

Name BROWNLEE N. BUSH
By Route 1, Box 328
Address Forest Grove, Oregon 97116

Application No. 45221
Permit No. 33778
Certificate No. 40734 88468

Stream Index, Page No. 2-6287

Date filed July 25, 1968
Priority November 25, 1968
Action suspended until See Klat

Returned to applicant _____
Date of approval March 11, 1969

CONSTRUCTION

Date for beginning March 11, 1970
Date for completion October 1, 1970
Extended to _____

Date for application of water October 1, 1971
Extended to _____

PROSECUTION OF WORK

Form "A" filed _____
Form "B" filed _____
Form "C" filed Completed

FINAL PROOF

Blank mailed _____
Proof received _____
Date certificate issued JUN 27 1974
JUL 24 1974

FEES PAID

Date	Amount	Receipt No.
<u>7-25-68</u>	<u>25.00</u>	<u>10711</u>
<u>7-9-74</u>	<u>1.50</u>	<u>41879</u>
	\$1 Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

0.02 cfs from a spring (West Fork Dairy Creek) for domestic use of one family, stock and operation of dairy barn being 0.01 cfs for domestic, 0.005 cfs for stock and 0.005 cfs for operation of dairy barn.

T-8079A POU 5/24/99 V53 p733

STATE OF OREGON
COUNTY OF WASHINGTON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN F WOOD
570 N 10TH NO 100
CORNELIUS OR 97113

confirms the right to use the waters of A SPRING, tributary to WEST DIARY CREEK for COMMERCIAL USE.

This right was perfected under Permit 33778. The date of priority is NOVEMBER 25, 1968. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.005 CUBIC FOOT PER SECOND, OR 2.24 GALLONS PER MINUTE AND SHALL NOT EXCEED 3231 GALLONS PER DAY AT ANYTIME OF YEAR THAT BENEFICIAL USE IS MADE, or its equivalent in case of rotation, measured at the point of diversion. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	4 W	WM	9	NE SW	1521 FEET NORTH & 767 FEET WEST FROM S1/4 CORNER, SECTION 9

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
1 N	4 W	WM	9	NE SW

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to confirm a change in PLACE OF USE AND CHANGE IN CHARACTER OF USE approved by an order of the Water Resources Director entered MAY 24, 1999, at Special Order Volume 53, Page 733, approving Transfer Application 8079, and supersedes Certificate 40734, State record of Water Right Certificates.

Issued **OCT 25 2013**


Dwight W. French
Administrator, Water Right Services, for
Phillip C. Waid, Director

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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

~~40734~~
45221

STATE OF OREGON

COUNTY OF WASHINGTON

ORDER APPROVING A CHANGE IN PLACE OF USE
AND A CHANGE IN CHARACTER OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8079 submitted by

JOHN F. WOOD
570 NORTH 10TH #100
CORNELIUS, OREGON, 97113.

The right to be modified, as evidenced by Certificate 40734, was perfected under Permit 33778 with a date of priority of NOVEMBER 25, 1968. The right allows the use of A SPRING, a tributary of WEST DAIRY CREEK, for STOCK USE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.005 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, T 1 N, R 4 W, W.M.; 1120 FEET SOUTH AND 1830 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 9, or its equivalent in case of rotation, measured at the point of diversion from the source.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 9

TOWNSHIP 1 NORTH, RANGE 4 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to change the place of use to:

NE¼ SW¼
SECTION 9

TOWNSHIP 1 NORTH, RANGE 4 WEST, W.M.

The applicant proposes to change the character of use from STOCK USE to COMMERCIAL USE.

THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2000.
2. The use of water for commercial use shall be limited to 0.005 cubic foot per second or 2.24 gallons per minute and shall not exceed 3231 gallons per day at anytime of year that beneficial use is made.
3. The former place of use shall no longer receive water as a part of this water right.

Certificate 40734 is cancelled. When satisfactory proof of the completed changes is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAY 24 1999.



For Martha O. Pagel, Director

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filled within 60 days after the date this order is served.



Oregon

John A. Kitzhaber, M.D., Governor

45221
Water Resources Department

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

May 24, 1999

John F. Wood
570 North 10th #100
Cornelius, Oregon 97113

REFERENCE: File T-8079

Enclosed is a copy of the order approving your water right transfer application T-8079.

A time to complete the transfer is given in the order. A form for reporting early completion is available upon request.

YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

Hannah Wood

for

LARRY H. NUNN
Water Rights Specialist

LHN:hw

Enclosures

cc: Darrell Hedin, Watermaster 18
John R. Thomas, CWRE



STATE OF OREGON

COUNTY OF WASHINGTON

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AND A CHANGE IN CHARACTER OF USE

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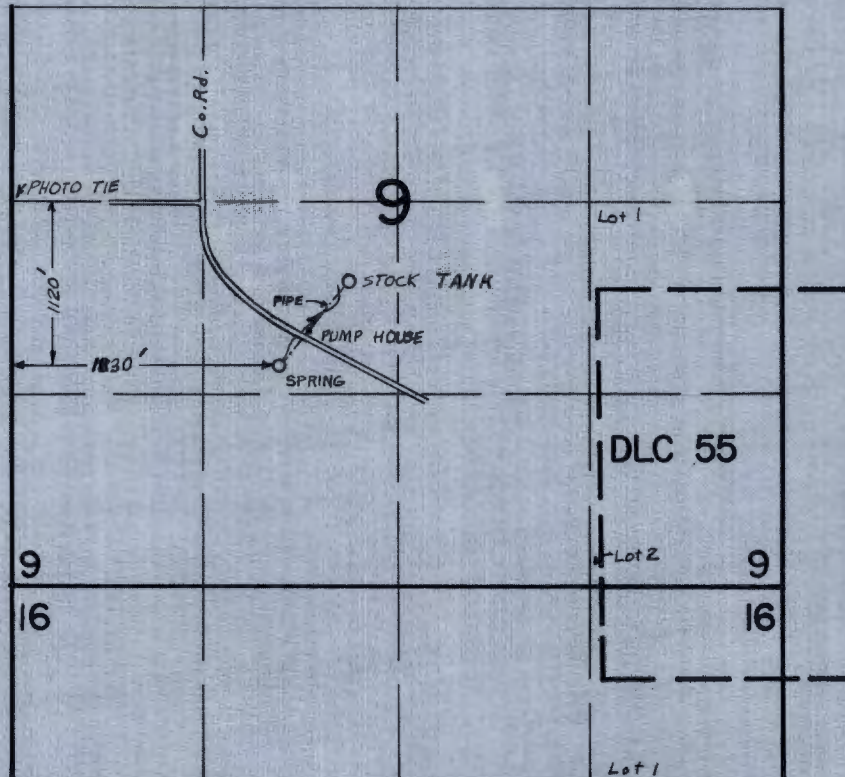
WITNESS the signature of the Water Resources

Director, affixed MAY 24 1999.


For Martha O. Pagel, Director

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T.1N.R.4W.W.M.



FINAL PROOF SURVEY
UNDER

Application No. 45221 Permit No. 33778
IN NAME OF

BROWNLEE N. BUSH

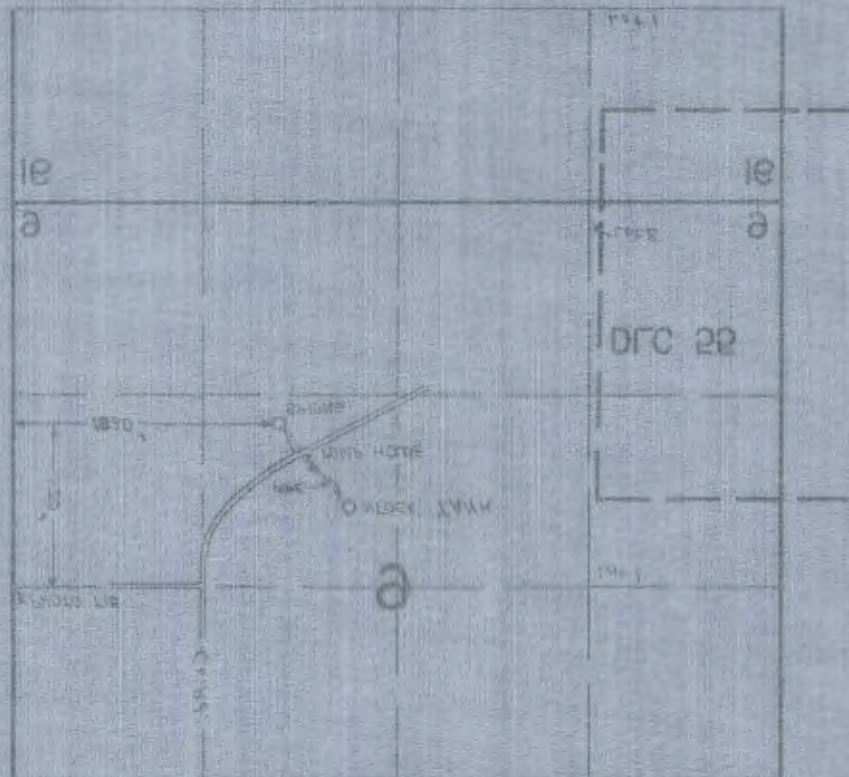
Surveyed JUNE 8 1972, by L. GOULD

Surveyed June 2 1955 by T. G. G. G.

