

*Partial* ASSIGNED

Name Ben Spalding  
By 9367 Redwood Hwy.  
Address P.O. Box 668  
Wilderville, OR. 97543

Application No. 56870  
Permit No. 42659  
Certificate No. 60477

Stream Index, Page No. 15-16 Z

FEES PAID		
Date	Amount	Receipt No.
<u>11-21-77</u>	<u>30<sup>00</sup></u>	<u>65485</u>
FEES REFUNDED		
Date	Amount	Check No.
		<u>1645</u>
		<u>1644</u>
		<u>1643</u>
		<u>1642, a 1641</u>

Date filed November 21, 1977  
Priority November 21, 1977  
Action suspended until OK cert  
Return to applicant \_\_\_\_\_  
Date of approval MAR 1 1978

**CONSTRUCTION**

Date for beginning MAR 1 1979  
Date for completion OCT 1 1979  
Extended to \_\_\_\_\_  
Date for application of water OCT 1 1980  
Extended to \_\_\_\_\_

**PROSECUTION OF WORK**

Form "A" filed \_\_\_\_\_  
Form "B" filed \_\_\_\_\_  
Form "C" filed 3-17-78

**FINAL PROOF**

Blank mailed JAN 12 1989  
Proof received \_\_\_\_\_  
Date certificate issued MAR 23 1989

*Tele. 476-4339*  
*Tele. 479-2003*

Date	To Whom	Address	Volume	Page
<u>9-3-86</u>	<u>Joseph B. &amp; Betty A. Gastaband</u>	<u>384 Oakmont Dr. Grants Pass Or.</u>	<u>6</u>	<u>1643</u>
<u>10-6-86</u>	<u>Nancy N. Gesner</u>	<u>P.O. Box 631 Wilderville, Or. 97543</u>	<u>6</u>	<u>1646, a 1647</u>

**REMARKS**

**W.R.I.S.**

Assembled 4-29-85 by [Signature]

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_

Form C (690-9-77)

**IMPORTANT**—This form is a notice to the Water Resources Director that permittee is ready to make **final proof** to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the **final proof** inspection and survey which will be made in response to the filing of this Form C.

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

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. 56870

**NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE**

....., the holder of Permit No. 42659

..... appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 3-16 day of March, 1978

Remarks: .....

IN WITNESS WHEREOF, I have hereunto set my hand this 16 day of March, 1978

Ben D. Spalding  
(Signature of Applicant)

9367 Redwood Hwy.  
WINERVILLE (Address) OR. 97543

RECEIVED

MAR 17 1978

WATER RESOURCES DEPT.  
SALMON, OREGON

OK  
HPIT

STATE OF OREGON

COUNTY OF JOSEPHINE

PROPOSED CERTIFICATE OF WATER RIGHT

NANCY N. GESNER,  
JOSEPH B. AND BETTY A. FASTABEND  
BOX 631  
WILDERVILLE, OREGON 97543

confirms the right to use the waters of SLATE CREEK, a tributary of APPLIGATE RIVER, for the purpose of IRRIGATING 5.9 ACRES.

The right has been perfected under Permit 42659. The date of priority is NOVEMBER 21, 1977. The right is limited to not more than 0.07 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SE 1/4 SW 1/4, SECTION 2, T 37 S, R 7 W, W.M.;  
720 FEET NORTH & 2450 FEET EAST; 450 FEET NORTH & 1930 FEET EAST; 470  
FEET NORTH & 1730 FEET EAST; ALL FROM SW CORNER SECTION 2.

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 ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.


