

Name Phoenix Western, Inc.

4147

By _____

DESCRIPTION OF WATER RIGHT

Address Box 864

Port Orford, OR 97465

Name of stream Bagley Creek

Trib. of _____ County of Curry

Change in Use

Use _____

Date filed Jan 26, 1979

Quantity of water _____ No. of acres _____

Date of hearing Nov. 7, 1979

Name of ditch _____

Place of hearing Gold Beach

Date of priority Sept. 25, 1951

✓ Date of order 11-9-79 Vol. 32, page 490

In name of Western States Plywood Corp.

Date for application of water 10-1-81

Adjudication, Vol. _____, page _____

Proof mailed _____

✓ R-26495 App. No. 26496 Per. No. 22477 Cert. No. 23957

Proof received _____

Certificate cancelled _____

Certificate issued _____ Vol. _____, page _____

Notation made on record by _____

to fur 11/81

Address Resurvey 11/18/96

REMARKS

CARD FOR C. NOV 4, 1980

~~Card for C. NOV 20 1981~~

W.R.I.S.	
Assembled <u>7-18-85</u> by <u>SRB</u>	
Entered _____ by _____	
Verified _____ by _____	

FEEES PAID

Date	Amount	Receipt No.
<u>1-26-79</u>	<u>85-</u>	<u>8780</u>
TOTAL . . .		
	Cert. Fee	

Port Orford Press \$42.94 pd 10/9/79 ck# 3818

FEEES REFUNDED

Date	Amount	Check No.
<u>10-9-79</u>	<u>7⁰⁶</u>	<u>3819</u>

*EX 20-
Use 15-
PON 42.94
77.94*

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
	✓ Name	<i>SRB</i>	
	✓ Stream	<i>SRB</i>	
	✓ Pt. of Div.	<i>SRB</i>	
	✓ Calendar	<i>SRB</i>	
	✓ CHECKED TO RECORDS:		
	✓ Twp. & Rge.	<i>SRB</i>	
	✓ Decree-vault	<i>SRB</i>	
	✓ Decree-safe	<i>SRB</i>	
	✓ Cert. of W/R	<i>SRB</i>	
✓ Per. Folder	<i>SRB</i>		
✓ Chaindex	<i>SRB</i>		
✓ Cross Ref.	<i>SRB</i>		
✓ Power Claim	<i>SRB</i>		
✓ Abstracts	<i>SRB</i>		

RECEIVED

T-4147

JUL 28 1979

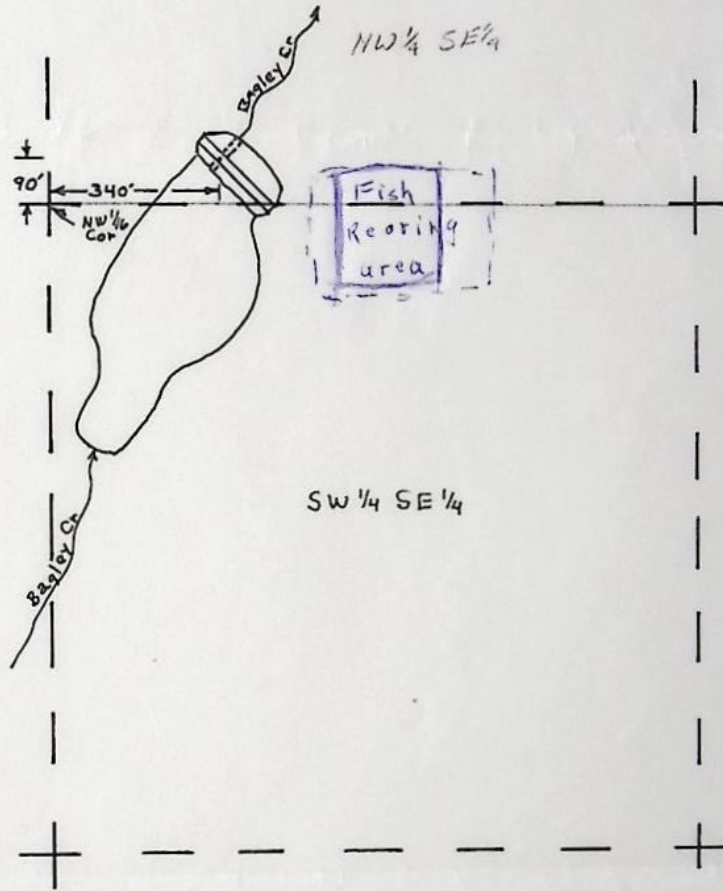
WATER RESOURCES DEPT
SALEM, OREGON

T32S R15W
SW¹/₄ SE¹/₄
Sec 27

RECEIVED

JAN 26 1979

WATER RESOURCES DEPT.
SALEM, OREGON



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
CURRY COUNTY

IN THE MATTER OF THE APPLICATION)
OF PHOENIX WESTERN, INC., FOR AP-)
PROVAL OF A CHANGE IN USE OF)
WATER FROM BAGLEY CREEK)

ORDER APPROVING
TRANSFER NO. 4147

On January 26, 1979, an application was filed in the office of the Water Resources Director by Phoenix Western, Inc., for approval of a change in use heretofore made of water from Bagley Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 23957, Volume 17, State Record of Water Right Certificates, in the name of Western States Plywood Cooperative, describes a right for the use of not to exceed 0.20 cubic foot per second from Bagley Creek, Marsh Log Pond and reservoir, being 0.10 cubic foot per second for maintenance of log pond and 0.10 cubic foot per second for manufacturing, located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 32 South, Range 15 West, W.M., with a date of priority of September 25, 1951.

Water for the said right is diverted from a point located 1230 feet South and 2300 feet West from the East Quarter Corner of Section 27, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 32 South, Range 15 West, W.M.

The applicant proposes to change the use heretofore made of water, without loss of priority, to fish rearing, being 0.10 cubic foot per second for pond maintenance and fish culture and 0.10 cubic foot per second for fish rearing in tanks, located in said SW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27.

The certificate recorded at page 23956, Volume 17 of said record, in the name of Western States Plywood Cooperative, describes a right for storage of not to exceed 31.8 acre feet from Bagley Creek for a log pond, with a date of priority of September 25, 1951.

The reservoir is located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 32 South, Range 15 West, W.M.

The applicant proposes to change the use heretofore made of water, without loss of priority, and to use said reservoir for fish rearing purposes.

Notice of the application, pursuant to ORS 540.520(2), was published in the Port Orford News, a newspaper printed and having general circulation in Curry County,

Oregon, for a period of three weeks in the issues of September 13, 20 and 27, 1979.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed change in use heretofore made of water may be made without injury to existing rights.

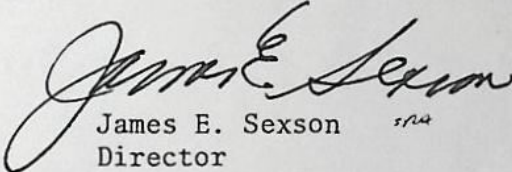
No objections having been filed and it appearing that the proposed change in use heretofore made may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in use heretofore made of water, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the construction work shall be completed and that the water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificates recorded at pages 23956 and 23957, Volume 17, State Record of Water Right Certificates, are canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 13th day of November, 1979.


James E. Sexson
Director

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN:

POD
POU
USE
Add'l POD

1692

Transfer NO. 4147 County Curry

Old Certificate NO. 23957

1. Name Phoenix-Western, Inc ^(out of business)
Address P.O. Box 864, Fort Orford, OR 97465
*GEORGE WALKER Timber Co
2166 Madrona, N. Bend 756-1137*

2. Source of Supply Bagley Creek, Trib of Clk River

3. Use from maint. of log port & mfg to fish culture

4. Amount of Water 0.20 cfs Priority Date Sept. 25, 1951

5. Proposed Point of Diversion _____

6. Completion Date 10-1-81

7. Place of Use: 1981

ADVERSE REPORT
6-25-88 BSJ

2/19/03
BENNING
ADVERSE REPORT

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
32S	15W	27	SW SE	0.10 cfs pond maint & fish culture; 0.10 cfs fish rearing in tanks
			NW SE	

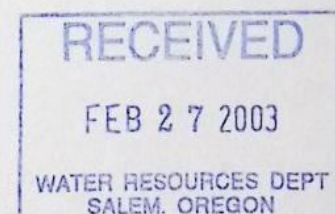
POPPARD - BOBB HINKLE
DAN HINKLE - PORT ORFORD

RECEIVED
FEB 27 2003
WATER RESOURCES DEPT
SALEM, OREGON

interoffice
MEMORANDUM

To: Steve Brown
From: Sue DeHaas, Field Examiner, Southwest Region
Subject: Transfer 4147
Date: February 24, 2003

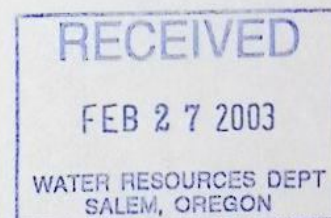
This site has been visited again. Current owners per assessment records are Paul & Sharon Wagner, 4270 Wagner Lane, Port Orford, OR 97465. Last listed phone: 541) 332-8405. Calls to this number have not been returned. I asked for assistance from the Watermaster in Curry County. His report and phone conversation shows no evidence of use for what the proposed change was for. I believe this proposed transfer was not completed to the full extent of it's original plan.



