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APR 15 1976

WATER RESOURCES DEPT

*APPLICATION FOR PERMIT

CERTIFICATE NO. 57493

Permit No. 40538

To Appropriate the Public Waters of the State of Oregon

I, Paul A Bennett (Name of applicant) of 211 Newt Gulch Road (Mailing address), Wilderville (City), State of Oregon, 97543 (Zip Code), 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 Newt Creek (Name of stream), a tributary of Slate Creek

2. The amount of water which the applicant intends to apply to beneficial use is 111125 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 Irrigation Domestic Supply (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 20' ft. S (N. or S.) and 150 ft. E (E. or W.) from the Center corner of Section 9 (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 Northwest Quarter of Southeast 1/4 of Sec. 9 (Give smallest legal subdivision), Tp. 37 S (N. or S.), R. 7 W (E. or W.), W. M., in the county of Josephine

5. The Pipeline (Main ditch, canal or pipe line) to be 20' (Miles or feet) in length, terminating in the NW 1/4 of SE 1/4 (Smallest legal subdivision) of Sec. 9 (N. or S.), Tp. 37 S (N. or S.), R. 7 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 1 H.P. Peerless to pump from Creek to Holding Tank with 8' lift and 3 H.P. FAW for irrigation (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, 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
37S	7W	9	SE 1/4 NW 1/4	1 3/4
37S	7W	9	SW 1/4 NE 1/4	6 1/2
37S	7W	9	NW 1/4 SE 1/4	1
				7 1/2
Not intended for domestic use				

(If more space required, attach separate sheet)

(a) Character of soil generally Sandy
 (b) Kind of crops raised Kitchen Garden, Small Orchard, 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

..... 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 Complete

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

In use for many years.

Paul A. Bennett

(Signature of applicant)

Remarks:

Water is pumped from creek into a concrete holding tank of about 5000 gal capacity. Water is pumped to garden and orchard directly and pumped to another tank for gravity irrigation of pasture from the above described holding tank.

This system was in and operating when we took the place on lease with option to purchase. We desire to insure that our usage of this water will be legalized and that we will therefore be protected.

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MAY - 31 1976

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 June 28, 19 76.

WITNESS my hand this 26th day of April, 19 76.

JAMES E. SEXSON

Director

By

Vestal R. Garner

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 0.11 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 Newt 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 4 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 April 15, 1976

Actual construction work shall begin on or before June 23, 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 23rd day of June, 1976

James E. Larson
WATER RESOURCES DIRECTOR

Application No. 54148
Permit No. 40538

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 15 day of April, 1976, at 8 o'clock A. M.

Returned to applicant:

Approved:

Recorded in book No. 40538 of Permits on page

STATE ENGINEER

Drainage Basin No. 15 page 16X
Fees 20.00