The right 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, and to which such right is appurtenant, is as follows:

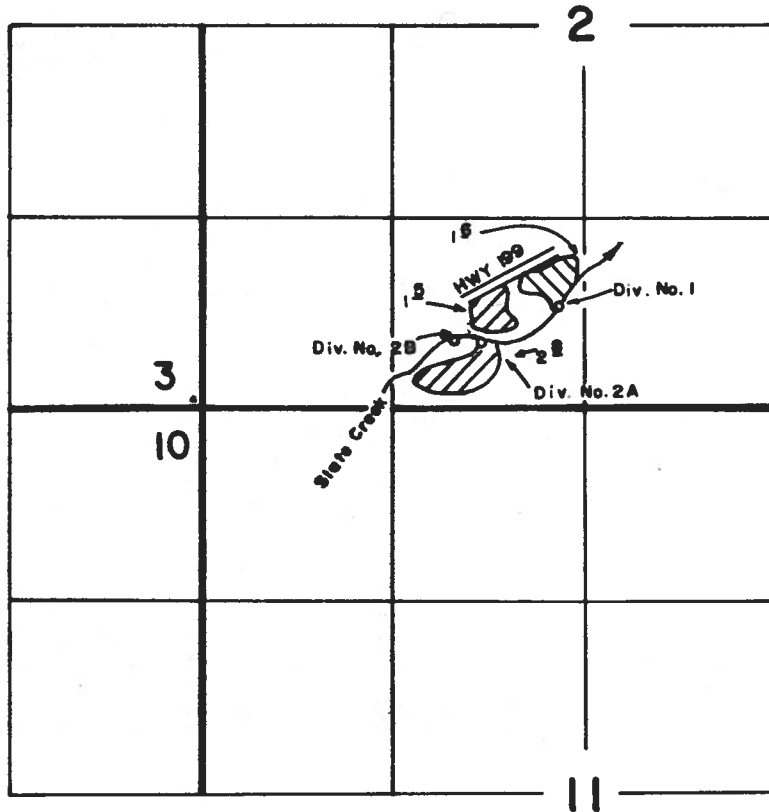
	GESNER	FASTABEND
SE 1/4 SW 1/4	1.6 ACRES	4.3 ACRES
	SECTION 2	
	TOWNSHIP 37 SOUTH, RANGE 7 WEST, W.M.	

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

56870.SB





T. 37 S., R. 7 W., W. M.



Scale: 1" = 1320'

Div. Pt. No. 1 720' N., 2490' E.,  
Div. Pt. No. 2A 450' N., 1930' E.,  
Div. Pt. No. 2B 470' N., 1730' E.,  
} from SW Cor. Sec. 2

GESNER   
FASTABEND 

### FINAL PROOF SURVEY UNDER

Application No. 56870 Permit No. 42659...  
IN NAME OF

NANCY GESNER & JOSEPH & BETTY FASTABEND

Surveyed JUL 31 1986, by B. S. JAMES.

Application No. 56870 (476-4132)

Permit No. 42659

RECEIVED

Letter 7/ RECEIVED

STATE OF OREGON WATER RESOURCES DEPARTMENT

WATER RESOURCE Application for Permit to Appropriate Surface Water FEB 10 1987  
SALEM, OREGON

ASSIGNED: (1) NANCY N. GOSNER (2) JOSEPH B. & BETTY A. FASTABEAD  
Box 631  
WILDERVILLE, OR 97543  
384 OAKMINT DR  
GRANTS PASS, OR 97526

In phone book (9637)

I, Ben Spalding  
9367 Redwood Hwy.  
P.O. Box 668  
Wilderville  
(Name of Applicant) (Mailing Address) (City)

State of Oregon Phone No. 476-4132 do hereby  
(Zip Code)

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is Slate Creek  
a tributary of Applegate River

2. The point of diversion is to be located (No. 1) 720 ft. N and 2450 ft. E  
810 (N. or S.) and 190 (E. or W.)

from the SE corner of Section 2  
(Public Land Survey Corner)

(NO. 2A) 450' N, 1930' E -  
(If there is more than one point of diversion, each must be described)  
(NO. 2B) 470' N, 1730' E -

ALL FROM SW COR. SEC. 2  
being within the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of

Sec. 2 Tp. 37 S R. 7 W, W. M., in the county of Josephine  
(N. or S.) (E. or W.)

