

AMENDED
* APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

acting through the
The United States of America, Bureau of Reclamation, United States
Department of the Interior
(Name of applicant)
of P. O. Box 937, Boise
(Mailing address)
State of Idaho, 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 Applicant is the United States Government, acting pursuant to the provisions of the act of June 17, 1902 (-32 Stat. 388) and acts amendatory thereof or supplementary thereto.

1. The source of the proposed appropriation is Malheur River, Bully Creek, and Bully Creek Reservoir, a tributary of Snake River

2. The amount of water which the applicant intends to apply to beneficial use is 350 * 1212 cfs being 175 cfs from Malheur River, 175 cfs from Bully Creek, and 31,000 acre-feet from Bully Creek Reservoir.

**3. The use to which the water is to be applied is primary irrigation of 7,000 acres and supplemental irrigation of 32,000 acres

4. The point of diversion is located from the corner of * From Malheur River being within NW 1/4 Sec. 31, T. 20 S., R. 41 E., W.M., which point is same as that for an earlier diversion right covered by certificate dated June 30, 1949, and issued under Permit No. 7867.

From Bully Creek and from Bully Creek Reservoir
being within the NW 1/4 SW 1/4 and W 1/4 SW 1/4 of Sec. 12, Tp. 18 S., R. 43 E., W. M., in the county of Malheur

5. The to be in length, terminating in the of Sec. , Tp. , R. , W. M., the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

Diversion Works— See plans in Reservoir Permit Application R-16496

6. (a) Height of dam feet, length on top feet, length at bottom feet; material to be used and character of construction

(b) Description of headgate

(c) If water is to be pumped give general description

*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.

* amended per letter of Dec. 1, 1961 by M. B. Austin

Canal System or Pipe Line—

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) 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.

(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	Range	Section	Forty-acre Tract	Number Acres To Be Irrigated
See attached tabulations: 32,000 acres presently having water right under certificate dated June 30, 1949, issued under Permit No. 7867, recorded in State Record of Water Right Certificates, Volume 13, page 15719, which lands will receive supplemental irrigation water, and 7,000 acres of new lands which will receive a primary irrigation water supply. Water appropriated from Malheur River under this application will be for primary irrigation of lands not now having water right. Water appropriated from Bully Creek and from Bully Creek Reservoir under this application is for supplemental irrigation of all lands within the Vale Irrigation District having or acquiring primary rights to divert water from Malheur River (39,000 acres). ^{amended Per letter Dec. 1, 196 by M B Austin.}				
18 S	43 E	12 & 13		} 5402 acres See attached tabulation
18 S	44 E	7, 18, 19, 20, 30, 32, 33,	24, 25, 26, 27, 28, 29, 34 & 35	
19 S	44 E	2, 3, 4 & 5		

(If more space required, attach separate sheet)

(a) Character of soil

(b) Kind of crops raised

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

Preliminary estimate of lands to receive
irrigation water directly from proposed Bully
Creek Reservoir, Vale Project, Oregon
March 28, 1961

	Acres	Now 1961 from Bully Cr.
T. 18 S., R. 43 E., W.M., Oregon		
Section 12, NE $\frac{1}{4}$ SE $\frac{1}{4}$	25	21
NW $\frac{1}{4}$ SE $\frac{1}{4}$	12	6
SW $\frac{1}{4}$ SE $\frac{1}{4}$	12	3
SE $\frac{1}{4}$ SE $\frac{1}{4}$	35	35
Section 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$	11	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	8	
T. 18 S., R. 44 E., W.M., Oregon		
Section 7, Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)	15	
Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	48	48
SE $\frac{1}{4}$ SW $\frac{1}{4}$	16	14
Section 18, SW $\frac{1}{4}$ NE $\frac{1}{4}$	36	24
NE $\frac{1}{4}$ NW $\frac{1}{4}$	38	27
Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)	51	47
Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)	50	26 $\frac{1}{2}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$	39	39
NE $\frac{1}{4}$ SW $\frac{1}{4}$	39	16
Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)	22	10
Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	1	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	33	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	26	16
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38	21 $\frac{1}{2}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$	24	13
Section 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$	36	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	38	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	29	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	32	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	26	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	28	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	15	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	33	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	22	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	35	5 $\frac{1}{2}$ private
SE $\frac{1}{4}$ SE $\frac{1}{4}$	14	
Section 20, NE $\frac{1}{4}$ SW $\frac{1}{4}$	15	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	7	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	26	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	13	
Section 24, SE $\frac{1}{4}$ SW $\frac{1}{4}$	34	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	36	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	

