

*Permit No. 730

APPLICATION FOR A PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

Oregon - Washington Railroad & Navigation Company
(Name of Applicant)

of Wells Fargo Building, Portland, County of Multnomah
(Postoffice)

State of Oregon does, ~~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

Incorporated November 23, 1910, at Salem, Oregon

1. The source of the proposed appropriation is an unnamed spring on lands of A.
(Name of stream)

J. Sturtevant in Section eight, Township one South, Range thirty-two E. W. M.

2. The amount of water which the applicant intends to apply to beneficial use is .013 cubic feet per second.

3. The use to which the water is to be applied is domestic supply for buildings
(Irrigation, power, mining, manufacturing, and stockyards on applicant's right of way and residence of A. J. Sturtevant domestic supplies, etc.)

4. The point of diversion is located at a point 1077 feet North 45° and 58° west
(Give distance and bearing to section corner)

from the corner common to Sections 8 - 9 - 16 and 17, Township 1 South, Range 32 E. W. M.

being within the SE 1/4 of SE 1/4 of Sec. eight, Tp. one South
(Give smallest legal subdivision) (No. N. or S.)

R. thirty-two E, W. M., in the county of Umatilla
(No. E. or W.)

5. The pipe line (three inch) to be 1500 feet miles in
(Main ditch, canal or pipe line)

length, terminating in the SE 1/4 of SE 1/4 of Sec. eight, Tp. one S., R. 32 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

Pilot Rock Depot Pipe Line

DESCRIPTION OF WORKS

Diversion Works—

7. (a) Height of dam five feet, length on top thirty feet, length at bottom thirty feet; material to be used and character of construction

(Loose rock, concrete,

Concrete wasteway over top of dam.

masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate Plank box, 3 feet by 5 feet by 6 feet;

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

one 3 inch opening.

*A different form of application is provided where an appropriation is to be made by the enlargement of existing works, or 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).....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 the power is to be applied is.....

(h) The nature of the mines to be served.....

This Agreement made and entered into this 7th day of April 1908, by and between A. J. Sturtevant and Carrie Sturtevant, his wife, parties of the first part, and the Umatilla Central Railroad Company, a corporation duly organized and existing under the laws of the State of Oregon, having its principal office in the City of Portland, in said State, party of the second part

WITNESSETH: That WHEREAS the party of the first part is the owner of the Southeast quarter of the Southeast quarter of Section 8, Township 1 South, Range 32 East, W. M., upon which is located a certain spring flowing Easterly from near the center of said Southeast quarter of the Southeast quarter of said Section 8, and

WHEREAS the said party of the second part has constructed and is operating a standard gauge railroad over and upon said lands and desires to use a portion of the waters of said spring for the purpose of supplying its engines, its station grounds and stock yards.

NOW THEREFORE, for and in consideration of the covenants and agreements herein specified it is hereby mutually agreed that the said Railroad Company shall have the right to enter upon the premises of the party of the first part and construct a dam, reservoir or headgate at the head of said spring and to lay a 3 - inch pipe from said dam, reservoir or headgate to a tank located upon the right of way and station grounds of the said party of the second part and to lay one inch pipes from said tank to connect with its depot building and its stock yards, and to perpetually maintain said pipe lines and to use so much of the waters of said spring as may be necessary for the above purpose,

PROVIDED that the faucets at the said stock yards and depot buildings shall be opened only when necessary.

It is hereby agreed that as a part of the consideration herein the said second party shall construct a substantial fence along the East side of its station grounds and extending from the North line of the Southwest Quarter of Section 9 of said Township and Range to the South end of said station grounds in Section 17, of said Township and Range, said fence to be constructed within 30 days from the date hereof, and shall also reconvey to said first parties all of Lot 1 and part of Lot 2 of Block 2 of North Addition to Pilot Rock conveyed by deed dated October 22, 1906, and recorded at Page 470 of Book 49 Records of Deeds of Umatilla County, Oregon.

It is also agreed that the said Railroad Company shall deliver by pipe the overflow waters from said tank to a point on the premises of the said first party, not more than 100 feet from said tank, from which said waters will flow by gravity to any part of the lands of the said first party between the said station grounds and Birch Creek, and North of said tank, or in lieu thereof, at the option of said first parties,

to lay a 3 - inch pipe from said tank to the dwelling of first parties a distance of 600 feet, more or less.

IN WITNESS WHEREOF the party of the first part have affixed their names and seals and the party of the second part has caused this instrument to be executed on its behalf by its President, this 7th day of April, 1908.

Executed in the presence of

| | | | |
|-------------|--------------------|-------------------|--------|
| J. N. Roark | as to A. J. and | A J Sturtevant | (SEAL) |
| | | her | |
| J. B. Eddy | Carrie Sturtevant. | x | |
| | | mark | |
| | | Carrie Sturtevant | (Seal) |

Walter Guild
O. G. Edwards

UMATILLA CENTRAL RAILROAD COMPANY

By J. P. O'Brien.

STATE OF OREGON)
) SS.
County of Umatilla.)

THIS CERTIFIES That on this 7th day of April, 1908, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named A. J. Sturtevant and Carrie Sturtevant, his wife, 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 freely and voluntarily.

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

(SEAL) J. B. Eddy
Notary Public for Oregon.

STATE OF OREGON,)
) SS.
County of Multnomah.)

On this 13th day of April 1908, before me appeared J. P. O'Brien to me personally known, who being duly sworn did say that he is the President of the Umatilla Central Railroad Company and that the seal affixed to said instrument is the and that said instrument was signed and sealed in behalf of said corporation corporate seal of said corporation by authority of its board of directors, and said J. P. O'Brien acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal this the day and year first in this my certificate written.

(SEAL) W. H. Guild
Notary Public for Oregon.

Municipal Supply—

11. To supply the city 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, \$ 950.00
13. Construction work will begin on or before Completed 1907
14. Construction work will be completed on or before See 13
15. The water will be completely applied to the proposed use on or before Completely applied since 1907

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

OREGON - WASHINGTON RAILROAD & NAVIGATION COMPANY (Name of applicant)

By J P O'Brien Vice President

Signed in the presence of us as witnesses:

- (1) M C Soule 35 East 4th St., Portland, Ore.
(2) G L Gregory 937 Rodney Ave., "

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 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 _____, 19_____.

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

State Engineer.

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Application No. 1505

Permit No. 730

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 June 1911, at 8:00 o'clock A.M.

Returned to applicant for correction

Corrected application received

Approved

Aug 21 1911

Recorded in Book No. 3 of Permits on Page 730

John H Lewis

State Engineer.

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:

The priority date of this permit is June 23, 1911

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 13/1000 (0.013) cubic feet per second.

Actual construction work shall begin on or before Aug 21 1912

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

Aug 21 1913

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

Aug 21 1914

WITNESS my hand this 21st day of August, 1911.

John H Lewis

State Engineer.