

By .....

Langlois, OR 97450

Priority April 26, 1989

Action suspended until OK test

Return to applicant .....

Date of approval ..... APR 05 1990 .....

## CONSTRUCTION

Date for beginning ..... APR 05 1991 .....

Date for completion 01 OCT 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

Permit No. 50948

Certificate No. 72450

Stream Index, Page No. 17.4A13

17. 1560.00 30.00 10.00

See file R-69883

## ASSIGNMENTS

Date \_\_\_\_\_

To Whom

Address

Volume

Page

## REMARKS

**FEES PAID**

Date \_\_\_\_\_

Amount

Receipt No.

4-210-80

504.-

57793

Cert. Fee

## FEES REFUNDED

Date \_\_\_\_\_

Amount

Check No.

5/22/90

104.00

12040



Form B (690-9-77)

Application No. 69554

NOTICE OF COMPLETION OF CONSTRUCTION

I, Harry G. Spencer, the holder of Permit No. 50948  
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: We actually utilized the system to irrigate  
a small section of the permit area over fall-transplanted  
seedlings within 2 weeks of the above date.  
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  
(Signature of Applicant)

P.O. Box 291, Langlois, Or. 97450  
(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. 69554

NOTICE OF BEGINNING OF CONSTRUCTION

I, Harry G. Spencer, the holder of Permit No. 50948  
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 had been constructed and filled with  
water piling was driven to support an 8" mainline across the creek, ditches  
were dug for the mainline and lateral 4" lines, 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.



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.

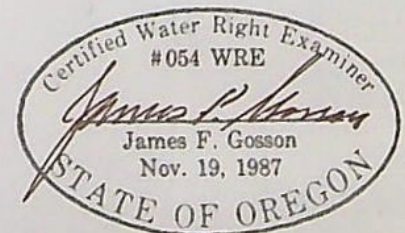
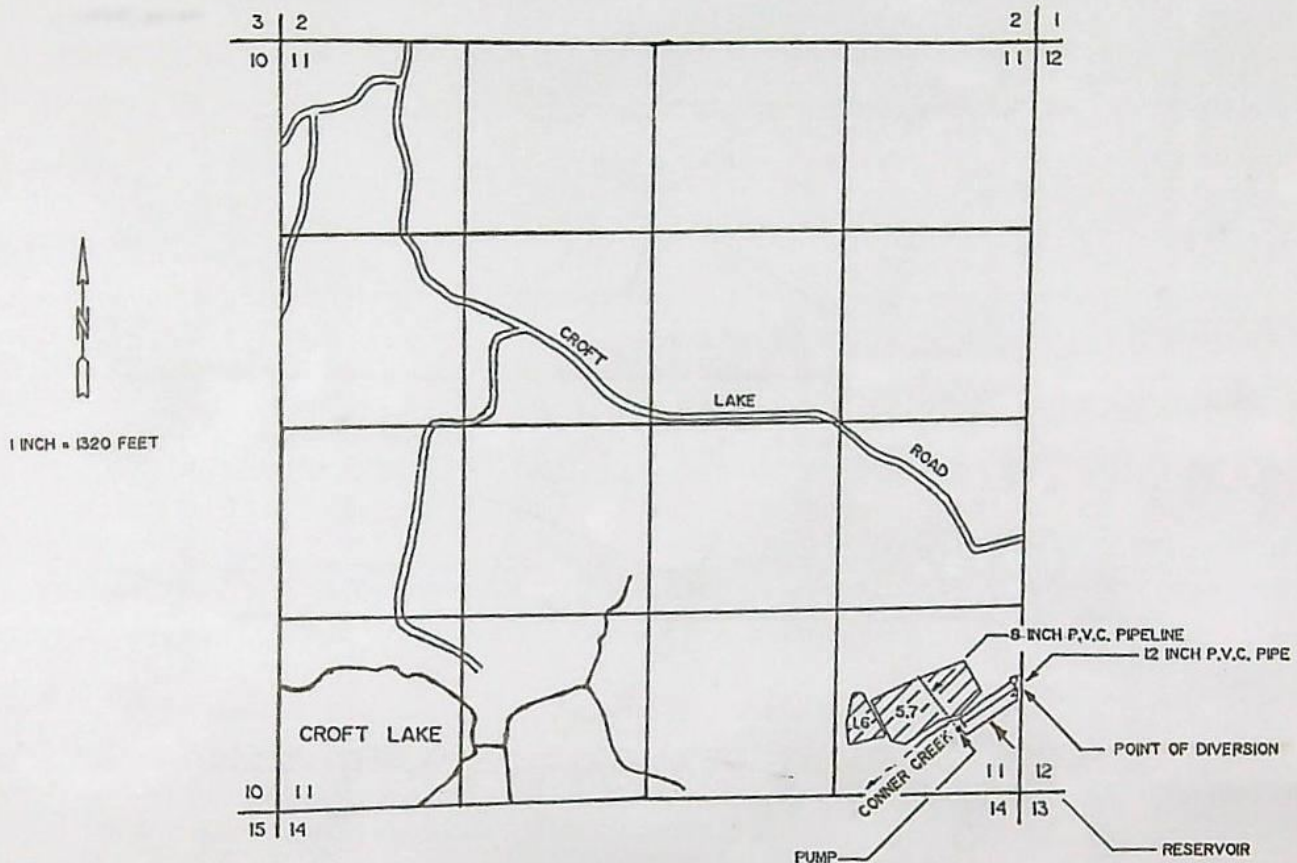
APPLICATION:  
R-69883  
69884

PERMIT:  
R-11203  
50948

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FEB - 4 1993

WATER RESOURCES DEPT  
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.



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 use the waters of CONNER CREEK AND SPENCER RESERVOIR, tributaries of DAVIS CREEK, for IRRIGATION AND TEMPERATURE CONTROL OF 7.3 ACRES.

This right was perfected under Permit 50948. The date of priority is APRIL 26, 1989. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.30 CUBIC FOOT PER SECOND, BEING 0.3 CFS FOR TEMPERATURE CONTROL OR 0.09 CFS FOR IRRIGATION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 11, T 30 S, R 15 W, W.M.; 780 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 11.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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:


SE 1/4 SE 1/4 7.3 ACRES  
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 the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. 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.

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

 Steven P. Applegate  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72450.

BASIN 17  
69884.DSM

VOLUME 3 CROFT LAKE & MISC.

DISTRICT 19



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

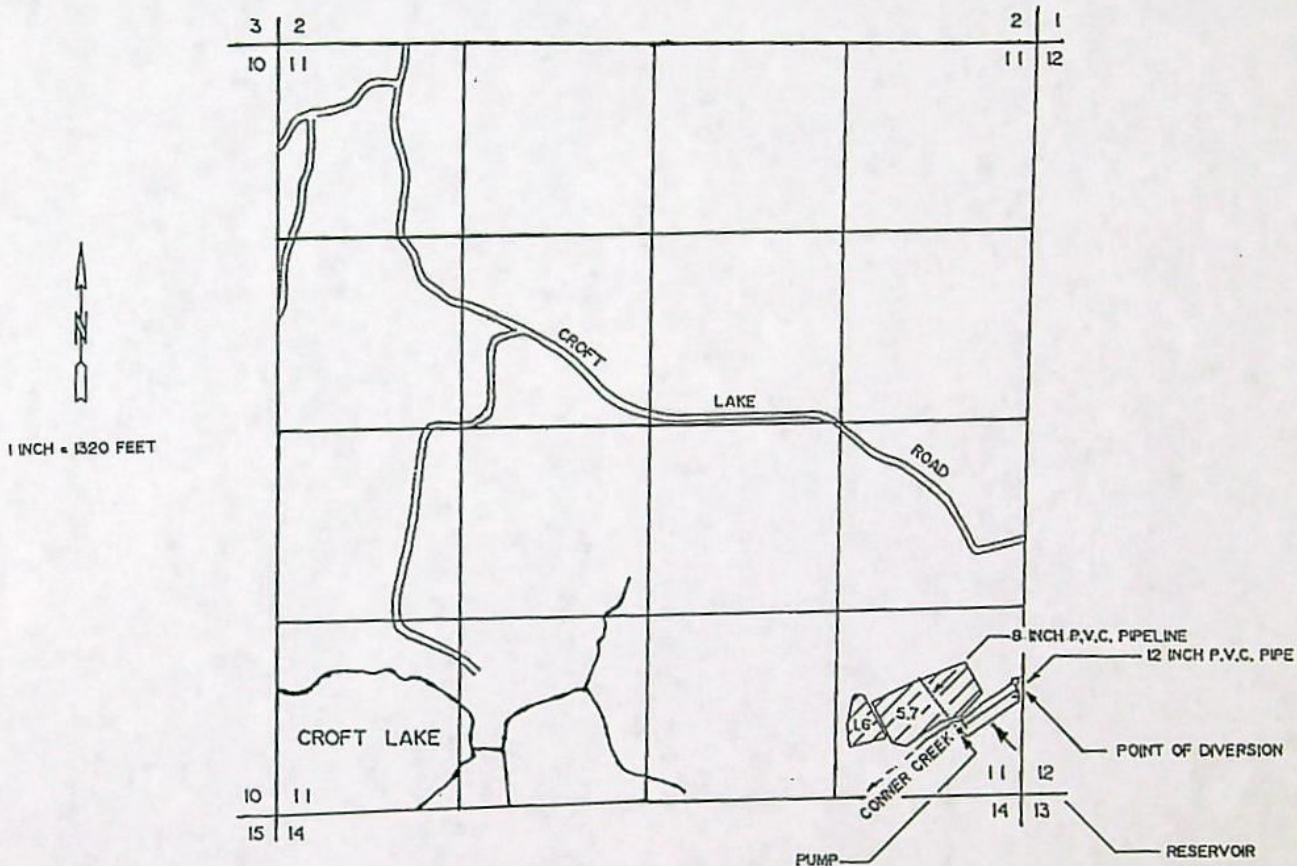
APPLICATION:  
R-69883  
69884

PERMIT:  
R-11203  
50948

RECEIVED

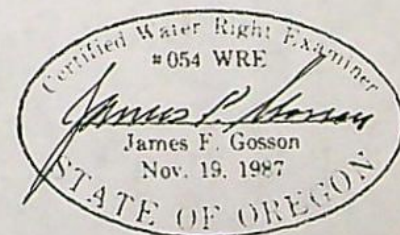
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THE POINT OF DIVERSION IS LOCATED 780 FEET NORTH AND 50 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 11, BEING WITHIN THE SE 1/4 OF THE SE 1/4 OF SECTION 11, TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M., COOS COUNTY.

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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

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

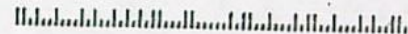
PREPAID  
FIRST CLASS



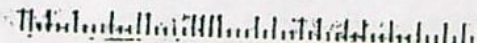
HARRY G SPENCER  
DBA GROWTH UNLIMITED TREE FARM  
PO BOX 291  
LANGLOIS, OR 97450

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

AUTO 97450



97310/3338





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



**JAMES F. GOSSON** Consulting Engineer

CIVIL ENGINEER  
LAND SURVEYOR  
WATER RIGHTS EXAMINER

580 South State Street  
Sutherlin, Oregon 97479

(503) 459-2243

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WATER RESOURCES DEPT.  
SALEM, OREGON

July 31, 1996

Oregon Water Resources Department  
Commerce Building  
158 12th Street NE  
Salem, Oregon 97310

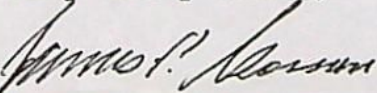
Attn: Don Knauer  
Re: Application 69884 (Spencer)

Dear Don,

In response to your note of July 16, 1996, you are correct and I was in error in my capacity calculations.

Enclosed are the notes you sent me, along with a corrected sheet for your files. Please contact me if you have any questions.

