

* APPLICATION FOR A PERMIT

To appropriate the Public Waters of the State of Oregon

I, Jewel Ice Cream Co.
(Name of applicant)
of Houlton, County of Columbia,
(Post office)
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 Sly Creek and Sly Creek Reservoir
(Name of stream)
across Sly Creek, a tributary of Scappoose Bay - Columbia River

2. The amount of water which the applicant intends to apply to beneficial use is 1.125
cubic feet per second.
(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 Irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 250 ft. S. and 250 ft. W. from the N. E.
(N. or S.) (E. or W.)
corner of S. W. 1/4 of the S. W. 1/4, Sec. 25; Twp. 4 N.; R. 2 W. W.M.
(Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the S.W. 1/4 of the S.W. 1/4 of Sec. 25, Tp. 4 N.,
(Give smallest legal subdivision) (N. or S.)
R. 2 W., W.M., in the county of Columbia
(E. or W.)

5. The pipe line to be 350' long; then open ditch be approx. 1 mile long.
(Main ditch, canal or pipe line) (Miles or feet)
in length, terminating in the N.E. 1/4 of the N.E. 1/4 of Sec. 36, Tp. 4 N.,
(Smallest legal subdivision) (N. or S.)
R. 2 W., W.M., the proposed location being shown throughout on the accompanying map.
(E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam 7' to crest of spillway
2' to top dam feet, length on top _____ feet, length at bottom _____ feet; material to be used and character of construction Clay earth fill dam
(Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)
Wasteway over dam; also 24 inche pipe through dam.

(b) Description of headgate 24 inch steel pipe and steel headgate
(Timber, concrete, etc., number and size of openings)
water to be pumped from dam

(c) If water is to be pumped give general description 5 inch Fairbanks-Morse centrifugal pump. 15 H.P. Electric Motor. Head 60 feet.
(Size and type of pump)
(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.

** Applications for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydro-electric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

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) 3 feet; width on bottom 1.5 feet; depth of water 8" feet; grade 1.8 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, 350 ft.; size at intake, 8 in.; size at 350 ft. from intake 8" in.; size at place of use _____ in.; difference in elevation between intake and place of use, 60 ft. Is grade uniform? Yes Estimated capacity, _____ sec. ft.

8. Location of area to be irrigated, or place of use _____

Township	Range	Section	Forty-acre Tract	Number Acres To Be Irrigated
WILLAMETTE MERIDIAN 4 N.	2 W.	25	Lot 3 (NE $\frac{1}{2}$ SW $\frac{1}{2}$)	7.0 Supp'l
			Lot 6 (SE $\frac{1}{2}$ SW $\frac{1}{2}$)	5.0 "
			D.L.C. #111 (SE $\frac{1}{2}$ SW $\frac{1}{2}$)	13.3 "
			D.L.C. #111 SW $\frac{1}{2}$ SE $\frac{1}{2}$	27.2 "
			Lot 5 (SW $\frac{1}{2}$ SE $\frac{1}{2}$)	1.6 "
4 N.	2 W.	36	Lot 1 (NE $\frac{1}{2}$ NE $\frac{1}{2}$)	13.2 "
			D.L.C. #110 NE $\frac{1}{2}$ NE $\frac{1}{2}$	1.7 "
4 N.	2 W.	25	D.L.C. #111 SE $\frac{1}{2}$ SE $\frac{1}{2}$	20.0 Primary
				<u>89.0</u>

Property on which water is to be used is a part of that more explicitly described by applicant as follows:

Beginning at a point in the easterly line of the S.P. & S. right-of-way which is 19.4 feet southerly of a certain 1" iron pipe situated in the north line of the David Cloninger Donation Land Claim in Section 36 Twp 4 N Range 2 W. W.M. which pipe was established by John E. Eilertson County Surveyor and which point of beginning is now marked by a corner fence Post; thence easterly along a straight line to a point at the Northeast corner of said Cloninger Donation Land Claim marked by an iron bolt with a 1" square head; thence westerly along the North line of said Cloninger to said iron pipe in the easterly line of the said S.P. & S. right-of-way thence southerly along said right-of-way line to the said place of beginning,

(CONTINUED ON ATTACHED SHEET)

(If more space required, attach separate sheet)

(a) Character of soil sand loam

(b) Kind of crops raised potatoes, alfalfa, pasture, vegetables, & grains

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 _____ feet.
(Head)

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

(e) Such works to be located in _____ of Sec. _____,
(Legal subdivision)

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

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

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

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

(h) The use to which power is to be applied is _____

(i) The nature of the mines to be served _____

(Continued from Item 8)

Beginning at the Southeast corner of Section twenty-five (25) Twp. Four (4) North, Range two (2) W. W.M. thence West 20.03 chains to the Southeast corner of that tract of land conveyed by Ruth A. Hoyt et vir to Jonas Bohman by deed dated February 4, 1892 which deed is recorded in Book P of deed records of Columbia County, State of Oregon at page 17 thereof thence North with said Bohmans Line 16.77 chains more or less to the north boundary line of Lot Five (5) in said Section twenty Five (25) thence East on said north boundary line of said Lot Five (5) & Lot Four (4) in said Section twenty Five (25) to the eastern boundary Line of said Section; thence south to place of beginning.

