

STATE OF OREGON
WATER RESOURCES DEPARTMENT
ADJUDICATION SECTION

TO: Reed Marbut
FROM: Don Knauer

DATE: June 5, 1992

SUBJECT: Indorsement of SWR-54

I have completed a review of the registration statement form, map and evidence submitted by the following claimant. I have made an inspection of the property identified in the claim and I have reviewed the WRD records. Based on my review and inspection I suggest the following information be included on the " Notice of Proposed Order " under ORS 539.240 (8):

NAME: Barbara B. Spinola
ADDRESS: 18799 Hazelnut Ridge Rd.
Scotts Mills OR 97375

SOURCE: Indian Spring a tributary of Butte Creek.

USE: Domestic use for one family and stockwater.

PRIORITY DATE: 1854

AMOUNT OF WATER FOR EACH CLAIMED USE:

4 GPM for domestic use.
1 GPM for stockwater.

DIVERSION POINT:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T. 6 S., R. 1 E., W.M.

PLACE OF USE:

Domestic SE $\frac{1}{4}$ SW $\frac{1}{4}$
Stockwater SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 22,
Township 6 S., Range 1 E., W.M.

PERIOD OF USE:

The water use is allowed all year.

FILE C:\WP51\SWR\CLAIMANTS\SWR-0054.0IM

INTERDEPARTMENT MEMO

TO: Watermaster District # 10
FROM: Adjudication Section
RE: Surface Water Registration

Enclosed is a copy of a Registration Statement and accompanying map that has been filed in your district. It has been numbered SWR #54.

We are gathering information about this claim to a pre-1909 water use and would like you to assist us by filing out the checklist below and including any comments that you think might be of significance.

(Yes or No)

1. Do you know anything about this water use? Yes
2. Have there been any distribution problems relating to this claim? No
3. Do you have reason to believe that the claimed priority date is not accurate? No
4. Does the quantity of water claimed look unreasonable for the uses named? No
5. Does the place of use look to be accurately depicted by the CWRE map enclosed? Yes
6. Do you know if there has been a period of more than a five years of non-use? No
7. Should someone in our section contact you concerning this claim? No

If you answered yes to any of the above questions, please explain below on an additional sheet of paper.

Attach any memo's or correspondence that deal with this water use and return to the Adjudication Section at the address below.

Thank you for your assistance.

Sincerely,

Melvin Cottle
Adjudication Section

Enclosures

- #1 - ~~there may be~~ I have responded to a complaint about interference between a neighbour's well & the Spinola Springs
- #5 - Yes means it is accurate.

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

RECEIPT # 82877 CHECK ENCLOSURES R
CHECK BASIN MAP ZB-Mid-Williamette UNADJUDICATED AREA ? YES
SURFACE WATER REGISTRATION NUMBER 54
PRELIMINARY DATA BASE ENTRY DWF
ACKNOWLEDGEMENT LETTER DWF ENTER ON STREAM INDEX R
PUBLIC NOTICE PUBLICATION R WATERMASTER CHECKLIST R PISC 14
CHECK QUADRANGLE MAP R CHECK GLO PLATS R

