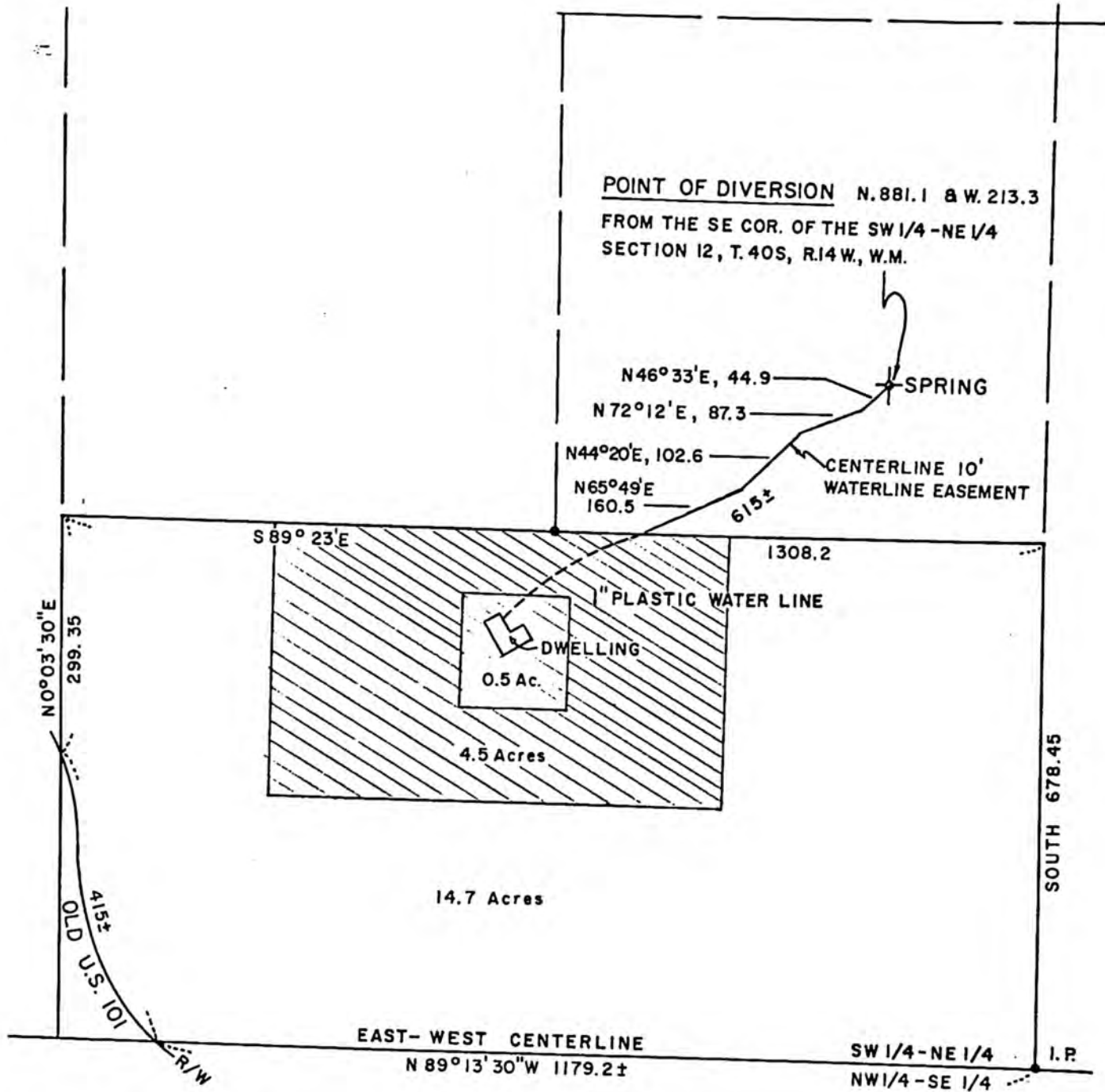




Application No. G-8114
Permit No. G 7518



MAP OF AREA

FOR
MR. & MRS. MOYNE BRALLIER
LOCATED WITHIN THE
SW 1/4 OF THE NE 1/4 OF SECTION 12,
T. 40 S., R. 14 W., W.M.,
CURRY COUNTY, OREGON

29 APRIL 1977

MPH



AREA TO BE
IRRIGATED

RECEIVED



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

September 19, 1983

David R. Fortier
Attorney at Law
PO Box 1043
Brookings, Oregon 97415

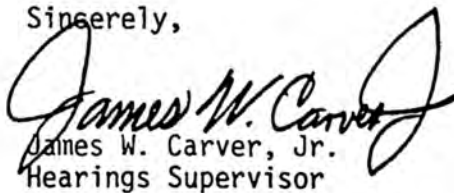
Dear Mr. Fortier:

In response to your letter of September 14, 1983, and as promised during our telephone conversation this morning, enclosed are copies of Application 63716 in the name of Daniel C. Berry and Permit 47278 which was issued on February 23, 1983 in approval of the application. A copy of the map received in support of Application 63716 is also enclosed.

Your check has been completed in the amount of \$2. and our receipt numbered 38407 is enclosed to confirm your payment of the copying fees.

As discussed during our telephone conversation, the Water Resources Director has no jurisdiction over private property rights; therefore the issuance of the permit could resolve any questions relative to a dispute over property rights.

Sincerely,


James W. Carver, Jr.
Hearings Supervisor

A #63716 & G-8114 are from same source



While You Were Out

To Larry, Bruce & Tom

Date _____ Time _____

_____ called

of _____

Phone _____

☐ Telephoned

☐ In person

☐ Please call

☐ Wants to see you

☐ Will call again

☐ Returned your call

Message I think the last
opinion ought not to
appear in writing in the
news.

Taken by Paul





STATE OF OREGON

INTEROFFICE MEMO

TO: Bruce Estes

DATE: July 21, 1983

FROM: Tom Shook

SUBJECT: Files Numbered G-8114 and 63716

Gary Ball called today about these permits. A small problem in as much as these permits allow use from same 48" cement rings.

Brallier sent a spring description sheet with the ground water application along with a reference of an easement to spring water and map showing spring. He wanted to use water for irrigation and domestic uses. Since we had just changed forms, Ves put together another application and deleted domestic. A certificate was issued in 1981.

Berry filed a surface application from same source for domestic.

Recently, Brallier system developed a leak and caused water loss in 4' pipe so Berry stopped up Bralliers' system. Gary was then contacted.

Brallier has already gone to an attorney and Gary expects Berry to do the same. Gary said source is a "gray area." It is soggy around pipe and SWL is about a foot or so below surface. (Field report shows 8')

A handwritten signature in black ink, appearing to be "TES".

