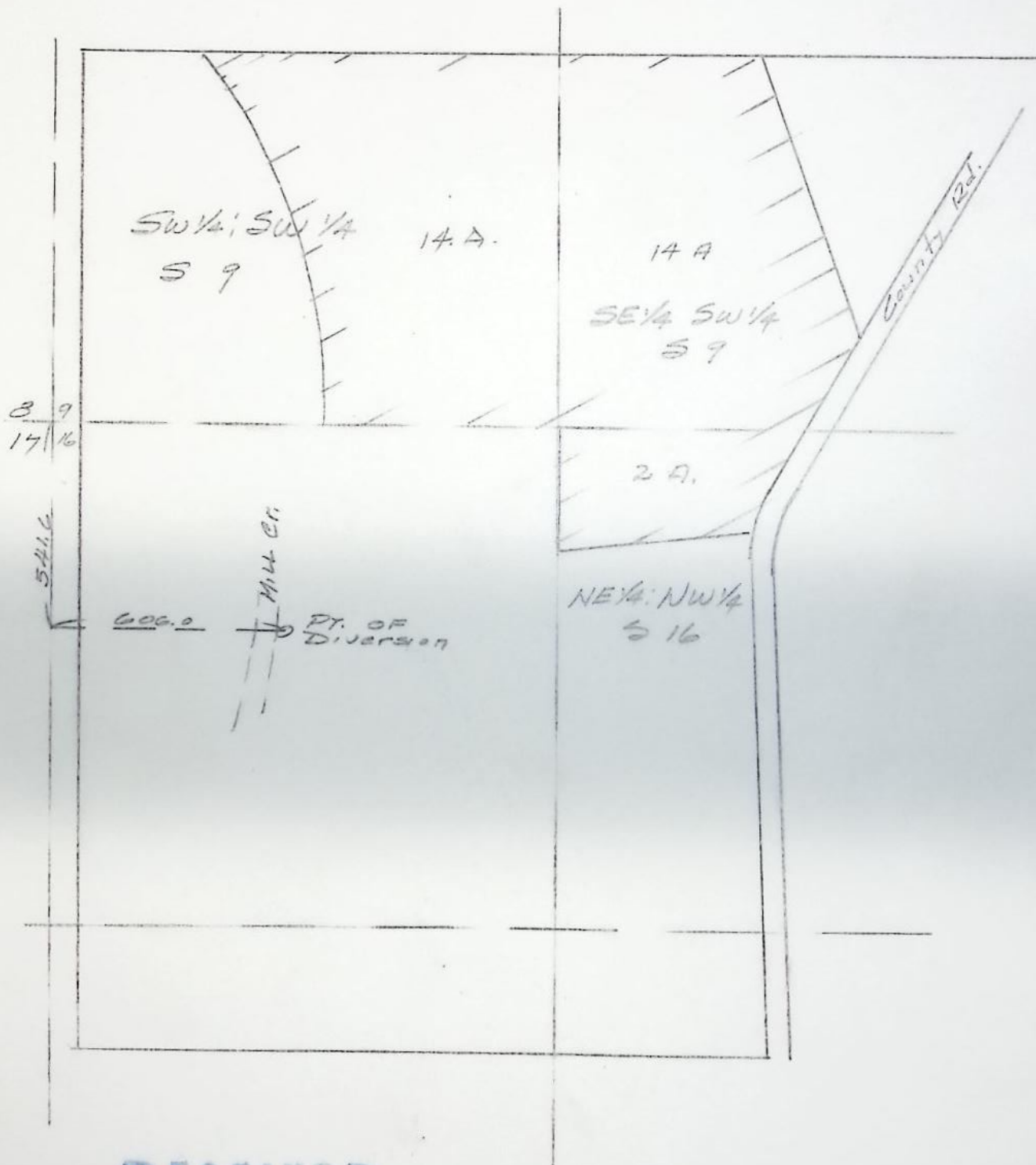


WATER RIGHT MAP

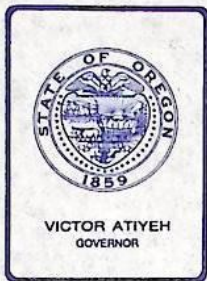
SEC. 9 & 16 T6S R6W W.M.

APRIL 1971

Scale 1" = 400 ft.



RECEIVED
MAY 6 1971
STATE ENGINEER
SALEM, OREGON



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508 or
1-800-452-7813

April 27, 1981

Hugh Veach
8705 Harmony Rd.
Sheridan, OR 97378

Dear Mr. Veach:

REFERENCE: Files 55175 & T-2519

We were preparing to send you the findings of the survey made in connection with your irrigation Permit 41350 when it was brought to my attention that your water right conflicts with an earlier right of record in the name of T.J. Simonson.

