

FILE#: S 72695

Application No. 72695
52159 Permit No. 52159
Certificate No. 79595

FEES PAID
Date Amount Receipt No.

9/24/92 325.00 92228
Cert. Fee
Date Amount Check No.

BARBARA COGDURN
WELLS CREEK DISTRICT IMPROVEMENT CO.
PO BOX 524
SCOTTSBURG, OR 97473

Contact: MARY Jane Fearrell
1115 Old Wagon Rd
Coos Bay, OR 97420

Stream Index, Page No. 14

16-1250-0270-0010

VI Wells Creek

Date filed P.O. Box 560
Priority Scottsburg OR
Action suspended until FC 6/14/02

Return to applicant
Date of approval

CONSTRUCTION

Date for beginning 5-14-97
Date for completion 10-1-98
Extended to

Date for application of water 10-1-99
Extended to

PROSECUTION OF WORK

Form "A" filed 6-10-96
Form "B" filed 6-10-96
Form "C" filed 6-10-96

FINAL PROOF

Blank mailed APR - 5 2002
Proof received
Date Certificate issued SEP 3 2002

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

JUN 10 1996

Form C (690-8-77)

WATER RESOURCES DEPT.

IMPORTANT—This form is a notice to the Water Resources Director 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 Water Resources Department 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 Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. S-72695

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Wells Creek Distr. Improvement Co., the holder of Permit No. 52159

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 22 day of August, 1993

Remarks: System has been in operation since 1978 and was updated for use by 15 residences and business's.

IN WITNESS WHEREOF, I have hereunto set my hand this 5 day of June, 1996

(Signature of Applicant)

(Address)

Form B (690-8-77)

Application No. S-72695

NOTICE OF COMPLETION OF CONSTRUCTION

I, Wells Creek Distr. Improvement Co., the holder of Permit No. 52159

to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 22 day of August, 1993

Remarks: Installed Stainless Steel diversion tank and 3500 ft. of 2" P.V.C. pipe.

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 5 day of June, 1996

(Signature of Applicant)

(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

Form A (690-8-77)

Application No. S-72695

NOTICE OF BEGINNING OF CONSTRUCTION

I, Wells Creek Distr. Improvement Co., the holder of Permit No. 52159

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 14 day of August, 1993

Remarks: Application and need for additional permit was overseen by

The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as plans to update the system.

IN WITNESS WHEREOF, I have hereunto set my hand this 5 day of June, 1996

(Signature of Applicant)

(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

SP*35567-690

OK
PSM

Inventory Change

NEW

System:

Wells Creek Dist. Improvement Com.

41 ☐ ☐ ☐ ☐ ☐
PWS ID

Contact with:

Tom House / Barbara Coghlan
☐ By letter ☐ By phone ☐ In office

Routing
State (yellow)

Address/Phone:

PO Box 524 Scottsburg (503) 587-4268

Staff Member:

Gerald Meyer
☐ State ☒ County ☐ Dept. of Agriculture

County:

Douglas Date: 10-2-94

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WATER RESOURCES DEPT.
SALEM, OREGON

☐

Change system name

New name: _____

(If the business changed owners, show them under Contact changes.)

☒

Change system statistics

Type	Size
<input type="checkbox"/> Community (C)	Population: <u>18</u>
<input type="checkbox"/> Non-transient non-community (P)	Connections: <u>13</u>
<input type="checkbox"/> Transient non-community (N)	License
<input checked="" type="checkbox"/> State-regulated (S)	<input checked="" type="checkbox"/> Not Licensed
	<input type="checkbox"/> Dept of Agriculture
	<input type="checkbox"/> Health Division

Season	<input checked="" type="checkbox"/> All year <input type="checkbox"/> Seasonal
Begins:	<u>9/7/8</u> Ends: <u>1/1/</u>
	mm dd mm dd
Coliform Sampling	<input type="checkbox"/> Monthly <input checked="" type="checkbox"/> Quarterly
Required # samples/period:	<u> </u>

Responsible Agency

☐ State ☐ County ☐ Dept. of Agriculture

☒

Contact changes

☐ New Contact

☐ New Owner

☒ New Supply/Operator

Name & Title: Tom House Vice President

PO Box/Street: PO Box 524

City Scottsburg State Or Zip 97473 Phone: (503) 587-4268

☐

Activation/Deactivation

☐ Activate System

☐ Deactivate System

Date of activation/deactivation: _____

Reason for activation/deactivation: _____

☒

Other/Notes

This system has been in operation since 1978 and was only recently discovered.

Sign: Gerald V. Meyer Date: 10-2-94

INVENTORY MASTER INFORMATION

COUNTY : Douglas
 SURVEYED BY: G. Mayell
 DATE : 10-3-94

SUPPLY NAME: Wells Creek Dist Improvement Co.
 ID NUMBER : New
☒ SANITARY SURVEY ☐ INVENTORY UPDATE

Staff - County, Agriculture, or State:

(C,A,S)

Date of Last Survey:

(MM/DD/YY)

System Type:

(C,N,P,S)

Ownership of System:

(1,2,3,4,5)

License Code - Division/Agriculture:

(L,A)

Population Served:

(Total Number)

Number of Connections:

(Total Number)

Seasonal/Twelve-Month Period:

(S,T)

Beginning/Ending

(MM/DD:MM/DD)

Year-Round Residents

(Y/N)

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Primary Service Characteristic:

(R,T,S,O)

Secondary Service Characteristic:

(1,2,3,4,5,6,9)

Number of Sources:

(Total Number)

Counties Served (Refer to Codes):

(_:_:_:_)

Emergency Systems Available (Name & ID Number):

PWS - _____

(41_____)

PWS - _____

(41_____)

Percent Ground:

(%)

Percent Surface:

(%)

Percent Purchased Ground:

(%)

Percent Purchased Surface:

(%)

Number of Tanks in Supply:

(Total Number)

Number of Gallons in Storage:

(Total Number)

Mailing Address

City/State/Zip

Contact Name/Phone

Comments

PO Box 524Scottsburg Or 97473Tom House / Barbara Copburn587-4268

Legal (Owner) Address

City/State/Zip

Contact Name/Phone

Comments

Same As Above

Supply Address

City/State/Zip

Contact Name/Phone

Comments

32791 State Hwy 38Wells Creek Or 97473

SOURCE DATA

(Sources for Individual Compliance Monitoring)

Source ID - Source Name

Type

Seller

Status

VOC

SOC SWI

A	<u>International Paper Spring</u>	<u>G</u>	<u>41</u>	<u>—</u>	<u>P</u>			
B			<u>41</u>					
C			<u>41</u>					

* (S)urface/(G)round/(P)urchased Surface/(W)urchased Ground

** (P)ermanent/(S)easonal/(E)mergency/(O)ther/(I)nterim

*** Vulnerability to Contamination - (Y)es/(N)o

VOCs/SOCs/Surface Water Influence

Page 1 of 6

SUPPLY NAME: Wells Creek Dist Improvement
ID NUMBER : New

Source ID/Detail ID - Detail Name

A	A	<u>International Paper Spring</u>	RECEIVED JUN 10 1996 WATER RESOURCES DEPT. SALEM, OREGON

Source/Detail Data:

Source ID Letter:

Detail ID Letter:

Well/Spring

Source/Detail Status:

Treatment: (refer to codes)

Treatment:

Capacity:

Latitude: Degrees

Minutes

Seconds

Longitude: Degrees

Minutes

Seconds

Location Map Name and Number (USGS):

(W/P)
(P/S/E/O/I)

()

()

(GPM)

()

()

()

()

()

()

A			
A			
P			
P			
A			
P660			
20			
43			
41			
10			
123			
48			
11			

Attached (Y/N): N

Well Data:

Well Log attached:

Well House:

Pitless Adapter or unit:

Heated/Lighted:

Sanitary well seal:

Casing Vent:

Water Level Device:

Concrete Slab:

Casing Height Above Slab (12" min):

Floor Drain:

Subject to Flooding:

Pump to Waste Piping:

Check Valve:

Air/Vacuum Relief:

Flow meter:

Pressure Gage:

Sampling Tap (Raw/Treated):

Pump Removal Provision:

Pump Data:

Pump type: (refer to codes)

Pump Setting:

Discharge Pressure:

Horsepower:

Date Pump Pulled:

Bearing Lubrication - (oil/water)

Pump Base Sealed:

Comments:

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(IN.)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(R/T)

(Y/N)

()

(FT.)

(PSI)

(HP)

(19)

(O/W)

(Y/N)

SUPPLY NAME: Wells Creek Dist Improvement
ID NUMBER : New

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JUN 10 1996 (19__)

Well Data: (con't)

Depth of Well: (FT.)
 Year of Installation: (19__)
 Casing Diameter: (IN.)
 Consolidated/Unconsolidated: (C/U)
 Artesian/Water Table: (A/W)
 Geologic Barrier: (Y/N)
 Grout Seal to Confining Layer: (Y/N)
 Depth to Top of Intake: (FT.)
 Pumping Capacity: (GPM)
 Static Water Level: (FT.)
 Pumping Water Level: (FT.)
 Open Interval Length: (FT.)
 Pumping Capacity divided by Open Interval Length: (GPM/FT.)
 Recharge Area Radius (refer to recharge area radius curve or formula): (FT.)
 Comments:

Spring Data:

Fencing: (Y/N)
 Springbox: (Y/N)
 Concrete/Steel/Wood/Other: (C/S/W/O)
 Hatch: (Y/N)
 Locked: (Y/N)
 Overlapping Lid: (Y/N)
 Watertight: (Y/N)
 Diversion Ditch: (Y/N)
 Screened Overflow: (Y/N)
 Bottom Drain: (Y/N)
 Collection Piping: (Y/N)
 Impervious Barrier (describe below): (Y/N)
 Recharge Area (from USGS maps): (SQ MI)

Description:

Stainless Steel spring box, PVC sch 40 collection pipe buried 20' into a steep bank. spring site is covered with a thick plastic liner type material

Source Protection (wells & springs):

Radius of Control (Immediate-100 Ft.): (FT.)
 Control - None/Owned/Easement (N/O/E)
 Distance to Potential Contamination: (FT.)
 Recharge Area/Protection Zone:
 Land Use in Area/Zone: (refer to codes)
 Land Use in Area/Zone: (refer to codes)
 Ownership of Area/Zone: (refer to codes)
 Area/Zone Status: (N/P/F)
 Vulnerable to Contamination:
 VOCs (Y/N)
 SOCs (Y/N)
 Surface water Influence (Y/N)
 Sensitivity to Contamination:
 High/Low/None (H/L/N)
 Org/Inorg/Micro/Pesti/Turb: (O/I/M/P/T)
 Comments:

STORAGE/PRODUCTION/DISINFECTION

SUPPLY NAME: Wells Creek Dist Improvement Co
ID NUMBER : NewStorage ID
No.

Name

Type
(G/E/P)Material
(C/S/W/O)Con. Date
(YEAR)Volume
(GAL)

1	<u>Reservoir #1</u>	<u>G</u>	<u>S</u>	<u>1978</u>	<u>1500</u>
2					

Hatch:

Locked

Watertight

Curbing

Features:

Used for Contact Time

Separate Inlet/Outlet

Drain to Daylight

Flap Valve

Overflow

Screened Vent

Fence/Gate

Water Level Gauge

Bypass Piping

Cathodic Protection

Maintenance:

Painting

Approved Coating

Routine Inspection

Routine Cleaning

Comments:

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(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

(Y/N)

Production Data

Average Day:

2 1/2 inch feeder line runs full

(GPD)

Maximum Day:

24 hours a day

(GPD)

14,000 Gpd

Disinfection Feeder ID - Type/Location Feed Point

1	
2	

Disinfectant Used

(CH, SH, CM, CG, OZ, CD, UV, OT, NO)

Proportional to Flow:

(Y/N)

Test Equipment:

DPD Test Kit

(Y/N)

Residual Analyzer/Recorder

(Y/N)

Records:

Residuals - (Daily/Continuous)

(D/C)

Minimum Contact Time Available:

Maximum Flow

(GPM)

Contact Time

(MINUTES)

Actual/Estimate

(A/E)

CT Values Met At All Times

(Y/N)

Protective Equipment on Location - (Gas):

(Y/N)

Comments:

**DISTRIBUTION/BOOSTER PUMPS
CERTIFICATION/MONITORING**

SUPPLY NAME: Wells Creek Dist. Improvement Co
ID NUMBER : None

Distribution:

System Pressure (20 psi minimum):
Depth of Cover Adequate (30 inches):
Blow Offs or Hydrants:
Flushing/Inspection/Valve Location and Turning:
Piping Looped:
Adequate Valving:
Cross Connection Program:
Comments:

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(PSI)	30
(Y/N)	N
(Y/N)	N
(Y/N)	N
(Y/N)	N
(Y/N)	N
(Y/N)	Y
(Y/N)	N

Booster Pump(s) - Location:

HP GPM Aux. Power (Y/N)

Comments:

Gravity System

Operator Certification - Name:

(CERT#) (WT#) (WD#)

Comments:

Monitoring and Water Quality:

Parameter	Required Frequency	Current (Y/N)	Met MCLs (Y/N)	Date of Next Test (/)
Coliform Bacteria	<u>Quarterly</u>	<u>N</u>	<u>-</u>	
Turbidity		<u>-</u>	<u>-</u>	
Secondary Corrosivity	NONE ONCE			
Inorganics	<u>4-21-92</u>	<u>Y</u>		
Organics		<u>-</u>		
Radionuclides				
VOC - Regulated				
VOC - Unregulated				
SOC - Regulated				
SOC - Unregulated				
THMs				
Sodium				

Laboratories Used - Name:

(LAB#)

Umpqua Research #015

Comments:

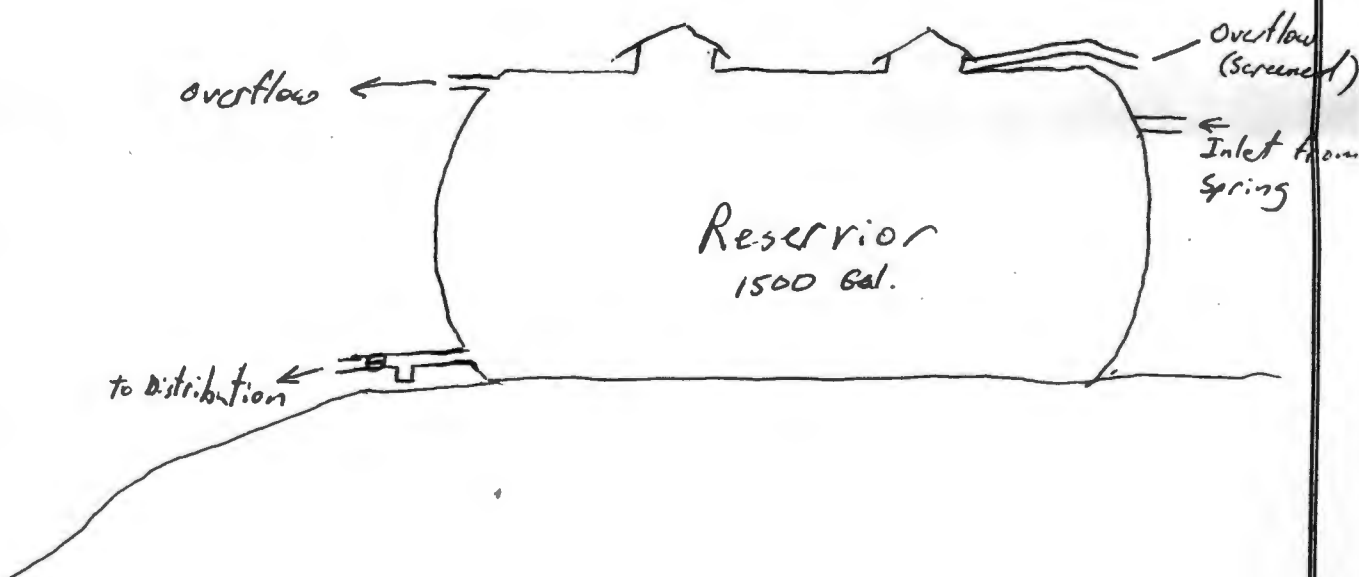
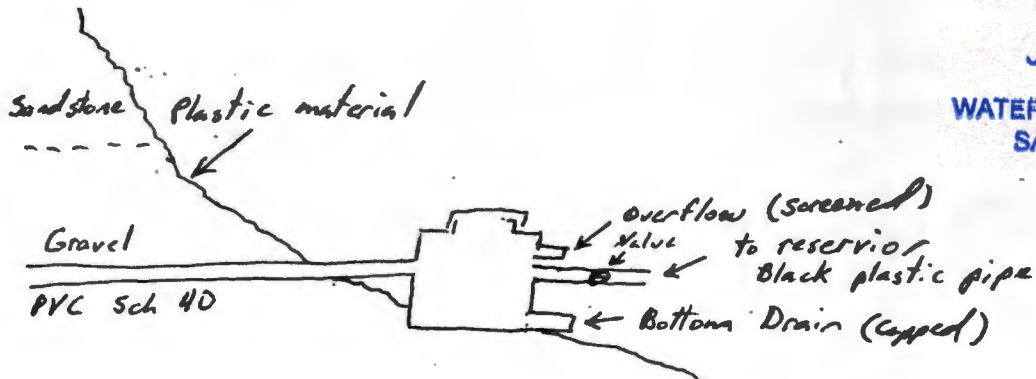
WATER SYSTEM OVERALL SCHEMATIC

SUPPLY NAME: Wells Creek Dist. Improvement Co
ID NUMBER : None

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Legend:

- W - Well
- S - Spring
- R - Reservoir
- CL2 - Chlorinator
- P/T - Pressure Tank
- WH - Well House
- SB - Spring Box
- X - Valve Location

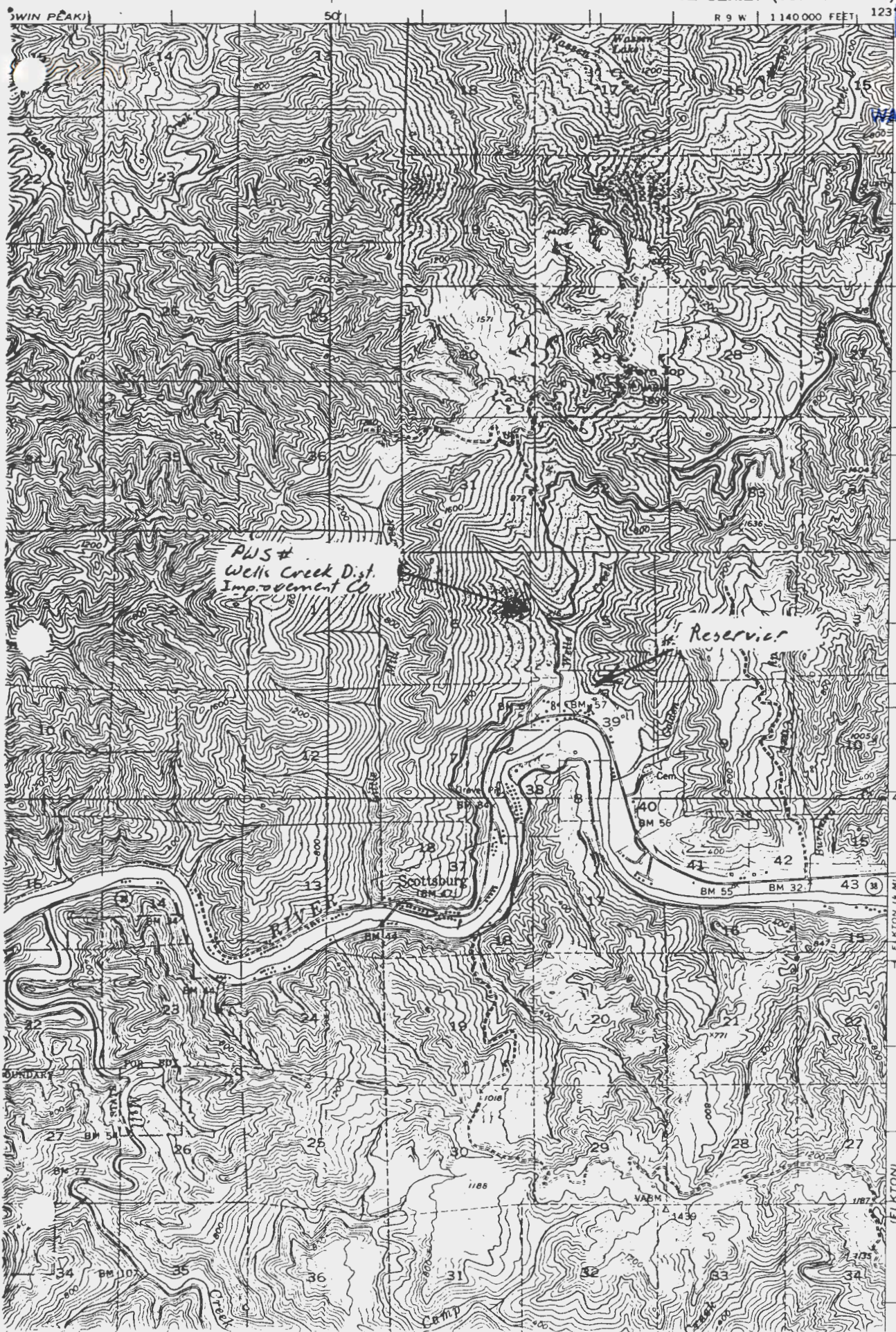
SCOTTSBURG QUADRANGLE
OREGON
15 MINUTE SERIES (TOPOGRAPHIC)

ROMAN NOS.

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WATER RESOURCES DEPT
SALEM, OREGON



770 000
FEET

T 21 S

T 22 S

(ELKTON)

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-72695

Final Order

Application History

On September 24, 1992, WELLS CREEK DISTRICT IMPROVEMENT CO. (BARBARA COGBURN) submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 14, 1995. The protest period closed December 29, 1995, and no protest was filed.


An interagency team reviewed this proposed use for potential adverse impacts on declining fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team did not recommend that any additional conditions of use be imposed on this application.

The proposed use would not impair or be detrimental to the public interest.

Order

The application therefore is approved as proposed by the Proposed Final Order, and Permit Number 52159 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED May 14, 1996

for 
Martha O. Page
Director

Appeal Rights

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WELLS CREEK DISTRICT IMPROVEMENT CO.
BARBARA COGBURN
PO BOX 524
SCOTTSBURG, OREGON 97473

(541) 587-4252

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-72695

SOURCE OF WATER: AN UNNAMED SPRING, A TRIBUTARY OF WELLS CREEK

PURPOSE OR USE: DOMESTIC USE FOR SIX HOUSEHOLDS INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA FOR EACH HOUSEHOLD

RATE OF USE: 0.03 CUBIC FOOT PER SECOND

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: SEPTEMBER 24, 1992

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 5, T22S, R9W, W.M.;
SPRING - 3100 FEET NORTH AND 310 FEET EAST FROM THE SW CORNER OF SECTION 5

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 NE 1/4
SW 1/4 NE 1/4
NE 1/4 NW 1/4
SE 1/4 NW 1/4

SECTION 8

TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or

measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

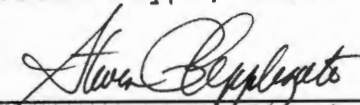
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

SEE NEXT PAGE

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued May/4, 1996


for Martha O. Pagel, Director
Water Resources Department

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-72695

WATERMASTER # 15

REGIONAL MANAGER: SW Region

ODF&W - Douglas County:

CWRE (if agent): James F. Gosson, 580 S. State St., Sutherlin, OR 97479

DEQ

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: _____ COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) _____ NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

Ken Stahr

Landowners: Peter & Johnette Janelli, PO Box 563, Scottsburg, OR 97473

Everett & Eveline Hendrickson, PO Box 322, Turner, OR 97392

Anthony l & Kelley L. Smith, PO Box 566, Scottsburg, OR 97473

Charles J. & Susan D. Sharps, 2285 N. 14th, Coos Bay, OR 97420

Jack & Mary Jane Fearell, 1115 Old Wagon Road, Coos Bay, OR 97420

William S. & Sally A. Town, PO Box 32865 State Hwy 38, Scottsburg, OR 97473

CASEWORKER : KL

FO CHECKLIST

PFO TO FO CONVERSION

FILE # 72695

WEEK # _____

PFO - week # 16

REVIEW DATE: 4/26/96

INITIALS: JTB

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. X List names and addresses of **ALL** commentors (regardless of comment date) on the PFO CC list.
3. X Verify payment of recording fees (circle the appropriate option)
 - (1) Issue FO w/permit if fees are paid Prepare refund request for excess fees
 - (2) Issue FO w/o permit if fees are lacking
 - (3)
4. Y / N Has the applicant signed an oath of accuracy for the application?
5. Y / N Has ODFW asked for self certification on screening condition?
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If #6 = "Y", is short season letter on file?
8. _____ Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

Route to: (circle one)

DENIAL	FO w/o PERMIT	FO & PERMIT	COMMENTS
LARRY	CORY	JERRY	DOUG

OK

Modify FO as needed to:

INITIALS: JTB

9. X Respond to significant comments, issues, or disputes related to the proposed use of water
10. X Include or exclude permit conditions and management codes
11. X Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)
12. _____ Correct PFO errors (such as POD or POU location (verify from map), Permit format)
13. Y / N Is further processing possible? If not state reason: _____

Once FO document is completed:

14. X Save WordPerfect document in M:\T\FO\WEEK 34 & delete duplicates
15. X Print final draft of document and submit to team leader for review
16. Y / N Team leader review completed

Fish District: Umpqua

WAB #

Application # S-72695Applicant Name B. Cogburn

Date: March 19, 1996

AREA

☐ Source Watershed☐ Senior instream water right application to junior out-of-stream application☐ No water availability information

INFORMATION/CONDITIONS

1. Are there water quality concerns related to salmon/steelhead/trout? Y NShould the application be denied? Y NShould the application be restricted? Y N

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec

2. Are there adequate flows to protect salmon/steelhead/trout? Y NShould the application be denied? Y NShould the application be restricted? Y N☒ Based on water availability

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec

3. Domestic

Should domestic use be conditioned to human consumption? Y N ☐ Based on water availability

4. Fish Screening and Passage

- ☐ A. Requires fish screening and passage, with ODFW certification (applications > 0.5 cfs).
☐ B. Requires fish screening and passage, without ODFW certification (applications < 0.5 cfs).
☐ C. No dam or obstruction without a fishway. * No screening

5. Miscellaneous

- ☐ A. Reservoir Filling _____
☐ B. Water Quality Permits _____
☐ C. Return Flow _____
☐ D. Time Limited Water Right _____
☐ E. Other _____

6. Measurement and Reporting

- ☐ A. Small diversions (<0.1 cfs or <9.2 ac/ft. may/may)
☐ B. Medium diversions (0.1 cfs or >9.2 and <1.5 cfs or <100 ac/ft. shall/may)
☐ C. Large diversions (1.5 cfs or >100 ac/ft. shall/shall)

FINDINGS

☐ Permit is proposed for denial prior to interagency team review for fishery concerns.☐ Deny permit due to fishery concerns, except for

- ☐ A. Domestic (which may be limited to human consumption, see above)
☐ B. Livestock
☐ C. Unless water is from storage

☐ Do not condition further due to fishery concerns.☒ Condition permit due to fishery concerns listed above.

WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director Water Resources Department

In the matter of)	PROPOSED
Surface Water Application)	FINAL
S-72695 submitted by)	ORDER
WELLS CREEK DISTRICT IMPROVEMENT CO		
(BARBARA COGBURN)		

FINDINGS OF FACT

Water Use Request

1. WELLS CREEK DISTRICT IMPROVEMENT CO (BARBARA COGBURN) requested use of 0.06 CUBIC FOOT PER SECOND (CFS) of water for DOMESTIC USE INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA FOR EACH OF SIX FAMILIES from AN UNNAMED SPRING, A TRIBUTARY OF WELLS CREEK within the Umpqua Basin.

2. The area of proposed use is in Douglas County within SECTION 8, TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.

3. The water delivery system is described by the applicant as follows: These households are to be served by the Wells Creek District Improvement Company. The point of diversion is the same as in Certificate No. 29483. Easements have been granted from International Paper Company for the point of diversion and the pipeline.

4. The request 0.05 cfs for Domestic Use Expanded for five families was made in Application S-72695 which was received by the Water Resources Department (WRD) on September 24, 1992. The applicant amended the application to request an additional 0.01 cfs for one additional family which was received by the WRD on January 20, 1994.

Affected Waters

1. AN UNNAMED SPRING, A TRIBUTARY OF WELLS CREEK is not within or above a State Scenic Waterway.

2. ODFW has advised that the subject diversion has a low probability for negative impact to fish or other aquatic life in the source stream and in its downstream reaches.

3. There are senior water rights on AN UNNAMED SPRING, A TRIBUTARY OF WELLS CREEK or on downstream waters.

Department Actions

1. The application was determined to be complete and not defective.
2. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on November 10, 1993.
3. The technical review determined:
 - a. DOMESTIC USE INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA FOR EACH OF FIVE FAMILIES is allowed under the Umpqua Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water is available for further appropriation (at an 80 percent exceedance probability) for the period January 1 through December 31.
 - d. The use would not injure existing water rights.
4. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

Assessment

1. In proceeding with evaluation of Application S-72695, the following criteria were found to be relevant by the Department.
 - a. The Umpqua Basin Program (OAR Chapter 690, Division 516)
 - b. The Douglas County Comprehensive Plan and Zoning Ordinance
 - c. The amount of water available in AN UNNAMED SPRING, A TRIBUTARY OF WELLS CREEK
 - d. The established rate and duty for the proposed use
 - e. Pending, senior applications and existing water rights of record
 - f. Comments received
 - g. Amended application

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the technical review require modification to identify the proposed use and to reduce the rate of use.
2. Based on comments and data received, the Department has determined that the proposed uses can be allowed as conditioned.
3. Period of allowed use: January 1 through December 31

4. The Department finds that no more than 0.03 cfs for DOMESTIC INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA FOR SIX FAMILIES would be necessary for the proposed use. The amount of water requested, 0.06 cfs, shall be restricted to 0.03 cfs.

5. Douglas County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use may involve discretionary land use approval which has not been obtained.

6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.

7. The proposed use complies with all other rules of the Commission.

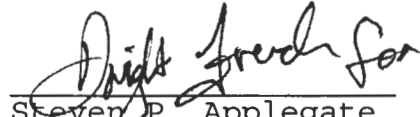
8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.

9. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application S-72695 in the name of WELLS CREEK DISTRICT IMPROVEMENT CO (BARBARA COGBURN) be approved for DOMESTIC USE INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA FOR EACH OF SIX FAMILIES as provided in the attached draft permit.

DATED November 14, 1995



Steven P. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on December 29, 1995.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT
STATE OF OREGON

COUNTY OF DOUGLAS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

WELLS CREEK DISTRICT IMPROVEMENT CO
BARBARA COGBURN
PO BOX 524
SCOTTSBURG, OREGON 97473

(503) 587-4252

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-72695

SOURCE OF WATER: AN UNNAMED SPRING, A TRIBUTARY OF WELLS CREEK

PURPOSE OR USE: DOMESTIC USE INCLUDING IRRIGATION OF LAWN AND NON-COMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA FOR EACH OF SIX FAMILIES

RATE OF USE: 0.03 CUBIC FOOT PER SECOND (CFS)

PERIOD OF ALLOWED USE: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: SEPTEMBER 24, 1992 - 0.03 CFS

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 5, T22S, R9W, W.M.;
SPRING - 3100 FEET NORTH & 310 FEET EAST FROM SW CORNER, SECTION 5, T22S, R9W, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 NE 1/4 DOMESTIC (1)
SW 1/4 NE 1/4 DOMESTIC (1)
NE 1/4 NW 1/4 DOMESTIC (1)
SE 1/4 NW 1/4 DOMESTIC (3)

SECTION 8

TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

Issued _____, 199_

DRAFT

Water Resources Department
Martha O. Pagel
Director

Application S-72695 Water Resources Department
Basin 16 Volume 1 Wells Creek & Misc.
KL

PERMIT DRAFT
District 16

SURFACE WATER APPLICATION MAP

RECEIVED

for

SEP 24 1992

WELLS CREEK DISTRICT IMPROVEMENT

WATER RESOURCES DEPT.
SALEM, OREGON

TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.

RECEIVED

SECTIONS 5 & 8

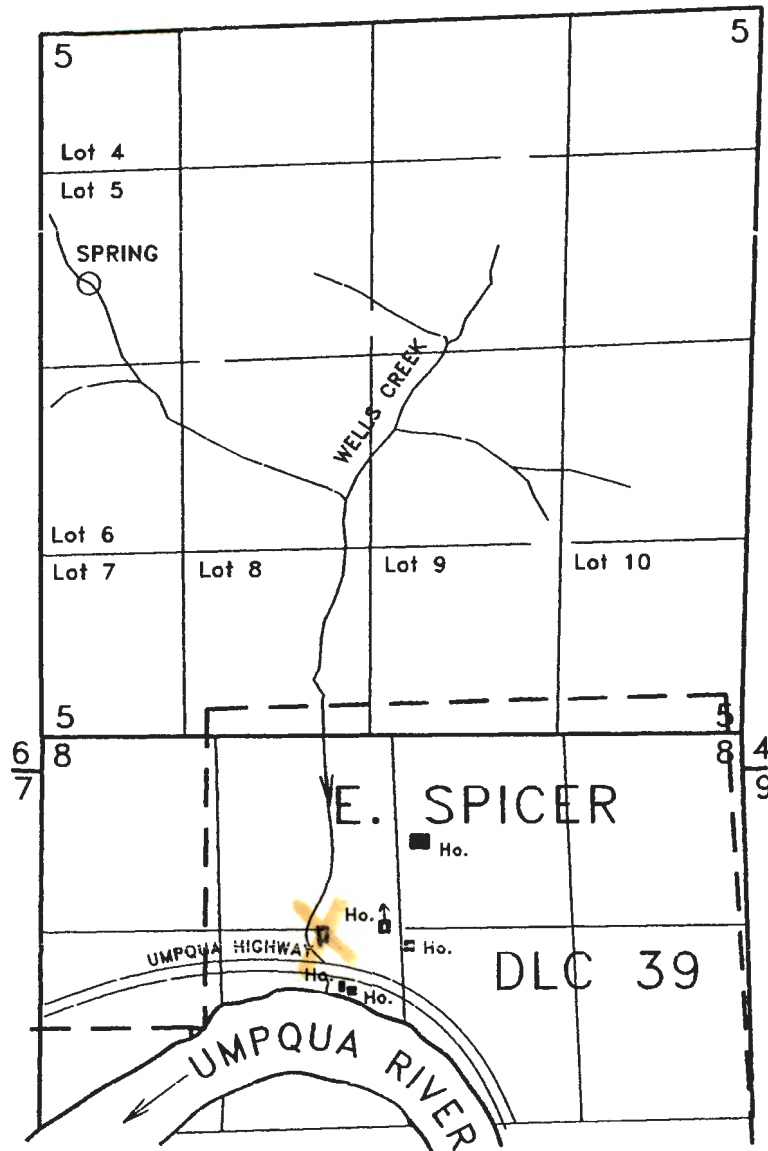
OCT 12 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Application No 72695
Permit No. 52159

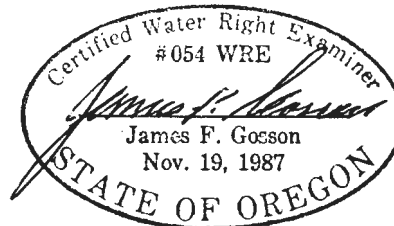
SCALE:

1 INCH = 1320 FEET



SPRING IS LOCATED 3100' N. & 310' E. FROM SW CORNER OF SECTION 5.

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.





RECEIVED

JAN 20 1994

WATER RESOURCES DEPT.
SALEM, OREGON

72695

Jan 15, 1994

Steve Brown -

Hills - Think I finally have
all the paper work you
requested. I am sending
copies of easements, property
descriptions. Would like to
keep originals for file if this
is alright with you -
Thank you for your
assistance on this -

Barbara C. Cogburn
Wells Creek Dist. Ingnor. B.

RECEIVED

OCT 14 1993

Water Resources Dept.
3850 Portland Bld. N.E.
Salem, Or 97310

Application No. S-72695

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water



Applicant(s) WELLS CREEK DISTRICT IMPROVEMENT CO. (BARBARA COGBURN)

(Please print or type - use dark ink)

Mailing Address: P. O. BOX 524

SCOTTSBURG

OREGON

97473

503-587-4252

City

State

Zip

Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: A SPRING,
a tributary of WELLS CREEK

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 0.06 cubic feet per second, OR 22.4 (26.8) gallons per minute. If water is to be used from more than one source, give the quantity of water from each: _____

3. **INTENDED USE(s) OF WATER:** DOMESTIC USE INCLUDING UP TO 1/2 ACRE LAWN AND NONCOMMERCIAL GARDEN. (EACH)

If for more than one use, give the quantity of water from each source for each use; _____

If for **DOMESTIC** use, state the number of households to be supplied; 5

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.) _____

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use; _____

Irrigation _____

Other (describe) _____

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

A SPRING-BOX WILL BE CONSTRUCTED AT THE SPRING AND A GRAVITY-FLOW PIPELINE CONSISTING OF 5000 FEET OF 2 INCH DIAMETER POLYURETHANE PIPE, WILL SUPPLY WATER TO A 2600 GALLON STEEL STORAGE TANK THEN THE WATER WILL BE DELIVERED TO THE HOUSEHOLDS VIA A 1-1/2 INCH POLYURETHANE PIPE.

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin FALL 1992

Proposed date construction work will be completed Fall 1993

Proposed date water use will be completed Fall 1994

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant X CWRE Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 Applicant X CWRE Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? NO. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS:

THESE 5 HOUSEHOLDS ARE TO BE SERVED BY THE WELLS CREEK DISTRICT IMPROVEMENT COMPANY. THE POINT OF DIVERSION IS THE SAME AS IN CERTIFICATE 29483. EASEMENTS HAVE BEEN GRANTED FROM INTERNATIONAL PAPER COMPANY FOR THE POINT OF DIVERSION AND THE PIPELINE (SEE ENCLOSURES).

LEGAL OWNERS OF THE PROPERTIES INVOLVED:

- ✓ 1. TL 22-9-8A-900 JANELLI, PETER JR. & JONETTE P.O. BOX 563 SCOTTSBURG, 97473
2. TL 22-9-8A-1100 HENDRICKSON, EVERETT & EVELINE P.O. BOX 322 TURNER, 97392
- ✓ 3. TL 22-9-8A-1200, SMITH, ANTHONY L. & KELLEY L. P.O. BOX 566 SCOTTSBURG, 97473
4. TL 22-9-8B-2600 & TL 22-9-8B-2700, SHARPS, 5.
4. TL 22-9-8B-2600, Fearell, Jack & Mary Jane, 1115 OLD WAGON ROAD, COOS BAY, 97420
5. TL 22-9-8B-2700, Sharps, Charles J. & Susan D., 2285 N. 14th, COOS BAY, (97420)
- ✓ TL 22-9-8 - Town, William S. & Sally H. P.O. Box 32865 Statthay 38 Scottsburg Or 97143

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Robert O'Brien
Signature of Applicant

9/19/92
Date

Thomas House
Signature of Co-Applicants, if any

9-21-92
Date

10/1/92

10/1/92

Application No. S - 72695

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water



Applicant(s) WELLS CREEK DISTRICT IMPROVEMENT CO. (Barbara Cogburn)
(Please print or type - use dark ink)

Mailing Address: P.O. Box 524
Scottsburg, Oregon 97473 503-587-4252
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: A Spring,
a tributary of Wells Creek.
2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 0.06 cubic feet per second, **OR** 26.8 gallons per minute. If water is to be used from more than one source, give the quantity of water from each: _____

3. **INTENDED USE(s) OF WATER:** Domestic use including up to 1/2 acre
lawn and noncommercial garden (each)

If for more than one use, give the quantity of water from each source for each use; _____

If for **DOMESTIC** use, state the number of households to be supplied; six (6)

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation _____
Other (describe) _____

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

~~A Spring box will be constructed at the spring and a gravity-flow pipeline consisting of 5000 feet of 2 inch diameter polyurethane pipe, will supply water to a 2600 gallon steel storage tank then the water will be delivered to the households via a 1½ inch polyurethane pipe~~

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin Fall of 1992

Proposed date construction work will be completed Fall 1993

Proposed date water use will be completed Fall 1994

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant x CWRE Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 Applicant x CWRE Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? no. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

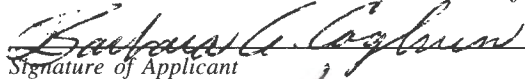
REMARKS: ~~These 6 households are to be served by the Wells Creek~~
~~District Improvement Co. The point of Diversion is the same as~~
~~in certificate 29483. Easements have been granted from International~~
~~Paper Co. for the point of diversion and the pipeline.~~

~~See enclosures.~~


~~Legal owners of the properties involved:~~

- ~~1. TL 22-9-8A-900 Janelli, Peter Jr. & Jonette~~ P.O. Box 563
Scottsburg, Or. 97473
- ~~2. TL 22-9-8A-1100 Hendrickson, Everett & Eveline~~ P.O. Box 322
Turner, Or. 97392
- ~~3. TL 22-9-8A-1200 Smith, Anthony L. & Kelly L.~~ P.O. Box 566
Scottsburg, Or. 97473
- ~~4. TL 22-9-8B-2600 Fearell, Jack & Mary Jane,~~ 1115 Old Wagon Rd.
Coos Bay, Or. 97420
- ~~5. TL 22-9-8B-2700 Sharps, Charles J. & Susan D.~~ 2285 N. 14th
Coos Bay, Or. 97420
- ~~6. TL 22-9-8B-100 Town, William S. & Sally A.~~ 32965 St. Hwy. 38
Scottsburg, Or. 97473

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:


Signature of Applicant

1-15-94
Date


Signature of Co-Applicant, if any

1-15-94
Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

APPLICATION NO: _____

PERMIT NO: _____

RECEIVED

JAN 20 1994

WATER RESOURCES DEPT.
SALEM, OREGON

BOOK 1205 PAGE 870

Exhibit "A"

Parcel 3 of Major Land Partition 1992-0034, Recorded May 18, 1992, Recorder's No. 92-09122, records of Douglas County, Oregon, being more particularly described as follows:

A parcel located in the Edward Spicer D. L. C. 39, Township 22 South, Range 9 West, W. M., more particularly specifically described as follows:
Beginning at the initial point of Wells Creek Acres Subdivision, thence South 65° 01' 03" East a distance of 187.33 feet to an iron pipe; thence North 25° 00' 20" East a distance of 74.92 feet to an iron rod, said rod being the true point of beginning; thence North 25° 00' East a distance of 75.00 feet to an iron rod; thence North 65° 00' West a distance of 160.00 feet to an iron rod; thence South 25° 00' West a distance of 75.00 feet to an iron rod; thence North 65° 00' West a distance of 27.34 feet to an iron rod lying on the West line of the parent parcel; thence North 25° 00' East a distance of 439.58 feet to an iron pipe; thence North 25° 00' East a distance of 1300.16 feet to an iron rod lying on the North boundary of D. L. C. 39; thence South 87° 20' 30" East a distance of 266.82 feet along the North line of D. L. C. 39 to an iron rod; thence South 25° 00' West a distance of 1320.81 feet to an iron pipe; thence South 24° 55' 27" West a distance of 520.30 feet to an iron pipe; thence North 65° 02' 49" West a distance of 60.15 feet to the true point of beginning.

11-23-93

We authorize and grant
an easement across this
property for the purpose
of repair, etc. to the water
line maintained by The Wells
Creek Distr. Imp. Co.

STATE OF OREGON)
COUNTY OF DOUGLAS) ss.
I, GAY FIELDS, COUNTY CLERK AND RECORDER
OF CONVEYANCES, DO HEREBY CERTIFY THAT
THIS INSTRUMENT WAS RECORDED

1992 OCT 30 PM 3:54

GAY FIELDS
DOUGLAS COUNTY CLERK
IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY Carol C. Nye
DEPUTY

FEE

89
35

92-19724

Glenn Stemmerman
Ray G Stemmerman

EXHIBIT "A"

RECEIVED
JAN 20 1994
WATER RESOURCES DEPT.
SALEM, OREGON

Beginning at a point on the northerly boundary of the Edward Spicer Donation Land Claim No. 39, which point is approximately 1950 feet East of the northwest corner of said Claim; thence South 25° West approximately 1500 feet to a point on a foothill which is marked by an iron pipe, from which pipe an oak tree, 6 inches in diameter marked A6 bears North 46° East 10 feet, and an oak tree marked A6 bears North 10° West 16 feet; thence South 25° West 741 feet to a point on the north boundary of right of way of Oregon Highway No. 38, marked by a pipe from which the east edge of the dedication plate on Wells Creek Bridge is 131 feet distant; thence on the same course (South 25° West), to the south boundary of said Highway No. 38; thence in a Westerly direction along the south boundary of said Highway to the northwest corner of property deeded to Applegate; thence North 10° West to centerline of Highway No. 38; thence North 11° East to point on foothill marked by an iron pipe, from which a white fir tree 30 inches in diameter marked A7 bears North 45° West 16 feet; thence along same course (North 11° East) approximately 1275 feet to the northerly boundary of said Donation Land Claim No. 39; thence East along said northerly boundary of said Donation Land Claim No. 39 approximately 1110 feet to the place of beginning, all in Township 22 South, Range 9 West, Willamette Meridian, Douglas County, Oregon. EXCEPTING THEREFROM highway right of way.

ALSO: Beginning at a T iron from which the cement post described in Volume 97, Page 352, Deed Records of Douglas County, Oregon, bears South 11° 00' West 301.3 feet and South 88° 39' West 238.1 feet and South 88° 17' West 280.0 feet; thence from said beginning point, North 11° 00' East 112.2 feet to T iron; thence North 83° 50' West 92.6 feet to T iron; thence South 3° 54' West 53.7 feet to T iron; thence South 47° 49' East 99.1 feet to place of beginning, in Section 8, Township 22 South, Range 9 West, Willamette Meridian, Douglas County, Oregon.

11-29-93
Steve Brown

a water line easement
has been obtained across
my property

Sincerely,
Steve Brown

RECEIVED

JAN 20 1994

WATER RESOURCES DEPT.
SALEM, OREGON

12-20-93

Peter Janelli Jr and Johnette as
owners of below described property
hereby gives easement to the
"Wells Creek District Improv. Co."
for reason of repair and any
messasary improvement to water
lines crossing this property.

All that portion of Donation Land Claim No. 39 in Township
Twenty-two (22) South of Range Nine (9) West of the
Willamette Meridian, described as follows:

Beginning at a 1 inch iron pipe at the Northwest corner of
Lot 6 of Wells Creek Acres as platted and filed in the office
of the County Clerk in volume 9, page 32, Plat Records;
thence North 25°00' East 75.0 feet to a 3/4 inch iron pipe;
thence South 65°00' East 85.0 feet to a 3/4 inch iron rod;
thence South 25°00' West 75.0 feet to a 1 inch iron pipe at
the Northeast corner of said Lot 6; thence North 65°00' West
85.0 feet along the North line of said Lot 6 to the point of
beginning.

TOGETHER with the right of ingress and egress over a strip of
land 60 feet in width and 75 feet in length which would be
the Northerly extension of Spicer Street in the above
mentioned subdivision.

Peter Janelli

Johnette Janelli

Rock Knoll Ranch
Pete & Johnette Janelli
38659 Lower Brice Ck. Rd.

RECEIVED

JAN 20 1994

WATER RESOURCES DEPT.
SALEM, OREGON

4. The land referred to in this policy is described as follows:

An undivided 1/2 interest in the following:

Beginning at a point on the South side of right of way of Highway No. 38 being a point which bears South 48° East 124.50 feet of the East end of the dedication plate on Well's Creek Bridge, this point also bears South 25° West 93 feet of a 3/4 iron pipe set on North side of right of way and on a division fence line at the Southwest corner of Lot 8, Wells Creek Acres; thence running South 75° 30' East along South side of right of way 69.50 feet to a fir stake and property line; thence South 20° West on property line 104.50 feet to a fir 24 inches in diameter with old mark as described in old deed (new mark S.L. on East side); thence North 82° West 79 feet to a stake; thence North 25° East 119 feet to the place of beginning. All lying in Section 8, Township 22 South, Range 9 West, Willamette Meridian, Douglas County, Oregon.

20 Dec 1993

We authorize and grant easement
across this property for the purpose
of repair, etc., to the water line
maintained by the Wells Creek
District Improvement Co..

Charles Shupe
Susan D. Shupe

RECEIVED

JAN 20 1994

WATER RESOURCES DEPT.
SALEM, OREGON

JACK & MARY JANE FEARELL OWNERS OF:

PROPERTY TOWNSHIP | RANGE | SECTION | 1/4 | 116 | TAYLOR |
DISCRPTION 22 09 08 B 2600

32864 HWY 38 SCOTTSBURG, OR. 97473

GRANT EASEMENT TO SAID PROPERTY FOR THE SOLE PURPOSE
OF REPAIR & MAINTENANCE OF WATER LINE BELONGING TO
WELLS CREEK DIST. IMP. CO.

PROPERTY OWNERS Mary Jane Fearrell
Jack Fearrell 12-8-9

An undivided $\frac{1}{2}$ interest in the following:
Beginning at a point on the South side of right of way of
Highway No. 38 being a point which bears South 48" East 124.50
feet of the East end of the dedication plate on Well's Creek
Bridge, this point also bears South 25" West 93 feet of a 3/4
iron pipe set on North side of right of way and on a division
fence line at the Southwest corner of Lot 8, Well's Creek Acres;
thence running South 75" 30' East along South side of right of
way 69.50 feet to a fir stake and property line; thence South
20" West on property line 104.50 feet to a fir 24 inches in
diameter with old mark as described in old deed (new mark S.L.
on east side); thence North 82" West 79 feet to a stake: thence
North 25' East 119 feet to the place of beginning. All lying in
Section 8, Township 22 South, Range 9 West, Willamette Meridian,
Douglas County, Oregon.

JAN 20 1994

WATER RESOURCES DEPT.
SALEM, OREGON

BEGINNING AT A POINT WHICH IS NORTH 25°
EAST 75 FEET FROM THE NORTHEASTERLY
CORNER OF LOT 7, WELLS CREEK ACRES
IN D.L.C. NO. 39, TOWNSHIP 22 SOUTH,
RANGE 9 WEST, W.M., DOUGLAS COUNTY OREGON
THENCE NORTH 65° WEST 160.00 FEET;
THENCE NORTH 25° EAST 75.0 FEET
THENCE SOUTH 65° EAST 160.0 FEET;
THENCE SOUTH 25° WEST 75.0 FEET
TO THE PLACE BEGINNING, IN DOUGLAS
COUNTY STATE OF OREGON.

We give permission and grant
easement across this property for
the purpose of repair, etc; to
the water line maintained by
the Wells Creek District Improvement
Co.

x Anthony J Smith
x Kelley Lee Smith

December 8, 1993

RECEIVED

JAN 19 1994

WATER RESOURCES DEPT.
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

January 13, 1994

Water Rights Section
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

RE: Water Right Application #72695; Report of Technical
Review

Because there are no fish in the area of the subject appropriation(s), no fish screening or passage facilities are to be required.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in dark ink, appearing to read "A. Mirati, Jr.".

Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Loomis, Roseburg

FILE: 72695.TEC



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-5400
TDD (503) 229-5459

WaterWatch

O F O R E G O N

By Fax 378-8130 and Regular Mail

January 19, 1994

Oregon Water Resources Department
Water Rights Section
3850 Portland Road NE
Salem, Oregon 97310

Re: Objection to Technical Report for:
R 73101, 73100, Dinsmore, Livestock, Mill Creek
72262, Kenton, Domestic & Irrigation, Lahe Crk/Mill Creek
72695, Cogburn, Domestic Expanded, Wells Creek
Umpqua River

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Reports are Defective**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in WaterWatch's April 5 objection to application #69165 which we hereby incorporate into this objection.

◆ **The Water Availability Analyses in the Technical Reports are Defective**

The analyses are defective for the following reasons:

- The technical reports fail to contain any analysis of water availability, contrary to OAR 690-11.
- The reports state that water availability tables are available at the Department. However, the "tables" in the Department files provide no information as to how the numbers were generated or which numbers are applicable to the applications at issue. Any analysis must take into account existing water rights of record. It is unclear from the technical reports to what extent the water availability analysis takes into account upstream water rights. As we understand it, water rights are taken into account either by assuming the streamflow data reflects the amount of use or by using estimates of consumptive use. Both methods fail to give adequate consideration to rights-of-record. Failure to account for future increases in water use pursuant to rights of record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.

R 73101, 73100, 72262, 72695

Page 2

- The water availability analyses fail to take into account applications that have been proposed for issuance. Failure to subtract these proposed uses overestimates the amount of water available.
- The water availability analyses fails to differentiate between natural flows and regulated flows (water released from upstream storage). As you know, there are several storage facilities in the Umpqua River system. These facilities release stored water into the Umpqua mainstem. This application is for a right to use natural flow ~~not~~ stored water. Failure to differentiate between natural flows and regulated flows in the analyses overestimates the amount of natural flow available for use, leads to unrealistic expectations on the part of the applicant and will result in the ultimate over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010. As a policy matter the Department should be differentiating between stored water and natural flow in it's water availability analysis for new permits and in it's regulation activities on existing permits.
- There appears not to have been any analysis of water availability in either Wells or Mill Creeks, the proposed sources of water for these applications.

◆ **The Uses As Proposed are Not in the Public Interest**

The proposed uses fail to pass the public interest considerations in ORS 537.170. *See also*, OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(f).

1. **The proposed uses are not in the public interest because it will interfere with flows needed to support public instream uses of water.**

The proposed use would deplete flows needed for numerous public instream uses of the Umpqua River. This proposed use will decrease flows needed for the resource. The Umpqua River system supports a variety of fish life including sea-run cutthroat trout, spring and fall chinook, and spring and winter steelhead. A petition has been filed seeking protection for two stocks of sea-run cutthroat trout under the Federal Endangered Species Act. Two petitions have been filed requesting listings for coastal coho and other anadromous coastal fish populations are being considered for listing petitions. Low flows during summer months impair fish survival by among other things raising water temperatures and decreasing aquatic habitat and trout rearing areas. Low flows in the winter adversely affect fish habitat by among other things exposing spawning gravel and reducing feeding and rearing areas in the river. In addition, water diversions create problems for fish passage and survival in the basin.

R 73101, 73100, 72262, 72695

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The Umpqua mainstem is identified by the Oregon Department of Environmental Quality (DEQ) as "Water Quality Limited" in the summer and cannot support the listed beneficial use of water contact. The River also suffers from water quality problems in the fall, winter and spring and can only partially support the listed beneficial uses of aquatic life and water contact. Agriculture is identified as a possible source of pollution. DEQ has identified water withdrawals as one of the causes of these stream quality problems. Further depletion of surface water flow will only exacerbate these existing water quality problems. In addition, the proposed uses will add yet another source of pollution in the already degraded mainstem making the uses as proposed not in the public interest. In addition, the failure to prohibit livestock from entering riparian areas as a condition of use of water for livestock will add to the already existing water quality problems. In addition, the already degraded state of the water quality makes the Umpqua system a questionable source of water for domestic use.

The Department's water availability analysis reveals that water is not available for further appropriation in Mill Creek from August to October, even using a 50% exceedence flow analysis. Despite this finding, the technical reports for 72262, R 73101 and 73100 allow use during those months.¹

Currently there are several existing instream water rights which protect flows in the Umpqua River and an instream water right application for the Umpqua mainstem. When pending applications are in conflict for water, the Water Resources Commission may choose to issue either application, regardless of the filing sequence. See Or Ag. Opin. 3/18/88 at 2. Thus, the review of these applications should take into account water needed to protect these public uses regardless of the application filing date. This is consistent with the statewide policy on water allocation requires that applications for out-of-stream water rights be subject to review to ensure that public values are protected. OAR 690-410-070(2). See also Instream Flow Protection policy OAR 690-410-030. The fish populations that rely on these flows for survival have statewide and even national significance. The proposed uses will likely interfere with these instream water rights and the pending application and should be denied.

2. Measurement and reporting

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of

¹ In addition, when reviewing water availability in light of the new use proposed in application 72262 the water master recommended that the proposed use be subordinated to prior instream rights. Water Availability Report-Surface Water Application, 72262, 5/7/92. No such condition was included in the technical report.

R 73101, 73100, 72262, 72695

Page 4

both rate and duty of water use. The proposed permit conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure that water use is within the terms of the permit.

The surface waters of the Umpqua basin are overallocated. The information generated by these proposed conditions are essential to the management and control of the water resource. If these uses were to be permitted, water use measurement and reporting would be essential for protection of the public interest in the resource and must be a condition of use. However, we question the Department's ability to control this use, even with these requirements.

The applicants have asked for water to provide for multiple uses. The technical reports propose to limit the months in which water can be used for each of these proposed uses. The Department's enforcement staff is already stretched thin. The local water master has acknowledged that "(s)taff limitations have prevent investigation" of water use activities on Mill Creek since 1984. See Water Availability Report-Surface Water Application, 72262, 5/7/92. These proposed uses add yet another enforcement responsibility on top of an already unmanageable load. Under these circumstances, it is difficult if not impossible for the state to ensure that the applicant will, at all times, use water in compliance with the permit conditions. Given the critical state of the water resource in the creeks and the Umpqua River basin and the Department's inability to control these uses, even with measurement and reporting, these uses are not in the public interest.

3. The uses will impair the public interest because fish screening and passage facilities are not a condition of use.

There are no requirements for fish screening and passage facilities. The permits must clearly require installation prior to any use. The permits must also require maintenance of screening facilities as a condition of use. Given the critical status of fish populations in the Umpqua and the adverse impact additional diversions have on fish habitat, screening and passage should clearly be required to be in place before any diversion water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use.

4. The proposed uses are contrary to Oregon policy.

Allowing the proposed uses is contrary to the Commission's Water Allocation Policy. The policy allows additional uses on overappropriated streams only "where public interest in those uses is high and uses are conditioned to protect instream values." OAR 690-410-070(1)(a) (emphasis added). While the exceptions contained in the existing instream water right seem to indicate high public interest in the proposed uses of human consumption,

R 73101, 73100, 72262, 72695

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livestock and irrigation of non-commercial gardens, the mere fact that the uses proposed in 71963 seem to fall within this exception does not relieve the Department from their duty to consider and protect the public interest, including the public value of instream flows and the needs of anadromous fish. Furthermore, this proposed use fails to fit within the exception because it is impossible to condition this use in a way that will protect instream values. *See above.*

The exceptions in the instream water right certificate are narrowly worded and should not be applied unless there is absolutely no other alternative sources of water. It is bad public policy to automatically apply this exemption without looking for other possible sources that can accommodate this water use. Human beings can go elsewhere for water, fish can not.

Failure by the State to look for or provide other sources of water, in the face of potential listing of the sea-run cutthroat and coho, creates expectations for water that may not be fulfilled if/when the species are listed. Instream flows in the Umpqua Basin provide critical habitat for fish - without water instream there is no habitat. Continuing to issue water rights on a river with a possibility of a listed species, as well as existing water availability and water quality problems makes little sense.

There are many small domestic uses in the basin consuming both ground and surface waters, all vital sources for instream flow. Individually, the quantity of water consumed may not be large, but cumulatively these uses adversely effect instream flows and water quality. Ignoring this problem is bad public policy. The state should be looking for alternate sources for these uses and ways to provide regional water supplies for these uses in a way that will result in the least amount of impact for the resource.

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a).

The recent petitions for listing of sea-run cutthroat and coho and other contemplated petitions for fish populations in this basin and coast wide makes the protection of instream flows even more important for achieving a balance in this basin. The establishment and protection of instream water rights will help to achieve a balanced allocation of water between public instream and other uses in Basin and throughout the state.

Establishment of the instream water right also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070,

R 73101, 73100, 72262, 72695

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and 690-77-015. Providing streamflow protection for fish is also necessary in order to carry out the state policy of restoring native fish stocks. ORS 496.435. Thus, protection of the public interest requires denial of application 71963.

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). Proposed conditions for these applications do little to further these policies. Given the critical status of fish populations in the basin, the water quality problems and the fact that the proposed use is the type of use known to cause these existing problems it is imperative that the water use be as efficient as possible. A conservation plan should be in place prior to issuance of a permit.

Oregon's statewide storage policy recognizes that storage is an "integral part" of the State's "strategy to enhance the public" benefits resulting from instream uses of Oregon's waters. OAR 690-410-080(1). The policy also recognizes that "(s)orage can provide increased water management flexibility and control." *Id.* One of the principles of the policy is to require that storage projects be managed in a way that will "protect and enhance the public health, safety and welfare, and the state's natural resources." OAR 690-410-080(2)(d). The Department's historic failure manage stored water once it is released from storage and to distinguish between natural and regulated flows is not consistent with these policy mandates.

◆ Conclusion

We are open to discussion with the Department and the applicants on all of the issues raised in this objection letter.

Sincerely,



Karen A. Russell
Assistant Director

November 10, 1993

BARBARA COGBURN
WELLS CREEK DISTRICT IMPROVEMENT CO.
PO BOX 524
SCOTTSBURG, OR 97473

Reference: File 72695

Hello:

Under separate cover I have enclosed our report of technical review. This process is fairly new to staff and has taken more time to complete than anticipated; however, we believe that the process is more fair and will allow staff to deal with issues in a more timely manner. I truly apologize for the delay.


In review of your application during the technical review on October 14, 1993, a copy of your application was recieved by mail. It appears to include some revisions. Could you or your representative CWRE identify by letter and an amended application the changes. This technical review is completed for the original application submitted September 24, 1992.

It is necessary to also submit a legal description of the properties where you plan to use water (you may copy this from your deed, title insurance policy, or sales contracts).

After submission of authorizations or easements to lands that you do not own, fees and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,


STEVE BROWN
Manager
Water Rights Division

cc:James F.Gosson, CWRE



DATE

WATER
RESOURCES
DEPARTMENT

BARBARA COGBURN
WELLS CREEK DISTRICT IMPROVEMENT CO.
PO BOX 524
SCOTTSBURG, OR 97473

Reference: File 72695

Dear: Barbara Cogburn, etal; Wells Creek District Improvement Co.

Under separate cover I have enclosed our report of technical review. This process is fairly new to staff and has taken more time to complete than anticipated; however, we believe that the process is more fair and will allow staff to deal with issues in a more timely manner. I truly apologize for the delay.

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Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,

STEVE BROWN
Manager
Water Rights Division

cc:James F.Gosson, CWRE



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

November 10, 1993

BARBARA COGBURN
WELLS CREEK DISTRICT IMPROVEMENT CO.
PO BOX 524 SCOTTSBURG, OR 97473
SCOTTSBURG, OREGON 97473

Reference: File S 72695

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION OF YOUR APPLICATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



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

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before January 19, 1994** or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Brown', written over a horizontal line.

STEVE BROWN
Manager
Water Rights Division

Enclosures

SB/sd

Report Date: November 10, 1993

OREGON WATER RESOURCES DEPARTMENT
SATISFACTORY REPORT OF TECHNICAL REVIEW
FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE:
JANUARY 19, 1994.

1. APPLICATION FILE NUMBER - S 72695
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:
BARBARA COGBURN
WELLS CREEK DISTRICT IMPROVEMENT CO.
PO BOX 524
SCOTTSBURG, OR 97473
DOUGLAS Co. 503-587-4252

Date application received for filing and/or tentative date
of priority: 9/24/1992

SOURCE: A SPRING

TRIBUTARY TO: WELLS CREEK (UMPQUA RIVER)

Purpose and/or use: DOMESTIC USE FOR FIVE FAMILIES INCLUDING THE
IRRIGATION OF LAWN & NON-COMMERCIAL GARDEN NOT TO EXCEED 0.5 ACRE

Flow: 0.05 cfs

Point of Diversion Location: SW 1/4 NW 1/4, SECTION 5, T 22 S, R
9 W, W.M. **SPRING**-3100 FEET NORTH AND 310 FEET EAST FROM SW CORNER
OF SECTION 5

Place of use:

NW 1/4	NE 1/4	DOMESTIC
SW 1/4	NE 1/4	DOMESTIC
NE 1/4	NW 1/4	DOMESTIC
SE 1/4	NW 1/4	DOMESTIC (2)
Section 8		
T 22 S R 9 W, W.M.		

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 80% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

CONFLICTS WITH OTHER WATER RIGHTS:

There **are no** existing rights from this point of diversion. proposed permit conditions.

There **are no** existing water rights appurtenant to the lands described in the application.

REPORT CONCLUSIONS:

Water in the amount of 0.05 CFS is likely available for 12 months of the 12 months normal period of use. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: S 72695

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: YEAR ROUND
3. Rate of use: 0.05 DOMESTIC EXPANDED FOR FIVE FAMILIES
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement recording and reporting conditions:
 - A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
 - B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

PFO CHECKLIST

APPLICATION # 572695
 BASIN - SUBBASIN 16-Umpqua
 WAB # 0105
 POU-WAB 0105
 COUNTY DOUGLAS

POD LOCATION: T 225 R 9W SEC 5 1/4 1/4 SWNW(1 of 5)
 POU LOCATION: T 225 R 9W SEC 8 1/4 1/4 NWN(1); NENW(1) SWNW
 PRIORITY DATE: 9/24/92 0.05 cfs / 1/20/94 0.01 cfs 14
 SOURCE/RIVER MILE: SPRING > Wells Creek > Umpqua R
 PROPOSED USE: Dom exp 5 (9/24/92) + 1 (1/20/94) 0.2M30

1. DATE TR/IR SENT: 11/10/93 TR/IR VALID (Y/N) N SAT/UNSAT
 TR/IR (Y/N) MODIFICATIONS (DEFINE) add 0.01 cfs for Todd's house
2. X ADD'L CONDITIONS? (ie Fish Screens, etc.): ODFW - no fish -> no screening req.
3. X LAND USE: APPROVED X DISCRETIONARY (OBTAINED/NOT OBTAINED) RECEIPT
4. X OBJECTIONS: Water Watch
5. X ISSUES HINDERING PROCESS (IE. PROTEST, INCOMPLETE, REQUEST TO HOLD, ETC.)
6. DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...
 - a. X BASIN PLAN (CURRENT, PREVIOUS - (YEAR) WILLAM, JOHN DAY, UMAT., GOOSE & SUMMER)
 USE & SEASON ALLOWED BY BASIN PLAN Dom inc 1/2 ac allowed
 - b. X WITHDRAWAL: N (ORS 538), N STATE ENG., N BASIN MAP - SEASON
 - c. N ABOVE/WITHIN SWW (Y/N); WHICH? EXCEPTIONS (H, LV, 1/2AC)
 - d. N TMDL BASIN? (PUDDING, TUALATIN, YAMHILL)
7. X TR/IR WATER AVAIL VERIFIED? (Y/N) Y WA PREDATES WA TABLES FROM wars (Y/N) Y
0.06 = 0.01 + 0.05 CFS; AF; MONTHS AVAIL Jan-Dec EXCEEDANCE 80
WA FROM wars: 50 % BEFORE JULY 17, 1992 & STORAGE; 80 % LIVE FLOW AFTER JULY 17, 1992
ADDITIONAL INSTREAM W.R. INFO IDENTIFIED & APPLIED
8. NA USE FROM BOR/COUNTY PROJECT? IS SIGNED CONTRACT IN FILE? (Y/N)
9. NA GROUND WATER REVIEW HAS BEEN EVALUATED (USE WA DATABASE IF GW A)
REVISED GW REVIEW (Y/N)? NA DEFINE CHANGES TO TR/IR?
REQUIRED CONDITIONS (GENERIC 7B)
10. DIVISION 33 HAS BEEN ADDRESSED...(CHECK PRIORITY DATE)
NA SEASON FOR DIRECT FLOW (ABOVE BONN, AFTER JULY 17, 1992)
NA WATER QUALITY PARAGRAPH (ABOVE & BELOW BONN)
NA EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS)
11. X CONFLICTS IDENTIFIED IN TR/IR - CORRECT? Y VERIFIED CONFLICT CHECK: NA
NCR X ATTACH FINAL PROOF MAP W/CONFLICT Applicant states same POD -> condition in Draft Permit
12. NA IRRIGATION/STORAGE SEASON (DECREE, BASIN PLAN, PERMIT, GENERIC)
NA RATE & DUTY (DECREE, BASIN PLAN, PERMIT, GENERIC)
NA GROUND WATER: NA EAST 1/80, 3 AF; NA WEST 1/80, 2.5 AF; NA UMATILLA GRAVELS 1/40, 4.5
NA # OF ACRES: PRIMARY NA SUPP NA NOT SURE NA
13. S SMALL (0.05 + 0.01 = 0.06 cfs < 0.1 cfs / < 9.2 af), MEDIUM (0.1 - 1.5 cfs / 9.2 - 100 af), LARGE (> 1.5 cfs / > 100 af) 0.03 cfs
14. X COMBINED PERIOD OF ALLOWED USE (SUMMARY) Dom in 1/2 ac - 6 families 0.06 cfs
0.05 (1/24/92), 0.01 cfs (1/20/94)
15. X WATERMASTER # 115 TR - Dom inc 1/2 ac - 5 families
Jan-Dec 0.05 cfs
16. X REGIONAL MANAGER SW, SC, E, NW, NC
17. X VOLUME # ADDED & 674 DUMP CHECKED & SPELL ✓ HAS BEEN COMPLETED CWRE: James F.
18. X COMPLETE PFO CC: LIST (KEN STAHR - change in rate, duty, or period of use) 590 9-stake Gosson
6 landowners Sutherland, OR 97479
19. X SAVE TO M:\T\PFO\DONE\APP #

NAME Kerry Lefever DATE 10/30/95 REVIEWED BY Take S DATE 11/7/95

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 516
UMPQUA BASIN PROGRAM

Classifications

690-516-001

(1) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Umpqua River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, temperature control, power development, industrial, mining, recreation, wildlife, fish life uses, and pollution abatement; and the waters of the Umpqua River Basin are hereby so classified with the following exceptions:

- (a) Preference shall be given to human consumption, livestock consumption and irrigation of non-commercial gardens not to exceed one-half acre in area for all the waters of the Umpqua River Basin over any other beneficial uses.
 - (b) The waters of the natural lakes of the Umpqua River Basin are classified only for the utilization of water for domestic, livestock, power development not to exceed 7-1/2 theoretical horsepower, and in-lake uses for recreation, wildlife, and fish life purposes.
 - (c) The waters of Roberts Creek and its tributaries were withdrawn by Water Resources Commission's Order of Withdrawal on October 4, 1991.
 - (d) The unappropriated waters of Lookingglass Creek and tributaries are withdrawn from further appropriation except for domestic and livestock watering uses under 5,000 gallons per day per appropriation and water legally stored and released from storage from June 1 through September 30 of each year, by the Water Policy Review Board's Order of Withdrawal dated August 5, 1983.
 - (e) The unappropriated waters of the South Umpqua River and tributaries, excluding Lookingglass and Roberts Creeks, are withdrawn from further appropriation except for human consumption, livestock consumption, irrigation of up to 1/2-acre non-commercial garden and water legally released from storage from July 15 through September 30 of each year, by the Water Policy Review Board's Order of Withdrawal dated April 29, 1985. This limitation shall not affect the withdrawals previously enacted by the Board for the waters of Roberts and Lookingglass Creeks.
- (2) Applications for the use of the waters of the Umpqua River Basin shall not be accepted by any state agency for any purposes contrary to the classifications herein specified, and the granting of applications for such other purposes is declared to be prejudicial to the public interest, and the granting of applications for such other use would be contrary to this water-use program.

(3) Structures or works for utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed and operated in conformity with the applicable provisions of ORS 536.310; and any such structures or works which do not give cognizance to the multiple-purpose concept are further declared to be prejudicial to the public interest.

Minimum Perennial Streamflows

690-516-002

(1) For the purpose of maintaining minimum perennial streamflows sufficient to support aquatic life, no appropriations of water except for human consumption, livestock consumption and irrigation of non-commercial gardens not to exceed one-half acre in area and waters legally released from storage shall be made or granted by any state agency or public corporation of the state for the waters of the following streams when flows are at or below the levels specified in Table 1.

(2) The minimum perennial streamflows established by the October 24, 1958, Umpqua Basin program shall remain in effect over appropriations issued from October 24, 1958, to March 26, 1974.

Storage

690-516-003

All applications for appropriation of water for storage in structures impounding more than 3,000,000 gallons of water shall be reviewed by the Water Policy Review Board prior to approval. During the review, the Water Policy Review Board may establish additional minimum flows on the natural flow of the stream to support aquatic life or minimize pollution.

Out-of-Basin Appropriations

690-516-004

To support present and proposed Umpqua River Basin water resource development, no out-of-basin appropriation of the waters of the Umpqua River Basin shall be made or granted by any state agency or public corporation of the state without the prior approval of, and following a public hearing by, the Water Policy Review Board.

Water Quality

690-516-005

Rights to use of water granted by any state agency in accordance with this water-use program shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

NOTE: The Umpqua River Basin is delineated on State Water Resources Board Map 16.6, dated 1969, available from the Water Resources Department.



STATE OF OREGON

Domestic
INTEROFFICE MEMO

Q

TO: Staff-Water Rights Division

DATE: May 3, 1976

FROM: Larry W. Jebousek
Administrator

SUBJECT: Applications and Permits

There seems to have been some confusion in the past as to the quantity of water to be allowed domestic use in the issuance of permits.

To establish some criteria the following will be used:

- 0.01 cfs for 1 or 2 house domestic including 1/2 acre lawn and garden
- 0.02 cfs for 3 to 5 house domestic including 1/2 acre lawn and garden
- 0.03 cfs for 6 to 10 house domestic including 1/2 acre lawn and garden
- 0.005 cfs for 1 house domestic
- 0.01 cfs for up to 10 house domestic

If an applicant wishes to state the quantity of water requested in gallons per minute or gallons per day, the permit will be issued accordingly.

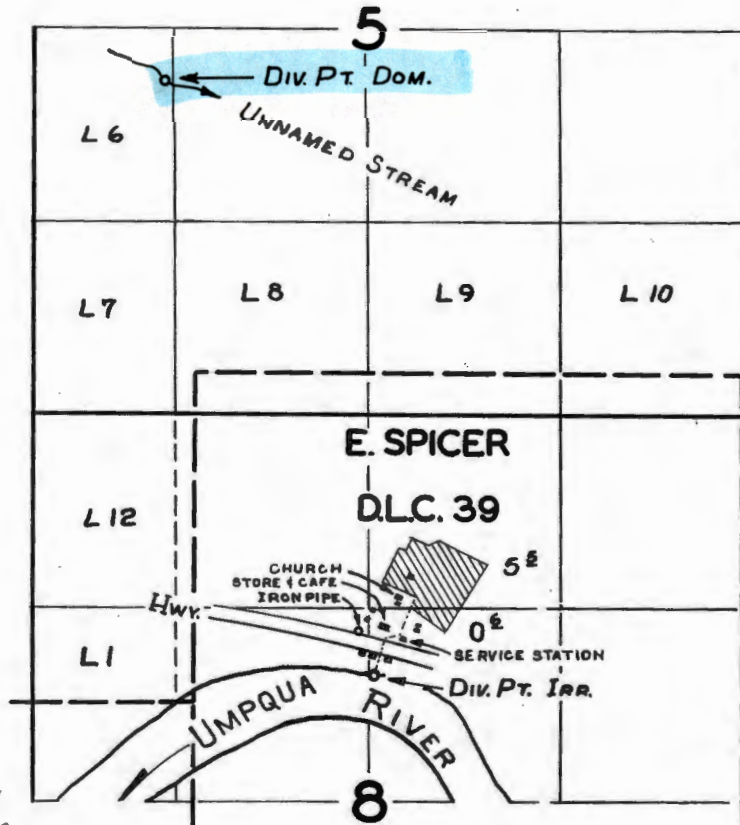
Domestic use, generally, is considered to be in-house use but may include up to 1/2 acre of lawn and garden if it is an integral part of the domestic system and is so stated on the application. You should always explain to the applicant the difference in the wording of "domestic including" and "domestic and irrigation." When lawn and garden is included within the domestic, the irrigation use must stop if the in-house use stops. This is most common when a group system or a well replaces the original domestic source.

Also, stock water applications for more than the minimum quantity allowable, 0.005 cfs, should have enough information on the distribution system and the number of stock to determine the quantity needed.

Just a reminder when discussing exempted ground water uses with the public, that the 15,000 gallons per day for domestic is more than sufficient for a 20 to 30 home subdivision. However, the 1/2 acre of lawn and non-commercial garden exemption is one per well and not for each dwelling.

LWJ:cjw

T.22S.R.9W.W.M.



