

* Permit No. 4448

CERTIFICATE NO. 3771

APPLICATION FOR A PERMIT

To appropriate the Public Waters of the State of Oregon

I, Charles H. Seward, (Name of Applicant) of R.F.D. No. 1, Kerby (Postoffice), County of Josephine State of Oregon, 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 Waste or seepage water and Kelley Creek (Name of stream)

tributary of Kelly Creek (Illinois River)

2. The amount of water which the applicant intends to apply to beneficial use is 3/16 0.2 cubic feet per second.

3. The use to which the water is to be applied is Irrigation (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 400 ft. east and 150 ft. South of N E C of Sec. 35, T. 39 South R 8 West (Give distance and bearing to section corner)

being within the NW 1/4 NW 1/4 of Sec. 36, Tp. 39 S (No. N. or S.)

R. 8 W, W. M., in the county of Josephine (No. E. or W.)

5. The Ditch to be 420 ft. (Main ditch, canal or pipe line) miles in length, terminating in the Lot 4 of Sec. 35, Tp. 39 (Smallest legal subdivision) (No. N. or S.)

R. 8 W, W. M., the proposed location being shown throughout on the accompanying map. (No. E. or W.)

6. The name of the ditch, canal or other works is Sowell and Dysert Ditch

DESCRIPTION OF WORKS

DIVERSION WORKS—

7. (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)

* A different form of application is provided where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

CANAL SYSTEM—

8. (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.

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR:

IRRIGATION—

9. The land to be irrigated has a total area of 15 acres, located in each smallest legal subdivision, as follows: Lot 4, or the NE 1/4 of NE 1/4 of Sec. 35, T. 39 S., R. 8. (Give area of land in each smallest legal subdivision which you intend to irrigate.) W. Josephine Co., State of Ore.

(If more space required, attach separate sheet)

POWER, MINING, MANUFACTURING, OR TRANSPORTATION PURPOSES—

10. (a) Total amount of power to be developed theoretical horsepower.

(b) Total fall to be utilized feet. (Head)

(c) The nature of the works by means of which the power is to be developed

(d) Such works to be located in of Sec. (Legal subdivision)

Tp., R., W. M. (No. N. or S.) (No. E. or W.)

(e) Is water to be returned to any stream? (Yes or No)

(f) If so, name stream and locate point of return

....., Sec., Tp., R., W. M. (No. N. or S.) (No. E. or W.)

(g) The use to which power is to be applied is

(h) The nature of the mines to be served

MUNICIPAL SUPPLY—

11. To supply the city of _____
_____ County, having a present population of _____, and an
(Name of)
estimated population of _____ in 19_____.

(Answer questions 12, 13, 14 and 15 in all cases)

- 12. Estimated cost of proposed works, \$ 100.
- 13. Construction work will begin on or before July 4, 1920
- 14. Construction work will be completed on or before July, 1921.
- 15. The water will be completely applied to the proposed use on or before 1923

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the State Water Board, accompany this application.

Charles H. Seward.
(Name of applicant)

Signed in the presence of us as witnesses:

- (1) Susie McDougall _____ Kerby, Oregon.
(Name) (Address of Witness)
- (2) A. E. Gran _____ _____
(Name) (Address of Witness)

Remarks: Whenever there is much irrigation on the ranches above, there
waste water course over flows at the points at which I do or will take out
ditches. I have the permission of Mr. Sowell to enlarge his ditch if necessary,
but the over flow from it so far has been all I could use. I intend this to
cover right to take water from Kelley Creek through the Sowell and Dysert ditch,
but it would leave the ditch at points indicated on the map in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$
of S 35. The Sowell and Dysert ditch head is about 400 ft East and 150 ft.
South of NE corner of S 35 and in S 36.

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 or completion, as follows:

Completion, fees, maps Signatures of applicant & witnesses
Ans. questions 4 and 9

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before February 15 1920
March 3 1920

WITNESS my hand this 16th day of January, 1920
3rd February 1920

Percy A. Cupper,
L. A. ER State Engineer.

15

Application No. 6997

Permit No. 4448

PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

District No.

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 15 day of January, 1920, at 8:30 o'clock A.M.

Returned to applicant for correction

January 16, 1920. Feb. 3, 1920

Corrected application received

February 2, 1920. February 27, 1920

Approved:

Mar 16, 1920

Recorded in Book No. 16 of Permits, on Page 4448

Percy A. Cupper, State Engineer.

1 Map HLC \$5.25

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 the following limitations and conditions: If for irrigation, this appropriation shall be limited to one-eightieth of one cubic foot per second, or its equivalent, for each acre irrigated, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The right to the use of water herein granted is limited to irrigation purposes... and is also limited to the water available at the proposed points of diversion and does not carry with it the right to divert water from the stream from which the waste water is diverted nor the right to require the wasteful use of water by others.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 0.2 cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is January 15, 1920.

Actual construction work shall begin on or before March 16, 1921. and shall thereafter be prosecuted with reasonable diligence and be completed on or before June 1, 1922.

Complete application of the water to the proposed use shall be made on or before October 1, 1923.

WITNESS my hand this 16th day of March, 1920.

Percy A. Cupper, State Engineer.

Permits for power development are subject to the limitation of franchise as provided in Section 6633, Lord's Oregon Laws, and the payment of annual fees as provided in Chapter 213, Session Laws of 1915.