

To Appropriate the Public Waters of the State of Oregon

I, Franke Bros.
(Name of applicant)
of Dayville, Oreg.
(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 no

1. The source of the proposed appropriation is Rock Creek and Birch Creek
(Name of stream)
a tributary of John Day River

2. The amount of water which the applicant intends to apply to beneficial use is 10.16
Rock Creek primary, 3.80 cfs Birch Cr. primary, 4.30 cfs
cubic feet per second. being Rock Creek supplemental, 1.48 cfs Birch Cr. suppl., 0.58 cfs.
(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 See under "Remarks"
ft. (N. or S.) and ft. (E. or W.) from the
corner of (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 (Give smallest legal subdivision) of Sec. (N. or S.), Tp. (N. or S.)

R. (E. or W.), W. M., in the county of (E. or W.)

5. The (Main ditch, canal or pipe line) to be (Miles or feet)
in length, terminating in the (Smallest legal subdivision) of Sec. (N. or S.), Tp. (N. or S.)

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

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam Temporary diversion dams
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 2 1/2 x 1 inch pump (400 gpm) 20 hp elec motor
2 1/2 x 1 inch pump (320 gpm) 25 hp gas motor
(Size and type of pump)

1000' 3 inch pipe and 4000' 4 inch pipe
(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.

PRIMARY FROM ROCK CREEK

12 S	25 E	15	SE $\frac{1}{4}$ SW $\frac{1}{4}$	10
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	15
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	2
		14	NW $\frac{1}{4}$ SW $\frac{1}{4}$	8
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	1
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	9
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	2
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	20
		13	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1
		24	NE $\frac{1}{4}$ NE $\frac{1}{4}$	19
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	16
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	5
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	6
		22	NE $\frac{1}{4}$ NE $\frac{1}{4}$	2
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	10
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	10
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	1
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	3
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	1
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	2
				<u>152</u>

SUPPLEMENTAL FROM ROCK CREEK

12 S	25 E	14	SE $\frac{1}{4}$ SW $\frac{1}{4}$	13.6
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.3
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	3.0
		23	NE $\frac{1}{4}$ NE $\frac{1}{4}$	16.0
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	4.1
				<u>59.0</u>

PRIMARY FROM BIRCH CREEK

12S	25 E	14	SE $\frac{1}{4}$ SW $\frac{1}{4}$	5
		24	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	1
		23	NE $\frac{1}{4}$ NE $\frac{1}{4}$	6
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	7
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	10
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	30
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	2
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	10
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	5
		22	NE $\frac{1}{4}$ NE $\frac{1}{4}$	5
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	15
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	5
		26	NW $\frac{1}{4}$ NW $\frac{1}{4}$	10
		27	NE $\frac{1}{4}$ NE $\frac{1}{4}$	10
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	3
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	2
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	19
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	20
				<u>172</u>

SUPPLEMENTAL FROM BIRCH CREEK

		24	NE $\frac{1}{4}$ NW $\frac{1}{4}$	6.7
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	16.7
				<u>23.4</u>

406.1

PERMIT

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 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 10.16 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 Rook Creek and Birch Creek, being 5.28 c.f.s. from Rook Creek and 4.88 c.f.s. from Birch Creek.

The use to which this water is to be applied is irrigation and supplemental irrigation.

If for irrigation, this appropriation shall be limited to 1/40th 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 4 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein; provided further that the right to use of water is limited to the period when the flow of the John Day River is more than 30 c.f.s. at USGS Gage No. 14-0465 and more than 20 c.f.s. at USGS Gage No. 14-0480,

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 June 13, 1962

Actual construction work shall begin on or before September 5, 1963 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1964

Complete application of the water to the proposed use shall be made on or before October 1, 1965

WITNESS my hand this 5th day of September, 1962

Chris L. Wheeler
STATE ENGINEER

Application No. 37128
Permit No. 28123

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 13th day of June, 1962, at 3:15 o'clock P.M.

Returned to applicant:

Approved:

September 5, 1962 of
Recorded in book No. 78
Permits on page 28123

CHRIS L. WHEELER
STATE ENGINEER

Drainage Basin No. 6 page 22 F
Fees 4.00

By

STATE ENGINEER

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WITNESS my hand this day of

tions on or before

19

In order to retain its priority, this application must be returned to the State Engineer, with correc-

maps and data, and return the same for

This is to certify that I have examined the foregoing application, together with the accompanying

STATE OF OREGON, } ss. County of Marion,

all within T. 12 S., R. 25 E.W.M.

13 (SW 1/4 Sec. 14) 350' N and 1400' E of SW cor. Sec. 14

12 (NE 1/4 Sec. 23) 100' S and 150' W of NE cor. Sec. 23

11 (SW 1/4 Sec. 14) 700' E and 1000' N of SW cor. Sec. 14

10 (SE 1/4 Sec. 15) 250' W and 350' N of NE cor. Sec. 22

9 (NE 1/4 Sec. 22) 700' West of NE cor. Sec. 22

8 (NE 1/4 Sec. 21) 400' S and 900' W of NW cor. Sec. 22

7 (NE 1/4 Sec. 23) 1450' E and 200' S of NW cor. Sec. 23

6 (SW 1/4 Sec. 23) 2800' N and 700' E of NE cor. Sec. 27

5 (SW 1/4 Sec. 23) 1300' N and 200' E of NE cor. of Sec. 27

4 (NE 1/4 Sec. 27) 150' S and 50' W of NE cor. of Sec. 27

3 (NE 1/4 Sec. 27) 700' W and 1300' S of NE cor. of Sec. 27

2 (NE 1/4 Sec. 31) 1320' E and 1800' N of SW cor. of Sec. 31

Diversion No. 1 (SW 1/4 Sec. 31) 1100' E and 1000' N of SW cor. of Sec. 31

Remarks:

Signature of applicant: Frank Carter

14. The water will be completely applied to the proposed use on or before July 1965

13. Construction work will be completed on or before July 1964

12. Construction work will begin on or before started

11. Estimated cost of proposed works, \$ 10,000.00

(Answer questions 11, 12, 13, and 14 in all cases)

(b) If for domestic use state number of families to be supplied

and an estimated population of in 19

County, having a present population of

10. (a) To supply the city of