

Application No. 19656

Permit No. 15307

Certificate No. 21147

Stream Index, Page No. 1-6C

FEES PAID

Date	Amount	Receipt No.
4/9/42	6.00	28623
5/11/42	5.00	28712
7/2/42	2.00	28824
Total		
2/14/56	\$1 Cert. Fee	6138

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

3.6 S.f. from Graham Creek & a Branch of Graham Creek, being
1.8 S.f. from each source, for domestic, Stock & Fish Prop-
agation.

Name Midland Water Assoc.

By Route 2

Address Clatskanie, Oregon

Date filed April 9, 1942

Priority April 9, 1942

Action suspended until

Returned to applicant

Date of approval August 10, 1942

CONSTRUCTION

Date for beginning August 10, 1943

Date for completion October 1, 1944

Extended to

Date for application of water October 1, 1945

Extended to

PROSECUTION OF WORK

Form "A" filed

Form "B" filed Completed

Form "C" filed March 13, 1945

FINAL PROOF

Blank mailed 3-14-45 JB

Proof received

Date certificate issued APR 9 1950

Form C

Application No. 19656

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Midland Water Association, the holder of Permit No. 15307
to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in
accordance with the terms of said permit, on the 12th day of March, 1945

Remarks: _____

If all of the water granted in the permit has not been fully applied to beneficial use, you should so state.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of March, 1945

Fred Foster pres.
(Signature of Witness)

Midland Water Association
(Signature of Applicant) Eino Tukka

St. Clatskanie Oregon
(Address)

Clatskanie Oregon
(Address)

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when all of the water has been applied.

STATE OF OREGON

COUNTY OF COLUMBIA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MIDLAND WATER ASSOCIATION

of Route 2, Clatskanie, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Graham Creek and a Branch of Graham Creek
a tributary of Westport Slough for the purpose of
domestic, stock and industrial use
under Permit No. 15307 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from April 9, 1942,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
3.6 cubic foot per second, being 1.8 c.f.s. from each source, also divided
as being 1.00 c.f.s. for domestic, 0.60 c.f.s. for stock and 2.0 c.f.s.
for industrial use,

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 7 North, Range 5
West, W. M.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to _____ of one cubic foot per second
per acre,

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

Lots 1,2,5,6	NW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$	SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 1	Lots 3 and 4
Lots 5,6,7, and 8	Section 31
Section 2	Township 8 North, Range 4 West, W. M.
Lots 1,2,3,4, and 10	
Section 3	Lots 4,7, and 8
NE $\frac{1}{4}$ NW $\frac{1}{4}$	Section 34
SE $\frac{1}{4}$ NW $\frac{1}{4}$	Lots 5,6,7, and 8
Section 11	Section 35
Township 7 North, Range 5 West, W. M.	Lots 5,6,8,9
	NE $\frac{1}{4}$ SE $\frac{1}{4}$
	NW $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 36
	Township 8 North, Range 5 West, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed

this 9th day of April, 196 .

LEWIS A. STANLEY
State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 21147.

THIS INDENTURE, Made this 4th day of June, 1942, by and between the County of Columbia, State of Oregon, a political subdivision of the State of Oregon, by and through its County Court consisting of Ray Tarbell, its County Judge and J. N. Miller and Wm. Pringle Sr., its County Commissioners, as party of the first part, and

MIDLAND WATER ASSOCIATION, a corporation, party of the second part,

WITNESSETH: WHEREAS, the County Court of the State of Oregon for Columbia County, in pursuance to an order this day duly made, authorizing and directing Columbia County, Oregon, to grant an easement in the real property hereinafter described to said MIDLAND WATER ASSOCIATION, a corporation, upon the terms in said order set forth, which said order is duly entered in Book of the Journal of said Court, at page thereof, now therefore,

Said County Court, pursuant to said order and for an in consideration of the premises set forth therein, has bargained and sold and by these presents does grant, bargain, sell and convey to said MIDLAND WATER ASSOCIATION, A corporation, and its successors and assigns, the exclusive right to take and use water from that certain creek now known as Graham Creek in the Southeast Quarter of the Southwest Quarter of Section 11, Township 7 North of Range 5 West of the Willamette Meridan, Columbia County, Oregon, together with the right to go upon said tract of land, construct dams and reservoirs and to make such other improvements as may be necessary for the taking, storing and conserving of water from said creek upon said premises, together with the right to lay, construct and maintain pipes, flumes and such other structures as may be necessary to convey water across said premises, such rights and privileges to be exercised only within a distance of 100 feet of each side of the center of said Graham Creek.

TO HAVE AND TO HOLD the same unto the said MIDLAND WATER ASSOCIATION, a corporation, and to its successors and assigns forever.

IN WITNESS WHEREOF, Said Columbia County, pursuant to said order, has caused these presents to be signed in its name and by and through its County Court and the seal of said Court to be hereunto affixed this 4th day of June, 1942.

COUNTY COURT OF COLUMBIA COUNTY, OREGON

By: Ray Tarbell County Judge

(SEAL)

By: J. N. Miller Commissioner

ATTEST:

By: Wm. Pringle Sr. Commissioner

J. W. Hunt
County Clerk

County of Columbia,

BE IT REMEMBERED, that on this 4th day of June A. D. 1942, before me the undersigned Notary Public in and for said County and State, personally appeared Ray Tarbell, J. N. Miller, and Wm. Pringle, Sr., each to me personally known, and being first duly sworn, did say each for himself: That he, the said Ray Tarbell, is the County Judge, and that he, the said J. N. Miller is a County Commissioner, and that he, the said Wm. Pringle, Sr., is the other County Commissioner of said County, to-wit: Columbia County, Oregon, a body politic, and that the seal affixed to said instrument is the seal of the County Court of the State of Oregon for Columbia County, and that said instrument was signed and sealed in behalf of said Columbia County, Oregon, by virtue of an order of said County Court duly made and entered in Book "L", at Page 534 of the Journal of said County Court, and said Ray Tarbell, J. N. Miller and Wm. Pringle, Sr. acknowledged said instrument to be the free act and deed of said Columbia County, Oregon.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this my certificate written

John Foote

Notary Public for Oregon

My commission expires Oct. 13, 1943

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, 1² ft.; length on top, 20 ft.; length on bottom, ... ft.; material used and character of construction, Plank Const
no pool,
- (b) Give description of headgate: Width, ... ft.; depth, ... ft.; material used and character of construction, at East End dam 8"x12'-x50' long (water 6" deep) wood flume, & 290' 5" steel to 3500 gal wood Res. Intake Branch -
- (c) Size of canal: Width on top (at waterline), ... ft.; width on bottom, ... ft.; depth of water, ... ft.; grade, ... ft. fall per 1,000 ft. Actual capacity, ... sec.-ft.
Give general description: Graham Creek, a 4" steel pipe in bed of creek 300' long to Res (above), said to be used in winter time
- (d) Pipe line: Description of intake, ...
Length of pipe, about ft.; size at intake, 5" in.; size at 290 ft. from intake, 4" in.; size at place of use, 4 3/4 - 3 1/2 in. Difference in elevation between intake and place of use, 210 ft.
Is grade uniform? Yes Actual capacity of pipe line, ... sec.-ft.
Give general description: Steel
(Material: Steel, wrought, cast iron, wood stave, etc.)
Say that 4000 gph is average use
- (e) Pumping plant: Give size and type of pump, ...
Suction lift, ... ft.; discharge lift, ... ft. Type of motor used
Horsepower rating, ... H. P. Actual capacity of pump, ... sec.-ft.
10. During what months is water beneficially used? all year
11. State character of soil 100-300 head of stock, say 60 Services including
Kind of crops raised fish Stations, There appears to be 104 buildings that understand have water
12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use?
13. If not, wherein is such map in error?
14. Domestic use: Give number of families actually using water at this time 60-104
15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use Domestic water, stock water
3 Fish Stations, Drinking water only at low water

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of

Columbia

SS.

