



Scanned Document Cover Sheet

Title: 1924_City of Newberg and State of Oregon_ Permit to Appropriate Water and Pipeline Map

Year: 1924

Description: Permit to Appropriate Water Atkinson Spring and Pipeline Map

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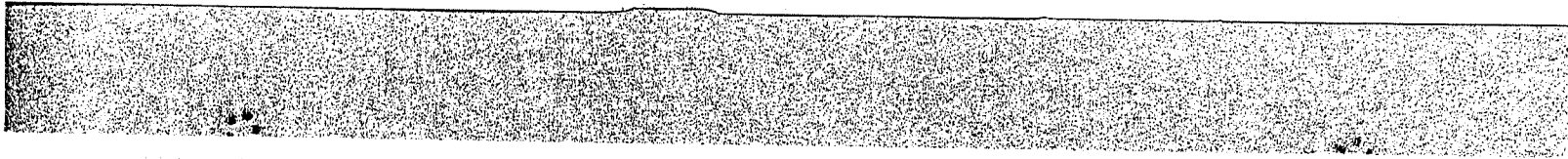
THIS INDENTURE WITNESSETH, That we, J. M. Atkinson and Ranna Atkinson his wife, S. W. Atkinson, a widower, Nancy Atkinson, single, and Hattie Atkinson, single, for the consideration of the sum of Two Hundred DOLLARS to us paid have bargained and sold, and by these presents do bargain, sell and convey unto The City of Newberg, a municipal corporation of Yamhill County, Oregon, a right of way for a water pipe line as surveyed and located over and across the following described premises in Yamhill County, State of Oregon, to-wit:

Lot No. One. Beginning at the Southeast corner of the John Welch D.L.C. and running thence West 12-16/100 chains; thence North 40-20/100 chains to a stake on the North boundary line of the aforesaid D.L.C.; thence East 12-16/100 chains to the Northeast corner of the same; thence South 40-12/100 chains to the place of beginning, being a portion off the East side of claim 37 in Township Three South Range Two West and survey number Nine in Yamhill County and containing 48-78/100 acres of land.

Lot No. Two in Township Three South Range Two and Three West being a portion of D.L.C. No. 62 and 68 and beginning at the Southeast corner of Amelia Welch D.L.C. and running thence West 19 chains; thence North 40-12/100 chains; thence West 12-16/100 chains; thence North 24-76/100 chains; thence East 31-16/100 chains; thence South 64-30/100 chains to the place of beginning and containing 150-20/100 acres of land.

Lot No. Three situate in Township Three South Range Two West and beginning at the Southwest corner of C. Morris land claim and running thence West 18-50/100 chains to a small fir tree six inches in diameter; thence North 64-35/100 chains to a stake; thence East 18-50/100 chains to a stake being the Northwest corner of said Morris land claim; thence South 64-70/100 chains to the place of beginning and containing 120 acres of land.

Lot No. Four. Situate, lying and being in Yamhill County and State of Oregon and bounded and described as follows to wit: A part of the D.L.C. of Nancy Ann Layfield and the heirs at law of David Layfield, deceased, being Notification Number 7173 and more particularly described as Lots No's. Four and Five of Section Six in Township Three South of Range Two West of the Willamette Meridian in said Yamhill County and



Recorder.

W. J. Sullivan
In Testimony Whereof I have hereunto
subscribed my name and affixed my

A. D. 1917
at _____ o'clock

24 day of _____
for said County on this

50 of the records of _____
was duly recorded at Page 74 of Vol.

that the within Instrument of Writing
said County and State, do hereby certify

Recorder of Conveyances in and for

I B. J. Sullivan
County of Yamhill.
ss.

STATE OF OREGON.

INDEXED
COMPLIES
Ag. of Way - Sub.
J. M. Atkinson
to
The City of Newberg.
water

Right of way
Atkinson?

who are known to me to be the identical individuals described in and who executed the foregoing instrument, and they each acknowledged to me they executed the same freely and voluntarily for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Notarial Seal ⁴⁹ *this the 12th day of December, A.D. 1920*
~~xxx xxx xxx xxx xxx xxx xxx, xx xxx,~~
~~xx xxxxxxxxxxxx, xxxxxx.~~

J. A. Morris
Notary Public for Oregon.

My Commission Expires BY COMMISSION EXPIRES JAN. 24th

State of Oregon)
County of Yamhill) ss.

On this the *8th* day of *March* A.D. 1920, personally came before me, a Notary Public, in and for said County and State, the within named *Samatha A. Branch*

to me personally known to be the identical persons who executed the within instrument, and acknowledged to me that she executed the same freely for the uses and purposes therein named.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my Notarial Seal the day and year last above written.

