

SUPERSEDED 46267-499094
CERTIFICATE NO. 24504 48 136
55295
59986
68516

* Permit No. 3163

APPLICATION FOR A PERMIT

To appropriate the Public Waters of the State of Oregon

I, BLUE MOUNTAIN DITCH COMPANY (Name of Applicant)

of Mt. Vernon Grant (Postoffice), County of Oregon

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 Under the Laws of the State of Oregon, on the 4th day of May, 1916.

1. The source of the proposed appropriation is John Day River (Name of stream)

tributary of

2. The amount of water which the applicant intends to apply to beneficial use is 25 cubic feet per second.

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

4. The point of diversion is located 3170 ft. S 58° E. from the Southwest corner, Sec. 20 Tp 13 S R 30 E.W.M. (Give distance and bearing to section corner)

being within the SE 1/4 of NW 1/4 of Sec. 29, Tp. 13 S (Give smallest legal subdivision) (No. N. or S.)

R. 30 E W. M., in the county of Grant, State of Oregon (No. E. or W.)

5. The main ditch to be 4 5/4 miles in length, terminating in the NE 1/4 of SE 1/4 of Sec. 27, Tp. 13 S, R. 29 E (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 Individual lateral ditch 3 miles as shown on accompanying map.

Blue Mountain Ditch

DESCRIPTION OF WORKS

DIVERSION WORKS—

7. (a) Height of dam no dam feet, length on top feet, length at bottom feet; material to be used and character of construction. Head of ditch to be a cut through rock at a point where no dam is (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam) needed for the water to enter the ditch.

(b) Description of headgate (Timber, concrete, etc., number and size of openings)

* 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—

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) 7 feet; width on bottom 5 feet; depth of water 1 1/2 feet; grade 0.85 feet fall per one thousand feet.

(b) At 1 to 6 miles from headgate. Width on top (at water line) 7 feet; width on bottom 5 feet; depth of water 1 1/2 feet; grade 0.85 feet fall per one thousand feet.

From 6 to 7.75 miles; top width 4 ft; bottom width 2 ft; depth of water 1 ft. and grade 1.25 ft. to 1000 ft.

