

To appropriate the Public Waters of the State of Oregon

I, FRANK M. KIMBLEY
(Name of applicant)

of Seaside
(City or town)

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 HAY CREEK
(Name of stream)

_____, a tributary of Front Creek and Deschutes River

2. The amount of water which the applicant intends to apply to beneficial use is _____
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 _____ ft. _____ from the _____
corner of Statement attached
(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 _____ of Sec. _____, T_{p.} _____
(Give smallest legal subdivision) (N. or S.)

R. _____, W. M., in the county of Jefferson

5. The Statement attached to be _____
(Main ditch, canal or pipe line) (Miles or feet)
in length, terminating in the _____ of Sec. _____, T_{p.} _____
(Smallest legal subdivision) (N. or S.)

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

DESCRIPTION OF WORKS

Diversion Works— **ALL:**

6. (a) Height of dam 3 feet, length on top 8 feet, length at bottom 6 feet; material to be used and character of construction Concrete and timber
(Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate Concrete and timber -- Two openings from each dam -- 2 feet deep and 1 foot wide
(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.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipal use, must be made to the Public Electric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

22849

... of canal where materially changed in size, stating miles from headgate: At _____ miles from headgate: width on top (at water line) 1 1/2 feet; width on bottom 1 feet; depth of water 1 feet; grade 10' feet fall per one thousand feet. **Canals same throughout.**

(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 North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
9 S	15 E	30	SW 1/4 SE 1/4	7.25
9 S	15 E	30	SE 1/4 SE 1/4	13
9 S	15 E	31	SE 1/4 SE 1/4	1
9 S	15 E	31	SW 1/4 SE 1/4	37.25
9 S	15 E	31	NE 1/4 SE 1/4	5
9 S	15 E	31	NW 1/4 SE 1/4	38
9 S	15 E	31	SE 1/4 NE 1/4	4
9 S	15 E	31	SW 1/4 NE 1/4	15
9 S	15 E	31	NW 1/4 NE 1/4	22.25
10 S	15 E	6	NE 1/4 SE 1/4	9.25
10 S	15 E	6	SE 1/4 NE 1/4	22
10 S	15 E	6	SW 1/4 NE 1/4	13.5
10 S	15 E	6	NE 1/4 NE 1/4	12.25
10 S	15 E	6	NW 1/4 NE 1/4	29.25

(If more space required, attach separate sheet)

(a) Character of soil Black loam and sandy loam

(b) Kind of crops raised Alfalfa and grain

Power or Mining Purposes—

9. (a) Total amount of power to be developed _____ theoretical horse power.

(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 _____

CHESTER M. KENNEDY

Gateway, Oregon

DIVERSION POINTS AND CANALS:

1. The point of diversion is located 550 feet South and 150 feet West from the NE corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31, T. 9 S., R. 15 E., W. M., being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31, T. 9 S., R. 15 E., W. M.

The Canals to be 2600' in length, terminating in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 9 S., R. 15 E., W. M., the proposed location being shown throughout on the accompanying map.

2. The point of diversion is located 800 feet ~~East~~^{West} and 60 feet North from the SE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 9 S., R. 15 E., W. M., being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 9 S., R. 15 E., W. M.

The Canals to be 1700' in length, terminating in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 9 S., R. 15 E., W. M., the proposed location being shown throughout on the accompanying map.

3. The point of diversion is located 200 feet South and 150 feet ~~East~~^{West} from the NE corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 9 S., R. 15 E., W. M., being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 9 S., R. 15 E., W. M.

The Canals to be 700' in length, terminating in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 9 S., R. 15 E., W. M., the proposed location being shown throughout on the accompanying map.

4. The point of diversion is located 1200 feet ~~East~~^{West} and 150 feet North from the SE corner of Sec. 31, T. 9 S., R. 15 E., W. M., being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 9 S., R. 15 E., W. M.

The Canals to be 4000' in length, terminating in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 9 S., R. 15 E., W. M., the proposed location being shown throughout on the accompanying map.

5. The point of diversion is located 100 feet East and 250 feet North from the SW corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M.

The Canals to be 1200' in length, terminating in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., the proposed location being shown throughout on the accompanying map.

6. The point of diversion is located 150 feet East and 150 feet South of the NW corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M.

The Canals to be 1800' in length, terminating in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., the proposed location being shown throughout on the accompanying map.

7. The point of diversion is located 400 feet North and 25 feet West from the SE corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M.

The Canals to be 500' in length, terminating in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., the proposed location being shown throughout on the accompanying map.

8. The point of diversion is located 700 feet South and 50 feet West from the NE corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M.

The Canals to be 1900' in length, terminating in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., the proposed location being shown throughout on the accompanying map.

9. The point of diversion is located 150 feet East and 25 feet North from the SW corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M.

The canals to be 1600' in length, terminating in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., the proposed location being shown throughout on the accompanying map.

10. The point of diversion is located 300 feet East and 400 feet North from the SW corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., being in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M.

The Canals to be 1100' in length, terminating in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., the proposed location being shown throughout on the accompanying map.

11. The point of diversion is located 300 feet East and 400 feet South from the NW corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., being in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M.

The Canals to be 400' in length, terminating in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., the proposed location being shown throughout on the accompanying map.

12. The point of diversion is located 200 feet East and 250 feet South from the NW corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., being in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M.

The Canals to be 400' in length, terminating in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 10 S., R. 15 E., W. M., the proposed location being shown throughout on the accompanying map.

Municipal or Domestic Supply
To supply _____
Capacity _____ present population of _____
and an estimated population of _____ in 19_____

(b) If for domestic use state number of families to be supplied _____
(CLASSIFICATION 10, 11, 12, AND 14 USE ONLY)

- 11. Estimated cost of proposed works, \$ _____
- 12. Construction work will begin on or before _____
- 13. Construction work will be completed on or before _____
- 14. The water will be completely applied to the proposed use on or before _____

Robert M. Kennedy
(Signature of applicant)

Remarks: _____

All of the above described lands with the exception of 2½ acres in NE¼ SE¼ and 4 acres in SE¼ NE¼, section 31, township 9 S., range 15E, W.M. were allowed a right from Hay Creek and Wilson Creek in the courts decree defining the relative rights to the use of water of Trout Creek and its tributaries. Several years ago an agreement was signed between H. L. Friday and applicant wherein the rights to the use of the waters of Hay Creek on the above described land was waived or modified. This application is filed to remove any question as to the right to use the surplus or flood water of Hay Creek for irrigation of land described.

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_____

PERMIT

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 5.725 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 Hay Creek

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

If for irrigation, this appropriation shall be limited to 1/10 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, 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 the limitation allowed herein,

and shall be subject to such reasonable rotation system as may be ordered by the proper authority

The priority date of this permit is March 8, 1951

Actual construction work shall begin on or before May 28, 1951 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1951

Complete application of the water to the proposed use shall be made on or before October 1, 1951

WITNESS my hand this 28th day of May, 1951

Chas. E. Sirlacklin STATE ENGINEER

Application No. 29048

Permit No. 22849

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 8th day of March, 1954, at 8:05 o'clock A.M.

Return to applicant:

Approved:

May 28, 1954

Recorded in book No. 59

Permits on page 22819

CHAS. E. SIRLACKLIN STATE ENGINEER

Drainage Basin No. 5

State Printing 66097

Paid 21.90