TES/jw

Application No. G-8114Permit No. G 7548

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

WATER RESOURCES DEPT
CLERKWe, Moyne & Leay Brallier

(Name of Applicant)

of Box 46

(Mailing Address)

Brookings

(City)

State of Oregon97415

(Zip Code)

Phone No.

do hereby

make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. The development will consist of a dug well

(Give number of wells, tile lines, infiltration galleries, etc.)

having a diameter of 48" and an estimated depth of 14' feet.2. The well or other source is to be located 881.1 ft. N and 213.3 ft. W

(N. or S.)

(E. or W.)

from the SE corner of SW 1/4 NE 1/4

(Public Land Survey Corner)

(If there is more than one well, each must be described)

being within the SW 1/4 of the NE 1/4 ofSec. 12 Tp. 40S R. 14W, W. M., in the county of Curry

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

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
<u>40S</u>	<u>14W</u>	<u>12</u>	<u>SW 1/4 NE 1/4</u>	<u>5.0</u>

4. It is estimated that 14 feet of the well will require concrete casing.

(Kind)

5. Depth to water table is estimated 7 Well drilled by

(Feet)

6. The amount of water which the applicant intends to apply to beneficial use is 0.06 cubic feet per second or gallons per minute.

7. The use to which the water is to be applied is irrigation

8. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

9. If the location of the well, or other development work is less than one-fourth mile from a natural stream channel, give the distance to the channel and the difference in elevation between the stream bed and the ground surface at the source of development.

10.

DESCRIPTION OF WORKS

Include length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

gravity system with 80'± fall, 1" line

11. Construction work will begin on or before completed

12. Construction work will be completed on or before completed

13. The water will be completely applied to the proposed use on or before in use

14. If the ground water supply is supplemental to an existing supply, identify the supply and existing water right.

Application No. 6-8114

Permit No. G 7548

Remarks:.....

.....
.....
.....
.....
.....
.....
.....
.....

X. *Maqre Braslin*

Signature of Applicant

X. *M. Reay Braslin*

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for... completion.....

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before... October 3....., 19..77.....

WITNESS my hand this... 3rd... day of... August....., 19..77.....

James E. Sexon..... Water Resources Director

By

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the..... day of, 19....., at o'clock.....M.

Application No. *G-8114*.....

Permit No. *G 7518*.....

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.06 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from a well

The use to which this water is to be applied is irrigation

If for irrigation, this appropriation shall be limited to 1/80th 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 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year;

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is May 10, 1977

Actual construction work shall begin on or before October 12, 1978 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1979

Complete application of the water to the proposed use shall be made on or before October 1, 1980

WITNESS my hand this 12th day of October, 1977


Water Resources Director

Change Inspection
7/10/78
DWS

Application No. G-8114

Permit No. G 7548

7/10/78
7:30

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

Mr. & Mrs. Moyne & Reay Brallier
(Name of Applicant)
of P.O. Box 46
(Mailing Address) Brookings
(City)

State of Oregon 97415 Phone No. 462-4154
(Zip Code)

do hereby make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. The development will consist of a dug well
(Give number of wells, tile lines, infiltration galleries, etc.)
having a diameter of 48" and an estimated depth of 14' feet.

2. The well or other source is to be located 881.1' N and 213.3' W
(N. or S.) (E. or W.)
from the SE corner of SW 1/4 NE 1/4 Sec 12
(Public Land Survey Corner)

(If there is more than one well, each must be described)

being within the SW 1/4 of the NE 1/4 of
Sec. 12 Tp. 40 S R. 14 W, W. M., in the county of Curry

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

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
<u>40 S</u>	<u>14 W</u>	<u>12</u>	<u>SW 1/4 NE 1/4</u>	<u>5.0</u>
			<u>0.4 acre SW 1/4 NE 1/4</u>	<u>0.4 ac.</u>

4. It is estimated that 14 feet of the well will require concrete casing.
(Kind)

5. Depth to water table is estimated 7 Well drilled by
(Feet)

Basin 15 Wells

Basin 15, Vol. 7

10
let die

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same, **SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD** and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed ~~20.06~~ 0.01 cubic ^{feet} per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from a well

trib Lone Ranch Creek

The use to which this water is to be applied is irrigation of 0.4 acre

If for irrigation, this appropriation shall be limited to 1/80th 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 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year;

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is May 10, 1977

Actual construction work shall begin on or before October 12, 1978 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1979

Complete application of the water to the proposed use shall be made on or before October 1, 1980

WITNESS my hand this 12th day of October, 1977


Water Resources Director

Info MT Brallier

Well: 4' Tile 14' into ground backfilled with gravel & clay

SWL 8'

