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CERTIFICATE NO. 41994

Permit No. 33184

*APPLICATION FOR PERMIT ASSIGNED. See Misc. Rec., Vol. 5 Page 562

To Appropriate the Public Waters of the State of Oregon

We, Mike and Jo Deely
(Name of applicant)

of 161 South E. Street, Lakeview
(Mailing address)

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 Brown Creek and Unnamed Stream
(Name of stream)
, a tributary of Sprague River

2. The amount of water which the applicant intends to apply to beneficial use is 12.07 cubic feet per second. 11.19 c.f.s. from Brown Creek & 0.88 c.f.s. from Unnamed Stream.
(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 ..... ft. (N. or S.) and ..... ft. (E. or W.) from the corner of P.O.D. #1 = N 56° 06' E 6418.9 feet and P.O.D. #2 = N 51° 11' E 6254.1 feet, both from the Southwest corner of Section 35, T.36 S., R.12 E., W.M.; P.O.D. #3 = S 4° 55' W 2082.0 feet from the Northeast Corner of Section 3, T.37 S., R.12 E., 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 #1=SW¼-NW¼; #2=SE¼-NE¼; #3=SE¼-NE¼ (Give smallest legal subdivision) of Sec. #1=36 #2=35 #3=3 Tp. #1 & #2=36S. #3=37S. (N. or S.),

R. 12 E. (E. or W.), W. M., in the county of Klamath

5. The Ditch #1 and Ditch #2 (Main ditch, canal or pipe line) to be #1=5000 ft.; #2=6000 ft. (Miles or feet) in length, terminating in the #1=NW¼-SE¼; #2=NW¼-SW¼ (Smallest legal subdivision) of Sec. #1 = 26 #2 = 35, Tp. 36 S. (N. or S.),

R. 12 E. (E. or W.), W. M., the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam 3 to 4 feet, length on top 12 to 15 feet, length at bottom 6 to 8 feet; material to be used and character of construction Earth, Rock, and Brush.
(Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

Wasteways over tops of dams.

(b) Description of headgate P.O.D. #1 and #2 have 18" CMP with gates for control of diversion; P.O.D. #3 diverts directly to ground being irrigated; Water is spread by small furrow ditches and sub-irrigation.
(Timber, concrete, etc., number and size of openings)

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

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric 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) 4 feet; width on bottom 1½ feet; depth of water 1 feet; grade 0.5 feet fall per one thousand feet.

(b) At Same 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, None ft.; size at intake, ... in.; size at ..... ft. from intake ..... in.; size at place of use ..... in.; difference in elevation between intake and place of use, ... ft. Is grade uniform? ..... Estimated capacity, ... sec. ft.

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

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
	See Attached List:			
			From Brown Creek	= 447.7 Acres
			From Unnamed Stream	= 35.2 Acres
				482.9 Acres

(If more space required, attach separate sheet)

(a) Character of soil Sandy loam

(b) Kind of crops raised Cereals, legumes, row crops and pasture grasses.

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 ..... (Head) feet.

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

.....

(e) Such works to be located in ..... (Legal subdivision) of Sec. ....., Tp. ..... (No. N. or S.), R. ..... (No. E. or W.), W. M.

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

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

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

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

(i) The nature of the mines to be served

Location of Areas to be Irrigated to accompany and be made a part of the Application of Mike and Jo Deely to Appropriate the Public Waters of the State of Oregon:

Township & Range	Section	40 Acre Tract	Number of Acres to be Irrigated: Brown Creek	Unnamed Stream
A. From Brown Creek:				
T.36 S., R.12 E., W.M.	26	NE¼-SW¼	40.0 Ac.	
		NW¼-SW¼	13.6	
		SW¼-SW¼	11.5	
		SE¼-SW¼	40.0	
		NW¼-SE¼	24.8	
		SW¼-SE¼	37.8	
		SE¼-SE¼	2.3	
	35	NE¼-NE¼	31.5	
		NW¼-NE¼	40.0	
		SW¼-NE¼	24.1	
		SE¼-NE¼	3.4	
		NE¼-NW¼	40.0	
		NW¼-NW¼	12.5	
		SW¼-NW¼	22.2	
		SE¼-NW¼	40.0	
		NE¼-SW¼	28.3	
		NW¼-SW¼	35.7	
		~~SW¼-SW¼~~	~~3.6~~	~~12.4~~ Ac.
		~~NW¼-SE¼~~	~~6.4~~	
	34	SE¼-SE¼		4.5
T.37 S., R.12 E., W.M.	2	~~NW¼-NW¼~~		~~15.3~~
		SW¼-NW¼		8.7
	3	NE¼-NE¼		17.7
		SE¼-NE¼		4.3
			447.7	35.2
			~~457.7~~ Ac.	~~52.9~~ Ac.

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Municipal or Domestic Supply— 33184

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, $ 5,000.00

12. Construction work will begin on or before October 1, 1968

13. Construction work will be completed on or before October 1, 1971

14. The water will be completely applied to the proposed use on or before October 1, 1972

x Finis K. Deeley
(Signature of applicant)

x Jo Deeley

Remarks: In filing this application, the Applicants do not waive or abandon any vested rights appurtenant to said land.

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

By .....
ASSISTANT

PERMIT

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 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 12.07 *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* Brown Creek and an unnamed stream being 11.19 cfs from Brown Creek and 0.88 cfs from unnamed stream

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

If for irrigation, this appropriation shall be limited to 1/40th *of one cubic foot per second or its equivalent for each acre irrigated* and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

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 January 29, 1968

Actual construction work shall begin on or before July 22, 1969 *and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19*70

Extended to Oct. 1 1971

*Complete application of the water to the proposed use shall be made on or before October 1, 19*71

WITNESS my hand this 22nd *day of* July, *19*68.

STATE ENGINEER

Application No. 44429

Permit No. 33184

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 29th day of January, *19*68, *at* 8:00 *o'clock* A *M.*

Returned to applicant: —

Approved: July 22, 1968

Recorded in book No. —— *of permits on page* 33184

CHRIS L. WHEELER
STATE ENGINEER

Drainage Basin No. 14 *page* 20C

State Printing 9137