

Name Harry C. Brittan  
 By \_\_\_\_\_  
 Address 6990 Cascade Hwy NE  
Silverton, OR 97581

4169

DESCRIPTION OF WATER RIGHT

Name of stream Abiqua Creek  
 Trib. of \_\_\_\_\_ County of Marion  
 Use \_\_\_\_\_  
 Quantity of water \_\_\_\_\_ No. of acres 2<sup>2</sup>  
 Name of ditch \_\_\_\_\_  
 Date of priority May 26, 1961  
 In name of Vern Hiskey  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 34959 Per. No. 27418 Cert. No. 33095  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

FEEES PAID

Date	Amount	Receipt No.
<u>3-9-79</u>	<u>85<sup>00</sup></u> <u>&lt; 2<sup>00</sup> &gt;</u>	<u>9569</u>
TOTAL . . .		
<u>4-13-79</u>	<u>* 2 Cert. Fee</u>	<u>Transfr 9569</u>
STATESMAN JOURNAL #37.77 pd 4-30-79 ck # 3326		

FEEES REFUNDED

Date	Amount	Check No.
<u>4-30-79</u>	<u>10<sup>23</sup></u>	<u>3327</u>
Ex 20- PoD 15- Cert 2- PoW 37 22 <u>74 77</u>		

Change in POD  
 Date filed March 9, 1979  
 Date of hearing May 8, 1979  
 Place of hearing Salem  
 Date of order 5-14-79 Vol. 32, page 96  
 Date for application of water completed  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued 10-26-79 Vol. 42, page 48683  
43  
49724  
OCT 28 1980  
to survey 5/79

REMARKS

W.R.I.S.	
Assembled <u>7-25-85</u> by <u>WA</u>	
Entered _____ by _____	
Verified _____ by _____	

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>Wj</u>	_____
<input checked="" type="checkbox"/> Stream	<u>Wj</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>Wj</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>Wj</u>	_____
CHECKED TO RECORDS		
<input checked="" type="checkbox"/> Twp. & Rge.	<u>Wj</u>	_____
<input type="checkbox"/> Decree-vault	_____	_____
<input type="checkbox"/> Decree-safe	_____	_____
<input checked="" type="checkbox"/> Cert. of W/R	_____	_____
<input checked="" type="checkbox"/> Per. Folder	<u>Wj</u>	_____
<input type="checkbox"/> Chaindex	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input type="checkbox"/> Power Chain	_____	_____
<input checked="" type="checkbox"/> Abstracts	<u>Wj</u>	_____



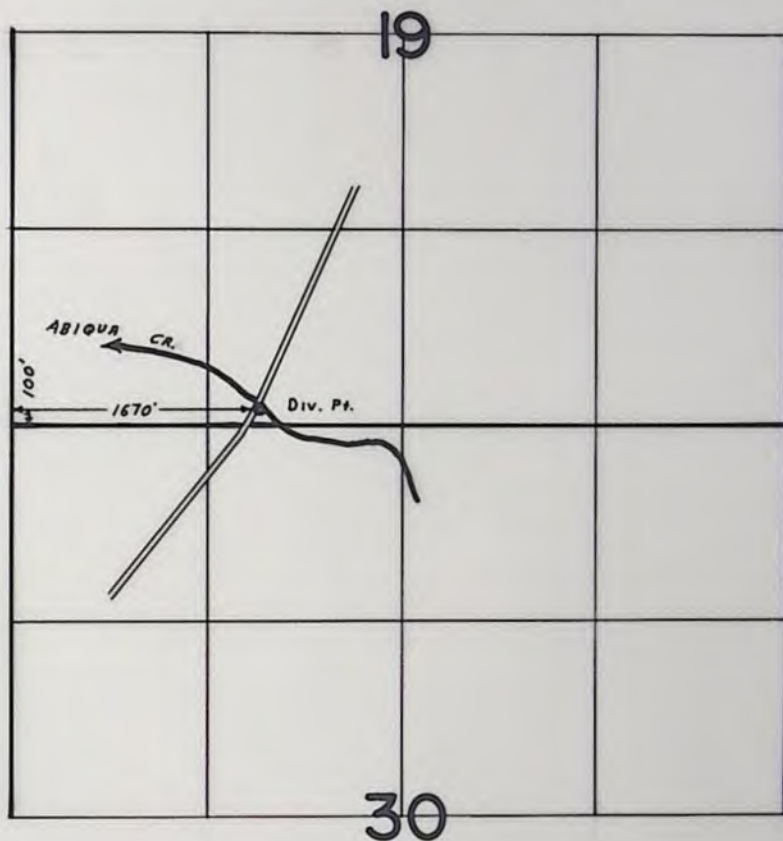
33095

T.6S. R.1E., W.M.

