

FILE#: S 74299

BROWNSVILLE CANAL CO. INC.
732 AMELIA AVE
BROWNSVILLE, OR 9732

Application No. 74299

Permit No. 52607

Certificate No. 84964

Stream Index, Page No. 2

Date filed _____

Priority _____

Action suspended until FPD

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning AUG 14 1997

Date for completion OCT 01 1998

Extended to _____

Date for application of water OCT 01 1999

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed 11/2/98

FINAL PROOF

Blank mailed _____

Proof received _____

Date Certificate issued 12-02-2008

FEES PAID

Date	Amount	Receipt No.
------	--------	-------------

7-20-94 300.00 114476

Cert. Fee

FEES REFUNDED[illegible]

ASSIGNMENTS

ASSIGNMENTS				
Date	To Whom	Address	Volume	Page

REMARKS

526017

RECEIVED

Form B

JUL 17 1997

ment, you shc

Cly.

RECEIVED

NOV 02 1998

Form C (690-9-77)

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. 5-74299

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

Brownsville Canal Company Inc., the holder of Permit No. 52607

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 1st day of October, 1998.

Remarks: Actually - the canal only draws water from the river when boards are in place at the dam (Approximately May 15 to Oct 15)

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of October, 1998

Clyde R. McLain - Pres.

(Signature of Applicant)

732 Amelia Ave Brownsville OR.

(Address)

97327

Fill out, detach and mail to the Water Resources

RECEIVED

Form A

(690-9-77)

JUL 17 1997

WATER RESOURCES DEPT. SALEM, OREGON

NOTICE OF BENEFICIAL USE

Brownsville Canal Co.

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the unknown day of

Remarks: Flip Board Dam

The appropriator must state the manner of beginning

acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as

authorized by your permit.

See photo of May installation in 1987

IN WITNESS WHEREOF, I have hereunto set my hand this 10 day of July, 1997

Clyde R. McLain President

(Signature of Applicant)

732 Amelia Ave - Brownsville

(Address)

OR 97327

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

SP-35567-690

OK GSM

10/16/97

RECEIVED

Form B (690-9-77)

Application No. S-74299

NOTICE OF COMPLETION OF CONSTRUCTION

Brownsville Canal Company Inc.

the holder of Permit No. 52607

to appropriate the public waters of the state of Oregon on the unknown day of

Remarks: The present used since 1969.

in May and removed

IN WITNESS WHEREOF, I have hereunto

Clyde R. McLain President

Fill out, detach and mail to the Water Resources

Let me know what you think.

Maybe we should use a new permit.

Meredith's note.

Please check into

Day

10/16/97

RECEIVED

Form A (690-9-77)

NOTICE OF BEGINNING OF CONSTRUCTION

Brownsville Canal Co.

to appropriate the public waters of the state of Oregon on the unknown day of

Remarks: Flip Board Dam

The appropriator must state the manner of beginning of construction as acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as

See photo of May installation in 1987

IN WITNESS WHEREOF, I have hereunto set my hand this 10 day of July, 1997

Clyde R. McLain President 732 Amelia Ave - Brownsville

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

OR 97327

SP-35567-690

RECEIVED

Form B (690-9-77)

Application No. 5-74299

NOTICE OF COMPLETION OF CONSTRUCTION

I, Brownsville Canal Company Inc., the holder of Permit No. 52607to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the unknown day of 1969.Remarks: The present cement structure has been used since 1969. steel and boards are installed
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you should so state in order that our records may not be unnecessarily encumbered.in May and removed in October each yearIN WITNESS WHEREOF, I have hereunto set my hand this 10 day of July, 1997Clyde R. McLain President 732 Amelia Ave Brownsville
(Signature of Applicant) (Address)Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed. OR 97327

RECEIVED

Form A (690-9-77)

Application No. 5-74299

NOTICE OF BEGINNING OF CONSTRUCTION

I, Brownsville Canal Company Inc., the holder of Permit No. 52607to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the unknown day of 1968.Remarks: Flip Board Dam built by Soil Conservation

The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment

acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as

See photo of May installation in 1987

authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 10 day of July, 1997Clyde R. McLain President 732 Amelia Ave - Brownsville
(Signature of Applicant) (Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

SP*35567-690

OK SSM

INTEROFFICE MEMORANDUM

TO: Gerry Clark, WRSD

FROM: Jeana Eastman, FSD

DATE: 10/7/14

RE: possible POU error on Certificate 84964

In doing research on Cert 84964 I discovered a potential POU error in Section 31. The application materials are vague but I did my best to identify the area proposed. What I found was that the application, PFO, permit, COBU, and cert have discrepancies. Although this cert was issued in 2008, I wanted to bring this to your attention in case it could be corrected, assuming you agree with my interpretation.

Thank you for considering.

	app	pfo	permit	pg 2 cobu, pou	pg 3 cobu, nature of use	cobu map	cert 84964
SEC 31	NENE						
	TL 801				NENE	NENE	
	SENE						
	TL 801				SENE	SENE	
		NESW	NESW				NESW
		NWSW	NWSW				NWSW
		SWSW	SWSW				SWSW
	NESE						
	TL 100						
	TL 500						
	TL 801						
	TL 1000						
	TL 1000	NESE	NESE	NESE	NESE	NESE	NESE
		NWSE	NWSE	NWSE		NWSE	NWSE
	SESE						
	TL 700			SESE	SESE	SESE	
	?? QQ						
	TL 1100						

Application No. 74299
 Permit No.

RECEIVED

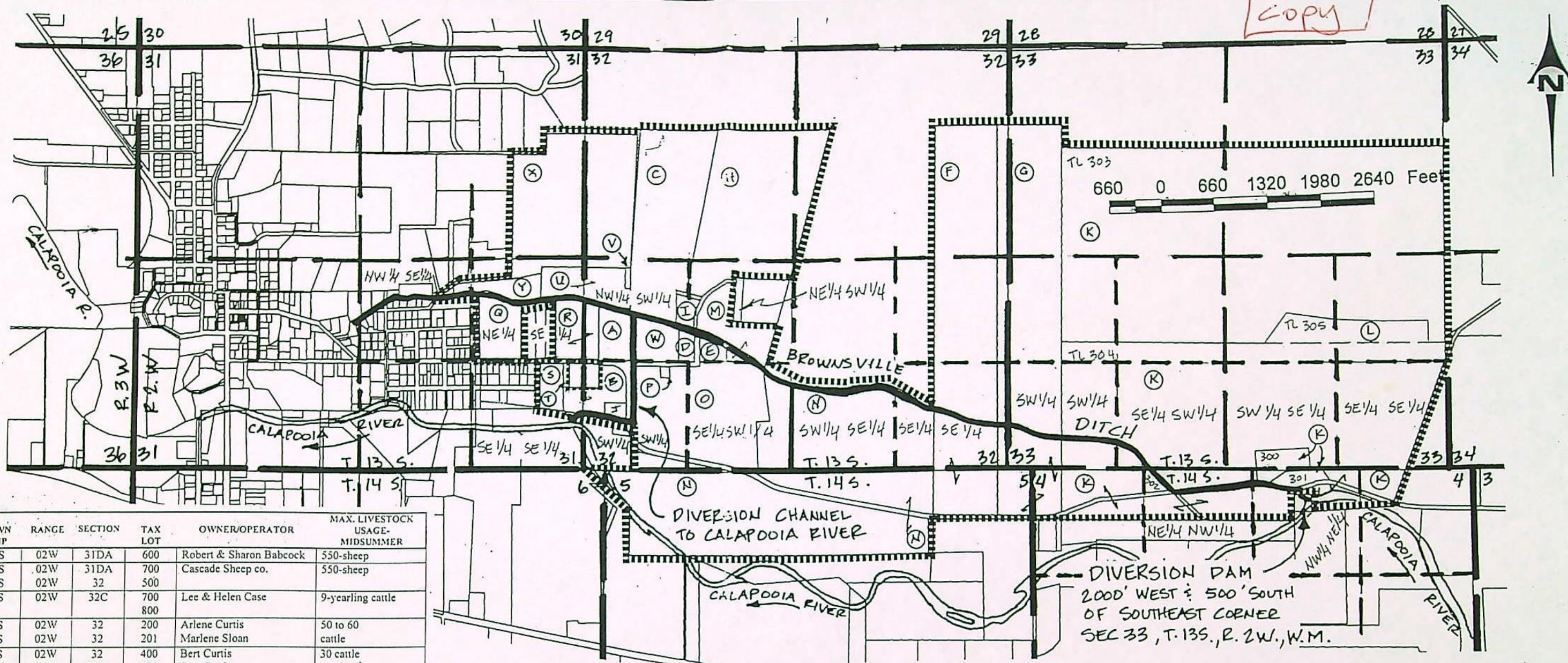
JUL 20 1994

Brownsville Canal Co. Inc. Livestock Watering Application

WATER RESOURCES DEP.
 SALEM, OREGON

Property Description
 Linn County, Oregon

TOWNSHIP	RANGE	SECTION	TAX LOT	OWNER / OPERATOR	LIVESTOCK
13S	02W	31DA	✓ 600	Robert & Sharon Babcock	550-sheep
13S	02W	31DA	✓ 700	Cascade Sheep Co.	550-sheep
13S	02W	32	✓ 01000	Lee & Helen Case	9 yearling cattle
13S	02W	32	✓ 200	Arlene Curtis	50 -to
13S	02W	32	✓ 201	Marlene Sloan	60
13S	02W	32	✓ 200	Richard & Laurel Malosh	cattle
13S	02W	32	✓ 400	Bert Curtis	30 cattle
13S	02W	32	✓ 600	Bert Curtis	
13S	02W	32		Floyd Davis	6 yearling cattle
13S	02S	33	✓ 00303	John & Carol Holbrook	150 cattle 40 horses
13S	02W	33	✓ 00304	John & Carol Holbrook	200 sheep
13S	02W	32	✓ 00700	Clyde & Maydell McLain	10 cattle
13S	02W	32	✓ 1400	Larry Neher	
13S	02W	32	✓ 1301	Larry Neher	
13S	02W	32	✓ 1300	Larry Neher	300 sheep
13S	02W	31	✓ 100	Larry Neher	
13S	02W	31	✓ 00500	Mike & Sharon Rodolf	12 horses
13S	02W	31DA	✓ 01100	Gordon Stoddard	5 yearling cattle
13S	02W	31DA	✓ 01000	Gordon Stoddard	
13S	02W	31	✓ 01000	Clint & Nancy Taskinen	30 cattle 3 horses
13S	02W	32	✓ 01200	Clint & Nancy Taskinen	
13S	02W	31	✓ 801	Lou "Bud" Walker	30 cattle
13S	02W	31	1100	Lou "Bud" Walker	w/ calves



TOWN SHIP	RANGE	SECTION	TAX LOT	OWNER/OPERATOR	MAX. LIVESTOCK USAGE-MIDSUMMER
13S	02W	31DA	600	Robert & Sharon Babcock	550-sheep
13S	02W	31DA	700	Cascade Sheep co.	550-sheep
13S	02W	32	500		
13S	02W	32C	700	Lee & Helen Case	9-yearling cattle
			800		
13S	02W	32	200	Arlene Curtis	50 to 60 cattle
13S	02W	32	201	Marlene Sloan	
13S	02W	32	400	Bert Curtis	30 cattle
13S	02W	32C	500	Bert Curtis	
13S	02W	31DA	800	Floyd Davis	6 yearling cattle
13S	02W	33	300 thru	John & Carol Holbrook	150 cattle 140 horses
13S	02W	33	305		200 sheep
13S	02W	32C	300	Clyde & Maydell McLain	10 cattle
13S	02W	32	1400		
13S	02W	32C	1000	Larry Neher	300 sheep
13S	02W	32C	900		
13S	02W	31DA	100		
13S	02W	31DA	500	Mike & Sharon Rodolf	12 horses
13S	02W	31DA	1100	Daniel Crannell	5 yearling cattle
13S	02W	31DA	1000		
13S	02W	31	1000	Clint & Nancy Taskinen	30 cattle
13S	02W	31	1050		3 horses
		32C	600		
13S	02W	31	801	Lou "Bud" Walker	30 cattle w/calves
13S	02W	31	800		

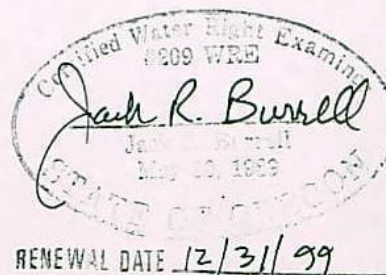
LEGEND

Ⓐ TAX LOT REFERENCE

■■■■ BOUNDARY OF TAX LOTS USING CANAL

RECEIVED

NOV 02 1999

WATER RESOURCES DEPT.
SALEM, OREGON

I, JACK R. BURRELL, BEING DULY SWORN AS A WATER RIGHT EXAMINER, LICENSE NO. 209, HAVE PREPARED THIS MAP FOR BROWNSVILLE CANAL CO. ON THIS 29th DAY OF OCTOBER, 1999.

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

Map of Beneficial Use
under
APPLICATION 74299

in the name of

BROWNSVILLE CANAL CO., INC.
c/o John Holbrook, President
36755 Northern Drive
Brownsville, OR 97327

Date of Site Inspection: October 27, 1999

Date of Map: October 29, 1999

Location: Located in Section 4, Township 14 South, Range 2 West and Sections 31, 32, 33, Township 13 South, Range 2 West, Willamette Meridian, Linn County, Oregon.

KD ENGINEERING, INC.
202 NW HICKORY STREET
POST OFFICE BOX 725
ALBANY, OREGON 97321

BROWNSVILLE CANAL COMPANY, INC.
MAP OF BENEFICIAL USE
BROWNSVILLE, OR

DSGN. BY: —

SCALE: 1" = 1320'

SHEET NO.

DWG. BY: R.J.R.

DATE: OCT 29, 1999

1 of 1

CKD. BY: J.R.B.

PROJECT NO: 99-118

STATE OF OREGON
COUNTY OF LINN
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BROWNSVILLE CANAL CO. INC.
732 AMELIA AVE
BROWNSVILLE OR 97327

confirms the right to use the waters of CALAPOOIA RIVER, a tributary of WILLAMETTE RIVER for LIVESTOCK WATER.

This right was perfected under Permit 52607. The date of priority is JULY 20, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.027 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
14 S	2 W	WM	4	NW NE			695 FEET NORTH & 2980 FEET EAST FROM SE CORNER, KIRK DLC 57

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q
13 S	2 W	WM	31	NE SW
13 S	2 W	WM	31	NW SW
13 S	2 W	WM	31	SW SW
13 S	2 W	WM	31	NE SE
13 S	2 W	WM	31	NW SE
13 S	2 W	WM	32	NE SW
13 S	2 W	WM	32	NW SW
13 S	2 W	WM	32	SE SW
13 S	2 W	WM	32	SW SE
13 S	2 W	WM	32	SE SE
13 S	2 W	WM	33	SW SW
13 S	2 W	WM	33	SE SW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

Twp	Rng	Mer	Sec	Q-Q
14 S	2 W	WM	4	NW NE
14 S	2 W	WM	4	NE NW

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.
- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

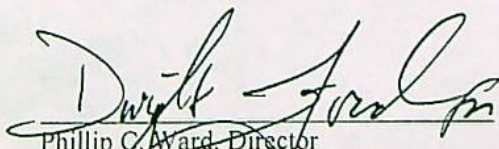
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued DEC 02 2008


Phillip C. Ward, Director
Water Resources Department



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Date Mailed: December 2, 2008

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Certificate

Scheduled Mailing Date:

Application: S-74299

Permit: 52607

Certificate: 84964

Permit/Certificate Holder:

BROWNSVILLE CANAL CO. INC. ✓
732 AMELIA AVE
BROWNSVILLE OR 97327

Copies Mailed

by: Diana Durbin
(STAFF)

on: 12-02-08
(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 2, Michael J. Mattick ✓
2. Data Center (include copy of map) ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓

Other persons to receive copies: (include map):

1. Jack R. Burrell, CWRE ✓

5-74299

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Notice of POD Change)
Due to Government Action)
Linn County, Oregon)

FINAL C
CHANG

N

ORS 540.510(6) establishes a notification and approval process for a point of diversion when government action results in or creates a reasonable expectation of a change in the level of a surface water source.

Applicant

Cascade Earth Sciences, on behalf of
Calapooia Watershed Council
P.O. Box 844
Brownsville, Oregon 97327

Findings of Fact

1. Calapooia Watershed Council filed a notification of changes in point of diversion for five water rights under which water is diverted at Brownsville Dam.
2. The first right included in the notification is:
Permit: S-52426 in the name of City of Brownsville
Use: Aesthetics (non-consumptive use to provide flow through canal)
Priority Date: May 11, 1994
Quantity: 2.232 cfs during May 15 through October 15
Source: Calapooia River, tributary to Willamette River

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
14	S	2	W	W.M.	4	NW NE	500 feet South and 2,000 feet West from NE corner, Section 4

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼
13	S	2	W	W.M.	31	NE SW
13	S	2	W	W.M.	31	NW SW
13	S	2	W	W.M.	31	SW SW
13	S	2	W	W.M.	31	SE SW

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

5-74299

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Notice of POD Change)	FINAL ORDER APPROVING
Due to Government Action)	CHANGES IN POINT OF DIVERSION
Linn County, Oregon)	

ORS 540.510(6) establishes a notification and approval process for changes in point of diversion when government action results in or creates a reasonable expectation of a change in the surface level of a surface water source.

Applicant

Cascade Earth Sciences, on behalf of
Calapooia Watershed Council
P.O. Box 844
Brownsville, Oregon 97327

Findings of Fact

1. Calapooia Watershed Council filed a notification of changes in point of diversion for five water rights under which water is diverted at Brownsville Dam.
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Source: Calapooia River, tributary to Willamette River

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
14	S	2	W	W.M.	4	NW NE	500 feet South and 2,000 feet West from NE corner, Section 4

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼
13	S	2	W	W.M.	31	NE SW
13	S	2	W	W.M.	31	NW SW
13	S	2	W	W.M.	31	SW SW
13	S	2	W	W.M.	31	SE SW

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Township		Range		Meridian	Sec	¼ ¼
13	S	2	W	W.M.	31	NE SE
13	S	2	W	W.M.	31	NW SE
13	S	2	W	W.M.	32	NE SW
13	S	2	W	W.M.	32	NW SW
13	S	2	W	W.M.	32	SE SW
13	S	2	W	W.M.	32	SW SE
13	S	2	W	W.M.	32	SE SE
13	S	2	W	W.M.	33	SW SW
13	S	2	W	W.M.	33	SE SW

3. The second right included in the notification is:

Permit: S-52607 in the name of Brownsville Canal Company

Use: Livestock Water

Priority Date: July 20, 1994

Quantity: 0.027 cfs

Source: Calapooia River, tributary to Willamette River

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	DLC	Location
14	S	2	W	W.M.	4	NW NE	57	710 feet North and 2930 feet East from SE corner, Kirk DLC 57

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼
13	S	2	W	W.M.	4	NW NE
13	S	2	W	W.M.	4	NE NW
13	S	2	W	W.M.	31	NE SW
13	S	2	W	W.M.	31	NW SW
13	S	2	W	W.M.	31	SW SW
13	S	2	W	W.M.	31	NE SE
13	S	2	W	W.M.	31	NW SE
13	S	2	W	W.M.	32	NE SW
13	S	2	W	W.M.	32	NW SW
13	S	2	W	W.M.	32	SE SW
13	S	2	W	W.M.	32	SW SE
13	S	2	W	W.M.	32	SE SE
13	S	2	W	W.M.	33	SW SW
13	S	2	W	W.M.	33	SE SW

4. The third right included in the notification is:

Certificate: 33308 in the name of Charles and Maude Chastain

Use: Irrigation of 0.3 acre

Priority Date: June 23, 1964

Quantity: 0.004 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 2.5 acre-feet per acre
Source: Calapooia River, tributary to Willamette River
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	DLC	Location
14	S	2	W	W.M.	4	NW NE	58	1150 feet North and 150 feet East from NW corner, Wm. Templeton DLC 46, pumps from Brownsville Ditch; NE¼ SW¼, Section 31 as projected within Spaulding DLC 41

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	DLC	Acres
13	S	2	W	W.M.	31	NE SW 41 0.3

5. The fourth right included in the notification is:

Certificate: 37951 in the name of J & J Waibel Ranch
Use: Irrigation of 1.2 acres
Priority Date: July 19, 1965
Quantity: 0.02 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 2.5 acre-feet per acre
Source: Calapooia River, tributary to Willamette River
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	DLC	Location
14	S	2	W	W.M.	4	NW NE	58	710 feet North and 2930 feet East from SE corner, Kirk DLC 57

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	DLC	Acres
14	S	2	W	W.M.	4	NE NW 58 1.2

6. The fifth right included in the notification is:

Certificate: 49870 in the name of Jerry A. and Judy L. Anthony
Use: Irrigation of 0.75 acres
Priority Date: November 14, 1975
Quantity: 0.01 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 2.5 acre-feet per acre
Source: Calapooia River, tributary to Willamette River
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	DLC	Location
14	S	2	W	W.M.	4	NW NE	58	710 feet North and 2930 feet East from SE corner, Kirk DLC 57 and re-diverted from the Brownsville Canal; SW¼ SW¼, Section 32 as projected within Spalding DLC 41

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	DLC	Acres
13	S	2	W	W.M.	32	SW SW 41 0.75

7. The notification proposes to change the point of diversion for the water rights to a location approximately 50 feet upstream at:

Township	Range	Meridian	Sec	¼ ¼	Location
14	S	2	W	W.M.	4 NW NE 695 feet North and 2980 feet East from SE corner, Kirk DLC 57

8. Notice of the watershed council's notification was published pursuant to ORS 540.510. No comments were filed in response to the notice.
9. The Calapooia Watershed Council submitted affidavits consenting to the change in point of diversion from each of the owners of the lands to which the water rights included in the notification are appurtenant.
10. The water rights included in the notification are served by the Brownsville Canal. Water is diverted into the canal by placing flashboards across Brownsville Dam. The dam and the associated unconventional rock ramp fish ladder are known hindrances to fish migration, delaying or impeding fish passage.
11. The Calapooia River is home to spring Chinook salmon and winter steelhead, two species listed as "threatened" under the Endangered Species Act. As a result of the listing, enforcement action requiring modifications in the dam to resolve the fish passage issues is possible. Enforcement actions have been initiated to require resolution of fish passage issues at other dams in the state.
12. The watershed council is coordinating community efforts resolve the fish passage issues at Brownsville Dam by replacing the dam with a new pump station. The removal of the dam will result in a drop in the surface water level at the diversions by almost 10 feet.
13. The listing, the potential for enforcement action, and the proposed removal of the dam create a reasonable expectation that government action will result in a change in the surface level of the impoundment from which water is diverted under the water rights. The change in surface level would impair access to the points of diversion authorized under the permits and certificates included in the notification.
14. The changes described in the notification would not result in injury to other water rights.

Conclusions of Law

The changes in point of diversion described in the notification are consistent with the requirements of ORS 540.510.

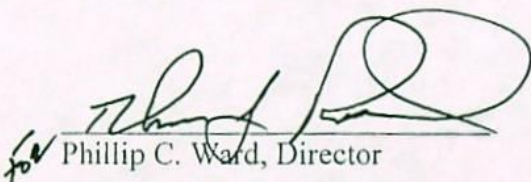
Now, therefore, it is ORDERED:

1. The changes in point of diversion described in the notification are approved.
Notwithstanding the locations of the points of diversion described in Permits S-52426 and S-52607 and Certificates 33308, 37951, and 49870, water may be diverted at:

Township		Range		Meridian	Sec	¼ ¼	Location
14	S	2	W	W.M.	4	NW NE	695 feet North and 2980 feet East from SE corner, Kirk DLC 57

2. All other terms and conditions of the permits and certificates shall remain in effect.

Dated at Salem, Oregon this 3 day of October, 2007.


Phillip C. Ward, Director

Mailing date: OCT 04 2007



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

October 3, 2007

Calapooia Watershed Council
P.O. Box 844
Brownsville, OR 97327

Reference: Notice of POD Change

Enclosed is a copy of the order approving the changes in point of diversion associated with the removal of Brownsville Dam.

Thank you for your efforts in resolving the passage issues at the dam and your cooperation in addressing the changes in points of diversions for the water rights involved. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

Doug Parrow
Natural Resource Specialist

DP:sh

cc: Cascade Earth Sciences
John J. Holbrook
Brownsville Canal Company
S. Scott McDowell
Jerry Anthony
Mary E. Broadhurst
Michael Mattick, Watermaster #2
Application files S-74044, S-74299, S-39997, S-41111, S-53759

Enclosure

Notice of POD Change Due to Government Action

ORS 540.510(6) allows a change in point of diversion in the event that government action results in or creates a reasonable expectation of a change in the surface level of a surface water source that impairs or threatens to impair access to an authorized point of diversion. A water right holder intending to change the point of diversion must provide the Department written notice of the proposed change.

The Department has received notice of changes in points of diversion involving the following water rights that will be affected by removal of Brownsville Dam:

Permit S-52426	City of Brownsville	2.232 cfs
Permit S-52607	Brownsville Canal Company	0.027 cfs
Certificate 33308	Charles and Maude Chastain	0.004 cfs
Certificate 37951	J & J Waibel Ranch	0.02 cfs
Certificate 49870	Jerry A and Judy L Anthony	0.01 cfs

The existing point of diversion for the rights is in the NW NE, Sec 4, T 14 S, R 2 W, WM, 710 feet north and 290 feet east from the SE corner, Kirk DLC 57. The proposed point of diversion is in the NW NE, Sec 4, T 14 S, R 2 W, WM, 695 feet north and 2980 feet east from the SE corner, Kirk DLC 57.

On receipt of a notice of a change in point of diversion due to government action, the Department must publish notice within 15 days and issue an order approving or denying the change within 60 days. Individuals wishing to review the notice should contact the Field Services Division in Salem at 503-986-0900. When issuing the order, the Department will consider public comments received prior to **September 19, 2007**.



Conserving Resources. Improving Life.

3511 Pacific Blvd. SW
Albany, OR 97321

Ph: 541.926.7737
Fax: 541.967.7619

June 19, 2007

Phillip C. Ward, Director
c/o Douglas M. Parrow
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

RECEIVED

JUL 20 2007

WATER RESOURCES DEPT
SALEM, OREGO

SUBJECT: Request for Change of Point of Diversion According to ORS 540.510 (6)

Dear Mr. Ward:

Cascade Earth Sciences (CES) is under contract to the Calapooia Watershed Council to design the removal of the Brownsville Dam (Dam), located three miles upstream of the City of Brownsville in Linn County; and, subsequently, to restore the water rights for existing surface water permit holders by constructing a new intake structure for the Brownsville Canal. As such, we are requesting a change of point of diversion in accordance with ORS 540.510 (6) which states:

In the event that government action results in or creates a reasonable expectation of a change in the surface level of a surface water source that impairs or threatens to impair access to a point of diversion authorized by a water right permit, certificate or decree, the owner of the water right may change the point of diversion or add an additional point of diversion in accordance with the provisions of this section in lieu of complying with the requirements of ORS 540.520 and 540.530. Before changing the point of diversion, the water right owner shall provide written notice of the proposed change to the Water Resources Department. Within 15 days after receipt of such notice, the department shall provide notice by publication in the department's public notice of water right applications. Within 60 days after the department receives notice from the owner, the Water Resources Director, by order, shall approve the change unless the director finds the changes will result in injury to other existing water rights. All other terms and conditions of the water right shall remain in effect.

