

R-3

~~PROTESTED~~

Application No.

R-69883

WDI

Permit No.

R11203

Certificate No.

72449

Stream Index, Page No.

17.4AB

17-1560.0030.0010.010

See file 69884

FEES PAID

Date	Amount	Receipt No.
4-21-89	300-	57792

Cert. Fee

FEES REFUNDED

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

Name Harry G. Spencer

By

Address P.O. Box 291

Langlois, OR 97450

Date filed April 26, 1989

Priority April 26, 1989

Action suspended until

OK cont

Return to applicant

Date of approval

APR 05 1990

CONSTRUCTION

Date for beginning

APR 05 1991

Date for completion

OCT 01 1992

Extended to

Date for application of water

OCT 01 1993

Extended to

PROSECUTION OF WORK

Form "A" filed

may 29, 1990

Form "B" filed

may 29, 1990

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

JUL 31 1996

ASSIGNMENTS

Date

To Whom

Address

Volume

Page

REMARKS

RECEIVED

Form B (690-9-77)

Application No. R-69883

NOTICE OF COMPLETION OF CONSTRUCTION

Harry G. Spencer, the holder of Permit No. R-11203
to appropriate the public waters of the state of Oregon, completed the construction of the works described
therein on the 6th day of October, 1989

Remarks: _____
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed develop-
ment, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of May, 1990
Harry G. Spencer P.O. Box 291, Langlois, Or. 97450
(Signature of Applicant) (Address)

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

Form A (690-9-77)

Application No. R-69883

NOTICE OF BEGINNING OF CONSTRUCTION

Harry G. Spencer, the holder of Permit No. R-11203
to appropriate the public waters of the state of Oregon, began the actual construction of the works described
therein on the 1st day of June, 1989

Remarks: At this time the reservoir was constructed. Filled. Piling was driven to
support 8" mainline ditch for the mainline + lateral buried line dvg. and
pump house under construction.
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
authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of May, 1990

(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

APPLICATION
CHECK-OFF LIST

~~RECEIPT POSTED~~
~~CONTENTS MARKED/STAMPED~~
~~FILE FOLDER TYPED~~
~~CALENDAR CARD TYPED~~
~~KARDEX TYPED~~
~~MAPS COPIED (5 COPIES)~~
~~APPLICATION COPIED (2)~~
~~STREAM INDEXED & STREAM CODED~~
~~ENTERED INTO WRIS~~
ENTERED INTO REFLEX
~~ACK LETTER TYPED~~

FINAL PROOF SURVEY MAP
IN THE NAME OF HARRY G. SPENCER
SECTION 11, T30S, R15W, W.M.

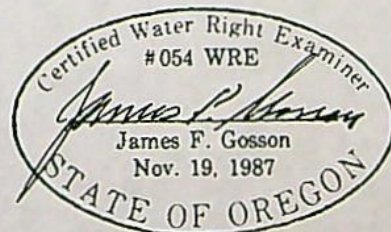
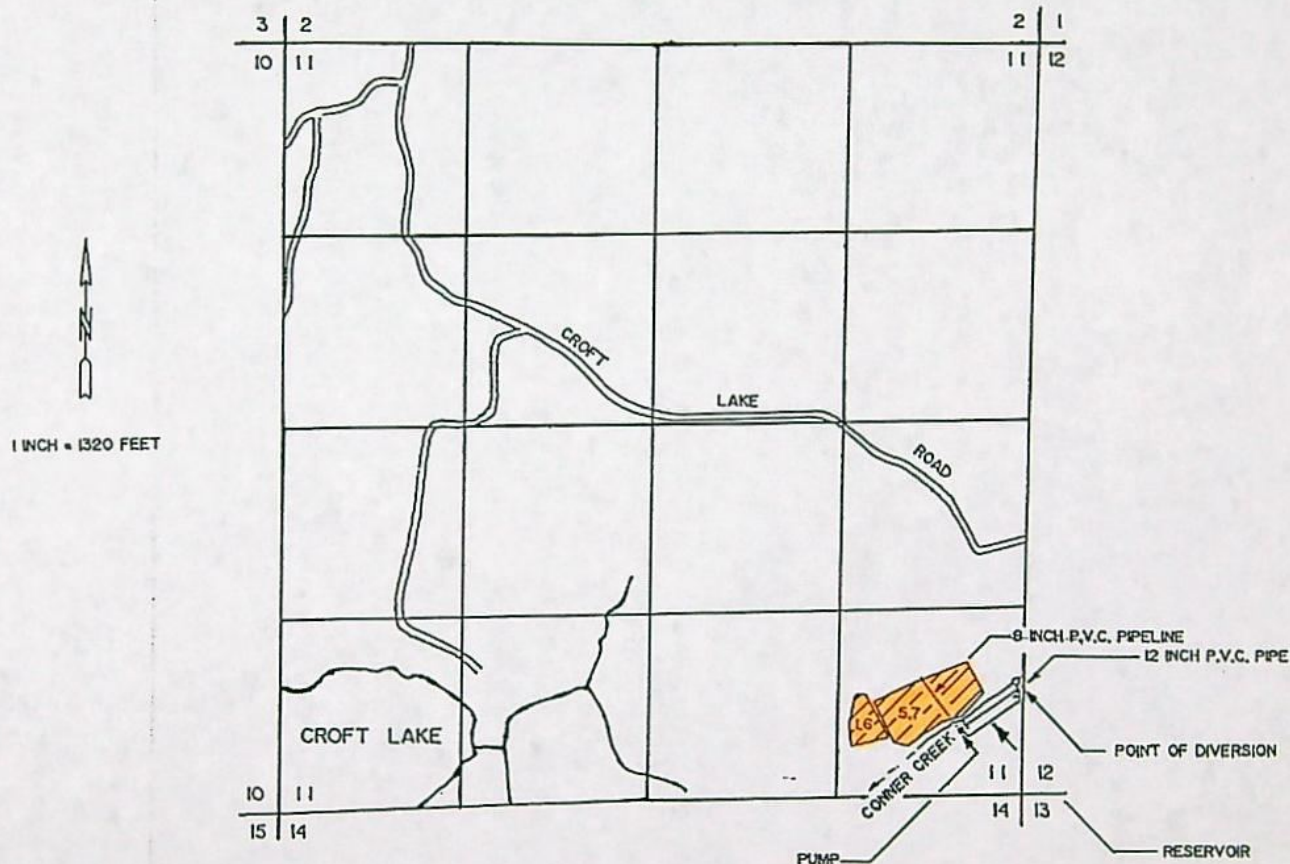
APPLICATION:
R-69883
69884

PERMIT:
R-11203
50948

RECEIVED

FEB - 4 1993

WATER RESOURCES DE
SALEM, OREGON



THE POINT OF DIVERSION IS LOCATED 780 FEET NORTH AND 50 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 11, BEING WITHIN THE SE 1/4 OF THE SE 1/4 OF SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M., COOS COUNTY.

