

1928

*Enlargement Permit No. 36
APPLICATION FOR A PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF OREGON

I, The Cunningham Land and Livestock Company
(Name of Applicant)
of Pilot Rock, County of Umatilla
(Postoffice)
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 West Birch Creek
(Name of stream)

2. The appropriation to be made by the enlargement (~~or extension~~) of an extension of the
J E Smith Ditch, said extension being owned by the Cunningham Land and Livestock
(Give name or canal or works to be enlarged)
~~owned by~~ Company .

3. The amount of water which the applicant intends to apply to beneficial use is Five
cubic feet per second, which amount is in addition to the present claimed appropriation.

4. The use to which the water is to be applied is Irrigation
(Irrigation, power, mining,
manufacturing, domestic supplies, etc.)

Location and Description of Ditch or Works which it is Proposed to Enlarge or Extend

5. (a) The point of diversion from the stream is 4221 ft. West & 216 ft. S of 1/4 Cor. on
E line of Sec. 1 Tp. 2 S. R. 31 E. W. M.
thence northerly as shown on map, viz. Smith Ditch 4200 ft to a point 3320 ft W 1417 ft
S of 1/4 Cor on E line of Sec 36 Tp 1 S R 31 E W. M. Said last-named point being diversion
point of Cunningham Land and Livestock Cos. Ditch of SW 1/4
(Give distance and bearing to section corner)
(b) The headgate is located within the SE 1/4 of SW 1/4
(Smallest legal subdivision)

of Sec. 36, Tp. 1 S, R. 31 E, W. M., in the county of
(No. N. or S.) (No. E. or W.)
Umatilla

(c) Said ditch is 1.86 miles in length and terminates in the
(Ditch, canal or flume)

SE 1/4 of SW 1/4 of Sec. 30, Tp. 1 S, R. 32 E
(Smallest legal subdivision)

W. M., the proposed location being shown throughout on the accompanying map.

(d) The dimensions of said ditch just below the headgate are: Width on top (at water
line) 3 feet; width on bottom 1 feet; depth of water 1 feet;
grade 2 feet fall per 1000 feet, having a maximum safe capacity of 3
cubic feet per second.

(e) Said ditch now serves to irrigate the following described land:

- NW 1/4 NE 1/4 10 a
- NE 1/4 NW 1/4 9 a Sec 36 Tp 1 S R 31 E W. M.
- (If not used for irrigation, give purpose for which said ditch is used, extent of power developed, mines served, etc.)
- SE 1/4 SE 1/4 29 a,
- NE 1/4 SE 1/4 4 a, Sec. 25 Tp 1 S R 31 E. W. M.
- SW 1/4 SW 1/4 11 a,
- NW 1/4 SW 1/4 13 a, Sec. 30 Tp 1 S R 32 E. W. M.

*A different form of application is provided for new appropriations, and where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

Compared D. C.

(f) The total area now irrigated from said ditch is 76 acres.

(g) The diversion works of said ditch are described as follows:

Timber headgate 3 feet by 2 feet

(If any, give character of dam, height, length on top and bottom; spillway over or around dam)

Description of Proposed Enlargement—

6. (a) The diversion dam, after enlargement will remain unchanged. (Will remain unchanged,

or if changed, give height, length, character of material, etc.)

(b) The dimensions of ditch just below the headgate, when enlarged to be: Width on top (at water line) 6 feet; width on bottom 2' & 5/10 feet; depth of water 1 feet; grade 2 feet fall per 1000 feet.

(c) At 1.12 miles from headgate: Width on top (at water line) 6 feet; width on bottom 2 5/10 feet; depth of water 1 feet; grade 2 feet fall per 1000 feet.

(Give further dimensions at points where changed in dimensions)

(d) The ditch or canal as enlarged to be 1.12 miles in length, terminating in the NW 1/4 NW 1/4 of Sec. 31, Tp. 1 S, R. 32 E, W. M.

