

\* Permit No. 3120

APPLICATION FOR A PERMIT

To appropriate the Public Waters of the State of Oregon

I, The Lower Cow Creek Water Company by D D Joslyn, Agent  
(Name of Applicant)

of Jordan Valley, County of Malheur  
(Postoffice)

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  
Not incorporated

1. The source of the proposed appropriation is Lower Cow Lake Reservoir to be constructed under Application No. 5005, Permit No. R 376  
Name of stream  
as filled by Cow Creek and flood waters, tributary of Jordan Creek

2. The amount of water which the applicant intends to apply to beneficial use is  
12.25 cubic feet per second.

3. The use to which the water is to be applied is Irrigation and a supplemental supply  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)  
for the irrigation of land already having a partial water supply

4. The point of diversion is located There are four points of diversion, See Remark No. 1  
(Give distance and bearing to section corner)

Water from Reservoir to run thru main Cow Creek Channel to diversion points.

being within the 

No. 1 SW SE	Sec. 9	} Tp 29 S
No. 2 NW NE	of Sec. 33	
No. 3 NW SW	Sec. 4	} Tp 30 S
No. 4 SW NW	of Sec. 9	

  
(Give smallest legal subdivision) (No. N. or S.)  
R 44 E  
R 44 E, W. M., in the county of \_\_\_\_\_  
(No. E. or W.)

5. The See Remark No. 2 for description to be \_\_\_\_\_ miles in  
Main ditch, canal or pipe line)

length, terminating in the \_\_\_\_\_ of Sec. \_\_\_\_\_, Tp. \_\_\_\_\_, R. \_\_\_\_\_  
(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 \_\_\_\_\_  
See Remark No. 2

DESCRIPTION OF WORKS

DIVERSION WORKS—

7. (a) Height of dam 6 feet, length on top 81 feet, length at bottom 15 feet; material to be used and character of construction \_\_\_\_\_  
(Loose rock, concrete, Concrete and rock, 4 feet wide bottom, 2 feet wide top, reinforced steel masonry, rock and brush, timber crib, etc., wasteway over or around dam)  
Loose rock piled both below and above dam.

(b) Description of headgate One opening size 2 ft. by 3 ft. concrete, Cast iron  
(Timber, concrete, etc., number and size of openings)  
headgate, worm geared lifting device  
East end of dam bears S 29 1/2° W 270 ft. from the cor. of Secs. 4- 5-32 & 33 T 28-29 S R 44 E.

\* 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—

See Remark No. 3

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.

See Remark No. 3

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR:

IRRIGATION—

9. The land to be irrigated has a total area of 950 acres, located in each smallest legal subdivision, as follows:

(Give area of land in each smallest legal subdivision which you intend to irrigate)

Land for which a new right is desired 185 acres. Land having a partial water right and for which a secondary right is desired 765 acres, (Per attached lists below.)

(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.....

## Land for which a new water right is desired :

## H A Parks land

SE $\frac{1}{4}$ SE $\frac{1}{4}$	20 acres,	Section 17 T 30 S R 44 E.W.M.
NE $\frac{1}{4}$ SW $\frac{1}{4}$	5 acres	Sec. 10 T 30 S R 44 E.

## Charles F Smart land

NE $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres,	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	20 "	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	20 "	Section 4 T 30 S R 44 E.W.M.

## Charles M Smart land

NE $\frac{1}{4}$ NE $\frac{1}{4}$	20 acres	Section 33 T 29 S R 44 E.W.M.
SW $\frac{1}{4}$ NW $\frac{1}{4}$	30 acres	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	30 acres	Section 34 T 29 S R 44 E.W.M.

## Land having a partial water right under laws and Permits as hereinafter described:

H A Parks' land holding water right under Partial Assignment of Permit No. 1765, Application 3198, issued to Nelle B Parks, and for which secondary right is desired:

NW $\frac{1}{4}$ SW $\frac{1}{4}$	10 acres	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	40 "	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	25 "	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	Section 10 T 30 S R 44 E.W.M.

H A Parks' land holding water right under Assignment of Permit No. 188, Application 390, from Frank M Swisher, Jr., and for which a secondary right is desired:

NE $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	30 "	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	30 "	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	30 "	Section 20 T 30 S R 44 E.W.M.

Iris G Anawalt land holding water right initiated prior to February 24th, 1909, and for which a secondary right is desired:

SE $\frac{1}{4}$ SE $\frac{1}{4}$	40 acres	Section 10 T 29 S R 44 E.W.M.
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	37	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	33	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	30	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	Section 15 T 29 S R 44 E.W.M.

D. C. Beers' land holding water right under Permit 1974, Application 3514, and for which a secondary right is desired:

NW $\frac{1}{4}$ NE $\frac{1}{4}$	15 acres	Sec. 15 T 29 S R 44 E.
NW $\frac{1}{4}$ SE $\frac{1}{4}$	5 acres	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	25	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	15	Section 10 T 29 S R 44 E.W.M.
NW $\frac{1}{4}$ NW $\frac{1}{4}$	25 acres	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	35	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	20	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	Section 11 T 29 S R 44 E.W.M.

Charles F Smart land holding water right initiated prior to February 24th, 1909, and for which a secondary right is desired.

