

*Permit No. 8842

APPLICATION FOR A PERMIT

CERTIFICATE NO. 9779

To Appropriate the Public Waters of the State of Oregon

I, Fred W. Falconer (Name of applicant) of Pendleton (Postoffice), County of Umatilla, 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 West Birch Creek (Name of stream), tributary of Birch Cr and of Umatilla River

2. The amount of water which the applicant intends to apply to beneficial use is 1.25 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 diversion is located About 1200 ft. east and 250 ft. south of the 1/4 section corner between Sections 1 and 2, Twp. 2 South, Range 51 East (Give distance and bearing to section corner)

being within the NW 1/4 SW 1/4 of Sec. 1, Tp. 2 S (Give smallest legal subdivision) (No. N. or S.)

R. 31 E, W. M., in the county of Umatilla (No. E. or W.)

5. The main ditch and lateral is 2 miles (Main ditch, canal or pipe line) to be

miles in length, terminating in the NE 1/4 SE 1/4 of Sec. 25, Tp. 1 S (Smallest legal subdivision) (No. N. or S.)

R. 31 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 Cunningham Ditch and laterals

DESCRIPTION OF WORKS

Present dam of Cunningham Ditch to be used. Has been built a good many years DIVERSION WORKS—

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 wooden 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— The Cunningham Ditch as it now exists will be used to carry the water.

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

(Give area of land in each smallest legal subdivision which you intend to irrigate) 2 acres NE 1/4 SE 1/4; 3 acres in SE 1/4 SE 1/4; 20 acres in SW 1/4 SE 1/4 all in Section 25; also 5 acres in SE 1/4 SW 1/4 in Section 25; 8 acres in NW 1/4 NE 1/4; 25 acres in NE 1/4 NW 1/4, 30 acres in SE 1/4 NW 1/4 and 5 acres SW 1/4 NW 1/4 all in Section 36, Twp. 1 S., Range 31 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., Tp., R., W. M. (Legal subdivision) (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
..... 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, \$ 500.00
- 13. Construction work will begin on or before Has all been completed
- 14. Construction work will be completed on or before Has all been completed
- 15. The water will be completely applied to the proposed use on or before
May 1st, 1931

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

Fred W. Falconer
(Name of applicant)

Signed in the presence of us as witnesses:

- (1) Mac Hoke, Pendleton, Oregon
(Name) (Address of witness)
- (2) Edith Phillips, Pendleton, Oregon.
(Name) (Address of witness)

Remarks: Map shows cross hatched and in blue the 33 acres of land to be petitioned for a change in point of diversion from the Wilson Ditch to the Cunningham Ditch so as to do away with the long flume over the creek. The only difference being the water is taken out about a mile further up the creek.

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. 12484

Permit No. 8842

PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON

Division No. District No.

This instrument was first received in the office of the State Engineer at Salem, Ore-

gon, on the 13th day of December

1928, at 1:00 o'clock P.M.

Returned to applicant for correction:

Corrected application received:

Approved:

January 10, 1929

Recorded in book No. 29 of

Permit on page 8842

R H E A L U P E R

STATE ENGINEER

1 map ACFP \$19.70

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 West

Birch 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 1.23 cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is December 15, 1928

Actual construction work shall begin on or before January 10, 1930 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1931

Complete application of the water to the proposed use shall be made on or before October 1, 1932

WITNESS my hand this 10th day of January, 1929

R H E A L U P E R

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.