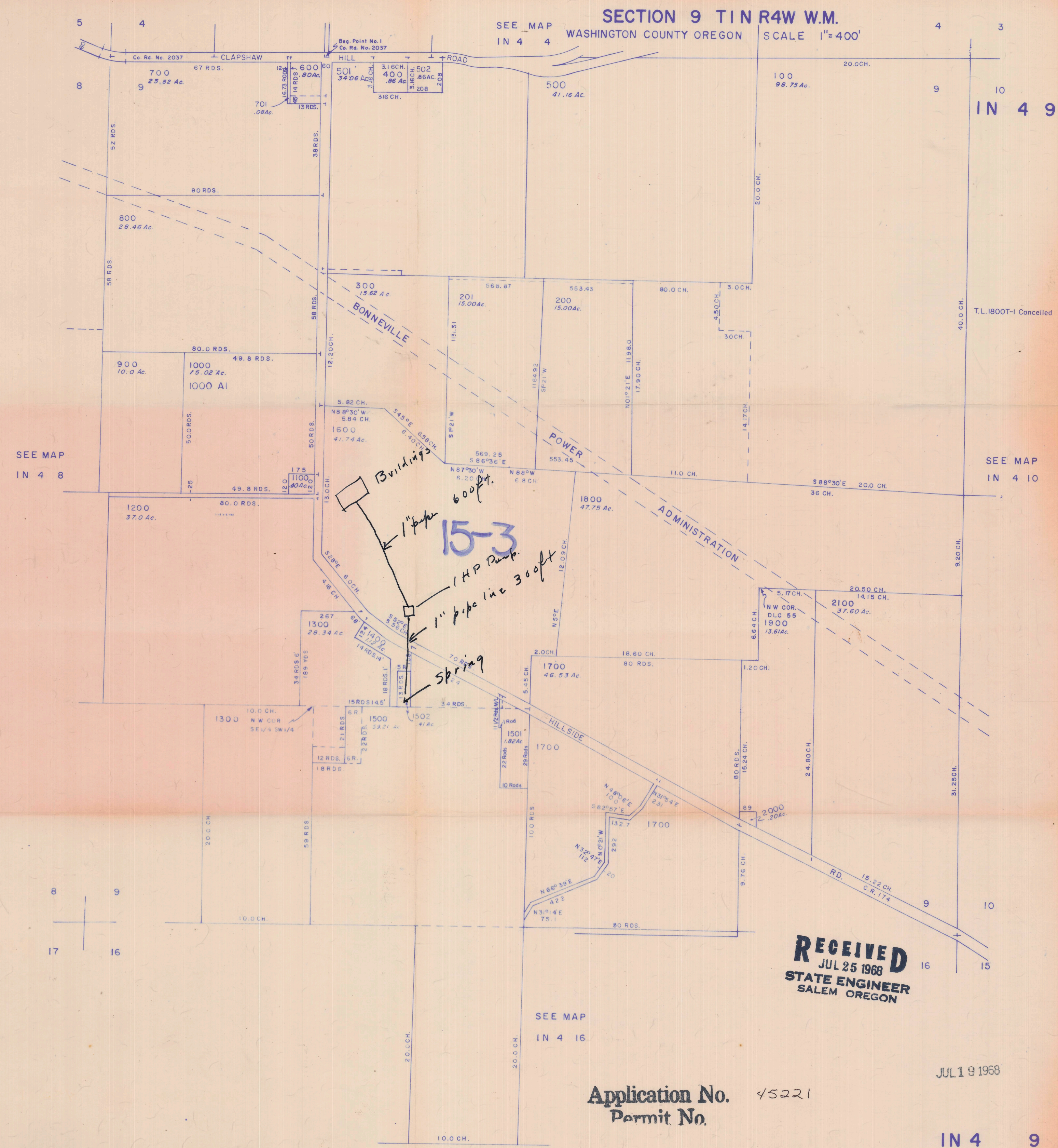
BROWNLEE N. BUSH

Application No. 15524 IN NAME OF 33333

UNDER FINAL PROOF SURVEY



MMWPAINT



24

3 ✓

45221 ✓

Certificate No.