no motor } Gravity System

Pipe 1 1/4" to yd 1" to lower pasture

400' garden hose

Hds lets run out end of hose (floods) 1 hose max

Use yd, garden chicken & hog pasture

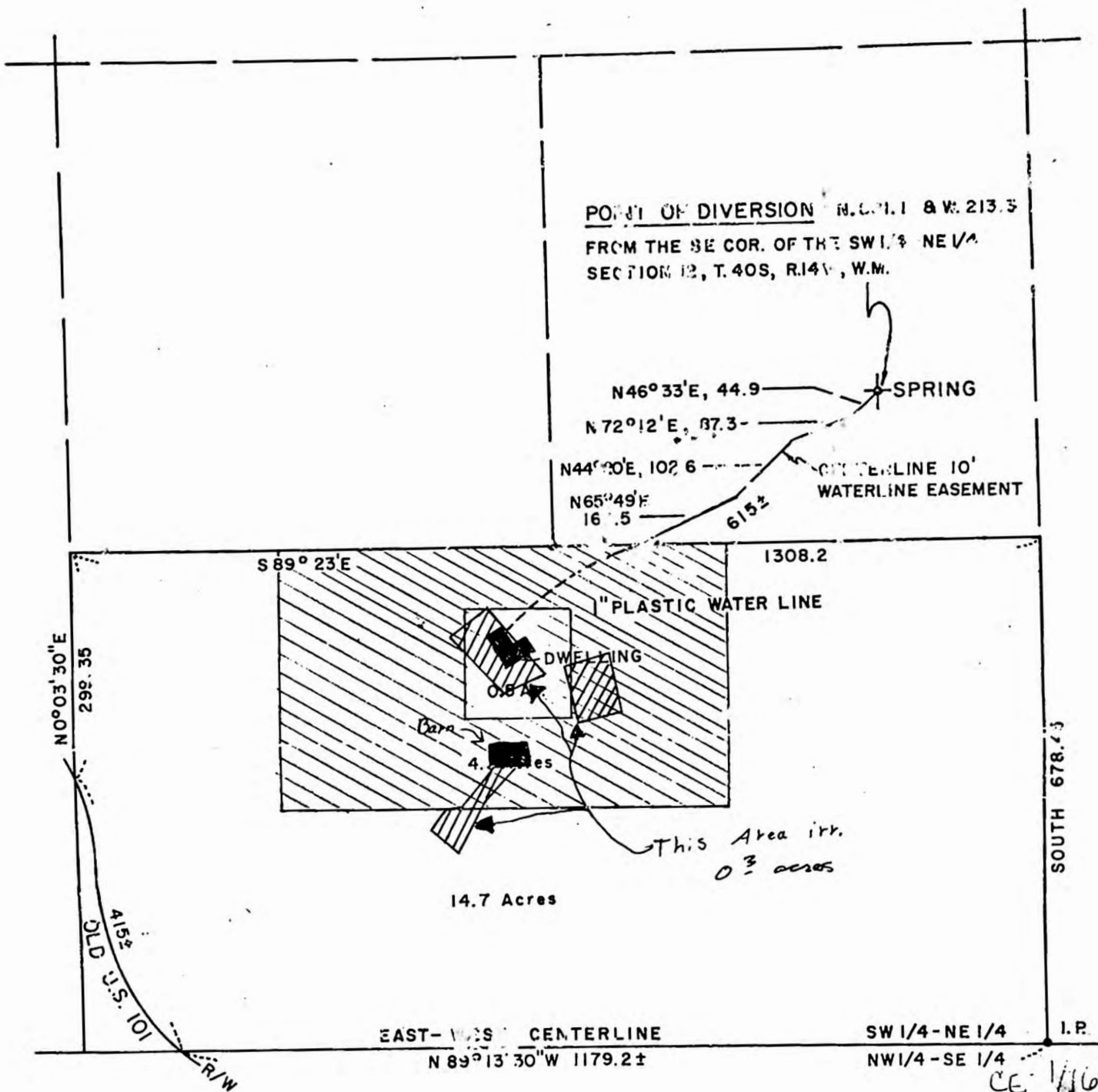
lift - 59 PSI measured

Tie: chain & inspection

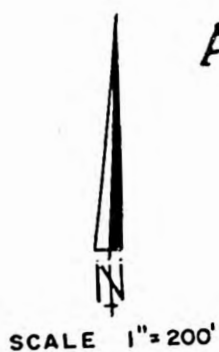
7/18/78

F.E.

Del Sparks



Application No. G-8114
Permit No. G 7518



MAP OF AREA

FOR
MR. & MRS. MOYNE BRALLIER
LOCATED WITHIN THE
SW 1/4 OF THE NE 1/4 OF SECTION 12,
T. 40S., R. 14 W., W.M.,
CURRY COUNTY, OREGON

29 APRIL 1977

MPH

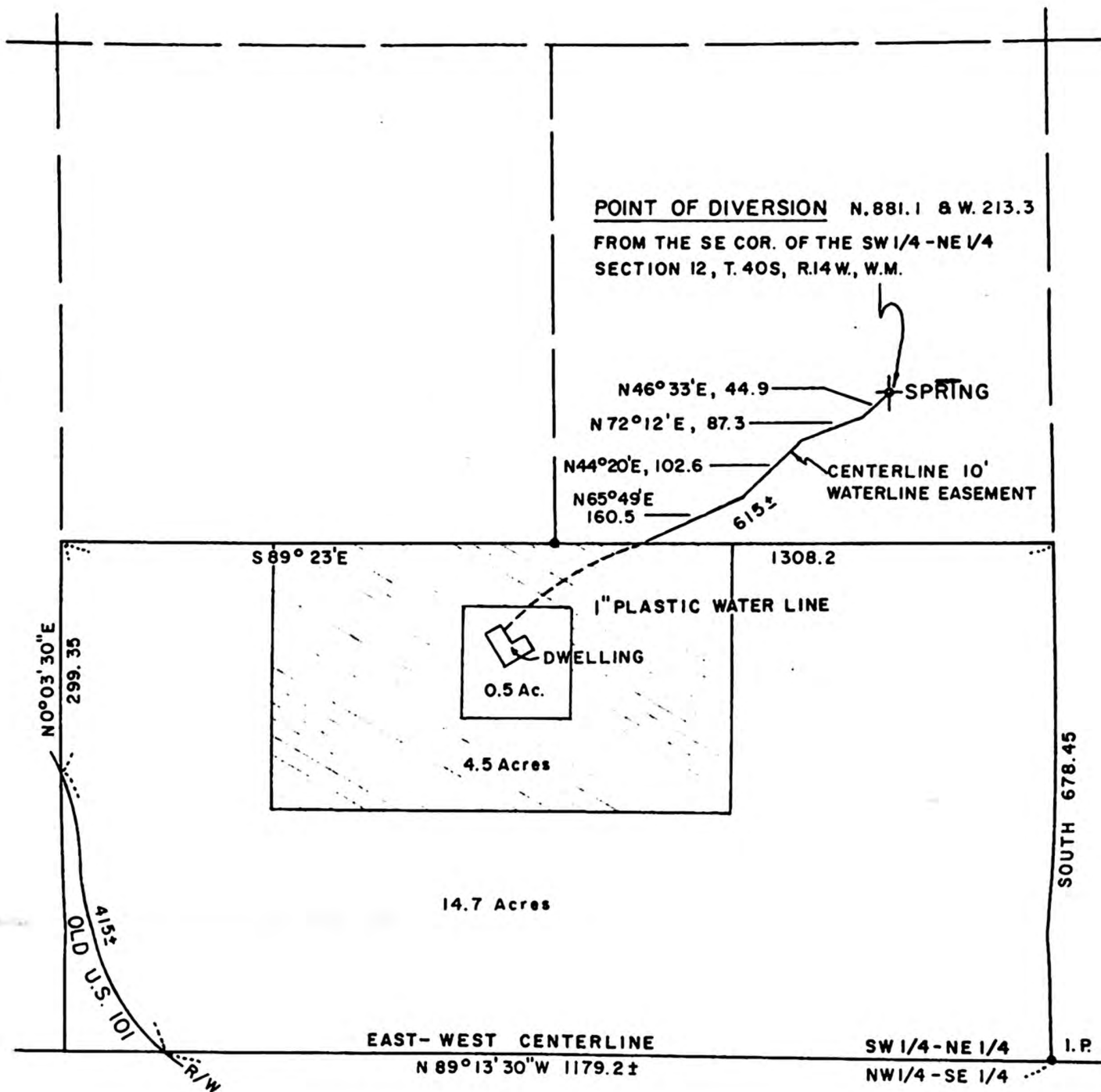


~~AREA TO BE~~
~~IRRIGATED~~

RECEIVED

MAY 10 1977

WATER RESOURCES DEPT
SALEM, OREGON



Application No. G-8114
Permit No.



