

Feb 8, 1994

RECEIVED

FEB - 8 1994

WATER RESOURCES DEPT
SALEM, OREGON

Dear Mr. Krauer,

I have heard nothing in regard to my water right since your letter of May 5th. If a decision has been made, please let me know.

I certainly hope this will go through alright as I put a lot of effort into it and about \$300⁰⁰.

Sincerely
Beverly Brown

(Reg. Statement # SWR-603)

CLAIM OF BENEFICIAL USE AND SITE REPORT

INFORMATION: Beverly Browne
350 Winston Sec Rd.
Winston Oregon 97496
679-8632

SOURCE(S): South Umpqua River

DIVERSION POINTS: one

MOTOR:

Brand, Power Kraft
Briggs and Stratton

type, Gas

HP, 5

Max. RPM's 3400

PUMP:

Brand, Power Kraft

type, Centrifugal

intake/discharge dia | 3" / 3"

size of pulleys.

PIPE: 3" metal - 550'

HEADS: rainbird 7/64 $\frac{1}{2}$ 3/16

USE(S): Garden, Lawn, Fruit trees

LIFT: suction = 20.0
discharge = 2.0

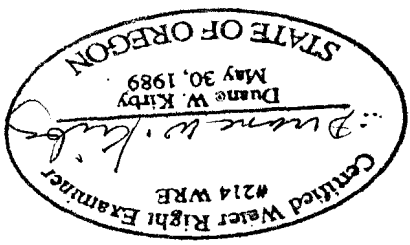
SURVEY TIE: Tie to property line and
Assessor map T 285, R 6W, Section 15

SPECIAL
CONDITIONS:

REMARKS:

I, Beverly E. Browne agree to the findings of the CMRE and do submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of my Registration - Stemmer

Beverly E. Browne



The final proof survey and inspection of the use as found to be completed under the terms and conditions of Registration - Stemmer was completed by me on 4-10-1993 and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.

FINAL PROOF CALCULATIONS

Given: Duty of water = $1/80$ th cfs per Acre
 operating pressure = 35 PSI
 Pump - 5 HP Gas
 sprinkler heads rainbird $7/4 \times 3/16$
 Discharge lift = 2.0
 suction lift = 20.0

Assume 35 PSI

$$Q_{heads} = \frac{18 (2.0 + 6.0)}{1149} = 0.3204 \text{ cfs}$$

$$Q_{pump} = \frac{6.61 \times 5}{88.9 + 22.0} = 0.3276 \text{ cfs}$$

thus, the system's theoretical capacity is 0.3276 cfs.

The duty of water for the permit is $1/80$ th of one cfs per acre. Since 2.47 acres were found to have been beneficially irrigated, the maximum Q is:

$$\frac{2.47}{80} = 0.0309 \text{ cfs}$$

Since the system appears capable of delivering the full duty amount, the Q allowed on the final water Right certificate will be 0.0309 cfs.

Juane W. Kirby

One. Water Resources Dept.
Salem, Ore.

RECEIVED
WATER RESOURCES DEPT
SALMON
1963

Dear Sirs,

I am enclosing both
the registration statement
made out by the surveyor
which has his signature,
and my own registration
statement which has
my notarized signature.

Hope this will be
all right.

Sincerely

Beverly Browne

APR 15 1993

DEPT. OF WATER RESOURCES

STATE OF OREGON
WATER RESOURCES DEPARTMENT

SURFACE WATER REGISTRATION STATEMENT
PRE-1909 VESTED WATER RIGHT CLAIM

1. Name of Registrant: Beverly Brown
Mailing Address: 350 Winston Sel Rd
Winston Oregon Telephone No: 679-8632

2. Source of water: _____
Tributary to: _____

3. Purpose(s) for which water is used: _____
(Irrigation, Stockwater, Domestic, Hydroelectric power, Industrial, Etc.)
If irrigation, total number of acres irrigated: 2.47