✓

✓

97116

A spring

West Dairy Creek

~~Domestic use of one family, stock and operation of dairy barn~~

~~6 rods N. & 46 rods N. from SE cor. NE 1/4 SW 1/4, Sec. 9, being~~

~~within NE 2 SW 2, Sec. 9, T. 1 N., R. 4 W., N. M., county of~~

Washington

SPRING LOCATED 1,120 FT. S. AND 1830 FT. E. FROM W. $\frac{1}{4}$ Cor. Sec. 9,

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

[illegible]~~0.02 c.f.s., being 0.01 c.f.s. for domestic, 0.005 c.f.s.~~

~~for stock and 0.005 c.f.e. for operation of dairy barn~~

~~March 11, 1990~~

~~16-1-70~~ extended to

extended to

~~10-1-71~~ extended to

extended to

Remarks:

Info: Mrs Bush & Mr. Bush

Spring: Located in shallow wooded draw.
Has. 12' x 12' x 4' concrete collection box.

~~Pump:~~

Pipe: 200' 2" Plastic (Spr. to old Pump Ho.)
300' $\frac{1}{2}$ " " (Old pump ho. to stock tank)

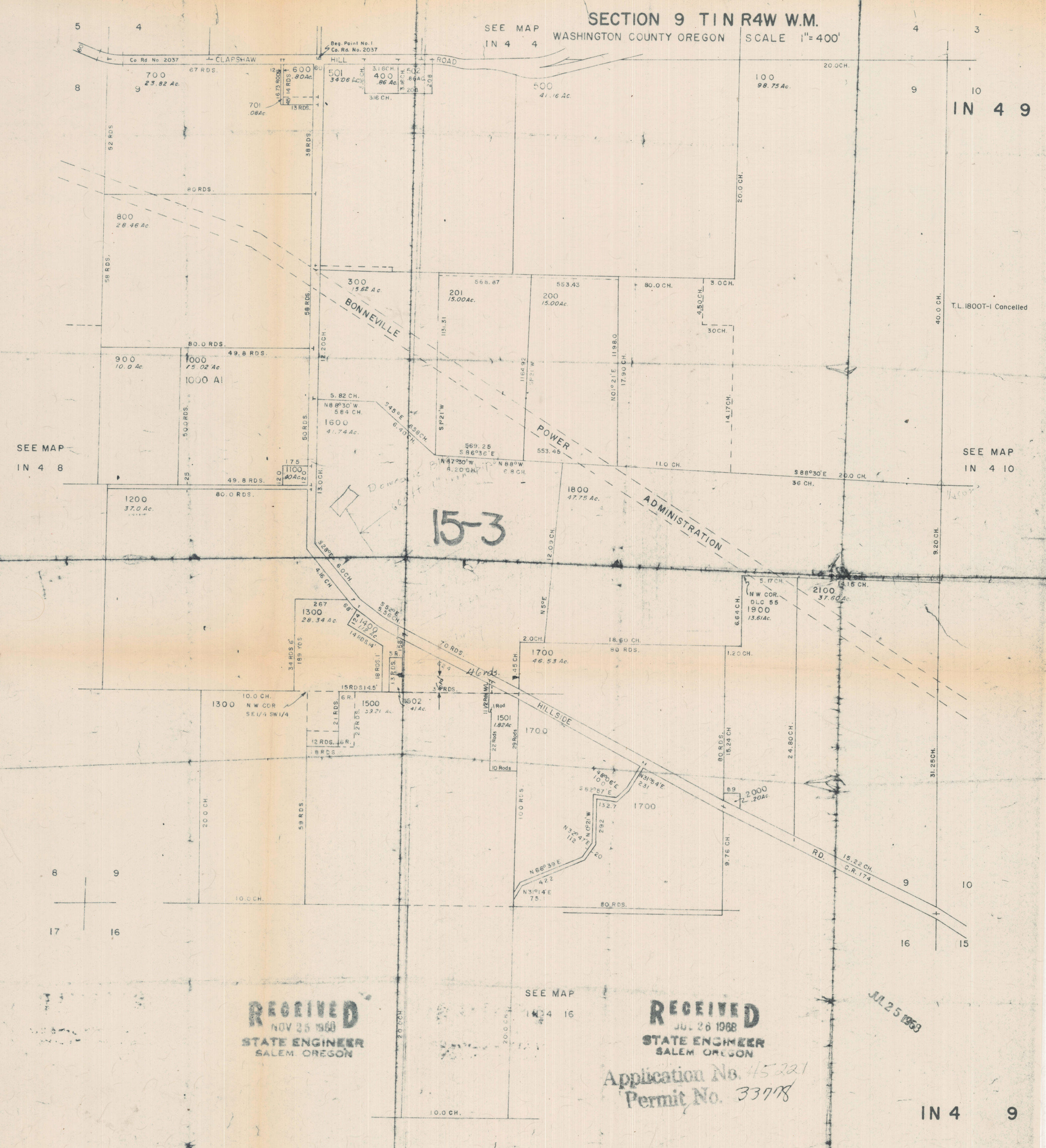
Fall: 15' (Spring to Stock Trough.)

