

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, FRED WICKMAN (Name of applicant)

of Haycreek Ranch, Madras (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 Haycreek and Ausbury Creek, and reservoir (Name of stream) a tributary of Trout Creek

2. The amount of water which the applicant intends to apply to beneficial use is 10 cubic feet per second in addition to 6.36 cubic feet per second under original appropriation of water from Brewer Reservoir (certificate No. 7303)

\*\*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 570 ft. S and 400 ft. E from the NW 1/4 corner of Section 22 (Section or subdivision)

the point of diversion for the enlarged reservoir is the same as the present reservoir and dam,

(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 NW 1/4 SW 1/4 of Sec. 22, Tp. 11 S

R. 15 E, W. M., in the county of Jefferson

5. The (See attached sheet) to be (Miles or feet)

in length, terminating in the (Smallest legal subdivision) of Sec. ( ), Tp. ( )

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

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam 32 feet, length on top 780 feet, length at bottom 330 feet; material to be used and character of construction (see attached sheet)

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

(b) Description of headgate extension of existing outlet with 24" asphalt-dipped corrugated pipe. New concrete head walls to be provided at inlet and outlet with cutoff collars in the fill.

(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.

\*\*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.

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5. The main ditch or canal into which waters from the enlarged reservoir will be distributed is the main channel of Hay Creek and the main channel of Ausbury Creek (also known as Aubrey Creek). The waters will be used for irrigating applicant's lands through applicant's present irrigation system and extensions thereof in Sections 22, 21, 16, 10, 9, 8, 5 and 6, in Township 11 South, Range 15 East, W. M., and Sections 31, 32, 30, 29, 20, 19, 18, 17, 8 and 7 in Township 10 South, Range 15 East, W.M. Applicant's present irrigation system is shown in detail on maps now on file in the office of the Engineer of the State of Oregon.

6. Material to be used and character of construction: the enlarged dam section will be a compacted, earth fill with an impervious sealing blanket on the upstream face and cutoff trench at the toe. The blanket will be protected by stable impervious cover course and rip-rap on upper face exposed to wave action. The center section of the dam will be of classified impervious material. The downstream portion of the embankment will be a stable pervious fill.

8. The water from the enlarged reservoir will be used to supplement irrigation of lands situated in Twps. 10 and 11 S, R 15 E, W.M. and more particularly described in maps and permits now on file in the office of the State Engineer of Oregon. <sup>J.W.W.</sup>\*

Reference is hereby made to the decree of the Circuit Court of Jefferson County in that certain proceeding entitled:

"In the Matter of the determination of the relative rights to the use of the waters of Trout Creek and its tributaries, a tributary of Deschutes River, in Crook, Jefferson and Wasco Counties."

confirming applicant's water rights in and to the waters of Hay Creek and its tributaries, a tributary of Trout Creek, as previously adjudicated by the State Water Board of the State of Oregon.

Reference is also made to the Memorandum of Agreement dated January 3, 1927, executed by Nellie M. Friday and H. L. Friday and by Baldwin Sheep Company (applicant's predecessor in title) and consented to by Bidwell Cram and Chester M. Kennedy, under the terms

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of which Grew, Kennedy and the Fridays relinquished all primary and secondary water rights in and to the waters of Hay Creek and its tributaries (excepting only Wilson Creek and its tributaries) and transferred said rights to the Baldwin Sheep Company. Said memorandum of agreement has been approved heretofore by the State Engineer of Oregon.

This application is intended to enlarge applicant's rights to the use and appropriation of the waters of Hay Creek and its tributaries (except Wilson Creek), and is not in any way a relinquishment or abridgment of applicant's rights under the above mentioned decree and memorandum of agreement.

Lands to be irrigated (showing appropriation rights  
as hereinafter adjudicated by Circuit Court for Jefferson County).

Lands acquired from applicant's predecessor in title,

Charles L. Hunter.

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>40-acre Tract</u>	<u>Number Acres</u>
10 S	15 E	7	SE $\frac{1}{4}$ NE $\frac{1}{4}$	28.30
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	33.60
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	37.70
		18	NE $\frac{1}{4}$ NE $\frac{1}{4}$	18.00
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.50
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.30
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	12.00

Lands acquired from applicant's predecessor in title,

George E. Snively.

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>40-acre Tract</u>	<u>Number Acres</u>
10 S	15 E.W.M.	29	SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.0

Lands acquired from applicant's predecessor in title,

Martha McCue.

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>40-acre Tract</u>	<u>Number Acres</u>
11 S	15 E	5	SW $\frac{1}{4}$ NW $\frac{1}{4}$	24.50
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	5.50
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	7.25
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.50
		6	SE $\frac{1}{4}$ NE $\frac{1}{4}$	3.00

Lands acquired from applicant's predecessor in title,

Baldwin Sheep Company.