X-Sender: vangorlc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Wed, 12 Feb 2003 11:31:07 -0800
To: Sue.B.JAMES-DEHAAS@wrд.state.or.us
From: Lloyd VanGordon <Lloyd.C.VanGordon@wrд.state.or.us>
Subject: Transfer 4147
Cc: Lloyd.C.VANGORDON@wrд.state.or.us

Sue:

At your request, I did an inspection of the property listed in the above transfer document on Dec. 31, 2002. I found no evidence of any fish rearing at this site. The old mill pond is holding no water and is overgrown with vegetation, including trees. There is no evidence of any structures outside of the pond to indicate that fish were being reared.
Lloyd Van Gordon, Watermaster District 19



MAILED TO
COQUILLE OFFICE
11/12/02

Interoffice memo

To: Lloyd VanGordon, Watermaster
From: Sue DeHaas, Field Examiner

Subject: Transfer 4147---final proof

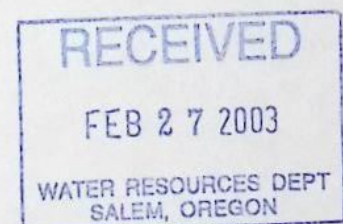
I need some assistance on this one. It has come to the top of the pile to handle. Copies enclosed.

I need to know if you have any knowledge that there is a Fish Rearing pool still in existence at this site. Are there fish still being raised in the "old mill pond"! Just need your comment for this transfer to complete the final proof process.

Call me if you have any questions.

Thanks.

File T-4147



RECEIVED

T-4147

JUL 23 1979

WATER RESOURCES DEPT
SALEM, OREGON

T 32S R 15W

SW 1/4 SE 1/4

Sec 27

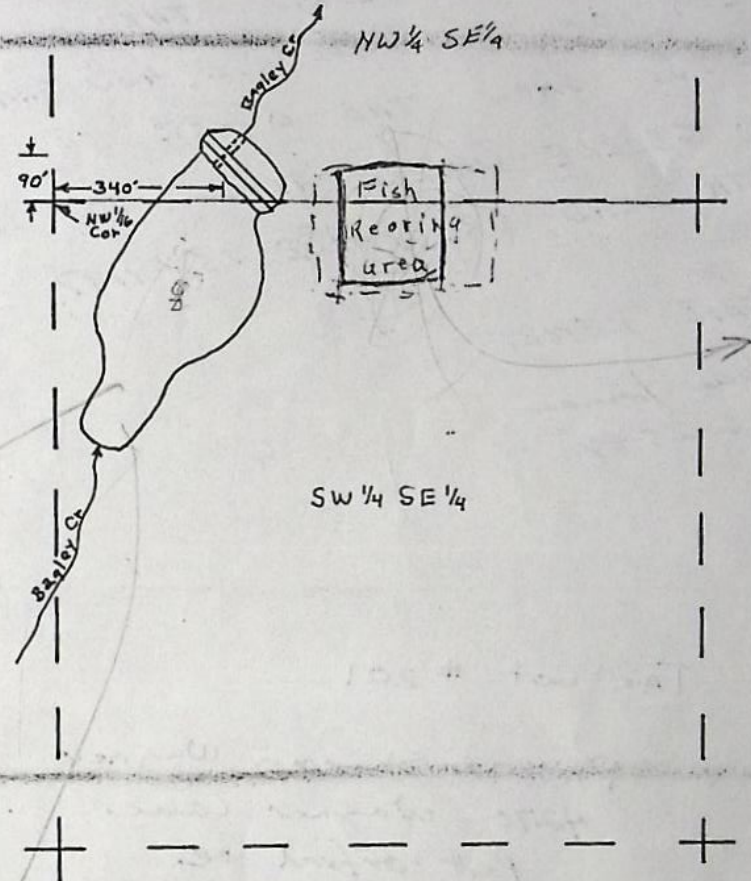
RECEIVED

JAN 26 1979

WATER RESOURCES DEPT.
SALEM, OREGON

MILL BURNT DOWN
1974

FIRE PROTECTION



FISH: RAINBOW TROUT
FISH SMOKING BUSINESS
SALMON TROUT - 1 year operation.

RECEIVED

FEB 27 2003

WATER RESOURCES DEPT
SALEM, OREGON

INFO. : VISITED SITE. LOCATED OLD MILL SITE. LOCATED
OLD MILL POND. POND & MILL SITE APPEAR TO
HAVE BEEN ABANDON FOR SEVERAL YEARS. AERIAL
PHOTO SHOWS MILL NOT IN OPERATION (41015-180-692), ALSO,
THE PROPOSED AREA FOR FISH REARING PONDS
IS A CONCRETE BASE FLOOR, (APPOX. 200' X 200' PER PHOTO).
BLACK BERRIES & GORSE BRUSH AROUND 8' TO 9'
IN HEIGHT ARE GROWING THRU-OUT THE PROPOSED
PROJECT ON THE CONCRETE, AND GRAVEL.
RECORDS SHOW THE OWNER OF THE PROPERTY
AS: GEORGE WALKER TIMBER CO., 2166 MADRONA,
NORTH BEND, OR. PHONE: 756-1137.

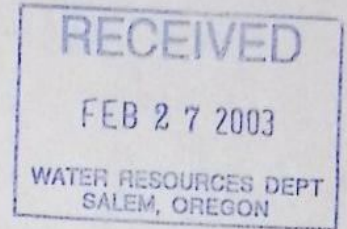
ADVERSE REPORT

B. Sue Jones
F.I. 6-25-88

Tax Lot # 201

PAUL & Shannon Wagner
4270 Wagner Lane
Part orford OR 97465

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
CURRY COUNTY



IN THE MATTER OF THE APPLICATION)
OF PHOENIX WESTERN, INC., FOR AP-)
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WATER FROM BAGLEY CREEK)

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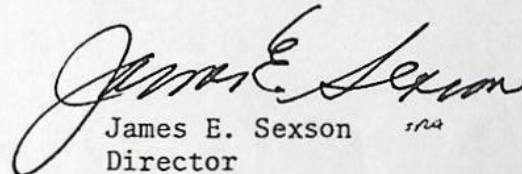
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Dated at Salem, Oregon, this 13th day of November, 1979.


James E. Sexson
Director

~~CURRY~~

68-TC

*Swire I
Pls discuss*

WATER RESOURCES DEPARTMENT

RECEIVED INTEROFFICE MEMO

July 16, 1998

JUL 24 1998

TO: Al Cook, Regional Manager
FROM: Larry Nunn, Transfer Coordinator
SUBJECT: Resurvey, Transfer 4147

WATERMASTER
DISTRICT 13

RECEIVED
JUL 21 1998
WATER RESOURCES
GRANTS PASS, OR

Gerri called me today to check on the status of Transfer 4147. I found this memo and field form in the file. It appears it was never sent to you.

It looks like we need an inspection for any fish culture in the old mill pond itself. The fish culture use would have had to been during 1980 and 1981 and continued through at least 1994, or later.

*T.L. 900
32-15-27*

541) 247-3294

RECEIVED
FEB 27 2003
WATER RESOURCES DEPT
SALEM, OREGON

MEMORANDUM

To: Al Cook

Date: *Nov 12*
November-18, 1996

From: Steve Brown *[Signature]*

Subject: Transfer No. 4147 - Phoenix-Western, Inc.

Transfer file 4147 was routed to me to consider cancellation of the right. An inspection of the use of water under the transfer was completed on June 25, 1988. The inspection resulted in an adverse report.

The field inspection describes no use of water for fish rearing (east of the pond). This may be correct. However, the transfer also allowed for the change in use of water from industrial to fish rearing in the "Old Mill Pond". To help clarify the intent of the transfer, I have attached a copy of the order.

