

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That SCHOOL DISTRICT NUMBER ⁹ 36

of P.O. Box 509 Coos Bay Marshfield, State of Oregon 97420, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of unnamed creek a tributary of Coos River old & New Buildings for the purpose of domestic supply for schoolhouse, janitors residence and teachers residence under Permit No. 9319 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 October 16, 1929.

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 0.06 cubic foot per second, being 0.038 cfs for the old ~~but~~ school buildings, 0.021 cfs for the new school buildings, & 0.001 cfs for the teachers residence.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW 1/4 SE 1/4, Section 27, Township 25 South, Range 12 West, W. M. NW 1/4 34

6105.63 ft. S. & 1762.55' W from the W 1/4 Cor Sec 26

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:

Lot 5 (SW 1/4 NW 1/4 NW 1/4 SE 1/4) Section 26 Township 25 South, Range 12 West, W. M.

This certificate is issued to confirm a change in Place of use & Pt. of Div. approved by an order of the State Engineer entered March 12, 1971, and supersedes certificate of water right heretofore issued to School Dist # 36 and recorded at page 21693, Volume 16, State Record of Water Right Certificates.

WITNESS the signature of the State Engineer, affixed this 21st day of September, 1966. LEWIS A. STANLEY State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 21693.

BEFORE THE STATE ENGINEER OF OREGON

Coos County

IN THE MATTER OF THE APPLICATION)
OF SCHOOL DISTRICT NO. 9 FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION AND PLACE OF USE OF)
WATER FROM AN UNNAMED CREEK)

ORDER APPROVING
TRANSFER NO. 2361

On April 17, 1970, School District No. 9 filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from an unnamed creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to School District No. 36 and recorded at page 21693, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.06 cubic foot per second of water from an unnamed creek for domestic supply for a schoolhouse, janitors residence and teachers residence in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 25 South, Range 12 West, W.M., with a date of priority of October 16, 1929. Water for this use is diverted from a point located 1140 feet north and 380 feet east from the SE $\frac{1}{4}$ corner of Section 34 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 25 South, Range 12 West, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water from a point to be located 6105.63 feet south and 1762.55 feet west from the E $\frac{1}{4}$ corner of Section 27 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 25 South, Range 12 West, W.M. and change the place of use of 0.02 cubic foot per second from the school and 0.001 cubic foot per second from the janitors residence to the new school building in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 25 South, Range 12 West, W.M.

Notice of the filing of the application was given by publication

BEFORE THE STATE ENGINEER OF OREGON

Coos County

IN THE MATTER OF THE APPLICATION)
OF SCHOOL DISTRICT NO. 9 FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION AND PLACE OF USE OF)
WATER FROM AN UNNAMED CREEK)

TRANSFER NO. 2361
ORDER APPROVING

On April 17, 1970, School District No. 9 filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from an unnamed creek, pursuant to the provisions of ORS 540.510 to 540.530. Certificate of water right issued to School District No. 9 and recorded at page 21893, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.05 cubic foot per second of water from an unnamed creek for domestic supply for a schoolhouse, janitors residence and teachers residence in SW 1/4 NW 1/4 and NW 1/4 SW 1/4, Section 26, Township 22 South, Range 12 West, W.M., with a date of priority of October 16, 1929. Water for this use is diverted from a point located 140 feet north and 380 feet east from the SW corner of Section 34 being within the SW 1/4 SW 1/4 of Section 34, Township 22 South, Range 12 West, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water from a point to be located 610.53 feet south and 178.25 feet west from the SW corner of Section 27 being within the NW 1/4 SW 1/4 of Section 34, Township 22 South, Range 12 West, W.M. and change the place of use of 0.05 cubic foot per second from the school and 0.001 cubic foot per second from the janitors residence to the new school building in the SW 1/4 NW 1/4 and NW 1/4 SW 1/4, Section 26, Township 22 South, Range 12 West, W.M.

Notice of the filing of the application was given by publication

setting forth a time and place certain for hearing objections to the proposed change in place of use and point of diversion of water, if any there were, namely: at the county courthouse in Coquille, Oregon, on March 9, 1971, at 9:30 a.m. The notice was published in The World, a newspaper printed and having general circulation in Coos County, Oregon, for a period of three weeks in the issues of January 15, 22, and 29, 1971. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. M. John Youngquist, Watermaster of District No. 15, has filed a report to the effect that the proposed change in place of use and point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as being for the appropriation of 0.02 cubic foot per second for domestic supply for a schoolhouse and 0.001 cubic foot per second for a janitors residence in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 25 South, Range 12 West, W.M. from an unnamed creek with a date of priority of October 16, 1929, be severed therefrom and simultaneously and without loss of priority transferred to the use of 0.021 cubic foot per second of water from an unnamed creek in a school building in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 25 South, Range 12 West, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from an unnamed creek, to-wit:

From a point located 1140 feet north and 380 feet east from the S $\frac{1}{4}$ corner of Section 34 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 25 South, Range 12 West, W.M.

setting forth a time and place certain for hearing objections to the proposed change in place of use and point of diversion of water, if any there were, namely: at the county courthouse in Coquille, Oregon, on March 9, 1971, at 9:30 a.m. The notice was published in The World, a newspaper printed and having general circulation in Coos County, Oregon, for a period of three weeks in the issues of January 15, 22, and 29, 1971. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. M. John Youngquist, Watermaster of District No. 15, has filed a report to the effect that the proposed change in place of use and point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right heretofore described as being for the appropriation of 0.02 cubic foot per second for domestic supply for a schoolhouse and 0.001 cubic foot per second for a janitors residence in SW 26 and NW 26, Section 26, Township 25 South, Range 12 West, W.M. from an unnamed creek with a date of priority of October 16, 1929, be severed therefrom and simultaneously and without loss of priority transferred to the use of 0.021 cubic foot per second of water from an unnamed creek in a school building in SW 26 and NW 26, Section 26, Township 25 South, Range 12 West, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from an unnamed creek, to-wit:

From a point located 1140 feet north and 380 feet east from the SW corner of Section 24 being within the SW 26 of Section 24, Township 25 South, Range 12 West, W.M.