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

69631
G-12685
T-6454
Others: (Possible)
G-9494
G-11296
R-59563
59564
61757
68023
R-68151
68354
R-69883
69884

U.S. POSTAL SERVICE
PS FORM 3547

return
to sender

fee due 50¢

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

Oregon

WATER RESOURCES
DEPARTMENT

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

Address Service Requested

HARRY G SPENCER
DBA GROWTH UNLIMITED TREE FARM
PO BOX 291
LANGLOIS, OR 97450

GROW291 974500016 1998 14 06/30/99
FORM 3547
GROWTH UNLIMITED
PO BOX 291
LANGLOIS OR 97450-0262

AUTO 97450

|||||

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

JUN 1 1999

0.27

97210/3332

|||||

9/1/99

NEW ADDRESS:

Harry G. Spencer
DBA Growth Unlimited Tree Farm
PO Box 282
Langlois, OR 97450-0282

OLD ADDRESS:

Harry G. Spencer
DBA Growth Unlimited Tree Farm
PO Box 291
Langlois, OR 97450

<u>Application File</u>	<u>Permit No.</u>	<u>Certificate</u>
69631	50603	---
G-12685	G-11826	---
T-6454	R-8204	---
G-9494	G-9088	62387
G-11296	G-10489	62388
R-59563	R-8204	62381
59564	45328	62383
61757	46101	62384
68023	49345	62385
R-68151	R-10479	62382
68354	49429	62386
R-69883	R-11203	72449
69884	50948	72450

STATE OF OREGON
COUNTY OF COOS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRY G. SPENCER
P.O. BOX 291
LANGLOIS, OREGON 97450

confirms the right to store the waters of CONNER CREEK, a tributary of DAVIS CREEK, in SPENCER RESERVOIR, appropriated under Permit 50948, for IRRIGATION AND TEMPERATURE CONTROL.

The right to store these waters was perfected under Reservoir Permit R-11203. The date of priority is APRIL 26, 1989. The amount of water entitled to be stored each year under this right is NOT MORE THAN 9.0 ACRE-FEET, BEING 6.0 ACRE-FEET FOR IRRIGATION AND 3.0 ACRE-FEET FOR TEMPERATURE CONTROL.

The reservoir is located as follows:

SE 1/4 SE 1/4
SECTION 11
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

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

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.

This right 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.

WITNESS the signature of the Water Resources Director, affixed JULY 31, 1996.

/s/ Steven P. Applegate
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72449.

BASIN 17

VOLUME 3 CROFT LAKE & MISC.

DISTRICT 19

R-69883.DSM

FINAL PROOF SURVEY MAP
IN THE NAME OF HARRY G. SPENCER
SECTION 11, T30S, R15W, W.M.

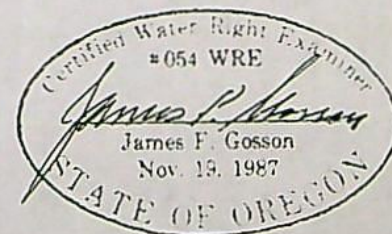
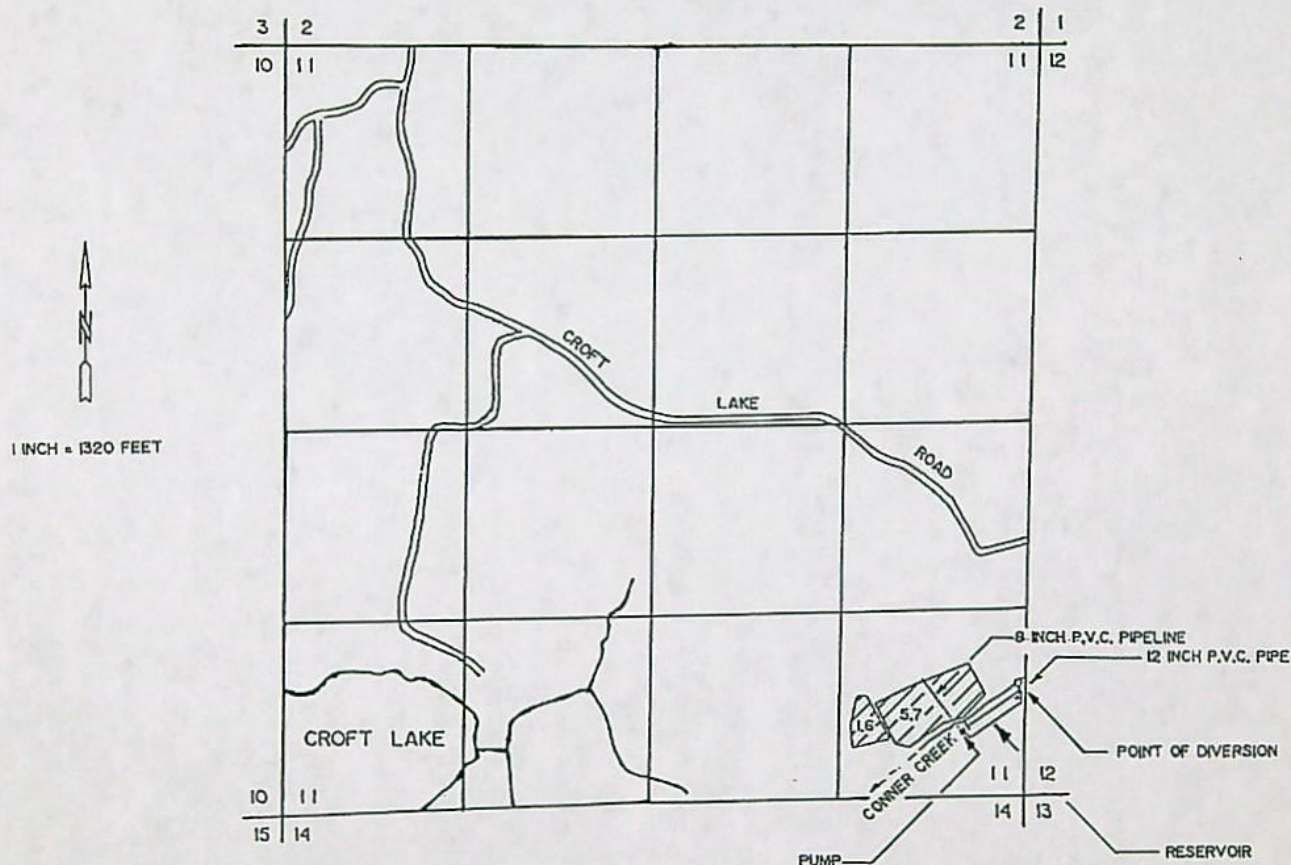
APPLICATION:
R-69883
69884

PERMIT:
R-11203
50948

RECEIVED

FEB 4 1987

SALEM, OREGON



THE POINT OF DIVERSION IS LOCATED 780 FEET NORTH AND 50 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 11, BEING WITHIN THE SE 1/4 OF THE SE 1/4 OF SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M., COOS COUNTY.

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

OK
Final
2X
7/29/96

STATE OF OREGON

COUNTY OF COOS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRY G. SPENCER
P.O. BOX 291
LANGLOIS, OREGON 97450

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The right to store these waters was perfected under Reservoir Permit R-11203. The date of priority is APRIL 26, 1989. The amount of water entitled to be stored each year under this right is ~~9.0~~ 9.0 ACRE- FEET, BEING 6.0 ACRE-FEET FOR IRRIGATION AND 3.0 ACRE-FEET FOR TEMPERATURE CONTROL.