I, _____, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of February, 1945
Midland Water Association
Ernie Kukka
Secretary

Subscribed and sworn to before me this _____ day of _____, 194_____

Notary Public for Oregon

[Notarial Seal]

My commission expires _____

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of _____

SS.

We, _____, and _____
of _____, being first duly sworn, depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. _____; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this _____ day of _____, 194_____

Notary Public for Oregon

[Notarial Seal]

My commission expires _____

BEFORE OR LESSON MAKING INSPECTION

(For use by representative of State Engineer)

(Quantity of water in
second-feet or acre-feet)

If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

x L. J. Coffman
(Name)
Field Engr.
(Title)

PROOF OF APPROPRIATION

Permit No.

Recording fee paid

Receipt No.

WELLDVALL OF MILLNESSES

STATE PRINTING DEPT

Sponsored by the American Psychological Association

597 of

VERDYAN, O. S. FERROLYTIC

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of

Columbia

SS.

I, _____, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of February, 1956.
Midland Water Association
Eino Kurkka
Secretary

Subscribed and sworn to before me this _____ day of _____, 194_____

Notary Public for Oregon

[Notarial Seal]

My commission expires _____

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of _____

SS.

We, _____, and _____ of _____, being first duly sworn, depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. _____; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this _____ day of _____, 194_____

Notary Public for Oregon

[Notarial Seal]

My commission expires _____

August 12, 1966

Paul J. Jolma
Attorney At Law
Clatskanie, Oregon

Dear Mr. Jolma:

Enclosed are the copies of certificate No. 21147 and
permit No. 30432 which you have requested.

Also enclosed is our receipt No. 292 for \$1.00 copying
fees.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Myron V. Bish
Assistant

MVB:sfr

Enclosures

July 29, 1966

Paul J. Jolma
Attorney At Law
Clatskanie, Oregon 97016

Dear Sir:

This will acknowledge receipt of your letter dated July 19, 1966, in regards to water rights on lands for which Columbia County Administrative School District No. 45, Jt., is considering buying.

According to our records, Graham Creek flows through the property that you have described in your letter, being generally in Sections 2 and 11, T. 7 N., R. 5 W., W. M., Columbia County.

There are two permits in the name of Midland Water Association for the appropriation of water from Graham Creek.

Permit 15307, evidenced by certificate No. 21147, is for the appropriation of 3.6 cubic feet per second of water from Graham Creek and a branch of Graham Creek for domestic, stock and industrial use in fish processing plants.

Permit 30432 is for the appropriation of 1.0 cubic foot per second from Graham Creek for domestic use including irrigation of not to exceed $\frac{1}{2}$ acre lawn and garden per family, commercial and stock use.

The school district can file an application for a water right permit, which would establish a priority date as of the date of filing. A permit issued by the State Engineer would be, of course, subject to prior rights.

We will accept an application for a water right from the school district for a specific amount of water and use showing a general location, and withhold action on it until the school district decides upon their school location. Then the filing can be completed as to a specific location.

Paul J. Jolma

-2-

July 29, 1966

Construction work for a water right permit must begin on the water project within one year from the date of issuance of the permit.

I am sure Mr. Clayton Gardner, Watermaster District 1, would be glad to provide assistance in measuring the flow of Graham Creek. He may not be able to measure the stream right away due to his busy schedule at this time of year, but probably could find time within several weeks after being contacted. Mr. Gardner is located at 27280 S.W. Tualatin Valley Highway, Hillsboro, Oregon and his telephone number is MI8-1111, Extension 266.

We can furnish you with a copy of the above named certificate and permit upon the receipt of \$1.00 for the statutory copying fees.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Myron V. Bish
Assistant

MVB:sfr

CC: Clayton Gardner
Watermaster District 1

April 28, 1965

Midland Water Association
Route 2
Clatskanie, Oregon

Gentlemen:

This will acknowledge your application for a permit to appropriate 7.0 cubic feet of water per second from Graham Creek for domestic purposes, watering of livestock, and industrial uses.

Your application cannot be filed at this time as the State Engineer is required by law to collect a \$10 examination fee before an application for permit to appropriate water for any purpose may be filed. The fees necessary to your application as it is now written are a \$10 examination fee and a \$22 recording fee.

It is noted that you already hold a right for the appropriation of 1.8 cubic feet of water per second from Graham Creek and 1.8 cubic feet of water per second from an unnamed creek for domestic supply, stock watering purposes, and industrial use. Taking into consideration that the supply of water in the unnamed branch of Graham Creek is deficient, I believe that 7.0 cubic feet of water per second is greatly in excess of the quantity of water which you can actually apply to beneficial use. I believe that your new application should provide for the additional water required from Graham Creek which probably will not exceed 2.0 cubic feet of water per second. If the quantity of water required is reduced, the recording fees required will be reduced. For 2.0 cubic feet of water per second, they will be \$12.

The application should be completed to specify the quantity of water which you will require for each of the uses named, and a reproducible map must accompany your application showing the area within which the water will be used and

April 28, 1965

should indicate the additions or expansions which are anticipated or have occurred beyond that shown on the final proof survey map made in connection with your right established under application numbered 19656.

Your application is enclosed.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By

Walter N. Perry, Assistant

WNP:egw

Enclosure

CHAS. E. STRICKLIN, STATE ENGINEER
SECRETARY
STATE RECLAMATION COMMISSION
HYDROELECTRIC COMMISSION OF OREGON

STATE OF OREGON

OFFICE OF THE
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

ADDRESS ALL COMMUNICATIONS
CHAS. E. STRICKLIN, STATE ENGINEER
SALEM, OREGON

AND REFER TO
FILE NO. 19656

March 21, 1951

Midland Water Association
Route 2
Clatskanie, Oregon

Gentlemen:

If you will sign and date the enclosed final proof on its second sheet and return the proof to this office, together with the statutory certificate recording fee of \$1.00, a certificate confirming the right under your Permit No. 15307 may be issued for the appropriation of 3.6 cubic feet of water per second from Graham Creek and a branch of Graham Creek for domestic use, stock, and industrial use.

These figures indicate the extent and limit of your water right as provided by law, and mark the completed right.

In the interest of economy and due to the fact that your completed project was examined by a representative of this office, it is not considered necessary that your signature be made before a notary public, nor that the signatures of witnesses be affixed to the proof.

Very truly yours,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

Enclosure
Form 114

December 16, 1955

Mr. Eino Kukka, Secretary
Midland Water Association
Route 2
Clatskanie, Oregon

Dear Mr. Kukka:

According to the terms of Permit No. 15307 in the name of Midland Water Association which is for the appropriation of 3.6 cubic foot of water from Graham Creek and a branch of Graham Creek, complete application of water was to have been made by October 1, 1945.

