

# To Appropriate the Public Waters of the State of Oregon

I, John Kelly  
(Name of applicant)  
of Freewater, Route 2, County of Umatilla,  
(Postoffice)  
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 Swartz Spring Creek  
(Name of stream)  
tributary of Pine Creek

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

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

4. The point of division is located South 50° 00E -600 ft. from the NW corner of  
(Give distance and bearing to section corner)  
Section 25, Tp. 6 N., R. 34 E.W.M.

being within the NW 1/4 of Sec. 25, Tp. 6 N.,  
(Give smallest legal subdivision) (No. N. or S.)  
R. 34 E., W. M., in the county of Umatilla  
(No. E. or W.)

5. The main ditch to be 3/4  
(Main ditch, canal or pipe line)  
miles in length, terminating in the NE 1/4 of Sec. 26, Tp. 6 N.,  
(Smallest legal subdivision) (No. N. or S.)  
R. 34 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 Marlatt Canal

## DESCRIPTION OF WORKS

DIVERSION WORKS— Diversion works is an Earth dam in place at head of Swartz Spring Cr.

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 Can put in Timber gate.  
(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—

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) 3ft. feet; width on bottom 2 feet; depth of water 1 feet; grade 1.0 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 25 acres, located in each smallest legal subdivision, as follows:

(Give area of land in each smallest legal subdivision which you intend to irrigate) 15 acres in the NE 1/4 NW 1/4 and 10 acres in the SE 1/4 NW 1/4, all in Section 26, Tp. 6 N., R. 34 E., W.M.

(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. (No. N. or S.), R. (No. E. or W.), W. M.

(e) Is water to be returned to any stream? (Yes or No)

(f) If so, name stream and locate point of return

, Sec. (No. N. or S.), Tp. (No. N. or S.), R. (No. E. or W.), W. M.

(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 \_\_\_\_\_  
\_\_\_\_\_ County, having a present population of \_\_\_\_\_,  
(Name of)  
and an estimated population of \_\_\_\_\_ in 192\_\_\_\_\_

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

- 12. Estimated cost of proposed works, \$ 100.00
- 13. Construction work will begin on or before Marlatt Canal in place
- 14. Construction work will be completed on or before made several years ago.
- 15. The water will be completely applied to the proposed use on or before March 1st, 1930.

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

J. D. Kelly \_\_\_\_\_  
(Name of applicant)  
Route #2, Fraewater, Oregon \_\_\_\_\_

Signed in the presence of us as witnesses:

- (1) Aubrey E. Parry \_\_\_\_\_, Pendleton, Ore. \_\_\_\_\_  
(Name) (Address of witness)
- (2) Carl Chambers \_\_\_\_\_, \_\_\_\_\_  
(Name) (Address of witness)

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 \_\_\_\_\_, 192\_\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 192\_\_\_\_\_.

STATE ENGINEER.

Application No. 11868

Permit No. 8252

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 3rd day of December,

1927, at 1:00 o'clock P. M.

Returned to applicant for correction:

Corrected application received:

Approved:

December 21st, 1927.

Recorded in Book No. 27 of Permits, on page 8252

RHEALUPER

STATE ENGINEER.

1 map ACFP

\$9.50

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 is limited to the appropriation of water from Swartz Spring Creek for irrigation purposes.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 0.3 cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is December 3, 1927.

Actual construction work shall begin on or before December 21, 1928, and shall thereafter be prosecuted with reasonable diligence and be completed on or before June 1, 1929.

Complete application of the water to the proposed use shall be made on or before October 1, 1930.

WITNESS my hand this 21st day of December, 1927.

RHEALUPER 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.