The reservoir is located as follows:

SE 1/4 SE 1/4
SECTION 11
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

NOT
MORE
THAN

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

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

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.

This right 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.

WITNESS the signature of the Water Resources Director, affixed JULY .

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered XXX.

BASIN 17

VOLUME 3 CROFT LAKE & MISC.

DISTRICT 19

R-69883.DSM

OK
final
WEX 7/16/96

STATE OF OREGON

COUNTY OF COOS

~~PROPOSED~~ CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRY G. SPENCER

P.O. BOX 291

LANGLOIS, OREGON 97450

confirms the right to store the waters of CONNER CREEK, a tributary of
DAVIS CREEK, in SPENCER RESERVOIR, appropriated under Permit 50948, for
IRRIGATION AND TEMPERATURE CONTROL.

The right to store these waters was perfected under Reservoir Permit
R-11203. The date of priority is APRIL 26, 1989. The amount of water
entitled to be stored each year under this right is 9.0 ACRE-FEET, BEING
6.0 ACRE-FEET FOR IRRIGATION AND 3.0 ACRE-FEET FOR TEMPERATURE CONTROL.

The reservoir is located as follows:

SE 1/4 SE 1/4

SECTION 11

TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

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.

This right 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.

MACROS: EVA

GD "THE STORAGE OF WATER --"

STATE OF OREGON

COUNTY OF COOS

PERMIT TO CONSTRUCT A RESERVOIR AND TO
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HARRY G. SPENCER
PO BOX 291
LANGLOIS, OREGON 97450

503-347-4114

to construct SPENCER RESERVOIR and store the waters of CONNER CREEK, a tributary of DAVIS CREEK, to be appropriated under Application 69884, Permit 50948, for IRRIGATION AND TEMPERATURE CONTROL.

This Permit to store waters is issued approving Reservoir Application R-69883. The date of priority is APRIL 26, 1989. The amount of water entitled to be stored each year is not more than 9.0 ACRE-FEET, being 6.0 AF for irrigation and 3.0 AF for temperature control.

The dam will be located as follows:

SE 1/4 SE 1/4, SECTION 11, T 30 S, R 15 W, W.M.

The area submerged by the reservoir, when full, will be 1.2 acres and the maximum depth of water will be 7.5 feet.

The area to be submerged by the reservoir is located within:

SE 1/4 SE 1/4
SECTION 11
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

Actual construction work shall begin on or before APRIL 5, 1991, and shall be completed on or before October 1, 1992. The reservoir shall be filled, and complete application of the stored water to the use shall be made on or before October 1, 1993.

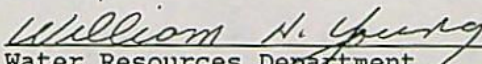
Failure to comply with any of the provisions of this permit may result in action including, but not limited to restrictions on the use, civil penalties, or cancellation of the permit.

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

Issued this date, APRIL 5, 1990.


Water Resources Department
William H. Young
Director

Application R-69883 Water Resources Department
Basin 17 Volume 3 Croft Lake & Misc.
R-69883-WJO

PERMIT R-11203
District 19

CLAIM OF BENEFICIAL USE AND SITE REPORT
IN THE NAME OF HARRY G. SPENCER
SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.
APPLICATION R-69883

RECEIVED

FEB - 4 1993

WATER RESOURCES DIV.
PERMIT R-11203 LEM, OREGON

GENERAL INFORMATION

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

1. Examination of application map,
2. Examination of permit R-11203,
3. Examination of county assessor map (30-15-11),
4. Examination of aerial photograph,
5. Examination of U.S.G.S. quadrangle map (Langlois),
6. On-site survey, January 28, 1993,
7. Interview with Harry G. Spencer, January 28, 1993.

SOURCE

The source of water is Conner Creek, a tributary of Davis Creek.

USE

The uses are irrigation and temperature control.

The area submerged by the reservoir is located within the southeast 1/4 of the southeast 1/4 of Section 11, Township 30 South, Range 15 West, W.M., Coos County.

THE RESERVOIR

Spencer Reservoir is an off-channel structure located immediately adjacent to, and on the southerly side of, Conner Creek. Its construction reflects a combination of excavation and embankment, with the excavated material from the reservoir area being used in the embankment along the northeasterly, northwesterly, and southwesterly sides.

The embankment height varies from 0 to 8 feet. The top width of the embankment varies from 12 to 18 feet. The embankment side slopes on the reservoir side vary from 2 to 2 1/2 to 1, and from 1 1/2 to 2 1/2 to 1 on the outside.

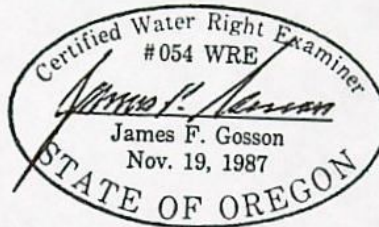
The surface area of the reservoir at full pool is 1.11 acres and the maximum depth of water is 11.1 feet. In the event of total dam failure, the hydraulic depth of failure will not exceed 10 feet. The capacity of the reservoir is 9.0 acre feet, being 6.0 acre feet for irrigation and 3.0 acre feet for temperature control.

The reservoir can be filled by a gravity pipeline extending from Conner Creek through the dike, by pumping from Conner Creek over the dike, or a combination of both methods. Both methods have been used, and the point of diversion is the same for each method, being 780 feet north and 50 feet west from the southeast corner of Section 11, being within the southeast 1/4 of the southeast 1/4 of Section 11, Township 30 South, Range 15 West, W.M., Coos County.

Water can be controlled within or through the reservoir by means of an 18" diameter CMP extending under the dike with an 18" diameter half-round vertical riser in the reservoir. The elevation of the water within the reservoir is controlled by the placement of removal of splash boards in the vertical riser. The installation also serves as the emergency overflow spillway.

CERTIFICATION

The Final Proof Survey and inspection of the use as found to be completed under the terms and conditions of Permit R-11203 were completed by James F. Gosson, Certified Water Right Examiner #54, on January 28, 1993, and the facts contained in this report and accompanying Final Proof Map are correct to the best of my knowledge.



I, Harry G. Spencer, 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 R-11203.

Harry G. Spencer
Signature

2/3/93
Date

STATE OF OREGON

COUNTY OF COOS

PERMIT TO CONSTRUCT A RESERVOIR AND TO
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HARRY G. SPENCER
PO BOX 291
LANGLOIS, OREGON 97450

503-347-4114

to construct SPENCER RESERVOIR and store the waters of CONNER CREEK, a tributary of DAVIS CREEK, to be appropriated under Application 69884, Permit 50948, for IRRIGATION AND TEMPERATURE CONTROL.

This Permit to store waters is issued approving Reservoir Application R-69883. The date of priority is APRIL 26, 1989. The amount of water entitled to be stored each year is not more than 9.0 ACRE-FEET, being 6.0 AF for irrigation and 3.0 AF for temperature control.

The dam will be located as follows:

SE 1/4 SE 1/4, SECTION 11, T 30 S, R 15 W, W.M.

The area submerged by the reservoir, when full, will be 1.2 acres and the maximum depth of water will be 7.5 feet.