4. Priority Date
a) Date of first use: _____
b) Date water use development first initiated: _____
c) Name of party who initiated development: _____

5. Amount of water claimed: 0.0309, in CFS or GPM
(Water put to beneficial use)

6. Location of place of use:
15 Sections, Township 28 N/S, Range 6 E/W.
_____ Sections, Township _____ N/S, Range _____ E/W.
(Attach additional pages if necessary)

7. Usual period of use: _____ / _____ to _____ / _____
month day month day

359 Winston Sec. Rd.
Winston, Oregon, 97496

Martha O. Pagel, Director
Oregon Water Resources Dept.
Salem, Oregon

Dear Mrs. Pagel,

I have not abandoned the possibility of obtaining a water right although I was unable to meet the 1992 deadline. As an old pioneer family, the Winston's (for whom the town was named) have lived on the South Umpqua River since 1871. We have always felt that we already had a river right and when we discovered we needed to file for this in December, we filled out the form but because of the busy holidays were unable to get the river survey needed in time to return this form.

The Winston family at one time owned 88 acres of land in this area, much of which was on the river. They were horticulturists, who used the waters of the river for irrigation of their orchards (cherries, prunes, pears & peaches) and crops (cauliflower, boysenberries, melons, and recently tomatoes).

Since much of this area has been taken over by Beaver State Gravel Co. and many of the orchards destroyed, we feel that our community would benefit if we planted our remaining two acres of land in an orchard of cherry trees and will need river water to keep the young trees growing. It seems unfair to me to have to pay taxes on land that goes to the middle of the river and not be able to use that river.

My house, which is 107 years old and on the National Historic Register, is surrounded by lawn and flowers. However, I am always careful to conserve water by not using it to keep the lawns green in the summer. I always say "Brown is beautiful" and when the Fall rains come the green appears again.

I hereby petition that I may file a late water registration.

Priority date 1871
Source South Umpqua River
Location Winston Section
15 sec., Township 28, S Range 06 W
Type of use Irrigation
Amt. Claimed 2 acres
Period of Use May 1 to Nov. 1

Total Fee submitted \$45.00

Notarized statement signed by claimant.

STATE OF OREGON

County of Douglas

I Beverly E. Browne, having been duly sworn, depose and say that to the best of my knowledge all of the matters stated herein are true and correct.

Beverly E. Browne
Signature of Claimant

Signed and attested before me this 10th day of Feb., 1993.

Janita R. Sawyer
NOTARY PUBLIC for the State
of Oregon

My commission expires: 5-8-93

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP See NAME Unpqua # 16 UNADJUDICATED AREA ? yes
RECEIPT # 97039 S W R NUMBER 603
CHECK ENCLOSURES See PRELIMINARY DATA BASE ENTRY OK
ACKNOWLEDGEMENT LETTER See ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION See

FORM REVIEW

_____ blanks filled in
_____ signed
_____ date received stamped

MAP REVIEW

source and trib
 diversion point location
_____ conveyances (pipes, ditch, etc.)
_____ place of use
 scale
 township, range, section
 north arrow
 CWRE stamp
 disclaimer
 date survey was performed
 P.O.B. of survey
 dimensions and capacity of diversion system
_____ "beneficial use" type title
 "permanent-quality" paper

1/10th Acc 3
WATER RIGHT RECORD CHECK _____ FIELD INSPECTION _____
FINAL FILE REVIEW _____ FINAL DATA BASE ENTRY _____
ENTER ON PLAT CARDS _____

February 14, 1994

Oregon

WATER
RESOURCES
DEPARTMENT

BEVERLY E BROWNE
350 WINSTON SEC RD
WINSTON OR 97496

re: SWR-603

Dear Ms Browne,

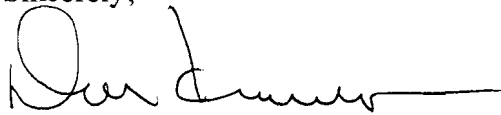
This will acknowledge the receipt of your letter of February 8, 1994. You ask about the status of your pre-1909 vested water right claim. You have done everything required of you at this point to assert your claim. You have the legal right to use the water in the manner you described in your claim and as shown on the map submitted to support your claim.

