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Permit No. 40834

*APPLICATION FOR PERMIT "CERTIFICATE NO. 57840"

To Appropriate the Public Waters of the State of Oregon

I, Lino S. Vieira (Name of applicant)

of 3205 South Pacific Highway, (Mailing address), Medford, (City),

State of Oregon, 97501 (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 N/A

1. *The source of the proposed appropriation is* Unnamed Stream, Vieira Res. and S. Fk. (see remarks "A") (Name of stream) of Little Butte Creek /, *a tributary of* Bear Creek and Little Butte Creek.

2. *The amount of water which the applicant intends to apply to beneficial use is* 0.35 c.f.s. *cubic feet per second* (see remarks "A") (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. (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Unnamed Stream

4. *The point of diversion is located* 1680 *ft.* N. (N. or S.) *and* 800 *ft.* W. (E. or W.) *from the* SE *corner of* Section 5, being within the NE¼ SE¼ of Sec. 5, T. 38 S., R. 1 W., (Section or subdivision) W.M.

The location of Reservoir is 1710 ft. N. and 360 ft. E. from the SW corner of Sec. 4, being within the NW¼ SW¼ of Sec. 4, T. 38 S., R. 1 W., W.M. (If preferable, give distance and bearing to section corner)

The point of diversion from S. Fk. Little Butte Cr. is located 600 ft. S. & 525 ft. W. from E¼ corner of Section 29, (If there is more than one point of diversion, each must be described. Use separate sheet if necessary) *being within the* NE¼ SE¼ (Give smallest legal subdivision) all *of Sec.* 29, *Tp.* 36 S. (N. or S.), *R.* 2 E. (E. or W.), *W. M., in the county of* Jackson. (see remarks "B")

5. *The* MID Canal and pipeline (Main ditch, canal or pipe line) *to be* approximately 25 miles (Miles or feet) *in length, terminating in the* SW¼ NW¼ (Smallest legal subdivision) *of Sec.* 4, *Tp.* 38 S. (N. or S.), *R.* 1 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* Unnamed Stream 2.0 *feet, length on top* 6.0 *feet, length at bottom* 4.0 *feet; material to be used and character of construction* concrete structure with (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam) flashboards in center.

(b) Description of headgate 12" gate valve on head of pipe line. (Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description 6" x 5" and 5" x 4" centrifugal (Size and type of pump) pumps powered by a 75.0 H.P. and 50 H.P. electric motors. (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.

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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, 16,400 ft.; size at intake, 12 in.; size at 1380 ft. from intake 10 in.; size at place of use 1½ & 1¼ in.; difference in elevation between intake and place of use, ±5 ft. Is grade uniform? Yes. 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
38 S.	1 W.	4	SW¼ NW¼	0.3 ac. temp. control.
			NW¼ SW¼	12.5 ac. temp. control.
38 S.	1 W.	5	NE¼ SE¼	17.0 ac. temp. control.
			Total----	29.8 ac. temp. control

(If more space required, attach separate sheet)

(a) Character of soil ..... heavy black clay.

(b) Kind of crops raised ..... pear 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 ..... (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? ..... (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, $ 25,000.00.....

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, 1978.....

14. The water will be completely applied to the proposed use on or before .October 1, 1979.

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Nino S. Vieira
(Signature of applicant)

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Remarks: "A" The primary source for the 0.35 c.f.s. of water for temperature control is to come from Unnamed Stream and Vieira Reservoir, a trib. of Bear Creek, with any deficiency in this water supply to be made up by appropriation from S. Fk. Little Butte Creek, provided that the total quantity diverted from all sources shall not exceed 0.35 c.f.s.

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Remarks "B" Applicant has 1380 ft. of 12-inch pipe; 750 ft. of 10-inch pipe, 270 ft. of 8-inch pipe and 540 ft. of 6-inch pipe. The balance is in 1½" and 1¼" pipe for overhead sprinklers.

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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

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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 0.35 *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 stream and Vieira Reservoir to be constructed under application No. R-54460, permit No. R-6512. Water to be diverted from the unnamed stream and Vieira Reservoir when available with any deficiency in the available supply from the unnamed stream and Vieira Reservoir to be made up by appropriation from S. Fk. Little Butte Creek provided that the total quantity diverted from all sources shall not exceed 0.35 c.f.s.

The use to which this water is to be applied is temperature control.

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 Water Resources Department 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 July 1, 1976

Actual construction work shall begin on or before December 14, 1977 *and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19*78

*Complete application of the water to the proposed use shall be made on or before October 1, 19*79

WITNESS my hand this 14th *day of* December, 1976.

James E. Sexson

WATER RESOURCES DIRECTOR

Application No. 27141

Permit No. 40834

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 1 *day of* July, 19 76, *at* 8 *o'clock* A *M.*

Returned to applicant:

Approved:

Recorded in book No. ..... *of Permits on page* 40834

STATE ENGINEER

Drainage Basin No. 15 *page* 24E 32E

Fees 250