

2500 Kennedy & Findley
Rickreall, Ore 97371

T-2529

Ph 623-2959

STATUS OF APPLICATION

Change in Place of Use
Date filed May 25, 1971
Date of hearing _____
Place of hearing _____
Date of order 10-11-76 Vol. 28, page 28
Date for application of water Completed
Proof mailed _____

Proof received _____
Certificate issued JAN 18 1977 Vol. 36, page 44108
APR 15 1977 Vol. 36, page 44307
JUN 9 1978 Vol. 38, page 45803
JUN 9 1978 Vol. 38, page 45804

DESCRIPTION OF WATER RIGHT

Name of stream Rickreall Creek
Trib. of _____ County of Polk
Use Irrigation
Quantity of water _____ No. of acres 7.0
Name of ditch _____
Date of priority 5-11-35 & 11-18-37
In name of M.C. Findley
Adjudication, Vol. _____, page _____
App. No. 15819 Per. No. 11677 Cert. No. 11907
App. No. 17166 Per. No. 12883 Cert. No. 15385
Certificate cancelled _____
Notation made on record by sh

FEES PAID

Date	Amount	Receipt No.
<u>5-25-71</u>	<u>20.00</u>	<u>23707</u>
<u>11/14/77</u>	<u>4.00</u>	<u>57522</u>
<u>5-26-95</u>	<u>10.00</u>	<u>124917</u>
TOTAL		
<u>11/14/77</u>	<u>\$4 Cert. Fee</u>	<u>57588</u>
<u>5-18-78</u>	<u>\$4</u>	<u>2976</u>

FEES REFUNDED

Date	Amount	Check No.
<u>7-21-95</u>	<u>10.00</u>	<u>000012</u>

REMARKS

Survey and inspection has been made
See Appl file No 48365

INDEX CARDS:

WA	Name	Entered	Checked
WA	Stream	✓	✓
WA	Pl. of Dis.	✓	✓
WA	Calendar	✓	✓

CHECKED TO RECORDS:

✓	Sw. & Rgo.	✓	✓
✓	Decree-vault	✓	✓
✓	Decree-safe	✓	✓
✓	Cert. of W/R	✓	✓
✓	Per. Folder	✓	✓
✓	Chaindex	✓	✓
✓	Cross Ref.	✓	✓
✓	Power Claim	✓	✓
✓	Abstracts	✓	✓

TO BE ENTERED WHEN CHECKED

T#2529

To:

7.0 ACRES to
be transferred
from Permit
NO. 12883 &
11677

3.7 Acres
Transferred
No. 11677

3.3 Acres
Transferred
Per. No. 12883

14.2 acre tract
NEW APPLICATION

SW 1/4 NW 1/4

From

(Lot 4)

NW 1/4 - SW 1/4
by permit # 11677

(Lot 5)

NE 1/4 - SW 1/4
by permit # 11677

2.0 AC

0.2 AC

To be vacated from
Permit # 11677
4.6 AC.

3.3 AC.

SE 1/4 - SW 1/4

SW 1/4 - SW 1/4

SALEM - DALLAS HIGHWAY

Point of
DIVERSION

LaCocle creek
Also known as
Rickreall Creek

APPROX. LOCATION OF
PROPOSED HIGHWAY

Application No. 48265
Permit No.

30 29
31 32

T-2529

REGISTERED
OREGON
LAND SURVEYOR

DAVID L. BASCUE
JULY 14 1971
783

PREPARED FOR, AND AT THE REQUEST OF

CALVIN KENNEDY

LIABILITY FOR THIS SURVEY IS EXPRESSLY LIMITED
TO SAID PERSON OR PERSONS.

LOCATION

T. 7 S. R. 4 W. W. M. SEC. 29

DAVID L. BASCUE
BARNES & ASSOCIATES INC.
990 SHIPPING STREET N.E.