After review of the file and order, it appears a reinspection of the use of water under the order is required. Please include the name and address of the current owners of the land. An assignment of the transfer may be required. I believe the land and use is associated with tax lot 201. According to the County Assessor the current owner is:

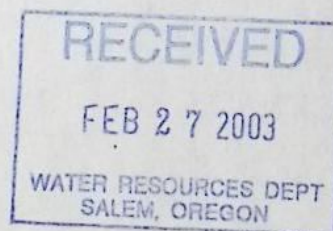
Paul & Sharon Wagner

4270 Wagner Lane

Port Orford, OR 97465-1543

42705 WAGNER LANE

541) 332-8405

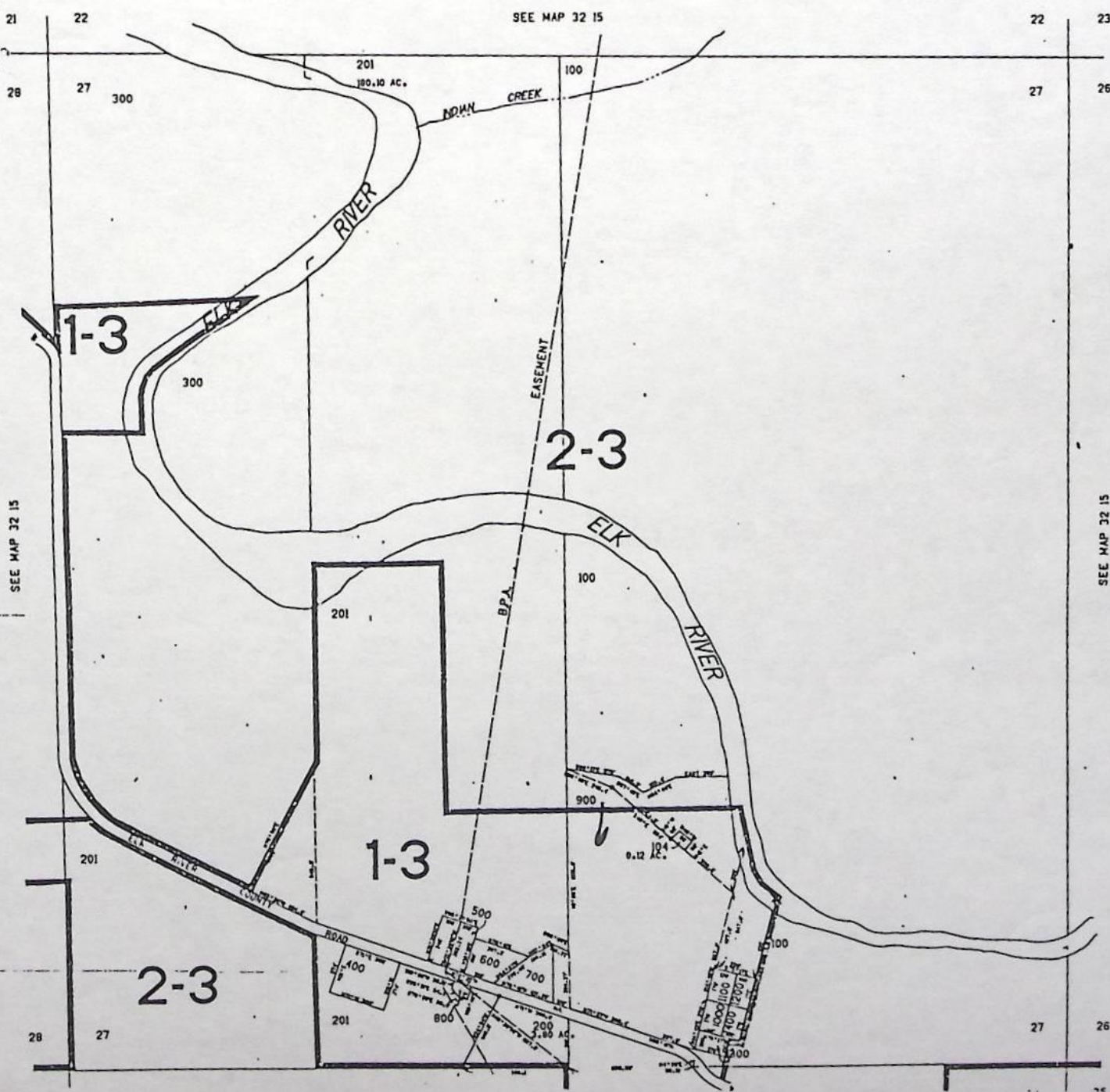
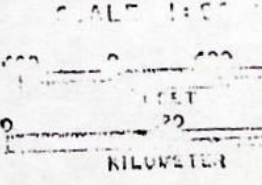


SECTION 27 T.32S. R.15W. W.M.
CURRY COUNTY

32 15 27

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

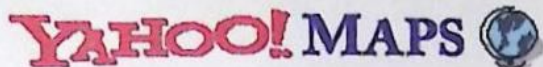
1"=400'



CANCELLED NOS.
101
102
103

RECEIVED
FEB 27 2003
WATER RESOURCES DEPT
SALEM, OREGON

JIM
COZACK



[Maps](#) - [Yellow Pages](#) - [People Search](#) - [Help](#)

Are you paying too much for

car

insurance?

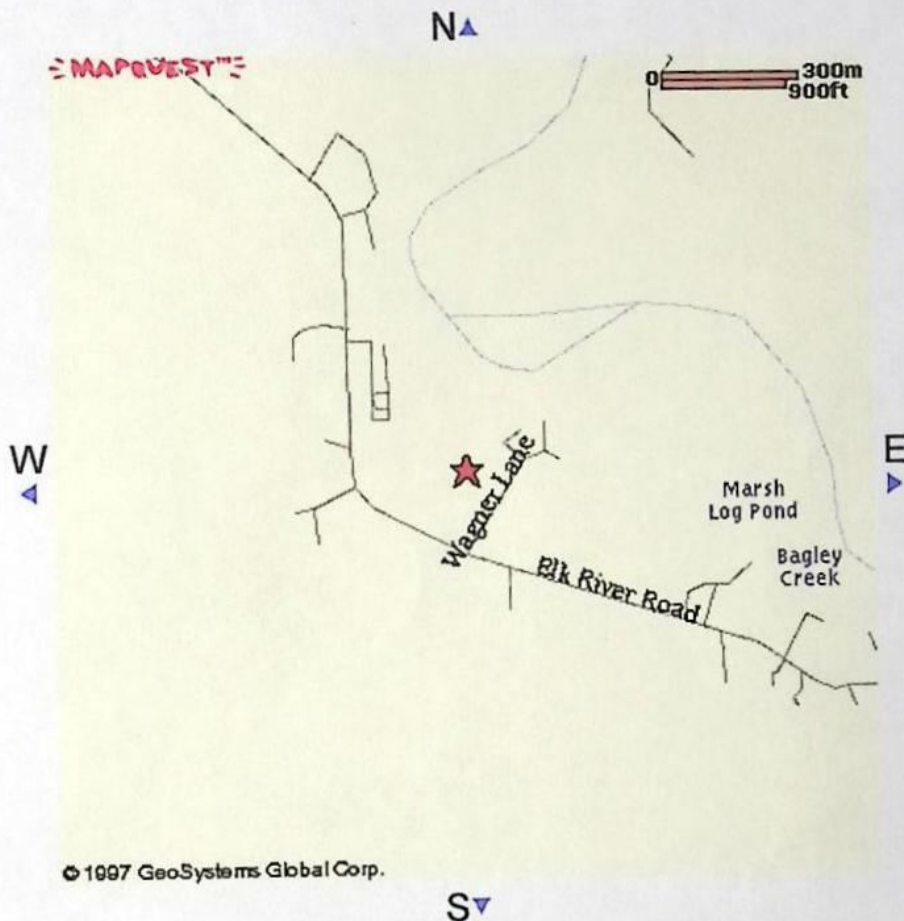
Find Out

Yahoo! Maps

[New Location](#)

Paul B & Sharon Wagner
42705 Wagner Ln, Port Orford, OR 97465
(541)332-8405

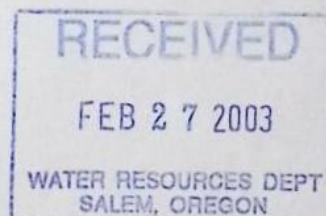
Zoom Out ◀ ◀ ◀ ◀ ◀ ◀ ◀ ◀ ◀ ◀ Zoom In ▶



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8/12/98 4:43 PM

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN:

POD
POU
USE
Add'l POD

Transfer NO. 4147 County Curry
Old Certificate NO. 2395-1 (out of business)

