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Permit No. 35777

RECEIVED
DEC 2 1970
STATE ENGINEER

CERTIFICATE NO. 42816

*APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

I, Modoc Orchard Company by Ben Darras
(Name of applicant)

of P. O. Box 56, Medford,
(Mailing address)

State of Oregon 97501, *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* Rogue River and Modoc Reservoir
(Name of stream)
, *a tributary of* Pacific Ocean

2. *The amount of water which the applicant intends to apply to beneficial use is* 10.95 *cubic feet per second.* being 10.90 c.f.s. for temperature control and 0.05 c.f.s. for fire protection.
(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* temperature control and fire protection (see remarks).
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. *The point of diversion is located* 332 *ft.* S *(N. or S.) and* 1987 *ft.* E. *(E. or W.) from the* NW *corner of* Section 6, being within NE¼ NW¼ Section 6, T. 36 S., R. 1 W., W.M.
(Section or subdivision)

Rogue River

Modoc Reservoir is located 1120 feet south and 970 feet west from NE corner of Section 11
(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 NE¼ NE¼ *of Sec.* 11, *Tp.* 36 S. *(N. or S.),*
(Give smallest legal subdivision)

R. 2 W. *(E. or W.), W. M., in the county of* Jackson.

5. *The* Table Rock Ditch and pipe line *(Main ditch, canal or pipe line) to be* 12½ miles approximately *(Miles or feet) in length, terminating in the* SE¼ SE¼ *of Sec.* 11, *Tp.* 36 S. *(N. or S.),*
(Smallest legal subdivision)

R. 2 W. *(E. or W.), 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 5 x 4 centrifugal and 30 H.P. electric; 10 x 8 centrifugal and 75 H.P. electric; 12X10 centrifugal and 125 H.P. electric; and 8X6 centrifugal and 60 H.P. electric.
(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— **35777**

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) 10.0 feet; width on bottom 8.0 feet; depth of water 2.0 feet; grade 2.5 feet fall per one thousand feet.

(b) At same 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, 53,040 ft.; size at intake, 10 in.; size at 1140 ft. from intake 8 in.; size at place of use 6,5,4,3,2,1 in.; difference in elevation between intake and place of use, +85 & -20 ft. Is grade uniform? No. 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
36 S.	2 W.	11	NE¼ NE¼	1.2 ac. temp. control.
			SE¼ NE¼	25.1 ac. temp. control & fire protection.
			NE¼ SE¼	28.3 ac. temp. control.
			SE¼ SE¼	7.6 ac. temp. control.
		12	SW¼ NW¼	1.6 ac. temp. control &
		12	SW¼ NW¼	fire protection.
			SE¼ NW¼	4.5 ac. temp. control &
			" "	fire protection.
			NE¼ SW¼	4.9 ac. temp. control.
			NW¼ SW¼	7.7 ac. temp. control.
			SW¼ SW¼	4.1 ac. temp. control.
			Total	85.0 ac. temp control.

(If more space required, attach separate sheet)

(a) Character of soil loam.

(b) Kind of crops raised fruit trees.

Power or Mining Purposes—

9. (a) Total amount of power to be developed 60 theoretical horsepower.

(b) Quantity of water to be used for power ..... sec. ft.

(c) Total fall to be utilized ..... (Head) feet.

(d) The nature of the works by means of which the power is to be developed .....

.....

(e) Such works to be located in ..... (Legal subdivision) of Sec. .....,

Tp. ..... (No. N. or S.), R. ..... (No. E. or W.), W. M.

(f) Is water to be returned to any stream? No. (Yes or No)

(g) If so, name stream and locate point of return .....

....., Sec. ....., Tp. ..... (No. N. or S.), R. ..... (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 .....

Municipal or Domestic Supply—

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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, $ 70,000.00

12. Construction work will begin on or before one year from date of priority.

13. Construction work will be completed on or before October 1, 1972.

14. The water will be completely applied to the proposed use on or before October 1, 1973.

Modoc Orchard Company

By: Ben Darras Orc. Mgr.
(Signature of applicant)

Remarks: A 4-inch pipeline will be laid from Modoc Reservoir to all buildings for fire protection. Standing pressure will be approximately 76 pounds per square inch. We have 18 houses and cabins on this property as well as several barns and sheds.

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, } *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 10.95 *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* Rogue River and reservoir to be constructed under application No. R-47768, permit No. R-5767

The use to which this water is to be applied is temperature control and fire protection, being 10.90 cfs for temperature control and 0.05 cfs for fire protection

If for irrigation, this appropriation shall be limited to ..... *of one cubic foot per second or its equivalent for each acre irrigated* The permittee shall record and submit annually to the State Engineer all pertinent data pertaining to use of water for temperature control on forms furnished.

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 December 7, 1970

Actual construction work shall begin on or before March 30, 1973 *and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19*73

*Complete application of the water to the proposed use shall be made on or before October 1, 19*74

WITNESS my hand this 30th *day of* March, *19*72

Chris L. Wheeler
STATE ENGINEER

Application No. 47769

Permit No. 35777

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 7th *day of* December, *19*72 *at* 1:02 *o'clock* P *M.*

Returned to applicant:

Approved:

March 30, 1972

Recorded in book No. ..... *of Permits on page* 35777

CHRIS L. WHEELER
STATE ENGINEER

Drainage Basin No. 15 *page* 60A

Fees $75.00

State Printing 98137