

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF EMMA BENEDICT FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM LUCKIAMUTE RIVER)

ORDER APPROVING
TRANSFER NO. 3296

On August 15, 1975, Emma Benedict filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Luckiamute River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Stephen Benedict and recorded at Page 33285, Volume 25, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.36 cubic feet per second of water from Big Luckiamute River for the irrigation of, among other lands, 31.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 21.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, and 1.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 9 South, Range 5 West, W.M., with a date of priority of January 26, 1962. These lands are irrigated from a point of diversion located 290 feet South and 1180 feet East from the Northwest corner of DIO #61, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, Township 9 South, Range 5 West, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 12.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, 30.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 12.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 9 South, Range 5 West, W.M.

The North Willamette Federal Land Bank Association, mortgagee of the land involved, has submitted written approval of the change in place of use.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. Ralph Jackson, Hydrographics Division of the Water Resources Department, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

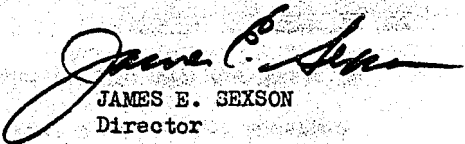
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 31.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 21.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, and 1.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 9 South, Range 5 West, W.M., with a date of priority of January 26, 1962, be severed therefrom and simultaneously and without loss of priority transferred to 12.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, 30.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 12.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 9 South, Range 5 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1976.

It is FURTHER ORDERED that certificate of water right heretofore issued to Stephen Benedict and recorded at Page 33285, Volume 25, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use, a certificate of water right shall be issued to Emma Benedict confirming the extent to which the water has been applied beneficially and including the balance of the right not involved in this proceeding.

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


JAMES E. SEXSON
Director