NCR 24
Spring for App 5-72695
is located in
Lot 5, Section 5

Applicant says POD
is same as
Cert # 29483
in different Lot (1/4)

FINAL PROOF SURVEY
UNDER

Application No. 29072 23803
Permit No. 29062 23802
IN NAME OF

Certificate No. 29483

.....EVERETT & EVELINE HENDRICKSON.....

Surveyed JUNE 30, 1960, by C.O. BARTELS

N.R



WILMER C. & MAY E. LOWE

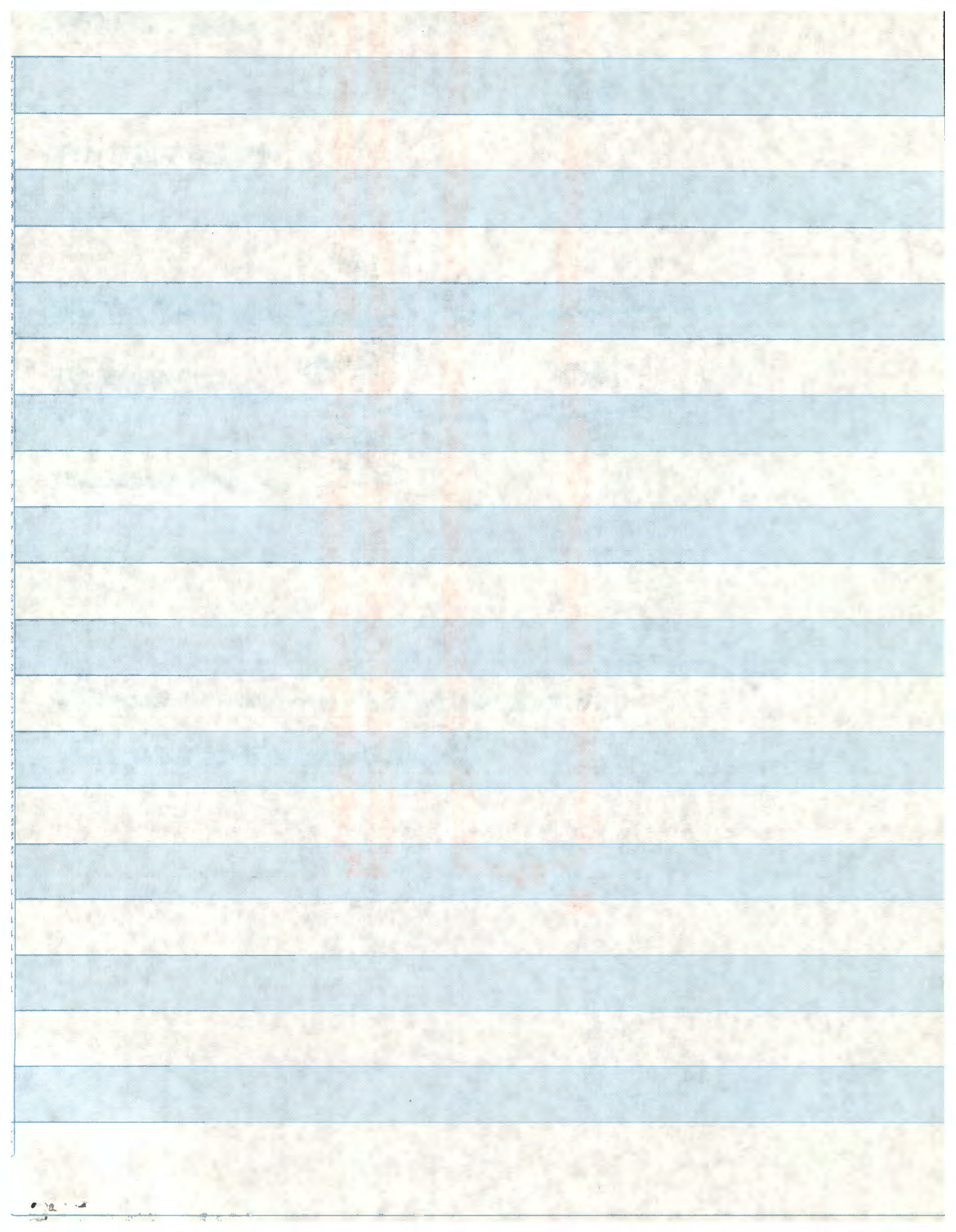
1960 - X

BC

8

10/30/1995

[illegible]



S 45701 43828 V DLC 39 0.80 (IR)
 S 34093 DLC 39 0.10 (IR)
 DLC 39 0.30 (IR)
 S 45718 43237 V DLC 39 (DT)
 S 34105

NCR

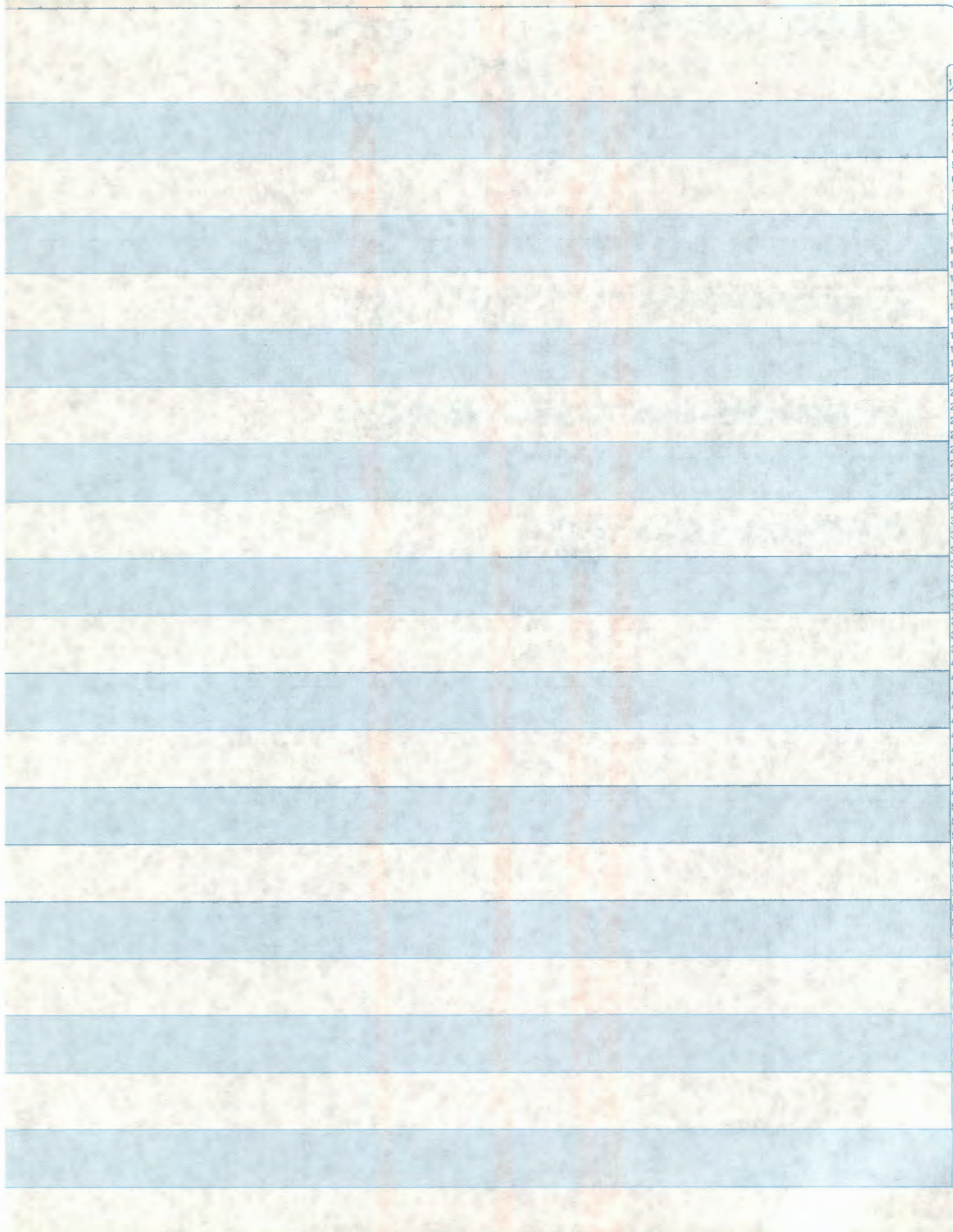
Continuing with Township 22.00 S Range 9.00 W SECTION 8 10/30/1995

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
S 55802	0 V					0.12 (IR)				0.88 (IR)								
S 41779																		
S 56643	0 V																	4.00 (IR)
S 42077																		
S 56289	54804 V	DLC 39								0.12 (IR)								
S 42161		DLC 39								(DT)								
S 47059	0 V														9.00 (IR)	2.00 (IR)	1.00 (IR)	
S 43790																		
S 60035	0 V				1.60 (IR)	10.00 (IR)									1.80 (IR)	0.30 (IR)		
S 44928																		
S 61915	0 V					4.00 (IR)									5.00 (IR)	1.00 (IR)		
S 46269																		
S 65065	0 V																	0.80 (IR)
S 47627																		
S 68076	0 V									(DN)								
S 48515																		
S 68352	0 V	LOT 1								(DO)								
S 49598																		

NCR

NCR

NCR



10/30/1995

[illegible]

FILE # 736

J F M A M J J A S O N D STOR

	5600.00	7210.00	6650.00	5690.00	3650.00	1300.00	510.00	198.00	209.00	210.00	1090.00	3870.00	3370000.00
0100000000000000	23.00	25.40	18.70	2.40	1.70	4.7	25	-1.07	-1.32	-10.90	-11.70	7.60	18400.00
0101000000000000	710.00	711.00	595.00	307.00	136.00	31.00	4.90	-4.70	-9.90	-68.10	24.00	427.00	416000.00
0102000000000000	710.00	711.00	595.00	307.00	136.00	31.00	4.90	-4.70	-9.90	-68.10	24.00	427.00	411000.00
0102100000000000	117.00	121.00	96.00	33.00	9.10	2.40	-4.00	-5.36	-9.90	-68.10	-42.60	65.00	80400.00
0102120000000000	437.00	441.00	363.00	170.00	88.00	6.50	4.90	-4.70	-9.90	-68.10	-19.00	244.00	265000.00
0102121000000000	-2.40	-1.30	-4.10	-10.90	-5.12	-2.57	-94	-4.70	-9.90	-68.10	-30.80	-8.10	3230.00
0102122000000000	426.00	431.00	363.00	170.00	88.00	6.50	4.90	-4.70	-9.90	-68.10	-19.00	244.00	228000.00
0102122200000000	-6.40	-5.50	-7.80	-13.10	-6.40	-3.35	-1.38	-4.70	-9.90	-68.10	-19.00	-10.70	1820.00
0102122220000000	6.90	8.90	3.40	-4.0	7.0	1.94	-1.1	-4.70	-9.90	-68.10	-21.90	-4.50	11900.00
0102122300000000	31.20	33.70	23.20	-2.80	-9.80	-5.81	-1.58	-4.70	-9.90	-68.10	-24.00	-7.70	27300.00
0102122400000000	202.00	208.00	167.00	68.00	33.40	4.00	-5.63	-9.90	-9.90	-68.10	-28.10	97.00	126000.00
0102122410000000	10.20	12.30	4.70	-13.50	-10.10	-2.75	-1.88	-9.90	-9.90	-68.10	-29.00	-7.30	15400.00
0102122420000000	3.50	4.90	1.30	-7.60	-3.38	-0.5	-1.96	-5.63	-9.90	-68.10	-28.10	-3.80	7290.00
0102122430000000	-9.30	-8.50	-10.20	-14.20	-6.67	-1.37	-2.27	-5.63	-9.90	-68.10	-28.10	-13.70	-182.00
0103000000000000	9.20	11.10	6.70	-4.40	-3.49	-1.08	-1.1	-1.31	-1.48	-11.20	-14.00	-4.40	10700.00
0104000000000000	156.00	166.00	133.00	47.00	18.10	0.0	-3.80	-12.60	-14.00	-60.50	-76.00	65.00	105000.00
0104100000000000	26.80	30.20	21.60	-4.40	-2.0	-5.39	-3.90	-12.60	-14.00	-60.50	-76.00	4.10	22600.00
0105000000000000	4280.00	5850.00	5470.00	4920.00	3190.00	1080.00	410.00	141.00	162.00	150.00	790.00	2970.00	2660000.00
0105100000000000	9.20	10.90	6.30	-4.90	-7.01	-4.24	-2.52	-1.35	-1.51	-9.18	-13.80	-6.60	10600.00
0105200000000000	-1.00	1.70	-4.20	-15.40	-12.20	-8.37	-3.54	-2.34	-2.43	-29.10	-35.00	-23.30	5680.00
0105300000000000	218.00	267.00	219.00	83.00	27.00	-13.10	-9.00	-9.61	-6.29	-39.50	-61.40	121.00	164000.00
0105310000000000	-1.10	4.40	-8.0	-13.40	-11.20	-13.10	-9.00	-9.61	-6.29	-39.50	-61.40	-8.40	9160.00
0105320000000000	-8.50	-4.20	-7.90	-17.10	-7.81	-13.10	-9.00	-9.61	-6.29	-39.50	-61.40	-14.90	4260.00
0105330000000000	142.00	182.00	140.00	36.00	9.20	-13.10	-11.70	-10.70	-7.88	-62.30	-73.30	66.00	117000.00
0105331000000000	-3.29	-1.84	-3.23	-6.41	-3.21	-13.10	-11.70	-10.70	-7.88	-62.30	-73.30	-5.39	1310.00
0105332000000000	-6.21	-4.40	-6.15	-10.30	-2.57	-13.10	-11.70	-10.70	-7.88	-62.30	-73.30	-9.01	1070.00
0105333000000000	-5.50	-2.40	3.0	-10.50	-7.13	-13.10	-11.70	-10.70	-7.88	-62.30	-73.30	-11.70	6800.00
0105334000000000	27.10	38.60	26.40	-2.90	-5.40	-13.10	-11.70	-10.70	-7.88	-62.30	-73.30	6.10	28800.00
0105335000000000	40.00	58.00	41.00	-6.80	-16.20	-13.40	-11.70	-10.70	-7.88	-62.30	-73.30	5.30	45300.00
0105335100000000	37.00	56.00	39.00	-7.90	-16.80	-14.60	-11.70	-10.70	-7.88	-62.30	-73.30	4.20	44300.00
0105335110000000	9.40	14.20	9.90	-7.90	-16.80	-14.60	-11.70	-10.70	-7.88	-62.30	-73.30	8.80	10900.00
0105400000000000	-6.08	-5.33	-6.91	-10.50	-7.53	-3.94	-6.0	-8.1	-8.5	-9.77	-13.90	-10.40	335.00
0105500000000000	8.20	11.50	11.50	2.60	-1.71	-1.20	-5.6	-1.13	-8.66	-10.30	2.10	9610.00	
0105600000000000	-6.00	-8.0	-8.0	-15.90	-16.50	-9.75	-2.39	-3.17	-3.08	-28.50	-39.30	-16.90	10100.00
0105700000000000	3650.00	5100.00	4810.00	4460.00	2910.00	970.00	370.00	116.00	130.00	90.00	660.00	2520.00	2290000.00
0105710000000000	4.80	9.30	9.80	-1.50	-3.80	-3.29	-2.63	-3.33	-3.25	-13.60	-19.40	-2.80	10500.00
0105720000000000	223.00	294.00	268.00	182.00	87.00	22.60	16.10	2.30	3.60	-23.10	-15.10	140.00	150000.00
0105721000000000	-7.50	-2.80	-5.00	-11.10	-2.96	-2.17	3.8	-2.22	-2.25	-23.10	-22.00	-13.20	2680.00
0105722000000000	194.00	254.00	232.00	164.00	80.00	22.60	14.20	1.70	2.30	-23.10	-15.10	131.00	128000.00
0105722100000000	14.40	20.90	17.80	9.20	3.81	-0.4	96	1.12	0.7	-23.10	-15.10	6.40	11100.00
0105722200000000	23.60	34.60	29.70	15.40	8.10	1.84	78	-8.89	-7.79	-23.10	-15.10	16.00	20200.00
0105722300000000	93.00	132.00	121.00	84.00	39.10	13.80	7.20	-1.93	-2.00	-23.10	-17.10	62.00	71800.00
0105722310000000	93.00	132.00	121.00	84.00	39.10	13.80	7.20	-1.93	-2.00	-23.10	-17.10	62.00	71800.00
0105722311000000	-8.90	-5.70	-6.60	-9.80	-9.23	-2.22	-5.55	-1.93	-2.00	-23.10	-17.10	-11.60	461.00
0105730000000000	1860.00	2330.00	2200.00	2190.00	1740.00	870.00	366.00	116.00	25.00	83.00	450.00	1420.00	1010000.00
0105731000000000	151.00	208.00	210.00	206.00	92.00	13.20	-5.50	1.30	-4.40	-43.60	-74.10	87.00	128000.00
0105731100000000	122.00	174.00	178.00	183.00	84.00	11.50	-6.00	9.0	-9.90	-44.60	-76.40	71.00	111000.00
0105731110000000	41.80	60.00	60.00	54.80	20.90	5.10	-6.00	7.4	-9.90	-44.60	-76.40	23.30	38100.00
0105731120000000	93.00	127.00	131.00	139.00	64.00	8.80	-6.00	-1.00	-2.40	-44.60	-76.40	63.00	75300.00
0105732000000000	1500.00	1920.00	1790.00	1850.00	1490.00	860.00	366.00	116.00	25.00	83.00	450.00	1170.00	761000.00
0105732100000000	167.00	191.00	189.00	150.00	69.00	20.30	2.90	-3.50	-1.00	-24.90	-10.20	132.00	103000.00
0105732200000000	228.00	336.00	332.00	295.00	156.00	46.00	12.50	-5.90	-1.10	-105.00	-59.00	166.00	187000.00
0105732210000000	28.00	59.00	53.00	37.00	20.20	-4.70	-3.50	-7.58	-3.56	-105.00	-59.00	53.00	51400.00
0105732220000000	160.00	237.00	238.00	218.00	128.00	31.00	8.10	-6.20	-1.10	-105.00	-59.00	156.00	137000.00
0105732221000000	3.90	11.90	10.50	7.50	1.50	-2.16	-3.4	-6.20	-1.61	-105.00	-59.00	10.50	12100.00
0105732222000000	136.00	173.00	171.00	161.00	97.90	31.00	8.10	-6.20	-1.10	-105.00	-59.00	117.00	83500.00
0105732300000000	830.00	1070.00	970.00	1090.00	1040.00	760.00	366.00	116.00	25.00	83.00	450.00	780.00	366000.00
0105732310000000	4.50	10.00	10.20	10.30	4.90	-1.47	-2.12	-3.28	-3.48	-18.00	-14.30	-7.70	8070.00
0105732320000000	-4.40	2.60	5.50	13.70	13.40	2.30	3.15	4.5	1.0	-14.90	-22.90	-6.40	7240.00
0105732330000000	-2.10	6.30	8.50	14.80	11.30	-1.0	6.2	-1.81	-2.30	-19.80	-29.80	-10.10	8800.00
0105732340000000	2.10	10.00	12.80	21.40	14.10	5.30	3.66	7.7	24	-18.10	-21.90	-3.50	10000.00
0105732350000000	830.00	1070.00	970.00	1090.00	1040.00	760.00	366.00	116.00	25.00	83.00	450.00	780.00	366000.00
0105732351000000	114.00	140.00	133.00	138.00	146.00	98.00	67.40	49.90	25.00	30.20	47.00	96.00	55500.00
0105732352000000	199.00	213.00	213.00	225.00	247.00	206.00	181.00	116.00	25.00	83.00	155.00	190.00	76900.00
0105732353000000	348.00	484.00	402.00	464.00	539.00	433.00	355.00	116.00	25.00	83.00	285.00	347.00	137000.00
0105740000000000	1170.00	2000.00	1910.00	1670.00	835.00	155.00	-57.70	-81.50	-62.20	-170.00	-124.00	603.00	975000.00
0105741000000000	12.60	24.00	19.10	-1.20	-3.80	-5.86	-57.70	-81.50	-62.20	-170.00	-124.00	-4.80	17800.00
0105741100000000	12.60	24.00	19.10	-1.20	-3.80	-5.86	-57.70	-81.50	-62.20	-170.00	-124.00	-4.80	12200.00
0105742000000000	1050.00	1830.00	1750.00	1560.00	785.00	142.00	-57.70	-81.50	-62.20	-170.00	-140.00	538.00	895000.00
0105742100000000	-26.80	-18.10	31.00	10.70	0.0	-8.32	-57.70	-81.50	-62.20	-170.00	-140.00	-55.00	44600.00
0105742110000000	-26.80	-18.10	-7.10	-9.30	-5.72	-8.32	-57.70	-81.50	-62.20	-170.00	-140.00	-55.00	5110.00
0105742120000000	-39.40	-38.00	19.40	-4.60	-7.20	-16.20	-57.70	-81.50	-62.20	-170.00	-140.00	-55.20	30600.00
0105742121000000	-39.40	-38.00	-1.10	-5.20	-9.80	-16.20	-57.70	-81.50	-62.20	-170.00	-140.00	-55.20	15300.00
0105742121100000	-39.40	-38.00	-1.10	-5.20	-9.80	-16.20	-57.70	-81.50	-62.20	-170.00	-140.00	-55.20	12900.00
0105742122000000	-58.90	-72.00	1.80	-19.30	-14.60	-16.20	-57.70	-81.50	-62.20	-170.00	-140.00	-55.20	8010.00
0105742200000000	-11.10	-9.66	-11.20	-13.00	-9.16	-3.78	-57.70	-81.50	-62.20	-170.00	-140.00	-13.10	-1680.00
0105742300000000	-7.97	-5.38	-8.02	-11.40	-8.49	-4.64	-57.70	-81.50	-62.20	-170.00	-140.00	-11.40	5

0105742400000000	-7.46	-4.60	-7.52	-11.10	-8.36	-4.57	-57.70	-81.50	-62.20	-170.00	-140.00	-11.20	893.00
0105742500000000	34.10	68.00	53.00	22.70	5.50	-3.70	-57.70	-81.50	-62.20	-170.00	-140.00	13.90	36700.00
0105742510000000	7.80	23.00	13.60	-2.60	-3.20	-3.70	-57.70	-81.50	-62.20	-170.00	-140.00	-4.90	15300.00
0105742520000000	3.60	22.00	17.10	2.40	1.70	-3.70	-57.70	-81.50	-62.20	-170.00	-140.00	-3.60	14400.00
0105742600000000	234.00	481.00	389.00	316.00	124.00	25.30	-57.70	-81.50	-62.20	-170.00	-140.00	68.00	244000.00
0105742610000000	70.00	126.00	100.00	43.00	11.40	6.30	-57.70	-81.50	-62.20	-170.00	-140.00	39.60	69300.00
0105742620000000	-16.50	11.30	-1.10	-13.40	-15.50	-8.16	-57.70	-81.50	-62.20	-170.00	-140.00	-30.10	9280.00
0105742630000000	48.00	138.00	112.00	139.00	52.00	7.20	-57.70	-81.50	-62.20	-170.00	-140.00	-8.30	90200.00
0105742631000000	-10.70	-1.20	-5.20	-4.10	-4.91	-2.69	-57.70	-81.50	-62.20	-170.00	-140.00	-15.00	1630.00
0105742632000000	-11.90	2.70	-4.00	-11.10	-10.10	-8.99	-57.70	-81.50	-62.20	-170.00	-140.00	-19.20	3850.00
0105742633000000	4.10	35.30	30.60	71.00	26.90	7.20	-57.70	-81.50	-62.20	-170.00	-140.00	-20.90	50200.00
0105742633100000	-15.00	-4.80	-8.70	-7.40	-8.75	-2.05	-57.70	-81.50	-62.20	-170.00	-140.00	-20.90	516.00
0105742633200000	-6.57	2.20	-1.30	.10	-3.28	-2.85	-57.70	-81.50	-62.20	-170.00	-140.00	-20.90	2390.00
0105742633300000	-13.50	-6.70	-9.20	-6.40	-5.51	-2.62	-57.70	-81.50	-62.20	-170.00	-140.00	-20.90	-439.00
0105742700000000	545.00	870.00	780.00	710.00	468.00	97.00	-57.70	-81.50	-62.20	-170.00	-146.00	370.00	401000.00
0105742710000000	-4.60	1.80	-2.80	-14.20	-7.43	-2.90	-57.70	-81.50	-62.20	-170.00	-146.00	-14.90	6770.00
0105742720000000	-8.92	-7.22	-8.48	-11.50	-8.33	-4.32	-57.70	-81.50	-62.20	-170.00	-146.00	-11.60	-784.00
0105742730000000	-5.40	.60	-4.20	-15.80	-13.40	-5.62	-57.70	-81.50	-62.20	-170.00	-146.00	-15.50	5860.00
0105742740000000	-6.00	-2.40	-5.10	-11.90	-11.20	-6.50	-57.70	-81.50	-62.20	-170.00	-146.00	-11.40	2520.00
0105742750000000	-4.10	34.80	30.00	6.90	1.90	-6.32	-57.70	-81.50	-62.20	-170.00	-146.00	-28.10	23700.00
0105742760000000	406.00	631.00	566.00	557.00	393.00	97.00	-57.70	-81.50	-62.20	-170.00	-146.00	295.00	295000.00
0105742761000000	67.00	143.00	144.00	154.00	138.00	30.40	-57.70	-81.50	-62.20	-170.00	-146.00	27.00	73800.00
0105742762000000	13.40	30.00	20.60	15.40	3.10	-4.59	-57.70	-81.50	-62.20	-170.00	-146.00	7.80	19500.00
0105742763000000	17.10	37.90	29.50	26.90	17.40	-.50	-57.70	-81.50	-62.20	-170.00	-146.00	10.10	25500.00
0105742764000000	3.80	15.90	12.80	14.20	11.10	1.79	-57.70	-81.50	-62.20	-170.00	-146.00	8.30	11200.00

80

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OCT 12 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

WATER
RESOURCES
DEPARTMENT

October 4, 1995

BARBARA COGBURN
WELLS CREEK DISTRICT IMPROVEMENT CO.
PO BOX 524
SCOTTSBURG OREGON 97473

RE: Application File # S-72695

Dear Ms. Cogburn,

The Water Resources Department is currently reviewing your application for water use. Preliminary review indicates the following items were not included with your application:

- ▶ A map showing the place where water is to be used and the point where water will be diverted. The map that was originally submitted shows five homes; the application was later amended to include **six** homes. Enclosed is a copy of the map. Please diagram the sixth home on it.