Kerry E. Greene
Notary Public for Oregon.
My commission expires: *Aug 8 '22*

(Notary Seal)

State of Oregon)
County of Yamhill) ss.

Amelia M. Smith
On this the *20th* day of *March* A.D. 1920, personally came before me, a Notary Public in and for said County and State, the within named

Sarah A. Cullen

to me personally known to be the identical person who executed the within instrument, and acknowledged to me that he executed the same freely for the uses and purposes therein named.

In Testimony Whereof, I have hereunto subscribed my name and affixed my Notarial Seal the day and year last above written.

Caroline R. Carey
Notary Public. My commission expires: *9/22/23*

(Notary Seal)

Application No. 9 0 6 5

STATE OF OREGON
Office of the

RHEA LUPER,
State Engineer.

STATE ENGINEER
Salem

Water Resources Department
December 27th, 1924.

City of Newberg,
Newberg,
Oregon.

Gentlemen:- Attention Mayor E. A. Ellis.

Herewith you will find Application No. 9065, being Permit No. 6530, together with tracing. This application has been approved and recorded in this office.

It is not necessary to record this permit in your county or to publish notice of its issuance, but it should be held by the owner of the right and should not be disposed of in making final proof on desert land or for any purpose except when the water right or land upon which the water is to be used for irrigation is disposed of, the permit should be delivered to the new owner and an assignment thereof should then be filed for record in the office of the State Engineer. The assignee should then submit all proofs required after date of assignment.

The dates on or before which actual construction work must be commenced, completed and the water completely applied are shown in the indorsement by the State Engineer on the back of the application. Attached to the permit you will find blank notices upon which to notify this office of the progress being made in the construction of the works and the application of water to the proposed use. For each year succeeding the date of approval of your permit, you should fill out the proper notice, detach, and mail to the State Engineer, Salem, Oregon. You will note that these forms cover beginning of construction, completion, and complete application of water to beneficial use, and if more than three years are allowed for complete application of water to beneficial use, you should give in the notice marked "Notice of Prosecution of Work with Diligence," a detailed description of the work performed each intervening year, so that the State Engineer may judge as to whether or not the law is being complied with as to the prosecution of work with reasonable diligence.

Failure to fill out and mail the annual proofs required by the State Engineer may jeopardize your rights under this permit, and result in its cancellation after proper notice, as the law provides that proof must be made "to the satisfaction of the State Engineer." The State Engineer has ruled that final proof will not be satisfactory unless supported by annual proofs on the blanks herein submitted.

Final proof will be taken by the State Engineer as soon as possible after the receipt of the notice of complete application of water to beneficial use. The State Engineer will thereafter issue a "Certificate of Water Right" to be recorded in the office of the County Clerk, which to your water title will correspond to a patent from the United States as foundation for your land title.

Should it be impossible for you to complete the work or put the water to beneficial use before expiration of the time fixed in the permit, you should apply to the State Engineer for an extension of time, setting forth good and sufficient reasons for not being able to complete the work or apply the water within the time as fixed in the permit. All such requests should be received before the expiration of such time limit. The law fixes one year from the date of the issuance of permit within which to begin construction work and no extension of time for beginning construction work can be granted.

Very respectfully,

RHEA LUPER,
State Engineer.

A blank 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.

APPLICATION FOR A PERMIT

To Appropriate the Public Waters of the State of Oregon

I, City of Newberg (Name of applicant)
of Newberg (Postoffice), County of Yamhill,
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 Atkinson Spring, tributary of
(Name of stream)
Chehalem Creek, tributary of Willamette River
2. The amount of water which the applicant intends to apply to beneficial use is
2.0 cubic feet per second.
3. The use to which the water is to be applied is Municipal purposes
(Irrigation, power, mining, manufacturing,
domestic supplies, etc.)
4. The point of diversion is located
(Give distance and bearing to section corner)

being within the SE 1/4 NE 1/4 of Sec. 6, Tp. 3 S
(Give smallest legal subdivision) (No. N. or S.)
R. 2 W, W. M., in the county of Yamhill
(No. E. or W.)