T. 18 S., R. 44 E., W.M., Oregon (Cont'd.)

		<u>Acres</u>		
Section 25,	NE $\frac{1}{4}$ NE $\frac{1}{4}$	20		
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	26	12 ⁰ prime	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	16		
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	33		
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	27	2 ⁰ "	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10		
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	16	2 ⁰ "	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	20		
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	33	12 ⁰ prime	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	26	2 ⁰ "	
	Section 26,	NE $\frac{1}{4}$ NE $\frac{1}{4}$	20	
		NW $\frac{1}{4}$ NE $\frac{1}{4}$	15	3 ⁰ "
		SW $\frac{1}{4}$ NE $\frac{1}{4}$	23	
		SE $\frac{1}{4}$ NE $\frac{1}{4}$	18	
NE $\frac{1}{4}$ NW $\frac{1}{4}$		25		
NW $\frac{1}{4}$ NW $\frac{1}{4}$		15		
SW $\frac{1}{4}$ NW $\frac{1}{4}$		38		
SE $\frac{1}{4}$ NW $\frac{1}{4}$		38	2 ⁰ prime	
NE $\frac{1}{4}$ SW $\frac{1}{4}$		39	1 ⁰ "	
NW $\frac{1}{4}$ SW $\frac{1}{4}$		25		
SW $\frac{1}{4}$ SW $\frac{1}{4}$		29		
SE $\frac{1}{4}$ SW $\frac{1}{4}$		31		
NE $\frac{1}{4}$ SE $\frac{1}{4}$		32	2 ⁰ "	
NW $\frac{1}{4}$ SE $\frac{1}{4}$		38		
SW $\frac{1}{4}$ SE $\frac{1}{4}$	23			
SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	16 ⁰ "		
Section 27,	NE $\frac{1}{4}$ NE $\frac{1}{4}$	10		
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	10		
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	35		
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	37		
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	3		
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	20		
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	39		
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	38		
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	37		
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	38		
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	35	3 ⁰ prime	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	38		
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	38		
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	39		
Section 28,	NW $\frac{1}{4}$ SW $\frac{1}{4}$	20		
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	29		
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	20		
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	30		
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10		
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	22		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	39	1 ⁰ prime		

