

NAME CHANGED on records to John K. Proebstel. See letter of August 9, 1948. *Not right photostat of Deed does not cover these lands...*

***APPLICATION FOR A PERMIT**

CERTIFICATE NO. 26541

To Appropriate the Public Waters of the State of Oregon

I, Frank R. McCormick (Name of applicant)
of Haines (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 Little Muddy Creek (Name of stream), a tributary of Powder River

2. The amount of water which the applicant intends to apply to beneficial use is .25 cubic feet per second. (If water is to be used from more than one source, give quantity from each)

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

4. The point of diversion is located 400 ft. S and 400 ft. W from the NW corner of Section 19, Township 7 South, Range 39 E., W.M. (Section or subdivision)
(If preferable, give distance and bearing to Sec. Cor.)

(If there are more than one points of diversion, each must be described. Use separate sheet if necessary)

being within the NE 1/4 of NE 1/4 of Sec. 24, Tp. 7 S, R. 38 E., W. M., in the county of Baker (Give smallest legal subdivision) (No. N. or S.) (No. E. or W.)

5. The main ditch ^{is} 5/8ths miles in length, terminating in the NW 1/4 of NE 1/4 of Sec. 19, Tp. 7 S, R. 39 E., W. M., the proposed location being shown throughout on the accompanying map. (Main ditch, canal or pipe line) (No. miles or feet) (Smallest legal subdivision) (No. N. or S.) (No. E. or W.)

6. The name of the ditch, canal or other works is Maxwell-Little Muddy Ditch

DESCRIPTION OF WORKS

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 _____ (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 OR PIPE LINE

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.

(c) Length of pipe, ft.; size at intake, in.; size at ft. from intake in.; size at place of use in.; difference in elevation between intake and place of use, ft. Is grade uniform? Estimated capacity, sec. ft.

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR IRRIGATION—

9. The land to be irrigated has a total area of 12 acres, located in each smallest legal subdivision, as follows:

Township	Range	Section	Forty-acre Tract	Number Acres to be Irrigated
7 S.	39 E	19	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	12
.....
.....
.....
.....
.....
.....
.....
.....

(If more space required, attach separate sheet)

(a) Character of soil ...Sandy Loam and Volcanic Ash.....

(b) Kind of crops raised ...Hay and Grain.....

POWER OR MINING PURPOSES—

10. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.
(Head)

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec.,
(Legal subdivision)

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

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

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

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

(h) The use to which power is to be applied is

(i) 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, \$.....
- 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

Frank R. McCormick
(Name of applicant)

Signed in the presence of us as witnesses:

- (1) Frank C. McColloch, Baker, Oregon
(Name) (Address of witness)
- (2) Ruth Reider, Baker, Oregon
(Name) (Address of witness)

Remarks: This is a supplemental supply for the irrigation of 12 acres in the Northwest corner of the forty above described. Water has been used through the ditch in question for the irrigation of these premises for many years last past and I have just recently discovered that no filing for the same has ever been made from Little Muddy, although the original filing was made by the Miller Estate at the time of the Powder River Adjudication out of Rock Creek and through the Miller Ditch. I make this filing at this time for the purpose of perfecting my right and will supply maps and filing fees within thirty days.

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 Map and fees

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before January 13, 1930, 192.....

WITNESS my hand this 13th day of December, 192/30.

CHAS. E. STRICKLIN
STATE ENGINEER
REC

Application No. 13873

Permit No. 9978

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, Oregon, on the 11th day of Dec.

1930, at 8:00 o'clock A.M.

Returned to applicant:

Corrected application received:

Approved:

December 31, 1930.

Recorded in book No. 33 of

Permits on page 9978

CHAS. E. STRICKLIN STATE ENGINEER

Drainage Basin No. 9, Page 237 a. Fees Paid \$9.50

STATE OF OREGON, } ss. County of Marion, }

PERMIT

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 right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.15 cubic feet per second, or its equivalent in case of rotation with other water users, from Little Muddy Creek.

The use to which this water is to be applied is supplemental irrigation.

If for irrigation, this appropriation shall be limited to 1/80th 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 priority date of this permit is December 11, 1930.

Actual construction work shall begin on or before December 31, 1931, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1932.

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

October 1, 1933.

WITNESS my hand this 31st day of December, 192/30.

CHAS. E. STRICKLIN 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.