

STATE OF OREGON

COUNTY OF

POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That EMMA BENEDICT

of 12040 Simpson Road, Monmouth, State of Oregon, 97361, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Luckiamute River

a tributary of Willamette River for the purpose of irrigation of 54.5 acres

under Permit No. 31207 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 January 17, 1966

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 0.68 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 7 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 14, T. 9 S., R. 5 W., W. M.; 290 feet South and 1180 feet East from NW Corner of Parker DLC 61

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, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year

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:

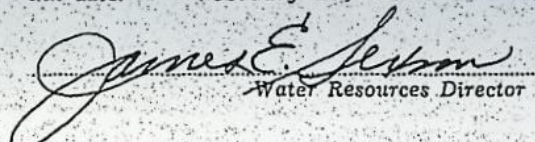
31.4 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
21.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
both as projected within Parker DLC 61
Section 14
1.7 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
as projected within Parker DLC 61
Section 15
T. 9 S., R. 5 W., W. M.

This certificate is issued to confirm a change in place of use approved by an order of the Water Resources Director entered January 5, 1976 and supersedes certificate of water right recorded on page 37244, Volume 29, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date, February 28, 1979


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 40, page 47532

2D-173

del
12-17-77
JH

CHANGE IN PLACE OF USE

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR

INSPECTION (SEE TRANS. 3296
7-5-77 LMT

Acc'd

Transfer No. 3297 County Polk

1. Name Mrs. Emma Benedict Address 12040 Simpson Rd Rt. 1, Box 237, Monmouth 97361

2. Source of Supply Luckiamute R., Trib. of Willamette River

3. Amount of Water 0.68 c.f.s. Priority Date Jan. 17, 1966

4. Use irrigation of 54¹/₂ ac

5. Proposed Point of Diversion _____

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

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
9S	5W	14	SW ¹ / ₄ SW ¹ / ₄		31.4 acres
9S	5W	14	SE ¹ / ₄ SW ¹ / ₄	25 proj. w/ln Permit DEC 61	21.4 acres
9S	5W	15	SE ¹ / ₄ SE ¹ / ₄	25 proj. w/ln Permit DEC 61	1.7 acres

40 H.P.
50 H.P.
SDE. CONT

8765

120 H.P.
29 gpm
PB 3/16

FOR REPORT SEE TRANS. 3296

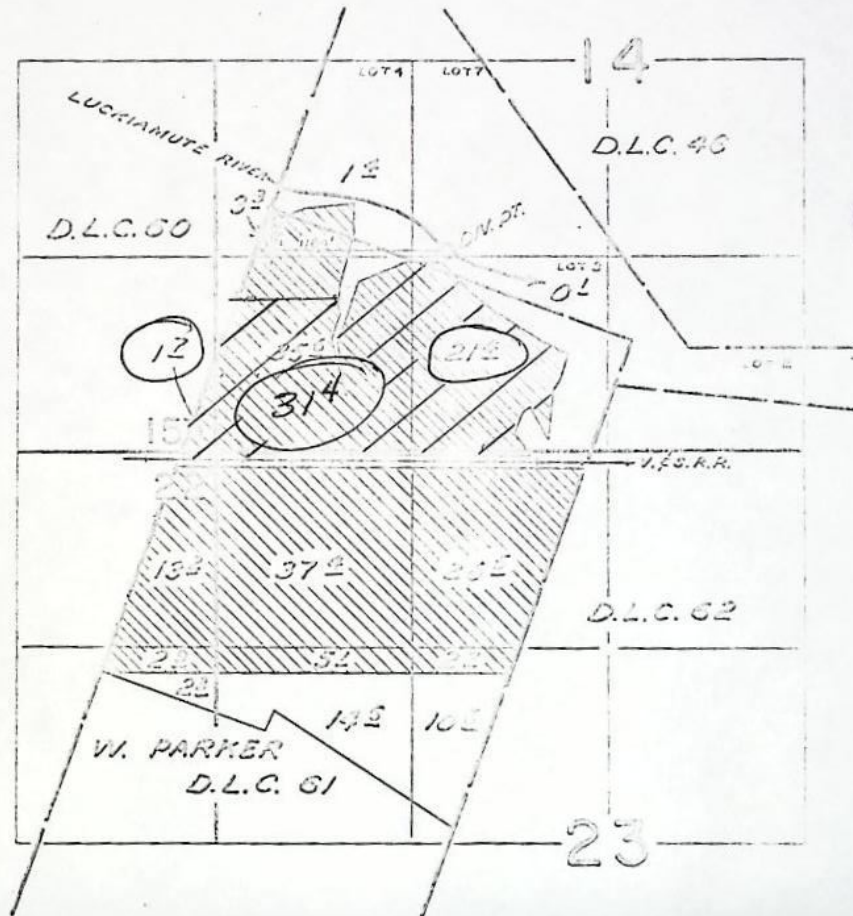
TWO TRANS ARE SWITCHING PRIORITY
DATES.

INSPECTED APPL. MAPS.

Larry ⁷⁶FE
6/7/5/77

T-3296
3297

T.9S.R.5W.W.M.



FINAL PROOF SURVEY
UNDER

Application No. 37335 Permit No. 27312
IN NAME OF

Stephen Benedict

Surveyed Aug. 4, 1965, by C. GARDNER

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. 3297

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 37244, Volume 29, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.68 cubic foot per second of water from Luckiamute River for the irrigation of 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 $\frac{1}{4}$ of Section 23, Township 9 South, Range 5 West, W.M., with a date of priority of January 17, 1966. 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 31.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 21.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, and 1.7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, 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 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., with a date of priority of January 17, 1966, be severed therefrom and simultaneously and without loss of priority transferred 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 $\frac{1}{4}$ of Section 15, 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 37244, Volume 29, 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.

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

/s/ JAMES E. SEXSON
Director

STATE OF OREGON

INTEROFFICE MEMO

TO: Wayne Overcash

DATE: December 29, 1975

FROM: Ralph Jackson, Assistant Administrator, Hydrographics Division

SUBJECT: Transfer No. 3297

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. 3297. 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.

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Mrs Stephen Benedict
(Name of applicant)
of R-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)

- The source of present water right is Luckiamote R.
(Name of stream)
- The use to which the water is applied is irrigation
(Irrigation; Mining; Power; Manufacturing; etc.)
- The name of the ditch, canal or pipe line is Pump
- The point of diversion is located 290 ft. S and 1180 ft. E from the NW
(N. or S.) (E. or W.)
corner of DLC 61 being within the NE 1/4 SW 1/4
(Section or subdivision)
of Section 14 Tp. 9S R. 3W 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
9S	5W	22				12 ⁴												
		23							30 ¹	12 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)

- Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)
- Has water been used beneficially for the purposes indicated herein during the past 5 years? yes
- What is the date of priority of your water right? 1/17/66
- Was your water right acquired by State Engineer's Permit? 31207 yes If so, give number of permit 31207
(Yes or No)

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 $\frac{1}{4}$	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 $\frac{4}{4}$	21 $\frac{4}{4}$				
		15																1 $\frac{7}{7}$

(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*, 19*25*

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

Subscribed and sworn to before me this *15* day of *Aug*, 19*25*

[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.

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

Transfer No. 3297

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

Oct. 18, 1976
Date

Mr. Stephen B. Benedict
Signature

RECEIVED
OCT 20 1976
WATER RESOURCES DEPT
SALEM, OREGON