

RECEIVED

JUN - 7 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

June 4, 1993

Don Knauer  
Adjudication Specialist  
Water Resources Department  
3850 Portland Rd. NE  
Salem, OR 97310

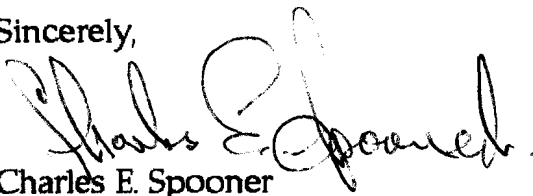
Dear Mr. Knauer:

I have enclosed the mylar map prepared by James Gosson, to support my claim SWR-237 to a pre-1909 vested water right. I regret the confusion over who was to submit the official map, as explained in my previous letter.

Mr. Gosson and I walked our property in April, and I pointed out to him that the water pump in point #3 was not on site at this time of year because tree irrigation is not needed until later in the summer, particularly in this very wet year. Point #3 is the historical and only fixed site of diversion that has been utilized in the past. As outlined on page two of my addendum to our application, a number of other sites have been used to gather and transport water since our property is long and narrow, and follows the river bank. Points #1 and #2 as outlined on the map, are situated at the end of pathways and are the usual but not exclusive points of water transport. I have two water pumps in storage at this time, and contemplate using a portable Flotec model 1250, in the near future as we start a major landscaping project. The second pump is not as easily transported, an Ingersoll-Rand model SMP 2000, and will be stored at the head of the pathway leading to point #2, and utilized only if necessary to maintain the many specimen shrubs and trees that we are about to plant.

Thank you for your patience and assistance in helping us to complete our application.

Sincerely,



Charles E. Spooner

Enclosure

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MAY 17 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

May 11, 1993

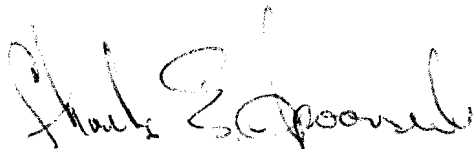
Don Knauer  
Adjudication Specialist  
Water Resources Department  
3850 Portland Rd. NE  
Salem, OR 97310

Dear Mr. Knauer:

I have met with Mr. James Gosson, Certified Water Right Examiner, and walked our property on Wild River Drive in Glide. Mr. Gosson has prepared and sent me a surface water registration statement map. I have enclosed a copy for my application file SWR-0237, because I was uncertain from my conversation with Mr. Gosson, who was to submit to you the requested map.

Please contact me if additional information is required.

Sincerely,



Charles E. Spooner  
14178 Recuerdo Drive  
Del Mar, CA 92014

Enclosure

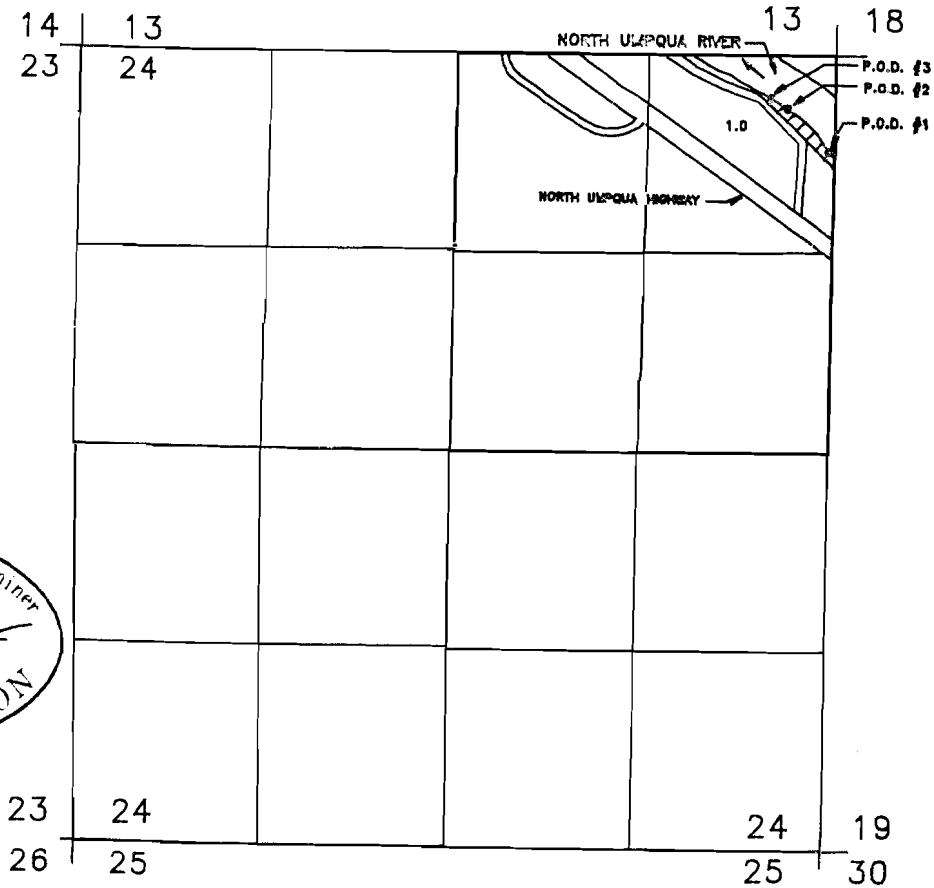
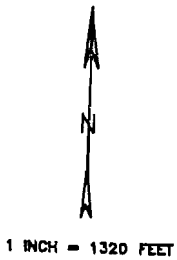
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SURFACE WATER REGISTRATION STATEMENT MAP MAY 17 1993  
PRE-1909 WATER RIGHT CLAIM

