

2920  
 Yolanda M. des Brisay  
 Wendell Gray

2920

**STATUS OF APPLICATION**

Change in Point of Diversion  
 Date filed Nov. 15, 1973  
 Date of hearing \_\_\_\_\_  
 Place of hearing \_\_\_\_\_  
 ✓ Date of order 12/4/73 Vol. 23, page 390  
 Date for application of water \_\_\_\_\_  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued ~~39707~~ Vol. 31, page 39707  
Jan 10, 1974 *Survell*

**DESCRIPTION OF WATER RIGHT**

Name of stream Little Luckiamute River  
 Trib. of \_\_\_\_\_ County of Polk  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 75.5  
 Name of ditch \_\_\_\_\_  
 Date of priority Sept. 24, 1948  
 In name of Howard V. Morgan  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 23438 Per. No. 18500 Cert. No. 24193  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

**FEES PAID**

Date	Amount	Receipt No.
11-15-73	30.00	37421
TOTAL . . .		
11-15-73	\$1.50 Cert. Fee	37420

**FEES REFUNDED**

Date	Amount	Check No.

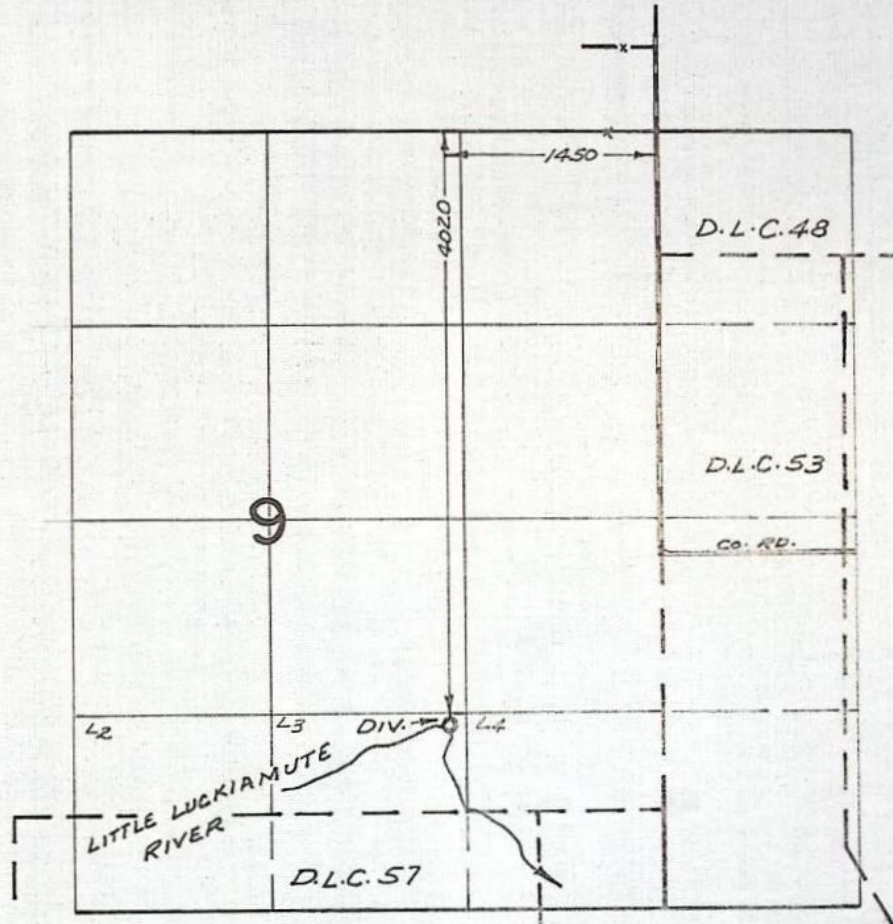
**REMARKS**

\_\_\_\_\_  
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	<b>INDEX CARDS:</b>	Entered	Checked
---	Name	<u>WH</u>	---
---	Stream	<u>WH</u>	---
---	Pt. of Div.	---	---
---	Calendar	<u>P</u>	---
---	<b>CHECKED TO RECORDS:</b>		
✓	Twp. & Rge.	<u>WAC</u>	---
---	Decree-vault	---	---
---	Decree-safe	---	---
✓	Cert. of W/R	<u>WAC</u>	---
✓	Per. Folder	<u>WAC</u>	---
---	Chaindex	---	---
---	Cross Ref.	---	---
---	Power Claim	---	---
---	Abstracts	---	---

444

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



**FINAL PROOF SURVEY**  
UNDER

TRANSFER NO. 2920  
Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

.....ORREN BROWNSON.....

