

To appropriate the Public Waters of the State of Oregon

I, Fitzgerald Brothers, a partnership
(Name of applicant)

of Plush
(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 Honey Creek
(Name of stream)

, a tributary of Hart Lake

2. The amount of water which the applicant intends to apply to beneficial use is 8.5

cubic feet per second. Ditch No. 1, 6.5 C.F.S., Ditch No. 2, 2 C.F.S.
(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 2212 ft. S. and 594 ft. E. from the NW

corner of Section 28, T. 36 S., R. 24 E. W. M.
(Section or subdivision)

(Point of diversion is the same as that set forth in Certificate

of water right issued to Con Lynch, No. 16,840, dated June 29, 1945)

Diversions No. 1 & No. 2. See remarks

(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 SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 28, Tp. 36 S.
(Give smallest legal subdivision) (N. or S.)

R. 24 E., W. M., in the county of Lake
(E. or W.)

5. The See Remarks to be See Remarks
(Main ditch, canal or pipe line) (Miles or feet)

in length, terminating in the See Remarks of Sec. See Remarks, Tp. See Remarks
(Smallest legal subdivision) (N. or S.)

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

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam See Remarks feet, length on top See Remarks feet, length at bottom See Remarks

See Remarks feet; material to be used and character of construction See Remarks
(Loose rock, concrete, masonry,

rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate 24-inch diameter steel slide gate
(Timber, concrete, etc., number and size of openings)

Headgates Nos. 1 and 2. On Honey Cr., concrete diversion - 20 ft. wide with wood flashboards. Div. No. 1 & No. 2 are 24" metal slide gates.

(c) If water is to be pumped give general description See Remarks
(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 secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

30145

FITZGERALD BROS. PLUSH. OREGON. Klamath Falls, 1964. AS CORRECTED

| SECTION | SOUTH | RANGE | NE 4 | | | | NW 4 | | | | SW 4 | | | | SE 4 | | | | TOTAL | | |
|---------|-------|-------|------|----|-----|-----|------|-----|-----|-----|------|----|----|----|------|----|----|----|-------|-------|-------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | |
| 11 | 36S | 24E | | | | | | | | | | | | | | | | | | 783 | suppl |
| 14 | " | " | | | 40' | 40' | 40' | 40' | 14' | 27' | 12' | | | | | | | | | 21380 | suppl |
| 15 | " | " | | | | | | | | | | | | | | | | | | 63000 | suppl |
| 22 | " | " | | | 35' | | | | | | | | | | | | | | | 358 | suppl |
| 23 | " | " | | | | | | | | | | | | | | | | | | 216 | suppl |
| | | | | | | | | | | | | | | | | | | | | 968.5 | |

Handwritten notes:
 1967, 1968
 1968, for 6/11/68

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) 20 feet; width on bottom 12.0 feet; depth of water 2 feet; grade 1.0 feet fall per one thousand feet.

(b) At source 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 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

Table with 5 columns: Township North or South, Range E. or W. of Willamette Meridian, Section, Forty-acre Tract, Number Acres To Be Irrigated. Includes handwritten notes: 'SEE ADDITIONAL SHEET', 'Note: 78.5 acres to be irrigated in the N 1/2 SW 1/4, Sec. 11, T. 36 S., R. 24 E. W. M.', and 'Map is in error. 3, 1964'.

(If more space required, attach separate sheet)

(a) Character of soil Sandy loam, some clay

(b) Kind of crops raised Hay, 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. (No. N. or S.), R. (No. E. or W.), W. M.

(f) Is water to be returned to any stream? (Yes or No)

(g) If so, name stream and locate point of return

Sec. Tp. (No. N. or S.), R. (No. E. or W.), W. M.

(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 _____
(Name 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, \$ 5,000.00
- 12. Construction work will begin on or before January 1, 1963
- 13. Construction work will be completed on or before July 1, 1963
- 14. The water will be completely applied to the proposed use on or before July 1, 1963

Fitzgerald Brothers, a Partnership
(Signature of applicant)
By: _____
Forrest E. Cooper, Attorney

Remarks: _____

~~NOTE: This project is a flood control project and is irrigated entirely by flooding.
The channels are to carry water to the different
areas.~~

Item 4: Diversion No. 1 is 2690 ft. north and 60 ft. west of the S.E. Corner Sec. 16, T. 36 S., R. 24 E.W.M. being on the east-west center line of Sec. 16 T. 36 S., R. 24 E.W.M.

Diversion No. 2 is 50 ft. south and 630 ft. east of the N.W. Corner of Sec. 15, T. 36 S., R. 24 E.W.M., being in the NW¹/₄NW¹/₄ of Sec. 15 T. 36 S., R. 24 E.W.M.

Item 5: Main canal continues beyond Div. No. 2 and is not shown. Ditch No. 1 is 3150 ft. long, terminates in the NW¹/₄SE¹/₄ Sec. 15, T. 36 S., R. 24 E.W.M. Ditch No. 2 is 5300 ft. long, terminates in NW¹/₄NW¹/₄, Sec. 14,

T. 36 S., R. 24 E. W.M. Ditches No. 1 & No. 2 have 3 ft. bottoms, are irrigated entirely by flooding. Low places act as ditches to carry water 18 inches deep with 1¹/₂:1 side slopes. Note: terrain is flat and is/
STATE OF OREGON, } ss. to areas not served by ditches.

County of Marion,

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction and completion

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before ~~February 26, 1963~~
December 11 64

WITNESS my hand this ~~26~~ 13th day of ~~December~~ October, 19 ~~62~~ 64

DEC 2 1964
STATE ENGINEER

RECEIVED
FEB 25 1963
STATE ENGINEER
SALIM GORE

CHRIS L. WHEELER
STATE ENGINEER
By: _____
ASSISTANT

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 8.5 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 Honey 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 3 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 December 3, 1962

Actual construction work shall begin on or before August 23, 1966 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1967

Complete application of the water to the proposed use shall be made on or before October 1, 1968

WITNESS my hand this 23rd day of August, 1965

Extended to Oct. 1, 1969

Chris L. Wheeler

STATE ENGINEER

Application No. 38257

Permit No. 30445

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 3rd day of December, 1962 at 8:00 o'clock A.M.

Returned to applicant:

Approved:

August 23, 1965

Recorded in book No. of

30445

Permits on page

CHRIS L. WHEELER
STATE ENGINEER

Drainage Basin No. 13 page 27

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