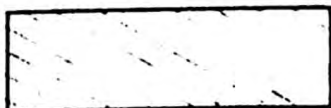
SCALE 1"=200'

MAP OF AREA

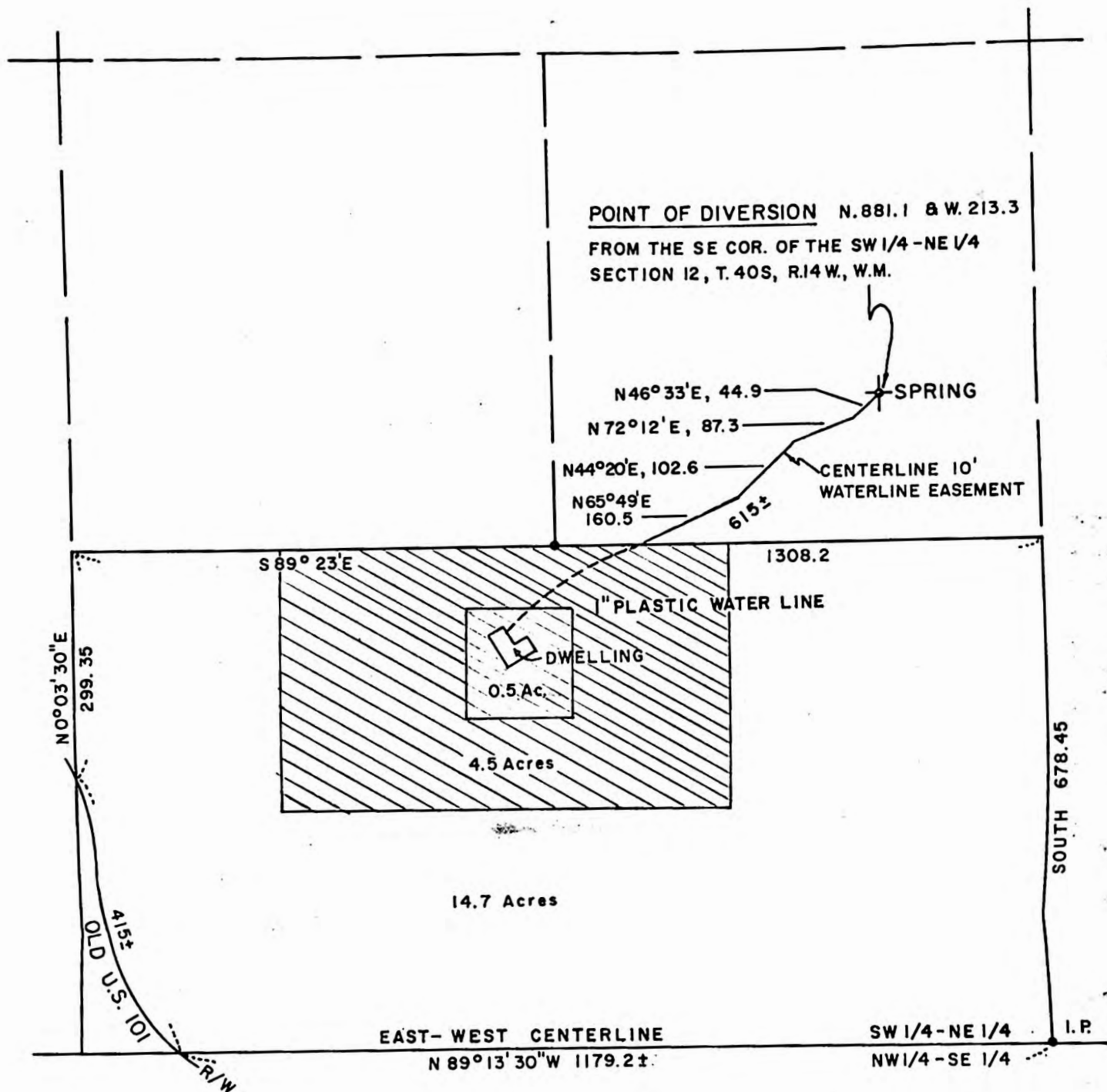
FOR
MR. & MRS. MOYNE BRALLIER
LOCATED WITHIN THE
SW 1/4 OF THE NE 1/4 OF SECTION 12,
T. 40S., R. 14 W., W.M.,
CURRY COUNTY, OREGON

29 APRIL 1977

MPH



AREA TO BE
IRRIGATED



Application No. *G-8114*
Permit No. **G 7518**



MAP OF AREA

FOR
MR. & MRS. MOYNE BRALLIER
LOCATED WITHIN THE
SW 1/4 OF THE NE 1/4 OF SECTION 12,
T. 40 S., R. 14 W., W.M.,
CURRY COUNTY, OREGON

29 APRIL 1977

MPH



AREA TO BE
IRRIGATED

RECEIVED
APR 27 1977
WATER RESOURCES DEPT
SALEM, OREGON

G 8114
RECEIVED

STATE OF OREGON

APR 1 1981

COUNTY OF

CURRY

WATER RESOURCES DEPT
SALEM, OREGON

Proof of Appropriation of Water

MOYNE & REAY BRALLIER

of P. O. Box 46, Brookings
has applied beneficially the waters of
a well

, State of Oregon 97415 ,

a tributary of Lone Ranch Creek
irrigation of 0.4 acre

for the purpose of

under Permit No. G-7548 and that the use of said waters has been completed under the
terms of said permit; that the priority of the right dates from

May 10, 1977

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of

0.01 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the well.
The well is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, T40S, R14W, WM; 881.1 feet North, and
213.3 feet West from SE Corner of SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12.

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, and to which such right is appurtenant, is
as follows:

0.4 acre SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 12
Township 40 South, Range 14 West, WM

I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of March,
1981.

Moyné Brallier, M. Reay Brallier

**South Coast
TOWN & COUNTRY REAL ESTATE**

**M. REAY BRALLIER, G.R.I.
BROKER**

RT. 3, BOX 15, BROOKINGS, OR. 97415

3/4 MILE SO. OF BROOKINGS (503) 469-3827

RECEIVED

NOV 14 1980

WATER RESOURCES DEPT
SALEM, OREGON

Nov. 12, 1980

Dear Mr. Shook -

File # G-8114

Regarding your letter to us on permit G-7548,
Due to time lapse etc. we will just go ahead
with the permit as you have it now.
Thanks for your time & consideration.

Yours Truly

M. Reay Brallier

Address is P.O. Box 46
Brookings, Or 97415



HOMES

• ACREAGE •

OCEAN AND INVESTMENT PROPERTY



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508 or
1-800-452-7813

October 7, 1980

Moyne and Reay Brallier
PO Box 406 46
Brookings, OR 97415

Dear Mr. and Mrs. Brallier:

REFERENCE: File number G-8114

Thank you for your letter regarding your permit G-7548.

