

Name Brooks Resources Corp

4481

By _____

Address 416 NE Greenwood

Bend, OR 97701

Change in POD

Date filed April 23, 1980

Date of hearing June 26, 1980

Place of hearing Fossil

Date of order 7-21-80 Vol. 33, page 454

Date for application of water Complete

Proof mailed _____

Proof received _____

Certificate issued FEB 07 1990 Vol. _____, page 64090

DESCRIPTION OF WATER RIGHT

Name of stream Mountain Creek

Trib. of _____ County of Wheeler

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1868

In name of J.L. Sigfnt

John Dey Adjudication, Vol. 10, page 598

App. No. _____ Per. No. _____ Cert. No. 25805

Certificate cancelled Now transfer M-170

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4/23/80</u>	<u>105.00</u>	<u>17247</u>
TOTAL . . .		
		Cert. Fee

Blue Mt. Eagle #53.62 pd 5/30/80 cert #4227

FEES REFUNDED

Date	Amount	Check No.
<u>5/30/80</u>	<u>16.38</u>	<u>4228</u>

EX 20 -
POD 15 -
POD 53.62
88.62

REMARKS

W.R.I.S.

Assembled 8-1-84 by SK

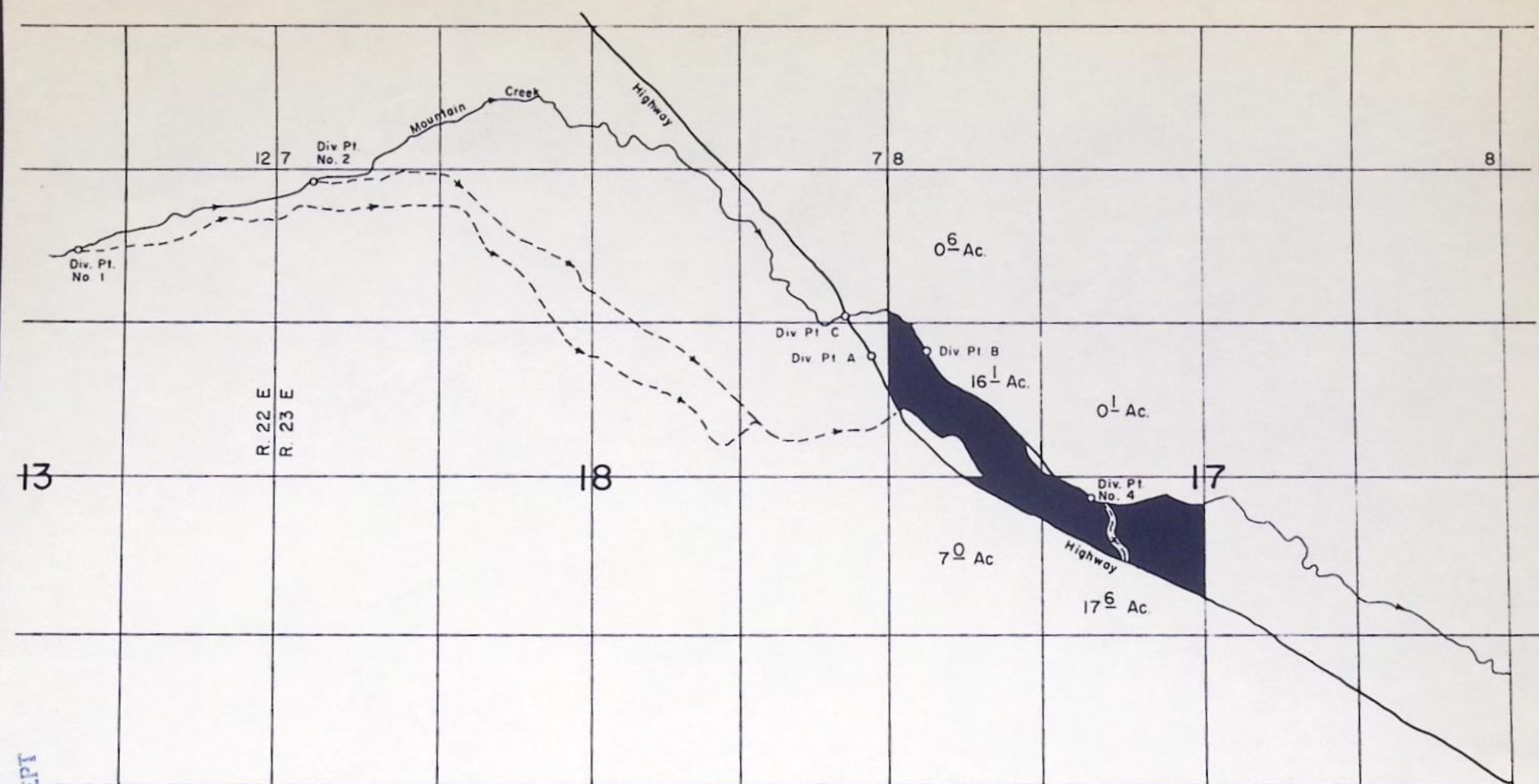
Entered _____ by _____

Verified _____ by _____

	INDEX CARDS:	
	Entered	Checked
☒ Name	<u>SK</u>	_____
☒ Stream	<u>SK</u>	_____
☒ Pt. of Div.	<u>LCj</u>	_____
☒ Calendar	<u>LCj</u>	_____
CHECKED TO RECORDS:		
☒ Twp. & Rge.	<u>SK</u>	_____
☒ Decree-vault	<u>SK</u>	_____
☒ Decree-safe	<u>SK</u>	_____
☒ Cert. of W/R	<u>SK</u>	_____
☒ Folder	<u>SK</u>	_____
☐ Chainindex	_____	_____
☐ Cross Ref.	_____	_____
☒ Power Claim	<u>LCj</u>	_____
☒ Abstracts	<u>LCj</u>	_____

RECEIVED

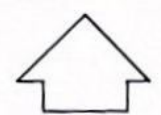