This information should have been brought to your attention prior to issuance of your permit. I apologize for the oversight.

Our records show that Certificate of Water Right recorded at Page 39245, Volume 31, State Record of Water Right Certificates was issued to T.J. Simonson and confirmed a change in place of use of water from Mill Creek for the irrigation of 30.0 acres. Part of the lands described in your Permit 41350 overlap the northern portion of the previously described certificate. If we had caught this overlap prior to the issuance of your Permit 41350, you would have been given the following choices:

- 1) Authorize cancellation of a portion of the certificate of water right.
- 2) Request a change in point of diversion.

These options are still available, but you will have to advise us one way or the other before we can proceed with your Permit 41350.

In the event you wish to authorize cancellation of a portion of Certificate 39245, we will prepare the necessary affidavit of abandonment for your use. Please furnish us with the name or names of the legal land owner of the property described in Permit 41350 and we will prepare the affidavit of abandonment. No fees would be required.

The date of priority listed in Certificate 39245 is January 10, 1957. If the right to the use of water from Mill Creek has not been forfeited by failure to exercise the right for a period of five successive years, you could submit an application requesting a change in point of diversion for part of the lands described in your Permit 41350. I have enclosed a copy of the map made as a result of our final proof inspection on May 25, 1972 as provided for in the Order approving Transfer 2519.

C O P Y

Hugh Veach
April 27, 1981
Page Two

Mr. Simonson's request was for a change in place of use of water for 30.0 acres. You will note on the map figures of 14.0, 18.0, 0.5, and 3.4 for a total of 35.9 acres. Although the excess of 5.9 acres is not clearly located on the map, based on the original request, the overacreage would be within the area described in your Permit 41350. The 5.9 acres could be included in your Permit 41350, and you could request a change in point of diversion for the balance of your lands.

The request for change would be rather costly, however. For examining the application, a \$20 fee is required in addition to a recording fee for change in point of diversion of \$15 and a publication of notice deposit of \$100. The latter fee is necessary because the change in point of diversion is more than 1/4 mile and by law, the requested change must be published in a newspaper having circulation in your area. If the earlier right is valid, you should consider the 1957 date of priority as opposed to the 1977 date of priority under your Permit 41350.

I have enclosed copies of maps and colored them with the thought of clarifying the dilemma. If you have any questions, I would be happy to discuss them with you on the telephone. You may use our toll free number listed above or dial direct between the hours of 7:30 am and 4:00 pm.

Further action will be withheld on this file for a reasonable length of time pending your reply.

Sincerely,

THOMAS E. SHOOK
Water Rights Engineer

TES:wpc
4824A

#20⁰⁰

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Tomo J. Simonson
(Name of applicant)
of Rt 1 Sheridan Box 168, County of Polk
(Postoffice)

State of Oregon, do hereby make application for change

Place of use
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Mill Creek
(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 Pump
4. The point of diversion is located 606 ft. East and 625 ft. S from the N.W.
(N. or S.) (E. or W.)
corner of Sec 16 T6S R6W W1/4 being within the NW 1/4 NW 1/4
(Section or subdivision)
of Section 16 Tp. 6S R. 6W W. M., in the County of Polk
(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
65	6W	9											14	14				
65	6W	16					9 ²	11 ¹	5 ²	4 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? yes
(If not owner, explain your interest)
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? Jan. 10 1957
9. Was your water right acquired by State Engineer's Permit? yes If so, give number
(Yes or No)
of permit 24652

10. Do you hold a water right certificate? Yes If so, give number of certificate 28134
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No
(Yes or No)

If so, give title of proceedings

12. Is the water right recorded in your name? Yes
(If not, give name)

Map 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.)

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 $\frac{1}{4}$
6S	6W	9											14 ⁹	14 ⁹				
		16					2 ⁰											

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located _____ ft. _____ and _____ ft. _____ from the _____
(N. or S.) (E. or W.)
corner of _____ being within the _____ of Section _____ Tp. _____ R. _____ W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of _____ The name of the ditch to be used is _____

15. Are you the owner of the land on which the proposed point of diversion is to be located? _____

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.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? _____

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.? No
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Mortgage	1 st Nat'l Bank	\$8,000
	Salem Ore	

20. Reasons for the proposed changes are Rotation of crops

AFFIDAVIT OF APPLICANT

STATE OF OREGON,
County of Polk } ss.

I, Toivo Simonson, 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 6th day of May, 1971.

Toivo Simonson
(Name of applicant)

Subscribed and sworn to before me this 6th day of May, 1971.

[Notarial Seal]

Ray W. Schubert
NOTARY PUBLIC FOR OREGON

My commission expires Nov 3, 1972

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.