Also all that portion of Government Lot Five (5) Section Thirty (30) twp. Four (4) N. Range Two (2) W W.M. that lies west of the present and existing westerly boundary line of the Columbia River Highway

Excepting from the above described premises the following tracts of land.

(a) tract of Land conveyed by Ruth A. Hoyt et vir to the Northern Pacific Railroad Company by deeds recorded in Book "G" at pages 461 and 521 deed records.

(b) tract of land conveyed by Thomas Stewart et ux to Northern Pacific Railroad Company by deed recorded in Book "G" Page 517 deed records

(c) tract of land conveyed by Bertha Uhlman et al to State of Oregon by and through its State Highway Commission recorded in Book 65 Page 252 deed records.

(d) tract of land one rod in width along south line of Josiah Fullerton Donation Land Claim conveyed to Jonas Bohman by Ruth Hoyt et vir in deed recorded at page 526 Book 9 deed records

Commencing at a rock 44.65 chains East of a post set for the North west Corner of the Josiah Fullerton Donation Land Claim No. 44 twp. 4 N. Range 2 West of Willamette Meridian, running thence East on the Claim line 11.03 chains to the southwest corner of Lot 5 of Section 25 of said township & Range; thence North 1.27 chains to a point on the South line of Phillip Laffer's Donation Land Claim; thence East along said South line 20.86 chains, thence South 1.27 chains to the north line of the Josiah Fullerton Donation Land Claim No. 44; thence South 15.5 chains to a Post on the south line of said Claim No. 44 which point is 20.03 chains West of the southeast Corner Section 25 Twp. 4 North Range 2 West of Willamette Meridian; thence East along the section line to a point 229 feet West of the Northeast Corner of the Robert S. Fullerton Donation Land Claim No. 47 in Section 31 Twp. 4 North Range 1 West of Willamette Meridian said point being in the center of Scappoose Creek. running thence south 17°12' East 96 feet; thence South 46°06' East 302 feet to the east line of said Claim No. 47 thence South along the east line of said Claim No. 47 to a point which is 1794 feet North of the Southeast Corner of said Claim thence continueing along the center of said Scappoose Creek 73°10' East 598 feet thence South 22°03' East 120 feet; thence South 27°51' West 378 feet thence South 52°35' West 375 feet; thence South 44°06' West 235 feet to the East line of said Claim No. 47 thence South 44°06' West 105 feet thence South 73°42' West 457 feet; thence North 60°30' West 205 feet; thence North 38°03' West 405 feet thence South 81°21' West 96 feet; thence South 5°09' W. 213 feet; thence South 47°45' West 380 feet to South line of said Claim No. 47; thence North 69° West to the Northeast Corner of the David Cloninger Donation Land Claim; thence North 70° West to the Northwest Corner of the David Cloninger Donation Land Claim; thence South 19°30' W 3.52 chains to the South line of the Josiah Fullerton Donation Land Claim No. 44; thence West 7.05 chains; thence North to place of beginning.

Also all that part of Lot 6 in Section 25 Twp 4 N. Range 2 W. W.M. which lies south of the Phillip Laffer Donation Land Claim and East of that certain roadway known as "Fullerton Road."

Also a strip of land beginning at a point on South line of Section 25 Twp. 4 N. Range 2 W. W. M. which point is 20.03 chains West of the Southeast Corner of Section 25 running thence North 16.5 feet thence East and paralell with south line of said Section 25 to County Road; thence South to Section Line thence West to place of Beginning.

Municipal or Domestic Supply—

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, \$ pumping plant, pipe line and ditches are
all in place. The cost will be to repair
- 12. Construction work will begin on or before reservoir, see reservoir application.
work will start as soon as
- 13. Construction work will be completed on or before reservoir application is O. Ked.
and will be completed
- 14. The water will be completely applied to the proposed use on or before July 1, 1943, approx.

Jewel Ice Cream Co.

By (Sgd) W S Erickson (Partner)

(Signature of applicant)

Witness. - (Sgd) Perditia L. Crause (Witness)

St. Helens Ore

Remarks: " - (Sgd) David C. Slight St. Helens, Oreg.

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

Application No. 19878

Permit No. 19630

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 30th day of March, 1943, at 1:00 o'clock P. M.

Returned to applicant:

Corrected application received:

Approved:

January 31, 1951

Recorded in book No. 48 of

Permits on page 19630

CHAS. E. STRICKLIN

STATE ENGINEER

Drainage Basin No. 3 Page 4 A

Fees Paid 23.85

PERMIT

STATE OF OREGON, } ss. County of Marion,

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 1.113 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 Sly Creek and reservoir to be constructed under Application No. R-19877, Permit No. R-1049.

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

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir to be constructed under Permit No. R-1049; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed the limitation allowed herein,

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 March 30, 1943

Actual construction work shall begin on or before January 31, 1952 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1952

Complete application of the water to the proposed use shall be made on or before October 1, 1953

WITNESS my hand this 31st day of January, 1951.

CHAS. E. STRICKLIN

STATE ENGINEER