Very Truly Yours,



James F. Gosson



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WATER RESOURCES DEPT.  
SALEM, OREGON

PUMPING METHOD

$$\text{USING: } Q = \frac{K \times HP}{H}$$

WHEN

$$K = 6.61$$

$$HP = 15 \text{ (estimated)}$$

$$H = H_{\text{ELEV}} + H_{\text{PRESSURE}} + H_{\text{FRICTION}}$$

$$H = 6 \text{ ft} + 10 \text{ LBS/INCH}^2 \text{ (estimated)} + 20 \text{ ft. (estimated)}$$

$$H = 6 + (10)(2.31) + 20$$

$$H = 49 \text{ ft.}$$

$$Q = \frac{(6.61)(15)}{49} = 2.0 \text{ cfs, } > 0.3 \text{ cfs, O.K.}$$

CAPACITY OF DELIVERY SYSTEM  
RESERVOIR TO THE PLACE OF USE

$$\text{USING: } Q = \frac{K \times HP}{H}$$

WHEN

$$K = 6.61$$

$$HP = 25$$

$$H = H_{\text{ELEV}} + H_{\text{PRESSURE}} + H_{\text{FRICTION}}$$

$$H_{\text{ELEV}} = 34 \text{ ft.}$$

$$H_{\text{PRESSURE}} = 50 \text{ LBS/INCH}^2 = 116 \text{ ft.}$$

$$H_{\text{FRICTION}} 8'' = 0.3'/100' \text{ (estimated)}$$

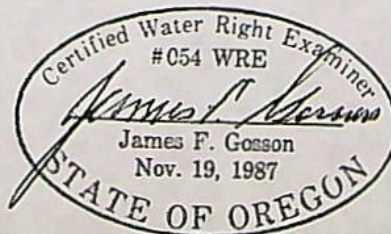
$$H_{\text{FRICTION}} 4'' = 6'/100' \text{ (estimated)}$$

$$H_{\text{FRICTION}} 2'' = 15'/100' \text{ (estimated)}$$

$$H = (0.3)(4.9) + (6)(2.7) + (15)(8) = 138 \text{ ft.}$$

$$Q_{\text{PUMP}} = \frac{(6.61)(25)}{288} = 0.57 \text{ cfs, } > 0.3 \text{ cfs, O.K.}$$

$$Q_{\text{NOZZLES}} = (4)(19)(2.4) = 182 \text{ gpm} = 0.41 \text{ cfs, } > 0.3 \text{ cfs, O.K.}$$





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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 69884

WATER RESOURCES DEPT  
PERMIT 50948 RECON

GENERAL INFORMATION

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

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1. Examination of application map,
2. Examination of permit 50948,
3. Examination of county assessor map,
4. Examination of aerial photograph,
5. Examination of U.S.G.S. quadrangle map (Langlois),
6. On-site survey, July 26, 1991,
7. Interview with Harry G. and Doug Spencer, July 26, 1991.

SOURCE

The source of water is Conner Creek and Spencer Reservoir.

USE

The uses are irrigation and temperature control.

PLACE OF USE

The place of use is 7.3 acres in the southeast 1/4 of the southeast 1/4 of Section 11, Township 30 South, Range 15 West, W.M., Coos County.

POINT OF DIVERSION FROM CONNER CREEK

The point of diversion from Conner Creek is located 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.

DELIVERY SYSTEM FROM CONNER CREEK TO SPENCER RESERVOIR

Water is diverted from Conner Creek either by a 12" diameter gravity P.V.C. pipeline from Conner Creek through the dike into the reservoir, or by pumping over the dike and into the reservoir. The method used is dependent upon the amount of flow, or the surface water elevation of Conner Creek.



# CAPACITY OF DELIVERY SYSTEM

CONNER CREEK TO RESERVOIR

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## GRAVITY METHOD

$$USING H = f \frac{L}{D} \frac{V^2}{2g}$$

WHEN

$$H = 1 \text{ ft.}$$

$$L = 40 \text{ ft.}$$

$$D = 1 \text{ ft.}$$

$$f = 0.011 \text{ (estimated, ATV - 8 FPS)}$$

$$THEN 1 = (0.011) \left( \frac{40}{1} \right) \left( \frac{V^2}{64.4} \right)$$

THEN

$$1 = 0.0068 V^2$$

$$V^2 = 146.4$$

$$V = 12.1$$

$$USE: f = 0.010$$

$$THEN 1 = (0.010) (0.62 V^2)$$

$$THEN 1 = 0.0062 V^2$$

$$THEN V^2 = 161$$

$$THEN V = 12.7 \text{ FPS}$$

$$Q = VA$$

$$WHEN A = \pi R^2 = (3.14) (0.5)^2 = 0.78 \text{ ft.}^2$$

$$Q = (12.7) (0.78) = 10.0 \text{ cfs, } > 0.3 \text{ cfs O.K.}$$

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## DELIVERY SYSTEM FROM SPENCER RESERVOIR TO THE PLACE OF USE

Two parallel mounted electric motor/pumps at the southwesterly end of the reservoir deliver water to the place of use via 8" x 490' PVC mainline, 4" x 270' PVC distribution line, and 2" PVC lateral lines with sprinkler heads.

The lateral lines are spaced 40 feet center to center, and the sprinklers are spaced 20 feet center to center. The sprinklers are predominately Rainbird model CDS #14, with 7/64" nozzles.



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POINT OF DIVERSION FROM SPENCER RESERVOIR

WATER RESOURCES DEP  
SALEM, OREGON

The point of diversion from Spencer Reservoir is located 440 feet north and 430 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.

The highest use (temperature control) is regulated by automatic temperature sensors and electrically controlled valves. A typical set consists of four 2" laterals serving 19 sprinklers per lateral at an operating pressure of 50 psi, for a rate of application of 2.4 gpm per sprinkler head.

PUMPS

Make: Cornell Pump Company  
Model: (pump #1) 3W25-2  
(pump #2) 3W25-2  
Serial #: (pump #1) 62425 6.625  
(pump #2) 62426 6.625

ELEVATION AND SYSTEM DATA

Suction Head: 8 ft.  
Static Head: 26 ft.  
Mainline: 8" x 490'  
Distribution Line: 4" x 270'  
Number of 2" laterals: 18  
Number of sprinkler heads: 316

PUMP MOTORS

Make: Marathon Electric  
HP: 25  
RPM: 3470  
Volts: 230  
Amps: 58  
Phase: 3  
Model: (Motor #1) VVJ256TTDR5016APL  
(Motor #2) VVJ256TTDR5016APL  
Type: (Motor #1) TDR  
(Motor #2) TDR  
Frame: (Motor #1) 256TCZ  
(Motor #2) 256TCZ  
Motor #: (Motor #1) A15043A-55  
(Motor #2) A15043A-55

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SALEM, OREGON



Jim,

7/6/96

Are my calculations correct?

EITHER WAY, IT DOESN'T

MATTER - THE SYSTEM

WORKS.

Don Turner

(estimated)

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SALEM, OREGON

CAPACITY OF DELIVERY SYSTEM  
RESERVOIR TO THE PLACE OF USE

$$\text{USING: } Q = \frac{K \times HP}{H}$$

WHEN

$K = 6.61$

$HP = 25$

$H = H_{\text{ELEV}} + H_{\text{PRESSURE}} + H_{\text{FRICTION}}$

$H_{\text{ELEV}} = 34 \text{ ft.}$

$H_{\text{PRESSURE}} = 50 \text{ LBS/INCH}^2 = 116 \text{ ft.}$

$H_{\text{FRICTION}} 8'' = 0.3'/100' \text{ (estimated)}$

$H_{\text{FRICTION}} 4'' = 6'/100' \text{ (estimated)}$

$H_{\text{FRICTION}} 2'' = 15'/100' \text{ (estimated)}$

$H = (0.3)(4.9) + (6)(2.7) + (15)(8) = 138 \text{ ft.}$

$$Q_{\text{PUMP}} = \frac{(6.61)(25)}{138} = 1.2 \text{ cfs, } > 0.3 \text{ cfs, O.K.}$$

$$Q_{\text{NOZZLES}} = (4)(19)(2.4) = 182 \text{ gpm} = 0.41 \text{ cfs, } > 0.3 \text{ cfs, O.K.}$$

$$= 34 + 116 + 138 = 288$$

?

$$\frac{(6.61 \times 25)}{288} = 0.57$$

STILL  
OK  
==



# PUMPING METHOD

$$\text{USING: } Q = \frac{K \times HP}{H}$$

WHEN

$$K = 6.61$$

$$HP = 15 \text{ (estimated)}$$

$$H = H_{\text{ELEV}} + H_{\text{PRESSURE}} + H_{\text{FRICTION}}$$

$$H = 6 \text{ ft} + 10 \text{ LBS/INCH}^2 \text{ (estimated)} + 20 \text{ ft. (estimated)}$$

$$H = 6 + (10)(2.31) + 20$$

$$H = 49 \text{ ft.}$$

$$Q = \frac{(6.61)(15)}{49} = 2.0 \text{ cfs, } > 0.3 \text{ cfs, O.K.}$$

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AUG - 2 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

## CAPACITY OF DELIVERY SYSTEM RESERVOIR TO THE PLACE OF USE

$$\text{USING: } Q = \frac{K \times HP}{H}$$

WHEN

$$K = 6.61$$

$$HP = 25$$

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$$H_{\text{ELEV}} = 34 \text{ ft.}$$

$$H_{\text{PRESSURE}} = 50 \text{ LBS/INCH}^2 = 116 \text{ ft.}$$

$$H_{\text{FRICTION}} 8'' = 0.3' / 100' \text{ (estimated)}$$

$$H_{\text{FRICTION}} 4'' = 6' / 100' \text{ (estimated)}$$

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$$= 34 + 116 + 138 = 288$$

?

$$\frac{(6.61 \times 25)}{288} = 0.57$$

STILL  
OK  
=



FEB - 4 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

CERTIFICATION

The Final Proof Survey and inspection of the use as found to be completed under the terms and conditions of Permit 50948 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.



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SALEM, OREGON

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 50948.

Harry G. Spencer  
Signature

2/3/93  
Date



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

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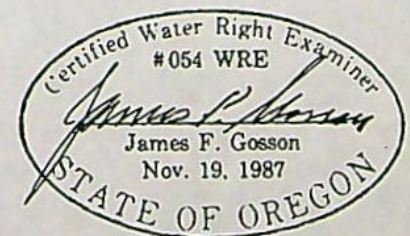
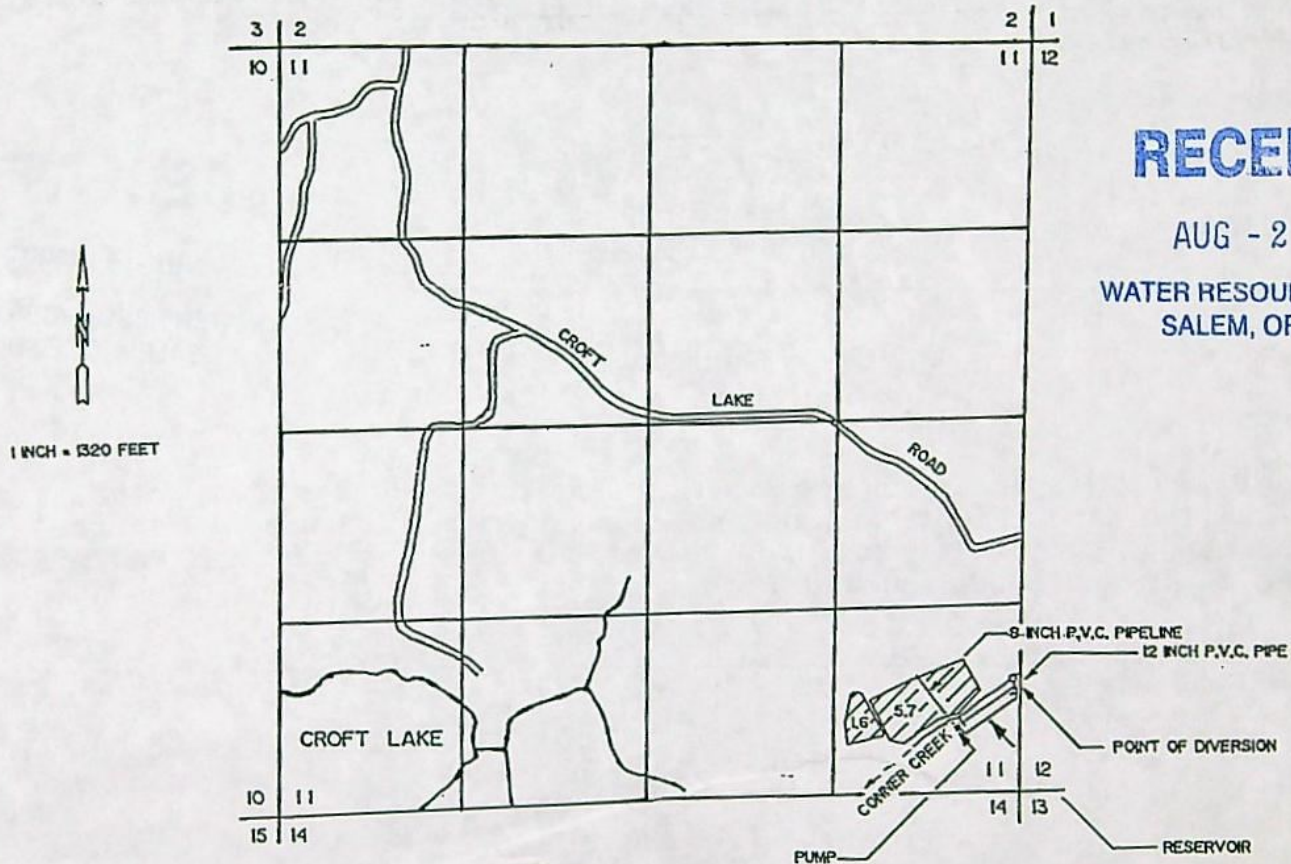
FEB - 4 1993

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SALEM, OREGON

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SALEM, OREGON



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OK  
Final  
EX 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

confirms the right to use the waters of CONNER CREEK AND SPENCER RESERVOIR, tributaries of DAVIS CREEK, for IRRIGATION AND TEMPERATURE CONTROL OF 7.3 ACRES.

