

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF PHILIP M. AND EUNICE C. BRANDT)
FOR THE APPROVAL OF A CHANGE IN)
USE AND PLACE OF USE OF WATER FROM) AN UNNAMED STREAM)
- - - - -)

O R D E R
APPROVING APPLICATION

On June 21, 1963, Philip M. and Eunice C. Brandt filed an application in the office of the State Engineer for the approval of a change in use and place of use of water from an unnamed stream, tributary to Willamette River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Philip M. and Eunice Brandt and recorded at page 26069, Volume 18, State Record of Water Right Certificates, confirms a right to the use of 0.024 cubic foot per second of the waters of an unnamed stream, tributary to the Willamette River for the irrigation of 5.0 acres in Lot 7, Pioneer Park Subdivision, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Walker DLC No. 57, Section 1, Township 7 South, Range 4 West, W. M., with a date of priority of June 30, 1950.

The applicants herein, owners of the land above described, propose to transfer the water right therefrom without loss of priority to Lots 1 through 8 and 10 through 16, Pioneer Park Subdivision and Lots 1 through 13, Pioneer Park Addition No. 1 Subdivision, and being within the W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected in DLC No. 57, Section 1, Township 7 South, Range 4 West, W. M., for domestic use, including irrigation of noncommercial lawns and gardens.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in use and place of use of water, if any there were, namely: at the county courthouse in Dallas, Oregon, On September 10, 1963, at 9:30 o'clock a.m. The notice was published in the Itemizer-Observer, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three

weeks in the issues of July 18, 25 and August 1, 1963. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

No objections having been filed and it appearing that the proposed change in use and place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in use and place of use of water is approved, and the water right hereinbefore described as appurtenant to 5.0 acres in Lot 7, Pioneer Park Subdivision, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Walker DLC No. 57, Section 1, Township 7 South, Range 4 West, W. M., with a date of priority of June 30, 1950, for irrigation purposes, be severed therefrom and simultaneously and without loss of priority transferred to Lots 1 through 8 and 10 through 16, Pioneer Park Subdivision and Lots 1 through 13, Pioneer Park Addition No. 1 Subdivision, and being within the W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected in DLC No. 57, Section 1, Township 7 South, Range 4 West, W. M., for domestic use, including irrigation of noncommercial lawns and gardens.

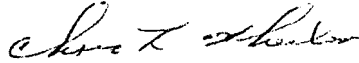
It is FURTHER ORDERED that the quantity of water diverted from the unnamed stream for domestic purposes, including irrigation of noncommercial lawns and gardens, shall not exceed 0.024 cubic foot per second and is limited to the irrigation season.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that certificate of water right heretofore issued to Philip M. and Eunice Brandt and recorded at page 26069, Volume 18, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Philip M. and Eunice C.

Brandt to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 29th day of October, 1963.



CHRIS L. WHEELER
State Engineer

in fee or term?
App. # 24947
Cert. # 26769