

*** APPLICATION FOR PERMIT**

To Appropriate the Public Waters of the State of Oregon

I, Fred Smalley (Name of applicant)
of Rt 2 McMinnville (Mailing address),
State of Oregon, do hereby make application for a permit to appropriate the
following described public waters of the State of Oregon, **SUBJECT TO EXISTING RIGHTS:**

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

1. The source of the proposed appropriation is Berry Creek (Name of stream)
trib. of Baker Creek, a tributary of N. Fork Yamhill R.

2. The amount of water which the applicant intends to apply to beneficial use is 0.32
cubic feet per second. (If water is to be used from more than one source, give quantity from each)

**3. The use to which the water is to be applied is Irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 200 ft. N. and 450 ft. W. from the E¹/₄
corner of Sec. 11, T. 4 S., R. 5 W., W.M. approximately (Section or subdivision)

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

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

being within the SE¹/₄NE¹/₄ of Sec. 11, Tp. 4 S.,
R. 5 W., W. M., in the county of Yamhill

5. The _____ to be _____
(Main ditch, canal or pipe line) (Miles or feet)
in length, terminating in the _____ of Sec. _____, Tp. _____,
R. _____, W. M., the proposed location being shown throughout on the accompanying map.
(Smallest legal subdivision) (N. or S.) (E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam 1 feet, length on top 5 feet, length at bottom _____
feet; material to be used and character of construction earth
(Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate _____
(Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description 2" cent
car motor
(Size and type of pump)
(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

7. Sprinklers - details not determined

*A different form of application is provided where storage works are contemplated.
**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

Canal System or Pipe Line—

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

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

(c) Length of pipe, ft.; size at intake, in.; size at ft. from intake in.; size at place of use in.; difference in elevation between intake and place of use, ft. Is grade uniform? Estimated capacity, sec. ft.

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

Township	Range	Section	Forty-acre Tract	Number Acres To Be Irrigated
4 S	5 W	11	NW 1/4 NE 1/4	4
			SE 1/4 NE 1/4	13
			NE 1/4 SE 1/4	5
		12	NW 1/4 SW 1/4	3
				25

Property on which water is to be used is a part of that more explicitly described by applicant as follows: Being a part of the West Half of the Donation Land Claim of Charles Berry, Claim No. 42, in Township 4 South, Range 5 West of the Willamette Meridian, in Yamhill County, State of Oregon, said part being more particularly described as follows, to-wit:

Beginning at an iron pipe set on the West line of and 5.00 chains North of the Southwest corner of said Charles Berry Donation Land Claim, and running thence South 89° 17' East parallel to the South line of said Claim 10.00 chains; thence South 0° 2' West parallel to the East line of the West Half of said Claim 5.00 chains to the South line of said Claim; thence South 89° 17' East along the South line of said Charles Berry Donation Land Claim 25.10 chains to the Southeast corner of the West Half of said Berry Claim; thence North 0° 2' East along the East line of the West Half of said Claim 16.47 chains; thence North 82° 37' West 10.56 chains; thence North 89° 17' West 5.18 chains; thence South 0° 43' West 5.59 chains, thence North 89° 17' West parallel to

(Continued under Remarks)

(a) Character of soil Red coarse

(b) Kind of crops raised Corn

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.

(Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec.

(Legal Subdivision)

Tp., R., W. M.

(No. N. or S.)

(No. E. or W.)

(f) Is water to be returned to any stream?

(Yes or No)

(g) If so, name stream and locate point of return

Sec.

Tp.

R.

W. M.

(No. N. or S.)

(No. E. or W.)

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

Municipal or Domestic Supply—

10. (a) To supply the city of

..... County, having a present population of

(Name of)

and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$... not estimated..

12. Construction work will begin on or before One year after approval.....

13. Construction work will be completed on or before Two yrs " ".....

14. The water will be completely applied to the proposed use on or before 3 yrs " ".....

(Sgd) Fred Smalley

(Signature of applicant)

By (Sgd) Viola Smalley

(Continued from Item 8) the South line of said Claim 15.85 chains to the Northeast corner of the 1.25 acre tract of land owned by School District #63 of Yamhill County, Oregon; thence South 0° 2' West along the East line of said School District property 3.50 chains to the Southeast corner of said School District property; thence North 89° 17' West 3.47 chains to the West line of said Charles Berry Claim; thence South along the West line of said Claim 3.75 chains to the place of beginning, containing 45.42 acres, more or less.

Saving and Excepting therefrom 1.25 acres, more or less conveyed to Yamhill County, Oregon for road purposes.

Also the following described parcel of real property to-wit:

Being a part of the West half of the Charles Berry Donation Land Claim, Notification No. 2221, Claim No. 42 in Sections 11 and 12 in Township 4 South Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as beginning at a stone at the Northwest corner of said Claim; thence East along North boundary of Claim 220.2 feet to iron pipe in center of County road now there; thence South 26° 49' East along center of said County road 126.4 feet to angle; thence South 67° 22' East along center of said County road 91.5 feet to angle; thence South 75° 00' East along center of said County road 586.7 feet to angle; thence South 74° 36' East along center of said County road 459.7 feet to iron pipe in center of road at angle corner of Lots 1 and 2; thence South 00° 29' East parallel to division line of Claim 653.3 feet to iron pipe set on the North line of H. Ray Berry 19.70 acre tract; thence North 83° 54' West with present lines of the said 19.70 acre tract 269.2 feet to iron pipe at angle corner; thence South 89° 26' West 341.9 feet to iron pipe; thence South 00° 34' East 368.9 feet to iron pipe; thence South 89° 26' West 1275.1 feet to the West line of said Berry Claim at the Northwest corner of 1.25 acre tract now owned by School Dist. No. 63; thence North 1° 01' West with West line of claim 2449.2 feet to beginning and containing 60.68 acres more or less.

Saving and excepting therefrom .93 of an acre conveyed by H. Ray Berry and wife to Ralph E. Berry and wife by that certain warranty deed recorded Dec. 31, 1942 in Book 121 of page 54 Deed records of Yamhill County, Oregon.

STATE OF OREGON, }

County of Marion, } ss

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

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before, 194.....

WITNESS my hand this day of, 194.....

STATE ENGINEER

Application No. 21506

Permit No. 16930

PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

Division No. District No.

This instrument was first received in the office of the State Engineer at Salem, Oregon,

on the 25th day of March

1946 at 1:10 o'clock P. M.

Returned to applicant:

Corrected application received:

Approved:

August 15, 1946

Recorded in book No. 41 of

Permits on page 16930

CHAS. E. STRICKLIN STATE ENGINEER

Drainage Basin No. 2 Page 90 J

Fees Paid \$9.50

PERMIT

STATE OF OREGON, } ss
County of Marion,

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

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.32 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Berry Creek

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

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year,

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

The priority date of this permit is March 25, 1946

Actual construction work shall begin on or before August 15, 1947 and shall thereafter be prosecuted with reasonable diligence and be completed on or before

October 1, 1948

Complete application of the water to the proposed use shall be made on or before

October 1, 1949

WITNESS my hand this 15th day of August, 1946.

CHAS. E. STRICKLIN STATE ENGINEER