Background

The diversion structure for the Brownsville Canal is linked to the Brownsville Dam. The Dam was originally constructed as a wooden crib dam in the late nineteenth century to create enough pool volume so that water behind the Dam could be diverted along a three-mile canal to bring water to Brownsville's woolen and timber mills. By the 1940s, with the decline of woolen mill industry, the Dam fell into disrepair and disuse, and soon thereafter, the structure blew out during a flood. In 1967-68, the Dam was rebuilt with funds from the Johnson Administration's Community Beautification Act. However, due to the changing economy, the rebuilt Dam no longer served an economic purpose. Instead, its purpose was largely aesthetic: to support the diversion of water into the three-mile long Brownsville Canal, which runs through town and back out to the river, and to support private irrigation and livestock watering water rights along the canal's course.

The Calapooia River is home to spring Chinook salmon and winter steelhead, two species listed as "threatened" under the Endangered Species Act. Timber harvesting in the upper watershed throughout the 1940s and into the 1970s resulted in mass erosion, which degraded spawning habitat. By the 1970s, natural production of spring Chinook in the basin was thought to be minimal or non-existent. Currently, fewer than 100 fish return each year. The Dam and its unconventional rock ramp fish ladder are known hindrances to fish migration, delaying or impeding fish passage.

The 1999 listing of the two fish species creates a reasonable expectation that the National Marine Fisheries Service (NMFS) *will* compel the Brownsville Canal Company to address fish passage issues, resulting in a change in the surface level of the river and impairing the point of diversion for nine water rights. Because of this reasonable expectation, the Calapooia Watershed Council in 2002 began proactively working with the citizens of Brownsville, various state and federal agencies, and CES to protect the canal's existing water rights and to allow for unimpeded fish passage for the two federally listed fish species. Eventually, the project earned the support of all involved parties. In 2006, the Oregon Watershed Enhancement Board provided partial funding to the council to contract for the Dam's removal. Under CES direction, the Dam is scheduled for removal later this summer.

Water Rights and the Existing Point of Diversion

The water is currently diverted from the river by placing flashboards (100 feet long by 5 feet in height) across the existing Dam. This raises the pool level behind the Dam approximately 5 feet to an elevation that allows water to flow into the canal mouth, through a "knife gate," and down the canal, as well as down a largely non-functioning bedrock fish chute adjacent to the north side of the Dam. The existing point of diversion is:

T-R-S-QQ: 14.00S-2.00W-4-NW NE

► Location Description: 710 FEET NORTH & 2930 FEET EAST FROM SE CORNER, KIRK DLC 57

The water rights of five permit holders along the canal are threatened by the removal of the Dam. The water rights in question total 2.5 cubic feet per second (cfs) and are effective during the period May 15 through October 15. The City of Brownsville (*Permit S-52426*) has the largest right of 2.32 cfs, which is for aesthetic purposes, with water flowing three miles along the canal into town before being returned to the river. The Brownsville Canal Company (*Permit S-52607*) has a water right for livestock use. The other three rights (*Permits S: 29794, 30652, and 40370*) are private irrigation rights to divert from the canal as it flows past or through their properties.

The Dam removal will result in a drop in the water surface to a level almost 10 feet below the intake for the existing diversion, thus making the diversion canal nonfunctional. After research and review of several alternatives, the proposed best alternative to provide fish passage and maintain the canal water rights is to install a pump station upstream of the existing Dam. The intake will be approximately 120 feet upstream of the existing Dam and 50 feet from the mouth of the existing diversion canal. The proposed location was selected because it represents a deep-water area in the flow path of the river that is not likely to change after removal of the Dam. There are no other competing private water rights between the existing diversion and the proposed intake. The new POD will be:

T-R-S-QQ: 14.00S-2.00W-4-NW NE

► Location Description: 695 FEET NORTH & 2980 FEET EAST FROM SE CORNER, KIRK DLC 57

Request for A New Point of Diversion

On behalf of the Calapooia Watershed Council and the five permit holders for surface water rights originating from the existing diversion structure, CES is requesting a change of point of diversion in accordance with ORS 540.510(6).

The proposed modification of the diversion will not result in injury to other users and will allow the current right holders to comply with federal law. We are citing this statute because the 1999 NMFS listing of Upper Willamette spring Chinook salmon and winter steelhead and the designation of "critical habitat" for the subject reach of the Calapooia River expose the right holders to claims of "take" of these listed species. There is precedent for such a listing to trigger a claim of "take". The NMFS filed such a claim against the water right holders at Grants Pass Irrigation District in the case of Savage Rapids Dam.

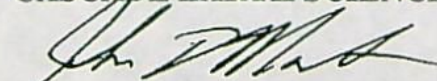
Modification of the Dam to allow fish passage at all flow conditions would likely result in a change in the elevation of the surface level of the river behind the Dam affecting the ability of the right holders to satisfy their right.

The right holders for water diverted by the Dam set in motion a series of proactive actions on the part of Brownsville citizens to address a reasonable expectation of federal regulatory action that would result in a change in the surface level of the river, threatening to impair access to a point of diversion authorized by two water right permits and three certificates. The Brownsville community has rallied around an alternative to improve fish passage while maintaining the cultural, historic feature of the Brownsville Canal. The alternative involves removal altogether of the Dam and installation of a new pump station POD at a more suitable location, as discussed above.

We would appreciate your review of this request to transfer the water rights under ORS 540.510, Section 6, with all due speed. We are, as mentioned above, on schedule to remove the Dam later this summer, and will need to have a seamless transition from removing the Dam and current intake diversion structure to installing the new POD. Please contact me immediately if you need additional information.

Sincerely,

CASCADE EARTH SCIENCES



John D. Martin, CWRE #437
Principal Geologist

JDM/mab

Enc: Water Rights Holders

c: Michael Mattick, Watermaster
Denise Hoffert-Hay, Calapooia Watershed Council
CES File (1)

PN: 2724012/204 / Doc: Bville_PODtransfer_FinalDraft CES 7-07.doc

AFFIDAVIT CONSENTING TO PROPOSED CHANGE IN WATER RIGHT POINT
OF DIVERSION

RECEIVED

State of Oregon)
)ss
County of LINN)

AUG 13 2007
WATER RESOURCES DEPT
SALEM, OREGON

I/We JOHN J HOLBROOK in my
capacity as Land Owner(s) Brownsville City Manager, Brownsville Canal Company
Secretary,

mailing address 36255 NORTHERN DR. BROWNSVILLE, OR. 97327

telephone number (541) 466-5150, duly sworn depose and say that I/We

consent to the proposed change to Water Right Point of Diversion listed in Certificate

Number S 30652 as described in Request for Change of Point of Diversion

According to ORS 540.510(6) submitted by Cascade Earth Sciences, dated

8/8/2007, on the property located on tax lot number(s) 306

Section B3, Township 13S (north or south), Range 2W (east or west), W.M.

John J Holbrook
Signature of Affiant

8-8-07
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 8th day of August, 200 7.



Kathleen S Nida
Notary Public for Oregon

My commission expires April 13, 2010.

AFFIDAVIT CONSENTING TO PROPOSED CHANGE IN WATER RIGHT POINT
OF DIVERSION

RECEIVED

AUG 13 2007

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon)
County of LINN)ss

I/We BROWNSVILLE CANAL COMPANY in my
capacity as Land Owner(s), Brownsville City Manager (Brownsville Canal Company President
Secretary,

mailing address 36255 NORTHERN DRIVE BROWNSVILLE, OR. 97327,

telephone number 541 466-5150, duly sworn depose and say that I/We

consent to the proposed change to Water Right Point of Diversion listed in Certificate

Number _____ as described in Request for Change of Point of Diversion

According to ORS 540.510(6) submitted by Cascade Earth Sciences, dated

8/8/2007, on the property located on tax lot number(s) 400,

Section 33, Township 13S (north or south), Range 2W (east or west), W.M.

John F. Holbrook
Signature of Affiant

8-8-07
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 8th day of August, 200 7.



Kathleen S Nida
Notary Public for Oregon

My commission expires April 13, 2010.

AFFIDAVIT CONSENTING TO PROPOSED CHANGE IN WATER RIGHT POINT
OF DIVERSION

RECEIVED

State of Oregon)
)ss
County of LINN)

AUG 13 2007
WATER RESOURCES DEPT.
SALEM, OREGON

I/We S. SCOTT MCDOWELL in my
capacity as Land Owner(s), ~~Brownsville City Manager~~, Brownsville Canal Company
Secretary,

mailing address 255 N. MAIN ST. P.O. Box 188,

telephone number (541) 466-5666, duly sworn depose and say that I/We

consent to the proposed change to Water Right Point of Diversion listed in Certificate

Number 552462 as described in Request for Change of Point of Diversion

According to ORS 540.510(6) submitted by Cascade Earth Sciences, dated

August 8, 2007, on the property located on tax lot number(s) 4300,

Section 31CB, Township 13 S (north or south), Range 2W (east or west), W.M.

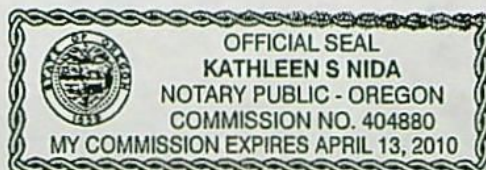
SM
Signature of Affiant

8.08.07
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 8th day of August, 2007.



Kathleen S Nida
Notary Public for Oregon

My commission expires April 13, 2010.

AFFIDAVIT CONSENTING TO PROPOSED CHANGE IN WATER RIGHT POINT
OF DIVERSION

RECEIVED

State of Oregon)
County of Lincoln)ss

AUG 13 2007
WATER RESOURCES DEPT
SALEM, OREGON

I/We Jerry Anthony in my
capacity as Land Owner(s), Brownsville City Manager, Brownsville Canal Company
Secretary,

mailing address P.O. Box 274,

telephone number (541) 466-5774, duly sworn depose and say that I We

consent to the proposed change to Water Right Point of Diversion listed in Certificate

Number 540370 as described in Request for Change of Point of Diversion

According to ORS 540.510(6) submitted by Cascade Earth Sciences, dated

8-8-07, on the property located on tax lot number(s) 601,

Section 32, Township 13S (north or south), Range 2-W (east or west), W.M.

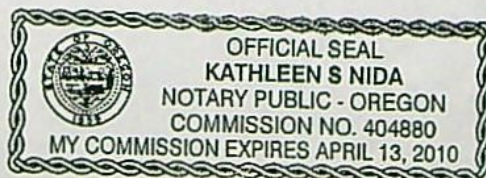
Jerry Anthony
Jerry Anthony
Signature of Affiant

8-8-07
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 8th day of August, 2007.



Kathleen S. Nida
Notary Public for Oregon

My commission expires April 13, 2010.

AFFIDAVIT CONSENTING TO PROPOSED CHANGE IN WATER RIGHT POINT
OF DIVERSION

State of Oregon)
County of LANE)ss
)

I/We Mary E. Broadhurst, Trustee in my
capacity as Land Owner(s), Brownsville City Manager, Brownsville Canal Company
Secretary,

mailing address PO Box 11377 Eugene OR 97440,

telephone number 541-683-8530, duly sworn depose and say that I/We

consent to the proposed change to Water Right Point of Diversion listed in Certificate
Number 529794 as described in Request for Change of Point of Diversion

According to ORS 540.510(6) submitted by Cascade Earth Sciences, dated

July 2007, on the property located on tax lot number(s) 1700,

Section 31, Township 13S (north or south), Range 2W (east or west), W.M.

Mary E. Broadhurst
Signature of Affiant

8/14/07
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 14th day of August, 2007.



Brenda Kosydar
Notary Public for Oregon

RECEIVED

AUG 17 2007

WATER RESOURCES DEPT
SALEM, OREGON

My commission expires 6/28/2008.

CLAIM OF BENEFICIAL USE
AND SITE REPORT

for

Brownsville Canal Co., Inc.

October 29, 1999

RECEIVED

NOV 02 1999

WATER RESOURCES DEPT.
SALEM, OREGON

1. INFORMATION

- A. Permitted Land Owner:
Brownsville Canal Co., Inc.
c/o John Holbrook, President
36255 Northern Drive
Brownsville, OR 97327
- B. Persons Talked to During Site Inspection:
John Holbrook, President of Brownsville Canal Co., Inc.
- C. Site Inspection conducted by Jack Burrell on October 27, 1999.
- D. Application No. S-74299
Permit No. 52607

2. SOURCE

Calapooia River, a Tributary of the Willamette River.

3. PURPOSE OF USE

Livestock water

4. RATE/VOLUME

- A. Maximum rate is 0.027 cfs
- B. No volume limitations have been specified.

5. PERIOD OF ALLOWED USE

Year round

6. DIVERSION POINT

Point of diversion location: NW ¼ NE ¼, Section 4, T14S, R2W, W.M.; 2000 feet west and 500 feet south of the southeast corner of Section 33, Township 13 South, Range 2 West, Willamette Meridian.

7. PLACE OF USE IS LOCATED AS FOLLOWS

[Area under irrigation based upon aerial photography dated 1996 from G.I.S. Department in Linn County and Linn County Surveyor's Data Base for assessor's Tax Lots]

SECTION 4 – TOWNSHIP 14 SOUTH, RANGE 2 WEST; WILLAMETTE MERIDAN

NE $\frac{1}{4}$ NW $\frac{1}{4}$

NW $\frac{1}{4}$ NE $\frac{1}{4}$

SECTION 31 – TOWNSHIP 13 SOUTH, RANGE 2 WEST; WILLAMETTE MERIDAN

NW $\frac{1}{4}$ SE $\frac{1}{4}$

N3 $\frac{1}{4}$ SE $\frac{1}{4}$

SE $\frac{1}{4}$ SE $\frac{1}{4}$

SECTION 32 – TOWNSHIP 13 SOUTH, RANGE 2 WEST; WILLAMETTE MERIDAN

NW $\frac{1}{4}$ SW $\frac{1}{4}$

NE $\frac{1}{4}$ SW $\frac{1}{4}$

SE $\frac{1}{4}$ SW $\frac{1}{4}$

SW $\frac{1}{4}$ SW $\frac{1}{4}$

SE $\frac{1}{4}$ SE $\frac{1}{4}$

SW $\frac{1}{4}$ SE $\frac{1}{4}$

SECTION 33 – TOWNSHIP 13 SOUTH, RANGE 2 WEST; WILLAMETTE MERIDAN

SE $\frac{1}{4}$ SW $\frac{1}{4}$

SW $\frac{1}{4}$ SW $\frac{1}{4}$

SE $\frac{1}{4}$ SE $\frac{1}{4}$

SW $\frac{1}{4}$ SE $\frac{1}{4}$

NOTE: *The place of use is specifically identified over portion of tax lot where the Brownsville Ditch and the Diversion Channel (as shown on map) are located.*

8. SURVEY TIE AND METHOD OF SURVEY

Assessor's Data Base and Linn County GIS Aerial Photography (1996 Photo) are basis of survey tie and determination of land involved with this water right.

9. SPECIAL CONDITIONS LISTED ON PERMIT

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
- C. Actual construction work shall begin on or before August 14, 1997 and shall be completed on or before October 1, 1998. Complete use of water shall be made on or before October 1, 1999.

NOV 02 1999

10. STATEMENT OF COMPLIANCE TO CONDITIONS

- A. No request for a meter has been made. The nature of the use is ^{WATER RESOURCES DEPT. SLEWATER} livestock, it is unlikely that any future installation of a meter would be done. It is unfeasible to measure water being consumed by livestock when they drink directly from the Mill Race.
- B. No request to keep and maintain records have been made.
- C. Construction work began prior to August 14, 1997 and was completed before October 1, 1998. Complete use of water was made before October 1, 1999.

11. NATURE OF USE:

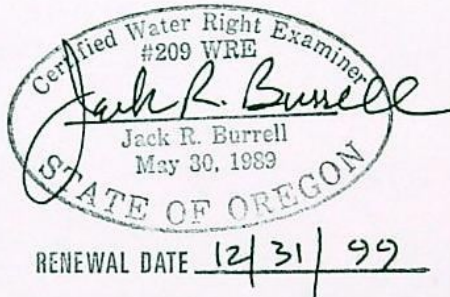
This permit is based upon the application made by the Brownsville Canal Company for livestock watering. In that application, the Canal Company projected their usage based upon the maximum number of livestock that members anticipated in any mid-summer period. The Canal Company president indicates that those initial forecasts are still valid. Following is a list of the tax lots, owners and livestock numbers applicable to the ownership's.

TOWN SHIP	RANGE	SECTION	TAX LOT	OWNER/OPERATOR	MAX. LIVESTOCK USAGE-MIDSUMMER
13S	02W	31DA	600	Robert & Sharon Babcock	550-sheep
13S	02W	31DA	700	Cascade Sheep co.	550-sheep
13S	02W	32	500		
13S	02W	32C	700	Lee & Helen Case	9-yearling cattle
			800		
13S	02W	32	200	Arlene Curtis	50 to 60
13S	02W	32	201	Marlene Sloan	cattle
13S	02W	32	400	Bert Curtis	30 cattle
13S	02W	32C	500	Bert Curtis	
13S	02W	31DA	800	Floyd Davis	6 yearling cattle
13S	02W	33	300 thru	John & Carol Holbrook	150 cattle \40 horses
13S	02W	33	305		200 sheep
13S	02W	32C	300	Clyde & Maydell McLain	10 cattle
13S	02W	32	1400		
13S	02W	32C	1000	Larry Neher	300 sheep
13S	02W	32C	900		
13S	02W	31DA	100		
13S	02W	31DA	500	Mike & Sharon Rodolf	12 horses
13S	02W	31DA	1100	Daniel Crannell	5 yearling cattle
13S	02W	31DA	1000		
13S	02W	31	1000	Clint & Nancy Taskinen	30 cattle
13S	02W	31	1050		3 horses
		32C	600		
13S	02W	31	801	Lou "Bud" Walker	30 cattle w/calves
13S	02W	31	800		

12. CONCLUSION

Based upon the application for the livestock claimed and the determination by the Water Resources Department that 0.027 cfs is allowed, the Brownsville Canal Company, Inc. claims that amount of water for their final water right certificate.

The final proof survey and inspection of the use as found to be completed under the terms and conditions of Permit No. 52607 was completed by me on October 29, 1999 and the facts contained in this report and accompany this report and accompanying report are correct to the best of my knowledge.



I, John Holbrook, President of Brownsville Canal Co., Inc. agree to the findings of the CWRE and so submit this site report and map as our Claim of Beneficial Use of the water, as provided under the terms and conditions of our Permit No. 52607.

BROWNSVILLE CANAL CO., INC.

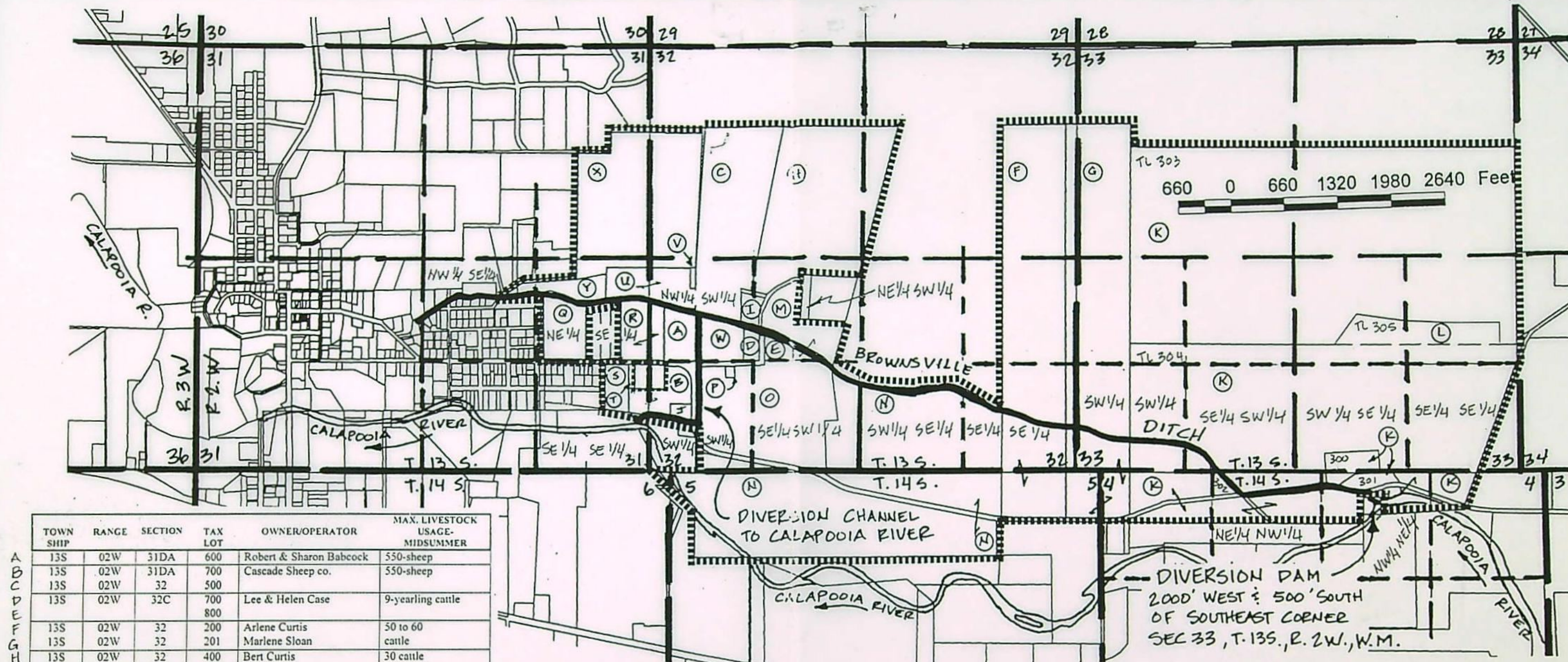
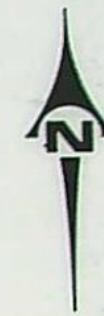
BY: John Holbrook
John Holbrook, President

10-29-99
Date

RECEIVED

NOV 02 1999

WATER RESOURCES DEPT.
SALEM, OREGON



	TOWN SHIP	RANGE	SECTION	TAX LOT	OWNER/OPERATOR	MAX. LIVESTOCK USAGE- MIDSUMMER
A	13S	02W	31DA	600	Robert & Sharon Babcock	550-sheep
B	13S	02W	31DA	700	Cascade Sheep co.	550-sheep
C	13S	02W	32	500		
D	13S	02W	32C	700	Lee & Helen Case	9-yearling cattle
E				800		
F	13S	02W	32	200	Arlene Curtis	50 to 60
G	13S	02W	32	201	Marlene Sloan	cattle
H	13S	02W	32	400	Bert Curtis	30 cattle
I	13S	02W	32C	500	Bert Curtis	
J	13S	02W	31DA	800	Floyd Davis	6 yearling cattle
K	13S	02W	33	300 thru	John & Carol Holbrook	150 cattle 140 horses
L	13S	02W	33	305		200 sheep
M	13S	02W	32C	300	Clyde & Maydell McLain	10 cattle
N	13S	02W	32	1400		
O	13S	02W	32C	1000	Larry Neher	300 sheep
P	13S	02W	32C	900		
Q	13S	02W	31DA	100		
R	13S	02W	31DA	500	Mike & Sharon Rodolf	12 horses
S	13S	02W	31DA	1100	Daniel Crannell	5 yearling cattle
T	13S	02W	31DA	1000		
U	13S	02W	31	1000	Clint & Nancy Taskinen	30 cattle
V	13S	02W	31	1050		3 horses
W			32C	600		
X	13S	02W	31	801	Lou "Bud" Walker	30 cattle w/calves
Y	13S	02W	31	800		

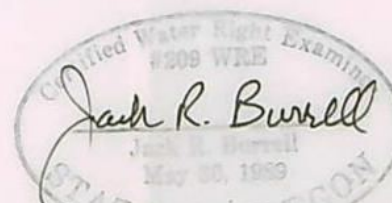
LEGEND

(A) TAX LOT REFERENCE

■■■■ BOUNDARY OF TAX LOTS USING CANAL

RECEIVED

NOV 02 1999

WATER RESOURCES DEPT.
SALEM, OREGON

RENEWAL DATE 12/31/99

I, JACK R. BURRELL, BEING DULY SWORN AS A WATER RIGHT EXAMINER, LICENSE NO. 209, HAVE PREPARED THIS MAP FOR BROWNSVILLE CANAL CO. ON THIS 29th DAY OF OCTOBER, 1999.

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

Map of Beneficial Use
under
APPLICATION 74299

in the name of

BROWNSVILLE CANAL CO., INC.
c/o John Holbrook, President
36755 Northern Drive
Brownsville, OR 97327

Date of Site Inspection: October 27, 1999
Date of Map: October 29, 1999

Location: Located in Section 4, Township 14 South, Range 2 West and Sections 31, 32, 33, Township 13 South, Range 2 West, Willamette Meridian, Linn County, Oregon.

KD ENGINEERING, INC.
202 NW HICKORY STREET
POST OFFICE BOX 725
ALBANY, OREGON 97321

BROWNSVILLE CANAL COMPANY, INC.
MAP OF BENEFICIAL USE
BROWNSVILLE, OR

DSGN. BY: —	SCALE: 1" = 1320'	SHEET NO. 1 of 1
DWG. BY: R.J.R.	DATE: OCT 29, 1999	
CKD. BY: J.P.B.	PROJECT NO.: 99-118	

STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BROWNSVILLE CANAL COMPANY, INC.
732 AMELIA AVE
BROWNSVILLE, OREGON 97327

(541) 466-5762

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-74299

SOURCE OF WATER: CALAPOOIA RIVER, A TRIBUTARY OF WILLAMETTE RIVER

PURPOSE OR USE: LIVESTOCK WATER

MAXIMUM RATE/VOLUME ALLOWED: 0.027 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JULY 20, 1994

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 4, T14S, R2W, W.M.;
710 FEET NORTH AND 2930 FEET EAST FROM THE SE CORNER KIRK DLC 57

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4

SECTION 31

NE 1/4 SW 1/4
NW 1/4 SW 1/4
SE 1/4 SW 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 32

SW 1/4 SW 1/4
SE 1/4 SW 1/4

SECTION 33

NW 1/4 NE 1/4
NE 1/4 NW 1/4

13 SECTION 4 2 WEST
TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued August 14, 1996

for Steven Pappalardo
Martha O. Pappalardo, Director
Water Resources Department

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-74299

Final Order

Application History

On July 20, 1994, BROWNSVILLE CANAL COMPANY, INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 4, 1996. The protest period closed July 19, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

Order

Application S-74299 therefore is approved as proposed by the Proposed Final Order, and Permit Number 52607 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED August , 1996

Martha O. Pagel
Director

Appeal Rights

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BROWNSVILLE CANAL CO. INC.
732 AMELIA AVE
BROWNSVILLE OR 97327

confirms the right to use the waters of CALAPOOIA RIVER, a tributary of WILLAMETTE RIVER for LIVESTOCK WATER.