To a point to be located 6105.63 feet south and 1762.55 feet west from the E $\frac{1}{4}$ corner of Section 27 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 25 South, Range 12 West, W.M.

for appropriation of 0.038 cubic foot per second of water for use in the old school building; 0.021 cubic foot per second of water for use in the new school building; and 0.001 cubic foot per second of water for use in the teachers residence in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 25 South, Range 12 West, W.M., with a date of priority of October 16, 1929, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1971.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall be limited to 0.06 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to School District No. 36 and recorded at page 21693, Volume 16, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion and place of use, a certificate of water right shall be issued to School District No. 9

To a point to be located 102.63 feet south and
178.25 feet west from the SW corner of section
27 being within the NW 1/4 of section 24, Town-
ship 22 South, Range 12 West, T.M.

for appropriation of 0.038 cubic foot per second of water for use in
the old school building; 0.021 cubic foot per second of water for use
in the new school building; and 0.001 cubic foot per second of water
for use in the teachers residence in SW 1/4 and NW 1/4, Section 26,
Township 22 South, Range 12 West, T.M., with a date of priority of

October 16, 1922, is approved.

It is FURTHER ORDERED that said water so transferred shall
be applied to beneficial use and the change in point of diversion made
on or before October 1, 1921.

It is FURTHER ORDERED that the quantity of water diverted at
the new point of diversion shall not exceed the quantity of water that
is available at the old point of diversion and shall be limited to 0.06
cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be
effective when in the judgment of the watermaster it becomes necessary
to install headgates and measuring devices.

That the diversion works shall include an in-line
flow meter, a weir, or other suitable device for
measuring the water in which the applicant is en-
titled.

That the type and place of the measuring device
be approved by the watermaster before the beginning
of construction work and that the weir or measuring
device be installed under the general supervision
of said watermaster.

It is FURTHER ORDERED that certificate of water right here-

before issued to School District No. 26 and recorded at page 21823,
Volume 16, State Record of Water Right Certificates, is canceled and
upon receipt of proof satisfactory to the State Engineer of completion
of the authorized change in point of diversion and place of use, a
certificate of water right shall be issued to School District No. 2

confirming the extent to which the water has been applied beneficially
and the change in point of diversion.

Dated at Salem, Oregon, this 12th day of March, 1971.

/s/ CHRIS L. WHEELER
State Engineer

confirming the extent to which the water has been applied beneficially
and the change in point of diversion.

Dated at Salem, Oregon, this 12th day of March, 1971.

By: CHRIS L. WHEELER
State Engineer

RECEIVED
 APR 17 1970
 STATE ENGINEER
 SALEM, OREGON

RECEIVED
 JAN 4 1970
 STATE ENGINEER
 SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, School District No. 9 (Name of applicant)

of P.O. Box 509 Coos Bay (Postoffice), County of Coos

State of Oregon, do hereby make application for change in point of diversion
and place of use
(In point of diversion; place of use; use heretofore made of the water)

- The source of present water right is an unnamed stream
(Name of stream)
- The use to which the water is applied is domestic supply for schoolhouse, janitors residence and teachers residence
(Irrigation; Mining; Power; Manufacturing; etc.)
- The name of the ditch, canal or pipe line is ----
- The point of diversion is located 1140 ft. N and 380 ft. E from the S $\frac{1}{2}$
(N. or S.) (E. or W.)

corner of Section 34 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$
(Section or subdivision)

of Section 34 Tp. 25S R. 12W W. M., in the County of Coos
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
25S	12W	26						X				X						

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes (see remarks)
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes

8. What is the date of priority of your water right? October 16, 1929

9. Was your water right acquired by State Engineer's Permit? yes If so, give number
(Yes or No)

of permit 9319

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

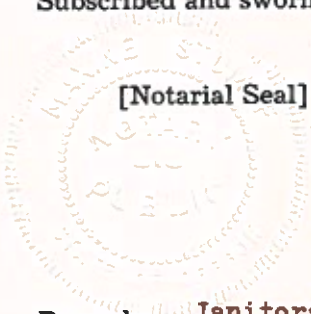
County of Coos } ss.

I, School District 9-Coos Bay Oregon, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 31st day of December, 1970

Equil P. Beckham Chairman
(Name of applicant)
John Crowley Club

Subscribed and sworn to before me this 31st day of December, 1970



[Notarial Seal]

Marie Stumpf
NOTARY PUBLIC FOR OREGON

My commission expires 10-18-74

Remarks Janitors residence sold with reservation of water right and specific right to transfer place of use from property sold. Copy of deed included with this application.

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

NOTICE OF FILING APPLICATION FOR A
CHANGE IN POINT OF DIVERSION AND
PLACE OF USE OF WATER

Notice is given hereby that School District No. 9 has filed an application for the approval of a change in point of diversion and place of use of water from an unnamed stream.

Certificate of water right issued to School District No. 36 and recorded at page 21693, Volume 16, State Record of Water Right Certificates, confirms a right to the use of 0.06 cubic foot per second from an unnamed creek for domestic supply for a schoolhouse, janitors residence, and teachers residence in SW¹/₄ NW¹/₄ and NW¹/₄ SW¹/₄, Section 26, T. 25 S., R. 12 W., W.M., with a date of priority of October 16, 1929. Water for this use is diverted from a point located 1140 ft. N and 380 ft. E from the SW¹/₄ corner of Sec. 34 being within the SW¹/₄ SE¹/₄ of Sec. 34, T. 25 S., R. 12 W., W.M.

The applicant herein, owner of the lands above described, proposes to divert the water from a point to be located 6105.63 ft. S and 1762.55 ft. W from the E¹/₄ corner of Sec. 27 being within the NW¹/₄ SE¹/₄ of Sec. 34, T. 25 S., R. 12 W., W.M. and change the place of use of 0.02 cubic foot per second from the school and 0.001 cubic foot per second from the janitors residence to the new school building in the SW¹/₄ NW¹/₄ and NW¹/₄ SW¹/₄, Sec. 26, T. 25 S., R. 12 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Coquille, Oregon, on March 9, 1971, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on School District No. 9, P.O. Box 509, Coos Bay, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 11th day of January, 1971.

CHRIS L. WHEELER
State Engineer

NOTICE OF FILING APPLICATION FOR A
CHANGE IN POINT OF DIVERSION AND
PLACE OF USE OF WATER

Notice is given hereby that School District No. 9 has filed an application for the approval of a change in point of diversion and place of use of water from an unnamed stream.

Certificate of water right issued to School District No. 9

and recorded at page 21897, Volume 16, State Record of Water Right

Certificates, confirms a right to the use of 0.06 cubic foot per second from an unnamed creek for domestic supply for a schoolhouse, janitors residence, and teachers residence in SW 1/4 and NW 1/4, Section 28, T. 25 S., R. 12 W., W.M., with a date of priority of October 16, 1929. Water for this use is diverted from a point located 140 ft. N and 300 ft. E from the SW corner of Sec. 24 being within the SW 1/4 of Sec. 24, T. 25 S., R. 12 W., W.M.