On March 21, 1951, final proof papers were mailed to the Midland water Association with instructions for signing the form and returning to this office together with the statutory certificate recording fee in the amount of \$1.

On November 20, 1951, and again on October 21, 1954, letters were mailed calling your attention to the matter. Our records indicate that you have failed to return the final proof form and have not replied to correspondence pertaining to it.

ORS 537.260 provides, "Whenever the time within which any appropriation under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereafter to submit to the State Engineer proof of completion of the appropriation as required by ORS 537.230 and 537.250, the State Engineer may, after 60 days' notice by registered mail, order the cancelation of the permit. * * *"

In accordance with the provisions of ORS 537.260, you are hereby notified that unless we received the signed final proof form and the certificate recording fee within 60 days from the date of this letter, your permit will be canceled without further notice.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:ld

REGISTERED:

cc: Columbia Co. Agent

October 21, 1954

Midland Water Association
Route 2
Clatskanie, Oregon

Gentlemen:

Under date of March 21, 1951 the final proof of appropriation of water form was mailed to you with instructions as to completion. On November 20, 1951 you were reminded that the form had not been returned to this office.

To date we have received no reply to our letters. If you are still interested in completing the right as set out in Permit No. 15307, this form should be completed and returned to this office together with the statutory certificate recording fee of \$1.

If we do not hear from you within the next thirty days, action towards the cancellation of this permit will be taken.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

RDB:dg

By
Robert D. Best, Assistant

November 20, 1951

Mr. Eino Kulka, Secretary
Midland Water Association
Route 2
Clatskanie, Oregon

Dear Mr. Kulka:

Under date of March 21, 1951, form for Proof of Appropriation of Water under Permit No. 15307 was mailed to the Midland Water Assoc., Route 2, Clatskanie, Oregon. This proof form, bearing the report of our Field Engineer who made an inspection and survey of the works involved in said permit on August 6, 1950, was to be executed on the second page under the Affidavit of Appropriator and returned to this office accompanied by the statutory certificate recording fee of \$1.

To date we have had no response and are therefore unable to proceed in the issuance of a certificate. It will be greatly appreciated if this matter will be given your prompt attention.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Geo. V. Naderman, Assistant

GVN:mb

March 21, 1951

Midland Water Association
Route 2
Clatskanie, Oregon

Gentlemen:

If you will sign and date the enclosed final proof on its second sheet and return the proof to this office, together with the statutory certificate recording fee of \$1.00, a certificate confirming the right under your Permit No. 15307 may be issued for the appropriation of 3.6 cubic feet of water per second from Graham Creek and a branch of Graham Creek for domestic use, stock, and industrial use.

These figures indicate the extent and limit of your water right as provided by law, and mark the completed right.

In the interest of economy and due to the fact that your completed project was examined by a representative of this office, it is not considered necessary that your signature be made before a notary public, nor that the signatures of witnesses be affixed to the proof.

Very truly yours,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

Enclosure
Form 114

March 13, 1945

Mr. Eino Kukka, Secretary
Midland Water Association
Route 2
Clatskanie, Oregon

Dear Mr. Kukka:

This acknowledges receipt of Form C, being notice of complete application of water under Permit No. 15307 in the name of Midland Water Association.

Pursuant to your report and in line with the general practice of this office, a survey will be made at a later date for the purpose of checking the amount of water used as described in the permit. After this survey, proof may be made by you and certificate issued covering the actual use of water as found by the engineer.

In the meantime, the permit which you hold will be valid evidence of the water right.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

by

Ed K. Humphrey, Assistant

EKH:mjo

c.c. Mr. Geo. A. Nelson
County Agricultural Agent
St. Helens, Oregon

19656

August 10, 1942

Mr. Eino Kukka, Secretary
Midland Water Association
Route 2
Clatskanie, Oregon

Dear Mr. Kukka:

Herewith you will find Application No. 19656, Permit No. 15307, together with blue print.

The application has been approved and recorded in this office.

c.c. Mr. Geo. A. Nelson

July 2, 1942

Mr. George A. Nelson
County Agricultural Agent
St. Helens, Oregon

Dear Mr. Nelson:

This will acknowledge receipt of your letter of June 30, with which you enclosed \$2.00 to cover the balance due in fees in connection with Application No. 19656 in the name of the Midland Water Association.

Our Receipt No. 28824 is enclosed herewith, and the application has been placed in line for approval and issuance of a permit.

Pursuant to your suggestion, Mr. Kukka will be notified when the time for completion under the Association's filing expires and a copy of the notification will be mailed to the office of the county agent.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:db
Encl.

COOPERATIVE EXTENSION WORK
IN
AGRICULTURE AND HOME ECONOMICS
STATE OF OREGON
ST. HELENS

OREGON STATE COLLEGE
UNITED STATES DEPARTMENT OF AGRICULTURE AND
COLUMBIA COUNTY, COOPERATING

June 30, 1942

EXTENSION SERVICE
COUNTY AGENT WORK

RECEIVED
JUL 2 1942
STATE ENGINEER
SALEM, OREGON

Mr. Charles E. Stricklin
State Engineer
Salem, Oregon

Re: Application
No. 19656

Dear Mr. Stricklin:

I have your letter of June 27. You stated that taking water from the branch Graham creek in addition to the main Graham creek amounts to 3.6 c.f.s. In accordance with this, we are sending you a check for \$2 as indicated in your letter.

In accordance with your letter, we will be looking for you to notify the Midland Water Association of the time for filing final proof of the completion of the installation when the three years are up. I would like to suggest that you send the notice to Mr. Eino Kukka, secretary, Midland Water Association, Route 2, Clatskanie, Oregon, with a copy of the letter go the county agent's office.

Yours truly,

Geo. A. Nelson

Geo. A. Nelson
County Agricultural Agent

gan:vly

June 27, 1942

Mr. George A. Nelson
County Agricultural Agent
St. Helens, Oregon

Dear Mr. Nelson:

As I interpret your letter of June 25, the Midland Water Association wishes to perfect its appropriation under Application No. 19656 covering use of 1.8 c.f.s. from either Graham Creek or a branch of Graham Creek and if this is the case, the appropriation would really control 3.6 c.f.s. of water and additional fees in the amount of \$2.00 are due and may be submitted by you at your convenience. After receipt of these fees, the application will be placed in line for approval and issuance of a permit.

In answer to your question concerning final proof in the matter of an appropriation where a number of users are to be supplied water for domestic purposes, it is usually considered advisable to delay proof until the number of users has become approximately static.