NO 71-4-99

SCALE 1" = 40'

DATE MARCH 17, 1971

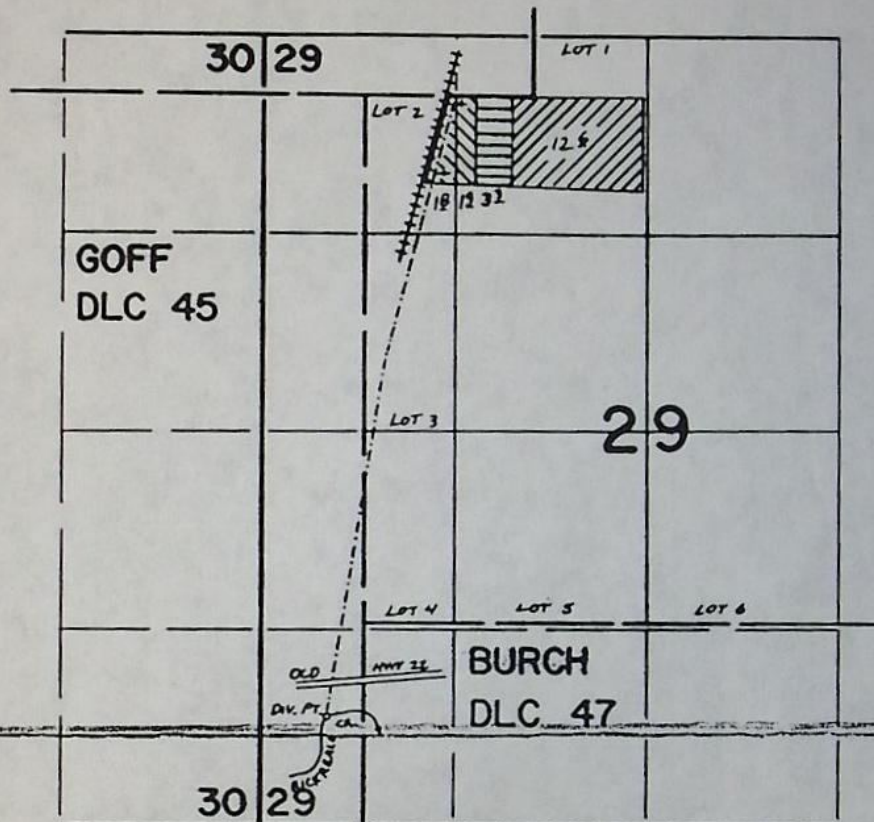
• MON FOUND 6" IRON ROD SET

1 DENOTES RECORD DIST & BEARING

POIK COUNTY OREGON

DARREL W. EDWARDS
REGISTERED LAND SURVEYORS
SALEM, OREGON 97303, PHONE 364-9385

T.7S. R.4W. W.M.



