marked as capitalization  
50.00 S/S Surface Water

PREPARED BY AV  
DATE 4/25/92  
APPROVED BY \_\_\_\_\_

April 29, 1992

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WATER  
RESOURCES  
DEPARTMENT

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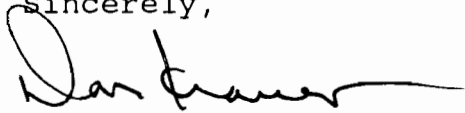
Maurice E. Farr  
1960 SW Burdette Dr  
Roseburg OR 97470

re: SWR-71 (Benzel)

Dear Mr. Farr,

In reference to our telephone conversation, I will wait to process the Benzel claim until I receive the map from you to accompany their form.

Sincerely,



Don Knauer  
Adjudication Specialist

(C:\WASIC\FARR.01)



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3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130

April 29, 1992

Ray or Nancy Benzel  
5080 Boswell Rd  
Yoncalla OR 97499

RE: Surface Water Registration Statement

Dear Mr and Mrs Benzel,

Your Surface Water Registration Statement in the name of Ray or Nancy Benzel has been received by our office. The fees in the amount of \$ 500.00 have been received and our receipt # 85885 is enclosed. Your registration statement has been numbered SWR-71.

In our telephone conversation yesterday I explained to you that on your form under question #8 you referenced Permit 30888, Certificate 38057 but did not explain why. We will review this certificate for possible credit of fees. If you want a copy of the certificate in your files you should let me know. You also showed "Copy of record of sales of property since 1850" but the list included with your form only goes back to 1888. If you have other information you should send it to me for inclusion in your file.

You sent an application for a permit to construct a reservoir with your surface water registration form. I checked with your CWRE, Mr. Farr, who said the intent was to file the application along with the claim. I have had \$ 50.00 transferred to the application fund and have given the application, map and fee information to the application section.



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3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130

Our office will review your form and map in the near future. If necessary we will schedule a meeting with you that will include a site inspection. If there are problems with your form we are usually able to take care of them during our visit. We will be able to answer any questions you might have about the adjudication process at that time.

Please feel free to contact this office if you have any questions.

Sincerely,



Don Knauer  
Adjudication Specialist

enc

cc : Maurice E. Farr

C:\W\S\C\SWR-0071.001



STATE OF OREGON  
**RECEIPT # 85885 WATER RESOURCES DEPARTMENT**  
 3850 PORTLAND ROAD NE  
 SALEM, OR 97310  
 378-8455/378-8130 (FAX)

RECEIVED FROM: Ray + Nancy Benzel APPLICATION \_\_\_\_\_  
 BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
 TRANSFER \_\_\_\_\_

CASH:  CHECK: # X 96-7632 OTHER: (IDENTIFY)  \_\_\_\_\_  
 TOTAL REC'D \$5000

**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$ <u>5000</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

**02-00-0 FEDERAL FUNDS**

_____	OTHER: (IDENTIFY)	\$
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**03-00-0 WRD OPERATING ACCT**

MISCELLANEOUS:			
840.001	COPY FEES		\$
850.200	RESEARCH FEES		\$
880.109	MISC REVENUE: (IDENTIFY)	_____	\$
520.000	OTHER (P-6): (IDENTIFY)	_____	\$
WATER RIGHTS:		EXAM FEE	RECORD FEE
842.001	SURFACE WATER	\$	842.002 \$
842.003	GROUND WATER	\$	842.004 \$
842.005	TRANSFER	\$	842.006 \$
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	\$	842.023 \$
842.016	WELL DRILL OPERATOR	\$	842.019 \$
	LANDOWNER'S PERMIT		842.024 \$

**06-00-0 WELL CONST START FEE**

842.013	WELL CONST START FEE	\$	CARD #	_____
	MONITORING WELLS	\$	CARD #	_____

**45-00-0 LOTTERY PROCEEDS**

864.000	LOTTERY PROCEEDS	\$
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**07-00-0 HYDRO ACTIVITY**

	LIC NUMBER	
842.011	POWER LICENSE FEE(FW/WRD)	\$
842.115	HYDRO LICENSE FEE(FW/WRD)	\$
_____	HYDRO APPLICATION	\$

RECEIPT # **85885** DATED: 4-27-92 BY: H. Alkhan  
 Distribution—White Copy-Customer, Yellow Copy-Fiscal, Brown Copy-Fiscal