When the time for completion under a permit expires, the permittee is notified by this office and he may make final proof at that time if complete application of water has been made or he may submit an application for an extension of time if this is considered desirable.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:db

COOPERATIVE EXTENSION WORK
IN
AGRICULTURE AND HOME ECONOMICS
STATE OF OREGON
ST. HELENS

OREGON STATE COLLEGE
UNITED STATES DEPARTMENT OF AGRICULTURE AND
COLUMBIA COUNTY, COOPERATING

June 25, 1942

EXTENSION SERVICE
COUNTY AGENT WORK

Mr. Charles E. Stricklin
State Engineer
Salem, Oregon

RECEIVED
JUN 27 1942
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stricklin:

Under Item 2 the water should be specified to take it from the main Graham Creek at any time of the year. This will probably be necessary if they increase the number of users of the water since there might not be enough water in the branch to take care of the needs of the district. The water has been taken from the branch Graham Creek during the mid-winter season so that they could avoid the Riley water in the main stream. There is not sufficient water in this branch stream to take care of their needs during the balance of the year. These are the facts as near as I can get them, but it should be definite that they can take water from the main creek at all times of the year.

I would like to ask you further in regard to Item 14 and if the district can be granted the right for use of water at this time since in reality the project is completed as far as the present development is concerned. The additional installation would be for taking care of additional users of water. There must be some rule where expansion of water systems can be taken care of like in growing cities where they are increasing their water supply to take care of growing populations.

The point that I am getting at is that if they are required to submit further proof three years from now this may be forgotten and they will lose their rights again if this should be overlooked at that time, or will your office notify them regarding the balance of the information.

Yours truly,

Geo. A. Nelson
Geo. A. Nelson
County Agricultural Agent

gan:vly

June 20, 1942

Mr. Geo. A. Nelson
County Agricultural Agent
St. Helens, Oregon

Dear Mr. Nelson:

This will acknowledge receipt of your letter of June 16, with which you enclosed Application No. 19656 in the name of Midland Water Association.

It appears now to be in proper form except for Item 2. As I interpret your letter and Item 2 of the application, the application is intended to cover a diversion of only 1.8 second-foot of water and this 1.8 second-foot of water is to be diverted from Graham Creek during a certain period of the year and from a Branch of Graham Creek during another period of the year. If this is the case, it will be necessary to specify the months during which the diversion is to be made from each source and if you will submit this information, I will add it to the application and the application will then be placed in line for approval and issuance of a permit.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

EKH:bo

COOPERATIVE EXTENSION WORK
IN
AGRICULTURE AND HOME ECONOMICS
STATE OF OREGON
ST. HELENS

OREGON STATE COLLEGE
UNITED STATES DEPARTMENT OF AGRICULTURE AND
COLUMBIA COUNTY, COOPERATING

June 16, 1942

EXTENSION SERVICE
COUNTY AGENT WORK

RECEIVED
JUN 17 1942
STATE ENGINEER
SALEM, OREGON

Mr. Charles E. Stricklin
State Engineer
Salem, Oregon

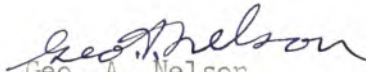
Dear Mr. Stricklin:

In accordance with your letter of June 12, we are submitting an application for a water permit for application No. 19656. In regard to the amount of water, we are submitting it in the amount of 1.8 cubic feet which should give an opportunity for considerable expansion of the water system.

Under Item 14, we are stating that it will be completed in three years from now or June 15, 1945. As a matter of fact, it is completed now with the exception of taking care of additional settlers in the community.

I am enclosing a copy of the right of way from the Columbia County Court for the land which they own and which the Midland Water Association is taking water from.

Yours truly,


Geo. A. Nelson
County Agricultural Agent

gan:vly
enclosure

June 12, 1942

Mr. George A. Nelson
County Agricultural Agent
Columbia County
St. Helens, Oregon

Dear Mr. Nelson:

This will acknowledge receipt of your letter of June 10, inquiring concerning certain points in connection with Application No. 19656 in the name of the Midland Water Association.

With reference to the quantity of water, it is entirely permissible to make an application for the amount of water that you believe will be required considering the probable future growth of the association, although there is no point in applying for an amount exceeding the quantity that will, within the limits of probability, be required.

If the application is made to cover more than two second-feet, \$1.00 additional is to be submitted for each additional second-foot. In considering the required quantity of water, it is well to bear in mind that one second-foot of water is equivalent to 448.83 gallons per minute or 646,317 gallons per day.

Relative to Item 14, you may fill this in using a time that appears reasonable to you.

Permits are usually issued allowing three years for complete application of water but the State Engineer is authorized by law to extend the time for complete application upon a showing of due diligence by the permittee and the association may feel assured that it will be treated fairly in the matter of time for completion of its contemplated appropriation.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:db

COOPERATIVE EXTENSION WORK
IN
AGRICULTURE AND HOME ECONOMICS
STATE OF OREGON
ST. HELENS

OREGON STATE COLLEGE
UNITED STATES DEPARTMENT OF AGRICULTURE AND
COLUMBIA COUNTY, COOPERATING

June 10, 1942

EXTENSION SERVICE
COUNTY AGENT WORK

Mr. Charles E. Stricklin
State Engineer
Salem, Oregon

RECEIVED
JUN 12 1942
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stricklin:

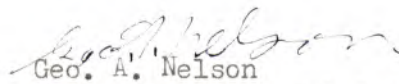
I have your letter of June 2 relative to Application No. 19656. The officers of the association state that they have checked up on the amount of water used at the fish stations and find that about five gallons of water per minute are used when they are running right along.

In regard to the amount of water to be used, I would like to ask if it is all right to ask for considerably more water than will be used at the present time to take care of future needs. If they ask for either 1.8 feet or 2.8 feet would this be permissible?

In regard to Item 14, would it be all right to state that it would take either three, five, or possibly as long as ten years to complete the expansion of the system? Unless there is a limit, it should be all right to take the maximum number of years.

If you could advise me on these points, we will be ready to make final corrections and send the application in right away as I now believe we have all the data necessary.

Yours truly,


Geo. A. Nelson
County Agricultural Agent

gan:vly

June 2, 1942

Mr. George A. Nelson
County Agricultural Agent
Columbia County
St. Helens, Oregon

Dear Mr. Nelson:

This will acknowledge receipt of your letter of May 27 relative to Application No. 19656.

In connection with use of water for the fish stations, the possible flow of water through one-half inch pipe could vary at least from 1 gallon per minute to 10 gallons per minute, depending on the velocity of the water which, in turn, depends on the pressure head.

If you wish to measure the discharge at the fish stations by timing the flow into a container of known capacity, you can probably estimate very closely any increase of quantity you may wish to make under Item 2.

For your convenience in making such revisions, I am enclosing Application No. 19656 herewith, endorsed so that in order to retain its priority, it must be returned to this office within 30 days or on or before July 2, 1942.

It would probably be advisable to indicate under Item 14 the year when you believe the system in question will probably cease to expand.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:db
Encl.

COOPERATIVE EXTENSION WORK
IN
AGRICULTURE AND HOME ECONOMICS
STATE OF OREGON
ST. HELENS

OREGON STATE COLLEGE
UNITED STATES DEPARTMENT OF AGRICULTURE AND
COLUMBIA COUNTY, COOPERATING

May 27, 1942

EXTENSION SERVICE
COUNTY AGENT WORK

Mr. Charles E. Stricklin
State Engineer
Salem, Oregon

RECEIVED
JUN 1 1942
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stricklin:

I have your letter of May 14 in regard to Application No. 19656. May I state that I have gotten as much of the information as I could in regard to the amount of water used by the fish stations. There are two receiving fish stations. They are not on a meter so we have no way of definitely measuring the water in this manner. They are on a half-inch opening in the mainline near the extreme end of the pipe. I understand that they are using the water extensively six hours a day for about ten months.

