

APPLICATION FOR PERMIT

Public Waters of the State of Oregon

I, Duncan and John L. McNulty
(Name of applicant)
Woodburn
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 Butte Creek
(Name of stream)
a tributary of Pudding River

2. The amount of water which the applicant intends to apply to beneficial use is 1.02
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 _____ ft. _____ and _____ ft. _____ from the
(N. or S.) (E. or W.)
corner of Butte Pumping along Butte Creek within the
SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SW 1/4 of section 11 and within
the property described herein
(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 _____ of Sec. 11 Tp. 5 S
(Give smallest legal subdivision) (N. or S.)

R. 1 W, W. M., in the county of _____

5. The Main pipeline to be 2000 ft
(Main ditch, canal or pipe line) (Miles or feet)
in length, terminating in the _____ of Sec. _____, Tp. _____
(Smallest legal subdivision) (N. or S.)

R. _____ W. M., the proposed location being shown throughout on the accompanying map.
(E. or W.)

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 _____
(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 3" cent. pump
(Size and type of pump)
20 hp. electric pump
(Size and type of engine or motor to be used, total head water is to be lifted, etc.)
40 - 8 gpm 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.

...materially changed in size, stating miles from
 () feet; width on bottom
 feet; grade feet fall per one
 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, 2800 ft.; size at intake, 4 in.; size at 2000 ft.
 from intake 3 in.; size at place of use 3 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 Williams Section	Section	Forty-acre Tract	Number Acres To Be Irrigated
<u>55</u>	<u>14W</u>	<u>10</u>	<u>SE 1/4 NE 1/4</u>	<u>35</u>
			<u>NE 1/4 SE 1/4</u>	<u>70</u>
		<u>11</u>	<u>SE 1/4 NW 1/4</u>	<u>175</u>
			<u>SW 1/4 NW 1/4</u>	<u>295</u>
			<u>NE 1/4 SW 1/4</u>	<u>55</u>
			<u>NW 1/4 SW 1/4</u>	<u>380</u>

(If more space required, attach separate sheet)

(a) Character of soil Chehalis loam & Willamette loam
 (b) Kind of crops raised berries & general farm crops

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

THIS INDENTURE WITNESSETH THAT Edgar Dodge and Vera Lee Dodge, husband and wife

for and in consideration of the sum of — One and other valuable exchange —

DOLLARS

to W. H. Duwel paid, lawful, bargained and sold, and by these presents do bargain, sell and convey unto

W. H. Duwel and Ella M. Duwel, husband and wife

the following described premises, to-wit:

22704

Tract 1: Beginning at the quarter section corner between Sections 10 and 11 in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, and running thence South 0° 41' East 4.615 chains to an iron pipe; thence East 22.22 chains to the west bank of Butte Creek; thence following the West bank of Butte Creek North 12° 23' East 1.51 chains; North 6° 8' West 2.65 chains; thence North 49° 25' East 2.20 chains North 80° 47' East 4.50 chains; thence North 10° 7' East 4.15 chains North 2° 33' East 5.94 chains to an iron bar at the Southeast corner of a 43.5 acre tract described in deed to Edgar Dodge, recorded in Vol. 209, Page 627, Deed Records; thence leaving the creek and running West along the South line of said 43.5 acre tract 21.05 chains to the Southwest corner thereof; thence South 45° 37' West 11.52 chains to an iron bar; thence South 3.355 chains to the place of beginning, and containing 40 acres, more or less.

Tract 2: Beginning 11.82 chains North 45° 37' East from the Northwest corner of the John Killian Donation Land Claim No. 72; Township 5 South, Range 1 West of the Willamette Meridian; thence North 45° 37' East 6.307 chains; thence East 23.95 chains to the side of Butte Creek; thence following up stream along the west bank of said creek South 27° 19' West 2.50 chains; thence South 50° 10' West 3.00 chains; thence North 75° 40' West 2.00 chains; thence South 67° 25' West 20 links; thence South 42° 23' West 1.00 chains; thence South 50° 33' West 90 links; thence leaving said creek and running west 21.05 chains to the point of beginning, and containing 10.00 acres, more or less, in Marion County, Oregon.

Tract 3: Beginning at the quarter section corner on the East line of Section 10, in Township 5 South, Range 1 West of the Willamette Meridian; thence South 5.32 chains to an iron pipe; thence North 50° 30' West 19.75 chains to an iron bar in the East line of a public road; thence North 5.32 chains to an iron pipe in the quarter section line; thence South 50° 32' East along said quarter section line 19.75 chains to the point of beginning, containing 10.50 acres of land, more or less, in the Southeast quarter of Section 10, Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.

Tract 4: Beginning at an iron bar at a point which is 1.615 chains South 0° 41' East and 16.10 chains East from the quarter section corner on the West line of Section 11, Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 7° 25' West 13.54 chains to an iron bar in the center line of the county road; thence North 53° 19' East along the center line of said road 2.00 chains to an iron bar; thence South 64° 34' East still in the center of said road 1.40 chains to the west side of Butte Creek; thence North 10° West 1.30 chains; thence North 60° 30' East 6.65 chains; thence North 15° 15' West 4.09 chains; thence leaving said creek and running west 6.12 chains to the point of beginning, containing 5.99 acres of land, more or less, in Section 11, Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.



- 11. Construction work to be completed on or before 1 year from approval date
- 12. Construction work will be completed on or before 2 yrs " " "
- 13. The water will be completely applied to the proposed use on or before 3 yrs from approval date

John L. McHally
Owner

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 Completion

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before October 16, 19 52.

RECEIVED

my hand this 16th day of September, 19 52.

3 1954
 STATE ENGINEER
 SALEM, OREGON

Chas. C. Stricklin
 STATE ENGINEER
 By *Ed K. Humphrey*
 Ed K. Humphrey, Assistant

...the foregoing application and do hereby grant the same, subject to the following limitations and conditions:

The total amount of water which can be applied to beneficial use and shall not exceed 1.02 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 Butte Creek

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

If for irrigation, this appropriation shall be limited to 1/80 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 still further limited to a diversion of not to exceed 1.02 c.f.s.

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 29, 1954

Actual construction work shall begin on or before May 28, 1955 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1956

Complete application of the water to the proposed use shall be made on or before October 1, 1957

WITNESS my hand this 28th day of May, 1954

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. 25767

Permit No. 22704

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 29th day of March, 1954, at 10:45 o'clock P.M.

Returned to applicant: _____

Corrected application received: _____

Approved: _____

May 28, 1954

Recorded in book No. 58 of _____

Permits on page 22704

CHAS. E. STRICKLIN
STATE ENGINEER

Drainage Basin No. 2 Page 380

Fees Paid 25.55