FORM REVIEW

- blanks filled in
- signed
- date received stamped

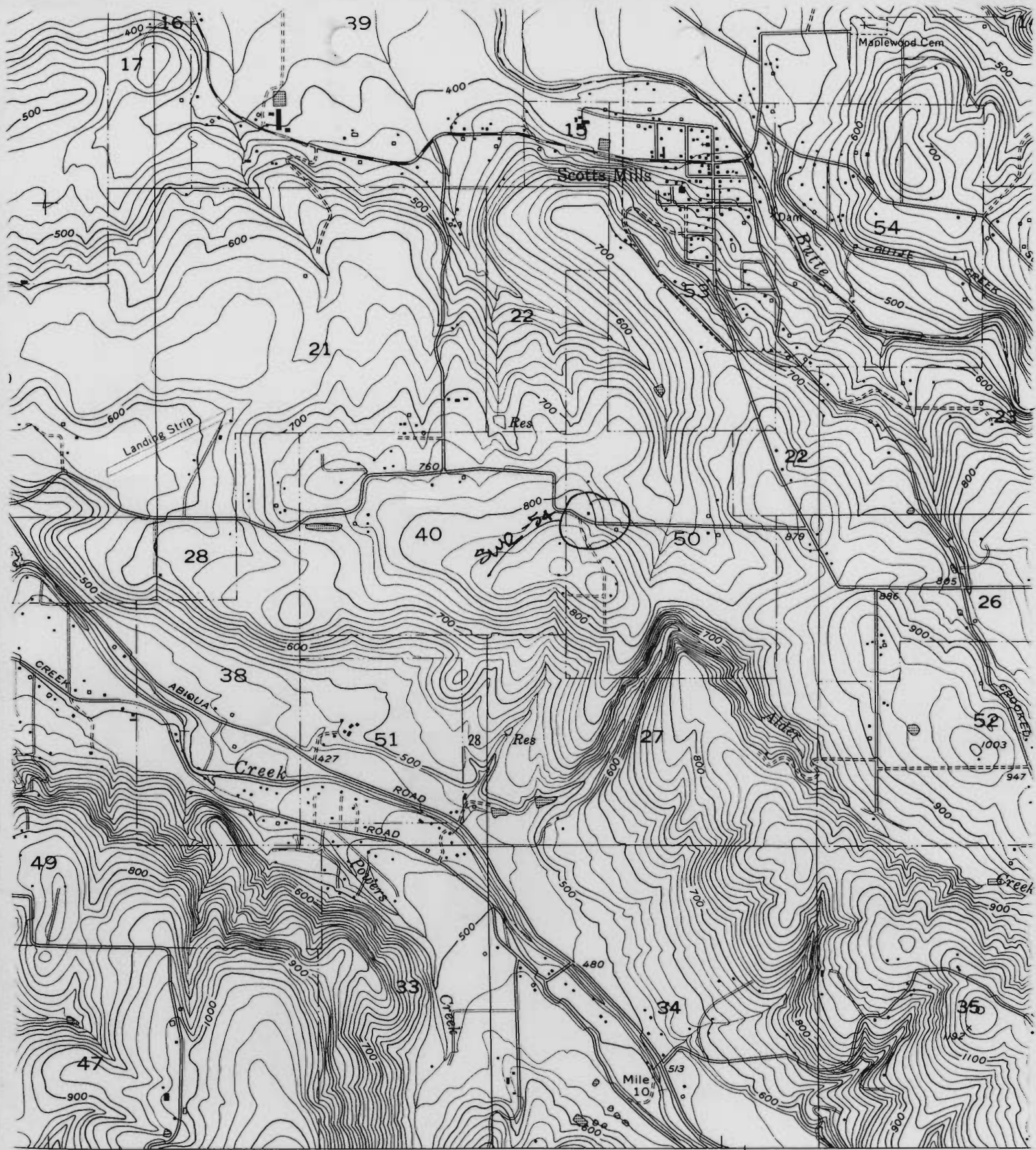
MAP REVIEW

- source and trib
- diversion point location
- conveyances (pipes, ditch, etc.)
- place of use
- scale
- township, range, section
- north arrow
- CWRE stamp
- disclaimer
- date survey was performed
- P.O.B. of survey
- dimensions and capacity of diversion system
- "beneficial use" type title
- "permanent-quality" paper

WATER RIGHT RECORD CHECK Jak ENTER ON PLAT CARDS _____
FIELD INSPECTION NOT PLANNED FINAL FILE REVIEW Jak
FINAL DATA BASE ENTRY _____

A:SWRCHECK

12-24-91



42'30"

524

(LYONS 1:62 500
1473 1)

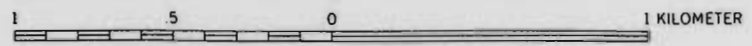
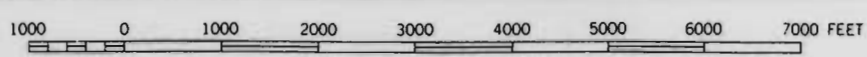
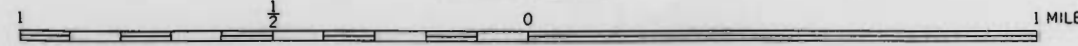
525

526

40'