In order to expedite the processing of your application, we request that you submit these items by **October 23, 1995**. I have enclosed a stamped envelope for your use.

Should you have any questions regarding your application or the required materials listed above, please call me personally at 1-800-624-3199 extension 306.

Sincerely,



Mr. Cory Engel
Completeness Team

Enclosures

*Will be good to get this completed.
Thank you.
BC 97-95*



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

RECEIVED

OCT 14 1993

Water Resources Dept.
3850 Portland Bld. N.E.
Salem, Or 97310

Application No. S-72695

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

Applicant(s) WELLS CREEK DISTRICT IMPROVEMENT CO. (BARBARA COGBURN)

(Please print or type - use dark ink)

Mailing Address:

P. O. BOX 524

SCOTTSBURG

OREGON

97473

503-587-4252

City

State

Zip

Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: A SPRING,
a tributary of WELLS CREEK

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: 0.05 cubic feet per
second, OR 22.4 26.8 gallons per minute. If water is to be used from more than one source,
give the quantity of water from each: _____

3. INTENDED USE(s) OF WATER: DOMESTIC USE INCLUDING UP TO 1/2 ACRE
LAWN AND NONCOMMERCIAL GARDEN. (EACH)

If for more than one use, give the quantity of water from each source for each use; _____

If for DOMESTIC use, state the number of households to be supplied; 5

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served,
and an estimate of the future requirements; (List population projections, water needs, anticipated areas
to be provided water.) _____

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed
under each use;

Irrigation _____

Other (describe) _____

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

A SPRING-BOX WILL BE CONSTRUCTED AT THE SPRING AND A GRAVITY-FLOW PIPELINE CONSISTING OF 5000 FEET OF 2 INCH DIAMETER POLYURETHANE PIPE WILL SUPPLY WATER TO A 2600 GALLON STEEL STORAGE TANK THEN THE WATER WILL BE DELIVERED TO THE HOUSEHOLDS VIA A 1-1/2 INCH POLYURETHANE PIPE.

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin FALL 1992

Proposed date construction work will be completed Fall 1993

Proposed date water use will be completed Fall 1994

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant X CWRE Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 Applicant X CWRE Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? NO. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS:

THESE 5 HOUSEHOLDS ARE TO BE SERVED BY THE WELLS CREEK
DISTRICT IMPROVEMENT COMPANY. THE POINT OF DIVERSION IS THE SAME AS IN
CERTIFICATE 29483. EASEMENTS HAVE BEEN GRANTED FROM INTERNATIONAL PAPER
COMPANY FOR THE POINT OF DIVERSION AND THE PIPELINE (SEE ENCLOSURES).

LEGAL OWNERS OF THE PROPERTIES INVOLVED:

1. TL 22-9-8A-900 JANELLI, PETER JR. & JONETTE P.O. BOX 563 SCOTTSBURG, 97473
2. TL 22-9-8A-1100 HENDRICKSON, EVERETT & EVELINE P.O. BOX 322 TURNER, 97392
3. TL 22-9-8A-1200, SMITH, ANTHONY L. & KELLEY L. P.O. BOX 566 SCOTTSBURG, 97473
4. TL 22-9-8B-2600 & TL 22-9-8B-2700, SHARPS,
TL 22-9-8B-2700, Sharps,
Charles J. & Susan D.,
2285 N. 14th, COOS BAY, (97420)

4. TL 22-9-8B-2600, Fearell, Jack &
Mary Jane, 1115 OLD WAGON ROAD,
COOS BAY, 97420

TL 22-9-8- Town, William S. & Sally H. P.O. Box 32805 Statelhy 38 Scottsburg Or 97473

I/We certify that the information I have provided in this
application is an accurate representation of the proposed water
use and is true and correct to the best of my knowledge.

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Robert O'Brien
Signature of Applicant

9/19/92
Date

Thomas Brown
Signature of Co-Applicant, if any

9-21-92
Date

TL-
100-
1963

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: WELLS CREEK DISTRICT IMPROVEMENT CO.Address: P.O. BOX 524
SCOTTSBURG, OREGON 97473Phone: 503-587-4252

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

☐ Irrigation (crop type, golf course, nursery or greenhouse): _____☐ Livestock (type of livestock, feedlot, slaughterhouse): _____☒ Residential (# units, single or multi-family, # lots if partition or subdivision): 5 SINGLE
FAMILY UNITS☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____☐ Institutional (i.e., school, library, etc.): _____☐ Mining (aggregate, metal, open pit, placer, etc.): _____☐ Recreation (park, campsite, pond, etc.): _____☐ Fish and Wildlife (pond, hatchery, etc.): _____☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____☐ Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:

☒ Surface Water
Name sources:
SPRING, A TRIB.
OF WELLS CREEK☐ Reservoir or pond☐ Ground Water

Indicate the estimated quantity of water the use will require.

0.05 Cubic feet per second.26.8
22.4 Gallons per minute.

____ Acre-Feet

TECHNICAL REVIEW CHECKLIST

FORM-71393

- (1) Application: S-72695
- (2) Review Date: 10-15-93

S Indicates information was completed or adequately addressed.
 U Indicates information is needed, or incomplete, or inadequately addressed
 N/A Indicates Not Applicable

SUMMARY

U Completeness

S Land Use

N/A GW Interference (if potential interference with surface water, see results of water availability analysis)

S Conflicts

S Water Availability

- (3) S The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

- (4) S No oath is required because application was filed before June 5, 1992.

- (5) S Application fees:

Examination fee:	\$ 200.00
Recording fee:	\$ 125.00
TOTAL REQUIRED	\$ 325.00
TOTAL SUBMITTED	\$ 325.00
AMOUNT DUE prior to issuance of permit	\$ 0
AMOUNT OVERPAID	\$ 0
refund due applicant	\$ 0

- (6) S Proposed dates of beginning and completion of construction, and complete application of water.

- (7) S MAP: ☒ Prepared by a CWRE
☐ Exempt under OAR 690-11-150(3)
☐ A map or drawing included (non-CWRE)
☐ No map or drawing in file

- (8) N/A A CWRE map is not required for applications filed before November 9, 1987.
- (9) V A written copy of the legal description of the property on which the water is to be used.
- (10) V A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- (13) S DOMESTIC EXPANDED use(s) is/are classified uses(s) under the UNIQUE Basin Program, OAR 690 - 576-001
CPC-002
- (14) V The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

- (15) As expressed by the Planning Department of DOUGLAS
- (16) S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section _____).
- (17) N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) N/A The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

- (20) N/A A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) N/A The report from groundwater section has been received.

For reservoir applications:

- (22) N/A Plans, specifications and supporting information for the dam and impoundment area.

10-15-93
73-5
JLB ✓
Report Date: _____

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE:

_____.

1. APPLICATION FILE NUMBER - S 72695

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

BARBARA COGBURN
WELLS CREEK DISTRICT IMPROVEMENT CO.
PO BOX 524
SCOTTSBURG, OR 97473
DOUGLAS Co. 503-587-4252

Date application received for filing and/or tentative date
of priority: 9/24/1992

SOURCE: A SPRING

TRIBUTARY TO: WELLS CREEK (UMPQUA RIVER)

Purpose and/or use: DOMESTIC USE FOR FIVE FAMILIES INCLUDING THE
IRRIGATION OF LAWN & NON-COMMERCIAL GARDEN NOT TO EXCEED 0.5 ACRE

Flow: 0.05 cfs

Point of Diversion Location: SW 1/4 NW 1/4, SECTION 5, T 22 S, R
9 W, W.M. **SPRING**-3100 FEET NORTH AND 310 FEET EAST FROM SW CORNER
OF SECTION 5

Place of use:

NW 1/4	NE 1/4	DOMESTIC
SW 1/4	NE 1/4	DOMESTIC
NE 1/4	NW 1/4	DOMESTIC
SE 1/4	NW 1/4	DOMESTIC (2)
Section 8		
T 22 S R 9 W, W.M.		

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 80% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

CONFLICTS WITH OTHER WATER RIGHTS:

There **are no** existing rights from this point of diversion. proposed permit conditions.

There **are no** existing water rights appurtenant to the lands described in the application.

REPORT CONCLUSIONS:

Water in the amount of 0.05 CFS is likely available for **12** months of the **12** months normal period of use. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: S 72695

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.

2. Period of allowed use: YEAR ROUND

3. Rate of use: 0.05 DOMESTIC EXPANDED FOR FIVE FAMILIES

4. Water use development requirements:

A. Begin construction by (one year from issuance of permit).

B. Complete construction by October 1, 1996.

C. Completely apply the water to beneficial use by October 1, 1997.

5. Measurement recording and reporting conditions:

A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

6.Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.

7.The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

8.The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

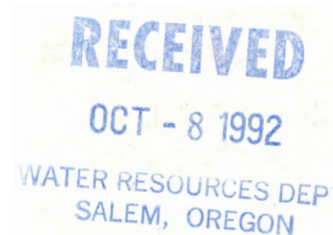
WATER AVAILABILITY REPORT-SURFACE WATER APPLICATION

Name of Applicant Wells Creek District Improvement Company Application Number 72695

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes _____ No X

If yes, please explain.



2. Has the stream or basin that is the source for this application ever been regulated for minimum streamflows?

Yes _____ No X

If yes, please explain.

3. Do you observe this stream system during regular field work?

Yes _____ No X

If yes, what are your observations for the stream.

I am not acquainted with the unnamed spring, but for the Umpqua River nr Elkton (14321000), roughly midway in minimum flow reach, to be below 745 cfs for 7 or more consecutive days is a 1 year in 20 event.¹

4. Based on your observations, would there be water available in the quantity and at time needed to supply the development proposed by this application.

Yes X No _____ Don't Know X

What would you recommend for conditions on a permit, that may be issued approving this application?

5. Any other recommendations you would like to make?

¹Statistical Summaries of Streamflow Data in Oregon, Vol. 2, p. 189 (1984)

Signature

Gary L Ball

WM District #

15

Date

10/2/92

RECEIVED

OCT - 7 1992

WATER RESOURCES DEPT
SALEM, OREGON

Oregon

DEPARTMENT OF
FISH AND
WILDLIFE



October 5, 1992

Steve Brown
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

RE: Water Right application review; request for reports of technical review

Dear Steve:

ODFW is interested in reviewing WRD's technical analyses for the following water use applications when they become available:

72675	R72680	R72685	72690	72695
R72676	R72681	72686	72691	72735
R72677	726821	R72687	R72692	
R72678	72683	72688	72693	
R72679	72684	R72689	72694	

These applications have the potential to impact fish and wildlife resources in the subject waterways and are, therefore, of concern to ODFW.

As we discussed last week, until I receive a response on my September 10 letter to Reed Marbut I will continue to submit these blanket review requests to you. Hopefully we can eliminate this needless paperwork in the near future.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Albert H. Mirati, Jr.", written over a horizontal line.

Albert H. Mirati, Jr.
Water Right Review Coordinator

c WaterWatch of Oregon (public information request)

File: WRD/WR/RTA Request



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-5400

Application No. 72695

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in Addition to Classified Uses

RECEIVED

SEP 24 1992

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: WELLS CREEK DISTRICT IMPROVEMENT CO.
Address: P.O. Box 524
City: SCOTTSBURG State: OR Zip: 97473 Day Phone: 503-587-4252

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
2719.00 <u>22-9-BB-2400</u>	<u>RR-2 - Rural Residential</u>			<u>X</u>
2718.00 <u>22-9-BB-2700</u>	<u>"</u>			<u>X</u>
<u>22-9-BA-1100AW (Ap Woodlot) CT (Tourist Comm) RR</u>				<u>X</u>
2691.02 <u>22-9-BA-900 CT</u>				<u>X</u>
2691.01 <u>22-9-BA-1200 CT</u>				<u>X</u>

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. DOUGLAS

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

☐ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____ Go to section b) on reverse side.

☒ * Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)**

* If dwellings are preexisting in CT, no action required; if intent is to place a dwelling, a Conditional Use Permit is required.

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Peryl Goodhue

Title: 3000 Paper

Signature: Theresa Goodhue

Date: 8/14/92

Phone: 940-4289

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

[illegible]

Signature: _____
Date of Information Request: _____

Staff Contact: _____
Phone: _____

City or County: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application. If the local government can not provide the above requested land use information while the applicant waits.

WRD Applicant Name: _____

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: WELLS CREEK DISTRICT IMPROVEMENT CD.Address: P.O. BOX 524
SCOTTSBURGH, OREGON 97473Phone: 503-587-4252

RECEIVED

SEP 24 1992

WATER RESOURCES DEP.
SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

☐ Irrigation (crop type, golf course, nursery or greenhouse): _____☐ Livestock (type of livestock, feedlot, slaughterhouse): _____☒ Residential (# units, single or multi-family, # lots if partition or subdivision): 5 SINGLE
FAMILY UNITS☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____☐ Institutional (i.e., school, library, etc.): _____☐ Mining (aggregate, metal, open pit, placer, etc.): _____☐ Recreation (park, campsite, pond, etc.): _____☐ Fish and Wildlife (pond, hatchery, etc.): _____☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____☐ Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>SPRING, A TRIB.</u> <u>OF WELLS CREEK</u>	<u>0.05</u> Cubic feet per second. <u>22.4</u> Gallons per minute. ____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

RECEIVED

FEB 17 1994

WATER RESOURCES DEP
SALEM, OREGON



721695
Oregon
DEPARTMENT OF
FISH AND
WILDLIFE

February 17, 1994

Water Rights Section
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

RE: Instream Water Right Application #s 70249, 70288,
70942 through 70944, 70946 through 70960, 71221
through 71280, 71282 through 71890, and 71921 through
72946; Reports of Technical Review

General Comments

According to OAR 690-77-026 (1), WRD "shall undertake a technical review...and prepare a report." This subsection further lists 8 [(a) - (h)] mandatory criteria which, as a minimum, must be assessed during the technical review. ODFW has concerns with the apparent level of assessment relative to subsection (c):

OAR 690-77-026 (1)(c)--Assessing the proposed instream water right with respect to conditions previously imposed on other instream water rights granted for use of water from the same source.

In the 115 subject reports of technical review, WRD is proposing to condition each application to exempt human and livestock consumption from regulation in favor of these instream rights as follows:

This instream right shall not have priority over human or livestock consumption.

Instream water right certificates in the North Coast basin based on conversion of minimum perennial streamflows generally contain similar conditioning language giving preference to the listed uses.

By rule, WRD's technical review process includes assessing conditions previously imposed on other instream water rights from the same source. If found to be appropriate, WRD may propose that new instream water rights contain the same exemption. There is no requirement that this exemption be automatically included as part of a technical review.



2501 SW First Avenue
PO Box 59
Portland, OR 97207 -
(503) 229-5400
TDD (503) 229-5459

When ODFW reviewed WRD files on some of these applications for documentation of assessments of prior conditions, we found nothing to indicate that any such assessments had been done. ODFW, therefore, assumes that the required assessments were not done and, therefore, objects to the routine placement of the proposed exemption on any of these applications on the grounds that to do so would be contrary to the public's interest in maintaining fish populations in North Coast basin streams. OAR 690-11-195 (4d).

Specific Comments

Application # 70948

Section 5, Proposed Conditions, is missing from this Report of Technical Review.

Application # 71241

For the month of December:

1. The minimum flow level recommended by ODFW in the North Coast basin Environmental Investigation Report is 88 cfs.
2. The reported estimated average natural flow for December here is 131 cfs.
3. WRD is proposing in the Report of Technical Review to allocate 80 cfs.

ODFW believes the proper amount to be protected during December is 88 cfs.

Application # 71258

Here, the estimated average natural flow is less than the minimum flow recommended by ODFW for the entire year. Because this is the only instance where this has happened to date, the occurrence is suspect. ODFW requests that the water availability analysis for this reach of Miami River be reexamined.

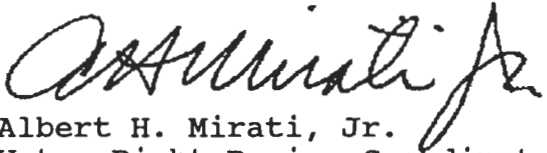
Application # 71280

The recommended flow numbers listed for September through April in the Application Information and Technical Review sections of the Report of Technical Review do not agree. Those listed in the Application Information section are correct.

North Coast Basin IWRs
February 17, 1994
Page 3

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Mirati Jr.", written in dark ink.

Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Jill Zarnowitz/Stephanie Burchfield
Penny Harrison, DOJ

FILE: NCOAST.IWR

RECEIVED

SEP 24 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 72695

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

Applicant(s) WELLS CREEK DISTRICT IMPROVEMENT CO. (BARBARA COGBURN)

(Please print or type - use dark ink)

Mailing Address: P. O. BOX 524

SCOTTSBURG

OREGON

97473

503-587-4252

City

State

Zip

Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: A SPRING,
a tributary of WELLS CREEK

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 0.05 cubic feet per second, OR 22.4 gallons per minute. If water is to be used from more than one source, give the quantity of water from each: _____

3. **INTENDED USE(s) OF WATER:** DOMESTIC USE INCLUDING UP TO 1/2 ACRE
LAWN AND NONCOMMERCIAL GARDEN. (EACH)

If for more than one use, give the quantity of water from each source for each use; _____

If for **DOMESTIC** use, state the number of households to be supplied; 5

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.) _____

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation

Other (describe)

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** *Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).*

A SPRING-BOX WILL BE CONSTRUCTED AT THE SPRING AND A GRAVITY-FLOW PIPELINE CONSISTING OF 5000 FEET OF 2 INCH DIAMETER POLYURETHANE PIPE, WILL SUPPLY WATER TO A 2600 GALLON, STEEL, STORAGE TANK. THEN, THE WATER WILL BE DELIVERED TO THE HOUSEHOLDS VIA A 1- 1/2 INCH POLYURETHANE PIPE.

5. **PROJECT SCHEDULE:** *(List month and year)*

Proposed date construction work will begin FALL 1992

Proposed date construction work will be completed _____

Proposed date water use will be completed _____

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) *In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):*

_____ Applicant ☒ CWRE _____ Other (Identify in REMARKS section)

- b) *In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):*

_____ Applicant ☒ CWRE _____ Other (Identify in REMARKS section)

7. *Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? NO. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.*

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salmon, Oregon, on the 24th day of September, 1992, at 8:00 o'clock, A M.

APPLICATION NO: 92695

PERMIT NO: _____

REMARKS:

THESE 5 HOUSEHOLDS ARE TO BE SERVED BY THE WELLS CREEK DISTRICT IMPROVEMENT COMPANY. THE POINT OF DIVERSION IS THE SAME AS IN CERTIFICATE 29483. EASEMENTS HAVE BEEN GRANTED FROM INTERNATIONAL PAPER COMPANY FOR THE POINT OF DIVERSION AND THE PIPELINE (SEE ENCLOSURES).

LEGAL OWNERS OF THE PROPERTIES INVOLVED:

1. TL 22-9-8A-900 JANELLI, PETER JR. & JONETTE P.O. BOX 563 SCOTTSBURG, 97473
2. TL 22-9-8A-1100 HENDRICKSON, EVERETT & EVELINE P.O. BOX 322 TURNER, 97392
3. TL 22-9-8A-1200, SMITH, ANTHONY L. & KELLEY L. P.O. BOX 566 SCOTTSBURG, 97473
4. TL 22-9-8B-2600 & TL 22-9-8B-2700, SHARPS, 5.
4. TL 22-9-8B-2600, Fearell, Jack & Mary Jane, 1115 OLD WAGON ROAD, COOS BAY, 97420
5. TL 22-9-8B-2700, Sharps, Charles J. & Susan D., 2285 N. 14th, COOS BAY, (97420)

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Robert Oukman
Signature of Applicant

9/19/92
Date

Thomas P. House
Signature of Co-Applicant, if any

9-21-92
Date

I have corrected this and mailed a copy to James Gossow - If it needs to be redone - please send to

James F. Gossow
580 S. State St.
Gutherlin, Or.
97479

Barbara Cogburn - Sec -

SURFACE WATER APPLICATION MAP

RECEIVED

for

Superseded
10/95

SEP 24 1992

WELLS CREEK DISTRICT IMPROVEMENT CO.

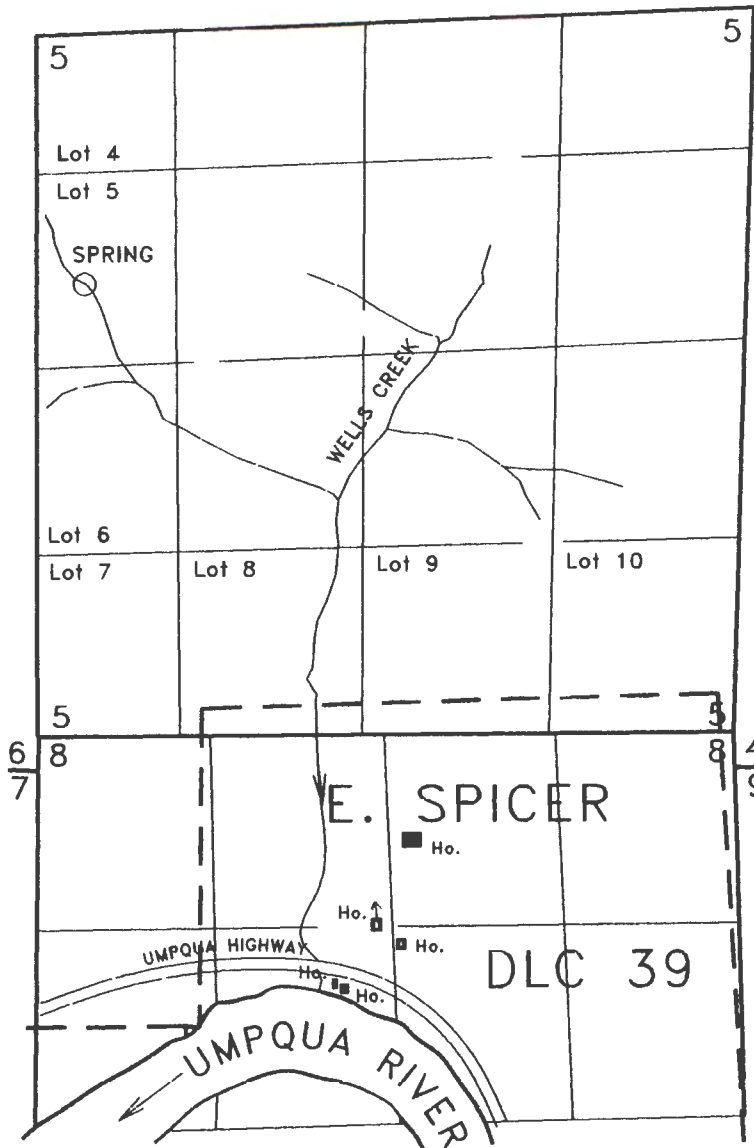
WATER RESOURCES DEPT.
SALEM, OREGON

TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.

SECTIONS 5 & 8

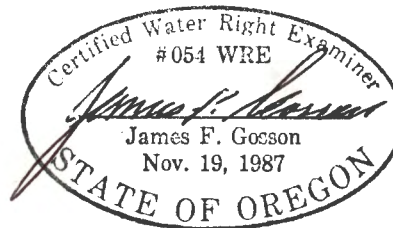
Application No 72695
Permit No.

SCALE:
1 INCH = 1320 FEET



SPRING IS LOCATED 3100' N. & 310' E. FROM SW CORNER OF SECTION 5.

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.



surveyed 8/8/92 ms

Oregon Water Resources
Commerce Building
158 12th St. NE

FIRST CLASS

00052064-06

\$0.55

U.S. POSTAGE
PH.D.
NORTH BEND, OR
97459
SEP 22, '95
AMOUNT



97310

UNITED STATES
POSTAL SERVICE



9000

Ellis Creek District Imp. Co.
15 Old Wagon Rd.
Coos Bay, OR 97420

Wm. A. Town
3285 State Hwy 38
Scottsburg, OR. 97473



PFO Requests
Proposed Final Order
Oregon Water Resources
158 12th St. NE
Eugene, OR 97410

NUMBER

88509

Check 325⁰⁰ NO Cash



Surface Application

Reservoir Application

Ground Water Application

Transfer Application

Power Claim

Hydroelectric Examination

Hydroelectric License

Copying To: Dava Marcal

Assignment

Extension of Time

Other

P-6

Quadrangle

Basin

Protest

Constructors Examination

Constructors License

Adjudication

200.⁰⁰ - Exam

125.⁰⁰ - Recording

Oregon

WATER RESOURCES DEPARTMENT

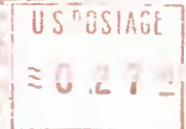
Commerce Building
158 12th Street NE
Salem, OR 97310-0210



CONSERVE WATER
FOR
OREGON'S FUTURE



PRESORTED
FIRST CLASS



Peter & Johnette Janelli
PO Box 563
Scottsburg OR 97473

72695

RECEIVED

MAY 24 1996

WATER RESOURCES DEPT.
SALEM, OREGON





Made from Recycled Paper

REFERENCE: NOTICE OF FINAL ORDER,

APPLICATION FILE 72695

You have been identified as a person who submitted written comments or protests, or otherwise requested notice of the Final Order relative to the above referenced application.