Use: Stock water for av. 45 head of cattle.

Note: No domestic or barn use. Uses well instead.

Spring & Stock Trough location shown on Photo

June 8, 1972, L. E. Gould
Field Engineer



RECEIVED

JUL 9 1974

STATE ENGINEER
SALEM, OREGON

STATE OF OREGON

COUNTY OF WASHINGTON

Proof of Appropriation of Water

BROWNLEE M. BUSH

of **Route 1, Box 328, Forest Grove**, State of **97116 Oregon**,
has applied beneficially the waters of
a spring

a tributary of **West Dairy Creek** for the purpose of
stock

under Permit No. **33778** of the State Engineer, and that the use of said waters has been
completed under the terms of said permit; that the priority of the
right dates from **November 23, 1968**

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

0.005 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the **NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, T. 1 N., R. 4 W., W. M., 1120**
feet South and 1830 feet East from W $\frac{1}{4}$ Corner, Section 9.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to _____ of one cubic foot per second
per acre,

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

A description of the place of use under the right, and to which such right is appurtenant, is
as follows:

**NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 9
T. 1 N., R. 4 W., W. M.**

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

IN WITNESS WHEREOF, I have hereunto set my hand this 8 day of July,

19.....

Brownlee M. Bush

June 27, 1974

Brownlee N. Bush
Route 1, Box 328
Forest Grove, OR 97116

File No. 45221

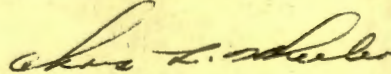
Dear Mr. Bush:

Enclosed is the final proof in connection with the incomplete water right represented by your permit number ~~33778~~.

The data contained in the proof, which is based on an inspection and survey of your project made by a representative of this department, defines the extent to which your water right has been completed within the terms of your permit. The proof should be dated and signed by you and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory recording fee of \$1.50, a certificate of water right will be issued confirming the right thereunder and, after being recorded in the county records, will be forwarded to you.

Very truly yours,



CHRIS L. WHEELER
State Engineer

Form 117

Enclosure

The enclosed map may be retained for your own records.

45221

March 21, 1969

Brownlee N. Bush
Route 1, Box 328
Forest Grove, Oregon 97116

Dear Mr. Bush:

blueprint.

45221, permit No. 33778 with a

45221

January 15, 1969

Paul M. Reeder
Attorney at Law
Suite 4, 233 E. Baseline
Hillsboro, Oregon 97123

Dear Mr. Reeder:

This will acknowledge receipt of your letter authorizing the amendment of item No. 8 on application No. 45221 to describe the location of stock and dairy barn uses.

This application is now in satisfactory form for approval by issuance of a permit.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Larry W. Jebousek
Assitant

DW:ks
cc: Brownlee N. Bush
Route 1, Box 328
Forest Grove, Oregon 97116

PAUL M. REEDER
ATTORNEY AT LAW
SUITE 4, 233 E. BASELINE
HILLSBORO, OREGON 97123
TELEPHONE 648-7197

December 9, 1968

RECEIVED
DEC 10 1968
STATE ENGINEER
SALEM OREGON

Chris L. Wheeler
State Engineer, Water Resources Department
516 Public Service Building
Salem, Oregon, 97310

Attention: Larry Jebousek

Dear Sir:

Answering your letter of December 5, 1968, this will authorize you to complete item No. 8 on the application for appropriation of water bearing No. 45221 which was filed by Brownlee N. Bush.

Thank you for your assistance.

Very truly yours,


Paul M. Reeder

PMR:nj

December 5, 1968

Paul M. Reeder
Attorney at Law
Suite 4, 233 E. Baseline
Hillsboro, Oregon 97123

Dear Sir:

This will acknowledge receipt of the returned application No. 45221, the map, and legal description.

The location of the dairy barn and stockwatering use must be described in item No. 8 on the application. From the map submitted, this would be located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9. Assuming the map is correct, would you give us written authorization to complete item No. 8 to describe the location of the stock and dairy barn use?