This right was perfected under Permit 52607. The date of priority is JULY 20, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.027 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
14 S	2 W	WM	4	NW NE			695 FEET NORTH & 2980 FEET EAST FROM SE CORNER, KIRK DLC 57

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q
13 S	2 W	WM	31	NE SW
13 S	2 W	WM	31	NW SW
13 S	2 W	WM	31	SW SW
13 S	2 W	WM	31	NE SE
13 S	2 W	WM	31	NW SE
13 S	2 W	WM	32	NE SW
13 S	2 W	WM	32	NW SW
13 S	2 W	WM	32	SE SW
13 S	2 W	WM	32	SW SE
13 S	2 W	WM	32	SE SE
13 S	2 W	WM	33	SW SW
13 S	2 W	WM	33	SE SW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

Twp	Rng	Mer	Sec	Q-Q
14 S	2 W	WM	4	NW NE
14 S	2 W	WM	4	NE NW

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.
- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.


Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued DEC 02 2008.


Phillip C. Ward, Director
Water Resources Department

STATE OF OREGON
COUNTY OF LINN
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732 AMELIA AVE
BROWNSVILLE OR 97327

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13 S	2 W	WM	31	NW SE
13 S	2 W	WM	32	NE SW
13 S	2 W	WM	32	NW SW
13 S	2 W	WM	32	SE SW
13 S	2 W	WM	32	SW SE
13 S	2 W	WM	32	SE SE
13 S	2 W	WM	33	SW SW
13 S	2 W	WM	33	SE SW

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Twp	Rng	Mer	Sec	Q-Q
14 S	2 W	WM	4	NW NE
14 S	2 W	WM	4	NE NW

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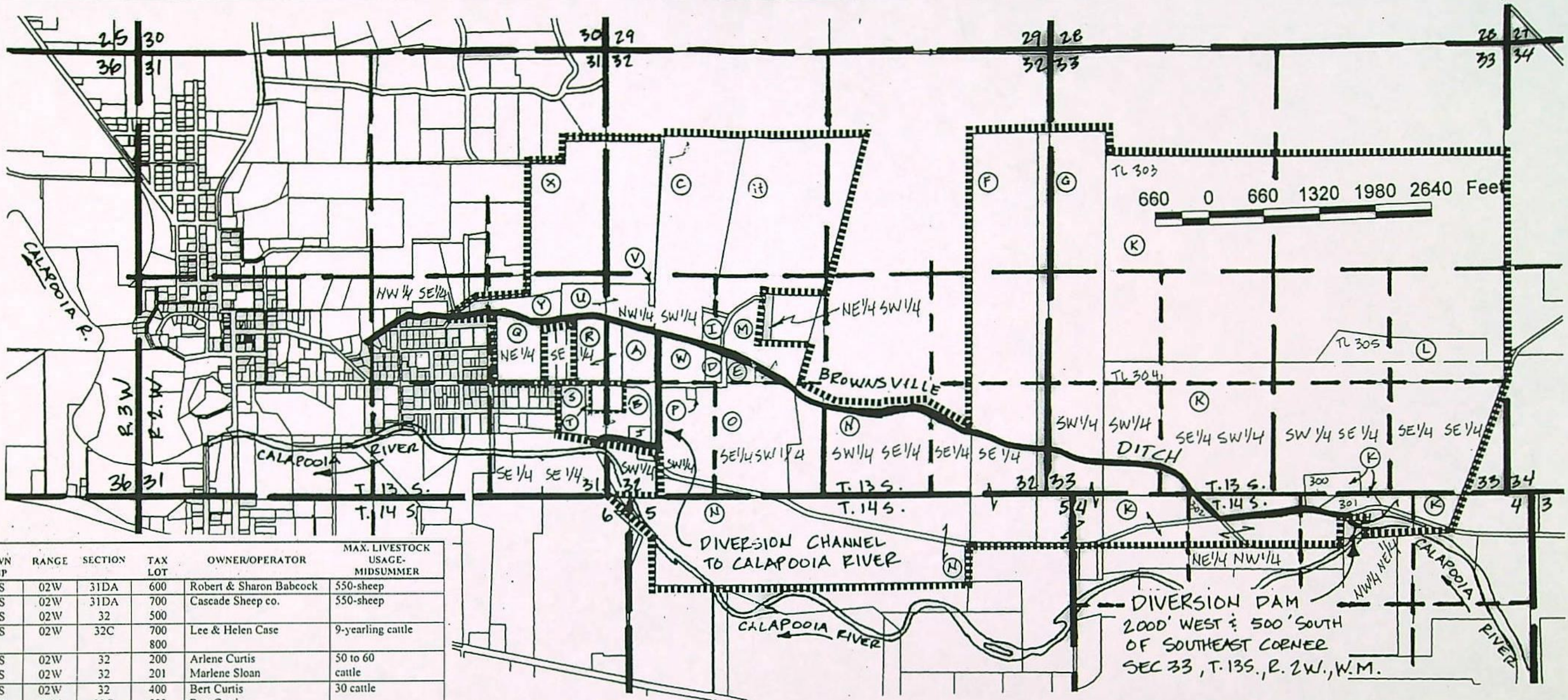
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The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued _____.

PROPOSED

Phillip C. Ward, Director
Water Resources Department



TOWN SHIP	RANGE	SECTION	TAX LOT	OWNER/OPERATOR	MAX. LIVESTOCK USAGE-MIDSUMMER
13S	02W	31DA	600	Robert & Sharon Babcock	550-sheep
13S	02W	31DA	700	Cascade Sheep co.	550-sheep
13S	02W	32	500		
13S	02W	32C	700	Lee & Helen Case	9-yearling cattle
13S	02W	32	800		
13S	02W	32	200	Arlene Curtis	50 to 60 cattle
13S	02W	32	201	Marlene Sloan	
13S	02W	32	400	Bert Curtis	30 cattle
13S	02W	32C	500	Bert Curtis	
13S	02W	31DA	800	Floyd Davis	6 yearling cattle
13S	02W	33	300 thru	John & Carol Holbrook	150 cattle 140 horses
13S	02W	33	305		200 sheep
13S	02W	32C	300	Clyde & Maydell McLain	10 cattle
13S	02W	32	1400		
13S	02W	32C	1000	Larry Neher	300 sheep
13S	02W	32C	900		
13S	02W	31DA	100		
13S	02W	31DA	500	Mike & Sharon Rodolf	12 horses
13S	02W	31DA	1100	Daniel Crannell	5 yearling cattle
13S	02W	31DA	1000		
13S	02W	31	1000	Clint & Nancy Taskinen	30 cattle
13S	02W	31	1050		3 horses
13S	02W	32C	600		
13S	02W	31	801	Lou "Bud" Walker	30 cattle w/calves
13S	02W	31	800		

LEGEND

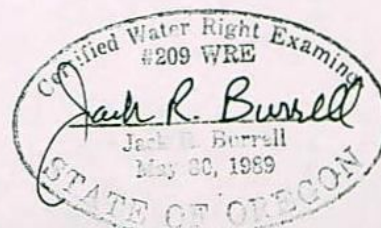
Ⓐ TAX LOT REFERENCE

■■■■ BOUNDARY OF TAX LOTS USING CANAL

RECEIVED

NOV 02 1999

WATER RESOURCES DEPT.
SALEM, OREGON



RENEWAL DATE 12/31/99

I, JACK R. BURRELL, BEING DULY SWORN AS A WATER RIGHT EXAMINER, LICENSE NO. 209, HAVE PREPARED THIS MAP FOR BROWNSVILLE CANAL CO. ON THIS 29th DAY OF OCTOBER, 1999.

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

Map of Beneficial Use
under
APPLICATION 74299

in the name of
BROWNSVILLE CANAL CO., INC.
c/o John Holbrook, President
36755 Northern Drive
Brownsville, OR 97327

Date of Site Inspection: October 27, 1999

Date of Map: October 29, 1999

Location: Located in Section 4, Township 14 South, Range 2 West and Sections 31, 32, 33, Township 13 South, Range 2 West, Willamette Meridian, Linn County, Oregon.

KD ENGINEERING, INC.
202 NW HICKORY STREET
POST OFFICE BOX 725
ALBANY, OREGON 97321

BROWNSVILLE CANAL COMPANY, INC.
MAP OF BENEFICIAL USE
BROWNSVILLE, OR

DSGN. BY: —	SCALE: 1" = 1320'	SHEET NO. 1 of 1
DWG. BY: R.J.R.	DATE: OCT 29, 1999	
CKD. BY: J.R.B.	PROJECT NO: 99-118	



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

MAILED: AUG 19 2008

NOTICE

Reference: Permit S-52607 Application S-74299

Enclosed is a proposed certificate of water right and a map which illustrates the location of the right. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a survey and inspection.

If you do not agree with the proposed certificate or the map, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, the recorded certificate of water right will be mailed to the permittee.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Administrator
Water Rights Division

Mailing List for Certificate

Scheduled Mailing Date:

Application: S-74299

Permit: 52607

Certificate: *****

Permit/Certificate Holder:

BROWNSVILLE CANAL CO. INC. ✓
732 AMELIA AVE
BROWNSVILLE OR 97327

Copies Mailed

by: Diana Durbin
(STAFF)

on: 8-19-08
(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 2, Michael J. Mattick ✓
2. Data Center (include copy of map)
3. Water Availability
4. Vault
5. File

Other persons to receive copies: (include map):

1. Jack R. Burrell, CWRE ✓



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

November 10, 1999

BROWNSVILLE CANAL CO., INC.
C/O JOHN HOLBROOK, PRESIDENT
36255 NORTHERN DRIVE
BROWNSVILLE, OR 97327

REFERENCE: File 74299

This will acknowledge that your claim of beneficial use and map in the name of BROWNSVILLE CANAL CO., INC. were received on NOVEMBER 2, 1999. A faxed copy of these documents were received NOVEMBER 1, 1999. These will be reviewed in the future to insure they are complete and correct.

If you have any questions please contact me at (503) 378-8455, extension 263, or dial toll free (within Oregon only) at 1-800-624-3199, extension 263.

Sincerely,

STEVE BROWN
Program Analyst
Certificate Section

SCB:tcb

cc: JACK R. BURRELL, CWRE #209

M:\groups\wr\support\timmie\bu-ack11.99



K & D ENGINEERING, Inc.
276 N.W. Hickory Street • P.O. Box 725
Albany, OR 97321

RECEIVED

Memo
LETTER

Phone: (541) 928-2583
Fax: (541) 967-3458

NOV 02 1999

To Water Resources Dept
158 12th Street NE
Salem, OR 97310-0210

WATER RESOURCES DEPT.
SALEM, OREGON

Date November 1, 1999
Subject Brownsville Canal Co.
Reference File # 74299
Final Proof
(K&D Job # 99-118)

Enclosed please find the final claim of Beneficial
> Use Map and Report for Permit No. 52607.
This is being faxed to you today (11/1/99)
to satisfy submittal date requirements.
The original mylar and report are
being sent to you in this evenings mail.

- Thank you.

cc.

John Holbrook, Pres.
Brownsville Canal Co., Inc.

☐ Please reply ☐ No reply necessary

SIGNED

Jack L. Burrell

K & D ENGINEERING, Inc.
276 N.W. Hickory Street • P.O. Box 725
Albany, OR 97321

Phone: (541) 928-2583
Fax: (541) 967-3458

Memo

LETTER

Date November 1, 1999

Subject Brownsville Canal Co.

Reference File # 74299

Final Proof
(K&D Job # 99-118)

To Water Resources Dept
158 12th Street NE
Salem, OR 97310-0210

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Use Map and Report for Permit No. 52607.
This is being faxed to you today (11/1/99)
to satisfy submittal date requirements.
The original mylar and report are
being sent to you in this evenings mail.
- Thank you.

cc.
John Holbrook, Pres.
Brownsville Canal Co., Inc.

☐ Please reply ☐ No reply necessary

SIGNED

Jack L. Burrell

Post-it® Fax Note	7671	Date 11/1/99	# of pages 8
To Water Res. Dept	From Jack Burrell		
Co./Dept.	Co. K&D Engineering		
Phone # 378-3739	Phone # 928-2583		
Fax # 503-378-8130	Fax # 967-3458		

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

CLAIM OF BENEFICIAL USE AND SITE REPORT

for
Brownsville Canal Co., Inc.

October 29, 1999

1. INFORMATION

- A. Permitted Land Owner:
Brownsville Canal Co., Inc.
c/o John Holbrook, President
36255 Northern Drive
Brownsville, OR 97327
- B. Persons Talked to During Site Inspection:
John Holbrook, President of Brownsville Canal Co., Inc.
- C. Site Inspection conducted by Jack Burrell on October 27, 1999.
- D. Application No. S-74299
Permit No. 52607

2. SOURCE

Calapooia River, a Tributary of the Willamette River.

3. PURPOSE OF USE

Livestock water

4. RATE/VOLUME

- A. Maximum rate is 0.027 cfs
- B. No volume limitations have been specified.

5. PERIOD OF ALLOWED USE

Year round

6. DIVERSION POINT

Point of diversion location: NW ¼ NE ¼, Section 4, T14S, R2W, W.M.; 2000 feet west and 500 feet south of the southeast corner of Section 33, Township 13 South, Range 2 West, Willamette Meridian.

7. PLACE OF USE IS LOCATED AS FOLLOWS

[Area under irrigation based upon aerial photography dated 1996 from G.I.S. Department in Linn County and Linn County Surveyor's Data Base for assessor's Tax Lots]

SECTION 4 – TOWNSHIP 14 SOUTH, RANGE 2 WEST; WILLAMETTE MERIDANNE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 31 – TOWNSHIP 13 SOUTH, RANGE 2 WEST; WILLAMETTE MERIDANNW $\frac{1}{4}$ SE $\frac{1}{4}$ N3 $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 32 – TOWNSHIP 13 SOUTH, RANGE 2 WEST; WILLAMETTE MERIDANNW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 33 – TOWNSHIP 13 SOUTH, RANGE 2 WEST; WILLAMETTE MERIDANSE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$

NOTE: The place of use is specifically identified over portion of tax lot where the Brownsville Ditch and the Diversion Channel (as shown on map) are located.

8. SURVEY TIE AND METHOD OF SURVEY

Assessor's Data Base and Linn County GIS Aerial Photography (1996 Photo) are basis of survey tie and determination of land involved with this water right.

9. SPECIAL CONDITIONS LISTED ON PERMIT

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
- C. Actual construction work shall begin on or before August 14, 1997 and shall be completed on or before October 1, 1998. Complete use of water shall be made on or before October 1, 1999.

10. STATEMENT OF COMPLIANCE TO CONDITIONS

- A. No request for a meter has been made. The nature of the use is watering livestock, it is unlikely that any future installation of a meter would be done. It is unfeasible to measure water being consumed by livestock when they drink directly from the Mill Race.
- B. No request to keep and maintain records have been made.
- C. Construction work began prior to August 14, 1997 and was completed before October 1, 1998. Complete use of water was made before October 1, 1999.

11. NATURE OF USE:

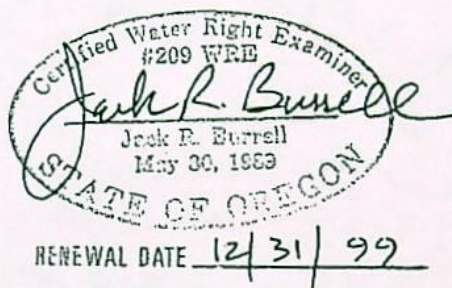
This permit is based upon the application made by the Brownsville Canal Company for livestock watering. In that application, the Canal Company projected their usage based upon the maximum number of livestock that members anticipated in any mid-summer period. The Canal Company president indicates that those initial forecasts are still valid. Following is a list of the tax lots, owners and livestock numbers applicable to the ownership's.

TOWN SHIP	RANGE	SECTION	TAX LOT	OWNER/OPERATOR	MAX. LIVESTOCK USAGE- MIDSUMMER
13S	02W	31DA	600	Robert & Sharon Babcock	550-sheep
13S	02W	31DA	700	Cascade Sheep co.	550-sheep
13S	02W	32	500		
13S	02W	32C	700 800	Lee & Helen Case	9-yearling cattle
13S	02W	32	200	Arlene Curtis	50 to 60
13S	02W	32	201	Marlene Sloan	cattle
13S	02W	32	400	Bert Curtis	30 cattle
13S	02W	32C	500	Bert Curtis	
13S	02W	31DA	800	Floyd Davis	6 yearling cattle
13S	02W	33	300 thru	John & Carol Holbrook	150 cattle \40 horses
13S	02W	33	305		200 sheep
13S	02W	32C	300	Clyde & Maydell McLain	10 cattle
13S	02W	32	1400		
13S	02W	32C	1000	Larry Neher	300 sheep
13S	02W	32C	900		
13S	02W	31DA	100		
13S	02W	31DA	500	Mike & Sharon Rodolf	12 horses
13S	02W	31DA	1100	Daniel Crannell	5 yearling cattle
13S	02W	31DA	1000		
13S	02W	31	1000	Clint & Nancy Taskinen	30 cattle
13S	02W	31	1050		3 horses
		32C	600		
13S	02W	31	801	Lou "Bud" Walker	30 cattle w/calves
13S	02W	31	800		

12. CONCLUSION

Based upon the application for the livestock claimed and the determination by the Water Resources Department that 0.027 cfs is allowed, the Brownsville Canal Company, Inc. claims that amount of water for their final water right certificate.

The final proof survey and inspection of the use as found to be completed under the terms and conditions of Permit No. 52607 was completed by me on October 29, 1999 and the facts contained in this report and accompany this report and accompanying report are correct to the best of my knowledge.



I, John Holbrook, President of Brownsville Canal Co., Inc. agree to the findings of the CWRE and so submit this site report and map as our Claim of Beneficial Use of the water, as provided under the terms and conditions of our Permit No. 52607.

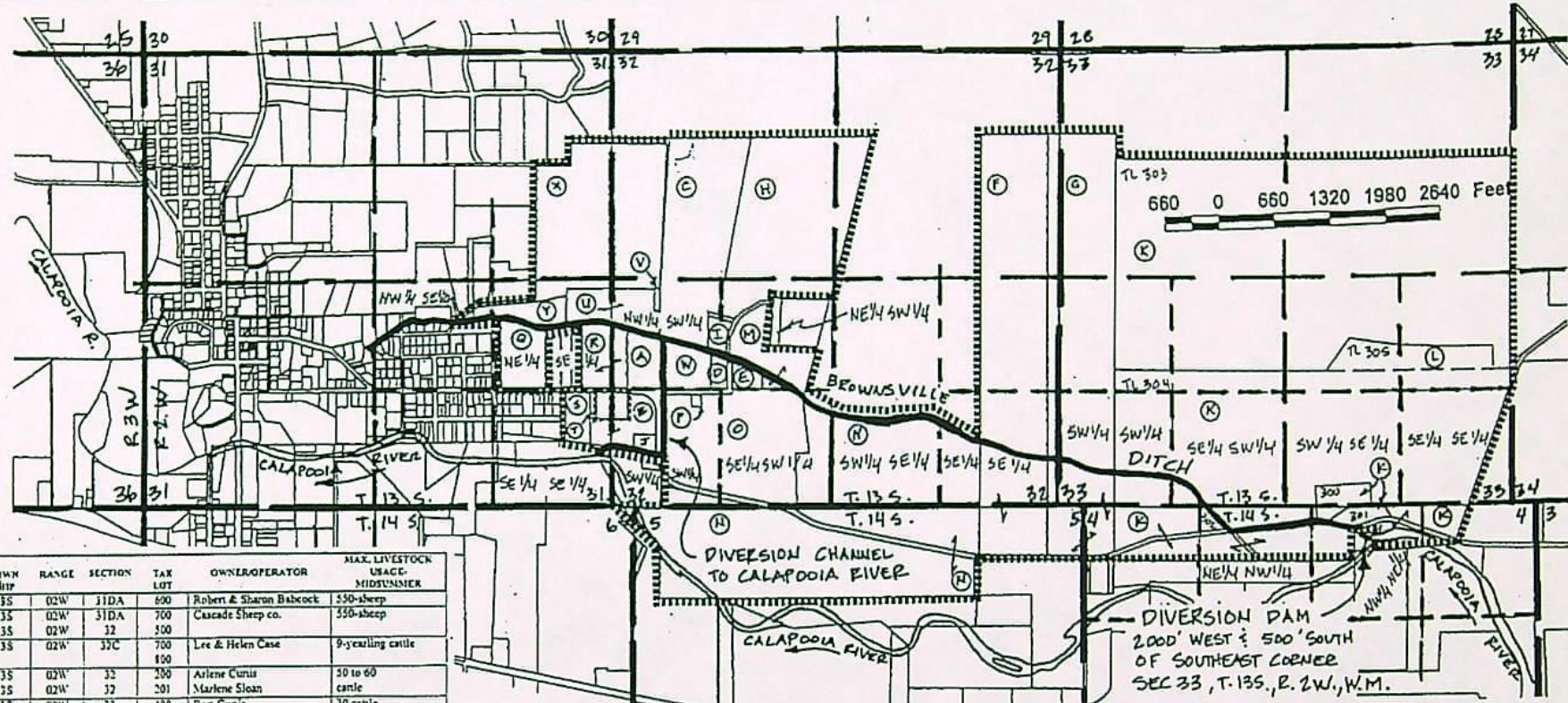
BROWNSVILLE CANAL CO., INC.

BY:

John Holbrook
John Holbrook, President

10-29-99

Date



TOWN	RANGE	SECTION	TAX LOT	OWNER/OPERATOR	MAX. LIVESTOCK USAGE - MIDSUMMER
13S	02W	31DA	600	Robert & Sharon Babcock	550-sheep
13S	02W	31DA	700	Cascade Sheep Co.	550-sheep
13S	02W	32	300		
13S	02W	32C	700	Lee & Helen Case	9-yearling cattle
13S	02W	32	200	Arlene Curtis	50 to 60 cattle
13S	02W	32	201	Marlene Sloan	
13S	02W	32	400	Ben Curtis	30 cattle
13S	02W	32C	500	Ben Curtis	
13S	02W	31DA	800	Floyd Davis	6 yearling cattle
13S	02W	33	300 thru 305	John & Carol Halbrook	150 cattle 40 horses 200 sheep
13S	02W	33	300	Clyde & Maydell McLain	10 cattle
13S	02W	32C	1400		
13S	02W	32C	1000	Larry Neher	300 sheep
13S	02W	32C	900		
13S	02W	31DA	100		
13S	02W	31DA	500	Mike & Sharon Rodolf	12 horses
13S	02W	31DA	1100	Daniel Crispell	5 yearling cattle
13S	02W	31DA	1000		
13S	02W	31	1000	Clint & Nancy Taskien	50 cattle 3 horses
13S	02W	31	1050		
13S	02W	32C	600		
13S	02W	31	801	Lou "Bud" Walker	30 cattle weathers
13S	02W	31	800		

LEGEND

- (A) TAX LOT REFERENCE
- BOUNDARY OF TAX LOTS USING CANAL



RENEWAL DATE 12/31/99

I, JACK R. BURRELL, BEING DULY SWORN AS A WATER RIGHT EXAMINER, LICENSE NO. 209, HAVE PREPARED THIS MAP FOR BROWNSVILLE CANAL CO. ON THIS 29th DAY OF OCTOBER, 1999.

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

Map of Beneficial Use under APPLICATION 74299

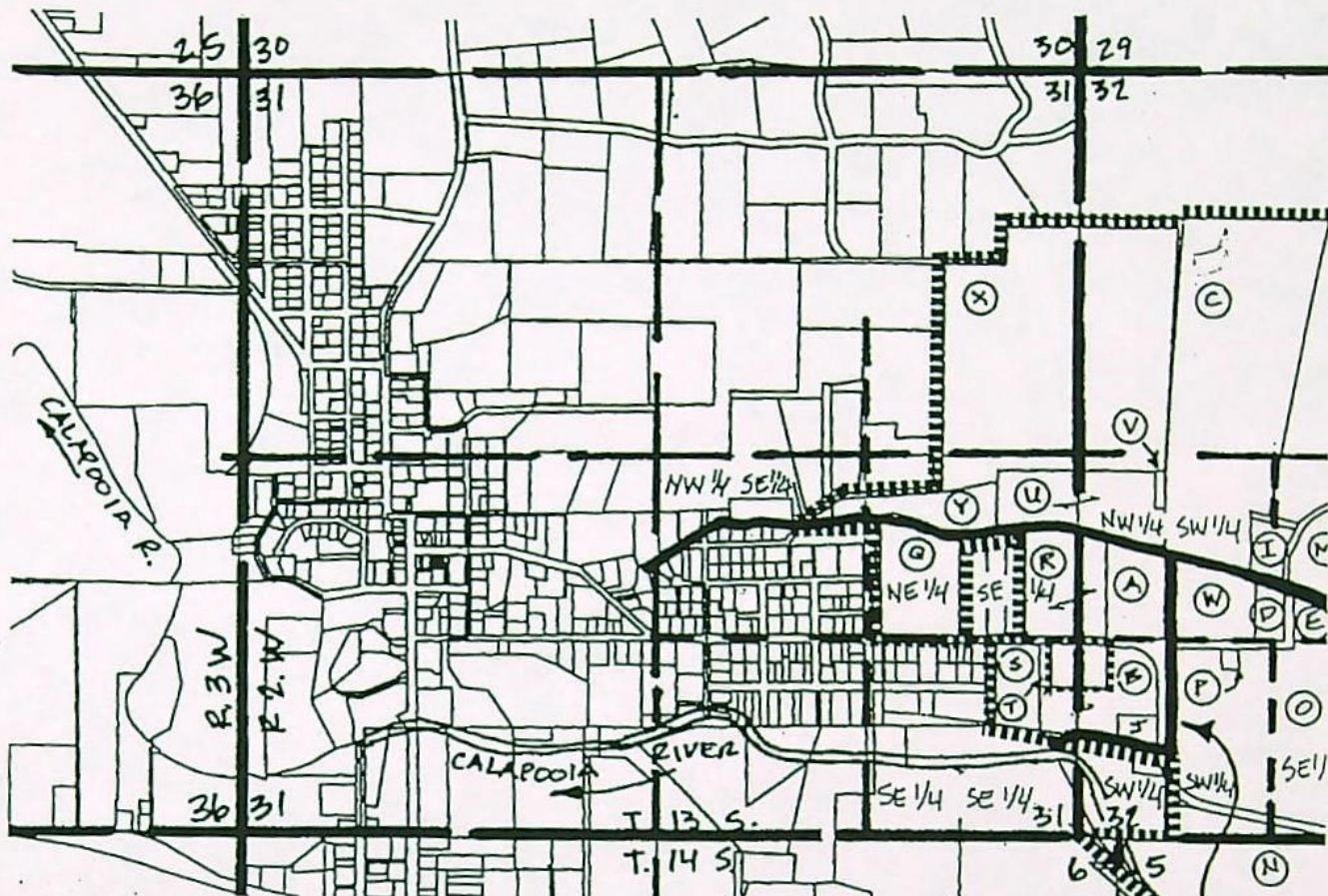
in the name of
BROWNSVILLE CANAL CO., INC.
c/o John Halbrook, President
36755 Northern Drive
Brownsville, OR 97327

Date of Site Inspection: October 27, 1999
Date of Map: October 29, 1999
Location: Located in Section 4, Township 14 South, Range 2 West and Sections 31, 32, 33, Township 13 South, Range 2 West, Willamette Meridian, Linn County, Oregon.