1. Name Phoenix Western Inc
Address Box 844, Fort Ord, OR 97465

2. Source of Supply Beagle Creek, Trib of Clk River

3. Use from maint. of log pond & rdg to fish culture

4. Amount of Water 0.20 cfs Priority Date Sept. 23 1951

5. Proposed Point of Diversion _____

6. Completion Date 10-1-81

7. Place of Use: _____

ADVERSE REPORT
6-25-88 BSJ

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
32S	15W	27	SW SE	0.10 cfs pond maint + fish
			NW SE	culture; 0.10 cfs fish rearing in tanks

RECEIVED
FEB 27 2003
WATER RESOURCES DEPT
SALEM, OREGON

Tommy - Bing
[Handwritten notes and signatures]



Water Resources Department

COOS COUNTY ANNEX, 290 NORTH CENTRAL ST., COQUILLE, OREGON 97423 PHONE 396-3121
EXT. 254

4 August 1998

Dennis Goude
Stuntzner Engineering
P.O. Box 118
Coos Bay, OR 97420

file # T-4147
sp. or., Vol.32, p.490/491

Dear Mr. Goude:

Reference is made to our several conversations regarding the 1979 Phoenix Western request to transfer the nature of use from log pond to fish rearing use on Bagley Creek, a tributary to Elk River, in Curry County. Attached is a copy of the special order approving the request.

The applicant proposed to transfer 0.10 cfs to pond maintenance and fish culture, and an additional 0.10 cfs to fish rearing in tanks. The date set for both completion of construction and for beneficial use was October 1, 1981.

Steve Brown, with the Department's transfer section, has indicated that the applicant did not send in the required "C" form, nor did he respond to our requests for the completed form. As an agent for the landowner, you may still attempt to certify this transfer.

Two of the more salient questions that you will have to consider might be:

1. to what extent can proof be made of the proposed uses prior to the completion date of October 1, 1981, and
2. to what extent has the use continued without a 5 successive year interruption that would lead to forfeiture.

Another item that might be considered; should the existing or proposed uses for the log pond be for a S.T.E.P. sanctioned facility, no water use permit would be required.

Should you have questions, please get in touch.

Sincerely,

RECEIVED

AUG 05 1998

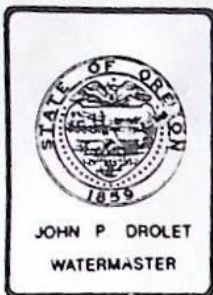
WATER RESOURCES DEPT.
SALEM, OREGON

John P. Drolet
Watermaster, District 19

JPD/dt

T-4147

CF: Steve Brown (DWRD)



Water Resources Department

COOS COUNTY ANNEX, 290 NORTH CENTRAL ST., COQUILLE, OREGON 97423 PHONE 396-3121
EXT. 254

27 August 1998

Chuck Nordstrum, Director
Curry County Public Services
Courthouse Annex
Gold Beach, OR 97415

T-4147

Dear Mr. Nordstrum:

Thank you for the opportunity to comment on the comp plan and land use change referenced in your recent notice of pre-application meeting for Linda Kozak and David Griffith scheduled for 8 September 1998. The applicants propose to site a dwelling and an RV park on a former saw mill site on Elk River.

This department would be interested in what quantity of water the applicants propose to use for the development and what the source of that water would be. Elk River is an ODF&W priority stream and as such, this department has limited new appropriative water uses within that watershed.

My concern is that the developer may propose to reactivate a forfeit or substantially forfeit water right.

Some interest has been shown on the part of the developers' water rights consultants, Stuntzner Engineering, to develop an old water right transfer for that property. My concerns for the viability of the transfer due to lack of development and the degree to which it had been perfected may result in at least partial forfeiture of the right. A copy of my letter to Stuntzner Engineering is attached.

Should you have questions, please get in touch.

Sincerely,

John P. Drolet
Watermaster, District 19

JPD/dt

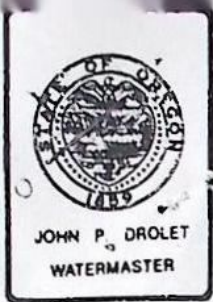
Atch: 4 August 1998 Stuntzner ltr.

CF: AJC
Russ Stauff
Larry Nunn
Stuntzner Engineering
Dave Perry (DLCD)

RECEIVED

AUG 28 1998

WATER RESOURCES DEPT.
SALEM, OREGON



T-4147

Water Resources Department

COOS COUNTY ANNEX, 290 NORTH CENTRAL ST., COQUILLE, OREGON 97423 PHONE 396-3121
EXT. 254

4 August 1998

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P.O. Box 118
Coos Bay. OR 97420

file # T-4147
sp. or., Vol.32. p.490/491

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Watermaster, District 19

JPD/dt

T-4147

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

July 16, 1998

TO: Al Cook, Regional Manager
FROM: Larry Nunn, Transfer Coordinator
SUBJECT: Resurvey, Transfer 4147

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After review of the file and order, it appears a reinspection of the use of water under the order is required. Please include the name and address of the current owners of the land. An assignment of the transfer may be required. I believe the land and use is associated with tax lot 201. According to the County Assessor the current owner is:

Paul & Sharon Wagner
4270 Wagner Lane
Port Orford, OR 97465

C. Brown

INFO. : VISITED SITE. LOCATED OLD MILL SITE. LOCATED
OLD MILL POND. POND & MILL SITE APPEAR TO
HAVE BEEN ABANDON FOR SEVERAL YEARS. AERIAL
PHOTO SHOWS MILL NOT IN OPERATION (41015-180-694), ALSO.
THE PROPOSED AREA FOR FISH REARING PONDS
IS A CONCRETE BASE FLOOR, (APPROX. 200' X 200' PER PHOTO,
BLACK BERRIES & GORSE BRUSH AROUND 8' TO 9'
IN HEIGHT ARE GROWING THRU-OUT THE PROPOSED
PROJECT ON THE CONCRETE, AND GRAVEL.

RECORDS SHOW THE OWNER OF THE PROPERTY
AS: GEORGE WALKER TIMBER CO., 2166 MADRONA,
NORTH BEND, OR. PHONE: 756-1137.

ADVERSE REPORT

B. Sue Jones
F.I. 6-25-88

TAX Lot # 201

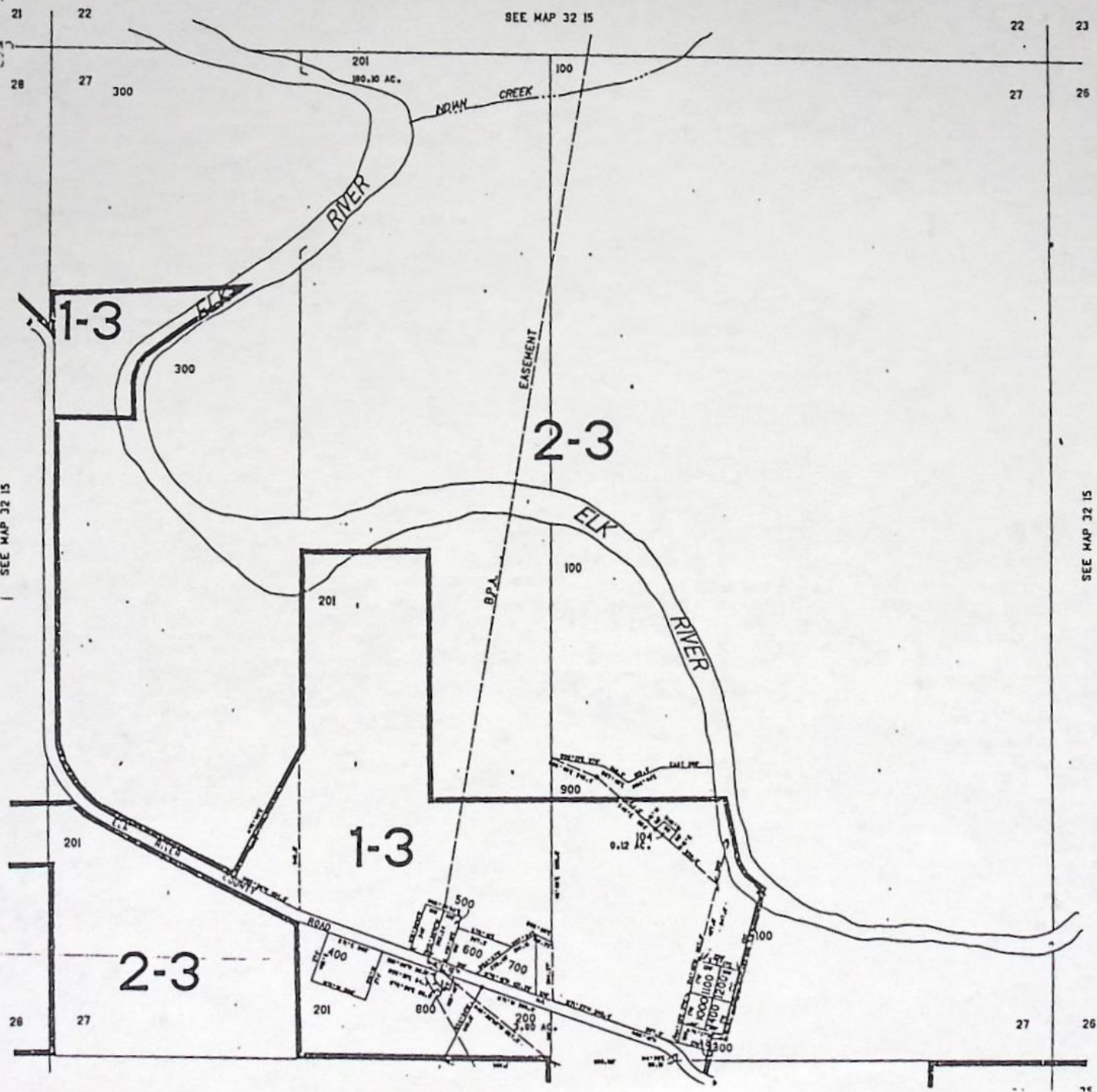
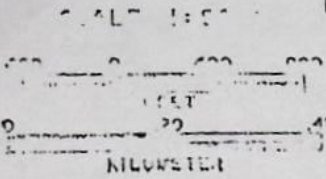
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4270 Wagner Lane
Part Oxford OR 97465

