

Application No. 52601

FEEES PAID

Date	Amount	Receipt No.
11-25-74	30.00	43986
3-20-75	(5.00)	43985

Name Doris George

Permit No. R 6381

Certificate No. 50352

By

Address P.O. Box 1026 Bandon, OR 97411

Stream Index, Page No. 17-4P
See file No. 52602

Transf. out to 52602

\$1 Cert. Fee

FEEES REFUNDED

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

Date filed November 25, 1974

Priority November 25, 1974

Action suspended until OK cert

305 150

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
9-11-80	<u>FREDERIC G. GERNAUDT</u>	<u>PO Box 533, Bandon, OR 97411</u>	<u>6</u>	<u>836</u>
3-31-81	<u>JAMES C. & MARIE M. McREE</u>	<u>88869 Evans Rd Elmira, OR 97437</u>	<u>6</u>	<u>844</u>

Return to applicant

Date of approval MAR 4 1976

CONSTRUCTION

Date for beginning MAR 4 1977

Date for completion OCT 1 1977

Extended to

Date for application of water

Extended to

REMARKS

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed completed

FINAL PROOF

Blank mailed OCT 7 - 1981

Proof received

Date certificate issued DEC 3 1981

July 7, 1998

Alan & Elizabeth E. Foster
P.O. Box 412
Langlois, OR. 97450

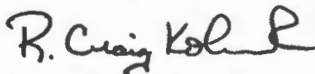
With regard to the Water Right Ownership Update and the associated water rights:

<u>Application # 's</u>	<u>Permit #'</u>	<u>Certificate #'s</u>
S-52602	S-39820	51718
S-22723	S-18029	51557
S-52603	S-39179	47790
G- 6739	G- 6265	47789
R-52601	R- 6381	50352

The Water Resources Department has reviewed and accepted the letter you submitted. A copy of this letter will be forwarded to the Water Rights section of our department so that the appropriate database updates can be made.

We appreciate your cooperation with this program. If you have any questions, please contact me at (503) 378-8455 ext.289. The Department's toll free number is 1-800-624-3199.

Sincerely,



R. Craig Kohanek
Technical Services Division

cc: Water Rights Section



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Select by certificate 50352

Name: JAMES C/MARION MCBEE
 68869 EVERS RD
 ELWIPA, OR 97437

County : COOS
 Status : NON-CANCELLED
 Certificate type: OR
 Certificate date: 12/ 3/1981
 Application: R 52601
 Permit : R 6381
 Certificate: 50352
 Supercedes certificate: 0

Related documents: F-39820

Remarks :

Source	Use	P/S	Priority	Quantity	Location	LOT/DLC	Status
CROFT L > NEW P Rate: FLOC Limit: 0 HA AFT/acre/year Other limits: RVESTING	AG	A	11/25/1974	5.0000AFT	30 S 15 W 11 NESW		V
CROFT L > NEW P	IR	P	11/25/1974	5.0000AFT	30 S 15 W 11 NESW		V

Points of appropriations:

Use	P/S	Location	DLC/LOT	Acres	Status
AG	P	30 S 15 W 11 NESW		0.000	V
IR	P	30 S 15 W 11 NESW		0.000	V
AG	P	30 S 15 W 11 NWSE		0.000	V
IR	P	30 S 15 W 11 NWSE		0.000	V

Done

Oregon Water Resources Department
Water Right Ownership Form

NOTICE TO SELLERS & BUYERS
By law all water belongs to the public [ORS 537.110]. In almost every instance a permit from the Water Resources Department is needed before using, diverting or storing any water [ORS 537.130]. However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has a water right to: 1) provide evidence of the water right to the buyer and 2) notify the Water Resources Department of the water right involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any question about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 378-8455.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

RECEIVED

JUN 30 1998

Property Seller Information:

Name: James C and Marion M. McBee
Street Address: P.O. BOX 358
City: Bandon State: OR Zip: 97411
Phone: 541-347-3328

WATER RESOURCES DEPARTMENT
SALEM, OREGON

Property Buyer Information:

Name: Alan and Elizabeth E. Foster
Street Address: P.O. BOX 412
City: Lanolois State: OR Zip: 97450
Phone: 541-348-9980

Property Description (attach additional pages if necessary):

County: COOS Township: 30 S Range: 5 W 4 N Section: 11
Tax lot number(s): 1200
Meets & bounds description (or attach copy of property deed & tax-lot map with the parcels highlighted):

Water Right Information (attach copy of water right permit or certificate & file proof map if available):

Application No: R-52601 Permit No: R-6381 Certificate No: 50352
Will all the land associated with this water right be owned by the buyer?
Yes No

Name of individual completing this form: Alan Foster

Water Resources Department
158 12th Street NE
Salem, Oregon 97310-0210

Signature: Alan Foster
Phone: 541-348-9980 Date: 6-22-98

STATE OF OREGON

COUNTY OF COOS

RECEIVED

OCT 14 1981

WATER RESOURCES DEPT
SALEM, OREGON

52601

Proof of Appropriation of Water

JAMES C. and MARION M. McBEE

of 88869 Evers Road, Elmira, State of Oregon 97437, has

constructed a reservoir to store the waters of Abe's Creek, tributary Croft Lake, appropriated under Permit 39820

for the purposes of irrigation and flood harvesting

under Reservoir Permit No. R-6381, and that the storage of said waters has been completed within the terms of said Permit; that the priority of the right dates from

November 25, 1974

that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 5.0 acre-feet

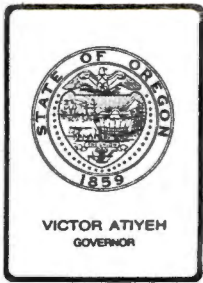
The reservoir is located in

NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 11
Township 30 South, Range 15 West, WM

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 12 day of Oct., 1981.

James C McBee
Marion M McBee



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508

April 10, 1981

James C. and Marion M. McBee
88869 Evers Road
Elmira, Oregon 97437

REFERENCE: Files R-52601, 52602

The assignment of Permits R-6381 and 39820 from Frederic G. Gernandt to you have been recorded in the records of the Water Resources Department. Our records have been changed accordingly and the original is enclosed.

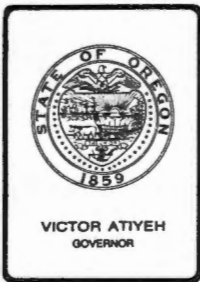
We have also received fees in the amount of \$2.

The findings of the survey made on August 31, 1976 will be sent to you soon.

Sincerely,

THOMAS E. SHOOK
Water Rights Engineer

TES:lcj
cc: Frederic G. Gernandt



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508

April 7, 1981

Frederic G. Gernandt
PO Box 533
Bandon, OR 97411

Dear Mr. Gernandt:

REFERENCE: Files Numbered R-52601 and 52602

The assignments of permits numbered 39820 and R-6381 from Doris George to you have been recorded in the records of the Water Resources Department.

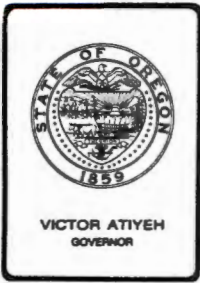
Our records have been changed accordingly, and the original is enclosed along with our receipt numbered 20424 covering the \$2 recording fee you submitted.

Sincerely,

Thomas E. Shook
Water Rights Engineer

TES:lrs
Enclosures

cc: Doris George



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508

File No R-52601
-52602

January 17, 1980

Doris George
P. O. Box 1026
Bandon, Oregon, 97411

Dear Doris George,

We are unable to hold action on your files indefinitely.

Unless we receive the frost protection forms describing the use of water within the terms of permits R-6381 and 39820 within sixty days from the date of this letter, we will have to take steps towards cancellation of the permit.

Sincerely,

Thomas E. Shook
Water Rights Engineer

TES/jw



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508

June 18, 1979

Doris George
P.O. Box 1026
Bandon, OR 97411

RE: Files R-52601 and 52602

Dear Ms. George

We have been holding action on your files pending a reply to our letter dated April 2, 1979.

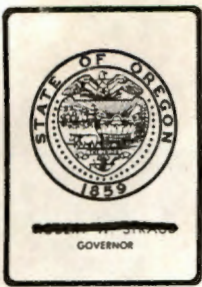
You must make proof of use of water for frost control to the satisfaction of the Water Resources Director before a certificate of water right evidencing your appropriation of water can be issued. Will you please advise us as to when we might expect to receive the information regarding use of water for frost protection?

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

Sincerely

Thomas E. Shook
Water Rights Engineer

TES/dw



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508

R-52601
52602

April 2, 1979

Doris George
P. O. Box 1026
Bandon, Oregon 97411

Dear Ms. George:

Your permit number 39820 was issued with the understanding that we be advised regarding the use of water for frost protection purposes. Forms for reporting the use of water for frost control were included with your permit to allow you the opportunity of completing the forms and submitting them annually. To date, we have not been advised regarding the use of water for frost control purposes.

I have enclosed new forms for your use. Please complete them for the years between March 1976 and October 1, 1978.

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

Sincerely,

Thomas E. Shook
Water Rights Engineer

TES:slm
Enclosures

ROBERT W. STRAUB
XXXXXXXXXX

March 21, 1975

R-52601
52602
22723

Doris George
P.O. Box 1026
Hendon, OR 97411

Dear Ms. George:

This will acknowledge return of your completed applications No. R-52601 and No. 52602 and map along with the additional fees of \$27.00.

Your applications are now in satisfactory form for approval by the issuance of permits.

Very truly yours,

Wayne J. Overcash
Assistant

WD:db

March 22, 1976

Doris George
P.O. Box 1026
Bandon, OR 97411

R-52601 & 52602

Protection Forms.

R-6381 & 39820 with map and Frost

January 16, 1975

R-52601
52602
22723

Doris George
P.O. Box 1026
Bandon, OR 97411

Dear Ms. George:

This will acknowledge return of your reservoir application No. R-52601, the secondary application No. 52602, and map.

As mentioned in my previous correspondence, your applications require additional recording fees in the amount of \$27.00.

According to our records, there are no existing rights for the storage of water at the reservoir site illustrated on your supporting map. Therefore, if you wish to establish a right for the storage of water, your reservoir application must be properly completed and submitted.

A permit approving your reservoir application will provide for a right to initially fill the reservoir once each year. The manner in which you intend to appropriate the water that you initially store each year must be stated on your reservoir application. Since there is insufficient space in Item No. 4 of your reservoir application, you may refer to the remarks section and indicate the amount of water to be stored for each of the three uses presently listed in Item No. 4 of the reservoir application.

Since the water to be stored in the reservoir would also be considered a source of water, it will be necessary to include the reservoir as a source in Item No. 1 of the secondary application No. 52602.

In addition to listing the number of acres to be irrigated in Item No. 8 of the secondary application No. 52602, it will also be necessary for you to list the number of acres to receive water for frost control and the number of acres to receive water for flood harvesting of cranberries.

The acreage to receive water for only frost control and flood harvesting must be clearly represented on your supporting map. This may be accomplished by hachuring or shading in different manners and placing a legend on the supporting map.

Doris George

January 16, 1975

I am returning both of your applications along with the map prepared on tracing paper for correction and completion. The applications are endorsed so that in order to retain their priority dates, they must be received in this office on or before March 17, 1975.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WO:db
Enclosures
cc: John Youngquist

Jan 11, 1975

attn Wayne G. Overcash
re: your ltr dtd 1-2-75
R-52601, 52602, 22723

RECEIVED

JAN 13 1975
STATE ENGINEER
SALEM, OREGON

I am returning the "Application
to Construct a Reservoir, etc." as it
does not apply to my situation whatever.
I am not going to build a dam ~~as~~ as
it has been in use for 40 yrs.
For the past 18 yrs we have used the
water for frost control, irrigation &
flooding for water picking.

I spent over an hour with your
representative in Copiella and I
thought he understood what I wanted.
That is, to make it completely legal to
use the existing facilities for irrigation
for frost control & flooding for harvesting.

Please review these applications and
let me know additional info you need
and how much more money you will
require.

Application No.
Permit No.

R-52601
52602

Doris Meach
P.O. Box 1076
Bandon, Ore. 97411

January 2, 1975

R-52601
52602
22723

Doris George
P.O. Box 1026
Bandon, OR 97411

Dear Ms. George:

Your application for a permit to construct a reservoir and to store therein 5.0 acre feet of water from Abe's Creek for supplemental irrigation, frost control, and flood harvesting was received along with the small dam data sheet and fees of \$30.00. This reservoir application has been filed as No. R-52601.

Your application for a permit to appropriate 2.81 cubic feet of water per second from Abe's Creek, being 0.31 cubic foot of water per second for the irrigation of 3.1 acres, 1.0 cubic foot of water per second for frost control, and 1.5 cubic feet of water per second for flood harvesting for cranberries, was also received along with the map prepared on tracing paper, a print of the map which supported the Permit No. 18029, a reduced print of the tax assessor's map, legal description, and fees of \$25.00. This application has been filed as No. 52602.

Each of your applications requires an examination fee of \$15.00. In addition to the examination fees, the reservoir application requires a \$10.00 storage recording fee, the secondary application requires an irrigation recording fee of \$10.00, a frost control recording fee of \$15.00, and a flood harvesting recording fee of \$17.00. Therefore, an additional \$27.00 is required.

It will be necessary for you to further state on your reservoir application the manner in which you intend to appropriate the water you initially store each year for the three uses listed. Since there is insufficient space in Item No. 4 of your reservoir application, you may refer to the remarks section and indicate the amount of water to be stored for each of the three uses listed.

Since the stored water in the reservoir would also be considered a source of water, it will be necessary to include the reservoir as a source in Item No. 1 of the secondary application No. 52602.

In addition to listing the number of acres to be irrigated in Item No. 8 of the application, it will also be necessary for you to list the number of acres to receive water for frost control and the number of acres to receive water for flood harvesting of cranberries.

Doris George

January 2, 1975

The acreage to receive water for only frost control and flood harvesting must be clearly represented on your supporting map. This may be accomplished by hatching in different manners and placing a legend on your supporting map.

I am returning both of your applications along with the map prepared on tracing paper for correction and completion. The applications are endorsed so that in order to retain their priority dates, they must be received in this office on or before March 3, 1975.

Very truly yours,

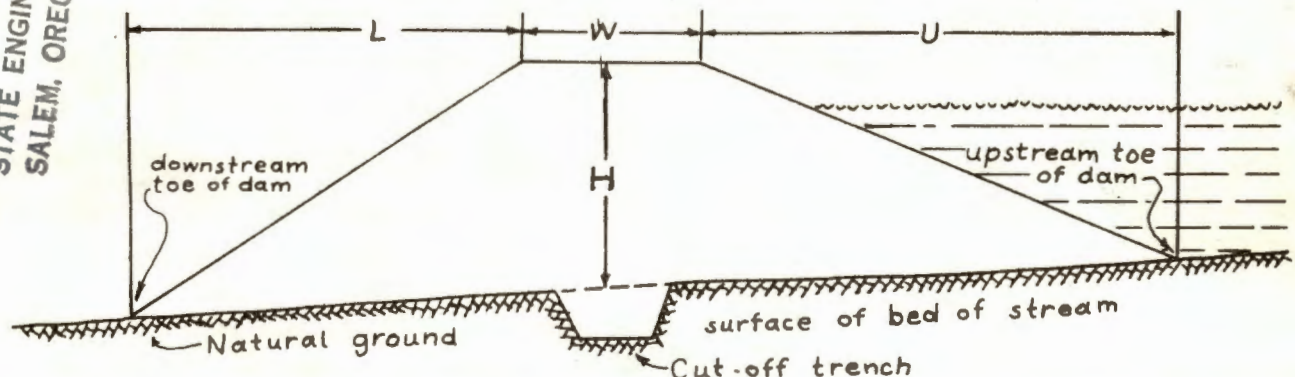
WAYNE J. OVERCASH
Assistant

WO:db

Encl: Receipt No. 43985
43986

RECEIVED
 NOV 25 1974
 STATE ENGINEER
 SALEM, OREGON

Before a permit is issued approving an application proposing the construction of a dam less than 10 feet high and storing less than 3,000,000 gallons of water, the information following the sketch below must be filed with the State Engineer and must conform with the dimensions and description of the dam given in the application. The height is measured from the lowest point of the ground surface or from the lowest point in the stream bed to the top of the dam on the center line of the dam. The data required is that of the maximum section or at the point where the dam is to be highest above the natural ground surface or stream bed.

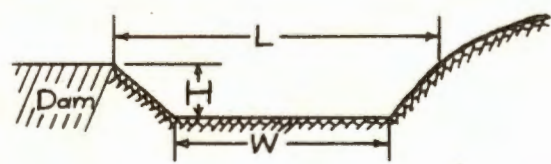


All dimensions given below must conform to minimum requirements shown on other side.

EARTH DAM:

Amount of water impounded 5 acre feet.
 Top width of dam indicated on sketch by letter "W" 10' feet.
 Height of dam measured from top of dam to ground surface or bed of stream on center line of dam or a point 1/2 the top width of the dam, indicated on sketch by letter "H" is 8 feet.
 The horizontal distance from upstream top of dam to upstream toe indicated on sketch by letter "U" is 24 feet.
 The horizontal distance from downstream top of dam to downstream toe indicated on sketch by letter "L" is 16 feet.

SPILLWAY:



Approximate drainage area of creek above dam 20 acres.
 Bottom width of spillway, indicated on sketch by letter "W" is 2 1/2 feet.
 Top width of spillway, indicated on sketch by letter "L" is 2 1/2 feet.
 Distance between top of dam and bottom of spillway at the upper end, indicated on sketch by letter "H" is 2 1/2 feet.
 (Must be at least 2 1/2 feet)

OUTLET:

Size and type of outlet pipe through base of dam which will allow free passage of the natural flow of the stream None.

All dams will be inspected by the State Engineer or his assistant before certificate of water right is issued.

The applicant herewith agrees to build the dam in accordance with the above dimensions and the requirements given on other side.

Doris George
 Signature of Applicant

Application No. R-52601 + 52602
 Permit No.

ADDITIONAL INFORMATION TO BE SUBMITTED WITH APPLICATIONS PROPOSING CONSTRUCTION OF DAMS LESS THAN 10 FEET IN HEIGHT OR IMPOUNDING LESS THAN 3,000,000 GALLONS

Under Oregon laws the builder is not required to submit plans and specifications, prepared by a registered professional engineer, for approval of the State Engineer for the construction of dams less than 10 feet in height and storing less than 3,000,000 gallons of water (9.2 acre feet or the amount that will cover 9.2 acres of land 1 foot in depth). It is of much importance to the builder of these small dams that a safe structure be built as should the dam fail the owner will not only lose his investment, but will be legally responsible for any damage to the property of others resulting from such failure.

Following are some of the requirements to be followed by the proposed builders of these small earth fill dams. The applicant must give a full description of the proposed dam in the application which shall be subject to the approval of the State Engineer.

1. Width of crest of dam should be not less than 8 feet.
2. Upstream slope not steeper than 3 horizontal to 1 vertical.
3. Downstream slope not steeper than 2 horizontal to 1 vertical.
4. Spillway channel should be constructed around either end of dam but not over top. It should have at least twice the capacity required to carry heavy winter flows or spring runoffs without overtopping the dam and should be lined, if necessary, to prevent erosion of the channel. The depth of the spillway should be sufficient to maintain a minimum distance of 2 feet from the crest of the dam to the water surface in the reservoir during the maximum flood. (This is important as experience has shown that insufficient spillway capacity is the principal cause of failure of small dams). Water passing over spillway should be returned to creek channel at a sufficient distance downstream to prevent erosion of embankment.
5. All brush, stumps, roots and vegetable matter of all kinds should be cleared from area to be occupied by base of dam and from borrow pits.
6. Asphalt dipped corrugated iron pipe with gate at inlet should be installed to permit draining reservoir. Pipe to be bedded in a trench in the natural ground and not on filled ground. Provision must be made to allow the free passage of the natural flow of the stream at any time. Prefabricated concrete pipe is not acceptable unless encased in concrete.
7. Not less than two cut-off collars should be constructed. These collars should be constructed of concrete with a thickness of not less than 6 inches and should extend from the outside of the pipe a distance of not less than 18 inches in all directions. These cut-off collars should be spaced along the conduit at a minimum spacing of 10 feet. Prefabricated asphalt dipped metal cut-off collars are also satisfactory, providing a water-tight joint is obtained between pipe and collar.
8. Material placed in embankment should be free from brush, stumps, roots, and vegetable matter of all kinds.
9. Material should be brought in and placed in embankment from ends of dam and spread in thin layers not over 6 inches thick and compacted by carryalls, rubber tired equipment, or compacting rollers traveling the length of the dam.