DIV. PT. LOCATED 700' N & 430' E FROM THE SW COR SEC 29

T# 2529

PERM. # 11677

T# 2529

PERM. # 12883



PERMIT # 38231



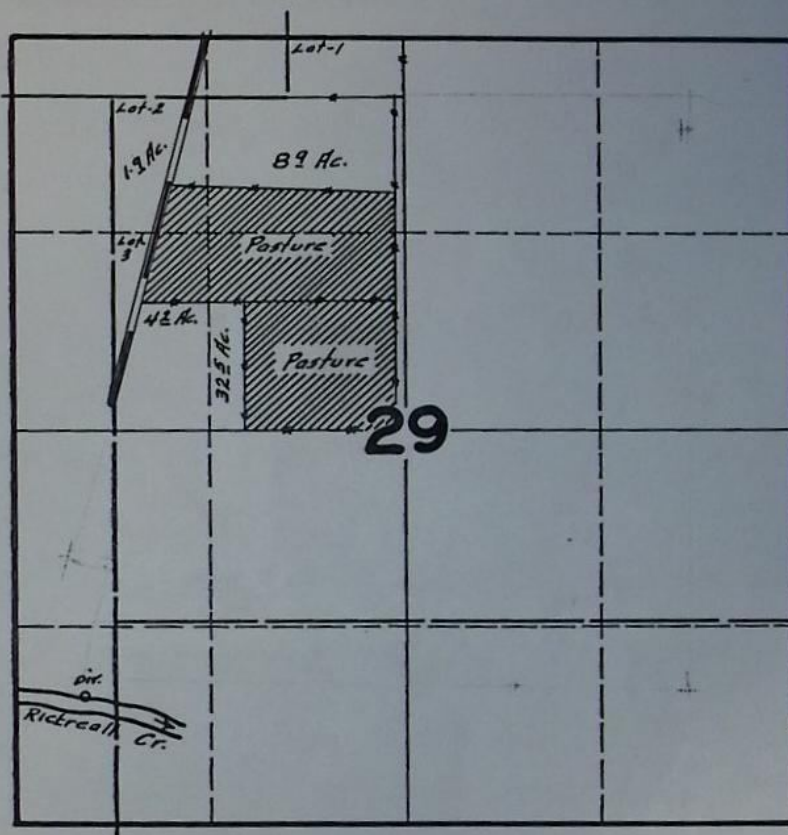
FINAL PROOF SURVEY UNDER

Application No. T-2529 48265 Permit No. 38231
IN NAME OF

CALVIN KENNEDY

Surveyed JUNE 2, 1976, by C. R. KING

T. 7S. R. 4W. W.M.



FINAL PROOF SURVEY
UNDER

Application No. 17166 Permit No. 12883

IN NAME OF

M.C. FINDLEY

Surveyed AUG. 11, 1945, by

[Signature]

222-127

DFP-244-127
6-2:30
JR

County Polk

6. Place of Use DATE FOR APPLICATION OF WATER: COMPLETE AT TIME OF ORDER

[illegible]

SEE FILE #48265
FOR REPORT

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That M. C. FINDLEY

of 225 N. 20th St., Salem, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Rickreall Creek a tributary of Willamette River for the purpose of Irrigation of ~~20.2~~ 16.2 acres under Permit No. 11677 of the State Engineer; and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 11, 1935;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ~~0.38~~ cubic foot per second measured at the point of diversion from the stream, 0.20

or its equivalent in case of rotation.

The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 7 South, Range 4 West, W. M. being 850 ft N & 460 ft E from the SW Cor of Sec 29.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre,

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

6.0	8.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$,	2.0 in T# 2529.
4.4	6.1 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$,	1.7 " "
5.8	8.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$,	0.2 canceled
	2.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$,	2.0 "
	4.8 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$,	4.6 "
	3.8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$,	3.3 "

Section 29,
Township 7 South, Range 4 West, W. M.

cancel.
0.13 cfs

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 11907, Volume 11, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the State Engineer entered on June 30, 1975; and NOT modified by the provisions of an order of the Water Resources Director entered on Oct 11, 1976, approving transfer application No. 2529.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

WITNESS the signature of the State Engineer, affixed

this 16th day of December, 1937.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 11, page 11907

44108
OK JWC

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF CALVIN AND LUCILLE KENNEDY AND)
M. B. AND MARTHA E. FINDLEY FOR)
THE APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM RICKREALL)
CREEK)

ORDER APPROVING
TRANSFER NO. 2529

On May 25, 1971, Calvin and Lucille Kennedy and M. B. and Martha E. Findley filed an application in the office of the Water Resources Director for the approval of a change in place of use of water from Rickreall Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to M. C. Findley and recorded at Page 11907, Volume 11, State Record of Water Right Certificates, confirmed a right which includes the use of not to exceed 0.05 cubic foot per second of water from Rickreall Creek for the irrigation of 2.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 7 South, Range 4 West, W.M., with a date of priority of May 11, 1935. Certificate of water right issued to M. C. Findley and recorded at Page 15385, Volume 13, State Record of Water Right Certificates, confirms a right which includes the use of not to exceed 0.04 cubic foot per second of water from Rickreall Creek for the irrigation of 3.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 7 South, Range 4 West, W.M., with a date of priority of November 18, 1937. These lands are irrigated from a point of diversion located 850 feet North and 460 feet East from the Southwest corner of Section 29, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 7 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 1.5 acres

in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 7 South, Range 4 West, with a priority date of May 11, 1935, and 3.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 7 South, Range 4 West, W.M., with a priority date of November 18, 1937.