SECTION 27 T.32S. R.15W. W.M.
CURRY COUNTY

32 15 27

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

1"=400'



CANCELLED NOS.

- 101
- 102
- 103

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CURRY COUNTY

IN THE MATTER OF THE APPLICATION)
OF PHOENIX WESTERN, INC., FOR AP-)
PROVAL OF A CHANGE IN USE OF)
WATER FROM BAGLEY CREEK)

ORDER APPROVING
TRANSFER NO. 4147

On January 26, 1979, an application was filed in the office of the Water Resources Director by Phoenix Western, Inc., for approval of a change in use heretofore made of water from Bagley Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 23957, Volume 17, State Record of Water Right Certificates, in the name of Western States Plywood Cooperative, describes a right for the use of not to exceed 0.20 cubic foot per second from Bagley Creek, Marsh Log Pond and reservoir, being 0.10 cubic foot per second for maintenance of log pond and 0.10 cubic foot per second for manufacturing, located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 32 South, Range 15 West, W.M., with a date of priority of September 25, 1951.

Water for the said right is diverted from a point located 1230 feet South and 2300 feet West from the East Quarter Corner of Section 27, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 32 South, Range 15 West, W.M.

The applicant proposes to change the use heretofore made of water, without loss of priority, to fish rearing, being 0.10 cubic foot per second for pond maintenance and fish culture and 0.10 cubic foot per second for fish rearing in tanks, located in said SW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27.

The certificate recorded at page 23956, Volume 17 of said record, in the name of Western States Plywood Cooperative, describes a right for storage of not to exceed 31.8 acre feet from Bagley Creek for a log pond, with a date of priority of September 25, 1951.

The reservoir is located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 32 South, Range 15 West, W.M.

The applicant proposes to change the use heretofore made of water, without loss of priority, and to use said reservoir for fish rearing purposes.

Notice of the application, pursuant to ORS 540.520(2), was published in the Port Orford News, a newspaper printed and having general circulation in Curry County,

Oregon, for a period of three weeks in the issues of September 13, 20 and 27, 1979.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed change in use heretofore made of water may be made without injury to existing rights.

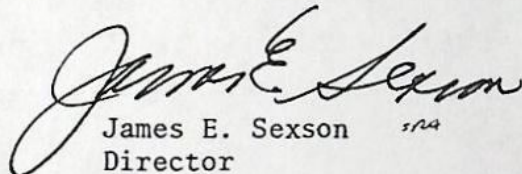
No objections having been filed and it appearing that the proposed change in use heretofore made may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in use heretofore made of water, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the construction work shall be completed and that the water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificates recorded at pages 23956 and 23957, Volume 17, State Record of Water Right Certificates, are canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 13th day of November, 1979.


James E. Sexson
Director

MEMORANDUM

To: Al Cook Date: November 18, 1996

From: Steve Brown

Subject: Transfer No. 4147 - Phoenix-Western, Inc.

Transfer file 4147 was routed to me to consider cancellation of the right. An inspection of the use of water under the transfer was completed on June 25, 1988. The inspection resulted in an adverse report.

The field inspection describes no use of water for fish rearing (east of the pond). This may be correct. However, the transfer also allowed for the change in use of water from industrial to fish rearing in the "Old Mill Pond". To help clarify the intent of the transfer, I have attached a copy of the order.

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ADVERSE REPORT

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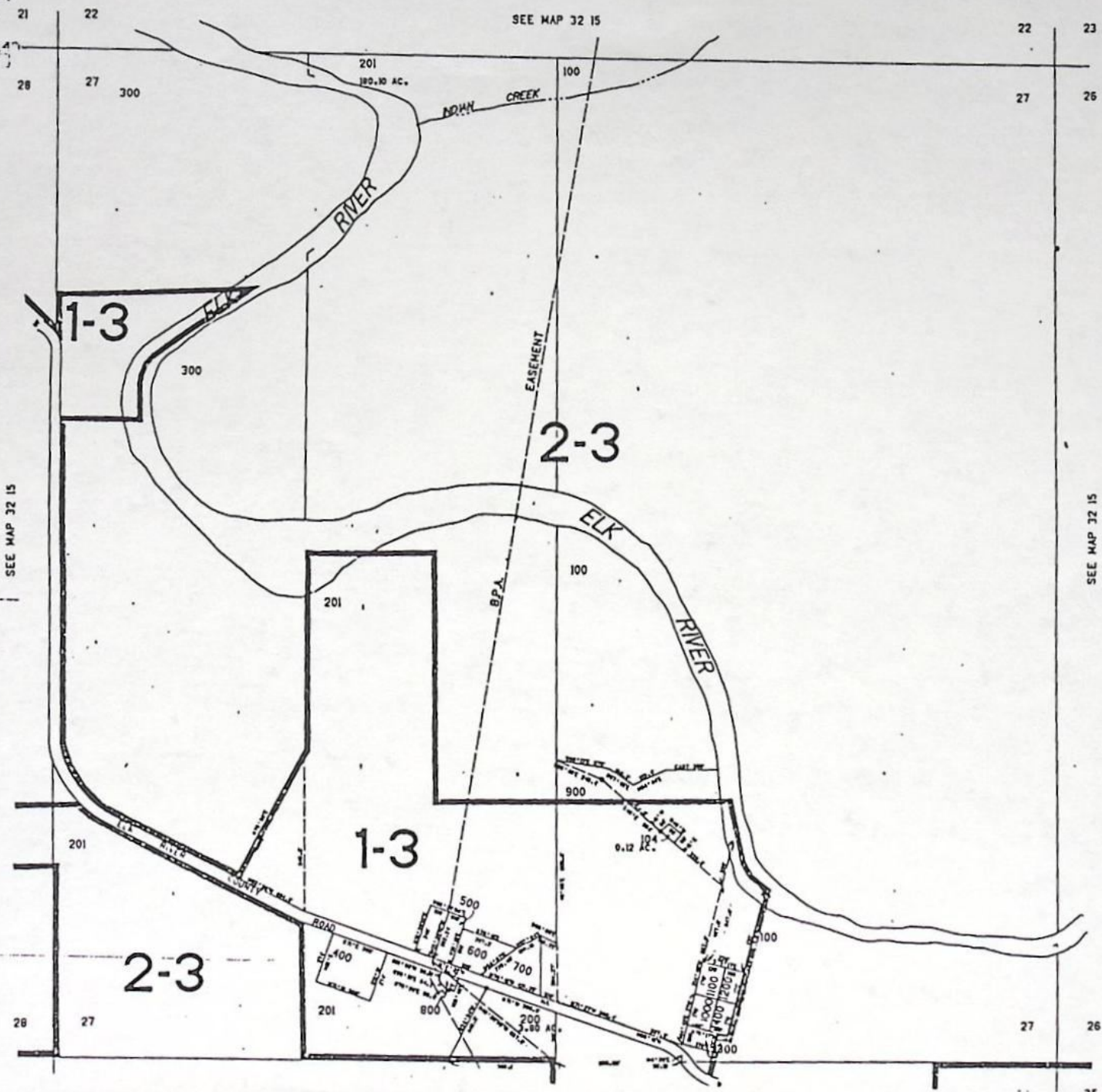
SECTION 27 T.32S. R.15W. W.M.
CURRY COUNTY

