

RECEIVED

JUL 28 1975

\*APPLICATION FOR PERMIT

"CERTIFICATE NO. 56836

WATER RESOURCES DEPT. SALEM, OREGON

To Appropriate the Public Waters of the State of Oregon

I, WAYNE L. NIEHAUS and JUDITH A. NIEHAUS, husband and wife, (Name of applicant)

of P. O. Box 411, Waldport, Oregon 97394 (Mailing address) (City)

State of Oregon (Zip Code), 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 Brush Creek (Name of stream)

, a tributary of the Alsea River

2. The amount of water which the applicant intends to apply to beneficial use is 0.025 cfs

cubic feet per second being 0.005 cfs for domestic and 0.025 cfs for irrigation (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 Domestic, including irrigation not to exceed 2 acres in lawn and garden (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 1200 ft. N and ft. from the (N. or S.) (E. or W.)

corner of on an azimuth of 284° NW from the corner corner between Sec. 1, T 14 S, R 10 W and Sec. 6, T 14 S, R 9 W and 250 feet on an azimuth of 22° E from the

SW corner of Lot 6 (see attached map) T14S R10W W.M.

(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 SE 1/4, NE 1/4 Lot 6 of Sec. 1, Tp. 14 S, R. 10 W, W. M., in the county of Lincoln (Give smallest legal subdivision) (N. or S.)

5. The pipeline to be 1525 feet (Main ditch, canal or pipe line) (Miles or feet)

in length, terminating in the N 208' of the E 208' of Sec. 1, Tp. 14 S, R. 10 W, W. M., the proposed location being shown throughout on the accompanying map. (Smallest legal subdivision) (N. or S.)

DESCRIPTION OF WORKS

Diversion Works— basin & infiltration gallery

6. (a) Height of dam 2 foot catch/feet, length on top 10 feet, length at bottom

7 feet; material to be used and character of construction masonry rock & cedar boards, (Loose rock, concrete, masonry)

with waterway over the top of basin

rock and brush, timber crib, etc., wasteway over or around dam)

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

(c) If water is to be pumped give general description 5 h.p. electrical 100 foot lift (Size and type of pump)

(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. Such forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon 97310.

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) ..... 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, 1525 ..... ft.; size at intake, 1 1/2 ..... in.; size at ..... ft. from intake ..... in.; size at place of use ..... in.; difference in elevation between intake and place of use, 100 ..... ft. Is grade uniform? gradual ..... Estimated capacity, ..... sec. ft.

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

Table with 5 columns: Township North or South, Range E. or W. of Willamette Meridian, Section, Forty-acre Tract, Number Acres To Be Irrigated. Handwritten entries include '14 S', '9W', '6', 'Lot 8', '2 1/2 Dom', and '4-7-75'.

(If more space required, attach separate sheet)

(a) Character of soil .... Sandy loam .....

(b) Kind of crops raised .... Yard & garden - pasture grass .....

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 .....

RECEIVED stamp

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 one

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

11. Estimated cost of proposed works, \$ 4,000.00

12. Construction work will begin on or before August 1, '75

13. Construction work will be completed on or before November 1, '75

14. The water will be completely applied to the proposed use on or before November 1, '75

*Handwritten initials and date: H.H. 7-28-75*

*Hayne L. Nichols*  
(Signature of applicant)

*Justith A. Nichols*

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 .....

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.....

STATE ENGINEER

By ..... 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 0.03 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 Brush Creek

The use to which this water is to be applied is for irrigation and for domestic use for one family, being 0.025 c.f.s. for irrigation and 0.005 c.f.s. 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 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year.

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 July 28, 1975

Actual construction work shall begin on or before October 20, 1976 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1977.

Complete application of the water to the proposed use shall be made on or before October 1, 1978.

WITNESS my hand this 20th day of October, 1975.

*James B. ...*  
Water Resources Director FH  
A

Application No. 53462  
Permit No. 38415

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 28th day of July, 1975, at 11:38 o'clock A.M.

Returned to applicant:

Approved:

Recorded in book No. ... of ...  
Permits on page 38415

STATE ENGINEER

Drainage Basin No. 18 page 126

Fees \$45.00

38415