The applicant herein, owner of the lands above described, proposes to divert the water from a point to be located 610.23 ft. S and 1762.22 ft. W from the SW corner of Sec. 27 being within the NW 1/4 of Sec. 24, T. 25 S., R. 12 W., W.M. and change the place of use of 0.02 cubic foot per second from the school and 0.001 cubic foot per second from the janitors residence to the new school building in the SW 1/4 and NW 1/4, Sec. 28, T. 25 S., R. 12 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Coquille, Oregon, on March 9, 1931, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, and copy to be served on School District No. 9, P.O. Box 507, Coos Bay, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 15th day of January, 1931.

CHRIS L. WHEELER
State Engineer

RECEIVED
APR 17 1970
STATE ENGINEER
SALEM, OREGON

CORRECTED BARGAIN AND SALE DEED

SCHOOL DISTRICT NO. 9, Coos County, Oregon, a duly organized school district of the State of Oregon, conveys to GEORGE W. SMITH and ALICIA SMITH, husband and wife, all that real property situated in Coos County, State of Oregon, described as:

Parcel I:

Beginning at a point 645 feet North and 262 feet East of the quarter section corner between Sections 26 and 27, Township 25 South of Range 12 West, Willamette Meridian; thence running South 83° East 342 feet; thence North 7° East 520 feet more or less to the left bank of Coos River; thence downstream along low water line to a point North 7° East from the place of beginning; thence South 7° West 750 feet to place of beginning, all in Coos County, Oregon.

Parcel II:

Beginning at a point located North a distance of 645.00 feet and East a distance of 262.00 feet from the West quarter corner of Section Twenty-six (26), Township Twenty-five (25) South, Range Twelve (12) West, Willamette Meridian, Coos County, Oregon; thence South $83^{\circ} 00'$ East a distance of 342.00 feet; thence North $7^{\circ} 00'$ East a distance of 252.69 feet to the Southerly line of the Coos River County Road; thence along said Southerly line, along a curve to the left having a radius of 1280.71 feet, and through a central angle of $1^{\circ} 43' 30''$ for a distance of 38.56 feet (the long chord of which bears South $46^{\circ} 18' 55''$ East a distance of 38.56 feet); thence South $7^{\circ} 26' 40''$ West a distance of 427.47 feet; thence North $82^{\circ} 33' 20''$ West a distance of 337.89 feet; thence North $2^{\circ} 15' 10''$ West a distance of 197.71 feet to the point of beginning, and being a portion of the Northwest quarter (NW $1/4$) of Section 26, Township 25 South, Range 12 West, W. M., Coos County, Oregon.

Reserving unto Grantor, however, the right to use the real property and all improvements located thereon, which are the subject of this conveyance, for a period of five (5) years from June 30, 1969, including the right of ingress and egress therefrom for public school purposes; provided that if Grantor shall cease

to use said property for school purposes for a continuous period of one (1) year before the expiration of said five years, then the rights hereby reserved therein to Grantor shall terminate absolutely. Also, there is reserved to Grantor the right at any time while Grantor has the reserved right to the use of said real property during said five year term, to remove the buildings and improvements thereon, provided that if any building be razed or parts thereof removed, then Grantor shall, and does agree to, completely raze and remove said building and all parts thereof and leave the premises where it is located in good clean condition and free of debris.

ALSO EXCEPTING and reserving to Grantor all its rights to appropriate water at or from sources described as follows:

Unnamed creek running through the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southeast quarter, all in Section 34, Township 25 South, Range 12 West, Willamette Meridian in Coos County, Oregon, the present points of diversion being at a point 6105.63 feet South and 1762.55 feet West of the common quarter corner of Sections 26 and 27, said township and range and at a point 5162.51 feet South and 1461.82 feet West of the common quarter corner to Sections 26 and 27 of said township and range; also reserving the pipeline leading from said points of diversion northerly to the real property hereby conveyed together with all pipeline easements and rights of way on or near which said pipeline is situated, and as presently and heretofore used by Grantor in supplying water to its school buildings on the premises above conveyed; it being intended by the parties that Grantor shall have the right during or subsequently to the period of time reserved hereby for Grantor's use of said premises, to apply for and obtain such change of use, place of use and point or points of diversion as Grantor may deem proper for supplying water to Grantor in the construction, maintenance, operation and use of a school and incidental buildings, uses and purposes on a different school site on the Southwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section 26, Township 25 South, Range 12 West, Willamette Meridian. Nothing herein shall be construed to hinder either Grantor or Grantee in the exercise of any lawful right to file upon and appropriate water from any source; or to impair the lawful priority rights of either party hereto.

THIS DEED is made and given as a correction deed to amend and correct that certain bargain and sale deed executed by School District No. 9, Coos County, Oregon, to George W. Smith and Alicia Smith, recorded June 6, 1969, as Microfilm No. 69-6-39304 in the office of the County Clerk of Coos County, Oregon.

The true and actual consideration for this transfer is the exchange of other property.

Signed by authority of the Board of Directors of said School District No. 9 on this 25th day of February, 1970.

SCHOOL DISTRICT NO. 9
COOS COUNTY, OREGON

By Ernest D. Beckham
Chairman of the Board
By John W. Crowley
Superintendent and Clerk

STATE OF OREGON)
) ss.
County of Coos)

On this 25th day of February, 1970, personally appeared ERNEST D. BECKHAM, who, being sworn, stated that he is the Chairman of the Board of said school district, Grantor herein, and JOHN W. CROWLEY, who, being sworn, stated that he is the Superintendent and Clerk of said Grantor school district, and that this Deed was voluntarily signed and sealed in behalf of said duly organized school district of the State of Oregon by authority of its Board of Directors. Before me:

J. P. [Signature]
Notary Public for Oregon
My Commission expires: July 28 1971

AGREEMENT TO REFORM DEED AND CONSENT
TO THE FOREGOING CORRECTION DEED

KNOW ALL MEN BY THESE PRESENTS that George W. Smith and Alicia Smith, husband and wife, Grantees named in the foregoing deed and in the deed recorded in the office of the County Clerk of Coos County, Oregon, on June 6, 1969, as Microfilm No. 69-6-39304 agree to the amendment and correction of said deed as above set forth and do consent and agree that said deed be Corrected Bargain and Sale Deed - 3

so reformed and that the foregoing amended deed sets forth the intention of the parties in the execution of said deed recorded June 6, 1969 on Microfilm No. 69-6-39304.

IN WITNESS WHEREOF the said George W. Smith and Alicia Smith have executed this consent and agreement on this the 11th day of MARCH, 1970.