1.7 NE 1/4

0.3 NW 2

30



FINAL PROOF SURVEY  
UNDER

Transfer No. 4169  
Application No. .... Permit No. ....  
IN NAME OF

.....HARRY C. BRITTAN.....

Surveyed JUNE 6, 1979, by L.H. NUNN.....



*[Signature]*  
SP-1197-119

# STATE OF OREGON

COUNTY OF CLATSOP

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That Harry C. Brittan  
of 6990 Cascade Hwy NE, Silverton, 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  
Abiqua Creek

a tributary of Pudding River for the purpose of  
irrigation of 26.4 acres  
2.0

under Permit No. 27418 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 May 26, 1961

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  
0.03 cubic foot per second, if available at the original point of diversion;

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the SW 1/4, Section 30, T. 6 S., R. 1 E., W. 4.  
Diversion point located 560 feet South and 10 feet East from the NW Corner  
Section 30.

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-eighth 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 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:

0.4 acre SE 1/4 SW 1/4  
Section 19  
1.7 20.6 acres NE 1/4 NW 1/4  
0.3 7.4 acres NW 1/4 NW 1/4  
Section 30  
T. 6 S., R. 1 E., W. 4.

*[Handwritten diagram showing a cross-section with measurements: 5.5, 2422A, 4597, 4598, and the word "Drofts".]*

This certificate is issued to confirm a change in place of use and point  
of diversion approved by an order of the Water Resources Director entered  
May 14 '79 and together with certificate of water right recorded at page  
486F3, Volume 42, SRWRC supersedes certificate of water right recorded at  
page 33025, Volume 25, SRWRC.

this date. April 8, 1969

*[Signature]*  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33025

49724

1-4232

POP: SE 1/4 Sec 19 T6S R1E W4M  
100' N 1/2 1670' E from SW cor Sec 19



*Hold until approval of T-4232*

## STATE OF OREGON

COUNTY OF MARION

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That VERN HISKEY

of Route 1, Box 132 A, Silverton, 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 Abiqua Creek

a tributary of Pudding River  
irrigation of ~~36.4~~ acres

for the purpose of

~~36.4~~ 28.8

under Permit No. 27418 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 May 26, 1961

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 ~~0.46~~ cubic foot per second

~~0.44~~ 0.36

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 30, T. 6 S., R. 1 E., W. M. ~~Diversion point located~~ 560 feet South and 10 feet West from the N $\frac{1}{2}$  Corner Section 30.

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:

T-4169 T-4232

T-4169

0.4 acre	SE $\frac{1}{4}$ SW $\frac{1}{4}$		
	Section 19		
21.5	<del>26.9</del> 28.8 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.7
6.9	<del>7.1</del> 7.4 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.3
	Section 30		2.0
	T. 6 S., R. 1 E., W. M.		(0.0265)

- 5.4  
- 0.2  
5.6  
(0.0765)

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 33095, Volume 25, State Record of Water Right Certificates, NOT modified by the provisions of ~~the~~ order of the Water Resources Director entered on May 14, 1979, approving transfer application, No. 4169 4232 and August 31, 1979

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

WITNESSED the signature of the State Engineer, affixed

this date. April 8, 1966

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33095

42683



ABIGUA CR → PUDDING R

W T-0982-C1

\*\*\* OREGON WATER RESOURCES DEPARTMENT \*\*\*  
 \*\*\* WATER RIGHTS DIVISION \*\*\*  
 \*\*\* WATER RIGHT DATA INPUT FORM \*\*\*

PAGE 1  
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. 1000041691 PERMIT NO. 027418 CERTIF. NO. 004972+ NAME: HARRY C. BRITTAN

ORIG. NO. A000349591 PREV. NO. A00349591 SUPER. NO.

ADDRESS: 6990 CASCADE HWY NE

CITY/STATE/ZIP/COUNTY: SILVERTON, OR 97381

24

STREAM-ID 02 1140 0410 0020 290

RIV.MI.