WATER RESOURCES DEPT.  
SALEM, OREGON

IN THE NAME OF CHARLES E. SPOONER

SECTION 24, TOWNSHIP 26 SOUTH, RANGE 4 WEST, W.M.



Certified Water Right Examiner  
#054 WRE  
*James F. Gosson*  
James F. Gosson  
Nov. 19, 1987  
STATE OF OREGON

P.O.D. #	DISTANCE N OR S	DISTANCE E OR W	FROM	1/4 1/4	SECTION
1	650 S	20 W	NE COR S24	NE1/4 NE1/4	24
2	340 S	330 W	NE COR S24	NE1/4 NE1/4	24
3	270 S	450 W	NE COR S24	NE1/4 NE1/4	24

ALL POINTS OF DIVERSION BEING WITHIN TOWNSHIP 26 SOUTH, RANGE 4 WEST, W.M. DOUGLAS COUNTY.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

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APR - 8 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

April 5, 1993

Don Knauer  
Adjudication Specialist  
Water Resources Department  
3850 Portland Rd. NE  
Salem, OR. 97310

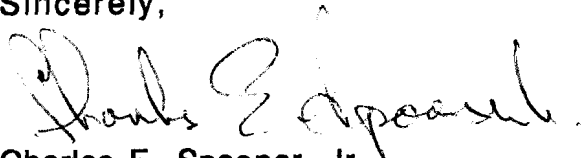
Dear Mr. Knauer:

I am responding to your letter concerning the submission of an acceptable map for my Surface Water Registration Statement number SWR-237.

I have contracted with a Certified Water Right Examiner, Mr. James F. Gosson, to prepare a map. Mr. Gosson can be contacted at: 580 South State Street, Sutherlin, OR. 97479, telephone 459-2243.

In addition, I would like to take this opportunity to enclose additional information provided to me by the Douglas County Clerk's Office.

Sincerely,



Charles E. Spooner, Jr.  
14178 Recuerdo Drive  
Del Mar, CA 92014

Encl. (2)  
cc James Gosson

Charles E. Spooner  
April 5, 1993

#### ADDENDUM TO SWR-237

Several weeks after filing my Surface Water Registration Statement, a clerk in the Douglas County Assessor's Office informed me that one of the maps I submitted with the Statement was in error (Map #1 showing Donation Land Claim number 45). A member of the County Clerk's Office subsequently determined that our property is within the northeast corner of Donation Land Claim No. 43 and not DLC No. 45 as printed in error on the map. (1) The original owner of DLC No. 43 was Reazen D. Foster. The extent of Foster's land claim is shown on the attached Metsker Township map. Lavola Bakken details Foster's arrival on the river as: "Arrived Ore. Oct. 15, 1845, settled claim on N. Umpqua Oct. 15, 1853." (2)

