

RECEIVED

Permit No. 40322

AUG 19 1975

WATER RESOURCES DEPT. SALEM, OREGON

\*APPLICATION FOR PERMIT

CERTIFICATE NO. 47426

To appropriate the Public Waters of the State of Oregon

I, John E. Agar and Virginia A. Agar (Name of applicant) of Route 1, Box 80A (Mailing address), Scotts Mills (City), State of Oregon (Zip Code) 97375, 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 un-named spring (Name of stream), a tributary of Abiqua Creek

2. The amount of water which the applicant intends to apply to beneficial use is 0.0225 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 1. domestic use 2. irrigate one acre (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 410 ft. North and 650 ft. West from the S.E. corner of SW 1/4 of NE 1/4, Sec. 2, T 7S, R. 1E W (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 SW 1/4 of NE 1/4 of Sec. 2, Tp. 7 S, R. 1E, W. M., in the county of Marion

5. The pipe line to be 800' in length, terminating in the SW 1/4 of NE 1/4 SE 1/4 NW 1/4 of Sec. 2, Tp. 7 S, R. 1E, 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 (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. 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, 800' ft.; size at intake, 2" in.; size at 175' ft. from intake 1½" in.; size at place of use 1½" in.; difference in elevation between intake and place of use, 39 ft. Is grade uniform? No Estimated capacity, ..... sec. ft.

8. Location of area to be irrigated, or place of use House with lawn and adjacent garden and orchard.

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
<u>7 S</u>	<u>1E</u>	<u>2</u>	<u>SW¼ NE¼</u>	<u>1.0</u>

(If more space required, attach separate sheet)

(a) Character of soil medium clay

(b) Kind of crops raised home garden and home 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. ....  
(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 .....

Municipal or Domestic Supply—

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 ..... 1

(Answer questions 11, 12, 13, and 14 in all cases)

- 11. Estimated cost of proposed works, \$ 1250.00
- 12. Construction work will begin on or before Constructed
- 13. Construction work will be completed on or before ---
- 14. The water will be completely applied to the proposed use on or before immediately

John E. Agar  
(Signature of applicant)

Remarks: We do not waive the option of a vested right to this spring.  
When we purchased this property, the spring had been in continual use as sole  
supply of water for 40 or more years. We were told that the prior owner had  
applied for a water permit but had been denied. He did not tell us that a  
neighbor had already filed for irrigation rights on it. Therefore, after  
moving here we improved the spring site and brought it down to our present  
house. (We understood that the spring was for the exclusive use of this  
property, and did not realize that it was public water and subject to filing  
by other people.)

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 0.018 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 an unnamed spring

The use to which this water is to be applied is domestic use for one family and irrigation, being 0.005 c.f.s. for domestic and 0.013 c.f.s. for 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 August 19, 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.

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. Selman*  
WATER RESOURCES DIRECTOR

Application No. 53555  
Permit No. 40322

**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 19th day of August, 1975, at 11:15 o'clock A. M.

Returned to applicant:

Approved:

Recorded in book No. \_\_\_\_\_ of \_\_\_\_\_  
Permits on page 40322

STATE ENGINEER

Drainage Basin No. 2 page 38322  
Fees 5245