

* Permit No. 5859

ABSTRACT MADE

5098

APPLICATION FOR A PERMIT

To appropriate the Public Waters of the State of Oregon

I, N. D. Swearingen
 (Name of Applicant)
 of Pendleton,
 (Postoffice) Umatilla
 County 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 An Unnamed Spring Creek
 (Name of stream)
 tributary of Umatilla River
 2. The amount of water which the applicant intends to apply to beneficial use is
1.50 cubic feet per second.
 3. The use to which the water is to be applied is
Fish Hatchery Purposes.
 (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located Fish Pond and Hatchery is in bed of stream the
 (Give distance and bearing to section corner)
spillway of which is located 612 ft. south and 8 ft. east from the Gov. pipe
witness corner placed 20 ft. south of the true corner of the center of the
Southwest Quarter of Sec. 3 Tp. 2 N R 33 E. N.M. The fish pond extends then
up the stream S 70° E 600 ft.

being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 3, Tp. 2 N
 (Give smallest legal subdivision) Umatilla (No. N. or S.)
 R. 33 E, W. M., in the county of Umatilla
 (No. E. or W.)
 5. The Fish Pond to be 1/8 miles
 (Main ditch, canal or pipe line)
 in length, terminating in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 3, Tp. 2 N
 (Smallest legal subdivision) Umatilla (No. N. or S.)
 R. 33 E, 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
Swearingen Fish Hatchery

DESCRIPTION OF WORKS

DIVERSION WORKS— or outlet.

7. (a) Height of dam 2 feet, length on top 100 feet, length at bottom
100 feet; material to be used and character of construction Concrete dam in place.
 (Loose rock, concrete,
 The spillway is 4 ft. wide and 2 ft. deep with the opening from above screened
 masonry, rock and brush, timber crib, etc., wasteway over or around dam)
so that the fish cannot get out.

(b) Description of headgate A screen in creek above so fish cannot get out above.
 (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—

No canal. Bed of stream.

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 acres, located in each smallest legal subdivision, as follows:

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

(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

MUNICIPAL SUPPLY—

11. To supply the city of _____

(Name of) County, having a present population of _____,
and an estimated population of _____ in 19_____.

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

12. Estimated cost of proposed works, \$_____ Works all completed. Cost about \$500.00

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.

M. Swearingen

(Name of applicant)

c/o Hotel Pendleton, Pendleton, Ore.

Signed in the presence of us as witnesses:

(1) Aubrey E. Perry. Pendleton, Oregon.
(Name) (Address of Witness)

(2) J. L. Ebersol. _____
(Name) (Address of Witness)

Remarks: The water runs thru the pond which is in the bed of the stream and continues on down the stream.

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 _____

WITNESS my hand this _____ day of _____

State Engineer.

Application No. 8933

Permit No. 5859

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 26 day

of April, 1923,

at 1:30 o'clock P.M.

Returned to applicant for correction

Corrected application received

Approved:

May 14th, 1923.

Recorded in Book No. 20 of
Permits, on Page 5859

Percy A. Cupper

1 map ER State Engineer.

\$8.00

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 right herein granted is limited to the appropriation of water from an
unnamed spring creek for fish hatchery purposes.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 1.5 cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is April 26, 1923.

Actual construction work shall begin on or before May 14, 1924 and shall thereafter be prosecuted with reasonable diligence and be completed on or before June 1, 1925.

Complete application of the water to the proposed use shall be made on or before October 1, 1926.

WITNESS my hand this 14th day of May, 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.