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

Township	Range	Section	List $\frac{1}{4}$ $\frac{1}{4}$ of Section	List use and/or number of acres to be irrigated
37 S	7 W	2	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<del>10.6 Ac.</del>
				1.6 (Div. 1)
				2.8 (Div. 2A)
				1.5 (Div. 2B)
				TOTAL - 5.9 ACRES

4103 7/11-167 UK  
7-21-86 BCU

44684  
36775

Application No. 56870

Permit No. 42659

### Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed ~~0.13~~ <sup>0.07</sup> cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Slate Creek, Trib. Applegate River.

The use to which this water is to be applied is irrigation of 5<sup>9</sup> ACRES

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year,

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

The priority date of this permit is November 21, 1977

Actual construction work shall begin on or before March 1, 1979 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1980

Complete application of the water to the proposed use shall be made on or before October 1, 1980

WITNESS my hand this 1st day of March, 1978

*James E. Sexton*  
Water Resources Director

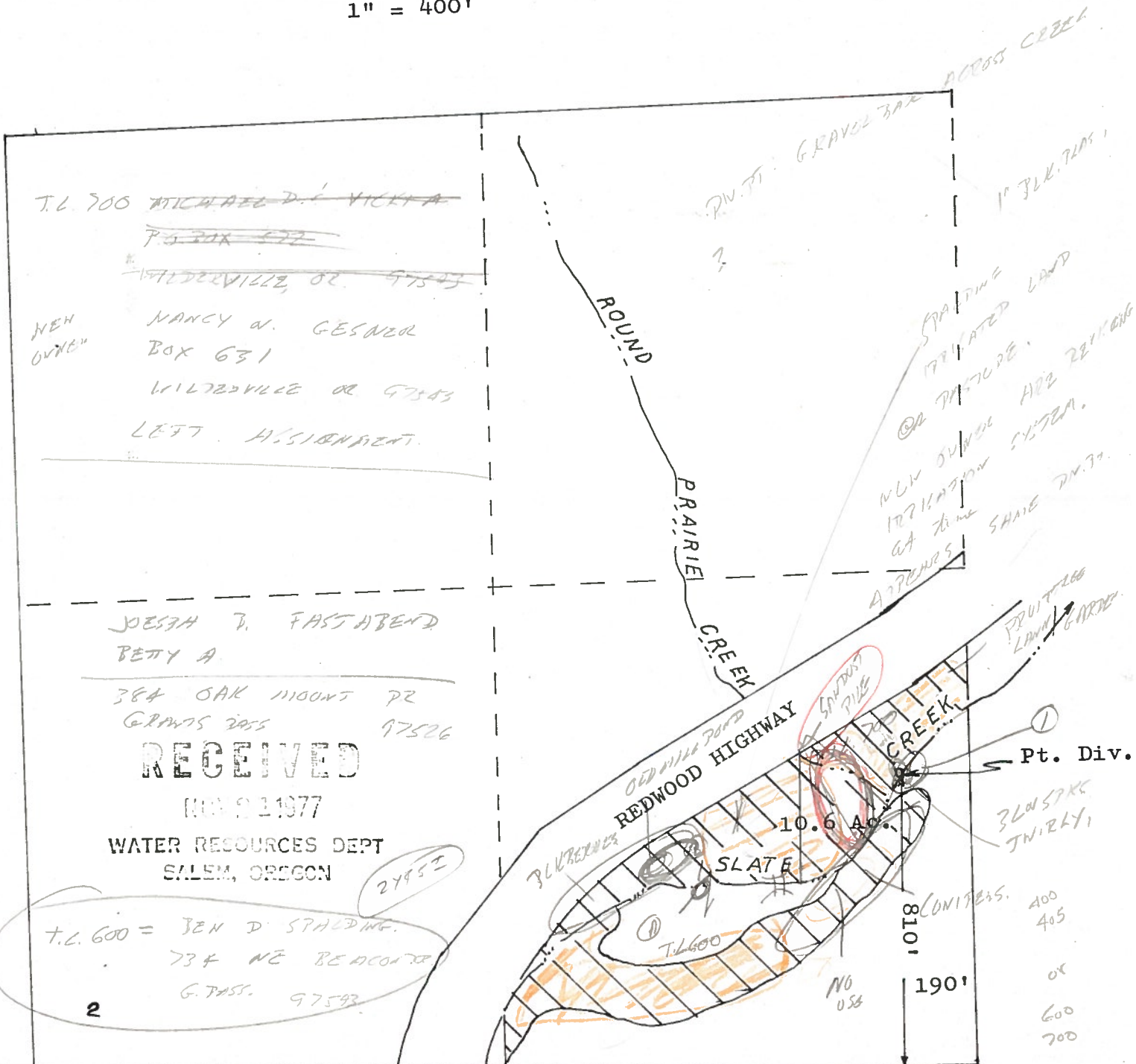
S/A

# Application No. 56870

## Permit No. 42659

SW $\frac{1}{4}$  Section 2, Twp. 37 S., Range 7 West, W.M.

1" = 400'



**RECEIVED**

NOV 21 1977

