

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

I, DONALD L. KYAYLE & JEAN P. KYAYLE (Name of applicant) of RT 2, Box 293 A. Mc MINNVILLE (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 Berry Creek tributary of BAKER CREEK, a tributary of Panther Cr. and N. Yamhill River

2. The amount of water which the applicant intends to apply to beneficial use is 1/20 cubic feet per second.

3. The use to which the water is to be applied is Irrigation & Domestic Supplies (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 400' ± N 150' ± W 280' ± ft. N and 100' ± ft. W from the NW corner of Charles Berry D.L.C. The actual point of diversion will be located at various places between these two points as a portable system is to be used.

being within the NW 1/4 of the NE 1/4 of Sec. 11, Tp. 4 S, R. 5 W, W. M., in the county of Yamhill

5. The (Main ditch, canal or pipe line) to be (Miles or feet) in length, terminating in the (Smallest legal subdivision) of Sec. of Sec. Tp. (N. or S.) R. 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 (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 13.5 FT HEAD 60 GAL PER MIN 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, 500 ..... ft.; size at intake, 3 ..... in.; size at 250 ..... ft. from intake 3" ..... in.; size at place of use 3.00 ..... in.; difference in elevation between intake and place of use, 5 ..... ft. Is grade uniform? *yes* ..... Estimated capacity, ..... sec. ft.

8. Location of area to be irrigated, or place of use .....

Township North or South	Range E or W, or Williamsburg Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
4 S	5 W	11	NW $\frac{1}{4}$ of the NE $\frac{1}{4}$	4 Acres

The legal description taken from contract of sale is as follows:

Being a part of lot 2, Section 11, T4S, R5W, W.M. and beginning at an I.P. on the N. line of and 8 ch East of NW cor. of said lot; Thence East, along North line of said Section 12 ch to NE cor of Lot 2; South between Lots 2 & 1 9.55 ch to angle corner of said lot 2 and N line of Chas Berry D.L.C.; Thence West along N line of said claim 4.75 chains to stone at NW cor of said claim; Thence S along W line of said D.L.C 10.45 ch to most southerly SE cor of lot 2; Thence West along subdivision line 7 ch to an I. P. set 8;00 Chains E of SW corner of lot 2; Thence North 20 chains to beginning. And containing about 19 Acres.

(If more space required, attach separate sheet)

(a) Character of soil *Aiken Clay Loam* .....  
 (b) Kind of crops raised *Pasture & Diversified - Berries Beans* .....

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.  
 (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. ....

Tp. ...., R. ...., W. M. ....

(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. ....

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

(i) The nature of the mines to be served .....

11. (a) To supply the city of \_\_\_\_\_  
County, having a present population of \_\_\_\_\_  
(shown on) \_\_\_\_\_  
and an estimated population of \_\_\_\_\_ in 19 \_\_\_\_\_

(b) If for domestic use state number of families to be supplied \_\_\_\_\_

Under questions 11, 12, 13, and 14 in all cases

- 12. Estimated cost of proposed works, \$ 800 - none necessary
- 13. Construction work will begin on or before \_\_\_\_\_
- 14. Construction work will be completed on or before construction all complete
- 14. The water will be completely applied to the proposed use on or before Fall of 59

*Donald L. Hurd*  
(Signature of applicant)  
*Jan P. Hurd*

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

By \_\_\_\_\_ ASSISTANT

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 0.05 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 Barry Creek

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 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 May 14, 1959

Actual construction work shall begin on or before June 22, 1960 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1961

Complete application of the water to the proposed use shall be made on or before October 1, 1962

WITNESS my hand this 22nd day of June 19 59

Lewis A. Stanley  
STATE ENGINEER

Application No. 53097  
Permit No. 26166

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 22nd day of June 19 59, at 11:52 o'clock A.M.

Returned to applicant:

Approved:

June 22, 1959

Recorded in book No. 71 of 26166  
Permits on page

LEWIS A. STANLEY  
STATE ENGINEER

Drainage Basin No. page 9012

Fees