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Permit No. 29016

STATE ENGINEER STATE OF OREGON  
SALEM, OREGON

# To Appropriate the Public Waters of the State of Oregon

I, Norman Butler  
(Name of applicant)

of Route 1, Baker  
(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 5 unnamed, natural drainageways and 3 seepage collection ditches, a tributary of Pine Creek and Powder River  
(Name of stream)

2. The amount of water which the applicant intends to apply to beneficial use is 120" or 3.0 100" or 2.5 cubic feet per second. Unn. Drain. "A" - 10", Unn. Drain. "B" - 5", Unn. Drain. "C" - 5", Unn. Drain. "D" - 20" and 20" from each of the seepage ditches  
(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 7/8 xxx 7/8 from the 1/4 corner of common to Sections 26 and 33 of T 8 S, R 39 E  
(Section or subdivision)

Unn. Drain "A" 1160 ft N and 5 ft E, being within the SW 1/4 SE 1/4 of Sec. 26  
Unn. Drain "B" 370 ft N and 5 ft E, " " " SW 1/4 SE 1/4 " " 26  
Unn. Drain "C" 600 ft S and 5 ft E, " " " NW 1/4 NE 1/4 " " 33  
Unn. Drain "D" 1660 ft S and 5 ft E, " " " SW 1/4 NE 1/4 " " 33  
Unn. Drain "E" 1340 ft S and 1300 ft SE 1/4 NE 1/4, Tp. 8 S  
Remarks for seepage ditches  
(Give smallest legal subdivision)

R. 39 E, W. M., in the county of Baker  
(N. or S.)

5. The diversion ditches to be variable in length, terminating in the SW 1/4 SE 1/4 of Sec. 26 & W 1/4 NE 1/4 of Sec. 33, Tp. 8 S  
(Smallest legal subdivision)

R. 39 E, W. M., the proposed location being shown throughout on the accompanying map.  
(N. or S.)

### 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 \_\_\_\_\_  
(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 recovered, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

Canal System or Pipe Line— Seepage Drains: Open, 4 to 6 ft deep, 1:1 side slopes

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) 5 feet; width on bottom 3 feet; depth of water 1 feet; grade 0.012 min. feet fall per one thousand feet.

(b) ~~At~~ Field ditches ~~width on top (at water line)~~ 1.5 feet; width on bottom 1 feet; depth of water 0.5 feet; grade 0.02 min. 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<br>North or South | Range<br>E. or W. of<br>Wilcox Meridian | Section | Forty-acre Tract                  | Number Acres To Be Irrigated |             |
|----------------------------|---|---------|-----------------------------------|------------------------------|-------------|
|                            |   |         |                                   | Prin.                        | Suppl.      |
| 8 S                        | 39 E                                    | 28      | SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 17.5                         | 22.5 C#4537 |
|                            |   | 32      | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 40.0                         | -           |
|                            |   | 31      | NW $\frac{1}{4}$ "                | 39.0                         | -           |
|                            |   | 34      | SW $\frac{1}{4}$ "                | -                            | 40.0 C#4303 |
|                            |   | 36      | SE $\frac{1}{4}$ "                | 18.5                         | 21.0 "      |
|                            |   |         |                                   |                              |             |
|                            |   |         |                                   |                              |             |
|                            |   |         |                                   |                              |             |
|                            |   |         |                                   |                              |             |
|                            |   |         |                                   |                              |             |
|                            |   |         |                                   |                              |             |
|                            |   |         |                                   |                              |             |
|                            |   |         |                                   |                              |             |
|                            |   |         |                                   |                              |             |

(If more space required, attach separate sheet)

(a) Character of soil Alluvial clay loam  
 (b) Kind of crops raised Hay, grain and 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 \_\_\_\_\_

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, \$ 3,000.
- 12. Construction work will begin on or before Started
- 13. Construction work will be completed on or before Oct. 1, 1965
- 14. The water will be completely applied to the proposed use on or before Oct. 1, 1966

*Norman Butler*

*Norman Butler*  
(Signature of applicant)

Remarks: The lands in this area are underlaid with stratas of permeable soils and tight clays. Irrigation of the lands above and the the west of the applicant's lands results in water entering his lands as surface flow in the unnamed, natural drainageways and also as subsurface seepage. The seepage rises on the applicant's lands and causes marshy areas, particularly along the westerly side of the property. The three seepage collection ditches are intended to intercept the seepage, drain the marshy areas and provide for controlled irrigation of the applicant's lands.

The locations of the ditches, in reference to the 1/4 Section Corner between Sections 28 and 33 of T 8 S, R 39 E, W.M., are:

Ditch I-I From a point 360 ft N and 5 ft E to a point 1300 ft N and 5 ft E, being within the SW 1/4 SE 1/4 of Sec. 28

Ditch Y-Y From a point 500 ft S and 5 ft E to a point 1800 ft S and 5 ft E, being within the NW 1/4 NE 1/4 and the SW 1/4 NE 1/4 of Sec. 33

Ditch Z-Z From a point 1990 ft S and 5 ft E to a point 2635 ft S and 5 ft E and then to a point 2635 ft S and 1200 ft E, being within the SW 1/4 NE 1/4 of Sec. 33

From Unnamed Dr. 'E' expect to get 20" of water

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 February 3, 1964.

WITNESS my hand this 3 day of December, 19 63.

CHRIS L. WHEELER

STATE ENGINEER

RECEIVED  
DEC 9 1963  
STATE ENGINEER  
SALEM, OREGON

By *Walter Perry*  
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 3.0 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 5 unnamed drainageways & 3 seepage collection ditches; being 0.25 c.f.s. from Unn. Drainage A, 0.125 c.f.s. from Unn. Drainage B, 0.125 c.f.s. from Unn. Drainage C, 0.50 c.f.s. from Unn. Drainage D, 0.50 c.f.s. from Unn. Drainage E, and 0.50 c.f.s. each from each of 3 seepage collection ditches

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 1/2 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,

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 2.50 c.f.s. for November 28, 1962 0.50 c.f.s. for December 9, 1963 from Unn. Drain E

Actual construction work shall begin on or before December 20, 1964 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1965

Complete application of the water to the proposed use shall be made on or before October 1, 1966

WITNESS my hand this 20th day of December, 1963

Chris J. Wheeler STATE ENGINEER

Application No. 38150 Permit No. 29016

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 25th day of September, 1963, at 8:00 o'clock A. M.

Returned to applicant:

Approved:

December 20, 1963

Recorded in book No. 80 of Permits on page 29016

CHRIS L. WHEELER STATE ENGINEER

Drainage Basin No. 9 page 24A Fees \$30