WM.DIST. 16 W.R. TYPE SA STATUS V

CANCEL YEAR-->

CONSTR.COMPLT--> 05 14 1979

YR.LAST USED-->

NEXT ACTION DUE-->

PRIORITY--> 05 26 1961

PUT TO USE--> 05 14 1979

LAST TRANS.DATE-->

LAST TRANS.TYPE-->

APPLICATION--> 03 09 1979

SURVEYED-->

EXAM.FEE--> 20.00

RECORDING FEE--> 15.00

PERMIT ISSUE--> 05 14 1979

CONCURRENCE-->

CYCLE STATUS-->

REPORTED FLAG-->

CONSTR.STRT.--> 05 14 1979

CERTIFIED-->

CORRES.INIT.-->

CORRES.DATE-->

POINT-OF-DIVERSION DATA;  
 TWP/SP RGE SECT QTR/QTR STREAM-ID

RIV.MI.

RATE

STATUS S OR P

0605 010E 19 C D 02 1140 0410 0020 290

0.030

V P

\*\* REMARKS; - - - - -  
 \*\* DATED-->

\*\* POD: 100' N & 1670' E FM SW COR

\*\* S 19. CHANGES POD PART OF

\*\* C-33095.

PLACE-OF-USE DATA:

TWP/SP RGE SECT QTR/QTR CNTY USE % CNSMTV ACRES

STATUS S OR P

0605 010E 30 B A 24 1R 100 1.70

V P

B B 0.30

1 1

48623

W.R.I.S.

Assembled 7-25-85 by SM

Entered by

Verified by

378-3066

May 15, 1979

Harry C. Brittan  
6990 Cascade Hwy NE  
Silverton, Oregon 97381

RE: File No. T-4169

Dear Mr. Brittan:

Enclosed is a certified copy of the order of the Water Resources Director approving water right transfer application No. 4169 for a change in point of diversion of water from Abiqua Creek.

In line with the general practice of this office, a survey will be made at a later date.

Sincerely,

Wayne J. Overcash  
Water Rights Engineer

WJO:lcj  
cc: Clifton R. King, Watermaster



Add'l POD

County MARION

Address 6990 Cascade Hwy NE, Silverton, OR 97381

3. Use irrigation

4. Amount of Water 0.03 cfs ✓ Priority Date May 26, 1961

5. Proposed Point of Diversion 100 ft N & 1630 ft E from SW Corner of Sec 19, within  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec 19, T 6S, R 1E, WM

6. Completion Date \_\_\_\_\_ COMPLETED

7. Place of Use:

[illegible]

Info: Mr. Willgerd, neighbor & former partner

Source: Abiqua Cr

Dns Pump from Cr

Pumps: GE 10Hp @ 3480

Cornell CDD 2x1/2

Pipes: 5" slum from pump to land, 4" slum down middle of land (W→E)

Heads: 25 RB30 11/64 x 3/32 (all max)