REGISTRATION STATEMENT CLAIM OF BENEFICIAL USE Sheet 1 of 2

File# SWR-71

RECEIVED

INFORMATION: Ray or Nancy Benzel, Jr.  
5080 Boswell Road  
Yoncalla, OR 97499

JUL 13 1994

Ph (503) 849-2527  
WATER RESOURCES DEPT  
SALEM, OREGON

Located SW1/4SW1/4, Section 7, T22S, R4W,WM; NW1/4SE1/4, SW1/4SE1/4, 0.5 Acres, SE1/4SE1/4, 0.5 Acres, Section 13, T22S, R5W,WM.

SOURCE: Water is taken from three (3) springs, which are all tributary to Elk Creek, and transported through PVC main distribution lines to the houses, lawn or garden areas and to the stock watering tanks.

DIVERSION POINT: The diversion points are springs from which the water is collected. Spring No 1 has a 55 gallon drum to collect water. Spring No 2 collects water in a 1" perforated pipe and Spring No 3 collects water in a 1/2" perforated pipe, both from rock filled cavities around the springs.

MOTOR: Spring No 1 is the only POD where a pump and motor is used to transport the water from the spring to the house for domestic and lawn or garden for irrigation. This is a 1/2 hp submersible pump, 3450 RPM, 4.0 amps, 230 volts.

PIPE: 350 feet of 1" diameter PVC mainline, buried, with 3 risers for laterals.

HEADS: The Benzel's have three (3) Rainbird garden sprinklers each capable of discharging 3.5 GPM each at 40 psi. All three (3) sprinklers are operated at one time.

USE(S): Water is used for domestic for two families, irrigating lawn or non-commercial garden for two houses and for stock drinking water from stock tanks.

HEAD: Elevation difference between the pump intake at Spring No 1 and the highest point on the garden was measured to be twenty five feet.

POINT OF BEGINNING: Assessor's maps and aerial photos were used to draw the accompanying map.

CALCULATIONS:

Amount of water claimed

Spring Number 1	Domestic	0.005 cfs	
	Lawn/Garden	0.005 cfs	
	Stock Watering	<u>0.005 cfs</u>	
		0.015 cfs	6.7 GPM

Spring Number 2	Domestic	0.005 cfs
	Lawn/Garden	0.005 cfs
	Stock Watering	<u>0.005 cfs</u>
		0.015 cfs
Spring Number 3	Stock Watering	<u>0.005 cfs</u>
	Total	0.035 cfs

6.7 GPM JUL 1 8 1994

2.3 GPM 15.7 GPM

RECEIVED WATER SALES

REMARKS: Water from springs has been used for domestic, to irrigate the lawn or non-commercial garden for the use of the residents, and for stockwatering since prior to 1909.

Water is taken from three separate springs for three separate places of use.

Spring Number 1 serves one residence for domestic water plus lawn or garden not to exceed 0.5 acre and stock watering.

Spring Number 2 serves one residence for domestic water plus lawn or garden not to exceed 0.5 acre and stock watering.

Spring Number 3 is used for stock watering only.

Usual Period of Use is 1/1 to 12/31 for domestic and stock watering and 5/1 to 9/30 for lawn or garden.

Stock watering is for 50 head of cattle and 6 horses. Stock is rotated between the three locations depending on the time of year and the pasture conditions.

The final proof survey and inspection of the use as found to be completed under terms and conditions of File# SWR-71 was completed by me on January 6, 1993, and the facts contained in this report and accompanying vested water right map are correct to the best of my knowledge.



I, Ray Benzel, Jr, agree to the findings of the CWRE and do submit this site report and map as my Registration Statement Claim of Beneficial Use of the water provided under the terms and conditions of my File# SWR-71.