This right was perfected under Permit 50948. The date of priority is APRIL 26, 1989. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.30 CUBIC FOOT PER SECOND, BEING 0.3 CFS FOR TEMPERATURE CONTROL OR 0.09 CFS FOR IRRIGATION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 11, T 30 S, R 15 W, W.M.; 780 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 11.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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:

SE 1/4 SE 1/4 7.3 ACRES  
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 the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. 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.

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

\_\_\_\_\_  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered XXX.

BASIN 17  
69884.DSM

VOLUME 3 CROFT LAKE & MISC.

DISTRICT 19



OK  
Final  
JEK 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 use the waters of CONNER CREEK AND SPENCER RESERVOIR, tributaries of DAVIS CREEK, for IRRIGATION AND TEMPERATURE CONTROL OF 7.3 ACRES.

This right was perfected under Permit 50948. The date of priority is APRIL 26, 1989. This right is limited to ~~0.39~~ CUBIC FOOT PER SECOND, BEING 0.3 CFS FOR TEMPERATURE CONTROL ~~AND 0.09 CFS FOR IRRIGATION~~, or its equivalent in case of rotation, measured at the point of diversion from the source. 0.30 ~~that the quantity~~

OLD  
WORDING The point of diversion is located as follows: OR

✓ SE 1/4 SE 1/4, SECTION 11, T 30 S, R 15 W, W.M.; 780 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 11.

OLD  
WORDING The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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:

SE 1/4 SE 1/4 7.3 ACRES  
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 the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. 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.



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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 69884

WATER RESOURCES DEPT  
PERMIT 50948 REGON

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 50948,
3. Examination of county assessor map,
4. Examination of aerial photograph,
5. Examination of U.S.G.S. quadrangle map (Langlois),
6. On-site survey, July 26, 1991,
7. Interview with Harry G. and Doug Spencer, July 26, 1991.

SOURCE

The source of water is Conner Creek and Spencer Reservoir.

USE

The uses are irrigation and temperature control.

PLACE OF USE

The place of use is 7.3 acres in the southeast 1/4 of the southeast 1/4 of Section 11, Township 30 South, Range 15 West, W.M., Coos County.

POINT OF DIVERSION FROM CONNER CREEK

The point of diversion from Conner Creek is located 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.

DELIVERY SYSTEM FROM CONNER CREEK TO SPENCER RESERVOIR

Water is diverted from Conner Creek either by a 12" diameter gravity P.V.C. pipeline from Conner Creek through the dike into the reservoir, or by pumping over the dike and into the reservoir. The method used is dependent upon the amount of flow, or the surface water elevation of Conner Creek.



CAPACITY OF DELIVERY SYSTEM  
CONNER CREEK TO RESERVOIR

GRAVITY METHOD

$$USING H = f \frac{L}{D} \frac{V^2}{2g}$$

WHEN

$$H = 1 \text{ ft.}$$

$$L = 40 \text{ ft.}$$

$$D = 1 \text{ ft.}$$

$$f = 0.011 \text{ (estimated, } ATV = 8 \text{ FPS)}$$

$$THEN 1 = (0.011) \left( \frac{40}{1} \right) \left( \frac{V^2}{64.4} \right)$$

THEN

$$1 = 0.0068 V^2$$

$$V^2 = 146.4$$

$$V = 12.1$$

$$USE: f = 0.010$$

$$THEN 1 = (0.010) (0.62 V^2)$$

$$THEN 1 = 0.0062 V^2$$

$$THEN V^2 = 161$$

$$THEN V = 12.7 \text{ FPS}$$

$$Q = VA$$

$$WHEN A = \pi R^2 = (3.14) (0.5)^2 = 0.78 \text{ ft.}^2$$

$$Q = (12.7) (0.78) = 10.0 \text{ cfs, } > 0.3 \text{ cfs O.K.}$$

DELIVERY SYSTEM FROM SPENCER RESERVOIR TO THE PLACE OF USE

Two parallel mounted electric motor/pumps at the southwesterly end of the reservoir deliver water to the place of use via 8" x 490' PVC mainline, 4" x 270' PVC distribution line, and 2" PVC lateral lines with sprinkler heads.

The lateral lines are spaced 40 feet center to center, and the sprinklers are spaced 20 feet center to center. The sprinklers are predominately Rainbird model CDS #14, with 7/64" nozzles.

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SALEM, OREGON



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SALEM, OREGON

# POINT OF DIVERSION FROM SPENCER RESERVOIR

The point of diversion from Spencer Reservoir is located 440 feet north and 430 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.

The highest use (temperature control) is regulated by automatic temperature sensors and electrically controlled valves. A typical set consists of four 2" laterals serving 19 sprinklers per lateral at an operating pressure of 50 psi, for a rate of application of 2.4 gpm per sprinkler head.

## PUMPS

Make: Cornell Pump Company  
Model: (pump #1) 3W25-2  
(pump #2) 3W25-2  
Serial #: (pump #1) 62425 6.625  
(pump #2) 62426 6.625

## ELEVATION AND SYSTEM DATA

Suction Head: 8 ft.  
Static Head: 26 ft.  
Mainline: 8" x 490'  
Distribution Line: 4" x 270'  
Number of 2" laterals: 18  
Number of sprinkler heads: 316

## PUMP MOTORS

Make: Marathon Electric  
HP: 25  
RPM: 3470  
Volts: 230  
Amps: 58  
Phase: 3  
Model: (Motor #1) VVJ256TTDR5016APL  
(Motor #2) VVJ256TTDR5016APL  
Type: (Motor #1) TDR  
(Motor #2) TDR  
Frame: (Motor #1) 256TCZ  
(Motor #2) 256TCZ  
Motor #: (Motor #1) A15043A-55  
(Motor #2) A15043A-55



# PUMPING METHOD

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SALEM, OREGON

$$\text{USING: } Q = \frac{K \times HP}{H}$$

WHEN

$$K = 6.61$$

$$HP = 15 \text{ (estimated)}$$

$$H = H_{\text{ELEV}} + H_{\text{PRESSURE}} + H_{\text{FRICTION}}$$

$$H = 6 \text{ ft} + 10 \text{ LBS/INCH}^2 \text{ (estimated)} + 20 \text{ ft. (estimated)}$$

$$H = 6 + (10)(2.31) + 20$$

$$H = 49 \text{ ft.}$$

$$Q = \frac{(6.61)(15)}{49} = 2.0 \text{ cfs, } > 0.3 \text{ cfs, O.K.}$$

## CAPACITY OF DELIVERY SYSTEM RESERVOIR TO THE PLACE OF USE

$$\text{USING: } Q = \frac{K \times HP}{H}$$

WHEN

$$K = 6.61$$

$$HP = 25$$

$$H = H_{\text{ELEV}} + H_{\text{PRESSURE}} + H_{\text{FRICTION}}$$

$$H_{\text{ELEV}} = 34 \text{ ft.}$$

$$H_{\text{PRESSURE}} = 50 \text{ LBS/INCH}^2 = 116 \text{ ft.}$$

$$H_{\text{FRICTION}} 8'' = 0.3'/100' \text{ (estimated)}$$

$$H_{\text{FRICTION}} 4'' = 6'/100' \text{ (estimated)}$$

$$H_{\text{FRICTION}} 2'' = 15'/100' \text{ (estimated)}$$

$$H = (0.3)(4.9) + (6)(2.7) + (15)(8) = 138 \text{ ft.}$$

$$Q_{\text{PUMP}} = \frac{(6.61)(25)}{138} = 1.2 \text{ cfs, } > 0.3 \text{ cfs, O.K.}$$

$$Q_{\text{NOZZLES}} = (4)(19)(2.4) = 182 \text{ gpm} = 0.41 \text{ cfs, } > 0.3 \text{ cfs, O.K.}$$

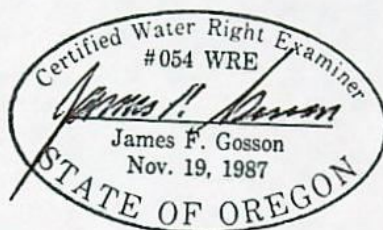


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FEB - 4 1993

WATER RESOURCES DEPT  
SALEM, OREGON

# CERTIFICATION

The Final Proof Survey and inspection of the use as found to be completed under the terms and conditions of Permit 50948 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 50948.

Harry G. Spencer  
Signature

2/3/93  
Date



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

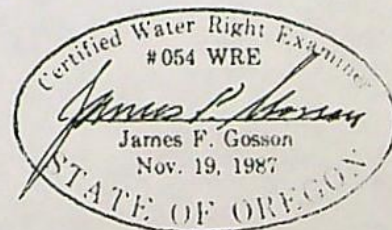
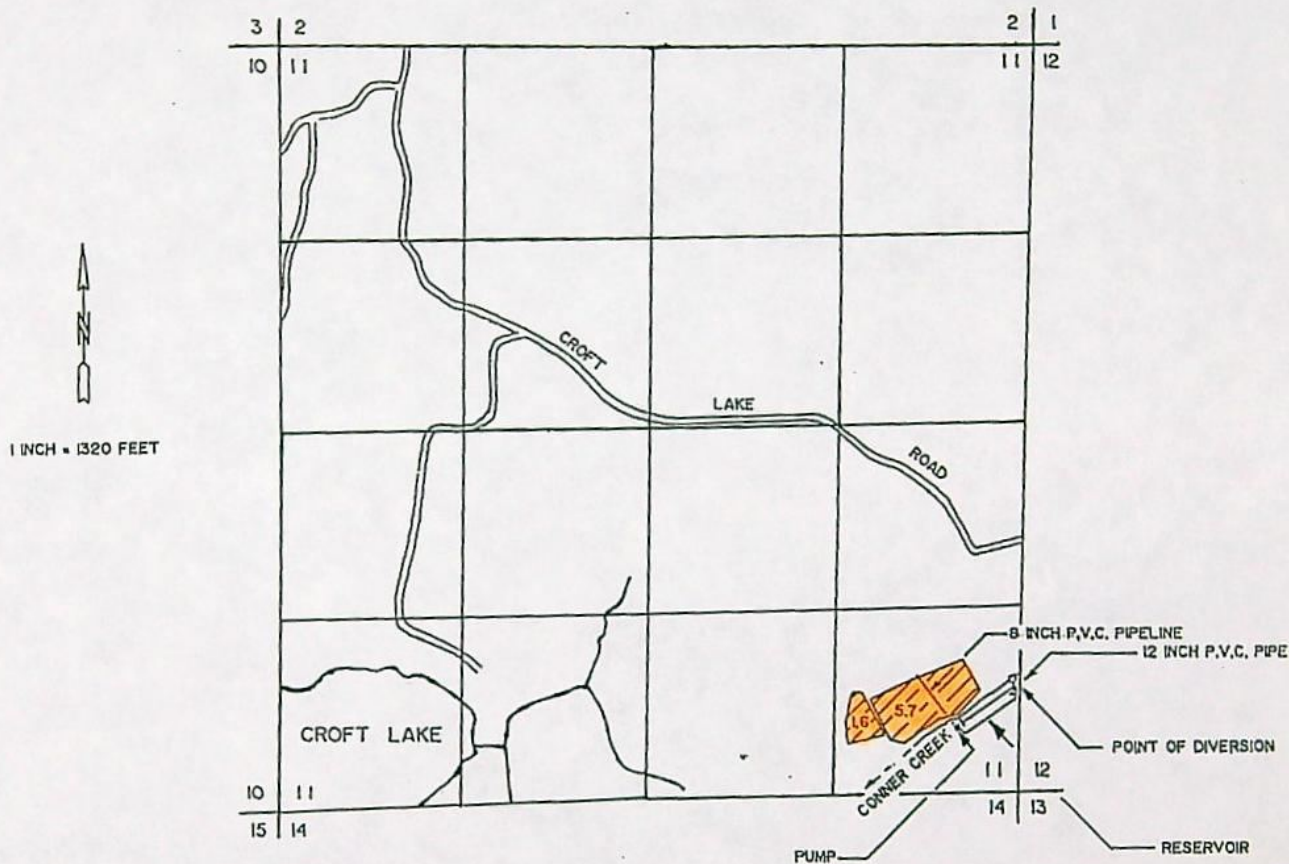
APPLICATION:  
R-69883  
69884

PERMIT:  
R-11203  
50948

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FEB - 4 1993

WATER RESOURCES DEPT.  
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.