KD ENGINEERING, INC.
208 NW HICKORY STREET
POST OFFICE BOX 785
ALBANY, OREGON 97321

BROWNSVILLE CANAL COMPANY, INC.
MAP OF BENEFICIAL USE
BROWNSVILLE, OR

DSGN. BY: -	SCALE: 1" = 1320'	SHEET NO. 1 of 1
DWG. BY: R.J.E.	DATE: OCT 29, 1999	
CKD. BY: J.R.B.	PROJECT NO: 99-118	



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TOWN SHIP	RANGE	SECTION	TAX LOT	OWNER/OPERATOR	MAX. LIVESTOCK USAGE- MIDSUMMER
13S	02W	31DA	600	Robert & Sharon Babcock	550-sheep
13S	02W	31DA	700	Cascade Sheep co.	550-sheep
13S	02W	32	500		
13S	02W	32C	700	Lee & Helen Case	9-yearling cattle
			800		
13S	02W	32	200	Arlene Curtis	50 to 60
13S	02W	32	201	Marlene Sloan	cattle
13S	02W	32	400	Bert Curtis	30 cattle
13S	02W	32C	500	Bert Curtis	
13S	02W	31DA	800	Floyd Davis	6 yearling cattle
13S	02W	33	300 thru	John & Carol Holbrook	150 cattle 140 horses
13S	02W	33	305		200 sheep
13S	02W	32C	300	Clyde & Maydell McLain	10 cattle
13S	02W	32	1400		
13S	02W	32C	1000	Larry Neher	300 sheep
13S	02W	32C	900		
13S	02W	31DA	100		
13S	02W	31DA	500	Mike & Sharon Rodolf	12 horses
13S	02W	31DA	1100	Daniel Crannell	5 yearling cattle
13S	02W	31DA	1000		
13S	02W	31	1000	Clint & Nancy Taskinen	30 cattle
13S	02W	31	1050		3 horses
		32C	600		
13S	02W	31	801	Lou "Bud" Walker	30 cattle w/calves
13S	02W	31	800		

LEGEND

Ⓐ TAX LOT REFERENCE

||||| BOUNDARY OF TAX LOTS USING CANAL

KD

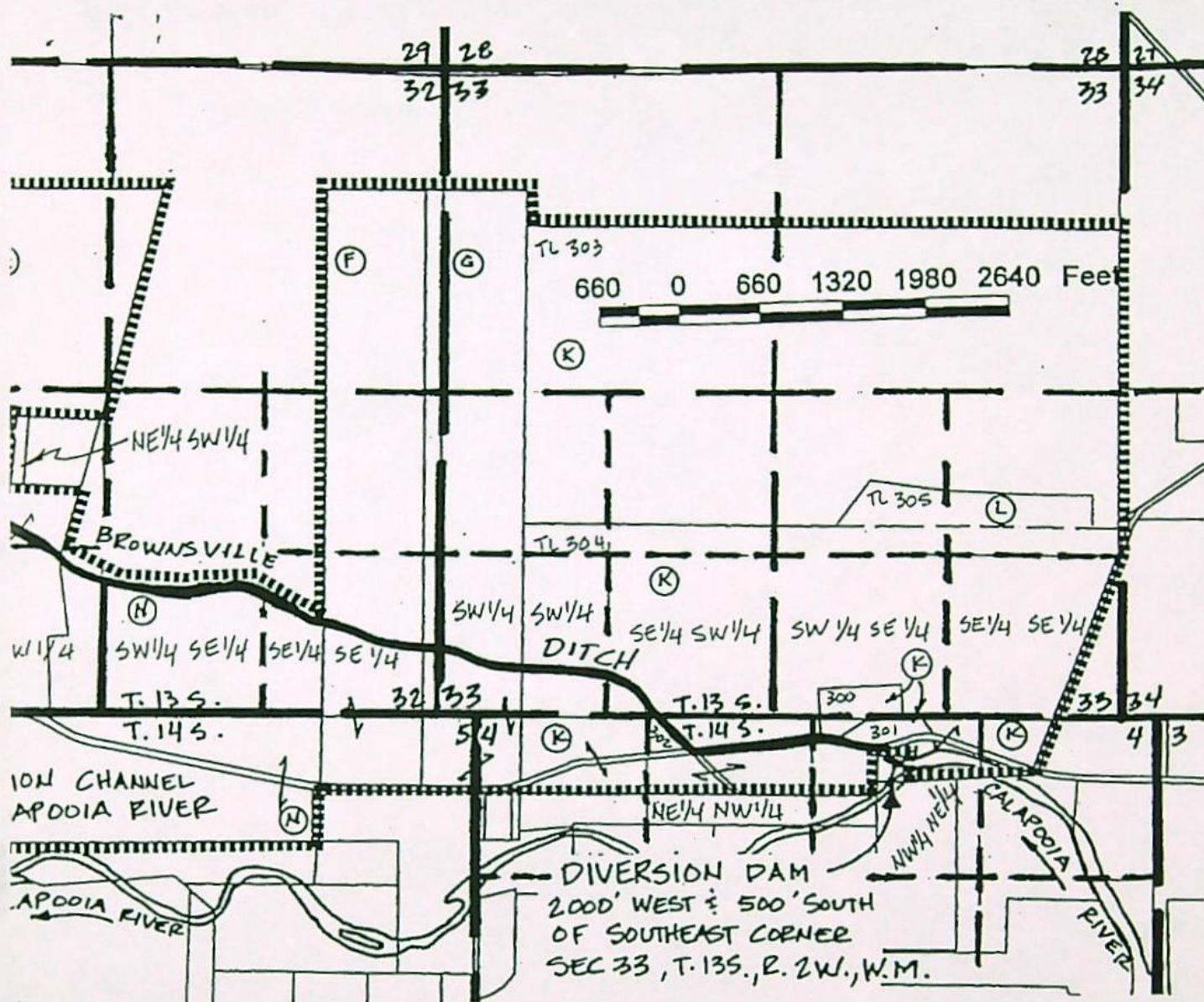
ENGINEERING, INC.
202 NW HICKORY STREET
POST OFFICE BOX 725
ALBANY, OREGON 97321

BROW

RENEWAL

I, JACK R. BURRELL, RIGHT EXAMINER, LI THIS MAP FOR BROW DAY OF OCTOBER, 1995

PREPARATION OF THIS IDENTIFYING THE L ONLY AND HAS NO IN LOCATION OF PROPER



Water Right Examiner
#209 WRE
R. Burrell
c/o R. Burrell
May 20, 1999
10/23/99

ING DULY SWORN AS A WATER
NSE NO. 209, HAVE PREPARED
VILLE CANAL CO. ON THIS 29th

MAP IS FOR THE PURPOSE OF
ATION OF THE WATER RIGHT
NT TO PROVIDE DIMENSIONS OR
OWNERSHIP LINES.

Map of Beneficial Use
under
APPLICATION 74299

in the name of

BROWNSVILLE CANAL CO., INC.
c/o John Holbrook, President
36755 Northern Drive
Brownsville, OR 97327

Date of Site Inspection:

October 27, 1999

Date of Map:

October 29, 1999

Location: Located in Section 4, Township 14 South, Range 2 West and
Sections 31, 32, 33, Township 13 South, Range 2 West,
Willamette Meridian, Linn County, Oregon.

VILLE CANAL COMPANY, INC.
AP OF BENEFICIAL USE
BROWNSVILLE, OR

DSGN. BY: —

SCALE: 1" = 1320'

SHEET NO.

DWG. BY: R.J.R.

DATE: OCT 29, 1999

1 of 1

CKD. BY: J.R.B.

PROJECT NO: 99-118

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

BROWNSVILLE CANAL CO INC
732 AMELIA AVE
BROWNSVILLE OR 97327

74299 WR'S

5. Received By: (Print Name)

Clyde R. McLain Jr

6. Signature (Addressee or Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

4a. Article Number

P 56513

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

AUG 30 1999

8. Addressee's Address (Only if requested and fee is paid)

USPS - 97327

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

WATER RESOURCES DEPT
158 12TH ST NE
SALEM OR 97310



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

August 23, 1999

BROWNSVILLE CANAL CO INC
732 AMELIA AVE
BROWNSVILLE OR 97327

REFERENCE: File 74299

This letter is in regard to your water use Permit 52607. As we pointed out to you in our letter of November 3, 1998, your claim of beneficial use must be received in this office by **November 2, 1999**.

Oregon Administrative Rule 690-14-190 states: "The claim of beneficial use shall be submitted to the Department within one year after the use was reported..as being complete...Failure to comply with this section shall cause the Director to initiate permit cancellation proceedings as provided by ORS 537.260."

The "claim" consists of a site report and map of the developed use prepared by a Certified Water Rights Examiner, which accompany a request from the permittee for issuance of a certificate of water right.

You are hereby notified that unless your claim is received on or before **November 2, 1999**, your permit will be canceled without further notice.

If you have any questions, please contact the Water Rights Section.

Sincerely,

DALLAS MILLER
Water Rights Specialist

DM;jh

cc: Michael Mattick, Watermaster

CERTIFIED - RETURN RECEIPT REQUESTED





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

November 3, 1998

BROWNSVILLE CANAL CO INC
732 AMELIA AVE
BROWNSVILLE OR 97327

REFERENCE: File 74299

We have received your notice that complete application of water has been made under Permit 52607.

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **November 2, 1999**. A list of Certified Examiners is enclosed for your information.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

In the meantime, the permit you hold is valid evidence of your right to use the water.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS MILLER
Natural Resource Specialist 2

DM:jh

enclosure

cc: Mike Mattick, Watermaster

Oregon Water Resources Department



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
1 (800) 624-3199 • (503) 378-8455
www.wrd.state.or.us

Fax Transmittal

TO: JACK BURRELL CWIRE

FAX: 541-967-3458 DATE: Mo 4-12-99 PAGES: 10

FROM: RESEARCH DEPT.

COMMENTS: _____

COPIES of A B C FORMS

COPY of PERMIT

CORRESPONDENCE DARLUS MILLER

SPLMNTZ MAP for PT of
DIV

HOPE THIS HELPS
Herb

Director's Office

- Water Resources Commission
- Legislation and Rules

Administrative Services

- Accounting/Fiscal
- Personnel
- Water Development

Water Rights & Adjudications

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates/Final Proofs
- Hearings/Contested Cases

Northwest Region

- District 16 Watermaster
- Transfers

IMPORTANT MESSAGE

FOR <u>24021.</u>	DATE <u>4-12</u>	TIME <u>808</u>	AD <u>AD</u>
M. <u>JACK BURRELL</u>	X		
OF <u>CWIRE</u>	X		
PHONE <u>541-967-3458</u>	X		
AREA CODE <u>541</u>	NUMBER <u>967</u>	EXTENSION <u>3458</u>	
MESSAGE <u>FILE A 74299</u>			X PLEASE CALL
<u>BC Co</u>			WILL CALL AGAIN
<u>R 52607</u>			CAME TO SEE YOU
SIGNED _____			WANTS TO SEE YOU

TOPS FORM 4006

FAX: 503-378-6203

RECEIVED

JUL 17 1997

WATER RESOURCES DEPT.
SALEM, OREGON

The Brownsville Ditch

ca. 1859

*has been determined to be a significant historic property
in Linn County, Oregon. In recognition of the contribution
this property makes to an understanding of Linn County's past,
the Linn County Historic Resource Commission
has placed this property on the
Linn County Register of Historic Resources.*

*Presented this 21st day of June, 1993
by the Linn County Historic Resource Commission.*

Richard L. Hayes

Chairperson

Historic Resource Commission

Phil M. Mott

Chairperson

Linn County Board of Commissioners

Application No. S-74299
Permit No. 52607

The Canal or
Mill race is also
called the Brownsville
Ditch

Photo in Brownsville Times - 1987

Same method used this year
All volunteer help.

CRS

RECEIVED

JUL 17 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Linn County Unofficial Final Election Results

QUESTION

Shall Linn County levy \$1,455,977 outside the tax base for operating purposes and increase the net tax rate for 1987/88?

YES 4923 NO 7737

QUESTION

Shall School District 552-C Levy \$2,528,787 Outside the Tax Base for Operating Purposes for 1987-88?

YES 551 NO 435

QUESTION

Shall Brownsville annually levy \$70,000 outside Constitutional limitation for fiscal years 1987-90 for provision of local police services?

YES 139 NO 158

All precincts responding:
12:05 a.m. Wednesday May 20, 1987



The users of the mill race spent part of Saturday morning completing the annual installation of boards in the dam in the Calapooia River east of town. The dam diverts a portion of the river flow into the mill race during summer months. It is removed each October.

A new footbridge over which materials for the dam are carried was constructed on Friday. It was made of treated timbers purchased from the railroad. The old bridge which was replaced had become unsafe. Although final figures on the total cost of the new bridge are not yet available, it is expected that cost will be about

\$200. Donations from mill race users are being solicited and can be sent to **Brownsville Special Projects**, 732 Amelia Ave., Brownsville. Those working on bridge construction were Clyde McLain, Roy Gann, Bill Nelson and Bud Walker.

Metal stanchions and supports for boards in the dam were put in place on Wednesday. This work is usually completed early to make sure no problems occur when boards are ready to be put in place. Those involved in this phase were Roy Gann, Clyde McLain, Lee Case, Bill Nelson and Bud Walker.

OREGON WATER RESOURCES DEPARTMENT



RECEIVED

NOV 19 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Commerce Building
158 12th Street NE
Salem OR 97310-0210

PUBLIC NOTICE COMMENT FORM

June 4, 1996

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

Water Use Request Type & File Number

(e.g. "Permit Application G-12345" or "Transfer T-1234"):

S 74299

Mail me the Order
(payment enclosed)*



fee.
#8561

Your Name, Address, and Phone Number:

Thompson's Mills

PO Box 71

Shedd Oregon

97377

Copy
sent
11/22/96
cm

* We are required by law to charge a fee of \$10 to mail a copy of a proposed final or final order for a permit application to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final and final orders are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)

Oregon

WATER RESOURCES
DEPARTMENT

Commerce Building
158 12th Street NE
Salem, OR 97310-0210



UNDELIVERABLE AS ADDRESSED
FORWARDING ORDER EXPIRED



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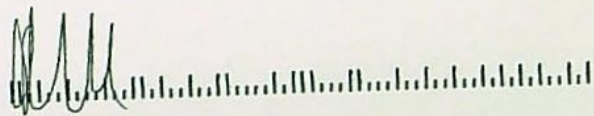
SEP 26 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Dean & Mary Kyle
645 4th Ave
Sweet Home, OR 97386

*They
Do not
live here*

74299



24/7/97

REFERENCE: NOTICE OF FINAL ORDER,

APPLICATION FILE S-74299 (Brownsville Canal Co. & Inc.)

You have been identified as a person who submitted written comments or protests, or otherwise requested notice of the Final Order relative to the above referenced application.

As required under Section 13(9), Chapter 416, Oregon Laws, 1995, you are hereby notified that a Final Order has been issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To obtain a copy of the Final Order, send \$10 along with your request to the address listed below.

If you need further assistance please contact the Water Rights Section at the address listed below or phone (503)378-3739.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Oregon

WATER RESOURCES
DEPARTMENT

Commerce Building
158 12th Street NE
Salem, OR 97310-0210

~~Dennis & Wendy Graham~~
~~PO Box 405~~
~~Brownsville, OR 97327~~

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AS ADDRESSED -
UNABLE TO FORWARD
14299

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FIRST CLASS

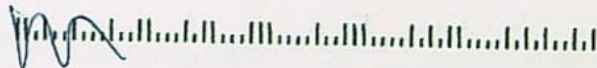


RECEIVED

AUG 20 1996

WATER RESOURCES DEPT.
SALEM, OREGON

AUTO



REFERENCE: NOTICE OF FINAL ORDER,

APPLICATION FILE S-74299 (Brownsville Canal Co. & Inc.)

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Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Oregon

WATER RESOURCES
DEPARTMENT

Commerce Building
158 12th Street NE
Salem, OR 97310-0210

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AS ADDRESSED -
UNABLE TO FORWARD



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FIRST CLASS

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AS ADDRESSED -
UNABLE TO FORWARD

DEAN & MARY KYLE
645 4TH AVE
SWEET HOME OR 97386

74299

RECEIVED

JUN - 7 1996

WATER RESOURCES DEPT.
SALEM, OREGON

[Handwritten signature]

June 4, 1996

App#	Basin	Source	Quantity	Use	Cnty/Priority	Pod Vicinity	Name/Address	Stage/Status
G-14066	2	WELL 11>HARVEY CR	0.5000 C	MU	YAMHILL 5/19/1995	NWNE, SECTION 27 T 3S, R3W	CITY OF DUNDEE PO BOX 220 DUNDEE, OR 97115	PFO 2
G-14258	2	A WELL>YAMHILL CR	1000.0000 G	IR NU	MARION 2/ 9/1993	, SECTION 34 T 4S, R2W	STEVE BIZON BIZON, PAUL, PHIL AND PAT 25619 NE GLASS RD AURORA, OR 97002	IR 2
G-14259	2	A WELL>FRUITLAND CR	0.3000 C	IR	MARION 2/15/1996	SWSW, SECTION 22 T 7S, R2W	DAN VRANES VRANES, BOBBIE D 6655 FRUITLAND RD NE SALEM, OR 97301	IR 2
G-14262	2	A WELL>UNN STR	157.0000 G	IR	YAMHILL 2/23/1996	SWSW, SECTION 22 T 5S, R4W	CPW AND CO. 8535 SW 64TH AVE PORTLAND, OR 97219	IR 3
S-72441	2	C FK WILLAMETTE R>WILLAME C FK WILLAMETTE R>WILLAME	0.5600 C	IR	LANE 6/ 8/1992	SESE, SECTION 18 T22S, R3W SESE, SECTION 18 T22S, R3W	TOM JOHNS JOHNS, JULIE 73416 ABEENE LANE COTTAGE GROVE, OR 97424	PFO 2
S-74299	2	CALAPOOIA R>WILLAMETTE R	0.0270 C	LV	LINN 7/20/1994	, SECTION 4 T14S, R2W	BROWNSVILLE CANAL CO. INC 732 AMELIA AVE BROWNSVILLE, OR 97327	PFO 2
S-80572	2	UNN STR/SPRS>SPRING BROOK	0.0060 G	RC WI	YAMHILL 8/11/1995	NWSE, SECTION 28 T 3S, R2W	BILL SANDERS PO BOX 3278 NEWBERG, OR 97132	PFO 2
G-13551	5	WELL 1>UNN STR WELL 2>UNN STR	50.2230 G	GD	DESCHUTES 11/ 4/1993	NWSE, SECTION 14 T17S, R11E NESW, SECTION 14 T17S, R11E	SUN COUNTRY WATER INC. 63755 JOHNSON RD BEND, OR 97701	PFO 2
G-13687	5	A WELL>SQUAW CR	0.5000 C	ID	DESCHUTES 5/16/1994	SWSW, SECTION 31 T15S, R11E	ANDERS ARVIDSON ARVIDSON, MARY 17265 PLAINVIEW RD BEND, OR 97701	PFO 2
G-13940	5	WELL 1>MILL CR	5.6000 G	IR	CROOK 1/17/1995	SW, SECTION 26 T14S, R17E	GARY GUMPert GUMPert, DAPHNE 286050 E HWY 26 PRINEVILLE, OR 97754	IR 2

OREGON WATER RESOURCES DEPARTMENT



Commerce Building
158 12th Street NE
Salem OR 97310-0210

NOTICE OF PROPOSED FINAL ORDER

This is to notify you that the Water Resources Department has issued a Proposed Final Order (PFO) on an application which may interest you. Attached is an excerpt from our weekly public notice, identifying the application we believe you may be interested in.

A PFO is the Department's preliminary decision on a water use request. It documents the agency's decision through specific findings. If appropriate, it includes a draft permit specifying any conditions or restrictions on the use.

Persons interested in receiving a mailed copy of a PFO must pay statutorily-required fee of \$10. (Any person paying \$10 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.) PFO's may be viewed for free at the Department's Salem office or at watermasters' offices; you may make your own copies for the standard copy charge.

If you do not request a copy of the PFO, you may not be notified of subsequent action on the referenced application.

Opportunities for Further Public Involvement

Those disagreeing with the Department's decision as expressed in the PFO have 45 days from the date the PFO was issued to file a protest.

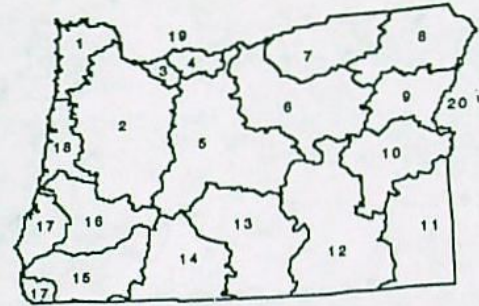
The protest filing fee is \$200 for everyone but the applicant. Detailed requirements for filing a protest will be sent with copies of the PFO. Persons who support the PFO may file a "standing" fee of \$50 to retain the ability to participate in future proceedings relating to an application. To participate, an additional \$150 is required at the time of the proceeding, if a contested case hearing is held.

For additional information, call the Water Rights Information Group, extension 499 at either 503-378-8455 or 800-624-3199. Please have the application file number ready.

How To Read the Listing

Applications are organized by Oregon's major river basins, as listed below:

- | | | |
|---------------|-----------------|--------------|
| 1-North Coast | 8-Grande Ronde | 15-Rogue |
| 2-Willamette | 9-Powder | 16-Umpqua |
| 3-Sandy | 10-Malheur | 17-S. Coast |
| 4-Hood | 11-Owyhee | 18-Mid Coast |
| 5-Deschutes | 12-Malheur L. | 19-Columbia |
| 6-John Day | 13-Goose/Summer | 20-Snake |
| 7-Umatilla | 14-Klamath | |



G-12345	2	Dry Cr. > Rowe R.	0.50	C	IR	40.00	Coos	1/1/1995	SENE, SECTION 9, T16S, R4W	W. Clinton...	PFO	2
Basin number		What it flows into	Amount	Unit of measure: C - cubic feet per second G - gallons per minute A - acre-feet	Type of use (e.g.: IR - irrigation; see codes below)	Irrigated acres	County of use; Priority date		Legal description of general area of use: "Southeast quarter of the Northeast quarter of Section 9, Township 16 South, Range 4 West."	Applicant name & address	Stage of Review: IR initial review PFO proposed final order	Decision codes: 1 permit may be issued as requested by applicant 2 permit may be issued with appropriate conditions 3 permit unlikely to be issued
The source	Application number: G - groundwater R - reservoir S - surface I - instream											

Some commonly-used Type of Use abbreviations (for definitions, please consult Oregon Administrative Rules Chapter 690, Division 11):

- | | | |
|-----------------------------------|---|------------------------|
| AG-agriculture | GD-group domestic | MU-municipal |
| CF,CH,CL,CR-cranberry uses | GR-groundwater recharge | NU-nursery use |
| CM-commercial | GT-geothermal | PA-pollution abatement |
| CS-campground | IC-irrigation, primary & supplemental | PW-power |
| DI-domestic, incl. lawn & garden | ID,IL-irrigation with Domestic or Livestock use, respectively | QM-quasi-municipal |
| DN-domestic, incl. non-commercial | IM-industrial, manufacturing | RC-recreation |
| DO-domestic | IR-irrigation | RW-road construction |
| DS-domestic/stock | IS-supplemental irrigation | ST-storage |
| FI-fish | LV,LW-livestock/wildlife | SW-swimming |
| FP-fire protection | MI-mining | TC-temperature control |
| FW-fish & wildlife | | WI-wildlife |

PROPOSED FINAL ORDER REQUEST FORM

Your Name, Address, and Phone Number:

 Phone: _____

Please send me the Proposed Final Order for Water Right Application:

 # _____
 # _____

Return this form and \$10 per PFO to:

PFO Requests
 Proposed Final Order Team
 Oregon Water Resources Department
 158 12th St. NE
 Salem OR 97310

Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-74299

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On July 20, 1994, BROWNSVILLE CANAL COMPANY, INC. submitted an application to the Department for the following water use permit:

- Amount of Water: 12.0 GALLONS PER MINUTE (0.027 CFS)
- Use of Water: LIVESTOCK WATER
- Source of Water: CALAPOOIA RIVER , A TRIBUTARY OF WILLAMETTE RIVER
- Area of Proposed Use: Linn County within
 - SECTION 31
 - SECTION 32
 - SECTION 33
 - TOWNSHIP 13 SOUTH, RANGE 2 WEST, W.M.
 - SECTION 4
 - TOWNSHIP 14 SOUTH, RANGE 2 WEST, W.M.
- Water Delivery System: Water is delivered through earthen canals to the use.

On SEPTEMBER 27, 1995, the Department mailed the applicant notice of its Initial Review, determining that the use of 0.027 cfs of water was allowable year round. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On OCTOBER 17, 1995, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance

- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Willamette Basin Program allows the following uses: LIVESTOCK WATER

Senior water rights exist on CALAPOOIA RIVER , A TRIBUTARY OF WILLAMETTE RIVER or on downstream waters.

CALAPOOIA RIVER , A TRIBUTARY OF WILLAMETTE RIVER is not within or above a State Scenic Waterway.

Water is available for further appropriation (at an 80 percent exceedance probability) for the period YEAR ROUND.

The Department finds that no more than 0.027 CFS would be necessary for the proposed use. The amount of water requested, 0.027 cfs, is allowable.

