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File No. 48311

\*APPLICATION FOR PERMIT

partially ASSIGNED, See Misc. Rec., Vol. J Page 796

STATE ENGINEER

To appropriate the Public Waters of the State of Oregon

I, Francis D. Brown (Name of applicant) of P.O. bx. 425, Fort Klamath, Klamath Co., Oregon, (97626) (Mailing address) State of \_\_\_\_\_, 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 Cherry creek and Chub creek with deficiency made up from ~~Chub~~ Cherry Creek carried through Brown Ditch (Name of stream) both a tributary of Upper Klamath Lake

2. The amount of water which the applicant intends to apply to beneficial use is 1/80 th cubic feet per second per acre (25cfs) 1.5 cfs from Chub Cr. for irrigation 0.5 cfs from Cherry Cr. 0.4 cfs from Chub Cr. for stock use 10:1 from Cherry Cr. (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, stock (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 600 ft. N. and 825 ft. W. from the S.E. corner of S.E. 1/4 of N.E. 1/4 Sec. 22, T. 34S, R. 6 E. Wm. M. (Section or subdivision)

The point of diversion on Chub cr. is located 250 ft. W. from N.E. corner of S.E. 1/4 of S.W. 1/4, Sec. 24, T. 34S. R. 6 E. Wm. M. on north line of same 1/4 1/4 Sec.

(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 Cherry Cr.: SE 1/4 NE 1/4 Sec 22 Chub Cr.: NE 1/4 SW 1/4 Sec 24 of Sec. 34S, Tp. 34S (Give smallest legal subdivision) (N. or S.) R. 6 E., W. M., in the county of Klamath (E. or W.)

5. The Main ditch to be 2 miles (Main ditch, canal or pipe line) (Miles or feet) in length, terminating in the S. 1/2 of N.W. 1/4 of Sec. 25, Tp. 34S (Smallest legal subdivision) (N. or S.) R. 6 E., W. M., the proposed location being shown throughout on the accompanying map. (E. or W.)

Cherry cr. DESCRIPTION OF WORKS

6. (a) Height of dam 2ft. feet, length on top 100 ft. feet, length at bottom 100 ft. feet; material to be used and character of construction loose rock (Loose rock, concrete, masonry, Has been in place and held for forty years. rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate Adjustable Steel 30 in. max. (Timber, concrete, etc., number and size of openings)

Diversion from Chub cr. 2ft. high 20 ft. long weir set in stream bed with adjustable angle

30 in. steel gate set in stream bed at right to stream bed (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 secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

Canal System or Pipe Line— **Cherry Cr.**

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) 6' feet; width on bottom 5' feet; depth of water 2' feet; grade 35' feet fall per one thousand feet.

(b) At 3/4 miles from headgate: width on top (at water line) 3' feet; width on bottom 2' feet; depth of water 10" feet; grade 3' 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, 117' to 132' ft. Is grade uniform? no Estimated capacity, ..... sec. ft.

8. Location of area to be irrigated, or place of use .....

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated	Stock Place Use
34S	6E, Wm. M.	25	N.E. 1/4 of N.W. 1/4	40	chub cr. On ditch N. center
34S	6E, Wm. M.	25	S.E. 1/4 of N.W. 1/4	40	chub cr. " NW corner
34S	6E, Wm. M.	25	S.W. 1/4 of N.W. 1/4	40	chub cr. " "
34S	6E, Wm. M.	26	S.E. 1/4 of N.E. 1/4	40	cherry cr. " "

(If more space required, attach separate sheet)

(a) Character of soil Loam with some peat

(b) Kind of crops raised Pasture for cattle

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 .....  
(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, \$ 3500.00

12. Construction work will begin on or before Aug. 1, 1971

13. Construction work will be completed on or before Oct 1973

14. The water will be completely applied to the proposed use on or before Oct 1974

*Francis D. Brown*  
(Signature of applicant)

Remarks: Cherry creek is a year round stream. Chub creek is dry in last part of the irrigation season.

I propose to extend the present ditch system dykes and canal, to control the water on the low land and to irrigate all of the afore stated land.

One half sec. ft. for stock use from ditch in each 1/4 sec.

Range cattle, 100 pair ( cows and calves.)

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 ....., 19.....

WITNESS my hand this ..... day of ....., 19.....

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 1.50 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 Chub Creek and 0.50 cfs from Cherry Creek for irrigation with any deficiency in the available supply from Chub Creek to be made up by appropriation from Cherry Creek, provided that the total quantity diverted from both sources shall not exceed 1.5 cfs, and 0.02 cfs from each of Chub Creek and Cherry Creek for stock.

The use to which this water is to be applied is stock and irrigation.

If for irrigation, this appropriation shall be limited to 1/40 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 that no water be appropriated for stock use above that appropriated for irrigation during the irrigation season,

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 June 9, 1971.

Actual construction work shall begin on or before January 30, 1974 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1974.

Complete application of the water to the proposed use shall be made on or before October 1, 1975.

WITNESS my hand this 30th day of January, 1973.

STATE ENGINEER

Application No. 48311  
Permit No. 36276

**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 9th day of June, 1971, at 1 o'clock P. M.

Returned to applicant:

Approved:

January 30, 1973  
Recorded in book No. 36276 of

CHRIS L. WHEELER  
STATE ENGINEER

Drainage Basin No. 14 page 8A

Fees