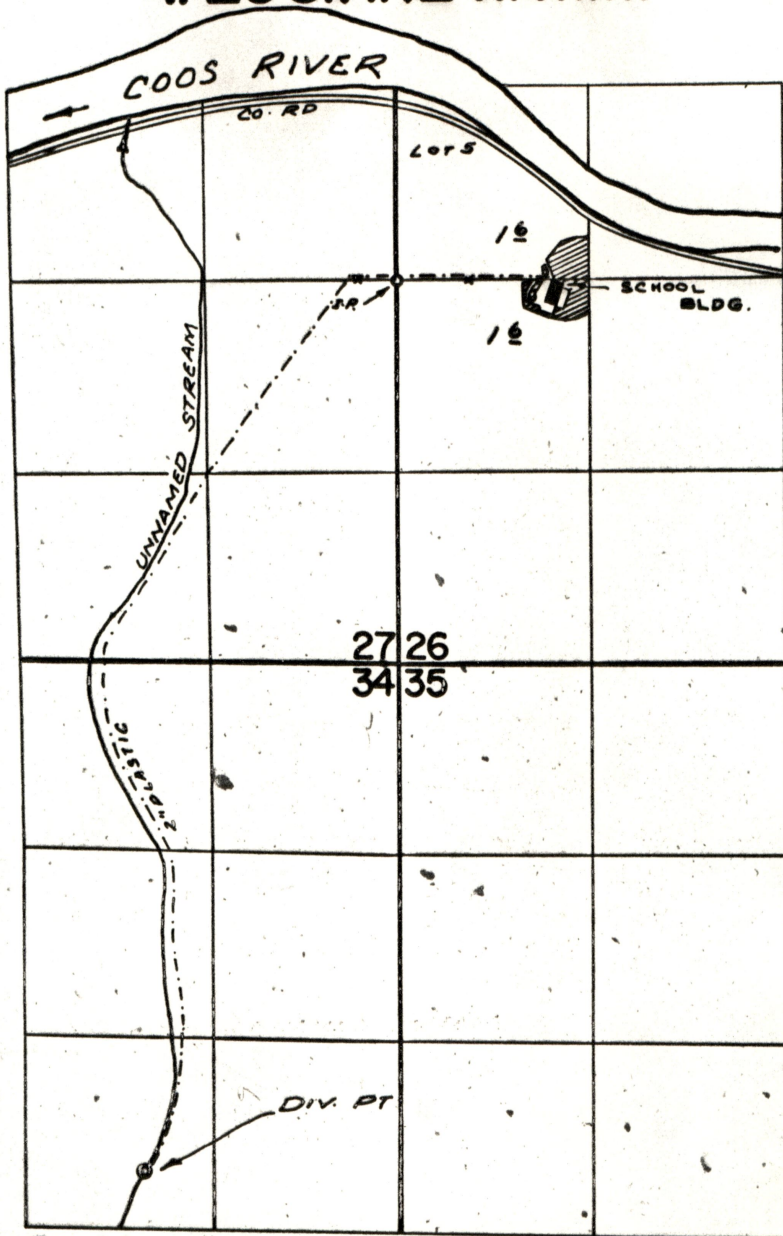
George W. Smith
Alicia Smith

STATE OF OREGON)
) ss
COUNTY OF COOS)

On this 11th day of MARCH, 1970, personally appeared GEORGE W. SMITH and ALICIA SMITH, husband and wife, and acknowledged the foregoing instrument to be their voluntary act. Before me:

[Signature]
Notary Public for Oregon
My Commission expires: MAY 7, 1971

T. 25S. R. 12 W. W.M.



DIV. PT. L00: 6105.63'S & 1762.55'W
FROM W 1/4 COR. SEC. 26

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2361
Application No. 46714 Permit No. 34986
IN NAME OF

SCHOOL DISTRICT #9

Surveyed AUG. 3, 1972, by R. MUCKEN

August 4, 1971

46714
T-2361

H.G.E., Inc.
5th and Highland
Coos Bay, Oregon 97420

ATTENTION: R. H. Erichsen, P.E., President

Dear Mr. Erichsen:

We have not yet made the customary final proof survey in connection with School District No. 9's permit No. 34986 or their change in point of diversion and place of use of water so the proof of appropriation can be completed preparatory to the issuance of a certificate of water right.

I am not sure just when the final proof inspection will be made as we have a huge backlog of such surveys to be made. We will be sure the District's inspection is done the next time a field crew is sent into Coos County. In the meantime, the District's permit and order approving the change is valid evidence of their right to the use of water.

Very truly yours,

Trevor Jones
Assistant

TJ:slv

net

April 12, 1971

2361

School District No. 9
Post Office Box 509
Coos Bay, Oregon 97420

Gentlemen:

I have your notices advising that complete application of water has been made and construction work has been completed under the provisions of the order of the State Engineer approving your application for a change in place of use and point of diversion of water.

In line with the general practice of this office, a survey will be made at a later date. After this survey, proof may be made and certificate of water right issued covering the actual use of water as found by the engineer.

In case of irrigation, any lands described in the order that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the order which you hold will be evidence of the water right in question as long as you continue the authorized beneficial use of water.

Very truly yours,

Trevor Jones
Assistant

slv

RECEIVED
APR 8 1971
STATE ENGINEER
SALEM, OREGON

Transfer No. 2361

NOTICE OF COMPLETION OF CONSTRUCTION

I, Don Matson, hereby certify
that the construction work has been completed and the change in
point of diversion of water made as set forth in the order of
the State Engineer dated March 12, 1971, approving an appli-
cation for a change in point of diversion of water from _____
an unnamed creek.

April 5, 1971
Date


Name

Chairman, District No. 9
School Board

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

RECEIVED
APR 8 1971
STATE ENGINEER
SALEM, OREGON

Transfer No. 2361

I, Don Matson hereby certify that
on March 13, 19 71, the water has been applied to the lands to
which the water right was transferred by an order of the State Engineer
dates March 12, 1971, approving an application for a change in place
of use of water from an unnamed creek.

April 5, 1971

Date



Signature

Chairman, District No. 9 School Board

March 23, 1971

2361

School District No. 9
Post Office Box 509
Coos Bay, Oregon 97420

Gentlemen:

Enclosed is a certified copy of the order of the State Engineer entered March 12, 1971, approving your application for a change in point of diversion and place of use of water from an unnamed creek.

Also enclosed is a notice of completion of construction and a notice of complete application of water both of which should be dated, signed, and returned to this office when the change in point of diversion has been completed and water has been applied to beneficial use. According to the terms of the order, this should be done on or before October 1, 1971.

Very truly yours,

Trevor Jones
Assistant

slv

Enclosures

cc: Mr. M. John Youngquist
Watermaster District No. 15



**STATE
ENGINEER**

RECEIVED
FEB 23 1971
STATE ENGINEER
SALEM OREGON

WATER RESOURCES DEPARTMENT

1144 S. E. DOUGLAS AVENUE • ROSEBURG, OREGON 97470 • PHONE 672-3311

TOM McCALL
GOVERNOR

CHRIS L. WHEELER
State Engineer

February 22, 1971

FILE NO. 2361

Chris L. Wheeler
State Engineer
1178 Chemeteka, NE
Salem, Oregon 97310

Attention: Trevor Jones, Assistant

Dear Mr. Jones:

I regret the delay getting back to you concerning the application for a change in point of diversion and place of use of water.

I recall upon reading your notice that an individual living adjacent to the school district's ownership within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 25 South, Range 12 West, had some sort of a property exchange agreement with the school district. It wasn't until recently that I was able to contact this gentleman.

The school district is in the process of transferring the place of use of water from the old school building to the newly constructed building. A Mr. George Smith traded the land which the new school building sets on for the same amount of land that the older school set on.

In talking with Mr. Smith, he stated that in the land trade agreement he had agreed to allow the school to transfer the water right. Therefore he would have no objection to the proposed change.

Mr. Smith did inform me that one or two individuals living across the road from the old school are getting their house water from the school district's pipeline. These individuals do not have any rights of record, therefore, I do not feel they should obtain any consideration in this proposed transfer. Upon completion of the transfer by the school district, these two individuals will no longer be able to use any water from the same source the school district is getting their water. I suggested to Mr. Smith that if they are concerned about the status of the old pipeline,

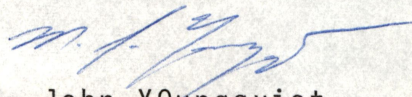
Page 2-
Trevor Jones, Assistant
February 22, 1971

they should contact an attorney and perhaps take civil action.

In my opinion, the proposed change in point of diversion and place of use of water will not cause injury to any existing rights of record and provision number two should be incorporated in the special order.

If you have any questions, please contact me.

Yours truly,



M. John YOUNGQUIST
Watermaster

MJY:ey

MILLERS FALLS
E Z E R A S E
COTTON-COMFORT

RECEIVED

2361

FEB 8 1971

STATE ENGINEER
SALEM, OREGON

The  World

SERVING THE GREAT EMPIRE WHICH IS SOUTHWESTERN OREGON

COOS BAY, OREGON 97420

State of Oregon, Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

RECEIVED
FEB 2 1971
STATE ENGINEER
SALEM, OREGON

TERMS: NET. All accounts due tenth of month following date of billing.

LEGAL ADVERTISING STATEMENT

Insertion dates:

Case:


Notice of Filing

January 15, 1971
January 22, 1971
January 29, 1971
_____, 19____
_____, 19____

Charge:

1	insertions	68	lines	@	15.7146	c	-	-	-	\$ 10.69
2	insertions	68	lines	@	10.4753	c	-	-	-	\$ 14.25
									TOTAL	\$ 24.94

The News Press, Coos Bay, Oregon

PAID
2/5/71
THE WORLD
By 

BEDINGFIELD AND BEDINGFIELD

ATTORNEYS AT LAW

FITZPATRICK BUILDING

COOS BAY, OREGON 97420

P. O. BOX 29

TELEPHONE 267-2181

J. B. BEDINGFIELD

J. B. BEDINGFIELD, JR.

GORDON JOELSON

January 14, 1971

RECEIVED
JAN 18 1971
STATE ENGINEER
SALEM, OREGON

Mr. Trevor Jones
Assistant to the State Engineer
Water Resources Department
516 Public Services Building
Salem, Oregon 97310

Re: Your file No. 2361 and No. 46714

Dear Mr. Jones:

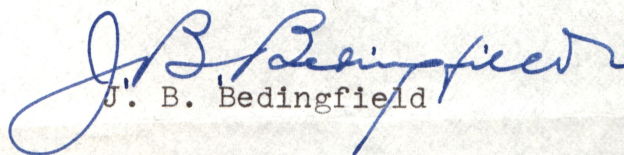
We appreciate receipt of copies of your letters of January 8, 1971 and January 11, 1971 addressed to The World in Coos Bay, and to Mr. Robert Ward, registered land surveyor in Coos Bay, regarding School District #9's water applications and change of place of use.

We also thank you for the copy of Notice which we received along with the copy of your letter to The World. We trust that the application will be approved in due course, and we may have the permit promptly.

Thanking you for your attention to this matter, we are,

Very truly yours,

BEDINGFIELD & BEDINGFIELD


J. B. Bedingfield

JBBSr:ks

February 4, 1971

2361

School District No. 9
Post Office Box 509
Coos Bay, Oregon 97420

Gentlemen:

Publication of notice in connection with your transfer No. 2361 amounted to \$24.94, leaving an unused balance of your \$30.00 deposit for that purpose in the amount of \$5.06.

The order, when entered, will require the issuance of a new certificate of water right confirming the change in point of diversion and place of use. We have withheld \$1.00 from the balance of your deposit to cover the cost of having this certificate recorded in the Coos County records.

Our check No. 4078 covering the unused balance of \$4.06 is enclosed.

Very truly yours,

Trevor Jones
Assistant

slv

Enclosure

February 4, 1971

2361

The World
Post Office Box 779
Coos Bay, Oregon 97420

Gentlemen:

Enclosed is our check No. 4079 in the amount of \$24.94
in payment of your statement of January 29, 1971.

Please receipt the enclosed statement and return it to
this office. Thank you.

Very truly yours,

Trevor Jones
Assistant

slv

Enclosures

The World

SERVING THE GREAT EMPIRE WHICH IS SOUTHWESTERN OREGON

COOS BAY, OREGON 97420

State of Oregon, Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

TERMS: NET. All accounts due tenth of month following date of billing.

LEGAL ADVERTISING STATEMENT

Insertion dates:

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January 29, 1971
_____, 19____
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										TOTAL	-	-	-	\$	24.94

The World

SERVING THE GREAT EMPIRE WHICH IS SOUTHWESTERN OREGON

COOS BAY, OREGON 97420

State of Oregon, Engineer
 Water Resources Department
 516 Public Service Building
 Salem, Oregon 97310

TERMS: NET. All accounts due tenth of month following date of billing.

LEGAL ADVERTISING STATEMENT

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Case:

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January 15, 1971
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2	insertions	68	lines	@	10.4753	c	-	-	-	\$ 14.25
									TOTAL	- - - \$ 24.94

AFFIDAVIT OF PUBLICATION

STATE OF OREGON }
COUNTY OF COOS } SS

I, Carole Smeds, being first duly sworn, depose and say that I am the

Clerk of the Editor

of The World, a newspaper of general circulation, as defined by Section 1-609 and 1-610, Oregon Compiled Laws Annotated, as amended, printed and published at Coos Bay and in the aforesaid county and state: that the

Notice of Filing

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues:

January 15, 1971

January 22, 1971

January 29, 1971

Carole Smeds

Signature

Subscribed and sworn to before me this 29th day of January, 1971

Constance Johnson
Notary Public for Oregon

My commission expires, May 11, 1974

**NOTICE OF FILING
APPLICATION FOR A CHANGE
IN POINT OF DIVERSION AND
PLACE OF USE OF WATER**

Notice is given hereby that School District No. 9 has filed an application for the approval of a change in point of diversion and place of use of water from an unnamed stream.

Certificate of water right issued to School District No. 36 and recorded at page 21693, Volume 16, State Record of Water Right Certificates, confirms a right to the use of 0.06 cubic foot per second from an unnamed creek for domestic supply for a schoolhouse, janitors residence, and teachers residence in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, T. 25 S., R. 12 W., W.M., with a date of priority of October 16, 1929. Water for this use is diverted from a point located 1140 ft. N and 380 ft. E from the S $\frac{1}{4}$ corner of Sec. 34 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 34, T. 25 S., R. 12 W., W.M.

The applicant herein, owner of the lands above described, proposes to divert the water from a point to be located 6105.63 ft. S and 1762.55 ft. W from the E $\frac{1}{4}$ corner of Sec. 27 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 34, T. 25 S., R. 12 W., W.M. and change the place of use of 0.02 cubic foot per second from the school and 0.001 cubic foot per second from the janitors residence to the new school building in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, T. 25 S., R. 12 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Coquille, Oregon, on March 9, 1971, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on School District No. 9, P. O. Box 509, Coos Bay, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 11th day of January, 1971.

Chris L. Wheeler,
State Engineer

Jan 15 22 29 1971

AFFIDAVIT OF PUBLICATION

STATE OF OREGON }
COUNTY OF COOS } SS

I, Carole Smeds, being first duly sworn, depose and say that I am the

Clerk of the Editor

of The World, a newspaper of general circulation, as defined by Section 1-609 and 1-610, Oregon Compiled Laws Annotated, as amended, printed and published at Coos Bay and in the aforesaid county and state: that the

Notice of Filing

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues:

- January 15, 1971
- January 22, 1971
- January 29, 1971
- _____, 19____
- _____, 19____

Carole Smeds
Signature

Subscribed and sworn to before me this 29th

day of January, 1971

Constance Johnson
Notary Public for Oregon

My commission expires, May 11, 1974

NOTICE OF FILING
APPLICATION FOR A CHANGE
IN POINT OF DIVERSION AND
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The applicant herein, owner of the lands above described, proposes to divert the water from a point to be located 6105.63 ft. S and 1762.55 ft. W from the E $\frac{1}{4}$ corner of Sec. 27 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 34, T. 25 S., R. 12 W., W.M. and change the place of use of 0.02 cubic foot per second from the school and 0.001 cubic foot per second from the janitors residence to the new school building at the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, T. 25 S., R. 12 W., W.M.

All persons interested are notified that a hearing will be held at the county courthouse at Coquille, Oregon, on March 9, 1971, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on School District No. 9, P. O. Box 509, Coos Bay, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 11th day of January, 1971.
Chris L. Wheeler,
State Engineer



**STATE
ENGINEER**

RECEIVED
JAN 13 1971
STATE ENGINEER
SALEM, OREGON

WATER RESOURCES DEPARTMENT

1144 S. E. DOUGLAS AVENUE • ROSEBURG, OREGON 97470 • PHONE 672-3311

TOM McCALL
GOVERNOR

CHRIS L. WHEELER
State Engineer

FILE NO. 2361

Chris L. Wheeler
State Engineer
516 Public Service Building
Salem, Oregon 97310

Attention: Trevor Jones, Assistant

Dear Mr. Jones:

Several months ago the engineering firm of Harlan, Gessford and Erickson in Coos Bay approached me concerning the proposed transfer of the water right owned by School District No. 9. A short time thereafter an adjoining property owner of the land described in the water right was in to my Coquille Office stating that he felt the old and or new point of diversion being proposed by the School District was on his land.

He also stated that he had an option on a portion of the original school property.

Before I file my final report concerning this proposed transfer I would like to investigate the situation further. I will have occasion to be in the area later this month and will write you concerning the proposed change in point of diversion no later than February 1, 1971.

Yours truly,

M. John Youngquist
Watermaster

MJY:ey

January 11, 1971

2361

Mr. M. John Youngquist
Watermaster District No. 15
1144 S.E. Douglas Street
Roseburg, Oregon 97470

Dear Mr. Youngquist:

Enclosed is a copy of notice for publication in the
January 15, 22, and 29, 1971, issues of The World.

Would you please advise if, in your opinion, the pro-
posed change in point of diversion may be made without injury to
existing rights and which provision for the installation of measuring
devices you feel should be incorporated in the order. Thank you.

Very truly yours,

Trevor Jones
Assistant

TJ:slv

Enclosure

January 11, 1971

2361

The World
Post Office Box 779
Coos Bay, Oregon 97420

Gentlemen:

Enclosed is a notice for publication in the January 15, 22, and 29, 1971, issues of your newspaper.

If, for any reason, you cannot publish this notice on the dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication and statement for this service to this office.

Very truly yours,

Trevor Jones
Assistant

TJ:slv

Enclosure
cc: School District No. 9
c/o J. B. Bedingfield

January 8, 1971

46714
T-2361

Mr. Robert W. Wade
Registered Land Surveyor
5th and Highland
Coos Bay, Oregon 97420

Dear Mr. Wade:

This will acknowledge return of School District No. 9's application 46714 and the application for change in place of use and point of diversion.

Application 46714 is in satisfactory form for approval by issuance of a permit and this will be included with the next group of permits to be issued.

The application for change is in order and we are preparing the notice of the proposed change for publication, a copy of which will be sent to Mr. Bedingfield and to you.

Very truly yours,

Trevor Jones
Assistant

TJ:slv

cc: J. B. Bedingfield

December 16, 1970

46714
13075
T-2361

Mr. Robert W. Wade
Registered Land Surveyor
5th and Highland
Coos Bay, Oregon 97420

Dear Mr. Wade:

We simply have not been able to keep pace with the number of applications, letters, and notices required at the end of the irrigation season and a large number of people have good reasons for requesting immediate action on their particular communication.

Mr. Erichsen's last letter said water use will be discontinued in only one house, not two as earlier claimed. I have made changes in the applications for this and also as outlined in my letter dated September 2, 1970.

The application for transfer is enclosed and should be examined, the changes initialed and the affidavit of applicant completed and notarized.

Slight changes were made in the application for a permit. I think "school building use" is more descriptive and general than "domestic use-school building" and there is no reason to restrict the irrigation to the athletic field instead of including all the school grounds. There were two typographical errors under "Remarks" also.

The application for permit has been endorsed so that in order to retain its date of priority, it should be returned to this office on or before February 16, 1971. Upon return of these applications we will prepare notice for publication and will keep these at the top of the stack.

Very truly yours,

Trevor Jones
Assistant

TJ:slv

Enclosures

September 2, 1970

13075
46714
Transfer 2361

Bedingfield, Grant and Bedingfield
Attorneys at Law
Fitzpatrick Building, P.O. Box 29
Coos Bay, Oregon 97420

ATTENTION: J. B. Bedingfield and
J. B. Bedingfield, Jr.

Gentlemen:

I should have written the last letter regarding the application of School District No. 9 to include answers to your questions which would have made it more clear. I will number the answers to agree with the questions.

1. Certificate 21693 describes the right to appropriate the quantity of water beneficially used for the school, janitors residence and teachers residence not to exceed 0.06 cubic foot per second.
2. The priority date is October 16, 1929.
3. The diversion point is located in the certificate as being in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, Township 25 South, Range 12 West, W.M. This is an obvious clerical error and Section 34 should have been listed.
4. We do not have record of the flow of this stream involved.
5. A water right exists for use from one stream only.
6. No mention was made of irrigation of athletic fields in the application and permit and there is no record of this use when proof was submitted. I don't believe this is included in a right for "domestic supply for school house." We would not take issue with irrigation of shrubbery and lawns around the building to the extent these are part of the landscaping.

September 2, 1970

7. The proposed change is from use in two residences to school use so we are required by ORS 540.520 (2) to publish notice. The place of use of water from use in one school building to school use in another building does not require notice.

8 & 9. Parts of my earlier suggestions regarding proper applications are based on this information which was submitted earlier.

10. If the use of water in the two residences was not discontinued for five years or more before the transfer application was filed in April 1970, the application for change in use is proper. Until the application for change in use is approved by the State Engineer, the District does not have the right to use the quantity of water formerly used at the residences at either school site.

11 & 12. Answered in detail in later explanation of my earlier suggestions.

13. The only action other persons can take following publication of notice is to protest the approval of the application to change the use from the residences to the new school building. The protestant would have to submit a detailed statement of how he would be injured if the change was allowed. If a valid protest was filed the State Engineer would hold a hearing to take evidence prior to rendering a decision. I fail to see how a change from use in two residences to use in a school in like quantity could cause injury to another right. If the claim was made that the right to use of water in the residences was lost by non-use, action as provided by ORS 540.610 through 540.641 is required and this claim is not proper under ORS 540.520 and 540.530.

If the application for approval of a change in use and place of water is changed as I suggested and the application is approved, the School District would have a right under the original date of priority to appropriate not exceeding 0.06 cubic foot per second (the original quantity) from the unnamed stream at the diversion point located by the District's engineer. This does not result in any loss of right or change in date of priority.

There are two changes in use of water involved. One is a result of the new construction requiring part of the water heretofore used in the old building. The second is the discontinuance of water in two residences. The use of water in a single family residence does not usually exceed 600 gallons per day which includes lawn and garden irrigation of an ordinary lot. The original

September 2, 1970

right did not divide the 0.06 cubic foot per second between the uses listed but I think that the quantity of water heretofore used in the two houses did not exceed 0.002 cubic foot per second. According to the information submitted there is to be no reduction in school size so there is no water available for irrigation. Specifically, I believe the application should be changed to change the type of use for 0.002 cubic foot per second from domestic use in two houses to school use at the new location and to change the place of use of 0.02 cubic foot per second from the old school location to the new building location. This leaves 0.038 cubic foot per second for the old building and allows 0.022 cubic foot per second at the new building for a total of 0.06 cubic foot per second. The date of priority is not changed from the original and neither is the total quantity.

Whenever the old building is completely abandoned and the new facilities enlarged an application for change of place of use for the quantity left for the gym and cafeteria could be made.

If the total area to be irrigated does not exceed 13.0 acres, the new application for a permit does not need change.

When both applications are approved and assuming beneficial use of water is made to the limits of the permit and transfer, the School District will have a right to appropriate the quantity of water beneficially used not exceeding 0.06 cubic foot per second from the southerly diversion point for use in the old and new school buildings under a priority date of October 16, 1929.

The permit approving the second application when issued will be for the appropriation of not to exceed 0.183 cubic foot per second from the stream on which the southerly diversion point is located with any deficiency in the available supply to be made up by appropriation from the tributary stream at the easterly diversion point. The use of water will be for irrigation of 13.0 acres and school use. The water for use in the two school buildings will be restricted to the tributary stream under this permit because the original right covers all the water needed from the main stream. The priority date for this will be April 17, 1970.

I have spent considerable time on this and believe on the basis of the information I have, it protects the School District to the fullest extent possible. I will make the necessary changes on receipt of authorization if you agree with this or I will return this for correction if you prefer.

September 2, 1970

Frankly I do wonder if an application for approval for the change in use from the two residences to use in the school building is worthwhile. Assuming maximum use in two houses was 0.002 cubic foot per second or approximately 1200 gallons per day, 0.058 cubic foot per second or about 37,490 gallons per day remains for school use. I do not have enrollment figures or know if State school standards set a minimum figure for water, but I believe this to be more than adequate for the school. If you abandoned the use in the houses and dealt with school use only to change the place of use for part of the water and the diversion point, no publication is required and no delay caused by publication. The right reduces slightly but I wonder if the difference is critical. I am not pressing this approach, but offer it only for your consideration.

Very truly yours,

Trevor Jones
Assistant

TJ:cjs

BEDINGFIELD, GRANT AND BEDINGFIELD

ATTORNEYS AT LAW

FITZPATRICK BUILDING

COOS BAY, OREGON 97420

**P. O. BOX 29
TELEPHONE 267-2181**

**J. B. BEDINGFIELD
D. J. GRANT
J. B. BEDINGFIELD, JR.**

July 22, 1970

RECEIVED
JUL 22 1970
STATE ENGINEER
SALEM, OREGON

State Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

Re: Your Files Nos. 2361 and 46714

Attention: Mr. Trevor Jones

Gentlemen:

This will acknowledge receipt of your letters of May 4, 1970 and June 30, 1970. We are to say the least a little bit disappointed that you have changed your position with regard to issuance of permit as mentioned in your letter of May 4.

