



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.

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NOV 02 2015

PROPERTY SELLER INFORMATION

SALEM, OR

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: 40 S Range: 20 E Section: 35, 36
Tax Lot Number(s): _____

Street address of water right property: _____

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

Application #: _____ Permit #: _____ Certificate or Page #: 83190

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

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SALEM, OR

THIS CERTIFICATE ISSUED TO

ANDREW H RUSTAN
12971 HWY 395
LAKEVIEW OR 97630

confirms the right to use the waters of TANDY CREEK, POND 1 AND POND 3 CONSTRUCTED UNDER PERMIT R-8477, TRIBUTARIES OF GOOSE LAKE, for IRRIGATION of 76.6 ACRES.

This right was perfected under Permit S-46923. The date of priority is MAY 17, 1982. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.92 CFS or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

	TwP	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
TANDY CREEK (1)	40 S	20 E	WM	36	SW SE	3	180 FEET NORTH AND 2260 FEET WEST FROM SE CORNER, SECTION 36
TANDY CREEK (2)	40 S	20 E	WM	35	SE SE	5	1320 FEET NORTH AND 450 FEET WEST FROM SE CORNER, SECTION 35
TANDY CREEK (3)	40 S	20 E	WM	36	SE SW	2	550 FEET NORTH AND 2860 FEET WEST FROM SE CORNER, SECTION 36
TANDY CREEK (4)	40 S	20 E	WM	36	SE SW	2	100 FEET NORTH AND 2650 FEET WEST FROM SE CORNER, SECTION 36
POND 1	40 S	20 E	WM	36	SE SW	2	770 FEET NORTH AND 2850 FEET WEST FROM SE CORNER, SECTION 36
POND 3	40 S	20 E	WM	35	SE SE	5	1150 FEET NORTH AND 600 FEET WEST FROM SE CORNER, SECTION 35

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permit R-8477.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

A description of the place of use to which this right is appurtenant is as follows:

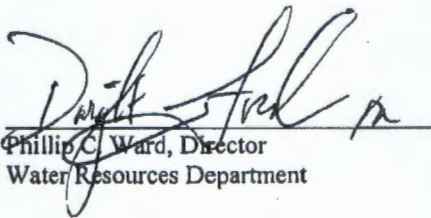
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
40 S	20 E	WM	35	SE SW		7.50
40 S	20 E	WM	35	SW SE		38.60
40 S	20 E	WM	35	SE SE	5	14.20
40 S	20 E	WM	36	SE SW	2	5.50
40 S	20 E	WM	36	SW SE	3	5.20
41 S	20 E	WM	1	NW NE	2	5.60

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed

MAR 16 2007

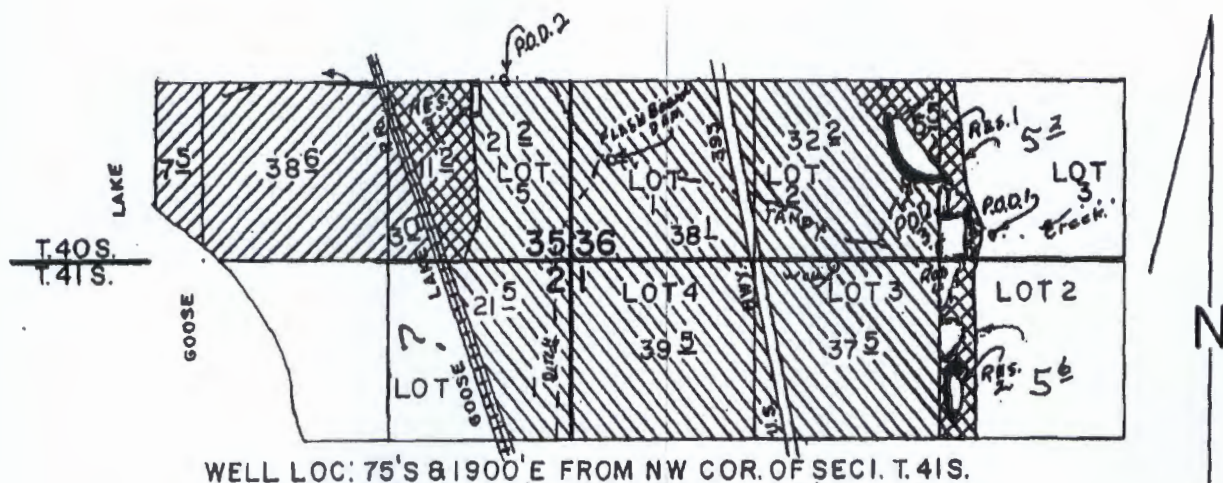

Phillip C. Ward, Director
Water Resources Department

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SALEM, OR

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



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

SCALE: 1" = 1320'

FINAL PROOF SURVEY

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

GEORGE AND MARGARET BENZ

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

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SALEM, OR

12/04/06 JWG