WATER RESOURCES DEPT  
 SALEM, OREGON

27552

3

2

10

11

ATTN# 56870

INFO: SENT INTRODUCTION LETTER TO SPALDING  
@ 734 N.E. BEACON DR., GRANTS PASS, 97543.  
MRS. JEANIE SPALDING CONTACTED US PHONE.  
MRS. SPALDING EXPLAINED PROPERTY HAS BEEN  
SOLD TO TWO DIFFERENT OWNERS. MR. BEN  
SPALDING PASSED AWAY ABOUT TWO YEARS AGO.  
MRS. SPALDING STATED SHE WOULD ASSIST IN  
ASSIGNING THE PERMIT TO THE NEW OWNERS.  
SHE EXPLAINED IRRIGATION WAS COMPLETED BY  
MR. SPALDING, BUT THE NEW OWNERS HAD  
NEW EQUIPMENT. MRS. COULD NOT RECALL  
HOW MR. ACCOMPLISHED THE IRRIGATION - "JUST  
HAD PUMPS IN CREEK & USED SPRINKLERS."  
BQ. WRE.

INFO: VISITED PROPERTY @ 9637 REDHOOD HWY. T.L. 600.  
MET WITH NEW OWNER JOSEPH B. FASTABEND,  
OWNER FOR OVER 1 YEAR. MR. FASTABEND SHOWED  
US SYSTEM. LAND SOUTH OF CREEK IS UNDER  
FULL IRRIGATION THIS YEAR. LAND NORTH OF  
CREEK IS BEING WORKED ON. TO THE BEST OF  
OUR KNOWLEDGE IT HAS ONLY BEEN NEGLECTED  
FOR TWO YEARS - SINCE MR. SPALDING DEATH.  
MR. FASTABEND IS STILL PURCHASING PIPE & SPRINKLERS  
THIS YEAR & WORKING LAND ~~TO PUT~~ TO PUT



## II

FIELDS UNDER FULL IRRIGATION NEXT SUMMER.

SOURCE: SLATE CREEK.

SYSTEM: PUMP DIRECT FROM CREEK THRU PIPELINE  
W/ SPRINKLERS, PLUS FLOOD

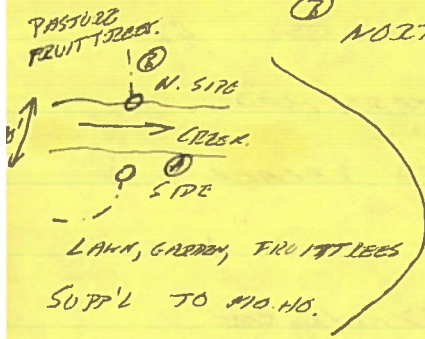
NORTH SIDE OF CREEK: PORTABLE PIPELINE W/ SPRINKLERS.

