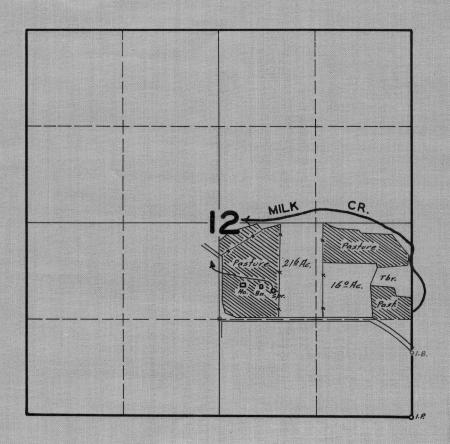
Name L. Rotherford	Pe	ermit No. 14633 Ficate No. 20372		, Date An		eceipt No.
Address Route 1- Canby, Oregon	Stream	m Index, Page No. 2-32 C		Total \$1 Ce \$1 Ce FEES R	rt. Fee	2672
Date filed October 1, 1940				Date Am	nount   Cl	heck No.
Priority actober 1, 1940						
Action suspended until			GNMENTS			
	Date	To Whom		Address	Volume	Page
Returned to applicant				3		
Date of approval January 10, 1941  CONSTRUCTION						
Date for beginning anuary 10, 1942			MARKS			
Date for completion Clother 1, 1943  Extended to	0.63 p.	7. From Milk Cree lla Biver) For Levr	k and l	Graned Sy	sring (	reck
	being	90.13 57. From M	Dring C	reek and o	50 Fr	on
Date for application of water October 1, 1944	milk	reek.				
Extended to 10-1-47	10-1-1-	Card for B			antimanimin	
		4 Carl for C				**************
PROSECUTION OF WORK		Form 100 Registered				
Form "A" filed						
Form "B" filed September 29, 1997			(4)			
Form "C" filed September 29, 1947						
FINAL PROOF					,	
Blank mailed 418 45 48 9-30-47 48	······································					
Proof received	1		The section of			
Date certificate issued APR 3 0 1954						
STATE PRINTING DEPT.						

	For	m B	
	NOTICE OF COMPLETION	ON OF CONSTRUCTION	Application No. 1902
100 5	COMITETION OF COMITETION	ON OF CONSTRUCTION	
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o appropriate the public	waters of the state of Orego	n, completed the construct	ion of the
	0-	, and the constitue.	ion of the works describ
nerein on the da	y of September	194/2	
If the wor	rks have less capacity than described in the		
	rks have less capacity than described in the	permit, or you have definitely abandone	d part of the proposed development,
ould so state in order that our recor	ds may not be unnecessarily encumbered.		
	100 mg		
IN WITNESS WHEI	REOF, I have hereunto set my	hand this	
	and a second	day of	, 19
		of Kuller &	and of Applicant)
(Signature	of Witness)	(Signature	of Applicant)
(Add			
	ress) tach, and mail to the State Engineer, Sa	(Ad	dress)
Form C		•••••••••	
Form C	Corm is a notice to the State Thesis		
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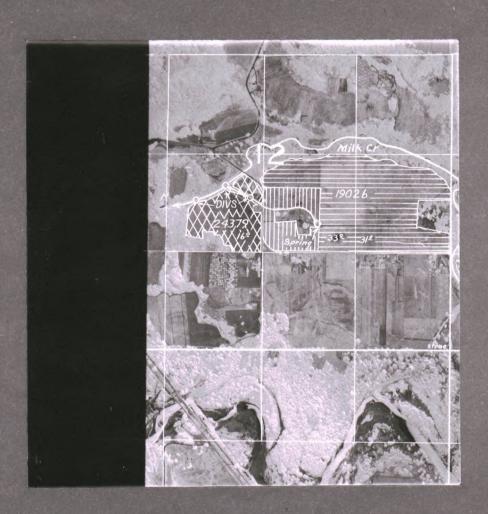