T. 18 S., R. 44 E., W.M., Oregon (Cont'd)

	<u>Acres</u>
Section 29, NW $\frac{1}{4}$ NE $\frac{1}{4}$	12
SW $\frac{1}{4}$ NE $\frac{1}{4}$	20
SE $\frac{1}{4}$ NE $\frac{1}{4}$	15
NE $\frac{1}{4}$ NW $\frac{1}{4}$	29
NW $\frac{1}{4}$ NW $\frac{1}{4}$	32
SW $\frac{1}{4}$ NW $\frac{1}{4}$	37
SE $\frac{1}{4}$ NW $\frac{1}{4}$	21
NE $\frac{1}{4}$ SW $\frac{1}{4}$	32
NW $\frac{1}{4}$ SW $\frac{1}{4}$	37
SW $\frac{1}{4}$ SW $\frac{1}{4}$	27
SE $\frac{1}{4}$ SW $\frac{1}{4}$	36
NE $\frac{1}{4}$ SE $\frac{1}{4}$	25
NW $\frac{1}{4}$ SE $\frac{1}{4}$	29
SW $\frac{1}{4}$ SE $\frac{1}{4}$	31
SE $\frac{1}{4}$ SE $\frac{1}{4}$	34
Section 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$	36
NW $\frac{1}{4}$ NE $\frac{1}{4}$	23
SW $\frac{1}{4}$ NE $\frac{1}{4}$	8
SE $\frac{1}{4}$ NE $\frac{1}{4}$	37
NE $\frac{1}{4}$ SE $\frac{1}{4}$	21
Section 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$	38
NW $\frac{1}{4}$ NE $\frac{1}{4}$	37
SW $\frac{1}{4}$ NE $\frac{1}{4}$	39
SE $\frac{1}{4}$ NE $\frac{1}{4}$	36
NE $\frac{1}{4}$ NW $\frac{1}{4}$	36
NW $\frac{1}{4}$ NW $\frac{1}{4}$	7
SE $\frac{1}{4}$ NW $\frac{1}{4}$	16
NE $\frac{1}{4}$ SE $\frac{1}{4}$	34
NW $\frac{1}{4}$ SE $\frac{1}{4}$	34
SW $\frac{1}{4}$ SE $\frac{1}{4}$	24
SE $\frac{1}{4}$ SE $\frac{1}{4}$	34
Section 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$	38
NW $\frac{1}{4}$ NE $\frac{1}{4}$	37
SW $\frac{1}{4}$ NE $\frac{1}{4}$	39
SE $\frac{1}{4}$ NE $\frac{1}{4}$	36
NE $\frac{1}{4}$ NW $\frac{1}{4}$	36
NW $\frac{1}{4}$ NW $\frac{1}{4}$	22
SW $\frac{1}{4}$ NW $\frac{1}{4}$	25
SE $\frac{1}{4}$ NW $\frac{1}{4}$	33
NE $\frac{1}{4}$ SW $\frac{1}{4}$	30
NW $\frac{1}{4}$ SW $\frac{1}{4}$	32
SW $\frac{1}{4}$ SW $\frac{1}{4}$	33
SE $\frac{1}{4}$ SW $\frac{1}{4}$	29
NE $\frac{1}{4}$ SE $\frac{1}{4}$	39
SW $\frac{1}{4}$ SE $\frac{1}{4}$	33
NW $\frac{1}{4}$ SE $\frac{1}{4}$	39
SE $\frac{1}{4}$ SE $\frac{1}{4}$	39
Section 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$	38
NW $\frac{1}{4}$ NE $\frac{1}{4}$	38
SW $\frac{1}{4}$ NE $\frac{1}{4}$	38
SE $\frac{1}{4}$ NE $\frac{1}{4}$	39

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T. 18 S., R. 44 E., W.M., Oregon (Cont'd)

	<u>Acres</u>
Section 34, NE $\frac{1}{4}$ NW $\frac{1}{4}$	38
NW $\frac{1}{4}$ NW $\frac{1}{4}$	38
SW $\frac{1}{4}$ NW $\frac{1}{4}$	39
SE $\frac{1}{4}$ NW $\frac{1}{4}$	39
NE $\frac{1}{4}$ SW $\frac{1}{4}$	39
NW $\frac{1}{4}$ SW $\frac{1}{4}$	36
SW $\frac{1}{4}$ SW $\frac{1}{4}$	36
SE $\frac{1}{4}$ SW $\frac{1}{4}$	38
NE $\frac{1}{4}$ SE $\frac{1}{4}$	37
NW $\frac{1}{4}$ SE $\frac{1}{4}$	37
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38
SE $\frac{1}{4}$ SE $\frac{1}{4}$	37
Section 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$	14
NW $\frac{1}{4}$ NE $\frac{1}{4}$	36
SW $\frac{1}{4}$ NE $\frac{1}{4}$	28
NE $\frac{1}{4}$ NW $\frac{1}{4}$	35
NW $\frac{1}{4}$ NW $\frac{1}{4}$	37
SW $\frac{1}{4}$ NW $\frac{1}{4}$	32
SE $\frac{1}{4}$ NW $\frac{1}{4}$	26
NE $\frac{1}{4}$ SW $\frac{1}{4}$	37
NW $\frac{1}{4}$ SW $\frac{1}{4}$	35
SW $\frac{1}{4}$ SW $\frac{1}{4}$	24
SE $\frac{1}{4}$ SW $\frac{1}{4}$	15