#### REFERENCES CITED

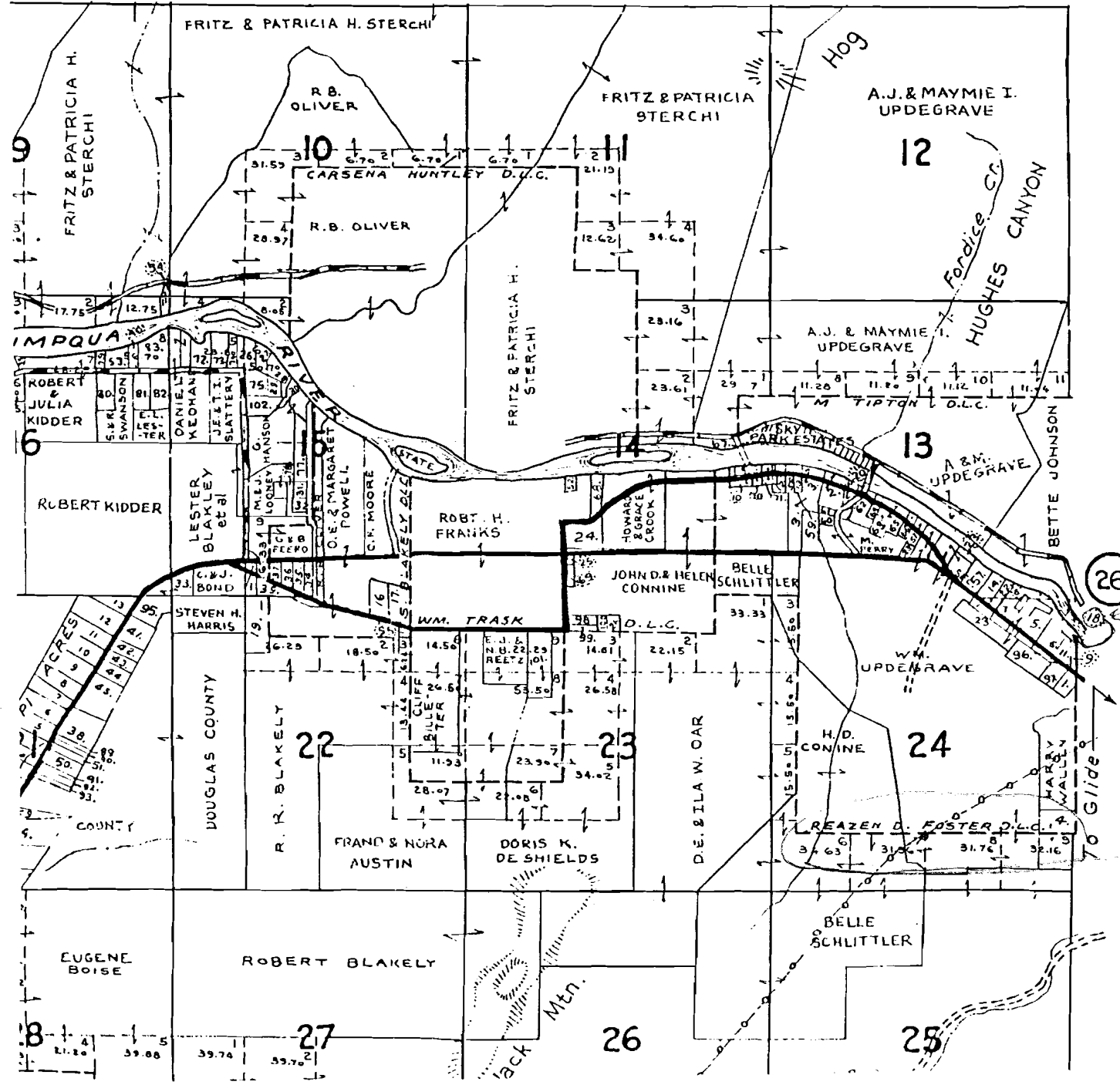
- (1) Index, Oregon Donation Land Claims, 2nd ed., Portland, Oregon, Genealogical Forum of Oregon, 1987. p., 286.
- (2) Lavala J. Bakken, "Lone Rock Free State", The Mail Printers, Myrtle Creek, Oregon, 1970. p., 147.

111 SOUTH 10TH ST., TACOMA, WASHINGTON  
1222 THIRD AVE., SEATTLE, WASHINGTON

# TOWNSHIP 26 S. RANGE 4 W. W. M.

## DOUGLAS COUNTY, OREGON

DATED MAY 1967 SCALE 2 IN. = 1 MILE



*SPOOKER FARM TRST*

*D.L.C. #43*

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DEC 28 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

SURFACE WATER REGISTRATION STATEMENT ADDENDUM

Charles E. Spooner  
Wild River Drive  
Glide  
T26S R4W Sec.24  
North Umpqua River

The following is additional information listed in question #8 with respect to the specific questions on the registration statement and the attached maps.