527

SCALE 1:24000

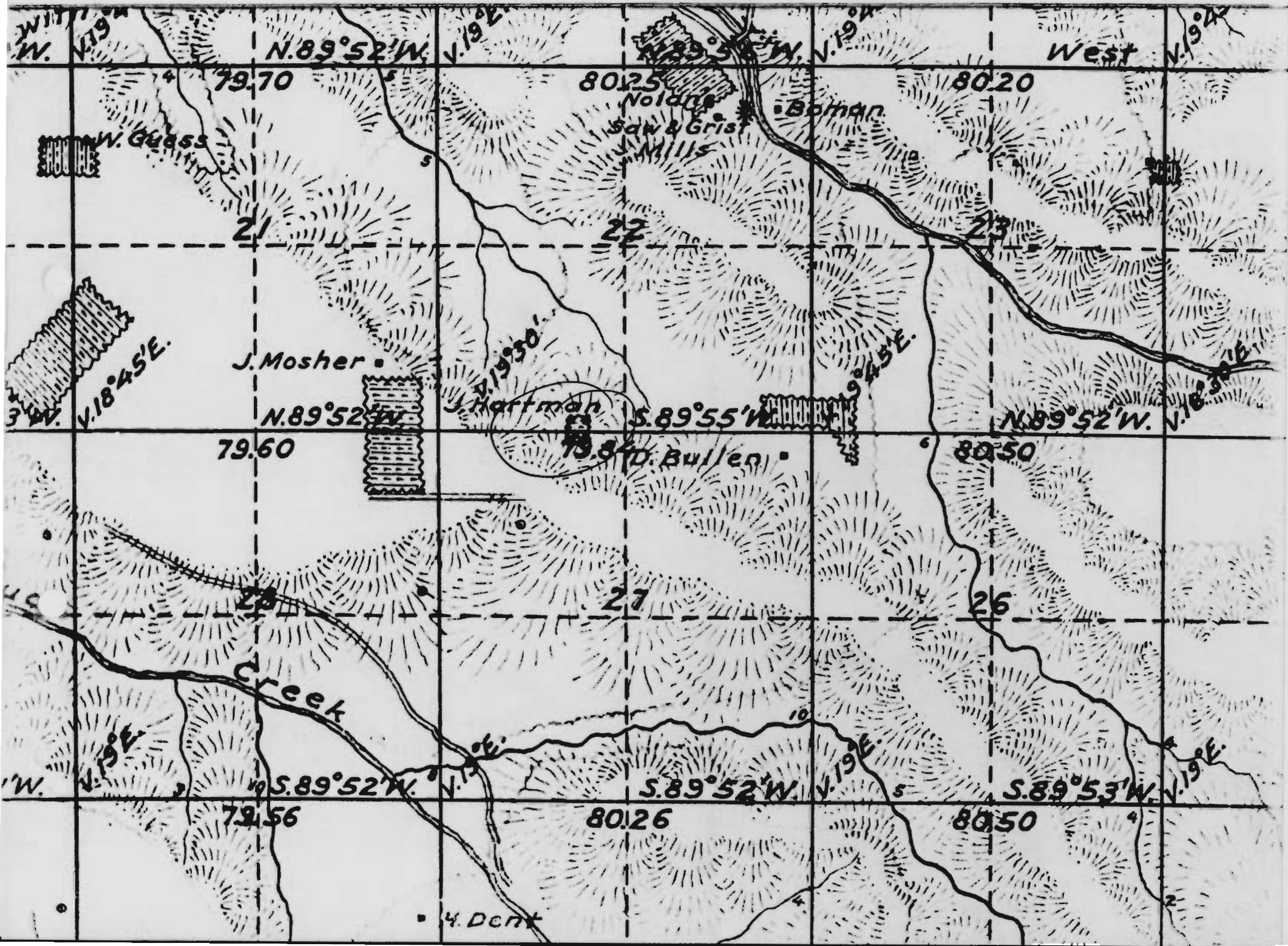


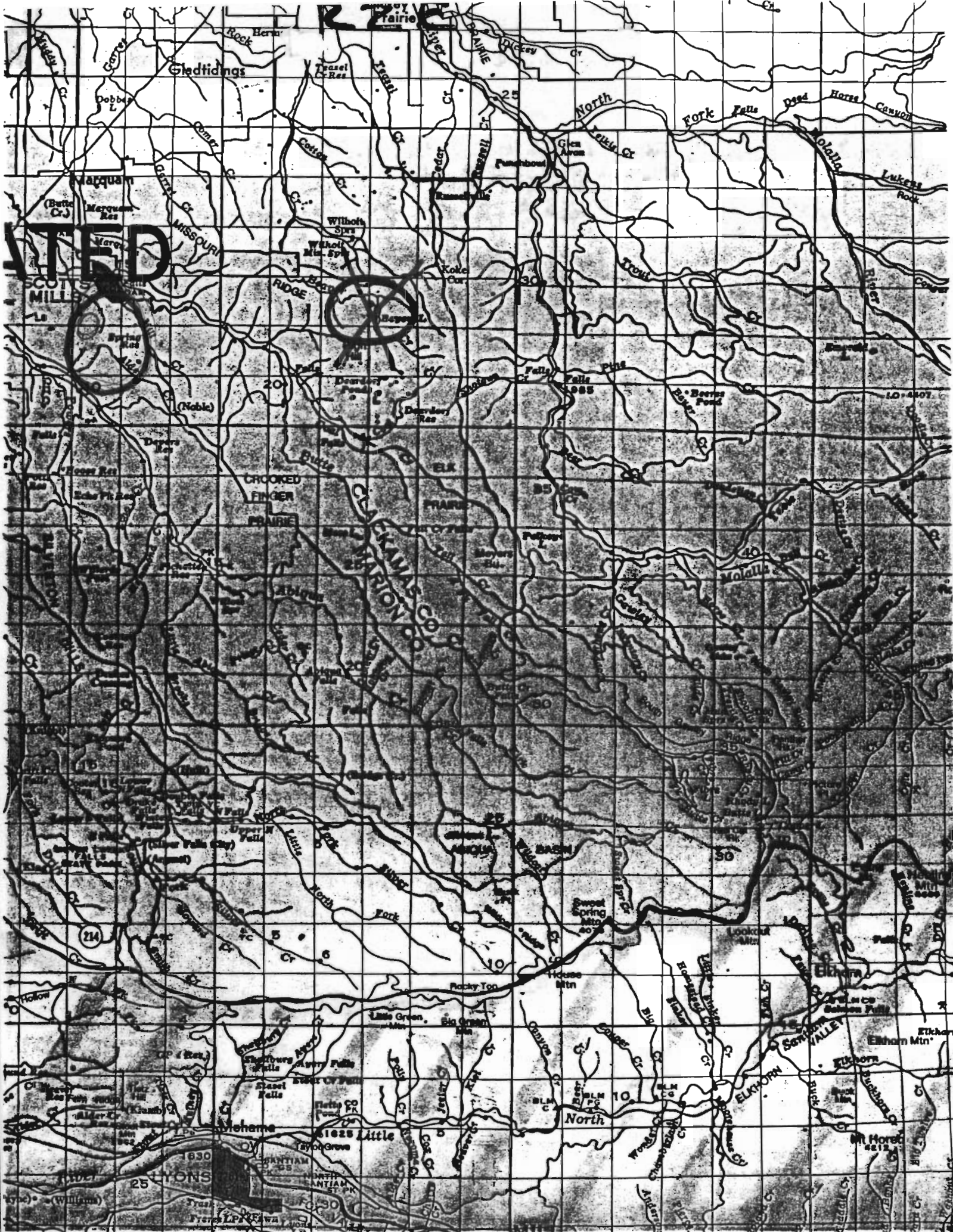
CONTOUR INTERVAL 20 FEET
DASHED LINES REPRESENT HALF INTERVAL CONTOURS

Heavy-du
Medium-



OREGON





January 29, 1992

Barbara B. Spinola
18799 Hazelnut Ridge RD
Scotts Mills, OR 97375

WATER
RESOURCES
DEPARTMENT

RE: Surface Water Registration

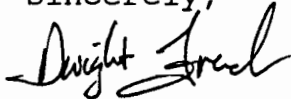
Dear Barbara B. Sponala:

This will acknowledge that your Registration Statement Claiming a Right to Appropriate Surface Water in the name of Barbara B. Spinola has been received by our office. The fees in the amount of \$400 have been received and our receipt #82877 is enclosed. The form you have submitted meets the requirements necessary for us to file it. It has been numbered SWR-54.

Our office will contact you in the future to advise you as to the next step in the proceedings. If necessary we will schedule a meeting with you that will include a site inspection. If there are problems with your form we are usually able to take care of them during our visit. We will be able to answer any questions you might have about the adjudication process at that time.

Please feel free to contact this office if you have any questions.

Sincerely,



Dwight French
Adjudications Section

enc

(swr-0054.001)



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

STATE OF OREGON
WATER RESOURCES DEPARTMENT
 3850 PORTLAND ROAD NE
 SALEM, OR 97310
 378-3739/378-8130 (FAX)

RECEIPT # 82877

RECEIVED FROM: Barbara B. Spinola

BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 98-8 OTHER: (IDENTIFY) _____

TOTAL REC'D \$400.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$ <u>400.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

02-00-0 FEDERAL FUNDS

OTHER: (IDENTIFY) _____ \$

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001	COPY FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6): (IDENTIFY)	\$

WATER RIGHTS:				
842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE	
842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
842.016	WELL DRILL OPERATOR	\$	842.019	\$
LANDOWNER'S PERMIT			842.024	\$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000 LOTTERY PROCEEDS \$

69001 SUSPENSE ACTIVITY

842.115	POWER LICENSE FEE(FW)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE(FW)		\$
832.009	HYDRO EXAM FEE(GF)		\$

RECEIPT # 82877 DATED: 1/28/92 BY: [Signature]

Distribution—White Copy-Customer, Yellow Copy-Fiscal, Brown Copy-Fiscal

22 February 1993

RECEIVED
FEB 23 1993

Hello Mr. Marbut,

WATER RESOURCES DEPT
SALEM, OREGON

I talked with one of the fellows in your office several weeks ago regarding my application for a water right on my spring. My "case number" is 54.

Richard Hudgins applied for an Agricultural Permit on his domestic well about the same time I applied for my water right. I have received a notice that the Hudgins are getting their permit for 50 gal/min but your people tell me it might yet be months before I get my Notice of Proposed Order. And then I might not get my water right adjudicated for YEARS! Seems a bit unfair.

I do hope I can get my Notice of Proposed Order before Summer. If Hudgins ever do pump 50 gal./minute, the

whole hi - might go dry; it
would be nice (and it seems to me -
FAIR) if I had some rights in this
matter. Do well permits always
get approved faster than Springs?
Do business uses carry more
weight than domestic use?

Any help you can be in expediting
#54 (and probably all the other Spring
applications) will be greatly
appreciated. We're just trying to
LIVE up here, not make a million
bucks on nursery stock. If I
can water my animals and garden
and not worry about running out
of #20, I'll be so happy.

Thank you for your time and
help in this matter. Best wishes,

Barbara Spinola
18799 Hazelnut Ridge
Scotts Mills, OR. 97375
873.4136

March 12, 1993

Barbara Spinola
18799 Hazelnut Ridge
Scotts Mills, OR 97375

RE: Surface Water Registration - #54

Dear Ms. Spinola:

Thank you for your letter of February 22, 1993. I have reviewed your file and the Richard Hudgins water right application number G-12641.

Unfortunately, there is no procedure which is available to us to address your specific concerns in the near future. However, I am advised by our Groundwater/Hydrology staff that the proposed use of water from the Hudgins well will not impact the flow of water from your spring. If in fact this is the case, granting of the Hudgins right will not impact your water use.

Your surface water registration has been placed on file and is to be treated as evidence that you have a right to appropriate and use the water of your spring. However, the final determination of your water right must wait a full adjudication of the mid-Willamette Basin. Unfortunately, no river basin adjudications can be initiated until after the close of the surface water registration (December 31, 1993). We envision that it will be several years before an adjudication of your right can be completed; however, once the adjudication is complete a water right based on your surface water registration will have a priority date much senior to the Hudgins well right. If in the long term use of water from the Hudgins well does impact your water right, once adjudicated, your right will be senior and will have a prior call to the water.

In the meantime, we will treat your letter as an official objection to the Hudgins application and shall consider the issues you have raised in the evaluation of the Hudgins application. At this point we can make no determination as to whether Hudgins will in fact receive a water right. In order to be sure that your concerns receive appropriate consideration, I will again ask the Groundwater/Hydrology staff to examine the relationship between water use from the Hudgins well and the flow of your spring.