Crops: Berries, L&B

Tic: DEN-444-54

Remarks: The land is irrigated as shown on the application map

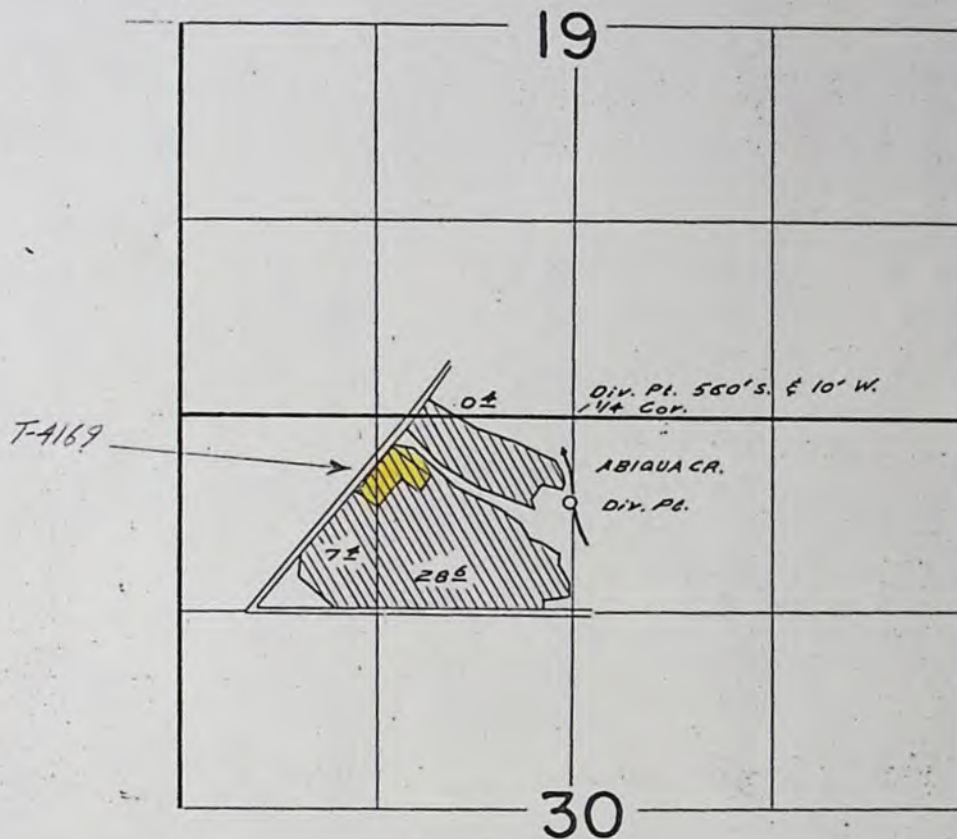
Lift: +30'

6-6-79

Larry B. Jurn  
Field Engineer



T.6S. R.1E. W.M.



FINAL PROOF SURVEY  
UNDER

Application No. 34959 Permit No. 27418  
IN NAME OF

VERN HISKEY

Surveyed MAY 11 1965, by L. COLEBANK



T-4169

## Application for Transfer of Water Right

RECEIVED

MAR 9 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Harry C. Brittan

(Name of applicant)

of 6990 Cascade Highway N.E.

(Mailing address)

Silverton

(City)

State of Oregon97381

(Zip Code)

873-2388

(Phone number)

do hereby make application for change

in point of diversion

(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? no - Vern Hiskey

(If not, give name)

2. Was your water right determined by Decree of Court?            If so, give title of proceedings

(Yes or No)

number of certificate           3. Was your water right acquired by Water Right Permit? Yes If so, give number

(Yes or No)

of permit 27418 Number of certificate 33095

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Abiqua Creek5. What is the date of priority of your water right? May 26, 19616. The authorized point of diversion is located 560 ft. S and 10 ft. N from the N<sup>1</sup>/<sub>4</sub>

(N. or S.)

(E. or W.)

corner of Sec. 30 being within the NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Section 30 Tp. 6S R. 1E W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Marion The name of the ditch used is           

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 100 ft. N and 1630 ft. E from the SW

(N. or S.)

(E. or W.)

corner of Sec. 19 being within the SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Section 19 Tp. 6S R. 1E W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Marion The name of the ditch to be used is           EX 20<sup>00</sup>  
POD 15<sup>00</sup>Deposit 50<sup>00</sup>  
B5<sup>00</sup>

pub. in Capital Journal



8. The use to which the water is applied is irrigation  
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
65	1E	30	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.7
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.3

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? I am legal owner of tract 1 and  $\frac{1}{2}$  interest in tract 2 - Max Willyerd owns other  $\frac{1}{2}$  interest  
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No  
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? .....  
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is .....  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)



14. Reasons for the proposed changes are proposed point is more convenient

15. Construction work will be completed on or before completed

16. The water will be completely applied to the proposed use on or before completed

Remarks \_\_\_\_\_

**NOTE:** THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

#### AFFIDAVIT OF APPLICANT

I, Harry C. Brittan, 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 9 day of March, 1977.

Harry C Brittan  
(Name of applicant)

Subscribed and sworn to before me this 9<sup>th</sup> day of March, 1977.

Tony W. Moush  
NOTARY PUBLIC FOR OREGON

My commission expires Nov. 3, 1980





BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
MARION COUNTY

IN THE MATTER OF THE APPLICATION )  
OF HARRY C. BRITTAN FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM ABIQUA CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 4169

On March 9, 1979, an application was filed in the office of the Water Resources Director by Harry C. Brittan for approval of a change in point of diversion of water from Abiqua Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 33095, Volume 25, State Record of Water Right Certificates, in the name of Vern Hiskey, describes a right which includes the use of not to exceed 0.03 cubic foot per second from Abiqua Creek for irrigation of a certain 1.7 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 0.3 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 30, Township 6 South, Range 1 East, W.M., with a date of priority of May 26, 1961.