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

IRRIGATION—

9. The land to be irrigated has a total area of 1270 acres, located in each smallest legal subdivision, as follows:

Sec. 29 13-30 E.W.M.	Sec. 25 13-29 E.W.M.	Sec. 27 13-29 E.W.M.	Sec. 30 13-30 E.W.M.	Sec. 26 13-29 E.W.M.	Sec. 28 13-29 E.W.M.	Sec. 19 13-30 E.W.M.	Sec. 21 13-29 E.W.M.	Sec. 29 13-30 E.W.M.	Sec. 20 13-29 E.W.M.
SE 1/4 NW 1/4 15 acres;	NE 1/4 NE 1/4 40 acres	SE 1/4 NE 1/4 40 acres,	SE 1/4 NE 1/4 10 acres,	NE 1/4 NE 1/4 25 acres,	SE 1/4 NW 1/4 38 acres,	SW 1/4 SW 1/4 35 acres,	SE 1/4 SW 1/4 40 acres,	NE 1/4 NE 1/4 10 acres	SE 1/4 SW 1/4 40 acres,
SW 1/4 NW 1/4 20 acres,	NW 1/4 NE 1/4 40 acres,	SW 1/4 NE 1/4 40 acres,	NE 1/4 NE 1/4 15 acres,	SE 1/4 NE 1/4 15 acres,	SW 1/4 NW 1/4 20 acres,	SE 1/4 SW 1/4 15 acres,	SW 1/4 SW 1/4 40 acres,	NE 1/4 NE 1/4 40 acres!	SW 1/4 SW 1/4 40 acres,
NW 1/4 NW 1/4 5 acres	NE 1/4 NW 1/4 40 acres,	NE 1/4 SE 1/4 35 acres,	NW 1/4 NE 1/4 25 acres,	NW 1/4 NE 1/4 20 acres,	NE 1/4 SW 1/4 5 acres,	SE 1/4 SW 1/4 15 acres,	NW 1/4 NE 1/4 35 acres,	NW 1/4 NE 1/4 35 acres,	NE 1/4 SW 1/4 35 acres
Sec. 30 13-30 E.W.M.	NW 1/4 NW 1/4 35 acres,	NW 1/4 SE 1/4 20 acres,	SE 1/4 NE 1/4 10 acres,	Sec. 26 13-29 E.W.M.	NE 1/4 SW 1/4 5 acres,	SW 1/4 SW 1/4 35 acres,	NE 1/4 SE 1/4 20 acres,	NE 1/4 NW 1/4 25 acres,	NE 1/4 SW 1/4 40 acres
SE 1/4 NE 1/4 10 acres,	Sec. 26 13-29 E.W.M.	NE 1/4 SE 1/4 35 acres,	NE 1/4 NE 1/4 15 acres,	NE 1/4 NE 1/4 25 acres,	SE 1/4 NW 1/4 38 acres,	SE 1/4 SW 1/4 15 acres,	SW 1/4 NW 1/4 20 acres,	SE 1/4 NW 1/4 38 acres,	SW 1/4 SW 1/4 40 acres
NE 1/4 NE 1/4 15 acres,	NE 1/4 NE 1/4 25 acres,	NW 1/4 SE 1/4 20 acres,	NW 1/4 NE 1/4 25 acres,	SE 1/4 NE 1/4 15 acres,	SW 1/4 NW 1/4 20 acres,	NW 1/4 NE 1/4 20	NE 1/4 SW 1/4 5 acres,	SW 1/4 NW 1/4 20 acres,	NE 1/4 SW 1/4 10 acres,
NW 1/4 NE 1/4 25 acres,	SE 1/4 NE 1/4 15 acres,	NE 1/4 SE 1/4 35 acres,	NE 1/4 NW 1/4 20	NW 1/4 NE 1/4 20 acres,	SE 1/4 NW 1/4 38 acres,	NW 1/4 NW 1/4 22 acres,	NE 1/4 SW 1/4 5 acres,	SW 1/4 NW 1/4 20 acres,	SW 1/4 SW 1/4 40 acres
NE 1/4 NW 1/4 20	NW 1/4 NE 1/4 20 acres,	NE 1/4 SE 1/4 35 acres,	NW 1/4 NW 1/4 22 acres,	SW 1/4 NE 1/4 35	SE 1/4 NW 1/4 38 acres,	Sec. 19 13-30 E.W.M.	NE 1/4 SW 1/4 5 acres,	NE 1/4 NW 1/4 25 acres,	NE 1/4 SW 1/4 40 acres
Sec. 19 13-30 E.W.M.	NW 1/4 SE 1/4 3 acres;	NW 1/4 SE 1/4 20 acres,	SE 1/4 SW 1/4 35 acres,	NE 1/4 SE 1/4 3 acres;	SW 1/4 NW 1/4 20 acres,	SW 1/4 SW 1/4 35 acres,	NE 1/4 SW 1/4 5 acres,	NE 1/4 NW 1/4 34 acres,	NE 1/4 SW 1/4 40 acres
SW 1/4 SW 1/4 35 acres,	SE 1/4 NW 1/4 40 acres,	NE 1/4 SW 1/4 5 acres,	SE 1/4 SW 1/4 15 acres,	SW 1/4 SE 1/4 3 acres;	NW 1/4 NW 1/4 25 acres,	SE 1/4 SW 1/4 15 acres,	NE 1/4 SW 1/4 5 acres,	NE 1/4 NW 1/4 34 acres,	NE 1/4 SW 1/4 40 acres
SE 1/4 SW 1/4 15 acres.	SW 1/4 NW 1/4 40 acres,	NE 1/4 SW 1/4 5 acres,	SE 1/4 SW 1/4 15 acres,	SW 1/4 SE 1/4 3 acres;	NE 1/4 NW 1/4 25 acres,	SE 1/4 SW 1/4 15 acres,	NE 1/4 SW 1/4 5 acres,	NE 1/4 NW 1/4 34 acres,	NE 1/4 SW 1/4 40 acres
	NE 1/4 SW 1/4 25 acres;	NE 1/4 SW 1/4 5 acres,	SE 1/4 SW 1/4 15 acres,	SW 1/4 SE 1/4 3 acres;	NE 1/4 NW 1/4 25 acres,	SE 1/4 SW 1/4 15 acres,	NE 1/4 SW 1/4 5 acres,	NE 1/4 NW 1/4 34 acres,	NE 1/4 SW 1/4 40 acres
	NW 1/4 SW 1/4 35 acres.	NE 1/4 SW 1/4 5 acres,	SE 1/4 SW 1/4 15 acres,	SW 1/4 SE 1/4 3 acres;	NE 1/4 NW 1/4 25 acres,	SE 1/4 SW 1/4 15 acres,	NE 1/4 SW 1/4 5 acres,	NE 1/4 NW 1/4 34 acres,	NE 1/4 SW 1/4 40 acres

(If more space is required, attach separate sheet)
 Lands requiring a supplemental supply of water included in above list and listed separately below.

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.

E X H I B I T "A" .