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>40-acre Tract</u>	<u>Number Acres</u>
10 S	15 E	32	NW $\frac{1}{4}$ SW $\frac{1}{4}$	12.50
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	11.75
11 S	15 E	5	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.50
		6	NE $\frac{1}{4}$ NE $\frac{1}{4}$	.75
		8	NE $\frac{1}{4}$ NE $\frac{1}{4}$	5.00
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.00

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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>40-acre Tract</u>		<u>Number Acres</u>
11 S	15 E	9	NW†	NE†	2.75 ✓
			SW†	NE†	39.25 ✓
			SE†	NE†	32.00 ✓
			NE†	NW†	8.25 ✓
			NW†	NW†	10.00 ✓
			SW†	NW†	27.00 ✓
			SE†	NW†	40.00 ✓
			NE†	SW†	33.00 ✓
			SE†	SW†	17.00 ✓
			NE†	SE†	38.00 ✓
10			NW†	SE†	40.00 ✓
			SW†	SE†	2.25 ✓
			SW†	NE†	2.50 ✓
			SW†	NW†	19.00 ✓
			SE†	NW†	5.25 ✓
			NE†	SW†	26.50 ✓
16			NW†	SW†	23.50 ✓
			NW†	SE†	2.50 ✓
			NW†	NE†	36.00 ✓
			SW†	NE†	21.25 ✓
			NE†	NW†	3.75 ✓
21			NW†	SE†	13.25 ✓
			NW†	SE†	6.50 ✓
			NE†	NE†	11.25 ✓
			SE†	NE†	4.00 ✓
22			NE†	SW†	20.00 ✓
			SE†	SW†	5.25 ✓
			NW†	NW†	1.00 ✓
			SW†	NW†	24.00 ✓
			SE†	NW†	28.50 ✓
			NE†	SW†	20.00 ✓
Total					815.15 ✓

NOTE: The above described lands are cross-hatched on the attached copies of the maps prepared in connection with the "Adjudication Survey, Trout Creek and its Tributaries."

*W. G. W.*

20. (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, \$ 28,000.00
- 12. Construction work will begin on or before Sept. 30, 1951
- 13. Construction work ~~with~~ ~~has~~ ~~been~~ ~~completed~~. Notice of completion was given the State Engineer on May 28, 1952.
- 14. The water will be completely applied to the proposed use on or before one year from completion of enlargement of reservoir.

July 9, 1952.

*Wesley Williams*  
(Signature of applicant)

Remarks: This application is for the appropriation of the additional surplus waters now being impounded in the Brewer Reservoir and used beneficially for the irrigation of applicant's lands as a result of the completion of the work of elevating the Brewer Dam. (See Application No. R-26227, filed July 20, 1951.) The appropriation and use of the additional water impounded in the enlarged reservoir is to be upon the same terms and conditions of use as prescribed in the above mentioned final decree of the Circuit Court of the State of Oregon for Jefferson County with respect to the water impounded in the original dam, except that the priority with respect to the additional surplus water will date from the time of this application.

This application ~~supersedes and does not~~ <sup>J.W.W.</sup> supersede the original application (No. 26228), filed with the State Engineer on July 20, 1951. The priority date of the original date is claimed as effective for the appropriation of the additional surplus waters impounded in the enlarged reservoir.

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 COMPLETION.

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before September 8, 1952.

WITNESS my hand this 6th day of August, 1952.

RECEIVED  
AUG 11 1952  
STATE ENGINEER  
SALEM, OREGON

CHAS. E. BRICKLER  
STATE ENGINEER  
By *Ed K. Humphrey*  
Ed K. Humphrey, Assistant

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 880 acre feet of stored water only measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Brewer Reservoir to be enlarged under Permit No. R-1376.

The use to which this water is to be applied is Supplemental irrigation

If for irrigation, this appropriation shall be limited to a diversion of 3 acre feet or its equivalent for each acre irrigated during the irrigation season of each year and shall be further limited to a total diversion of not to exceed 880 acre feet per year; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 3 acre feet per acre for each acre irrigated.

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 July 20, 1951 for 700 acre feet; September 12, 1951 for 120 acre feet. Actual construction work shall begin on or before September 30, 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 30th day of September, 1952.

W. H. ... STATE ENGINEER

Application No. 26228

Permit No. 21496

PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 20th day of July 1951, at 1:30 o'clock P. M.

Returned to applicant:

Approved:

September 30, 1952 Recorded in book No. 53 of Permits on page 21496

WAS. E. STICKLIN STATE ENGINEER

Fees paid \$61.30 State Printing 60240 5-18-A