



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Certificate of Water Right Ownership Update

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public (ORS 537.110). In almost every instance, a permit or water right certificate from the Water Resources Department is needed before using, diverting or storing water (ORS 537.130). However, most domestic wells do not require water rights. A certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department. *If for multiple rights, a separate form for each right will be required.*

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

PROPERTY SELLER INFORMATION

Applicant(s): ANDREW RUSTAN ET AL.
Mailing Address: 793 ^{First} SOUTH TRACY BLVD. ^{Last} #285
TRACY CA. 95376
City State Zip
Phone: 209-831-7943 209-814-6099 (cell)
Home Work Other

PROPERTY BUYER INFORMATION

Applicant(s): FROSTY ACRES M. INC. (MARK ALBAUGH PRES.)
Mailing Address: P.O. BOX 35
NEW PINE CREEK OR. 97635
City State Zip
Phone: 541-947-5803 530-227-1863 (cell)
Home Work Other

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: LAKE. Township: 40S/46 Range: 20E Section: 35, 36, 1, 2
Tax Lot Number(s): RECEIVED BY OWRD

Street address of water right property: NOV 02 2015

Water Right Information (attach copy of water right permit or certificate & final proof map):

Application #: _____ Permit #: SALEM, OR Certificate or Page #: 40417

Will all the lands associated with this water right be owned by the buyer? ☒ Yes ☐ No

Name of individual completing this form: RANDY UTLEY BROKER Phone: 541-947-2161

Signature: Randy Utley Date: 10/29/15

Please be sure to attach a copy of your property deed or legal description of the property.

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Margaret and George Benz

of 16550 S.W. 113th Street, Tigard, State of Oregon, has a right
to the use of the waters of Tandy Creek

a tributary of Goose Lake for the purpose of
irrigation of 185.7 acres and stock
and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Lake County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 17, at page 279; that the priority of the right thereby
confirmed dates from August 16, 1874

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 4.66 cubic feet per
second being 4.64 cubic feet per second for irrigation and 0.02 cubic foot per
second for stock.

The point of diversion is located in the Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Lot 2 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 36, T.
40 S., R. 20 E., W. M. Diversion points located: 640 feet South and 1860 feet
West; 1160 feet South and 690 feet West; 1200 feet South and 440 feet West; all
from Northeast corner Lot 2 (SE $\frac{1}{4}$ SW $\frac{1}{4}$).

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

22.4 acres Lot 5 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 35

Stock and 35.5 acres Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
Stock and 29.1 acres Lot 2 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)

1.3 acres Lot 3 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 36

Township 40 South, Range 20 East

1.6 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$

34.8 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$

39.5 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 1

21.5 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)

Section 2

Township 41 South, Range 20 East, W. M.

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And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed

this date May 24, 1974

CHRIS L. WHEELER

State Engineer

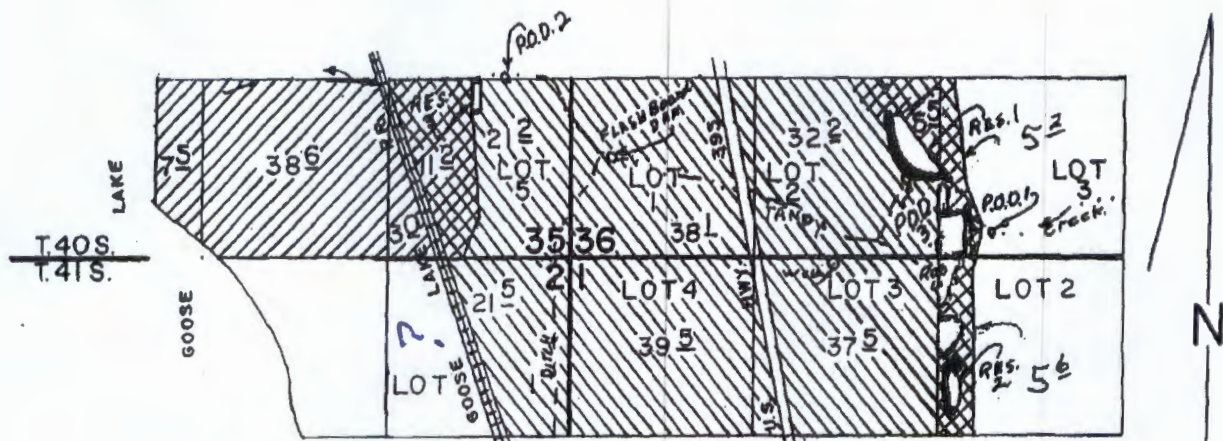
Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
0417 BENZ, Margaret and George 16550 S.W. 113 th St. Tigard, Oregon (Proof No. 1) (See Finding 17)	Aug. 16, 1874	4.64	185.7	Irrigation	Unnamed ditches, pipeline and pump	Tandy Creek	22.4 acres in Lot 5 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) Section 35 35.5 acres in Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) 29.1 acres in Lot 2 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) 1.3 acres in Lot 3 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) Section 36 T. 40 S., R. 20 E., W.M. 1.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 34.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1 21.5 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) Section 2 T. 41 S., R. 20 E., W.M. Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Lot 2 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 36 T. 40 S., R. 20 E., W.M.
		0.02		Stock		Tandy Creek	
0418 CALDWELL, John A., Jr. Route 8, Box 730 Lakeview, Oregon (Proof No. 2) (See Finding 18)	Aug. 16, 1874	2.09	83.6	Irrigation	Tandy Creek Ditch	Tandy Creek	40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 22.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.3 acres in Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 1 8.0 acres in Lot 2 (SE $\frac{1}{4}$ NE $\frac{1}{4}$) Section 2 T. 41 S., R. 20 E., W.M. SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 1 Lot 2 (SE $\frac{1}{4}$ NE $\frac{1}{4}$) Section 2 T. 41 S., R. 20 E., W.M.
		0.02		Stock	Tandy Creek Ditch	Tandy Creek	

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T. 40 & 41 S., R. 20 E., W.M.



WELL LOC: 75'S & 1900'E FROM NW COR. OF SECI. T. 41S.
 P.O.D. 1 LOC: 180' N & 2260' W FROM SE COR. OF SEC 36. T. 40S.
 P.O.D. 2 LOC: 1320' N & 450' W FROM SE COR. OF SEC 35. T. 40S.
 P.O.D. 3 LOC: 550' N & 2860' W FROM SE COR. OF SEC 36. T. 40S.
 P.O.D. 4 LOC: 100' N & 2650' W FROM SE COR. OF SEC 36. T. 40S.
 ALL IN RANGE 20, W.M.

POND 1 LOC: 770' N & 2850' W FROM SE COR. OF SEC 36

POND 3 LOC: 1150' N & 600' W FROM SE COR. OF SEC 35

T. 40S., R. 20E., W.M.

SCALE: 1" = 1320'

FINAL PROOF SURVEY

Application No. 63548 UNDER 63548
G-11198 Permit No. 46923
R-63191 G-10286
 IN NAME OF R-8477

GEORGE AND MARGARET BENZ

Surveyed NOV 14, 1990, by B.W. BISHOP

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12/04/06 JWG