Question #3. The north boundary of the property is situated on the left bank of the North Umpqua River and surface water has been utilized since 1975 to irrigate over 100 newly planted and maturing trees as needed during the dry season from April through October. It is a reasonable assumption that a similar practice has been ongoing during this century because, when my wife and I purchased the property in 1974, there were many aged apple and pear trees present, the remnants of an old orchard. Historical evidence for river water use for irrigation purposes prior to 1900 is presented in the response to Question #4.

Question #4. Historical evidence from the book written by Lavola J. Bakken, Lone Rock Free State and the Index, Oregon Donation Land Claims suggests that Meshek Tipton (1880 - 1900) was the original owner or subsequent owner and user of surface water prior to February 24, 1909. Our property is situated in the northeast quadrant of Donation Land Claim No. 45, please refer to Map #1. Meshek Tipton filed a Donation Land Claim in Roseburg and was issued Certificate number 197 for 319 acres in Township 26S, Range 4W, Sections 13, 14, 18, 19, and 24.(1) Evidence of water use and when it was first used is provided by Bakken in her historical account of the area. "The Tipton family settled near the forks of the East (Little River) and the North rivers in 1855."(2) "Tipton ... in 1863, bought Mary Priscilla's portion of the Huntley ranch. He also purchased numerous other holdings in the area. At one time he owned over 7000 acres along the Umpqua River and it pleased him to call one lot of about a thousand acres his 'little pasture'. Together with his sons he raised cattle, grain and sheep."(3) "Patterson sold his mill in 1878 to Meshek Tipton, who soon moved it downstream. ... stands upon the banks of the river a mile below the East Umpqua. Steam is the motive power ... ."(4) Many of the Tipton family activities required the use of surface water.

Question #5. An accurate estimate of the amount of river water beneficially used prior to 1909 can not be made from the information that I have consulted. Present and future use of surface water is for the irrigation of trees and specimen plants. The irrigation is not continuous, water is utilized as needed, and my present pump is portable with a capacity of about 6 GPM.

MAP #2. I request that the map submitted describing the exact location of our river property be accepted as a suitable substitute

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WATER RESOURCES DEPT.  
SALEM, OREGON

Spoooner Page 2.

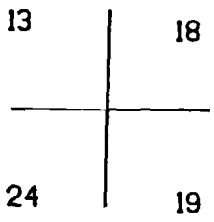
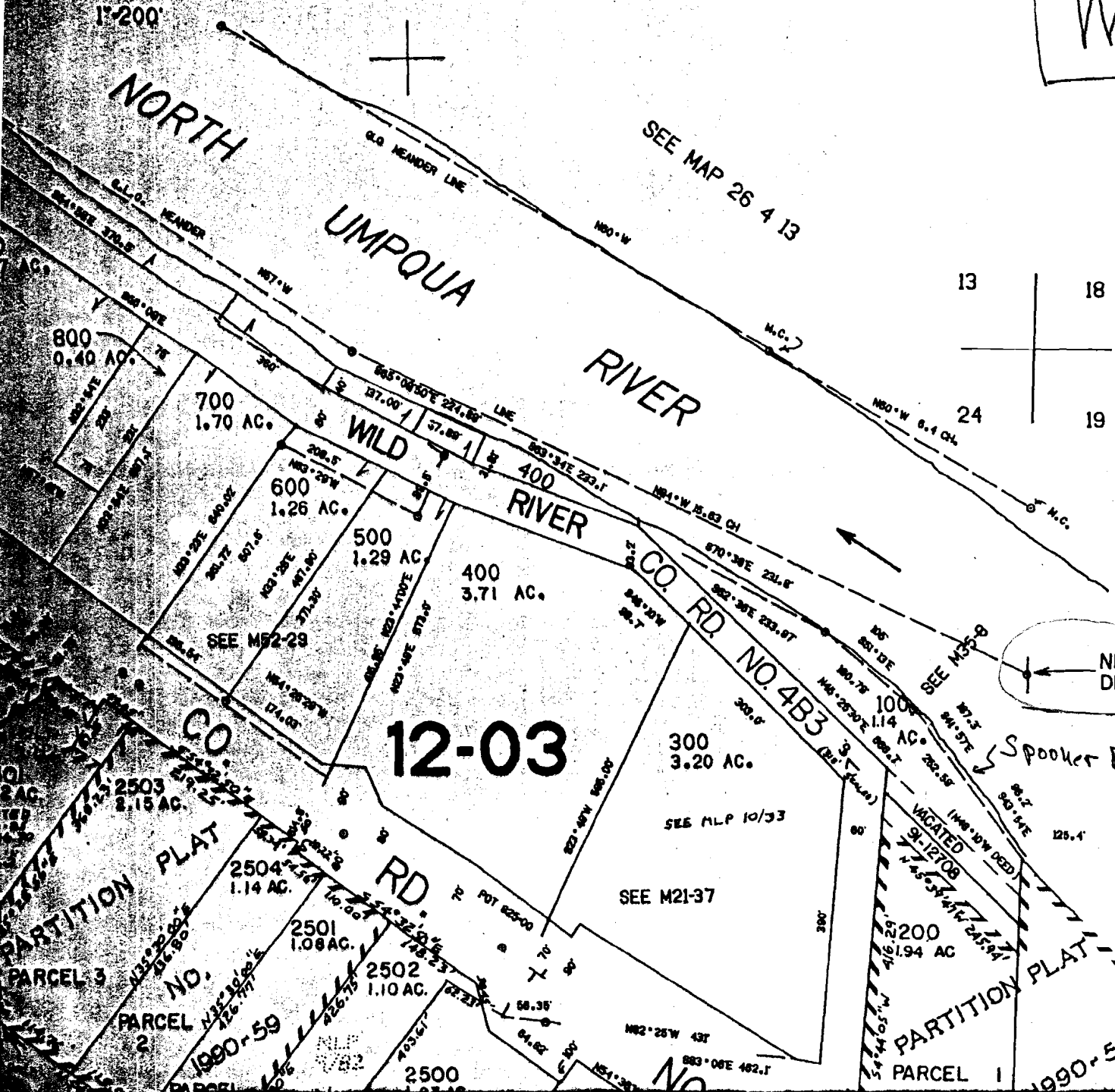
for that prepared by a Certified Water Rights Examiner. The map prepared by Donald A. Bentz, registered land surveyor, has been recently prepared for our building permit and indicates that our property borders the North Umpqua River. Surface water has been transported from the entire length of our river-front bank, and usually not from a specific location. Our property is long and narrow, thus it is easier to transport water the shortest distance from the river to one of the many planted trees that we irrigate. If the substitute location map is not acceptable, we would appreciate the opportunity to have a CWRE map prepared for submission to your department.

