

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Nevada

FILED APR 26 1909

1. Date of receipt of Application _____
2. Name of applicant Sum Sum Water Co.

Postoffice address: Burns.
County Harney, Oregon.

I. If applicant is a corporation, give

- (a) Date and place of corporation Jan. 10 - Ore - 1909
- (b) The amount of capital stock \$ 4000.00
- (c) The amount paid in \$ 2000.00
- (d) The names and addresses of Directors J. W. Biggs Allen
Biggs of Burns Ore. & Edwin B. Hall
of Denis - Managing Director

3. The quantity of water claimed is 2507 cubic feet per second.

4. Source of water supply Continental Lake & Trib.

5. Location of point of diversion In Unsurveyed Land at a pt. at
Nth bank of Lake about 3 miles Nthly from N-E

6. To be used for: Cr. of Sec-1-T.45 N R. 38 E.

I. Irrigation and domestic use:

- (a) Number of acres to be irrigated 2000. acres.
- (b) In the following legal subdivisions Lands in T-39 S.
R. 35 E & T. 38 S - R. 34 E. Willamette.
Meridians in Oregon
(A list of lands to be irrigated may be appended as a part of this application.)

II. Mining, power, manufacturing or transportation purposes:

- (a) To be used for _____
- (b) Amount of power to be generated _____ horse power.
- (c) At what point _____
- (d) Is water to be returned to stream, ("yes" or "no") No.
- (e) If "yes" at what point _____

7. Estimated cost of works \$ 3000.00

8. Description of works for diversion:

I. Kind of works (reservoir, dam, ditch, flume, pipes or otherwise)

Head Gates - Dams - & Ditch

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Nevada

FILED APR 26 1909

1. Date of receipt of application

2. Name of applicant *Jum Jum Water Company*

Postoffice address: *Burns*

County *Harney - Oregon*

I. If applicant is a corporation, give

(a) Date and place of corporation *Jan'y 10th. 1909 - Burns, Oregon*

(b) The amount of capital stock *\$4000.*

(c) The amount paid in *\$2000*

(d) The names and addresses of Directors *J. W. Biggs, Burns, Oregon,
Allen Biggs, Burns, Oregon, Edwin B. Hill,
Dennis - Oregon, Managing Director*

3. The quantity of water claimed is *fifty (50)* cubic feet per second.

4. Source of water supply *Continental Lake and its tributaries -*

5. Location of point of diversion *On unsurveyed land - at a point at
North bank of Lake - about 3 miles Northwesterly from N.E.
corner of Sec. 1, T. 45 N. R. 38 E.*

6. To be used for *Irrigation*

I. Irrigation and domestic use:

(a) Number of acres to be irrigated *about 2000* acres.

(b) In the following legal subdivisions (A list of lands to be irrigated may be appended as a part of this application.)

*Lands in Townships 39 South Range 35 East
and Sp. 38 South Range 34 East, Willamette
Meridian in Oregon*

II. Mining, power, manufacturing or transportation purposes:

(a) To be used for

(b) Amount of power to be generated horse power.

(c) At what point

(d) Is water to be returned to stream? ("Yes" or "No") *No*

(e) If "yes," at what point

7. Estimated cost of works

8. Description of works for diversion:

I. Kind of works (reservoir, dam, ditch, flume, pipes, or otherwise)

Head works and ditch - \$3000 - Dam

II. Dimensions of works:

(a) Height of dam, 6 feet; length of dam at top, 25 feet; length of dam at bottom, 40 feet; material used in construction (wood, earth, stone or concrete)

Wood and earth. - most of dam is natural bank of Lake, with a cut and head gate.

(b) Capacity of reservoir _____ acre-feet.

(c) Size of headgate—width, 8 feet; height, 6 feet.

(d) Ditch (flume or pipe)—width at bottom, 12 feet; width at water line, 16 feet.

Average grade per mile is one feet. Length of ditch is 6 miles, and crosses

the following quarter sections: All unsurveyed as far as

ditch runs - then in Oregon through a
natural channel

to T. J. S. R. J. S. W. S. M which is the point of intended use.

REMARKS:

(This space is not to be written in by applicants.)

STATE IRRIGATION ACT OF 1903, AS AMENDED 1909.

