

\* Permit No. 5733

APPLICATION FOR A PERMIT

To appropriate the Public Waters of the State of Oregon

I, Pete Mann Irrigation Company (Name of Applicant) of Hereford (Postoffice), County of Baker, 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 Lightning Creek, Dry Gulch, Spring Gulch, Clear Creek, and Salmon Creek (Name of stream) tributary of North Fork John Day River

2. The amount of water which the applicant intends to apply to beneficial use is 23 cubic feet per second.

3. The use to which the water is to be applied is Irrigation and supplemental supply. (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located per maps, as nearly as can be determined, the same. (Give distance and bearing to section corner) See attached sheet.

being within the 29, 31 and 32 of Sec. 4, 5, 6, Tp. 9 S and 35 E (Give smallest legal subdivision) (No. N. or S.) R. 35 E, W. M., in the county of Grant (No. E. or W.)

5. The (See attached sheet) to be miles (Main ditch, canal or pipe line) in length, terminating in the of Sec. of Tp. (Smallest legal subdivision) (No. N. or S.) R. W. M., the proposed location being shown throughout on the accompanying map. (No. E. or W.)

6. The name of the ditch, canal or other works is Little Salmon Ditch, Virginia Ditch, Mann and Travillion Ditch, Pete Mann Irrigation Co's. Ditch, and Big Flag Ditch.

DESCRIPTION OF WORKS

DIVERSION WORKS— (See attached sheet.)

7. (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)

\* 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 attached sheet.)

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.

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

IRRIGATION—

9. The land to be irrigated has a total area of approximately 2356 acres, located in each smallest legal subdivision, as follows:

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

(See attached sheet).

(If more space 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 .....

The following accompanies Application No. 7739, as made on February 10th, 1921, with the State Engineer of the State of Oregon for a permit to appropriate the public waters of the State of Oregon, the same being signed by Pete Mann Irrigation Company, by John Hanby.

4 & 5. The Little Salmon Ditch takes out of Clear Creek near the Northwest corner of Section 6, Tp. 10 South, Range 35, E.W.M., and extends southeasterly to a point near the south line of Section 9, said Township and Range, where the same intersects Green Horn Gulch, Said ditch takes water from Clear Creek, Dry Gulch, Spring Gulch and Salmon Creek, in Grant County, and delivers the same into Green Horn Gulch and thence through Green Horn Gulch into the North Fork of Burnt River. The right to take this water from Green Horn Gulch at a point near the center of Section 23, said Township and Range, and to carry the same through the lower Mann and Travillion Ditch, is reserved.

The Virginia Ditch takes out of Clear Creek at a point near the center of Section 31, Township 9 South, Range 35 E.W.M., and runs thence in a general southeasterly direction across Dry Gulch, Spring Gulch, Salmon Creek and Lightning Creek, to a point near the center of Section 10, Township 10, South, Range 35 E.W.M., where the same delivers the waters of the above named creeks into a branch of Olive Creek. Said waters then flow down said branch a short distance into the main Mann and Travillion Ditch, mentioned in the paragraph immediately following. The right is reserved to run the Little Salmon Ditch waters around the side of the mountain and to deliver the same into the aforesaid Virginia Ditch at a point near the center of Section 9, Township 10 South, Range 35 E.W.M., and to deliver the same in the same manner that it is proposed to deliver the Virginia Ditch waters.

At the present time the Mann and Travillion main Ditch takes out of Dry Gulch at a point South of the center of Section 32, Township 9 South, Range 35 E.W.M., and near the South line of said section, and runs thence in a southeasterly, northeasterly, southerly, and easterly and southeasterly direction across Spring Gulch, Salmon Creek, Lightning Creek, Quartz Gulch, Olive Creek, Bear Creek and to points in Sections 9, 10, 11 and 12 in Township 10, South, Range 35 $\frac{1}{2}$  East. Said ditch takes the waters of said creeks, excepting Quartz Gulch and Olive Creek, and delivers the same, together with the aforesaid waters of Virginia Ditch and Little Salmon Ditch, at the aforesaid Sections 9, 10, 11 and 12, where the same may be used for placer mining in Baker County, Oregon, after which, the same may be turned down Bennett Creek and into the North Fork of Burnt River. If said waters are not used for placer mining, the same will be turned down Bear Creek, which heads in Section 12, Township 10, South, Range 35, E.W.M. The right is reserved to extend the aforesaid main Mann and Travillion Ditch from Dry Gulch to intercept and divert waters from Clear Creek at a point near the Southwest corner of Section 29, Township 9 South, Range 35 E.W.M. although this survey has never been made.

