

Application No. 55828

Permit No. 41888

"CERTIFICATE NO. 67914"

RECEIVED DEPT OF OREGON WATER RESOURCES DEPARTMENT

MAY - 4 1977 Application for Permit to Appropriate Surface Water

WATER RESOURCES DEPT

SALEM, OREGON F. A. Nurnberger

(Name of Applicant)

of 2612 Holland Loop Road Cave Junction

(Mailing Address)

(City)

State of Oregon 97523 Phone No. 592-2919 do hereby

(Zip Code)

make application for a permit to appropriate the following described waters of the State of Oregon:

- The source of the proposed appropriation is (1) Tycer Creek (primary) and (2) Kelly Creek (supplemental) a tributary of East Fork Illinois River
(1) 690 feet S. and 2470 feet W.
- The point of diversion is to be located (2) 880 ft. S. and 1370 ft. W.
(N. or S.) (E. or W.)

from the NE corner of Section 35
(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

Being within George E. Briggs DLC No. 40

being within the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of
Sec. 35 Tp. 39 S R. 8 W, W. M., in the county of Josephine
(N. or S.) (E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List $\frac{1}{4}$ $\frac{1}{4}$ of Section	List use and/or number of acres to be irrigated
39 S	8 W	35	NE $\frac{1}{4}$ NE $\frac{1}{4}$	3.6
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.4
			TOTAL ACRES	15.0

4. The amount of water which the applicant intends to apply to beneficial use is 0.19

cubic feet per second see Item #6

(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is irrigation and supplemental

irrigation of 15 acres

6. **DESCRIPTION OF WORKS**

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

Decision has not yet been made on type and size of pumps.

applicant will run approximately 800 feet of 4 inch diameter

main line. Applicant intends to pump out of Tycer Creek (#1) as

primary right and use Kelly Creek (#2) for supplemental water for

the entire 15 acres --described as follows----

The northerly 25 feet of the following described tract lying westerly of the center line of Tycer creek, also all that portion of said tract lying easterly of the center line of Tycer creek, to-wit: Beginning at the northeast corner of George E. Briggs D.L.C. No. 40 in Section 35, Township 39 south, Range 8 West of the Willamette Meridian, Josephine County, Oregon; thence South along the east line of said claim, 275 feet, more or less, to the center of Kelly creek; thence southerly said center line to its point of intersection with the Easterly right of way line of Holland Loop Road; thence north 33° 01' West along said right of way line 293.00 feet to the center line of an existing road; thence following said center line North 50° 24' East 405.45 feet; thence North 65° 05' East 379.92 feet to the North line of said D.L.C.; thence East along said North line 1750 feet, more or less, to the point of beginning.

If for domestic use state number of families to be supplied

7. Construction work will begin on or before May 1, 1978

8. Construction work will be completed on or before May 1, 1979

9. The water will be completely applied to the proposed use on or before May 1, 1980

Application No. 55228

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Remarks:.....

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F.A. Neuberger
Signature of Applicant

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 Water Resources Director with corrections on or before, 19.....

WITNESS my hand this day of....., 19.....

..... Water Resources Director

By

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the

4th day of *May*, 19*77*, at *9:00* o'clock
A.M.

Application No. *55828*

Permit No. *41888*

Application No. 55828

Permit No. 41888

Permit to appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD 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 0.19 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 Tyser Creek when available with any deficiency in the available supply from Tyser Creek to be made up by appropriation from Kelly Creek, provided that the total quantity diverted from both sources shall not exceed 0.19 c.f.s.

The use to which this water is to be applied is irrigation

If for irrigation, this appropriation shall be limited to 1/50th 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 3 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 May 4, 1977

Actual construction work shall begin on or before October 12, 1978 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1979

Complete application of the water to the proposed use shall be made on or before October 1, 1980

WITNESS my hand this 12th day of October, 1977

James E. Larson
Water Resources Director

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