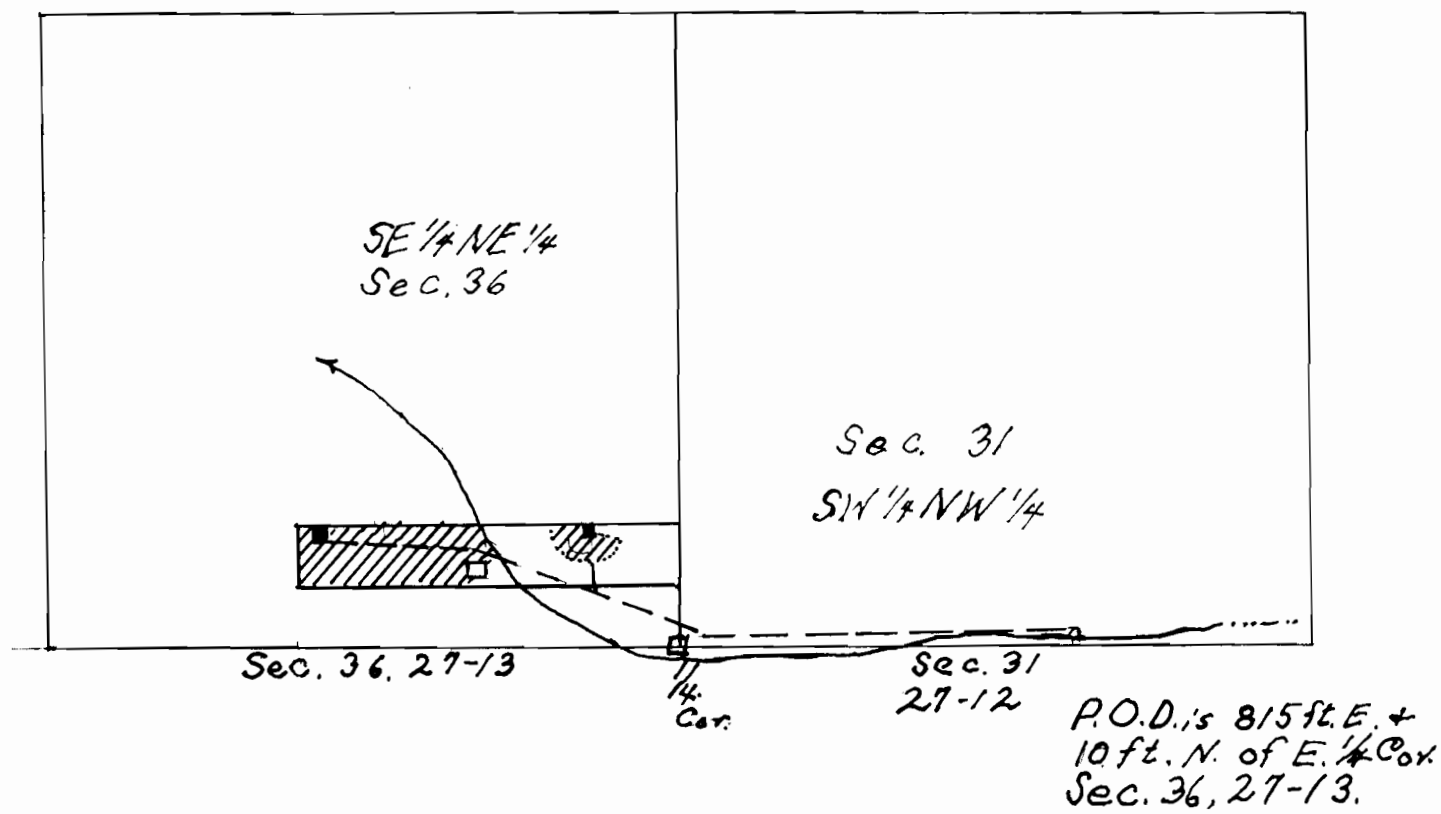
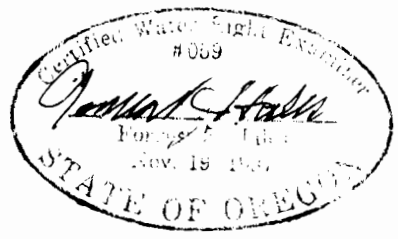


Map for pre 1909 Surface Water Registration  
 Scale: 1" = 400ft. Surveyed on Oct. 2, 1992.  
 T. 27 S., R. 12 and 13 W. Sections 36 and 31.  
 Source: An Un named Stream, Tributary of Coquille River



Storage Reservoir at P.O.D. is 2,000 gal. Pipe is 1 1/4" Dia. Dam is 1 1/3 ft. high + 16ft. long.  
 This map is not the result of a property survey and is not to be used as such.