There have been two changes involving the adjudication of pre-1909 vested water rights. This past legislative session the laws involving the verification of pre-1909 claims changed to take away the step in which the Director of the Water Resources Department (WRD) enters an order of indorsement. Therefore, the validity of your claim will be determined by the local Circuit Court when the formal adjudication takes place. This gets us to the second change. The Adjudication Section has been reduced to one full time employee, me. It will be quite a period of time before any formal adjudication is begun.

Any delay in the formal adjudication will not change the status of your claim. You have done everything required of you and you have the legal right to use the water.

If you have any questions, please give me a call. The toll free number is 1-800-624-3199.

Sincerely,



Don Knauer
Adjudication Specialist

j:\w\slc\6\swr-0603 002



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

BEFORE THE DIRECTOR OF THE
OREGON WATER RESOURCES DEPARTMENT
SALEM, OREGON

IN THE MATTER OF THE)
SURFACE WATER REGISTRATION)
STATEMENT TO BE FILED IN THE)
NAME OF BEVERLY E. BROWNE)
_____)
ORDER ACCEPTING
SURFACE WATER
REGISTRATION
STATEMENT
(Late filing)

The above entitled matter comes before the Director for authorization to file a Surface Water Registration Statement after the filing deadline of December 31, 1992.

It appears that the claimed use of water has not been abandoned, that water has been applied to beneficial use and that the use of water by the claimant is subject to registration pursuant to ORS 539.240(4).

NOW, THEREFORE, it is hereby ORDERED that the Department accept for filing a Surface Water Registration Statement in the name of

BEVERLY E. BROWNE
350 WINSTON SEC RD
WINSTON, OR 97496
DOUGLAS COUNTY

Dated June 15, 1993.



Martha O. Page, Director

INTEROFFICE MEMORANDUM
Oregon Water Resources Department
Adjudications Section

SIDEBAR:

I figured that if you did not agree with my interpretation that you would at least be ^{a step} closer to developing your own interp. of 539.240(4).

TO: Reed Marbut

FROM: Dwight French *DF*

DATE: June 1, 1993

RE: 539.240(4) and pending petitions

(Attached is 539.240(4), late filing.)

My interpretation of 539.240(4):

A person may file a petition if they have good cause to show that they have not abandoned the claim. Nothing we have defines what good cause is so a liberal interpretation should be allowed.

The director cannot reject a petition without holding a CC hearing first.

Without a hearing the director may accept sworn statements in support of the claim. Since the law does not indicate that the petition must be sworn (notarized) then another sworn statement should suffice, i.e. SWR Claim Form. The petition (and sworn statements if petition/letter is not sworn) is judged not on why they didn't make the deadline but rather on whether or not the person has a use of water that would be subject to registration under 539. If the petition/sworn statement meets this condition then the director issues an order authorizing the person to file a registration statement.

Using this interpretation I offer the following recommendations on the four petitions received so far.

Petition #1 "Brown" (SWR-603)

We received both a notarized petition and a notarized claim form along with fees and CWRE map. We need to issue an order that officially authorizes WRD to accept the Brown late claim.

Petition #2 "Rose"

Unnotarized petition with fees have arrived. Instruct Mr. Rose that if he'll send in a completed (to include notarized) claim form we will accept it (issue an order).

Petition #3 "King"

Unnotarized petition with fees have arrived. Instruct Mr. King that if he'll send in a completed (to include notarized) claim form we will accept it (issue an order).