Perhaps with this information you can figure out the approximate amount of water that would be used. I am not an engineer so cannot figure it out.

In regard to the mint stills, they advise me that there are two on the island, but I was advised that they do not use water from this supply for cooling purposes. These farms are on a half-inch opening and the same one that is used for the residences and watering stock.

I might state that the Midland Water Association rules provide that any user only has a half-inch opening in the main pipe for his supply.

In regard to Item 2 about the 0.8 foot as indicated, if you can increase this to take care of any future expansion, it will be appreciated.

In regard to the district installation being completed, probably this is an error, since in adding new families to the system, the system might not be completed for a long time if considered in this manner. I would like, therefore, your advice on this and the wording used to indicate whether the system was to be completed or is subject to expansion as the need might demand.

Yours truly,

Geo. A. Nelson
Geo. A. Nelson
County Agricultural Agent

gan:vly

May 14, 1942

Mr. George A. Nelson
County Agricultural Agent
Columbia County
St. Helens, Oregon

Dear Mr. Nelson:

This will acknowledge receipt of your letter of May 13 relative to Application No. 19656 in the name of Midland Water Association.

In answer to your question concerning Item 2 of the application, 0.8 c.f.s. is considered to be more than ample for the domestic use of 80 families but if any considerable quantity is to be used for purposes other than domestic, you might wish to increase this quantity and if so, I will change this figure on the application in line with your instructions.

The use of water for a fish station as mentioned in your letter is not clear. If this use is for the propagation of fish, it should be so indicated on the application and the estimated quantity of water in gallons per minute or decimal of a c.f.s. should be indicated.

The estimated quantity required in the operation of the mint stills should also be added.

With reference to your query relative to use from two sources, such use is permissible and a permit may properly be issued accordingly.

Action under the Association application will be withheld pending your instructions concerning increasing the quantity specified under Item 2 and a clarification of the meaning of a fish station as one of the uses.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

EKH:db

19656
COOPERATIVE EXTENSION WORK
IN
AGRICULTURE AND HOME ECONOMICS
STATE OF OREGON
ST. HELENS

OREGON STATE COLLEGE
UNITED STATES DEPARTMENT OF AGRICULTURE AND
COLUMBIA COUNTY, COOPERATING

May 13, 1942

EXTENSION SERVICE
COUNTY AGENT WORK

Mr. Charles E. Stricklin
State Engineer
Salem, Oregon

RECEIVED
MAY 14 1942
STATE ENGINEER
SALEM, OREGON

Dear Mr. Stricklin:

I am glad that you wrote me in regard to some of the provisions of the water application for the Midland Water Association. I probably had better explain just how the water is being used to get the proper wording in the permit. At the present time, the water is being used in the houses for domestic purposes. It is being used at the barns for watering stock. It is also being used at the Mint stills for the farmers to use in distilling peppermint during the season of the year when the crops are being harvested. A fish station is also one of the users of the water supply. There may possibly be other uses that a growing farm community would want to use it for. Under item 14 there may be a mistake in saying that it was completed in 1938. The main pipes were completed about that time. Under 10, item B, as I explained over the phone the other day, they were supplying water to about 46 users at that time, but they contemplated taking care of about 80 when full use of the system is made, as they are adding new users to the water whenever they have a new family. As I understood from our phone conversation some time ago, this would be alright to state 80 families instead of the actual number of about 46.

I would appreciate it if you would advise me of any phases of this application so that we might get it properly worded at the present time, or if there are any other mistakes in the application that would cause trouble later on by not being in compliance with the provisions of the law.

I would like to ask you about item 2 about the .8 feet of water, and if we have asked for enough water to take care of the needs of 80 families, or if it is desirable to ask for an additional supply. The .8 of a foot asked for seemed to be in line with the tables furnished in your instructions. I would also like to ask you about item 2 in regard to taking water from the 2 sources. They take it from one of the sources in the winter as it is not riled up on the branch of the creek like it is on the main stream during the heavy rains during the winter time.

Yours truly,


Geo. A. Nelson
County Agricultural Agent

gan;deg

May 11, 1942

Honorable Ray Tarbell
County Judge, Columbia County
Star Route
Houlton, Oregon

Dear Judge Tarbell:

Application No. 19656 in the name of Midland Water Association for a permit to appropriate 0.8 second-foot of water from Graham Creek and 0.8 second-foot of water from a stream which is tributary of Graham Creek for domestic use, describing one of the diversion points as being situated on the land belonging to Columbia County, will be approved by issuance of a permit unless such issuance is protested within thirty days from the date of this letter.

Respectfully submitted,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

EKH:bo

May 11, 1942

Mr. George A. Nelson
County Agricultural Agent
St. Helens, Oregon

Dear Mr. Nelson:

This will acknowledge receipt of your letter of May 8, with which you enclosed revised Application No. 19656 in the name of the Midland Water Association, a copy of a right-of-way agreement between Arnold S. and G. Graham and the Association, a tracing and blue print and \$5.00 to cover the balance due in filing fees, for which Receipt No. 28711 is enclosed.

In order that permit, when issued, may cover properly the contemplated use, the application should state briefly what constitutes the intended use. Under Item 3, the use is described as domestic supply, which means use for household purposes. If use for any other purpose is contemplated it should be set forth under Item 3 and if you will so authorize me, I will add any additional use as instructed, upon receipt of your advice relative to the intended kind of use.

The application will be approved by issuance of a permit with the next group unless such issuance is protested. As I interpret Item 14 on the application, the water in question has been completely applied to the use as contemplated to the full extent of such contemplated use, and the Association desires to make proof on this basis as explained in our letter of April 10.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

EKH:bo

COOPERATIVE EXTENSION WORK
IN
AGRICULTURE AND HOME ECONOMICS
STATE OF OREGON
ST. HELENS

OREGON STATE COLLEGE
UNITED STATES DEPARTMENT OF AGRICULTURE AND
COLUMBIA COUNTY, COOPERATING

May 8, 1942

EXTENSION SERVICE
COUNTY AGENT WORK

Refer to your
File No. 19656

Mr. Charles Stricklin
State Engineer
Salem, Oregon

Dear Mr. Stricklin:

Enclosed, please find the application for a permit to appropriate public water for the Midland Water Association, which has been corrected in accordance with your letter of April 10. I am also enclosing a certified copy of the agreement for the right-away through the Graham property. The parties owned the property at the time the water right was secured.

Enclosed, please find a check for \$5 to pay the balance of the fees for recording the water right in accordance with your letter.

Under separate cover, we are sending you a tracing and also a blue-print of the water district's system.

The water on the main stream, at the present time, is being taken off from Columbia county land, of which the district does not have a right-away. We have taken this matter up with the county court and they seem willing to grant the right-away, but wish to investigate some of the angles of it. It will probably be necessary to wait until they have their next meeting. The water is only taken about 34 feet over the line according to the recent survey made, and it would not materially effect their system if they had to take the water out that much further down the creek, but without a doubt, they will have the right-away on the county land within a short time.

