

* Permit No. 2515

APPLICATION FOR A PERMIT

To Appropriate the Public Waters of the State of Oregon

We, James Cate and A. Clara Cate (Name of Applicant)

of Baker (Postoffice), County of Baker

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

Applicants are tenants in common

1. The source of the proposed appropriation is Marble Creek for one-half the water applied of the water applied. Both tributaries of Marble Creek for the other one-half Name of stream tributary of Salmon Creek, a tributary of Powder River

2. The amount of water which the applicant intends to apply to beneficial use is one-half of one cubic foot from Marble Creek, and one-half of one cubic foot from Mill Creek cubic feet per second.

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 (See Exhibit "A" hereto attached) (Give distance and bearing to section corner) from Marble Creek in the SW 1/4 SW 1/4 Section 6 T 9 S R 39 E and from Mill Creek point of diversion is located in

being within the SW 1/4 NE 1/4 of Sec. 1, Tp. 9 S, R. 38 E Baker, W. M., in the county of Baker (No. E. or W.)

5. The See Exhibit "A" to be miles in length, terminating in the SE 1/4 SW 1/4 of Sec. 5, Tp. 9 S, R. 39 E (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 The Nelson 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 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 fifty acres, located in each smallest legal subdivision, as follows:

(Give area of land in each smallest legal subdivision which you intend to irrigate) The Southwest quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section Five (5), Township Nine (9) South, Range Thirty-nine (39) E.W.M., Forty (40) acres, and the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section Five (5) Township and Range aforesaid, Ten (10) acres, all in Baker County State of Oregon.

(If more space is 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.....

EXHIBIT "A".

It is proposed to divert the waters hereby applied for through what is commonly called the Nelson Ditch, claimed by the City of Baker. No diversion works nor reclamation works will be needed. The office of the city engineer is in possession of all facts as to the course, grade, dimensions, points of diversion and terminal point of the waters of the streams from which it is proposed to divert the water applied for, and also with all facts in relation to the said Nelson Ditch.

For a great many years, the land described in this application has been irrigated by the waters of Marble Creek and Mill Creek, diverted by means of, and carried to the said lands by the said Nelson Ditch.

Since about the year 1906, the applicants and their predecessors in interest have used said water, first, by means of a lease from the said City of Baker and later by means of a lease on said Ditch from said City of Baker. The applicants herein have in recent years paid their portion of the lease from said City of Baker, and maintenance of said Nelson Ditch to the Pechahontas Farmers' Ditch Company, and have understood and believed that they were interested in said Company, and entitled to the use of a portion of the waters flowing through said Nelson Ditch sufficient for the purpose of irrigating the premises herein described. That recently the said Pechahontas Farmers' Ditch Company instituted a suit and had an injunction issued against the applicants' use of said water as they had previously used the same.

That your applicants believe that they are entitled to the use of the waters herein applied for, with date of priority as the year 1906, and hereby request that this application be allowed from said year.

That it is the intention of the applicants to carry the said waters applied for through the said Nelson Ditch to a point near their said premises where it will be diverted to their lands by the same lateral through which it has been diverted for a number of years last past.

That the applicants desire to divert one-half of the water applied for from Marble Creek and the other one-half from Mill Creek. The points of diversion to be the same that they have always been, to-wit: where the said Nelson Ditch crosses said stream.

MUNICIPAL SUPPLY—

11. To supply the city of.....

.....County, having a present population of....., and an
(Name of)

estimated population of..... in 191....

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

12. Estimated cost of proposed works, \$.....

13. Construction work will begin on or before.....

14. Construction work will be completed on or before..... All work is completed.

15. The water will be completely applied to the proposed use on or before..... The water has been applied to all the land heretefore described continuously for a number of years last past.

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

James Cate
(Name of applicant)

A Clara Cate.

Signed in the presence of us as witnesses:

(1) D E Burnstead
(Name)

Baker, Oregon
(Address of witness)

(2) S O Carrell
(Name)

Baker, Oregon
(Address of witness)

Remarks:

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....., 191....

WITNESS my hand this..... day of....., 191....

State Engineer.

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Application No. 4228

Permit No. 2515

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 24 day of April, 1915, at 1:30 o'clock P.m.

Returned to applicant for correction

Corrected application received

Approved: July 1, 1915

Recorded in Book No. 10 of Permits, on Page 2515

John H Lewis

State Engineer.

1 map RS 10.50

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: If for irrigation, this appropriation shall be limited to one-eightieth of one cubic foot per second, or its equivalent, for each acre irrigated, and shall be subject to such reasonable rotation system as may be ordered by the proper State officer.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 0.63 cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is April 24, 1915

Actual construction work shall begin on or before July 1, 1916 and shall thereafter be prosecuted with reasonable diligence and be completed on or before June 1, 1917

Complete application of the water to the proposed use shall be made on or before October 1, 1918

WITNESS my hand this 1st day of July, 1916 John H Lewis State Engineer.

Permits for power development are subject to the limitation of franchise as provided in Sec. 6633, Lord's Oregon Laws, and the payment of annual fees as provided in Chapter 213, Laws of 1915.