I have enclosed a copy of the map showing the area which Mr. Brallier showed us as being irrigated. If this is not correct, please advise us just as soon as possible so that we can set your file up for another inspection.

Because of a state budget cut, we have had to layoff several crews, so it would probably be a couple of years before we are able to come out and look at your project again.

Further action will be held on your file for a reasonable length of time pending your reply.

Sincerely,

THOMAS E. SHOOK
Water Rights Engineer

TES:wpc
Enclosure
2524A

COPY

**South Coast
TOWN & COUNTRY REAL ESTATE**

M. REAY BRALLIER, G.R.I.
BROKER

RT. 3, BOX 15, BROOKINGS, OR. 97415

3/4 MILE SO. OF BROOKINGS (503) 469-3847

RECEIVED

SEP 24 1980

WATER RESOURCES DEPT
SALEM, OREGON

Sept. 22, 1980

Dear Mr Shook -

Re: File # 6-8114

I'm glad you have our file + will look forward to hearing from you. Perhaps my husband didn't show the man everything being watered as we water our pastures forward from the system + the garden + orchard - an area considerably larger than 3/10 acre. We are not planning to sell the property at present.

*Yours truly
Reay Brallier*



HOMES

• ACREAGE •

OCEAN AND INVESTMENT PROPERTY

RECEIVED

APR 15 1980

WATER RESOURCES DEPT
SALEM, OREGON

April 14, 1980

Dear Mr. Garner,

I enclose 2 copies of letters from you regarding our water rights application on our property TAX LOT 1001 - Map 40-14 located in Brookings - Cape Ferullo Rd & Carpenterville Rd.

The men shot the sights 1 1/2 yrs. ago. & we've heard nothing since. Could you please check & advise on this application 6-8114.

Also please send form if necessary to advise you of change in ownership on our completed water rights Map 39-14-34C TAX LOT 800.

Yours Truly -

P.O. B 46

Brookings, Ore.

97415

Reay Bralier

469-7421 days

469-4154 eve.

378-8508
1-800-452-7813

April 28, 1980

Moyne and Reay Brallier
PO Box 46
Brookings, OR 97415

Dear Mr. and Mrs. Brallier:

REFERENCE: File #G-8114.

Thank you for your letter requesting information regarding the status of your ground water permit G-7548.

We are now compiling the information of the surveys made during 1978. Our findings of your project will be mailed to you shortly. As you are aware, your permit provided for the irrigation of five acres but the area Mr. Brallier showed our field representative as being irrigated represents only about 3/10 of an acre.

If you sell the property described in the permit and would have no further interest in the property or permit G-7548, the enclosed partially completed assignment form could be submitted to us. The name and address of the new owner would have to be inserted in the space provided and then the document signed by you. A \$2.00 assignment recording fee is also necessary.

Please note, we probably will be able to issue the confirming certificate of water right sometime this summer and should that take place, an assignment of the water right would not be necessary because the water is then appurtenant to the land described in the certificate of water right and travels with the land through change of ownership.

Sincerely,

THOMAS E. SHOOK

378 3066

November 14, 1977

Ref.: G 8114

Moyne and Reay Braillier
Box 46
Brookings, OR 97415

Gentlemen:

We are enclosing check No. 1764 for \$5.00 covering excess
fees paid with your application No. G 8114.

Sincerely

Trevor Jones

1 encl.

TJ:vp

October 27, 1977

Moyne and Reay Brallier
Box 46
Brookings, OR 97415

G 8114

G 7548



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

G-8114

26 September 1977

Moyne and Reay Braillier
Box 46
Brookings, Oregon 97415

Dear Mr. and Mrs. Braillier:

Thank you for returning your application No. G-8114.

Your application is now satisfactory for the issuance of
a permit.

Sincerely,

Vestal R. Garner
Water Rights Engineer

VRG:clh

G-8114

3 August 1977

Moyne and Reay Braillier
Box 46
Brookings, Oregon 97415

Dear Mr. and Mrs. Braillier:

We have received your maps, legal land description, spring description sheet, fees of \$35.00 and application for a permit to use 0.06625 cubic foot of water per second from a well being 0.05625 for irrigation of 4.5 acres and 0.01 cubic foot per second of water for domestic use of one family including the irrigation of lawn and garden. For reference your application is numbered G-8114.

A permit is not required for use of ground water for domestic use not exceeding 15,000 gallons per day. Therefore, reference to domestic use should be deleted from your application. A copy of the appropriate statute is enclosed.

The Water Resources Department adopted new application forms in March 1977. A permit can be issued for your proposed use of water for irrigation. However, a revised application is now required.

The new application has been prepared from the information you have provided. In addition, I have deleted the reference to domestic use and changed the number of acres to be irrigated to 5.0 acres. If you agree, please sign the new application on the space provided and return it to this office.

Upon receipt of your signed application, your application will be satisfactory and a permit can be issued.

Sincerely,

Vestal R. Garner
Water Rights Engineer

LE/VRG:td
ENCL: Receipt No. 60396

belongs to the public, and that in order to insure the preservation of the public welfare, safety and health it is necessary that:

(1) Provision be made for the final determination of relative rights to appropriate ground water everywhere within this state and of other matters with regard thereto through a system of registration, permits and adjudication.

(2) Rights to appropriate ground water and priority thereof be acknowledged and protected, except when, under certain conditions, the public welfare, safety and health require otherwise.

(3) Beneficial use without waste, within the capacity of available sources, be the basis, measure and extent of the right to appropriate ground water.

(4) All claims to rights to appropriate ground water be made a matter of public record.

(5) Adequate and safe supplies of ground water for human consumption be assured, while conserving maximum supplies thereof for agricultural, commercial, industrial, recreational and other beneficial uses.

(6) The location, extent, capacity, quality and other characteristics of particular sources of ground water be determined.

(7) Reasonably stable ground water levels be determined and maintained.

(8) Depletion of ground water supplies below economic levels, impairment of natural quality of ground water by pollution and wasteful practices in connection with ground water be prevented or controlled within practicable limits.

(9) Whenever wasteful use of ground water, impairment of or interference with existing rights to appropriate surface water, declining ground water levels, interference among wells, overdrawing of ground water supplies or pollution of ground water exists or impends, controlled use of the ground water concerned be authorized and imposed under voluntary joint action by the State Engineer and the ground water users concerned whenever possible, but by the State Engineer under the police power of the state when such voluntary joint action is not taken or is ineffective.

(10) Location, construction, depth, capacity, yield and other characteristics of and matters in connection with wells be controlled in accordance with the purposes set forth in this section.