REFERENCES CITED

- (1) Index, Oregon Donation Land Claims. 2nd ed. Portland, Oregon, Genealogical Forum of Oregon, 1987.
- (2) Lavola J. Bakken, Lone Rock Free State, The Mail Printers, Myrtle Creek, Oregon, 1970. p., 7.
- (3) Ibid., p., 34.
- (4) Ibid., p., 40.

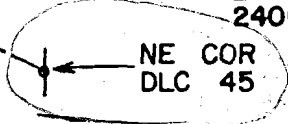


MAP # 1



CANCELLED NO.'S

- 1000
- 2401
- 401
- 2300
- 2400



12-03

Spooker Fgm. Trst.

WATER RESOURCES DEPT  
SALEM, OREGON

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MAP 26 3 19

PARTITION PLAT  
NO. 1990-59  
PARCEL 3  
PARCEL 2  
PARCEL 1

PARTITION PLAT  
NO. 1990-52  
PARCEL 1

CO. RD. NO. 4B3  
SEE M21-37

SEE MAP 26 4 13

SEE MLP 10/53

SEE M52-29

1990-59  
2500  
2502  
2501  
2504  
2503

NO. 1990-52

MAP #2

# CERTIFICATION OF ELEVATION

## FOR FLOODPLAIN BUILDING SITE

(To be completed by a licensed Surveyor or Engineer)