SECTION 26a. It is hereby made the duty of the State Engineer to charge, and he shall charge, for all services rendered under the provisions of this Act, the following fees:

1. For filing application for permit, twenty-five (\$25) dollars, which shall include the expense of publication and the issuance of such permit, if the same shall issue, and such expense of publication is hereby fixed at the sum of ten (\$10) dollars, which sum shall be paid on the certificate of the State Engineer, approved by the State Board of Examiners, and the State Controller shall draw his warrant on the State Treasurer for the payment of such expense of publication.

2. For filing proof of beneficial use, two (\$2) dollars, which shall include certificate thereof, if the same shall issue.

3. For filing each transfer, agreement, assignment, waiver, release, relinquishment, deed, affidavit (other than affidavit of proof of appropriation), or other paper, one (\$1) dollar.

4. For copying papers on file or of record in this office, ten (10c.) cents per folio and for each certification under seal, fifty (50c.) cents.

All fees collected under the provision of this Act by the State Engineer shall be paid by him into the State Treasury at least once in each month, and the same shall become a part of the General Fund; and at the time of such payment the State Engineer shall deliver to the State Treasurer an itemized account, duly certified by him, showing the names of the persons by whom such fees are paid, and the purposes for which such payments were made.

APPROVAL OF STATE ENGINEER.

The number of this permit is.....
Date of receipt of first application..... 190 ..
Return to applicant for correction..... 190 ..
Corrected application received..... 190 ..
Publication of notice completed..... 190 ..
Recorded in Book....., page..... *This*
Journal Dec. / -, 1909.
Approved.....

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Nevada, and hereby grant the same, subject to the following limitations and conditions:

- The amount of water to be appropriated not more than..... cubic feet per second.
 - The construction of the within described works to be commenced not later than.....
 - One-fifth of the work above specified to be completed on or before.....
 - The whole of said work to be completed on or before.....
 - The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to.....
- Witness my hand this..... day of..... 190 ..

Lawrence Nicholas
State Engineer.

This water can not be taken into Oregon, as plenty of available land is still open in Nevada adjacent to this water.

Permit No. / 340

Quantity appropriated 50'

From Submersible Lake.

For Irrigation

Location of point of diversion, Section / Township 45th Range 38th E.

Name J. M. J. - J. M. - W. Co.

P. O. Address Same.

Application received FILED APR 26 1909

Approved

Recorded in Book G, Page 340

Final proof of beneficial use of water appropriated in accordance with this permit rendered

NEVADA STATUTES REGARDING APPROPRIATIONS OF WATER.

SEC. 24. Any person, association or corporation desiring to appropriate any of the public waters, or to change the place of diversion or manner of use of water now appropriated, shall before performing any work in connection with such appropriation make an application to the State Engineer for permission to make the same. Said application shall set forth the name and postoffice address of the applicant, the source from which said appropriation shall be made, the amount thereof, location of proposed works in connection therewith, the purpose for which the appropriation is desired, and if for irrigation a description of the land to be irrigated and the area thereof, and any additional facts required by the State Engineer. On receipt of this application, which shall be of a form prescribed by the State Engineer and to be furnished by him without cost to the applicant, it shall be his duty to make a record thereof in his office, and to carefully examine the same to ascertain whether it sets forth all facts necessary to determine the nature and amount of the proposed appropriation. If the application be defective it shall be the duty of the State Engineer to return the same to the applicant for correction, and sixty days shall be allowed for the refileing thereof. If refiled, corrected in proper form, within such time, the application shall, upon being accepted, take priority as of date of original filing subject to compliance with the further provisions of the law and the regulations thereunder. *Stats 1907, p. 35.*

SEC. 25. If not corrected as required, no further proceedings shall be had on such application, but when filed in compliance with this Act, the State Engineer shall within thirty days at the expense of the applicant, to be paid in advance, publish or cause to be published in some newspaper having a general circulation within the boundaries of the river system or water system or water source from which said appropriation is to be made, a notice of the application, showing by whom made; the quantity of water sought to be appropriated; the stream from which the appropriation is to be made, and at what point on the stream; the use for which it is to be appropriated, and by what means, which notice shall be published once a week for four weeks. Any person, corporation or association interested may, at any time within thirty days after completion of the publication of said notice, file with the State Engineer a written protest against the granting of said application, stating the reasons therefor, which shall be duly considered by said Engineer. He may, in his discretion, hear evidence in support of or against such application and shall take such action thereon as he may deem proper and just. But vested rights to the use of such waters shall in no wise be lost, prejudiced or impaired by failure to protest against an application to appropriate the same under this Act. *Stats. 1907, p. 36.*

