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STATE ENGINEER  
SALEM, OREGON

Permit No. 39383

\*APPLICATION FOR PERMIT

ASSIGNED, See Misc. Rec., Vol. 6 Page 721

ASSIGNED, See Misc. Rec., Vol. 7 Page 1874

### To Appropriate the Public Waters of the State of Oregon

We, Mike Deely and Jo Deely  
(Name of applicant)  
of 161 South E Street, Lakeview  
(Mailing address) (City)  
State of Oregon 97630  
(Zip Code), 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 <sup>1</sup>/~~2~~ Springs and <sup>3</sup>/~~2~~ Unnamed  
(Name of stream)  
Seasonal Streams, and Reservoir, a tributary of Whisky Creek

2. The amount of water which the applicant intends to apply to beneficial use is ~~6.92~~ 10.14  
cubic feet per second See Attached Sheet.  
(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 Primary Irrigation and  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)  
supplemental Irrigation.

4. The point of diversion is located ..... ft. ..... and ..... ft. .... from the  
(N. or S.) (E. or W.)  
corner of See Attached Sheet  
(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 See attached sheet  
(Give smallest legal subdivision) of Sec. ...., Tp. ....  
(N. or S.)

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

5. The See attached sheet  
(Main ditch, canal or pipe line) to be .....  
(Miles or feet)  
in length, terminating in the ..... of Sec. ...., Tp. ....  
(Smallest legal subdivision) (N. or S.)

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

#### DESCRIPTION OF WORKS

Diversion Works— See attached sheet

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. Such forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon 97310.

WRIS

Canal System or Pipe Line— See attached sheet

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, ..... 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 Sheet			293.9 Acres Primary
				112.3 <del>65.9</del> Acres Supplemental

(If more space required, attach separate sheet)

(a) Character of soil Sandy clay loam

(b) Kind of crops raised 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 ..... 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 .....

Additional Sheets to be attached to and made a part of water right application of Mike and Jo Deely.

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Question No. 2:

Amount of water = ~~3.98~~<sup>10.14</sup> cfs being 3.88 cfs from Riddle Spring primary use and 1.65 cfs for supplemental use (total = 5.53 cfs), 1.54 cfs from Unnamed Stream No. 1 for primary use, 1.16 from ~~Mike's Reservoir~~ ~~Unnamed Spring~~ for primary use, and 0.75 cfs from Unnamed Stream No. 2. and 1.16 cfs from ~~Unnamed Stream No. 3~~ <sup>Mike's Reservoir</sup> for supplemental use.

Question No. 4:

P.O.D. "A" = N 8° 25' W -- 2440 ft. from SE Corner of Sec. 32, T.36 S., R.12 E., W.M. being within the NE $\frac{1}{4}$ -SE $\frac{1}{4}$  of said Section 32.

P.O.D. "B" = N 18° 00' E -- 2802 ft. from SW Corner of Sec. 33, T.36 S., R.12 E., W.M., being within the NW $\frac{1}{4}$ -SW $\frac{1}{4}$  of said Section 33.

P.O.D. "C" = S 36° 44' W -- 2447 ft. from the NE Corner of Sec. 5, T.37 S., R.12 E., W.M., being within the SW $\frac{1}{4}$ -NE $\frac{1}{4}$  of said Section 5.

P.O.D. "D" = S 29° 09' W -- 1572 ft. from the NE Corner of Section 5, T.37 S., R.12 E., W.M., being within the SE $\frac{1}{4}$ -NE $\frac{1}{4}$  of said Sec. 5.

Question No. 5:

Ditch No. 1 = 3000 ft. long terminating in NW $\frac{1}{4}$ -SE $\frac{1}{4}$  of Section 32, T.36 S., R.12 E., W.M.

Ditch No. 2 = 2380 ft. long terminating in NE $\frac{1}{4}$ -SW $\frac{1}{4}$  of Section 32, T.36 S., R.12 E., W.M.

Ditch No. 3 = 2900 ft. long terminating in SE $\frac{1}{4}$ -SE $\frac{1}{4}$  of Section 32, T.36 S., R.12 E., W.M.

Ditch No. 4 = 3960 ft. long terminating in SW $\frac{1}{4}$ -SW $\frac{1}{4}$  of Section 32, T.36 S., R.12 E., W.M.

Ditch No. 5 = 1320 ft. long terminating in NE $\frac{1}{4}$ -NE $\frac{1}{4}$  of Section 5, T.37 S., R.12 E., W.M.

~~Ditch No. 6 = 2240 ft. long terminating in SW $\frac{1}{4}$ -NE $\frac{1}{4}$  of Section 5, T.37 S., R.12 E., W.M.~~

Question No. 6:

P.O.D. No. "A" is merely the intake of the Ditch #3 leading from Riddle Spring with no control works. If a control at the intake to this ditch were installed and closed during the non-irrigation season the flow from the spring would still flow over approximately the same land.