The area to be submerged by the reservoir is located within:

SE 1/4 SE 1/4
SECTION 11
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

Actual construction work shall begin on or before APRIL 5, 1991, and shall be completed on or before October 1, 1992. The reservoir shall be filled, and complete application of the stored water to the use shall be made on or before October 1, 1993.

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

Issued this date, APRIL 5, 1990.

William H. Young
Water Resources Department
William H. Young
Director

Application R-69883 Water Resources Department
Basin 17 Volume 3 Croft Lake & Misc.
R-69883-WJO

PERMIT R-11203
District 19



**GROWTH UNLIMITED
TREE FARM NURSERY**

HARRY SPENCER, Proprietor
P.O. BOX 291
LANGLOIS, OR 97450

Reforestation stock and
ornamental plantings. Research
in growth and species adaptation.
(503) 347-4114

RECEIVED

FEB - 4 1993

WATER RESOURCES DEPT.
SALEM, OREGON

2/3/93

Oregon Water Resources Department

3850 Portland Road, N.E.,

Salem, Or. 97310

Gentlemen:

Enclosed are final proof surveys and
certifications for the following:

	<u>Application</u>	<u>Permit</u>
Reservoir	R-69883	R-11202
Water Diversion	69884	50948

These were done by CWRE Jim Gossen.

whose address is 580 S. State Street, Sutherlin, Or. 97479

Phone is (503) 459-2243.

If you have any questions, please call either
me or Jim or both.

concurrently, I am sending copies of Jim's reports
to the Trustee of the Croft Lake Club (Al Walsh
in Coquille) as required by our supplemental agreement.

Sincerely yours,

Harry S. Spencer

February 8, 1993

GROWTH UNLIMITED TREE FARM NURSERY
HARRY G. SPENCER, PROP.
PO BOX 291
LANGLOIS, OR 97450

REFERENCE: File R-69883 AND 69884

We received the Claim of Beneficial Use and map you submitted for Permits R-11203 and 50948 in your name.

A brief follow-up inspection may be conducted in the next few months.

If you have any questions, please call the Water Rights Section at 378-3739.

DSM:tcb

cc: James F. Gosson, CWRE



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



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

June 1, 1990

HARRY G SPENCER
PO BOX 291
LANGLOIS OR 97450

Reference: Files R-69883 and 69884

Dear Mr. Spencer:

We received your notices of Beginning of Construction, Completion of Construction, and Complete Application of Water for permits R-11203 and 50948. These permits allow for the storage and use of water from Conner Creek for irrigation and Temperature Control. The date for the complete application of water is October 1, 1993.

I have talked with you before. I understand that one of your primary goals for this system is heat control on the seedlings during summer heat waves. According to the completion notice you submitted, you have only irrigated during the fall and spring. You have not used the water for temperature control yet.

If we accept your completion notice as submitted, we will have to reduce your water right to irrigation only. I understand that is not your intent. You need this water for temperature control as well. Therefore, I am not accepting your Notice of Complete Application of Water.

Enclosed is another notice form to use when you have actually used the water for temperature control. You have until October 1, 1993 to actually use the water.

Also enclosed is a form for reporting your use of water for temperature control. This information is used to determine how much water is used for temperature control through the state.

Sincerely,

LARRY H. NUNN
Water Rights Specialist

0278W

Enclosures

Form C (690-9-77)

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. R-69883

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

Harry G. Spencer, the holder of Permit No. R-11203

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 21st day of April, 1990.

Remarks: We Irrigated Transplanted seedlings in the permit area

for the First Time this spring on date above. Will be irrigating
the throughout this summer on the entire area.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of May, 1990.

Harry G. Spencer

(Signature of Applicant)

P.O. Box 291, Langlois, Ok. 97450

(Address)

RECEIVED

MAY 29 1990

WATER RESOURCES DEPT.
SALEM, OREGON



STATE OF OREGON

INTEROFFICE MEMO

RECEIVED

FEB 11 1991

WATER RESOURCES DEPT.
SALEM, OREGON
0270791

TO: Water Rights Division

FROM: Gary Ball, Watermaster *GB*

SUBJECT: Files R-69883 and 69884

DATE:

*Sent to Gary
Att 9
11046*

Please send me copies of the files as well.

*Doc -
Call Gary -
What does he & Walsh
want from us?
The whole file?
Latest correspondence?*



Water Resources Department

JUSTICE BUILDING, ROOM 103, ROSEBURG, OREGON 97470 PHONE 440-4255

February 7, 1991

A.C. Walsh, Jr.
Attorney at Law
P.O. Box 99
Coquille, OR 97423

Re: Files R-69883 and 69884

Dear Sir:

I am not in possession of the documents you seek, and so am not in a position to advise you of the potential impacts on Croft Lake. By copy of this letter I am conveying a copy of your letter to our Salem office for response.

Yours truly,

Gary L. Ball
Watermaster, Dist. 15

cc: Water Rights Division

ALFRED C. WALSH, JR.

ATTORNEY AT LAW

280 N. COLLIER - P.O. BOX 99
COQUILLE, OREGON 97423-0099
Telephone (503) 396-2169

February 6, 1991

Mr. Gary Ball
Watermaster
Justice Bldg., Room #103
Roseburg, OR 97470

Re: Spencer Notice 6454
Water Rt. 62381

Dear Mr. Ball:

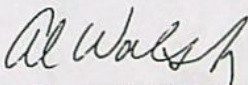
I had called you January 29 to get information on the above.

I am an agent for owners abutting Croft Lake, and we had a prior agreement with Spencer in his applications R-69883 and 69884 (affecting section 11).

We want to assure ourselves that his pending matter does not impact any stream serving Croft Lake.

Could you send me a copy of the present paperwork and advise me if the request has any potential impact on Croft Lake.

Respectfully yours,


A.C. WALSH, JR.

ACW:pl
cc: Bob Taylor

STATE OF OREGON

COUNTY OF COOS

~~PROPOSED~~ CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRY G. SPENCER
P.O. BOX 291
LANGLOIS, OREGON 97450

confirms the right to store the waters of CONNER CREEK, a tributary of DAVIS CREEK, in SPENCER RESERVOIR, appropriated under Permit 50948, for IRRIGATION AND TEMPERATURE CONTROL.

The right to store these waters was perfected under Reservoir Permit R-11203. The date of priority is APRIL 26, 1989. The amount of water entitled to be stored each year under this right is 9.0 ACRE-FEET, BEING 6.0 ACRE-FEET FOR IRRIGATION AND 3.0 ACRE-FEET FOR TEMPERATURE CONTROL.

The reservoir is located as follows:

SE 1/4 SE 1/4
SECTION 11
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights. ✓

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

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. ✓

This right 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. ✓

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described. ✓

MAP REVIEW

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

REPORT

- ☒ permit conditions
- ☒ type of use
- ☒ extent of use
- ☒ rate and duty
- ☒ time limits
- ☒ (A,B,C and transfers)
- ☒ crop type
- ☒ system capacity
- ☒ (with computations)

R-69883



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE
378-3066

February 22, 1990

Harry G. Spencer
P.O. Box 291
Langlois, OR 97450

REFERENCE: Files R-69883 & 69884

This is to acknowledge return of your Applications R-69883 and 69884. The superseding Application 69884 and the six prints of the revised supporting map were also received.