# FINAL PROOF SURVEY

Application No. 19026 Permit No. 14633
IN NAME OF
L. RUTHERFORD

Surveyed OCT. 6 1947, by JAS. E. BUNNELL

T. 4 S ., R. 1 E ., W.M.



## FINAL PROOF SURVEY

UNDER
19026 14633
Application No. 24379 Permit No. 19145
IN NAME OF
L. RUTHERFORD

FRANK SPERB

Surveyed May 26 1953, by H. L. Coffman

County	CLACKAMAS	
County	OBLICITION	ű

## PROOF OF APPROPRIATION OF WATER

1.	Name L. Rutherford 2. Address Route 1, Canby, Oregon
3.	Source of supply Milk Creek and Unnamed Spring Creek, being 0.13 c.f.s. from spring creek and 0.50 c.f.s. from Milk Creek Tributary of Molalla River
4.	Amount of water 0.63 c.f.s. 5. Priority date 0ctober 1, 1940
	Use Irrigation  Any point on my property where streams designated in Item 1 touch  Location of point of diversion, NE4SE4 & NW4SE4 Sec. 12, Twp. 4.S., Range 1.E., W.M.
	►(Legal Subdivision)
8.	The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use. In the blank column on the right, headed "No.
	acres actually irrigated", fill in the number of acres you have irrigated in each of the tracts described:

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 S.	1 E.	12	From Milk Cr NET SET	25	312 1694 35
A. D.			ND4. 054		Value of the same
		al franchis	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	25	33 2/4 /3
	3 LL 910 (0)		- c · ·	30	112/1/28/ 38
		•••••	Fram Spring Cr		97 177 1 773
f for	irrigati	on, this	appropriation shall be lim	nited to 1/80th of	one cubic foot per
			for each acre irrigated a		
liversi	on of no	t to exc	eed 2 acre feet per acre i	for each acre irri	gated during the
			ch year, and shall be subje	ect to such reason	able rotation system
s.may	be order	ed by th	e proper state officer.		
					i.
					ate
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			PROOF AS IS		p
			and the state of the property of	Victory and the	e d
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	* 100000		Contract to the Contract of th	Life and Br	gerser and a grander.
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		475			
	1.0				

## DESCRIPTION OF WORKS

9.	(a)	If a dam has been constructed, give description: Height, ft.; length on top, ft.;
		length on bottom, ft.; material used and character of construction,
	(b)	Give description of headgate: Width,
	(c)	Size of canal: Width on top (at waterline), ft.; width on bottom, ft.; depth of
		water, ft.; grade, ft. fall per 1,000 ft. Actual capacity, secft.
		Give general description: 500 ft. of H" Nach Line Pipe.  300 ft. of 3" Laferal Fipe
	(d)	Pipe line: Description of intake, 200ff. of 2" "
		8. Supis Fal 1/2 Kap Sprink lers
		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?
		Give general description: (Material: Steel, wrought, cast iron, wood stave, etc.)
		Pacific, 2"x2" Cent Direct connecte
	(e)	Pumping plant: Give size and type of pump, for a Wiscensin, 512c 278 x 23/4
		Suction lift,ft.; discharge lift,ft. Type of motor used
		Horsepower rating,
10.	Dur	ring what months is water beneficially used? Irrigation Scason
11.	AND STREET STATE OF THE STATE O	te character of soil
	Kin	d of crops raised
12.	Doe	es the accompanying map, filed with your application, show correctly the point of diversion, area
		and irrigated, or place of use? See data below
13.	If n	ot, wherein is such map in error?
14.	Don	nestic use: Give number of families actually using water at this time
15.	If f	or power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give
	exte	ent and method of such use

## AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,	
County of	SS.
I,	
IN WITNESS WHEREOF, I have hereunto se	t my hand this day
of, 194	
	day of, 194
[Notarial Seal]	Notary Public for Oregon  My commission expires
AFFIDAVIT O	F WITNESSES
STATE OF OREGON,	
County of	}ss.
	, and
of	, being first duly sworn, depose and say that
we are well acquainted with the facts and condition	ns set forth in the foregoing statement relative to
proof of appropriation of water under Permit No	h personal inspection have knowledge that all neces- ting works have been constructed, and water used as of of appropriation, and that each and every state-
Subscribed and sworn to before me this	, day of, 194
	Notary Public for Oregon
[Notarial Seal]	My commission expires

#### REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I, James E. Bunnell , do hereby	y certif	y that I l	nave m	ade
an inspection of the works described herein and in Permit No. 14633	, on th	e 61	4	day
of, 194, and found the foregoing statements and	descri	ptions of	works	s to
be accurate. In my opinion the appropriation has been completed to the extent of	f	(Quan	tity of wat	ion In
and I recommend the issuance of water right certificate for this amount.	37	second-fee	et or acre-	feet)
NOTICE TO INSPECTORS	us	nee	0	
If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.	inc	est		
more religion of the following the second of the following the	2	6 Me	7	
5.5	Receipt No.	Rec	Permit No	PROOF OF
TE PRINTING DEPT.	Vo.	Recording fee paid	Vo	F APPROPRIATION
i proming some til framen som til som				ATION

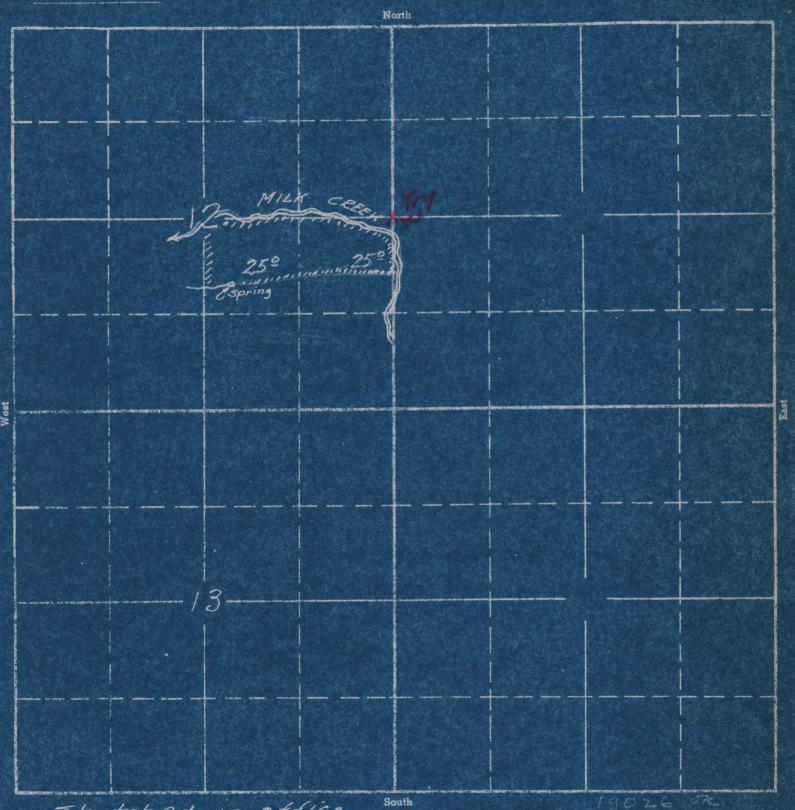
The beauting that residence went it is a part our continued beauting beauting beautiful or or states appearing a

ALLOVAN AZE, VLEKCIMITETOP

the computer species, any tientens takes there is also assessed

Pump 21/2 x 2" Byron Jackson cent belt dr 23 hp 4 cyl gas 2" 42" cent dir 278" 423/4" lcyl 905 about 3 hp Wise 600= 4", 600= 3" 400= 2" plus pipe porrowed from Pipe 16 12" Jupes pal type 5 4FC 35 x 90 (/b" per hr.) suc 105 disch level fortable heals 1,74 pesture - hay Crop Data from re-inspection 5-26-53

# TOWNSHIP 4S, RANGE /E, W. M.



Sketched in office of State Eng. from data by applicant 10-1-40.

APPLICATION No. 19026 PERMIT No. 14633 March 22, 1954

Mr. L. Rutherford Route 1 Canby, Oregon.

