

* APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, Ellis H. Breeden (Name of applicant) of Rt 2 Box 195 Dallas (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 Little Luckiamute R., Fern Creek & reservoir to be constructed, a tributary of Luckiamute R.

2. The amount of water which the applicant intends to apply to beneficial use is 0.93 cubic feet per second.

**3. The use to which the water is to be applied is irrigation

4. The point of diversion is located ft. and ft. from the corner of at any point where Little Luckiamute River and Fern Creek touche property described herein.

being within the Sec. 25 NE NE & NW NE of Sec. 36 Tp. 8 S R. 6 W, W. M., in the county of Polk

5. The to be in length, terminating in the of Sec. Tp. R., W. M., the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

Diversion Works—

No dam

6. (a) Height of dam feet, length on top feet, length at bottom feet; material to be used and character of construction

rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate

(c) If water is to be pumped give general description 3" cent pump

4 in. pump 20 HP elec 12 HP gas

35 sprinklers Portable

* 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
8 S	WILLAMETTE MERIDIAN 6 W	25	SE $\frac{1}{4}$ NE $\frac{1}{4}$	2
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	10
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	34
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	19
		36	NE $\frac{1}{4}$ NE $\frac{1}{4}$	6
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	3
				74
Property on which water is to be used is a part of that more explicitly described by applicant on attached sheet.				

(If more space required, attach separate sheet)

(a) Character of soil Willamette

(b) Kind of crops raised Corn Grain

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

JEAN CAMPBELL, unmarried to ELLIS H. BREEDEN ET UX

Beginning at an Iron Bar at the Northwest corner of the William Burns Donation Land Claim, No. 56 in Township 8 South, Range 6 West of the Willamette Meridian, in Polk County, Oregon; and running thence South 48° 27' East 2663.82 feet to an Iron Pipe at the angle corner on the North line of said Burns D. L. C.; thence North 42° 15' East 95.7 feet; thence South 42° 00' East 264.0 feet parallel with the North line of said Burns D. L. C., to the center of the Little Luckiamute River; thence down-stream North 63° 49' East 239.75 feet; thence North 87° 05' East 183.3 feet; thence South 77° 12' East 177.4 feet; thence South 31° 56' East 288.0 feet; thence North 15° 56' East 314.0 feet; thence North 31° 28½' East 108.5 feet to the West line of the John Chamberlain Donation Land Claim, No. 40; thence North 14° 07' West 82.0 feet to a stone at an angle corner on the West line of said Chamberlain D. L. C., and the most Southerly Southeast corner of the Thos. Hart Donation Land Claim, No. 39; thence North 62° 45' West 3465.5 feet to the place of beginning and containing 29.892 acres, more or less. Excepting therefrom 1.25 acres deeded to the State of Oregon in deed recorded in Volume 140 on Page 412 Polk County Deed Records. Also excepting the State Highway as now traveled.

WILLIAM J. COLGROVE ET UX TO ELLIS H. BREEDEN ET UX

An undivided one-half interest in and to the following described premises to-wit:

Beginning at a stone at the most Southerly Southeast corner of the Thos. Hart D. L. C., No. 39 in Township 8 South, Range 6 West of the Willamette Meridian, in Polk County, Oregon; and running thence North 62° 48' West 891.67 feet along the South line of said D. L. C.; thence North 27° 12' East 70.3 feet; thence South 79° 24½' East 100.05 feet to an Iron Pipe on the North line of the Mornmouth Highway; thence along the arc of a 2824.79 foot radius curve to the left (the long chord of which bears North 24° 19.3' East 586.17 feet) to a point 40 feet North 71° 38' West from Engineer's station 369+04.43 P.C.S.; thence North 15° 41.6' East 397.13 feet to a point 40 feet North 75° 38' West from station 373+04.43 P. T.; thence North 14° 22' East 53.3 feet to a point 40.0 feet North 75° 38' West from station 373+57.73 P. S.; thence North 13° 25.7' East 372.99 feet to a point 40.0 feet North 78° 26.8' West from station 377+32.73 P. S. C.; thence North 10° 14' East 174.17 feet to a point 40.0 feet North 81° 05.2' West from station 379+08.73 P. C. S.; thence North 7° 02.3' East 372.99 feet to a point 40.0 feet North 83° 54' West from station 382+83.73 P. T.; thence North 6° 06' East 800.95 feet to an Iron Pipe on the North line of the South one-half (½) of said Thos. Hart D. L. C.; thence South 62° 13 3/4' East 1033.58 feet to an oak stake (set for the Northeast corner of the South half of said D. L. C., from which the Stump of a 14" Fir bears South 26° 45' West 13.86 feet and a 15" Fir bears North 55° East 6.6 feet); thence South 3° 52½' West 1335.6 feet to a 4" x 4" x 36" concrete post at the most Easterly Southeast corner of said Thos. Hart D. L. C.; thence North 78° 24' East 228.35 feet to an anchor post; thence South 23° 23' West 207.9 feet; thence South 24° West 116.82 feet to the place of beginning and containing 69.045 acres, more or less.