The superseding Application 69884 describes the proposed use of 0.3 cubic foot per second from Conner Creek and 9.0 acre-feet of stored water from the reservoir for irrigation and temperature control on 7.3 acres, being:

0.091 cfs from Conner Creek and 6.0 acre-feet from the reservoir for irrigation, and

0.3 cfs from Conner Creek and 3.0 acre-feet from the reservoir for temperature control.

The mutual memorandum of understanding between you and Don Farr, Trustee for Croft Club stipulated that your amended application was to be submitted to the Croft Club Trustee for approval before submitting it to the State Watermaster. We will need evidence that this was done. A written statement from Don Farr may satisfy this requirement. A copy of your Application 69884 and a print of your supporting map along with a copy of this letter is being sent to Mr. Farr for his review.

We will hold action on your applications for a reasonable length of time pending a reply from Mr. Farr.

Sincerely,

WAYNE J. OVERCASH
Water Rights Specialist

WJO

cc: Alfred C. Walsh
Don Farr, Trustee - Croft Club
John Drolet, Watermaster District 19



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

January 17, 1990

Harry G. Spencer
P.O. Box 291
Langlois, OR 97450

REFERENCE: Files R-69883 & 69884

Based on the mutual memorandum of understanding between you and Don Farr, Trustee for Croft Club, you are to make certain amendments to your applications.

Therefore, I am returning your Applications R-69883 and 69884 along with the eight prints of the supporting map for correction and completion. Revisions to your supporting map will need to be done by a Certified Water Rights Examiner.

Both applications are endorsed so that in order to retain their dates of priority, they must be received in this office on or before March 19, 1990.

Sincerely,

WAYNE J. OVERCASH
Water Rights Specialist

Enclosures

WJO

cc: Alfred C. Walsh, Jr., Attorney
Don Farr, Trustee - Croft Club
John Drolet, Watermaster District 19



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

January 4, 1990

RECEIVED

JAN 31 1990

Alfred C. Walsh, Attorney at Law
280 N. Collier
Coquille OR 97423-0099

WATER RESOURCES DEPT.
SALEM, OREGON

RE: Protested Applications R-69883 & 69884

Dear Mr. Walsh:

I am pleased to be in receipt of the protest withdrawals you forwarded to me in the above matter. All of you are to be commended on working together to bring the matter to satisfactory resolution.

If you would be so kind as to provide me with a copy of the signed settlement agreement, I will forward the agreement on to our Applications & Permits section with instructions that issuance of Mr. Spencer's permit may now proceed in accordance with the terms of the agreement. I received the attached in November but am unsure whether it is the final version agreed to and signed by the parties.

Again, I appreciate the time and effort given to this matter by all involved.

Sincerely,

Weisha Mize
Hearings Referee

cc: Harry Spencer (PO Box 291, Langlois OR 97450)
Don Farr, Trustee (HC 83 Box 681, Coquille OR 97423)
John Drolet
Greg Robart, ODFW
Robert Baumgartner, DEQ
Applications & Permits

R-69883
~~69884~~

RECEIVED

NOV 13 1989

November 6, 1989

WATER RESOURCES DEPT
SALEM, OREGON

Harry Spencer
P.O. Box 291
Langlois, Or. 97450

Re: Pending water permits

Dear Mr. Spencer:

This will confirm our verbal commitment to you following the meeting with you and your son, the Watermaster, Farr, Marshall and Walsh on November 1. Also, if you would be kind enough to sign a copy of this letter and return to Mr. Walsh, it could serve as a mutual memorandum of understanding.

We agreed that you will amend your two applications to reflect:

- a) The water right is to serve 7.3 acres of your land.
- b) 12" diameter pipe at point of diversion.
- c) Intake pipe to be no more than 1/4 submerged in Conner Creek at anytime. If the existing gate valve at the intake proves inadequate to properly regulate the flow of Conner Creek to Croft Lake, a measuring device at the intake will be installed at the request of the Watermaster.
- d) The total amount of water to be applied to beneficial use (including irrigation and temperature control) is to be 0.3 cfs.

This is based on your estimated maximum system capacity of about 87,240 gallons per day, pumping two hours per day 7 days per week, although it is understood that a typical days use more likely might be in the area of 29,220 gallons per day, and not necessarily every day.

e) An in-line totalizing flow meter would be installed on the out flow end of the pump.

f) Temperature control usage forms provided by Watermaster to be submitted at times of such use.

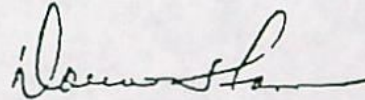
Copy

Page -2-
November 6, 1989

g) The Croft Club Trustee, or his designee, would be permitted to inspect the pumping/reservoir system at anytime.

Upon filing of applications so amended, the Croft owners will withdraw their protests. It is agreed between Spencer and the Croft owners that Spencer shall not submit Proof of Appropriation until after 35 months from the date of issuance of the permit, to allow full usage of water on acres to be planted and to see if such yields any impact on the lake. Spencer shall provide the Croft Trustee a copy of such proof at the time it is submitted to Salem and a copy of the certificate when received. All parties agree that even though the protests are now withdrawn, they can be reasserted in opposition to the grant of a certificate, if the Croft owners at that time, feel that the usage has an adverse impact on Croft Lake.

Respectfully yours,



DON FARR, TRUSTEE

THE ABOVE IS AS AGREED,

HARRY G. SPENCER

DATE _____



STATE OF OREGON

INTEROFFICE MEMO

RECEIVED

TO: Jake Szramek
Applications & Permits

DATE: 05-09-89

FROM: John P. Drolet *JP*
Watermaster, Dist. XIX

ap. # 69884
R-69883

SUBJECT: Surface Water Availability
Spencer Application--Connor Creek

This office is in receipt of a standard water availability questionnaire regarding the Spencer application on Connor Creek.

Connor Creek is a tributary of Davis Creek and Davis Creek is the primary surface water source for a natural coastal lake--Croft Lake. The lake is extensively used for recreation during summer months. Over the years, the landowners around the lake have informally expressed concern regarding the continued upstream appropriation of water on Connor and Davis Creeks. Their concern is that a decrease in summertime surface water inflow lessens the fresh water exchange within the lake which, in turn, leads to a rise in the water temperature with a resulting enhancement of undesirable aquatic vegetation.

The South Coast Basin Policy provides a degree of protection to natural coastal lakes by limiting the authorized beneficial uses permitted from points of diversion within the lakes. Admittedly, the Spencer application does not propose to appropriate water from the lake, but the Department might want to consider:

- a. at what point does appropriation from the tributaries of coastal lakes negate the protection afforded by the basin policy and,
- b. does the Department wish to enhance protection of coastal lakes by conditioning future appropriations to certain seasons when excess water is available.

My personal knowledge of the lake is limited. Conversations with persons familiar with the lake indicate that as with many other natural coastal lakes, the lake itself is a surface expression of the dunal aquifer. The basis for this assumption is the relatively stable lake level throughout the year--it is my understanding that there is less than 1.5' of lake level fluctuation during the water year.

Because of the past concerns expressed by the Croft Lake landowners, as a courtesy I have informed their representative of the pending Spencer application. Their response is that they will likely protest the issuance of the permit or at least ask the Department to condition the permit so as to minimize the affect of out of stream appropriation during summer months.

I would therefore propose that the Department consider the following:

a. withhold issuance of the permit for whatever period of time it deems adequate to allow the landowners to submit their protest, and

b. should such a protest be submitted, that we seek input from our groundwater hydrology staff on their estimate of the effect of surface water inflow into Croft Lake.

As an aside, the last significant South Coast Basin Policy revision was adopted by the Water Policy Review Board in 1980. Most recently, the ODF&W has taken considerable interest in many pending applications. As time would permit, and for the purpose of clarifying presently acceptable water uses within the basin, a revision of the Basin Policy would appear to be in the interest of all concerned.

This memo is intended to be an attachment to the standard water availability questionnaire for the Spencer application.

WATER AVAILABILITY-SURFACE WATER APPLICATIONS

Wm #19

Name of Applicant Harry G. Spencer Application Number R-69883

RECEIVED

MAY 12 1989

WATER RESOURCES DEPT.
SALEM, OREGON

1. Is there a gaging station at or nearby the point of diversion for this application that gives a record of water supply?

Yes _____ No ☒

If yes, how long is the record? _____ years, from 19 _____ through 19 _____.

Does the record include any extremely low flows years?

Yes _____ No _____

If yes, list low flow years.

2. Have any miscellaneous measurements been made at or near the point of diversion?

Yes _____ No ☒

If yes, list measured flows and dates.

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

Yes _____ No ☒

If yes, explain by giving dates and rights involved.

4. Do you observe this stream system in your routine, regular field work?

Yes _____ No ☒

If yes, list number of years of observation.

5. Based on routine observation, do you think there would be enough water available in the quantity and at time needed to supply this application and do you think use may be made without harming vested and inchoate rights?

Yes _____ No _____

If yes, what would you recommend for conditions for this permit.

Revised 05-08-89

J. P. Drolet
05-09-89



STATE OF OREGON

RECEIVED

INTEROFFICE MEMO

NOV 02 1989

TO: Weisha Mize
Hearings Manager

WATER RESOURCES DEPT. DATE: 01 NOV 89
SALEM, OREGON

FROM: John P. Drolet *[Signature]*
Watermaster, Dist. XIX

File # 69884

SUBJECT: Spencer Application--Connor Creek
Croft Lake Landowners Protest

Weisha, you may recall that in April of 1989 Harry Spencer applied for a permit for irrigation and temperature control use from Connor Creek, the principle tributary to Croft Lake. Subsequently, about a dozen protest to the application were received from the landowners around Croft Lake.

Beginning in late spring and continuing through the summer, this office conducted a series of discharge measurements to determine the lake's surface water inflow and outflow.

Should the matter go to contested case hearing, I felt that only if the surface water characteristics of the lake could be quantified, would the Department be in a position to evaluate the protests.

I have held several meetings through the summer with the applicant and protestants and the meeting held today appears to have reconciled all differences. The streamflow measurements made throughout the summer enabled the protestants to evaluate the application in terms of the percentage of streamflow reduction as a result of Spencer's proposed appropriation. Spencer's modified duty of water would only reduce streamflow by about 1% per week during late summer.

The concessions made by Spencer were as follows:

1. ACREAGE--reduce the total acreage applied for to 7.3 acres, from 12 acres, and
2. AMOUNT OF WATER--reduced to 0.30 cfs from 1.8 cfs.

Other parts of the agreement which do not involve the Department include access by representatives of the Croft Lake group to inspect Spencer's diversion and other miscellaneous provisions.

For my part, as a condition to issuance of the permit, I would recommend (and Spencer has agreed to) a totalizing meter calibrated to acre feet be placed on Spencer's system.

If all goes as discussed, you should shortly be receiving a letter from the Croft Lake group and the Water Rights Division should be receiving a copy of Spencer's revised application.

JPD/dt

CF: Robert Steimer
Jake Szramek



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

June 6, 1989

Harry G. Spencer
PO Box 291
Langlois, OR 97450

Dear Mr. Spencer:

REFERENCE: Files R-69883 and 69884

We received your application on April 26, 1989, describing the proposed construction of Spencer Reservoir and storage of 9.0 acre-feet of water from Conner Creek for irrigation and temperature control.

We also received your application on April 26, 1989, describing the proposed use of 1.80 cubic feet per second from Conner Creek and one reservoir for irrigation of 12.0 acres and temperature control.

The supporting data and fees were also received. Our Receipts 57792 and 57793 are enclosed. The applications have been filed, assigned numbers R-69883 and 69884 and will be reviewed in detail as time allows.

Applications which are defective, conflict with existing rights or require additional information will, if necessary, be returned for correction and/or completion. Due to the present backlog of applications and other matters needing attention, we have been unable to process applications as rapidly as would be liked. If you feel that a delay in the processing of the application will cause a hardship, please advise.

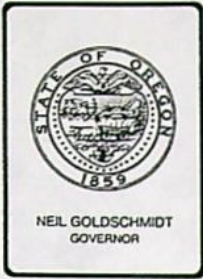
You will be required to hire a Certified Water Right Examiner to survey the extent of use of water perfected under the terms of the permit that may be issued approving your applications. Within one year of application of water to beneficial use or the date to make complete application of water allowed in your permits, you will need to submit a map of the survey prepared by the Certified Water Right Examiner.

If the applications are approved, the use of water will be subject to the Water Resources Commission's Basin Program statements, existing minimum flows and demands of prior rights during periods of low water.

Sincerely,

Wayne J. Overcash
Water Rights Specialist
Application/Permit Section
Enclosures

cc: John P. Prahar, CWRE



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

March 23, 1990

Robert Ringo
Ringo and Stuber
PO Box 1108
Corvallis, OR 97339-1108

RE: Applications R-69883 and 69884

Dear Mr. Ringo:

I wrote last month regarding a possible protest against the above applications by your clients Dr. and Mrs. J.A. Colbrunn (copy enclosed).

As I have heard nothing further from you, I have closed the file and instructed the Department's Applications and Permits section to proceed with issuing the permits as described in my earlier letter.

Sincerely,

Weisha Mize
Hearings Referee

encl.

cc: Alfred Walsh
Harry Spencer
John Drolet
✓ Steve Applegate

STATE OF OREGON

COUNTY OF COOS

PERMIT TO CONSTRUCT A RESERVOIR AND TO
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

OK
ML

THIS PERMIT IS HEREBY ISSUED TO

HARRY G. SPENCER
PO BOX 291
LANGLOIS, OREGON 97450

503-347-4114

to construct SPENCER RESERVOIR reservoir and store the waters of CONNER CREEK, a tributary of DAVIS CREEK, to be appropriated under Application 69884, Permit , for IRRIGATION AND TEMPERATURE CONTROL.

This Permit to store waters is issued approving Reservoir Application R-69883. The date of priority is APRIL 26, 1989. The amount of water entitled to be stored each year is not more than 9.0 ACRE-FEET, being 6.0 AF for irrigation and 3.0 AF for temperature control.

The dam will be located as follows:

SE 1/4 SE 1/4, SECTION 11, T 30 S, R 15 W, W.M.

The area submerged by the reservoir, when full, will be 1.2 acres and the maximum depth of water will be 7.5 feet.

The area to be submerged by the reservoir is located within:

SE 1/4 SE 1/4
SECTION 11
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

Actual construction work shall begin on or before and shall be completed on or before October 1, 1991. The reservoir shall be filled, and complete application of the stored water to the use shall be made on or before October 1, 1992.

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

Issued this date, .

Water Resources Department
William H. Young
Director

Application R-69883 Water Resources Department
Basin 17 Volume 3 Croft Lake & Misc.
R-69883.WJO

PERMIT R-
District 19

APPLICATION PROCESSING OUTLINE

Basin: South Coast

Sub-basin: _____

Fees paid: _____ Examination fee: 200

Recording fees: _____

Total: _____

Application No. _____

Permit No. _____

R-69883

RATE AND DUTY _____ for irrigation

1. Check for minimum information (OAR 690-11-020)

yes	no	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name and mailing address of the applicant.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Source of the water.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Quantity of water to be appropriated.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Location of point of diversion to 1/4 1/4 Section.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nature and place of use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name and mailing address of all legal owners of the properties involved.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Signature of the applicant
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Examination fees.

If minimum information not supplied, excepting legal owner information, then return to applicant with letter explaining deficiencies.

yes	no	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Resources Commission classification limits or restrictions -- If yes, note: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	State Engineer's withdrawals -- If yes, note: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative withdrawals -- If yes, note: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	If policy statement is unclear check with Resources Management Division.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Scenic Waterway: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	on _____ up-stream _____ w/in 1/4 mile
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Notify Parks and Recreation Department
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Out-of-basin diversion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Need to route to Geology Section due to:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	well within one mile of a stream
<input type="checkbox"/>	<input checked="" type="checkbox"/>	well within restricted surface water area
<input type="checkbox"/>	<input checked="" type="checkbox"/>	wells with request for greater than 5 cfs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	well is for heating &/or cooling
<input type="checkbox"/>	<input checked="" type="checkbox"/>	well constructed by land owner
<input type="checkbox"/>	<input checked="" type="checkbox"/>	well is artesian
<input type="checkbox"/>	<input checked="" type="checkbox"/>	artificial ground water recharge project
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ground water area under study
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Within Irrigation District: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Notify _____ Need excerpt from District
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal description of property
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ownership statement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other parties to Notify: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Resources Commission review if:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Request for greater than 5 cfs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Dam height greater than 10 feet
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Storage of more than 9.2 acre-feet
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Out-of-basin diversion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	within or above a scenic waterway
<input type="checkbox"/>	<input checked="" type="checkbox"/>	conditional uses under basin programs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	requests for larger rate or duty than allowed
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ground water recharge project
<input type="checkbox"/>	<input checked="" type="checkbox"/>	other substantial public interest issues
<input type="checkbox"/>	<input checked="" type="checkbox"/>	requests for review by an agency or person
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Watermaster comment form sent with copy of application and map.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Watermaster comments received _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Hydrographic section comments requested _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Hydrographic section comments received _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	O.D.F.W. sent copy of application and map(except groundwater) requesting comment _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	O.D.F.W. comments received _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Report from D.E.Q. received _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Publish application information in weekly public notice.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Notify other owners of development
<input checked="" type="checkbox"/>	<input type="checkbox"/>	PROTESTED
<input checked="" type="checkbox"/>	<input type="checkbox"/>	filed _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	resolved _____

Application No. R-69883

Permit No.

RECEIVED

STATE OF OREGON WATER RESOURCES DEPARTMENT

RECEIVED

APR 26 1989

Application for a Permit to Construct a Reservoir

APR 21 1989

WATER RESOURCES DEPT.

SALEM, OREGON

Harry G. Spencer

(Name of Applicant)

WATER RESOURCES DEPT.

SALEM, OREGON

of P.O. Box 291

(Mailing Address)

Langlois

(City)

State of Oregon

97450

(Zip Code)

Phone No. 347-4114

do hereby make application for a permit to construct the Spencer reservoir

and to store the unappropriated waters of the State of Oregon, subject to existing rights.

1. The name of the stream from which the reservoir is to be filled is Conner Creek

tributary to Davis Creek

2. If not in channel of a stream, state how it is to be filled. water will be diverted through

a 12" pipe by gravity feed, 40 feet to the Reservoir

3. The dam will be located in the S.E. 1/4 of the S.E. 1/4 of Section 11

Township 30 S., Range 15 W., W. M.

COOS

4. The maximum height will be five feet above stream bed or ground surface at the centerline. The top width will be 30 feet, slope of upstream face 3:1, slope of downstream face 2:1, and height of dam above water line when full 2 1/2 feet.

5. The dam will be (check one) ☒ earthfill, ☐ concrete, ☐ flashboard, ☐ other.

If "other", give description:

6. Give the location, description, and dimensions of the outlet conduit: 18" Pipe, 40 ft. long at centerline of dam, with a 6ft. 18" vertical pipe on the upstream side of the dam equipped with removable flashboards to control depth of water.

(All dams across natural stream channels must be provided with an outlet conduit, of such capacity and location to pass the normal flow of the stream at any time)

Application No. R-69883

Permit No.

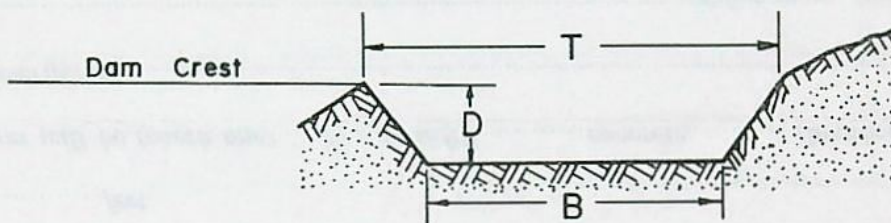
7. The impounded water will be used for irrigation and temperature control
(6 Ac.ft.) (3 Ac.ft.)

8. The amount of water to be stored is 9 acre feet.

9. The area submerged by the reservoir, when full, will be 1.2 acres,
and the maximum depth of water will be 7.5 feet.

10. Give the location and dimensions of the spillway

(State whether over or around dam)



The bottom width of the spillway, B, will be feet.

The top width of the spillway, T, will be feet.

The distance between the crest of the dam and the crest of the spillway, D, will be feet.
(Must be at least 2½ feet)

If any other type of spillway describe and give dimensions:

The spillway is not necessary as the Reservoir is not in-channel and has
inflow control through the 12" intake conduit

11. Construction work will begin on or before July 1989

12. Construction work will be completed and the reservoir filled by July 1990

Remarks: I am the owner and sole proprietor of the lands and points
of diversion subject to this application.

This permit, when issued, is for the beneficial use of water. 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 that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

X Harry J. Spencer Proprietor
Growth Unlimited Tree Farm 4/25/89
Sole Owner of all
Land involved in this application.

Owner and sole proprietor.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for.....*correction and completion*.....

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before.....March 19,....., 1990.....

WITNESS my hand this 17th..... day of January....., 1990.....

William H. Young,..... Water Resources Director

By Wayne J. Overcash
Wayne J. Overcash
Water Right Specialist

RECEIVED

JAN 31 1990

WATER RESOURCES DEPT.
SALEM, OREGON

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the
26th day of April, 1989, at 8 o'clock A.M.

