

*APPLICATION FOR A PERMIT

To appropriate the Public Waters of the State of Oregon

I, Elmer C. Middlesworth, & I. E. Myrtle Bayley

(Name of applicant)

of John Day, County of Grant

(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

not a corporation

1. The source of the proposed appropriation is North Fork of Malheur River

(Name of stream)

a tributary of Columbia River

2. The amount of water which the applicant intends to apply to beneficial use is .75

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

(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located ft. and 1330 ft. W. from the SE

(N. or S.)

(E. or W.)

corner of Section 18, T. 19 S., R. 34 E. 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 SW 1/4 SE 1/4 of Sec. 18, Tp. 19 S.

(Give smallest legal subdivision)

(N. or S.)

R. 34 E., W. M., in the county of Harney

(E. or W.)

5. The main ditch to be 1 1/2 miles

(Main ditch, canal or pipe line)

(Miles or feet)

in length, terminating in the NE 1/4 SW 1/4 of Sec. 30, Tp. 19 S.

(Smallest legal subdivision)

(N. or S.)

R. 34 E., W. M., the proposed location being shown throughout on the accompanying map.

(E. or W.)

DESCRIPTION OF WORKS

DIVERSION WORKS—

6. (a) Height of dam 4 feet, length on top 20 feet, length at bottom

18 feet; material to be used and character of construction rock and earth

(Loose rock, concrete, masonry,

rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate 4 x 6 x 3

(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.

** Applications 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.

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 193_____

(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, \$ 500.00 (already constructed)
- 12. Construction work will begin on or before June 15, 1936
- 13. Construction work will be completed on or before June 15, 1936
- 14. The water will be completely applied to the proposed use on or before June 15, 1936

E. Myrtle Bayley
(Signature of applicant)

Elmer O. Middlesworth

Signed in the presence of us as witnesses:

(1) Earl B. Moore _____, John Day, Oregon _____
(Name) (Address of witness)

(2) _____, _____
(Name) (Address of witness)

Remarks: The above named applicants have been using this water for a
great number of years. The water filed upon was erroneously omitted from the
decree in the adjudication of the waters of the Malheur River and its tributaries.
This application is not intended to and does not waive any of the rights which
the said applicants may have by prescription or otherwise to the waters of the
Malheur River and its tributaries.

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 _____, 193_____

WITNESS my hand this _____ day of _____, 193_____

STATE ENGINEER

Application No. 16413

Permit No. 12220

PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

Division No. District No.

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

on the 2nd day of June

1936, at 1:00 o'clock P.M.

Returned to applicant:

Corrected application received:

Approved:

September 5, 1936

Recorded in book No. 34 of

Permits on page 12220

CHAS. E. STRICKLIN

STATE ENGINEER

Drainage Basin No. 10 Page 261-A

Fees Paid \$14.00

STATE OF OREGON, } ss. County of Marion.

PERMIT

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 0.75 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 North Fork Malheur River

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 3 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 June 2, 1936

Actual construction work shall begin on or before September 5, 1937 and shall thereafter be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1938

Complete application of the water to the proposed use shall be made on or before Oct. 1, 1939

WITNESS my hand this 5th day of September, 1936

CHAS. E. STRICKLIN

STATE ENGINEER