604
Petition #4 "Oceanside Water District"

Petition and notarized claim form with fees have arrived. Issue order accepting claim.

file c:\w\petition.539

Alh

6/6

Discuss w/ Dwight

letter - Dwight

*Orders - Reed
(Simple)*

TO, Martha - 3/1

OREGON WATER RESOURCES DEPARTMENT
WATER RIGHTS/ADJUDICATION SECTION

INTEROFFICE MEMORANDUM

TO: Martha Pagel

FROM: Reed Marbut

DATE: February 26, 1993

- Filed in Ind.

SUBJECT: Petition of Beverly E. Browne for Acceptance of Late Surface Water Registration

Attached to this Memorandum is a Petition by Beverly E. Browne requesting acceptance of a late Surface Water Registration claim. The statutory standard for a late claim is "for good cause shown." However, the purpose of the petition is for the claimant to be "given an opportunity to rebut the presumption that the person has abandoned the claim."

As you know, none of this law has ever been tested in any way. In effect, we are going to have to take these Petitions on a case by case basis. ORS 539.240(4), the statutory provision for the late filing, does allow the Director to schedule a hearing to take testimony and evidence concerning petitions. Therefore, in the more complicated cases or in the more substantial claims if there was doubt we could hold a hearing. For claims like this one, I would recommend the we grant the request to file a late claim where the individual has at least demonstrated there is evidence of the historic water use.

Procedurally I recommend that I prepare an acceptance letter for your signature which sets out the claim format and standards for Ms. Browne. The statutory deadline for submittal of the late claim is December 31, 1993; however, I would like to encourage late claimant's to file as quickly as possible. We will indicate in our letter to Ms. Browne that it would be in her interest to submit the claim as quickly as possible.

Naturally, she will need a CWRE map which may take a few months to secure.

Please advise if you agree with my recommendation.

RM/dpc

May 5, 1993

BEVERLY E BROWNE
350 WINSTON SEC RD
WINSTON OR 97496

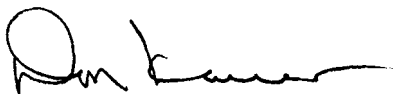
Dear MS BROWNE,

This will acknowledge that your Surface Water Registration Statement in the name of BEVERLY E BROWNE has been received by our office. The fees in the amount of \$45.00 have been received and our receipt #97039 was sent to you. Your registration statement has been numbered SWR-603.

Our office will review your form and map in the near future. If necessary we will schedule a meeting with you that will include a site inspection. If there are problems with your form we are usually able to take care of them during our visit. We will be able to answer any questions you might have about the adjudication process at that time.

Please feel free to contact this office if you have any questions.

Sincerely,



Don Knauer
Adjudication Specialist

Enclosure

j:\WP51\SWR\CLAIMANT\6\SWR-0603.001



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

March 24, 1993

BEVERLY E. BROWNE
350 WINSTON SEC RD
WINSTON OR 97496

RE: PETITION FOR LATE REGISTRATION STATEMENT FILING

Dear Ms. Browne,

On February 12, 1993, our office received your petition requesting an opportunity to file a Surface Water Registration Statement along with fees in the amount of \$45.00. Your petition demonstrates that there is good cause to allow you to file a late claim. Therefore, we will accept your late Surface Water Registration filing.

Enclosed please find a Surface Water Registration Statement claim form and instructions. For your claim to be processed you must submit a completed and notarized claim form and a map prepared by a Certified Water Right Examiner. You may send in your form without a map as long as you indicate the name of the CWRE that will be preparing the required map. Our office will then contact the CWRE and work out a submittal schedule for the map.

If you have questions regarding this process, please contact the Adjudication Section. You can call toll free 1 (800) 624-3199.