These three ditches head in the high mountains on the North slope and in Grant County. Construction is difficult and the aforesaid locations are subject to change when a definite sur-

vey has been made, but said locations and said points of diversion are in each instance approximately correct. The complete system is adopted, as above set out, in order that such waters may be diverted from these streams and conducted into the North Fork of Burnt River without making too large a canal where the mountains are high, it delivers water, as above appropriated, through three ditches as far easterly, as far down the side of the mountains, and as far toward the North Fork of Burnt River, as possible, before the same is taken into the main Mann and Travillion Ditch.

The Little Salmon Ditch is approximately 3 miles long; the Virginia Ditch is approximately 4 miles long; the main Mann and Travillion Ditch, as used for irrigation, is approximately 7 miles long. The Pete Mann Irrigation Co's. main ditch is approximately 22 miles long; the ditches of Borman and the Oregon Lumber Company are about as located and designated in the Burnt River adjudication matter; and the Big Flat Ditch is about 18 miles long, as contemplated, and about 8 miles long, as now constructed.

7. The waters of the aforesaid Creeks will be diverted into the Little Salmon Ditch, the Virginia Ditch, and the main Mann and Travillion Ditch very easily. No permanent works are contemplated at this time, since a log thrown across the creeks, the under part being filled in with brush, rock and dirt, will divert the waters into these several ditches. Before the entire system is completed it may be that permanent cement dams will be placed across these creeks for this purpose and headgates will be established. As above suggested, these ditches will divert water from and across the aforesaid creeks in the high mountains and construction is difficult. For this reason the greater portion of construction, so far as the diversion works are concerned, will be made of logs, brush, rock and dirt, they being on the ground and available. By the time this system is completed the Company will have full knowledge with reference to this construction and will set the same out in detail at the time the final report is made and an application filed for the purpose of inspection and acceptance of this proposed system.

As yet the headgates of the Pete Mann Irrigation Company main ditch and the headgate at the head of the Big Flat Ditch, they being the main diversion works from the North Fork of Burnt River, are uncertain. As yet the main ditch is not constructed and the preliminary work thereon is not complete. No right to take waters through Big Flat Ditch has been obtained, although such is under negotiation. The headgate will be made in the river at the head of the Big Flat Ditch and will be of sufficient size to carry the additional waters taken there through by this Company. Just what that amount is to be is uncertain, hence it is impossible to give the size of this headgate.

8. The Little Salmon Ditch, the Virginia Ditch, and the main Mann and Travillion Ditch are all of approximately the same size, being about 8 feet wide on top, 5 feet wide on the bottom, and 2 feet deep, with a fall of some 2 to 4 inches to the rod. These are old

mining ditches and the Company has contracted for their use and ownership. The main diversion Ditch of the Company will be about 5 feet wide on the bottom, about 7 feet wide on the top, and 2 feet deep, with a fall of 3 plus feet to the mile. The Big Flat Ditch is 5 feet on the bottom, 7 feet on the top and about 2 feet deep, and has a fall of about one-quarter inch to the rod.

It is the intention of J. Fleetwood to take his waters through either the High Line Ditch (being the main ditch of the Company), or through Big Flat Ditch, after which it is his intention to drop his waters into a natural water course known as Pine Creek and running across Sections 9, 10, 15, 14, 23 and 25, in Township 12, South, Range 37 E.W.M., and upon his land in said Section 25. This will be taken out in a ditch taking out at a point on Pine Creek near the Northeast corner of the Northwest Quarter of the aforesaid Section 23, and running thence to the lands of Fleetwood in the aforesaid Section 25.

9. This will be supplemental irrigation for the Oregon Lumber Company upon lands in Sections 27, 28, 29, 32, 33 and 34, and for E. R. Borman in Sections 29 and 30, all in Township 10, South, Range 35 E.W.M.