5. The ~~pipe line~~ to be approximately 3 3/4
(Main ditch, canal or pipe line) miles in length, terminating in the SW 1/4 SW 1/4 of Sec. 20, Tp. 3 S.
(Smallest legal subdivision) (No. N. or S.)
R. 2 West., 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

DESCRIPTION OF WORKS

DIVERSION WORKS—

7. (a) Height of dam 4 feet, length on top 15 feet, length at bottom
feet; material to be used and character of construction concrete,
(Loose rock, concrete, masonry,
900 feet of 2 1/2 inch (inside measurement) iron pipe; 1675 feet of steel pipe,
rock and brush, timber crib, etc., wasteway over or around dam)
3 inch (outside measurement). Total fall from spring to junction with present
supply line approximately 300 feet.
- (b) Description of headgate
Cement Catch Basin just below spring
(Timber, concrete, etc., number and size of openings)

$(h) \cdot T$

MUNICIPAL SUPPLY—

11. To supply the city of Newberg
Yamhill County, having a present population of approximately 3000
 (Name of)
 and an estimated population of approx. 4000 in 1930.

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

12. Estimated cost of proposed works, \$.....

13. Construction work will begin on or before all completed.

14. Construction work will be completed on or beforeall completed.

15. The water will be completely applied to the proposed use on or before _____ all completed.

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

E. A. Ellis Mayor
(Name of applicant)

(Name of applicant)

Newbury 0209

Signed in the presence of us as witnesses:

(1) H. L. Dixon, Newberg, Oregon
(Name) (Address of witness)

(Name)

(Address of witness)

(2) _____, _____
(Name) (Address of witness)

Remarks:

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: _____

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before _____, 192_____.

WITNESS my hand this day of, 192.....

State Engineer.

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-eighth 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 herein granted is limited to the appropriation of water from Atkinson Spring for municipal supply.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 2.0 cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is JULY 10, 1923.

Actual construction work shall begin on or before November 6, 1929, and shall thereafter be prosecuted with reasonable diligence and be completed on or before November 6, 1929.

Complete application of the water to the proposed use shall be made on or before October 1, 1930.

WITNESS my hand this 6th day of November, 1924.

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.

Application No. 2005

Permit No. 6530

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

Division No. District No.

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the 10 day of July
1923, at 2 o'clock P. M.

Returned to applicant for correction:

Corrected application received:

Approved:

November 6, 1924.

Recorded in Book No. 22 of

Permit, on Page 6530.

R H E A L U P E R.
State Engineer.

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This is to Certify, That—City of Newberg—

of—Newberg—, State of—Oregon—, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of—Atkinson Spring, a tributary of Chehalem Creek—a tributary of—Willamette River—for the purpose of—Municipal purposes—under Permit No.—6530—of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from—July 10, 1923;—

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.0 cubic feet per second;

The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use), is as follows: Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty (20), Township Three South, Range Two West of the Willamette Meridian, in Yamhill County, Oregon.

—The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,

affixed this—1st—day

of—September—, 1925.

Paul L. Luper
State Engineer.

Recorded in State Record of Water Right Certificates, Volume—6—, page—5466—.

recd sept. 11-25
Cecil F. Vinshaw
Recorder

water right 149
CERTIFICATE of
WATER RIGHT

STATE OF OREGON

to

City of Newberg

STATE OF OREGON,

County of Yamhill

} ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume 1
of Record of Water Right Certificates, at
Page 34, on the 5th day
of September, 1925.

Elijah Corbett,

County Clerk.

By F. L. Duncan

Application No. 9 0 6 5

STATE OF OREGON
Office of the

RHEA LUPER,
State Engineer.

STATE ENGINEER
Salem

Water Resources Department
December 27th, 1924.

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Very respectfully,

RHEA LUPER,
State Engineer.

Atkinson
springs

311

is provided where storage works are contemplated. These forms can be secured without charge, addressing the State Engineer, Salem, Oregon.

* Permit No. 6 5 3 0 .

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(Irrigation, power, mining, manufacturing,
domestic supplies, etc.)

4. The point of diversion is located

(Give distance and bearing to section corner)

being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 6, Tp. 3 S
(Give smallest legal subdivision) (No. N. or S.)

R. 2 W, W. M., in the county of Yamhill
(No. E. or W.)

5. The pipe line to be approximately 3 3/4
(Main ditch, canal or pipe line)

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R. 2 West., W. M., the proposed location being shown throughout on the accompanying map.
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feet; material to be used and character of construction concrete.

900 feet of 2 1/2 inch (inside measurement) iron pipe; 1675 feet of steel pipe,
(Loose rock, concrete, masonry,
rock and brush, timber crib, etc., wasteway over or around dam)

3 inch (outside measurement). Total fall from spring to junction with present
supply line approximately 300 feet.

(b) Description of headgate

Cement Catch Basin just below spring (Timber, concrete, etc., number and size of openings)

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(Name of)
and an estimated population of approx. 4000 in 1930.