The authorized point of diversion for said right is located 560 feet South and 10 feet West from the North Quarter Corner of Section 30, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 30, Township 6 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 100 feet North and 1630 feet East from the Southwest Corner of Section 19, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19, Township 6 South, Range 1 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Capitol Journal, a newspaper printed and having general circulation in Marion County, Oregon, for a period of three weeks in the issues of March 15, 22 and 29, 1979.

Mr. Clifton R. King, Watermaster, has filed a statement 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point

U321976



of diversion shall not exceed the quantity of water diverted at the old point of diversion under the subject right.

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

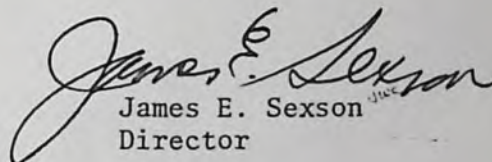
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in point of diversion of water is completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 33095, Volume 25, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 14th day of May, 1979.

  
James E. Sexson  
Director



STATEMENT FOR LEGAL ADVERTISING

Statesman



Journal Newspapers

P.O. Box 13009 • Salem, Oregon 97309

April 3, 1979

- Water Resources Dept.  
Mill Creek Office Park  
555 13th St. NE  
Salem, Oregon 97310

**RECEIVED**

**APR 06 1979**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

PLEASE RETURN ONE COPY OF STATEMENT WITH REMITTANCE

Publication of notice of water right transfer appl.  
#4169

Issues of Mar. 15, 22, 29, 1979 - Capital Journal

68 lines @ .22222 & .16667

37.77

**PAID**  
MAY 3 - 1979

STATESMAN JOURNAL CO.  
SALEM, OREGON

BY

*Betty Mach*

**RECEIVED**

**MAY 04 1979**

**WATER RESOURCES DEPT.  
SALEM, OREGON**



The Oregon Statesman  
and  
Capital Journal

280 Church St. N.E. • Salem, Oregon

75M/AC/198-1177/M



STATEMENT FOR LEGAL ADVERTISING

Statesman



Journal Newspapers

P.O. Box 13009 • Salem, Oregon 97309

April 3, 1979

- Water Resources Dept.  
Mill Creek Office Park  
555 13th St. NE  
Salem, Oregon 97310

**RECEIVED**

**APR 06 1979**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

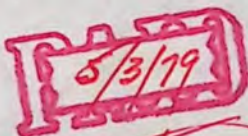
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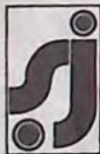
*[Handwritten signature]*

**RECEIVED**

**MAY 04 1979**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

*Harry Buttain*



The Oregon Statesman  
and  
Capital Journal

280 Church St. N.E. • Salem, Oregon

SM/AC/108 11





## STATE OF OREGON

## INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: March 15, 1979.FROM: \*\* Clifton R. King, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4169IN THE NAME OF Harry C. Brittan**RECEIVED****MAR 15 1979****WATER RESOURCES DEPT.  
SALEM, OREGON**

In my opinion the proposed change in point of diversion from Abiqua Creek.

MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY\*~~ to an existing water right.Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the sources which serves this right.If for change in point of diversion, is there any intervening point of diversion between the authorized and the proposed points of diversion? NO

(yes or no)

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
- ✓ (2) When in the judgment of the watermaster it becomes necessary . . .

\* The approval of this transfer application would result in injury to other water rights because \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*

C.R. King  
Watermaster's signature or initials



**NOTICE OF WATER RIGHT  
TRANSFER APPLICATION  
NO. 4169**

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Harry C. Brittan for approval of a change in point of diversion of water from Abiqua Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 33085, Volume 25, State Record of Water Right Certificates, in the name of Vern Hiskey, describes a right which includes the use of not to exceed 0.03 cubic foot per second from Abiqua Cr for irrigation of a certain 1.7 ac in NE 1/4 NW 1/4 & 0.3 ac in NW 1/4 NW 1/4 of Sec 30, T 6S, R 1E, WM, with a date of priority of May 26, 1961.