DIVERSION: DIRECT POOL  

$$\frac{3(6^4)}{127+10} = 0.14 \text{ cfs}$$
 @ 50 PSI

PUMP: ① SOUTH SIDE OF CREEK: UNKNOWN BRAND (EQUIV) 1" X 1" CENT. D.D., 3HP @ 3450 RPM

② NORTHSIDE OF CREEK: TEEL 1 1/2" X 1" CENT. P.P. DAYTON 3/4 HP @ 3450.



$$\frac{(0.75)(6^4)}{127+10} = 0.04 \text{ cfs}$$
 @ 50 PSI

$$\frac{1.5}{80} = 0.02 \text{ cfs}$$

$$\frac{2.8}{80} = 0.04 \text{ cfs}$$

EQUIPMENT: 1" BLACK PLASTIC = 150'

1" PVC = 150'

3/4" garden hose = 300'

MAX USE = all

LAWN SPRINKLERS = 3

LIFT: ① SUCTION: 5'  
DISCHARGE: 10'

② SUCTION: 10'  
DISCHARGE: 02'

USE: ①: LAWN, GARDEN, FRUIT TREES, (DOMESTIC & FAMILY MOBILE HOME NOT INCLUDED UNDER THIS TERM.)  
②: PASTURE, FRUIT TREES.

TIE: 41633-179-169R

B. Dale Jenson WCC 7-31-86

LEFT ASSIGNMENT FORM WITH FASTABEND.

INFO: TALKED TO NEW OWNER OF TAX LOT 700:  
NANCY N. GESNER, BOX 631, WILDERVILLE, OR 97543.  
LEFT ASSIGNMENT FORM. OWNER FOR 3 MONTHS.

SOURCE: SLATE CREEK

SYSTEM: PUMP DIRECT FROM CREEK THRU BURIED MAIN  
WITH HOSE BIBB OUTLETS. USE GARDEN HOSES  
WITH STRINKLERS. & FLOODING

DIVERSION: DIRECT

$$\frac{50 \text{ PSI}}{(15)(6)} = 0.07 \text{ cfs}$$

127 + 8

P.M: 1 1/2" X 1 1/4" SEARS ELECT CENT 1 1/2 HP @ 3450 RPM

EQUIPMENT: 1 1/4" BLACK PLASTIC BURIED LINE W RISERS = 220'  
garden hose = 150' ; 3 lawn sprinks

may use: all

$$\frac{15}{450} = 0.03 \text{ cfs}$$

LIFT: SUCTION: 4'

DISCHARGE: 4'

USE: LAWN, GARDEN & FRUIT TREES

PIE: 41033-179-169R

$$\frac{16}{80} = 0.02 \text{ cfs}$$

B. Du James WRE 7-31-86

REMARKS : EVIDENCE SHOWS MR. SPALDING HAD  
DEVELOPED PERMIT UNDER IT'S TERMS,  
NEW OWNERS ARE PUTTING LAND BACK  
INTO BENEFICIAL USE.

WE LEFT APPLICATION INFO. WITH MR.  
FASTABEND TO FILE FOR DOMESTIC USE FOR  
HOUSE.

AREA NOT INCLUDED = ROADWAY, DRIVEWAY, OLD MILL ROAD,  
(NATIVE CONIFERS ON SOUTH SIDE)

BLK. BERRIES - 5 ft HIGH ON NORTH SIDE.

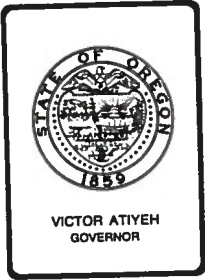
BETWEEN IRRIGATED LAND EXISTS SANDY PILE.

MAILING.

FASTABEND'S ADDRESS: JOSEPH J. FASTABEND

384 OAK MOUNT DR.

GRANTS PASS, OR 97526



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8508

October 27, 1986

Joseph B. and Betty A. Fastabend  
384 Oakmont Drive  
Grants Pass, OR 97526

REFERENCE: File Number 56870

Dear Mr. and Mrs. Fastabend:

The partial assignment of Permit Number 42659 of 8.6 acres from the Estate of Ben Spalding to you has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the originals are enclosed along with our Receipt Number 50315 covering the recording fee of \$20 which you submitted.

Under the terms of Permit Number 42659, water was to have been used to the fullest extent intended by October 1, 1980. Only those lands irrigated as of that date, and irrigation continued, can be considered when our usual field work is conducted.