There is no evidence in the record of the presence of game fish at the described point of diversion.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Willamette Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

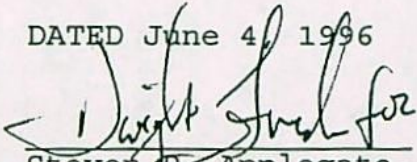
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED June 4, 1996


Steven P. Applegate
Administrator
Water Rights Division

Protest Rights

Under the provisions of ORS 537.153(6) or 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in

error or deficient, and how to correct the alleged error or deficiency;

- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than July 19, 1996.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

RWK

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF LINN

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

BROWNSVILLE CANAL COMPANY, INC.
732 AMELIA AVE
BROWNSVILLE, OREGON 97327

(503)466-5762

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-74299

SOURCE OF WATER: CALAPOOIA RIVER , A TRIBUTARY OF WILLAMETTE RIVER

PURPOSE OR USE: LIVESTOCK WATER

MAXIMUM RATE/VOLUME ALLOWED: 0.027 CFS

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: July 20, 1994

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 4, T14S, R2W, W.M.;
710 FEET NORTH AND 2930 FEET EAST FROM THE SE CORNER KIRK DLC 57

THE PLACE OF USE IS LOCATED ~~NE 1/4 SW 1/4~~ NE 1/4 SW 1/4

NW 1/4 SW 1/4

SW 1/4 SW 1/4

NE 1/4 SE 1/4

NW 1/4 SE 1/4

SECTION 31

NE 1/4 SW 1/4

NW 1/4 SW 1/4

SE 1/4 SW 1/4

SW 1/4 SE 1/4

SE 1/4 SE 1/4

SECTION 32

SW 1/4 SW 1/4

SE 1/4 SW 1/4

SECTION 33

NW 1/4 NE 1/4

NE 1/4 NW 1/4

SECTION 4

TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Application S-74299

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application S-74299 Water Resources Department
Basin 02 Volume 5 CALAPOOIA RIVER & MISC
RWK MGMT.CODE

PERMIT DRAFT
District 02

732 Amelia Ave.
Brownsville, OR 97327
Nov. 25, 1995

Oregon Water Resources Dept.
Attn: Bill Fujii
158 12th St., NE
Salem, OR 97310-0210

Reference: File S-74299

Dear Mr. Fujii:

Please add an additional name of a landowner to the Brownsville Canal list which I sent you on Nov. 22:

Bert Curtis
% Arlene Curtis
P. O. Box 756
Brownsville, OR 97327

Sincerely,

Louis E. Walker, Jr.

Louis E. Walker, Jr.
Secretary-Treasurer
Brownsville Canal Co., Inc.
732 Amelia Ave.
Brownsville, OR 97327

RECEIVED

NOV 28 1995

WATER RESOURCES DEPT.
SALEM, OREGON

732 Amelia Ave.
Brownsville, OR 97327
Nov. 22, 1995

RECEIVED

NOV 27 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Dept.
Attn: Bill Fujii
158 12th St., NE
Salem, OR 97310-0210

Reference File: S-74299

Dear Mr. Fujii:

Enclosed is the list of landowners along Brownsville Canal which you requested.

The computerized list (3 pages) is from City of Brownsville records of persons residing or owning property along Brownsville Canal within Brownsville city limits.

The last page of the computerized listing is of landowners along the tail race, an overflow ditch that handles excess winter runoff of the canal. These people do not have property abutting the Brownsville Canal.

The remaining page is of landowners outside the city limits and users of livestock water.

Sincerely,

Louis E. Walker, Jr.

Louis E. Walker, Jr.
Secretary-Treasurer
Brownsville Canal Co., Inc.
732 Amelia Ave.
Brownsville, OR 97327

Owners of Property along in-town portion of Millrace as of 11/30/95

(All addresses are Brownsville OR 97327 unless otherwise noted.)

Map/Tax Lot #	Name	Address
---------------	------	---------

Map 31 BC

1200	Brownsville Canal Co., Inc	Rt. 1, Box 732 AMELIA
5000	James and Bernice Howell	PO Box 187
5200	Edward and Carol Reister	PO Box 775
5400	City of Brownsville	PO Box 188
5402	"	
5500	Dean and Mary Kyle	645 4th Ave., Sweet Home, OR 97386
5501	Phillip and Patricia Updegrave	PO Box 429
6200	James and Donna Nelson	36477 Hwy 228
6300	"	
6400	City of Brownsville	PO Box 188
6700	John and Diane Rinks	PO Box 151
8200	City of Brownsville	PO Box 188

Map 31 CA

114	Tamara Marcus	PO Box 728
116	Roy Gann c/o Norma Gann	PO Box 476
1400	Richard Smith	35449 Oakview
1500	William and Marilyn Nelson	PO Box 118
1600	Aaron and Florence Crockett, TR et al	
	2845 E. Hatch Rd, Sp 107, Modesto CA 95351	
1700	Henry Howe	PO Box 102
1800	James and Sue Baldwin	303 Bishop Way
2000	Rose Gilmore	PO Box 391
2300	William and Marilyn Nelson	PO Box 118
3600	Don and Sharon Smith	27926 Pine View Rd.

RECEIVED

NOV 27 1995

WATER RESOURCES
SALEM, OREGON

Owners of property along Millrace, continued
(East End: from waterfall to city limits)

Map 31

800	Louis E. Walker, Jr.	732 Amelia
1000	Clinton Taskinen	35613 Kirk
1600	Hillard and Catherine Fortson	703 Amelia

Map 31 CA

100	Larry and Loretta Jones	PO Box 508
113	Ronalds Dail, fam. rev. trst.	403 Kay Street
120	Jerry Fisher	407 Kay Street
124	Tommie and Wanda White	405 Spaulding

Map 31 DA

100	Lawrence and Mary Neher	28485 Brownsville Road
200	Jerry and Diane Baker	931 Kirk
300	John and A. Kien Miller 30348 Walnut Drive S. W., Albany OR 97321	
400	Larry and Linda Williams	1013 Kirk
500	Michael and Sharon Rodolf	1119 Kirk

Map 31 DB

100	Melvin and Rhea Lemmon	710 Amelia
200	William and Anne Sattler	618 Spaulding
300	Warren and Karen Sopher	555 Spaulding
301	Mary L. Smith	553 Spaulding
400	Anthony and Pat Ridinger	531 Spaulding
401	Randall Schoonover	521 Spaulding
600	Allen and JoAnn Offutt	511 Spaulding
800	Dennis and Wendy Graham	PO Box 304
1000	Stanley and Joyce Shaw	439 Spaulding

Owners of property along Millrace, continued
(Tailrace)

Map 31 CA

2200	Elizabeth Kirsh, 535	50th Avenue, Sweet Home OR 97386
2900	Lois Winn	PO Box 44
3000	Mary B. Parker, 241 E. "G" Street,	Halsey, OR 97348
3101	Lois Winn	PO Bx 44
3400	Gary and Peggy Shepherd	331 Kirk
3500	Glenn and Debbie Michalski	343 Kirk
4900	Janet T. Applebee	PO Box 789

BROWNSVILLE CANAL

November 1995

Name	Address	Phone #
(Louis) Bud Walker	on city list	
Bob Babcock	35565 Kirk Ave., Brownsville, OR 97327	466-5711
Clinton Taskinen	35613 Kirk Ave., Brownsville, OR 97327	466-3374
Cy (Floyd) Davis	35534 Northern Dr., Brownsville, OR 97327	466-5862
Jerry Anthony	P.O. Box 274 Brownsville, OR 97327	
Clyde McLain	35700 Kirk Ave., Brownsville, OR 97327	466-5791
Marleen Sloan	36140 Northern Dr., Brownsville, OR 97327	
Laural MaLosh	36033 Northern Dr., Brownsville, OR 97327	466-5256
Larry Neher	28485 Brownsville Rd., Brownsville, OR 97327	466-5346
John Holbrook	36255 Northern Dr., Brownsville, OR 97327	466-5150
Cascade Timber Consultants	3210 Hwy 20, Sweet Home, Oregon 97386	367-2111
Cascade Sheep Company Attention: Lee Babcock	P.O. Box 473 Brownsville, OR 97327	

RECEIVED

NOV 27 1995

WATER RESOURCES
SALEM, OREGON

September 27, 1995

BROWNSVILLE CANAL CO. INC
732 AMELIA AVE
BROWNSVILLE, OREGON 97327

Reference: File S-74299

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for LIVESTOCK WATER is allowed under OAR 502, the Willamette Basin Program.
4. The use of 0.027 cubic foot per second (12.0 GALLONS PER MINUTE) from the Calapooia River for LIVESTOCK WATER is available January 1 through December 31 of each year.

Summary of Initial Determinations

The use of 0.27 cfs from Calapooia River for Livestock watering from January 1 through December 31 of each year may be allowable.

Because of these favorable determinations to your application the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **October 11, 1995**. For your convenience you may use the enclosed "STOP PROCESSING" form.

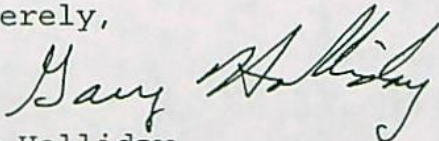
If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. You will be required to comply with state and federal water quality standards.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Gary Holliday
Initial Reviewer

cc: Regional Manager, Watermaster, Water Availability
Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

RECEIVED

SEP 12 1995

WATER RESOURCES DEPT.
SALEM, OREGON

September 8, 1995

Jerry Gainey
Completeness Team
Oregon Water Resources Department
158 12th Street NE
Salem, Oregon 97310

Re: Application #S-74299

Dear Mr. Gainey,

In reply to your letter of August 25, 1995 and our phone conversation, I am submitting the following information:

The dam and ditch bank on the Calapooia river was rebuilt in 1969 (Linn County Tax lot 400) by the U.S. Department of Agriculture Soil Conservation Service through the Linn-Lane office. The end of that project is found within the city of Brownsville (map enclosed).

At the time of restoration all property owners were required to sign an easement for the heavy equipment used to repair and rebuild the canal bank. The ditch or canal is located for the most part on the contour of the hills just northeast of Brownsville. For that reason, there is just one bank on the south side for most of the ditch. The easement signed by the property owners led to the creation of tax lot 1200 (map enclosed). The livestock which will use the water are located on either side of this canal at different seasons of the year.

The dam, which is a flip board dam, is located approximately 2.5 miles east of Brownsville and is available for public use by swimmers and fishermen. We remove the boards each fall around October 13 and divert no water from the river between late October and early May.

We are a non-profit organization with each property owner being a member of the Brownsville Canal Company. If this application is granted, we will probably hire the water examiner who has been used by the city of Brownsville. If additional information is needed, please advise me.

Sincerely,

Clyde R. McLain, Sr.
Brownsville Canal Company
Home phone (503) 466-5791

RECEIVED

SEP 1 2 1935

WATER RESOURCES DEPT.
SALEM, OREGON

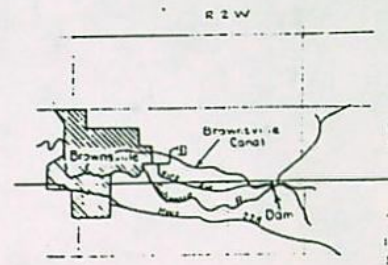
AS BUILT.

Paul H. Wang 1-24-39 DATE

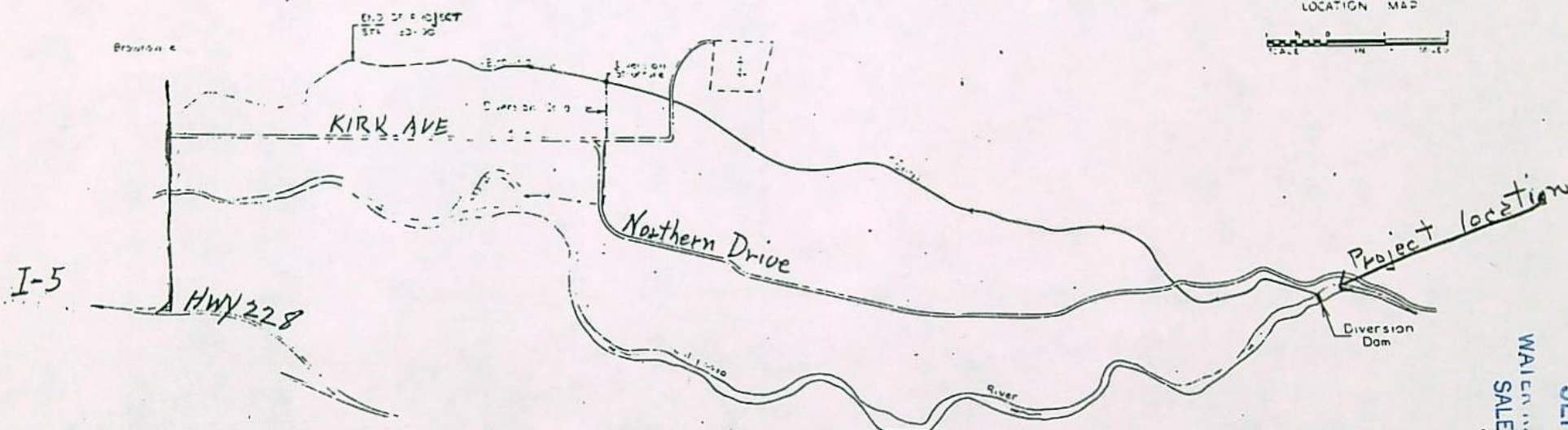
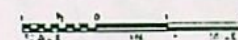
LOCATION NAME
BROWNSVILLE DAM & CANAL
RESTORATION PROJECT
LINN-LANE S.W. 1/4
LINN COUNTY, OREGON
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

by H. H. Wang
checked by Roy L. Fox
State Conservation Dept.
B. J. 1
7-E-18832

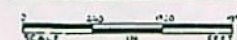
SCS-313 C (7-44)



LOCATION MAP



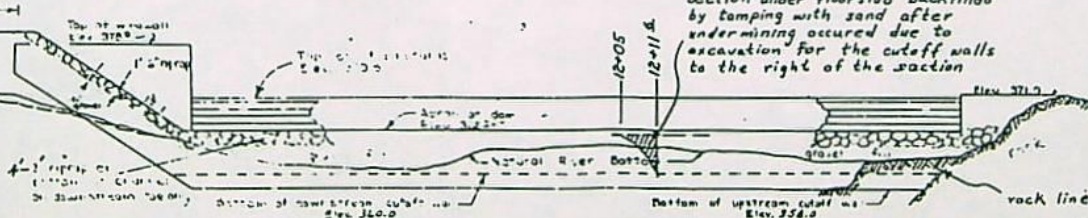
PLAN VIEW OF PROJECT



Section under floor slab backfilled by tamping with sand after undermining occurred due to excavation for the cutoff walls to the right of the section

increase in top width and steeper slope flowed as construction convenience

foundation stripped approx 0.5' to 1.0'

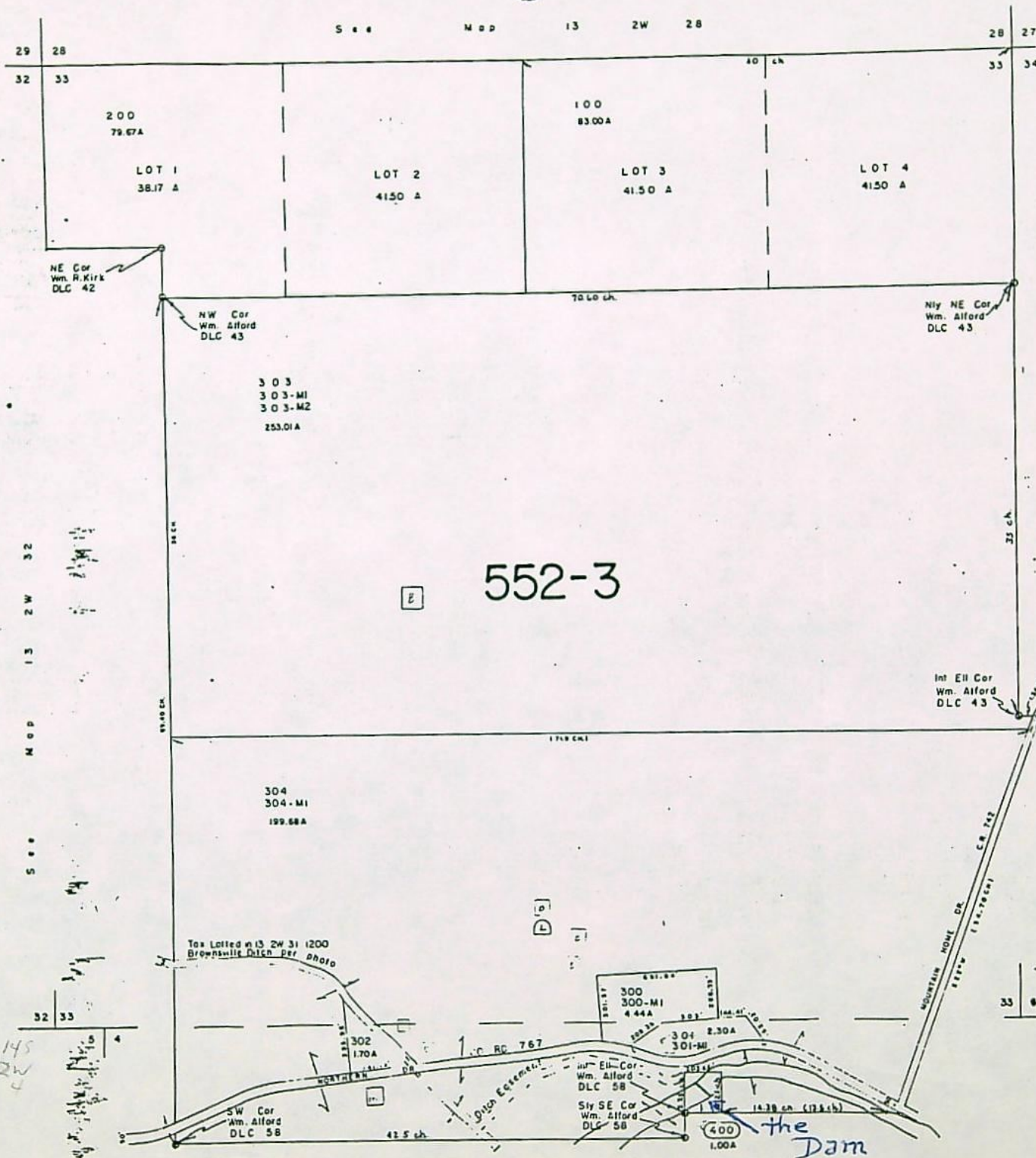
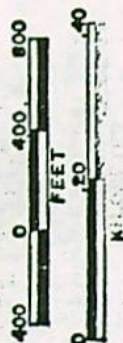


ELEVATION FLASHBOARD DAM



S 33 M 00 13 2W 28

SCALE 1" = 9600'



RECEIVED
JUL 31 1990
DEPT. OF REVENUE STATE OF OREGON
ASSESSMENT & APPRAISAL DIV.

WALLEN INSURANCE CO. DEPT.
SALEM, OREGON

SEP 12 1995

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13 2W 33



300 300 10 20 20

LOT 3
31.00 A

LOT 4
31.00 A

13 2W 32
LINN

NW Cor
Wm. R. Kirk
DLC 42

See Map 13 2W 31

Wly SW Cor
Wm. R. Kirk
DLC 42

RECEIVED
JAN 20 1995
DEPT. OF REVENUE
STATE OF OREGON

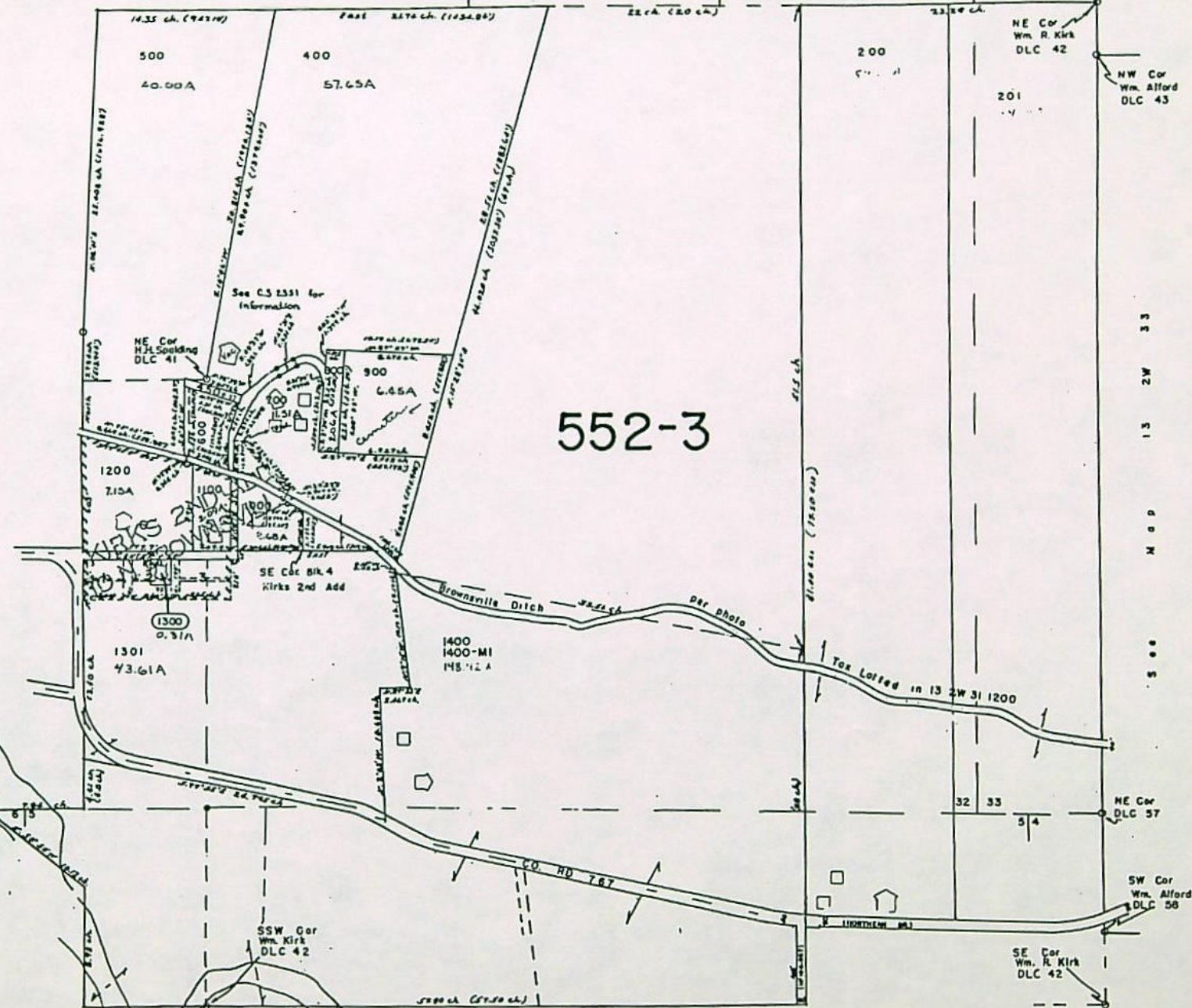
See Map 13 2W 31A

32

SSW Cor
Wm. Kirk
DLC 42

See Map 14 2W 5

552-3



WATER RESOURCES DEPT.
SALEM, OREGON

SEP 12 1995

RECEIVED

13 2W 32

THOMPSON'S MILLS

FEB - 7 1995

32655 Boston Mill Dr.

P.O. Box 71

Shedd, Oregon 97377

Phone (503) 491-3611

31 January, 1995

Oregon Water Resources Department
158 12th NE
Salem, Oregon 97310

RE: Application #sR73454, R75132, P75501, P74772, P74799, 74299, 74044, R75673, R75988, P75151, P75152, P75154, P75169, P74979, P75071, R76425, R75711, R75708, R75712, P75131, R75707

Gentlemen,

We believe the above pending water right applications may impact our operations at Thompson's Mills on the Calapooia River. Since we are the holders of the oldest priority water rights on the Calapooia River, (1858/35 CFS; 1932/145 CFS), we respectfully request that these applications be denied on the grounds that there currently, (based on the immediately past 5 years operational experience), is not enough water in the Calapooia Basin from April - November to supply the water power requirements of Thompson's Mills. If the applications are going to be approved, we respectfully request that the Water Resources Dept. contact us before an approval is granted so that reasonable terms and conditions can be made to protect Thompson's Mills water rights from any further impacts or encroachments.

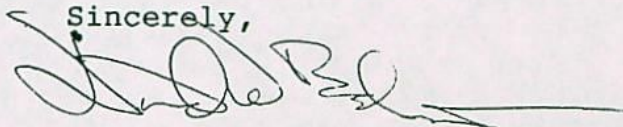
Our understanding with respect towards reservoir storage is that once the water is impounded it no longer can be required to be released under the priority system. Therefore, Thompson's Mills loses that amount of water that is considered in storage. Chief area of concern is that once streamflows drop below the minimum operational requirements of Thompson's Mills, junior right holders will continue to impound flows for their own use. Unless both the inflows and outflows of these junior water right applications are actually metered, there is no way to tell if these junior rights are in fact actually taking and holding in their reservoirs more than they are entitled to. Additionally, merely metering the flows is not adequate if those meters are not examined on a periodic basis by the local watermaster.

Because there are no funding provisions, (we assume), to provide for the watermaster to perform the greatly expanded task of a monitoring program of this nature, it will devolve to Thompson's Mills to request an enforcement of its existing water rights. For roughly 40 years a court adjudication has been in place on the Calapooia River. During that time an irrigation district was formed, however not all water users above the Thompson's Mills point of diversion are members of

the district. The addition of further rights to the Calapooia Basin by the Oregon Water Resources Department, particularly of rights that are allowed to be used legally during low flow periods, or water rights that are used illegally, that is, rights that were granted but then are expanded upon by the owner to impound water during periods that were not provided for by the Water Resources Dept. can and will create further hardships for Thompson's Mills. This in effect creates a situation where the Water Resources Dept. is potentially reallocating our senior water rights unless we exercise our right to call the river. Naturally this is most undesirable on our part as it places Thompson's Mills in the position of playing the role of the regulator of the basin for the state of Oregon. It also tends to strain an already strained relationship with the upstream water users.

To date Thompson's Mills has already had to retain council experienced with water law. Protests have been filed on two applications. A third, (73455), slipped past us and we have not filed any protests at this time. Because of the sudden onslaught of new applications, it will become extremely expensive for us defend our water rights. It is unreasonable and unnecessary to expect us to file protests on the growing number of applications. It is our desire at this time to point out that the Calapooia River Basin is over appropriated. If the state of Oregon persists in their granting of favorable technical reviews that do not adequately reflect the senior priority water rights that Thompson's Mills holds, then we will be left with only a narrow latitude of actions that Thompson's Mills can take to protect its existing water rights.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David W. Babits', with a long horizontal flourish extending to the right.