Excepting therefrom 5.587 acres lying within the State Highway rights-of-way, and also excepting a 2 acre tract along the North line of the above described property now used and occupied as a cemetery. Net acreage to be conveyed, 61.458 acres, more or less.

GILBERT ENNIS ET UX TO ELLIS H. BREEDEN ET AL

Beginning on the South line of the Thomas Hart Donation Land Claim, No. 39 in Township 8 South, Range 6 West of the Willamette Meridian, in Polk County, Oregon, at a point 891.67 feet North 62° 48' West from the Stone at the Southeast corner of said Donation Land Claim; and running thence North 62° 48' West 871.54 feet to an Iron Pipe; thence North 39° 59' West 958.39 feet to an Iron Bar in the center of the County Road from which an Iron Pipe bears North 27° 12' East 32.55 feet; thence North 27° 12' East 2381.9 feet to an Iron Pipe; thence South 62° 44' East 1173.7 feet to an Iron Pipe on the West line of the State Highway right-of-way; thence South 6° 06' West 801.6 feet along said West line to a point 40 feet North 83° 54' West from engineers station 382+83.73 P. T.; thence South 7° 02.3' West 372.99 feet to a point 40 feet North 81° 05.2' West from engineers station 379+08.73 P. C. S.; thence South 10° 14' West 174.17 feet to a point 40 feet North 78° 26.8' West from engineers station 377+32.73 P. S. C.; thence

thence South 74° 45' West 246.0 feet; thence South 85° 30' West

South 13° 25.7' West 372.99 feet to a point 40 feet North 75° 38' West from engineers station 373+57.73 P. S.; thence South 14° 22' West 53.3 feet to a point 40 feet North 75° 38' West from engineers station 373+04.43 P. T.; thence South 15° 41.6' West 397.13 feet to a point 40 feet North 71° 38' West from engineers station 369+04.43 P. C. S.; thence along the arc of a 2824.79 foot radius curve to the right (the long chord of which bears South 24° 19.3' West 586.17 feet) to an Iron Pipe on the North line of the Little Luckiamute River-Mormouth Highway; thence North 79° 24' 30" West 100.05 feet; thence South 27° 12' West 70.3 feet to the place of beginning and containing 98.28 acres, more or less.

EXCEPTING therefrom all County Roads lying within the above described property and amounting to about 3.11 acres.

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, \$ 3000.00
- 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 " " "

(Sgd) Ellis H Breeden.
(Signature of applicant)

Remarks:

Water is to be used from Fern Creek & reservoir
when available and any dificiency is to be made
up by diversion from Little Luckiamute River

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, 19.....

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

STATE ENGINEER

Application No. 24569

Permit No. 19648

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 3rd day of April 1950, at 10:05 o'clock A. M.

Returned to applicant:

Corrected application received:

Approved:

January 31, 1951

Recorded in book No. 48 of

Permits on page 19648

CHAS. E. STRICKLIN

STATE ENGINEER

Drainage Basin No. 2 Page 18 C

Fees Paid 21.60

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 0.93 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 Little Luckiamute River, Fern Creek and reservoir to be constructed under Application No. R-24802, Permit No. R-1059

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 from direct flow 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 from direct flow and storage from reservoir to be constructed under Permit No. R-1059, and shall be still further limited to a diversion of not to exceed 0.93 c.f.s., water to be diverted from Fern Creek and reservoir when available and any deficiency in the available supply in Fern Creek and reservoir is to be made up by diversion from Little Luckiamute River, providing that the total quantity diverted from both streams shall not exceed 1/80th c.f.s. for each acre irrigated,

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 April 3, 1950 from Little Luckiamute R. & June 2, 1950 (from Fern Creek & reserv. Actual construction work shall begin on or before January 31, 1952 and shall

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1954

Complete application of the water to the proposed use shall be made on or before October 1, 1954

WITNESS my hand this 31st day of January, 19 51

CHAS. E. STRICKLIN

STATE ENGINEER