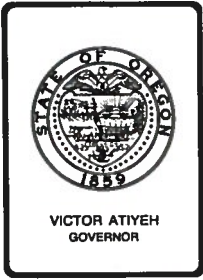
Sincerely,

THOMAS E. SHOOK  
Senior Water Rights Examiner

TES/jw

Enclosure

cc: Robert B. Steimer, Watermaster, District #14  
Suzie Joachims, Engineering Technician



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8508

October 27, 1986

Nancy N. Gesner  
Box 631  
Wilderville, OR 97543

REFERENCE: File Number 56870

Dear Ms. Gesner:

The partial assignment of 2.0 acres from the Estate of Ben Spalding to you has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the originals are enclosed along with our Receipt Numbers 50381 and 50531 covering the recording fee of \$15 which you submitted.

Under the terms of Permit Number 42659, water was to have been used to the fullest extent intended by October 1, 1980. Only those lands irrigated as of that date, and irrigation continued, can be considered when our usual field work is conducted.

Sincerely,

THOMAS E. SHOOK  
Senior Water Rights Examiner

TES/jw

Enclosure

cc: Robert B. Steimer, Watermaster, District #14  
Suzie Joachims, Engineering Technician

378-8508

September 23, 1986

Nancy N. Gesner  
Box 631  
Wilderville, OR 97543

REFERENCE: File 56870

We have received your check in the amount of \$10 along with the request to assign a portion of Permit 42659 to you.

I had hoped you would use the sheet I sent to you as a guide so that you could develop your own assignment but since you choose to send a second page, an additional \$5 will be required to record the assignment.

Further action will be withheld on the file for a reasonable length of time pending receipt of the additional fee.