T. 19 S., R. 44 E., W.M., Oregon

Section 2, NW $\frac{1}{4}$ NW $\frac{1}{4}$	27
Section 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$	37
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
SW $\frac{1}{4}$ NE $\frac{1}{4}$	39
SE $\frac{1}{4}$ NE $\frac{1}{4}$	34
NE $\frac{1}{4}$ NW $\frac{1}{4}$	39
NW $\frac{1}{4}$ NW $\frac{1}{4}$	37
SW $\frac{1}{4}$ NW $\frac{1}{4}$	36
SE $\frac{1}{4}$ NW $\frac{1}{4}$	38
NE $\frac{1}{4}$ SW $\frac{1}{4}$	27
NW $\frac{1}{4}$ SW $\frac{1}{4}$	34
SW $\frac{1}{4}$ SW $\frac{1}{4}$	22
SE $\frac{1}{4}$ SW $\frac{1}{4}$	23
NW $\frac{1}{4}$ SE $\frac{1}{4}$	30
SW $\frac{1}{4}$ SE $\frac{1}{4}$	15
Section 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
NW $\frac{1}{4}$ NE $\frac{1}{4}$	25
SE $\frac{1}{4}$ NE $\frac{1}{4}$	34
NE $\frac{1}{4}$ NW $\frac{1}{4}$	20
NW $\frac{1}{4}$ NW $\frac{1}{4}$	39
NE $\frac{1}{4}$ SE $\frac{1}{4}$	19
Section 5, NE $\frac{1}{4}$ NE $\frac{1}{4}$	37
NW $\frac{1}{4}$ NE $\frac{1}{4}$	31
SW $\frac{1}{4}$ NE $\frac{1}{4}$	28
SE $\frac{1}{4}$ NE $\frac{1}{4}$	9

Total 5,402

Municipal or Domestic Supply—

10. (a) To supply the city of

(Name 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, \$3,326,000

12. Construction work will begin on or before January 1, 1962

13. Construction work will be completed on or before October 1, 1967

14. The water will be completely applied to the proposed use on or before October 1, 1969

M. B. Austin

Acting Regional Director, Region 1
Bureau of Reclamation

Remarks: The operation of the proposed Bully Creek Reservoir will be coordinated with that of the two existing reservoirs, Agency Valley and Warmsprings, so as to equalize the water supply throughout the Vale Project. The direct delivery of Bully Creek Reservoir storage to approximately 5,000 acres of project lands will reduce the demand on the existing water supply which is diverted from Malheur River, thereby making additional water available for all other lands in the project. The so-called new lands consist of numerous small parcels of land within the existing project area, capable of service by the existing canal system, but which presently do not have water rights. The objective of the proposed plan is to provide a water supply for these new lands and in addition provide a supplemental irrigation water supply for the present water right acreage which already has established water rights but which rights are not adequate to provide a full water supply in some of the low runoff years.

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, 194.....

WITNESS my hand this day of, 194.....

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 121.9 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 Bully Creek and 24309 acre feet stored water from Bully Creek Reservoir to be constructed under Application No. R-16496, Permit No. R-4456.

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 from direct flow and shall be further limited to a diversion of not to exceed 4 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir to be constructed under Permit No. R-4456, 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 still further limited to stored water only on lands having existing rights from Bully Creek, and the plan of operation as stated in the application under "Remarks" is specifically approved.

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 August 7, 1936

Actual construction work shall begin on or before January 8, 1966 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1966

Complete application of the water to the proposed use shall be made on or before October 1, 1967

WITNESS my hand this 8th day of January, 1965

Chris L. Wheeler

STATE ENGINEER

Permits for power development are subject to the payment of annual fees as provided in sections 1 and 2, chapter 74, Oregon Laws 1933.

Application No. 16497
Permit No. 29882

PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

Division No. District No.

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 7th day of August, 1965, at 8:00 o'clock A. M.

Returned to applicant:

Corrected application received:

Approved:

January 8, 1965

Recorded in book No. 29882 of

Permits on page

CHRIS L. WHEELER

STATE ENGINEER

Drainage Basin No. 10 Page 245

Fees Paid 129.00 Page 259 265

(Archives)