APR 23 1980
WATER RESOURCES DEPT
SALEM, OREGON



PROPOSED DIVERSION POINTS

- Div. Pt. No. 1 - 700 ft S. & 1710 ft W. from NE Corner, Sec. 13
- Div. Pt. No. 2 - 120 ft. S. & 380 ft. E. from NW Corner, Sec. 18
- Div. Pt. No. 4 - 150 ft. S. & 940 ft. W. from C/4 Corner, Sec. 17

T. 12 S., R. 22 E. & 23 E.



4" = 1 mile
1" = 1320 ft.

AUTHORIZED DIVERSION POINTS

- Div. Pt. A - 1650 ft. S. & 175 ft. W. from NW Corner, Sec. 17
- Div. Pt. B - 1640 ft. S. & 325 ft. E. from NW Corner, Sec. 17
- Div. Pt. C - 1237 ft. S. & 371 ft. W. from NE Corner, Sec. 18

■ IRRIGATED AREA



**MOUNTAIN CREEK
TRANSFER**
for Brooks Resources Corp.

ISSUED BY:
C. W. E. C.

APR 17 1980

APP: T-(M-170) AS CALLED BY: (T-4481) CONFIRMED BY CERT: 25805
PRIORITY DATE: 12-31-1868

14.¹ SW NW

0.¹ SE NW

6.¹ NE SW

7.⁰ NW SW

PRESENT POINTS OF DIVERSION

A) 1650'S & 175'W FROM NW COR. [#] 17 SEC.

B) 1640'S & 325'E FROM NW COR. [#] 17 SEC.

LOOKUPS ADD

A) = 31

B) = 32

ADDITIONAL

= 33

T-M-170

[(ADDITIONAL POINT OF DIVERSION)

1237'S & 371'W FROM NE COR. SEC. 18 T-125; R23 E

T-M-170

SUPERCEDED IN ITS
ENTIRETY BY:

T-4481

NOTE:

SOMEHOW BETWEEN T-4481 & T-M-170 INFORMATION
SEEMS TO BE MISSING.

T-M-170 = APPEARS TO BE PARTIAL CHANGE IN POINT OF DIVERSION
AND WAS NOT GIVEN ANY CERT. NUMBERS.

APP: T- (M-170) AS CALLED BY: (T-4481) CONFIRMED BY CERT: 25805
PRIORITY DATE: 12-31-1868

14.¹ SW NW

0.¹ SE NW

6.¹ NE SW

7.⁰ NW SW

PRESENT POINTS OF DIVERSION

A) 1650'S & 175'W FROM NW COR. [#] 17 SEC.

B) 1640'S & 325'E FROM NW COR. [#] 17 SEC.