DFP-2P-86
S-25-72
LEG

]- Date 10/1/72

County Polk

5. Proposed Point of Diversion ---

Selder D. L. C. 40.

[illegible]

Info: Mrs. Simonson

Div. Pt.: Deep hole in Mill Creek (~~E. Branch~~)

Pump: 20 H.P. G.E., 3 ph., 3490 R.P.M.
Dir. Dr. Cornell, Cent. $2\frac{1}{2}" \times 3"$

Pipe: 880' 5" Alum.
1320' 4" "
1120' 3" "

Heads: 8 R.B. #30 - $\frac{3}{16}$
22 Buckner #860 - $\frac{13}{64}$

All operate at one time max.

Lift: Suction 6'-7' Disch. 3' to 10'

Crop: Alfalfa

Tie: Shown on Photo DFP-2P-86

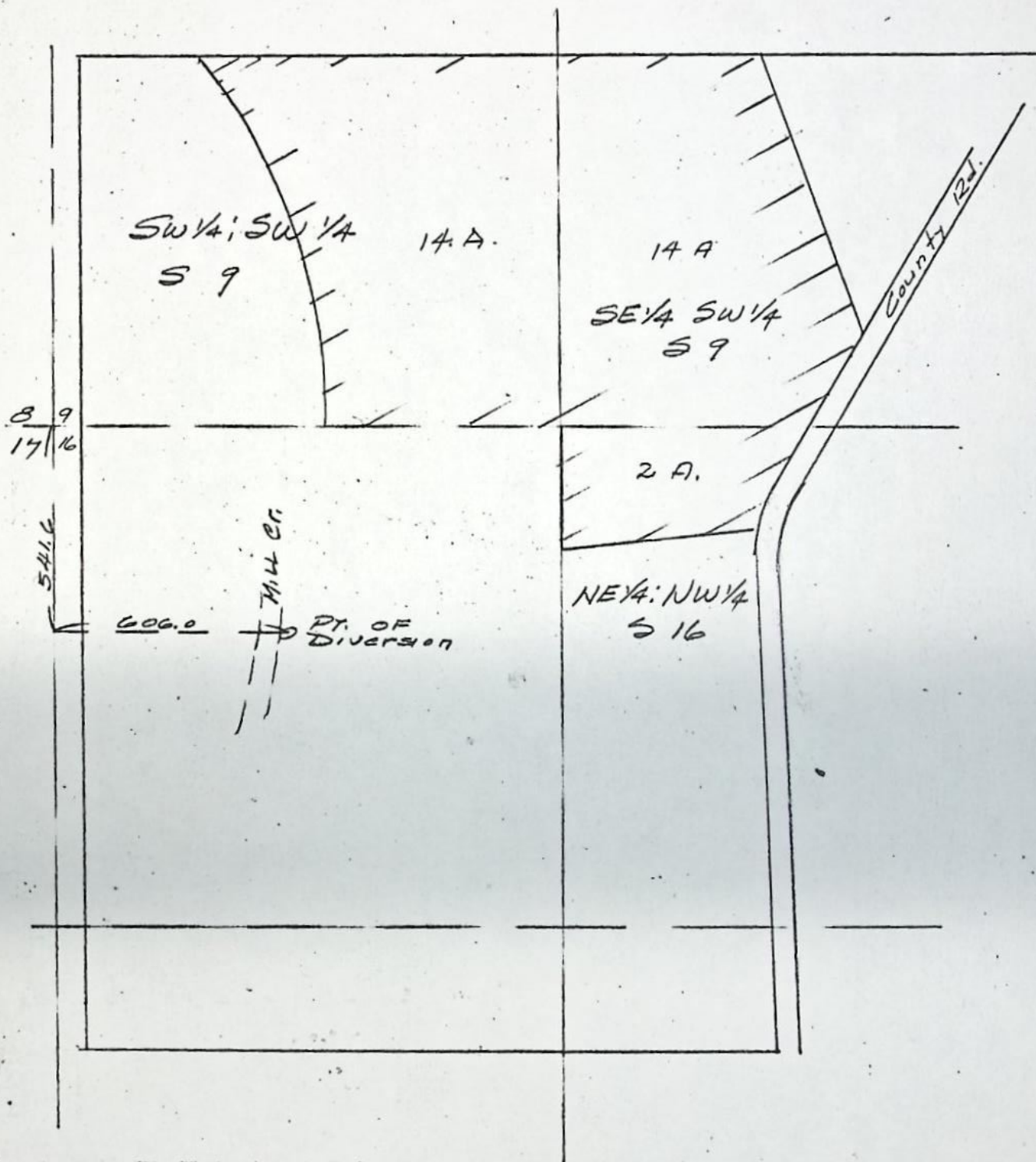
May 25, 1972, L. E. Gould
Field Engineer

WATER RIGHT MAP

SEC. 9 & 16 T6S R6W W.M.