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

12. Estimated cost of proposed works, \$.....

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14. Construction work will be completed on or before all completed.

15. The water will be completely applied to the proposed use on or before
all completed.

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

E. A. Ellis Mayor
(Name of applicant)
Newberg Oregon

Signed in the presence of us as witnesses:

(1) H. L. Brown, Newberg Oregon
(Name) (Address of witness)

(2) _____, _____
(Name) (Address of witness)

Remarks: _____

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: _____

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before _____, 192_____.

WITNESS my hand this _____ day of _____, 192_____.

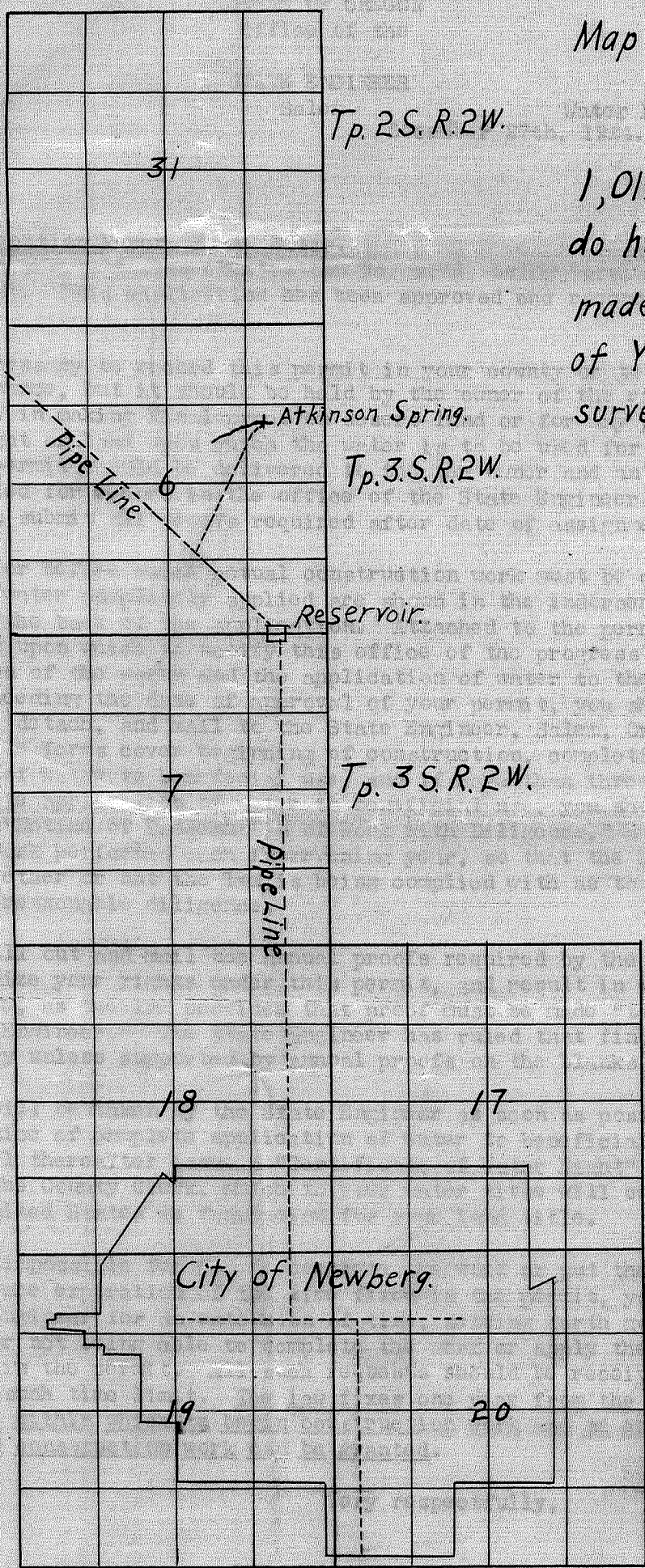
State Engineer.

Map of Pipe Line from Atkinson Spring to City of Newberg.

I, Oliver Weesner, of Newberg, Oregon do hereby certify that this map was made from deeds, plat of Newberg, records of Yamhill Co., and from notes of a survey made by me Aug. 1, 1924.

Oliver Weesner.

Oliver Weesner



Tp. 3S. R. 2W.

Application No. 9065
Permit No. 6530.

Tp. 3S. R. 2W.

STATE ENGINEER
RECEIVED

AUG 30 1924

SALEM, OREGON