T-M-170

[(ADDITIONAL POINT OF DIVERSION)

1237'S & 371'W FROM NE COR. SEC. 18 T-125; R23 E

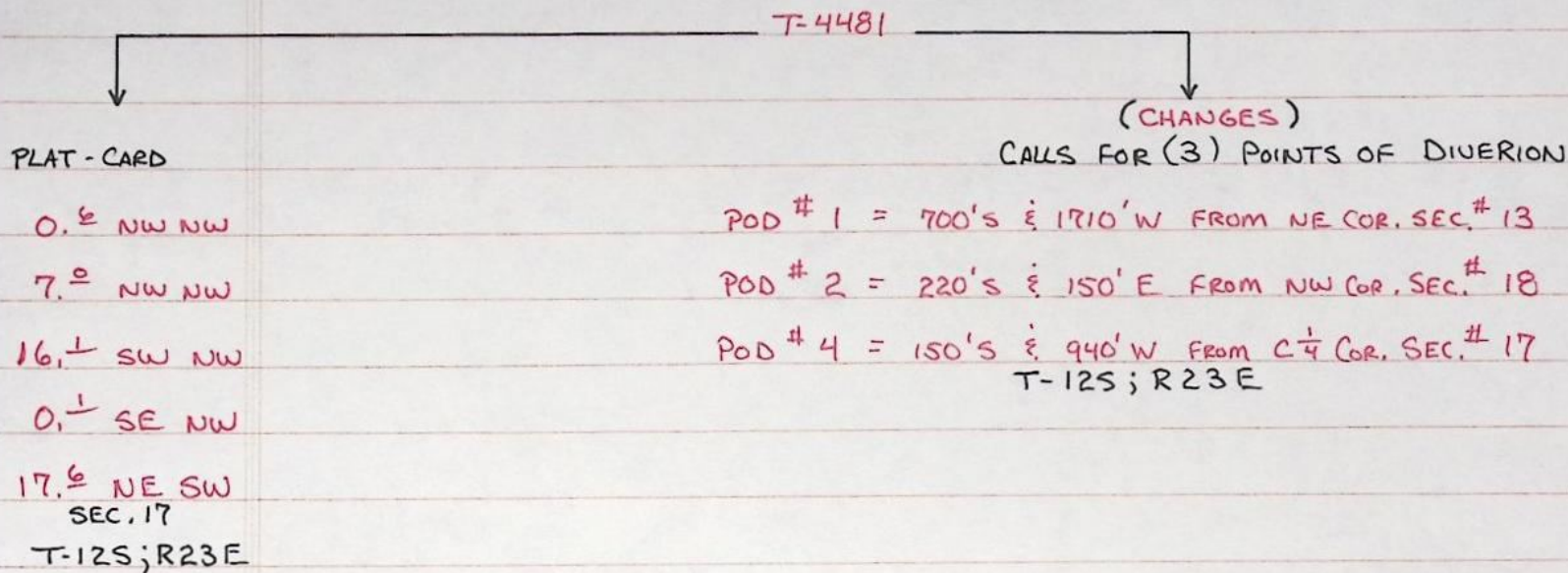
NOTE:

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T-M-170 = APPEARS TO BE PARTIAL CHANGE IN POINT OF DIVERSION
AND WAS NOT GIVEN ANY CERT. NUMBERS.

APP: T-4481 PER: D-25805 CERT: 64090

DATE OF PRIORITY: 12-31-1868

POD: SPRINGS NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, + MOUNTAIN CRK FOR IRRIGATION

TRANSFER CHANGES POD'S

POU - 26, 31, 32, 30, 84, 15

POD'S -

(Authorized)
from:

A - 31

B - 32

C - 33

(Proposed)
to:

1 - 34

2 - 35

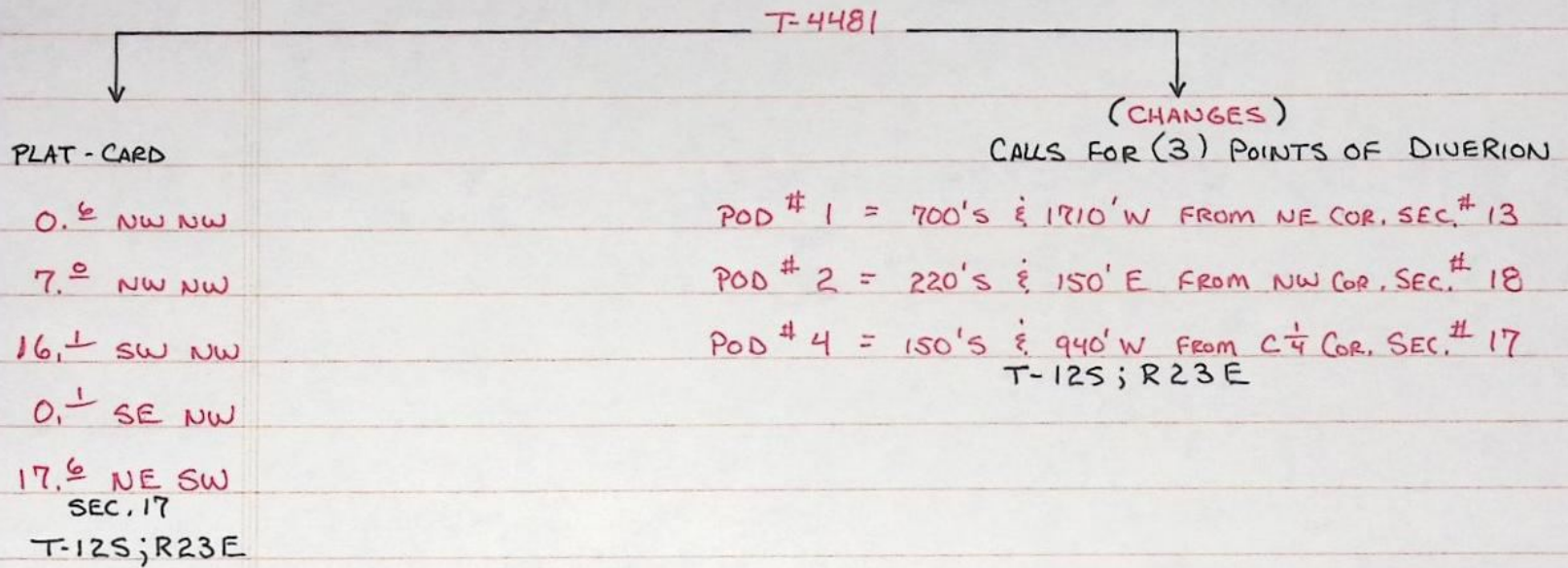
4 - 36

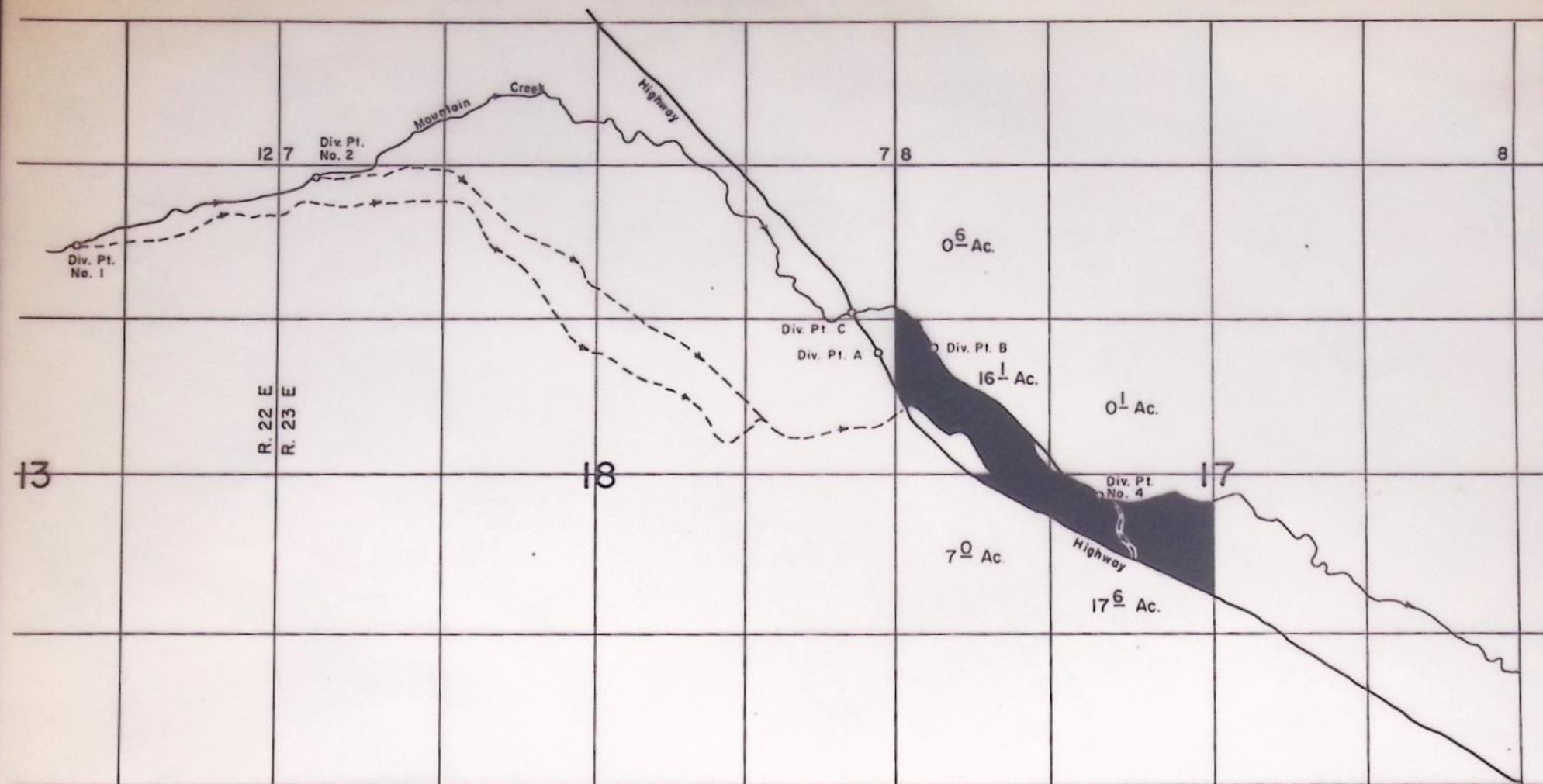
T-4481

APP: T-4481 PER: D-25805 CERT: 64090

DATE OF PRIORITY: 12-31-1868

POD: SPRINGS NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, + MOUNTAIN CRK FOR IRRIGATION





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■ IRRIGATED AREA

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WHEELER COUNTY

IN THE MATTER OF THE APPLICATION)
OF BROOKS RESOURCES CORPORATION)
FOR APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4481

On April 23, 1980, an application was filed in the office of the Water Resources Director by Brooks Resources Corporation for approval of a change in point of diversion of water from Mountain Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is described by the certificate recorded at page 25805, Volume 17, State Record of Water Right Certificates, in the name of J. L. Sigfrit, and is for use of water from Mountain Creek for irrigation of a certain 0.6 acre in NW 1/4 NW 1/4, 16.1 acres in SW 1/4 NW 1/4, 0.1 acre in SE 1/4 NW 1/4, 17.6 acres in NE 1/4 SW 1/4, and 7.0 acres in NW 1/4 SW 1/4, Section 17, Township 12 South, Range 23 East, W.M. The order of the State Engineer approving transfer number M-170 authorized an additional point of diversion for part of the right.

The authorized points of diversion are located: a) 1650 feet South and 175 feet West from Northwest Corner of Section 17, being within the SE 1/4 NE 1/4, Section 18; b) 1640 feet South and 325 feet East from Northwest Corner of Section 17, being within SW 1/4 NW 1/4, Section 17; and c) 1237 feet South and 371 feet West from the Northeast Corner of Section 18, being within the NE 1/4 NE 1/4, Section 18, all Township 12 South, Range 23 East, W.M.

