

\* APPLICATION FOR PERMIT

CERTIFICATE NO. ~~27727~~ **SUBPENDED**

CERTIFICATE NO. 40639

# To Appropriate the Public Waters of the State of Oregon

I, Ralph Kester (Name of applicant)  
 of Rt. 1, Monmouth (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 Soap Creek, a tributary of Luckiamute River

2. The amount of water which the applicant intends to apply to beneficial use is 0.38  
 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 120 ft. S and 860 ft. E from the 1/4  
 (N. or S.) (E. or W.)  
 corner of Sections 2 & 3, T 10 S., R 5 W., W.M. and water is carried by ditch  
 (Section or subdivision)  
to a sump located S 74° 43' E 1823.57 feet from above corner, from which  
water will be pumped, excess returning to the stream; these two points  
 (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 NW 1/4 & NE 1/4, respectively, of the SW 1/4 of Sec. 2, Tp. 10 S,  
 (Give smallest legal subdivision) (N. or S.)  
 R. 5 W, W. M., in the county of Polk  
 (E. or W.)

5. The ditch to be 950 feet  
 (Main ditch, canal or pipe line) (Miles or feet)  
 in length, terminating in the NE 1/4 of the SW 1/4 of Sec. 2, Tp. 10 S,  
 (Smallest legal subdivision) (N. or S.)  
 R. 5 W, W. M., the proposed location being shown throughout on the accompanying map.  
 (E. or W.)  
 Pump discharge pipe line to be 180 feet long, terminating in NE 1/4 of SW 1/4 of Sec. 2.

### DESCRIPTION OF WORKS

#### Diversion Works—

6. (a) Height of dam about 3 feet, length on top about 20 feet, length at bottom  
about 10 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 None - excess water returned to stream before it  
 (Timber, concrete, etc., number and size of openings)  
leaves the property

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

\* 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) ..... 5 ..... feet; width on bottom ..... 2 ..... feet; depth of water ..... 2 ..... feet; grade ..... 3 ..... 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, ..... 180 ..... ft.; size at intake, ..... 2 ..... in.; size at ..... ft. from intake ..... in.; size at place of use ..... 2 ..... in.; difference in elevation between intake and place of use, plus 10 ..... ft. Is grade uniform? ..... Estimated capacity, ..... 0.4 ..... sec. ft.

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

Township	Range	Section	Forty-acre Tract	Number Acres To Be Irrigated
10 S	5 W	2	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	14
			NW $\frac{1}{4}$ of SW $\frac{1}{4}$	14
			SE $\frac{1}{4}$ of SW $\frac{1}{4}$	2

Property on which water is to be used is a part of that more explicitly described by applicant as follows:

Parcel 1: Only so much of the following described property as is situated in Polk County, Oregon; Beginning at a  $\frac{1}{2}$ " pipe, the quarter Section corner between Sections 2 and 3 in Township 10 South, Range 5 West of the Willamette Meridian, in Polk County, Oregon running thence North 89° 59' East along the subdivision line 62.943 chains to a  $\frac{3}{4}$ " pipe, thence South 35° 38' East 17.254 chains to a  $\frac{3}{4}$ " pipe, which is the Northeast corner of G. B. Smith Donation Land Claim No. 51, thence South 35° 38' East along the Northeast line of said claim and extended 51.523 chains to a  $\frac{1}{2}$ " pipe on the West line 16.757 chains South 18° 52' West of the Northwest corner of Claim No. 42, thence South 18° 52' West .942 chains to the center of the County Road, thence along the center of said road North 49° 30' West 1.482 chains to a point 20 feet South of the County line, thence along the center of said road and parallel with the County line South 89° 52' West 62.885 chains to a  $\frac{3}{4}$ " pipe, thence North 48° 55' West (Cont'd under Remarks)

(If more space required, attach separate sheet)

(a) Character of soil ..... Amity .....

(b) Kind of crops raised ..... Seeds .....

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, \$ 400<sup>00</sup>.....

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

13. Construction work will be completed on or before ..... 3 years " "

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

(Sgd) Ralph Kester

(Signature of applicant)

Remarks: (Continued from Item 8) along center of said road 14.374 chains to a 3/4" pipe, thence South 80° 16' West 36.417 chains to a 1" x 1" iron bar, thence South 71° 53' West 13.209 chains to a 3/4" pipe, thence North 29° 27' West 20.143 chains to a 3/4" pipe, which is 2.072 chains North 29° 27' West of the Southeast corner of the Thomas W. Berry Claim No. 52, thence South 60° 33' West 29.504 chains to a point .459 chains North 60° 33' East of a 3/4" pipe, thence North 21° 27' West 23.311 chains to a point .459 chains North 61° 31' East of a 3/4" pipe, thence North 61° 31' East 73.588 chains to a 3/4" pipe, on the Section line, thence South 0° 15' East 3.022 chains to the place of beginning. Saving and excepting from the above described real property all lands lying and situate in Benton County, Oregon, and save and except right of way for County Road in Polk County, Oregon, and except that portion thereof conveyed to Polk County, Oregon for road purposes by the United States of America by deed dated August 20, 1947. Subject to an easement granted the Mountain States Power Company dated November 30, 1930 and recorded December 19, 1930 in Volume 91 page 544, Deed Records of Polk 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 ..... map

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before ..... January 6 ..... 19 49.

WITNESS my hand this 6th day of December, 19 48.

CHAS. E. STRICKLIN

STATE ENGINEER

By Ed K. Humphrey, Assistant

vc

Application No. 23319

Permit No. 18559

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 28th day of July, 1948, at 10:40 o'clock A. M.

Returned to applicant:

Corrected application received:

Approved:

April 25, 1949

Recorded in book No. 45 of

Permits on page 18559

CHAS. E. STRICKLIN

STATE ENGINEER

Drainage Basin No. 2 Page 18 b

Fees Paid \$15.00

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 0.38 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 July 28, 1948

Actual construction work shall begin on or before April 25, 1950 and shall thereafter be prosecuted with reasonable diligence and be completed on or before

Extended to Oct. 1, 1954 October 1, 1951

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

Extended to Oct. 1, 1954 October 1, 1952

WITNESS my hand this 25th day of April, 1949.

CHAS. E. STRICKLIN

STATE ENGINEER