Mr. Ben Monroe, Watermaster of District No. 18, 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 objection 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 requested changes in place of use described herein, without loss of priority, are approved.

It is FURTHER ORDERED that no time limit need be fixed for application of water as the report that water has been applied beneficially at the proposed place of use has been received.

It is FURTHER ORDERED that the portion of the water right evidenced by the prior certificate recorded at Page 11907, Volume 11, State Record of Water Right Certificates, involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered on June 30, 1975, by the State Engineer in the matter of the partial cancelation of a water right; and that the certificate of water right heretofore issued to M. C. Findley and recorded at Page 15385, Volume 13, 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 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, two confirming certificates of water right shall be issued to Calvin and Lucille Kennedy.

Dated at Salem, Oregon, this 11th day of October, 1976.

/s/ JAMES E. SEXSON
Director

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, CALVIN KENNEDY and LUCILLE KENNEDY, Sellers, and M. B. FINDLEY
and MARTHA E. FINDLEY, Purchasers (Applicant)

of Rickreall, County of Polk
(Postoffice)

State of Oregon, do hereby make application for change in place of use.

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

1. The source of present water right is Rickreall 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 _____

4. The point of diversion is located 850 ft. N and 460 ft. E from the SW
(N. or S.) (E. or W.)

corner of Section 29 being within the SW 1/4 SW 1/4
(Section or subdivision)

of Section 29 Tp. 7S R. 4W 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
7S	4W	29	(cert. 11907)			(1935)			29 1/2									
			(cert. 15385)			(1937)			33									

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? SEE ABOVE
(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? May 11, 1935, Nov. 18, 1937
0.05 cfs 0.04 cfs

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number
(Yes or No)
of permit 11677, 12883

10. Do you hold a water right certificate? Yes If so, give number of certificate 11907, 15385
(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? No -- M C. Findley
(If not, give name)

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 $\frac{1}{4}$
7S	4W	29					1 $\frac{1}{2}$	2 $\frac{3}{4}$	Cert	11907								
							3 $\frac{3}{4}$		Cert	15385								

(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

20. Reasons for the proposed changes are highway buying land

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of MARION

} ss.

I, Calvin Kennedy Lucille Kennedy, 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 25 day of May, 19 71.

Calvin Kennedy Lucille Kennedy
(Name of applicant)

Subscribed and sworn to before me this 25 day of May, 19 71.

[Notarial Seal]

[Signature]
NOTARY PUBLIC FOR OREGON

My commission expires 12-26-71

Remarks Request that 10.1 acres in SW 1/4 in SW 1/4 Section 29
under cert. 11907 be canaled as shown on map as vacated.

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.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Polk

} ss.

I, _____, 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 10 day of May, 1971.

Marcus B. Finley
(Name of applicant)

Subscribed and sworn to before me this 10 day of May, 1971.

[Notarial Seal]

Stuart Bell
NOTARY PUBLIC FOR OREGON

My commission expires

Oct 6-1974

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.