[1955 c.708 §2]

537.530 [Repealed by 1955 c.708 §38]

537.535 Unlawful use or appropriation of ground water, including well construction and operation. (1) No person or public agency shall use or attempt to use any ground water, construct or attempt to construct any well or other means of developing and securing ground water or operate or permit the operation of any well owned or controlled by such person or public agency except upon compliance with ORS 537.505 to 537.795 and any applicable order, rule or regulation promulgated by the State Engineer under ORS 537.505 to 537.795.

(2) Except for those uses exempted under ORS 537.545, the use of ground water for any purpose, without a permit issued under ORS 537.625 or registration under ORS 537.605, is an unlawful appropriation of ground water.

[1955 c.708 §4; 1957 c.341 §5; subsection (2) enacted as 1961 c.668 §2]

537.540 [Repealed by 1955 c.708 §38]

537.545 Exempt uses. No registration, certificate of registration, application for a permit, permit, certificate of completion or ground water right certificate under ORS 537.505 to 537.795 is required for the use of ground water for stockwatering purposes, for watering any lawn or noncommercial garden not exceeding one-half acre in area, for single or group domestic purposes in an amount not exceeding 15,000 gallons a day or for any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day. The use of ground water for any such purpose, to the extent that it is beneficial, constitutes a right to appropriate ground water equal to that established by a ground water right certificate issued under ORS 537.700. The State Engineer, however, may require any person or public agency using ground water for any such purpose to furnish information with regard to such ground water and the use thereof.

[1955 c.708 §5]

537.550 [Repealed by 1955 c.708 §38]

537.560 [Repealed by 1955 c.708 §38]

537.570 [Repealed by 1955 c.708 §38]

537.575 Permits granted, approved or pending under former law. Any permit granted or application for a permit approved under ORS 537.510, 537.520, 537.530, 537.540, 537.550, 537.560, 537.570, 537.580, 537.590 and 537.600 prior to and still valid

1-1-74

WARRANTY DEED



KNOW ALL MEN BY THESE PRESENTS, That CLEVE L. BERRY and LITA I. BERRY, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by MOYNE E. BRALLIER and M. REAY BRALLIER, husband and wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Curry and State of Oregon, described as follows, to-wit:

REAL PROPERTY AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

IT IS UNDERSTOOD that the maintenance of the easement road is to be shared equally by all adjoining property owners using same.

Application No. G-8114
Permit No.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except those of record

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 50,000.00

~~However, the actual consideration paid for this transfer, stated in terms of dollars, is \$ 50,000.00. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 50,000.00. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 50,000.00.~~ (The sentence between the symbols (1), if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 9th day of April, 1976; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

(If executed by a corporation,
affix corporate seal)

Cleve L. Berry
Lita I. Berry

STATE OF OREGON, }
County of Curry } ss.
April 9, 1976

Personally appeared the above named
Cleve L. Berry and Lita I. Berry

and acknowledged the foregoing instru-
ment to be their voluntary act and deed.

STATE OF OREGON, County of _____) ss.
_____, 19____

Personally appeared _____ and
_____, who, being duly sworn,
each for himself and not one for the other, did say that the former is the
president and that the latter is the
secretary of _____

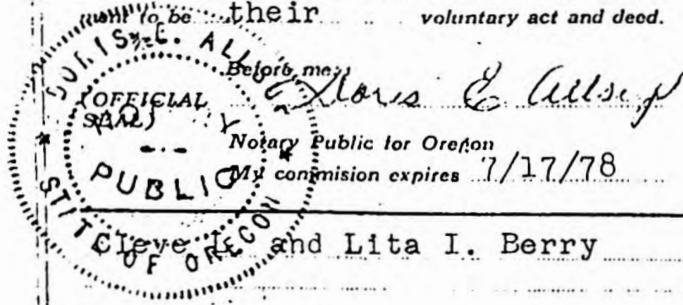
_____, a corporation,
and that the seal affixed to the foregoing instrument is the corporate seal
of said corporation and that said instrument was signed and sealed in be-
half of said corporation by authority of its board of directors; and each of
them acknowledged said instrument to be its voluntary act and deed.

Before me:

MAY 10 1977

Notary Public in and for Oregon
My commission expires _____

(OFFICIAL
SEAL)



Cleve L. Berry and Lita I. Berry

GRANTOR'S NAME AND ADDRESS

Moyne E. and M. Reay Brallier

GRANTEE'S NAME AND ADDRESS

After recording return to:

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

Moyne E. Brallier
Box 46
Brookings, Oregon 97415

NAME, ADDRESS, ZIP

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON, } ss.
County of _____

I certify that the within instru-
ment was received for record on the
day of _____, 19____,

at _____ o'clock _____ M., and recorded
in book _____ on page _____ or as
file/reel number _____

Record of Deeds of said county.

Witness my hand and seal of
County affixed.

By _____ Recording Officer
Deputy

EXHIBIT "A"

DESCRIPTION SHEET

A tract of land lying within the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 12, Township 40 South, Range 14 West, Willamette Meridian, more particularly described as follows:

Beginning at a point lying on the East-West Centerline of said Section 12, said point being South 89° 13' 30" East, 129.7 feet from the Center Quarter Section Corner of said Section 12, said point also lying on the Easterly right-of-way line of the Old Oregon Coast Highway, U.S. 101; thence South 89° 13' 30" East, following said East-West Centerline, a distance of 1179.2 feet to the Southeast Corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, said Section 12; thence North, following the Easterly line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ a distance of 678.5 feet; thence North 89° 23' West, leaving said Easterly line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, a distance of 1308.2 feet, more or less, to a point on the North-South Centerline of said Section 12; thence South 0° 03' 30" West, following said North-South Centerline, a distance of 229.35 feet, more or less to a point lying on the Easterly right-of-way line of said Old Coast Highway, as defined by right-of-way survey dated March 1931 by the Oregon State Highway Department; thence Southerly, following said right-of-way line, a distance of 415 feet, more or less, to the point of beginning, containing 19.7 acres, more or less, all lying and being within Curry County, Oregon.

ALSO GRANTING, Parcel 2 of that certain deed wherein Colegrove is the grantor and Berry is the Grantee, as recorded in Deed Volume 76, page 33, Curry County, Oregon as described hereafter:

A tract of land in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 12, Township 40 South, Range 14 West, Willamette Meridian, Curry County, Oregon;

Beginning at a point of intersection on the Easterly right-of-way line of U.S. Highway 101, also being the Oregon Coast Highway, as same existed prior to the relocation of said highway as presently established, and the East boundary of said SE $\frac{1}{4}$ of the said NW $\frac{1}{4}$; thence along the said East boundary North 425.0 feet; thence South 31° 15' West 100.0 feet, more or less, to a point on the Easterly boundary of said highway; thence along said highway boundary Southeasterly to the point of beginning.