I will withhold further action on this application pending your reply to this matter.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Larry W. Jebousek
Assistant

LWJ:cdc
cc: Brownlee N. Bush
Route 1, Box 328
Forest Grove, Oregon 97116

PAUL M. REEDER
ATTORNEY AT LAW
SUITE 4, 233 E. BASELINE
HILLSBORO, OREGON 97123
TELEPHONE 648-7197

November 22, 1968

RECEIVED
NOV 25 1968
STATE ENGINEER
SALEM OREGON

State of Oregon
State Engineer
Water Resource Department
516 Public Service Building
Salem, Oregon 97310

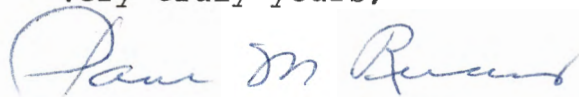
Attention Mr. Larry Jebousek

Re: Brownlee M. Bush application
no. 45221

Dear Sir:

We are enclosing herewith the application of Brownlee Bush for appropriation of water. We trust that it has now been completed to your satisfaction.

Very truly yours,



Paul M. Reeder

Enc.

PMR:pag

November 13, 1968

Paul M. Reeder
Attorney at Law
Suite 4, 233 E. Baseline
Hillsboro, Oregon 97123

Dear Sir:

Since you have not returned the application numbered 45221 in the name of Brownlee N. Bush or replied to correspondence regarding it, it is assumed that he has reconsidered the matter of his proposed appropriation and decided to abandon it.

Unless we hear from you within thirty days from the date of this letter, the application will be rejected without further notice. The recording fee in the amount of \$10 will be returned; however, the examination fee in the amount of \$15 is required by law to be paid into the General Fund of the State and is, therefore, not returnable.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Larry W. Jebousek
Assistant

LWJ:cdc
cc: Brownlee N. Bush
Route 1, Box 328
Forest Grove, Oregon 97116

October 8, 1968

Paul M. Reeder
Attorney at Law
Suite 4, 233 E. Baseline
Hillsboro, Oregon 97123

Dear Sir:

Application No. 45221 in the name of Brownlee N. Bush, which was returned to you for completion, endorsed so that in order to retain its date of priority should have been returned to this office on or before October 7, 1968, has not been received.

It has, therefore, lost its priority but may be reinstated and given a new priority date as of the day it is again received.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Larry W. Jebousek
Assistant

LWJ:cdc
cc: Brownlee N. Bush

August 6, 1968

Paul M. Reeder
Attorney at Law
Suite 4, 233 E. Baseline
Hillsboro, Oregon 97123

Dear Sir:

This will acknowledge receipt of an application for a permit to appropriate 0.01 cubic foot of water per second for domestic use and 0.01 cubic foot of water per second for stock watering and the operation of a dairy, a transparency and one print of a county assessor plat, spring description sheet, and the fee of \$25 for which our receipt No. 10711 is enclosed. This application has been filed and numbered 45221.

The stock watering use and washing of barns and operation of dairy would be considered two separate types of uses. Therefore, a separate quantity of water should be specified for each of these two uses in item No. 2.

Item No. 10b indicates that the number of families to be supplied domestic water is one and part time two. If two houses are to be served water, both should be shown on the application map. If two families sometimes live in the one house, then we would consider this as one family domestic.

The location of the stock use and dairy operation should also be described in item No. 8.

A legal description of the property upon which the water is to be used must accompany the application. This can be copied from your deed, title insurance policy, or sales contract.

The adjudication proceedings for the Tualatin River and its tributaries has been completed and no claim could be made at this time to a vested right.

I am returning the application and transparency for completion. The application is endorsed so that in order to retain its date of priority, it must be returned on or before October 7, 1968.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By

Larry W. Jebousek, Assistant

LWJ:dlw

cc: Brownlee Bush

PAUL M. REEDER
ATTORNEY AT LAW
SUITE 4, 233 E. BASELINE
HILLSBORO, OREGON 97123
TELEPHONE 648-7197

July 25, 1968

RECEIVED
JUL 26 1968
STATE ENGINEER
SALEM OREGON

Mr. Chris L. Wheeler
State Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

Re: Brownlee Bush

Dear Sir:

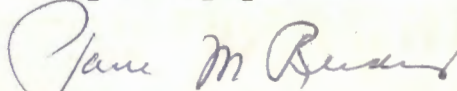
In yesterday's mail we forwarded to you appropriation for public waters on behalf of Brownlee Bush.

Last evening in going over this matter with one of the representatives of the watermaster herein Hillsboro, he pointed out to us that we should have sent the transparency map and further that we had not shown thereon the diversion to the dairy buildings and dairy barns. We, therefore, enclose a cepia map adding this additional information and ask that the same be substituted for the one that we sent accompanying the application.

Also, it appears that the point of diversion would be more accurately described as being 46 rods west of and 6 rods north of the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T. 1 N., R. 4 W., Willamette Meridan and we would ask if this be permissible that you change the application to that extent.

