

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, Harry E. Fortner (Name of applicant)

of Rt. 1 Box 276 Dayton, Oregon (Mailing address)

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 backwater of the Mill Creek (Name of stream), a tributary of

2. The amount of water which the applicant intends to apply to beneficial use is 200-250 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 1380 ft. East and 740 ft. South from the quarter corner of Sec. 15-16-T4S-R3W. (Section or subdivision)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary) being within the NE 1/4 SW 1/4 of Sec. 15, Tp. 4 S, R. 3 W, W. M., in the county of Gambel.

5. The (Main ditch, canal or pipe line) to be in length, terminating in the of Sec. of Tp. of R. 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 20 Hp - 2" C. 42 - 5 gal Sprinklers (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. \*\*Application 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.

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, ..... 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? ..... Estimated capacity, ..... sec. ft.

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

Township	Range	Section	Party-acre Tract	Number Acres To Be Irrigated
<del>4S</del>	3W	16	SE 1/4 NE 1/4	1 A
4S	3W	15	SW 1/4 NW 1/4	5 A
4S	3W	15	NW 1/4 SW 1/4	14 A
4S	3W	15	NE 1/4 SW 1/4	9 A
4S	3W	15	SE 1/4 NW 1/4	1 A

Property on which water is to be used is a part of that more explicitly described by applicant as follows:

Being the South 8.80 acres off of Lot #5 of the Hadley Estate and described as being part of the John Cary D.L.C. Notification #1041 Claim #75 in Tp. 4 S. R. 3 W. of the Willamette Meridian, Oregon, and beginning at iron pipe driven in the center of the County Road at point 38.62 chains South and 2.35 chains West of the most northerly, corner of said Claim. Thence S. 8° 09' East along road 1.51 1/2 chains to angle in road. Thence S. 23° 11' E. with road 6.02 chains to iron pipe at the S. W. Corner of said Lot #5. Thence S. 60° 47' E. along old fence and South line of Lot #5 16.02 1/2 chains to stone at the South corner of said Lot. Thence N. 62° 58' E. 31 chains to stake at the

(If more space required, attach separate sheet) (CONTINUED UNDER REMARKS)

- (a) Character of soil ..... *Willamette*
- (b) Kind of crops raised ..... *FRUIT - NUTS - PASTURE.*

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 .....

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, \$ 3500

12. Construction work will begin on or before Nov. 1 1951

13. Construction work will be completed on or before June 1 1952

14. The water will be completely applied to the proposed use on or before July 1, 1952

Darryl E. Fortner (Signature of applicant)

Remarks: (CONTINUED FROM ITEM 8) S. W. Corner of Lot #3. Thence North between Lots 3-5 Hadley Estate 5.28 1/2 chains to stake. Thence N. 60° 47' W. 19.31 chains to beginning containing 8.80 acres more or less.

ALSO: Beginning at a point in the center of the county road, and being also the North-east corner of the lands of Jonathan Arms, and running thence South 50° 41' East along the east boundary of said lands of said Jonathan Arms 17 chains to bluff on the left bank of the Willamette River; thence along said bluff N. 85° 45' East 5.25 chains; thence North 73° 15' east 4.05 chains; thence North 25° 15' West 7.30 chains to a fir tree 40 inches in diameter; thence South 62° West 5.09 chains; thence North 60° 45' West 16.15 chains to the center of the county road; thence South 6° 30' West along center of said road 2.54 chains to the place of beginning, and containing 10.81 acres, more or less, and being a part of the John Carey and wife D.L.C. #75, Not. No. 1041, in Yamhill County, Oregon.

ALSO: The following described tract of land; beginning at the fir tree 40 inches in diameter above mentioned; running thence North 62° 45' East 9.54 chains; thence South 25° 15' East 8.21 1/2 chains; thence following up river to point; thence North 25° 15' West 10.10 chains to the place of beginning, and containing 10 acres, more or less, and all in Yamhill County, Oregon.

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

PERMIT

STATE OF OREGON,

County of Marion,

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 0.375 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 backwater of Willamette River

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

If for irrigation, this appropriation shall be limited to 1/30 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 October 18, 1951

Actual construction work shall begin on or before March 31, 1953 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1954

Complete application of the water to the proposed use shall be made on or before October 1, 1955

WITNESS my hand this 31st day of March 1952

Charles Stuebelm STATE ENGINEER

Permits for power development are subject to the payment of annual fees as provided in sections 1 and 2, chapter 74, Oregon Laws 1933.

Application No. 76572  
Permit No. 26300

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 18 day of October 1951, at 2:15 o'clock P. M.

Returned to applicant:

Corrected application received:

Approved:

Recorded in book No. 21826 of Permits on page

STATE ENGINEER

Drainage Basin No. 2 Page 76-A-5

Fees Paid \$15.00