(Give smallest legal subdivision)

(e) The head of the proposed extension is located 195 feet South and 234 feet East of Cor. to Sec. 25, 30, 36, 31, Tp 1 S Ranges #31, 32 E W. M.

(If proposed work is extension of the original ditch or a ditch tapping same, locate by tie to Government corner)

Fill in the Following Information, where the Water Appropriated is to be Used for:

Irrigation—

7. The land to be irrigated by the proposed extension or enlargement has a total area of 204

acres, located in each smallest legal subdivision, as follows:

SW 1/4 NW 1/4 9 a,

(Give estimated irrigable acreage in each smallest legal subdivision of land which it is proposed to irrigate)

SE 1/4 NW 1/4 6 a.

NE 1/4 SW 1/4 34 a

NW 1/4 SW 1/4 35 a

SE 1/4 SW 1/4 22 a

SW 1/4 SW 1/4 37 a Sec. 30 Tp 1 S R 32 E. W. M.

NW 1/4 NW 1/4 9 a Sec. 31 Tp 1 S R 32 E. W. M.

NE 1/4 SE 1/4 4 a

SE 1/4 SE 1/4 29 a Sec. 25 Tp 1 S R 31 E. W. M.

(If more space required, attach separate sheet)

NE 1/4 NE 1/4 9 a , NW 1/4 NE 1/4 10 a Sec 36 Tp 1 S R 31 E W. M.

Power, Mining, Manufacturing or Transportation Purposes—

8. (a) Total amount of power to be developed..... horsepower.

(b) Total fall to be utilized..... feet.

(Head)

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

located in....., Sec....., Tp....., R....., W. M.
(Legal subdivision)

(d) The use to which the power is to be applied is.....

(e) The nature of the mines to be served.....

Municipal Supply--

9. To supply the city of.....

.....County, having a present population of..... and an
estimated future population of..... in 19.....

10. Estimated cost of the proposed extension or enlargement \$.....

11. Construction work will begin on or before..... April 1st, 1910

12. Construction work will be completed on or before..... April 1st, 1911

13. The water will be completely applied to a beneficial use on or before..... April 1st, 1911.

Duplicate maps of the original canal or other works, showing also the enlargement or extension, prepared in accordance with the rules of the Board of Control, accompany this application.

Cunningham Sheep & Land Co.

(Name of Applicant)

By J W Burgess, Pres.

Signed in the presence of us as witnesses:

(1) J H Raley....., Pendleton, Oregon
(Name) (Address of Witness)

(2) Nina L Coon....., Pendleton, Oregon.
(Name) (Address of Witness)

Remarks:.....

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 or completion, as follows:.....

For proper form and maps.

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before..... 22 day of February....., 19 10

WITNESS my hand this..... 23..... day of..... January....., 19 10

John H Lewis

PAC

State Engineer.

Compared L.C.C.

Application No. 312

Enlargement Permit No. 36

PERMIT

To appropriate the public waters of the State of Oregon

Division No. 1 District No.

This instrument was first received in the office of the State Engineer at Salem, Oregon,

on the 17 day of September

1909, at 8:00 o'clock A.M.

Returned to applicant for correction

January 23, 1910

Corrected application received

Feb 21, 1910

Approved

Apr 18 1910

Recorded in Book No. 1 of Enlargements

on Page 36

John H Lewis

State Engineer

23.20

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 the following limitations and conditions:

The appropriation for irrigation purposes shall be limited to one-eightieth of one cu. ft. per sec. for each acre irrigated.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed two 55/100 (2.55) cubic feet per second.

Actual construction work shall begin on or before April 18, 1911 and shall thereafter be prosecuted with reasonable diligence and be completed on or before

April 18, 1912 EXTENDED TO 6/1/15

Complete application of the water to the proposed use shall be made on or before

April 18, 1914 EXTENDED TO 10/1/15

WITNESS my hand this 18th day of April, 1910.

John H Lewis

State Engineer.