Ray Benzel, Jr

Ray or Nancy Benzel, Jr.  
5080 Boswell Road  
Yoncalla, OR 97499

Surface Water Registration Statement  
Pre-1909 Vested Water Right Claim

RECEIVED

Additional Information

JUL 13 1994

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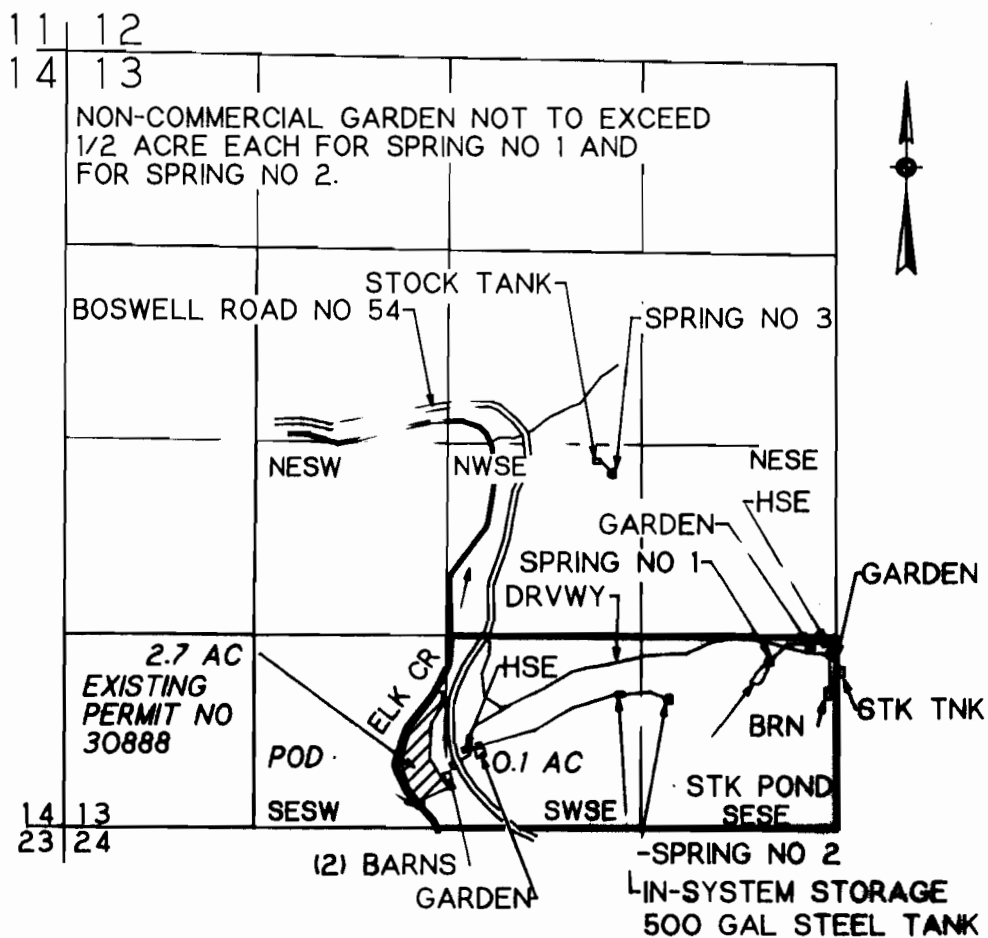
Amount of water claimed

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	Stock Watering	<u>0.005 cfs</u>	
		0.015 cfs	6.7 GPM
Spring Number 2	Domestic	0.005 cfs	
	Lawn/Garden	0.005 cfs	
	Stock Watering	<u>0.005 cfs</u>	
		0.015 cfs	6.7 GPM
Spring Number 3	Stock Watering	<u>0.005 cfs</u>	<u>2.3 GPM</u>
	Total	0.035 cfs	15.7 GPM

Stock watering is for 50 head of cattle and 6 horses. Stock is rotated between the three locations depending on the time of year and the pasture conditions.