NAME OF APPLICANT Jerry Comiskey PHONE 459-5563

MAILING ADDRESS 14420 Garden Valley Rd; ZIP 97486

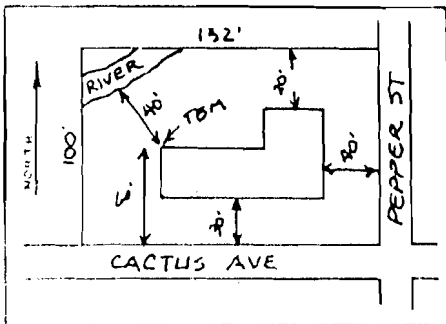
DESCRIPTION OF SITE: Umpqua, OR

ADDRESS, IF ANY \_\_\_\_\_ PARCEL SIZE .95 Acres

TAX ACCOUNT NO. 7125.00 TAX LOT NO. 100 SECTION 24A TOWNSHIP 26S RANGE 4W

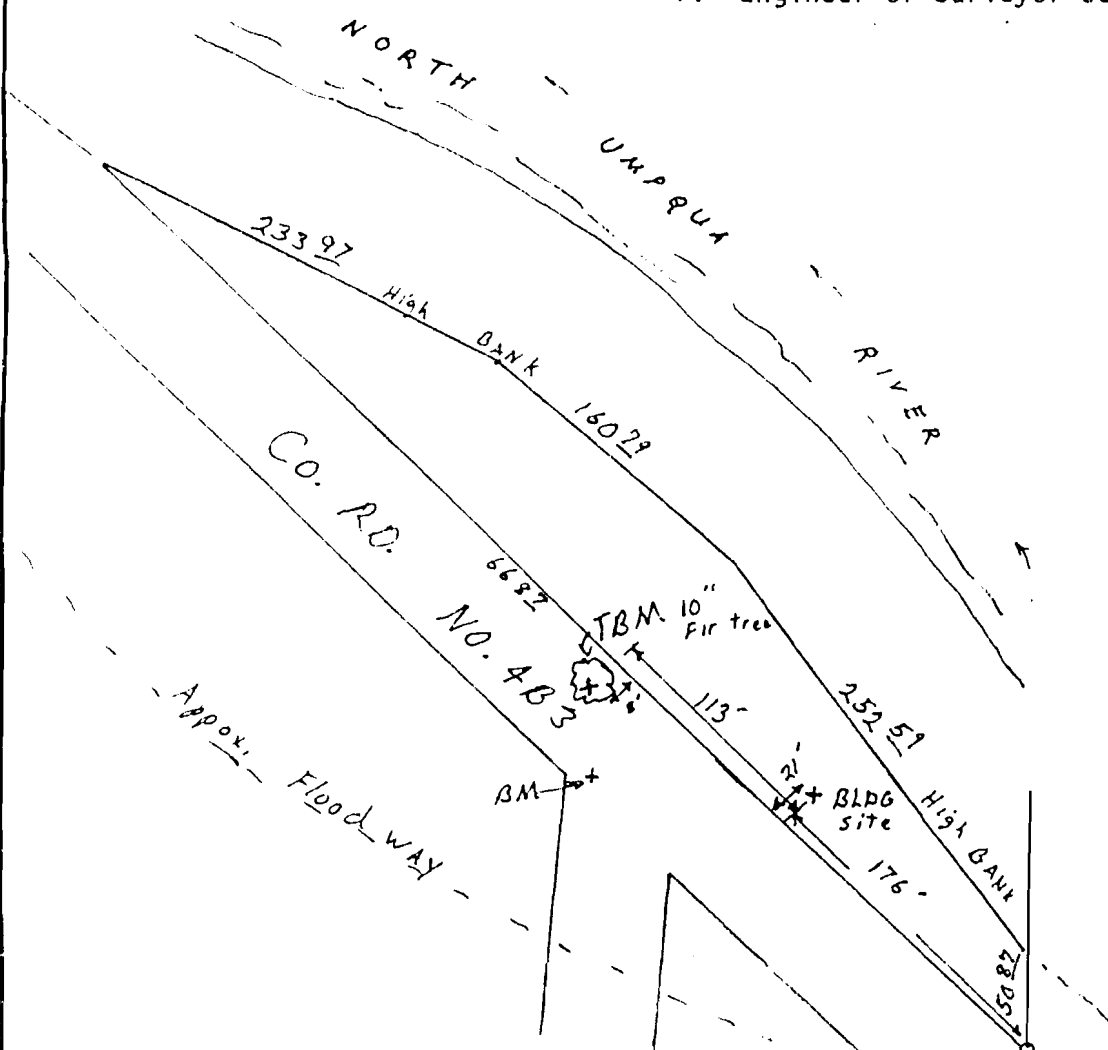
NAME OF SUBDIVISION, IF ANY \_\_\_\_\_ BLOCK NO. \_\_\_\_\_ LOT NO. \_\_\_\_\_

DIRECTIONS TO AND DESCRIPTION OF SITE On the river side at the east end of Wild River Road Co. Rd. No. 4-B3.



### INFORMATION NEEDED

1. Approximate property lines. (Show dimensions)
2. Permanent land marks (roads, streams, rivers)
3. Distances from landmarks to building site.
4. Put stakes at building site (one flagged stake in middle of the site is sufficient).
5. Temporary bench mark established at 100 year flood elevation.
6. Location of floodway on site.
7. Engineer or Surveyor Seal and Date.