The authorized point of diversion for said right is located 560 ft S & 10 ft W from the NW 1/4 Corner of Sec 30, being within the NE 1/4 NW 1/4 of Sec 30, T 6S, R 1W, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 100 ft N & 1630 ft E from the SW Corner of Sec 19, being within the SE 1/4 SW 1/4 of Sec 19, T 6S, R 1E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Salem, Oregon, on May 8, 1979, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing: One copy to be served on Harry C. Brittan, 6990 Cascade Hwy NE, Silverton, OR 97381; and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Dept. upon request.

Dated at Salem, Oregon this 12th day of March, 1979.

James E. Sexson  
Director

CJ Mar, 15/22/29/1979

# Affidavit of Publication

STATE OF OREGON, }  
County of Marion, } ss.

I, .....Lela McAllister....., being first duly sworn, depose and say that I am the .....principal clerk..... of The Oregon Statesman ☐ of The Capital Journal ☒ , a newspaper of general circulation as of The Statesman Journal ☐ defined by sections 193.010 to 193.110, Oregon Revised Statutes; printed and published at Salem in the aforesaid county and state; that the, ...Water right transfer #4169.....

.....a printed copy of which is hereby annexed, was published in the entire issue of said newspaper for.....three..... successive and consecutive times in the following issues: Mar..15, 22, 29, 1979.....ok

Subscribed and sworn to me this .....29..... day of .....Mar.....19 79.....

*Lela McAllister*  
*Kurt A. Wallace*  
Notary Public for Oregon  
My commission expires .....4/29/81.....  
SM/AC150R-1177/H

RE  
WATER  
SA

ok  
dq



**NOTICE OF WATER RIGHT  
TRANSFER APPLICATION  
NO. 4109**

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Harry C. Brittan for approval of a change in point of diversion of water from Abiqua Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 33095, Volume 25, State Record of Water Right Certificates, in the name of Vern Hiskey, describes a right which includes the use of not to exceed 0.03 cubic foot per second from Abiqua Cr for irrigation of a certain 1.7 ac in NE 1/4 NW 1/4 & 0.3 ac in NW 1/4 NW 1/4 of Sec 30, T 6S, R 1E, WM, with a date of priority of May 26, 1961.

The authorized point of diversion for said right is located 560 ft S & 10 ft W from the NW 1/4 Corner of Sec 30, being within the NE 1/4 NW 1/4 of Sec 30, T 6S, R 1W, WM.

The applicant herein, owner of the lands above described, proposes to change the point of

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**APR 06 1979**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

ok  
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# Affidavit of Publication

STATE OF OREGON, }  
County of Marion, } ss.

I, Lela McAllister, being first duly sworn, depose and say that I am the principal clerk of The Oregon Statesman ☐ of The Capital Journal ☒ , a newspaper of general circulation as of The Statesman Journal ☐ defined by sections 193.010 to 193.110, Oregon Revised Statutes; printed and published at Salem in the aforesaid county and state; that the, Water right transfer #4169

a printed copy of which is hereby annexed, was published in the entire issue of said newspaper for three successive and consecutive times in the following issues: Mar. 15, 22, 29, 1979

Lela McAllister

Subscribed and sworn to me this 29

day of Mar. 19 79

Keith A. Wallace

Notary Public for Oregon

My commission expires 4/29/81

SM/AC150R-1177/H



378-3066

May 2, 1979

Harry C. Brittan  
6990 Cascade Hwy NE  
Silverton, Oregon 97381

RE: File No. T-4169

Dear Mr. Brittan:

The statutory fees and the cost of publication of notice, necessary to your water right transfer application No. 4169, amount to a total of \$74.77. The total of payments received in connection with the application exceeded this amount by \$10.23.

Our refund check No. 3327 is enclosed.

Sincerely,

James W. Carver, Jr.  
Engineer

JWC:lcj





*Water Resources Department*  
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

March 12, 1979

Capitol Journal  
280 Church Street NE  
Salem, Oregon 97301

RE: File No. T-4169

Gentlemen:

Enclosed is a notice for publication in the March 15, 22 and 29, 1979 issues of your newspaper.

If, for any reason, the notice cannot be published on the three dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication and statement for this service to this office.

Sincerely,

Wayne J. Overcash  
Water Rights Engineer

WJO:lcj  
cc: Harry C. Brittan  
cc: Clifton R. King, Watermaster