Yours truly,


Geo. A. Nelson
County Agricultural Agent

gan;deg

enclosures:

RECEIVED
MAY 9 1942
STATE ENGINEER
SALEM, OREGON

April 10, 1942

Mr. George A. Nelson
County Agricultural Agent
St. Helens, Oregon

Dear Mr. Nelson:

This will acknowledge receipt of your letter of April 8, with which you enclosed an incomplete application in the name of Midland Water Association for a permit to appropriate 0.8 second-foot of water from Graham Creek and 0.8 second-foot of water from a spring, together with fees in the amount of \$6.00, for which Receipt No. 28623 is enclosed.

The application has been filed and given No. 19656, and a priority of April 9, 1942, being the date that the application was received in this office. It has been checked over and some discrepancies are noted.

It appears that diversion is contemplated from Graham Creek and a spring, and if diversion is contemplated directly from a spring, which is the point where water issues naturally from the ground, as well as from Graham Creek, this should be indicated under Item 1, and the enclosed spring description blank should be filled in and submitted, together with the written consent of the owner of the property on which the spring is situated, to the approval of the application in question, unless the applicant is the owner of the property on which the spring is located.

The point or points of diversion, if there is to be more than one, should be described under Item 4 with reference to a government corner, as explained in the enclosed copy of the Rules and Regulations of the State Engineer.

For your convenience in completing the application as suggested, I am enclosing it herewith, endorsed so that in order to retain its priority it must be returned to this office within thirty days or on or before May 10, 1942.

April 10, 1942

Upon its return in completed form and accompanied by the required tracing, as explained in the Rules and Regulations, the consent of owner of the property on which the spring is situated, if such is indicated, and the balance due in fees in the amount of \$5.00, plus 10¢ per square foot blue print fees unless a blue print is submitted with the tracing, the application will be placed in line for approval and issuance of a permit.

From Item 14 of the Association's application, it appears that water has been completely applied to the proposed use, and if this is the case, the Association will be entitled to make proof and receive a certificate of water right after permit has been issued. But in this connection, you should be advised that proof can be made as provided by law covering the use of water only on those legal subdivisions on which water has actually been used under the permit, and any other legal subdivisions described in the permit as places of use will automatically be eliminated from the water right.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

EKH:LD
Enclosures

COOPERATIVE EXTENSION WORK
IN
AGRICULTURE AND HOME ECONOMICS
STATE OF OREGON
ST. HELENS

OREGON STATE COLLEGE
UNITED STATES DEPARTMENT OF AGRICULTURE AND
COLUMBIA COUNTY, COOPERATING

April 8, 1942

EXTENSION SERVICE
COUNTY AGENT WORK

RECEIVED
APR 9 1942
STATE ENGINEER
SALEM, OREGON

Mr. Charles Stricklin
State Engineer
Salem, Oregon

Dear Mr. Stricklin:

Enclosed, please find an application for a water right by the Midland Water Association. You advised me in a letter in file number 12659 that it had been cancelled in 1933 because the records had not been completed. This was a surprise to us as we thought the engineer in charge at that time had completed the records.

The district completed their installation in 1930 and have been using the water ever since, believing that their legal rights to the water were all arranged for.

I am enclosing, at this time, an application for a water right on Graham Creek which has been filled out the best we can on a short notice in order to have this application on file. It is going to be necessary to get some engineering assistance to complete the data and this is somewhat difficult at the present time with the shortage of engineering help.

I would like to ask if the application and data, complete as we have it, will secure the priority rights to date until they can complete the data.

I am enclosing a map which has been traced from a soil map, until we can get a map completed as required, that illustrates, closely, the location of the pipe line.

Yours truly,

Geo. A. Nelson
Geo. A. Nelson
County Agricultural Agent

gan;deg

P. S. Enclosed, please find a check for \$6.00 from the Midland Water Association to cover the cost of examination fees.

April 2, 1942

Mr. George A. Nelson
County Agricultural Agent
St. Helens, Oregon

Dear Mr. Nelson:

In reply to your letter of March 31, in which you inquire concerning Permit No. 9132 in the name of the Midland Water Association, this will advise you that this permit was cancelled August 9, 1933, as provided by law, because the permittee failed to submit proof of completion when notified.

For your convenience in filing a new application, if such is your wish, I am enclosing herewith an application blank and a copy of the Rules and Regulations of the State Engineer. Definite instructions for preparing an application and the map which must accompany it will be found in the Rules and Regulations, in which you will also find a list of the statutory fees.

The map, which must be in the form of a tracing made on tracing cloth or tracing paper, must show the location of the diversion point with reference to a government corner, the general location of the pipe line with reference to section lines and section corners, and the location of all of the place of use as to 40-acre tract, Section, Township, and Range.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By

Ed K. Humphrey, Assistant

EKH:LD
Enclosures

12659

COOPERATIVE EXTENSION WORK
IN
AGRICULTURE AND HOME ECONOMICS
STATE OF OREGON

OREGON STATE COLLEGE
UNITED STATES DEPARTMENT OF AGRICULTURE AND
COLUMBIA COUNTY, COOPERATING

ST. HELENS

March 31, 1942

EXTENSION SERVICE
COUNTY AGENT WORK

RECEIVED
APR 2 1942
STATE ENGINEER
SALEM, OREGON

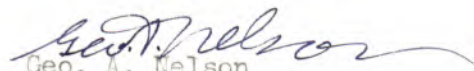
Mr. Chas. Stricklin
State Engineer
Salem, Oregon

Dear Mr. Stricklin:

I am writing you at this time in behalf of the Midland Water Association to ask if they have their water permit completed for their Association in acquiring water from Graham Creek in Sections 11 and 14 T. 7 N, R. 5 W. I understand from some correspondence that I have examined, permit number 9132 was transferred from Charles Kynsi of Clatskanie, Oregon on April 28, 1930 in a letter written on May 2, 1930 by Rhea Luper, State Engineer, to Charles Kynsi, and signed by L. A. Stanley, office Assistant. It refers to receipt number 11836 for the water right certificate. In the last paragraph, it states that he was mailing the assignment to the Midland Water Association and returning the proof for them to complete the description of the works. I would like to ask if this description was completed and filed in your office.

As this is a large municipal district with about 60 or 70 families using water from it, we are interested in knowing whether these instruments are completed properly for securing a water permit. There was an engineer in charge of the project at that time who was handling the engineering part of it, and was to have completed the arrangements for the water permit, and I am writing to ask if these records were completed.

Yours truly,


Geo. A. Nelson
County Agricultural Agent

gan;deg

RECEIVED

MAY 9 1942
STATE ENGINEER
SALEM, OREGON

AGREEMENT

ARNOLD S. & G. GRAHAM

TO

MIDLAND WATER ASSOCIATION

This agreement made this 26th, day of Dec. 1929, by and between Arnold S. Graham and Georgia Graham, his wife, hereinafter called the parties of the first part, and Chas. Kynsi, J. F. Lewis, and A. M. Salmi as trustees of the Midland mutual Water Association, a mutual voluntary association, organized under an agreement and constitution for and between its respective members and constituting the said trustees providing for their successors and manner of selection and powers, dated August 30, 1929, and to their successors and interest and their assigns, hereinafter called the parties of the second part.

