

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, E. J. ... of ... 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 a spring (no name) a tributary of Galen Creek

2. The amount of water which the applicant intends to apply to beneficial use is 0.01 cubic feet per second.

3. The use to which the water is to be applied is domestic household

4. The point of diversion is located 110 ft. North and 1280 ft. West from the NE corner of the SW 1/4 of the NE 1/4 of Section 26, T2N, R5W, W.M.

being within the NW 1/4 of the NE 1/4 of Sec. 26, Tp. 2 North, R. 5 West, W. M., in the county of Washington

5. The pipe line to be 450 feet in length, terminating in the SW 1/4 of the NE 1/4 of Sec. 26, Tp. 2 North, R. 5 West, W. M., the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam ... feet, length on top ... feet, length at bottom ... feet; material to be used and character of construction ... a concrete spring box 4 feet deep, 4 feet wide, and 16 feet long

(b) Description of headgate

(c) If water is to be pumped give general description

*A different form of application is provided where storage works are contemplated. **Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission.

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) 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.

(c) Length of pipe, 400 ft.; size at intake, 1 1/2 in.; size at 100 ft. from intake 1/2 in.; size at place of use 1/2 in.; difference in elevation between intake and place of use, 40 ft. Is grade uniform? No Estimated capacity, not known sec. ft. (spring is very small in summer) NW

8. Location of area to be irrigated, or place of use Near the NE corner of the SW 1/4 of the NE 1/4 of Section 26, T2N, R5W, V.1.

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
2 N	5 W	26	SW 1/4 NE 1/4	Domestic
From description on deed:				
Beginning at an iron pipe in place on the North line of the Southwest quarter of the Northeast quarter of Section 26, T2N, R5W, V.1; which pipe is also on the West boundary of the Wilson River State Highway R/W, and same pipe bearing S 88 51 W a distance of 1114.2 feet from the NE corner of the SW 1/4 of the NE 1/4 of said Section 26, and running thence S 88 51 W along this North line of the SW 1/4 of the NE 1/4 of Section 26 a distance of 102.2 feet to an iron pipe on the East boundary of the Galea Creek and Wilson River R.R. R/W; thence S 00 36 W along this East boundary of railroad R/W a distance of 221.5 feet to an iron pipe; thence S 86 00 E a distance of 110.3 feet to an iron pipe on the West boundary of the Wilson River State Highway R/W; thence Northerly around a spiral curve to the left, along this West highway boundary, to the place of beginning, the long chord of this last course bearing N 1 22 W a distance of 221.4 feet. This tract contains 0.55 acres, more or less.				

(If more space required, attach separate sheet)

(a) Character of soil

(b) Kind of crops raised

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

SPOKANE, PORTLAND AND SEATTLE RAILWAY COMPANY, a corporation, hereinafter called the "Railway Company," in consideration of the covenants and agreements herein contained to be kept and performed by

hereinafter called the "Licensee," does hereby permit the Licensee to construct, install or place and to maintain and use the following (hereinafter referred to as "said improvements"), to-wit:

A concrete box, enclosing a spring and approximately 300 feet of pipeline, on Railway Company property at a point just north of Bridge B-9-7 on Railway Company's abandoned Gales Creek Branch. Location of said box and pipe more particularly indicated in red on white print map hereto attached and made a part hereof.

It is understood that the Railway Company makes no representations with respect to the quality of the water for domestic or other uses, and the Railway Company shall not be responsible for injury to persons or damage to property arising from the use of said water.

This permit is granted upon the following conditions:

1. All work of constructing and maintaining said improvements shall be done, by and at the expense of the Licensee, in a manner satisfactory to the Railway Company or its duly authorized representative, and so that it will not interfere with the use by the Railway Company of its tracks, right of way or other property, and so as to conform with all state and municipal laws and the rules and regulations of the Public Service Commission or other regulatory body of the state having jurisdiction thereover.

2. If the Railway Company shall at any time find it necessary or convenient to make any change in its grade, alignment, tracks or other property, the Licensee shall, upon notice, make such changes in the location or construction, or both, of said improvements as may, in the opinion of the Chief Engineer of the Railway Company, be necessary to conform to the changes made or to be made by the Railway Company, such changes in the location or construction of said improvements to be made without cost or expense to the Railway Company and to the satisfaction of the Chief Engineer of the Railway Company.

3. The Licensee hereby assumes all risk of injury to persons or damage to property in any manner resulting from the construction, maintenance, use or removal of said improvements, and hereby agrees to indemnify and save harmless the Railway Company from any and all loss, cost, damage or expense caused by or resulting from any such injury to persons or damage to property.

4. This permit may be terminated by either party at any time on thirty days' notice in writing, such notice to be sufficient if deposited in the United States post office by the Railway Company and addressed to the Licensee at ~~Timber, Oregon~~, or if deposited in the United States post office by the Licensee and addressed to the Railway Company at Portland, Oregon, and thirty days from the mailing thereof all rights herein granted shall terminate and cease, and the Licensee shall remove said improvements from the property of the Railway Company without cost or charge to the Railway Company; PROVIDED, HOWEVER, that if the Licensee shall fail to perform any and all agreements herein contained the Railway Company may immediately terminate this permit, and upon termination of this permit, as in either case above provided, the Licensee shall restore the right of way, tracks or other property of the Railway Company to their former condition, and to the satisfaction of the Superintendent of the Railway Company.

5. In the event that the Licensee shall fail or refuse to perform any of the work to be performed hereunder by said Licensee, then the Railway Company may perform such work and the cost thereof shall be promptly paid to the Railway Company by the Licensee.

6. It is understood that the rights herein granted are personal to the Licensee and shall not be assigned or transferred without the written consent of the Railway Company first obtained.

7. The Licensee, for the privilege herein granted, shall pay to the Railway Company the sum of **Five and No/100** Dollars, (\$ **5.00**), payable in advance, for the full term of this permit.

IN WITNESS WHEREOF, this permit has been executed in duplicate by the parties hereto this 25th day of

Mueh, 1953

SPOKANE, PORTLAND AND SEATTLE RAILWAY COMPANY

By *H. J. [Signature]*
Right of Way and Tax Agent.

Ben T. Burleigh
Licensee

Approved as to Form:

Chief Engineer.

Approved:

Superintendent.

Approved:

Vice President & General Manager.

Approved:

Municipal or Domestic Supply

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

(b) If for domestic use state number of families to be supplied _____

- 11. Estimated cost of proposed works, \$ 300
- 12. Construction work will begin on or before soon as permit received
- 13. Construction work will be completed on or before within 1 month of start
- 14. The water will be completely applied to the proposed use on or before 1 month after permit received

Ben Burleigh
(Signature of applicant)

Remarks: A permit has been obtained from the Spokane, Portland and Seattle Railway Company to construct a spring box as shown, on their property, and to lay a pipe line down their abandoned railroad right-of way.

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

PERMIT

STATE OF OREGON,

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 0.00 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 a spring

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

If for irrigation, this appropriation shall be limited to - - - 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 priority date of this permit is March 16, 1953

Actual construction work shall begin on or before August 21, 1954 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1955.

Complete application of the water to the proposed use shall be made on or before October 1, 1956.

WITNESS my hand this 21st day of August, 1953.

Chas E Stricklin STATE ENGINEER

Application No. 28210

Permit No. 22197

PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 6th day of March 1953, at 8:00 o'clock A.M.

Returned to applicant:

Approved:

August 21, 1953

Recorded in book No. 56 of

Permits on page 22197

CHAS. E. STRICKLIN STATE ENGINEER