

Permit No. 1299 CERTIFICATE NO. 1322-4523 49291-55597 ABSTRACT MADE

APPLICATION FOR A PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

I, Walter R. Bitney (Name of Applicant.)

of Freewater, 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 The Walla Walla River (Name of stream)

2. The amount of water which the applicant intends to apply to beneficial use is one and one half cubic feet per second.

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

4. The point of diversion is located S25° 40' W, 1155 feet Distant from the N W corner of the NE 1/4 of Section 1 T. 5 N R 35 E W M (Give distance and bearing to section corner)

being within the NE 1/4 of the NW 1/4 of Sec. 1, Tp. 5 North (Give smallest legal subdivision) (No. N. or S.)

R. 35 East, W. M., in the county of Umatilla (No. E. or W.)

5. The ditch and pipe line and Flume to be one half miles in length, terminating in the NE 1/4 SE 1/4 of Sec. 36, Tp. 6 North, R. 35 East (Main ditch, canal or pipe line) (Smallest legal subdivision) (No. N. or S.) (No. E. or W.)

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

6. The name of the ditch, canal or other works is Bitney lateral from East side Company's ditch.

DESCRIPTION OF WORKS

Diversion Works—

7. (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)

*A different form of application is provided where an appropriation is to be made by the enlargement of existing works, or where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

Canal System—

8. (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.

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR:

Irrigation—

9. The land to be irrigated has a total area of 92 1/2 acres, located in each smallest legal subdivision, as follows: 38 A in NE 1/4 of SE 1/4 and 22 A in SE 1/4 of SE 1/4 and 38 A in the SW 1/4 of SE 1/4 of Section 36 T 6 N R 35 E W M and 5 A in the NW 1/4 of the NE 1/4 of Section 1 T 5 R 35 E W M. Being that portion thereof as shown in the three colors on the accompanying map.

(Give area of land in each smallest legal subdivision which you intend to irrigate)

(If more space required, attach separate sheet)

Power, Mining, Manufacturing, or Transportation Purposes—

10. (a) Total amount of power to be developed.....theoretical 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.....

(d) Such works to be located in.....of Sec..... (Legal subdivision)

Tp....., R....., W. M. (No. N. or S.) (No. E. or W.)

(e) Is water to be returned to any stream?..... (Yes or No.)

(f) If so, name stream and locate point of return....., Sec....., Tp....., R....., W. M. (No. N. or S.) (No. E. or W.)

(g) The use to which power is to be applied is.....

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

Municipal Supply—

11. To supply the city of
..... County, having a present population of, and an
(Name of) estimated population of in 19.....

(Answer questions 12, 13, 14, and 15 in all cases)

- 12. Estimated cost of proposed works, \$.....
- 13. Construction work will begin on or before one year from date of approval.....
- 14. Construction work will be completed on or before two years from date of approval.....
- 15. The water will be completely applied to the proposed use on or before Three years.....
..... from date of approval.

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the Board of Control, accompany this application.

Walter R. Bitney

(Name of applicant)

Signed in the presence of us as witnesses:

- (1) John W. Kimball Pendleton, Or.
(Name) (Address of witness)
- (2) Roscoe R. Johnson Pendleton, Oregon.
(Name) (Address of witness)

Remarks: The point of diversion as shown on map and in application is what is known as the East Side Ditch from which I divert the water through a pipe at a point 100 feet North of Headgate as shown. As shown by the accompanying map the land for which I desire a water right is of two kinds of soil. That shown in blue on the map consists of seventy-nine and one-half (79½) acres of bench, volcanic ash, and alfalfa land, the part shown in yellow being thirteen (13) acres of gravelly orchard land, of the same nature as the ten and one-half (10½) acres shown in red for which a water right has been decreed. For the bench or alfalfa land I apply for one-half inch per acre. For the gravelly orchard land I ask the amount which the Supreme Court held necessary for that land, to-wit: one and one-half (1½) inches per acre. For a portion of the alfalfa land I pump water from a lateral of the East Side Irrigation Company ditch. The balance of the alfalfa land and all of the orchard land I can irrigate by gravity flow from laterals from the East Side ditch. Three years ago I commenced to cultivate and irrigate alfalfa on all of the said alfalfa land except thirty-four acres in the Northeast Quarter of the Southeast Quarter of said Section 36, and now have all of the bench land excepting the said thirty-four acres in alfalfa. For the last three years I have irrigated the thirty-four acres raising nursery stock thereon. I make this statement so that I may not be precluded by this application from asserting a more beneficial priority for said water right than can be obtained by this application, if future adjudications are necessary.

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:

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.

Application No. 2458

Permit No. 1299

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PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

Division No. 2 District No.

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 23 day of July 19 12, at 1:30 o'clock P. M.

Returned to applicant for correction

Corrected application received

Approved

Sep 16 1912

Recorded in Book No. 6 of Permits on Page 1299

John H. Lewis

State Engineer.

D F M

1 map

H C B

16.87

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 use hereunder shall conform to any reasonable rotation system ordered by the proper State Officers. The Priority Date of this Permit is July 23, 1912.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 1.6/100 (1.6) cubic feet per second. of rotation.

Actual construction work shall begin on or before September 16, 1913

and shall thereafter be prosecuted with reasonable diligence and be completed on or before

June 1, 1915 EXTENDED TO 6/16

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

October 1, 1915 EXTENDED TO 10/16

WITNESS my hand this 16th day of September, 19 12..

John H. Lewis.

State Engineer.