1 Title in fee simple to the following described real property for
2 right of way purposes:

RECEIVED
NOV 16 1971
STATE ENGINEER
SALEM OREGON

3 PARCEL 1

4 A parcel of land lying in Section 29, Township 7 South,
5 Range 4 West, W.M., Polk County, Oregon, and being a portion
6 of that property described in that deed to M. Bayard Findley
7 and Martha Findley, recorded in Book 128, Page 527 of
8 Polk County Record of Deeds; the said parcel being that
9 portion of said property included in a strip of land
10 variable in width, lying on each side of the center line
11 of the Willamina-Salem Highway as said highway has been
12 relocated, which center line is described as follows:

13 Beginning at Engineer's center line Station "L2"
14 866+85.19, which station equals Engineer's Station
15 703+73 on the center line of the relocated Pacific
16 Highway West, said Station being 3323.35 feet North
17 and 107.85 feet East of the Southeast corner of the
18 Nathaniel Ford D.L.C. No. 44, Township 7 South, Range
19 4 West, W.M., thence South 85° 52' 30" East 9314.81
20 feet to Engineer's center line Station "L2" 960+00.

21 The widths in feet of the strip of land above re-
22 ferred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line	Width on Southerly Side of Center Line
"L2"909+00		"L2"913+00	135	135
"L2"913+00		"L2"928+00	135 taper to 80	135 taper to 80
"L2"928+00		"L2"950+00	80	80

23 Bearings are based upon the Oregon Co-ordinate
24 System, North Zone.

25 The parcel of land to which this description applies
26 contains 16.7 acres.

27 A permanent easement across the following described real property
28 for the purpose of locating drainage facilities in connection with
29 said project. Fee simple title to the land to be used for this
30 easement is not being sought by this acquisition with the full use
31 and dominion thereover to be retained by the defendants; provided,
32 however, that such use shall not be permitted to interfere with
33 the purpose for which this easement is obtained. The real property
34 across which this easement is required is described as follows:

35 PARCEL 2

36 A parcel of land lying in Section 29, Township 7
37 South, Range 4 West, W.M., Polk County, Oregon, and
38 being a portion of that property described in that
39 certain deed to M. Bayard Findley and Martha Findley,
40 recorded in Book 128, Page 527 of Polk County Record
41 of Deeds; the said parcel being that portion of said
42 property lying Easterly of a line at right angles to
43 the center line of the relocated Willamina-Salem
44 Highway at Engineer's Station 937+00 and included in
45 a strip of land 30 feet in width lying Southerly of
46 and adjacent to the Southerly line of Parcel 1.

47 The center line herein referred to is described
48 in Parcel 1.

1 The parcel of land to which this description ap-
2 plies contains 0.82 acre, more or less.

3 All rights of access of every nature to the right of way of
4 said highway project; provided, however, that there shall be
5 reserved for service of the remaining land the following:

6 A right of access to the right of way of said highway
7 of a width of 35 feet on the northerly side thereof
8 opposite Highway Engineer's center line Station
9 929+05.

10 The right to establish, maintain and use a crossing
11 of a width of 35 feet at Highway Engineer's center
12 line Station 929+05 on the Willamina-Salem Highway.
13 Such right is to continue only so long as the crossing
14 shall be used for farm purposes exclusively, and such
15 right is to continue only so long as any portions of
16 the remaining property on both sides of said highway
17 served by such crossing are held by a common ownership.

18 If, after written notice to desist, the defendants, or any
19 person holding under them, shall use said crossing for
20 purposes not above stated, or shall permit or suffer any
21 person to do so, such right of crossing shall automatically
be suspended. The plaintiff shall thereupon have the right
to close such crossing for all purposes. The suspension
shall terminate when satisfactory assurance has been fur-
nished that the place of crossing will be used only for
farm purposes. The plaintiff's rights to close such place
of crossing shall be continuing as to each succeeding use
for a purpose not herein stated.

22 The right of passage for farm purposes through a 13' x 12'
concrete box culvert which the plaintiff will construct
beneath said highway, as a part of the planned project and
at its sole cost, in the vicinity of Highway Engineer's
center line Station 919+60. Said right of passage shall
continue only as long as any portion of the remaining land
on both sides of said highway and served by said culvert
are held under a common ownership.