T22S, R5W, WM

SCALE 1" = 1320'



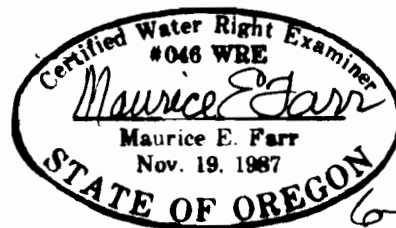
SPRING NO 1. POD 1 IS 1150 FT N AND 450 W FROM SE COR SEC 13  
 SPRING NO 2. POD 2 IS 890 FT N AND 1130 FT W FROM SE COR SEC 13  
 SPRING NO 3. POD 3 IS 2430 FT N AND 1520 FT W FROM SE COR SEC 13

EXISTING WATER RIGHT PERMIT NO 30888  
 POD IS 160 FT N AND 1580 FT W FROM THE E 1/16 COR SEC 13  
SEC 24

## VESTED WATER RIGHT MAP

### PRE-1909 CLAIM OF BENEFICIAL USE

THIS IS A LOCATION MAP FOR A VESTED WATER RIGHT BY RAY OR NANCY BENZEL, JR. THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE VESTED WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY LINES.



Ray or Nancy Benzel, Jr.  
5080 Boswell Road  
Yoncalla, OR 97499

APR 20 1991

WATER

Surface Water Registration Statement  
Pre-1909 Vested Water Right Claim

Additional Information

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Spring Number 2	Domestic	0.005 cfs	
	Lawn/Garden	0.005 cfs	
	Stock Watering	<u>0.005 cfs</u>	
		0.015 cfs	6.7 GPM
Spring Number 3	Stock Watering	<u>0.005 cfs</u>	<u>2.3 GPM</u>
	Total	0.035 cfs	15.7 GPM

Stock watering is for 50 head of cattle and 6 horses. Stock is rotated between the three locations depending on the time of year and the pasture conditions.

Records of Sale of 160 acres (Roy and Mary Coxs Place)

1944 Roy and Mary Cox purchase property from Joseph and Leona Cellers.

1927 June 4, Joseph and Leona Cellers purchase property from Sam Jones #68953 in records book.

1913 Sept. 30, Sam Jones purchased property from W.R. Morningstar Book 72., Page 620 County records.

1913 Sept. 13, W.R. Morningstar purchase property from A.W. Morningstar

1895 Aug. 31, A.W. Morningstar purchased property from Payton, book 33 page 199.

1888 March, Payton purchased property from James Applegate.

November 16, 1991

My name is Pearl (Cox) Lunney. I was born on April 5, 1900 at the Kingery Ranch here in Yoncalla, Oregon.

As a very young girl, about 7 years old, I can remember visiting the property, presently known as the Roy and Mary Cox place at 5256 Boswell Rd., Yoncalla, OR. At that time, about 1907, there were two homes on the property, a old homesteaded up on top of the hill that had a old house and a nice spring that fed the house, animals and garden. There were many old fashioned rose bushes that were planted around the house and spring area.

The other home was located near the existing county road and had a spring which also originated up the hill, but from a different location. It was also used for house, animals and garden water.

I also remember when Joseph and Leona Cellars lived on the property, presently known as Roy and Mary Cox's place at 5256 Boswell Rd., Yoncalla, Oregon. Joseph Cellars was my great uncle, (my mother Gussie (Turpin) Cox's mother's brother. They bought the place in 1927, (presently the home of Roy and Mary Cox). During the time the Cellars lived in the house they got water through old steel pipes laid up the hill, going into a spring fed reservoir. The spring supplied the family of 11 children with house water, livestock water and irrigation for a garden.

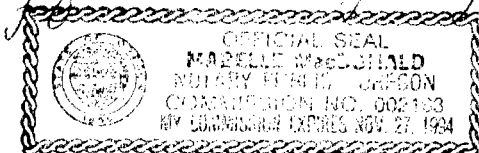
During the mid-30's my husband and I rented the place from Joseph Cellars for approximately 5 years. During that time the spring, that gravity flowed to the house, was used for house, garden and livestock watering.