STATE OF OREGON

COUNTY OF COOS

~~PROPOSED~~ CERTIFICATE OF WATER RIGHT

*\* Added  
Temp Control  
Statement*

THIS CERTIFICATE ISSUED TO

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

confirms the right to use the waters of CONNER CREEK AND SPENCER RESERVOIR, tributaries of DAVIS CREEK, for IRRIGATION AND TEMPERATURE CONTROL OF 7.3 ACRES.

This right was perfected under Permit 50948. <sup>0.39</sup> The date of priority is APRIL 26, 1989. This right is limited to ~~0.3~~ CUBIC FOOT PER SECOND, BEING 0.3 CFS FOR TEMPERATURE CONTROL AND 0.09 CFS FOR IRRIGATION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 11, T 30 S, R 15 W, W.M.; 780 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 11.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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:

SE 1/4 SE 1/4      7.3 ACRES AND ~~TEMPERATURE CONTROL~~  
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 the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. 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. ✓

*[Handwritten signatures]*



STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HARRY G. SPENCER  
PO BOX 291  
LANGLOIS, OREGON 97450

503-347-4114

to use the waters of CONNER CREEK AND SPENCER RESERVOIR, to be constructed under Application R-69883, Permit R-11203, tributaries of DAVIS CREEK, for IRRIGATION AND TEMPERATURE CONTROL OF 7.3 ACRES.

This Permit is issued approving Application 69884. The date of priority is APRIL 26, 1989. The use is limited to not more than 0.3 CUBIC FOOT PER SECOND, being 0.3 CFS for temperature control and 0.09 CFS for irrigation, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 11, T 30 S, R 15 W, W.M.; 780 FEET NORTH AND 50 FEET WEST FROM SE CORNER, SECTION 11.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage.

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

A description of the proposed place of use under the Permit is as follows:

SE 1/4 SE 1/4 7.3 ACRES  
SECTION 11  
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

Actual construction work shall begin on or before APRIL 5, 1991, and shall be completed on or before October 1, 1992. Complete application of the 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 use granted 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



50948

## 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)







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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.

Put out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. 69884

**NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE**

Harry G. Spencer, the holder of Permit No. 50948

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 the above date. We will be irrigating the entire permit area throughout this summer.

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, Lauglois, Or. 97450  
(Address)



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







**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

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-11203
Water Diversion	69884	50948

These were done by CWRE Jim Gassen.

whose address is 580 S. 5th 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





STATE OF OREGON

INTEROFFICE MEMO

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FEB 11 1991

WATER RESOURCES DEPT.  
SALEM, OREGON  
02707918

TO: Water Rights Division

FROM: Gary Ball, Watermaster *GB*

SUBJECT: Files R-69883 and 69884

DATE:

*sent to Gary  
1/14/91  
11046*

Please send me copies of the files as well.

*Dave -  
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:

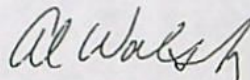
I had called you January 29 to get information on the above.

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





## 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



# John P. Prahar

LAND PLANNING AND SURVEYING

Fern Park Building, Suite 1 • 1045 Baltimore Ave. • Bandon, Oregon 97411 • (503) 337-9517

Application No. R-69883 & 69884

Permit No. R11203

Revised Jan. 30, 1990

NE 1/4 SE 1/4

West 1320

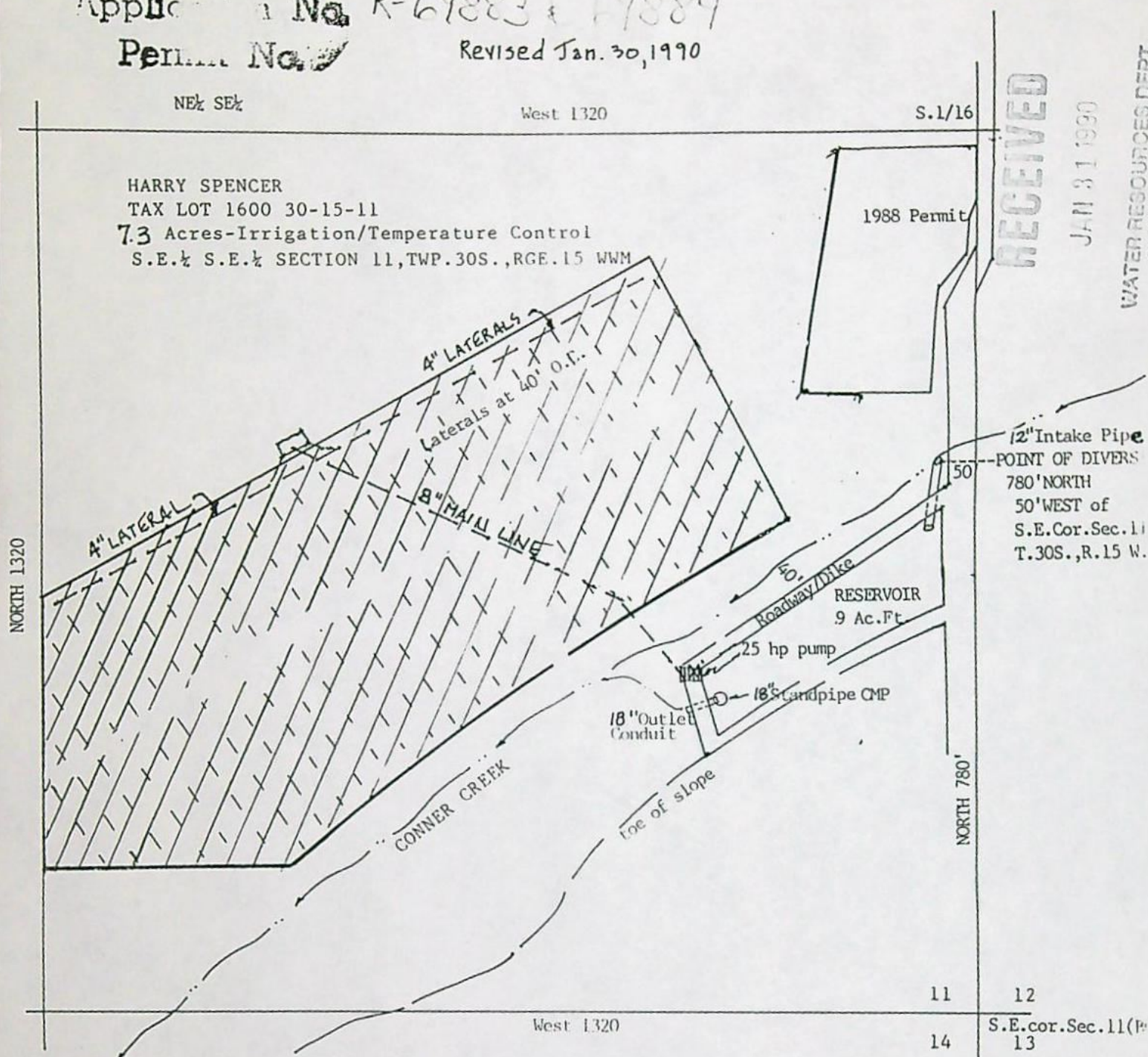
S. 1/16

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:

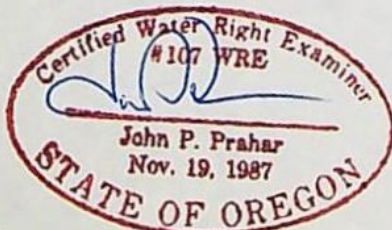


PROPOSED AREA OF IRRIGATION  
AND TEMPERATURE CONTROL



WATER LINES

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



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APR 26 1989

WATER RESOURCES DEPT.  
SALEM, OREGON

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

50948

1/30/90





**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**

MAY 29 1990

WATER RESOURCES DEPT.  
SALEM, OREGON

5/24/90

State of Oregon  
Water Resources Dept.

Gentlemen:

Enclosed are the notification forms A, B, and C  
completed for the permits 50948 and  
R-11203. I applied for the permits over a year  
ago before beginning construction, but they were  
not mailed to me until May 8, 1990.

Thank you,

Sincerely,

Harry Spencer



COPY 2

ACTION  
CODE

B

03-00-0

104.00

002040

AGENCY VOUCHER NO.

05-16-90

DATE

A69000

VENDOR NUMBER

PAYEE AND ADDRESS

SPENCER, HARRY G.

AUDITED BY

WATER RESOURCES  
3850 PORTLAND RD NE  
SALEM OR 97310

TOTAL

\$104.00

PAYMENT OF: INVOICE 0000000000

REFERENCE 057793

104.00

NET PAID .....

\$104.00

MESSAGE: REV REF: 69884

ACCOUNT CODING:	AGY 69000	BCH F68	INV 0000000000	TC 40	TD 900516	REF 057793	
DESCRIPTION	PCD	PROJECT	FUND	BI	COST CENTER	ACCOUNT	AMOUNT
SPENCER, HARRY G.		032300	421	1	03 23 00 01	899900	104.00

Mailed 5/23/90  
-JEB

## VENDOR COPY

## NOTICE TO VENDOR

## REMITTANCE ADVICE

Enclosed is warrant in full payment of claim listed above. Please refer to Voucher Number indicated. If you have any question regarding this payment.

By

## FOR STATE AGENCY USE ONLY

This certifies that the materials, services, cash advanced, or expenses covered by this claim have been furnished, rendered or expended on behalf of the State of Oregon. The provision for payment is made by law and appropriation, the obligation or expenditure is authorized by law and the claim otherwise satisfies the requirements as provided by ORS 293.295. This claim has been approved for payment in the above amount.

By





## STATE OF OREGON

## INTEROFFICE MEMO

TO: ROSEANNE SHRULL, FISCAL

DATE: 5/8/90

FROM: *ASh*  
Authorized Examiner

SUBJECT: Request for Refund Check

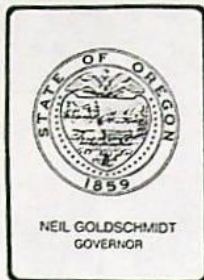
Please refund \$ <sup>104.00</sup> ~~55.00~~ to Harry G. Spencer  
file no. 69884, receipt no. 57793. These funds are  
refunded due to:

☐ Application rejected  
☐ Application withdrawn  
☒ Excess fees collected for application  
☐ File closed  
☐ Other: \_\_\_\_\_  
☐ Protest Filing Fees

0102C

*Refund.*





## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 503-378-3066

PLEASE READ THE FOLLOWING INSTRUCTIONS VERY CAREFULLY

Your permit has been recorded in this office, but you should hold the original permit as evidence of your right to the use of water. If the property is sold and you convey all interest in the property, an assignment to the new owner must be recorded in this office. Assignment blanks will be furnished upon request.

Time limits are fixed in the permit for beginning of construction, completion of construction and complete application of water to beneficial use. The law requires that you begin actual construction within one year from the date of issuance of the permit or your right will be lost. The Water Resources Director may extend the time for completion of construction and time for complete application of water provided work is begun within one year after issuance of the permit and reasonable diligence is shown in the prosecution of work. The Water Resources Director has no authority to extend the time limit for beginning of construction. Forms to file for an extension of time will be furnished upon request.

The appropriate forms are attached to the permit for submitting (A) Notice of Beginning of Construction Form, (B) Notice of Completion of Construction Form and (C) Notice of Complete Application of Water Form. If your application stated that construction has already been started, or that construction work is completed, or that complete application of water has been made, only the forms needed are attached.

If your project requires only a portable pumping plant and pipelines, the acquisition of such equipment will be considered construction.

When complete application of water has been made, Form C should be submitted as the first step in proof of appropriation. When permits are issued with a filing date after July 9, 1987, the final proof map and site report must be submitted by a Certified Water Rights Examiner (CWRE). This submission must include a claim of beneficial use from the permittee. These items must be submitted within one year of the reported completion of the project. When proof satisfactory to the Water Resources Director has been made, the right will be confirmed by issuance of a certificate of water right. The certificate will limit the right to the extent that water has been applied to beneficial use in accordance with the terms of the permit.

The late summer flow in nearly all streams is required to satisfy existing rights. Your permit grants a right to use water only when there is a surplus in the source involved over and above that required to satisfy prior rights.

SW

P.S. A refund check in the amount of \$104 will be sent to you as soon as our bookkeeper can prepare it.



2/28/90

This is to certify that, as Trustee for the Croft Club, I approved the amended application to which this letter refers.

*Donald H. Farr*  
Donald H. Farr, Trustee



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE

378-3066

RECEIVED

MAR 05 1990

WATER RESOURCES DEPT.  
SALEM, OREGON

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

*To Don  
2/28*





## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 503-3066

*Applegate*  
*MA*

February 27, 1990

Robert G. Ringo  
Ringo & Stuber  
PO Box 1108  
Corvallis, OR 97339-1108

RE: Applications R-69883 and 69884, Harry Spencer

Dear Mr. Ringo:

I am in receipt of your letter of February 16, 1990 regarding a possible protest by Dr. and Mrs. J.A. Colbrunn against the above applications.

These applications (copies enclosed) were filed in April, 1989. Protests were filed against these applications in May by Alfred Walsh on behalf of himself and other members of the Croft Lake Club (example enclosed). The members identified themselves as the owner in trust and the beneficial owners of all the real property surrounding Croft Lake. The protestants were:

Al Walsh	Don Farr, Trustee	Joyce Hedeon
James Howe	Len Farr	Shirley Couch
Virgina Corrie	Evelyn Richmond	Lloyd Marshall
John Foss		

Subsequently, the applicant, protestants and representatives from the Department had several meetings to discuss and attempt to resolve the protestants' concerns. This resulted in withdrawal of all protests and entry into a settlement agreement between the parties (enclosed). The permits, incorporating the terms of the settlement, are now ready for issuance.

As far as the Department and this office is concerned, there is no longer any protest pending and no hearing to be held. If your clients feel that it would be appropriate at this late date to file a protest, you should consult the Department's applicable statutes and administrative rules. The Department will need to receive from your clients a formal written protest, proof of service and \$25.00 filing fee, and will need to determine whether the protest raises valid grounds for consideration. I enclose a standard protest form for your reference. Feel free to provide more detail than space is provided for on the form.

You should also be prepared to show good cause why your clients failed to be concerned with these applications until now, and why a protest should be allowed or accepted following several negotiation meetings and the completion of a settlement agreement between all interested parties. At this time, I am of the



opinion that serial protests against these applications are not supportable, given the history of the matter. The parties put a good deal of time and effort into this matter, resolved issues, reached satisfactory compromise, and have seen the matter closed. There were nearly 10 months of opportunity for intervention, which opportunity was not taken by your clients. Consequently, they will need to have some very good reasons for being allowed to reopen a closed matter.

Trusting that this provides the information requested, I remain

Most Sincerely,

A handwritten signature in cursive script, appearing to read 'Weisha Mize'.

Weisha Mize  
Hearings Referee

encl

cc: Dr. & Mrs. Colbrunn  
Alfred Walsh  
Harry Spencer  
John Drolet  
Steve Applegate



Robert G. Ringo  
Larry W. Stuber  
Stephen R. Ensor  
Patrick L. Hadlock

LAW OFFICES OF  
**Ringo &  
Stuber** P.C.

SINCE 1951

RECEIVED

FEB 20 1990

WATER RESOURCES DEPT.  
SALEM, OREGON

February 16, 1990

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

Re: Pending Water Permit/Harry G. Spencer

Dear Sir:

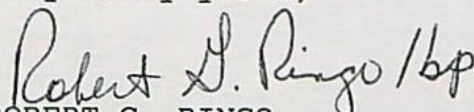
This office is representing Dr. and Mrs. J.A. Colbrunn. The matter is the application of Harry G. Spencer, P.O. Box 291, Langlois, Oregon, for a proposed appropriation from Conner Creek and Davis Creek in Coos County, Oregon.

Unfortunately, I do not have the application and permit number but I hope you can identify it from this. The proposal is to reduce the water sources to Croft Lake.

I would appreciate it if you could advise me of the present status of that application. This office represents Dr. and Mrs. J. A. Colbrunn, a property owner across the lake. They oppose the application and this is a request that both they and this office be notified of any hearings or all other matters so that we may appear and protest them.

Thank you for your response to this. Please direct a response both to this office and Dr. and Mrs. Colbrunn whose address is 2325 Whistlers Park Road, Roseburg, Oregon, 97470.

Very truly yours,

  
ROBERT G. RINGO

RGR/rr

pc: Dr. and Mrs. J.A. Colbrunn  
Alfred C. Walsh, Jr., Attorney at Law  
Harry G. Spencer





## 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.

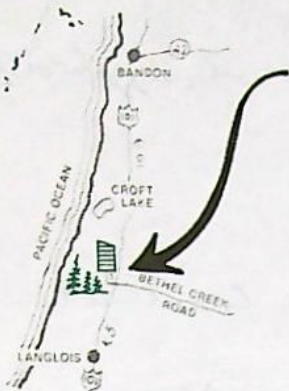
Sincerely,

WAYNE J. OVERCASH  
Water Rights Specialist

WJO

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





**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

JAN 31 1990

WATER RESOURCES DEPT  
SALEM, OREGON

1/30/90

Water Resources Department

3850 Portland Rd. NE

Salem, Or. 97310

attention: Wayne Overcash

Gentlemen:

Per your letter of Jan. 17, 1990, I enclose revised applications R-69883 and 69884 in line with the mutual memorandum of understanding between Don Farr, Trustee for Croft Club, and myself.

Revisions in the supporting map have been done by John Prabar, Certified water rights examiner (6 copies enclosed). John also checked the revised applications for content.

Also enclosed as pertinent material are:

1. a copy of Weisha Mize letter to Al Walsh, lawyer and member of Croft Lake Club, regarding withdrawal of protests.
2. Final version of the mutual memorandum of understanding between Croft Club represented by Don Farr, Trustee, and myself dated 11/15/89.

(over)



3. A copy of the original surface water application  
you returned to me for revision.

4. A copy of the original Permit to Construct  
a Reservoir you returned to me for revision.

I hope that everything you need to process  
my applications is now in order. Please let  
me know if otherwise.

Sincerely yours,

Harry D. Spencer



ALFRED C. WALSH, JR.

ATTORNEY AT LAW

*as agreed with Dan Farr  
rep. Conner Club*

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

November 9, 1989

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

RECEIVED

JAN 31 1990

WATER RESOURCES DEPT  
SALEM, OREGON

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.

*During the irrigating season*  
c) Intake pipe to be no more than 1/4 submerged in Conner Creek at any time. If the present intake proves inadequate to properly regulate the flow of Conner Creek to the reservoir, at the request of the watermaster, a method for controlling the flow and a measuring system will be provided.

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 line from the pump, before any laterals take off and in a readily accessible location.



November 9, 1989

Page -2-

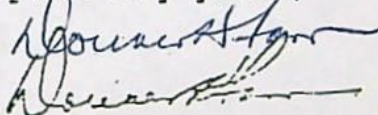
f) Temperature control usage to be recorded daily on forms provided by the Watermaster and submitted yearly, but be available at all times for inspection by the Croft Club representative or the Watermaster.

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

h) The amended application to be submitted to the Croft Club Trustee for approval before submitting it to the State Watermaster.

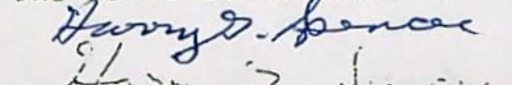

Upon filing of applications so amended, the Croft owners will withdraw their protests. It is agreed between Spencer and the Croft owners that Spencer shall not submit Proof of Appropriation until after 35 months from the date of issuance of the permit, to allow full usage of water on acres to be planted 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 11/15/89





## 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 9, 1990

TO: Jake Szramek, Applications and Permits  
FROM: Weisha Mize, Hearings Referee  
SUBJECT: Withdrawal of protests on applications 69883 and 69884,  
Croft Lake, Harry Spencer, applicant

All protests against these applications have been formally withdrawn, and a settlement agreement signed by the parties.

Attached please find a copy of the signed settlement agreement in this matter. Please proceed with issuance of the permits on these applications in accordance with the terms of the settlement.

Thanks for your time and assistance.



RECEIVED

JAN 09 1990

ALFRED C. WALSH, JR.

ATTORNEY AT LAW

WATER RESOURCES DEPT.  
SALEM, OREGON

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

January 8, 1990

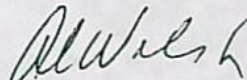
Weisha Mize  
Water Resources Dept.  
3850 Portland Rd. N.E.  
Salem, Or. 97310

Re: #69883 and #69884

Dear Ms. Mize:

Per your letter of January 4, 1990, enclosed is a copy of  
the fully signed agreement.

Respectfully yours,



A.C. WALSH, JR.

ACW:pl  
enclosure



ALFRED C. WALSH, JR.

ATTORNEY AT LAW

*My copy, signed  
as agreed with Don Farr  
rep. Conner Club*

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

November 9, 1989

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) <sup>During the irrigating season</sup> Intake pipe to be no more than 1/4' submerged in Conner Creek at any time. If the present intake proves inadequate to properly regulate the flow of Conner Creek to the reservoir, at the request of the watermaster, a method for controlling the flow and a measuring system will be provided.
- 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.

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November 9, 1989

Page -2-

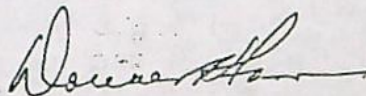
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g) The Croft Club Trustee, or his designee, would be permitted to inspect the pumping/reservoir system at anytime.

h) The amended application to be submitted to the Croft Club Trustee for approval before submitting it to the State Watermaster.

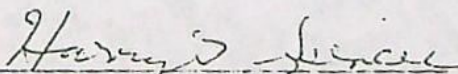
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Respectfully yours,



DON FARR, TRUSTEE

THE ABOVE IS AS AGREED,

  
HARRY G. SPENCER

DATE

11/15/89





## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

January 4, 1990

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

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



ALFRED C. WALSH, JR.

RECEIVED

ATTORNEY AT LAW

August 15, 1989

AUG 16 1989

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

WATER RESOURCES DEPT.  
SALEM, OREGON

John Drolet  
Watermaster  
Coos County Annex  
Coquille, Or. 97423

Re: Spencer Application

R69883  
69884

Dear John:

The Croft owners met last Sunday, and want to continue to negotiate with Mr. Spencer in an effort to resolve the issues.

In attempting to formulate some ideas, we realize that we do not know exactly what he seeks. His letter of June 26 to Mrs. Mize states that his "needs are a lot less than" he applied for, and that he would be agreeable to altering his applications. Also, one of the members understood him to state that perhaps he would only need to take water in April, May and June.

Perhaps the next logical step would be for Mr. Spencer to amend his applications, so that we are all aware of his actual needs (size of pipe, actual acreage to be irrigated-5 1/2 vs 12--, amounts of water needed, etc.).

At that point we could attempt to move toward resolution.

Some of our concerns involve access to verify usage, and conditons of the permits to minimize the effects on Croft Lake of stream appropriations during the summer months.

Also, it was our understanding that the hydrology staff would have some data on stream flow, to assist in resolving this matter, but we have not received any information on that.

We do not know exactly how to next proceed, so will send this to you, Mrs. Spencer and Mrs. Mize, and will await your suggestions.

Respectfully yours,

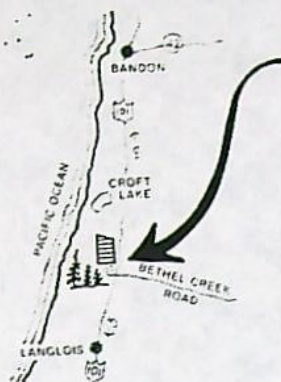
A.C. WALSH, JR.

ACW:pl

cc: Harry Spencer  
Weisha Mize  
Don Farr  
Lloyd Marshall

COPY





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TREE FARM NURSERY**

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

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

RECEIVED

JUN 27 1959

WATER RESOURCES DEPT.  
SALEM, OREGON

6/26/59

Mr. Weisha Mize, Hearings Referee  
Water Resources Dept.  
State of Oregon  
3550 Portland Rd. NE  
Salem, Or. 97310

Dear Mr. Mize:

Thanks for your letter of June 14, '59, regarding  
(actually a copy of) your letter to Mr. Walsh regarding  
my application for a reservoir and water use from  
Conner Creek.

I received earlier copies of 10 protests filed by  
Mr. Walsh, all from members of his Croft Lake Club.

I met with some of the key members of Croft Lake  
Club earlier this month, + Bob Meadey of the  
Water Resources Dept. We measured flow rates on  
Conner Creek, Davis Creek, and the 2 outlets of Croft  
Lake. We took a little tour of my proposed site,  
and my present nursery to give them a picture  
of the proposed piece as it would be, and discussed  
the actual water needs of the new piece. These  
needs are a lot less than the amount I applied for,  
and we discussed altering my application, to which  
I would be agreeable. I think they were impressed  
by the nature of my nursery; neatness and importance



to the area to provide tree seedlings for  
reforestation. I am in hopes they will withdraw  
their objections, but I think they will want  
to see the data from the stream flow measurements  
both already taken, and to be taken again  
July 17th. These will certainly be of  
interest to everyone. I think that my water needs  
for the new piece of  $5\frac{1}{2}$  acres will be a very small part of the picture.  
Meanwhile, I am going ahead with my new  
development. I need the transplant space to  
fulfill contracts spanning 2-3 years with my  
customers, which include Menasha Corp, Sun Stone,  
South Coast Lumber, Gold Leaf Ply, Bureau of  
Land Management, and several smaller companies  
and private individuals locally. I believe  
that I'll be able to get water some way,  
if not from Corner or, then from sumps dug;  
à la my neighbors. I don't believe that either  
way my small usage would have any appreciable effect on Croft's.  
I hope that this resumé of our situation right  
now will be informative and interesting to you.