**RECEIVED**

DEC - 7 1992

WATER RESOURCES DEP.  
 SALEM, OREGON

SUBJECT:

# STATE OF OREGON

OFFICE OF THE  
STATE ENGINEER  
SALEM

PERCY A. CUPPER, STATE ENGINEER  
PRESIDENT OF THE STATE WATER BOARD  
SECRETARY OF THE DESERT LAND BOARD

RECEIVED

DEC - 7 1992

RESOURCES  
WATER RESOURCES  
SALEM, OREGON

January 4, 1919.

Mr. M. O. Hooten,  
Box 67,  
Coquille, Oregon.

Dear Sir:

I am in receipt of your letter of the 1st instant making inquiry as to your right to the use of water flowing in a gulch on the SW $\frac{1}{4}$  Section 31, T. 27 S. R. 12 W., which land now belongs to the Southern Oregon Company. By virtue of having appropriated and used this water for 15 years or more your right to the use of such water is valid and prior to all subsequent appropriators, unless the right has been lost by abandonment. However, your right to the water may be valid and prior in time but the right of way over the land of another for the pipe line is an entirely different matter. You will understand that our statute recognizes as valid all rights initiated prior to February 24, 1909, which were secured by actual appropriation and use of water and no record need be made of such rights at this time.

By virtue of the fact that the pipe line has been constructed and in use for 15 or more years, the right of way for such pipe line across the land of another may have been secured by adverse user even though no right of way was secured from the land owner.

Trusting this will give you the desired information and that you will advise if we can be of service, I am,

Very respectfully,

  
Percy A. Cupper,

State Engineer.

RS.

STATE OF OREGON  
OFFICE OF THE  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
SALEM

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DEC - 7 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

June 24, 1925.

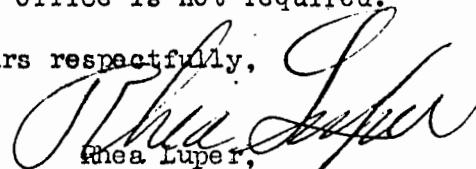
Mr. M. O. Horton,  
Box 67,  
Coquille, Oregon.

Dear Mr. Horton:

I have your letter of June 23rd with reference to a change in the point of diversion of your water right, which you say has been used for some twenty-two years. Your water right was vested at the time the present water code was enacted, while permits are required to be obtained for only those rights which were initiated after the water code's enactment.

If you change your pipe line so as to take water at a point approximately one thousand feet above your present intake, you would not lose your water right unless by making such change you interfered with the vested rights of others taking water from the same stream. If no one is using water between the two points of diversion, I think you would be taking no chances and a permit from this office is not required.

Yours respectfully,

  
Rhea Luper,  
State Engineer.

RL:H

TO WHO IT MAY CONCERN

DECEMBER 3, 1992

**RECEIVED**

**DEC - 7 1992**

FROM: KENNETH DALE HOOTON

SUBJECT: WATER RIGHTS IN COOS COUNTY

WATER RESOURCES DEPT.  
SALEM, OREGON

IN MAY OR JUNE OF 1903 MY GRANDFATHER, M.O.HOOTON, PURCHASED THE PROPERTY OUTSIDE OF COQUILLE IN SECTION 36, T.27S R.13W AND BUILT A HOUSE ON IT. TOGETHER WITH HIS NEIGHBOR, GEORGE AKERS(SP) THEY SET UP A SMALL DIVERSION DAM AND RAN TO THREE OAK BARRELS AND THENCE TO MR. AKERS' HOUSE AND ACROSS TO M.O.HOOTON'S HOUSE.

THIS WATER WAS USED CONTINUOUSLY BY BOTH PROPERTY OWNERS FROM THAT TIME UNTIL ABOUT 1956 WHEN MY DAD, A.L.HOOTON, PURCHASED THE AKERS PROPERTY FROM THE THEN PRESENT OWNERS. SAID ADJOINING PROPERTY HAS CHANGED HANDS SEVERAL TIMES OVER THE YEARS WHILE WE HAVE KEPT THE ORIGINAL PIECE, THAT MY GRANDFATHER BOUGHT, IN THE FAMILY.

