

3206 Stephen Benedict
Route 1, Box 237
Monmouth, Or

3296

STATUS OF APPLICATION

Change in place of use
Date filed 8-15-75
Date of hearing _____
Place of hearing _____
Date of order 1-5-76 Vol. 26, page 268
Date for application of water 10-1-76
Proof mailed _____
Proof received _____
Certificate issued JAN 29 1979 Vol. 40, page 47320
Survey 11/76

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Luchianute River
Trib. of Willamette River County of Polk
Use irrigation
Quantity of water 0.49 cfs No. of acres 54.5
Name of ditch _____
Date of priority January 26, 1962
In name of Stephen Benedict
_____ Adjudication, Vol. _____, page _____
App. No. 37335 Per. No. 27812 Cert. No. 33285
Certificate cancelled _____
Notation made on record by _____

FEES PAID

| Date | Amount | Receipt No. |
|-----------------|--------------|--------------|
| <u>8-15-75</u> | <u>31.25</u> | <u>48963</u> |
| <u>12-24-75</u> | <u>5.00</u> | <u>50806</u> |
| TOTAL . . . | <u>2.00</u> | |
| <u>2-15-75</u> | Cert. Fee | <u>48964</u> |

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
|------|--------|-----------|

INDEX CARDS: Entered Checked

| | | | |
|-------------------------------------|--------------|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | Name | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Stream | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Pt. of Div. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Calendar | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Twp. & Rge. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Decree-vault | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Decree-safe | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Cert. of W/R | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Per. Folder | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Chainindex | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Cross Ref. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Power Claim | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Abstracts | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

TO BE REVIEWED WHEN CHECKED

✓
12-19-77
JPK

INSPETION 7-5-77 LMT

County Polk

6. Place of Use ~~DATE FOR APPLICATION OF WATER:~~ 10/1/76

[illegible]

INFO - ALLAN BENEDICT - SHOWED US LAND IRR. AND DIV.

TRANSFER WAS TO GET EARLIER PRIORITY ON SOME ROW CROPS

DIV - PUMPS DIRECTLY FROM LUCKIAMUTE RIVER.

PUMP - }

MOTOR - } A 40 H.P. } 50 H.P. ELECTRIC MOTORS RUNNING CENT. (DD)
PUMP. ONE BOOSTER FOR OTHER.

PIPE - 4000' 8", 7", 6", 5" ALUM PORT. MAIN.
4800' 4", 3" ALUM LAT.

HEADS - 120 RB $\frac{3}{16}$ (7gpm) (ALL MAX)

USE - OATS, CORN, BEANS,

LIFT - +30 to +45'

TIE - INSPECTION

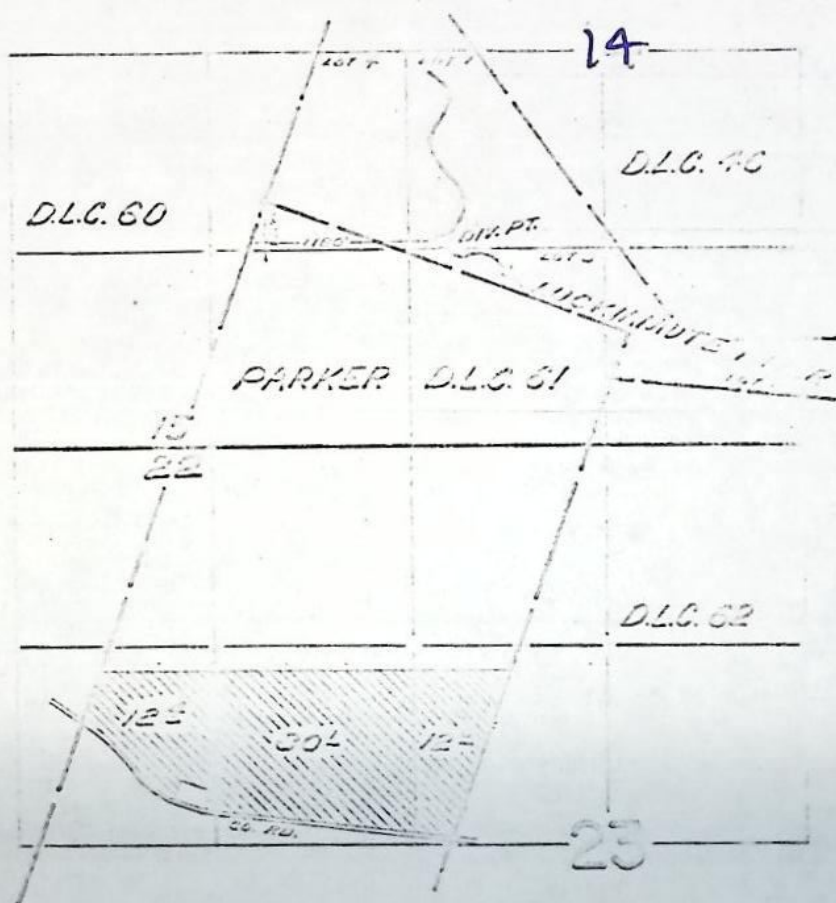
Larry Toll
F.E.
7/5/77

CERT 33285 LISTS 1.34 cfs for IRR. of 151.3 ac. \Rightarrow 111.25 cfs/ac.