As required under Section 13(9), Chapter 416, Oregon Laws, 1995, you are hereby notified that a Final Order has been issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To obtain a copy of the Final Order, send \$10 along with your request to the address listed below.

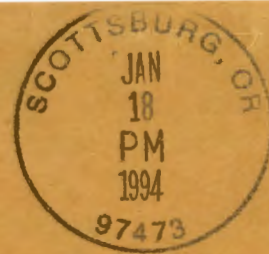
If you need further assistance please contact the Water Rights Section at the address listed below or phone (503)378-3739.

m:\forms\fonotice



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

Wells Creek Dist. Improvement Co.
P.O. Box 524
Scottsburg, Or 97473



FIRST CLASS

Oregon Water Resources Dept.
3850 Portland Road N.E.
Salem, Oregon

97310

Att. Steve Brown

Oregon

WATER RESOURCES DEPARTMENT

Commerce Building
158 12th Street NE
Salem, OR 97310-0210

REASON CHECKED
Unclaimed _____
Addressee unknown _____
Insufficient Address X
No such street _____
No such office in state _____
Do not remain in this envelope

PETER & JOHNETTE JANELLI
PO BOX 563
SCOTTSBURG OR 97473



POSTAGE
PAID
Salem, OR



72695

NOV 20 1995
WATER RESOURCES DEPT.
SALEM, OREGON





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OREGON WATER RESOURCES DEPARTMENT



Commerce Building
158 12th Street NE
Salem OR 97310-0210

NOTICE OF PROPOSED FINAL ORDER

This is to notify you that the Water Resources Department has issued a Proposed Final Order (PFO) on an application which may interest you. Attached is an excerpt from our weekly public notice, identifying the application we believe you may be interested in.

A PFO is the Department's preliminary decision on a water use request. It documents the agency's decision through specific findings. If appropriate, it includes a draft permit specifying any conditions or restrictions on the use.

Persons interested in receiving a mailed copy of a PFO must pay a statutorily-required fee of \$10. (Any person paying \$10 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.) PFO's may be viewed for free at the Department's Salem office or at watermasters' offices; you may make your own copies for the standard copy charge.

If you do not request a copy of the PFO, you may not be notified of subsequent action on the referenced application.

Opportunities for Further Public Involvement

Those disagreeing with the Department's decision as expressed in the PFO have 45 days from the date the PFO was issued to file a protest.

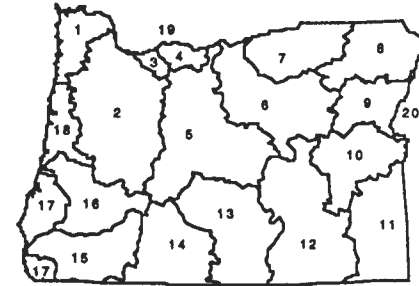
The protest filing fee is \$200 for everyone but the applicant. Detailed requirements for filing a protest will be sent with copies of the PFO. Persons who support the PFO may file a "standing" fee of \$50 to retain the ability to participate in future proceedings relating to an application. To participate, an additional \$150 is required at the time of the proceeding.

For additional information, call the Water Rights Information Group, extension 499 at either 503-378-8455 or 800-624-3199. Please have the application file number ready.

How To Read the Listing

Applications are organized by Oregon's major river basins, as listed below:

- | | | |
|---------------|-----------------|--------------|
| 1-North Coast | 8-Grande Ronde | 15-Rogue |
| 2-Willamette | 9-Powder | 16-Umpqua |
| 3-Sandy | 10-Malheur | 17-S. Coast |
| 4-Hood | 11-Owyhee | 18-Mid Coast |
| 5-Deschutes | 12-Malheur L. | 19-Columbia |
| 6-John Day | 13-Goose/Summer | 20-Snake |
| 7-Umatilla | 14-Klamath | |



G-12345	2	Dry Cr. > Rowe R.	0.50	C	IR	40.00	Coos 1/1/1995	SENE, SECTION 9, T16S, R4W	W. Clinton...	PFO	2
Basin number		What it flows into	Amount	Unit of measure: C - cubic feet per second G - gallons per minute A - acre-feet	Type of use (e.g.: IR - Irrigation; see codes below)	Irrigated acres	County of use; Priority date	Legal description of general area of use: "Southeast quarter of the Northeast quarter of Section 9, Township 16 South, Range 4 West."	Applicant name & address	Stage of Review: IR initial review PFO proposed final order	Decision codes: 1 permit may be issued as requested by applicant 2 permit may be issued with appropriate conditions 3 permit unlikely to be issued
The source											
Application number: G - groundwater R - reservoir S - surface I - instream											

Some commonly-used Type of Use abbreviations (for definitions, please consult Oregon Administrative Rules Chapter 690, Division 11):

- | | | |
|-----------------------------------|---|------------------------|
| AG-agriculture | GD-group domestic | MU-municipal |
| CF,CH,CI,CR-cranberry uses | GR-groundwater recharge | NU-nursery use |
| CM-commercial | GT-geothermal | PA-pollution abatement |
| CS-campground | IC-irrigation, primary & supplemental | FW-power |
| DI-domestic, incl. lawn & garden | ID,IL-irrigation with Domestic or Livestock use, respectively | QM-quasi-municipal |
| DN-domestic, incl. non-commercial | IM-industrial, manufacturing | RC-recreation |
| DO-domestic | IR-irrigation | RW-road construction |
| DS-domestic/stock | IS-supplemental irrigation | ST-storage |
| FI-fish | LV,LW-livestock/wildlife | SW-swimming |
| FP-fire protection | MI-mining | TC-temperature control |
| FW-fish & wildlife | | WI-wildlife |

PROPOSED FINAL ORDER REQUEST FORM

Your Name, Address, and Phone Number:

Phone: _____

Please send me the Proposed Final Order for Water Right Application:

Return this form and \$10 per PFO to:

PFO Requests
Proposed Final Order Team
Oregon Water Resources Department
158 12th St. NE
Salem OR 97310

Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued.

November 14, 1991

App#	Basin Source	Quantity	Use	Cnty/Priority	Pod Vicinity	Name/Address	Stage/Status
S-74427 15	YANKEE CR>ANTELOPE CR	384.000 A	IR 127.80	JACKSON 8/22/1994	SWNW,SECTION 28 T36S, R1E	YANKEE CREEK RANCH; CLARK PFO 1260 YANKEE CREEK RD EAGLE POINT,OR 97524	2
S-74904 15	ELK CR/RES>ROGUE RIVER	1.500 C	FP IR 20.00	JACKSON 11/14/1994	NWNW,SECTION 31 T33S, R1E	PRETORIUS, ELLEN R 146 ELK CREEK RD TRAIL,OR 97541	PFO 2
S-75215 15	ROGUE R/LOST CR RES>PACIF	104.400 A	IS 0.00	JACKSON 12/ 2/1994	SE,SECTION 32 T33S, R1E	LAEL PROCK 30000 HWY 62 TRAIL,OR 97541	PFO 2
S-77471 15	ROGUE R>PACIFIC OCEAN	0.006 C	IR 0.50	JOSEPHINE 9/ 7/1994	NWNW,SECTION 19 T34S, R7W	JONATHAN GURDIN 14900 GALICE RD MERLIN,OR 97532	PFO 2
S-80161 15	L CR RES>ROGUE R	10.800 A	IR 0.00	JACKSON 4/10/1995	NWSE,SECTION 3 T34S, R1W	ROBERT J KOLODNY 14914 RANCHO REAL DEL MAR,CA 92014	PFO 2
S-80179 15	SQUAW CR>ROGUE R	0.001 C	IR 0.00	CURRY 4/11/1995	NWNE,SECTION 9 T36S, R14W	FWLER, MAUREEN 32051 SQUAW VALLEY RD GOLD BEACH,OR 97444	PFO 2
S-80205 15	ROGUE R>PACIFIC OCEAN	0.016 C	IR 0.67	JOSEPHINE 4/17/1995	SW,SECTION 14 T36S, R6W	MOORE, VIOLA F 2992 S RIVER RD GRANTS PASS,OR 97527	PFO 2
S-69309 16	UNN STREAM>COW CR	0.010 C	DI	DOUGLAS 9/21/1987	NWSE,SECTION 36 T32S, R7W	WILLIAM A. SIMPLER 3993 REUBEN ROAD GLENDALE,OR 97442	PFO 2
S-71691 16	S MYRTLE CR>MYRTLE CR	0.010 C	DN	DOUGLAS 6/10/1991	SENW,SECTION 27 T29S, R5W	CHARLES E HEGGSTROM PO BOX 1795 MYRTLE CREEK,OR 97457	PFO 2
S-72695 16	A SPR>WELLS CR	0.030 C	DN	DOUGLAS 9/24/1992	SWNW,SECTION 5 T22S, R9W	WELLS CREEK DISTRICT IMPR PFO PO BOX 524 SCOTTSBURG,OR 97473	2

NUMBER

Clock

10 00

M.O

Cash

Surface Application

Reservoir Application

Ground Water Application

Transfer Application

Power Claim

Hydroelectric Examination

Hydroelectric License

Copying

Assignment

Extension of Time

Other

PR

P-6

Quadrangle

Draft

Project

Constructors Examination

Constructors License

Adjudication

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **130442**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: William S Town
BY: _____

APPLICATION	<u>72695</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 96-104 OTHER: (IDENTIFY) ☐

TOTAL REQ'D \$ 1000

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
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

MISCELLANEOUS

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY) <u>427-7-06230001</u>	\$ <u>1000</u>
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	\$	842.002	\$
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
	LANDOWNER'S PERMIT		842.024	\$

OTHER (IDENTIFY) _____

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	
	OTHER (IDENTIFY)			

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 # **130442**

DATED: 11-20-95

BY: F. Lissner

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **130442**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: William S. Town
BY: _____

APPLICATION	72695
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 96-104 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1022

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
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

MISCELLANEOUS

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY) <u>427-7-0623000</u>	\$ <u>1022</u>
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

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
_____	LANDOWNER'S PERMIT	\$	842.024	\$

OTHER (IDENTIFY) _____

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #	
_____	MONITORING WELLS	\$	CARD #	
_____	OTHER (IDENTIFY)			

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

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

RECEIPT # **130442**

DATED: 11-20-95

BY: F. Fisher

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

72695

52159

~~BARBARA COGBURN~~

WELLS CREEK DISTRICT IMPROVEMENT CO.

~~PO BOX 524~~ 1115 Old Wagon Rd., Coos Bay
~~SCOTTSBURG, OR~~ 97473 97420

Assigned

Address

Beginning construction

5-14-97

Completion of construction

10-1-98

Extended to

Complete application of water

10-1-99

Extended to



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

March 3, 2004

Stephen and Peggy Shambaugh
Wells Creek District Improvement Co.
P.O. Box 516
Scottsburg, OR 97473

Reference: File No. 72695, Certificate No. 79595

Dear Mr. and Mrs. Shambaugh:

I am enclosing some notes made when staff reviewed the above referenced file. The assessors map number and tax lot are noted on the list.

Copies of the water rights and maps are available upon request for a nominal amount of fees and will be provided through our water rights information group (WRIG) at phone number 503-986-0804 or at our local watermaster's office in Roseburg. Copies of certificates are available free of charge from our web home page www.wrd.state.or.us. Maps are available from our WRIG.

The information I am providing you should get you started to complete the task to determine the number of users authorized to use water under existing rights.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,

Steve Brown
Certificates

Plat Card Report for: Township: 22S, Range: 9W Section: 8

Page

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
S 14265	S 10340	11304								2.000 ID										
8/22/1931		-	Lot: 1																	
NC S 16870	S 12627	13720	dlc: 39					FL 800-900 8B												
5/3/1937		-						1.200 DI												
S 18340	S 13972	17261	dlc: 39																	
8/12/1939		-									DO									
S 18969	S 14566	17234	Cncl'd dlc: 39													9.000 IR Cncl'd	0.600 ID Cncl'd	0.200 ID Cncl'd		
8/26/1940		-																		
S 18969	S 14566	45387	dlc: 39																	
8/26/1940	*	-															DO	DO		
S 21139	S 16567	16919																		
9/4/1945		-	Lot: 1																	DI
S 21140	S 16568	16781								DI										
9/4/1945		-	Lot: 1																	
NC S 29062	S 23802	29482	dlc: 39		FL 1100-1000 8A	5.500 IR	0.600 IR													
3/12/1954		-																		
NC S 29072	S 23803	29483	dlc: 39		FL 2000, 2100, 2200, 1300, 1400, 1500, 1700 8A	DO	DO				DO									
3/12/1954		-																		
NC S 31335	S 24787	29485	dlc: 39		FL 100 8B	1.800 IR		0.700 IR												
2/1/1957		-																		

Go to 22S, 9W, 8 page: 1 2 3 Next >>

[Return to Plat Card Search](#)NOTE: Please read the [disclaimer](#) before using this information. Frequently asked questions are discussed in our Plat Card [FAQ](#).

Plat Card Report for: Township: 22S, Range: 9W Section: 8

Page

	Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
NC	S 32527	S 25774	29490	dlc: 39								T.L. 400 8B DI									
	7/31/1958		-																		
NC	S 35870	S 27508	32290								0.600 IR	T.L. 1600 8B 0.300 ID									
	7/31/1961		-	Lot: 1																	
NC	S 35870	S 27508	32290	dlc: 39								0.400 IR									
	7/31/1961	*	-																		
Conflict	S 38982	S 29042	32552	dlc: 39					T.L. 100+200 8B DI	← Can't tell for sure whether this is the same homestead - Application map looks like same location; FP map shows area east of newer water right											
	8/13/1963		-																		
NC	S 45701	S 34093	43828	dlc: 39					0.100 IR			T.L. 2000+2100 8B 0.300 ID									
	1/10/1969		-																		
NC	S 45701	S 34093	43828	dlc: 39								0.800 IR									
	1/10/1969	*	-																		
NC	S 45718	S 34105	43237	dlc: 39								T.L. 2200 8B DI									
	1/22/1969		-																		
	S 47059	S 43790															9.000 IR	2.000 IR	1.000 IR		
	6/8/1970																				
NC	S 55802	S 41779							0.120 IR			T.L. 2300 8B 0.880 ID									
	5/3/1977																				
NC	S 56289	S 42161	54804	dlc: 39								T.L. 700 8 DI									
	7/26/1977		-																		

Go to 22S, 9W, 8 page: <<Previous 1 2 3 Next >>

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Plat Card Report for: Township: 22S, Range: 9W Section: 8

Page

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
S 56643	S 42077																		4.000 IR	
9/22/1977																				
S 60035	S 44928					1.600 IR	10.000 IR									1.800 IR	0.300 IR			
4/14/1980																				
S 61915	S 46269						4.000 IR									5.000 IR	1.000 IR			
7/17/1981																				
S 65065	S 47627																	0.800 IR		
3/14/1983																				
S 68076	S 48515																			
5/7/1984									DN											
S 68352	S 49598																			
1/24/1986			Lot: 1								DO									
S 72695	S 52159																			
9/24/1992																				
S 80545	S 53493																			
7/17/1995				FI	FI	FI	FI	FI	FI	FI	FI	FI	FI	FI	FI	FI	FI	FI	FI	

Go to 22S, 9W, 8 page: <<Previous 1 2 3

[Return to Plat Card Search](#)**NOTE: Please read the disclaimer before using this information.** Frequently asked questions are discussed in our Plat Card [FAQ](#).

March 1, 2004

Dear Steve: like

We wanted to provide you with a new address for our District. Our officers change yearly, we now have a permanent P.O. Box for our use.

Thank you for taking care of this matter.

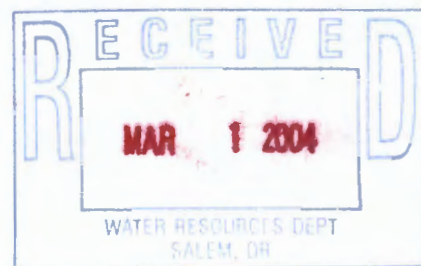
Sincerely

Peggy Shambaugh
Secretary

Wells Creek District Improvement
Co.

P.O. Box 566

Scottdsburg, OR 97473



1088 1 8AM



WATER RIGHT OWNERSHIP UPDATE FORM

STATE OF OREGON
WATER RESOURCES DEPT
ATTN: WATER RIGHTS
725 SUMMER STREET NE, SUITE A
SALEM OREGON 97301-1271



NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a Permit OR Water Right Certificate from the **Water Resources Department** is needed before using, diverting; or storing 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 Certificate to: 1) provide evidence of the Water Right Certificate to the buyer and 2) notify the Water Resources Department of the Water Right Certificate 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 questions about this form or water right requirements, please contact your local watermaster or call the **Water Resources Department at 503-986-0900**.

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

Property Seller Information:

Applicant: _____
First Last

Mailing address: _____

City _____ State Oregon Zip _____

Phone: _____
Home Work Other

Address Change.

Property Buyer Information:

Applicant: Wells Creek Dist Improvement Co.
First Last

Mailing address: P.O. Box 566

City Scottsburg State Oregon Zip 97473

Phone: 541-587-4250
Home Work Other

Property Description (attach additional pages if necessary):

County: Douglas Township: 22^{South} Range: 9 Section: 5 + 8

Tax lot number(s): _____

Metes & bounds description (or attach a copy of your property deed & tax lot map with the parcels highlighted):

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

Application #: 72695 Permit #: 52159 Certificate #: 79595
Will all the lands associated with this water right be owned by the buyer? Yes No

Name of individual completing this form: Peggy Shambaugh Signature: Peggy A Shambaugh

Phone: 541-587-4250 Date: 3-1-04



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

September 3, 2002

Gary I. and Janice Joy Hall, Trustees
HC 31 Box 418
Happy Jack, AZ 86024-9715

Reference: Application S-72695, Permit 52159, Certificate 79595

Dear Mr. and Mrs. Hall:

A water right certificate is being issued for the Wells Creek District Improvement Co. A copy of the certificate is enclosed for your information.

The original application for this water right included a residence in Tax Lot 900, which the Douglas County Assessor's office indicates that you now own. However, the Claim of Beneficial Use and map submitted for the water right did not show your property as being served by water from this water right. If your property is not served by water from the Wells Creek District Improvement Co. you do not need to respond to this letter.

However, if the water system on your property was developed and is being served by water from the Wells Creek District Improvement Co., you may wish to request reconsideration of the issuance of the certificate as directed in the enclosed "Notice of Certificate Issuance".

Sincerely,

Dorothy Pedersen
Water Right Specialist

Enclosure

March 1, 2004

Steve Brown

Re: permit # 52159 - wells creek Dist. Imp. Co.

Thank you for assisting with the review of my
concern regarding our water right utilization.

The following tax lots are being served by our
District via the above noted water right.

You will find this info on the map attached to
the CUBO checklist in this file.

Lot 1103

Lot 1500

Lot 1102

Lot 1700

Lot 1100

Lot 100

Lot 1200

not shown on map
but part of lot 1300
located west of them

Lot 1101

Lot 2200

Lot 1401

Lot 2100

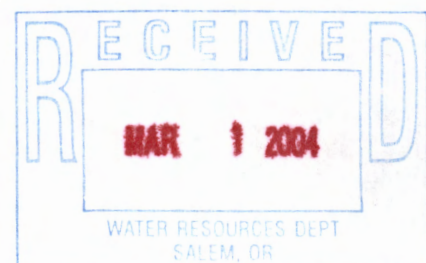
Lot 2000

There are two additional lots also served that
I will have to obtain for you. I believe they are
part of Lot 1800.

I will call with the further info. please
call me if you have questions.

Steve Shambaugh

501-587-4250



MS. 1. 1111

RECEIVED

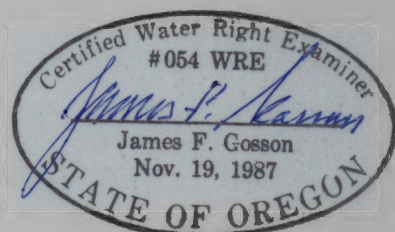
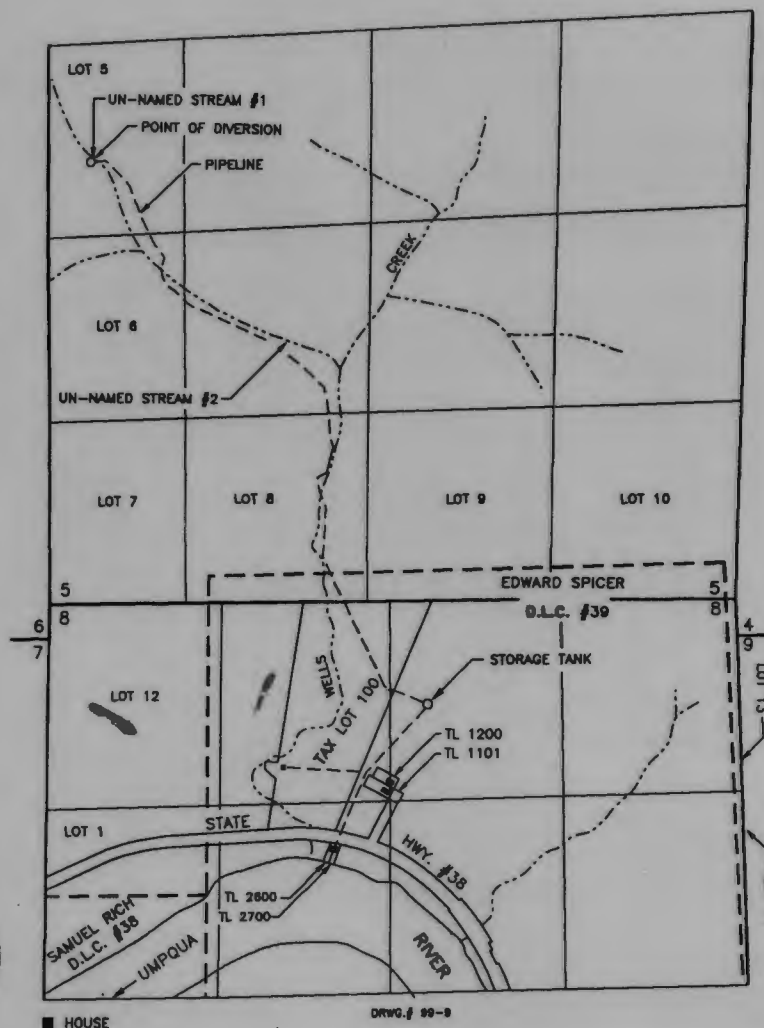
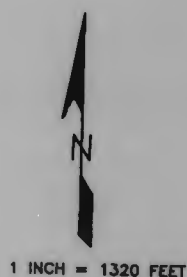
SEP 23 1999

WATER RESOURCES DEPT.
SEASIDE, OREGON

FINAL PROOF SURVEY MAP
IN THE NAME OF
WELLS CREEK DISTRICT IMPROVEMENT COMPANY
SECTIONS 5 & 8, TOWNSHIP 22, SOUTH, RANGE 9 WEST, W.M.

APPLICATION S-72695

PERMIT 52159



THE POINT OF DIVERSION IS LOCATED 3010 FEET NOP' H AND 300 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 5, BEING WITHIN LOT 5, THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.

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.

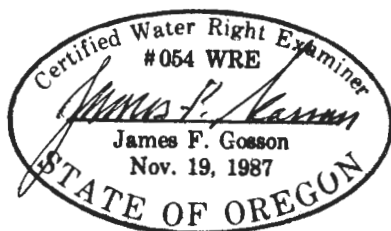
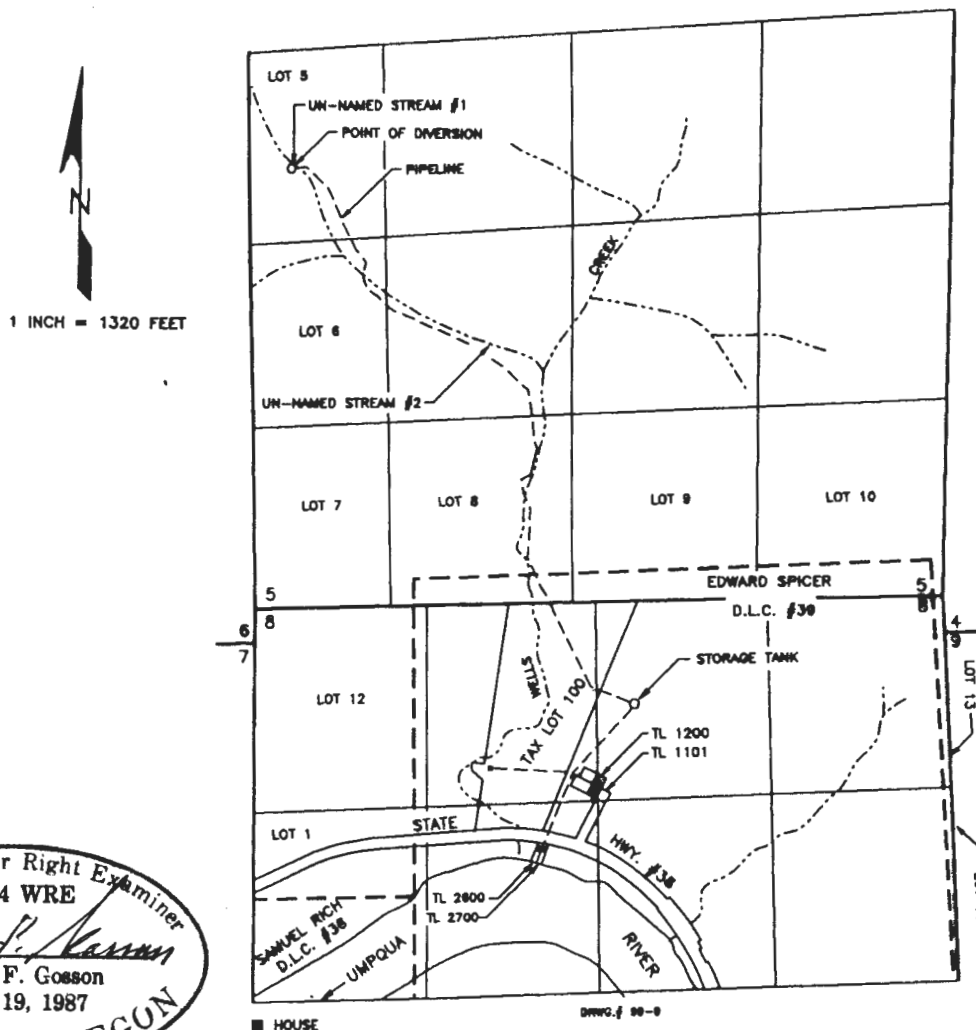
RECEIVED

SEP 23 1999

FINAL PROOF SURVEY MAP
IN THE NAME OF
WELLS CREEK DISTRICT IMPROVEMENT COMPANY
SECTIONS 5 & 8, TOWNSHIP 22, SOUTH, RANGE 9 WEST, W.M.