Dear Mr. Rutherford:

We are enclosing herewith for completion, final proof in connection with the incomplete water right represented by your Permit No.

granting a right to the use of 0.62 cms of the waters of Milk Crock and an unnamed spring, being 0.135 ofs from Spring and 0.485 ofs from Milk Creek, for the irrigation of 50.0 acres of land.

The data contained in the proof, which is based on an inspection and survey of your project made by a representative of this department, defines the extent to which your water right has been completed within the terms of your Permit. The proof should be dated and signed by you on the second sheet under the Affidavit of Appropriator and returned to this office.

Upon receipt of the proof, properly executed and accompanied by the statutory fee of \$1.00, a Certificate of Water Right will be issued confirming the rights thereunder and, after being recorded in the records . County, will be forwarded to you. of Clackamas

In the interest of economy and due to the fact that your completed project was examined by a representative of this department, it is not necessary that your signature be made before a Notary Public, nor that the signatures of witnesses be affixed to the proof.

You may keep the photo-map if you desire Yours very truly,

Chor E. Stricklin CHAS. E. STRICKLIN

State Engineer

Enclosure Form 117

Ed:

Permittee says that he has irrigated about 20 acres all told and this area is from the unnamed spring creek. Claims that he has tried to purchase additional pipe and larger size pump and motor in order to irrigate from the other stream (Milk Creek). He says that it is positive that he will enlarge the outlay as soon as the material is available. I believe that an extension would be in order at this time, with idea in mind to make final proof survey but the next trip. Say in 1947.

Application No. 19026 October 21, 1949

#### MEMORANDUM

Mr. Rutherford called at the office this date and states that he has irrigated more land than that shown by the last survey and that he desires another survey to be made. tion No. 19026

Exto 10/1/48 / Cons. & app.

## Application for Extension of Time

To the State Engineer of Oregon:
1, L. Rutherford, of Rt. 1, Box 347, Candy
state of Oregon, am the owner and holder of Permit No. 4631, to
appropriate the public waters of the state of Oregon.
Under the terms and conditions of said permit, construction work is required to be completed on or
before, 19, and complete application of water is required to be
made on or before $16-1-$ , $1946.47$ .
I have heretofore done the following work described under said permit:
Construction is are
Completed
costing \$, and I estimate the cost of completion to be \$
I have heretofore used water under said permit to the following extent:
Dave increased the acreage Pince The field engineer's inspection was mad
The field engineer's inspection was mad
but have more irrigated all the
I am unable to { complete construction work make complete application of water } within the required time, for the following (Strike out phrase not applicable)
reasons, to wit:
Part of the ground wasn't in a
Crop that needed to be irrigated
at the time
\$ 50 011 ENG 1900
(If additional space is required, attach separate sheet)
(The fee provided by law in the amount of \$2.00 for filing an application for an extension of time should accompany the application for extension.)

September 30, 1947

Mr. L. Rutherford Route 1 Canby, Oregon

Dear Mr. Rutherford:

This will acknowledge receipt of Forms B and C, being notices of the completion of construction and complete application of water under your Permit No. 14633.

Pursuant to your reports and in line with the general practice of this office, a survey will be made at a later date for the purpose of checking the acreage actually irrigated. After this survey, proof may be made by you and certificate issued covering the lands which the survey shows to have been irrigated, and any lands described in your permit that have not been irrigated will be automatically eliminated from your water right.

In the meantime, the permit which you hold will be valid evidence of your water right.

Very truly yours, CHAS. E. STRICKLIN State Engineer

By Ed K. Humphrey, Assistant

EKH:mjo

Mr. L. Rutherford Route 1 Canby, Oregon

Dear Mr. Rutherford:

Pursuant to the field engineer's recommendation, the time for completion of construction and complete application of water under your Permit No. 19026 is being extended until October 1, 1947.

Very truly yours,

CHAS. E. STRICKLIN State Engineer

by

Ed K. Humphrey, Assistant

EKH: mjo

February 10, 1945

Mr. L. Rutherford Route 1 Canby, Oregon

According to the terms of your Application No. 19026, Permit No. 14633, which is for the appropriation of 0.63 second-feet of water from treek and unmaned spring creek, complete application of water was to have been made on or before October 1, 1944. It appears from our records that you have failed to submit the notice of complete application, although a post-card, calling this matter to your attention, was mailed to you on October 1, 1944.