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

Barbara Spinola
Re: Surface Water Registration - #54
March 12, 1993
Page Two

We will advise you of our determination concerning the concerns raised in your letter. Again, thank you for your input. If you have further questions or comments, please feel free to give us a call at any time.

Sincerely,

A. REED MARBUT
Water Rights/Adjudication Section

ARM/dpc

JAN 28 1992

WATER RIGHT SURVEYS**Bruce A. Estes, PLS, CWRE**60382 Arnold Rd.
Bend, OR 97702
382-73916293 Sunnyview Rd. NE
Salem, OR 97305
585-7593WATER RESOURCES DEPT.
SALEM, OREGON

CLAIM OF BENEFICIAL USE AND SITE REPORT

SURFACE WATER REGISTRATION
in name of

BARBARA B. SPINOLA

INFORMATION: Went over the system and history with Barbara Spinola.

SOURCE: Indian Springs tributary to Butte Creek.

DIVERSION: A brick box four feet in diameter x 4' deep without mortar between the lower bricks is built in the spring itself. The water is gravity piped to a concrete cistern 5' diameter x 7' deep. Both of these structures appear to be very old. A 1 1/2" galvanized pipe discharges the excess water from the spring onto the ground. There currently is a 1 HP Berkeley jet pump at the cistern.

USE: Domestic use including a garden and stock.

The house is 40' above the spring. The original domestic use must have been by hand pump, hydraulic ram or carried to the house.

There is a good garden site below the spring. The early settlers often planted their garden wherever the soil and moisture was best even when that was not adjacent to their house. The current garden is up closer to the house.

Stock use is still by way of a small dam below the spring.

PRIORITY: 1854. The Hartman Donation Land Claim is shown on both the 1854 and 1862 GLO maps. Possibly notification 5673 would provide an earlier date for the claim but 1854 is reasonable.

REMARKS: According to Ms. Spinola the original Hartman house was destroyed by fire a number of years ago and replaced at the same site with a small house which is now used as a storage shed. She built a new house in the early 1960's. There have been newspaper articles about this place referring to the domestic use by the indians even before the Hartman homestead. It appears that the use has been continuous since the Hartman's.

It is not possible now to determine the amount of stock use back then but since the DLC was for 320 acres Mr. Hartman was not a single man and needed to support a family. This land is very hilly and better suited for stock than farming practices so it is reasonable to assume that he ran more stock than just for the sustenance of his family.

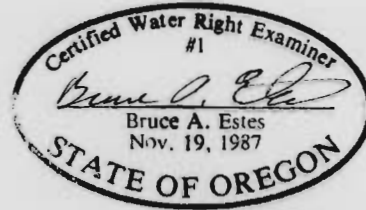
The spring does not run off the property.

RECEIVED

JAN 28 1992

WATER RESOURCES DEPT.
SALEM, OREGON

The final proof survey and inspection of the use completed under this pre-1909 vested water right claim was completed by me November 19, 1991, and the facts contained in this report and accompanying map are correct to the best of my knowledge.



I, Barbara B. Spinola, agree with the findings of the CWRE and do submit the registration statement and map, enclosed, as my Claim of an 1854 vested water right.

Barbara B. Spinola

STATES
Congress
Office of
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1901
Secretary
Patent
3504
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Secretary
and Office

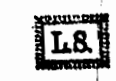
Whereas, There has been deposited in the common land office of the
Oregon Territory, a certain plat or map of the public lands of the
Oregon Territory, which is appraised, under the provisions of the act
approved the 27th day of September, 1850, entitled "An act to amend
the Survey-General of the Public Lands in Oregon, and to provide for
making donations to settlers of the said public lands," and the legislative
claim of John Hartman and his wife Mary Hartman of the said Territory,
has been established to a donation of one half section of the said
of land, and that the same has been surveyed and designated as the
parts of sections twenty-two and twenty-three in Township four north of Range
one East
according to the Official Plat of Survey returned to the common land office by the
GENERAL Surveyor, and described as follows, to wit: Beginning at the
ten chains and twenty-two links West of the North East corner of section
twenty-two and returning thence West ten chains, thence North thirty
thence West thirty chains, thence North thirty chains and survey of
West ten chains, thence South seven minutes West twenty-one chains and
two links, thence East fifty chains, and thence North forty chains to the
beginning in the district of lands subject to sale at Oregon City, Oregon
containing three hundred and nineteen acres and twenty-three hundredths
of an acre

Now know ye, That the United States of America, in consideration of the petition
in conformity with the provisions of the act aforesaid, HAVE GIVEN AND GRANTED, and by these presents
DO GIVE AND GRANT, unto the said John Hartman and to his heirs the East half part
his wife the said Mary Hartman and to her heirs the West half of the section
land above described.

It is the will of the said State, with the assent and
the said John Hartman and his wife Mary Hartman
and to their heirs and assigns forever, their executors, administrators and assigns.

In testimony whereof, J. Hayes, Secretary
PRESIDENT OF THE UNITED STATES, have caused these Letters to be made Public, and the Chief
of the GENERAL LAND OFFICE to be hereunto affixed.

Given under my hand, at the city of Washington, the twenty-first
day of July, in the year of our Lord one thousand eight
hundred and seventy-three, and of the Independence of
United States the thirty-sixth.



BY THE PRESIDENT: A. S. Grant
Secretary: S. D. Williamson

Oregon Sheriff's Mobile
 will be at the Silver Creek
 Center Wednesday,
 from 1 p.m. to 9 p.m.
 Officers of the vehicle will be
 led by Capt. Bob Thomas
 of the Sheriff's Posse.

Passes Marine Test

Navy Seaman Apprentice
 Roger A. Evingston, husband
 of the former Miss Louise A.
 Simeral of 307 S. Water St.
 of Silverton, was graduated
 from recent training at the
 Naval Training Center, San Di-
 ego.

Livingston is a graduate of
 Silverton Union High School.

Despite Rain, Harvest Fest

Moist weather put a bit of a damper on Harvest Festival activi-
 ties at the City Park Sunday, but the crowds that turned up were
 still pretty fair.

Lions Club members drew good crowds to their Breakfast Sun-
 day at the Park and some of the group are pictured here behind
 the serving line.

The Jaycees had a tougher time . . . with the rain almost dousing

their fires for the
 Jaycee chefs, picnic
 and sold just about
 chicken.

The third picture
 of the younger set

From Page 4,
 "Silverton Appeal
 Tribune",
 August 26, 1971

**Mt Argel Woman Buys
 Historic Abiqua Site**

A historic homestead in the
 Abiqua District has been sold,
 in a sale made by Safebuy
 Real Estate Agency.

Mr. and Mrs. Dale Kraft
 have sold the 20-plus acre place
 where they have been living
 in a mobile home. Kraft had
 been a coach and industrial
 arts teacher at Silverton High
 School and his wife worked at
 First National Bank.

The Krafts have sold their
 mobile home and are returning
 to their former home town in
 Montana, where he will be
 teaching.

Buyer is Miss Barbara Spin-
 ola of Mt. Argel.

The land is the site of one
 of the oldest homesteads in
 this area, once owned by the

Earl Hartman family. More re-
 cently it had been part of the
 original Indian Springs ranch
 owned by Pat Zak.

Mammoth flowering locust
 trees, reportedly planted more
 than 100 years ago, surround
 the site where the old house
 was destroyed by fire.

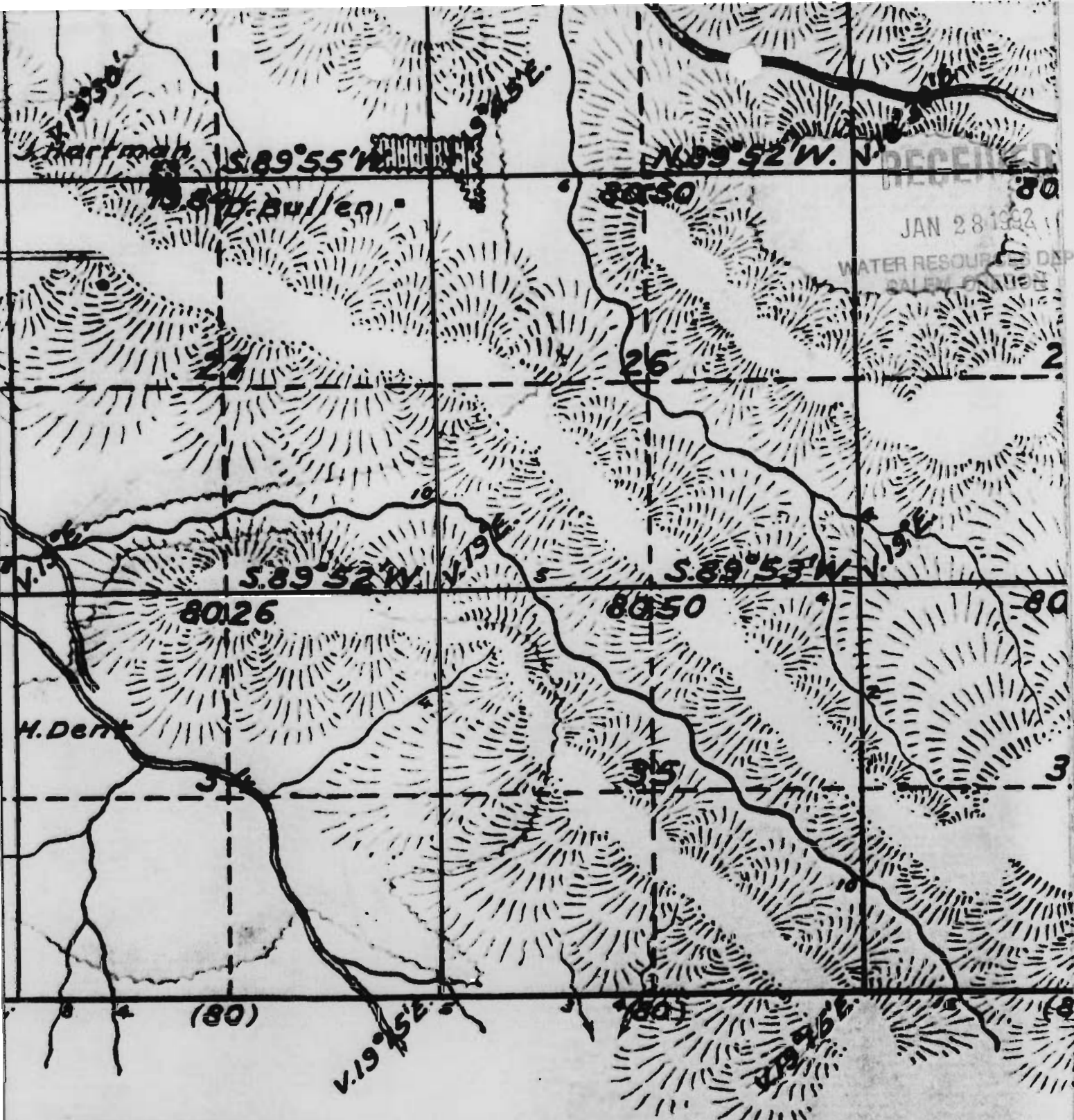
The spring on the place was
 one of the public water holes
 used by early day sheep and
 cattle drivers when the stock
 was walked to market.

THE APPEAL-TRIBUNE
 Second Class Mail Privileges
 authorized at
 Silverton, Oregon 97381



F'S
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 S
 mily and





charged in the Accounts.
1854. 1854.

The above Map of Township No. No. 1 East of the Willamette Meridian, is strictly conformable to the field notes thereof on file in this office which have been examined and approved.

Surveyor General's Office,
 Salem, December 25th, 1854. (signed)

Su

The house at 18799 Hazelnut Ridge Rd. burned December 21, 1966. At that time, the property was owned by the Louis Zak family, and their older daughter* was living next door (west) in a mobil home. This home also got water from the spring that supplied the old house. With the house gone, the Zak's moved but kept stock on the property, and their daughter continued living next door and using the spring.

The spring in question has been in constant use for both domestic and agricultural purposes. I bought the property in 1971 and have been living here since.

RECEIVED

JAN 28 1992

WATER RESOURCES DEPT.
SALEM, OREGON

witnesses

Barbara Spinola

*Mitzi Jean Zak Wilson

{ Hazel Klopferstein
David Hartley

Happy Christmas

an Appeal Tribune

ING THE ENTIRE SILVERTON COMMUNITY

RECEIVED

JAN 28 1967

WATER RESOURCES

ON, OREGON

Silverton, Oregon, Thursday, December 22, 1966

Single Copy, 10c

Man Robbed By Turkey Plant

Teachers Give \$50 To City's Yule Decorations

Silverton 4C Has Little Growth

School Censuses Show Unusual Growth Pattern

December 14, 1966

Mr. Dean Way, President Chamber of Commerce Dear Mr. Way:

We, as educators, must be thankful and appreciative for the support we have received from the people of Silverton and surrounding communities in carrying out our job of developing a good education system for our boys and girls.

It is now our turn to support our community as it endeavors to continually provide quality services and opportunities for all its citizens.

On behalf of the Silverton Teacher's Association, I am enclosing a check for \$50 hoping that it can be used as the Chamber of Commerce continues its project of buying delightful Christmas decorations for our city.

The members of the Silverton Teacher's Association extend to you best wishes for the Christmas season and the New Year Holiday.

Sincerely,
Vincent J. Matt Jr., Pres.
Silverton Teacher's Ass'n.

PARKING METER TAKE

Parking meters receipts for the week ending December 20 were \$198.80 and overtime fines, \$25.50, totaling \$224.30.

Some unusual school population growth patterns have evolved from the latest biennial census just completed in the Silverton Union High School Districts.

Most rural districts have shown substantial increases in the past two years since the 1964 census, but the school population growth in the 4C District, which includes Silverton, has been surprisingly negligible.

The census, which counts everyone from the age of four through 19, showed a total of 4611 in the 11 elementary districts in the 7J High School District, plus North Howell which lies in the Gervais District.

This is an increase of almost 400 over the 1964 total of 4232.

However, the Silverton 4C enrollment during the past two years has increased by only 10 children . . . from 1809 to 1819.

Another oddity came in the two school districts, Monitor

	1966	1964
Silverton 4C	1819	1809
Mt. Angel	926	831
Scotts Mills	170	156
Victor Point (Willard)	240	212
Bethany	163	125
Silver Crest	198	151
Central Howell	249	209
Crooked Finger	22	25
Evergreen	112	97
Monitor (Marion)	166	149
Monitor (Clackamas)	122	84
Butte Creek (Marion)	60	64
Butte Creek (Clackamas)	212	160
North Howell	152	133
Total	4611	4232

and Butte Creek, that are divided between Marion and Clackamas Counties. In both instances, the portions in the Marion County side either showed small increases or even decreased, while the Clackamas portions showed big increases.

The biggest single increase came in Mt. Angel, which

jumped 95 from the 1964 figure of 831 to this year's total of 926.

The comparison of the 1964 and 1966 censuses follow. The old Willard District has now been consolidated with Victor Point; and the Butte Creek and Monitor districts have been divided between Marion and Clackamas Counties:

Donations Pouring In

Fire At Scotts Mills Destroys Home, Contents

SCOTTS MILLS — Fire destroyed the home of Mr. and Mrs. Louis Zak and most of its contents late Wednesday morning, just a few days before Christmas.

Donations of cash and clothing were coming in quickly, and a place for them to live, above the dance studio in the downtown area, has been located.

The Zaks, who have three school-age children and an infant, had just opened a garage in Scotts Mills as a new business venture and were there when the fire apparently broke out. Scotts Mills and Silverton firemen responded but the house was almost gone by the time they arrived.