David W. Babits
Thompson's Mills

RECEIVED

AUG 22 1994

WATER RESOURCES DEPT.
SALEM, OREGON

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

Application #s 74299 _____

Send to:

Thompson's Mills
PO Box 71
Shedd Or 97377

Please include specific comments or concerns. Use additional sheets if necessary.

Return to:

Oregon Water Resources Department
158 12th ST NE
Salem, Oregon 97310

This Comment corresponds to the JUL/27/1994 Public Notice.

July 25, 1994

BROWNSVILLE CANAL CO. INC.
732 AMELIA AVE
BROWNSVILLE, OR 97327

REFERENCE: File(s) S-74299

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used without a water right permit.

After an application has been accepted for filing, public notification of the application is made, followed by the mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. Applications are processed in the order in which they are received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo a specialized analysis called a technical review and a public interest review. There is no way to determine at this time whether your particular proposed water use will be recommended for a permit.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

RECEIVED

JUL 20 1994

WATER RESOURCES DEP.
SALEM, OREGON

Application No. 74299

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

Applicant(s) BROWNSVILLE CANAL COMPANY INC.
(Please print or type - use dark ink)

Mailing Address: 732 AMELIA AVE.
BROWNSVILLE, OREGON 97327 466-5762
City State Zip Daytime Phone No.

(We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: CALAPOOIA RIVER,
a tributary of _____

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: _____ cubic feet per second, OR 12 gallons per minute. If water is to be used from more than one source, give the quantity of water from each: _____

3. **INTENDED USE(s) OF WATER:** LIVESTOCK WATER

If for more than one use, give the quantity of water from each source for each use; _____

If for **DOMESTIC** use, state the number of households to be supplied; _____

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation _____
Other (describe) _____

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

WATER IS DIVERTED AT DIVERSION POINT APPROXIMATELY TWO MILES EAST OF BROWNSVILLE AND FLOWS WEST THRU PASTURE AND TIMBER LAND IN EARTHEN CANAL. THIS CANAL CONTINUES THROUGH BROWNSVILLE PAST THE LIBRARY AND LINN COUNTY MUSEUM AND ON THE EAST SIDE OF MAIN STREET RETURNING TO THE CALAPOOIA RIVER AT THE STEEL BRIDGE ON MAIN STREET.

AN OVERFLOW DITCH THAT CARRIES WINTER RUN OFF ALSO TAKES WATER TO THE RIVER AT THE EAST END OF BROWNSVILLE ON NORTHERN DRIVE.

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin Completed in 1969

Proposed date construction work will be completed Completed as per map

Proposed date water use will be completed On going

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

_____ Applicant _____ CWRE _____ Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

_____ Applicant _____ CWRE _____ Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? NO. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: ALL PERSONS LISTED ARE MEMBERS OF THE BROWNSVILLE CANAL
COMPANY INC. IT WAS ORGANIZED IN 1967-68 WHEN A NEW FLIP BOARD
DAM WAS CONSTRUCTED IN PLACE OF THE LOG, CRIB TYPE DAM THAT WAS
DAMAGED BY WINTER RUN OFF. SINCE COMPLETION OF THE NEW DAM
WATER HAS BEEN DIVERTED FROM MAY UNTIL OCTOBER. THE BROWNSVILLE
CANAL COMPANY SUBMITS THIS APPLICATION AS A NON PROFIT ORGANIZATION
INCORPORATED UNDER THE LAWS OF OREGON. THE ANIMALS LISTED ARE
THE MAXIMUM NUMBER TO BE ON PASTURE OR GRASS SEED FIELDS AT ANY ONE
TIME.

I/We certify that the information I have provided in this application is an accurate representation of the
proposed water use and is true and correct to the best of my knowledge:

Clyde R. McLain Jr.
Signature of Applicant President

07-19-94
Date

Louis E. Walker, Jr. SECRETARY-TREASURER
Signature of Co-Applicant, if any

07-19-94
Date

RECEIVED

JUL 20 1994

WATER RESOURCES DEP.
SALEM, OREGON

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 20th day of July, 1994, at 11:20 o'clock, A M.

APPLICATION NO: 74299

PERMIT NO: _____

Application No. 74299

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in Addition to Classified Uses

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

JUL 20 1994

Applicant's Name: Brownsville Canal Co. Inc.WATER RESOURCES DEP.
SALEM, OREGONAddress: 732 Amelia AveCity: Brownsville State: OR Zip: 97327 Day Phone: 466-5762

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
1324-32	MIXED ZONING	✓		
300, 1400	FUM, FEH			
700, 600				
1000, 1100				

500 etc.

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Linn Co City of Brownsville

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 6.020 & 5.020. Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: Brownsville Canal Co. Inc.Clyde McLean Pres.

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

JUL 20 1994

RESOURCES DEPT
SALEM, OREGON

b) Please provide printed name and written signature.

Date: 2-15-94
Phone: 967-3816

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper.

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Brownsville Canal Co Inc.
 Address: 732 Amelia Ave.
Brownsville, Oregon
97327
 Phone: 503 466 5762

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JUL 20 1994

 WATER RESOURCES DEP.
 SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☐ Irrigation (crop type, golf course, nursery or greenhouse): _____
- ☒ Livestock (type of livestock, feedlot, slaughterhouse): Cattle, sheep, goats, horses
and mules on pasture. or hay and livestock supplements.
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☐ Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>CALAPOOIA RIVER</u> _____ _____	_____ Cubic feet per second. <u>12</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

Application No. 74299
Permit No. 52607
Brownsville Canal Co.
Tax Lot 400

Page 2

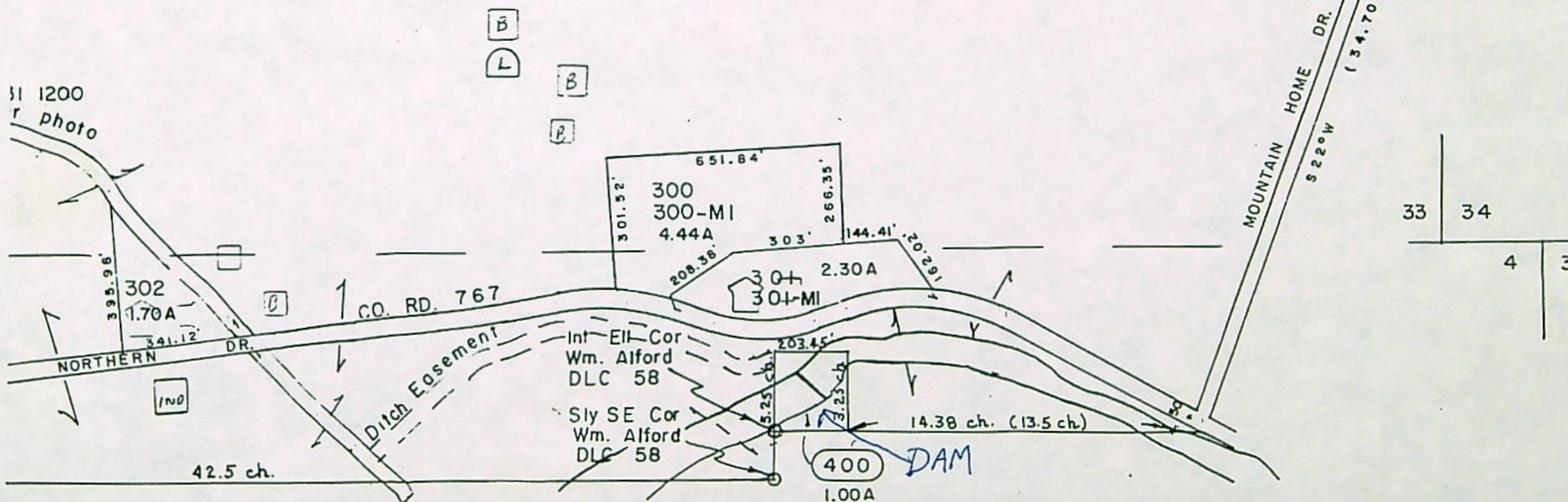
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Int Ell Cor
Wm. Alford
DLC 43

MI
38A

Tax lot 304

SI 1200
r photo



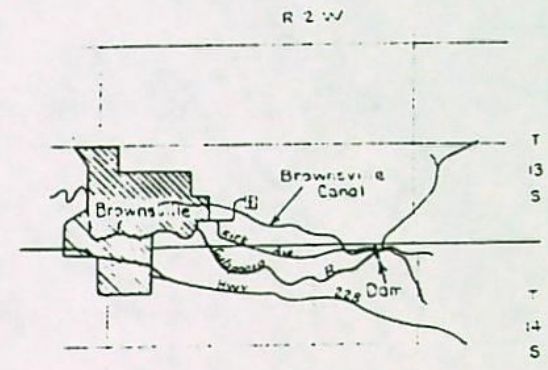
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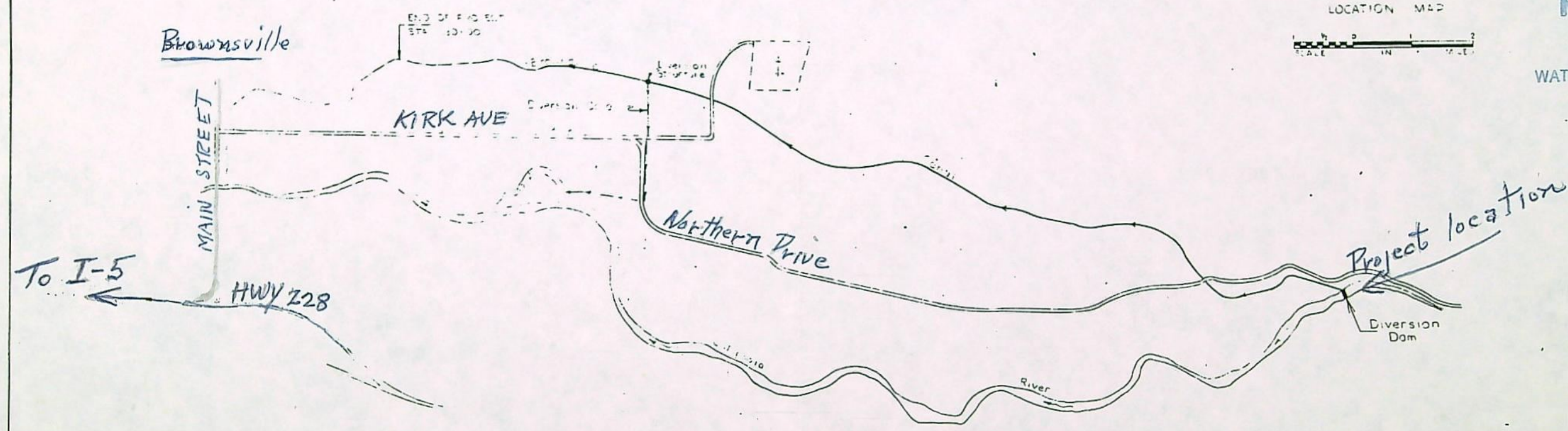
WATER RESOURCES DEP.
SALEM, OREGON

Application No. 74299
Permit No. 526C7

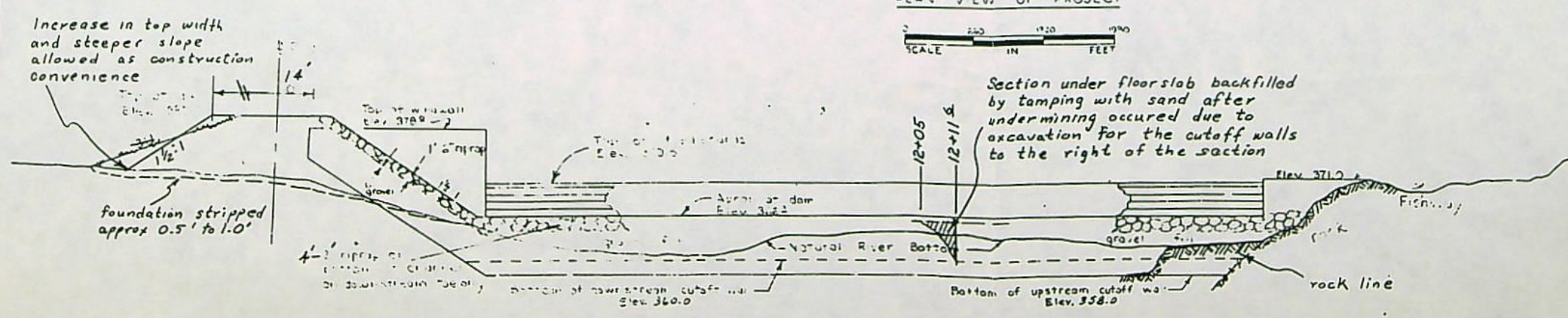
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JUL 20 1994
WATER RESOURCES DEPT.
SALEM, OREGON



AS BUILT.
Paul H. Cherry 1-26-70 DATE



LOCATION MAP	
BROWNSVILLE DAM & CANAL RESTORATION PROJECT	
LINN-LANE SWED LINN COUNTY OREGON	
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	
Project No. 74299	Project No. 74299
Drawn by H. J. Chis	Checked by Roy L. Fox
Date 8/67	Date 8/67
Scale 1"=100'	Scale 1"=100'
7-E-18832	

Submitted by Brownsville Canal Co. Inc.

Appl. No. 74291
Permit No.

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WATER RESOURCES DEPT.
SALEM, OREGON

WATER RIGHTS FROM BROWNSVILLE DITCH

Permit No. -----	Date of Priority -----	Acreage -----	Amount of water -----
20526	April 18, 1951	6.9	0.08 CFS - 36 GPM
28982	August 12, 1963	10.2	0.13 58
29360	January 8, 1964	0.75	0.01 4.5
29515	May 25, 1964	0.40	0.01 4.5
29794	June 23, 1964	0.30	0.004 1.8 =
30652	July 19, 1965	1.2	0.02 9.0 2,592
40370	November 14, 1975	0.75	0.01 4.5
TOTAL ACRES		20.5	
TOTAL AMOUNT OF WATER -		0.264 cfs	- 118 gpm

GA 4
24 HR

Water Right priorities after June 22, 1964 are subject to regulation for Instream Water Rights.

74299

Brownsville Ditch

ca. 1859

has been determined to be a significant historic property
in Linn County, Oregon. In recognition of the contribution
this property makes to an understanding of Linn County's past,
the Linn County Historic Resource Commission
has placed this property on the
Linn County Register of Historic Resources.

Presented this 21st day of June, 1993
by the Linn County Historic Resource Commission.

Richard L. Haysen

Chairperson
Historic Resource Commission

Phil M. Thad

Chairperson
Linn County Board of Commissioners

WATER RESOURCES DEP.
SALEM, OREGON

JUL 20 1994

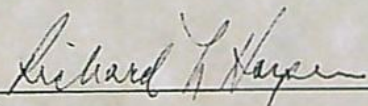
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The Brownsville Ditch

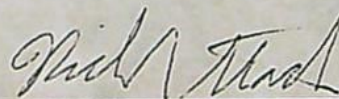
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Chairperson
Historic Resource Commission



Chairperson
Linn County Board of Commissioners

WATER RESOURCES DEP.
SALEM, OREGON

JUL 20 1994

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Photo in local newspaper May 1987

Application No. 74299
Permit No.

Linn County Unofficial Final Election Results

QUESTION

Shall Linn County levy \$1,455,977 outside the tax base for operating purposes and increase the net tax rate for 1987/88?

YES	NO
4923	7737

QUESTION

Shall School District 552-C Levy \$2,528,787 Outside the Tax Base for Operating Purposes for 1987-88?

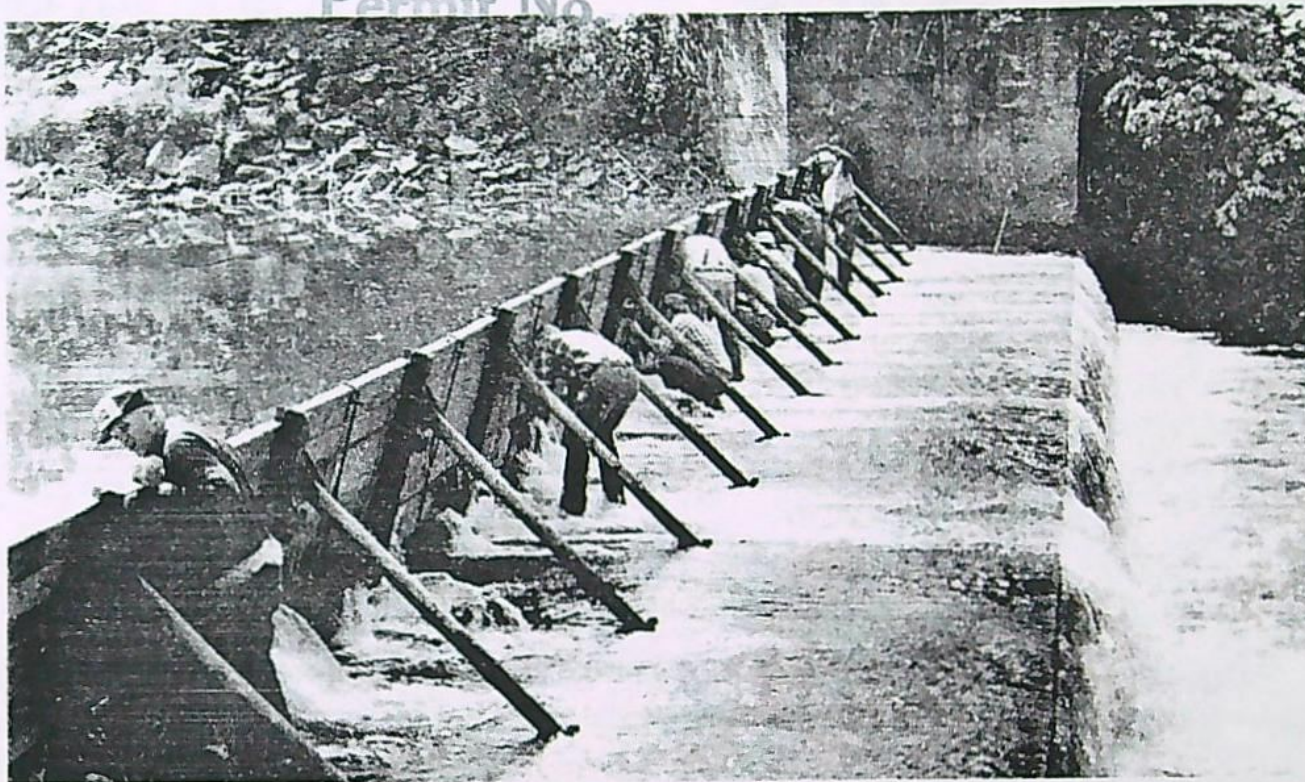
YES	NO
551	435

QUESTION

Shall Brownsville annually levy \$70,000 outside Constitutional limitation for fiscal years 1987-90 for provision of local police services?

YES	NO
139	158

All precincts responding.
12:05 a.m. Wednesday May 20, 1987



The users of the mill race spent part of Saturday morning completing the annual installation of boards in the dam in the Calapooia River east of town. The dam diverts a portion of the river flow into the mill race during summer months. It is removed each October.

A new footbridge over which materials for the dam are carried was constructed on Friday. It was made of treated timbers purchased from the railroad. The old bridge which was replaced had become unsafe. Although final figures on the total cost of the new bridge are not yet available, it is expected that cost will be about

\$200. Donations from mill race users are being solicited and can be sent to **Brownsville Special Projects**, 732 Amelia Ave., Brownsville. Those working on bridge construction were Clyde McLain, Roy Gann, Bill Nelson and Bud Walker.

Metal stanchions and supports for boards in the dam were put in place on Wednesday. This work is usually completed early to make sure no problems occur when boards are ready to be put in place. Those involved in this phase were Roy Gann, Clyde McLain, Lee Case, Bill Nelson and Bud Walker.

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JUL 20 1994

WATER RESOURCES DEP.
SALEM, OREGON

Application No. 74299
 Permit No.

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JUL 20 1994

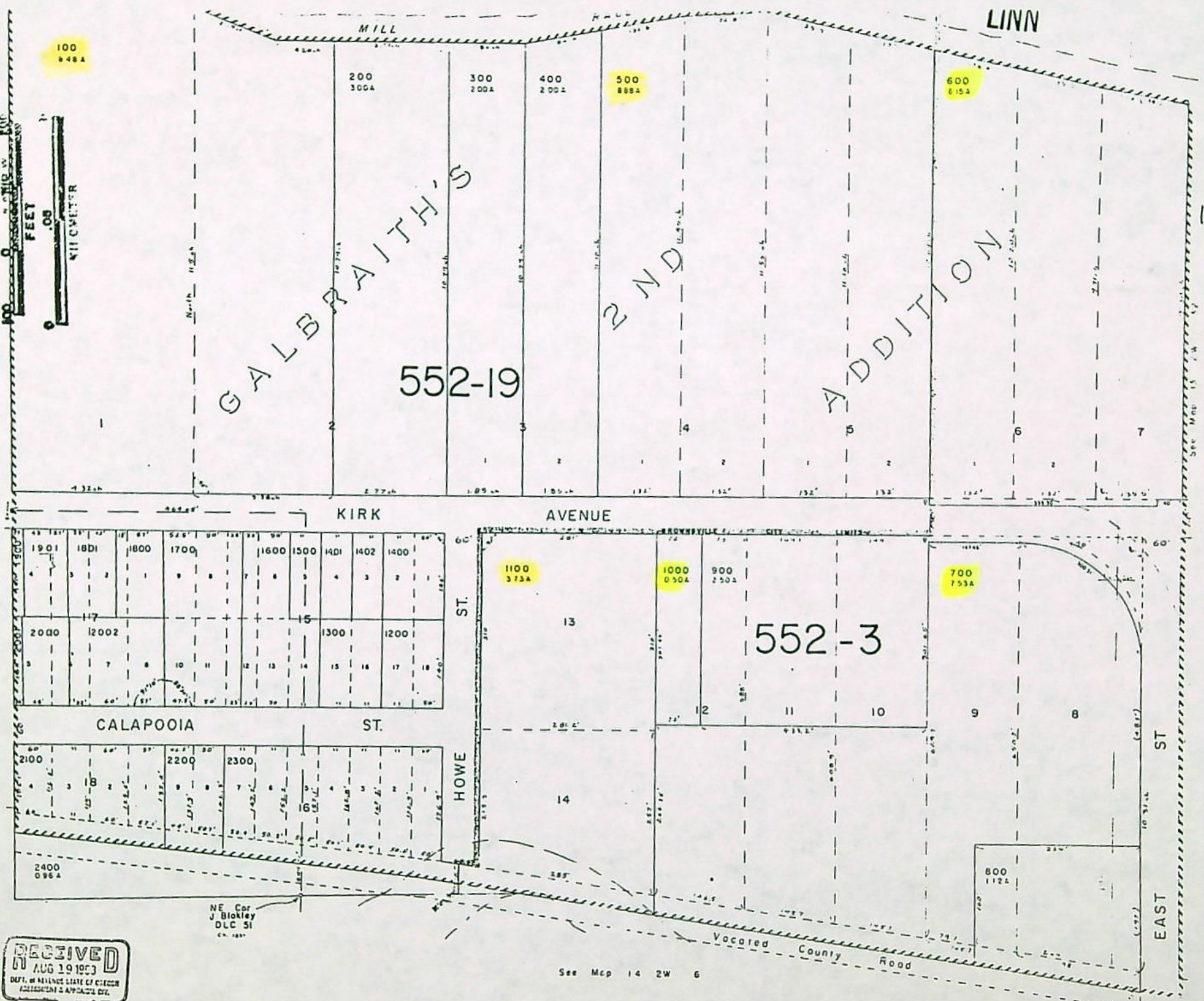
WATER RESOURCES DEP.
 SALEM, OREGON

Brownsville Canal Co. Inc. Livestock Watering Application

Property Description
 Linn County, Oregon

TOWNSHIP	RANGE	SECTION	TAX LOT	OWNER / OPERATOR	LIVESTOCK
13S	02W	31DA	600	Robert & Sharon Babcock	550-sheep
13S	02W	31DA	700	Cascade Sheep Co.	550-sheep
13S	02W	32	01000	Lee & Helen Case	9 yearling cattle
13S	02W	32	200	Arlene Curtis	50 - to
13S	02W	32	201	Marlene Sloan	60
13S	02W	32	200	Richard & Laurel Malosh	cattle
13S	02W	32	400	Bert Curtis	30 cattle
13S	02W	32	600	Bert Curtis	
13S	02W	32		Floyd Davis	6 yearling cattle
13S	02S	33	00303	John & Carol Holbrook	150 cattle 40 horses
13S	02W	33	00304	John & Carol Holbrook	200 sheep
13S	02W	32	00700	Clyde & Maydell McLain	10 cattle
13S	02W	32	1400	Larry Neher	
13S	02W	32	1301	Larry Neher	
13S	02W	32	1300	Larry Neher	300 sheep
13S	02W	31	100	Larry Neher	
13S	02W	31	00500	Mike & Sharon Rodolf	12 horses
13S	02W	31DA	01100	Gordon Stoddard	5 yearling cattle
13S	02W	31DA	01000	Gordon Stoddard	
13S	02W	31	01000	Clint & Nancy Taskinen	30 cattle 3 horses
13S	02W	32	01200	Clint & Nancy Taskinen	
13S	02W	31	801	Lou "Bud" Walker	30 cattle
13S	02W	31	1100	Lou "Bud" Walker	w/ calves

See Map 13 2W 310B SCALE 1:2400

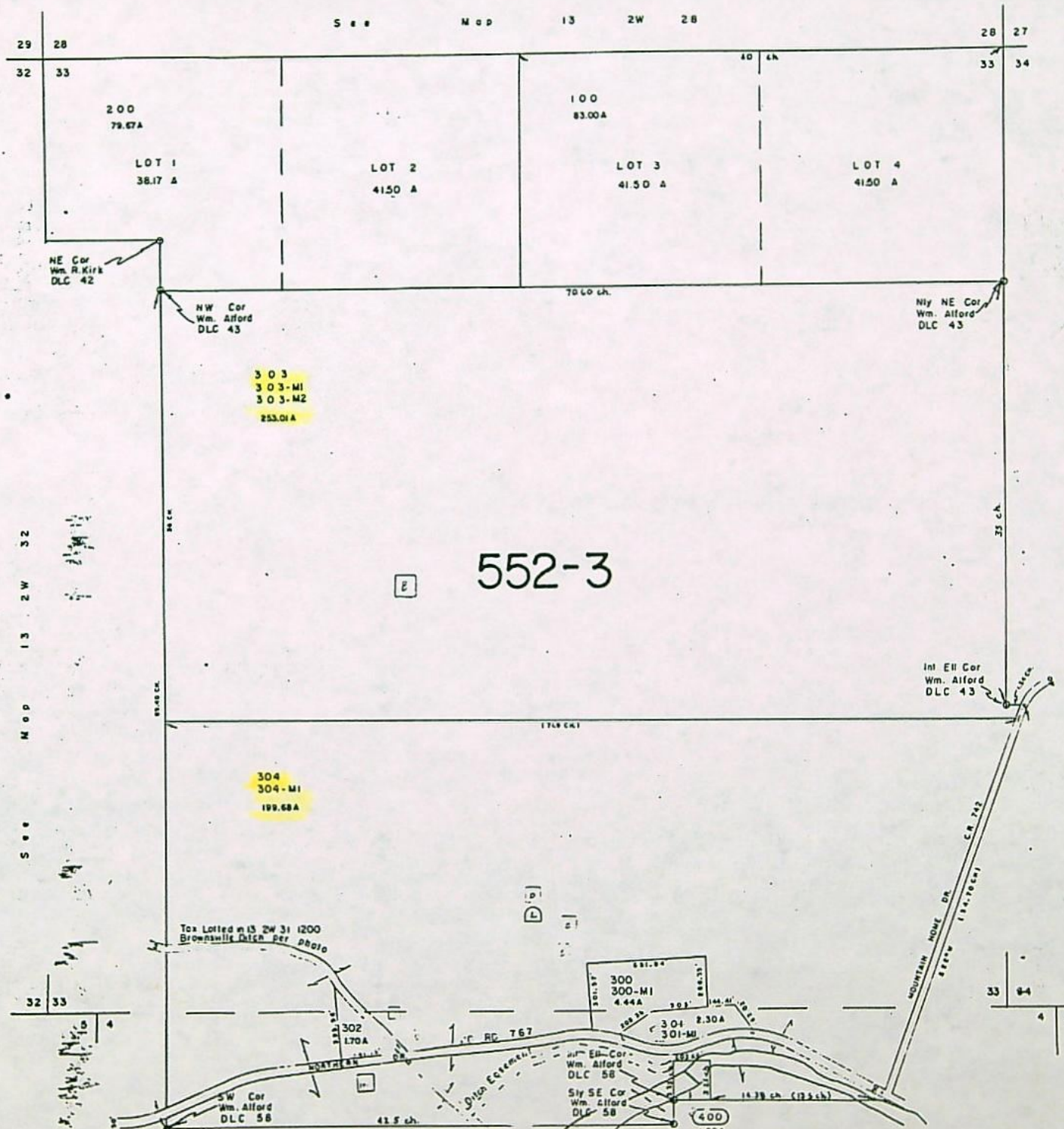


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AUG 19 1953
DEPT. OF REVENUE STATE OF OREGON
ASSESSMENT & APPRAISAL DIV.