THE WATER USE FROM THAT LITTLE CREEK HAS NEVER BEEN ABANDONED ALTHOUGH OVER THE YEARS WE HAVE MOVED THE POINT OF DIVERSION UP THE CREEK TO BETTER LOCATIONS. IN 1938 DAD AND MY UNCLE ALTON BUILT A NEW DAM ABOUT 200' UPSTREAM FROM THE ORIGINAL BARRELS AND IN 1956 DAD BUILT A NEW CONCRETE BLOCK DAM ON A SAND STONE SHELF AND INSTALLED A 2000 GALLONS REDWOOD TANK AND INSTALLED NEW 2" WATER PIPE TO SERVE BOTH PIECES OF PROPERTY.

SEVERAL YEARS LATER DAD SOLD THE AKERS PROPERTY. WHILE THEY BEGAN TO USE COQUILLE CITY WATER, DAD CONTINUED TO USE THE WATER FROM THE DAM. IN 1981 DAD AND I INSTALLED NEW 1 1/4" PVC WATER LINE FROM THE 2000 GALLON TANK AT THE DAM FOR 1500' DOWN TO HIS HOUSE AND MY HOUSE.

I GREW UP ON THIS PROPERTY IN A HOUSE WE BUILT IN 1936. MY MOTHER STILL RESIDES IN THE HOUSE MY DAD GREW UP IN WHICH IS ON THE ORIGINAL PROPERTY AND I HAVE A HOUSE ON THE EAST END OF THAT SAME PIECE. THERE HAS NEVER BEEN A TIME SINCE 1903 THAT THE USE OF THE WATER FROM THE CERTAIN UNNAMED CREEK, TRIBUTARY TO CUNNINGHAM CREEK, WHICH IS A TRIBUTARY OF THE COQUILLE RIVER, HAS BEEN ABANDONED. IN THE FALL OF 1937, A YEAR AFTER THE GREAT BANDON FIRE, THE CREEK DRIED UP BECAUSE ALL THE VEGETATION HAD BEEN BURNED OFF THE SURROUNDING HILLS.

SINCE ALL THE PEOPLE WHO WORKED ON THIS HAVE PASSED ON AND I AM THE ONLY ONE LEFT, I GUESS THE ONLY EVIDENCE IS MY RECOLLECTIONS OF DAD AND GRANDAD'S WORK ON THE SYSTEM. I REMEMBER WELL GOING UP TO THE OLD OAK BARRELS WITH MY GRANDFATHER WHEN I WAS LITTLE, BUT SINCE HE DIED WHEN I WAS EIGHT YEARS OLD, I HAD TO RELY ON MY DAD'S STORIES ABOUT THE WATER SYSTEM.