Section 116-435, 0. C. L. A., provides: "whenever the time within which any appropriation under a permit should have been perfected shall have expired and the owner of such permit shall fail or refuse within the period of three months thereafter to submit to the State Engineer proof of the completion of such appropriation as required by Section 116-426, 0. C. L. A., the State Engineer may, after 60 days' notice by registered mail, order the cancellation of such permit, \*\*\*."

If you have complied with the terms of this permit, you should promptly submit the notice of complete application of water, after which we will take up with you the matter of final proof. If, however, you have abandoned your plan of development, we would appreciate your authority to cancel the permit, so that the permit may be cancelled without the necessity for following the legal procedure. In case you have not completed your appropriation, although you still wish to do so, you may submit an application for an extension of time. Such an extension may be granted if it appears that proper diligence has been shown.

Complete application of water under an irrigation permit means the irrigation of ALL of the land described in the permit, which it is intended to irrigate.

Form 3811 Rev. 1-4-40

### RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 Li Rutherford
(Signature or name of addressee)

2 Make Rutherford

(Signature of addressee's great - Agent should enter addressee's name on line ONE above)

Date of delivery 2 - 12 , 194 5

U. S. GOVERNMENT PRINTING OFFICE 16-12421

s of Section 116-435, ich is quoted above, you you within 60 days from cancelled without further

Aucklin

y yours,

STRICKLIN

Bost Office Department PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300 **OFFICIAL BUSINESS** (NAME OF SENDER Sived and Number, Post Office Box. ALGISTERED ARTICLE

INSURED PARCEL

SALEM,

OREGON.

February 10, 1945

Mr. L. Rutherford Route 1 Canby, Oregon

According to the terms of your Application No. 19026, Permit No. 14633, which is for the appropriation of 0.63 second-feet of water from the Creek and unmand spring creek, complete application of water was to have been made on or before October 1, 1944. It appears from our records that you have failed to submit the notice of complete application, although a post-card, calling this matter to your attention, was mailed to you on october 1, 1944.

Section 116-435, O. C. L. A., provides: "whenever the time within which any appropriation under a permit should have been perfected shall have expired and the owner of such permit shall fail or refuse within the period of three months thereafter to submit to the State Engineer proof of the completion of such appropriation as required by Section 116-426, O. C. L. A., the State Engineer may, after 60 days' notice by registered mail, order the cancellation of such permit, \*\*\*."

If you have complied with the terms of this permit, you should promptly submit the notice of complete application of water, after which we will take up with you the matter of final proof. If, however, you have abandoned your plan of development, we would appreciate your authority to cancel the permit, so that the permit may be cancelled without the necessity for following the legal procedure. In case you have not completed your appropriation, although you still wish to do so, you may submit an application for an extension of time. Such an extension may be granted if it appears that proper diligence has been shown.

Complete application of water under an irrigation permit means the irrigation of ALL of the land described in the permit, which it is intended to irrigate.

In accordance with the provisions of Section 116-435, Oregon Compiled Laws Annotated, a part of which is quoted above, you are hereby notified that unless we hear from you within 60 days from the date of this letter, your permit will be cancelled without further notice.

Form #100 REGISTERED CHAS. E. STRICKLIN
State Engineer

Very truly yours,

January 13, 1941

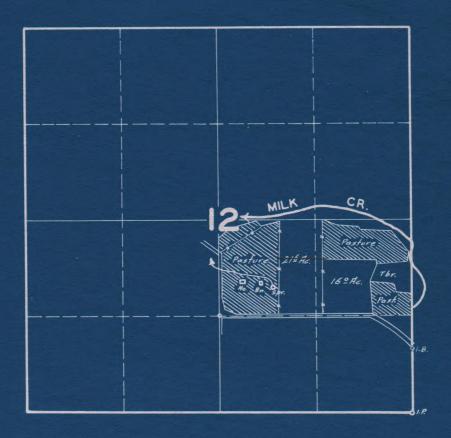
Mr. L. Rutherford Route 1 Canby, Oregon

Dear Sir:

Herewith you will find Application No. 19026, Permit No. 14633, together with blue print.