See Map 14 2W 6

13 2W 31D.

SCALE 1"=9600'



See Map 13 2W 29

LOT 3
31.00 ALOT 4
31.00 A13 2W 32
LINNNW Cor
Wm. R. Kirk
DLC 42

See Map 13 2W 31

Wly SW Cor
Wm. R. Kirk
DLC 42RECEIVED
JAN 20 1995
DEPT. OF REVENUE
STATE OF OREGON

See Map 13 2W 31A

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LINN

.13 2W 32

1" = 400'

30	29
31	32

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32	33

See	Map	13	2W	29
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LOT 3
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LOT 4
31.00 A

NW Cor
Wm. R. Kirk
DLC 42

	Mo	13	2W	31
See				

Wly SW Cor
Wm. R. Kirk
DLC 42

RECEIVED
JAN 20 1995
DEPT. OF REVENUE
STATE OF OREGON

See Map 13 2W 310A

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Wm. R. Kir
DLC 42

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-4-42

NW Cor
Wm. Alford
DLC 43

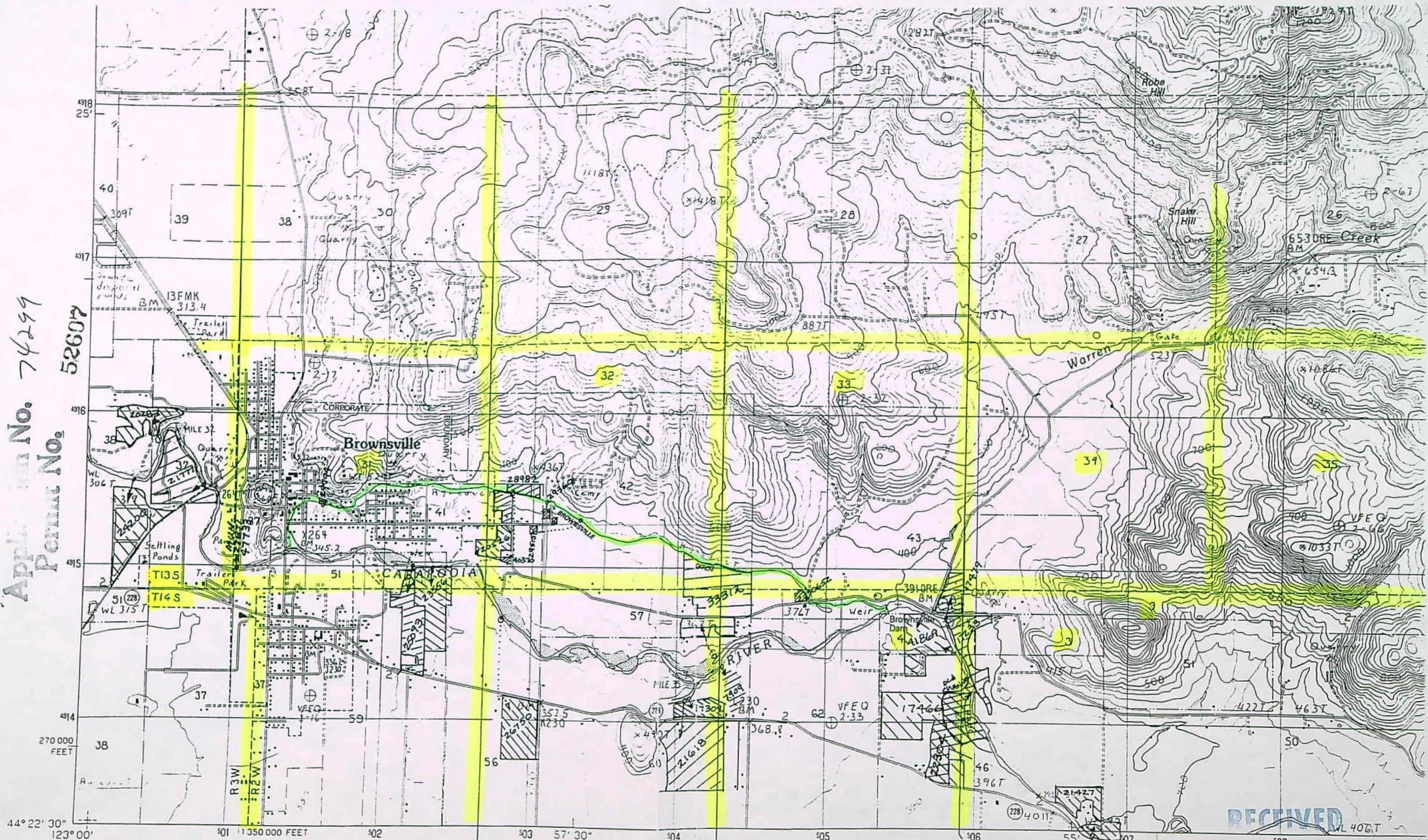
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552-3

Submitted by Brownsville Canal Co. Inc.

Application No. 74299
Permit No. 52607



PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CONTROL BYUSGS, NOS/NOAA, STATE OF OREG.
COMPILED FROM AERIAL PHOTOGRAPHS TAKEN1982
FIELD CHECKED1984. MAP EDITED1988
PROJECTIONLAMBERT CONFORMAL CONIC
GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATORZONE 10
10,000-FOOT STATE GRID TICKSOREGON, NORTH ZONE
UTM GRID DECLINATION0°03' EAST
1980 MAGNETIC NORTH DECLINATION19°30' EAST
VERTICAL DATUMNATIONAL GEODETIC VERTICAL DATUM OF 1929
HORIZONTAL DATUM1927 NORTH AMERICAN DATUM
To place on the predicted North American Datum of 1983,
move the projection lines as shown by dashed corner ticks

PROVISIONAL MAP
Produced from original
manuscript drawings. Infor-

SCALE 1:24 000



CONTOUR INTERVAL 20 FEET
SUPPLEMENTARY CONTOUR INTERVAL 10 FEET
CONTROL ELEVATIONS SHOWN TO THE NEAREST 0.1 FOOT
OTHER ELEVATIONS SHOWN TO THE NEAREST FOOT



RECEIVED
JUL 20 1994
WATER RESOURCES DEP.
SALEM, OREGON
Improved Road.....
Unimproved Road.....
Trail.....
Interstate Route.....
1 2 3 4 5
1 Tangent
2 Lebanon
3 Onehorse Slough
4 Halsey
5 Waterlun

MEMO

TO: FILE 74299

FROM: JG

DATE: 7-25, 2008

RE: DETERMINATION OF PROOF

I've determined that a DRAFT / FINAL cert should be prepared and mailed to the permit holder consistent with:

The Permit

The COBU/FPS

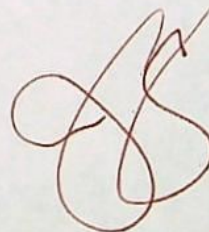
See notes on PC

As described in the permit but as clarified by the COBU/FPS

As described in the PERMIT COBU/FPS but as further specified below.

PROPOSED: location -

*Permit put all in T13S, R2W
however, Section 4 is
in T14S, R2W.*



STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BROWNSVILLE CANAL CO. INC.
732 AMELIA AVE
BROWNSVILLE OR 97327

confirms the right to use the waters of CALAPOOIA RIVER, a tributary of WILLAMETTE RIVER for LIVESTOCK WATER.

This right was perfected under Permit 52607. The date of priority is JULY 20, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.027 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
14 S	2 W	WM	4	NW NE		5	500 FEET SOUTH & 2000 FEET WEST FROM SE CORNER, SECTION 33 KIRK DLC 57

A description of the place of use to which this right is appurtenant is as follows:

move to last table

LIVESTOCK							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
13 S 14 S	2 W	WM	4	NW NE			0.00
13 S 14 S	2 W	WM	4	NE NW			0.00
13 S	2 W	WM	31	NE SW			0.00
13 S	2 W	WM	31	NW SW			0.00
13 S	2 W	WM	31	SW SW			0.00
13 S	2 W	WM	31	NE SE			0.00
13 S	2 W	WM	31	NW SE			0.00
13 S	2 W	WM	32	NE SW			0.00
13 S	2 W	WM	32	NW SW			0.00
13 S	2 W	WM	32	SE SW			0.00
13 S	2 W	WM	32	SW SE			0.00

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

LIVESTOCK							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
13 S	2 W	WM	32	SE SE			0.00
13 S	2 W	WM	33	SW SW			0.00
13 S	2 W	WM	33	SE SW			0.00

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.
- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued _____.

Phillip C. Ward, Director
Water Resources Department

Mailing List for Certificate

Scheduled Mailing Date:

Application: S-74299

Permit: 52607

Certificate: *****

Permit/Certificate Holder:

BROWNSVILLE CANAL CO. INC.
732 AMELIA AVE
BROWNSVILLE OR 97327

Copies Mailed

by: _____
(STAFF)

on: _____
(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 2, Michael J. Mattick
2. Data Center (include copy of map)
3. Water Availability
4. Vault
5. File

Other persons to receive copies: (include map):

1. Jack R. Burrell, CWRE

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-74299

Final Order

Application History

On July 20, 1994, BROWNSVILLE CANAL COMPANY, INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 4, 1996. The protest period closed July 19, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

Order

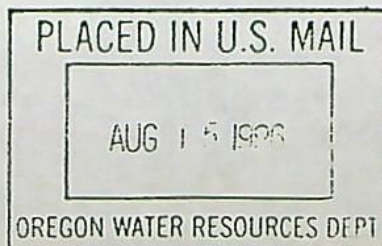
Application S-74299 therefore is approved as proposed by the Proposed Final Order, and Permit Number 52607 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED August 14, 1996

for Anna Appligato
Martha O. Bage
Director

Appeal Rights

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.



STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BROWNSVILLE CANAL COMPANY, INC.
732 AMELIA AVE
BROWNSVILLE, OREGON 97327

(541) 466-5762

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-74299

SOURCE OF WATER: CALAPOOIA RIVER, A TRIBUTARY OF WILLAMETTE RIVER

PURPOSE OR USE: LIVESTOCK WATER

MAXIMUM RATE/VOLUME ALLOWED: 0.027 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JULY 20, 1994

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 4, T14S, R2W, W.M.;
710 FEET NORTH AND 2930 FEET EAST FROM THE SE CORNER KIRK DLC 57

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4

SECTION 31

NE 1/4 SW 1/4
NW 1/4 SW 1/4
SE 1/4 SW 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 32

SW 1/4 SW 1/4
SE 1/4 SW 1/4

SECTION 33

NW 1/4 NE 1/4
NE 1/4 NW 1/4

SECTION 4

TOWNSHIP ¹³~~14~~ SOUTH, RANGE ^{2 west}~~12~~ EAST, W.M.

There appears to be an error on the FO for this right. FO lists POV as T 14S R12E but it appears to be in T 13S 2W. Please check/correct in WRIS database. Thanks, Meredith

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

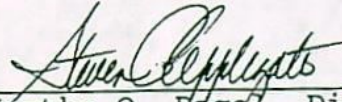
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued August 14, 1996

for 
Martha O. Pappalardo, Director
Water Resources Department

TO: DATA CENTER

10/15/97

From: DBAER

STATE OF OREGON

RE: WRIS CORRECTION

COUNTY OF LINN

COPY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BROWNSVILLE CANAL COMPANY, INC.
732 AMELIA AVE
BROWNSVILLE, OREGON 97327

(541) 466-5762

The specific limits for the use are listed below along with conditions of use.

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710 FEET NORTH AND 2930 FEET EAST FROM THE SE CORNER KIRK DLC 57

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NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4

SECTION 31

NE 1/4 SW 1/4
NW 1/4 SW 1/4
SE 1/4 SW 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 32

SW 1/4 SW 1/4
SE 1/4 SW 1/4

SECTION 33

NW 1/4 NE 1/4
NE 1/4 NW 1/4

SECTION 4

TOWNSHIP ¹³~~14~~ SOUTH, RANGE ^{2 West}~~12~~ EAST, W.M.

There appears to be an error in the FO for this right. FO lists POV as T 14S R12E but it appears to be in T 13S R2W.

Please check/correction in WRIS database.

Thanks,
Murdith

FO CHECKLIST

FILE # 574299

PFO TO FO CONVERSION

REVIEW DATE: 07/26/96

WEEK # 45

INITIALS: LLS

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. / Verify names and addresses on the PFO CC list. **ALL** commentors (regardless of comment date), affected landowners, and those who paid the \$10 fee should be listed.
3. / Verify payment of recording fees (circle the appropriate option)
(1) (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO
(2) Issue FO w/o permit if fees are lacking
4. Y / N Is the file lacking a signed oath of accuracy for the application?
5. Y / N Has ODFW asked for self certification on screening condition?
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If #6 = "Y", is short season letter on file?
8. Assign permit numbers to files with oath, fees, and no protests or other issues

200
100
300

Route to: (circle one)
DENIAL FO w/o PERMIT FO & PERMIT COMMENTS
LARRY CORY JERRY & JEREMY DOUG

Initials JT6

9. / / N Is further processing possible? If not state reason: _____
10. / Notify applicant of additional information or fees required prior to permit issuance (**SEND CERTIFIED LETTER** & use standard wording from M:\T\FO\TOOLS if possible)

Modify FO as needed to:

11. / Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
12. / Include or exclude permit conditions and management codes
13. / Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

14. / Save WordPerfect document in M:\T\FO\WEEK 46 & delete duplicates
15. / Print final draft of document and submit to team leader for review
16. (Y) / N Team leader review completed

PFO MUNI & Q-MUNI CHECKLIST

Application #: 5 74299 Vol 5 Subbasin CALADORA Riv & Misc
 Basin: 2 WAB: 0105 24100
 Township 143 Range 24 Section 4 1/4 1/4 NW NE, NE NW
135 24 31; 32; 33 NE SW, NW SW, SW SW, NE SE, NW SE, NE SW, NW SW
SE SW, SW SE, SE SE; SW SW SE SW
 1. Completeness checklist verified? Y/N
NA a. Form M Y/N Proj population _____ Proj peak flow _____
 b. \$ for public notice Y/N
 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, other) Y/N
 3. Groundwater review A B C D
NA a. Is second groundwater review necessary? Y/N reason _____
 b. Is the well located in a groundwater limited area? Y/N
 4. SWW Y/N Triage Y/N conditions/restrictions Y/N
 5. Basin Program limitations? Y/N 690 502 110 (1)(d)
 6. Withdrawn? Y/N season allowed _____
 7. Basin Maps have been checked. Y/N The River Mile is NE Rm 36 CALADORA Riv
 8. Water Availability (50% < July 17, 1992 OR 80% [50% storage] > July 17, 1992) NA 1/2 Riv
 a. Notify Ken Stahr Y/N (Q, Duty, or Season) _____
 9. Rate/Duty/Season .027
 10. Use LIV STR Period of Allowed Use 1/2 Riv
 11. Priority Date(s) 7/20/94 TR / IR mail date 9/27/95 (10/17, 11/16)
 12. B.O.R. project Y/N contract # _____
 13. TMDL Basin? Y/N (Tualatin, Yamhill, Pudding) DIVISION 33 Y/N (Abv Bonn > July 17, 92 //// Blw Bonn > April 18, 94 or June 3, 94)
 14. Objections? Y/N PFO different from IR/TR Y/N
 15. Conditions (from IR/TR/ or Additional) Y/N (macro series 4 - 7)
 a. Conplan Y/N
 16. Land use approval OK'd needs approval county notified NA
 17. SIZE Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) Large (≥ 1.5 cfs, ≥ 100 AF)
 18. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (14 15 19 - SWR)

#s of deficiencies above _____

THOMPSON'S MILLS

P.O. Box 71

SHEDD, OR 97377

Name:

RUC

Date:

5/15/96

save to m:\t\pfo\done\week#\app#.w51

Application S-74299

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-74299✓

WATERMASTER # 02✓

REGIONAL MANAGER: NWR✓

ODF&W - Linn County:✓

CWRE (if agent):

DEQ✓

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

THOMPSON MILLS✓
P.O. BOX 71
SHEDD, OR 97377

SEE ATTACHED LIST✓

CASEWORKER : RWK

Owners of property along Millrace, continued
(Tailrace)

Map 31 CA

✓2200	Elizabeth Kirsh, 535 50th Avenue, Sweet Home OR 97386	
✓2900	Lois Winn	PO Box 44
✓3000	Mary B. Parker, 241 E. "G" Street, Halsey, OR 97348	
3101	Lois Winn	PO Bx 44
✓3400	Gary and Peggy Shepherd	331 Kirk
✓3500	Glenn and Debbie Michalski	343 Kirk
✓4900	Janet T. Applebee	PO Box 789

Owners of Property along in-town portion of Millrace as of 11/30/95

(All addresses are Brownsville OR 97327 unless otherwise noted.)

Map/Tax Lot #	Name	Address
---------------	------	---------

Map 31 BC

/1200	Brownsville Canal Co., Inc	Rt. 1, Box 732 Amelia
/5000	James and Bernice Howell	PO Box 187
/5200	Edward and Carol Reister	PO Box 775
5400	City of Brownsville	PO Box 188
5402	"	
/5500	Dean and Mary Kyle	645 4th Ave, Sweet Home, OR 97386
/5501	Phillip and Patricia Updegrave	PO Box 429
/6200	James and Donna Nelson	36477 Hwy 228
6300	"	
/6400	City of Brownsville	PO Box 188
/6700	John and Diane Rinks	PO Box 151
8200	City of Brownsville	PO Box 188

Map 31 CA

/114	Tamara Marcus	PO Box 728
/116	Roy Gann c/o Norma Gann	PO Box 476
/1400	Richard Smith	35449 Oakview
/1500	William and Marilyn Nelson	PO Box 118
/1600	Aaron and Florence Crockett, TR et al 2845 E. Hatch Rd, Sp 107, Modesto CA 95351	
/1700	Henry Howe	PO Box 102
/1800	James and Sue Baldwin	303 Bishop Way
/2000	Rose Gilmore	PO Box 391
/2300	William and Marilyn Nelson	PO Box 118
/3600	Don and Sharon Smith	27926 Pine View Rd.

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NOV 27 1995

WATER RESOURCES
SALEM, OREGON

Owners of property along Millrace, continued
(East End: from waterfall to city limits)

Map 31

800	Louis E. Walker, Jr.	732 Amelia
1000	Clinton Taskinen	35613 Kirk
1600	Hillard and Catherine Fortson	703 Amelia

Map 31 CA

100	Larry and Loretta Jones	PO Box 508
113	Ronalds Dail, fam. rev. trst.	403 Kay Street
120	Jerry Fisher	407 Kay Street
124	Tommie and Wanda White	405 Spaulding

Map 31 DA

100	Lawrence and Mary Neher	28485 Brownsville Road
200	Jerry and Diane Baker	931 Kirk
300	John and A. Kien Miller 30348 Walnut Drive S. W., Albany OR 97321	
400	Larry and linda Williams	1013 Kirk
500	Michael and Sharon Rodolf	1119 Kirk

Map 31 DB

100	Melvin and Rhea Lemmon	710 Amelia
200	William and Anne Sattler	618 Spaulding
300	Warren and Karen Sopher	555 Spaulding
301	Mary L. Smith	553 Spaulding
400	Anthony and Pat Ridinger	531 Spaulding
401	Randall Schoonover	521 Spaulding
600	Allen and JoAnn Offutt	511 Spaulding
800	Dennis and Wendy Graham	PO Box 304
1000	Stanley and Joyce Shaw	439 Spaulding

BROWNSVILLE CANAL
November 1995

Name	Address	Phone #
(^{Louis}) Bud Walker	on city list	
/ Bob Babcock	35565 Kirk Ave., Brownsville, OR 97327	466-5511
/ Clinton Taskinen	35613 Kirk Ave., Brownsville, OR 97327	466-3374
/ Cy (Floyd) Davis	35534 Northern Dr., Brownsville, OR 97327	466-5862
/ Jerry Anthony	P.O. Box 274 Brownsville, OR 97327	
/ Clyde McLain	35700 Kirk Ave., Brownsville, OR 97327	466-5791
/ Marleen Sloan	36140 Northern Dr., Brownsville, OR 97327	
/ Laural MaLosh	36033 Northern Dr., Brownsville, OR 97327	466-5256
/ Larry Neher	28485 Brownsville Rd., Brownsville, OR 97327	466-5346
/ John Holbrook	36255 Northern Dr., Brownsville, OR 97327	466-5150
/ Cascade Timber Consultants	3210 Hwy 20, Sweet Home, Oregon 97386	367-2111
/ Cascade Sheep Company Attention: Lee Babcock	P.O. Box 473 Brownsville, OR 97327	

5

RECEIVED
NOV 27 1995
WATER RESOURCES
SALEM, OREGON

INITIAL REVIEW CHECKLIST

APPLICATION # S 74299
BASIN 2
WAB.# 010534180
POU-WAB _____

1. ☒ ITEMS HAVE BEEN VERIFIED ON COMPLETENESS CHECKLIST
2. N/A GW - A, B, OR C (IF B OR C THEN 3b,d;4;5;6;8 DO NOT APPLY)
3. DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...
 - a ☒ BASIN PLAN
 - b ☒ LEGISLATIVE WITHDRAWAL (ORS 538)
 - c ☒ RULES
 - d ☒ SCENIC WATERWAY (OTHER THAN WA ORS 390.826)
 - e _____ OTHER _____
4. ☒ WATER AVAILABILITY (WA) CFS 027 MONTHS Jan-Dec
50 % BEFORE JULY 17, 1992; 80% LIVE FLOW 50 % STORAGE AFTER JULY 17, 1992
5. ☒ INSTREAM WATER RIGHT EXEMPTIONS ARE DOCUMENTED ON WATER AVAILABILITY SHEETS
6. NO USE IS NOT FROM A BOR PROJECT OR A SIGNED CONTRACT IS IN THE FILE
7. N/A GROUND WATER REVIEW HAS BEEN EVALUATED FOR HYDRAULIC CONNECTION (USE WA DATABASE IF GW A) REQUIRED CONDITIONS _____
8. DIVISION 33 HAS BEEN ADDRESSED...
 - a ☒ SEASON FOR DIRECT FLOW (ABOVE BONN ONLY) _____
 - b ☒ WATER QUALITY PARAGRAPH
 - c ☒ EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS)
9. ☒ PLAT CARDS HAVE BEEN CHECKED AND A COPY OF THE MAP IS ATTACHED SHOWING THE CONFLICT WITH _____
10. N/A IRRIGATION SEASON _____ (DECREE, BASIN PLAN, PERMIT, GENERIC)
11. N/A RATE & DUTY _____ (DECREE, BASIN PLAN, PERMIT, GENERIC)
GROUND WATER ALWAYS GENERIC FOR RATE AND DUTY
OF ACRES PRI _____ SUPP _____ NOT SURE _____
12. ☒ ALL DOCUMENTS USED IN EVALUATION ARE ATTACHED AND HIGHLIGHTED AND PACKET IS STAPLED TOGETHER
13. ☒ WATERMASTER # 2
14. ☒ REGNL MANGER - SEND COPY (SW, SC, E) DO NOT SEND COPY TO (NW), NC)
15. ☒ SPELL CHECK HAS BEEN COMPLETED
16. _____ LETTER WAS SAVED FROM M:\T\IR\WORK TO M:\T\IR\SENT

NAME

G. A.

DATE

9-25-95

customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through October 31;

(c) The following streams and tributaries are classified year-round for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses only:

(A) Maxfield Creek tributary to Luckiamute River;

(B) Ritner Creek tributary to Luckiamute River;

(C) Pedee Creek tributary to Luckiamute River.

