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Permit No. 40364

"CERTIFICATE NO. 56241"

WATER RESOURCES DEPT. SALEM, OREGON

\*APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

I, David and/or Avelino J. Etchart (Name of applicant) of P.O. Box 104 (Mailing address), McDermitt (City), State of Nevada (Zip Code) 89421, 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 Two unnamed streams (Name of stream) (swampy, spring areas), a tributary of Oregon Canyon Creek

2. The amount of water which the applicant intends to apply to beneficial use is 2.06 cubic feet per second being 1.36 cfs from #1 & 0.70 cfs from #2 (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 of 65.2 acres (Irrigation, power, mining, manufacturing, domestic supplies, etc.) and supplemental irrigation of 17.2 acres

4. The point of diversion is located #1 190' N 1260' W both #2 470' ft. S and 200 ft. E from the N/4 corner of Section 33 T. 38 S. R. 41 E. W.M. (Section or subdivision)

(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 #1 SE 1/4 SW 1/4 #2 NW 1/4 NE 1/4 of Sec. #1-28, #2-33 Tp. 38 S (Give smallest legal subdivision) (N. or S.)

R. 41 E, W. M., in the county of Malheur (E. or W.)

5. The ditch (Main ditch, canal or pipe line) to be 3 miles (Miles or feet)

in length, terminating in the SE 1/4 NE 1/4 of Sec. 2, Tp. 39 S (Smallest legal subdivision) (N. or S.)

R. 41 E, 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 feet, length on top feet, length at bottom feet; material to be used and character of construction (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

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

(c) If water is to be pumped give general description gravity-flood irrigation system (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. Such forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon 97310.

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) 2<sup>0</sup> feet; width on bottom 1<sup>0</sup> feet; depth of water 1<sup>0</sup> feet; grade 6 feet fall per one thousand feet.

(b) At 3 miles from headgate: width on top (at water line) 2<sup>0</sup> feet; width on bottom 1<sup>0</sup> feet; depth of water 1<sup>0</sup> feet; grade 6 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 North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated	
				Primary	Supplemental
39 S	41 E	2	NE 1/4 NE 1/4	24.8	10.6
			NW 1/4 NE 1/4	34.4	0.6
			SW 1/4 NE 1/4	6.0	
			SE 1/4 NE 1/4		6.0
				65.2	17.2
				<u>82.4</u>	

(If more space required, attach separate sheet)

(a) Character of soil silty loam

(b) Kind of crops raised pasture - hay

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, \$ 2000<sup>00</sup>.....

12. Construction work will begin on or before Complete.....

13. Construction work will be completed on or before Complete.....

14. The water will be completely applied to the proposed use on or before 10-1-77.....

x David E. Eckhart  
(Signature of applicant)  
x Pauline E. Eckhart

Remarks: .....

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 1.03 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 2 unnamed streams, being 0.68 c.f.s. from stream No. 1 and 0.35 c.f.s. from stream No. 2.

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

If for irrigation, this appropriation shall be limited to 1/80th 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 November 7, 1975

Actual construction work shall begin on or before May 17, 1977 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19 78.

Complete application of the water to the proposed use shall be made on or before October 1, 19 79.  
Extended to Oct. 1 1980

WITNESS my hand this 17th day of May, 1976

*James E. Larson*  
WATER RESOURCES DIRECTOR

Application No. 40364  
Permit No. 40364

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 7th day of November, 1975, at 12:45 o'clock P. M.

Returned to applicant:

Approved:

Recorded in book No. 40364 of        Permits on page       

STATE ENGINEER

Drainage Basin No. 11 page 14

Fees 25.00