WITNESSETH: That whereas the parties of the first part are owners of the following described real property, to-wit:

North half ($N\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$), the South half ($S\frac{1}{2}$) of the Northwest quarter ($NW\frac{1}{4}$) in Section 11; the Southeast Quarter ($SE\frac{1}{4}$) of Southwest quarter ($SW\frac{1}{4}$) in section two (2), all being in township seven (7) North of Range Five (5), West of the Willamette Meridan, Columbia County, State of Oregon.

AND WHEREAS it is the desire of the parties of the second part to cross said land of said parties of the first part with a pipe line to convey water across said land.

NOW, THEREFORE, in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration to them in hand paid by the parties of the second part, receipt whereof is hereby acknowledged; and for the delivery of water to the parties of the first part, as in here-after specified. The parties of the 2nd. part shall deliver said water at such two places as the parties of the first part may select, said points of delivery shall be at and on the pipe line of the party of the second part and within the confines of the property of the parties of the first part, as described above, Said delivery of water shall be through one one inch opening, and one-half inch opening. It is agreed by the parties of the first part, that the water which the parties of the second part are to deliver is only for such water that the parties of the first part themselves or their lessee or their assigns will use on their own premises, and the parties of the first part do further agree not to sell, give or otherwise furnish other persons with water under this agreement.

The parties of the first part do hereby grant, bargain, sell and convey to the parties of the second part, its successors and assigns, an easement, subject to the hereinafter mentioned limitations, which is to be attached to and become appurtenant to the above described real property, said easement to consist of a right of way across that part of said real property upon a line already staked out and agreed upon, and to be hereafter delineated upon a map of said pipe line to be recorded in the records of Columbia County, Oregon, the right to lay, operate and maintain in the said right of way a water main or pipe for the purpose of conveying water together with a right at any and all times to enter upon said right of way for the purpose of lying, operating, maintaining and repairing of said line.

It is hereby agreed by the parties of the second part that said pipe line shall be laid not less than twenty (20) inches below the surface of the ground and the parties of the first part shall be entitled to cultivate all portions of said lands fit for cultivation,

The parties of the second part, will at all times save the parties of the first part harmless from any liability to any third persons, by the reason of the easement granted in this agreement, or the use thereof pursuant hereto or hereunder, or which may arise through any acts or omissions of the parties of the second part.

The parties of the first part shall not be bound by the agreement of the parties of the second part, dated August 30, 1929, hereinbefore referred to, nor shall they be amenable to or bound by any rules, regulations, conditions or obligations which the parties of the second part may impose on their members or on the users of water; nor shall the parties of the first part, or their lands, be assessed or required to pay, any part of the cost or expense or original construction of said pipe line, nor any part of the cost of maintenance, operation, repair, reconstruction of said pipe line or water system, or any part thereof.

It is agreed by the parties of the first part that should the parties of the second part elect to furnish the parties of the first part, with water as hereinbefore specified, from a separate pipe line other than their main, they may do so provided they shall furnish and maintain for the parties of the first part a pipe line of not less than 1½ inches in diameter.

It is further agreed by the parties of the second part that in operating and maintaining said water main or pipe line it will do so without doing any unnecessary damage, to the cultivated lands over which said right of way and pipe line shall cross, and if there shall be any damage then the same shall be paid for by the parties of the second part to the owners of the above described land at the time such damage is determined, when an agreement with the parties of the first part as to the amount of said damage has been agreed upon, and if said damage cannot be agreed upon by the parties hereto, then the same shall be determined by arbitration as to the amount thereof. The parties of the first part and the parties of the second part shall each select an arbitrator, and in case these two cannot agree, then said arbitrators shall select a third arbitrator, and the decision of a majority of said arbitrators as to the amount of said damage shall be final and binding upon the parties hereto. The cost of said arbitrations to be equally borne by the parties hereto.

In the event of the failure of the parties of the second part, and their sucessors in interest, to deliver water to the parties of the first part, as hereinbefore specified, except for reasons not within its control, or in case of bankruptcy or dissolution of the parties of the second part, and, or its successors in interest, then the said easement is to terminate and revert to the parties of the first part, and without necessity of any steps or proceedings towards that end by them.

In the event of abandonment of the pipe line and water system of the parties of the second part, it is mutually agreed by the parties hereto, that before the parties of the second part can remove their pipe and other appliances belonging to them, from the property of the parties of the first part, they shall pay any damage accruing from said removal of the above mentioned equipment.

IN WITNESS WHEREOF the parties of the first part have hereunto set their hand and seals, and the parties of the second part have caused these presents to be executed by its trustees under and by virtue of a resolutions of its trustees authorizing them to do so this 26th, day of December, 1929.

In the presence of: (CORPORATE SEAL)

Leola Tangen

G. W. Tangen

Parties of the first part

Arnold S. Graham

Georgia Graham

Midland Mutual Water Association
parties of the second part

Chas. Kynsi

Trustee

J. F. Lewis

Trustee

A. M. Salmi,

Trustee

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF OREGON)
) ss.
COUNTY OF COLUMBIA)

BE IT REMEMBERED, That, on this 26 day of December, 1929, before me, the undersigned, a Notary Public in and for said State personally appeared the within named Arnold S. Graham, and Georgia Graham, his wife, who are known to me to be the idential persons described in, and who executed the within instument, and acknowledge to me that they executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal, the day and year above written.

(NOTARIAL SEAL)

Elvin W. McMIndes
Notary Public for Oregon
My Commission Expires Jan. 18, 1932.

"Endorsed"
Filed December 3rd. 1930
at 9:00 o'clock A.M.
J. W. Hunt, Clerk
By Gladys A. Hunt, Deputy

Deed Book 52, Page 79.

