

# To appropriate the Public Waters of the State of Oregon

I, Wesley E. Smith  
(Name of applicant)  
of 1202 W. 10th Ave., Albany  
(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 Incliamute River  
(Name of stream)  
a tributary of Willanette River

2. The amount of water which the applicant intends to apply to beneficial use is 3.413 + 0.091  
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 \_\_\_\_\_  
corner of \_\_\_\_\_  
(N. or S.) (E. or W.) (Section or subdivision)  
See Attached Sheet

(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. \_\_\_\_\_, Tp. \_\_\_\_\_  
(Give smallest legal subdivision) (N. or S.)  
R. \_\_\_\_\_, W. M., in the county of \_\_\_\_\_  
(E. or W.)

5. The \_\_\_\_\_ to be \_\_\_\_\_  
(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—  
a. Height of dam \_\_\_\_\_ feet, length on top \_\_\_\_\_ feet, length at bottom \_\_\_\_\_  
feet; material to be used and character of construction \_\_\_\_\_  
(Class of rock, concrete, etc.)

(If dam is to be built on a slope, give description of slope and character of soil, 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 \_\_\_\_\_  
(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 Board of Public Utilities. The character 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 North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
T9S	R5W	13	NW 1/4 SW 1/4	16.5
"	"	"	SW 1/4 SW 1/4	29.2
"	"	"	SE 1/4 SW 1/4	6.5
Total in Sec 13				52.2
"	"	14	SW 1/4 NE 1/4	36.1
"	"	"	SE 1/4 NE 1/4	17.8
"	"	"	NW 1/4 SE 1/4	34.5
"	"	"	NE 1/4 SE 1/4	39.1
"	"	"	SE 1/4 SE 1/4	33.8
"	"	"	SW 1/4 SE 1/4	20.2
"	"	"	NE 1/4 SW 1/4	3.6
"	"	"	SE 1/4 SW 1/4	5.0
"	"	"	SE 1/4 NW 1/4	24.5
"	"	"	SW 1/4 NW 1/4	6.2
Total in Sec 14				228.10
Totals in Sec 13 and 14				280.3

(If more space required, attach separate sheet)

(a) Character of soil River loam

(b) Kind of crops raised Field 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 \_\_\_\_\_

4. The point of diversion (Pump site #1) is located 6,491.97 ft. south and 5,025.19 ft. east or 8,209.58 ft. S 37 44' 30" E from the northwest corner of the James S. Holman Donation Land Claim, #46, T 9 S, R 5 W, Willamette Meridian, being within the SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  of Section 13, T 9 S, R 5 W, W. M.

The point of diversion (Pump site #2) is located 6,463.66 ft. south and 2,632.98 ft. east or 6,979.21 ft. S 22 09' 45" E from the northwest corner of the James S. Holman Donation Land Claim, #46, T 9 S, R 5 W, Willamette Meridian, being within the SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  of Section 14, T 9 S, R 5 W, W. M.

The point of diversion (Pump site #3) is located 3,751.30 ft. south and 757.41 ft east or 3,827.04 ft. S 11 25' E from the northwest corner of the James S. Holman Donation Land Claim, #46, T 9 S, R 5 W. Willamette Meridian, being within the SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$  of Section 14, T 9 S, R 5 W, W. M.

8. Commencing at a point 35 chains south and 18.43 chains west of the northeast corner of the James S. Holman D.L.C. in T9S R5W of the Willamette Meridian, in Polk County, Oregon, and running thence west 18.57 chains; thence north 9 chains; thence west 33.8 chains; thence south 24.22 chains; thence south 33 38' east 10 chains along the west boundary of said claim to a stake; thence east 46.57 chains to the west line of land deeded to Nat. Holman; and thence north to the place of beginning.

ALSO: Beginning at a point which is 16.97 chains east and 13.30 chains S 29' W from the northwest corner of the James S. Holman D.L.C. No. 46 in T9S R5W of W.M., Polk County, Oregon, from which point an iron bolt is east 22.5 links for a witness, and running thence east 21.84 chains to an iron pipe; thence S 5 21' E 13.14 chains to an iron pipe; thence N 89 5' W 23.17 chains to an iron pipe in the center of a 30 foot lane; and thence N 29' E 12.7 chains to the place of beginning, TOGETHER WITH an easement of way appurtenant thereto over and along a lane which extends from the northwest corner of said tract N 29' E 13.3 chains to the center of State Road No. 190 leading from Monmouth to Lewisville in the County of Polk, State of Oregon.