SINCERELY,



KENNETH DALE HOOTON B.D. 9/21/26

RECEIVED

DEC - 7 1992

STATE OF OREGON

COUNTY OF \_\_\_\_\_ COOS \_\_\_\_\_

WATER RESOURCES DEPT.  
SALEM, OREGON

CERTIFICATE OF WATER RIGHT

This is to Certify, That \_\_\_\_\_ M. O. HOOTON \_\_\_\_\_

304 223

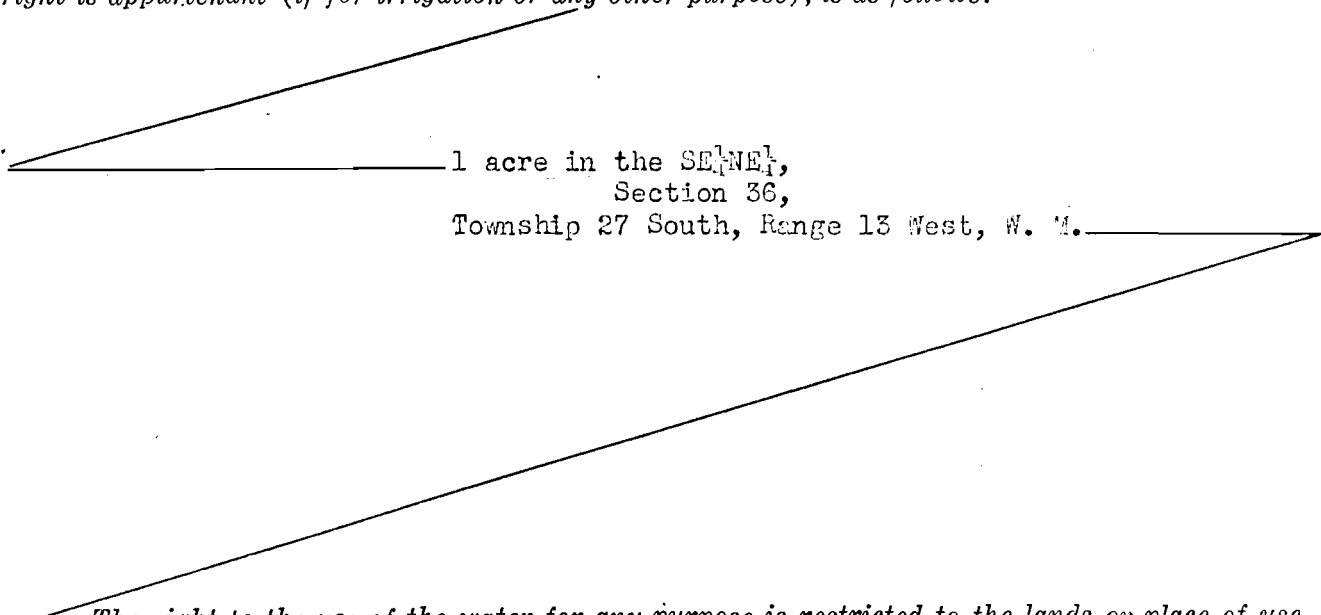
of \_\_\_\_\_ Coquille \_\_\_\_\_, State of \_\_\_\_\_ Oregon \_\_\_\_\_, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of \_\_\_\_\_ an unnamed creek, tributary of Cunningham Creek \_\_\_\_\_ a tributary of \_\_\_\_\_ Coquille River \_\_\_\_\_ for the purpose of Irrigation \_\_\_\_\_ under Permit No. 7485 \_\_\_\_\_ of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 15, 1926; \_\_\_\_\_

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.02 cubic foot per second. \_\_\_\_\_

The point of diversion is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 36, Township 27S, Range 13W, W.M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: \_\_\_\_\_



1 acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
Section 36,  
Township 27 South, Range 13 West, W. M.

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this \_\_\_\_\_ 6th \_\_\_\_\_ day

of \_\_\_\_\_ January \_\_\_\_\_, 193 3 \_\_\_\_\_

*Charles E. Strickland*  
State Engineer

224

COURT FILED  
70

INDEXED  
70

RECEIVED

DEC - 7 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

# CERTIFICATE OF WATER RIGHT ✓

STATE OF OREGON

to

*M. O. Heston* ✓

STATE OF OREGON,

County of *Cass* } ss.

I CERTIFY, that the within was received  
and duly recorded by me in Volume *2*  
of Record of Water Right Certificates, at  
Page *125*, on the *10* day  
of *January*, 193*3* at *10am*

*J. L. W. Oddy*  
County Clerk

*J. J. [Signature]*

Return to  
*M. O. Heston*  
*Exeter Oregon*

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

RECEIPT # 94819 CHECK ENCLOSURES Wet  
CHECK BASIN MAP SOUTH COAST #17 UNADJUDICATED AREA ? YES  
SURFACE WATER REGISTRATION NUMBER 106  
PRELIMINARY DATA BASE ENTRY ~~SW~~ CWP  
ACKNOWLEDGEMENT LETTER Net ENTER ON STREAM INDEX \_\_\_\_\_  
PUBLIC NOTICE PUBLICATION DWP WATERMASTER CHECKLIST \_\_\_\_\_  
CHECK QUADRANGLE MAP 106 CHECK GLO PLATS \_\_\_\_\_

*0-52*

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

#15 - 1/10 acre  
WATER RIGHT RECORD CHECK \_\_\_\_\_ ENTER ON PLAT CARDS \_\_\_\_\_

FIELD INSPECTION \_\_\_\_\_ FINAL FILE REVIEW \_\_\_\_\_

FINAL DATA BASE ENTRY \_\_\_\_\_

A:SWRCHECK

July 2, 1993

WATER  
RESOURCES  
DEPARTMENT

FORREST HALES  
1490 N IVY  
COQUILLE OR 97423

re: SWR-106

Dear Mr Hales,

This will acknowledge the receipt of the map to support the pre-1909 vested water right claim by Kenneth Dale Hooton. Thank you for your prompt attention to my request.