The applicant proposes to change the points of diversion therefrom to points located: 1) 700 feet South and 1710 feet West from Northeast Corner of Section 13, being within the NW 1/4 NE 1/4, Section 13, Township 12 South, Range 22 East, W.M.; 2) 120 feet South and 380 feet East from Northwest Corner of Section 18, being within NW 1/4 NW 1/4, Section 18, Township 12 South, Range 23 East, W.M.; and 4) 150 feet South and 940 feet West from Center of Section 17, being within NE 1/4 SW 1/4, Section 17, Township 12 South, Range 23 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Blue Mountain Eagle, a newspaper printed and having general circulation in Wheeler County, Oregon, for a period of three weeks in the issues of May 1, 8 and 15, 1980.

Mr. Jerry Rodgers, 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 of diversion shall not exceed the quantity of water available 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;

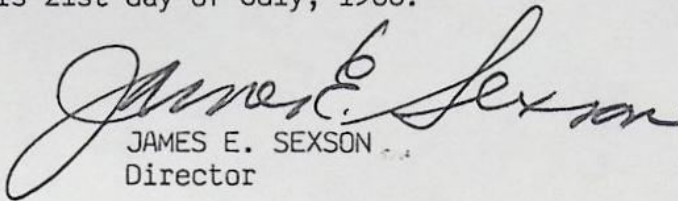
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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

The order of the Water Resources Director entered February 28, 1967, approving transfer application number M-170, provided for cancellation of the certificate of water right recorded at page 25805, Volume 17, State Record of Water Right Certificates, and issuance of a new certificate confirming the change and covering the balance of the right NOT involved in the transfer proceedings; therefore,

It is FURTHER ORDERED that said certificate not be issued 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 21st day of July, 1980.