Sincerely,

THOMAS E. SHOOK  
Senior Water Rights Examiner

TES:wpc  
6751D

42659

Application No. 56870  
Permit No. 42659

RECEIVED

SEP - 3 1986

WATER RESOURCES DEPT  
SALEM, OREGON

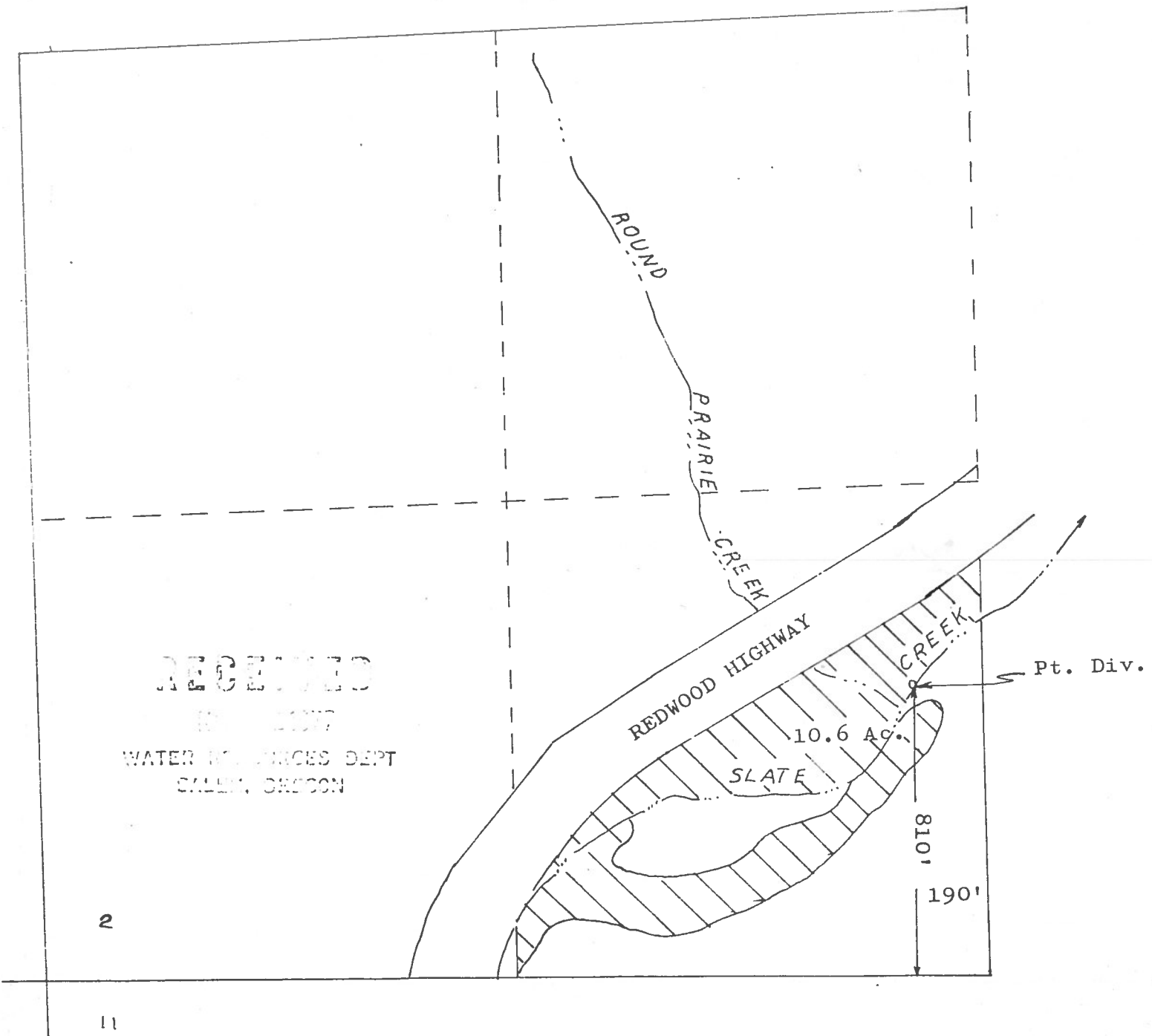
RECEIVED

MAR 21 1978

SW $\frac{1}{4}$  Section 2, Twp. 37 S., Range 7 West, W.M.

1" = 400'

WM. DIST. 14  
GRANTS PASS, OREG.



RECEIVED

WATER RESOURCES DEPT  
SALEM, OREGON

3  
2  
10  
11

The completed assignment must be submitted to the Water Resources Director, 3850 Portland Road, NE, Salem, OR 97310, together with a recording fee of \$10. ~~\$15.00~~ in this case,

9-10-86  
#10 -  
50381

10-6-86  
\$5.00  
50531



378-8508

August 11, 1986

Nancy Gesner  
Box 631  
Wilderville, OR 97543

REFERENCE: File 56870

Thank you for your letter regarding the assignment of Permit 42659 in the name of Ben Spalding.

If only a portion of the project described in the permit is to be assigned, the enclosed assignment form can be used as a guide but you will have to go into detail and describe the property in question by including the metes and bounds description of the land as it is given on the deed or title insurance policy as well as listing the number of irrigated acres involved in the change. A map showing the boundary would also be helpful. A fee of \$10 for the first page to be recorded and \$5 for each additional page would be required.

In the event there was an estate for Mr. Spalding, the personal representative would have to sign the assignment form.

Further action will be held on the file for a reasonable length of time pending your reply.

Sincerely,

THOMAS E. SHOOK  
Senior Water Rights Examiner

TES:wpc

cc: Wanda Spalding

6042D

378-8508

August 11, 1986

Joseph and Betty A. Fastabend  
384 Oakmont Drive  
Grants Pass, OR 97526

REFERENCE: File 56870

Thank you for your letter regarding the assignment of Permit 42659 in the name of Ben Spalding.

If only a portion of the project described in the permit is to be assigned, the enclosed assignment form can be used as a guide but you will have to go into detail and describe the property in question by including the metes and bounds description of the land as it is given on the deed or title insurance policy as well as listing the number of irrigated acres involved in the change. A map showing the boundary would also be helpful. A fee of \$10 for the first page to be recorded and \$5 for each additional page would be required.

