

66715

Permit

Permit No. 20563

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, Carter Kvakic and Ronald... of Rt 2 Box 242 Mt. Vernon, 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 unnamed stream and Berry Creek (Name of stream) tributary of Yamhill

2. The amount of water which the applicant intends to apply to beneficial use is 0.438 cubic feet per second. 2400 from Berry and 0.038 from unnamed stream.

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 ft. and ft. from the corner of Any point along Berry Creek & unnamed stream that intersects property described herein.

being within the SW 1/4 NW 1/4 & NW 1/4 SW 1/4 of Sec. 12, Tp. 4 R. 6, W. M., in the county of Yamhill.

5. The Main ditch, canal or pipe line to be in length, terminating in the of Sec. 12, Tp. 4, R. 6, W. M., the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

Diversion Works—

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

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

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

\*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.

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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 E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
4	5 W	12	SW 1/4 NW 1/4	12 1/2 ✓
			SE 1/4 NW 1/4	8 ✓
			NW 1/4 SW 1/4	2
4 S	5 W	11	SE 1/4 NE 1/4	8
				25 ✓

(If more space required, attach separate sheet)

(a) Character of soil ..... *Willamette* .....

.....

(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. ....

(No. N. or S.)

(No. E. or W.)

....., W. M. ....

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

(i) The nature of the mines to be served

## (Kvavle application)

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

PARCEL 1: Being a part of the Donation Land Claim of Charles Berry, Notification #2221, Claim #42, in Section 12 in Township 4 South, Range 5 West of the Willamette Meridian, in Yamhill County, Oregon, and being all of that certain tract known as the Maine Berry tract described in County Survey #2741 that lays North of the center of the County Road and more particularly described as follows, to-wit:

Beginning at an iron pipe on the North line of and South  $89^{\circ} 35'$  West 923.5 feet from the Northeast corner of said Charles Berry Claim; thence South  $00^{\circ} 18'$  West 1844.2 feet to the center of County Road now there; thence Westerly along center of said County Road 892.6 feet to the West line of the said Maine Berry tract; thence North  $00^{\circ} 44'$  West with West line of said tract 1712.3 feet to iron pipe on the North line of said Berry claim; thence North  $89^{\circ} 35'$  East along Claim line 892.5 feet to beginning.

PARCEL 2: Being a part of the East one-half of the Charles Berry Donation Land Claim, Notification No. 2221, Claim No. 42 in Township 4 South, Range 5 West of the Willamette Meridian, in Yamhill County, Oregon, and beginning at stone at the Northwest corner of the East one-half of said Claim; thence South  $00^{\circ} 29'$  East along division line of said Claim 1567.7 feet to point in the center of the County Road now there; thence South  $75^{\circ} 30'$  East along center of said road 576 $\frac{1}{2}$  feet, more or less, to the East line of the Burrington 40.00 acre tract described on Page 213 of Volume 99, Deed Records; thence North  $00^{\circ} 44'$  West along East line of Burrington and West line of County Survey #2741 of the Willis-Berry lands 1712.3 feet, more or less, to the North line of said Charles Berry Claim, an iron pipe set in said Survey; thence West along North line of said Claim 558.0 feet to beginning.

PARCEL 3: Being a part of the West Half of the Charles Berry Donation Land Claim, Notification #2221, Claim #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 an iron pipe set in the center of the County Road on the North line of and 220.2 feet East from the Northwest corner of said Claim and being Northeast corner of Lot #1 of this Survey; thence South  $26^{\circ} 49'$  East along center of said County Road 1158.4 feet to angle; thence South  $40^{\circ} 21'$  East along center of said County Road 126.4 feet to angle; thence South  $67^{\circ} 22'$  East along center of said County Road 91.5 feet to angle; thence South  $75^{\circ} 00'$  East along center of said County Road 586.7 feet to angle; thence South  $74^{\circ} 36'$  East along center of said County Road 459.7 feet to an iron pipe in center of road at angle corner of Lots 1 and 2; thence South  $00^{\circ} 29'$  East parallel to division line of Claim 653.3 feet to iron pipe set on the North line of the H. Ray Berry 19.70 acre tract; thence South  $33^{\circ} 54'$  East along the north line of the said Berry 19.70 acre tract 432.3 feet to iron pipe set on the Division line of said Claim, from which an iron pipe set by Jones in former Survey bears North  $83^{\circ} 54'$  West 39.1 feet; thence North  $00^{\circ} 29'$  West along division line of Claim 2143.0 feet to stone at the Northeast corner of the West Half of Claim; thence West along North line of said Berry Claim 2135.0 feet to beginning.

PARCEL 4: Being a part of the West Half of the Charles Berry Donation Land Claim, Notification #2221, Claim #42, in Section 12 in Township 4 South, Range 5 West of the Willamette Meridian, in Yamhill County, Oregon, more particularly described as Beginning

at an iron pipe set on the division line of said Claim at point North  $00^{\circ} 29'$  West 1034.5 feet from an iron pipe at the South East corner of the West Half of said Claim; thence North  $00^{\circ} 29'$  West 1034.5 feet from an iron pipe at the South East corner of the West Half of said Claim; thence North  $00^{\circ} 29'$  West along division line of said Claim 61.7 feet to iron pipe at the Northeast corner of that certain 19.70 acre tract now owned by H. Ray Berry and recorded on Page 309 of Volume 115, Deed Records of Yamhill County, Oregon; thence North  $63^{\circ} 21'$  West along North line of said tract (at 39.1 feet intersect an iron pipe set by Jones in former Survey) 432.3 feet to iron pipe at the South East corner of Lot #1 this survey; thence South  $00^{\circ} 29'$  East 127.8 feet to iron pipe; thence North  $67^{\circ} 18'$  East 429.7 feet to beginning.

All of the land hereby conveyed, contains 114 acres, more or less.

Excepting from the above described Parcels those portions thereof lying in roads and highways.

**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, \$ ~~1500 00~~ 2000 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 1 year from

approval date

Carter Kowale

(Signature of applicant)

Donald L. Shaver

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 0.438 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 an unnamed stream and Berry Creek, being 0.400/cfs from Berry Creek and 0.038 cfs from an unnamed stream

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

If for irrigation, this appropriation shall be limited to 1/20th 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 June 19, 1951

Actual construction work shall begin on or before March 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 21st day of March, 1952

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. 26024  
Permit No. 2

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 18th day of June, 1952, at 10:45 o'clock A. M.

Returned to applicant:

Corrected application received:

Approved:

March 31, 1952

Recorded in book No. 50 of

Permits on page 20563

CHAS. E. STRICKLIN  
STATE ENGINEER

Drainage Basin No. 2 Page 718

Fees Paid \$15.75