RECEIVED  
 DEC 28 1992  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

N

REGISTERED  
 OREGON  
 LAND SURVEYOR

JULY 12, 1968  
 DONALD A. BENTZ  
 839

BM: NO. Dumont ELEVATION 675.44 LOCATION T26S R4W Sec 24 100 YEAR FLOOD ELEVATION 682.7 NOTE: Elevation datum MST  
 TBM ELEVATION 671.6 TBM LOCATION 10" Doug. Fir TBM DESCRIPTION Spike BUILDING SITE ELEVATION 672.1

FEDERAL FLOODWAY  YES  NO FEDERAL 100 YEAR  YES  NO MEAN FLOODWAY VELOCITY 10.1 feet/sec  
 EXTREME HAZARD  HIGH HAZARD  LGW HAZARD  FEDERAL FLOODWAY SHEET NO. 755 OF 1525 ORTHO PHOTO 7 OF 36

MINIMUM REQUIRED FLOOR HEIGHT ABOVE GROUND 11.6 feet

OBSERVATIONS The whole parcel is lying in floodway.

SURVEYOR OR ENGINEER Donald A. Bentz Surveyor, Inc. PHONE 673-0166

MAILING ADDRESS 1205 SE Court; Roseburg, OR ZIP 97470

I CERTIFY AS AN OREGON REGISTERED PROFESSIONAL ENGINEER/SURVEYOR THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE.

DATE 5-4-91 SIGNATURE [Signature]

**SURFACE WATER REGISTRATION CHECKLIST**

(received after July 18, 1990)

CHECK BASIN MAP Dec NAME Unpqua # 16 UNADJUDICATED AREA ? yes  
 RECEIPT # 95475 S W R NUMBER 237  
 CHECK ENCLOSURES Dec PRELIMINARY DATA BASE ENTRY Dec  
 ACKNOWLEDGEMENT LETTER Dec ENTER ON STREAM INDEX \_\_\_\_\_  
 CHECK QUADRANGLE MAP \_\_\_\_\_ CHECK GLO PLATS \_\_\_\_\_  
 WATERMASTER CHECKLIST \_\_\_\_\_ PUBLIC NOTICE PUBLICATION Dec 91

**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
- ✓ 1/10<sup>th</sup> note

THIS ONE REALLY  
NEEDS AN  
INSPECTION, SOON.

WOULD LIKE TO  
SEE JUST  
WHAT IS GOING  
ON.  
Dec

WATER RIGHT RECORD CHECK \_\_\_\_\_ FIELD INSPECTION \_\_\_\_\_  
 FINAL FILE REVIEW \_\_\_\_\_ FINAL DATA BASE ENTRY \_\_\_\_\_  
 ENTER ON PLAT CARDS \_\_\_\_\_

June 7, 1993

WATER  
RESOURCES  
DEPARTMENT

CHARLES E SPOONER  
14178 RECUERDO DRIVE  
DEL MAR CA 92014

RE: SWR-237

Dear Mr Spooner,

This will acknowledge the receipt of the information and the map prepared by a CWRE to support your claim to a pre-1909 vested water right. I will add these to your file for review in the future. If you have any questions, please give me a call.

Sincerely,



Don Knauer  
Adjudication Specialist

J:\W\SI\12\SWR-0237.005



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

CIVIL ENGINEER  
LAND SURVEYOR  
WATER RIGHTS EXAMINER

(503) 459-2243

April 15, 1993

Oregon Water Resources Department  
3850 Portland Road, N.E.  
Salem, Oregon 97310

Attention: Don Knauer

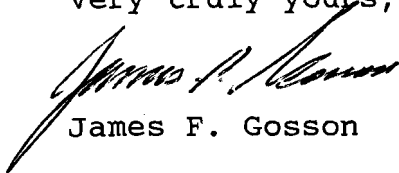
Re: SWR-237 (Spooner)

Dear Don,

I am scheduled to meet with Mr. Spooner on Monday, April 19, 1993, on the property.

I estimate that the registration map will be completed and mailed to Mr. Spooner by May 3, 1993.

Very truly yours,



James F. Gosson

JFG/p

5-18-93 Jim Gosson told me there was no pump  
or other means of diverting water during his  
field survey. Div 1 & 2, the claimant told him, were  
used with buckets to water trees. Jim saw some  
PVC pipe near Div pt #3. I told him to ask  
the claimant for the Mylar map & diversion  
size & capacity.  
WCC

May 19, 1993

CHARLES E SPOONER  
14178 RECUERDO DRIVE  
DEL MAR CA 92014

RE:SWR-237

Dear Mr Spooner,

This will acknowledge your letter of May 11, 1993 and the copy of the map prepared by James Gosson, CWRE to support your claim to a pre-1909 vested water right. I spoke with Mr Gosson on the phone, he told me that during the survey and inspection of your water use there were no facilities in place to actually divert the water. Since that is one of the requirements as far as information required, you will need to describe to me the actual works that have been used to divert the water. I also need the original or ink on mylar map not a copy. I cannot process your claim until I have the information. If you have any questions, please give me a call.

Sincerely,



Don Knauer  
Adjudication Specialist

J:\WP51\SWR\CLAIMANT\2\SWR-0237.004



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

April 8, 1993

JAMES GOSSON  
580 S STATE ST  
SUTHERLIN OR 97479

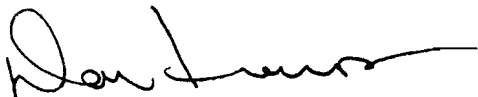
RE: Surface Water Registration Map

Dear JIM,

CHARLES E SPOONER has indicated to the Oregon Water Resources Department (WRD) that you have been hired to prepare the claim of beneficial use map for their Surface Water Registration Statement. Would you please inform me of your anticipated schedule of map preparation and submission to the WRD.

Please mark all correspondence related to this claim with the file number SWR-237.

Sincerely,



Don Knauer  
Adjudication Specialist

J:\WP51\SWR\CLAIMANT\2\SWR-0237.002



April 8, 1993

CHARLES E SPOONER  
14178 RECUERDO DRIVE  
DEL MAR CA 92014

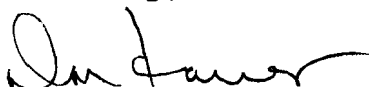
RE:SWR-237

Dear Mr Spooner,

This will acknowledge the receipt of the "addendum to SWR-237" and your contracting of CWRE James Gosson to prepare the required map. I will add the addendum to your file and will contact Mr Gosson about his anticipated filing of the map.

If you have any questions, please give me a call.

Sincerely,



Don Knauer  
Adjudication Specialist

J:\W\S\C\2\SWR-0237.003





February 17, 1993

CHARLES E SPOONER  
14178 RECUERDO DRIVE  
DEL MAR CA 92014

Dear MR SPOONER,


This will acknowledge that your Surface Water Registration Statement in the name of CHARLES E SPOONER has been received by our office. The fees in the amount of \$30.00 have been received and our receipt #95475 is enclosed. Your registration statement has been numbered SWR-237.

The map you submitted with your claim is not acceptable. ORS 539.240 (2) (d) requires the map be prepared by a Certified Water Right Examiner (CWRE). Within 60 days of this letter you must send a letter to this address indicating you have contracted with a CWRE to prepare your map. You should send your letter to my attention. In your letter you must identify the name of the CWRE who will prepare your registration statement map. We will contact the CWRE to arrange a map submittal deadline.

We will not be able to process your claim until we have received your map. If you have any questions regarding this process, please do not hesitate to give me a call.

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

Sincerely,



Don Knauer  
Adjudication Specialist

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0237.001



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

RECEIPT # **95475**

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

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

RECEIVED FROM: <u>Elizabeth A. Spencer</u>	APPLICATION
BY:	PERMIT
	TRANSFER

CASH: <input type="checkbox"/>	CHECK: # <input checked="" type="checkbox"/> <u>16-24</u>	OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D	\$ <u>30.00</u>
--------------------------------	---	--	-------------	-----------------

**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$ <u>30.00</u>
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
	OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
COST CENTER AND OBJECT CLASS	VOUCHER #

**03-00-0 WRD OPERATING ACCT**

<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	EXAM FEE	RECORD FEE
842.003	GROUND WATER	\$	\$
842.005	TRANSFER	\$	\$
		\$	\$
<b>WELL CONSTRUCTION</b>		EXAM FEE	LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	\$	\$
842.016	WELL DRILL OPERATOR	\$	\$
	LANDOWNER'S PERMIT		\$

**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	\$
---------	------------------	----

**07-00-0 HYDRO ACTIVITY**

		LIC NUMBER	
842.011	POWER LICENSE FEE(FW/WRD)		\$
842.115	HYDRO LICENSE FEE(FW/WRD)		\$
	HYDRO APPLICATION		\$

RECEIPT # **95475** DATED: 12/22/97 BY: C. Engel