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION S-72695 PERMIT 52159



THE POINT OF DIVERSION IS LOCATED 3010 FEET NORTH AND 300 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 5, BEING WITHIN LOT 5, THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.

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Mailing List for Final Certificates

Mailing Date: September 3, 2002

Application S-72695
Permit S-52159
Certificate 79595

Permit/Certificate Holder: (include copy of map)

WELLS CREEK DISTRICT IMPROVEMENT CO.
MARY JANE FEARELL
115 OLD WAGON RD.
COOS BAY, OR 97420

Copies (of final certificate) to be sent to:

1. Watermaster # 15: (include copy of map)
2. Data Center (include copy of map)
3. Water Availability

Other persons to receive copies: (Include map)

~~4. James F. Gosson, CWRE~~

5. Gary I. and Janice Joy Hall
Trustees, HC 31 Box 418
Happy Jack, AZ 86024-9715

Copies Mailed

By: DJP
(SUPPORT STAFF)

on: 9/3/02
(DATE)

WATER RESOURCES DEPT.
COMMERCE BUILDING
58 12th STREET NE
SALEM, OR 97301-4172

ADDRESS SERVICE REQUESTED



RECEIVED
APR 09 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Unknown

Peter and Jonette Janelli, Jr.
P.O. Box 563
Scottsburg, OR 97473

FIRST CLASS

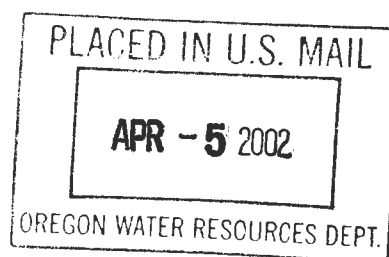


Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us



NOTICE

Enclosed is a proposed certificate of water right and a map which illustrates the location of the right. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a survey and inspection.

If you do not agree with the proposed certificate or the map, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, the recorded certificate of water right will be mailed to you.

If you have any questions please contact Steve Brown at (503) 378-8455, extension 263.

STATE OF OREGON

COUNTY OF DOUGLAS

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WELLS CREEK DISTRICT IMPROVEMENT CO.
MARY JANE FEARELL
115 OLD WAGON RD.
COOS BAY, OR 97420

confirms the right to use the waters of AN UNNAMED SPRING, a tributary of WELLS CREEK, for DOMESTIC USE FOR FIVE HOUSEHOLDS INCLUDING IRRIGATION OF LAWN AND NONCOMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA FOR EACH HOUSEHOLD.

This right was perfected under Permit 52159. The date of priority is SEPTEMBER 24, 1992. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 5 (SW 1/4 NW 1/4), SECTION 5, TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.; 3010 FEET NORTH AND 300 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 5.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NW 1/4 NE 1/4 PARTIAL DOMESTIC (TAX LOT 1200)
NE 1/4 NW 1/4 2 DOMESTICS (TAX LOTS 1101 & 100) AND A PARTIAL
DOMESTIC (TAX LOT 1200)
SE 1/4 NW 1/4 2 DOMESTICS (TAX LOTS 2600 & 2700)
ALL AS PROJECTED WITHIN E. SPICER DLC 39
SECTION 8
TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period.

Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.

- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.



RECEIVED

SEP 23 1999

FINAL PROOF SURVEY MAP
IN THE NAME OF
WELLS CREEK DISTRICT IMPROVEMENT COMPANY
SECTIONS 5 & 8, TOWNSHIP 22, SOUTH, RANGE 9 WEST, W.M.

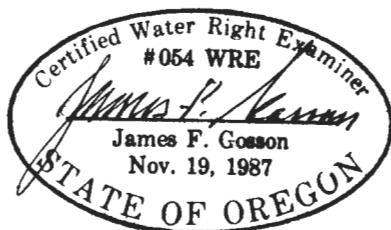
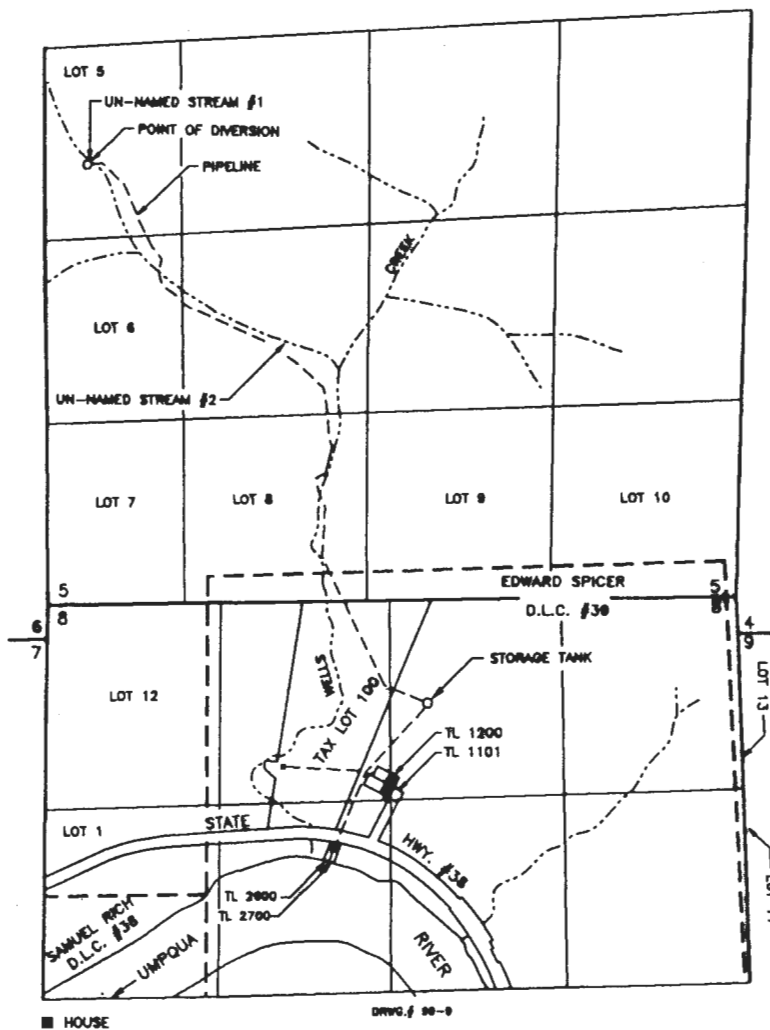
WATER RESOURCES DEPT.
HELM, OREGON

APPLICATION S-72695

PERMIT 52159



1 INCH = 1320 FEET



THE POINT OF DIVERSION IS LOCATED 3010 FEET NORTH AND 300 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 5, BEING WITHIN LOT 5, THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.

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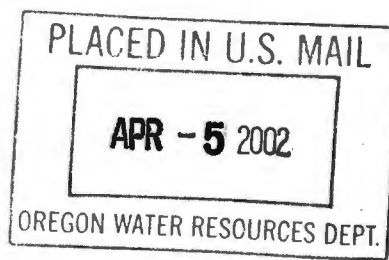


Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us



NOTICE

Enclosed is a proposed certificate of water right and a map which illustrates the location of the right. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a survey and inspection.

If you do not agree with the proposed certificate or the map, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

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COUNTY OF DOUGLAS
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THIS CERTIFICATE ISSUED TO

WELLS CREEK DISTRICT IMPROVEMENT CO.
MARY JANE FEARELL
115 OLD WAGON RD.
COOS BAY, OR 97420

confirms the right to use the waters of AN UNNAMED SPRING, a tributary of WELLS CREEK, for DOMESTIC USE FOR FIVE HOUSEHOLDS INCLUDING IRRIGATION OF LAWN AND NONCOMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA FOR EACH HOUSEHOLD.

This right was perfected under Permit 52159. The date of priority is SEPTEMBER 24, 1992. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 5 (SW 1/4 NW 1/4), SECTION 5, TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.; 3010 FEET NORTH AND 300 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 5.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NW 1/4 NE 1/4 PARTIAL DOMESTIC (TAX LOT 1200)
NE 1/4 NW 1/4 2 DOMESTICS (TAX LOTS 1101 & 100) AND A PARTIAL
DOMESTIC (TAX LOT 1200)
SE 1/4 NW 1/4 2 DOMESTICS (TAX LOTS 2600 & 2700)
ALL AS PROJECTED WITHIN E. SPICER DLC 39
SECTION 8
TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.

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- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.



RECEIVED

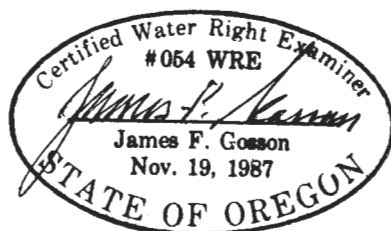
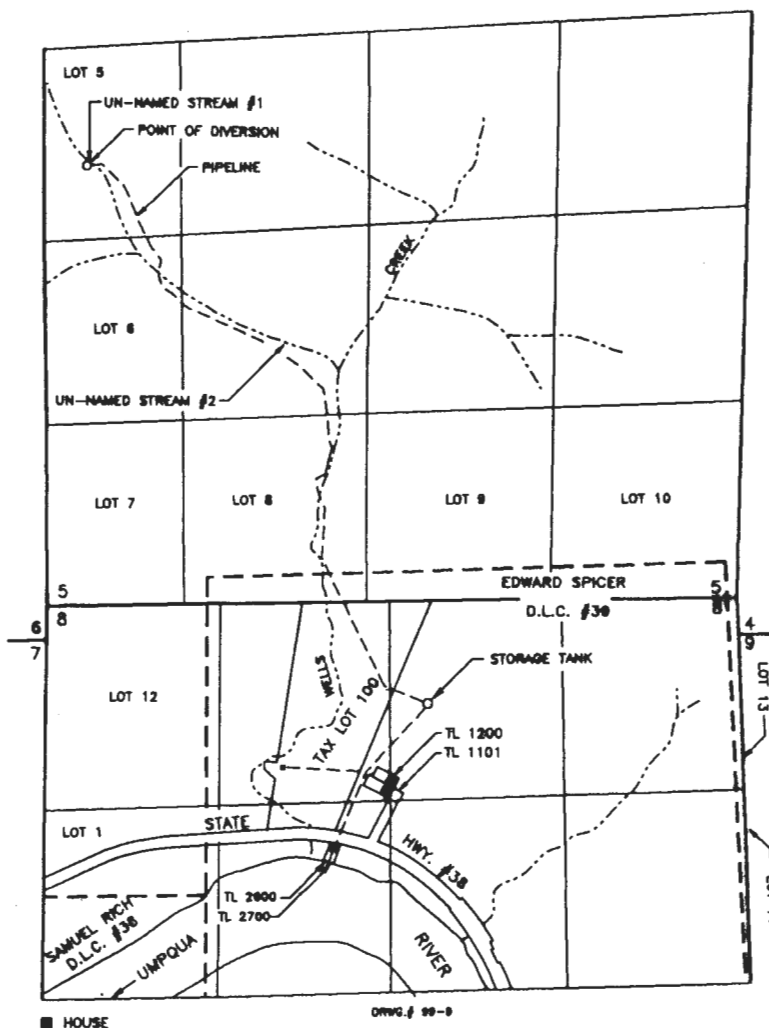
SEP 23 1999

**FINAL PROOF SURVEY MAP
IN THE NAME OF
WELLS CREEK DISTRICT IMPROVEMENT COMPANY
SECTIONS 5 & 8, TOWNSHIP 22, SOUTH, RANGE 9 WEST, W.M.**

WATER RESOURCES DEPT.
SEASIDE, OREGON

APPLICATION S-72695

PERMIT 52159



THE POINT OF DIVERSION IS LOCATED 3010 FEET NORTH AND 300 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 5, BEING WITHIN LOT 5, THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.

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.

Mailing List for Proposed/Final Certificates

Application S-72695
Permit S-52159

Date: April 5, 2002

WELLS CREEK DISTRICT IMPROVEMENT CO.
MARY JANE FEARELL
115 OLD WAGON RD.
COOS BAY, OR 97420

Copies Mailed

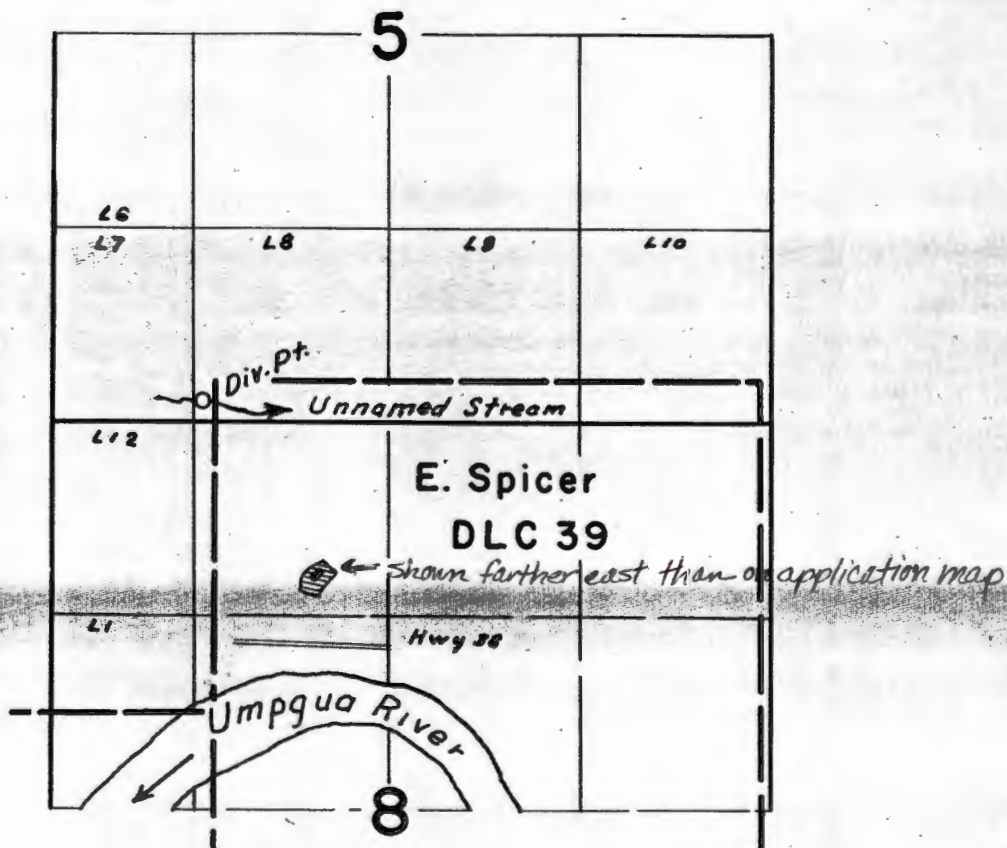
By: OSP
(SUPPORT STAFF)

on: 4/5/02
(DATE)

Copies to be sent to:

1. Gary I. and Janice Joy Hall, Trustees
768 N.W. Saginaw
Bend, OR 97701
2. Peter and Jonette Janelli, Jr.
P.O. Box 563
Scottsburg, OR 97473
3. *James F. Gosson, CWRE*

T.22S. R.9W. W.M.



FINAL PROOF SURVEY
UNDER

Application No. 38982.. Permit No. 29042..
IN NAME OF

MRS. MAY LOWE

Surveyed Aug. 7, 1964, by C. d. Gardner

Surv.
8-7.

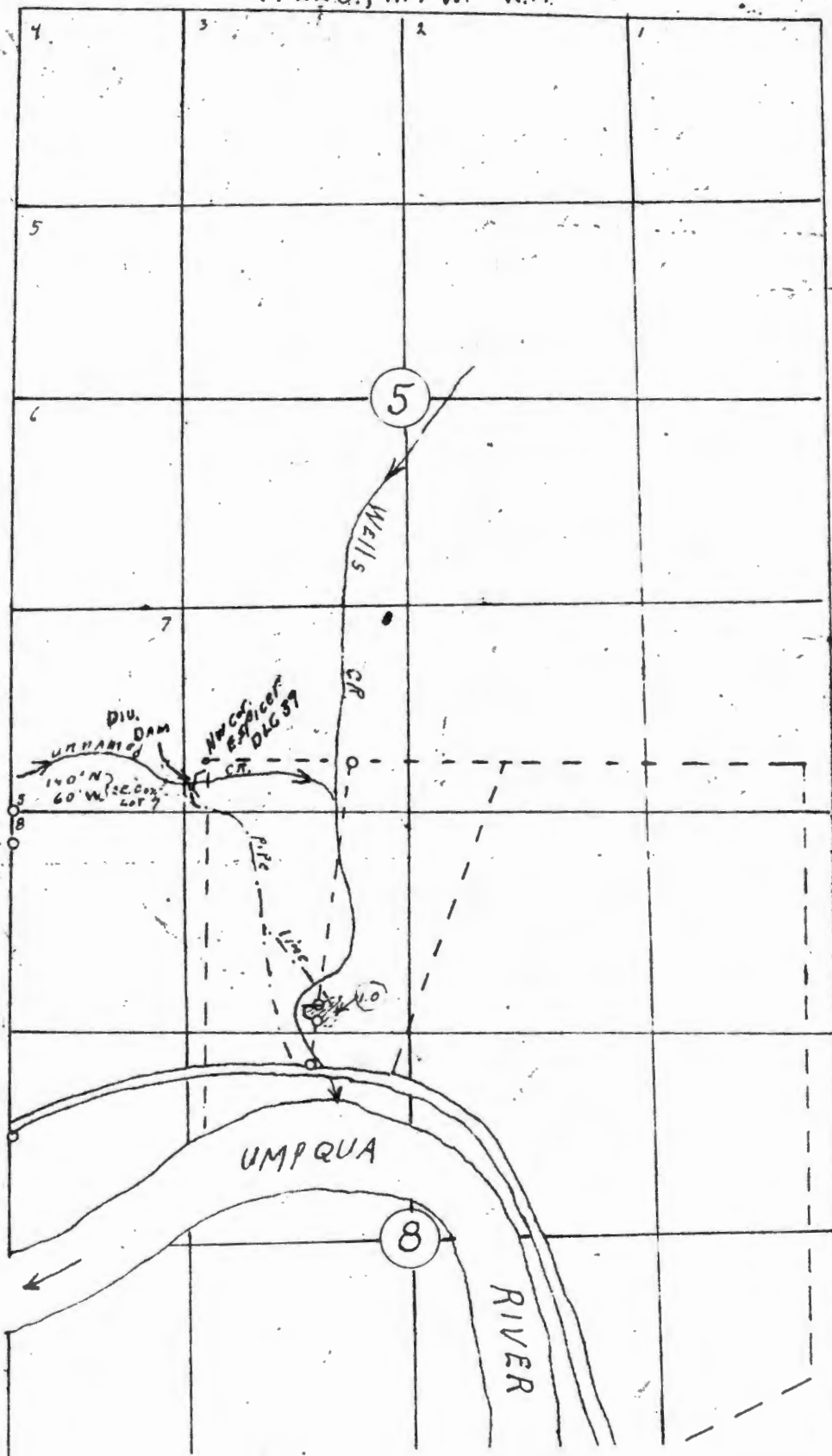
Sect. 8,

Scale: -

July 1961

This map

by appli



Application map for 5-38982

<u>T.L.</u>	<u>On Applic</u>	<u>Owner</u>
100 8B	✓	William S. + Sally A. Town
1200 8A	Diff. owners	Stepher R. + Peggy A. Shambough
1101 8A	Formerly T.L. 1100	Eveline Hendrickson Trust %o Lee + Sandy Smith
2600 8B	✓	Jack + Mary Jane Fearrell
2700 8B	New owners	Jack + Mary Jane Fearrell

Owners of T.L. 900 8A were on application,
but not included on claim.

Originally: Peter + Jonette Jamelli, Jr.

P.O. Box 563

Scottsburg, OR 97473

→ Now: Gary I + Janice-Joy Hall, Trustees
 Send
 copy of
 PC 768 N.W. Saginaw
 Bend, OR 97701

WATER RESOURCES DEPT.
COMMERCE BUILDING
812 12th STREET NE
SALEM, OR 97301-4172

ADDRESS SERVICE REQUESTED

RETURNED
TO
SENDER
NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD



RECEIVED
APR 23 2002
WATER RESOURCES DEPT.
SALEM, OREGON

RETURNED
TO
SENDER
NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD

Gary I. and Janice Joy Hall, Trustees

HALL768* 977012003 1301 05 04/10/02
FORWARD TIME EXP RTN TO SEND
HALL
HC 31 BOX 418
HAPPY JACK AZ 860029715

RETURN TO SENDER

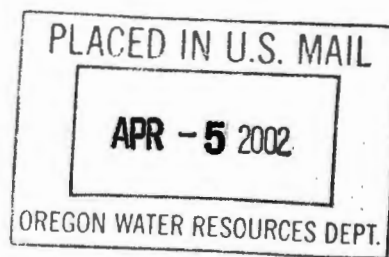


Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us



NOTICE

Enclosed is a proposed certificate of water right and a map which illustrates the location of the right. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a survey and inspection.

If you do not agree with the proposed certificate or the map, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, the recorded certificate of water right will be mailed to you.

If you have any questions please contact Steve Brown at (503) 378-8455, extension 263.

STATE OF OREGON

COUNTY OF DOUGLAS

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WELLS CREEK DISTRICT IMPROVEMENT CO.
MARY JANE FEARELL
115 OLD WAGON RD.
COOS BAY, OR 97420

confirms the right to use the waters of AN UNNAMED SPRING, a tributary of WELLS CREEK, for DOMESTIC USE FOR FIVE HOUSEHOLDS INCLUDING IRRIGATION OF LAWN AND NONCOMMERCIAL GARDEN NOT TO EXCEED ONE-HALF ACRE IN AREA FOR EACH HOUSEHOLD.

This right was perfected under Permit 52159. The date of priority is SEPTEMBER 24, 1992. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 5 (SW 1/4 NW 1/4), SECTION 5, TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.; 3010 FEET NORTH AND 300 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 5.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NW 1/4 NE 1/4 PARTIAL DOMESTIC (TAX LOT 1200)
NE 1/4 NW 1/4 2 DOMESTICS (TAX LOTS 1101 & 100) AND A PARTIAL
DOMESTIC (TAX LOT 1200)
SE 1/4 NW 1/4 2 DOMESTICS (TAX LOTS 2600 & 2700)
ALL AS PROJECTED WITHIN E. SPICER DLC 39
SECTION 8
TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period.

Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.

- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

RECEIVED

SEP 23 1999

FINAL PROOF SURVEY MAP
IN THE NAME OF
WELLS CREEK DISTRICT IMPROVEMENT COMPANY
SECTIONS 5 & 8, TOWNSHIP 22, SOUTH, RANGE 9 WEST, W.M.

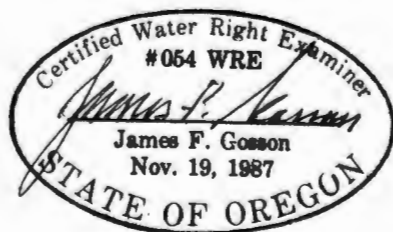
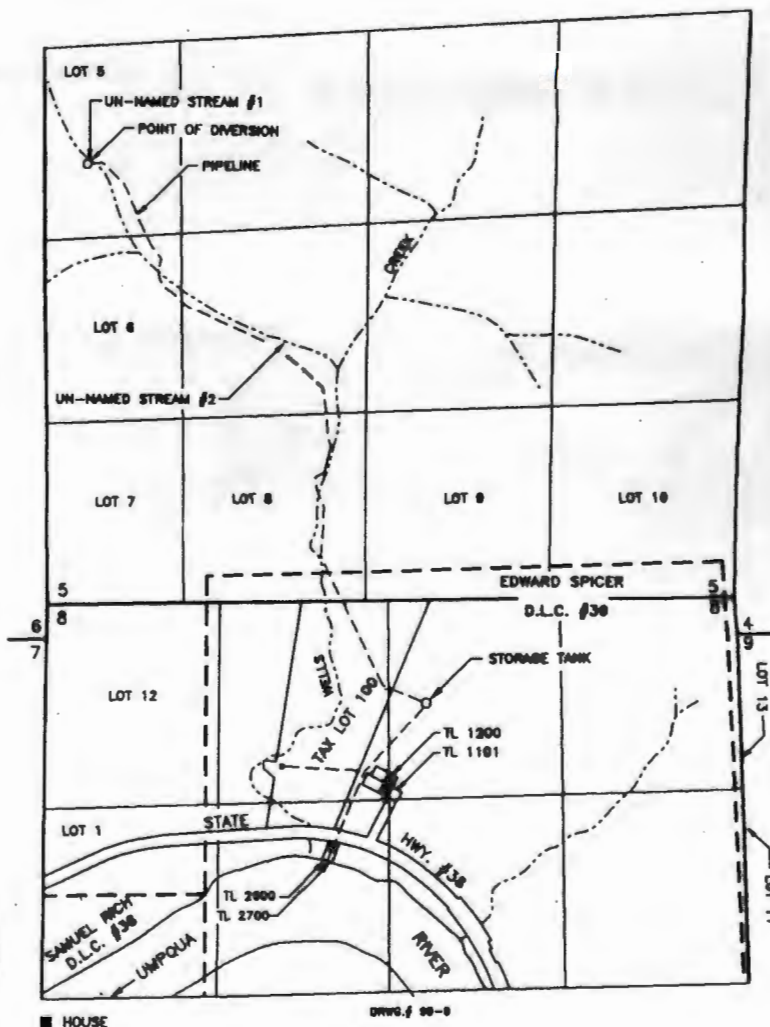
WATER RESOURCES DEPT.
HELM, OREGON

APPLICATION S-72695

PERMIT 52159



1 INCH = 1320 FEET



THE POINT OF DIVERSION IS LOCATED 3010 FEET NORTH AND 300 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 5, BEING WITHIN LOT 5, THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.