32 15 27

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

1"=400'

SCALE 1:400
100 200 300
FEET
KILGISTER



CANCELLED NOS.
101
102
103

STATE OF OREGON
COUNTY OF CURRY
CERTIFICATE OF WATER RIGHT

This Is to Certify, That WESTERN STATES PLYWOOD COOPERATIVE

of Box 700, Port Orford, 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 Bagley Creek, Marsh Log Pond & (reservoir) constructed under Permit No. R-1532 a tributary of Elk River for the purpose of maintenance of log pond and manufacturing under Permit No. 22477 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 September 25, 1951,

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 0.20 cubic foot per second, being 0.10 for maintenance of log pond and 0.10 for manufacturing,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW¹/₄ SE¹/₄, Section 27, Township 32 South, Range 15 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:

log pond in the NW¹/₄ SE¹/₄
log pond & manufacturing in the SW¹/₄ SE¹/₄
Section 27
Township 32 South, Range 15 West, W.M.

Land on which water is to be used is part of that described as follows:

Beginning at a pipe post which is 320.1 ft. N. 01° 05' E. from the southwest corner of the W¹/₂ of the SE¹/₄, Sec. 27; thence N. 01° 05' E. 1251.8 ft.; thence S. 66° 45' E. 245.4 ft.; thence S. 49° 00' E. 834.0 ft.; thence S. 14° 49' W. 867.6 ft.; thence N. 69° 41' W. 327.8 ft.; thence N. 71° 27' W. 386.4 ft.; to the place of beginning.

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 20th day of May, 1958.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 23957

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

This Is to Certify, That WESTERN STATES PLYWOOD COOPERATIVE of Box 700, Fort Orford, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of Bagley Creek, tributary of Elk River, appropriated under Application No. 26496, Permit No. 22477,

log pond

for the purposes of

under Reservoir Permit No. R-1532 of the State Engineer, and that said right to store said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 25, 1951.

that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 31.8 acre-feet.

The reservoir is located in Section 27 (SW 1/4 SE 1/4) (NW 1/4 SE 1/4), Tp. 32 S, R. 15 W, W.M.

WITNESS the signature of the State Engineer, affixed this 20th day of May, 1958.

LEWIS A. STANLEY State Engineer.

Recorded in State Record of Water Right Certificates, Volume 17, page 23956.

T-4147



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

November 14, 1979

Phoenix Western, Inc.
Box 864
Port Orford, Oregon 97465

RE: File No. T-4147

Gentlemen:

Enclosed is a certified copy of the order of the Water Resources Director approving water right transfer application No. 4147 for a change in use heretofore made of water from Bagley Creek.

The time in which to accomplish completion of the works and beneficial use of the water to the extent intended, as authorized by the order, expires October 1, 1981. A form for reporting such completion of works and use of water is enclosed for your convenience.

You should give particular attention to the time limit for carrying out the change authorized by the enclosed order. The water right for any portion of an authorized change in use heretofore made or change in place of use NOT carried out within the time allowed, or within an extension thereof, will be lost. An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj
cc: M. John Youngquist, Watermaster

COPY

RES ON BAGLEY CR → ELK R

LR T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***

PAGE 1
RUN ON: 3/20/81 AT: 9:08

*** WATER RIGHT DATA INPUT FORM ***

WATER RIGHT NO. 1000041472 PERMIT NO. 022477 CERTIF. NO. ^{OR 1532}

NAME: PHOENIX WESTERN, INC

ORIG. NO. ~~1000264981~~ PREV. NO. ~~1000264981~~ SUPER. NO.

ADDRESS: BOX 864

CITY/STATE/ZIP/COUNTY: PORT ORFORD, OR 97465 08

STREAM-ID 17 1590 0100

RIV. MI.

WM. DIST. 19 W.R. TYPE SA STATUS V

CANCEL YEAR---->

CONSTR. COMPLT--> 10 01 1981

YR. LAST USED-----> _____

NEXT ACTION DUE--> _____

PRIORITY-----> 09 25 1951

PUT TO USE-----> 10 01 1981

LAST TRANS. DATE--> _____

LAST TRANS. TYPE--> _____

APPLICATION----> 01 26 1979

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE----> 15.00

PERMIT ISSUE--> 11 09 1979

CONCURRENCE---->

CYCLE STATUS-----> _____

REPORTED FLAG----> _____

CONSTR. STRT.--> 11 09 1979

CERTIFIED----->

CORRES. INIT.-----> _____

CORRES. DATE-----> _____

POINT-OF-DIVERSION DATA:
TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS

S OR P

3205 150W 27 D B 17 1590 0100

0.200

V

P

** REMARKS; - - - - ->
** DATED-->

~~** POD 12 30 15 @ 2700' W PM F11~~

~~** COR 27. CHANGES USE FM~~

~~** IN TO P1 C-23956 SEE ALSO~~

** 1000041472.

PLACE-OF-USE DATA:
TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

3205 150W 27 D B

F1 100

-

V

P

D C

W.R.I.S.

Approved 4-18-85 L. SW

Entered _____

Verified _____ by _____

378-3066 or
1-800-452-7813

November 4, 1980

Phoenix Western, Inc.
Box 864
Port Orford, OR 97465

REFERENCE: File Number T-4147

Under the terms of the order of the Water Resources Director approving water right transfer application No. T-4147 in the name of Phoenix Western, Inc. for a change in change in place of use, point of diversion and/or use heretofore made of water, the time for completion expired on October 1, 1980.

If the authorized change was completed within the time allowed, the Water Resources Director should be so advised.

If the change was not completed, but has been prosecuted with reasonable diligence, an application form to request an extension of time may be secured from the Transfer Section of the Water Resources Department at the address listed above.

If you do not respond within sixty days, a survey will be scheduled to determine the actual use of water.

Sincerely,

SAMUEL R. ALLISON
Supervisor
Transfer Section

SRA:wpc
2194A
2794A



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: November 12, 1979.

FROM: ** M. John Youngquist, Watermaster

RECEIVED

NOV 13 1979

WATER RESOURCES DEPT
SALEM, OREGON

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4147

IN THE NAME OF Phoenix Western, Inc.

In my opinion the proposed change in use heretofore made of water from Bagley Creek MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY*~~ to an existing water right.

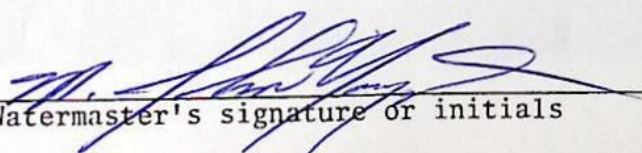
Headgate notices ~~HAVE~~ HAVE NOT been issued for diversion from the sources which serves this right.

If for change in point of diversion, is there any intervening point of diversion between the authorized and the proposed points of diversion? N/A
(yes or no)

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
- X (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water rights because _____

** 
Watermaster's signature or initials

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4147

The Water Resources Director has received and filed an application by Phoenix Western, Inc., for approval, without loss of priority, of a change in use heretofore made of water under certain water rights.

The certificate recorded at page 23957, Volume 17, State Record of Water Right Certificates, in the name of Western States Plywood Cooperative, describes a right for the use of not to exceed 0.20 cubic foot per second from Bagley Cr, Marsh Log Pond and reservoir, being 0.10 c.f.s. for maintenance of log pond & 0.10 c.f.s. for manufacturing, located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 27, T 32S, R 15W, WM, with a date of priority of Sept. 25, 1951.

Water for the said right is diverted from a point located 1230 ft S & 2300 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 27, T 32S, R 15W, WM.

The applicant proposes to change the use heretofore made of water, without loss of priority, to fish rearing, being 0.10 c.f.s for pond maintenance & fish culture & 0.10 c.f.s. for fish rearing in tanks, located in said SW $\frac{1}{4}$ SE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 27, T 32S, R 15W, WM.

The certificate recorded at page 23956, Volume 17 of said record, in the name of Western States Plywood Cooperative, describes a right for storage of not to exceed 31.8 acre feet from Bagley Creek for a log pond, with a date of priority of Sept. 25, 1951.