All in all, this matter has become a most confused situation to the writer and we think also to the engineers who are working for the School District on this matter.

In order that we may have some specific and definite information as to just where we stand now with respect to the water right of School District 9 in this matter, I submit herewith a list of questions so that we may have the information necessary to know what water rights we will have and the uses that they can be put to when we have finally wound this matter up.

I apologize for having to submit the questions and inquiries in this manner but there is just no other way that I can get the picture straight in my mind.

After we are certain as to the situation we will then ask the engineers to draw the necessary applications and, if necessary, make another trip there to talk to you about it.

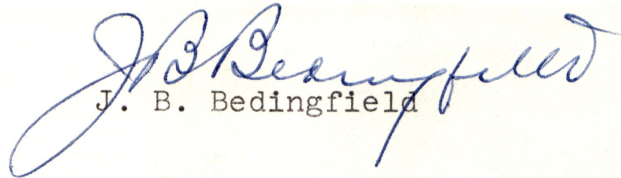
State Engineer
July 22, 1970
Page 2

The list of questions is attached.

Thanking you for your interest and cooperation in this matter and any assistance you can give us and the engineers, we are

Very truly yours,

BEDINGFIELD, GRANT & BEDINGFIELD


J. B. Bedingfield

JBB/ph

Enc.

Questions Regarding Water Rights of School District No. 9, Coos River School to Water Resources Department with letter of July 22, 1970

1. How much water in second feet is now filed upon by School District No. 9 and available for use by School District No. 9?
2. What are the priorities established for School District No. 9 for appropriations under the appropriations of water above referred to?
3. In what locations are the sources of that water?
4. How much water and second feet is available from each source?
5. What uses are now permitted or allowed or established in School District 9 for the water from each of these sources?
6. If all the water from both sources were allocated for school use without mention of irrigation would use for irrigation of athletic fields and lawns at the school for school purposes be considered a use coming under the designation of use for school purposes?
7. If no one else has made any claim or indicated any right to the water which School District No. 9 has filed upon and appropriated, why is it necessary to advertise and go through a proceeding for the change of use, especially when the change is within the same immediate area and for the same purposes excepting only the use for two residences which have been destroyed.
8. There are two school sites: the old one has been used for many years. On the new site a new school is being built. The old one will be used to some extent under reserve rights for another four years or less. Then all water will be used at the new school site. In the meantime, water will be used at both sites as needed. (See the deed from School District No. 9 to George Smith, copy of which has been furnished to the Water Resources Board.)
9. Proper care of school lawns and athletic fields will

doubtlessly require irrigation in summer months. This should not be lost sight of in allocating water for designated school purposes (or for irrigation if it has to be specifically designated and allocated for school irrigation purposes.)

10. The two residences which were owned and used by School District No. 9 for many years, one for teachers and one for caretaker and janitor, are destroyed. Do we still have the right to the water used at those residences for other school purposes?
11. If we make changes in the applications as suggested by Mr. Jones' letter of June 30, 1970, what then will be the total second feet from the old or primary dam in Section 34 and what will be its priority? And also what will be the total second feet available to the School District from the smaller auxiliary source and what will be its priority?
12. How much water would be available at each school for school uses and for irrigation and what would be the priority of each of those uses?
13. If notice is published as suggested by Mr. Jones' letter then if any persons should make claim to the use of water filed on by the District and allocated to School District No. 9 for school purposes or other purposes or if any such persons should object to the change of use or location of the use how would such a claim be determined and by whom? And what evidence of filing on water would such a person have to produce to establish his right?

A ■ HARLAN ■ GESSFORD E ■ ERICHSEN
ARCHITECTS ENGINEER

5TH & HIGHLAND

TELEPHONE 269-1166

COOS BAY, OREGON 97420

RECEIVED
JUL 8 1970

STATE ENGINEER
SALEM OREGON

July 7, 1970

State Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

Attention: Mr. Trevor Jones

Dear Sir:

Enclosed herewith is a check from School District #9, Coos County, Oregon, in the sum of thirty (\$30.00) dollars as per your request of June 30, 1970

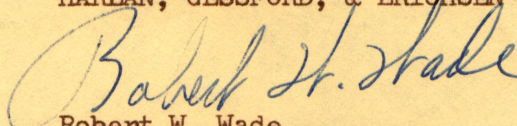
We are of the opinion that if the changes, as outlined in your letter of June 30, 1970, are in fact required; then the sooner they are made, the better.

The publication of the notice should be made in the daily publication, "The World", here in Coos Bay. The address is P. O. Box 779, Coos Bay, Oregon 97420.

Thank you.

Very truly yours,

HARLAN, GESSFORD, & ERICHSEN



Robert W. Wade
Registered Land Surveyor

RWW/na

June 30, 1970

2361
46714

Bedingfield, Grant and Bedingfield
Attorneys at Law
Fitzpatrick Building
Coos Bay, Oregon 97420

ATTENTION: J. B. Bedingfield

Dear Mr. Bedingfield:

The application you submitted in the name of School District No. 9 for approval of a change in point of diversion, place of use, and type of use has been filed as Transfer 2361. Our receipt No. 18314 covering the \$25.00 submitted is enclosed.

The application as prepared requests a change in type of use of 0.02 cubic foot per second of water to irrigation of 2.0 acres. The only use of water being discontinued is for the two residences and I question the quantity claimed. Five or six hundred gallons per day per house is a high figure for domestic use even with yard irrigation included and this is less than 0.002 cubic foot per second of water for the two. There is no reduction in the school size, so the use of 0.02 cubic foot per second of water for irrigation would constitute an enlargement of the right. You could not transfer a part of the water from school use to irrigation and make it up by including a like quantity in your application for a permit. School use is normally made other than during the irrigation season and the irrigation during the summer months.

The application for a permit to appropriate water from the two streams includes 0.02 cubic foot per second of water for the school. I think a better course is to delete the reference to irrigation from the transfer application and add the change from the residence to school use. Also delete the 0.02 cubic foot per second of water for school use from the application for permit and add the irrigation of 2.0 acres. The use for school at both locations would then have the same priority date and the irrigation of the grounds at both locations would be under the new permit.

J. B. Bedingfield

-2-

June 30, 1970

The change in use from use in the two residences requires publication of notice of the proposed change and for this we require a deposit of \$30.00. Also give us the name of the newspaper of your choice in Coos County for the publication.

If the changes I suggest are made, the recording fees submitted are correct.

I had written earlier regarding application 46714 but should have gone over the transfer application more closely before doing so.

Further action on these applications will be withheld until you have had an opportunity to reply to this letter.

Very truly yours,

Trevor Jones
Assistant

TJ:slv

Enclosure