The application has been approved and recorded in this office.

## T.4S.R.IE.W.M.

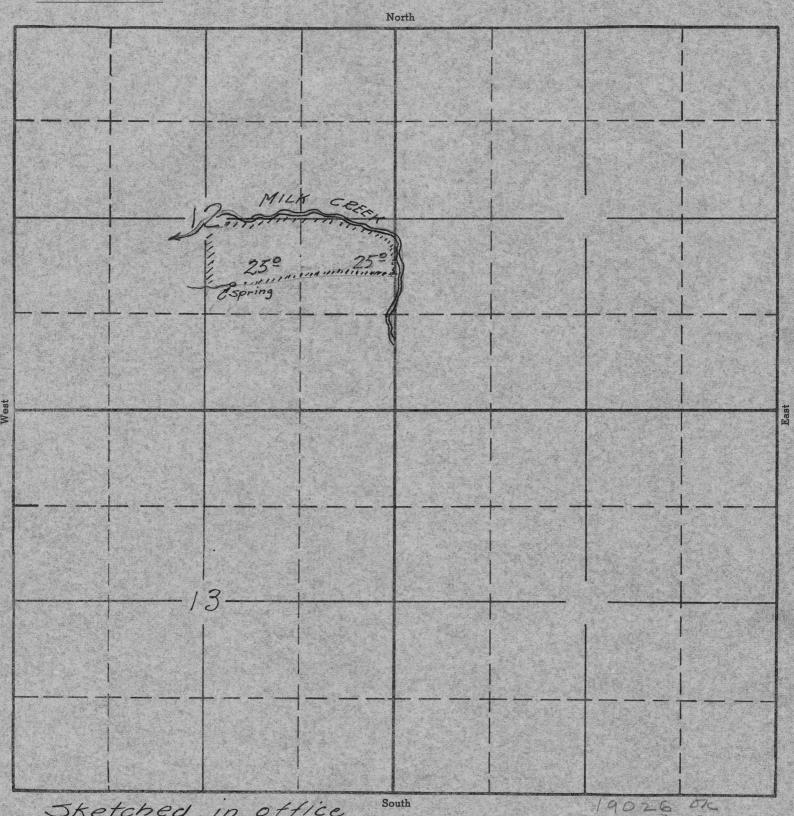


# FINAL PROOF SURVEY

Application No. 19026 Permit No. 14633
IN NAME OF
L. RUTHERFORD

SurveyedOCT. 6 1947, by JAS. E. BUNNELL

# TOWNSHIP 4 S, RANGE / E, W. M.



Sketched in office of State Eng. from data by applicant 10-1-40.

APPLICATION No. 19026 PERMIT No. 14633 Application No. 19026 CLACK County County County CLACK

# Me. Donackic use: Give number of tamilies actually using water at this

GON

	C.Whorehi				2. Address Ro	•••••		••••••
Source	e of supply	g o Milk (	Creek and U	nnamed Sp	ring Creek			
Tribu	tary of	Molal	La River	your appu	carbon, snow c	outegal), aps. k	<u> 1000 SI.C</u>	Eretsion are
cfs f Use abic ivers rriga ystem Locat	rom Spring foot per ion of not tion seas way to tion of point description	second for the except of divers	& 0.485 cfs tion - this or each acre eed 22 acre ch year, an d by the pr ion	from Mil appropri e irrigat feet per d shall b oper stat Et & NW ivision	ation shall ed and shall acre for e e subject t e officer.  SEL Sec to that shown	he limited be furthe ach acre ir o such reas	to 1/8 r limit rigated onable	Oth of one ed to a during th rotation
wnship	Range	Section	OMaterial Si		gal Subdivision	*)		No. Acres Actually Irrigated
L S	un ə <b>d</b> en <b>l</b> i sı	1012	From Milk	Creek v	granelo sel	of prpe line,		25.00-
					Mul CEL			72 0
	er brace or	use,	In Differ	71166 III 616	STICKWIE DEE	i intaké and p	1306 OF 1	1).O
	Length of I	ipe,			NW <sub>2</sub> SE <sub>2</sub>	It from	i intake,	11.2 zn 50.0
(g)						it from	intake	11.2 21
La	ribe inte:	ch water is	From Spri	art of the p	roperty descri	ped by abbrob	riator as	11.2 27 50.0 follows:
La	ribe inte:	ch water is	From Spri	art of the p	NW <sup>1</sup> SE <sup>1</sup>	ped by abbrob	riator as	11.2 20 50.0
<b>L</b> a	ribe inte:	al: Width	From Spri	art of the p	roperty descri	ped by abbrob	riator as	11.2 20 50.0
La (6)	of construction water,  and on which the line:	al: Width	cadgate: Wid	erline),  ft. fall p  art of the b	ft.; depth,  ft.; wid  ft.; wid  er 1,000 ft. Ac	h on bottom, tual capacity, beq ph abbrob	riator as	11.2 sp 50.0