Surveyed DEC 7, 1973, by GENE McGINNIS

STATE OF OREGON  
COUNTY OF POLK  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That**

**ORREN BROWNSON, YOLANDA M. DES BRISEY  
and WENDELL GRAY,**

**97225**

of **1983 SW Camelot Street, Portland**, State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Little Luckiamute River**

a tributary of **Luckiamute River** for the purpose of **irrigation of 75.5 acres**

under Permit No. **18500** of the State Engineer, 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 **September 24, 1948**

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 **0.94 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion ~~down~~ <sup>from</sup> the stream. The point of diversion is located in the **Lot 3 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ), Section 9, T. 9 S., R. 5 W., W. M., 4020 feet South and 1450 feet West from NE Corner, Section 9.**

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 **2 $\frac{1}{2}$  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:

3.2 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
20.5 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
2.5 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
16.5 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
1.5 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
1.0 acre Lot 2 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ )  
5.0 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
22.5 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
2.8 acres Lot 3 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ )  
Section 9  
T. 9 S., R. 5 W., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the State Engineer entered December 4, 1973, and supersedes certificate of water right heretofore issued to **Howard V. Morgan**, and recorded at page 24193, Volume 17, 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.

WITNESS the signature of the State Engineer, affixed

this date. **January 10, 1974**

.....  
**Chris L. Wheeler**

State Engineer

Recorded in State Record of Water Right Certificates, Volume **31**, page **39707**

Superseded by 39707  
Cert. No. \_\_\_\_\_

Spec. Ur. V. 23, 39C

STATE OF OREGON  
COUNTY OF POLK

OR

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HOWARD V. MORGAN

of Rt. 2, Box 26, Monmouth, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Little Luckiamute River a tributary of Luckiamute River for the purpose of irrigation of 75.5 acres under Permit No. 18500 of the State Engineer, 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 September 24, 1948,

75.5

.94

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 0.94 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 3 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ), Section 9, Township 9 South, Range 5 West, W.M.

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 2 $\frac{1}{2}$  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:

- 3.2 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$
- 20.5 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$
- 2.5 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$
- 16.5 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$
- 1.5 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$
- 1.0 acres Lot 2 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ )
- 5.0 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$
- 22.5 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$
- 2.8 acres Lot 3 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ )

Section 9  
Township 9 South, Range 5 West, W.M.

Land on which water is to be used is part of that described as follows:  
Beginning 17.09 chs. N. from the SE corner of Sec. 9, T. 9 S., R. 5 W., of the W. M., running N. on sec. line 62.91 chs. to the NE corner of said Sec.; running thence W. 50 chs.; thence S. 40 chs.; thence E. 10 chs.; thence S. 30 chs.; thence E. 32.93 chs.; thence N. 7.13 chs.; thence E. 7.07 chs. to beginning.

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 31st day of July, 198

LEWIS A. STANLEY  
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION )  
OF ORREN BROWNSON, YOLANDA M. )  
desBRISEY, WENDELL GRAY FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM LITTLE )  
LUCKIAMUTE RIVER )

ORDER APPROVING  
TRANSFER NO. 2920

On November 13, 1973 Orren Brownson, Yolanda M. desBrisey and Wendell Gray filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Little Luckiamute River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Howard V. Morgan and recorded at page 24193, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.94 cubic foot per second of water from the Little Luckiamute River for the irrigation of 3.2 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 20.5 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.5 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 16.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 1.5 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 5.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 22.5 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 2.8 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 9, Township 9 South, Range 5 West, W.M., with a date of priority of September 24, 1948. These lands are irrigated from a point of diversion located 1000 feet North and 3175 feet East from the SW corner of Section 9, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9, Township 9 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation from a point located 1150 feet North and 3700 feet East from the SW corner of Section 9, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9, Township 9 South, Range 5 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said Section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Leon McGinnis, Watermaster of District No. 2, has filed a report to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Little Luckiamute River, to-wit:

From a point located 1000 feet North and 3175 feet East from the SW corner of Section 9, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9, Township 9 South, Range 5 West, W.M.

To a point to be located 1150 feet North and 3700 feet East from the SW corner of Section 9, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9, Township 9 South, Range 5 West, W.M.

for the irrigation of 3.2 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 20.5 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.5 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 16.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 1.5 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 5.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 22.5 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 2.8 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 9, Township 9 South, Range 5 West, W.M., with a date of priority of September 24, 1948, is approved.

The applicant reports that the change in point of diversion has been made so no time limit need be fixed.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.94 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Gibraltar Onion Skin

MILLERS FALLS

It is FURTHER ORDERED that certificate of water right heretofore issued to Howard V. Morgan and recorded at page 24193, Volume 17, State Record of Water Right Certificates is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion a certificate of water right shall be issued to Orren Brownson, Yolanda M. desBrisey and Wendell Gray confirming said change in point of diversion.

Dated at Salem, Oregon, this 4th day of December, 1973.

/s/

CHRIS L. WHEELER  
State Engineer

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON