

Name Berlyn G. McLaughlin
 By _____
 Address Rt. 2, Box 430
Brookings 97415

Application No. 54946
 Permit No. 41311
 Certificate No. 46656

Stream Index, Page No. 15-2N

Date filed November 10, 1976
 Priority Nov 10, 1976
 Action suspended until OK Cert

Return to applicant _____
 Date of approval MAR 21 1977

CONSTRUCTION

Date for beginning MAR 21 1978
 Date for completion OCT 1 1978
 Extended to _____

Date for application of water OCT 1 1979
 Extended to _____

PROSECUTION OF WORK

Form "A" filed started
 Form "B" filed 7-12-78
 Form "C" filed 7-12-78

OCT 5 1978 FINAL PROOF
 Blank mailed _____
 Proof received _____
 Date certificate issued OCT 20 1978

FEES PAID

Date	Amount	Receipt No.
<u>11-10-76</u>	<u>35.00</u>	<u>56800</u>
<u>2-23-77</u>	<u>25.00</u>	<u>58437</u>
<u>10-10-78</u>	<u>2.00</u> Cert. Fee	<u>6626</u>

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

Form C

IMPORTANT: This form is a notice to the State Engineer 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 State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated. Fill out, detach and mail to the State Engineer, Salem, Oregon 97310, when all of the water has been applied.

Application No. 54946

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Berlyn G. McLaughlin, the holder of Permit No. 41311

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 1st day of January, 1977.

Remarks: Application for water rights is limited to Well #1 only;
application for Well #2 by undersigned is deleted, as for health
condition of my wife it has become necessary for me to put property
served up for sale.

IN WITNESS WHEREOF, I have hereunto set my hand this 10 day of July, 1978

Berlyn G. McLaughlin
(Signature of Applicant)

Route 4, Box 430

Brookings, Ore 97415
(Address)

Application No. 54946

NOTICE OF COMPLETION OF CONSTRUCTION

Berlyn G. McLaughlin, the holder of Permit No. 41311

to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 1st day of January, 1977.

Remarks: Well #2 in application has been abandoned.
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you

should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 10 day of July, 1978

Berlyn G. McLaughlin
(Signature of Applicant)

Route 4, Box 430, Brookings, Ore 97415
(Address)

mail to the State Engineer, Salem, Oregon 97310, when construction work is completed.

is: $1/80^{\text{th}}$ c.f.s., $2\frac{1}{2}$ a.f.

info Mr. McLaughlin

Sifting locate on side hill 40' above bottom of draw
4" cement tile sunk 12' into ground backfilled with gravel

Pump jacuzzi 14X1 LOD
motor wagner 3/4HP @ 3450

Pipe BUTTED $1\frac{1}{4}"$ TO HOUSE $\frac{3}{4}"$ TO all other places of use

Use Dom 1 family & stock 22 head Horses
5 water trough & 9 automatic waters in stalls

$$if7 + 5'ta - 5'$$

The Inspection

NOTE: NO Irr. claimed

7/17/78

F. e.

29th April

Mr. McLaughlin
all sent me 16 and
have no interest

Talked to Mr. McLaughlin by phone 9-26-78
The reason for calling him was that
the field form was incorrect. It left off the
Lawn and Garden area around house. In
our phone conversation Mr. McLaughlin
stated he ~~did~~ does irrigate the area
around the house. He also claimed the
deck around Barn #4. Lawn irrigated by
Lawn sprinklers. Pasture at Barn #4 irrigated
by open discharge of garden hose.
Del Sparks said L's area was irri-
gated but not included because not filed or Didn't remember

Number 5605

60.00 Check _____ M.O. _____ Cash _____

7 Surface

_____ Reservoir

_____ Ground Water

_____ Transfer

_____ Copying

_____ Assignment

_____ Extension of Time

_____ Certificate Recording fee

_____ No Money

_____ Other

_____ Quadrangle

_____ Protest

_____ Spring Description

_____ Contractors Exam

_____ Contractors License

_____ Operators Exam

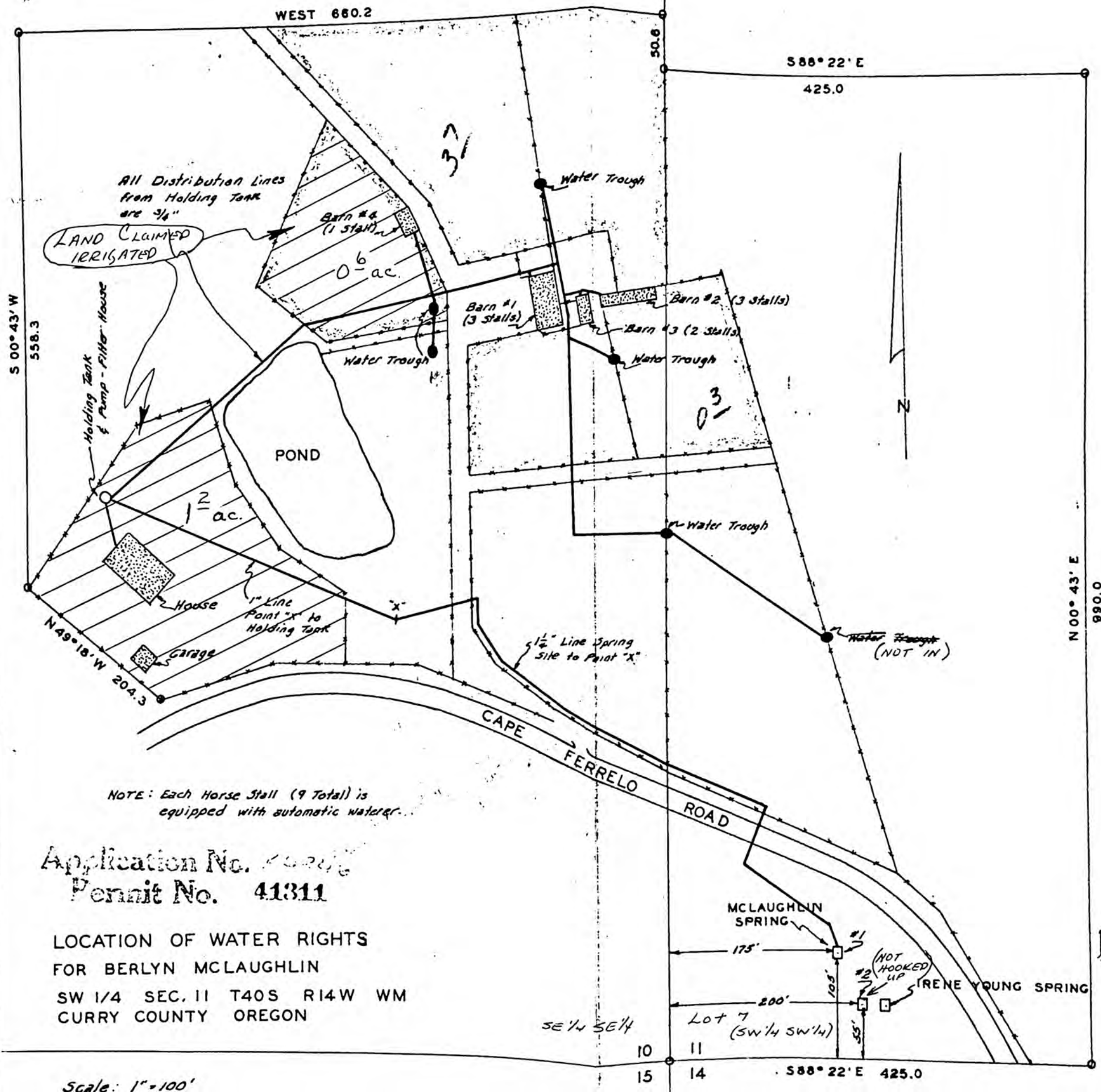
_____ Operators License

20
40

pasture at Barn #4 being claimed. Remembered
it was pasture though.

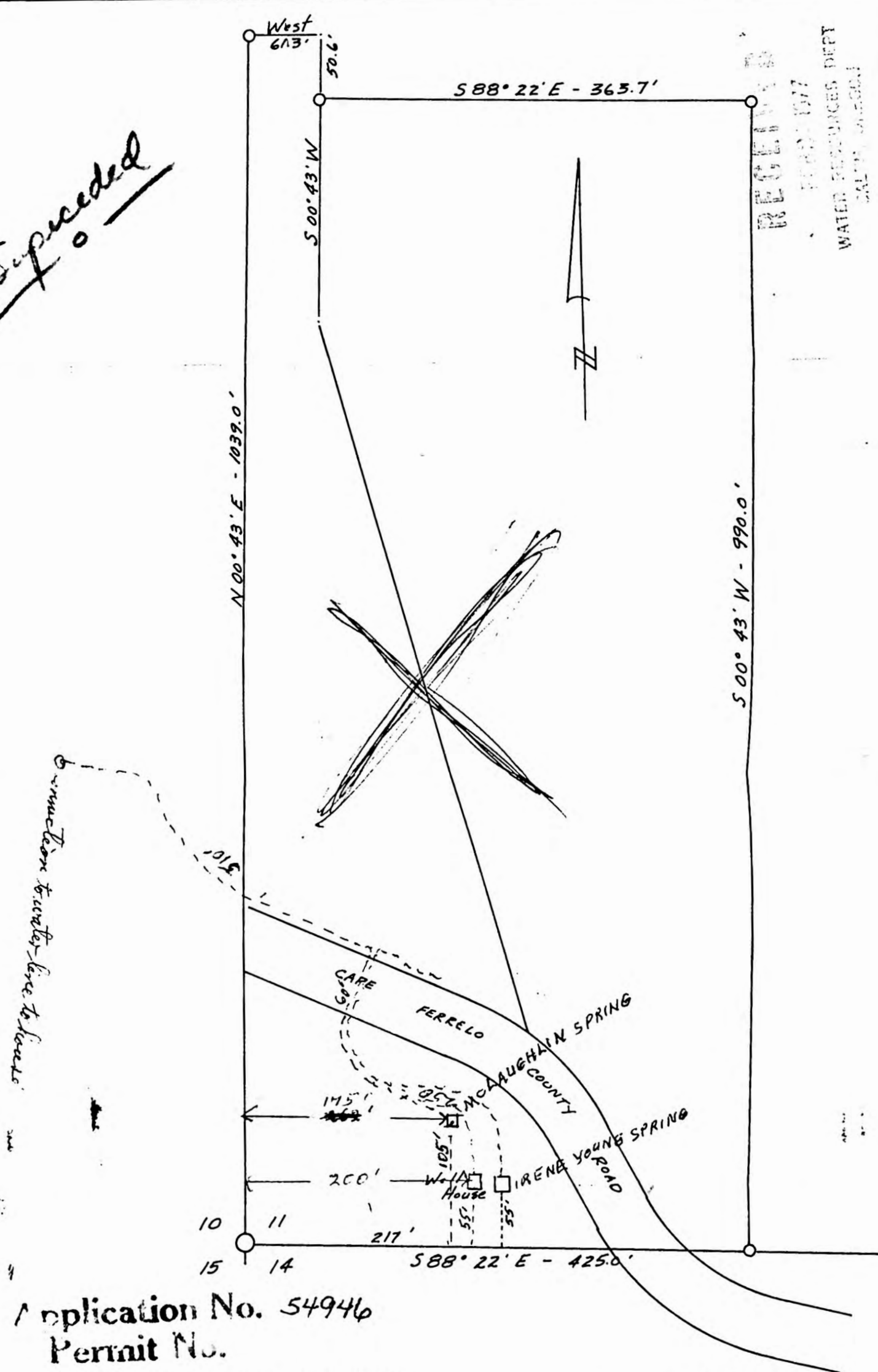
On the information and that no other
filing are on the spring proof O.K. for
1st acre irrigation, stock & Dom. Bruce Estee
agreed ~~the~~ with this.

Larry Toll



Succeeded

RECEIVED
FEB 1977
WATER RESOURCES DEPT
SALT LAKE CITY



Application No. 54946
Permit No.

LOCATION OF WATER RIGHTS
for Mr. BERLYN McLAUGHLIN
SW 1/4 Sec. 11, T40S, R14W, W.M.
Curry County, Oregon

RECEIVED
JAN 1 1970
U.S. DEPARTMENT OF JUSTICE
CRIMINAL DIVISION

D. Cormack

Scale: 1" = 100

5/18/88.

RECEIVED

MAY 20 1988

U.S. DEPT. OF JUSTICE
SALEM, OREGON

This is a second request
for information from your
department. This is very
important to us so we wouldn't
be asking. Possibly our
first letter got lost or
misplaced.

Thank you for your
help.

Yours Truly
Donald D. Gene Harvey



4/29/88
RECEIVED

Water Resources Dept - Oregon
Attn: Mr. Don Buell

MAY 23 1988

WATER RESOURCES DEPT
SALEM, OREGON

Dear Sir:

I thank you so much for sending us a copy of our location of water rights permit # 41311, Application # 54946 back in Feb of this year.

We would appreciate some additional information concerning the matter of our rights.

You will note there are presently three springs and wells at the described location very close to each other. Water availability in the Cape Ferrel area is fast becoming a big problem. Many people ran out of water last summer. We are of course very concerned and would not want any more wells placed in close proximity to these wells in the gully where they are located as most certainly it would no doubt cause the present wells to be lacking in enough water to serve the owners of the present wells.

Can the owners of the property



where these three wells are located sell water rights to someone else so another well could be added? Without your (Oregon's) permission? Without our permission? It would seem logical that nothing could be changed without first proving there would be an adequate supply of water for any additional wells in this location.

Can the present wells be moved at all? Can they be enlarged? Without permission?

Would you please advise us what rights we have as the easement is concerned, to get to our well from Cape Fessenden Road. Can the owner of the land block the roadway with a fence or blockade? This roadway serves only as a passageway to the wells, nothing else.

Does anyone else have water rights to this location other than the three shown on permit # 41311?



We realize this matter involves some legal questions but we would like to find out what we can as far as the state is concerned and what controls the state has involving water rights.

Thank you very much,
Gerald and June Harvey
P.O. Box 1889
Brookings, OR
97415

P.S. Would you please advise the name and address of the people who have the third water right besides Picculla's and ourselves.



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

May 19, 1988

Gerald and June Harvey
PO Box 1889
Brookings, OR 97415

Dear Mr. and Mrs. Harvey:

REFERENCE: File 54946

I apologize for the delay in responding to your April 29th letter about water rights from wells in the same general location as your "well". As you have acknowledged, several of your questions are legal in nature and cannot be answered by this office.

I checked our records to see what rights existed to the other wells shown on the map for your right under application 54946. Your permit is strictly for your uses from your well. The only other right is in the name of Irene Young. She holds permit 41142 for domestic use. The Piccuilla's have not applied for a permit and there are no other rights of record for the third well.

This brings up the question of whether the source of water is a well or a spring. It was determined that your well was in fact a spring because the water was flowing from that location prior to construction of the well. If some of the others were dug where no water was showing on the surface prior to the excavation, they would be considered an actual well. Domestic and stock use from a well is specifically exempt from the requirement to apply for water rights by ORS 537.545. The Piccuilla's may be within their legal rights without a permit.

There is nothing in the statutes that would prevent the land owner from allowing others to dig wells on their property. However, if the excavation is more than 12 feet deep, it would be considered a well and would have to be constructed according to standards established by administrative rules. If the land owners constructed the well they would have to obtain a bond to insure that the well was constructed properly. If someone were hired, statutes provide that they must be licensed well drillers.

Harvey, May 19, 1988
Page two.

If the use of water from the wells becomes a problem of interference between the wells, the well or spring with the junior priority date would have to be regulated. If use of water from future wells reduces the amount of water in your existing spring below the level necessary for your use, you should contact the area watermaster to help resolve the problem. His name is John Drolet and he is located at 290 North Central St., Coos County Annex, Coquille, Oregon, 97423, Ph. 396-3121, ext.254.

Easement and access to the well is a matter of agreement between you and the land owner and any disagreement is a matter of civil law and cannot be addressed by this department.

If you have any further questions feel free to contact either me or the watermaster.

Sincerely,

Donald R. Buell
Water Right Specialist

cc: John Drolet

MAY - 2 1988

123 889

WATER RESOURCES DEPT.
SALEM, OREGON

Water well agreement between Irene Young and Frank and Rose Piccuilla

The Piccuilla's are installing a water well for domestic use to serve their property. Legally described as follows: 40- 14- 11C Tax Lot#1504 Area Code 17-3 Curry County, Oregon. The Piccuilla's are the legal owners of the above described property. Irene Young owns the adjacent well at the installation site of the Piccuilla's new well and a deeded easement to it. The following is an agreement between the Piccuilla's and Irene Young in Reference to the installation of the new well by the Piccuilla's.

In order for the new well installation to be installed properly, without affecting the flow of water to or from Irene's well, there had to be a large hole excavated around Irene's well so that a greater area of space could be utilized for rock with which to create a large holding area or reservoir for water surrounding both the new installation and Irene's well. It was also necessary to install another two foot lift on Irene's well and reroute the water and electrical lines through a hole driven under the Cape Ferrel County Road and this done in such a manner so as not to interfere with any maintenance of the county road. The Piccuilla's agree to pay for all of the above described work and Irene Young is in complete agreement with what is being done. Irene Young agrees to pay for the new electric and water lines from Her well to Her House and have them buried from the northerly side of the county road on up across the Piccuilla property to her house. These utility lines shall be in close proximity to the deeded easement that Irene Young holds and is hereby approved by the Piccuilla's.

Irene Young also agrees to pay to have the pressure system repaired as needed, and reinstalled either at Her well site or in Her garage.

All of the above situations or conditions are hereby signed and agreed to by both Irene Young and Frank and Rose Piccuilla. The above agreement has been made to keep it clearly understood what the parties involved intended.

This agreement hereby signed and notarized shall be recorded in the County recorder's office so that the parties involved, their heirs and assigns or any future owner of the property shall be bound by it.

It is understood and agreed by all parties involved in this agreement, that there is no need for a new well house to be built.

Signed Frank M. Piccuilla
Rose M. Piccuilla
Richard A. Piccuilla
Margaret B. Watter

Witnessed July 22 1988 - 7:00 PM, July 22, 1988



Needs
Indexed in _____
State of Oregon }
County of Curry }
I hereby certify that the within instrument was
read for record August 14, 1988
at 11:18 o'clock A.M. and recorded
in Book of Records Vol. 123 Page 889
EUGENE J. BAUMANN, County Clerk
By Eugene J. Baumann Deputy
Fee Recd. 24.00

CURRY COUNTY TITLE 86205



RECEIVED

RECEIVED

MAY - 2 1988

4/29/88

WATER RESOURCES DEPT.
SALEM, OREGONWater Resources Dept - Oregon
Attn: Mr. Don Buell

Dear Sir:

I thank you so much for sending us a copy of our location of water rights permit # 41311, Application # 54946 back in Feb of this year.

We would appreciate some additional information concerning the matter of our rights.

You will note there are presently three springs and wells at the described location very close to each other. Water availability in the Cape Ferrel area is fast becoming a big problem. Many people ran out of water last summer. We are of course very concerned and would not want any more wells placed in close proximity to these wells in the gully where they are located as most certainly it would no doubt cause the present wells to be lacking in enough water to serve the owners of the present wells.

Can the owners of the property



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MAY - 2 1988

WATER RESOURCES DEPT.
SALEM, OREGON

Where these three wells are located sell water rights to someone else so another well could be added? Without your (Oregon's) permission? Without our permission? It would seem logical that nothing could be changed without first proving there would be an adequate supply of water for any additional wells in this location.

Can the present wells be moved at all? Can they be enlarged? Without permission?

Would you please advise us what rights we have as the easement is concerned, to get to our well from Cape Fierstein Road. Can the owner of the land block the roadway with a fence or blockade? This roadway serves only as a passageway to the wells, nothing else.

Does anyone else have water rights to this location other than the three shown on permit # 41311?



We realize this matter involves some legal questions but we would like to find out what we can as far as the state is concerned and what controls the state has involving water rights.

Thank you very much,
Gerald and Jane Harvey
P.O. Box 01889
Brookings, OR
97415

P.S. Would you please advise the name and address of the people who have the third water right besides Picculla's and ourselves.

RECEIVED

MAY - 2 1988

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
COUNTY OF CURRY

RECEIVED
OCT 10 1978
WATER RESOURCES DEPT.
SALEM, OREGON

Proof of Appropriation of Water

BERLYN G. MC LAUGHLIN

of Route 4, Box 430, Brookings, State of Oregon, 97415,
has applied beneficially the waters of
McLaughlin Spring No. 1

a tributary of House Rock Creek for the purpose of
domestic use for one family, stock and irrigation of 1.8 acres

under Permit No. 41311 and that the use of said waters has been completed under the
terms of said permit; that the priority of the right dates from
November 10, 1976

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
0.03 cubic foot per second, being 0.005 c.f.s. for domestic, 0.005 c.f.s. for
stock and 0.02 c.f.s. for irrigation

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the Lot 7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 11, T. 40 S., R. 14
W., W. M.; 105 feet North and 175 feet East from SW Corner, Section 11.

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 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated
during the irrigation season of each year,

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

Domestic, stock and 1.8 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 10

Stock Lot 7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 11

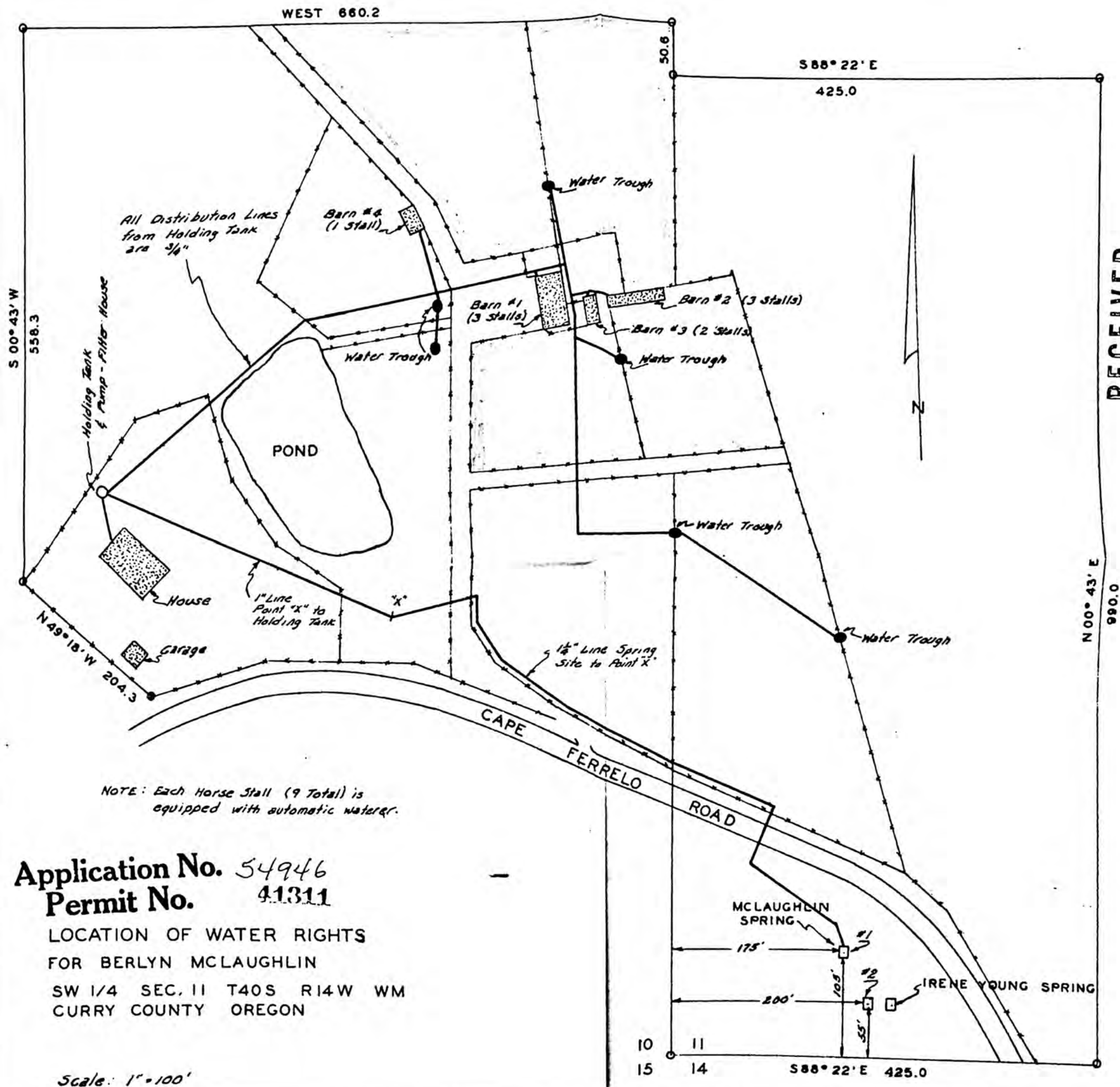
T. 40 S., R. 14 W., W. M.

I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of October,

1978

Berlyn G. McLaughlin



RECEIVED

FEB 23 1977

WATER RESOURCES DEPT.
SALEM, OREGON

Berlyn G. McLaughlin
Rt. 2, Box 430
Brookings, OR 97415

April 12, 1977

54946

41311 with map.