Thank you for your consideration.

Very truly yours,


Paul M. Reeder

Encl

PMR:pag

PAUL M. REEDER
ATTORNEY AT LAW
SUITE 4, 233 E. BASELINE
HILLSBORO, OREGON 97123
TELEPHONE 648-7197

July 24, 1968

RECEIVED
JUL 25 1968
STATE ENGINEER
SALEM, OREGON

Mr. Chris L. Wheeler
State Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

Dear Sir:

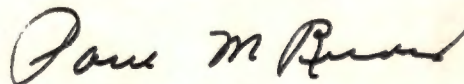
Enclosed is an application to appropriate public waters executed by Brownlee Bush.

While there is considerable confusion about this matter it appears that the proper way to proceed at this time is to assume the necessity for such filing.

I am also enclosing my check payable to you in blank and request you fill in the appropriate amount.

I believe this application to be of proper form but if not please advise and we will do our best to correct any errors or omissions thereon.

Very truly yours,



Paul M. Reeder

Encl

PMR:pag

PARCEL I: Beginning at the Northwest corner of the southeast quarter of the northwest quarter of Section 9, Township 1 North, Range 4 West, of the Willamette Meridian, and running thence South 12.20 chains; thence East $1^{\circ} 30'$ South, mainly along drainage ditch, 5.82 chains; thence South 48° East along drainage ditch 6.58 chains; thence East 2° South along said drainage ditch 6.99 chains; thence East $1^{\circ} 30'$ South along said drainage ditch 10 chains to the southwest corner of land sold by George Hines and wife to Chas. H. Bamford; thence North 17.80 chains; thence West 21.50 chains; thence North $37\frac{1}{2}$ links; thence West 7.50 chains; thence South $37\frac{1}{2}$ links to the place of beginning; subject to roadway 20.0 feet in width along the north side of said land, and excepting tract conveyed to Thomas Williams by deed recorded in deed book 97, page 140, and also excepting tract conveyed to J. D. Nickly by deed recorded in deed book 97, page 141. Beginning at a point North $88^{\circ} 30'$ West 36 chains from the quarter section corner on the East side of Section 9, Township 1 North, Range 4 West of the Willamette Meridian; running thence North 88° West 6.80 chains; thence North $87^{\circ} 30'$ West 6.20 chains; thence North 48° West 6.40 chains; thence North $88^{\circ} 30'$ West along drainage ditch 5.84 chains to the center of the County Road; thence South 13 chains to the South side of County Road; thence Southeasterly along the south side of the County Road 6 chains; thence South 52° East 5.55 chains; thence South 4.21 chains; thence East 2.90 chains; thence North 2.70 chains; thence South 62° East 9.87 chains to a point 30 feet from the northeast corner of the Bamford homestead; thence North 5.45 chains; thence East 2 chains; thence North 5° East 17.09 chains to the place of beginning; excepting therefrom those portions thereof lying south of the County Road, which said portions were conveyed to Charles H. Bamford by deeds recorded in deed book 50, page 374 and deed book 107, page 138. **ALSO EXCEPT:** Beginning at the Southwest corner of the Northeast quarter of the Northwest quarter of Section 9, Township 1 North, Range 4 West, of the Willamette Meridian; thence North $37\frac{1}{2}$ links; thence East 7.50 chains; thence South $37\frac{1}{2}$ links; thence West 7.50 chains to the place of beginning.

PARCEL II: Beginning at a point North $88^{\circ} 30'$ West 36 chains from the quarter section corner on the east side of Section 9, Township 1 North, Range 4 West, W.M., and running thence North 88° West 6.80 chains; thence North $87^{\circ} 30'$ West 6.20 chains; thence North 48° West 6.40 chains; thence North $88^{\circ} 30'$ West along drainage ditch 5.84 chains to the center of the County Road; thence south 13 chains to the south side of County Road; thence southeasterly along the south side of the County Road, 6 chains; thence South 52° East 5.55 chains; thence continuing Southerly along the south side of the county road 12.12 chains, more or less, to the west line of that tract conveyed to Leisy in Deed No. page 811, Washington County, Oregon, Deed Records; thence north along the west line of said tract 5.45 chains to the northwest corner of said Leisy tract; thence east along the north line of said tract 2.0 chains; thence northeasterly 12.09 chains to the place of beginning. -----

RECEIVED
JUL 25 1968
STATE ENGINEER
SALEM OREGON

Application No. _____

DESCRIPTION OF SPRING

1. Is spring on property of applicant? own an undivided 1/6
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? yes
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 25 gallons per second
(Gallons per minute or
_____ cubic feet per second)
What is the minimum flow? 25 gallons per second
Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? It does at this time, since digging of drainage ditch
7. Does the water flow off the lands on which it first arises? yes
8. Give the name of the stream or other body of water into which water from the spring flows. Washington County Drainage Ditch #7
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.
Before the said ditch was dug the water from this spring diffused over the ground and did not form any definite channel.
10. Remarks This spring originally flowed through a short channel to a swamp area where it diffused on the ground, upon draining of the swamp area by ditch, it flows to West Fork of Dairy Creek.

