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STATE ENGINEER  
SALEM, OREGON

Permit No. 36348

\*APPLICATION FOR PERMIT

CERTIFICATE NO. 41001

To appropriate the Public Waters of the State of Oregon

I, Homer McMillin  
(Name of applicant)  
of Rt. 1, Box 163, Otis  
(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 sometimes referred to as McMillan  
(Name of stream)  
Creek, a tributary of Bear Creek

2. The amount of water which the applicant intends to apply to beneficial use is 0.01 of a  
cubic feet per second. for each use listed  
(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 domestic and garden irrigation  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 100 ft. south and 220 ft. east from the  
(N. or S.) (E. or W.)  
corner of Northwest corner of Section 2  
(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 NW 1/4 of the NW 1/4 of Sec. 2, Tp. 7S  
(Give smallest legal subdivision) (N. or S.)  
R. 10 W., W. M., in the county of Lincoln  
(E. or W.)

5. The pipe to be about 500 feet  
(Main ditch, canal or pipe line) (Miles or feet)  
in length, terminating in the U. S. Lot 1 of Sec. 3, Tp. 7 S  
(Smallest legal subdivision) (N. or S.)  
R. 10 W., W. M., the proposed location being shown throughout on the accompanying map.  
(E. or W.)

DESCRIPTION OF WORKS

Diversion Works— wood box with a pipe starting from it,  
6. (a) Height of dam feet, length on top feet, length at bottom  
feet; material to be used and character of construction  
(Loose rock, concrete, masonry,  
rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate  
(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—

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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, 500 ft.; size at intake, 1" in.; size at ..... ft. from intake ..... in.; size at place of use 1" in.; difference in elevation between intake and place of use, 30 ft. Is grade uniform? Yes Estimated capacity, 0.05 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
7 S	10 W	3	U.S. Lot 1 (NE 1/4)	domestic and one <del>acre</del> acres

appurtenances thereunto belonging or appertaining, situated in the County of Lincoln, State of Oregon, described as follows, to-wit: That portion of Section 3, T 7 S, R 10 W, W.M., in Lincoln County, Oregon, described as follows:

Beginning at the northeast corner of said section; thence south on the east line of said section 239 feet to the true point of beginning; thence south on said section line 215.07 feet; thence south 32 degrees 45' west 260 feet to the easterly boundary of the Bear Creek County Road No. 106; thence northerly along said road 225 feet, more or less, to the southwest corner of the tract conveyed to Kenneth E. Getgen et ux by deed recorded August 25, 1966 in book 270, page 191, Deed Records; thence east 286.59 feet to the true point of beginning. Also all my vested water rights in the above property.

To Have and to Hold the above described and granted premises unto the said grantees, as tenants by the entirety, their heirs and assigns forever.

(If more space required, attach separate sheet)

(a) Character of soil ..... sandy loam

(b) Kind of crops raised ..... garden, lawn and home plantings

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 .....

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 ONE

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$ already in use

12. Construction work will begin on or before already in use

13. Construction work will be completed on or before already in use

14. The water will be completely applied to the proposed use on or before already in use

*Homer McMillen*  
(Signature of applicant)

Remarks: This water system was established and used by Otis E. McMillen in 1907 and has been used continuously by Mr. McMillen and his successors in interest since that time.

we do not waive any rights vested or in use prior to 1909

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 and completion.....

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before ..... September 27....., 19.71..

WITNESS my hand this 27th day of July, 19.71..

RECEIVED  
AUG 1 11 1971  
STATE ENGINEER  
SALEM OREGON

CHRIS L. WHEELER  
STATE ENGINEER  
By *Larry W. Jebousek*  
Larry W. Jebousek  
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 0.015 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 McMillan Creek

The use to which this water is to be applied is domestic use for 1 family and irrigation being 0.005 cfs for domestic use and 0.01 cfs for irrigation

If for irrigation, this appropriation shall be limited to 1/80 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 2 1/2 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.

July 8, 1971 for 0.01 cfs, and  
The priority date of this permit is August 11, 1971 for 0.005 cfs

Actual construction work shall begin on or before February 20, 1974 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1974.

Complete application of the water to the proposed use shall be made on or before October 1, 1975

WITNESS my hand this 20th day of February, 1973.

*Chris L. Wheeler*

STATE ENGINEER

Application No. 48421  
Permit No. 36348

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 8th day of July, 1971, at 9:00 o'clock A. M.

Returned to applicant:

Approved:

February 20, 1973

Recorded in book No. 36348 of

Permits on page

CHRIS L. WHEELER  
STATE ENGINEER

Drainage Basin No. 18 page 166

Fees \$50.00