

MAR 14 1975

STATE ENGINEER
SALEM, OREGON

Permit No. 39947

*APPLICATION FOR PERMIT

CERTIFICATE NO. 48114

To Appropriate the Public Waters of the State of Oregon

I, George W. Eby and Maxine L. Eby, his wife
(Name of applicant)
of Route 1, Box 278A, Colton
(Mailing address) (City)
State of Oregon, 97017, do hereby make application for a permit to appropriate the
(Zip Code)

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 MILK CREEK
(Name of stream)
a tributary of Molalla River

2. The amount of water which the applicant intends to apply to beneficial use is 0.0625
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, nursery
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 909 ft. S and 640 ft. E from the N.W.
(N. or S.) (E. or W.)
corner of Sec. 35, T. 4S, R. 3E, 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 N.W. 1/4 of N.W. 1/4 of Sec. 35, Tp. 4S,
(Give smallest legal subdivision) (N. or S.)
R. 3E, W.M., in the county of CLACKAMAS

5. The (Main ditch, canal or pipe line) to be (Miles or feet)
in length, terminating in the N.W. 1/4 of N.W. 1/4 of Sec. 35, Tp. 4S,
(Smallest legal subdivision) (N. or S.)
R. 3E, 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
(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.

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, 25 ft.; size at intake, 1 1/2 in.; size at 25 ft. from intake 1 in.; size at place of use 1/2 in.; difference in elevation between intake and place of use, 3 ft. Is grade uniform? yes Estimated capacity, sec. ft.

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

Table with 5 columns: Township North or South, Range E. or W. of Willamette Meridian, Section, Forty-acre Tract, Number Acres To Be Irrigated. Row 1: T. 4 S, 3 E., 35, NW 1/4 NW 1/4 see attached desc., 3 1/2. Includes handwritten note 'Letter dated 4-15-75'.

(If more space required, attach separate sheet)

(a) Character of soil sandy loam

(b) Kind of crops raised general family garden, lawn shrubs, etc. for 1 family, small nursery.

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

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, \$1,000.....
- 12. Construction work will begin on or before promptly on granting of water permit
- 13. Construction work will be completed on or before June 1, 1975.....
- 14. The water will be completely applied to the proposed use on or before June 1, 1975.....

George W. Eby
(Signature of applicant)
Maxwell S. Eby

Remarks: It is contemplated that a 50 gallon per minute electric pump will be installed on the bank with a 1½" suction and one inch discharge with the pump running only as irrigation is required during the dry months.

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

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 0.04 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 Milk Creek

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

The priority date of this permit is March 14, 1975

Actual construction work shall begin on or before April 16, 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 16th day of April 1976

James P. Sep
WATER RESOURCES DIRECTOR

Application No. 52263
39947
Permit No.

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 14th day of March, 1975, at 11:15 o'clock A. M.

Returned to applicant:

Approved:

Recorded in book No. 39947 of Permits on page

STATE ENGINEER

Drainage Basin No. 2 page 32R

Fees