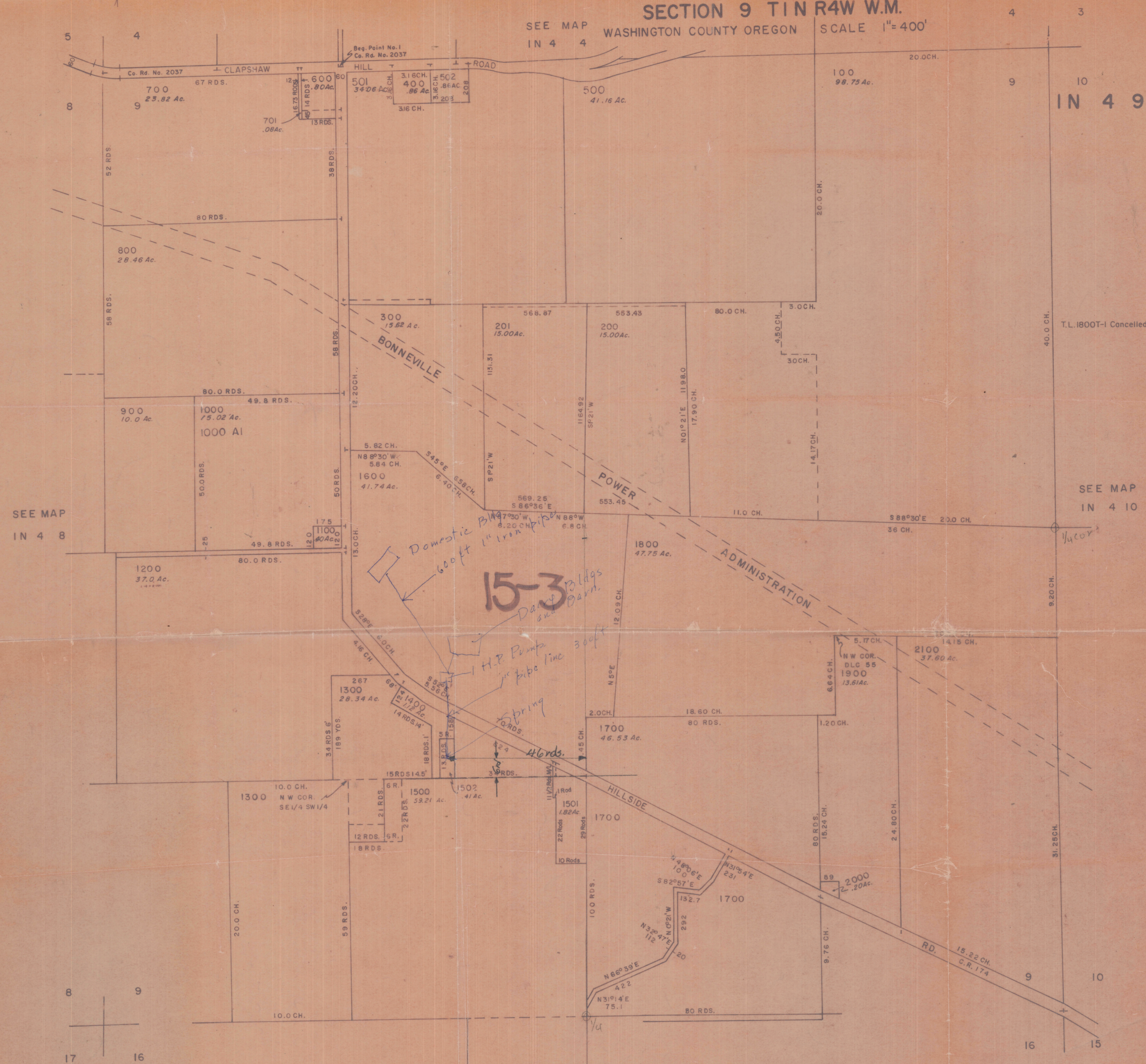
X *Beverly Bush*
Signature of Applicant

Application No. 45221
Permit No.

SECTION 9 T1N R4W W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=400'



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