In the event there was an estate for Mr. Spalding, the personal representative would have to sign the assignment form.

Further action will be held on the file for a reasonable length of time pending your reply.

Sincerely,

THOMAS E. SHOOK  
Senior Water Rights Examiner

TES:wpc

cc: Wanda Spalding

6042D

Aug. 2-1986

Water Resource Dept.  
3850 Portland Rd N.E.  
Salem Ore 97310

RECEIVED

AUG - 5 1986

WATER RESOURCES DEPT  
SALEM, OREGON

Requards - Permit No. 42659  
Application No. 56870

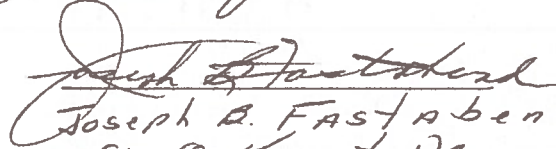
Dear Sirs:

I and my wife Betty G. Froststead,  
are the new owners of Tract 600,  
Josephine County, State of Oregon. We  
purchased the property from the estate  
of the late Ben Spaulding. The wife  
of the deceased, Jean Spaulding resides  
in Grants Pass and will assist us  
in the transfer of above-mentioned  
permit.

The survey crew was at the  
site July 21, 1986.

Please advise us of the procedure  
to transfer permit to our names, and  
send necessary forms, fee schedules  
etc..

Sincerely,

  
Joseph B. Froststead  
384 Oakmont Dr.  
Grants Pass Ore  
97526

Tel. # 479-2003

Aug 1, 1986

RECEIVED

AUG - 4 1986

WATER RESOURCES DEPT  
SALEM, OREGON

Mr Shook,

The final proof survey people, Sue Games + assistant, were here yesterday + advised me to obtain a permit in my name. It is presently in Ben Spalding's name, he is deceased, + Mrs Spalding has said she will sign the assignment.

Please tell me what I need to do to accomplish this.

Thank you,

Nancy Gesner

Box 631

Wilderville, OR

97543

Mrs Ben Spalding — Wanda Spalding  
1026 Camelot Drive  
Grants Pass, OR

56870

97526

PARTIAL  
ASSIGNMENT

RECEIVED  
AUG - 4 1986  
WATER RESOURCES DEPT  
SALEM, OREGON of

I, BEN SPALDING  
(Name of Permittee)

\_\_\_\_\_  
(Mailing Address) (City) (State) (Zip)

do hereby assign all my interest in and to water right application No. 56870,  
permit No. 42659, as filed in the office of the Water Resources Director, to

(P)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Mailing Address) (City) (State) (Zip)

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
(Signature of Permittee)  
\_\_\_\_\_

The completed assignment must be submitted to the Water Resources Dept.,  
3850 Portland Rd. N.E. - Salem, OR. 97310, together with a recording  
fee of \$10.00.

ATTN : TOM SHOOK

March 9, 1978

Ben Spalding  
P.O. Box 668  
Wilderville, OR 97543

56870

42659

Your application is in satisfactory form for issuance of a permit.

Sincerely

Donald R. Buell  
Water Rights Engineer

DRB:cah  
cc: Robert B. Steimer  
Watermaster District #14

378-8508

File No. 56870

February 10, 1978

Ben Spalding  
P.O. Box 668  
Wilderville, OR 97543

Dear Mr. Spalding:

We have received your application for a permit to appropriate 0.13 cubic foot per second of water from Slate Creek for the irrigation of 10.6 acres, a map, and the fee of \$30.00 for which our receipt No. 65145 is enclosed. This application has been filed and assigned No. 56870.

Water from the Applegate River and its tributaries will not always be available during dry periods due to the requirements of existing water rights and established minimum flows.

Your application is in satisfactory form for issuance of a permit.

Sincerely

Donald R. Buell  
Water Rights Engineer

DRB:cah  
cc: Robert B. Steimer  
Watermaster District #14

Application No. 56870  
Permit No. 42659

SW $\frac{1}{4}$  Section 2, Twp. 37 S., Range 7 West, W.M.

1" = 400'