JAMES E. SEXSON
Director

RECEIVED
APR 23 1980
WATER RESOURCES DEPT
SALEM, OREGON

ATTACHMENT A

Mountain Creek Transfer
Change of Point of Diversion

Authorized Points of Diversion:

- a) 1,650 feet South and 175 feet West from the Northwest corner of Section 17, being within the Southeast one-quarter, Northeast one-quarter of Section 18, Township 12 South, Range 23 East, Willamette Meridian, Wheeler County, Oregon.
- b) 1,640 feet South and 325 feet East from the Northwest corner of Section 17, being within the Southwest one-quarter, Northwest one-quarter, Section 17, Township 12 South, Range 23 East, Willamette Meridian, Wheeler County, Oregon.
- c) 1,237 feet South and 371 feet West from the Northeast corner of Section 18, being within the Northeast one-quarter, Northeast one-quarter, Section 18, Township 12 South, Range 23 East, Willamette Meridian, Wheeler County, Oregon.

ATTACHMENT B

Mountain Creek Transfer
Change in Point of Diversion

Proposed Points of Diversion:

- a) Diversion Point No. 1: 700 feet South and 1,710 feet West from the Northeast corner of Section 13, being within the Northwest one-quarter, Northeast one-quarter, Section 13, Township 12 South, Range 22 East, Willamette Meridian, Wheeler County, Oregon.
- b) Diversion Point No. 2: 120 feet South and 380 feet East from the Northwest corner of Section 18, being within the Northwest one-quarter, Northwest one-quarter, Section 18, Township 12 South, Range 23 East, Willamette Meridian, Wheeler County, Oregon.
- c) Diversion Point No. 4: 150 feet South and 940 feet West from the center quarter corner of Section 17, being within the Northeast one-quarter, Southwest one-quarter, Section 17, Township 12 South, Range 23 East, Willamette Meridian, Wheeler County, Oregon.

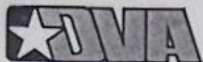
Add'l POD

County Wheeler

7. Place of Use:

[illegible]

OREGON



Department of Veterans' Affairs

NOTICE OF INTEREST IN WATER RIGHT

To: Director of Water Resources 3850 Portland Road N.E. Salem, Oregon 97310		DATE SENT TO WATER RESOURCES 5-9-86	DATE REC'D BY WATER RESOURCES RECEIVED MAY 16 1986 WATER RESOURCES DEPT. SALEM, OREGON	
		DATE RETURNED TO DVA		

This is to notify you of an interest in the following described water right:

LOAN NUMBER M40538	FIELD OFFICE BO	COUNTY WHEELER	ACREAGE IRRIGATED: ORIGINAL APPRAISAL _____ ACTUAL _____
NAME OF BORROWER (LAST, FIRST, M.I.) Brooks Resources			
MAILING ADDRESS:			
COMMENTS			

PROPERTY AND WATER RIGHT INFORMATION

TOWNSHIP	115	115	125
RANGE	22E	23E	23E
SECTION	24, 25, 26, 27, 34, 36	30	6, 8, 10, 16, 17, 18, 20

Completed by WATER RESOURCES

APPLICATION	NUMBER:		
PERMIT	NUMBER: ACRES: STATUS:	See List Attached	
CERTIFICATE	NUMBER: ACRES:		
IRRIGATION DISTRICT	NUMBER:		
DOMESTIC WATER	NUMBER:		
COMMENTS			