NW $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres	Section 4 T 30 S R 44 E.W.M.
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## (Conclusion of Remarks.)

The point of diversion for the H A Parks' ditch is 10 chains 20 links North 70° East of  $\frac{1}{4}$  section corner common to Sections 8 and 9 T 30 S R 44. E.W.M., being within the  $SW\frac{1}{4}$   $NW\frac{1}{4}$  said Section 9; noted on the map as Point of Diversion No. 4.  
(All the foregoing in the County of Malheur.)

REMARK NO. 2.

The D C Beers' Ditch flows thru part of Sections 9, 10 and 11, terminating in the  $NW\frac{1}{4}$  NW Section 11 T 29 S R 44 E.W.M., and being  $2\frac{1}{4}$  miles in length.

The Smart Ditch on the West side of Cow Creek flows thru Sections 33 T 29 S R 44 E.W.M., and Section 4 T 30 S R 44 E.,W.M., terminating in the  $NE\frac{1}{4}$   $SW\frac{1}{4}$  Section 4 T 30 S R 44 E. W.M., and being  $1\frac{1}{2}$  miles in length. The Smart Ditch on the East side of Cow Creek flows thru Section 34 T 29 S R 44 E.W.M., terminating in the  $NW\frac{1}{4}$   $NE\frac{1}{4}$  Section 4 T 30 S R 44 E. W.M., and being 1 mile in length.

The Beers - Skinner Ditch flows thru Sections 4 - 9 - and 10, terminating, for the land irrigated hereunder, in  $SW\frac{1}{4}$   $SW\frac{1}{4}$  Section 10, T 30 S R 44 E.W.M., and being  $2\frac{1}{2}$  miles in length.

The H A Parks' ditch flows thru Sections 9 - 16 - 21 and 20, terminating in the  $SE\frac{1}{4}$   $NW\frac{1}{4}$  Section 20 T 30 S R 44 E.W.M., and being  $2\frac{1}{2}$  miles in length.

THE NAMES OF THE DITCHES AS HERETOFORE STATED SHALL APPLY HEREUNDER.

REMARK NO. 3

D C Beers' Ditch: 4 feet bottom, 6 ft. top, water 1 ft, grade 0.6 feet per 1,000 feet.

Smart Ditches each: 3 feet bottom,  $4\frac{1}{2}$  ft. top, water 1 ft., grade 0.35 feet per 1,000 feet.

Beers - Skinner Ditch: 6 feet bottom, 10 ft. top, water  $1\frac{1}{2}$  ft. grade 0.5 feet per 1,000 ft.

H A Parks' Ditch: 4 feet bottom, 6 ft. top, water 1 ft., grade 0.4 feet per 1,000 feet.

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, \$1,000.00
- 13. Construction work will begin on or before October 1, 1916
- 14. Construction work will be completed on or before Two years
- 15. The water will be completely applied to the proposed use on or before Two and one-half years

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

THE LOWER COW CREEK WATER COMPANY

(Name of applicant)

by D. D. Joslyn, Agent

Signed in the presence of us as witnesses:

- (1) Thos. T Kohout Jordan Valley, Oregon  
(Name) (Address of witness)
- (2) .....  
(Name) (Address of witness)

Remarks: 1. There are four diversion points described as follows: The point of diversion for the D. C. Beers' ditch is 36 chains North 67° 30' W of the corner of Sections 9 - 10 - 15 and 16, T 29 S R 44 E.W.M., being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  said Section 9 noted on the map as Point of Diversion No. 1

The point of diversion for the two Smart ditches is common and bears South 47° West, 1780 feet from the corner of Sections 27 - 28 - 33 and 34, T 29 S R 44 E.W.M., being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  said Section 33; noted on the map as Point of Diversion No. 2.

The point of diversion for the Beers-Skinner Ditch is 72 rods South 30° East of the  $\frac{1}{4}$  Section corner common to Sections 4 and 5 T 30 S R 44 E.W.M. being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  said Section 4; noted on the map as Point of Diversion No. 3.

(Concluded Page 3120 (c) )

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.

11

Application No. 5162

Permit No. 3120

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 13th day of Sept., 1916, at 1:30 o'clock P. m.

Returned to applicant for correction

Corrected application received

Approved: Oct. 10 1916

Recorded in Book No. 12 of Permits, on Page 5120

John H Lewis State Engineer. 1 map RS \$27.25

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 together with the waters heretofore appropriated 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 use of the water under this permit shall be limited to water for irrigation and a supplemental supply of water for the irrigation of lands already having a partial water right.

The use of water under this permit is also limited to the waters of Cow Creek, and the water stored in the Lower Cow Lake Reservoir to be constructed under Application No. 5005, Permit No. R 376.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 11.88 cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is September 13, 1916

Actual construction work shall begin on or before October 10, 1917 and shall thereafter be prosecuted with reasonable diligence and be completed on or before June 1, 1919 EXTENDED TO 6/1/20 - 8/1/21 - 9/1/23

Complete application of the water to the proposed use shall be made on or before October 1, 1920 EXTENDED TO 10/1/21 - 10/1/23

WITNESS my hand this 10th day of October, 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.