SEC. 26. If there is no unappropriated water in the source of supply or if such change of place of diversion or manner of use will in any substantial way invade or impair the rights of other appropriators the State Engineer shall refuse such appropriation, endorse his refusal upon the application, make a record of his refusal and endorsement in his office, and return the application so endorsed to the applicant, who shall not prosecute the work under his application so long as such refusal shall be in force, under penalty of being deemed guilty of and punished for a misdemeanor. If there is unappropriated water in the source of supply named and the appropriation is not detrimental to the public welfare or the proposed change of place of diversion and manner of use will not invade or impair the rights of other appropriators, the State Engineer shall approve the application and set a date prior to which work of diversion and appropriation must be begun and a date prior to which such work must be completed, endorse such approval upon the application, make a record of such approval and endorsement in his office, and return the application so endorsed to the applicant, who shall, on receipt thereof, be authorized to take such measures as may be necessary to perfect such appropriation; *provided, however,* that the State Engineer may approve an application for a less amount of water than that named in the application. Any person changing his place of diversion or manner of use as specified in this Act shall not thereby lose any priority of right upon the stream he may have heretofore acquired. *Stats. 1907, p. 36.*

SEC. 28. Upon the approval of an application in whole or in part, the applicant shall send to the State Engineer within six months thereafter a map on a scale of not less than two inches to the mile, showing the location of the works necessary to perfect the appropriation, the source of appropriation, and if for irrigation, the land upon which the water is to be applied, which map shall be filed in his office. *Stats. 1907, p. 37.*

SEC. 30. Any person interfering with, obstructing or resisting the State Engineer, Assistant Engineer or any Water Commissioner, in the performance of his duty or duties as prescribed by this Act, or by the rules or regulations adopted by the Board of Irrigation, shall be deemed guilty of a misdemeanor. *Stats. 1907, p. 37.*

SEC. 31. Any act which is made a misdemeanor by this statute shall be punishable by a fine not exceeding five hundred dollars (\$500), or by imprisonment in the county jail not more than three months, or by both such fine and imprisonment in the discretion of the Court. *Stats. 1907, p. 37.*

Order # 4432 from Denis Ave. - for \$5.00 and.
 Check # 1801 - First Nat Bank of Wm., to Nixon Natl. Bank. - 20.00
 1340
 Check to Humboldt Star #17-10⁰⁰ June-3-09

II. Dimensions of works:

(a) Height of dam, _____ feet; length of dam at top, _____ feet; length of dam at bottom, _____ feet; material used in construction (wood, earth, stone or concrete) _____

(b) Capacity of reservoir _____ acre-feet.

(c) Size of headgate—width, _____ feet; height, _____ feet.

(d) Ditch (flume or pipe)—width at bottom, _____ feet width at water line, _____ feet; depth of water, _____ feet. Average grade per mile is _____ feet. Length of ditch is _____ miles, and crosses the following quarter sections: _____

to _____ which is the point of intended use.

APPROVAL OF STATE ENGINEER

The number of this permit is _____.

Date of receipt of first application _____ 190 _____.

Return to applicant for correction _____ 190 _____.

Corrected application received _____ 190 _____.

Last notice published May-28 1909 FILED JUN 3 1909

Recorded in Book _____, page _____
 Approved, Dec 1 1909 This water is not to be taken into Oregon as state land is open in Nevada.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Nevada, and hereby grant the same, subject to the following limitations and conditions:

The amount of water to be appropriated not more than _____ cubic feet per second.

The construction of the within described works to be commenced not later than _____

One-fifth of the work above specified to be completed on or before _____

The whole of said work to be completed on or before _____

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to _____

Witness my hand this _____ day of _____, 190 _____

State Engineer.

REMARKS

This space not to be written in by applicant.

This water is from Thousand Creek
 and should not be taken into Oregon.
 Protested by Mrs. K. Eberling. FILED SEP 4 1909