Sincerely yours,

Harry D. Jones

P.S. The persons that attended our little Town and measurement  
session were: Don Farr, Trustee, Croft Lake Club  
Lloyd Marshall, current President " " "  
Wes Hedeen, member " " "  
Bob Maxley, Under John Dole, Water Resources Dept  
myself

cc. Don Farr  
John Dole





## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

June 14, 1989

Alfred C. Walsh, Jr.  
Attorney at Law  
PO Box 99  
Coquille, OR 97423

Dear Mr. Walsh:

Thank you for your prompt response to my inquiry. All the protests are now filed, and all correspondence will in future be sent to you as representative.

I continue to encourage you to meet with Mr. Spencer, ODFW, and DEQ and attempt to resolve all concerns, which would avoid the need to go to contested case hearing. Perhaps permit conditions could be developed which would be acceptable to all parties.

The application and protests will be held without action for a reasonable period of time to allow the parties an opportunity to meet and negotiate. In the event negotiation is not successful, a hearing will be held at the applicant's request.

Sincerely,

Weisha Mize  
Hearings Referee

cc: Szramek/file  
Drolet  
Spencer  
ODFW  
DEQ





## STATE OF OREGON

## INTEROFFICE MEMO

RECEIVED  
JUN 30 1989

TO: Weisha Mize  
Hearings Referee

DATE: 06-27-89 WATER RESOURCES DEPT.  
SALEM, OREGON

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

File: R-69839  
69884

SUBJECT: Spencer Application & Subsequent Croft Lake Landowners' Protest

Weisha, after being away from the office for the last several weeks I took the opportunity to phone the attorney representing the Croft Lake landowners to see if anything had developed during my absence; and nothing had. Based on an on site meeting of the owners and Harry Spencer which took place in May, common ground appears to exist for some sort of compromise; perhaps resulting in a modification of the Spencer application with subsequent conditioning by the Department. As a result of our conversation today, I believe another more formal meeting will take place between the group with the hoped for results that consensus on Spencer's water use may be reached.

As mentioned earlier, this office will attempt to make several miscellaneous measurements on Croft Lake inflow and outflow in an effort to identify rough base line data.

As always, I'll attempt to keep you informed as things develop.

CF: Jake Szramek





STATE OF OREGON

RECEIVED

INTEROFFICE MEMO

JUN 1 1989

TO: Jake Szramek

Applications & Permits

WATER RESOURCES DEPT.  
SALEM, OREGON

DATE:

05-30-898

FROM: John P. Drolet / *JD*

Watermaster, District XIX

file # 69884

R-69883

SUBJECT: Harry Spencer Application

Connor Creek, trib. Davis Creek, trib Croft Lake

In light of the current and anticipated interest in Mr. Spencer's application, this District will make an effort to gather some rough data on the Connor/Davis/Croft Lake stream system.

A series of measurements was made last week that, as time permits, may be made again in July and September of this year. Essentially, surface water flow was measured into and out of Croft Lake.

Roughly, 5 cfs was measured into the lake from Davis Creek, and 5.5 to 6.0 cfs was the outflow from the lake. Copies of the discharge measurement notesheets are attached for your review.

Because of unseasonably heavy precipitation prior to the measurements, I would judge these flows to be more representative of April flows than late May flows.

The applicant and the contestee were afforded an opportunity to meet and discuss the water situation during the course of the streamflow measurements. There appeared to be a willingness on the part of all concerned to reach some sort of accord rather than peruse a contested case hearing.

I shall keep you apprised as the situation develops.

C: Weisha Mize

atch: forms 9-275-G



STATE OF OREGON  
WATER RESOURCES DEPARTMENTFile No. Misc

Meas. No. \_\_\_\_\_

Comp. by RENChecked by th

## DISCHARGE MEASUREMENT NOTES

Stream S-outlet Croft Lake Trib. New RiverDate 05-27, 1989 Party RENWidth 2.25 Area 0.89 Vel. 0.42 G. H. 0.00 Disch. 0.37Method 0.60 No. secs. 10 G. H. change 0.00 in \_\_\_\_\_ min.Method coef. 1.00 Hor. angle coef. 1.00 Susp. coef. 0.00 Meter No. 8009511Date rated Std. Rtg.Spin before meas. 1' 12" after Free

Wading, cable, ice, boat, upstr., downstr.,

side bridge 75 feet, mile, above,below gage and South of fenceline NE 1/4 of SW 1/4 ofNE 1/4 of Sec. 15 T30S R15W

\_\_\_\_\_

Tags checked \_\_\_\_\_

Meter suspended from rod, or

\_\_\_\_\_

\_\_\_\_\_ ft. above bottom \_\_\_\_\_ lb. \_\_\_\_\_ weight.

Levels obtained \_\_\_\_\_

Weighted M. G. H. \_\_\_\_\_

G. H. correction \_\_\_\_\_

Correct M. G. H. \_\_\_\_\_

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section clayFlow Fairly Even Weather Cloudy - cool

Other \_\_\_\_\_ Air \_\_\_\_\_ °F @ \_\_\_\_\_

Gage \_\_\_\_\_ Water \_\_\_\_\_ °F @ \_\_\_\_\_

Record removed \_\_\_\_\_ Intake flushed U

Observer \_\_\_\_\_

Control \_\_\_\_\_

\_\_\_\_\_

Remarks Meas. taken in small clear area ofvery old hand dug ditch - choked w/ weeds

\_\_\_\_\_

G. H. of zero flow \_\_\_\_\_ ft.

STATE OF OREGON  
WATER RESOURCES DEPARTMENTFile No. Misc

Meas. No. \_\_\_\_\_

Comp. by RENChecked by th

## DISCHARGE MEASUREMENT NOTES

Stream Un-named Stream Trib. Croft LakeDate 05-27, 1989 Party RENWidth 1.50 Area 0.50 Vel. 0.56 G. H. 0.00 Disch. 0.28Method 0.60 No. secs. 7 G. H. change 0.00 in 8 min.Method coef. 1.00 Hor. angle coef. 1.00 Susp. coef. 0.00 Meter No. 8009511Date rated Std. Rtg.Spin before meas. 1' 12" after Free

Wading, cable, ice, boat, upstr., downstr.,

side bridge 80 feet, mile, above,below gage and at confluencew/ Croft LakeNE 1/4 of SE 1/4 of SE 1/4 ofSec. 10 T30S R15W

\_\_\_\_\_

Tags checked \_\_\_\_\_

Meter suspended from rod, or

\_\_\_\_\_

\_\_\_\_\_ ft. above bottom \_\_\_\_\_ lb. \_\_\_\_\_ weight.

Levels obtained \_\_\_\_\_

Weighted M. G. H. \_\_\_\_\_

G. H. correction \_\_\_\_\_

Correct M. G. H. \_\_\_\_\_

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section clayFlow Even Weather Cloudy - cool

Other \_\_\_\_\_ Air \_\_\_\_\_ °F @ \_\_\_\_\_

Gage \_\_\_\_\_ Water \_\_\_\_\_ °F @ \_\_\_\_\_

Record removed \_\_\_\_\_ Intake flushed U

Observer \_\_\_\_\_

Control \_\_\_\_\_

\_\_\_\_\_

Remarks Meas. taken 60' west of Was Hadeencabin - on property line between 2 cabins

\_\_\_\_\_

G. H. of zero flow \_\_\_\_\_ ft.



STATE OF OREGON  
WATER RESOURCES DEPARTMENTFile No. Misc.

Meas. No. \_\_\_\_\_

Comp. by RENChecked by th

## DISCHARGE MEASUREMENT NOTES

Stream Davis Cr. Trib Croft LakeDate 05-25, 1989 Party REN / D.F. / H.S.Width 7.00 Area 1.78 Vel. 0.96 G. H. 0.00 Disch. 1.70Method 0.60 No. secs. 15 G. H. change 0.00 in 21 min.Method coef. 1.00 Hor. angle coef. 1.00 Susp. coef. 0.00 Meter No. 8009511Date rated Std. Rtg.Spin before meas. 1'10" after FreeWading, cable, ice, boat, upstr., downstr.,  
side bridge \_\_\_\_\_ feet, mile, above,

below gage and \_\_\_\_\_

NW 1/4 of NW 1/4 of NE 1/4 ofSec. 14 T30S R15W

\_\_\_\_\_

Tags checked \_\_\_\_\_

Meter suspended from rod, or

\_\_\_\_\_

\_\_\_\_\_ ft. above bottom \_\_\_\_\_ lb. \_\_\_\_\_ weight.

Levels obtained \_\_\_\_\_

Weighted M. G. H. \_\_\_\_\_

G. H. correction \_\_\_\_\_

Correct M. G. H. \_\_\_\_\_

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following  
conditions: Cross section Sand-gravel-small cobblesFlow Fastest to Q Weather Clear Cool

Other \_\_\_\_\_ Air \_\_\_\_\_ °F@ \_\_\_\_\_

Gage \_\_\_\_\_ Water \_\_\_\_\_ °F@ \_\_\_\_\_

Record removed \_\_\_\_\_ Intake flushed U

Observer \_\_\_\_\_

Control \_\_\_\_\_

Remarks \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

G. H. of zero flow \_\_\_\_\_ ft.

STATE OF OREGON  
WATER RESOURCES DEPARTMENTFile No. Misc.

Meas. No. \_\_\_\_\_

Comp. by RENChecked by th

## DISCHARGE MEASUREMENT NOTES

Stream Canner Cr. Trib to Davis Cr.Date 05-25, 1989 Party REN / D.F. / H.S.Width 2.00 Area 1.37 Vel. 2.265 G. H. 0.00 Disch. 3.232Method 0.60 No. secs. 7 G. H. change 0.00 in 15 min.Method coef. 1.00 Hor. angle coef. 1.00 Susp. coef. 0.00 Meter No. 8009511Date rated Std. Rtg.Spin before meas. 1'10" after FreeWading, cable, ice, boat, upstr., downstr.,  
side bridge 140 feet, mile, above,below gage and its confluence DavisNW 1/4 of NW 1/4 of NE 1/4 ofSec. 14 T30S R15W

\_\_\_\_\_

Tags checked \_\_\_\_\_

Meter suspended from rod, or

\_\_\_\_\_

\_\_\_\_\_ ft. above bottom \_\_\_\_\_ lb. \_\_\_\_\_ weight.

Levels obtained \_\_\_\_\_

Weighted M. G. H. \_\_\_\_\_

G. H. correction \_\_\_\_\_

Correct M. G. H. \_\_\_\_\_

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following  
conditions: Cross section Clay-mass-sticks-grassFlow Fast + Even Weather Clear-cool

Other \_\_\_\_\_ Air \_\_\_\_\_ °F@ \_\_\_\_\_

Gage \_\_\_\_\_ Water \_\_\_\_\_ °F@ \_\_\_\_\_

Record removed \_\_\_\_\_ Intake flushed U

Observer \_\_\_\_\_

Control \_\_\_\_\_

Remarks \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

G. H. of zero flow \_\_\_\_\_ ft.



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

## DISCHARGE MEASUREMENT NOTES

Stream N-D. Hot Craft Lake, Trib New River  
 Date 05-25, 1989 Party REN / L.M.  
 Width 7.50 Area 3.91 Vel. 1.48 G. H. — Disch. 5.72  
 Method 0.40 No. secs. 15 G. H. change 0.00 in 21 min.  
 Method coef. 1.00 Hor. angle coef. 1.00 Susp. coef. 0.00 Meter No. 8009511

Date rated Std. Rtg.Spin before meas. 1'10" after Free

Wading, cable, ice, boat, upstr., downstr.,  
 side bridge 20 feet, mile, above,  
 below gage and down  
NE 1/4 SE 1/4 SE 1/4  
Sec. 10 T30S R15W

Tags checked —

Meter suspended from rod, or

— ft. above bottom — lb. — weight.Levels obtained —

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following  
 conditions: Cross section Heavy Sand on clay

Flow Fairly Even Weather High Clouds CoolOther — Air — °F @ —Gage — Water — °F @ —Record removed — Intake flushed —Observer —Control —Remarks —G. H. of zero flow — ft.STATE OF OREGON  
WATER RESOURCES DEPARTMENT

## DISCHARGE MEASUREMENT NOTES

Stream N-D. Hot Craft Lake, Trib. New River  
 Date 05-27, 1989 Party REN  
 Width 7.50 Area 4.13 Vel. 1.33 G. H. 0.00 Disch. 5.50  
 Method 0.40 No. secs. 16 G. H. change 0.00 in 18 min.  
 Method coef. 1.00 Hor. angle coef. 1.00 Susp. coef. 0.00 Meter No. 8009511

Date rated Std. Rtg.Spin before meas. 1'12" after Free

Wading, cable, ice, boat, upstr., downstr.,  
 side bridge 20 feet, mile, above,  
 below gage and down  
NE 1/4 SE 1/4 SE 1/4  
Sec. 10 T30S R15W

Tags checked —

Meter suspended from rod, or

— ft. above bottom — lb. — weight.Levels obtained —

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following  
 conditions: Cross section Clay & sand

Flow Fairly Even Weather Cloudy-coolOther — Air — °F @ —Gage — Water — °F @ —Record removed — Intake flushed —Observer —Control —Remarks —G. H. of zero flow — ft.





