

RECEIVED
NOV 1 1966

STATE ENGINEER
Salem, Oregon

Permit No. 31926

CERTIFICATE NO. 42544

*APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, Frank L. Nims (Name of applicant)

of Cove (Mailing address)

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 #1 Borkgren Creek #2 Mill Creek #3 Millard Branch #4 Thew Creek #5 Nims Creek #6 Nims Spring #7 Duncan Spring (Name of stream) a tributary of Mill Creek, Trib. of Granda Ronde River

2. The amount of water which the applicant intends to apply to beneficial use is 0.6825 cubic feet per second. #1 0.18cfs #2 0.25 cfs #3 0.12cfs #4 0.05cfs #5 0.0625 #6 0.01 cfs #7 0.01 (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 Primary irrigation 0.235 supplemental irrigation 0.4275 cfs and domestic use including up to 1/2 acre of lawn and garden 0.01 from each spring (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located ft. and ft. from the corner of #1 1720'W 4460'S NE corner of Sec. 22 (N. or S.) (E. or W.) #2 460'E 4972'S NE corner of Sec. 22 SW 1/4 SW 1/4 sec. 23 #3 770'W 5190'S NE corner of Sec. 22 (Section or subdivision) SE 1/4 SE 1/4 Sec. 22 #4 940'W 5200'S NE corner of Sec. 22 SE 1/4 SE 1/4 Sec. 22 #5 3170'W 3470'S NE corner of Sec. 22 NE 1/4 SW 1/4 Sec. 22 #6 2170'E 3765'S NW corner of Sec. 22 NE 1/4 SW 1/4 Sec. 22 #7 2885'E 3935'S NW corner of Sec. 22 NW 1/4 SW 1/4 Sec. 22

(If preferable, give distance and bearing to section corner)

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

being within the of Sec. 22, Tp. 3S (Give smallest legal subdivision) (N. or S.)

R. 40E, W. M., in the county of Union (E. or W.)

5. The ditches to be 2000 feet (Main ditch, canal, or pipe line) (Miles or feet) in length, terminating in the NE 1/4 and SE 1/4 of SW 1/4 of Sec. 22, Tp. 3S (Smallest legal subdivision) (N. or S.)

R. 40E, W. M., the proposed location being shown throughout on the accompanying map. (E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dams 2 feet, length on top 4 feet, length at bottom feet; material to be used and character of construction dirt (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate rocks (Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description water to be pumped in area "D" only. Twenty horse gasoline engine to drive 200 GPM. Water to be lifted 80 feet. (Size and type of engine or motor to be used, total head water is to be lifted, etc.)

*A different form of application is provided where storage works are contemplated. **Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

Canal System or Pipe Line—

7. (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) 4 feet; width on bottom 3 feet; depth of water 1/2 feet; grade 40 feet fall per one thousand feet.

(b) At 1/4 miles from headgate: width on top (at water line) 3 feet; width on bottom 2 feet; depth of water 1/2 feet; grade 40 feet fall per one thousand feet.

(c) Length of pipe, 1000 ft.; size at intake, 4 in.; size at 300 ft. from intake 3 in.; size at place of use 3 in.; difference in elevation between intake and place of use, 80 ft. Is grade uniform? Yes Estimated capacity,2 sec. ft.

8. Location of area to be irrigated, or place of use

| Township North or South | Range E. or W. of Willamette Meridian | Section | Forty-acre Tract | Number Acres To Be Irrigated |
|----------------------------|---|---------|------------------|------------------------------|
| 3S | 40E | 22 | NE 1/4 SW 1/4 | 6.0 supplemental #1 |
| | | | | 9.5 Primary #1 |
| | | | | 10.0 supplemental #2,3,4 |
| | | | | 3.1 Primary #2,3,4 |
| | | | | 6.5 supplemental #5 |
| | | | | domestic 2 #6,7 |
| | | | SE 1/4 SW 1/4 | 9.0 supplemental #2,3,4 |
| | | | | 8.9 primary #2,3,4 |
| | | | | Total 53.0 acres |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

(If more space required, attach separate sheet)

(a) Character of soil Medium texture, medium loam.

(b) Kind of crops raised Cherries and pasture.

Power or Mining Purposes—

9. (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

10. (a) To supply the city of

..... County, having a present population of

(Name of)

and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied Two

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$..... 1,000

12. Construction work will begin on or before 15 October 1967

13. Construction work will be completed on or before 15 October 1968

14. The water will be completely applied to the proposed use on or before 15 October 1969

Frank L. Nims
(Signature of applicant)

Remarks: Area "A" is now covered by a water right of 1880 from Mill Creek, during the period from May 1st to September 1st. The purpose of this application is to add the additional sources of water which in fact have supplied the water to irrigate the land in Area "A" as long as I can find a record, and to obtain year round irrigation water for Area "A". Areas "N, C, and D" have not been covered by a water right and a year round permit is requested.

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

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.....

RECEIVED
NOV 1 1966

STATE ENGINEER

STATE ENGINEER

ASSISTANT

PERMIT

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 EXISTING RIGHTS and 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 0.65 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Borkgren Creek, Mill Creek, Millord Branch, Thew Creek, Nims Creek, Nims Spring, and Duncan Spring

The use to which this water is to be applied is irrigation, supplemental irrigation and domestic use of two families including the irrigation of not to exceed one-half acre lawn and garden being 0.18 cfs from Borkgren Creek, 0.23 cfs from Mill Creek, 0.11 cfs from Millord Branch, 0.05 cfs from Thew Creek, and 0.06 cfs from Nims Creek for irrigation and 0.01 cfs from Nims Spring and 0.01 cfs from Duncan Spring for domestic. 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 further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

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 August 31, 1966

Actual construction work shall begin on or before April 20, 1968 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1969

Complete application of the water to the proposed use shall be made on or before October 1, 1970. Extended to Oct. 1 1971

WITNESS my hand this 20th day of April, 1967

Chris L. Wheeler
STATE ENGINEER

Application No. 42744
Permit No. 31926

PERMIT
TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 31st day of August, 1966, at 10:40 o'clock A. M.

Returned to applicant:

Approved: April 20, 1967

Recorded in book No. 31926 of Permits on page

CHRIS L. WHEELER
STATE ENGINEER

Drainage Basin No. 8 page 186
Fees \$28.45