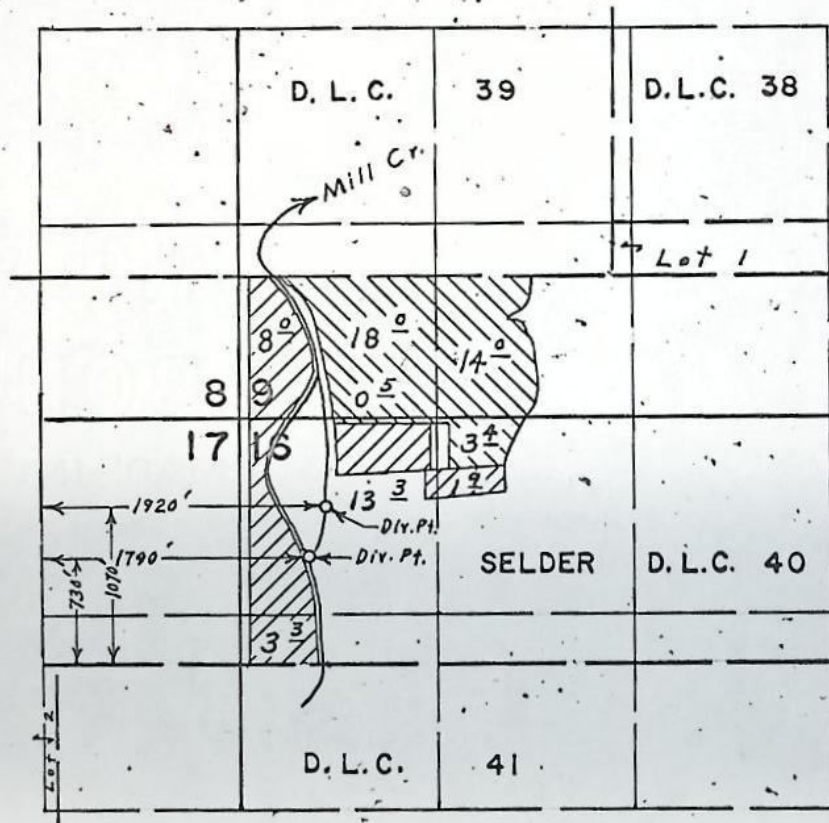
APRIL 1971

Scale 1" = 400 ft.



RECEIVED
MAY 6 1971
STATE ENGINEER
SALEM, OREGON

T.6 S., R.6 W., W.M.



FINAL PROOF SURVEY UNDER

Application No. 42974 Transfer 2519
Permit No. 32106
IN NAME OF
TOIVO J. SIMONSON

Surveyed May 25, 1972, by L. E. Gould

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF TOIVO J. SIMONSON FOR THE AP-)
PROVAL OF A CHANGE IN PLACE OF)
USE OF WATER FROM MILL CREEK)

ORDER APPROVING
TRANSFER NO. 2519

On May 6, 1971, Toivo J. Simonson filed an application in the office of the State Engineer for the approval of a change in place of use of water from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Toivo J. Simonson and recorded at page 28134, Volume 20, State Record of Water Right Certificates, confirms a right to the use of 0.38 cubic foot per second of the waters of Mill Creek for the irrigation of 9.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 11.1 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 5.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 4.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 6 South, Range 6 West, W.M., with a date of priority of January 10, 1957.

The applicant herein, mortgagor of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 14.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 14.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, and 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 6 South, Range 6 West, W.M.

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. Clayton J. Gardner, Watermaster of District No. 1, 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.

First National Bank of Oregon, mortgagee of the land

involved, has submitted written approval of the change in place of use.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 9.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 11.1 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 5.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 4.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 6 South, Range 6 West, W.M., with a date of priority of January 10, 1957, be severed therefrom and simultaneously and without loss of priority, transferred to 14.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 14.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, and 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 6 South, Range 6 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1972.

It is FURTHER ORDERED that certificate of water right heretofore issued to Toivo J. Simonson and recorded at page 28134, Volume 20, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Toivo J. Simonson confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 16th day of August, 1971.

/s/ CHRIS L. WHEELER
State Engineer

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

Transfer No. 2519

I, Tavio J. Simonson hereby certify that
on August, 25, 1971, the water has been applied to the lands to
which the water right was transferred by an order of the State Engineer
dates August 16, 1971, approving an application for a change in place
of use of water from Mill Creek.

Aug. 25, 1971
Date

Tavio J. Simonson
Signature

RECEIVED
AUG 26 1971
STATE ENGINEER
SALEM, OREGON