The reservoir is located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 27, T 32S, R 15W, WM.

The applicant proposes to change the use heretofore made of water, without loss of priority, and to use said reservoir for fish rearing purposes.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Wednesday, November 7, 1979, at the Curry County Courthouse, Gold Beach, Oregon. Any objection to the proposed changes must be prepared in writing: one copy to be served on the applicant at Box 864, Port Orford, OR 97465; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 4th day of September, 1979.

James E. Sexson, Director

STATEMENT
PORT ORFORD PRESS RECEIVED

Publishers of the PORT ORFORD NEWS

Phone 332-2361 Post Office Box 5
 PORT ORFORD, OREGON 97465

OCT - 2 1979

WATER RESOURCES DEPT
 SALEM, OREGON



WATER RESOURCES DEPT.
 555 13th ST. NE.
 SALEM, OR 97310

RECEIVED

OCT 19 1979

WATER RESOURCES DEPT
 SALEM, OREGON

ALL ACCOUNTS DUE 15TH OF MONTH - 1 1/2% (18% ANNUALLY) CHARGED ON PAST DUE ACCOUNTS

Date	Charge No.	Description	Charge	Credit	Balance
9-13-79	01383	L.A. NOTICE OF WATER RIGHT TRANSFER	1670		1670
9-20-79	05805	L.A. ..	1312		2982
9-27-79	01387	L.A.	1312		4294
		T-4147			
		Rec'd permit 10/18/79 dept 3818 A.F. P.O. Person			



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 578-3066

October 9, 1979

Port Orford, Press
P.O. Box 5
Port Orford, Oregon 97465

RE: File No. T-4147

Gentlemen:

Enclosed is our check No. 3813 in the amount of \$42.94 in payment of your statement.

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

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj

COPY



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

October 9, 1979

Phoenix Wester, Inc.
Box 364
Port Orford, Oregon 97465

RE: File No. T-4147

Gentlemen:

The statutory fees and the cost of publication of notice, necessary to your water right transfer application No. 4147, amount to a total of \$77.94. The total of payments received in connection with the application exceeded this amount by \$7.06.

Our refund check No.3319 is enclosed.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj

COPY



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066 or
1-800-452-7813

November 4, 1980

Phoenix Western, Inc.
Box 864
Port Orford, OR 97465

REFERENCE: File Number T-4147

Under the terms of the order of the Water Resources Director approving water right transfer application No. T-4147 in the name of Phoenix Western, Inc. for a change in change in place of use, point of diversion and/or use heretofore made of water, the time for completion expired on October 1, 1980.

If the authorized change was completed within the time allowed, the Water Resources Director should be so advised.

If the change was not completed, but has been prosecuted with reasonable diligence, an application form to request an extension of time may be secured from the Transfer Section of the Water Resources Department at the address listed above.

If you do not respond within sixty days, a survey will be scheduled to determine the actual use of water.

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Supervisor
Transfer Section

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2794A

RECEIVED

MAY 01 1979

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JUL 23 1979

WATER RESOURCES DEPT
SALEM, OREGON

T-4147

Application for Transfer of Water Right

RECEIVED

JAN 26 1979

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, ~~Barbara Hinkle~~ Phoenix Western, Inc

(Name of applicant)

of Box 864

(Mailing address)

Port Orford

(City)

State of Ore

97465

(Zip Code)

332-7965

(Phone number)

do hereby make application for change

Use from log pond and manufacturing to fish rearing
all rights to be used.

(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No Western States Plywood Cooperative
(If not, give name)

2. Was your water right determined by Decree of Court? No If so, give title of proceedings
(Yes or No)

number of certificate N/A

3. Was your water right acquired by Water Right Permit? Yes If so, give number
(Yes or No)

of permit R-1532 23956
22477 Number of certificate 23957

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Bagley Creek

5. What is the date of priority of your water right? Sep 25, 1951

6. The authorized point of diversion is located 1230 ft. S and 2300 ft. W from the E 1/4
(N. or S.) (E. or W.)

corner of Sec 27 being within the NW 1/4 SE 1/4 of Section 27 Tp. 32S R. R15W W. M.,
(No. N. or S.) (No. E. or W.)

in the county of Curry The name of the ditch used is N/A

NOTE: Answer question if the application is for change in point of diversion.

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

corner of being within the 1/4 1/4 of Section Tp. R. W. M.,
(No. N. or S.) (No. E. or W.)

in the county of The name of the ditch to be used is

8. The use to which the water is applied is fish rearing ^{log pond + manufacturing}
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
T 32 S	R 15 W	27	SW 1/4 SE 1/4	
			NW 1/4 SE 1/4	added by authorization of letter of Aug 20, 1954

(If more space required, attach separate sheet)

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

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? No
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Mortgage	George Walker	\$300,000
Taxes		8,000

13. The use to which the water is to be applied is fish rearing
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
T 32 S	R 15 W	27	SW 1/4 SE 1/4	0.10 cfs for pond
			NW 1/4 SE 1/4	maintenance & fish culture, & 0.10 cfs for fish rearing in tanks

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are On Nov 3, 1978 the mill burn
to the ground; we are not going to rebuild at
this site so we wish to change water right
use to fish rearing. (Inclosed i's brief
outline of our proposed plan.)

15. Construction work will be completed on or before Jan 1981

16. The water will be completely applied to the proposed use on or before Jan. 1982

Remarks We would like to have all construction
completed before the Jan 1981 date but are allowing
for unforeseen contingency; the same is true for use.

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

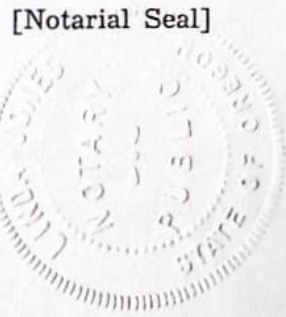
I, William H. Hinkle (see above), the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 10th day of January, 1979

William H. Hinkle
(Name of applicant)

Subscribed and sworn to before me this 10th day of January, 1979

Linda Jones
NOTARY PUBLIC FOR OREGON



My commission expires 9/15/81

Salem

97 310



NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4147

The Water Resources Director has received and filed an application by Phoenix Western, Inc., for approval, without loss of priority, of a change in use heretofore made of water under certain water rights.

The certificate recorded at page 23957, Volume 17, State Record of Water Right Certificates, in the name of Western States Plywood Cooperative, describes a right for the use of not to exceed 0.20 cubic foot per second from Bagley Cr, Marsh Log Pond and reservoir, being 0.10 c.f.s. for maintenance of log pond & 0.10 c.f.s. for manufacturing, located in SW 1/4 SE 1/4 & NW 1/4 SE 1/4 of Sec 27, T 32S, R 15W, WM, with a date of priority of Sept. 25, 1951.

Water for the said right is diverted from a point located 1230 ft S & 2300 ft W from the E 1/4 Corner of Sec 27, being within the NW 1/4 SE 1/4 of Sec 27, T 32S, R 15W, WM.

The applicant proposes to change the use heretofore made of water, without loss of priority, to fish rearing, being 0.10 c.f.s. for pond maintenance & fish culture & 0.10 c.f.s. for fish rearing in tanks, located in said SW 1/4 SE 1/4 & NW 1/4 SE 1/4 of Sec 27, T 32S, R 15W, WM.

The certificate recorded at page 23956, Volume 17 of said record, in the name of Western States Plywood Cooperative, describes a right for storage of not to exceed 31.8 acre feet from Bagley Creek for a log pond, with a date of priority of Sept. 25, 1951.

The reservoir is located in SW 1/4 SE 1/4 & NW 1/4 SE 1/4 of Sec 27, T 32S, R 15W, WM.

The applicant proposes to change the use heretofore made of water, without loss of priority, and to use said reservoir for fish rearing purposes.

Pursuant to ORS 540.520 (2), a hearing is scheduled for 9:30 a.m. on Wednesday, November 7, 1979, at the Curry County Courthouse, Gold Beach, Oregon. Any objection to the proposed changes must be prepared in writing; one copy to be served on the applicant at Box 864, Port Orford, OR 97465; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon, this 4th day of September, 1979.