Pearl Lunney  
Pearl Lunney

11/21/91  
Date

Mabelle Mac Donald  
Witness Notary for the State of Oregon

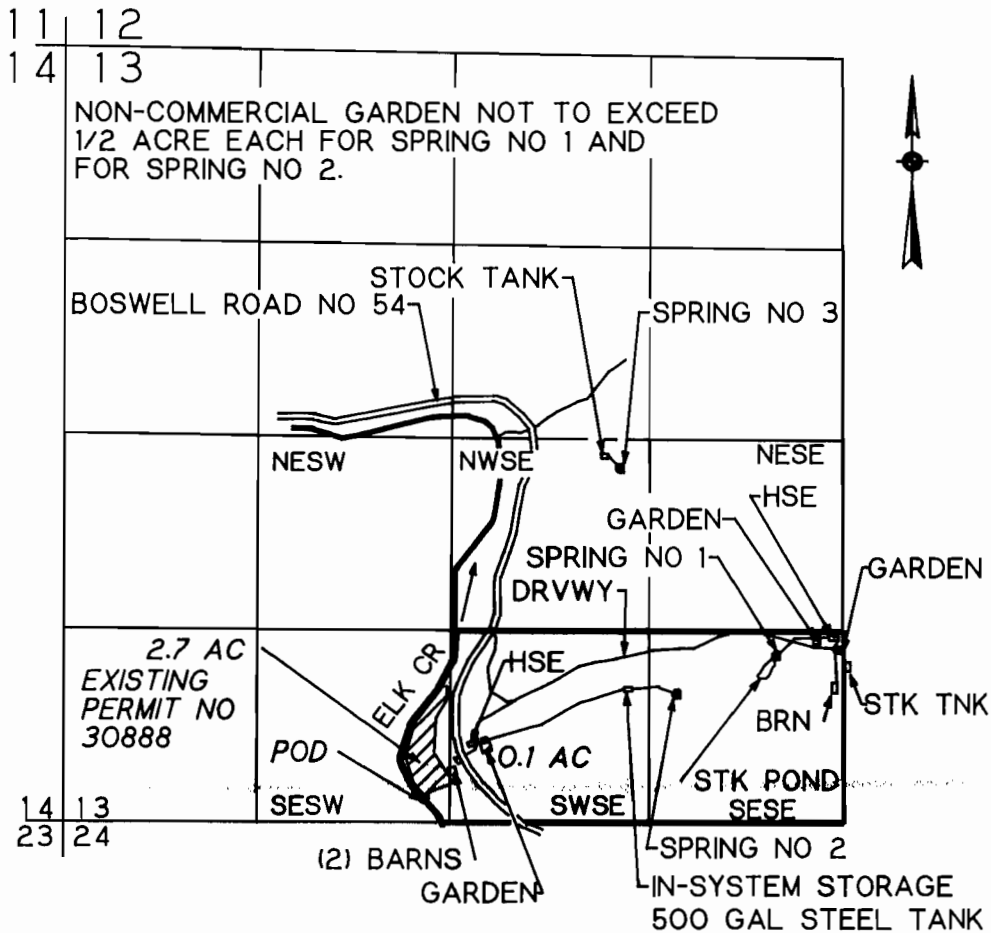
11/21/91  
Date





# T22S, R5W, WM

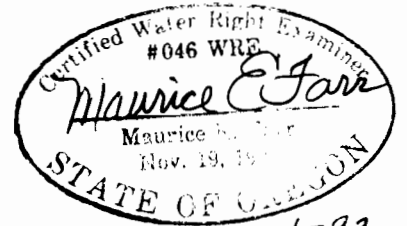
SCALE 1" = 1320'



SPRING NO 1. POD 1 IS 1150 FT N AND 450 W FROM SE COR SEC 13  
 SPRING NO 2. POD 2 IS 890 FT N AND 1130 FT W FROM SE COR SEC 13  
 SPRING NO 3. POD 3 IS 2430 FT N AND 1520 FT W FROM SE COR SEC 13

EXISTING WATER RIGHT PERMIT NO 30888  
 POD IS 160 FT N AND 1580 FT W FROM THE E 1/16 COR SEC 13  
 SEC 24

THIS IS A LOCATION MAP FOR A WATER RIGHT APPLICATION BY RAY OR NANCY BENZEL, JR. THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.



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