

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, Kenneth J. Bentz & Anne Steward Bentz & Bernard Bentz of Sublimity, 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 Neal Creek (a tributary of Thomas Fork Santiam River) 2. The amount of water which the applicant intends to apply to beneficial use is 2.12 + 0.38 cubic feet per second.

3. The use to which the water is to be applied is Irrigation

4. The point of diversion is located at any point where Neal Creek touches property described herein

being within the SW 1/4 SW 1/4 of Sec. 9, Tp. 10 S, R. 1 E, W. M., in the county of Linn

5. The Main pipe line to be 3000 ft in length, terminating in the SW 1/4 NW 1/4 of Sec. 16, Tp. 10 S, R. 1 E, W. M., the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam 3 1/2 feet, length on top 40 feet, length at bottom 35 feet; material to be used and character of construction log & earth fill; wasteway over dam (log)

(b) Description of headgate

(c) If water is to be pumped give general description 7" x 6" cent. pump 25 to 30 HP electric motor; Total head = 40' sprinklers will be used (app 90 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.

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, 5000 ft.; size at intake, 8 in.; size at 3000 ft. from intake 4 or 5 in.; size at place of use 4 in.; difference in elevation between intake and place of use, 40 ft. Is grade uniform? Yes 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		Primary
				Total	Suppl	
10 S	1 E	8	SE 1/4 SE 1/4	5		5.0
		9	SW 1/4 SW 1/4	10.5		10.5
		16	NW 1/4 NW 1/4	34.5	15.0	19.5
			SW 1/4 NW 1/4	38.		38.0
			SE 1/4 NW 1/4	23.		23.0
		17	NE 1/4 NE 1/4	40.		40.0
			NW 1/4 NE 1/4	18.5		18.5
			SW 1/4 NE 1/4	2.		2.0
			SE 1/4 NE 1/4	28.5		28.5

(If more space required, attach separate sheet)

(a) Character of soil Clay loam

(b) Kind of crops raised pasture & grass seed crops & grain & berries

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

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

Beginning at the quarter section corner between sections 16 and 17 in T. 10 S. R. 1 E. of the W.M., said corner being also on the South line of the William Bilyeu D.L.C. No. 39; thence north 87 degrees 45 minutes west 300.87 feet; thence north 50 degrees 01 minutes west along the center line of a county road, 1680.00 feet; thence north 20 degrees 34 minutes west along said road 667.71 feet; thence north 44 degrees 58 minutes west along said road 833.93 feet; thence north 30 degrees 10 minutes west along said road 273.31 feet to a point in the center of Neal Creek which is north 4.83 feet and east 88.48 feet from the quarter section corner between Sections 8 and 17 in said township and range; thence easterly following up the center of said creek to the west line of D. L. C. No. 39; thence north 1390 feet to the north line of Lot 5 in Section 8 of said township and range; thence east 4230.6 feet to the northeast corner of Lot 1 in Section 9; thence south 3970.56 feet to the southeast corner of D. L. C. No. 39; thence west 2640 feet to the place of beginning; EXCEPTING that portion of said premises conveyed by John N. Bilyeu, Administrator of the estate of Nancy E. Bilyeu, deceased, to Murphy Timber Company, recorded April 12, 1946, Book 178, page 443, Deed Records; EXCEPT ALSO that portion of said premises conveyed by Michael Bilyeu to Murphy Timber Company, recorded April 12, 1946, Book 178, page 441, Deed Records; EXCEPT ALSO that portion of said premises lying in roads.

Beginning at the intersection of the north and south center line through Section 9 in T. 10 S.R. 1 E. of the W.M., and the south bank of Neal Creek (previously described as Thomas Creek) and running thence south 214.5 feet; thence east 214.5 feet; thence north 214.5 feet to the south bank of said creek; thence westerly down said south bank to the place of beginning; EXCEPT the right of the public to the use of that portion of said premises lying in roads.

Municipal or Domestic Supply

12. (a) To supply the city of _____

_____ County, having a present population 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, \$ 5000.00

12. Construction work will begin on or before 1 year from approval date

13. Construction work will be completed on or before 2 yrs " " "

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

approval date

Kenneth J. Bentz + Anne Steward Bentz + Bernard Bentz
(Signature of applicant)

by Bernard Bentz

Remarks: _____

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

PERMIT

STATE OF OREGON,

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 2.5 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 Neal Creek (Sometimes known as Blue Creek)

The use to which this water is to be applied is Irrigation and supplemental 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, provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein,

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 Oct. 23, 1951 or 2.12 c.f.s. and May 4, 1951 for 0.30 cfs

Actual construction work shall begin on or before November 16, 1952 and shall thereafter be prosecuted with reasonable diligence and be completed on or before

October 1, 1953

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

October 1, 1954

WITNESS my hand this 16th day of November 1951

Chas E Stricklin STATE ENGINEER

Permits for power development are subject to the payment of annual fees as provided in sections 1 and 2, chapter 74, Oregon Laws 1933.

Application No. 25386

Permit No. 20000

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 23rd day of October 1951, at 8:00 o'clock A.M. Returned to applicant:

Corrected application received:

Approved:

November 16, 1951

Recorded in book No. 49 of

Permits on page 111

CHAS. E. STRICKLIN STATE ENGINEER

Drainage Basin No. 2 Page 200

Fees Paid \$100.00