Application No. G-8114
Permit No.

THERE IS ALSO GRANTED an easement for a spring water supply system, its appurtenances, pipeline and maintenance, repair, replacement and operation of same, being ten (10) feet in width, five (5) feet on each side of the following described centerline:

Beginning at a point lying on the Northerly line of the above described tract, said point being North $89^{\circ} 23'$ West, 547.2 feet from the Northeast Corner of said tract;
 thence North $65^{\circ} 49'$ East a distance of 160.5 feet;
 thence North $44^{\circ} 20'$ East a distance of 102.6 feet;
 thence North $72^{\circ} 12'$ East a distance of 87.3 feet;
 thence North $46^{\circ} 33'$ East a distance of 29.9 feet to a point hereafter called "A", this being the terminal point of said ten (10) foot width easement.

An easement for the spring water supply purposes, appurtenances as described heretofore, over and upon a strip of land thirty (30) feet in width, being fifteen (15) feet on each side of the following described centerline:

Beginning at Point "A" described above;
 thence North $46^{\circ} 33'$ East a distance of 30.0 feet.

RESERVING THEREFROM an easement for roadway and utility purposes, over and upon a strip of land fifty (50) feet in width, being twenty-five (25) feet on each side of the following described centerline;

Beginning at a point lying on the Westerly line of the above described tract, said point being South $0^{\circ} 03' 30''$ West 299.35 feet from the Northwest Corner of said tract, said point lying on the Easterly right-of-way line of the Old Coast Highway, U.S. 101;
 thence South $33^{\circ} 33'$ East a distance of 165.5 feet;
 thence following the arc of a 75 foot radius curve to the left, the long chord of which bears North $73^{\circ} 13' 30''$ East 143.6 feet;
 thence North $01^{\circ} 00'$ East a distance of 127.6 feet to point "B";
 thence following the arc of a 100 foot radius curve to the right, the long chord of which bears North $30^{\circ} 56'$ East 99.8 feet;
 thence North $60^{\circ} 52' 30''$ East a distance of 42.3 feet;
 thence North $41^{\circ} 39'$ East a distance of 215.6 feet, more or less, to a point lying on the Northerly line of the above mentioned tract, said point being South $89^{\circ} 23'$ East 460.75 feet from the Northwest corner of said tract, this being the terminal point of the easement through this tract.

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 Permit No.

BR 44 PAGE 499

THERE IS ALSO RESERVED a strip of land of variable width, lying between the Northeasterly right-of-way of the Old Oregon Coast Highway, U.S. 101 and the following described line, being a portion of said Parcel 2, as described in Deed Volume 76, page 33, Curry County, Oregon;

Beginning at a point lying on the Westerly line of the above described tract, said point being South 0° 03' 30" West, 299.35 feet from the Northwest Corner of the above described tract;
thence North 0° 03' 30" East, following the Westerly line of said tract, a distance of 45.2 feet;
thence North 33° 33' West a distance of 88 feet, more or less, to a point lying on the Northwestern line of said Parcel 2, described herein.

ALSO RESERVING therefrom an easement for roadway and utility purposes, over and upon a strip of land fifty (50) feet in width, being twenty-five (25) feet on each side of the following described centerline;

Beginning at point "B" described above;
thence North 01° 00' East a distance of 269.8 feet, more or less, to a point lying on the Northerly line of the above described tract to Point "C".

ALSO RESERVING therefrom an easement for roadway and utility purposes, over and upon a strip of land fifty (50) feet in width, lying Southerly of and parallel and adjacent to the following described line;

Beginning at a Point "C" described above;
thence North 89° 23' West, following the Northerly line of said tract, a distance of 100.0 feet.

Application No. G-8114
Permit No.



INDEXED IN Deeds

State of Oregon } ss.
County of Curry }

I hereby certify that the within instrument was
filed for record APRIL 14, 1926
at 3:00 o'clock P M. and recorded
in Book of Records Vol. 44 Page 496-9
BERNARD I. MATHER, County Clerk
James H. Prager Deputy
Fee Rec'd. 12.00

Application No. _____

DESCRIPTION OF SPRING

1. Is spring on property of applicant? no
2. If not, give name and address of legal owner. Cleve Berry,
Brookings, Oregon 97415
3. Have you secured consent of owner to appropriate water from this
spring and for construction of pipeline or other works? we have an
easement for use of spring and pipeline location.
4. If you do not have such consent, do you expect to secure right of
way through condemnation? _____
5. What is the maximum flow from spring? 20-15 g.p.m.
(Gallons per minute or
3 c.f.s.
cubic feet per second)
What is the minimum flow? 8 g.p.m.
Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural
channel? more or less. scatters out
7. Does the water flow off the lands on which it first arises? no
8. Give the name of the stream or other body of water into which water
from the spring flows. Lone Ranch Creek
9. If the water from the spring sinks or evaporates before reaching
other water, give distance water flows from spring before vanishing.

10. Remarks _____

RECEIVED

MAY 10 1977

WATER RESOURCES DEPT
SALEM, OREGON

Myron E. Ballie, M. Ray Ballie
Signature of Applicant

Application No. G-8114
Permit No.

RECEIVED

MAY 10 1977

WATER RESOURCES DEPT
SALEM, OREGON

Permit No. G-.....

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

I, We, Moyne and Reay Brallier
(Name of applicant)
of Box 46 Brookings 97415, county of Curry,
(Postoffice Address)
state of Oregon, do hereby make application for a permit to appropriate the
following described ground waters of the state of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. Give name of nearest stream to which the well, tunnel or other source of water development is
situated Lone Ranch Creek
(Name of stream)

tributary of Pacific Ocean

2. The amount of water which the applicant intends to apply to beneficial use is 0.06625 cubic
feet per second or 30 gallons per minute. (0.05625 irrigation; 0.01 domestic)

3. The use to which the water is to be applied is irrigation of 4.5 acres of grass
and garden area; one domestic household water supply.

4. The well or other source is located 881.1 ft. N and 213.3 ft. W from the SE
(N. or S.) (E. or W.)
corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12
(Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one well, each must be described. Use separate sheet if necessary)

being within the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 12, Twp. 40S, R. 14W,
W. M., in the county of Curry

5. The 1" plastic pipeline to be 615 feet
(Canal or pipe line)
in length, terminating in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 12, Twp. 40S,
(Smallest legal subdivision)
R. 14W, W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is no name

DESCRIPTION OF WORKS

7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the
supply when not in use must be described.