ALSO: Beginning at a point marked by a nail in the center of State Road No. 190 leading from Monmouth to Lewisville 16.97 chains east from the northwest corner of the James S. Helman D.L.C. No. 46 in T9S R5W of M.M., Polk County, Oregon, from which point an iron pipe is south 30 links for a witness, and running thence east along the center line of the State Road 18.31 chains to the northwest corner of the school lot, from which point an iron pipe is S 1 15' E 31 links for a witness; thence S 1 15' E 6.67 chains to an iron pipe; thence S 70 E 2.92 chains to an iron pipe; thence S 5 21' E 5.64 chains to an iron pipe; thence west 21.84 chains to the center of a 30 foot lane, from which point an iron bolt is east 22.5 links for a witness; and thence N 29' E 13.30 chains to the place of beginning.

ALSO: Beginning at the northeast corner of the W. G. Parker D.L.C. No. 61, Not. No. 2443, T9S R5W of W.M., Polk County, Oregon, thence N 70 W with north boundary of said Claim No. 61, 11.70 chains to the center of the Luckanute River; thence up said river N 24 W 3.19 chains; thence N 45 W 2.66 chains; thence N 58 45' W 2.28 chains; thence N 82 15' W 2.66 chains; thence N 34 E 3.65 chains; thence N 58 30' W 3.36 chains; thence N 45 W

4.54 chains; thence N 45 E 2 chains; thence S 40 E 4.54 chains; thence S 68 15' E 3.84 chains; thence N 80 E 1.36 chains; thence N 35 E 2.00 chains; thence N 20 30' W 3.77 chains; thence N 52 W 4.60 chains; thence N 65 W 3.91 chains; thence N 59 30' W 80 chains to a point in the center of the Luckiamute River; thence east 82.64 chains to the west boundary line of the Henry Helmick D.L.C. No. 41, T9S R5W of the W.M., thence south 34.14 chains to the north boundary of the M. M. Neally D.L.C. No. 62; thence N 84 50' W 64.60 chains to the northwest corner of said claim; thence N 20 E 5.56 chains to the place of beginning.

SAVING AND EXCEPTING the following: Beginning at a point on the north line of the M.M. Neally D.L.C. Not. No. 3246, Claim No. 62 in T9S R5W, W.M., Polk County, Oregon, said point being the intersection of the west line produced south of the Henry Helmick D.L.C. No. 41, Not. No. 1536, in T9S R5W, W.M., Polk County, Oregon; thence N 84 50' W along said north line of the M.M. Neally D.L.C. to the center of the Luckiamute River; thence down the center of Luckiamute River to the said west line produced south of said H. Helmick D.L.C.; thence south on said west line to the place of beginning, being the same land described in a deed from Clarence E. Tedrow and Ada D. Tedrow, husband and wife, to the United States of America dated Nov. 5, 1942, and recorded in Vol. 111 P. 466, Deed Records of Polk County, Oregon.

ALSO: Beginning at the northwest corner of James S. Holman's D.L.C. Not. No. 2454, Cl. No. 46; thence S 0 09' W 50.22 chains; thence east 6.33 chains; thence north 24.22 chains; thence east 10.34 chains; thence north 26 chains; thence west 16.97 chains to the place of beginning, situate in T9S R5W, W.M.

ALSO: Beginning at a point 1740.81 feet south and 2634.74 feet east of the northwest corner of the James S. Holman D.L.C. No. 46 T9S R5W, W.M., said point also being the southeast corner of a certain tract deeded to Harold E. McKay and Betty Ann McKay, from John C. Heffley and Dorothy E. Heffley, as recorded on P. 77 Vol 152, Polk County Deed Records, Polk County, Oregon, from said point of beginning running thence along the south line of the above mentioned tract west 3194.40 feet to the center line of the Luckiamute River, thence S 11 W 77.88 feet, thence S 23 15' W 343.86 feet, thence S 43 E 249.48 feet to the northwest corner of another tract deeded to Harold E. McKay and Betty Ann McKay from John C. Heffley and Dorothy E. Heffley, as recorded on P. 77 Vol. 152, Polk County Deed Records, Polk County, Oregon, thence along the north line of the above mentioned tract east 3174.85 feet more or less to a point south of the beginning point, thence north 574.85 feet more or less to the point of beginning, containing 43.04 acres more or less in Polk County, Oregon.





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 3.5 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 Luckiamute River

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 subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is June 9, 1954

Actual construction work shall begin on or before July 20, 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 20th day of July, 1954

Chas. E. Stricklin STATE ENGINEER

Application No. 29231

Permit No. 22955

PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 9th day of June 1954, at 1:21 o'clock P.M.

Return to applicant:

Approved:

July 20, 1954

Recorded in book No. 59 of

Permits on page 2255

CHAS. E. STRICKLIN STATE ENGINEER

Drainage Basin No. 2

State Printing 6029

Fees paid \$34.55