

ASSIGNED, See Misc. Rec. Vol. 1, Page 130

ASSIGNED, See Misc. Rec. Vol. 1, Page 131

ASSIGNED, See Misc. Rec. Vol. 1, Page 132

\*Permit No. 67

CERTIFICATE NO. 456

CERTIFICATE NO. 457

# APPLICATION FOR A PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

I, J. W. Shumate of Eugene, County of Lane, State of Oregon, and J. N. Hart  
(Name of Applicant)

of Springfield, R.F.D. No. 2, County of Lane  
(Postoffice)

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 Mill Brook, sometimes called Gay Creek  
(Name of stream)

2. The amount of water which the applicant intends to apply to beneficial use is eighty-five one-hundredths (.85) cubic feet per second.

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

4. The point of diversion is located in said stream 25 ft. south of a certain hub from the Northwest  
(Give distance and bearing to section corner)  
which corner of Section 32 hereinafter mentioned bears North 27°03' west 2900 ft. distant being within the SE 1/4 of NW 1/4 of Sec. 32, Tp. 17 S  
(Give smallest legal subdivision) (No. N. or S.)

R. 1 W of W. M., in the County of Lane, State of Oregon.  
(No. E. or W.)

5. The Flume & pipe to be 2115 feet  
(Main ditch, canal or pipe line)

~~miles~~ in length, terminating in the NW 1/4 of NW 1/4 of Sec. 32, Tp. 17 S  
(Smallest legal subdivision) (No. N. or S.)

R. 1 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 Mill Brook Pipe Line.

### Description of Works

#### Diversion Works—

7. (a) Height of dam one feet, length on top 20 feet, length at bottom

20 feet; material to be used and character of construction loose rock and  
(Loose rock, concrete,

earth and sufficient to turn the current into the flume hereinafter mentioned.

masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate of timber 2 feet by 2 feet with sliding wooden gate.  
(Timber, concrete, etc., number and size of openings)

\*A different form of application is provided where an appropriation is to be made by the enlargement of existing works, or 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 wooden flume headgate. At headgate: <sup>^</sup>Width on top (at water line).....2.....feet; width on bottom.....2.....feet; depth of water.....23 in. ~~feet~~; grade.....2.....feet fall per 1000 feet.

(b) At 458 feet ~~miles~~ from headgate: ~~Width on top (at water line)~~ a pipe 6 inches in diameter ~~feet; width on bottom~~.....~~feet; depth of water~~.....~~feet~~; grade <sup>2 1/2</sup>.....feet fall per 1000 feet.

Which will continue to end.

**Fill in the Following Information Where the Water is Used for:**

**Irrigation—**

9. The land to be irrigated has a total area of 31.26 acres, located in each smallest legal subdivision, as follows: In the NW 1/4 of the NW 1/4 of Sec. 32 in Tp. 17 S R. 1 W of the Willamette Meridian. Commencing at the northwest corner of said section 32, thence south 8 chains; to south edge of race; thence north 72° east 9.38 chains; thence south 54 1/2° east 3.13 chains; to northeast corner of Peabody tract; <sup>(Give area of land in each smallest legal subdivision which you intend to irrigate)</sup> thence south 3.91 chains to center of county road; thence north 55° east following center of county road 4.04 chains; thence north 72 1/2° east following center of county road 5.08 chains to the east line of the northwest quarter of said section 32; thence north 7.47 chains; thence north 89° 33' west 20 chains to the place of beginning, containing 14.46 acres and owned by J. W. Shumate. In Lot 6 in section 29 in said township and range. All of said Lot 6 containing 6 acres, owned by J. W. Shumate. (Lot 6 has been so washed by the river that it now contains much less than is called for by the government survey.) In the northwest quarter of the northwest quarter of said section 32. Beginning at the southeast corner of said northwest quarter of the northwest quarter of said section 32; thence north 767 feet to county road; thence following south side of county road south 72 1/2° west 280 1/2 feet; thence south 65 1/2° west 432 feet; thence leaving county road south 504 feet; thence east 660 feet to place of beginning containing 9.8 acres and owned by J. N. Hart. (Continued under Remarks.)  
(If more space required, attach separate sheet)

**Power, Mining, Manufacturing or Transportation Purposes—**

10. (a) Total amount of power to be developed.....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 the 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 estimated  
(Name of)  
population of.....in 19.....

- 12. Estimated cost of proposed works, \$ 400
- 13. Construction work will begin on or before 30 days from granting application
- 14. Construction work will be completed on or before 6 months from granting application
- 15. The water will be completely applied to the proposed use on or before.....  
3 years from granting application.

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

Signed in presence of us as witnesses	J. W. Shumate	(Name of Applicant)
Helmus W. Thompson Eugene, Ore	James N. Hart	
Simens Eugene, Ore.		

Signed in the presence of us as witnesses:

- (1) C. L. Baker (Name), Springfield R D #2 (Address of Witness)
- (2) James A. Hennessy (Name), Springfield R D #2 (Address of Witness)

Remarks: Question 9 continued.) In the southwest quarter of the northwest quarter of said section 32. Beginning at the northeast corner of the southwest quarter of the northwest quarter of said section 32; thence west 660 feet; thence south 66 feet; thence east 660 feet; thence north 66 feet to place of beginning containing 1 acre and owned by J. N. Hart.

The water herein applied for will be used for domestic uses and supplies on the above described land as well as for irrigation.

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:

For proper form.

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before August 10, 1909, 19.....

WITNESS my hand this 10 day of July, 1909.

<u>John H. Lewis</u>	State Engineer.
PAC	

Application No. 178

2

Permit No. 67

PERMIT

To appropriate the public waters of the State of Oregon

Division No. 1 District No.

This instrument was first received in the office of the State Engineer at Salem, Oregon,

on the 9 day of July

1909, at 1:00 o'clock P. M.

Returned to applicant for correction

July 10, 1909

Corrected application received

August 6, 1909

Approved

Aug. 26, 1909.

Recorded in Book No. 1 of Permits on

Page 67

John H. Lewis

State Engineer

\$3.00  
5.00

Handwritten notes and stamps, including "178-67" and "1909".

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: The appropriation for irrigation purposes shall be limited to one-eightieth of one cu. ft. per sec. for each acre irrigated.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 0.85 cubic feet per second.

Actual construction work shall begin on or before August 26, 1910 and shall thereafter be prosecuted with reasonable diligence and be completed on or before August 26, 1911

Complete application of the water to the proposed use shall be made on or before August 26, 1912

WITNESS my hand this 26th day of August, 1909

John H. Lewis

State Engineer.