As to the remainder of the parties designated on the map, 6 acres will be irrigated in Section 33, Township 11, South, Range 37, E.W.M., and the remainder of said irrigation will be in Sections 3, 4, 5, 8, 9, 10, 11, 13, 14, 15 and 25, in Township 12, South, Range 37, E.W.M. In addition said Company reserves the right to irrigate lands in Sections 16, 22, 23 and 24, said Township and Range. At this time it is impossible for the Company or the members thereof to ascertain exactly the amount to be irrigated in each 40-acre tract in the foregoing sections. As herein suggested, the amount of land will be approximately 2200- acres of which approximately 1000 will be supplemental rights and 1200 will be new rights. After full construction and application the Company and the members thereof will be in position to know absolutely to the acre as to the land for which a supplemental right is granted and the land for which a new right is obtained. In some instances such might be possible at this time, but if the Company attempts at this time to so designate the same must of necessity be incomplete and subject to considerable alteration at the time the final proof is made to the State Engineer's office for inspection and approval. However, if the State Engineer's office demands such segregation at this time, the Company and the members thereof will make such segregation as is possible.

The reservations as to lands in Sections 16, 22, 23 and 24, Township 12 South, Range 27, E.W.M. is made for the reason it may be found impractical to irrigate some of the lands designated definitely upon the map. For this reason the Company and the members thereof reserve the right to apply these waters upon the 4 sections last above referred to if the same shall be found practical and if such shall be satisfactory to the State Engineer.

SEGREGATION OF LANDS.

TO ACCOMPANY APPLICATION NO. 7739, AS FILED WITH THE STATE ENGINEER OF THE STATE  
OF OREGON BY THE PETE MANN IRRIGATION COMPANY ON FEBRUARY  
10th, 1921.

<u>Township 10 South, Range 36 E.W.M.</u>				
Section 30		<u>Total Acreage</u>	<u>Supple.</u>	<u>New.</u>
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	-	40
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	-	40
Section 29				
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	15	-	15
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	17	2	15
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	22	3	19
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	22	13	9
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	27	27	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	30	30	
Section 28				
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	8	8	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	33	33	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	32	32	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	25	25	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	4	4	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10	10	
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	37	37	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	30	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	20	20	
Section 27.				
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	10	10	
Section 33				
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	25	25	
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	36	36	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	27	27	
Section 34				
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20	20	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	30	20	10
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	30	20	10
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	32	32	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	16	10	6
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	15		15
<u>Township 11 South, Range 37 E.W.M.</u>				
Section 33				
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	6		6
<u>Township 12 South, Range 37 E.W.M.</u>				
Section 4.				
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	5		5
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	30		30
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	35		35
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	15		15
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	14		14
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	10	30
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	25	1	24
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	38	2
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	18		18
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	3		3

## Township 12 South, Range 37 E.V.M.

Section 5	Total Acreage	Suppl.	New.
SW $\frac{1}{4}$ NE $\frac{1}{4}$	26	5	21
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	25	15
NE $\frac{1}{4}$ SE $\frac{1}{4}$	35	6	29
SE $\frac{1}{4}$ SE $\frac{1}{4}$	19	11	8
Section 3			
NW $\frac{1}{4}$ SW $\frac{1}{4}$	15		15
SW $\frac{1}{4}$ SW $\frac{1}{4}$	36	15	21
SE $\frac{1}{4}$ SW $\frac{1}{4}$	15	10	5
Section 9			
NW $\frac{1}{4}$ NW $\frac{1}{4}$	25	16	9
NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	4 $\frac{1}{2}$	35 $\frac{1}{2}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$	20	8 $\frac{1}{2}$	11 $\frac{1}{2}$
NE $\frac{1}{4}$ NE $\frac{1}{4}$	15		15
SE $\frac{1}{4}$ NE $\frac{1}{4}$	20		20
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	10	30
NW $\frac{1}{4}$ SE $\frac{1}{4}$	27	27	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	20	20
SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	20	10
Section 10			
NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	5	35
NE $\frac{1}{4}$ NW $\frac{1}{4}$	34	15	19
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	20	20
SW $\frac{1}{4}$ NW $\frac{1}{4}$	20		20
SW $\frac{1}{4}$ NE $\frac{1}{4}$	20		20
NW $\frac{1}{4}$ SW $\frac{1}{4}$	20		20
NE $\frac{1}{4}$ SW $\frac{1}{4}$	35		35
SE $\frac{1}{4}$ SW $\frac{1}{4}$	30		30
SW $\frac{1}{4}$ SW $\frac{1}{4}$	20	12	8
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40		40
NE $\frac{1}{4}$ SW $\frac{1}{4}$	10		10
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40		40
SW $\frac{1}{4}$ SE $\frac{1}{4}$	35		35
Section 11.			
NW $\frac{1}{4}$ SW $\frac{1}{4}$	15		15
NE $\frac{1}{4}$ SW $\frac{1}{4}$	10		10
SE $\frac{1}{4}$ SW $\frac{1}{4}$	10		10
SW $\frac{1}{4}$ SW $\frac{1}{4}$	10		10
Section 13.			
SW $\frac{1}{4}$ NW $\frac{1}{4}$	15	1	14
NW $\frac{1}{4}$ SW $\frac{1}{4}$	25	1	24
Section 14			
NW $\frac{1}{4}$ NW $\frac{1}{4}$	25		25.
SW $\frac{1}{4}$ NW $\frac{1}{4}$	25	17.9	7.1
NW $\frac{1}{4}$ NE $\frac{1}{4}$	10		10.
SW $\frac{1}{4}$ NE $\frac{1}{4}$	20		20.
SW $\frac{1}{4}$ SW $\frac{1}{4}$	37	20	17.
NW $\frac{1}{4}$ SE $\frac{1}{4}$	35		35.
NE $\frac{1}{4}$ SE $\frac{1}{4}$	20		20.
Section 15			
NE $\frac{1}{4}$ NW $\frac{1}{4}$	30	14	16.
SE $\frac{1}{4}$ NW $\frac{1}{4}$	30	8	22.
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	33.7	6.3
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	5.	35.
SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	36.9	3.1
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	14.6	25.4
NW $\frac{1}{4}$ SE $\frac{1}{4}$	13	13	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	35	35	
Section 25			
NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	20	20.
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	30	10
Total	2356	1043.1	1312.9