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.



COBU CHECK LIST
(CWRE SURVEYS - POST 7/9/87)



APPLICATION NO.: S-72695
PERMIT NO.: 52159

FILES

- ☒ WRIS PRINTOUT
- ☒ CONFLICT CHECKED - *3-3882 possibly conflicts with domestic in Tax Lot 100*
- ☒ COMPARED TO EXISTING RIGHTS *depending on accuracy of FD maps*

DRAFTING

- ☒ GLO'S (LAYOUT, LOTS, DLC'S)
- ☒ QUADRANGLE MAPS
- ☒ LEGAL DESCRIPTION
- ☒ SECTION BREAKDOWN
- ☒ DIVERSION POINT DIMENSIONS - *Same as for Certificate 29483*
- ☒ ACREAGE
- ☒ TOWNSHIP, RANGE, SECTION
- ☒ PHYSICAL FEATURES
- ☒ SURVEY ID INFO

FIELD FORM

- ☒ NAME, ADDRESS, COUNTY *no address or county*
- ☒ SOURCE - *Permit lists it as a spring, COBU as a spring - It appears to be the headwater of stream #1*
- ☒ TRIBUTARY - *OK as stated in permit*
- ☒ PRIORITY DATE *not mentioned*
- ☒ POINT OF DIVERSION *add "Lot 5"*
- ☒ TIME LIMITS, SURVEY REGARDLESS

- ☒ PLACE OF USE *one less household than permitted See "Remarks" + "Ownership"*
- ☒ CALCULATIONS *OK*
- ☒ RATE/DUTY *Alternate method yields different results (attached), but confirms system capable of > permit rate*
- ☒ PERMIT CONDITIONS *1/19/94 ODFW - no fish screen/pizza required*

ASSOCIATED RIGHTS

- ☒ TOTAL QUANTITY FROM POD
- ☒ PRIMARY SOURCE USED

PROPOSED CERTIFICATE

- ☒ PROOFED, CORRECTED, INITIALED & DATED
- DIRECTORY *S:\groups\wr\certs\proposed\surface water 52159*

OWNERSHIP

- ☒ OTHER OWNERS (Has the permittee/department identified any property owner for lands not included in the final proof?)

T225 R9W Sec 8A T.L. 900 ~
Gary E. + Janice Joy Hall, Trustees
768 N.W. Saginaw
Bend, OR 97701

REMARKS:

yes dls
1) COBU signed by Mary Jane Farrell - new name, not listed in previous correspondence - OK?

2) Permit for 6 households - claim for only 5 (T.L. 900 not included in Claim) - see attached a) should rate remain same. b) should landowner be sent copy of PC?

REVIEWER Heathly Paderbin *excluded landowner yes*

DATE: 12/24/01 *yes*

3) Possible conflict with old right S-3882 for T.L. 100 *no conflict*

4) Delete permit condition regarding changes in points of appropriation? *yes owner*

Gravity System Capacity Based on Hazen-Williams Formula

$V = 1.318 \cdot C \cdot R^{0.63} \cdot S^{0.54}$ and $A = \pi \cdot \text{diameter}$ and $Q = V \cdot A$

Capacity of the Delivery System from the source to the holding tank

Factor	Value	Material	C factor
Fall, ft	240	Plastic	150
Pipe length, ft	5260	Steel	140
Slope = "S"	0.045627	Concrete	
Pipe Material	Plastic	Aluminum	120
"C"	150		
Pipe Diameter, in	2		
Pipe Diameter, ft	0.166667		
X-sect Area, ft = "A"	0.021806		
Circ., ft	0.523333		
"R"	0.041667		
"V"	5.040288		
"Q", cfs	0.109906		
"Q", gpm	49.32594		

Capacity of the Delivery System from the holding tank to place of use

Factor	Value	Material	C factor
Fall, ft	120	Plastic	150
Pipe length, ft	500	Steel	140
Slope = "S"	0.24	Concrete	
Pipe Material	Plastic	Aluminum	120
"C"	150		
Pipe Diameter, in	1.5		
Pipe Diameter, ft	0.125		
X-sect Area, ft = "A"	0.012266		
Circ., ft	0.3925		
"R"	0.03125		
"V"	10.30567		
"Q", cfs	0.126405		
"Q", gpm	56.73078		

SEE MAP 22 9 5

34-03

22 2000-48
 1. 540°E 24.58'30" C
 2. 25°EASMENT
 3. 1.186°03'18"E 280.92'
 4. 1.130°44'00"E 01.2'
 5. 1.152°12'00"E 86.4'
 6. 1.186°32'00"E 81.6'
 7. 1.184°18'00"E 123.7'
 8. 1.153°58'00"E 37.9'
 9. 1.130°44'00"E 01.2'
 10. 1.130°44'00"E 01.2'
 11. 1.130°44'00"E 01.2'
 12. 1.130°44'00"E 01.2'
 13. 1.130°44'00"E 01.2'
 14. 1.130°44'00"E 01.2'
 15. 1.130°44'00"E 01.2'
 16. 1.130°44'00"E 01.2'
 17. 1.130°44'00"E 01.2'
 18. 1.130°44'00"E 01.2'
 19. 1.130°44'00"E 01.2'
 20. 1.130°44'00"E 01.2'
 21. 1.130°44'00"E 01.2'
 22. 1.130°44'00"E 01.2'

28 60 85

CANCELLED NO'S
500 900M 300
H00 1900

U.S. 330

749,500

SEE MAP 22 9 8

 $\frac{1}{2} \frac{1}{\cos^2 \theta}$



Welcome To
Douglas County
 OREGON

Assessor Information

- [Return](#)
- [Platmap](#)
- [Aerial](#)

Property ID:

Alternate Acct #:

Owner Name:

Address #1:

Address #2:

Address #3:

City/State/Zip:

Situs Address:

Account Status:

Map ID:

County Prop Class:

Legal Acreage:

Assessed Value

Appr Value - Imp:

Appr Value - Land:

Appr Value - Total:

Land Market Value:

LSU Market Value:

RECEIVED

SEP 23 1999

WATER RESOURCES DEPT.
SALEM, OREGON

CLAIM OF BENEFICIAL USE AND SITE REPORT
IN THE NAME OF WELLS CREEK DISTRICT IMPROVEMENT COMPANY

APPLICATION S-72695 PERMIT 52159

SECTIONS 5 AND 8, TOWNSHIP 22 SOUTH, RANGE 9 WEST, W.M.

GENERAL INFORMATION

The methods used to determine the information contained in this document are as follows:

1. Examination of Permit 52159,
2. Examination of Assessor Map 22-9-5,
3. Examination of Assessor Map 22-9-8,
4. Examination of Assessor Map 22-9 8A,
5. Examination of Assessor Map 22-9-8B,
4. Examination of Aerial Photograph 22-9-8,
5. Examination of Donation Land Claim Index 22-9,
6. Examination of U.S.G.S. Quadrangle Map (Scottsburg)
7. On-site survey, 15 May, 1999,
8. On-site survey, 9 June, 1999,
9. Interview with William S. Town, 15 May, 1999.

SOURCE

An un-named stream, designated Un-named Stream #1, a tributary of Un-named Stream #2, a tributary of Wells Creek. Un-named Stream #1 surfaces about 40 feet from Un-named Stream #2, and during times of higher precipitation, flows into it.

POINT OF DIVERSION

The point of diversion is located 3010 feet north and 300 feet east from the southwest corner of Section 5, being within the SW1/4 NW1/4 of Section 5, Township 22 South, Range 9 West, W.M., Douglas County.

USE

Domestic use for five households, including the irrigation of lawn and noncommercial garden not to exceed one-half acre for each household.

PLACE OF USE

NW1/4 NE1/4-TL 1200 (partial)
NE1/4 NW1/4-TL 1200 (partial)
NE1/4 NW1/4-TL 1101
NE1/4 NW1/4-TL 100
SE1/4 NW1/4-TL 2700
SE1/4 NW1/4-TL 2600

Section 8, Township 22 South, Range 9 West, W.M., as projected within the Edward Spicer Donation Land Claim #39.

CLAIM OF BENEFICIAL USE - WELLS CREEK DISTRICT IMPROVEMENT COMPANY
PERMIT 52159
PAGE 2

DIVERSION WORKS AND DELIVERY SYSTEM

A 30-gallon stainless steel spring box gathers water via perforated pipes and granular backfill. A 2" X approximately 5260' buried PVC gravity pipeline delivers it through an elevation range of approximately 240 feet to a 12,500 gallon steel holding tank. A buried 1- 1/2" X approximately 500' gravity pipeline then delivers the water to the place of use.

RECEIVED

CAPACITY OF THE DELIVERY SYSTEM
FROM THE SOURCE TO THE HOLDING TANK

SEP 23 1999

WATER RESOURCES DEPT.
SALEM, OREGON

$$USING H = (f) \left(\frac{L}{D} \right) \left(\frac{V^2}{2g} \right)$$

WHEN

H=240 FT

L=5260 FT

D=2/12 FT=0.17 FT

f=0.020 (ESTIMATED) @ V=5 FT/SEC

THEN

$$240 = (0.018) \left(\frac{5260}{0.17} \right) \left(\frac{V^2}{64.4} \right)$$

$$240 = (0.018) (480 V^2)$$

$$240 = 8.7 V^2$$

$$V^2 = 27.8$$

$$V = 5.3$$

TRY

$$240 = (0.02) \left(\frac{5260}{0.17} \right) \left(\frac{V^2}{64.4} \right)$$

$$240 = (.02) (480 V^2)$$

$$240 = 9.6 V^2$$

$$V^2 = 25$$

$$V = 5 \text{ FT./SEC. } f = 0.02 \text{ OK}$$

Q=AV

$$A = 0.01 \text{ FT.}^2$$

$$V = 5$$

$$Q = (0.01) (5) = 0.05 \text{ cfs } > Q_{\text{PERMIT}} \text{ OK}$$

CLAIM OF BENEFICIAL USE - WELLS CREEK DISTRICT IMPROVEMENT COMPANY
PERMIT 52159
PAGE 3

CAPACITY OF THE DELIVERY SYSTEM
FROM THE STORAGE TANK TO THE PLACE OF USE

RECEIVED

SEP 23 1999

WATER RESOURCES DEPT.
SALEM, OREGON

$$USING H = (f) \frac{(L)}{D} \left(\frac{V^2}{2g} \right)$$

WHEN

H=120 FT

f=0.019 (ESTIMATED) @ V=8 FT/SEC

L=1000 FT

D= 1 $\frac{1}{2}$ INCHES=0.13 FT

THEN

$$120 = (0.019) \left(\frac{1000}{0.13} \right) \left(\frac{V^2}{64.4} \right)$$

$$120 = (0.019) (119 V^2)$$

$$120 = 2.27 V^2$$

$$V^2 = 52.9$$

$$V = 7.3 \text{ FT/SEC OK}$$

$$Q = AV$$

$$A = \pi R^2 = 0.01 \text{ FT}^2$$

$$Q = (0.01) (7.3) = 0.073 \text{ cfs} > Q_{\text{PERMIT}} \text{ OK}$$

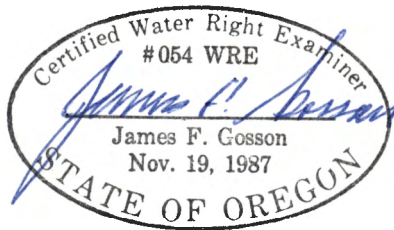
RECEIVED

SEP 23 1999

CERTIFICATION

WATER RESOURCES DEPT.
SALEM, OREGON

The Final Proof Survey and inspection of the use as found to be completed under the terms and conditions of Permit 52159 were completed by James F. Gosson, Certified Water Right Examiner #54, on 9 June, 1999, and the facts contained in this report and accompanying Final Proof Map are correct to the best of my knowledge.



We, Wells Creek District Improvement Company, agree to the findings of James F. Gosson, Certified Water Right Examiner #54, and do submit this site report and map as Claim of Beneficial Use of the water as provided under the terms and conditions of Permit 52159.

Mary Jane Farrell
Signature

9-21-99
Date

March 18, 1996

Oregon Water Resources Dept.
Dallas Miller
158 12th St. NE
Salem, Oregon

RECEIVED
MAR 21 1997
WATER RESOURCES DEPT.
SALEM, OREGON

Re: File 72695

This letter is a follow up of the telephone conversation we had on Mar. 17.

Seems I submitted the notice of completion of construction and the notice of complete application prematurely. We have more construction to do. Will you please withdraw the notices.

We understand that by doing this we have till 10-1-99 to complete the project.

Thank you sincerely,



Wells Creek District Improvement Co.
% Barbara Cogburn Sec/Treas
32791 St. Hwy 38
Scottsburg, Oregon 97473

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

WELLS CREEK DIST IMP
BARBARA COGBURN
PO BOX 524
SCOTTSBURG OR 97473

4a. Article Number

P-56171

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

3-17-97

By: (Print Name)

Barbara Cogburn

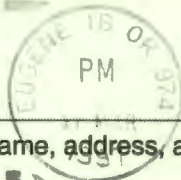
(Addressee or Agent)

B. Cogburn

8. Addressee's Address (Only if requested and fee is paid)

Domestic Return Receipt

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OR 97310



March 11, 1997

WATER
RESOURCES
DEPARTMENT

WELLS CREEK DISTRICT IMP CO
BARBARA COGBURN
PO BOX 524
SCOTTSBURG OR 97473

REFERENCE: File 72695

This letter is in regard to your water use Permit 52159. As we pointed out to you in our letter of June 16, 1996, your claim of beneficial use must be received in this office by **June 10, 1997**.

Oregon Administrative Rule 690-14-190 states: "The claim of beneficial use shall be submitted to the Department within one year after the use was reported..as being complete...Failure to comply with this section shall cause the Director to initiate permit cancellation proceedings as provided by ORS 537.260."

The "claim" consists of a site report and map of the developed use prepared by a Certified Water Rights Examiner, which accompany a request from the permittee for issuance of a certificate of water right.

You are hereby notified that unless your claim is received on or before **June 10, 1997**, your permit will be canceled without further notice.

If you have any questions, please contact the Water Rights Section.

Sincerely,

DALLAS MILLER
Water Rights Specialist

DM:jh

cc: Gary Ball, Watermaster
James Gosson, CWRE

CERTIFIED - RETURN RECEIPT REQUESTED



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

June 16, 1996

WATER
RESOURCES
DEPARTMENT

BARBARA COGBURN
WELLS CREEK DISTRICT IMPROVEMENT CO
PO BOX 524
SCOTTSBURG OR 97473

REFERENCE: File 72695

We have received your notice that complete application of water has been made under Permit 52159.

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **JUNE 10, 1997**. A list of Certified Examiners is enclosed for your information.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

In the meantime, the permit you hold is valid evidence of your right to use the water.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS MILLER
Water Rights Specialist

DM:jh

enclosure

cc: James Gosson, CWRE



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

72695

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JUN 10 1996

**WATER RESOURCES DEPT.
SALEM, OREGON**

June 5, 1996

Water Resources Dept.
Salem, Oregon

After reading the permit # 52159 we just received I am wondering if it is clear to the dept. just what we have done here.

The original permit # 23803, issued 3/12/54 to Everett and Eveline Hendrickson for 0.02 cubic ft. per Second has been updated to supply a grocery store, a truck barn, a Bait n Tackle Shop and 12 residences.

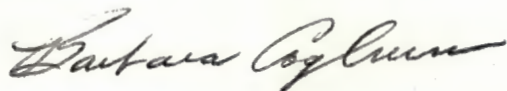
With the new permit #52159 for 0.03 CFS gives us 0.05 CFS making the system adequate. The Spring that supplies us is routed thro a 2 inch pvc pipe, with valves to control water flo, to a 1500 gal. storage tank with an overflo that allows the unused water to return to Wells Creek and then on to the Umpqua River.

There is only one spring outlet to service both permits and a single water line to the storage tank. We are thankful to have a spring that will supply all. Most of the Wells in the area have so much sulphur and iron- can't drink it. There are many residents in the area who take advantage of our good spring water for drinking purposes.

I am enclosing a copy of an invenory change made by Gerald Meyer in 1994. He mentions the system was in operation since 1978. It was actually put into use in 1954. The corporation was formed in 1978.

Thank you for your time. I am hoping this will help you understand what we have done.

Sincerely,



Barbara Cogburn, Sec/Treas
Wells Creek Distr. Improvement Co.
32791 St. Hwy 38
Scottsburg, Or. 97473

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WATER RESOURCES DEPT.
SALEM, OREGON

WATER PIPELINE EASEMENT

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WATER RESOURCES DEPT.
SALEM, OREGON

KNOW ALL MEN BY THESE PRESENTS, that IP TIMBERLANDS OPERATING COMPANY, LTD., a corporation organized and existing under the laws of the State of New York, herein called Grantor, in consideration of the Grantor being included as a "Landowner-Member" of the Grantee, with attendant right to use water out of the system to be maintained and operated by the Grantee, does hereby grant unto WELLS CREEK DISTRICT IMPROVEMENT COMPANY, an Oregon corporation, herein called Grantee, an easement upon, over, and across the following described land situated in Douglas County, Oregon:

An easement and right-of-way three (3) feet in width, located in Lots 5, 6, 8 and the NE 1/4 SW 1/4 of Section 5, T22S, R9W, W.M. Said easement and right-of-way beginning at the "initial point" (reference point for Wells Creek Acres plat filed April 12, 1951, in Volume 9, Page 32 of Douglas County Records), a 2 inch iron pipe, which is East 1950.0 feet, and South 25° 00' West 1727.3 feet from the Northwest corner of DLC No. 39; T22S, R9W, W.M., all in Douglas County, Oregon; thence North 25° 00' East 492.7 feet; thence North 25° 00' East 6.4 feet to true point of beginning;

Thence North 58° 58' 30" West 162.0 feet;
Thence North 34° 09' West 188.8 feet;
Thence North 00° 02' West 224.9 feet;
Thence North 21° 16' West 91.3 feet;
Thence North 27° 48' West 237.1 feet;
Thence North 24° 24' West 246.0 feet;
Thence North 24° 24' West 54.5 feet;
Thence North 19° 21' 30" West 84.8 feet;
Thence North 19° 21' 30" West 13.8 feet;
Thence North 34° 09' 30" West 36.9 feet;
Thence North 25° 22' 30" West 28.1 feet;
Thence North 12° 04' West 31.1 feet;
Thence North 04° 24' 30" West 336.6 feet;
Thence North 39° 14' 30" West 72.4 feet;
Thence North 31° 26' West 104.8 feet;
Thence North 07° 09' East 65.0 feet;
Thence North 61° 06' 30" East 107.8 feet;
Thence North 10° 44' East 89.7 feet;
Thence North 12° 20' 30" West 112.4 feet;
Thence North 04° 14' West 194.4 feet;
Thence North 01° 41' 30" West 137.5 feet;
Thence North 41° 43' 30" West 196.0 feet;
Thence North 51° 55' 30" West 221.7 feet;
Thence North 44° 46' West 246.2 feet;
Thence North 71° 53' West 104.2 feet;
Thence South 62° 00' West 86.7 feet;
Thence North 70° 24' 30" West 50.2 feet;
Thence North 43° 59' West 322.6 feet;
Thence North 11° 30' East 32.7 feet;
Thence North 02° 00' West 44.3 feet;
Thence North 08° 15' West 63.5 feet;
Thence North 12° 00' West 35.0 feet;
Thence North 31° 30' West 93.6 feet;
Thence North 39° 00' West 198.3 feet;
Thence North 41° 15' West 73.5 feet;
Thence North 27° 30' West 60.7 feet;
Thence North 15° 00' West 153.7 feet;
Thence North 12° 15' West 90.4 feet;
Thence North 23° 30' West 54.4 feet;
Thence North 42° 30' West 37.8 feet;
Thence North 60° 15' West 37.1 feet;
Thence North 82° 30' West 33.8 feet;
Thence South 65° 30' West 54.8 feet;
Thence North 79° 15' West 66.2 feet;
Thence North 41° 30' West 116.9 feet;

To iron pipe at mouth of spring which is 333.8 feet North, 20° 06' East, of the West 1/4 corner Section 5 only, T22S, R9W, W.M.

The above description is the centerline of said easement hereby granted which is for the following uses and purposes, and upon the following terms and conditions:

1. Grantee shall have the right to enter upon the lands above-described and to construct, install, repair, maintain and use thereon, and to remove therefrom, a water pipeline for the purpose of transporting water from an unnamed creek for the domestic use in the community of Green Acres.

2. Grantee shall divert and use said water in strict compliance with all the terms and conditions of the Certificate of Water Right, recorded in Record of Water Right Certificates, Volume 2, page 688, Douglas County, State of Oregon, on March 20, 1962, which was assigned to Grantee.

3. Grantee agrees to reimburse Grantor for any damage to Grantor's property caused by or arising out of the exercise by Grantee of any of his rights hereunder.

4. Grantee agrees to indemnify and save harmless the Grantor against all claims and liabilities asserted by third parties, including all costs and expenses incurred in connection therewith, resulting directly or indirectly from Grantee's exercise of any of his right hereunder.

5. By acceptance of this easement Grantee agrees that Grantor shall not be liable for any damage to Grantee's pipeline or other installations caused by logging operations on or other use of Grantor's land. Grantee shall take all precautions to avoid injury to growing trees on Grantor's land and shall be liable for any such injury.

6. As consideration for the rights herein granted, the Grantee agrees to provide a free and continual water supply to Grantor's property in the community of Green Acres, approximately as located in blue on Exhibit "A". In the event of a diminution in the supply of water available to the Water District at the point of diversion of the system, Grantor agrees to participate in a diminution of supply to all properties served by this system to insure to the extent possible a continued supply of water to all properties at a reduced amount. In the event that the source of water to Grantee's system completely fails, Grantee shall not be liable to supply a continuous supply of water to Grantor's property as set forth in this easement.

7. This easement and right of way shall terminate upon nonuse of the rights herein granted for a continuous period of two (2) years and in the event of such nonuse Grantees will, upon request, promptly execute and deliver to Grantor a quitclaim deed relinquishing all interests and rights granted hereby.

8. Upon termination of this easement by expiration of the term hereof or otherwise, Grantee shall remove said pipeline from the easement area within ninety (90) days from termination and leave the area in a clean condition.

9. All notices required or permitted by this lease to be given by either party hereto shall be in writing and shall be deemed given if actually deposited in the United States mail, postage prepaid and addressed as follows:

If to Grantor: Mr. Gary Grimes
International Paper
P. O. Box 843
Gardiner, Or 97441-0045

If to Grantee: Barbara Cogburn
Wells Creek District Improvement Co.
32791 State Hwy. 38
Scottsburg, Or 97473

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SALEM, OREGON

10. Either party may change their address for the purpose of notice by giving written notice of such change in the manner provided herein.

11. It is further understood and agreed by and between the parties hereto that any and all rights herein granted shall be subject to existing rights-of-way and easements.

12. Grantee shall not assign this easement or any interest therein without the prior written consent of Grantor.

13. This easement, when properly signed by both parties, nullifies and voids any and all previous easements between these two parties.

IN WITNESS WHEREOF, the parties hereto have executed this instrument this 22 day of August, 1988.

I.P. TIMBERLANDS OPERATING COMPANY, LTD.

By: IP Forest Resources Company,
Managing General Partner

By: Richard R. Farbrough
Richard R. Farbrough
Vice President

By: N.F. Wondra
N.F. Wondra
Assistant Secretary

WELLS CREEK DISTRICT IMPROVEMENT CO.

BY:

James R. Cogburn, President

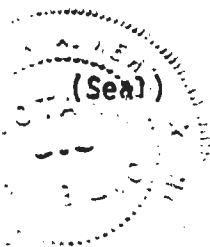
ATTEST:

Barbara C. Cogburn
Secretary

STATE OF OREGON)
) ss.
County of Douglas)

On this 30th day of June, 1988, before me personally appeared Richard R. Yarbrough and N.F. Wondra, both being duly sworn did say that they are the Vice President and Assistant Secretary, respectively, of IP Forest Resources Company, Managing General Partner of IP Timberlands Operating Company, LTD., a Texas limited partnership, and they acknowledged said instrument to be its voluntary act and deed.

Before me this 30th day of June, 1988.



Sandra A. Neal
Notary Public for Oregon
My Commission Expires: 12-17-89

STATE OF OREGON)
) ss.
County of Douglas)

On this 22 day of August, 1988, personally appeared the above-named Thomas H. Hilde and Barbara L. Cochrane, known to be the President and Secretary of Wells Creek District Improvement Company and acknowledged the forgoing instrument to be their voluntary act.

Before me this 22 day of August, 1988.

(Seal)

Barbara L. Cochrane
Notary Public for Oregon
My Commission Expires: 10-24-91

Subscribed and Sworn to (or affirmed) Before me this

Day of _____, 19____,

Notary Public

My commission expires _____