Application No. R-69883

Permit No.

R-69883

R-69883

Application No. R-69883

Permit No.

**Permit to Construct a Reservoir
and Store for Beneficial Use the Public Waters
of the State of Oregon**

This is to certify that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions. The right herein granted is limited to the construction of

.....
.....
.....
.....
.....
.....

The right hereunder shall be limited to the storage of acre feet.

The priority date of this permit is

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

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

.....
Water Resources Director

John P. Prahar

LAND PLANNING AND SURVEYING

Fern Park Building, Suite 1 • 1045 Baltimore Ave. • Bandon, Oregon 97411 • (503) 347-9517

Application No. **R-69883 & 69884**
 Permit No. **R11203**

Revised Jan. 30, 1990

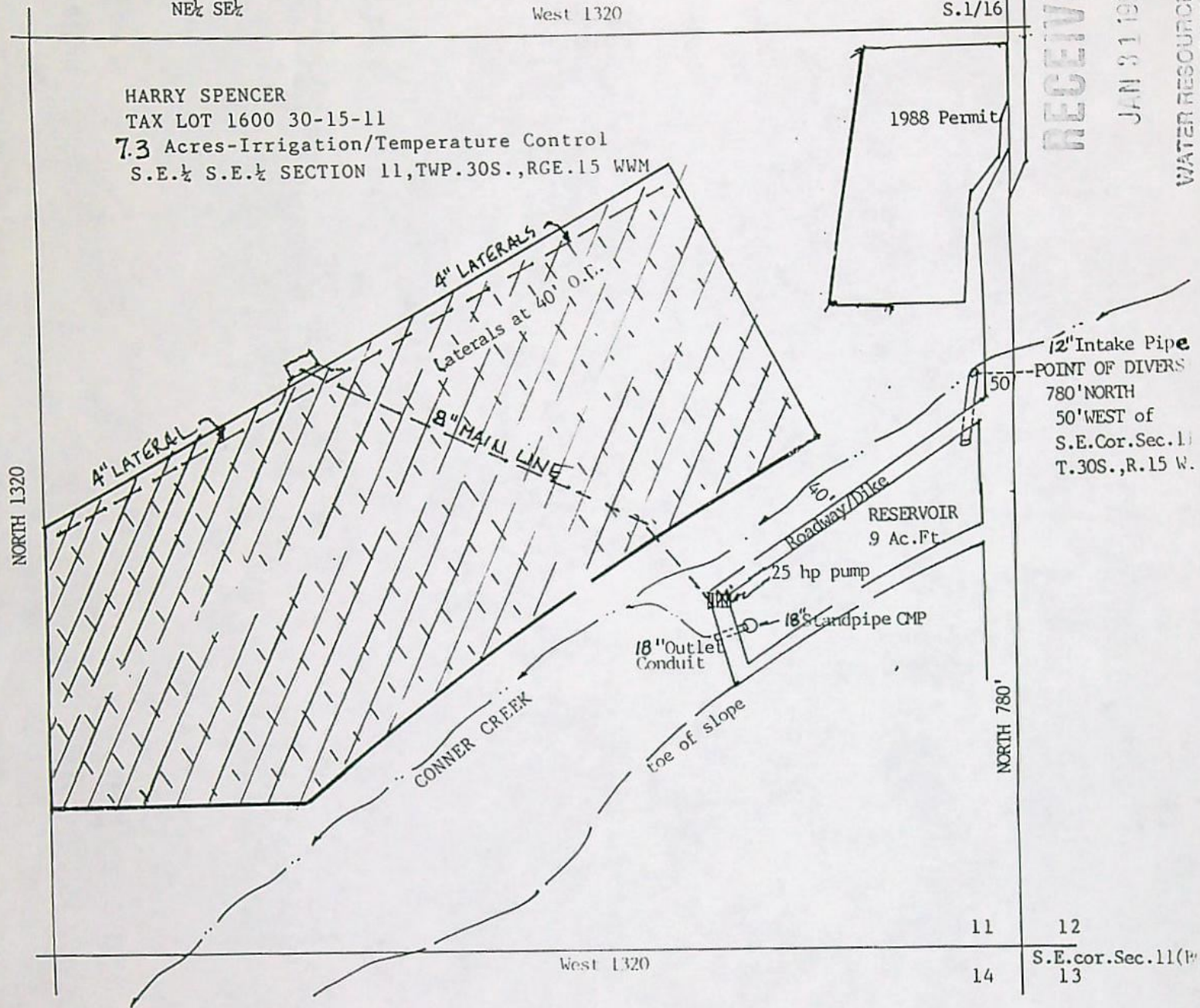
NE 1/4 SE 1/4

West 1320

S.1/16

RECEIVED
 JAN 31 1990
 WATER RESOURCES DEPT.
 SALEM, OREGON

HARRY SPENCER
 TAX LOT 1600 30-15-11
 7.3 Acres-Irrigation/Temperature Control
 S.E. 1/4 S.E. 1/4 SECTION 11, TWP. 30S., RGE. 15 W.W.



MAP FOR APPLICATION FOR PERMIT TO APPROPRIATE SURFACE WATER
 AND PERMIT TO CONSTRUCT A RESERVOIR
 S.E. 1/4 S.E. 1/4 SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.
 COUNTY OF COOS, STATE OF OREGON

OWNER AND APPLICANT:
 HARRY G. SPENCER
 GROWTH UNLIMITED TREE FARM
 P.O. BOX 291
 LANGLOIS, OREGON
 347-4114

PREPARED BY:
 JOHN P. PRAHAR
 WATER RIGHTS EXAMINER NO. 107
 1045 BALTIMORE AVE. SUITE ONE
 BANDON, OREGON 97411
 347-9517

LEGEND:

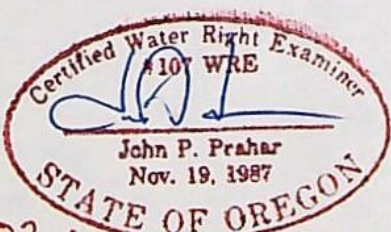


PROPOSED AREA OF IRRIGATION
 AND TEMPERATURE CONTROL



WATER LINES

SCALE: 1"=200'
 DATE: APRIL 18, 1989



RECEIVED

APR 26 1989

WATER RESOURCES DEPT.
 SALEM, OREGON

Application No. **R-69883 & 69884**
 Permit No. **R11203** **50948** **1/30/90**

STATE OF OREGON

COUNTY OF COOS

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRY G. SPENCER
P.O. BOX 291
LANGLOIS, OREGON 97450

confirms the right to store the waters of CONNER CREEK, a tributary of DAVIS CREEK, in SPENCER RESERVOIR, appropriated under Permit 50948, for IRRIGATION AND TEMPERATURE CONTROL.

The right to store these waters was perfected under Reservoir Permit R-11203. The date of priority is APRIL 26, 1989. The amount of water entitled to be stored each year under this right is 9.0 ACRE-FEET, BEING 6.0 ACRE-FEET FOR IRRIGATION AND 3.0 ACRE-FEET FOR TEMPERATURE CONTROL.

The reservoir is located as follows:

SE 1/4 SE 1/4
SECTION 11
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

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.

This right 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.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

add (
(
see permit