MUNICIPAL SUPPLY—

11. To supply the city of \_\_\_\_\_  
\_\_\_\_\_ County, having a present population of \_\_\_\_\_,  
(Name of)  
and an estimated population of \_\_\_\_\_ in 19\_\_\_\_\_.

(Answer questions 12, 13, 14 and 15 in all cases)

- 12. Estimated cost of proposed works, \$ 20,000.00
- 13. Construction work will begin on or before May 1st, 1922.
- 14. Construction work will be completed on or before November 1st, 1927.
- 15. The water will be completely applied to the proposed use on or before \_\_\_\_\_  
November 1st, 1927.

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

\_\_\_\_\_  
PETE MANN IRRIGATION COMPANY,  
(Name of applicant)  
by John Hanby.

Signed in the presence of us as witnesses:

- (1) \_\_\_\_\_, \_\_\_\_\_  
(Name) (Address of Witness)
- (2) \_\_\_\_\_, \_\_\_\_\_  
(Name) (Address of Witness)

Remarks: This application is made in connection with the purchase of certain water rights formerly owned by the Pete Mann and the Trivillion Mining ditches, and the applicant herein specifically reserves any right which may be acquired by reason of the purchase of said water rights.

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:  
Completion and tracing.

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before November 2nd 1921.

WITNESS my hand this 2 day of October, 1921

\_\_\_\_\_  
Percy A. Cupper,  
State Engineer.

L.A.

Application No. 7739

Permit No. 5733

PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

District No.

This instrument was first received in the office of the State Engineer at

Salem, Oregon, on the 10 day

of February, 1921,

at 4:30 o'clock P.M.

Returned to applicant for correction

October 2, 1921

Corrected application received

November 2, 1921

Approved:

January 13, 1923.

Recorded in Book No. 20 of Permits, on Page 5733

Percy A. Cupper

State Engineer.

1 map ER

\$71.13

STATE OF OREGON, ) ss. County of Marion,

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 right herein granted shall be limited to the appropriation of water from Lightning Creek, Dry Gulch, Spring Gulch, Clear Creek and Salmon Creek, for irrigation 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 23.0 cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is February 10, 1921

Actual construction work shall begin on or before January 13, 1924. and shall thereafter be prosecuted with reasonable diligence and be completed on or before June 1, 1925. EXTENDED TO 6/1/27 6/1/28 10/1/30 Extended to Oct. 1, 1934

Complete application of the water to the proposed use shall be made on or before October 1, 1927 EXTENDED TO 10/1/28 10/1/30 Extended to Oct. 1, 1934

WITNESS my hand this 13th day of January, 1923.

Percy A. Cupper

State Engineer.

Permits for power development are subject to the limitation of franchise as provided in Section 5728, Oregon Laws, and the payment of annual fees as provided in Section 5803, Oregon Laws.