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AUG 17 1970

STATE ENGINEER  
SALEM OREGON

Permit No. 35533

40469

\*APPLICATION FOR PERMIT

# To appropriate the Public Waters of the State of Oregon

I, RALPH YESTER AND OPAL YESTER

(Name of applicant)

of ROUTE 1 BOX 190 MONMOUTH

(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

(Name of stream)

and reservoir, a tributary of SAB CREEK

2. The amount of water which the applicant intends to apply to beneficial use is 0.23

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 Suppl. Irrigation 0.134 C.F.S.

(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Fish Culture & Recreation 0.10 C.F.S.

4. The point of diversion is located 91.5 South ft. ~~East~~ and 189 ft. West from the

(N. or S.)

(E. or W.)

corner of ~~South quarter section 2~~ between 2 & 3

(Section or subdivision)

(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 NE 1/4 of South East quarter of section of Sec. 3, Tp. 10 South,

(Give smallest legal subdivision)

(N. or S.)

R. 5 W, W. M., in the county of Polk

(E. or W.)

5. The 5 inch clay tile to be 1270 ft

(Main ditch, canal or pipe line)

(Miles or feet)

in length, terminating in the SW 1/4 of Sec. 2, Tp. 10 S,

(Smallest legal subdivision)

(N. or S.)

R. 5 W, 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 none 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 Elect. 2" pump.  
(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. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

Canal System or Pipe Line—

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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
10 S	5 W	2	NE 1/4 SW 1/4	10 2 acres
		2	NE 1/4 SW 1/4	Fish Culture & Rec.
		2	NW 1/4 SW 1/4	Fish Culture & Rec.

(If more space required, attach separate sheet)

(a) Character of soil .....

(b) Kind of crops raised *Lawn & grass crops garden & orchard* .....

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. ....

(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 .....

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, \$.....

12. Construction work will begin on or before .....

13. Construction work will be completed on or before .....

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

*Completed*

*Ralph Kester*  
(Signature of applicant)  
*Opal Kester*

Remarks: *Supplemental to Cont # 24194 (File No. 23319)*

*L.D. in File No 23319*

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 correction and completion

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before Novmeber 24th, 1970

WITNESS my hand this 24th day of September, 1970

**RECEIVED**  
SEP 28 1970  
STATE ENGINEER  
SALEM, OREGON

CHRIS L. WHEELER  
STATE ENGINEER  
By *Larry W. Jebousek*  
LARRY W. JEBOUSEK  
ASSISTANT

PERMIT

STATE OF OREGON, }  
County of Marion, } ss.

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 0.10 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 and reservoir to be constructed under application No. R-47418, permit No. R-5715 for fish culture and recreation and 6.0 acre feet stored water from reservoir for supplemental irrigation

The use to which this water is to be applied is fish culture, recreation and supplemental irrigation

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated a diversion of 2 1/2 acre feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and 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 August 17, 1970

Actual construction work shall begin on or before January 11, 1973 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1973

Complete application of the water to the proposed use shall be made on or before October 1, 1974

WITNESS my hand this 11th day of January, 1972

*Chris L. Wheeler*  
STATE ENGINEER

Application No. 17419  
Permit No. 35533

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 17th day of August, 1970, at 2:35 o'clock P. M.

Returned to applicant:

Approved:

January 11, 1972

Recorded in book No. of  
Permits on page 35533

CHRIS L. WHEELER  
STATE ENGINEER

Drainage Basin No. R page 1814  
Fees 30.00