RECEIVED

STATE OF OREGON

JUN 1 1990

INTEROFFICE MEMO

WATER RESOURCES DEPT.  
SALEM, OREGON

TO: Jake Szramek  
Applications & Permits

DATE: 05-30-898

FROM: John P. Drolet /*JD*  
Watermaster, District XIX

file # 69884  
R-69883

SUBJECT: Harry Spencer Application  
Connor Creek, trib. Davis Creek, trib Croft Lake

In light of the current and anticipated interest in Mr. Spencer's application, this District will make an effort to gather some rough data on the Connor/Davis/Croft Lake stream system.

A series of measurements was made last week that, as time permits, may be made again in July and September of this year. Essentially, surface water flow was measured into and out of Croft Lake.

Roughly, 5 cfs was measured into the lake from Davis Creek, and 5.5 to 6.0 cfs was the outflow from the lake. Copies of the discharge measurement notesheets are attached for your review.

Because of unseasonably heavy precipitation prior to the measurements, I would judge these flows to be more representative of April flows than late May flows.

The applicant and the contestee were afforded an opportunity to meet and discuss the water situation during the course of the streamflow measurements. There appeared to be a willingness on the part of all concerned to reach some sort of accord rather than peruse a contested case hearing.

I shall keep you apprised as the situation develops.

C: Welsha Mize

atch: forms 9-275-G





## STATE OF OREGON

## INTEROFFICE MEMO

MAY 12 1989

TO: Jake Szramek  
Applications & Permits

DATE: 05-09-89

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

ap. # 69884  
R-69883

SUBJECT: Surface Water Availability  
Spencer Application--Connor Creek

WATER RESOURCES DEPT.  
SALEM, OREGON

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 69884

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 \_\_\_\_\_

See My 05-09-89 Memo to JAKE SZ.

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

Revised 05-08-89

05-09-89





## 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

April 24, 1989

RECEIVED

APR 26 1989

WATER RESOURCES DEPT.  
SALEM, OREGON

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

Dear Mr. Spencer:

Your application for a permit to store 9.0 acre feet of the waters of Conner Creek in Spencer Reservoir for irrigation and temperature control and your application for a permit to appropriate 1.80 cubic feet per second of the waters of Conner Creek and stored water for the irrigation and temperature control of 12.0 acres do not contain sufficient information, so could not be filed. The two applications, eight maps, legal description, and Check # 6825 in the amount of \$804.00 are enclosed.

Neither application was signed, and for this reason could not be accepted. The applications must be signed and the title of the signatory must be included in the signature block.

O.K.  
H.S.

If you are the sole owner of all the lands involved in this development we will need a statement to the effect that "I am the sole owner of all lands involved in this development", placed in the remarks section of the application or a separate sheet may be used.

O.K.  
H.S.

If any portion of the proposed development, including points of diversions and means of conveying water, will occur on property not wholly under your ownership, you will need to supply names and mailing addresses of the legal owners of the properties. This information may be supplied on a separate sheet or in the remarks section of the application.

If I can be of further assistance please don't hesitate to contact me.

Sincerely,

*John R. Woodroof*  
John R. Woodroof  
Water Rights Specialist

*All revisions requested  
completed & returned.*

*Harry Spencer 4/25/89*

Enclosures





## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE

378-3066

April 24, 1989

Mr. Harry G. Spencer

P.O. Box 291

Langlois, OR.

97450

Dear Mr. Spencer:

Your application for a permit to store 9.0 acre feet of the waters of Conner Creek in Spencer Reservoir for irrigation and temperature control and your application for a permit to appropriate 1.80 cubic feet per second of the waters of Conner Creek and stored water for the irrigation and temperature control of 12.0 acres do not contain sufficient information, so could not be filed. The two applications, eight maps, legal description, and Check # 6825 in the amount of \$804.00 are enclosed.

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If any portion of the proposed development, including points of diversions and means of conveying water, will occur on property not wholly under your ownership, you will need to supply names and mailing addresses of the legal owners of the properties. This information may be supplied on a separate sheet or in the remarks section of the application.

If I can be of further assistance please don't hesitate to contact me.

Sincerely,

John R. Woodroof

Water Rights Specialist

Enclosures



Application No. 61007

Permit No. ....

RECEIVED STAT

RECEIVED

## STATE OF OREGON WATER RESOURCES DEPARTMENT

APR 26 1969 Application for Permit to Appropriate Surface Water

WATER RESOURCES DEPT.  
SALEM, OREGON.....Harry

WATER RESOURCES DEPT.  
SALEM, OREGON

TER RESOURCES DEPT  
OREGON Harry G. Spencer

of.....P.O. Box 291

Langlois

State of.....Oregon

97450

Phone No 347-4114

*make application for a permit to appropriate the following described waters of the State of Oregon:*

1. The source of the proposed appropriation is..... Conner Creek and stored water from one Reservoir

....., a tributary of ..... Davis Creek

2. The point of diversion is to be located 780 ft. North and 50 ft. West

(N. or S.)

(E. or W.)

from the S.E. corner of Section 11, Township 30 South, Range 15 West, W.M.

(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

..... being within the ..... S.E. ¼ of the ..... S.E. ¼ of  
 Sec. 11 Tp. 30 S. R. 15 W. Coos  
 (N. or S.) (E. or W.)  
 W. M., in the county of .....

*Sec.* ..... 11

$T_D$  ..... 30 S.

N. or S.

*R* 15 W.

(E. or W.)

Coos

3. Location of area to be irrigated, or place of use if other than irrigation.

[illegible]



4. The amount of water which the applicant intends to apply to beneficial use is ..... 1.80 cfs .....  
cubic feet per second ..... plus 9.0 acre feet of stored water .....  
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is ..... Temperature control 1.80 cfs, Irrigation 0.15 cfs .....  
..... 3 acre feet of stored water for temperature control, 6 acre feet for irrigation .....

6.

#### DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

At the point of diversion will be a 24" pipe that diverts water from Conner Creek by gravity feed, ..... and is controlled by a gate valve to regulate intake during winter flood months, through 40 feet of pipe to a storage Reservoir. The Reservoir covers 1.2 acres on the surface, and is excavated 7.5 feet below the natural ground. The excavated material will be used to build the dike and roadway around the reservoir, and to construct a dam at the downstream end. At ground level is a 24" pipe outlet conduit with a 24" vertical pipe with removable flashboards to regulate the depth of the water. The dam will be approximately 5 feet high above natural ground with a 8' wide concrete spillway, 2½ feet deep, and 2½ feet above the natural water level. A 25 horsepower Cornell pump pipes water from the reservoir through 500 feet of 8" main water line. The line tees into 4" lines through the center of the irrigated area with 2" laterals equipped with sprinklers for irrigation and temperature control.

If for domestic use state number of families to be supplied .....

7. Construction work will begin on or before ..... July, 1988 .....

8. Construction work will be completed on or before ..... July, 1989 .....

9. The water will be completely applied to the proposed use on or before ..... July 1990 .....

Application No. .... 69884 .....

Permit No. ....



Remarks: I am the sole owner and proprietor of the land subject to this application, as well as all Points of Diversion included hereon.

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 4/25/89  
Signature of Applicant

Owner and sole Proprietor

Growth Unlimited Tree Farm

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  
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

M.

Application No. 69884

Permit No. 5  
Supplemental 5



Application No. 69884

Permit No. 2  
Superior

PC  
69631

## Permit to appropriate 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 EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:*

*The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed ..... cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from .....*

*The use to which this water is to be applied is.....*

*If for irrigation, this appropriation shall be limited to ..... of one cubic foot per second or its equivalent for each acre irrigated.....*

*and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.*

*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.....*

*Complete application of the water to the proposed use shall be made on or before October 1, 19.....*

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



Spencer 2-69883 94

Watermaster concern  
re public interest

~~no~~ protest filed

\$50 too much \$

100  
4

+ 150 -

200  
254

need memo to Mize  
re: protest

200  
+ 100  
+ 4

+ 150

---

454



## APPLICATION PROCESSING OUTLINE

Basin: SOUTH COAST

Sub-basin: \_\_\_\_\_

Fees paid: \_\_\_\_\_ Examination fee: \_\_\_\_\_

Recording fees: \_\_\_\_\_

Total: \_\_\_\_\_

Application No. 69884  
Permit No.

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.G. received _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Publish application information in weekly public notice.
<input type="checkbox"/>	<input type="checkbox"/>	Notify other owners of development
<input type="checkbox"/>	<input type="checkbox"/>	PROTESTED
<input type="checkbox"/>	<input type="checkbox"/>	filed _____
<input type="checkbox"/>	<input type="checkbox"/>	resolved _____



OK  
ml

STATE OF OREGON

COUNTY OF COOS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HARRY G. SPENCER  
PO BOX 291  
LANGLOIS, OREGON 97450

503-347-4114

to use the waters of CONNER CREEK AND SPENCER RESERVOIR, to be constructed under Application R-69883, Permit R- , tributaries of DAVIS CREEK, for IRRIGATION AND TEMPERATURE CONTROL OF 7.3 ACRES.

This Permit is issued approving Application 69884. The date of priority is APRIL 26. 1989. The use is limited to not more than 0.3 CUBIC FOOT PER SECOND, being 0.3 CFS for temperature control and 0.09 CFS for irrigation, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 11, T 30 S, R 15 W, W.M.; 780 FEET NORTH AND 50 FEET WEST FROM SE CORNER, SECTION 11.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage.

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

A description of the proposed place of use under the Permit is as follows:

SE 1/4 SE 1/4 7.3 ACRES  
SECTION 11  
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1991. Complete application of the 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 use granted 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



OK

## WARRANTY DEED



KNOW ALL MEN BY THESE PRESENTS, That Floyd Ingram and Billie Ingram, Husband and Wife, and Kenneth Ingram and Beverly Ingram, Husband and Wife. hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Harry G. Spencer and Patricia M. Spencer, Husband and Wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Coos and State of Oregon, described as follows, to-wit: The SE 1/4 of the SE 1/4 of Section 11, Township 30 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

Tenant in common an undivided 4/5 interest to Harry S. Spencer and an undivided 1/5 interest to Patricia M. Spencer

Application No. R-69883 & 69884  
Permit No.

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$40,000.00

①However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). ②(The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this..... day of....., 19.....; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON,

County of CoosAugust 19....., 1988

Personally appeared the above named Floyd Ingram, Billie Ingram, Kenneth Ingram and Beverly Ingram

and acknowledged the foregoing instrument to be..... their..... voluntary act and deed.

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: 0-22-89

STATE OF OREGON, County of.....) ss.

....., 19.....

Personally appeared..... and..... who, being duly sworn, each for himself and not one for the other, did say that the former is the..... president and that the latter is the..... secretary of.....

....., a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires:

(If executed by a corporation, affix corporate seal)

Floyd and Billie Ingram, and Kenneth and Beverly Ingram  
Highway 42, Norway, Oregon 97460  
GRANTOR'S NAME AND ADDRESS

Harry and Patricia Spencer  
P.O. Box 291  
Langlois, OR 97450  
GRANTEE'S NAME AND ADDRESS

After recording return to:

STATE OF OREGON,

County of.....) ss.

I certify that the within instrument was received for record on the..... day of....., 19....., at..... o'clock..... M., and recorded in book/reel/volume No..... on

SPACE RESERVED FOR

RECEIVED

APR 26 1989

WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED

APR 21 1989

WATER RESOURCES DEPT.  
SALEM, OREGON



# John P. Prahar

## LAND PLANNING AND SURVEYING

Fern Park Building, Suite 1 • 1045 Baltimore Ave. • Bandon, Oregon 97411 • 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

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.