(3) Rickreall Creek Drainage: Rickreall Creek and tributaries are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from November 1 through April 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through October 31;

(4) Yamhill River Drainage:

(a) Except as specified in subsection (4)(b) of this rule, the Yamhill River and tributaries are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 through April 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through October 31;

(b) The following streams and tributaries are classified for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses only:

(A) Agency Creek tributary to South Yamhill River;

(B) Gold Creek tributary to South Yamhill River;

(C) Rowell Creek tributary to South Yamhill River;

(D) Rock Creek tributary to South Yamhill River near Grande Ronde;

(E) Pierce Creek tributary to South Yamhill River;

(F) Deer Creek tributary to South Yamhill River;

(G) E. Fork Willamina Creek tributary to Willamina Creek;

(H) Gooseneck Creek tributary to Mill Creek;

(I) Haskins Creek tributary to North Yamhill River;

(J) Panther Creek tributary to North Yamhill River;

(K) Cedar Creek tributary to North Yamhill River;

(L) Fairchild Creek tributary to North Yamhill River;

(M) Turner Creek tributary to North Yamhill River.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

Santiam River — Calapooia River Subbasin

690-502-110 The Santiam — Calapooia Subbasin includes the drainage basins of the Santiam and Calapooia Rivers upstream from the confluence with the Willamette River:

(1) Surface water classification:

(a) The Little North Santiam River from the confluence of Battle Ax Creek and Opal Creek downstream to the Willamette National Forest boundary near Elkhorn at river mile 17 is a designated state scenic waterway. The Little North Santiam River and tributaries above the Willamette National Forest boundary are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;

(b) Except as specified in paragraph (b)(A) and (B) of this section, the Santiam River and tributaries are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31:

(A) The South Santiam River and tributaries below Trout Creek, and the Middle Santiam River and tributaries below Green Peter Dam, are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from October 1 through April 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through September 30;

(B) The following streams and their tributaries are classified year-round only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses:

- (i) South Santiam River above Trout Creek tributary to Santiam River;
- (ii) Middle Santiam River above Green Peter Dam;
- (iii) Quartzville Creek tributary to the Middle Santiam River;
- (iv) Wiley Creek tributary to South Santiam River;
- (v) Thomas Creek tributary to South Santiam River;
- (vi) North Santiam River above USGS Gage 14181500 at Niagara tributary to Santiam River;
- (vii) Mad Creek tributary to North Santiam River;
- (viii) Rock Creek tributary to North Santiam River;
- (ix) Stout Creek tributary to North Santiam River;
- (x) McDowell Creek tributary to South Santiam River.

(c) The Calapooia River and tributaries below Boston Mill at approximately river mile 22 are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from October 1 through July 31, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from August 1 through September 30;

(d) The Calapooia River and tributaries above Boston Mill at approximately river mile 22 are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 to June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through October 31;

(e) The waters of natural lakes with surface elevations above 3,000 feet mean sea level are classified only for domestic, excluding irrigation of lawn and commercial garden, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses. No storage shall be allowed in these lakes.

(2) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and to minimize pollution and of attaining the highest and best use of waters released from storage, no appropriations of water except for domestic or livestock uses or waters to be legally stored or legally released from storage shall be made or granted by any state agency or public corporation of the state for the following waters and as shown in Table 1:

(a) The Middle Santiam River or its tributaries above USGS Gage 14186500 (NE 1/4 SE 1/4 Section 24, Township 13 South, Range 1 East) near Foster, Oregon, for

natural flows of the Middle Fork Santiam River or its tributaries below 110 cubic feet per second plus waters released from storage of up to 260 cubic feet per second measured at the aforementioned gage;

(b) The South Santiam River or its tributaries above USGS — Corps of Engineers — State Engineer Gage 14187500 (SW 1/4 NW1/4 Section 28, Township 12 South, Range 1 West) at Waterloo, Oregon, for natural flows of the South Santiam River below 170 cubic feet per second plus waters released from storage of up to 930 cubic feet per second measured at the aforementioned gage;

(c) The North Santiam River or its tributaries above USGS Gage 14181500 (NE 1/4 NE 1/4 Section 34, Township 9 South, Range 4 East) at Niagara, Oregon, for natural flows of the North Santiam River below 500 cubic feet per second plus waters released from storage of up to 640 cubic feet per second measured at the aforementioned gage;

(d) The North Santiam River or its tributaries above USGS Gage 14183000 (NW 1/4 Section 18, Township 9 South, Range 2 East) at Mehama, Oregon, for natural flows of the North Santiam River below 580 cubic feet per second plus waters released from storage of up to 640 cubic feet per second measured at the aforementioned gage;

(e) The North Santiam River or its tributaries above USGS Gage 14184100 (Section 7, Township 10 South, Range 2 West) near Jefferson, Oregon, for natural flows of the North Santiam River below 430 cubic feet per second plus waters released from storage of up to 640 cubic feet per second measured at the aforementioned gage;

(f) The Santiam River or its tributaries above USGS Gage 14189000 (SE 1/4 Section 11, Township 10 South, Range 3 West) at Jefferson, Oregon, for natural flows of the Santiam River below 330 cubic feet per second plus waters released from storage of up to 1,570 cubic feet per second measured at the aforementioned gage;

(g) The Santiam River or its tributaries above the Santiam River — Willamette River confluence for natural flows of the Santiam River below 320 cubic feet per second plus waters released from storage of up to 1,570 cubic feet per second measured at a point between the said confluence and 1.0 miles above said confluence;

(h) The Calapooia River or its tributaries above USGS Gage 14172000 (SE 1/4 Section 15, Township 14 South, Range 1 West) at Holley, Oregon, for natural flows of the Calapooia River below 30 cubic feet per second plus waters released from storage of up to 340 cubic feet per second measured at the aforementioned gage;

(i) The Calapooia River or its tributaries above USGS Gage 14173500 (NW 1/4 Section 13, Township 11 South, Range 4 West) at Albany, Oregon, for natural flows of the Calapooia River below 20 cubic feet per second plus waters released from storage of up to 340 cubic feet per second measured at the aforementioned gage.

[ED. NOTE: Table 1 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Water Resources Department.]

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

Molalla River — Pudding River Subbasin

690-502-120 The Molalla — Pudding Subbasin includes the drainage area of the Molalla and Pudding Rivers upstream from the confluence with the Willamette River near Canby. Surface water classification:

(1) The following streams and tributaries are withdrawn from further appropriation except storage:

ESTIMATED WATER REQUIREMENTS FOR GENERAL SERVICE AROUND THE FARM AND HOME

Each person per day, for all purposes.....	80 gal. (50-75)
Each horse, dry cow or beef animal per day.....	12 gal.
Each milking cow per day.....	35 gal.
Each hog per day.....	4 gal.
Each sheep per day.....	2 gal.
Each 100 chickens per day.....	6 gal. (5-10)

WATER REQUIRED DAILY BY VARIOUS HOME AND YARD FIXTURES

Drinking fountain, continuously flowing.....	50 to 100 gal.
Each shower bath.....	25 to 60 gal.
To fill bathtub.....	35 gal.
To flush toilet.....	3 to 7 gal.
To fill lavatory.....	1 to 2 gal.
To sprinkle 1/4" of water on each 100 square feet of lawn.....	160 gal.
Dish Washing Machine - per load.....	10 to 20 gal.
Automatic Washer - per load.....	30 to 50 gal.
Regeneration of Domestic Water Softener.....	50 to 150 gal.

FLOW RATE REQUIREMENTS BY FIXTURES

GPM (GALLONS PER MINUTE)

GPH (GALLONS PER HOUR)

Shower.....	4 to 6 GPM	Kitchen sink..	2 to 5 GPM
Bathtub.....	4 to 8 GPM	1/2" hose and nozzle....	200 GPH
Toilet.....	4 to 5 GPM	3/4" hose and nozzle....	360 GPH
Lavatory.....	1 to 4 GPM		
Lawn sprinkler.....	3 to 7 GPM		

WATER AVAILABILITY TABLE

Basin: WILLAMETTE

Exceedance Level: 80

Water Availability Subbasin: 0105341000000000 (and Nested Subbasins)

Time: 15:00

Date: 09/25/1995

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	0100000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	0105000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
3	0105300000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4	0105340000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
5	0105341000000000	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES	YES	YES

STREAM NAMES

Basin: WILLAMETTE

Water Availability Subbasin: 0105341000000000 (and Nested Subbasins)

Time: 15:00

Date: 09/25/1995

WAB #	Stream Name	Tributary to
0100000000000000	WILLAMETTE R	COLUMBIA R
0105000000000000	WILLAMETTE R	COLUMBIA R
0105300000000000	WILLAMETTE R	COLUMBIA R
0105340000000000	WILLAMETTE R	COLUMBIA R
0105341000000000	CALAPOOIA R	WILLAMETTE R

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0105341000000000

Basin: WILLAMETTE

Exceedance Level: 80

Time: 15:00

Date: 09/25/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0105341000000000	CALAPOOIA R	YES	572.0
2	0105341000000000	CALAPOOIA R	YES	630.0
3	0105341000000000	CALAPOOIA R	YES	555.0
4	0105341000000000	CALAPOOIA R	YES	403.0
5	0105341000000000	CALAPOOIA R	YES	209.0
6	0105341000000000	CALAPOOIA R	YES	81.7
7	0105341000000000	CALAPOOIA R	YES	12.9
8	0105341000000000	CALAPOOIA R	NO	-7.0
9	0105341000000000	CALAPOOIA R	NO	-3.8
10	0105341000000000	CALAPOOIA R	YES	9.3
11	0105341000000000	CALAPOOIA R	YES	113.0
12	0105341000000000	CALAPOOIA R	YES	479.0
Stor	0105341000000000	CALAPOOIA R	YES	385000.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Stream: WILLAMETTE R

> COLUMBIA R

Water Availability Subbasin: 0100000000000000

Exceedance Level: 80

Time: 15:00

Date: 09/25/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	28800.00	500.00	28300.00	178.00	28100.00	1500.00	26600.00
2	31100.00	3500.00	27600.00	179.00	27400.00	1500.00	25900.00
3	29300.00	4600.00	24700.00	176.00	24500.00	1500.00	23000.00
4	26100.00	4400.00	21700.00	178.00	21500.00	1500.00	20000.00
5	21200.00	2200.00	19000.00	195.00	18800.00	1500.00	17300.00
6	10900.00	1260.00	9640.00	308.00	9330.00	1500.00	7830.00
7	6300.00	1640.00	4660.00	308.00	4350.00	1500.00	2850.00
8	4940.00	1460.00	3480.00	275.00	3200.00	1500.00	1700.00
9	5030.00	1090.00	3940.00	273.00	3670.00	1500.00	2170.00
10	6030.00	360.00	5670.00	163.00	5510.00	1500.00	4010.00
11	12800.00	400.00	12400.00	168.00	12200.00	1500.00	10700.00
12	25800.00	400.00	25400.00	178.00	25200.00	1500.00	23700.00
Stor	19900000	1960000	18000000	154000	17800000	1080000	16700000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: WILLAMETTE R

> COLUMBIA R

Water Availability Subbasin: 0100000000000000

Time: 15:00

Date: 09/25/1995

-----ISWRs-----								RESULTANT
APP # :	181A	0	0	0	0	0	0	
STATUS:	Cert.							
1	1500.0	0.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
2	1500.0	0.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
3	1500.0	0.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
4	1500.0	0.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
5	1500.0	0.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
6	1500.0	0.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
7	1500.0	0.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
8	1500.0	0.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
9	1500.0	0.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
10	1500.0	0.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
11	1500.0	0.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
12	1500.0	0.0	0.0	0.0	0.0	0.0	0.0	1500.0 C

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Stream: WILLAMETTE R

> COLUMBIA R

Water Availability Subbasin: 0105000000000000

Exceedance Level: 80

Time: 15:00

Date: 09/25/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	21400.00	300.00	21100.00	146.00	21000.00	1500.00	19500.00
2	23200.00	3300.00	19900.00	146.00	19800.00	1500.00	18300.00
3	22400.00	4500.00	17900.00	145.00	17800.00	1500.00	16300.00
4	19900.00	4300.00	15600.00	145.00	15500.00	1500.00	14000.00
5	16600.00	2000.00	14600.00	160.00	14400.00	1500.00	12900.00
6	8740.00	850.00	7890.00	232.00	7660.00	1500.00	6160.00
7	4980.00	1100.00	3880.00	224.00	3660.00	1500.00	2160.00
8	3830.00	980.00	2850.00	196.00	2650.00	1500.00	1150.00
9	3890.00	730.00	3160.00	203.00	2960.00	1500.00	1460.00
10	4850.00	250.00	4600.00	138.00	4460.00	1500.00	2960.00
11	10200.00	260.00	9940.00	139.00	9800.00	1500.00	8300.00
12	19300.00	300.00	19000.00	145.00	18900.00	1500.00	17400.00
Stor	15100000	1750000	13400000	121000	13300000	1080000	12200000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: WILLAMETTE R

> COLUMBIA R

Water Availability Subbasin: 0105000000000000

Time: 15:00

Date: 09/25/1995

-----ISWRs-----							
APP # :	182A	0	0	0	0	RESULTANT	
STATUS:	Cert.						
1	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
2	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
3	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
4	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
5	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
6	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
7	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
8	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
9	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
10	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
11	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
12	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Stream: WILLAMETTE R

> COLUMBIA R

Water Availability Subbasin: 0105300000000000

Exceedance Level: 80

Time: 15:00

Date: 09/25/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	18400.00	500.00	17900.00	32.20	17900.00	1300.00	16600.00
2	20100.00	3400.00	16700.00	32.30	16700.00	1300.00	15400.00
3	19600.00	4900.00	14700.00	31.60	14700.00	1300.00	13400.00
4	18000.00	4400.00	13600.00	33.70	13600.00	1300.00	12300.00
5	15500.00	2100.00	13400.00	47.30	13400.00	1300.00	12100.00
6	8310.00	920.00	7390.00	98.60	7290.00	1300.00	5990.00
7	4710.00	1100.00	3610.00	90.60	3520.00	1300.00	2220.00
8	3620.00	1010.00	2610.00	71.40	2540.00	1300.00	1240.00
9	3680.00	830.00	2850.00	80.30	2770.00	1300.00	1470.00
10	4650.00	410.00	4240.00	31.00	4210.00	1300.00	2910.00
11	9400.00	430.00	8970.00	30.70	8940.00	1300.00	7640.00
12	16700.00	400.00	16300.00	32.10	16300.00	1300.00	15000.00
Stor	13400000	1840000	11600000	36600	11500000	934000	10600000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: WILLAMETTE R

> COLUMBIA R

Water Availability Subbasin: 0105300000000000

Time: 15:00

Date: 09/25/1995

ISWRs							RESULTANT
APP # :	183A	0	0	0	0	0	
STATUS:	Cert.						
1	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
2	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
3	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
4	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
5	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
6	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
7	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
8	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
9	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
10	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
11	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
12	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Stream: WILLAMETTE R

> COLUMBIA R

Water Availability Subbasin: 0105340000000000

Exceedance Level: 80

Time: 15:00

Date: 09/25/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	10100.00	240.00	9860.00	6.41	9850.00	1300.00	8550.00
2	11600.00	2040.00	9560.00	6.43	9550.00	1300.00	8250.00
3	11000.00	3080.00	7920.00	6.21	7910.00	1300.00	6610.00
4	9760.00	2730.00	7030.00	7.20	7020.00	1300.00	5720.00
5	8430.00	1410.00	7020.00	11.40	7010.00	1300.00	5710.00
6	5360.00	510.00	4850.00	18.20	4830.00	1300.00	3530.00
7	3270.00	600.00	2670.00	17.60	2650.00	1300.00	1350.00
8	2560.00	560.00	2000.00	14.30	1986.00	1300.00	686.00
9	2540.00	470.00	2070.00	12.30	2058.00	1300.00	758.00
10	2860.00	160.00	2700.00	5.99	2690.00	1300.00	1390.00
11	4170.00	160.00	4010.00	5.90	4000.00	1300.00	2700.00
12	8150.00	170.00	7980.00	6.36	7970.00	1300.00	6670.00
Stor	7420000	1260000	6160000	7090	6160000	934000	5220000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: WILLAMETTE R

> COLUMBIA R

Water Availability Subbasin: 0105340000000000

Time: 15:00

Date: 09/25/1995

-----ISWRs-----							RESULTANT
APP # :	183B	0	0	0	0	0	
STATUS:	Cert.						
1	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
2	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
3	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
4	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
5	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
6	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
7	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
8	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
9	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
10	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
11	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C
12	1300.0	0.0	0.0	0.0	0.0	0.0	1300.0 C

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Stream: CALAPOOIA R

> WILLAMETTE R

Water Availability Subbasin: 0105341000000000

Exceedance Level: 80

Time: 15:00

Date: 09/25/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	592.00	0.00	592.00	0.04	592.00	20.00	572.00
2	650.00	0.00	650.00	0.04	650.00	20.00	630.00
3	575.00	0.00	575.00	0.04	575.00	20.00	555.00
4	423.00	0.00	423.00	0.06	423.00	20.00	403.00
5	234.00	5.00	229.00	0.17	229.00	20.00	209.00
6	111.00	9.00	102.00	0.30	101.70	20.00	81.70
7	49.00	15.90	33.10	0.24	32.90	20.00	12.90
8	26.00	12.80	13.20	0.20	13.00	20.00	-7.00
9	22.80	6.50	16.30	0.11	16.19	20.00	-3.81
10	29.60	0.30	29.30	0.01	29.29	20.00	9.29
11	133.00	0.00	133.00	0.02	133.00	20.00	113.00
12	499.00	0.00	499.00	0.04	499.00	20.00	479.00
Stor	403000	2960	400000	77	400000	14400	385000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: CALAPOOIA R

> WILLAMETTE R

Water Availability Subbasin: 0105341000000000

Time: 15:00

Date: 09/25/1995

-----ISWRs-----							
APP # :	76A	0	0	0	0	RESULTANT	
STATUS:	Cert.						
1	20.0	0.0	0.0	0.0	0.0	20.0	C
2	20.0	0.0	0.0	0.0	0.0	20.0	C
3	20.0	0.0	0.0	0.0	0.0	20.0	C
4	20.0	0.0	0.0	0.0	0.0	20.0	C
5	20.0	0.0	0.0	0.0	0.0	20.0	C
6	20.0	0.0	0.0	0.0	0.0	20.0	C
7	20.0	0.0	0.0	0.0	0.0	20.0	C
8	20.0	0.0	0.0	0.0	0.0	20.0	C
9	20.0	0.0	0.0	0.0	0.0	20.0	C
10	20.0	0.0	0.0	0.0	0.0	20.0	C
11	20.0	0.0	0.0	0.0	0.0	20.0	C
12	20.0	0.0	0.0	0.0	0.0	20.0	C

66857 - Exempt Domestic & Livestock uses

TOWNSHIP 13S RANGE 2W W. M. Card #1 SECTION 31

NE				NW				SW				SE				APPLICA- TION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
442		DL42				DL42				DL41				DL41				
278		LOT 7				LOT 1	LOT 2			LOT 4	LOT 3			LOT 6	LOT 5			
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
48 ⁴⁶ 48 ³⁹																		
48 ³¹ 48 ²⁴																		
4																		
14359 10454 CANCELLED																		
1 H-141 V13 P160 32378																		
2 25824 20526 27554																		
18 40 29992 23556 24561																		
GR-12 GR-11																		
30969 24296 CANCELLED																		
1- 31813 25093 30803																		
6-7377 6-7385 CANCELED																		
T-5313 67874																		
Mun 37425 27871 33295																		
G-2670 G-2678 CANCELED																		
39977 29794 33308																		
65273 47733																		
6-13221																		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 13S RANGE 2W W. M. CARD #2 SECTION 31

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
AESTHETICS																		
Live Stock																		
74044																		
74294																		

TOWNSHIP 13S RANGE 2W W. M. CARD #1 SECTION 32

NE				NW				SW				SE				APPLICA- TION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
404 403						412 411				266 41								
3102 3101						3100 3101												
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
0 ³ 4 ⁵																		
2 ⁵ 10 ⁰																		
Mun.																		
10 ²																		
0 ⁵⁰ 0 ²⁵																		
0 ¹ 0 ³																		
78 44517 33312 37984																		
310 42 45145 33728 CANCELLED																		
53759 40370 49870																		
65273																		
6-13221																		
AESTHETICS																		
Aesthetics 74044																		

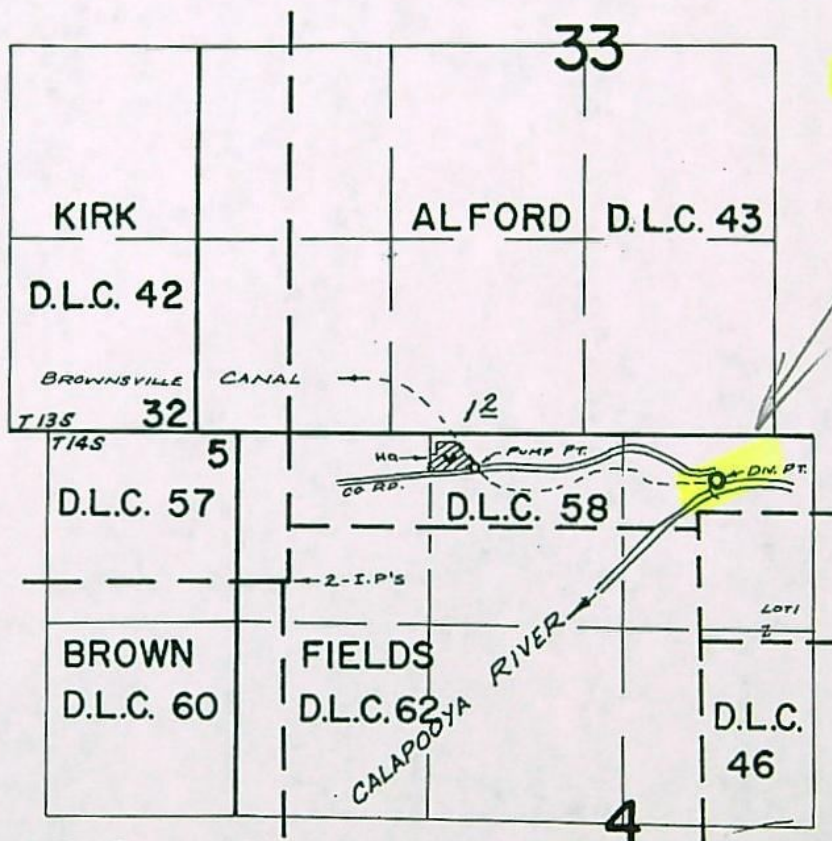
(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 13S RANGE 2W W. M. Card 2 SECTION 32

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
Live Stock																		
74294																		

TOWNSHIP 13 S RANGE 2 W W.M.												SECTION 33						
NE				NW				SW				SE				APPLICA- TION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
-DLC43-				-DLC42-				-DLC42-				-DLC43-						
Lot 4 - Lot 3 - Lot 2				Lot 1 - Lot 2				Lot 1 - Lot 2				Lot 1 - Lot 2						
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
																41	22196 17479 20021	
																25756 20200	CANCELLED	
																4111 30652	2	
																44517 33312	37984	
																55479 41869	2	
																74041		
																74299		
LIVE STOCK																		

T.13&14S.R.2W.W.M.



DIV. PT. LOC: 2930'E. & 710'N. FROM S.E. COR. KIRK D.L.C. 57

FINAL PROOF SURVEY

UNDER

Application No. 4111 Permit No. 30652

IN NAME OF

J. & J. WAIBEL RANCH

Surveyed July 31, 1970, by R. MUCKEN

COMPLETED

Free 3k
No answer
gg

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
S - 74299	8 / 25 / 95	JG

A checkmark (✓) indicates that the item is incomplete or defective.

- ☐ 1. Examination fees.
- ☐ 2. Name and address of the applicant, and title if applicable.
- ☐ 3. Source of water.
- ☐ 4. Use of water.
- ☐ 5. Amount of water.
- ☐ 6. Description of delivery system.
- ☒ 7. A statement of whether the applicant has written authorization or easements permitting access to lands owned by others.
- ☒ 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- ☐ 9. Proposed dates of beginning and completion of construction, and complete application of water.
- ☐ 10. If for **municipal use**, the present population to be served and expected future water requirements.
- ☐ 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- ☐ 12. If for a **reservoir**:
 - ☐ a. The height of the dam.
 - ☐ b. The storage capacity.
 - ☐ c. The area submerged.
 - ☐ d. The maximum depth.
 - ☐ e. The construction method (earthfill, concrete, flashboard, etc.).
 - ☐ f. A description of the outlet conduit.
 - ☐ g. A description of the spillway.
- ☐ 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- ☐ 14. If the application was made under **HB 2107**:
 - ☐ a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - ☐ b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - ☐ c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- ☐ 15. An oath that the application information is true and correct.
- ☐ 16. The signature of the applicant(s).
- ☒ 17. A satisfactory map of the proposed POD & POU.
- ☒ 18. A Land Use Information Form or receipt.
- ☒ 19. A legal description of the property where water will be used.



Mr. & Mrs. Clyde McLain
35700 Kirk Ave.
Brownsville, OR 97327-9760



Water Resources Dept.
Salem, OR, 97310

Application No. S-74299
Permit No. 52607

97310/9999 33

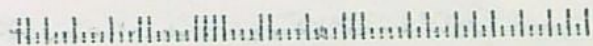


Brownsville Canal Co., Inc.
732 Amelia Ave.
Brownsville, OR 97327



Oregon Water Resources Dept.
Attn: Bill Fujii
158 12th St., NE
Salem, OR 97310-0210

-97310-0705



FPD

Application No. 74299

Permit No. 52637

BROWNSVILLE CANAL CO. INC.

Name .. 732 AMELIA AVE

Address BROWNSVILLE, OR 97327

Assigned

Address

Beginning construction AUG 14 1997

Completion of construction OCT 01 1998

Extended to

Complete application of water OCT 01 1999

Extended to

FILE#: S 74299

BROWNSVILLE CANAL CO. INC.
732 AMELIA AVE
BROWNSVILLE, OR 97327

FILE#: S 74299

BROWNSVILLE CANAL CO. INC.
732 AMELIA AVE
BROWNSVILLE, OR 97327

FILE#: S 74299

BROWNSVILLE CANAL CO. INC.
732 AMELIA AVE
BROWNSVILLE, OR 97327

FILE#: S 74299

BROWNSVILLE CANAL CO. INC.
732 AMELIA AVE
BROWNSVILLE, OR 97327

FILE#: S 74299

BROWNSVILLE CANAL CO. INC.
732 AMELIA AVE
BROWNSVILLE, OR 97327

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

158 12TH ST. N.E.

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

RECEIPT # **114476**

RECEIVED FROM: Brownsville
BY: Canal Co. INC.

APPLICATION	74299
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 24-201 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 300.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. ☐ VOUCHER # ☐

COST CENTER AND OBJECT CLASS

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001	COPY FEES	\$
850.200	RESEARCH FEEDS	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE \$ <u>200.00</u>	842.002	RECORD FEE \$ <u>100.00</u>
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$
	WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
	LANDOWNER'S PERMIT		842.024	\$
	OTHER (IDENTIFY)			

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
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07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011	POWER LICENSE FEE (FW/WRD)	\$
842.115	HYDRO LICENSE FEE (FW/WRD)	\$

HYDRO APPLICATION ☐

RECEIPT # **114476**

DATED: 7-20-94 BY: D. Burchell