Sincerely,



Don Knauer  
Adjudication Specialist

J:\WASIC\1\SWR-0106.002



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



June 9, 1993

FORREST J. HALES  
1490 N. IVY  
COQUILLE OR 97423

RE: File# SWR-106

DEAR FORREST J. HALES,

The Water Resources Department (WRD) received a little over 500 surface water registration statements in December, 1992. All of the files have been set up and receipts for the fees have been sent. The next step is to insure the maps received in support of the claims are acceptable based on Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR).

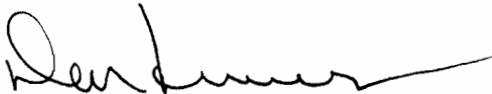
I am returning the map you prepared for Kenneth Dale Hooton. You will find the item which requires completion or correction shown below. I have the description followed by the ORS or OAR site and paraphrased statute or rule.

$\frac{1}{10}$  acre                      OAR 690-28-025-(4)-(d) "The number of acres irrigated in each quarter quarter shall be shown to the nearest tenth of an acre."

You must return the map before the claim can be processed. If you cannot have the map to the WRD within 60 days, please inform me as to when it can be expected. Please mark all correspondence with the file number.

As always, if you have any questions, please give me a call.

Sincerely,

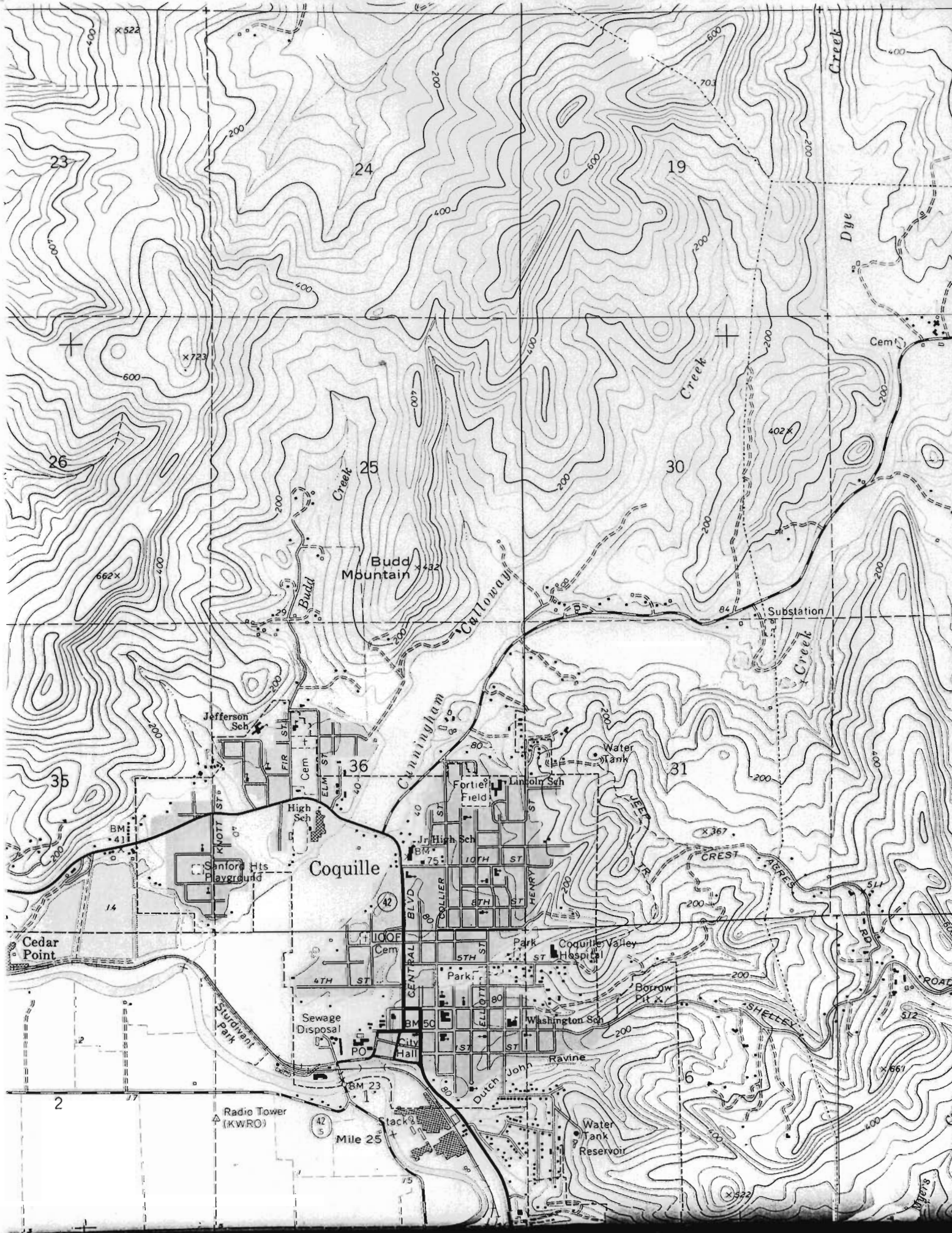


Don Knauer  
Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\1\SWR-0106.00M





X 522

23

24

19

X 723

26

25

30

662 X

Budd Mountain 432

402 X

35

36

31

BM 41

Jefferson Sch

Coquille

Fortier Field

Water Tank

X 367

Cedar Point

14

42

Jr High Sch

Lincoln Sch

Water Tank

2

77

Radio Tower (KWRO)

42 S

Mile 25

Stacks

Water Tank Reservoir

6

512

512

X 661

X 422

December 9, 1992

KENNETH HOOTON  
560 E 16th  
COQUILLE OR 97423

RE: Surface Water Registration Statement