P.O.D. Nos. "B" and "D" consist of small earth barriers of sufficient size to divert the seasonal flow in the streams into the ditches. There are no control mechanisms as all the available flow is utilized.

P.O.D. No. "C" is a 12" diam. CMP with screw lift gate.

Question No. 7: (P.O.D. for Reservoir and Unnamed Stream No. 3)

Ditch No. 1 = water line width = 8'-10', bottom width = 7', water depth = 7"-8", grade = 2'/1000'.

Ditch No. 2: water line width = 3', bottom width = 2', water depth = 6"-12", grade = 3'/1000'.

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Question No. 7 (continued)

Ditch No. 3: water line width = 6', bottom width = 3'-4', water depth = 6"-12", grade = 5'/1000'.

Ditch No. 4: water line width = 6', bottom width = 2', water depth = 1', grade = 2'/1000'.

Ditch No. 5: water line width = 4'-5', bottom width = 2'-3', water depth = 1', grade = 3'/1000'.

~~Ditch No. 6: water line width = 1 1/2'-2', bottom width = 6"-12", water depth = 6", grade = 30'/1000'.~~

Question No. 8 - Location of area to be irrigated:

Location	Unnamed Stream#3	Riddle Spring	Unnamed Stream#1	Reservoir <del>Unnamed Spring</del>	Unnamed Stream#2	Total in 40	
		Primary    Supp.	Primary	Primary	Primary	Primary	Supplemental
T.36S., R.12E., W.M. Sec. 32	<del>Supp.</del> <i>Primary</i>			<del>Primary</del> <i>Supplemental</i>			
NE 1/4-SW 1/4		0.1    16.6	16.6			16.7	16.6
NW 1/4-SW 1/4		27.8    12.2	12.2			40.0	12.2
SW 1/4-SW 1/4		40.0				40.0	
SE 1/4-SW 1/4		28.5    10.4	10.4			38.9	10.4
NE 1/4-SE 1/4		15.9    6.4	6.4			22.3	6.4
NW 1/4-SE 1/4		4.2    10.2	10.2			14.4	10.2
SW 1/4-SE 1/4	4.0	25.0    10.1	6.1	4.0		35.1	<del>10.1</del> 14.1
SE 1/4-SE 1/4		14.0				14.0	
						221.4	<del>65.9</del> 69.9
T.37S., R.12E., W.M. Sec. 5							
NE 1/4-NE 1/4	6.2			6.2	24.8	31.0	6.2
NW 1/4-NE 1/4	20.6			20.6	3.0	23.6	20.6
SW 1/4-NE 1/4	5.8			5.8		5.8	5.8
SE 1/4-NE 1/4	9.8			9.8	2.3	12.1	9.8
						72.5	42.4
	46.4	155.5    65.9	61.9	46.4	30.1	293.9	<del>65.9</del> 112.3

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, \$ 1000 .....

12. Construction work will begin on or before Construction already started .....

13. Construction work will be completed on or before October 1, 1975 .....

14. The water will be completely applied to the proposed use on or before October 1, 1976 .....

\* Mike's Tree Co. (Signature of applicant)
\* J. Deely

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 correction & completion .....

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before March 26, 1973, June 25, 73, December 31, 73

WITNESS my hand this 25th day of January, 1973

RECEIVED JUN 22 1973 STATE ENGINEER SALEM, OREGON
RECEIVED NOV 15 1973 STATE ENGINEER SALEM, OREGON

RECEIVED MAR 23 1973 STATE ENGINEER SALEM, OREGON CHRIS L. WHEELER STATE ENGINEER

By Wayne J. Overcash 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 10.14 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, 3 unnamed streams and reservoir to be constructed under Application No. R-50242, Permit No. R-6307

The use to which this water is to be applied is irrigation and supplemental irrigation, being 5.53 c.f.s. from spring, 3.45 c.f.s. from unnamed streams and 1.16 c.f.s. from reservoir.

If for irrigation, this appropriation shall be limited to 1/40th 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 3 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-6307; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and 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. January 18, 1973 for all sources except reservoir  
The priority date of this permit is & June 22, 1973 for use from reservoir.

Actual construction work shall begin on or before February 4, 1977 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1977.

Complete application of the water to the proposed use shall be made on or before October 1, 1978.

WITNESS my hand this 4th day of February, 1976.

*James E. Selman*  
WATER RESOURCES DIRECTOR STATE ENGINEER FH B

Application No. 49981  
Permit No. 39383

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 18th day of January, 1973, at 8:00 o'clock A.M.

Returned to applicant:

Approved:

Recorded in book No. 39383 of Permits on page

STATE ENGINEER

Drainage Basin No. 1A page 206

Fees