THIS TRANS INVOLVES 54.5 ac.

$$\therefore \frac{54.5}{111.25} = 0.49 \text{ cfs (ALLOWABLE UNDER THIS TRANS. 1-26-62 PROVISION)}$$

95 5W



FINAL PROOF SURVEY
UNDER

Application No. 41793 Permit No. 31207
IN NAME OF

STEPHEN BENEDICT

Surveyed MAR. 25 1969 by D.R. Bussell

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 DIC #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.

/s/ JAMES E. SEXSON
Director

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

Transfer No. 3296

I, Mrs Stephen Benedict, hereby certify that
on Sept 30, 1975, the water has been applied to the
lands to which the water right was transferred by an order of the ^{Water Resources Director}~~State~~
~~Engineer~~ dated January 5, 1976, approving an application for a
change in place of use of water from Luckiamute River.

Oct. 18, 1976
Date

Mrs Stephen Benedict
Signature

RECEIVED
OCT 20 1976
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

INTEROFFICE MEMO

TO: Trevor Jones

DATE: December 17, 1975

FROM: Ralph Jackson, Assistant Administrator, Hydrographics Division

SUBJECT: Transfer No. 3296

In the absence of Mr. Ben Monroe, Watermaster of District 18, I have reviewed the application for transfer in the name of Mrs. Stephen Benedict, No. 3296. It appears that the transfer may be allowed without injury to existing rights. Provision 2 relating to measuring devices may be incorporated in the order.

A handwritten signature in dark ink, appearing to read "Ralph Jackson", with a long horizontal flourish extending from the bottom right.

NORTH WILLAMETTE FEDERAL LAND BANK ASSOCIATION

745 COMMERCIAL N.E. P.O. BOX 2168 SALEM, OREGON 97308

CARROLL R. NELSON, MANAGER — TELEPHONE 581-7505



T-3296

OREGON CITY BRANCH:

210 - 9TH STREET OREGON CITY, OREGON 97045

L. G. PERKINS, BRANCH MANAGER PHONE 656-5127

August 15, 1975

Mr. Chris Wheeler
State Engineer's Office
1178 Chemeketa
Salem, Oregon 97301

Dear Mr. Wheeler:

I have had a request from Mr. Alan Benedict of Route 1, Box 237, Monmouth, Oregon to write your office regarding the transferring of water rights from one part of the farm to another part. This proposal meets with our approval.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,

A handwritten signature in cursive script, reading "Carroll R. Nelson".

Carroll R. Nelson,
Manager

m



Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Mrs. Stephen Benedict
(Name of applicant)
 of Rt. 1, Box 237 Monmouth, 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 Luckiamute River
(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 290 ft. S and 1180 ft. E from the N.W
(N. or S.) (E. or W.)
 corner of DLC 61 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$
(Section or subdivision)
 of Section 14 Tp. 9S R. 5W 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 $\frac{1}{4}$ | 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 $\frac{1}{4}$ |
| 9S | 5W | 14 | | | | | | | | | | | 31 $\frac{1}{4}$ | 21 $\frac{1}{4}$ | | | | |
| | | 15 | | | | | | | | | | | | | | | | 12 |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |

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? 1/26/62
9. Was your water right acquired by State Engineer's Permit? yes If so, give number
(Yes or No)
 of permit 27812

33285

10. Do you hold a water right certificate? Yes If so, give number of certificate 37244
(Yes or No)

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

..... If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? Stephen Benedict
(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 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 |
| 9S | 5W | 22 | | | | 12 ⁴ | | | | | | | | | | | | |
| | | 23 | | | | | | | 30 ¹ | 12 ⁵ | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |

(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 |
|-----------------------|-------------------|--------|
| Mortgages | Federal Land Bank | |
| | | |
| | | |

20. Reasons for the proposed changes are To save a sweet corn crop

AFFIDAVIT OF APPLICANT

STATE OF OREGON,
County of Polk } ss.

I, Mrs. Stephen Benedict, 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 15 day of Aug, 1927

x Mrs Stephen Benedict (Emma Benedict)
(Name of applicant)

Subscribed and sworn to before me this 15 day of Aug, 1927

[Notarial Seal]

[Signature]
NOTARY PUBLIC FOR OREGON

My commission expires 7-28-28

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.