Water Resources Department

1178 CHEMEKETA STREET N.E., SALEM, OREGON 97310 PHONE 378-3066

54946

2 March 1977

Berlyn G. McLaughlin
Route 2, Box 430
Brookings, Oregon 97415

Dear Mr. McLaughlin:

We have received your map and application No. 54946 which now requests a permit to use 0.03 cubic foot per second of water from 2 springs for domestic use for one family including irrigation of lawn and garden, stock water and irrigation of 4 acres. For reference, your application is No. 54946.

Your application is satisfactory and a permit will be issued in 30 to 60 days.

Sincerely,

Vestal R. Garner
Water Rights Engineer

VRG:lcj
encl: Receipt # 58439



22 February 1977

Water Resources Department
1178 Chemeketa Street N.E.
Salem, Oregon 97310

Reference: Water Usage Permit application No. 54946.

Gentlemen:

Sorry to take so long to get correspondence back to your office regarding this permit request, but had trouble getting surveyor to locate everything properly.

Enclosed is map indicating all additional information requested in your letter of 3 January 1977, corrected Application for Permit form, and check of \$25.00 to cover charges for domestic and stock watering.

Hope this answers all requirements now, but if not would appreciate a telephone call and if necessary I will come to your office personally to finish it up.

Sincerely,

Berlyn G. McLaughlin
Berlyn G. McLaughlin
Rt 2, Box 430
Brookings, Oregon 97415

Tel: 503-469-3998

RECEIVED

FEB 23 1977

WATER RESOURCES DEPT
SALEM, OREGON

378-3066

54946

3 January 1977

Berlyn G. McLaughlin
Route 2, Box 430
Brookings, Oregon 97415

Dear MR. McLaughlin:

We have recieved your map, two spring description sheets, fees of \$35.00 and application for a permit to use 8 gallons per minute of water from spring No. 1 and 4 GPM from spring No. 2 for irrigation of 1.5 acres, domestic use for one family and livestock watering for several horses. For reference, your application is No. 54946.

Your map must be completed to show the location of the 1.5 acres to be irrigated, the house where water will be used and the location of the livestock watering facilities.

Your application, as filed, requires the \$20.00 examination fee and permit recording fees of \$10.00 for irrigation, \$15.00 for domestic and \$15.00 for stock watering. Therefore, an additional \$25.00 is required,

I am returning your application and map for the required information and fees. Your application is endorsed so that in order to retain its priority date, it must be received in this office on or before March 3, 1977.

Sincerely,

Vestal R. Garner
Water Rights Engineer

VRG:lcj
encl: Receipt No. 56800
cc: Ken Dennison Realty
P.O. Box 28
Brookings, Oregon 97415
Attn: Ken Warthen

Application No. _____

DESCRIPTION OF SPRING No. 1

1. Is spring on property of applicant? Yes
Berlyn G McLaughlin
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 12 gal. per min.
(Gallons per minute or
cubic feet per second)
- What is the minimum flow? Approximately 8 gal. per min.
- Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? Yes
7. Does the water flow off the lands on which it first arises? Yes
8. Give the name of the stream or other body of water into which water from the spring flows. House Rock Creek
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.

10. Remarks We wish to apply for a first priority water right to this spring.

Berlyn G. McLaughlin
Signature of Applicant

Application No. 54946
Permit No.

RECEIVED
NOV 10 1976
WATER RESOURCES DEPT
SALEM, OREGON

Application No. _____

DESCRIPTION OF SPRING No. 2

1. Is spring on property of applicant? Yes
2. If not, give name and address of legal owner. _____

3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? _____
4. If you do not have such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? Approximately 10 gal. per min.
(Gallons per minute or
_____ cubic feet per second)
What is the minimum flow? 6 to 7 gal. per min.
Is flow measured or estimated? estimated
6. Does the stream flowing from spring form a well defined natural channel? Yes
7. Does the water flow off the lands on which it first arises? _____
8. Give the name of the stream or other body of water into which water from the spring flows. House Rock Creek
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing.

10. Remarks We wish to apply for a second priority water right to this spring. The first water right to this spring has been applied for by Irene Young.

Berlyn B. McLaughlin
Signature of Applicant

Application No. 54946
Permit No.

RECEIVED
NOV 10 1976
WATER RESOURCES DEPT.
SALEM, OREGON