KNOW ALL MEN BY THESE PRESENTS, That George Livermore, single, W T McKern and Edna McKern, his wife, John Harper, single, Barney McGirr and Nancy McGirr, his wife, and J A Pope, single, of Mt. Vernon, Grant County, Oregon, parties of the first part, in consideration of shares of stock of the Blue Mountain Ditch Company, a private corporation, issued and delivered to each of the grantors herein, have bargained and sold, and by these presents do grant, bargain, sell and convey unto said Blue Mountain Ditch Company, their successors and assigns, all the following bounded and described real property, situate in the county of Grant and State of Oregon:

That certain ditch and water right, owned by the grantors herein, taking water out of the John Day River from a point on the south bank thereof in the Southeast quarter of the northwest quarter of Section twenty-nine, in Township thirteen, south of Range thirty, east of the Willamette Meridian, and running thence westerly to a point one and three-tenths miles in length, which now covers and irrigates about 220 acres of land, belonging to the grantors herein, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all our estate, right, title and interest in and to the same, including dower and claim of dower.

TO HAVE AND TO HOLD the above granted premises unto the said Blue Mountain Ditch Company, its assigns and successors forever, And we, the grantors above named, George Livermore, W T McKern and, Edna McKern, John Harper, Barney McGirr and Nancy McGirr, and J A Pope, do covenant to and with the Blue Mountain Ditch Company, its successors and assigns, that we are lawfully seized, and are the owners of the above granted premises, and have good right to sell and convey the same.

IN WITNESS WHEREOF, We, the grantors above named, hereunto set our hands and seals this 20th day of October, 1916.

Signed, Sealed and Delivered
in the presence of us as
Witnesses:

J E Marks,

Bernice Allen.

George W Livermore (Seal)

W T McKern (Seal)

Edna E McKern, (Seal)

John Harper (Seal)

Barney McGirr (Seal)

Nancy McGirr (Seal)

J A Pope (Seal)

STATE OF OREGON)
) ss.
County of Grant.)

BE IT REMEMBERED, That on this 20th day of October, 1916, before me the undersigned, a notary public in and for said County and State, personally appeared the within named George Livemore, W T McKern and Edna McKern, his wife, John Harper, Barney McGirr and Nancy McGirr, his wife, and J A Pope, who are known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and Notarial Seal the day and year last above written.

(SEAL) J E Marks,
Notary Public for Oregon

Ny Commission expires Nov. 5, 1919.

Recorded Vol. 32 at page 53 of the Records of Grant County, Oregon.

STATE OF OREGON)
) ss.
County of Grant.)

I, H W Powell, County Clerk for Grant County, State of Oregon, Ex-officio Recorder and Custodian of the Records for said County and State, do hereby certify that the foregoing copy of Deed (George Livemore et al. to Blue Mountain Ditch Company) has been by me compared with the original thereof and that it is a true and correct transcript of said original and the whole thereof, as the same appears on file and of record at my office and in my official custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, this Twentieth day of October, 1916.

Clerk.

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, \$.....
- 13. Construction work will begin on or before
- 14. Construction work will be completed on or before.....
- 15. The water will be completely applied to the proposed use on or before.....

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

(CORPORATE SEAL)

Attest: W A Pope, Secretary.

BLUE MOUNTAIN DITCH CO.

(Name of applicant)

by Geo. Clark, President

Mt. Vernon, Grant County, Oregon.

Signed in the presence of us as witnesses:

- (1)
(Name) (Address of witness)
- (2)
(Name) (Address of witness)

Remarks: All the premises above described in Tp. 13 S R 30 E.W.M., and the 40 acres in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 25 Tp. 13 S R 29 E.W M., in all 220 acres, is now under irrigation from the present ditch, leaving 780 acres additional acreage covered by the proposed ditch, which old ditch has been sold and assigned to the applicant herein, which more fully appears from Exhibit "A", attached hereto and made a part of this application.

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.

Application No. 5224
Permit No. 3163

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 23
day of October, 1916,
at 1:30 o'clock P. m.

Returned to applicant for correction.

Corrected application received

Approved:

Nov 29 1916

Recorded in Book No. 12 of
Permits, on Page 3163

John H. Lewis
1 map RS State Engineer.

\$73.50

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 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 purposes, domestic supply, and a supplemental supply for the irrigation of lands already having a partial water right.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 16.0 cubic feet per second, or its equivalent in case of

rotation. The priority date of this permit is October 23, 1916

Actual construction work shall begin on or before November 29, 1917

and shall thereafter be prosecuted with reasonable diligence and be completed on or before

June 1, 1919
4/20-6/21-7/22-9/23
11/24

Complete application of the water to the proposed use shall be made on or before

October 1, 1921
EXTENDED TO 10/22-10/23
11/24

WITNESS my hand this 29th day of November, 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.