5-21-86
 DM

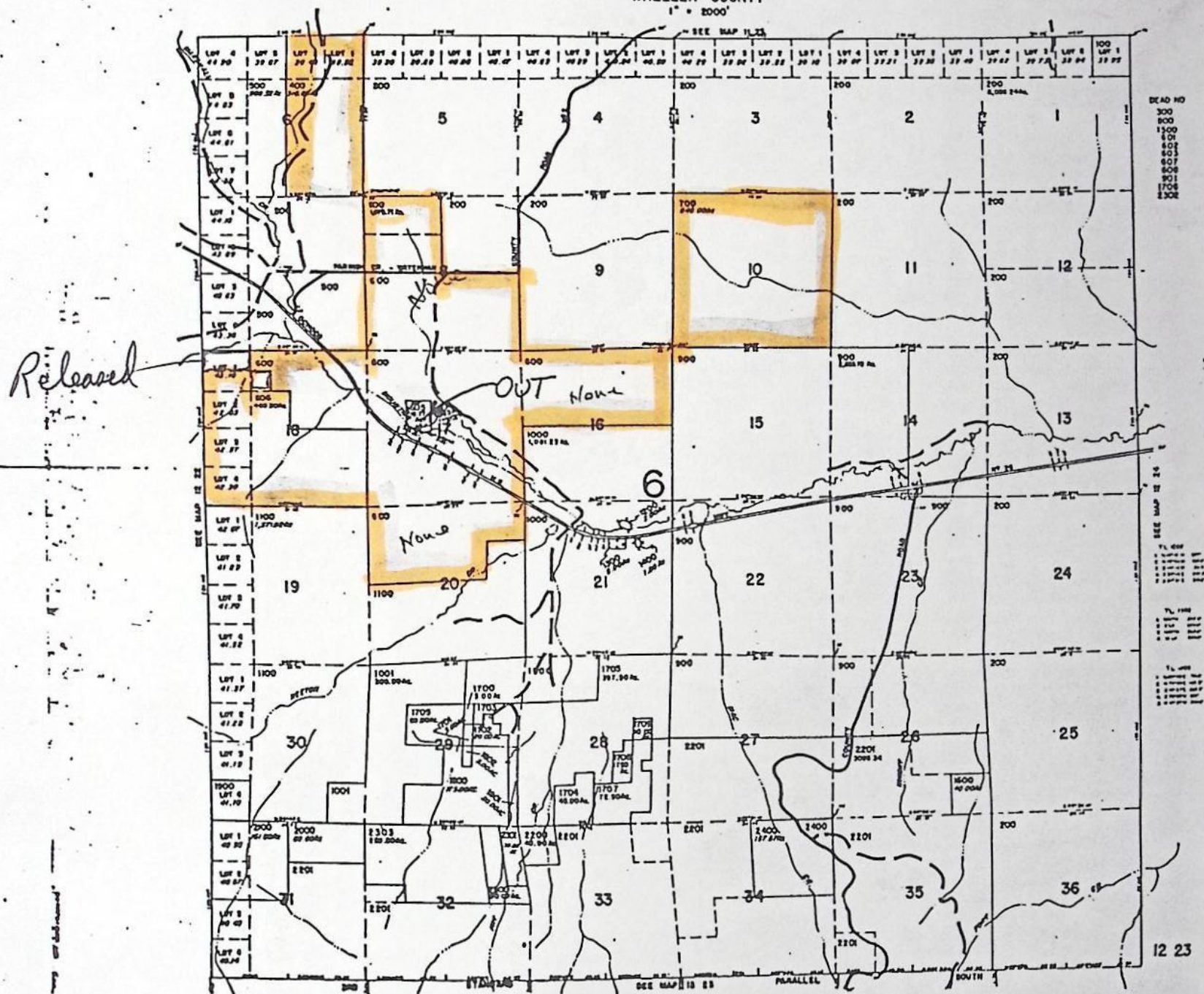
The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above-described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon 97310 Attention: Butch Gehley, Operations Compliance Manager.

Attachments:
 ☒ Legal Descriptions
 ☒ Plat Maps
 ☐ Please return copy to ODVA
 ☐

Application	Permit	Certification	Acreage
23162	18283	21672	16.4 Ac
John Day Dec	Vol 9 p 294	13571	2 Ac
11556	8051	10858	9.9 Ac
John Day	Vol 9 p 472	24905	20 Ac
John Day	Vol 10 p 460	24904	68.9 Ac
	T 4481	Survey NC	41.4 Ac
43226	32317	51310	3.9 Ac
	B 174	48557	15 Ac
60064	45043	Survey NC	22.5 Ac
John Day	Vol 10 p 470	24965	91.6 Ac
John Day	Vol 10 p 632	26017	14 Ac
41544	30990	51302	27.8 Ac

WHEELER COUNTY

1" • 2000'



RECEIVED
APR 23 1980
WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Brooks Resources Corporation
(Name of applicant)
of 416 N.E. Greenwood, Bend
(Mailing address) (City)
State of Oregon, 97701, 382-1662, do hereby make application for change
(Zip Code) (Phone number)
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, J. L. Sigfrit
(If not, give name)