James E. Sexson, Director

Publish: Sept. 13, 20, 27, 1979

RECEIVED

Affidavit of Publication

OCT - 2 1979

STATE OF OREGON }
COUNTY OF CURRY } ss.
WATER RESOURCES DEPT
SALEM, OREGON

I, Anne Felsheim

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

of the Port Orford News, a newspaper of general circulation, as defined by sections 1-509, 1-510, Oregon Code; and published at Port Orford in the aforesaid county and state; that the Notice of Water Right Transfer Application No. 4147

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three (3)

successive and consecutive weeks in the following issues:

Sept. 13, 20, 27, 1979

Signed Anne Felsheim

Subscribed and sworn to before me this

1st day of October, 1979

Frances L. Smith
Notary Public of Oregon

(My Commission expires May 31, 1982)





Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

September 4, 1979

Port Orford News
P.O. Box S
Port Orford, Oregon 97465

RE: File No. T-4147

Gentlemen:

Enclosed is a notice for publication in the September 13, 20 and 27, 1979, issues of your newspaper.

If, for any reason, the notice cannot be published on the three 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.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj
cc: Phoenix Western, Inc.
M. John Youngquist, Watermaster

RECEIVED

AUG 21 1979

WATER RESOURCES DEPT
SALEM, OREGON

August 20, 1979

Samuel R. Allison
Water Resources Department
Mill Creek Office Park
555 13th. Street, N.E.
Salem, Oregon 97310

This letter constitutes authorization to add the location of the fish rearing tanks and amount of water useage as described in your letter of July 31, 1979.

Phoenix Western, Inc.

William H. Hinkle

William H. Hinkle



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

July 31, 1979

William H. Hinkle
Phoenix Western, Inc.
Box 864
Port Orford, Oregon 97465

RE: File No. T-4147

Dear Mr. Hinkle:

We received your amended transfer application No. 4147 and map. The map now has sufficient information for our uses. However, additional information is still needed on the application form.

We need to add the location of the fish rearing tanks (SW $\frac{1}{4}$ SE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, T 32S, R 15W, W.M.), and the amount of water for each use (0.1 c.f.s. for pond maintenance and 0.1 c.f.s. for fish rearing).

Upon receipt of your written authorization to make these additions to the application, we can proceed with the transfer.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj

RECEIVED

JUL 23 1979

WATER RESOURCES DEPT
SALEM, OREGON

We wish use of 20 c.f.s. measured at point of diversion of Bagley Creek, 10 c.f.s. for pond maintenance and fish culture and 10 c.f.s. for fish rearing in tanks.

The tanks will be on the former building site as indicated on the map. The engineering is not completed at this time but we hope to have between 50 and 80 tanks approximately 25' x 4' to be filled during heavy rain with overflow.

The D.C.D. has requested at time of tank cleaning we sprinkle the waste on the land instead of putting it into the river. This should be relatively small amounts of water for very short periods of time.

In regards to Mr. Walker, we sent him your letter of May 14, 1979 and he returned it with another letter of permission. Even though he did not explain the termination arrangements he is informed of legal situation in regards to the water rights.

CURRY COUNTY OREGON BOARD OF COMMISSIONERS

Shirley E. Van Loo

Michael Fitzgerald

Donald K. Buffington



Mack Arch on the Curry Coast

BOX 746

GOLD BEACH, OREGON 97444

(503) 247-7011

July 9, 1979

RECEIVED

JUL 23 1979

WATER RESOURCES DEPT
SALEM, OREGON

Mrs. Barbara Hinkle
P.O. Box 864
Port Orford, Oregon 97465

Dear Barbara:

The Curry County Commissioners have no reason to disapprove of Phoenix Western, Inc. changing their water rights for the purpose of fish farming rather than as a seditary mill pond.

This permit is solely for Western Phoenix, Inc. as a corporation and not for any individual or officer thereof.

We are aware the taxes on that property are delinquent back to 1977.

Yours truly,

Shirley E. Van Loo
Chairman

SVL:db

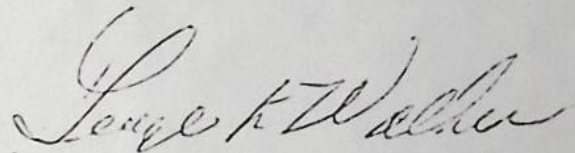
GEORGE E. WALKER
P. O. Box 265 • North Bend, Oregon 97459

RECEIVED
JUL 23 1979
WATER RESOURCES DEPT
SALEM, OREGON

June 18, 1979

I hold a mortgage against the Phoenix Western property
on Elk River in Curry County.

William H. Hinkle, Box 846 Port Orford, Oregon has my permission to apply for and obtain water rights to the use of Bagley creek for the purpose of fish culture.



George E. Walker



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

May 14, 1979

William H. Hinkle
Phoenix Western, Inc.
Box 864
Port Orford, Oregon 97465

RE: File No. T-4147

Dear Mr. Hinkle:

Enclosed is your transfer application No. 4147 and your original supporting map prepared on tracing paper. It will be necessary for you to supply additional information on the supporting map and in the application.

According to your supporting statement, water will be diverted from the log pond to fish tanks. If so, it will be necessary for you to show on your supporting map the location of the fish tanks, along with noting the proposed sizes of the tanks. The amount of water in gallons per minute or cubic feet per second that you wish to appropriate from the pond and/or stream for fish rearing in the tanks must be stated in item No. 13 of the application.

It will be necessary to note the use to be made within the log pond area. If fish will be raised or kept in the pond area, this should be noted in item No. 13 and if it is intended to maintain the pond by use of water from Bagley Creek, the amount of water you wish to appropriate must be stated.

If your transfer application is approved, there will be a time limit set for carrying out the changes authorized. The water right for any portion of an authorized change in use theretofore made or change in place of use NOT carried out within the time allowed, or within an extension thereof, will be lost. On George E. Walker's statement, he states: "In the event our arrangement with Mr. Hinkle is terminated, water rights would revert to property owner." I am not sure if Mr. Walker understands the water right transfer process. Therefore, we will need another statement from him explaining just what he expects if your arrangement with him is terminated.

Also, since the county holds an encumbrance in the form of taxes, we will need a statement from the county advising that they are in agreement with your proposed change.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

GEORGE E. WALKER

P. O. Box 265 • North Bend, Oregon 97459

RECEIVED

MAY 01 1979

WATER RESOURCES DEPT.
SALEM, OREGON

April 18, 1979

I hold a mortgage against the Phoenix Western Inc. property on Elk River in Curry County.

William H. Hinkle, Box 864, Port Orford, Oregon has my permission to apply for and obtain water rights to the use of Bagley Creek for the purpose of fish culture.

In the event our arrangement with Mr. Hinkle is terminated, water rights would revert to property owner.



George E Walker



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

February 6, 1979

William H. Hinkle
Phoenix Western, Inc.
Box 864
Port Orford, Oregon 97465

RE: File No. T-4147

Dear Mr. Hinkle:

Your water right transfer application for approval of a change involving the rights described by certificates 23956 and 23957, together with supporting data and payment of fees in the amount of \$85, was received on January 26, 1979. Our receipt No. 8780 is enclosed.

It will be necessary for you to state above item No. 1 the type of change intended, and it will be necessary to further state in the application the extent of the existing rights to be involved.

Certificate 23956 describes the right to store 31.8 acre feet of water from Bagley Creek in the reservoir constructed under permit No. R-1532 for log pond; and certificate 23957 describes the right to use of not to exceed 0.20 cubic foot per second from Bagley Creek and the said reservoir, being 0.1 cfs for maintenance of the log pond and 0.10 cfs for manufacturing. Items No.s 4 and 8 must be completed by stating the sources, amounts of water and uses to be involved.

Item No. 8 must be completed by noting the use or uses presently allowed to be involved instead of listing the proposed use.

Item No. 14 should be completed, and will you please explain why you feel you need until January, 1981 and January, 1982 to complete construction and to completely apply the water to the proposed use. The type and approximate number of fish you intend to rear should be noted in the remarks section of the application.

If there are encumbrances, as indicated in item No. 11, Item No. 12 must be completed and a statement from the holders of the encumbrances advising that they are in agreement with the proposed change must be submitted to support your application.

Hinkle/Phoenix Western
File No. T-4147
page 2

I am returning your transfer application for completion. Will you please indicate in the affidavit of applicant section your title? Please refer any correspondence to file No. T-4147.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj

We plan to raise approximately 1,000,000 salmonoid fingerlings in a recirculating system to market size. The fish will be raised in tanks and the water filtered and returned to the pond for reuse. The water will be carefully monitored and its quality maintained. The operation will be using the system developed at Humboldt State College and Rhode Island State College as a guideline. We also hope to have the help of the Fish and Game Dept. and the OSU.

We do not plan to release fish into the Elk River.

T-4147
RECEIVED

MAY 01 1979

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JAN 26 1979

WATER RESOURCES DEPT.
SALEM, OREGON

T 32 S R 15 W
SW 1/4 SE 1/4
Sec 27