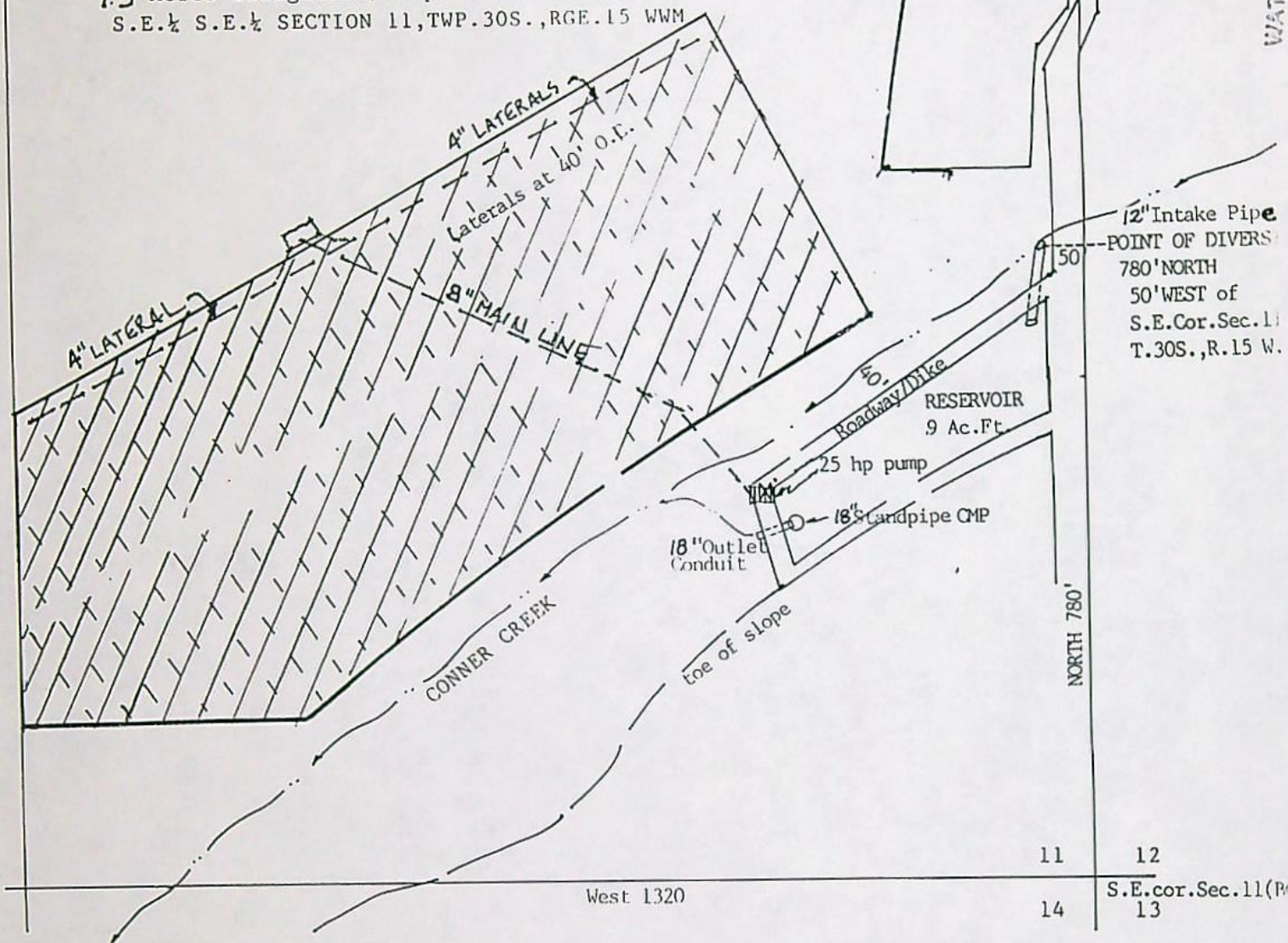
1988 Permit

RECEIVED

JAN 31 1990

WATER RESOURCES DEPT.  
SALEM, OREGON

NORTH 1320



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

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

LEGEND:



PROPOSED AREA OF IRRIGATION  
AND TEMPERATURE CONTROL



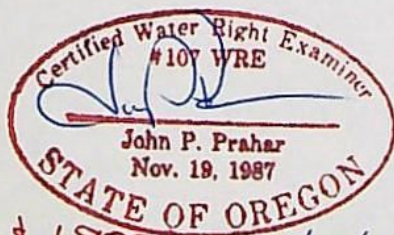
WATER LINES



RECEIVED

APR 26 1989

WATER RESOURCES DEPT.  
SALEM, OREGON



Application No. R-69883 & 69884

Permit No. R11203

50948

1/30/90



# 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

RECEIVED

JAN 31 1990

NE 1/4 SE 1/4

West 1320

S.1/16 WATER RESOURCES DEPT  
SALEM, OREGON

HARRY SPENCER

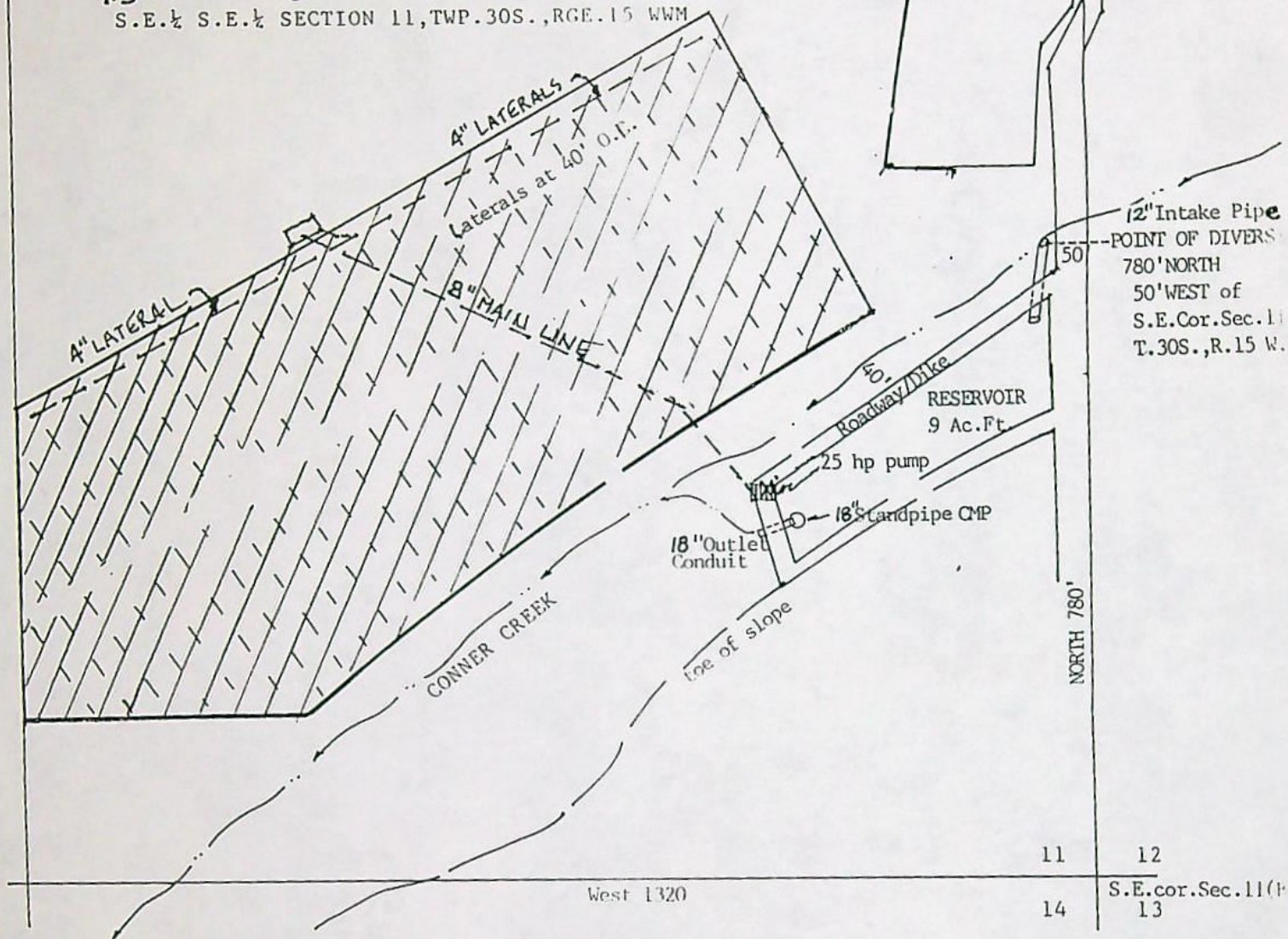
TAX LOT 1600 30-15-11

7.3 Acres-Irrigation/Temperature Control

S.E. 1/4 S.E. 1/4 SECTION 11, TWP. 30S., RGE. 15 W.W.

1988 Permit

NORTH 1320



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

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

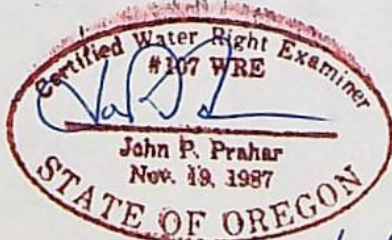
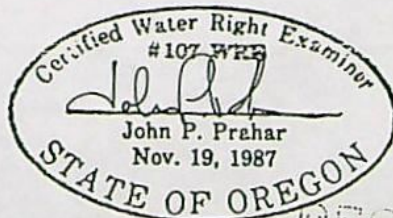
LEGEND:



PROPOSED AREA OF IRRIGATION  
AND TEMPERATURE CONTROL



WATER LINES



RECEIVED

APR 26 1989

WATER RESOURCES DEPT  
SALEM, OREGON

Application No. R-69883 & 69884

Permit No. R11203 50948

1/30/90







4. The amount of water which the applicant intends to apply to beneficial use is ..... 0.30 cfs  
cubic feet per second..... plus 9.0 acre feet of stored water.  
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is ..... Temperature control 0.3 cfs, irrigation  
0.09 cfs, 3 acre feet of stored water for Temperature control, 6 acre feet for  
irrigation.

6.

#### DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system. at the point of diversion will be a 12" pipe that diverts water from Connor Creek by gravity feed, with a height-adjustable elbow valve,

The pipe carrying water 40 feet to the storage reservoir. The reservoir covers 0.5 acres on the surface and is excavated 7.5 feet below the natural ground. The excavated material will be used to build the dike and roadway around the reservoir. At the downstream end is an 18" outlet conduit with 18" vertical pipe with removable flashboards to regulate the depth of water. The dike will be 5 ft. high above natural ground, a foot lower on the southwest portion, sown with grass and native vegetation. 2 - 25 HP Cornell pumps pump water from the reservoir through 300 feet of 8" main water line. The 8" main feeds into 4 - 4" laterals distributing to 2" above-ground laterals equipped with sprinklers for irrigation and Temperature control.

If for domestic use state number of families to be supplied .....

7. Construction work will begin on or before..... July 1989

8. Construction work will be completed on or before..... July, 1989

9. The water will be completely applied to the proposed use on or before..... Nov. 1992

Application No. .... 69884

Permit No. ....



Remarks: Attached agreement Terms are  
applicable.

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.

Harvey D. Spencer  
Signature of Applicant

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

*In order to retain its priority, this application must be returned to the Water Resources Director with corrections 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 Salem, Oregon, on the*  
*26<sup>th</sup>* day of *April*, 19*89*, at *8:00* o'clock  
*A*.M.

*Application No.* 69884

*Permit No.* .....



Application No. 69884

Permit No. ....

## Permit to Appropriate 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 EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:*

*The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed ..... cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from .....*

*The use to which this water is to be applied is .....*

*If for irrigation, this appropriation shall be limited to ..... of one cubic foot per second or its equivalent for each acre irrigated .....*

*and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.*

*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.....*

*Complete application of the water to the proposed use shall be made on or before October 1, 19.....*

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



STATE OF OREGON  
COUNTY OF COOS  
PROPOSED CERTIFICATE OF WATER RIGHT

*need temp control  
farms*

THIS CERTIFICATE ISSUED TO

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

( confirms the right to use the waters of CONNER CREEK AND SPENCER RESERVOIR, ~~a~~ tributaries of DAVIS CREEK, for IRRIGATION AND TEMPERATURE CONTROL OF 7.3 ACRES. )

This right was perfected under Permit 50948. The date of priority is APRIL 26, 1989. This right is limited to 0.3 CUBIC FOOT PER SECOND, BEING 0.3 CFS FOR TEMPERATURE CONTROL AND 0.09 CFS FOR IRRIGATION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 11, T 30 S, R 15 W, W.M.; 780 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 11.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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:

SE 1/4 SE 1/4 7.3 ACRES  
SECTION 11  
TOWNSHIP 30 SOUTH, RANGE 15 WEST, W.M.

*irrigation AND  
Temperature  
control*

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 the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. 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.