2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings
(Yes or No)
John Day River Adjudication number of certificate 25805

3. Was your water right acquired by Water Right Permit? Yes If so, give number
(Yes or No)
of permit Number of certificate

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 Mountain Creek

5. What is the date of priority of your water right? 1868

* 6. The authorized point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)
corner of being within the $\frac{1}{4}$ $\frac{1}{4}$ of Section Tp. R. W. M.,
(No. N. or S.) (No. E. or W.)
in the county of The name of the ditch used is N/A

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

** 7. The proposed point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)
corner of being within the $\frac{1}{4}$ $\frac{1}{4}$ of Section Tp. R. W. M.,
(No. N. or S.) (No. E. or W.)
in the county of The name of the ditch to be used is N/A

* See Attachment A
** See Attachment B

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
12 S.	23 E.	17	NW, NW	✓ 0.6 Ac.
			SW, NW	✓ 16.1
			SE, NW	✓ 0.1
			NE, SW	✓ 17.6*
			NW, SW	✓ <u>7.0</u>
			Total	41.4 Ac.

(If more space required, attach separate sheet)

*Note: 10.9 Ac. are served by Division Point No. 4. All other areas served by
Points 1 and 2.

9. Are you the legal owner of the above described lands? Yes
(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:

[illegible]

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are more convenient water diversion.

15. Construction work ~~will be~~ ^{was} completed on or before August, 1974

16. The water ~~will be~~ ^{was} completely applied to the proposed use on or before August, 1974

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, James E. Bussard, 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 14th day of April, 1980.

Brooks Resources Corporation

James E. Bussard
(Name of applicant)
James E. Bussard, VP - Development

Subscribed and sworn to before me this 21st day of April, 1980.

[Notarial Seal]

Karla L. Lockley
NOTARY PUBLIC FOR OREGON

My commission expires 3-16-82



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 6/2, 1980FROM: **Jerry Rodgers, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4481IN THE NAME OF Brooks Resources Corp.

RECEIVED

JUN 4 1980

WATER RESOURCES DEPT
SALEM, OREGON

In my opinion the proposed change in POD from Mountain 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? Yes
(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 . . .
X (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 _____

**

Jerry Rodgers
Watermaster's signature or initials

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Grant

ss.

I, Ted Becher, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, principal clerk of THE BLUE MOUNTAIN EAGLE, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at John Day, in the aforesaid county and state; that

the notice of water right transfer application No. 4481

_____, a printed copy of which is hereto attached, was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues: _____

May 7, 8 and 15, 1980

Ted Becher

Subscribed and sworn to before me this 16th day of May, 1980.

Karla J. Dalton

Notary Public for Oregon

My commission expires Feb. 1, 1983

Cost of this publication was \$ 53.62

(Seal)

RECEIVED

MAY 17 1980

WATER RESOURCES DEPT
SALEM, OREGON

Public Notices

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4481

The Water Resources Director of Oregon has received and filed an application by Brooks Resources Corp. for approval, without loss of priority, of changes in points of diversion under a certain water right.

The affected water right is described by the certificate recorded at page 25805, Volume 17, State Record of Water Right Certificates, in the name of J.L. Sigfrit, and is for use of water from Mountain Creek for irrigation of a certain 0.6 ac in NW 1/4 NW 1/4, 16.1 ac in SW 1/4 NW 1/4, 0.1 ac in SE 1/4 NW 1/4, 17.6 ac in NE 1/4 SW 1/4, & 7.0 ac in NW 1/4 SW 1/4, Sec 17, T 12S, R 23E., W.M. The order of the State Engineer approving transfer No. M-170 authorized an additional point of diversion for part of the right.

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The applicant proposes to change the points of diversion therefrom to points located 1) 700 ft S & 1710 ft W from NE Corner of Sec 13, being within the NW 1/4 NE 1/4, Sec 13, T 12S, R 22E, W.M.; 2) 120 ft S & 380 ft E from NW Corner of Sec 18, being within NW 1/4 NW 1/4, Sec 18, T 12S, R 23E, W.M.; and 4) 150 ft S & 940 ft W from Center of Sec 17, being within NE 1/4 SW 1/4, Sec 17, T 12S, R 23E, W.M.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, June 26, 1980, at the Wheeler County Courthouse, Fossil, Oregon. Any objection to the proposed changes must be prepared in writing: one copy to be served on the applicant at 416 NE Greenwood, Bend, OR 97701; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 24th day of April, 1980.

JAMES E. SEXSON,
Director
18-20