## DESCRIPTION OF WORKS

9. (a)	If a dam has been constructed, give description: Height,
(b)	Give description of headgate: Width,
(c)	Size of canal: Width on top (at waterline),
(d)	Pipe line: Description of intake,
o Special	
L(e)  Toos  O. Du  Sta  Kir  of I	Pumping plant: Give size and type of pump,  Suction lift, 3
5. If 1	mestic use: Give number of families actually using water at this time
	CA O LO

### AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON, County of Clashus  I, L Rutterford	$\left\{ \mathbf{ss.}\right\}$
County of Aug France	
	and foregoing proof of appropriation of water; that I know
IN WITNESS WHEREOF, I have here	eunto set my hand this
of, 19	•
Subscribed and sworn to before me thi	s, 19, 19
	Notary Public for Oregon
[Notarial Seal]	My commission expires
-	
AFFID	AVIT OF WITNESSES
STATE OF OREGON,	
County of	ss.
	K .
	, and
of	being first duly sworn, depose and say that
we are well acquainted with the facts and	conditions set forth in the foregoing statement relative to
proof of appropriation of water under Permit	No, that we and each of us have been over and
	nd from such personal inspection have knowledge that all
necessary ditches, dams and other diversion	and distributing works have been constructed, and water
BOXICO TO TUBLECTOVO	y read such proof of appropriation, and that each and every
statement contained therein is true to the be	
and I recommend the issuance of water right	t certificate for this amount.
be accurate. In my opinion the appropriation	n has been completed to the swient of
of	found the foregoing statements and descriptons of works to
Subscribed and sworn to before me this	is day of the surface 19
7	Notary Public for Oregon
[Notarial Seal] (ROL NEW PL	My commission expires

REPORT OF PERSON MAKING INSPECTION

#### REPORT OF PERSON MAKING INSPECTION

(For use by Representative of State Engineer)

I,	James E. Burnell	,	do hereby certify	that I have made
an inspection of the work	s described herein and i	in Permit No1463	3, on the	e6th day
ofOctober				
be accurate. In my opinio	on the appropriation ha	s been completed to the	he extent of	(Quantity of water in
and I recommend the issu	ance of water right cer	tificate for this amour	nt.	(Quantity of water in second-feet or acre-feet)
NOTICE TO INSPEC If conditions do not justify port by you, please return the your signature, with a full re	TORS the above reproof without port by letter.	d distributing works ad such proof of appr	(sgd) H. L. (Title) Field	ngrou and exerv
proof of appropriation of				11d,y 20, 1777
we are well acquainted w	with the facts and con-	inions set forti in ti	a foregoing stat	emont relative to
		bring tu		spase and agr that
We,		and		
County of				4
STATE OF OREGON,	·			*
	ABEIDAVI	T OF WITHEREE		
				34
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		per en en en en en		
Subscribed and swe	orn to before not tals	กันข้า รถี		
				<b>y</b>
of				
IN WITNESS WHE	REOF, I have beceund			
County of Care depose and say that I have the contents thereof and	re read the above and			first andy sworm. attent that I know

VERDVER OF APPROPRIESTOR