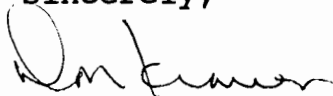
Dear Mr.Hooton,

This will acknowledge that your Surface Water Registration Statement in the name of Kenneth Dale Hooton has been received by our office. The fees in the amount of \$ 230.00 have been received and our receipt # 94819 is enclosed. Your registration statement has been numbered SWR-106.

Our office will review your form and map in the near future. 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,



Don Knauer  
Adjudication Specialist

enc

C:\WASIC\SWR-0106.001



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **94819**

3850 PORTLAND ROAD NE  
SALEM, OR 97310  
378-8455/378-8130 (FAX)

RECEIVED FROM: <u>K. D. Hooton</u>	APPLICATION
BY: _____	PERMIT
	TRANSFER

CASH:  CHECK: #  75-53 OTHER: (IDENTIFY)  \_\_\_\_\_

TOTAL REC'D \$ 230.<sup>00</sup>

<b>01-00-0 WRD MISC CASH ACCT</b>		
842.010	ADJUDICATIONS	\$ <u>230.<sup>00</sup></u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

<b>02-00-0 FEDERAL FUNDS</b>		
_____	OTHER: (IDENTIFY)	\$

<b>03-00-0 WRD OPERATING ACCT</b>				
<b>MISCELLANEOUS:</b>				
840.001	COPY FEES			\$
850.200	RESEARCH FEES			\$
880.109	MISC REVENUE: (IDENTIFY)			\$
520.000	OTHER (P-6): (IDENTIFY)			\$
<b>WATER RIGHTS:</b>				
842.001	SURFACE WATER	\$	842.002	RECORD FEE
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$
<b>WELL CONSTRUCTION</b>				
842.022	WELL DRILL CONSTRUCTOR	\$	842.023	LICENSE FEE
842.016	WELL DRILL OPERATOR	\$	842.019	\$
	LANDOWNER'S PERMIT		842.024	\$

<b>06-00-0 WELL CONST START FEE</b>			
842.013	WELL CONST START FEE	\$	CARD #
	MONITORING WELLS	\$	CARD #

<b>45-00-0 LOTTERY PROCEEDS</b>		
864.000	LOTTERY PROCEEDS	\$

<b>07-00-0 HYDRO ACTIVITY</b>		LIC NUMBER	
842.011	POWER LICENSE FEE(FW/WRD)		\$
842.115	HYDRO LICENSE FEE(FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # **94819** DATED: 12-7-92 BY: D. Bushnell