Teachers at the grade school, who had decided to give money to a needy family instead of exchanging gifts, immediately turned the money over to the efforts being made to help the Zaks.

A stove, refrigerator, mattress and double bed have already been donated. Other donations can be left at Creason's Store or at the Fire Hall. And W. A. Dodge, chairman of the Community Action Council, has volunteered to pick

Shower Planned For Zak Family

SCOTTS MILLS—The Scotts Mills Grange is sponsoring a household shower for the Zak family Friday night at 7:30 p. m. at the Grange Hall and the entire community is invited.

The Zaks are Grange members.

up articles if you will call him.

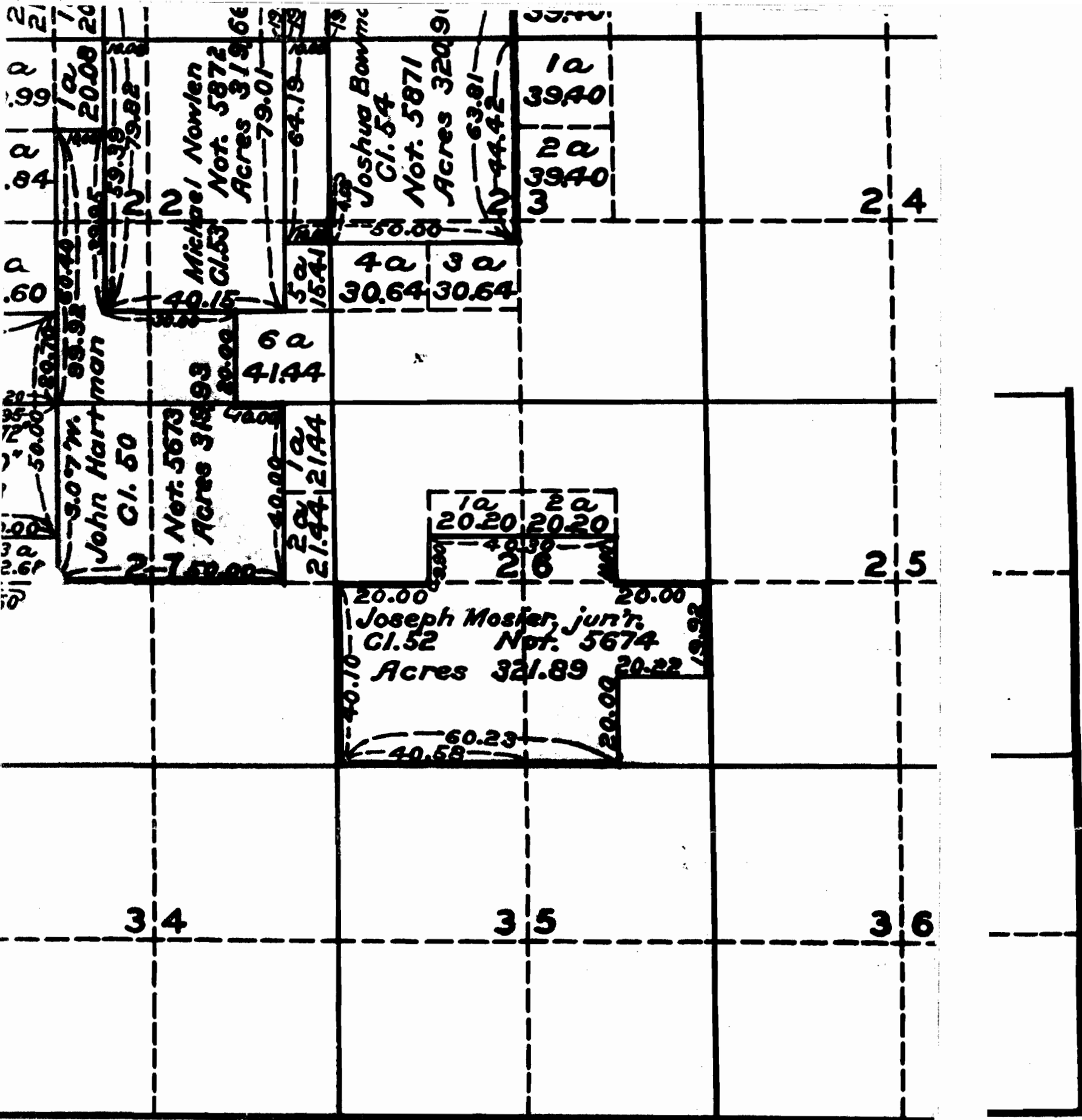
Anyone in Silverton wishing to contribute may contact Mrs. M. B. Ford.

Mrs. Ray Williams Jr. turned in the alarm after she saw the flames while driving to the house. Assistant Fire Chief Harold Wellman, first fireman on the scene, said the windows were already blown out by the time he got there.

The Zaks said their house, about 2½ miles southwest of Scotts Mills, was partially covered by insurance.

The Zaks have two high-school age boys, a girl in the third grade and a girl who will be two next month.





The above Map of the survey of claim
 Township No. 6 South Range No. 1 East Willamette
 Meridian, Oregon, is strictly conformable with
 the field notes of the surveys thereof and
 is approved in this Office, which have been examined
 and approved.

Surveyor General's Office
 Eugene City, January 16th, 1862

(Signed)
 B. J. ...
 Sur. G.
 Or.