8. The development will consist of 48" concrete rings having a
(Give number of wells, tunnels, etc.)
diameter of 48" inches and an estimated depth of 14 feet. It is estimated that
feet of the well will require 14 feet casing. Depth to water table is estimated 7
(Kind) (Feet)

10500

CANAL SYSTEM OR PIPE LINE—

9. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, 615 ft.; size at intake 1 in.; in size at ft. from intake in.; size at place of use 1 in.; difference in elevation between intake and place of use, 80 + or - ft. Is grade uniform? yes Estimated capacity, 25 g.p.m. ~~360 g.p.m.~~

10. If pumps are to be used, give size and type none; gravity system

Give horsepower and type of motor or engine to be used none

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development none

12. Location of area to be irrigated, or place of use

Township N. or S.	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
40S	14W	12	SW $\frac{1}{4}$ of the NE $\frac{1}{4}$	4.5 acres

(If more space required, attach separate sheet)

Character of soil clay loam

Kind of crops raised grass and garden irrigation

MUNICIPAL SUPPLY—

13. To supply the city of
in county, having a present population of
and an estimated population of in 19.....

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

14. Estimated cost of proposed works, \$.....600.00.....
15. Construction work will begin on or before completed.....
16. Construction work will be completed on or before completed.....
17. The water will be completely applied to the proposed use on or before presently.....
18. If the ground water supply is supplemental to an existing water supply, identify any appli-
cation for permit, permit, certificate or adjudicated right to appropriate water, made or held by the
applicant. no applicable.....

x *Moyne B. Ballie* x *M. Ray Ballie*
(Signature of applicant)

Remarks: applicants purchased this property 1976 and wish to insure
their present water supply. System was in operate at the time of
their purchase.

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

This is to certify that I have examined the foregoing application, together with the accompanying
maps and data, and return the same for

In order to retain its priority, this application must be returned to the State Engineer, with correc-
tions on or before, 19.....

WITNESS my hand this day of, 19.....

STATE ENGINEER

By
ASSISTANT

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

PERMIT

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from

.....

The use to which this water is to be applied is

.....

If for irrigation, this appropriation shall be limited to 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 acre feet per acre for each acre irrigated during the irrigation season of each year;

.....

.....

.....

.....

.....

.....

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

WITNESS my hand this day of, 19.....

STATE ENGINEER

Application No. G-8114

Permit No. G-.....

PERMIT

TO APPROPRIATE THE GROUND
WATERS OF THE STATE
OF OREGON

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the 12 day of May
1922, at 11 o'clock A. M.

Returned to applicant:

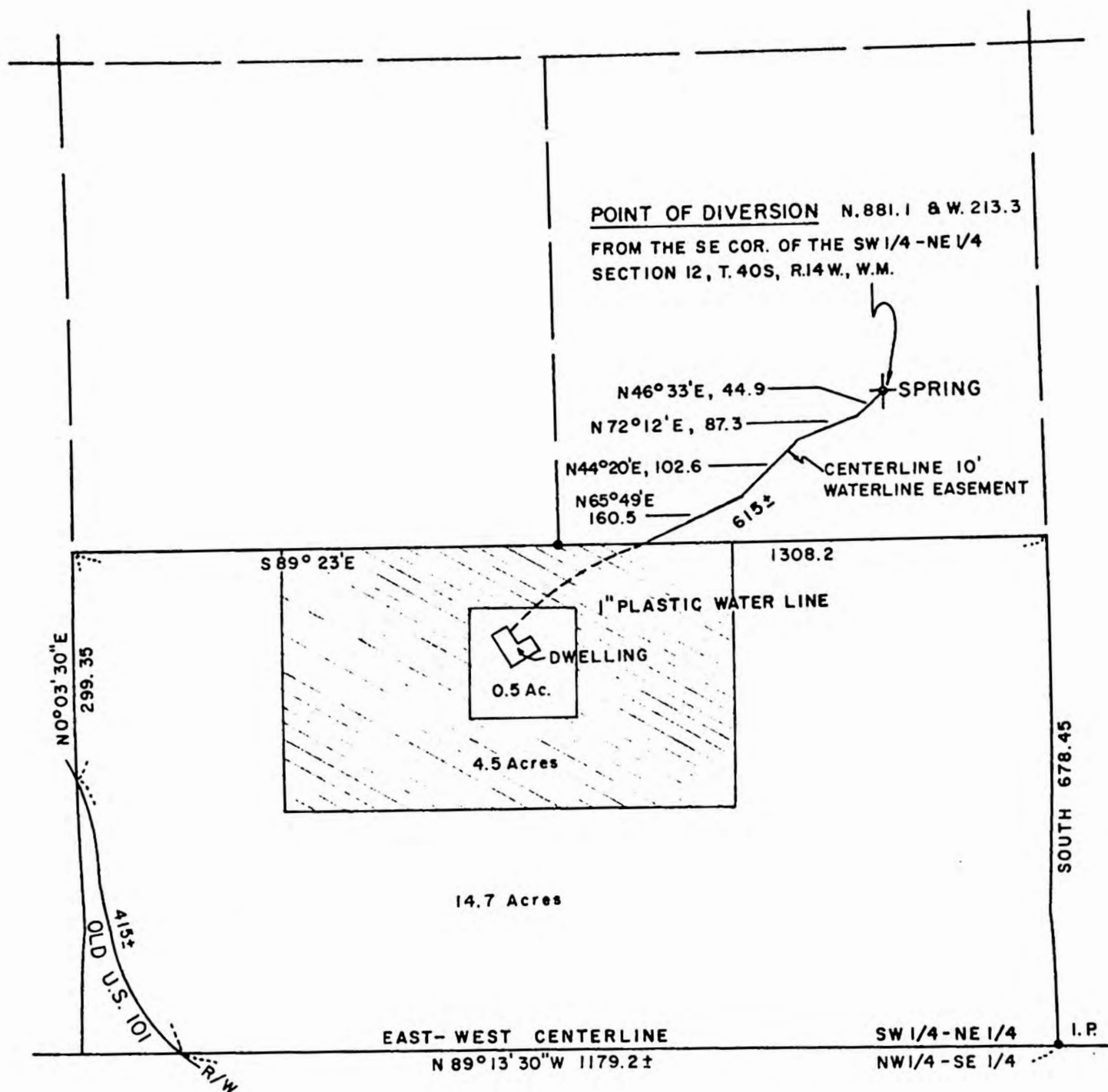
Approved:

Recorded in book No. of

Ground Water Permits on page

STATE ENGINEER

Drainage Basin No. page



Application No. G-8114
 Permit No. —



MAP OF AREA

FOR
 MR. & MRS. MOYNE BRALLIER
 LOCATED WITHIN THE
 SW 1/4 OF THE NE 1/4 OF SECTION 12,
 T. 40 S., R. 14 W., W.M.,
 CURRY COUNTY, OREGON

29 APRIL 1977

MPH



AREA TO BE
 IRRIGATED

RECEIVED

MAY 10 1977

WATER RESOURCES DEPT
 SALEM, OREGON