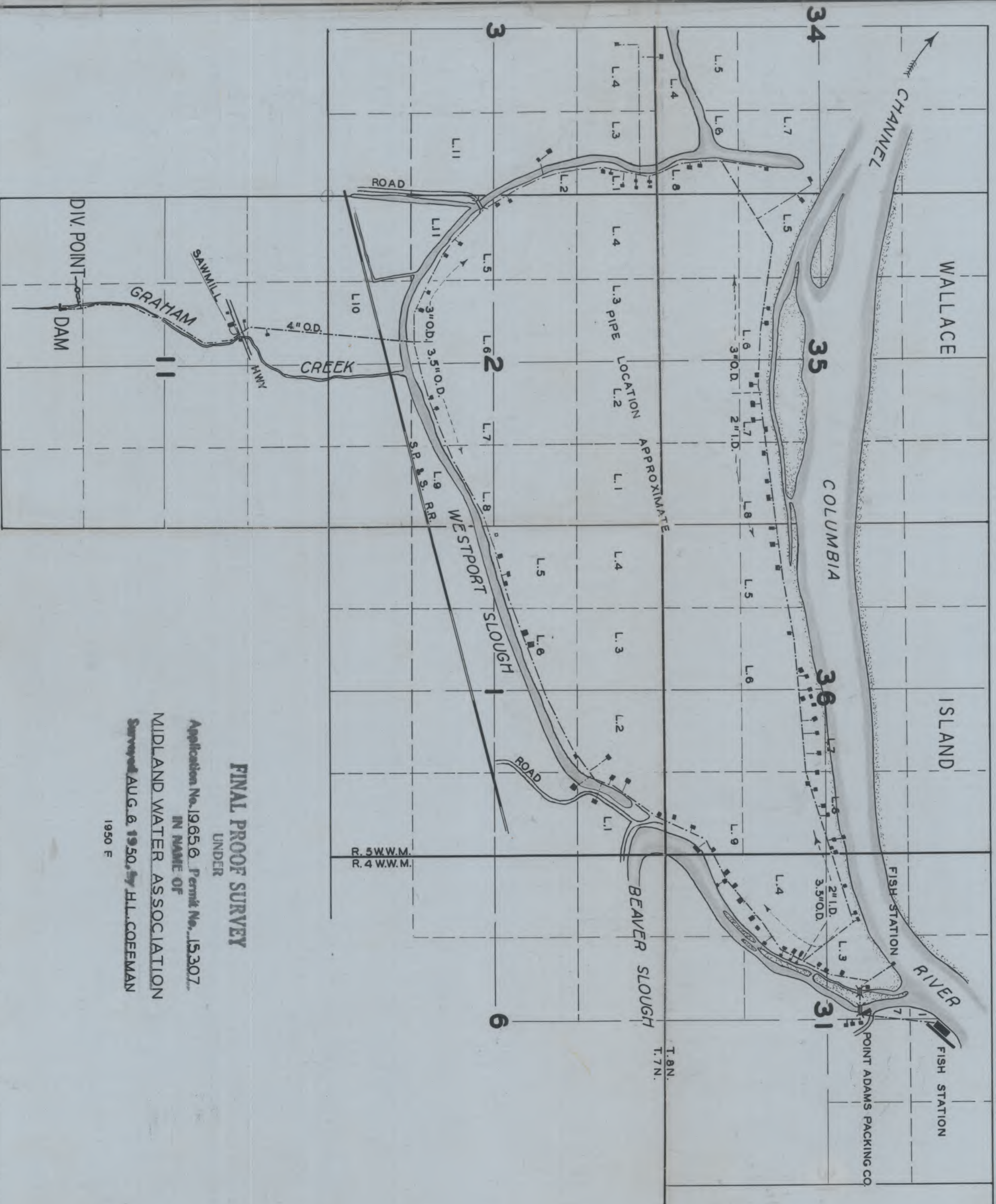
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STATE OF OREGON)
) ss.
COUNTY OF COLUMBIA)

I, J. W. Hunt County Clerk of the above named County and State, and Clerk of the County Court of the County of Columbia, and State, of Oregon, do hereby certify that the foregoing copy of Agreement from Arnold S. & G. Graham to Midland Water Association has been by me compared with the original, and that it is a correct transcript therefrom, and of the whole of such original Agreement as the same appears of record in my office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 6th day of May A.D. 1942.

J. W. Hunt, Clerk
By *L. N. Mickelson* Deputy



FINAL PROOF SURVEY

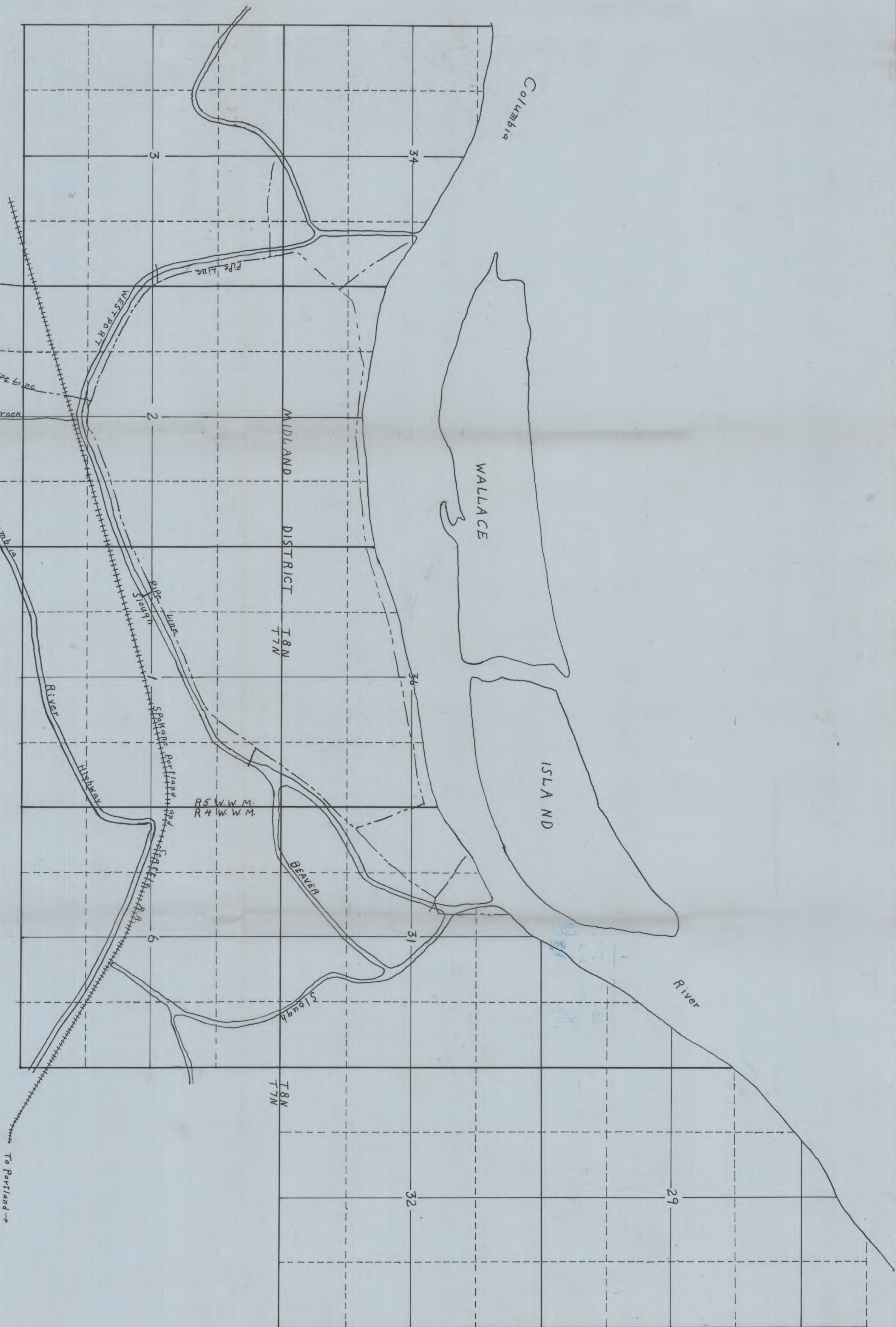
UNDER

Application No. 19656 Permit No. 15307
IN NAME OF

MIDLAND WATER ASSOCIATION

Surveyed AUG. 6, 1950, by H.L. COFFMAN

1950 F



RECEIVED
 MAY 9 1942
 STATE ENGINEER
 SALEM, OREGON

Application No. 19656
 Permit No. 15307

U. S. DEPARTMENT OF AGRICULTURE
BUREAU OF CHEMISTRY AND SOILS
HENRY G. KNIGHT, CHIEF
A. G. McCALL, CHIEF, SOIL INVESTIGATIONS
CURTIS F. MARBUT, IN CHARGE SOIL SURVEY



