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STATE ENGINEER
SALEM, OREGON

*APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

I, Marshall O. Butler (Name of applicant)
of Rt. 1, Box 148 A, Independence, (Mailing address) (City)
State of Oregon, 97351, do hereby make application for a permit to appropriate the (Zip Code)

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 Luckiamute ^{for irrigation} ~~tributary~~ ^{of Better Farm Ponds A, B, & C & unnamed spring & Canyon Creek for stock} (Name of stream) tributary of Willamette River

2. The amount of water which the applicant intends to apply to beneficial use is one cubic feet per second ^{for irrigation; 0.02 cfs for stock being 0.01 cfs from each source.} (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 & stock (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 2300 ft. S. and ²⁰¹⁰ ft. E. from the NW corner of Sec. 28 T9S R4W WM. or a more convenient Survey Marker may be used: (Section or subdivision) (N. or S.) (E. or W.)

See Remarks

The point of diversion is 3333' S., and 180' E., of a U.S. Coast & Geodetic Survey, Azimuth Marker, Parker 1940, located at the N.E. corner of the M.O. Butler property, being within the SE 1/4 of the N.W. 1/4 of Sec. 21 T9S R4W WM. (If preferable, give distance and bearing to section corner)

being within the SE 1/4 of the NW 1/4 of Sec. 28, Tp. 9S, R. 4W, W. M., in the county of Polk. (Give smallest legal subdivision) (N. or S.)

5. The Pipeline (Main ditch, canal or pipe line) to be 3333' (Miles or feet) in length, terminating in the SE 1/4 of SW 1/4 of Sec. 21, Tp. 9S, R. 4W, W. M., the proposed location being shown throughout on the accompanying map. (Smallest legal subdivision) (N. or S.)

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 Portable pumps: 15 hp - Electric Centrifugal - 8" suction and 8" discharge through 85' head to a 40 hp Electric Centrifugal booster pump - 8" intake, 7" discharge, pumping 650 GPM at 175' head. (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. Such forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon 97310.

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
<i>Luckiamute</i>	<i>River</i>			
95	4W	27	SE 1/4 of SW 1/4	12.0
95	4W	27	SW 1/4 of SW 1/4	9.10
95	4W	28	NE 1/4 of NW 1/4	12.00
95	4W	28	NW 1/4 of NW 1/4	12.00 18.25
95	4W	28	SE 1/4 of NW 1/4	12.00 1.6
95	4W	28	SW 1/4 of NW 1/4	12.00 4.0
<i>Supplemental irrigation from Springs Creek (ponds) (only spring & creek ponds for stock)</i>				
95	4W	28	NE 1/4 NW 1/4	10.5 & stock
			NW 1/4 NW 1/4	10.26 & stock
			SW 1/4 NW 1/4	4.0
			SE 1/4 NW 1/4	1.6

(If more space required, attach separate sheet)

(a) Character of soil Clay loam

(b) Kind of crops raised Row crops and pasture

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

10. (a) To supply the city of

(Name of) County, having a present population 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 COMPLETED

14. The water will be completely applied to the proposed use on or before OCT 1975

Marshall O. Butler
(Signature of applicant)

Remarks: item 4: Alternate diversion point is 1720' S and 1400' E from the NW corner of Sec 28 T9S, R4W WM. This diversion point will be used when Desert Seed Company terminates lease from Mr. Marshall Butler. (within SE 1/4 NW 1/4)
Stock ponds: A 980' S & 1800' E } from NW cor of Sec 28
BC 870' S & 470' E } T9S R4W
B 850' S & 1400' E }
A & B are within the NE 1/4 NW 1/4 of Sec 28
c is within the NW 1/4 NW 1/4 of Sec 28

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 August 27 , 1974

RECEIVED
FEB 04 1975
STATE ENGINEER
SALEM, OREGON

WITNESS my hand this 27th day of June, 1974

CHRIS L. WHEELER

STATE ENGINEER

Thomas E. Shook

By

Thomas E. Shook

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 0.96 cubic feet per second measured at the point of diversion from the Luckiamute River, Canyon Creek, an unnamed spring, and 3 ponds to be constructed under application No. R-52126, permit No. R-6415; Water to be diverted from Luckiamute River when available with any deficiency in the available supply from Luckiamute River to be made up by appropriation from Canyon Creek, an unnamed spring and 3 ponds provided that the total quantity diverted from all sources shall not exceed 0.96 c.f.s.

The use to which this water is to be applied is irrigation and stock, being 0.95 c.f.s. for irrigation from the Luckiamute River and 0.01 c.f.s. for stock from the spring, Canyon Creek, and 3 ponds.

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 from direct flow and storage from reservoir to be constructed under Permit No. R- 6415.

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 February 4, 1975

Actual construction work shall begin on or before May 17, 1977 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1978.

Extended to Oct. 1979

Complete application of the water to the proposed use shall be made on or before October 1, 1979.

WITNESS my hand this 17th day of May, 1976

James E. Sexton
WATER RESOURCES DIRECTOR STATE ENGINEER

Application No. 51950
Permit No. 40286

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 16th day of May, 1974, at 2:20 o'clock P. M.

Returned to applicant:

Approved:

Recorded in book No. of
Permits on page 40286

STATE ENGINEER

Drainage Basin No. 2 page 15E

Fees