Sincerely,



Martha O. Pagel
Director

Enclosures: claim form and instructions

cc: Adjudication Section



CC: DWight 3/17

ROUTING - REQUEST

Please

- READ
- HANDLE
- APPROVE
- and
- FORWARD
- RETURN
- KEEP OR DISCARD
- REVIEW WITH ME

To Markus

SOURCES DEPARTMENT
 EDUCATION SECTION
MEMORANDUM

*ok to proceed
 3/15/93*

DATE: February 26, 1993

Date 3/16 From Pageit

Browne
Surface Water Registration

Attached to this Memorandum is a Petition requesting acceptance of a late Surface Water claim. The statutory standard for a late claim is shown." However, the purpose of the petition is to be "given an opportunity to rebut the claim if a person has abandoned the claim."

As you know, none of this law has ever been tested. In effect, we are going to have to take this law on a case by case basis. ORS 539.240(4), the statute on late filing, does allow the Director to schedule a hearing and take testimony and evidence concerning petitioners.

in the more serious cases, a hearing. If the Director grants the request, at least demonstrate that it is in the public use.

prepare an acknowledgment of the claim form and a deadline for submission. However, I would appreciate it as possible at it would be possible.

3 map whi

1 my recc

*READ -
 I made corrections as instructed.
 Here are 3 copies. 1 for 3/23
 3/24 and 3/25.
 Enclose the signed copy in the envelope for mail.
 3/22*

3/22/93

Martha:

maybe not a perfect tone,

but we're swamped w/ other letters.

Recommend your signature

*Jim
 D.W.*

Dwight 3/18

Could you follow up w/ a Dept. of Acceptance letter

*Thanks. Reed
 Jim Soyuzman.*

em

359 Winston Sec. Rd.
Winston, Oregon, 97496

Martha O. Pagel, Director
Oregon Water Resources Dept.
Salem, Oregon

Dear Mrs. Pagel,

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Priority date 1871
SourceSouth Umpqua River
Location Winston Section
15 sec., Township 28, S Range 06 W
Type of use Irrigation
Amt. Claimed 2 acres
Period of Use May 1 to Nov. 1

Total Fee submitted \$45.00

Notarized statement signed by claimant.

STATE OF OREGON

County of Douglas

I Beverly E. Browne, having been duly sworn, depose and say that to the best of my knowledge all of the matters stated herein are true and correct.

Beverly E. Browne
Signature of Claimant

Signed and attested before me this 10th day of Feb., 1993.

Jeanette R. Sawyer
NOTARY PUBLIC for the State
of Oregon

My commission expires: 5-8-93

OREGON WATER RESOURCES DEPARTMENT
WATER RIGHTS/ADJUDICATION SECTION

INTEROFFICE MEMORANDUM

TO: Martha Pagel

FROM: Reed Marbut DATE: February 26, 1993

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Surface Water Registration

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Naturally, she will need a CWRE map which may take a few months to secure.

Please advise if you agree with my recommendation.

RM/dpc

February 12, 1993

WATER
RESOURCES
DEPARTMENT

BEVERLY E BROWNE
350 WINSTON SEC RD
WINSTON OR 97496

RE: PETITION FOR LATE REGISTRATION STATEMENT FILING

Dear Ms Browne,

This will acknowledge your petition for a late registration statement filing and the fees of \$ 45.00. Our receipt # 97039 is enclosed. I will give the petition to my supervisor for processing.

If you have any questions please give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

enc

C:\WP51\SWR\CORRESPO\BROWNE.01



3850 Portland Rd NE
Salem, OR 97310

RECEIPT # **97039**

STATE OF OREGON
WATER RESOURCES DEPARTMENT

3850 PORTLAND ROAD NE
 SALEM, OR 97310
 378-8455/378-8130 (FAX)

RECEIVED FROM: Beverly Brown
 BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 96407 OTHER: (IDENTIFY)

TOTAL REC'D \$ 45.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>45.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$

COST CENTER AND OBJECT CLASS

VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

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

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
842.016	WELL DRILL OPERATOR	\$	842.019	\$
	LANDOWNER'S PERMIT	\$	842.024	\$

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	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE(FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE(FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # **97039**

DATED: 2/12/93 BY: [Signature]